



**DEPORTATION OF PALESTINIANS AND OTHER ISRAELI PRACTICES
AMONG THEM THE MASSIVE IMMIGRATION AND SETTLEMENT OF
JEWS IN ALL OCCUPIED TERRITORIES IN VIOLATION OF
INTERNATIONAL LAW PARTICULARLY THE FOURTH GENEVA
CONVENTION OF 1949**

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I. INTRODUCTION

A. Background

1. The item “Deportation of Palestinians in Violation of International Law particularly the Fourth Geneva Convention of 1949 and the Massive Immigration and Settlement of Jews in Occupied Territories” was taken up, at the AALCO’s Twenty-Seventh Session, held in Singapore (1988), at the initiative of the Government of the Islamic Republic of Iran.¹ The Government of Islamic Republic of Iran, after a preliminary exchange of views had submitted to the AALCO Secretariat a Memorandum, and the Secretariat was called upon to study the legal consequences of the deportation of Palestinians from occupied territories.

2. At the Thirty-Fourth Session held in Doha (1995) the Organization, *inter alia* decided that this item be considered in conjunction with the question of the Status and Treatment of Refugees. At its Thirty Fifth Session (Manila, 1996) after due deliberations the Secretariat was directed to continue to monitor the developments in the occupied territories from the view point of relevant legal aspects.

3. At the subsequent Sessions, the scope of the item was enlarged, *inter-alia*, to include, at the Thirty-Seventh Session, “Deportation of Palestinians and other Israeli Practices”, and the item “Deportation of Palestinians and other Israeli Practices among them the Massive Immigration and Settlement of Jews in the Occupied Territories in Violation of International Law Particularly the Fourth Geneva Convention of 1949” was placed on the agenda of the Thirty-Eight Session (Accra 1999).

4. At the Thirty-Ninth (Cairo, 2000) Session, it was decided to further enlarge the scope of the item and the Secretariat was directed to monitor the developments in (all) occupied territories from the viewpoint of relevant legal aspects. The item has since been seriously discussed at the successive Sessions of the Organization as part of its Work Programme.

¹ During that Session the delegation of the Islamic Republic of Iran pointed out that: “The Zionist entity (Israel) had deported a number of Palestinians from Palestine, the deportation of people from occupied territory, both in past and recent times constitutes a violation of the principles of international law, as well as, provisions of international instruments and conventions such as the Hague Conventions of 1899 and 1907, the UN Charter of 1945, and the Geneva Convention Relative to Protection of Civilian Persons in time of War, 1949 all of which prohibit deportation as a form of punishment, in an occupied territory.”

**Seminar on “The Blockade of Gaza and Its International Legal Implications”,
AALCO Headquarters, New Delhi: 16 July 2010**

5. Gaza has been under a heightened Israeli blockade since June 2007. The massive military operation in the occupied Gaza Strip has caused grave violations of the human rights of the Palestinian civilians, international humanitarian law and exacerbated a severe humanitarian crisis. The illegal Israeli siege imposed on the occupied Gaza Strip, including the closure of border crossings and the cutting of supply of food, medicine and fuel, constitutes collective punishment of Palestinian people and has led to disastrous humanitarian and environmental consequences.

6. The crisis was further aggravated by the war crimes perpetrated on 31 May 2010 by the Israeli State against the “Freedom Flotilla”, the convoy of Turkish ships, carrying humanitarian aid for the population of Gaza. Despite the international community decrying in strongest terms Israel’s blockade of Gaza and its illegal action against the Freedom Flotilla, Israel remains unrepentant.

7. As the topic “Deportation of Palestinians and Other Israeli Practices among them the Massive Immigration and Settlement of Jews in all Occupied Territories in Violation of International Law particularly the Fourth Geneva Convention of 1949”, has been on AALCO’s agenda since 1988. Since then the AALCO had at its successive Annual Sessions deliberated on the topic from all its relevant legal aspects.

8. In the backdrop of this, H. E. Prof. Dr. Rahmat Mohamad, Secretary-General, AALCO convened a seminar on 16 July 2010, at the AALCO Secretariat to discuss “*The Blockade of Gaza and its International Legal Implications*”. The Panelist for the Seminar included: H. E. Prof. Rahmat Mohamad, Secretary-General, AALCO; H. E. Dr. Mohamed Abdel Hamid Higazy, the former Ambassador of the Arab Republic of Egypt in India; H. E. Mr. M. Levent Bilman, the former Ambassador of the Republic of Turkey in India; H. E. Dr. Ahmed Salem Saleh Al- Wahishi, the Chief Representative of League of Arab States in India; and Prof. Achin Vanaik, the former Head, Department of Political Science, Delhi University. Following presentations by the eminent Panelists, a lively exchange of views took place amongst the panelists and the participants. The seminar concluded with a vote of thanks proposed by Dr. Xu Jie, Deputy Secretary-General, AALCO.

9. Subsequently, a very comprehensive Report entitled: “The Blockade of Gaza and its International Legal Implications: Report of the Seminar and Select Documents” was prepared and circulated by the Secretariat to the Member States. The publication contains the Report of the Seminar that includes the presentations made by the Panelists and the ensuing exchange of views in the Seminar between the Panelists and the participants. In addition, to make the publication a ready reckoner for the AALCO Member States and the interested readers some documents that have an important bearing on the subject matter have also been compiled and included as “Select Documents”.

B. Deliberations at the Forty-Ninth Annual Session of AALCO (Dar es Salaam, United republic of Tanzania 5th to 8th August, 2010)

10. At the Forty-Ninth Annual Session of AALCO, the delegations condemned the recent attack on the peace flotilla carrying humanitarian aid for the civilian population of Gaza and also condemned the blockade on the population of Gaza imposed by Israel since 2007. They also strongly felt that Israel should not be able to get away for the crimes that it committed with impunity against the civilian population of Palestine and felt that AALCO Member States should have a common stance on that issue which whole heartedly supported Palestine. They highlighted that the Palestinian issue should be resolved on the basis of UN Security Council resolutions 242 and 338. According to these Israel should withdraw from all the area which it had occupied since 1967, Palestinian people's right to self-determination including establishment of an independent state should be recognized. They appreciated the report prepared by the UN Human Rights Council Fact Finding Mission led by Justice Goldstone on Israel's military operations in Gaza in 2008 to January 2009; the recommendations contained in the said report had been carefully prepared and were so comprehensive that they required careful scrutiny by the parties and the international organizations concerned. The delegates expressed deep appreciation for the resilience of the ordinary civilians living in Gaza and the West Bank who tried and carried on against all odds, a normal daily existence.

11. Pursuant to RES/49/S 4 adopted at the Forty-Ninth Annual Session of AALCO on 8th August 2010, the AALCO Secretariat closely followed the events in the occupied territories from the view point of relevant legal aspects during the period from September 2010 till April 2011, and ascertained that the situation of human rights in the Occupied Palestinian Territory has seen a significant deterioration in many parts of the Territory, particularly in the Gaza Strip. The events reported in this brief as well as the efforts of the international community towards the situation in the Occupied Palestinian Territories, are illustrative of the events during the last one year and are in no way exhaustive.

C. Issues for focused consideration at the Fiftieth Annual Session of AALCO (2011)

1. Violations of international law, particularly international human rights law and humanitarian law, committed by the Government of Israel in the Occupied Palestinian Territory (OPT)

- ***Special focus on the Renewed Israeli military excesses in the Occupied Palestine Territories with reference to the Fourth Geneva Convention of 1949 and United Nations Security Council and General Assembly Resolutions***
- ***War Crimes committed in Gaza by Israeli forces including blockade of Gaza***

2. Establishing peace in the Middle East

- ***The role of the international community to pressurize Israel to comply with its international obligations***
- ***Highlighting the need for establishing an independent sovereign State of Palestine as a prelude to establishing everlasting peace in the Middle East***

II. ISRAEL'S VIOLATION OF INTERNATIONAL LAW, PARTICULARLY INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS LAW

12. For more than four decades, precisely 44 years Israel has administered a military occupation of the West Bank, the Gaza strip and East Jerusalem in consistent and relentless defiance of the will of the international community.² The international consensus has been expressed through widely supported resolutions passed by the UN Security Council (UNSC) and UN General Assembly (UNGA). The Security Council Resolutions 242 and 338 affirmed the legal obligation of Israel to withdraw from Palestinian territories occupied in the 1967 six-day war. This must be the end point of any peace process that can lead to a lasting and just peace. However, every positive step taken towards that end is brought back seven steps by Israel the occupying power, the horrific atrocities perpetrated on the civilian population in the OPT beginning from 27th December 2008, which continue in one form or the other till date have clearly demonstrated this trend.

A. Violations of Fourth Geneva Conventions in the Occupied Palestinian Territory (OPT)

13. Until such time as Israel respects its obligation under the Fourth Geneva Convention concerning the Protection of Civilian Persons in Time of War, 12 August, 1949, as well as other principles of international law in particular those provisions of the Convention that require an occupying power to protect the status quo, human rights and prospects for self determination of the occupied people, violations of the rights of Palestinian civilians shall continue. The Convention also obliges all State Parties to enforce the Convention in the face of “grave breaches”. Since 1967, Israel has refused to accept this framework of legal obligations. Not only has it failed to withdraw from the occupied territories, but during the occupation, Israel has created heavily armed settlements, bypass roads and security zones in the midst of a future Palestinian State that seriously compromises basic Palestinian rights.

14. Various provisions of the Fourth Geneva Convention dealing with the protection of civilians are applicable to the Occupied Palestinian Territory (OPT). There have been large-scale violations of the Convention obligations by Israel to the utter dismay of the international community. Both parties to the conflict are parties to the Geneva Conventions. Since October 1967, Israel has taken a consistent position that the Geneva Convention is *de jure* not applicable to the West Bank and the Gaza Strip.

15. Israel claims that it is not in “occupation” of OPT but is in “administration” and therefore, does not come under the purview of the Fourth Geneva Convention and the law of belligerent occupation. To justify its position Israel resorted to legal fiction and attempted to bring forth doctrinal justification developed in vacuum. Accordingly,

². Beyond Oslo: The new uprising International law and the al-Aqsa Intifada – Middle East Report 219, Winter 2002

Missing Reversioner theory was developed to strengthen its arguments for its non-compliance with Fourth Geneva Convention and law of belligerent occupation.³ This theory contended that Jordan and Egypt were not the legitimate sovereigns in OPT. Since there was no ousted legitimate sovereign "a missing reversioner" to whom the territory would revert, Israel could make possession of OPT given that Israel has a relatively stronger title to the territories. This is argued on the basis of strange interpretation of common article 2 of the Geneva Conventions. Article 2 reads: "The Convention shall...apply to all cases of partial or total occupation of the territory of a High Contracting Party...." Thus it is argued that the object and purpose of the law of belligerent occupation is to protect the rights of the ousted sovereign holding valid legal title.

16. However, these justifications of Israel were strongly refuted by international law scholars⁴ as "strained and artificial in character", and commanded little or no respect among "highly qualified publicists" or within the "organized international community" and also it did not receive any support from the international community.

17. In 1976, the President of the UN Security Council, after consulting all the members and concluding that the majority agreed, stated that, 'The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Arab territories occupied by Israel since 1967.'⁵ In 1980, by a vote of 14 to none, with one abstention, the Security Council censured the enactment by Israel of a 'basic law' on Jerusalem, which it found to constitute a violation of international law that did not affect the continued application of the Fourth Convention.⁶ It decided not to recognize the 'basic law' and other actions seeking to alter the character and status of Jerusalem. Similarly, UN General Assembly also has been reiterating that Israel is bound by the obligations of the Fourth Geneva Convention in OPT. In its 5 December 2001 Declaration, the reconvened International Conference of High Contracting Parties to the Fourth Geneva Convention expressed its deep concern over the deteriorating humanitarian situation, reaffirmed the applicability of the Convention to Occupied Palestinian Territory, including East Jerusalem, and reiterated the need for full respect for the Convention in that Territory.⁷ It is of relevance to quote the International Court of Justice in this regard, which reiterated the paramount importance of the international humanitarian law:

³. The argument was first put forward by Yehuda Blum, 'The Missing Reversioner: Reflections on the Status of Judea and Samaria', 3 *Israel Law Review* 279 (1968).

⁴. See Richard A. Falk & Burns H. Weston, 'The Relevance of International Law to Israeli and Palestinian Rights in the West Bank and Gaza', in Emma Playfair, ed., *International Law and the Administration of Occupied Territories: Two Decades of Israeli Occupation of the West Bank and Gaza Strip*, (Oxford: Clarendon Press, 1992). 132. Yoram Dinstein, an Israeli professor of law at Tel Aviv University, has dismissed the theory being "based on dubious legal grounds". Yoram Dinstein, 'The International Law of Belligerent Occupation and Human Rights', 8 *Israeli Yearbook on Human Rights* 104, 107 (1978); W. Thomas Mallison & Sally V. Mallison, *The Palestine Problem in International Law and World Order*, (London: Longman, 1986).

⁵. UN SC Presidential Statement: UN doc. S/PV.1922, 26 May 1976.

⁶. SC res. 478 (1980).

⁷. Conference of High Contracting Parties to the Fourth Geneva Convention: Declaration, Geneva, 5 December 2001.

“It is undoubtedly because a great many rules of humanitarian law applicable in armed conflict are so fundamental to the respect of the human person and “elementary considerations of humanity” as the Court put it in its Judgment of 9 April 1949 in the Corfu Channel case (I.C.J. Reports 1949, p. 22), that the Hague and Geneva Conventions have enjoyed a broad accession. Further these fundamental rules are to be observed by all States whether or not they have ratified the conventions that contain them, because they constitute intransgressible principles of international customary law... These rules indicate the normal conduct and behaviour expected of States.”⁸

18. Thus, Israel’s compliance with the Fourth Geneva Convention is not optional based on unilateral interpretations. Therefore, enumeration of Israeli activities in the OPT that violated the Fourth Geneva Convention and other relevant provisions of international law would become an exhaustive list as it has violated almost every provision of the Fourth Geneva Convention. Some of the glaring illegal activities of Israel are mentioned below.

1. Annexation and Illegal Expropriation of Palestinian Land

19. Since 1967, Israel has engaged in a systematic campaign of usurpation of Palestinian land in the OPT for the purpose of establishing exclusively Jewish colonies. This illegal campaign is implemented through two methods: one is annexation in and around occupied East Jerusalem and the second is the policies of expropriation in the remaining OPT. The Israeli government passed a number of Acts that extended its municipal law and jurisdiction to occupied East Jerusalem annexing the city in violations of international law. The law and policy of Israel in respect of other parts of OPT is also similar to that implemented in occupied Jerusalem with an exception that it has not been formally annexed. Host of military orders are used to implement these policies. For example, Military Order No. 59 (1967), permitting the Israeli government to declare all lands not registered with them as “State lands”, thereby restricting their use to Israeli authorities; Military Order No. 58 (1968), authorizing Israeli authorities to confiscate lands of those “absent” during the 1967 census; Military Order No. 70 (1967), allowing Israeli authorities to arbitrarily declare any locale a “closed military area” transferring all use to the State; Military Order no. 150, enabling the state to expropriate land belonging to “absentee” Palestinian owners, or individuals who were not accounted for in an Israeli census following the 1967 war; Military Order No. 321 (1968), authorizing the State to unilaterally expropriate Palestinian land for “public” purposes, which is always for the exclusive Jewish use; Military Order No. S/1/96, allowing Israeli authorities to unilaterally declare Palestinian land a “closed military area” and Military Order No. T/27/96, permitting Israeli authorities to expropriate Palestinian land for “public” purposes.

⁸. *Legality of the Threat of Use of Nuclear Weapons*, Advisory Opinion, ICJ Reports, 1996, 226, 257, paras. 79, 82.

20. All these activities are clearly in violation of the Fourth Geneva Convention. Article 47 of the Fourth Geneva Convention makes annexation of the occupied land as an illegal act.⁹ Similarly, article 147 of the Convention declares as a grave breach of any extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully.¹⁰ Article 146 of the Convention places an obligation on the High Contracting Parties to enact effective penal sanctions for persons who have committed, or ordered to be committed, "grave breaches" of the Convention. In addition, Article 146 requires each High Contracting Party "to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and [it] shall bring such persons, regardless of their nationality, before its own courts". If it does not do so, it must extradite such suspects to any other High Contracting Party on request if that state has sufficient evidence to commence a prosecution.

2. Jewish Colonial Settlements

21. For more than four decades now, the creation of Jewish Settlements has been a central component of Israel's efforts to consolidate control over the Gaza Strip and the West Bank, including East Jerusalem. Israeli settlement construction has served not only to facilitate territorial acquisition and to justify the continuing presence of Israel armed forces on Palestinian lands, but also to limit the territorial contiguity of areas populated by Palestinians and thereby to preclude the establishment of a viable independent Palestinian State.

22. Israel has been practicing its colonial settlement policy since 1967 which is aimed at settling the Jewish population in the OPT to make the local population a minority community and for other forms of subjugation. According to a plan prepared by Mattiyahu Drobles of the Settlement Department of the World Zionist Organization, in 1980; "the best and most effective way of removing every shadow of doubt about our intention to hold on to Judea and Samaria [i.e., the West Bank] forever is by speeding up the [Jewish colonial] settlement momentum in these territories. The purpose of settling the areas between and around the centers occupied by the minorities [that is, the Palestinian majority in the West Bank] is to reduce to the minimum the danger of an additional Arab state being established in these territories. Being cut off by Jewish

⁹. Article 47 reads as follows:

Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

¹⁰. Article 147 defines "grave breaches" as "wilful killing, torture or inhuman treatment, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, wilfully depriving a protected person of the rights of fair and regular trial, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly."

settlements, the minority population will find it difficult to form a territorial and political continuity.”¹¹

23. Thus, the total settlement population reached 213,672, in West Bank and Gaza Strip, 170,400 in East Jerusalem and 17,000 in Golan Heights.¹² These acts of settlement of Jewish population in OPT is in clear violation of article 49 of the Fourth Geneva Convention which says that ‘the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies’. These acts are intended to change the physical character and to bring demographic changes in the OPT. This policy is being continued by Israel despite its condemnation in unequivocal terms by the international community.¹³

3. Deportation of Palestinians

24. Israel has resorted systematically to deportation of Palestinians since 1967 onwards. These deportation decisions were taken summarily without any appeal procedure. The deported Palestinians included various groups of people like lawyers, professors, teachers, doctors, trade unionists, religious leaders and human rights activists. This is in clear violation of article 49 of the Fourth Geneva Convention, which prohibits deportation of protected persons from the occupied territory. Article 147 of the Convention also prohibits this act and categorizes it as the “grave breach” of the Convention.

25. Apart from the above-mentioned acts Israel also indulged in the deprivation of the rights of fair trial, torture and inhuman treatment, extra judicial killings and executions. All these acts are in clear violation of the Fourth Geneva Convention and other important human rights instruments.

4. Construction of the Wall in the Occupied Palestinian Territory

¹¹. Mattiyahu Drobles, master plan for the Development of Settlement in Judea and Samaria (1980), cited by Ardi Imseis, ‘On the Fourth Geneva Convention and the Occupied Palestinian Territory’, *Harvard International Law Journal*, Vol. 44, No. 1, 2003, p. 104.

¹². For more details in this regard see; <http://www.fmep.org/>

¹³. For e.g., UN Security Council Resolution 465 of 1980 says: “...all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.”

26. The International Court of Justice (ICJ), rendered its Advisory Opinion in the case concerning the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Request for advisory opinion)*. Highlights of the Opinion include: 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 (14 votes to 1); and Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, in accordance with paragraph 151 of this Opinion (by 14 votes to 1). (Details of the Advisory Opinion: See Report on the Item AALCO/44/NAIROBI/2005/SD/S 4, pp.10-15)

27. The United Nations General Assembly Tenth Resumed Emergency Special Session on 20 July 2004, overwhelmingly adopted a resolution demanding Israel to comply with the ICJ Advisory Opinion on *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*. It called upon the Israel to halt construction on its security barrier in the West Bank; tear down the portions built on the Palestinian land; and provide reparations to Palestinians whose lives have been harmed by the wall. 150 countries voted in favor of the resolution and six countries against, with ten abstentions. The resolution also called on both Israel Government and the Palestinian Authority to immediately implement their obligations under the Road Map, which calls for a series of parallel and reciprocal steps by each party leading to two States living side by side in peace by 2005. It called on all UN Member States to comply with their obligations as contained in the finding by the ICJ, which include a duty “not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem”. It also called upon the Member States not to render aid or assistance in maintaining the situation created by such construction. The resolution requested the UN Secretary General to set up a register of all damage caused to all the natural or legal persons in connection with Israel’s construction of the barrier.

28. A resolution to establish a Register of Damage arising from the construction of separation wall by Israel in the Occupied Palestinian Territory was adopted as the General Assembly continued its tenth special emergency session on Israeli actions in the Occupied Palestinian Territory.

29. Introduced by Iraq, on the United Nations Register of Damage calls for the establishment of the Register and an office to serve as a comprehensive record of the damage caused to all natural and legal persons as a result of the building of the wall. The office would be composed of a three-member board, an executive director and a secretariat. As a subsidiary organ of the Assembly, the office would operate under the administrative authority of the Secretary-General.

B. UN Security Council and General Assembly Resolutions

30. The UN consensus is particularly persuasive since majority of UN Member States recognize the Palestinian right of self-determination. This right is also legitimate from the fact that Palestine was a mandated territory, administered as a sacred trust by the United Kingdom. The UN has made clear the legal rights and duties in the OPT in a series of widely supported resolutions, including the following:

(i) UNGA Resolution 181 (ii) concerning the Future Government of Palestine (November 29, 1947) establishes the parity of the two peoples with respect to their respective rights to establish states on the former mandated territory of Palestine, and the duty of both states to respect both minorities and the special juridical status of Jerusalem.

(ii) UNGA Resolution 194 (iii) (December 11, 1948) affirms the right of Palestinians to return to their original homes and lands, and to receive compensation for any losses incurred, as well as the right of resettlement for those Palestinian refugees choosing not to return and compensation for their losses. The UN established the UN Conciliation Commission to uphold the rights of Palestinian refugees.

(iii) UNSC Resolution 242 and 338 (November 22, 1967), and October 22, 1973) require Israeli withdrawal from the territory occupied during the 1967 and 1973 wars, and call for a just settlement of the refugee problem.

(iv) UNGA Resolution 34/70 (December 6, 1979) asserts the need for any solution of the conflict to be in accordance with the right of self-determination, regardless of what the parties might negotiate.

(v) UNGA Resolution 43/177 (December 15, 1988) acknowledges the 1988 Palestinian proclamation of a Palestinian state as consistent with UNGA Resolution 181.

(vi) UNSC Resolutions 476, 480, 1322, 1397, 1402 and 1403 (1980, 1980, 2000, 2002, 2002, 2002) reaffirm the basic principle of International Law that it is inadmissible to acquire territory by force or conquest, as well as the unconditional applicability of the Fourth Geneva Convention to the civilian population of occupied territory. Also Resolutions 1405 (2002) of 19 April 2002, 1435 (2002) of 24 September 2002, 1515 (2003) of 19 November 2003 and 1544 (2004) of 19 May 2004, 1850 (2008) and 1860 (2009) are of great relevance to the Palestinian cause.

G. Resolutions adopted at the Sixty-Fifth Session (2010) of the United Nations General Assembly

31. As many as 16 resolutions relating to the question of Palestine were adopted at the Sixty-Fifth Session of the United Nations General Assembly. The most important resolutions related to; the right of the Palestinian people to self-determination¹⁴, Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over

¹⁴ A/RES/65/202

their natural resources¹⁵, Assistance to the Palestinian people¹⁶, Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem¹⁷, Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem and the occupied Syrian Golan¹⁸, Applicability of the Geneva Convention relative to the Protection of Civilian Persons in the Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories¹⁹, Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories²⁰, Palestinian refugees properties and their revenues²¹, Operations of the United Nations relief and Works Agency for Palestinian Refugees in the Near East²², Persons displaced as a result of the June 1967 and subsequent hostilities²³, Assistance to Palestinian refugees²⁴, Jerusalem²⁵, Peaceful settlement of the question of Palestine²⁶, Special information programme on the question of Palestine of the Department of Public Information of the Secretariat²⁷ and Committee on the Exercise of the Inalienable Rights of the Palestinian People²⁸.

D. Israeli atrocities (war Crimes) in Gaza and the consequent Human Rights Violations: Report of the United Nations Fact Finding Mission on the Gaza Conflict. The Goldstone Report and its Conclusions and recommendations: 23 September 2009²⁹

32. On 3 April 2009, the President of the Human Rights Council established the United Nations Fact Finding Mission on the Gaza Conflict³⁰ with the mandate “to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after.”³¹

¹⁵ A/RES/65/179

¹⁶ A/RES/65/134

¹⁷ A/RES/65/105

¹⁸ A/RES/65/104

¹⁹ A/RES/65/103

²⁰ A/RES/65/102

²¹ A/RES/65/101

²² A/RES/65/100

²³ A/RES/65/99

²⁴ A/RES/65/98

²⁵ A/RES/65/17

²⁶ A/RES/65/16

²⁷ A/RES/65/15

²⁸ A/RES/65/13

²⁹ The report was exhaustively covered last year in document number AALCO/49/DAR ES SALAAM/2010/S 4. This year only the main points have been focused.

³⁰ A/HCR/12/48 (Advance 1) Executive Summary dated 23 September 2009.

³¹ The President appointed Justice Richard Goldstone, former judge of the Constitutional Court of South Africa and former Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda, to head the Mission. The other three appointed members were: Professor Christine Chinkin, Professor of International Law at the London School of Economics and Political Science, who was a member of the high-level fact-finding mission to

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34. The Mission interpreted the mandate as requiring it to place the civilian population of the region at the centre of its concerns regarding the violations of international law.

35. The facts investigated by the Mission, factual and legal findings in The Occupied Palestinian Territory: The Gaza Strip, are given below briefly in order to highlight the specific areas that were looked into by the fact finding Mission.

36. **The Blockade:** The Mission focused on the process of economic and political isolation imposed by Israel on the Gaza Strip, generally referred to as blockade. The blockade comprises measures such as restrictions on the goods that can be imported into Gaza and the closure of border crossings for people, goods and services, sometimes for days, including cuts in the provision of fuel and electricity. Gaza's economy was further severely affected by the reduction of the fishing zone open to Palestinian fishermen and the establishment of a buffer zone along the border between Gaza and Israel, which reduces the land available for agriculture and industry. In addition to creating an emergency situation, the blockade has significantly weakened the capacities of the population and of the health, water and public sectors to respond to the emergency created by the military operations. The Mission held the view that Israel continues to be duty bound under the Fourth Geneva Convention and to the full extent of the means available to it to ensure the supply of foodstuff, medical and hospital items and other goods to meet the humanitarian needs of the population of the Gaza strip without qualification.

37. **The impact of the military operations and of the blockade on the people of Gaza and their human rights:** The Mission examined the combined impact of the military operations and of the blockade on the Gaza population and its enjoyment of human rights. The economy, employment opportunities and family livelihoods were already severely

Beit Hanoun (2008); Ms. Hina Jilani, Advocate of the Supreme Court of Pakistan and former Special Representative of the Secretary-General on the situation of human rights defenders, who was a member of the International Commission of Inquiry on Darfur (2004); and Colonel Desmond Travers, a former Officer in Ireland's Defence Forces and member of the Board of Directors of the Institute for International Criminal Investigations.

affected by the blockade when the Israeli offensive began. Insufficient supply of fuel for electricity generation had a negative impact on industrial activity, on the operation of hospitals, on water supply to households and on sewage treatment. Import restrictions and the ban on all exports from Gaza affected the industrial sector and agricultural production. Unemployment levels and the percentage of the population living in poverty or deep poverty were rising.

38. In this precarious situation, the military operations destroyed a substantial part of the economic infrastructure. As many factories were targeted and destroyed or damaged, poverty, unemployment and food insecurity further increased dramatically. The agricultural sector similarly suffered from the destruction of farmland, water wells and fishing boats during the military operations. The continuation of the blockade impedes the reconstruction of the economic infrastructure that was destroyed.

39. The razing of farmland and the destruction of greenhouses are expected to further worsen food insecurity despite the increased quantities of food items allowed into Gaza since the beginning of the military operations. Dependence on food assistance increases. Levels of stunting and thinness in children and of anemia prevalence in children and pregnant women were worrying even before the military operations. The hardship caused by the extensive destruction of shelter (the United Nations Development Programme reported 3,354 houses completely destroyed and 11,112 partially damaged) and the resulting displacement particularly affects children and women. The destruction of water and sanitation infrastructure aggravated the pre-existing situation. Even before the military operations, 80 per cent of the water supplied in Gaza did not meet the World Health Organization's standards for drinking water. The discharge of untreated or partially treated wastewater into the sea is a further health hazard worsened by the military operations.

40. The military operations and resulting casualties subjected the beleaguered Gaza health sector to additional strain. The number of persons suffering from mental health problems is also bound to increase.

41. Children's psychological learning difficulties are compounded by the impact of the blockade and the military operations on the education infrastructure. Some 280 schools and kindergartens were destroyed in a situation in which restrictions on the importation of construction materials meant that many school buildings were already in serious need of repair.

42. The Mission's attention was also drawn to the particular manner in which women were affected by the military operations. The cases of women interviewed by the Mission in Gaza dramatically illustrate the suffering caused by the feeling of inability to provide children with the care and security they need. Women's responsibility for the household and the children often forces them to conceal their own sufferings, resulting in their issues remaining unaddressed. The number of women who are the sole breadwinners increased, but their employment opportunities remain significantly inferior to men's. The

military operations and increased poverty add to the potential for conflicts in the family and between widows and their in-laws

43. The Mission acknowledges that the supply of humanitarian goods, particularly foodstuffs, allowed into Gaza by Israel temporarily increased during the military operations. The level of goods allowed into Gaza before the military operations was, however, insufficient to meet the needs of the population even before hostilities started, and has again decreased since the end of the military operations. From the facts ascertained by it, the Mission believes that Israel has violated its obligation to allow free passage of all consignments of medical and hospital objects, food and clothing (article 23 of the Fourth Geneva Convention). The Mission also finds that Israel violated specific obligations which it has as the occupying Power and which are spelled out in the Fourth Geneva Convention, such as the duty to maintain medical and hospital establishments and services and to agree to relief schemes if the occupied territory is not well supplied.

44. The Mission also concludes that in the destruction by the Israeli armed forces of private residential houses, water wells, water tanks, agricultural land and greenhouses there was a specific purpose of denying sustenance to the population of the Gaza Strip. The Mission finds that Israel violated its duty to respect the right of the Gaza population to an adequate standard of living, including access to adequate food, water and housing. The Mission, moreover, finds violations of specific human rights provisions protecting children, particularly those who are victims of armed conflict, women and the disabled.

45. The conditions of life in Gaza, resulting from deliberate actions of the Israeli armed forces and the declared policies of the Government of Israel – as they were presented by its authorized and legitimate representatives – with regard to the Gaza Strip before, during and after the military operation, cumulatively indicate the intention to inflict collective punishment on the people of the Gaza Strip in violation of international humanitarian law.

46. Finally, the Mission considered whether the series of acts that deprive Palestinians in the Gaza Strip of their means of sustenance, employment, housing and water, that deny their freedom of movement and their right to leave and enter their own country, that limit their access to courts of law and effective remedies could amount to persecution, a crime against humanity. From the facts available to it, the Mission is of the view that some of the actions of the Government of Israel might justify a competent court finding that crimes against humanity have been committed.

47. In its report the Mission also considered the following points:

- * Attacks by Israeli forces on government buildings and persons of Gaza authorities, including police.
- * Obligation on Israel to take feasible precautions to protect the civilian population and civilian objects in Gaza
- * Indiscriminate attacks by Israeli forces resulting in the loss of life and injury to civilians

- * Deliberate attacks against the civilian population
- * The use of certain weapons
- * Attacks on the foundations of civilian life in Gaza: destruction of industrial infrastructure, food production, water installations, sewage treatment plants and housing
- * The use of Palestinian civilians as shields
- * The Occupied Palestinian Territory: the West Bank, including East Jerusalem
- * Deprivation of liberty: Gazans detained during the Israeli military operations of 27 December 2008 to 18 January 2009
- * Objectives and strategy of Israel's military operations in Gaza
- * Restrictions on the freedom of movement in the West Bank

Conclusions and recommendations³²

A. Conclusions:

48. The Mission was of the view that Israel's military operation in Gaza between 27 December 2008 and 18 January 2009 and its impact could not be understood or assessed in isolation from developments prior and subsequent to it. The operation fitted into a continuum of policies aimed at pursuing Israel's objectives with regard to Gaza and the Occupied Palestinian Territory as a whole. These resulted in violations of international human rights and humanitarian law.

49. The continuum was evident most immediately with the policy of blockade that preceded the operations and those in the Mission's view amounted to "collective punishment intentionally inflicted by the Government of Israel on the people of the Gaza Strip". When the operations began, the Gaza Strip had been under a severe regime of closures and restrictions on the movement of people, goods and services for almost three years. The effects of the prolonged blockade did not spare any aspect of the life of the Gazans.

B. Recommendations

50. The Mission subsequently made recommendations to a number of United Nations bodies, Israel, and the international community on (a) accountability for serious violations of international humanitarian law; (b) reparations; (c) serious violations of human rights law; (e) the use of weapons and military procedures; (f) the protection of human rights organizations and defenders; (g) the blockade and reconstruction; and (h) follow-up to the Mission's recommendations.

³² A/HCR/12/48 (Advance 2) dated 24 September 2009

Human Rights Council Held Interactive Dialogue with Committee of Independent Experts on Follow-up to Recommendations in the Goldstone Report: 21 March 2011

51. The Human Rights Council held an interactive dialogue with the Committee of Independent Experts in international humanitarian and human rights law established pursuant to Council Resolution 13/9. The Committee was mandated to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side in the context of the follow-up to the report of the International Fact-Finding Mission on the Gaza Conflict, the Goldstone report³³.

52. Ms. Mary McGowan Davis, Chairperson of the Committee, in presenting the report of the Committee of Independent Experts, said that the Committee had carried out its work under considerable challenges and constraints, in particular as the Committee had not travelled to the West Bank or Gaza and had been unable to meet with a number of people who could have supplied first hand and updated information as to the status and impact of investigations and legal proceedings undertaken by the respective parties into the violations alleged in the report of the Fact-Finding Mission on the Gaza Conflict. Ms. McGowan Davis said that the Government of Israel refused to cooperate with any aspect of what it called the “Goldstone process” and expressed gratitude to the Palestinian Authority for the extensive cooperation provided throughout the term.

53. Ms. McGowan Davis went on to say that there was no indication that Israel had opened investigations into the actions of those who designed, planned, ordered and oversaw Operation Cast Lead as called for by the Fact-Finding Mission report. The Committee of Independent Experts noted the efforts of the Palestinian Authority and said that the Council of Ministers had established a Ministerial Committee with a mandate to issue recommendations about implementation of the report of the Palestinian Independent Investigation Commission. With regard to the de facto authorities in Gaza, the Committee acknowledged that they had made efforts to provide specific information concerning criminal investigations into alleged human rights violations committed by their security forces.

54. Speaking as a concerned country, Palestine thanked the Committee of Independent Experts for all the efforts they had made in discharging their mandate and welcomed the report, which reflected the forms of the investigations undertaken by Israel and the Palestinians. The Palestinian Authority had formed an independent Palestinian commission of inquiry, which had started its investigation according to international standards in occupied Jerusalem and the West Bank.

55. During the interactive dialogue speakers said that Israel had not cooperated with the Committee nor had it allowed access by its members, and some expressed dismay at the utter disrespect by Israel of its obligations and the total disregard to the resolutions of the Human Rights Council and the General Assembly. They called upon the international

³³ This report was presented as part of document AALCO/49/DAR ES SALAAM/2010/S 4, prepared for the Forty-Ninth Annual Session of AALCO, held in Dar es Salaam, United republic of Tanzania, 3-5 August 2010.

community to impress upon Israel its international legal responsibility emanating from its aggression in Gaza in January 2009. Several speakers said they were disappointed at the slow pace of investigations, and condemned the persistent non-cooperation of Israeli authorities with yet another United Nations-mandated mechanism. Due primarily to Israel's policy of non-cooperation with the Committee and other United Nations human rights mechanisms, the international community was deprived of the opportunity to objectively and independently assess the credibility of Israeli investigations into numerous incidents involving serious allegations of human rights violations.

56. Other speakers said they were dismayed by the Council's disproportionate focus on Israel. In the Human Rights Council the human rights records of all States should be addressed under one common item and they urged both parties to improve their human rights records.

The following recommendations were given by the Human Rights Commission last year, and as they are important they have been reiterated herein below.

57. **Prosecutor of the International Criminal Court:** with reference to the declaration under article 12 (3) received by the Office of the Prosecutor of the International Criminal Court from the Government of Palestine, the Mission considers that accountability for victims and the interests of peace and justice in the region require that the Prosecutor should make the required legal determination as expeditiously as possible.

58. **United Nations General Assembly:** The Mission *inter alia* recommends that the General Assembly should request the Security Council to report to it on measures taken with regard to ensuring accountability for serious violations of international humanitarian law and human rights in relation to the facts in this report and any other relevant facts in the context of the military operations in Gaza, including the implementation of the Mission's recommendations. The General Assembly may remain apprised of the matter until it is satisfied that appropriate action is taken at the domestic or international level in order to ensure justice for victims and accountability for perpetrators. The General Assembly may consider whether additional action within its powers is required in the interests of justice, including under its resolution 377 (V) on uniting for peace.

59. **State of Israel:** The Mission *inter alia* recommends that Israel should immediately cease the border closures and restrictions on passage through border crossings with the Gaza Strip and allow the passage of goods necessary and sufficient to meet the needs of the population, for the recovery and reconstruction of housing and essential services, and for the resumption of meaningful economic activity in the Gaza Strip;

60. The Mission recommends that Israel should cease the restrictions on access to the sea for fishing purposes imposed on the Gaza Strip and allow such fishing activities within the 20 nautical miles as provided for in the Oslo Accords. It further recommends

that Israel should allow the resumption of agricultural activity within the Gaza Strip, including within areas in the vicinity of the borders with Israel;

61. Israel should initiate a review of the rules of engagement, standard operating procedures, open fire regulations and other guidance for military and security personnel. The Mission recommends that Israel should avail itself of the expertise of the International Committee of the Red Cross, the Office of the United Nations High Commissioner for Human Rights and other relevant bodies, and Israeli experts, civil society organizations with the relevant expertise and specialization, in order to ensure compliance in this respect with international humanitarian law and international human rights law. In particular such rules of engagement should ensure that the principles of proportionality, distinction, precaution and non-discrimination are effectively integrated in all such guidance and in any oral briefings provided to officers, soldiers and security forces, so as to avoid the recurrence of Palestinian civilian deaths, destruction and affronts on human dignity in violation of international law;

62. The Mission recommends that Israel should allow freedom of movement for Palestinians within the Occupied Palestinian Territory - within the West Bank, including East Jerusalem, between the Gaza Strip and the West Bank, and between the Occupied Palestinian Territory and the outside world - in accordance with international human rights standards and international commitments entered into by Israel and the representatives of the Palestinian people. The Mission further recommends that Israel should forthwith lift travel bans currently placed on Palestinians by reason of their human rights or political activities;

63. The Mission recommends that Israel should release Palestinians who are detained in Israeli prisons in connection with the occupation. The release of children should be an utmost priority. The Mission further recommends that Israel should cease the discriminatory treatment of Palestinian detainees. Family visits for prisoners from Gaza should resume.

64. **International Community:** The Mission **inter alia** recommends that the States parties to the Geneva Conventions of 1949 should start criminal investigations in national courts, using universal jurisdiction, where there is sufficient evidence of the commission of grave breaches of the Geneva Conventions of 1949. Where so warranted following investigation, alleged perpetrators should be arrested and prosecuted in accordance with internationally recognized standards of justice. The Mission recommends that States involved in peace negotiations between Israel and representatives of the Palestinian people, especially the Quartet, should ensure that respect for the rule of law, international law and human rights assumes a central role in internationally sponsored peace initiatives.

E. Other Major Developments

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories: 27 August 2010

65. The UN Secretary-General transmitted to the members of the Sixty-Fifth General Assembly the forty-second report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories³⁴, which was submitted pursuant to General Assembly resolution 64/91. The most pertinent observations of the Committee were reflected in Part V of the report, wherein the Committee found there to be a long-standing pattern of violations of human rights by Israel, which are systematic and persistent. It found that Israel continued to fail to protect the occupied population and to meet its obligations under international human rights and humanitarian law. The Committee was concerned about the impact on women and children, who are particularly affected by the occupation and its associated regime. It concluded that a culture of impunity reigned, assisting in the repetition of the violations raised in previous years by the Committee and others.

66. Women continued to be particularly affected by the occupation and its associated regime. The Special Committee was presented with numerous cases illustrating the challenges faced by Palestinian women in relation to freedom of movement, residency rights, and violence against women by Israeli soldiers and settlers. Fear of deportation and subsequent family separation, harassment and violence dominated the lives of many women and their families.

67. The closure regime continued to infringe on a broad range of rights, including the rights to health, education, an adequate standard of living, work and family life. Witnesses stressed that a high proportion of the occupied population lived in poverty, many dependent on humanitarian assistance. Scores of Palestinian civilians were killed and injured by Israeli soldiers and settlers. Over 6,200 Palestinians were held in Israeli prisons and other detention facilities; torture and ill-treatment were reportedly widely used.

68. During the reporting period, the Israeli authorities intensified efforts to curtail human rights defence and civil activism. Dozens of Palestinian human rights and civil activists were arrested, detained, subjected to excessive force during demonstrations or prevented from travelling abroad. Human rights organizations in Israel faced considerable threats to their daily work. Notably, in April 2010, Knesset members introduced a draft bill that seeks to stop any non-governmental organization operating if “there are reasonable grounds to conclude that the association is providing information to foreign entities or is involved in legal proceedings abroad against senior Israeli government officials or IDF officers, for war crimes”.

³⁴ A/65/327 dated 27 August 2010. This is an abridged version of that report and brings out the salient points.

69. The human rights that were infringed could broadly be placed under the following heads and included: (i) Right to self-determination;(ii) Right to freedom of movement and freedom to choose one's residence; (iii) Right to life;(iv) Right to liberty and security of person: Prisoners and detainees and (v) Right to an adequate standard of living, including adequate food, clothing and housing.

Conclusions and recommendations

A. Conclusions

70. The information received by the Committee³⁵ showed a long-standing pattern of systematic violations of international human rights and humanitarian law by Israel. The culture of impunity, by which perpetrators of violations anticipate that they will not be brought to justice for their crimes, has allowed these violations to occur each year. Efforts to redress this situation should include criminal responsibility for perpetrators and the right to an effective remedy for victims.

71. The Committee was extremely concerned about efforts by Israel to transfer the occupied population from strategic areas of the Occupied Palestinian Territory, in contravention of its obligations under international humanitarian law. Forced evictions, home demolitions, the wall and revocation of residency rights resulted in forced displacement. Moreover, new legislation in the form of Military Orders Nos. 1649 and 1650 opened the door to wide-scale forced transfer or deportation.

72. The Committee was equally concerned about policies of collective punishment of the occupied Palestinian population, whether by means of the blockade on Gaza's 1.5 million inhabitants or by the restrictions on movement, including those resulting from the wall and its gate and permit regime. This overall closure policy, coupled with policies of separation of the West Bank from the Gaza Strip, resulted in a broad range of violations, not only of the right to freedom of movement but also of others, such as the rights to health, education and an adequate standard of living.

B. Recommendations

73. The Special Committee subsequently made recommendations to a number of United Nations bodies, Israel and the international community.

74. United Nations: Urge Member States to implement the recommendations of the Special

³⁵ This report of the Special Committee was based on oral and written testimonies and evidence collected from Palestinian, Israeli and Syrian witnesses, United Nations agencies and experts, international non-governmental organizations and government officials. In addition to this valuable material, the Committee would have benefited from visiting the occupied territories to see first-hand the situation on the ground and to discuss their findings with Israeli Government officials. However, the visit request was left unanswered.

Committee, and intensify diplomatic efforts, including the imposition of appropriate sanctions to enforce Israel's compliance with relevant United Nations resolutions, particularly Security Council resolutions, and with international humanitarian and human rights law;

75. **United Nations Security Council:** Urge the Security Council and Member States to ensure the implementation of the advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15, in which the Assembly requested Israel to comply with its legal obligation to cease the construction of the wall in the occupied territory; dismantle the segments already built; repeal all legislative and regulatory acts adopted in view of the construction of the wall; and make reparation for the damage arising from its construction;

76. Request the High Contracting Parties to the Fourth Geneva Convention to take concrete measures, in respect of their obligations under article 1, to ensure respect for the Convention by Israel.

77. **Government of Israel to *inter alia*:** (i) Stop its policies of confiscating land and of expanding settlements in the Occupied Palestinian Territory and the occupied Syrian Golan, which are contrary to international law; and ensure that Israeli forces protect Palestinian civilians and their property against settler violence, by carrying out prompt and thorough investigations and bringing to justice those responsible;

(ii) Restore freedom of movement for Palestinians throughout the Occupied Palestinian Territory by lifting the closure regime, and stop building roads accessible only to Israeli settlers and citizens and preventing access by Palestinians, in particular women and children, to their fields, schools, places of work, hospitals and other health-care facilities, as well as the passage of ambulances;

(iii) End the closure and collective punishment of the people of Gaza, and take urgent steps to end the current man-made crisis;

(iv) Cease construction of the wall in the Occupied Palestinian Territory and comply fully with the provisions of the advisory opinion of the International Court of Justice and all provisions of General Assembly resolution ES-10/15;

(v) Guarantee to prisoners and detainees from the Occupied Palestinian Territory a fair trial and detention conditions, in accordance with international humanitarian and human rights law;

(vi) Establish an independent and transparent system of accountability that ensures prompt and impartial investigations, that perpetrators are brought to justice and that victims enjoy the right to an effective remedy;

(vii) Refrain from obstructing the work of human rights defenders and peaceful civil activists and support and protect them in the context of their work; and

(viii) Stop all measures that result in the forcible displacement of Palestinians from their land, including by repealing Military Orders Nos. 1649 and 1650 or amending them to ensure their compliance with international humanitarian and human rights law.

F. Israel's continues its illegal expansionist settlement policy in the Occupied Palestinian Territory.

(1) UN and Partners Calls on Israel to Extend Moratorium on Settlements: 21 September 2010

78. The United Nations and its diplomatic partners in the search for a Middle East peace urged Israel to continue its settlement moratorium in the occupied Palestinian territory in the interests of resumed negotiations between the sides and called on Arab States to support the talks.

(2) UN Official Alarmed by Reports of Renewed Israeli Settlement Construction: 21 October 2010

79. Robert Serry, the UN Special Coordinator for the Middle East Peace Process, stressed that renewed settlement construction – which was illegal under international law – ran counter to the international community's repeated appeals to the parties to create conditions conducive to negotiations. He also pledged the world body's continued support to promote the resumption of successful negotiations.

80. Israel's partial settlement moratorium expired late last month, despite calls on Israel from the diplomatic Quartet – comprising the UN, European Union, Russia and United States – to renew it. Palestinian President Mahmoud Abbas had indicated he would not continue with negotiations unless Israel freezes settlement activity. Robert Sherry added that United States-led intensive diplomatic efforts, supported by the Quartet, were ongoing to facilitate the continuation of the negotiations.

(3) Secretary-General reiterates urging of Israel to fulfill obligations on settlements: 8 December 2010

81. Mr. Ban Ki Moon, the United Nations Secretary-General took note with regret that Israel would not heed the united call of the international community, as reflected by the Quartet, to extend the settlement restraint policy. He reiterated urging Israel to fulfill its Road Map obligation to freeze all settlement activity in the Occupied Palestinian Territory, including East Jerusalem.

(4) Security Council fails to adopt text demanding that Israel halt Settlement Activity: 18 February 2011

82. The Security Council failed to adopt a text that would have described as "illegal" Israeli settlements in Palestinian territory occupied since 1967 while reiterating demands that all settlement activity cease immediately.

83. Sponsored by nearly two thirds of the United Nations membership, the draft resolution was rejected following a vote of 14 in favour to 1 against (United States), resulting in a veto owing to the negative vote cast by a permanent Council member.

84. The text would have called upon both parties to act on the basis of international law, other obligations and previous agreements in order to improve the situation on the ground, build confidence and create the conditions necessary for advancing the peace process. It would also have called upon the parties to continue with negotiations on final status issues within the time frame specified by the Middle East diplomatic Quartet (United Nations, Russian Federation, United States, European Union), and urged intensified international and regional support for that effort.

85. Speaking before the vote, Lebanon's representative surveyed the recent acceleration of Israeli settlement construction in the West Bank, including East Jerusalem, following the end of the recent partial moratorium, and pointed out that the Security Council, the International Court of Justice and the General Assembly had all previously declared such settlement activity illegal, calling for a complete halt.

86. He said settlement activity was also barred by the Quartet "Road Map", and maintained that Israel continued to challenge all those opinions, with the number of settlers having exceeded 530,000. The purpose of the draft resolution had been to halt those illegal practices once and for all, allowing the Council to play its rightful role on the side of righteousness, he said, adding that Council action would continue to be demanded until there was a just peace, including a viable State of Palestine.

87. Other Council members then made brief statements explaining that they had voted in favour of the draft because it was their long-standing position that the settlements were illegal, constituting an obstacle to negotiations towards peace and a two-State solution. They reaffirmed their desire for a just and lasting solution with a viable State of Palestine living in peace with Israel. Some called for the establishment of such a State by September 2011, at the end of the Palestinian Authority's State-building programme.

88. The Permanent Observer for Palestine thanked all those who had worked hard to submit the draft, which was sensible, reflecting agreed language and principles. Unfortunately the Security Council had failed to uphold its responsibilities, he said, adding that the proper message that it should have sent to Israel was that its contempt for international law and the international community would no longer be tolerated. He feared, however, that today's result might only encourage further Israeli intransigence and impunity.

89. That situation must be remedied, lest the prospects for a negotiated two-State solution be placed in permanent jeopardy, he said. Since the situation on the ground in the Occupied Palestinian Territory was intolerable and the status quo untenable, Palestine would continue to consider all its options in the United Nations to promote the attainment of a just and lasting peace and the achievement of the inalienable right of the Palestinian people to self-determination in their own independent State, he said.

(5) UN Special Coordinator for the Middle East Peace Process, on Israeli settlement plans in East Jerusalem and the West Bank: 5 April 2011

90. The UN Special Coordinator for the Middle East Peace Process reiterated that Israeli settlement activity anywhere in occupied territory, including in East Jerusalem, was illegal and contrary to the Roadmap. He called on the Israeli Government to halt further planning for new settlement units, which undermined efforts to bring about resumed Israeli-Palestinian negotiations and prejudiced final status discussions.

G. Fact-finding Mission on the Israeli attack on the Flotilla carrying humanitarian assistance to Gaza presents report to human rights council : 27 September 2010

91. The United Nations Fact-Finding Mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance presented its report³⁶ to the Human Rights Council after the Council held its general debate on the human rights situation in Palestine and other occupied Arab territories.

92. Justice Karl Hudson-Phillips, Chair of the United Nations Fact-Finding Mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance, said the Mission made critical findings of fact which bore repetition. These included that no arms or weapons of an offensive nature were taken on board any of the vessels of the flotilla save for a few catapults. The Israeli soldiers used live ammunition on the passengers of the Mavi Marmara, killing nine and injuring over fifty with live bullets; six of the deceased were the victims of summary executions, two of whom were shot after they were severely injured and could not defend themselves. The treatment on shore was a continuation of the treatment onboard ship after the military had taken control. The Mission considered that the conduct of the Israeli military and other personnel towards the flotilla passengers was disproportionate and excessive and that they demonstrated levels of totally unnecessary violence, and that serious violations of both humanitarian and human rights law occurred during and after this incident.

93. Speaking as a concerned country, Palestine said that those attacked by Israel were from 20 different nationalities, many of whom were from Turkey, a very important country in the region and an important friend of Israel, which was playing an important role in achieving peace between Israel and its neighbours. There was not a single missile or a bullet or a lethal tool onboard the ships. The ships carried humanitarian assistance and the activists were a number of well-known individuals who carried important political and humanitarian messages. When Palestine called on Israel to cease using force, it was because it wanted to help Israel; it wanted Israel to use the language of peace and reason because the language of force could not be used to abide by the law. All criminals responsible for this incident must be held accountable, and the victims and their families must be compensated, Palestine said. Israel must apologize to all those who suffered in this incident.

³⁶ A/HCR/15/21 dated 27 September 2010

94. Turkey, also speaking as a concerned country, said that with its resolution 14/1, the Human Rights Council reacted promptly to the Israeli military assault on the flotilla of ships carrying humanitarian assistance to Gaza, giving proof of its capacity to respond to urgent situations. The Mission had further increased the credibility of the Council in translating words into deeds - victims of human rights violations now had more confidence in the Council as a United Nations body to which they could address their call for justice. The report put the record straight: the military attack on the humanitarian flotilla was tantamount to a series of grave violations of international law, international humanitarian law, and international human rights law. In such a case, the Government concerned would be expected to apologise and take necessary diplomatic and legal action to redress the situation. Alas, Israel had chosen to enhance its reputation for non-compliance with international laws and norms, feeling free to use disproportionate force whenever and wherever it wished, considering itself above the law. In the face of such a blatant case of violation of human rights, the Council was expected to show perseverance by acting on the report produced, which outlined in its conclusions what the Israeli authorities should do to satisfy the right to remedy of all victims.

95. Palestine, also speaking as a concerned country, said the debate that day was on the human rights situation in the Occupied Palestinian Territories and other Arab Occupied Territories. The great democracy of the occupying power was one that coexisted with occupation and if that was the modern concept of democracy, then the exercise of this concept should be done as countries saw fit. Democracy was not attacking other people, stealing their resources and killing. Israel continued to violate the human rights of the Palestinian people, refused to live up to its international obligations and denied the facts that were happening on the ground. Palestine made a number of recommendations to Israel, including that Israel recognise the right to self-determination of the Palestinian people, cease the construction of the segregation wall, recognize the right of return of refugees, cease settlement activities in the Occupied Palestinian Territories and the exploitation of wealth of the Palestinian people, guarantee access to places of worship, disband and remove all roadblocks to allow people to exercise their right to free movement, and that it stop the occupation of the Palestinian territories, which was the gravest violation of all.

96. During the general debate on the human rights situation in Palestine and other occupied Arab territories, speakers, among other issues, raised concerns about the humanitarian and human rights situation in the Occupied Palestinian Territories, the occupied Syrian Golan and in Gaza, where Israel continued its daily grave and systematic violations of human rights. Occupation remained the single most important cause of human rights violations in those territories, and Israel should wake up to this reality and make efforts to end it. Speakers requested that Israel should, among other things, stop all settlement activities in the occupied Palestinian territory, lift checkpoints, open borders and crossing points, immediately lift the siege on the Gaza Strip, and refrain from any measures aimed at altering the legal, geographic and demographic character or status of Jerusalem.

97. Several speakers strongly welcomed the launch of direct negotiations between Israel and the Palestinian Authority and called upon all parties to respect international humanitarian and human rights law, combat impunity, and focus on the principle of accountability. The negotiations should lead to a two-State solution with Israel and an independent and viable State of Palestine living side by side in peace and security, countries agreed. To that end speakers saw the necessity for the participation of the international community, with this Council playing an important role in creating an atmosphere of cooperation for all parties to work together.

Human Rights Council adopts texts on follow-up on Report of fact-finding mission on Flotilla attack and on Committee of Independent Experts on Gaza conflict: 29 September 2011.

98. The Human Rights Council adopted six resolutions on follow-up to the report of the Independent International Fact-Finding Mission on the flotilla attack³⁷; follow-up to the report of the Committee of Independent Experts on the Gaza conflict in which it renewed the mandate of the Committee; the Special Rapporteur on contemporary forms of slavery in which it renewed her mandate for three years; independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers; the right to education; and forensic genetics and human rights.

99. In a resolution on follow-up to the report of the Independent International Fact-Finding Mission, which was dispatched to investigate violations of human rights law and international humanitarian law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance, the Council endorsed the conclusions contained in the report of the Mission, and called upon all concerned parties to ensure their immediate implementation. The Council also recommended that the General Assembly consider the report of the Mission. The resolution was passed by a vote of 30 in favour, 1 against and 15 abstentions.

100. In a resolution on follow-up to the report of the Committee of Independent Experts in international humanitarian and human rights law³⁸ on the Gaza conflict, the Council urged the Palestinian Independent Commission of Investigations to complete its investigations in order to cover the allegations contained in the report of the Independent International Fact Finding Mission in the Occupied Gaza Strip. It condemned the non-cooperation by Israel, the occupying power, which hampered the Committee's assessment of Israel's response to the call by the General Assembly and the Human Rights Council to conduct investigations that were independent, credible and in conformity with international standards. It also renewed and resumed the mandate of the Committee. The resolution was adopted by a vote of 27 in favour, 1 against, and 19 abstentions.

³⁷ A/HRC/15/L.33

³⁸ A/HRC/15/L.34

Report of Mr. Richard Falk, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967: 10 January 2011³⁹

101. The report addresses Israel's compliance with its obligations under international law, in relation to the situation in the Palestinian territories that it had occupied since 1967. Israel's persistent lack of cooperation with the fulfilment of the mandate of the Special Rapporteur, as well as other United Nations human rights mechanisms, was highlighted. The Special Rapporteur focuses attention on concerns regarding the expansion of Israeli settlements, in particular in East Jerusalem, the consequences of the Israeli blockade of the Gaza Strip and the treatment of Palestinian children detained by Israeli authorities.

H. UN International Meeting on the Question of Palestine, Vienna, 7-8 March 2011.

102. The UN Secretary-General Ban Ki-moon in his message to the United Nations International Meeting on the Question of Palestine stated that the theme of the meeting, "*The urgency of addressing the plight of Palestinian political prisoners in Israeli prisons and detention facilities*", was very important to the effort to reach a just and lasting peace.

103. When the Secretary-General visited the Occupied Palestinian Territory and Israel a year ago, he expressed his concerns about the thousands of Palestinian prisoners held in Israeli detention facilities, and publicly urged Israel to release prisoners as called for by the Palestinian Authority. He said that such a release would serve as a significant confidence-building measure. The United Nations would continue to raise this issue with the Israeli leadership.

104. He said that the UN continues to follow closely the well-being of those in detention, including approximately 200 minors and 200 individuals held in administrative detention without trial. It is Israel's responsibility to comply fully with its obligations as an occupying Power under international law, including the Fourth Geneva Convention. The International Committee of the Red Cross plays an important role in this regard as well.

105. The Secretary-General also noted with concern that elected Palestinian representatives had been detained by Israel, and that even after their release, three from East Jerusalem were under threat of forcible transfer and were residing at the Red Cross premises, while another had been deported to Ramallah. The United Nations opposes measures of forcible transfer and remained engaged on this issue, which has broader implications for the human rights of Palestinian East Jerusalemites.

106. He noted with concern that momentous changes were sweeping the region, and it was deeply frustrating that efforts to achieve Israeli-Palestinian peace remained at an impasse.

³⁹ A/HRC/16/72

107. Settlements were among the main impediments. They are illegal and contrary to the Road Map, and it remained Israel's obligation to freeze settlement activity.

108. The Middle East Quartet, when it met last month in Munich, reaffirmed its commitment to achieve a comprehensive, just and lasting peace that ends the 1967 occupation and resolves all permanent-status issues. The Quartet was currently engaged with the parties on how to bring about resumed negotiations.

109. The Palestinian Authority continued to make progress in institution-building and the delivery of public services, which left it well positioned for the establishment of a State at any point in the near future. Israelis should be comforted by the emergence of a reliable partner and neighbour committed to Israel's right to live in peace and security, opposed to violence and terrorism, and able to deliver on the ground.

110. In conclusion he hoped that the international community, including the Quartet, must therefore intensify its efforts to help the parties overcome the current obstacles and achieve a comprehensive, just and lasting peace, based on relevant Security Council resolutions, land for peace, the Madrid principles, agreements between the parties, the Road Map and the Arab Peace Initiative.

III. COMMENTS AND OBSERVATIONS OF THE AALCO SECRETARIAT

111. Forty-four years have elapsed since Israel first illegally occupied the Palestinian Territories in 1967, however despite all legal efforts exerted by the international community to persuade Israel to stop its illegal expansionist settlement activities and declare Palestine as an Independent State, that occupation continues till date, without an early solution in site.

112. Gaza has been under heightened Israeli blockade since June 2007. The massive military operation in the occupied Gaza Strip has caused grave violations of international humanitarian law and the human rights of the Palestinian civilians therein. The illegal Israeli siege imposed on the occupied Gaza Strip, including the closure of border crossings and the cutting of supply of food, medicine and fuel, constitutes collective punishment of Palestinian people and has lead to disastrous humanitarian and environmental consequences.

113. The attacks on Gaza between 27 December 2008 and 18 January 2009 and with the closure of all its borders, had in fact taken away from the Palestinian civilians their "right to seek refuge in other territories", and this new situation had the potential of acquiring yet another violation of human rights of Palestinian people. Many of the concerns raised by the Special Rapporteur, Mr. Richard Falk merit serious consideration and he has very eloquently elaborated the violations and non-compliance with established principles of international law by the State of Israel on the civilians in the Occupied Palestinian Territory. The Gaza offensive defied all the principles enshrined in

International Humanitarian Law as Israel launched the most disproportionate attack against innocent civilians.

114. Further, the destruction of the Gaza Strip's electricity power station, water networks, bridges, roads and other infrastructure are a clear violation of the Fourth Geneva Convention of 1949 and it would have major long-term humanitarian consequences for the inhabitants of the Gaza Strip. As the occupying power, Israel is bound under international law to protect and safeguard the basic human rights of the Palestinian population.

115. Furthermore, people were not the only victims of the hostilities, the peace process that had been underway since the Annapolis Conference (November 2007) has also been affected. At this juncture the international community is faced with the double challenge of providing humanitarian assistance to the Palestinian people, engage in early recovery and reconstruction and also restart the peace process.

116. The developments in both Israel and Palestine have direct effect on the peace process. Creating an atmosphere conducive for peace should be the priority of both Israelis and Palestinians. The urgency of the international community should be to establish an independent and sovereign Palestinian State, which is democratic in character and could have peaceful coexistence with its neighbours and in consonance with the Resolutions of the UN General Assembly and Security Council.

117. It is also noted that the settlements established by Israel on Palestinian territory and in East Jerusalem are in clear violation of International Law and this has been established beyond doubt by the International Court of Justice (ICJ) in its 2004 ruling, *Legal consequences of the construction of a wall in the occupied Palestinian territory*. Israel opposed the General Assembly's resolution asking the ICJ to render its opinion on this question.

118. An occupation regime that refuses to earnestly contribute to efforts to reach a peaceful solution should be considered illegal. The occupant has a duty under international law to conduct negotiations in good faith for a peaceful solution⁴⁰. It would seem that an occupant who proposes unreasonable conditions, or otherwise obstructs negotiations for peace for the purpose of retaining control over the occupied territory, could be considered a violator of international law.

119. The international consensus has been expressed through widely supported resolutions passed by the UN Security Council (UNSC) and UN General Assembly (UNGA). The UN Security Council Resolutions 242, 338, and 1515 affirmed the legal obligation of Israel to withdraw from Palestinian territories obtained in the 1967 six-day war. The principle of land for peace laid down in these resolutions must be the end point of any peace process that can bring lasting peace, since all Israeli measures are for so called security reasons.

⁴⁰ Camp David Negotiations of 2000

120. Israel is obliged to respect and be bound by the relevant principles of international law contained in the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August, 1949, in particular those provisions of the Convention that require an occupying power to protect the status quo, human rights and prospects for self-determination of the occupied people. Since 1967, Israel has refused to accept this framework of legal obligations. Not only has Israel failed to withdraw from the occupied territories, it has in fact created heavily armed settlements, bypass roads and security zones in the midst of a future Palestinian state that seriously compromises the basic Palestinian rights.

121. Another important point to be considered is that in order to arrive at any tangible solution the question of Palestinian refugees must be addressed, and resolved in accordance with General Assembly resolution 194 (1948) and established principles of international law.

122. Until all the rights accorded to the Palestinian people by virtue of the principles enshrined in international law, are respected by Israel, the Palestinian right of resistance to the occupation, established by a consensus within the UN would continue. The UN consensus is particularly persuasive because the Palestinian right of self-determination is recognized by a majority of States, the UN has made clear the legal rights and duties in the Israeli-Palestinian conflict in a series of widely supported resolutions, as well as in the Road Map and Arab Peace Initiative.

123. AALCO as the only inter-governmental legal Organization in the Asian and African region would continue to reiterate the urgent need on the part of the international community to seriously address all of the above mentioned grave violations and severe breaches of international law, including international humanitarian law, being committed by the occupying power, against the Palestinian people. In the resolutions adopted at the successive Annual Sessions, AALCO has demanded that the Occupying Power "Israel", comply fully with the provisions and principles of the Charter of the United Nations, Universal Declaration of Human Rights, the Regulations annexed to the Hague Convention of 1907 and the Geneva Conventions in particular the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, in order to protect the rights of Palestinians.

ANNEX-I

Draft Resolution for the Fiftieth Annual Session

AALCO/RES/DFT/50/S 4
1 JULY 2011

THE DEPORTATION OF PALESTINIANS AND OTHER ISRAELI PRACTICES AMONG THEM THE MASSIVE IMMIGRATION AND SETTLEMENT OF JEWS IN ALL OCCUPIED TERRITORIES IN VIOLATION OF INTERNATIONAL LAW PARTICULARLY THE FOURTH GENEVA CONVENTION OF 1949 (*Deliberated*)

The Asian-African Legal Consultative Organization at its Fiftieth Session,

Having considered the Secretariat Document No.AALCO/50/COLOMBO/2011/S 4,

Noting with appreciation the introductory remarks of the Deputy Secretary-General;

Recalling and reiterating the decisions taken at the consecutive Annual Sessions of the Asian-African Legal Consultative Organization since 1988, when the topic was first introduced on the agenda of the Organization, in particular the decisions adopted on 22 April 1998 and 23 April 1999,

Also recalling and reiterating the resolutions adopted on 23 February 2000; RES/40/4 of 24 June 2001; RES/41/4 of 19 July 2002; RES/42/3 of 20 June 2003; RES/43/S 4 of 25 June 2004; RES/44/S 4 of 1 July 2005; RES/45/S 4 of 8 April 2006; RESW/46/S 4 of 6 July 2007; RES/47/S 4 of 4 July 2008; RES/48/S 4 of 20 August 2009, and RES/49/S 4 of 8 August 2010,

Having followed with great interest the deliberations on the item reflecting the views of Member States;

Being concerned with the serious obstacles created by the occupying power, which hinder the achievement of a just and lasting peace in the region;

Recognizing that the massive Israeli military operation in the Occupied Palestinian Territories, particularly in the occupied Gaza strip, has caused grave violations of the human rights of the Palestinian civilians therein and international humanitarian law, and exacerbated the severe humanitarian crisis in the Occupied Palestinian Territories;

Also recognizing that the Israeli siege imposed on the occupied Gaza strip, including the closure of border crossings and the cutting of the supply of fuel, food and medicine, constitutes collective punishment of Palestinian civilians and leads to disastrous humanitarian and environmental consequences;

Welcoming the international and regional initiatives for peace in the Middle East;

Condemning Israel's acts of violence and use of force against Palestinians, resulting in injury, loss of life and destruction, coercive migration and deportation in violation of human rights and the Fourth Geneva Convention of 1949;

Stressing the need to compliance with existing Israeli – Palestinian agreements concluded in order to reach a final settlement;

Being concerned about the continuing dangerous deterioration of the situation in the Occupied Palestinian Territories, including East Jerusalem and Gaza strip, the continuous deportation of Palestinians from their homeland, and the continuing serious and systematic violation of human rights of the Palestinian people by Israel, the occupying power, including that arising from the excessive use of force, the use of collective punishment, the occupation and closure of areas, the confiscation of land, the establishment and expansion of settlements, the construction of a wall in the occupied Palestinian Territories, the destruction of property and infrastructure, use of prohibited weapons and all other actions designed to change the legal status, geographic composition of the Occupied Palestinian Territories, including East Jerusalem and Gaza strip, and about war crimes and crimes against humanity committed in these territories, and calling for the implementation of the relevant United Nations resolutions on the humanitarian situation of the Palestinian people;

Recalling the Advisory Opinion rendered by the International Court of Justice in the case concerning the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and related General Assembly Resolution (A/RES/ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006), as well as the United Nations initiative of establishment of a Register of Damage arising from the construction of the separation wall;

Being deeply concerned about the tenacity of Israel in proceeding with the construction of wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, which is contrary to international law;

Acknowledging with deep concern that the Security Council is still unable to adopt a resolution stipulating the illegality of the Israeli expansionist wall;

Expressing its support to the Arab Peace Initiative for resolving the issue of Palestine and the Middle East, adopted by the 14th Arab Summit held in Beirut (Lebanon) on 28 March 2002 and reaffirmed in the 19th Summit Conference of the League of Arab

States, Riyadh, 28-29 March 2007 as well as other peace initiatives, including the Quartet Road Map;

Taking note of conclusions and outcomes of all events held at both regional and international levels aiming at the achievement of a just, durable and comprehensive solution of the question of Palestine;

Affirming that a comprehensive, just and durable solution can only be achieved by ending the occupation in pursuance of the Charter of the United Nations, existing agreement between the parties and the relevant Security Council and General Assembly resolutions, which will allow all the countries of the region to live in peace, security and harmony:

1. **Urges** its Member States to take part in the peace process/efforts exerted by the international community for the achievement of a just and comprehensive solution of the question of Palestine on the basis of relevant Security Council resolutions, including 242 (1967), 338 (1973), 425 (1978), 1397 (2002) and 1860 (2009); and relevant General Assembly Resolutions, including 194 (1949) on the formula of “land for peace” and the legitimate rights of the Palestinian people, and expressing solidarity with the Palestinian people and their elected leadership.
2. **Takes note** of the United Nations Secretary General’s Board of Enquiry as transmitted on 4 May 2009 to the Security Council as well as the findings of the recent report of the Special Rapporteur of the Human Rights Council and other regional organizations.
3. **Also takes note** of the report of the Independent Fact Finding Committee on Gaza presented to the League of Arab States on 30 April 2009.
4. **Strongly condemns** the shocking developments that have continued to occur in the Occupied Palestinian Territory, including East Jerusalem, including the deportation of Palestinians from their homeland, the large number of deaths and injuries, mostly among Palestinian civilians, the acts of violence and brutality against Palestinian civilians, the widespread destruction of public and private Palestinian property and infrastructure, the internal displacement of civilians and the serious deterioration of the socio-economic and humanitarian conditions of the Palestinian people.
5. **Demands** that Israel, the Occupying Power, comply fully with the provisions and principles of the Charter of the United Nations, Universal Declaration of Human Rights, the Regulations annexed to the Hague Convention of 1907 and the Geneva Conventions in particular the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, in order to protect the rights of Palestinians.

6. **Also demands** that Israel positively respond to the 2009 Report of Mr. Richard Falk the Special Rapporteur for the Palestinian Territories Occupied Since 1967 and 2010 Report and Recommendations of Justice Goldstone, United Nations Fact Finding Mission on the Gaza Conflict in order to protect the rights of Palestinians.
7. **Further Demands** that Israel comply with its legal obligations as mentioned in the Advisory Opinion rendered by the International Court of Justice in the case concerning the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, and related General Assembly Resolution (A/RES/ES-10/15 of 20th July 2004).
8. **Strongly demands** that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory.
9. **Strongly deplores** the Israeli blockade of the Gaza strip and its consequent human rights and humanitarian law violation and the Israeli attack against the humanitarian aid Flotilla.
10. **Further demands** for an immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction of property and calls for the immediate and full withdrawal of Israeli (occupying) forces from Palestinians territories in implementation of Security Council Resolutions, including 1402 (2002), 1403 (2002), 1515 (2003), and 1544 (2004) as a first step for ending the Israeli occupation of Palestinian territories occupied since 1967.
11. **Calls upon** Israel to ensure the return of refugees and displaced Palestinians to their homes and the restoration to them of their properties, in compliance with the relevant UN resolutions.
12. **Directs** the Secretariat to closely follow the developments in occupied territories from the view point of relevant legal aspects.
13. **Decides** to place the item on the provisional agenda of the Fifty-first Annual Session.