

United Nations



Nations Unies

Executive Office of the Secretary-General
Cabinet du Secrétaire général

To: DSG,

Please find attached for your approval on behalf of the SG, his report on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem.

OHCHR has shared the report for comments with the Permanent Mission of Israel and the Permanent Observer Mission of Palestine in Geneva. No response was received from either Mission.

Please note that the report was due to be formally presented to the GA on 22 August, however it was received in EOSG on 27 September.

A handwritten signature in blue ink, appearing to be 'Ak'.

Political Unit
1 October 2013

Cc: CDC

Received in ODSG

2 October 2013

Seen by:

A handwritten signature in black ink, appearing to be 'ER'.

13-08889



ACTION

AG

(w. enclos.)

COPY

DSG

MEMORANDUM



A/TO: Mr. Jan Eliasson
Deputy Secretary-General

REF:

DE/FROM: Ms. Navi Pillay
High Commissioner for Human Rights

DATE: 27 September 2013

OBJET:
SUBJECT:

Report of the Secretary-General on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, pursuant to A/RES/67/121 – FOR CLEARANCE

1. Please find attached for clearance, the report of the Secretary-General on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory (OPT), including East Jerusalem. This report has been prepared in accordance with the General Assembly's request in resolution 67/121 adopted on 18 December 2012.
2. The report has been prepared by the OHCHR field presence in the OPT. It also contains information from other United Nations agencies in the OPT, Israeli, Palestinian and international non-governmental organizations, and media sources. The OHCHR field presence has consulted UNSCO in Jerusalem regarding the content and language of the report.
3. The report has been shared for comments with the Permanent Mission of Israel and the Permanent Observer Mission of the State of Palestine in Geneva. No response was received from either Mission.
4. The main concerns addressed in this report include the continuing blockade on Gaza; violations of the rights to life and security of person, including the killing and injury of civilians, and lack of accountability for such acts; practices affecting the demographic composition of the OPT, including evictions and house demolitions; and the arrest and detention of Palestinians by Israel. These issues are all specifically identified in resolution 67/121. The extent to which alleged violations of human rights and international humanitarian law are investigated and violators held accountable, both by the Government of Israel and Palestinian institutions, is given significant attention.
5. The report contains the following recommendations.

The Government of Israel must take all necessary measures to ensure the accountability of its security forces, and should conduct investigations into all credible allegations of violations of international humanitarian law and human rights law. Investigations must be independent, transparent, impartial, thorough, prompt, and effective. Redress for victims must be ensured.

HRT/04/001



The Government of Israel should lift the blockade of Gaza and allow movement of civilians from and into Gaza, in line with the Oslo Accords, the Agreement on Movement and Access, and Security Council resolution 1860. Any measures that restrict freedom of movement and transfer of goods must be consistent with international law.

Measures to enforce the access restricted areas must comply with international law. In situations other than hostilities, these methods must be consistent with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. In the context of hostilities, the methods must comply with international humanitarian law.

The Government of Israel should take immediate steps to respect and ensure respect for the right to freedom of movement for Palestinians in the West Bank, including East Jerusalem. A first step should be to fully comply with the 2004 Advisory Opinion of the International Court of Justice on the Wall.

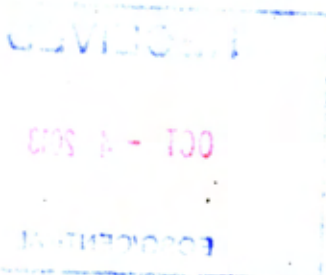
Accountability for violations of international law committed by the de facto authorities and armed groups in Gaza, in particular the killing of civilians and indiscriminate firing of rockets towards Israel must be ensured. Investigations must be independent, transparent, impartial, thorough, prompt, and effective. Redress for victims must be ensured.

The Government of the State of Palestine must take all necessary measures to ensure the accountability of its security forces, and should conduct investigations into all credible allegations of violations of international humanitarian law and human rights law. Investigations must be independent, transparent, impartial, thorough, prompt, and effective. Redress for victims must be ensured.

The Government of the State of Palestine should continue to incorporate human rights standards in accountability mechanisms, codes of conduct, standard operating procedures, and other guidance for security forces, and ensure their prompt and thorough implementation.

When the Government of Palestine establishes investigatory committees, they should have definite procedures and clear deadlines.

6. Footnote 86 of the report clarifies that recommendations are addressed to the "Government of the State of Palestine" following General Assembly resolution 67/19 and in accordance with the letter to the Secretary-General dated 12 December 2012 from the Permanent Observer Mission of Palestine to the United Nations. An identical footnote was included in my most recent periodic report to the Human Rights Council on the implementation of HRC Resolutions S-9/1 and S-12/1 (A/HRC/22/35).
7. The submission deadline for this report was 22 August 2013. It will be formally presented at the sixty-eighth session of the General Assembly.





Sixty-eighth session

Item 52 of the provisional agenda*

**Report of the Special Committee to Investigate Israeli
Practices Affecting the Human Rights of the Palestinian
People and Other Arabs of the Occupied Territories**

Israeli practices affecting the human rights of the Palestinian People in the Occupied Palestinian Territory, including East Jerusalem

Report by the Secretary-General

Summary

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights, pursuant to General Assembly resolution 67/121, concerning Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem. The report examines themes identified in resolution 67/121 in which the General Assembly requested the Secretary-General to report on the implementation of this resolution during its sixty-eighth session. These include Israeli policies and practices that are fragmenting the territory and affecting the demography of the Occupied Palestinian Territory and undermining the right to self-determination of the Palestinian people. It also includes actions by the Israeli Security Forces, with a focus on killings and injuries of civilians in the context of hostilities and during law enforcement operations. The report gives significant attention to the extent to which alleged violations of human rights and international humanitarian law are investigated and violators held accountable by both the Government of Israel and Palestinian institutions. The report covers the period from 16 June 2012 to 30 June 2013.

* A/68/150



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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 67/121 of 18 December 2012. By this resolution the General Assembly, *inter alia*, reiterated 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. It demanded that Israel cease all practices and actions that violate the human rights of the Palestinian people, including the killing and injury of civilians. The resolution also emphasized the need to preserve and develop 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.
2. The report covers the period of 16 June 2012 to 30 June 2013, with additional inclusion of relevant background information. The information contained in the report is based primarily on monitoring and other information-gathering activities carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities in the Occupied Palestinian Territory. It also contains information obtained from Israeli, Palestinian and international non-governmental organizations (NGOs), human rights defenders and media sources. The report does not provide a comprehensive account of all human rights concerns in the Occupied Palestinian Territory and should be read in conjunction with other recent reports of the Secretary-General and the High Commissioner for Human Rights¹.
3. Two main themes are covered in this report. The report examines Israeli policies and practices that are fragmenting the territory of the Occupied Palestinian Territory and physically separating its population, thereby undermining a number of human rights, including the right to freedom of movement and the right to self-determination of the Palestinian people. Secondly, the report addresses actions by the Israeli security forces (ISF), and focused on killings and injuries of civilians in the context of hostilities and during law enforcement operations. The extent to which alleged violations of human rights and international humanitarian law are investigated and violators held accountable, both by the Government of Israel and Palestinian authorities, is given significant attention. While the report notes some positive steps taken by the Government of Israel and Palestinian authorities regarding accountability, it points to concerns in a number of areas.
4. The applicable legal framework for the present report is international humanitarian law and international human rights law, as set out in previous reports to the General Assembly and reports of the High Commissioner for Human Rights to the Human Rights Council.²

¹ A/67/372; A/67/375; A/HRC/24/30; A/HRC/22/35 and its addendum.

² A/HRC/12/37 paragraphs 5-9 set forth a detailed analysis of the applicable legal framework which remains valid. See also A/67/375 paragraphs 4-5.

II. Implementation of resolution 67/121

A. The policy of separation and Israeli practices affecting the character, status and demographic composition of the Occupied Palestinian Territory

5. As noted by the Secretary-General in 2012, the right to self-determination is generally understood as having several elements, including a demographic and territorial presence and permanent sovereignty over natural resources. In the Occupied Palestinian Territory, these elements are adversely affected by the presence and expansion of Israeli settlements. The Secretary-General also noted that the fragmentation of the West Bank undermines the possibility of the Palestinian people realizing their right to self-determination through the creation of a viable state³. Additionally, the Secretary-General noted that evictions and house demolitions, revocation of residency rights, access and movement restrictions and the continued construction of the wall, are affecting the character, status and demographic composition of the Occupied Palestinian Territory⁴. As reported below, the same Israeli practices have continued throughout the period under review.

6. A wide range of Israeli policies and practices contribute to the separation of Gaza from the West Bank as well as within the West Bank itself. These policies and measures include, but are not limited to, the blockade of Gaza, the closure regime in the West Bank, including the continued construction of the wall, the access restricted areas in Gaza, demolition of houses and eviction of their inhabitants, the transfer of its own citizens into occupied territory, revoking residency rights in East Jerusalem, controlling the population registry, and using Palestinian natural resources. In the case of denying family visits to Palestinians from Gaza in Israeli detention, the responsible Israeli authority explicitly stated that this is a part of a policy to separate Gaza from the West Bank⁵. Israel also continues to implement measures inducing Palestinians to leave their land in Area C and East Jerusalem, further affecting both the territorial and the demographic unity, contiguity and integrity of the Occupied Palestinian Territory. The cumulative result of these measures, policies and practices, despite a few recent positive developments, has been the erosion of the social fabric of Palestine, the undermining of Palestinians' right to self-determination and the constant violations of the rights to freedom of movement, an adequate standard of living, adequate housing, work, education, and health.

B. Gaza

Impact of the blockade on human rights

³ A/67/375 paragraphs 10-11

⁴ A/67/372

⁵ Coordinator of Government Activities in the Territories, Major General Dangot, www.gisha.org/item.asp?lang_id=en&p_id=1581

7. According to the Oslo Accords⁶ of 1993 and the Agreement on Movement and Access (AMA) of 2005, the Gaza Strip and the West Bank comprise a single territorial unit, and Israel agreed to provide 'safe passage' for people and goods between the two parts of the Occupied Palestinian Territory.⁷ The AMA, inter alia, placed an obligation on Israel to facilitate the movement of goods, including agricultural products, and persons between Gaza and the West Bank.⁸ The AMA prescribed that "passages will operate continuously" and Israel committed that "it will not close a passage due to a security incident unconnected with the passage itself", unless there is "a clear and direct threat to that specific passage". The AMA also provided that the two crossings, Karni and Erez, could only be closed at the same time "if there was a simultaneous threat to both or clear reason to believe" that they were "considered as conduits for threats to Israel."¹⁰ In the event of a security incident at one passage, goods and people would be diverted to other crossing points to limit disruptions to Palestinian civilians.¹¹ Israel has for a number of years, and in particular following the takeover by Hamas of the Gaza Strip in 2007, imposed a blockade, seriously affecting the freedom of movement of Palestinians in and out of Gaza, as well as access within Gaza to the basic goods and utilities needed for an adequate standard of living, housing, education, work, and health care.

8. The restrictions on movement of people between Gaza and West Bank were initiated in September 2000 with the beginning of the Second Intifada. By March 2005, five months before Israel's evacuation of the settlements in the Gaza Strip, travel to the West Bank from the Gaza Strip had declined by 98 per cent.¹² Since 2007, Israel allowed movement of Palestinians out of Gaza through Israel only in selected humanitarian and other exceptional cases.¹³

9. The movement restrictions are partly a result of Israel's continued control over the population registry for both the Gaza Strip and the West Bank. According to the Oslo Agreement, formal authority over the population registry was transferred to the Palestinian Authority (PA) in 1995, allowing it to grant permanent residency to foreign investors, spouses, children of Palestinian residents, and other persons for humanitarian reasons. Israel continued to limit the number of new residents that the

⁶ <http://www.unsco.org/Documents/Key/Declaration20of20Principles20on20Interim20Self-Government20Arrangements.pdf>; also Oslo Accords II:

<http://www.acpr.org.il/publications/books/44-Zero-isr-pal-interim-agreement.pdf>

⁷ 'Safe Passage' as agreed in Article X, Annex 1. The Israeli-Palestinian Interim Agreement-Annex I, 28 September 1995.

www.mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/THE%20ISRAELI-PALESTINIAN%20INTERIM%20AGREEMENT%20-%20Annex%20I.aspx

See also S/RES/1860

⁸ Access and Movement Agreement of 2005. www.eubam-rafah.eu/files/Agreement%20on%20Movement%20and%20Access.pdf

⁹ The Agreement on Movement and Access of November 15, 2005, The Passages - Technical Elaboration, 2 December 2005.

http://www.ochaopt.org/documents/AMA_The_Passages_Technical_Elaboration.pdf

¹⁰ The Israeli/Palestinian Passages--Record of Negotiations, 9 November 2005, p.32-33,

http://www.ochaopt.org/documents/AMA_The_Passages_Technical_Elaboration.pdf

¹¹ Ibid. P.2-3

¹² Gisha and Hamoked, Gaza Prison: Freedom of Movement to and from the Gaza Strip on the Eve of the Disengagement Plan.

www.btselem.org/download/200503_gaza_prison_english.pdf

¹³ IRIN News, Israeli promises of family reunification fall short, 2 November 2012.

www.irinnews.org/report/96693/opt-israeli-promises-of-family-reunification-fall-short

PA could allow to register to 2,000 applications per year¹⁴. Following the outbreak of the Second Intifada, Israel suspended the PA's right to process both permanent residency and change of address applications for Palestinian civilians living in Gaza and the West Bank.¹⁵ This created a backlog of approximately 50,000 cases, which Israel, in 2007, committed to resolve¹⁶. Approximately 33,000 cases were resolved before applications were again suspended in March 2009. The suspension means, among other things, that a Palestinian man or woman from Gaza is not entitled to move and live with his/her spouse who is a resident of the West Bank. Israel does, however, allow West Bank residents to relocate to the Gaza Strip in order to reunite with their family on the condition that they "sign undertakings not to seek to return to the West Bank in exchange for permission to travel to Gaza".¹⁷ The cumulative effect of this negatively affects the right to family unity and the demographic composition of the Occupied Palestinian Territory.

10. The Government of Israel tightened the blockade in September 2007, following the takeover by Hamas of the Gaza Strip, by imposing additional restrictions on the passage of goods. On 19 September 2007, Israel decided to implement new restrictions to allow only a minimum supply of goods with the intention to avoid "a humanitarian crisis".¹⁸ As a consequence of the blockade and related closure of the three commercial crossings between Gaza and Israel, Gaza's economy became dependent on the import of goods, such as food items, fuel, and construction materials, through tunnels along its border with Egypt. In June 2010 Israel eased the restrictions on imports in Gaza, allowing an increased number of truckloads to enter Gaza from Israel. The policy changed from being one which barred all imports except a small number of items, to one which allowed the entry of all items except "dual use" items. The increased amount of goods and material did not substantially improve the livelihood of the Gazan population.¹⁹ Additionally, citing rocket fire from Gaza towards Israel and other security reasons, Israel on five occasions between February and June 2013²⁰, closed Kerem Shalom, the only functioning commercial crossing between Gaza and Israel²¹.

11. During the reporting period, Gaza's exports equalled around 1.5 per cent of the pre-blockade level.²² This continued to directly impact economic sustainability, livelihoods and development throughout Gaza. The importation of goods through the tunnels between Egypt and Gaza largely depend on the security and political situations in Gaza and Egypt.

¹⁴ Human Rights Watch, *Forget About Him, He's not here*, February 2012.

www.hrw.org/sites/default/files/reports/iot0212webwcover.pdf

¹⁵ Ibid

¹⁶ Ibid

¹⁷ B'tselem, *Separated entities*, September 2008.

www.btselem.org/sites/default/files/publication/200809_separated_entities_eng.pdf

¹⁸ Gisha, "Food Consumption in the Gaza Strip - Red Lines", October 2012.

www.gisha.org/UserFiles/File/publications/redlines/redlines-position-paper-eng.pdf, and www.mfa.gov.il/mfa/pressroom/2007/pages/security%20cabinet%20declares%20gaza%20hos%20territory%2019-sep-2007.aspx, and

<http://www.pm.gov.il/PMOEng/Archive/Press+Releases/2007/09/spokecab190907.htm>.

¹⁹ OCHA, *Easing the Blockade, Assessing the humanitarian impact on the population in the Gaza Strip*, March 2011, www.ochaopt.org/.../ocha_opt_special_easing_the_blockade.

²⁰ Gisha, *Kerem Shalom Crossing remains closed today and travel at Erez Crossing is further restricted*, 25 June 2013, http://www.gisha.org/item.asp?lang_id=en&p_id=2015

²¹ A/HRC/24/30

²² www.ochaopt.org/dbs/crossing/commodityreports.aspx?id=1010003. See also Gisha, *The Gaza Cheat Sheet: Real Data on the Gaza Closure*, 7 July 2013

12. Between February and June 2013, the Egyptian authorities destroyed several tunnels on the basis of security concerns in the Sinai and tightened restrictions for crossings of persons through the Rafah crossing, contributing to a shortage of fuel, medicine and goods in Gaza.²³

13. The blockade of Gaza has adversely affected Palestinians' right to work. The unemployment rate remained one of the highest in the world, with an average in 2012 of 31 per cent of Gaza's workforce unemployed²⁴. The high level of unemployment contributes to the fact that 57% of Gaza households are food insecure and about 80% are aid recipients.²⁵

14. The blockade has negatively affected the enjoyment of the right to health. It has contributed to a shortage of medicines, lack of adequate medical equipment, and a failure to invest in medical facilities in Gaza.²⁶ Some improvement was recorded in terms of the rate of approval of requests for access to Israel for patients in Gaza, rising to 92.5 per cent of requests approved in 2012 compared with a low of only 61 per cent in 2008. In addition, in November 2012 Israel approved the construction in Gaza of a hospital funded by Turkey.²⁷

15. The blockade has also undermined the right to education by weakening the education system, in particular the ability to build new schools in response to the serious overcrowding of classrooms, due in part to restrictions on the entry of construction materials. 85 per cent of schools in Gaza operate on a double-shift system with shorter school hours.²⁸ UNICEF estimates that 250 new schools are needed at this stage and an additional 190 schools by 2020, in order to accommodate the increase in student population.²⁹ The 2009 Gaza Recovery and Reconstruction Plan (GRRP) foresaw the construction of 100 new schools out of which 27 have been completed as of April 2013, and 38 are under construction. UNRWA expects the remaining 35 schools foreseen in the GRRP to be completed during 2015.³⁰

16. Israel's policy to restrict the granting of permits to travel to the West Bank for other than humanitarian grounds, and only in exceptional cases, means that universities and educational institutions in Gaza must resort to video conferencing with their West Bank counterparts, greatly limiting opportunities for educational and scientific cooperation.³¹

²³ www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2013_07_05_english.pdf.

²⁴ Palestinian Central Bureau of Statistics, Labour Force Survey 2012, p.136 www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1972.pdf

²⁵ www.ochaopt.org/documents/ocha_opt_gaza_blockade_factsheet_july_2013_english.pdf

²⁶ A/HRC/23/21

²⁷ www.jpost.com/Diplomacy-and-Politics/Israel-to-allow-Turkey-to-build-Gaza-hospital. Right to health: Barriers to health access in the occupied Palestinian territory, March 2013. www.emro.who.int/images/stories/palestine/documents/WHO_Access_Report_March_5_2013.pdf.

²⁸ Gaza in 2020: A liveable place? A report by the United Nations Country Team (August 2012)

²⁹ www.unicef.org/oPt/UNICEF_oPt_-_Gaza_Fact_sheet_-_November_2012.pdf

³⁰ <http://unispal.un.org/unispal.nsf/47d4e277b48d9d3685256ddc00612265/aa1b7b90f79c031e85257b9d004de092?OpenDocument#sthash.yJwWi4EM.dpuf>

³¹ <http://palthink.org/en/wp-content/uploads/2012/11/Higher-Education-Sector.pdf>.

Access restricted areas³²

17. The access restricted areas (ARA) are militarily designated no-go areas for Palestinians, which were first enforced by Israel in 2000 in an area of 150 meters inside Gaza from the fence between Gaza and Israel.³³ In May 2009 this area was extended to 300 meters³⁴. Since the ceasefire understanding between the de-facto authorities and Israel in November 2012, access to land has increased, but Israeli authorities continue to prohibit access up to 300 metres from the fence in most areas. As of May 2013, the access restrictions were not being enforced as far or as frequently beyond the 300 metre mark as they were prior to November 2012.³⁵ Nevertheless, the improved access since November 2012 remains limited and precarious, due to inconsistent information conveyed to Palestinian communities by various Israeli authorities.³⁶

18. Between 21 November 2012 and 30 June 2013, four Palestinian civilians were killed and 112 injured by the IDF in the areas up to and at times beyond 300 meters from the fence. In separate incidents during June 2013, three Palestinians were shot with live ammunition by the IDF in the ARA: A day-labourer on his way to harvest watermelons in Jabalia, northern Gaza, was shot and injured by the IDF about 400 meters from the fence; a gravel collector was shot and injured in his upper back about 60 meters from the fence in Khan Younis, southern Gaza; a farmer working on his field was shot and injured in his leg about 400 meters from the fence in the Middle Area of the Gaza Strip. None of these individuals was given prior warning, and there is no indication that any of them constituted an imminent threat to the IDF at the time of the shootings.³⁷

19. The 1993 Oslo Accords also provided for 20 nautical miles from the Gaza shore as a fishing zone for Palestinians. During the Second Intifada, the fishing zone was restricted by Israel. At times fishing by Palestinians was completely prohibited³⁸. In 2002 Israel committed to extending fishing up to 12 nautical miles.³⁹ This commitment was, however, never fulfilled.⁴⁰ In 2006 Israel announced that fishing activities beyond 6 nautical miles from shore were prohibited, and in January 2009 Israel reduced the fishing area to 3 nautical miles⁴¹. The fishing area was then extended from 3 to 6 nautical miles, following the November 2012 ceasefire

³² This report provides an update on the continued imposition of access restrictions on land and at sea and should be read in conjunction with the report of the High Commissioner for Human Rights (A/HRC/22/35).

³³

www.diakonia.se/documents/public/IHL/IHLanalysis/within_range_legal_analysis_of_the_gaza_buffer_zone_on_land_Diakonia_sept2011.pdf

³⁴ *Ibid.*, See also, www.mezan.org/upload/13210.pdf.

³⁵ Protection Cluster Analytical Update, "Monitoring of access to land in the 'buffer zone' following the 21 November 2012 understanding", May 2013:

www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Occupied_Palestinian_files/oPt_PC_Analytical_Update_Access_Land_in_ARA_05.2013_EN2013.pdf.

³⁶ Protection Cluster Working Group, Update on the Access Restricted Areas in the Gaza Strip ARA (22 July 2013) and the Protection Cluster Analytical Update, "Monitoring of access to land in the 'buffer zone' following the 21 November 2012 understanding", May 2013, *supra* note 33.

³⁷ OHCHR monitored these cases

³⁸ www.ochaopt.org/documents/ocha_opt_special_focus_2010_08_19_english.pdf

³⁹ Mission Report of Catherine Bertini, Personal Humanitarian Envoy of the Secretary-General, 11–19 August 2002, http://domino.un.org/bertini_rpt.htm.

⁴⁰ OCHA and WFP, *Between the Fence and a Hard Place*, August 2010

⁴¹ www.mezan.org/upload/11209.pdf.

understanding. However, the fishing zone was reduced to 3 nautical miles in response to rocket fire from Gaza on 21 March. This reduction remained in force until 21 May 2013, when the fishing zone was reset to 6 nautical miles. It is important to note that the 21 March to 21 May reduction of the fishing zone coincided with one of the most lucrative fishing periods of the year. While the fishermen's catches increased with access up to 6 nautical miles from shore, they were still denied access to the most productive fishing areas, which start at approximately eight nautical miles⁴². These restrictions have practically devastated the Palestinian fishing industry. It is notable that, while in 2000 approximately 10,000 fishermen were registered in the Gaza Strip, currently only 3,500 are registered as fishermen, and at least 95 per cent of them rely on international aid⁴³.

20. In recent months, OHCHR has recorded a slight decrease in the number of deaths and injuries as a result of action by the IDF in the ARA on land. Between January and June 2013, 2 persons were killed and 31 injured in ARA on land, compared to 5 persons killed and 105 injured between July and December 2012.⁴⁴

C. West Bank

Access, movement and continued construction of the wall

21. Israeli authorities, citing security concerns, maintained comprehensive control over Palestinian movement throughout the West Bank, including between East Jerusalem and the rest of the West Bank, and between the centre of East Jerusalem and its surrounding communities. Movement restrictions include the wall, checkpoints, roadblocks, trenches, earth mounds, tunnels/underpasses and gates, and a permit regime. These restrictions impact the right to freedom of movement of the Palestinian population and its access to adequate housing, education, health, work, family life, and agricultural land and other natural resources. Combined with the discriminatory policies outlined below, this results in a coercive environment that often compels Palestinians to leave these areas, especially for Palestinians living in Area C – particularly military zones and the seam zone⁴⁵ – but also for Palestinians living in East Jerusalem. The result is further fragmentation of the West Bank, undermining the geographical and demographic integrity, contiguity and unity of the Occupied Palestinian Territory.

22. The construction of the wall continues to be a major concern because of the restrictions it entails on the movement of Palestinians throughout the West Bank. If completed as planned, 9.4 per cent of the West Bank, including East Jerusalem will be isolated from the rest of the Occupied Palestinian Territory. Approximately 62 per cent of the wall's planned route is already completed. A further 10 per cent is under construction and 28 per cent is planned but construction has not yet been implemented. If construction of the wall were to be implemented as planned, at least 260,000 Palestinians living in the districts of Jerusalem, Jenin, Qalqilya and Bethlehem would be trapped between the wall and the Green line. Of that number, at

⁴² Information from FAO and the Fishermen Syndicate of Gaza.

⁴³ www.ochaopt.org/documents/ocha_opt_gaza_ara_factsheet_july_2013_english.pdf.

⁴⁴ OHCHR ARA (July 2013).

⁴⁵ The Seam Zone is the section of Palestinian land which has been isolated as a result of the construction of the wall, with their location falling in between the wall and the 1949 Armistice Line (the Green Line).

least 28,000 Palestinians from rural communities would be surrounded by the wall on all sides. They would be completely isolated from the rest of the West Bank, live in a closed area, and their movement fully controlled by the Israeli military. Another 127,000 Palestinians would only be able to move through one single entry point controlled by Israeli security forces⁴⁶. Therefore, Palestinians who live in those areas are presented with two options: either stay in their homes with severe restrictions on their freedom of movement or move and live in communities east of the wall.

23. At present, around 11,000 Palestinians live in 32 Palestinian communities located between the wall and the Green Line in the so-called seam zone. The communities depend on permits or special arrangements granted by Israeli authorities in order to access their own homes.⁴⁷ Relatives and friends who need to access this area on a daily basis, or on an urgent or ad hoc basis, for example for a funeral or other major family or social gathering, need different permits. The process for obtaining such a permit is reportedly inefficient and some Palestinians do not obtain permits in a timely manner. In short, the permit regime employed in the seam zone does not allow Palestinian residents to live a normal family life or to study, work or steadily cultivate land⁴⁸.

24. By way of example, a Palestinian family living in Al-Walaja village, located between Jerusalem and Bethlehem, is one of several communities affected by the on-going construction of the wall in the West Bank. The family members (husband, wife and their three children) live in a house located along the route of the wall. When completed, the family's house will be isolated from the rest of the village. The only access point for the family between their home and the village will be through a tunnel built under the wall by the Israeli authorities. The family fears that this will further diminish their freedom of movement and access to their agricultural lands⁴⁹. It would also isolate them from their community.

25. In areas where the wall is already constructed, Palestinian farmers have been separated from their agricultural lands and livelihood, and their access to agricultural lands on the other side of the wall is limited by the Israeli permit and gate regime. Farmers are only able to access their agricultural lands west of the wall after obtaining permits to access one of the 74 gates controlled by the Israeli military. Some of these gates are permanently closed during the year, and only 52 of them were opened at specific times during the olive harvest in 2012 (October – December)⁵⁰. Furthermore, farmers' access to agricultural lands in the vicinity of Israeli settlements in the West Bank has remained significantly constrained due to widespread settler violence. Access to those areas is only possible through advance coordination with the IDF.

26. Israeli authorities continued to take measures and impose restrictions that isolate East Jerusalem from the rest of the West Bank. These measures include the continued construction of the wall and presence of checkpoints. The separation of East Jerusalem from the rest of the West Bank has had serious impact on social, economic and cultural life of Palestinians in the city, which used to be a centre for the surrounding communities. Since September 2000, Palestinian holders of West

⁴⁶ http://www.ochaopt.org/documents/ocha_opt_barrier_factsheet_july_2013_english.pdf.

See also: www.nad-plo.org/userfiles/file/Factsheet%202013/BARRIER%20TO%20PEACE%202013.pdf

⁴⁷ www.ochaopt.org/documents/ocha_opt_barrier_factsheet_july_2013_english.pdf

⁴⁸ www.hamoked.org/files/2013/1157660_eng.pdf

⁴⁹ www.unrwa.org/etemplate.php?id=1819

⁵⁰ www.ochaopt.org/documents/ocha_opt_barrier_factsheet_july_2013_english.pdf

Bank identification cards require a special Israeli-granted permit to access East Jerusalem. These permits have been difficult to obtain and can be cancelled without notice.

Demolitions, displacement and revocation of residency rights

27. Destruction of Palestinian-owned property combined with displacement of Palestinian civilians continued throughout the reporting period. Israel, as the Occupying Power, has an obligation to protect the Palestinian population at all times and to administer the territory for their benefit, ensuring that their basic needs are met⁵¹. Article 53 of the Fourth Geneva Convention generally prohibits the destruction of property. It states: "Any destruction of the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the state, or to other public authorities, or to social or cooperative organization, is prohibited..."⁵². According to OCHA, 602 Palestinian structures were demolished during the reporting period in the West Bank, of which 214 were residential structures and 388 agricultural and livelihood structures. 71 of the demolished structures were located in East Jerusalem⁵³. The demolitions were in many cases preceded by the forced eviction and resultant displacement of Palestinians, amounting to 894 during the reporting period, including 470 children. Most demolitions are carried out under the pretext that the construction was illegal, while at the same time Israel makes it extremely difficult to obtain constructions permits.

28. Continued revocation of residency rights for Palestinians living in East Jerusalem continued to be a concern. Palestinian residents of East Jerusalem received their status as permanent residents following the occupation of East Jerusalem in 1967.⁵⁴ In Israeli law, residents of East Jerusalem are treated as aliens whose status can be revoked, with no regard for their status as protected persons under international humanitarian law⁵⁵. According to data supplied by the Israeli Ministry of Interior to a local NGO, Israel revoked the residency rights of 116 East Jerusalem Palestinians, including 64 women and 29 minors, in 2012. Also in 2012, Israel reinstated the residency status of 32 East Jerusalem Palestinians⁵⁶.

D. Accountability

29. Under international humanitarian law and human rights law, duty-bearers are obliged both to take appropriate measures to prevent violations of the law and to ensure accountability for violations that are committed, including through the provision of effective remedies to victims. In this context, the Secretary-General notes the second report of the Turkel Commission, which was submitted by the Commission to the Government of Israel on 6 February 2013. The Turkel Commission was established in June 2010 by the Government of Israel following

⁵¹ Article 43 of the Hague Regulations, articles 50, 55, 56 and 60 of the Fourth Geneva Conventions of 1949.

⁵² Fourth Geneva Conventions Article 53

⁵³ Information received by OCHA.

⁵⁴ The status is defined in the Entry into Israel Law, which also addresses the entry of individuals as tourists and their stay as immigrants

⁵⁵ A/67/372; para. 38

⁵⁶ www.hamoked.org/Document.aspx?dID=Updates1224

the killing of nine civilians by IDF soldiers during an interception at sea of a humanitarian flotilla sailing from Turkey for Gaza in an attempt to break the naval blockade imposed by Israel on the Gaza Strip. The Turkel Commission's mandate encompassed the subject of Israeli mechanisms for investigating violations of the laws that were addressed in the Commission's second report. In its second report, the Turkel Commission affirmed the duty to investigate under international law when there is a reasonable suspicion of serious (and other) violations of international law, and that an investigation must be conducted that adheres to the standards of independence, impartiality, effectiveness, thoroughness, promptness and transparency. These investigative standards have been recognized in previous United Nations reports concerning Israel.⁵⁷ According to the information available, the Government of Israel has yet to appoint an independent team to monitor the implementation of the recommendations of the Turkel report. Nevertheless, it is hoped that the relevant recommendations of the Turkel Commission will aid in ensuring accountability and effective remedies for victims of violations of international law in the Occupied Palestinian Territory.

Accountability in relation to the Gaza Strip

30. There remain serious concerns in relation to accountability for violations of international humanitarian law and human rights law that have been allegedly committed by the Israeli Defense Forces and the de facto authorities in the Gaza Strip. Information available indicates that neither Israel nor the de facto authorities in Gaza have taken adequate measures to assess the credibility of allegations of violations and, where necessary, carry out effective investigations.⁵⁸

31. On 11 April 2013, the Military Advocate General (MAG), which is responsible for investigating allegations of violations of international humanitarian law and human rights law committed by Israeli Defense Forces, issued a public document indicating that it found no basis to open criminal investigations into approximately 65 incidents during operation "Pillar of Defense/Pillar of Cloud" and that, with respect to 15 other incidents, additional information was required in order to make a decision about whether to open an investigation.⁵⁹ While the MAG's decision to publicly issue an update is a positive development, the MAG failed to provide sufficient information about the reasons not to open a criminal investigation into any of the incidents under consideration, particularly in the case of incidents where a United Nations report concluded that there was evidence to suggest that a violation of international humanitarian law had been committed.⁶⁰

32. The fact that in all of the 65 incidents from "Pillar of Defense/Pillar of Cloud" no grounds were found to open an investigation (i.e., no reasonable suspicion that a violation occurred, nor that a violation was actually committed) contributes to concerns over the independence of the investigative process because of the fact that the MAG both provides legal advice and undertakes the prosecution.. This seems to go against a basic premise of accountability, which is that an individual or entity directly involved in an incident cannot investigate it. It is

⁵⁷ Goldstone Report; Tomuschat Report; A/HRC/22/35; A/HRC/24/30 para 46;

⁵⁸ A/HRC/22/35/Add.1 addressed the 14-21 November 2012 escalation of hostilities referred to as "Pillar of Defense/Pillar of Cloud" by Israel

⁵⁹ Israeli Defence Force, The examination of alleged misconduct during operation "Pillar of Defense/Pillar of Cloud", April 2013 www.law.idf.il/SIP_STORAGE/files/4/1364.pdf

⁶⁰ A/HRC/22/35/Add.1

regrettable, in this regard, that the Turkel Commission decided to recommend keeping this 'dual-hat' of the MAG, as head of the military prosecution system and legal advisor to Israeli military authorities. On a positive note, however, it appears that the MAG's effort to undertake preliminary investigations into incidents from "Pillar of Defense/Pillar of Cloud" differs from the usual practice of relying on operational debriefs carried out by the commander of the unit that was involved in the incident in question, in order to decide whether to open an investigation. This is consistent with the recommendations of the Turkel Commission to limit the use of the debrief by the MAG to an operational function. It is hoped that the Turkel recommendations concerning investigations are officially adopted and implemented as soon as possible, in order to rectify some of the problems concerning the independence of such investigations.

33. In relation to the de facto authorities in Gaza, it appears that over seven months after the end of the escalation in hostilities, no measures have been taken to investigate credible allegations of violations of international law committed by the de facto authorities or armed groups in Gaza, or to provide an effective remedy to victims related to the November crisis. There is no information available in the public domain to indicate that credible investigations have been conducted, in particular following from the direct targeting of civilians and the indiscriminate firing of rockets towards Israel, as well as the summary execution of alleged collaborators.⁶¹

34. The ceasefire understanding that brought an end to the November 2012 hostilities was generally observed by Israel and the de facto authorities in Gaza. In the period after March 2013, however, there were a number of incidents in breach of the ceasefire. According to the United Nations Department of Safety and Security, 52 rockets and 17 mortar shells were fired from Gaza towards Israel, including 2 rockets that were intercepted by Israeli missile defence systems.⁶² No injuries or deaths were reported, however these rockets are generally inaccurate and do not allow their operators to distinguish between military targets and civilians. They are therefore indiscriminate in nature and thus in violation of international law. A Salafi-Jihadist armed group called the Mojahideen Shura Council claimed responsibility for at least some of the rockets fired.⁶³ The de facto authorities reportedly arrested at least two persons alleged to have been involved in firing rockets following the 21 November understanding.⁶⁴ Still, it is estimated that a greater number of members of armed groups are responsible for rocket attacks and there is no information available to indicate that necessary steps have been taken to carry out effective investigations into these incidents and determine all those responsible, and hold them accountable.⁶⁵

Accountability in the West Bank

35. As noted in previous reports, in April 2011, the MAG announced a policy of automatically launching a military police investigation in every case in which an

⁶¹ This is of particular concern following the findings of the High Commissioner for Human Rights' recent report to the Human Rights Council (A/HRC/22/35/Add. 1).

⁶² An additional 2 rockets and 5 mortar shells fell short and landed in Gaza, 2 rockets exploded at the launching site and 16 test rockets landed in the sea.

⁶³ Mojahideen Shura Council claimed the responsibility for firing rockets toward Sederot, 21 March 2013. <http://shfanews.net/index.php/ii/20019-i>.

⁶⁴ www.fnpn.net/ar/news/111960

⁶⁵ A/HRC/22/35/Add. 1

“uninvolved” civilian is killed by a soldier in the West Bank.⁶⁶ This threshold was supported and further developed by the Turkel Commission, which recommended that, in the West Bank, an investigation should be opened immediately in cases of civilian death or serious injury. This was based on the Turkel Report’s important observation that the default legal regime applicable during occupation is human rights law. Therefore, *all* serious injuries and deaths that occur in the West Bank warrant immediate investigation according to international law standards. This is consistent with the way in which the legal obligations bestowed upon the Occupying Power have previously been interpreted by the Secretary-General⁶⁷. The Secretary-General welcomes the Turkel Report’s recommendation that the law regulating the rights of victims to access information about a criminal proceeding apply to all investigative mechanisms covering law enforcement incidents. The recommendations are yet to be implemented by the Israeli Government.⁶⁸

Update on killings and injuries by Israeli Security Forces (ISF)

36. In view of the prevailing situation in the West Bank, most of the incidents that arise should be considered within a law enforcement context. In a law enforcement context, Israeli security forces should abide by the general principles on the use of force by law enforcement officials, in particular, the principles of necessity and proportionality, as reflected in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials⁶⁹ and the Code of Conduct for Law Enforcement Officials⁷⁰. In this context, the use of firearms is only permitted when strictly unavoidable in order to protect human life and investigations are required into all uses of lethal force. Investigations into all cases of deaths and serious injury must be undertaken in order to determine whether these incidents were carried out within the framework of applicable international law and standards, to ensure accountability where any violations were committed, and to prevent such casualties from occurring.

37. ISF operations in the West Bank resulted in the killing of 13 Palestinian civilians, including one woman and three children, in the period from 16 June 2012 to 1 July 2013. Six of the 13 civilians were shot dead during clashes with ISF. In the context of clashes between Palestinians and ISF, on 19 November 2012, Hamdi Mohamed al-Fallah, was shot dead by an IDF soldier at close range in Hebron. According to an eye witness account collected by OHCHR, a group of protesting Palestinians were throwing stones at IDF soldiers who were firing tear gas canisters at them. Most demonstrators dispersed, but Mr. al-Fallah remained. One of the soldiers reportedly dared him to approach, after which the unarmed man started walking towards the IDF soldiers. An IDF soldier reportedly shot him in the knee with live ammunition. When he fell to the ground, the IDF soldier reportedly shot another two rounds in Mr. al-Fallah’s chest. Palestinian Red Crescent medics who arrived at the scene were initially denied access by IDF for 20 minutes before being

⁶⁶ A/66/356 para.18

⁶⁷ A/67/372 para.17

⁶⁸ Turkel Report, p399 para 68; p400, para 69.

⁶⁹ www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx

⁷⁰ www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx

allowed to inspect the victim, who in the meantime had died as a result of his injuries⁷¹.

38. Seven of the 13 Palestinian civilians killed were involved in incidents which took place outside of the context of demonstrations or clashes. On 29 July 2012, a Palestinian laborer was shot dead when he tried to cross a checkpoint without a permit while driving with other laborers to his workplace in Israel⁷². On 3 December 2012, Israeli soldiers shot and killed a Palestinian man. Prior to that, the car which the victim was driving reportedly crashed into an Israeli military jeep on the Nablus-Tulkarm road, causing the jeep to turn over and reportedly injuring some of the soldiers⁷³. The Israeli Shin Bet (Israeli Security Agency) claimed that a number of their agents were travelling in a military jeep in the West Bank when a Palestinian car slammed into them, overturning their vehicle. The Palestinian driver then reportedly got out of the car and began attacking the agents with an axe. One of the agents reportedly shot and killed the Palestinian man⁷⁴. However, according to a Palestinian human rights NGO, the Israeli forces reportedly killed the man after crashing into his car with their military vehicle on the road between Nablus and Ramallah cities in the north of the West Bank. As a result, the victim's car rolled over and was badly damaged in the front. When the victim came out of the car, Israeli soldiers allegedly immediately shot him dead⁷⁵. On 12 December 2012, a 17 year old Palestinian boy was shot dead by a Border Policewoman at a checkpoint in Hebron. The victim was shot with live ammunition. A medical report indicates the presence of two entry wounds in the chest as a result of live fire shot from close range. Eye witnesses who gathered after the shooting indicated that the Israeli soldiers did not let anyone collect the victim. An Israeli ambulance came within 30 minutes and took the body to Kiryat Arba'a Settlement. At around 23.30, an Israeli ambulance handed the dead body to a Palestinian ambulance⁷⁶. On 12 January 2013, a Palestinian man was shot dead near the wall while attempting to cross illegally into Israel for work⁷⁷. On 15 January 2013, a boy was shot dead near an IDF erected fence on the outskirts of Budrus village⁷⁸. On 18 January 2013, a 15-year old child was shot dead by IDF soldiers staffing a watch tower at the entrance of Ayda refugee camp⁷⁹. On 23 January 2013, a woman was shot dead when she was leaving the college where she studied in Arrub refugee camp⁸⁰.

39. In the first half of 2013, there was a marked increase in the number of civilians shot dead by ISF, further heightening long-standing concerns about excessive force against civilians through the use of live ammunition.⁸¹ While nine Palestinian civilians were killed during all of 2012, eight civilians were killed by ISF in the first six months of 2013.

⁷¹ OHCHR monitored the case

⁷² OHCHR monitored the case. See A/HRC/22/35

⁷³ OHCHR was not able to monitor the case for absence of witnesses.

⁷⁴ www.jpost.com/Defense/Palestinian-attacks-two-officers-with-axe-shot-dead

⁷⁵ PCHR Weekly Report, 5 December 2012;

www.pchrgaza.org/portal/en/index.php?option=com_content&id=9092:weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory-29-nov-05-dec-2012&Itemid=183

⁷⁶ OHCHR monitored the case.

⁷⁷ OHCHR monitored the case. See A/HRC/24/30

⁷⁸ Ibid.,

⁷⁹ Ibid.,

⁸⁰ Ibid.,

⁸¹ A/65/366, A/66/356 and A/67/372.

40. Injuries caused by ISF increased by 72 per cent by mid-2013, rising to 434 per month, from an average of 252 per month in 2012. According to OCHA, this is the highest monthly average since it began recording such injuries in 2005. In the period from 16 June 2012 to 30 June 2013, 4117 Palestinians were recorded injured in the course of demonstrations and clashes, settler-related incidents, and during ISF search and arrest operations. Of those incidents, 122 Palestinians were injured by live ammunition, compared with 15 such injuries in the period from 1 July 2011 to 15 June 2012.⁸²

41. Rubber coated metal bullets (RCMB) were frequently used by the ISF in the West Bank as a method of crowd control. Due to their potentially lethal nature, the Israeli military's Open-Fire regulations allow their firing only towards demonstrators' legs. During the reporting period, injuries caused by RCMB significantly increased. More Palestinians were injured from RCMB in the first half of 2013 than in all of 2012 or 2011 (1,047 compared to 756 and 360, respectively).⁸³

42. Between 1 July 2012 and 30 June 2013, the IDF conducted approximately 3,000 operations in Palestinian communities in the West Bank, excluding East Jerusalem, and arrested 1,621 Palestinians, including 229 children and 14 women. This appears to have contributed to the reported increase in injuries caused to Palestinians, because of the manner in which such operations were conducted. They often occurred at night, and the IDF regularly broke into Palestinian houses, often accompanied by military dogs, while the inhabitants were sleeping. These arrest operations frequently turned violent, resulting in injuries to the civilian inhabitants and damage to civilian property.

43. One arrest operation that merits special attention due to the number of civilian injuries was that conducted by an undercover unit on 1 January 2013, in an apparent attempt to arrest two Palestinian brothers living in Tammun, northeast of Nablus city, in the north of the West Bank. One of the men was arrested, the other escaped. Shortly thereafter, clashes erupted between youths from the town and ISF. More than 15 Israeli military vehicles raided the town and clashes lasted throughout the day. According to the Palestinian Red Crescent Society, the operation resulted in the injury of 51 Palestinians, including 4 by live ammunition, one serious injury in the hand due to being attacked by a military dog, several injuries due to RCMBs, and several cases of tear gas suffocation.⁸⁴

Lack of accountability for Palestinian police and security forces committing human rights violations

44. The Palestinian Independent Commission for Human Rights (ICHR) continued to receive allegations of ill-treatment, sometimes amounting to torture, by the Palestinian security services during the reporting period. ICHR reported receiving 172 allegations of ill-treatment in the West Bank in 2012, and 98 similar complaints in the period from 1 January to 30 June 2013. OHCHR monitored cases involving cruel, inhuman, degrading treatment and torture committed by Palestinian intelligence agencies in Palestinian detention facilities. OHCHR raised its concerns with these agencies and is currently working on the revision of internal codes of

⁸² Information received from OCHA.

⁸³ Ibid.

⁸⁴ OHCHR monitored the case.

conduct of the General Intelligence Service (GIS) and the Palestinian Preventive Security (PPS).

45. One Palestinian man was arrested by the GIS on 20 February 2013 and held in detention based on a military court decision. The detainee informed OHCHR that he was put in solitary confinement on arrival to the GIS detention centre in Jericho. He was allegedly forced to stand and not allowed to sleep for hours. On 22 February, he was hand-cuffed behind his back and forced to sit on a low chair for 1 to 2 days, after which he was interrogated again. In the following days, he was forced to stand with arms lifted for hours and deprived of sleep. On 28 February, his hands were tied behind his back, and he was suspended by ropes from a window, making him hang 5 cm above the floor. The guards told him to "fly like an eagle". When interviewed, he informed OHCHR that he still suffered from pain in his arms, chest and back. During this treatment, he noted that he had agreed to confess to "anything" due to the treatment he underwent. Subsequently, he was put in solitary confinement for 27 days. During that time he was allegedly forced to sign a confession that was later used against him in court.⁸⁵

46. With regard to steps taken to ensure accountability, according to ICHR, there were at least five committees formed to investigate specific allegations of violations perpetrated by various Palestinian security services. However, in all cases, the findings of those committees were not made public. For example, the findings of the committee formed by the Ministry of Interior to investigate the death of a Palestinian at the Correction and Rehabilitation Center of Tulkarem in August 2012 were never published. Moreover, following assaults by Palestinian Police against peaceful protestors at the end of June and beginning of July 2012, the President formed a committee to investigate the incidents. The committee was comprised of independent figures, civil society organizations and political parties. A report on the incidents was drafted and recommendations were submitted to relevant authorities. When this report was published, information regarding the measures taken against the perpetrators had been left out. While some police officers were transferred to other positions as a disciplinary sanction, no judicial measures were taken. The Secretary-General finds it regrettable that the work of the committee investigating alleged human rights violations was undermined by the notable omissions regarding accountability.

47. Nevertheless, the Secretary-General welcomes the recent initial steps towards developing accountability mechanisms within the Palestinian security services. On 24 April 2013 the Palestinian Civil Police (PCP) held consultations with relevant Palestinian authorities to discuss a draft accountability strategy that aims at enhancing general oversight within the PCP and strengthen communication and relationship with the Palestinian public.

III. Recommendations

A. To the Government of Israel

48. **The Government of Israel must take all necessary measures to ensure the accountability of its security forces. It should conduct investigations into all credible allegations of violations of international humanitarian law and human**

⁸⁵ OHCHR monitored the case.

rights law. Investigations must be independent, transparent, impartial, thorough, prompt, and effective. Redress for victims must be ensured.

49. The Government of Israel should lift the blockade of Gaza and allow the free movement of civilians from and into Gaza according to the Oslo Accords, the Agreement on Movement and Access, and Security Council resolution 1860. Any measures that restrict freedom of movement and transfer of goods must be consistent with international law.

50. Measures to enforce the access restricted areas must comply with international law. In situations other than hostilities, these measures must be consistent with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. In the context of hostilities, any enforcement of the access restricted areas must comply with international humanitarian law.

51. The Government of Israel should take immediate steps to respect and ensure respect for the right to freedom of movement for Palestinians in the West Bank, including East Jerusalem. A first step should be to fully comply with the 2004 Advisory Opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.

B. To the de facto authorities and Palestinian armed groups in Gaza

52. Accountability for violations of international humanitarian law and human rights law committed by the de facto authorities and armed groups in Gaza, in particular the killing of civilians, indiscriminate firing of rockets towards Israel and summary executions must be ensured. Investigations must be independent, transparent, impartial, thorough, prompt, and effective. Redress for victims must be ensured.

C. To the Government of the State of Palestine⁸⁶

53. The Government of the State of Palestine must take all necessary measures to ensure accountability of its security forces. It should conduct investigations into all credible allegations of violations of international humanitarian law and human rights law. Investigations must be independent, transparent, impartial, thorough, prompt, and effective. Redress for victims must be ensured.

⁸⁶ In a letter to the Secretary-General of the United Nations, dated 12 December 2012, the Permanent Observer Mission of Palestine to the United Nations informed that, in line with General Assembly resolution 67/19 of 29 November 2012, the designation "State of Palestine" should be used in all official documents of the United Nations. On 3 January 2013, Mahmoud Abbas, President, State of Palestine issued a decree instructing that "Official documents, seals, signs and letterheads of the Palestinian National Authority official and national institutions, shall be amended, by replacing the name 'Palestinian National Authority' whenever it appears by the name 'State of Palestine', and by adopting the emblem of the State of Palestine. The relevant authorities shall be in charge of monitoring the implementation of this Decree, taking into account the requirements of use".

54. The Government of the State of Palestine should continue to take all necessary steps to establish effective accountability mechanisms, codes of conduct, standard operating procedures, and other guidance for security forces, in accordance with international human rights law and principles, and ensure their prompt and thorough implementation and operation.

55. When the Government of the State of Palestine establishes investigatory committees, their operation should be governed by clear and well-defined rules of procedure in compliance with applicable international human rights law and principles, and clear deadlines for completion of their mandates.