



DIVISION FOR  
PALESTINIAN RIGHTS

# Bulletin

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

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## **I. CHAIR OF AD HOC LIAISON COMMITTEE URGES DONORS TO INCREASE SUPPORT FOR PALESTINE**

*On 3 April, Ine Eriksen Sjøreide, Chair of the Ad Hoc Liaison Committee (AHLC) and Minister of Foreign Affairs of Norway, issued the following [statement](#).*

This week, the Ad Hoc Liaison Committee (AHLC) was due to meet in Brussels, hosted by the EU, to assess the fiscal situation and outlook for the Palestinian Authority. The coronavirus pandemic prevented the meeting from being held. The spread of the coronavirus has triggered a global crisis that challenges almost all countries' public health services and with deep impact on every society. It is a major challenge also for the Palestinians and the Israelis.

The Chair of the AHLC has consulted the Palestinian Authority (PA), Israel, the United Nations, the World Bank, the EU and the international donor community on how to best coordinate the efforts to counter the spread of the coronavirus in Palestine and to mitigate the impact of the pandemic on the already fragile Palestinian economy. Both the PA and Israel responded fast to the emerging crisis by imposing measures at an early stage to combat the spread of the coronavirus. We commend the cooperation established between the Palestinian and Israeli authorities to fight against the outbreak of Covid-19, and urge the parties to continue to enhance this cooperation. We also welcome the ongoing improved cooperation between the two parties and the UN, the World Bank, the EU and other key partners, including regarding the Gaza Strip, which given its particular vulnerability is facing a dire humanitarian situation.

The Covid -19 crisis has financial, economic and humanitarian ramifications for the PA. The PA faces a fiscal challenge with a significant drop in revenues as the steps to stem the transmission of the coronavirus lead to a slowdown in activity, and increased demand for epidemic related expenditures. The fiscal gap after projected international donor support could exceed 1 billion USD and will jeopardize both the PA's ability to offer essential public services and to fight against the coronavirus. The crisis threatens the living conditions of the Palestinian population, may paralyze Palestinian institutions and undermine the goal of achieving a negotiated two-state solution.

The Palestinian health system, in the West Bank and particularly in Gaza, will be put under severe stress to handle the pandemic outbreak. We commend the PA for their early efforts to prevent the spread of the coronavirus. The PA issued on 26 March a Strategic Response Plan of immediate humanitarian measures during a three months period, with a particular focus on interventions in the health sector, with a financing need estimated now at USD 137 million.

International funding in response to the crisis should be swift and substantial and aim at strengthening the PA's capacity to mitigate the effects of the Covid-19 crisis on the Palestinian economy and health situation, including additional needs of Palestinian workers who return from Israel. In addition to the ongoing efforts by the PA and the supportive efforts by Israel, the UN plays a key role in responding to the Covid -19 situation in Palestine, especially in Gaza. In line with the PA's Strategic Response Plan, the UN Humanitarian Country Team launched on 27 March its response plan for Palestine with immediate needs of USD 34 million. The World Bank has at the disposal of all donors a multi-donor trust fund channeling budget support to the PA. The EU has offered to put at disposal of all donors a sound and secure mechanism for direct financial support to the budget of the Palestinian Authority (PEGASE). UNRWA has the outreach capacity

to reach Palestine refugees that is crucial not least during the Covid -19 pandemic. UNRWA's financial situation is critical.

International support for measures to mitigate effects of the Covid -19 crisis and protect the health of the population, should be guided by Palestinian priorities and implemented in coordination with the PA. The UN, with its presence and capacity on the ground in Gaza, is particularly well placed to play a key role in supporting the PA implementing measures there. All actors should ensure maximum cooperation and coordination where required with regard to Covid -19 response. We call upon the international donor community and the parties to take the following actions and measures:

**Donors:**

Increase and frontload their budget support to the PA, directly or through the World Bank trust fund or the EU's PEGASE mechanism.

Consider more flexibility to ensure that already committed funding is able to be channeled to meet the new and emerging priorities, including considering reallocating development funds to budget support or to directly cover budget line item expenditures.

Increase without delay local funding for immediate response (humanitarian and medical support). Donors are encouraged to provide support to the West Bank and Gaza, including to the East Jerusalem hospitals, through financing the PA response plan and the Inter-Agency response plan led by the UN Resident and Humanitarian Coordinator. They are further encouraged to prioritize implementation in Gaza either through the PA or through organizations like the UN who already have presence and capacity there.

Disburse their announced contributions to UNRWA without delay, and consider contributing further support to the programme budget and emergency appeals.

Step up their support for the private sector and business as well as measures to alleviate social tensions.

**PA:**

As the main responsible for all efforts to combat the spread of the coronavirus as well as implementing the necessary steps to handle the economic implications of the current situation, PA should continue to coordinate with the international community and Israel all efforts to counter the spread of the COVID-19 in the West Bank, including East Jerusalem, and in Gaza.

Take emergency measures to reduce monthly spending while reorienting its expenditures around emergency health services and direct support to affected households, workers, and private sector firms.

Continue to the extent possible to deliver basic services to the Palestinian population and salaries to employees in the public sector. Prioritize funds to the health sector, including medical supplies, both in the West Bank and Gaza.

Renew efforts to achieve agreements with Israel on the unresolved fiscal files that have the potential to impact positively on recovery of the Palestinian economy from the crisis.

**Israel:**

Continue to facilitate access and movement, including supply lines of medical goods, relevant equipment, materials, humanitarian workers etc. especially to Gaza.

Mitigate the shortfall of PA revenues by pre-paying a mutually agreed fixed and predictable level of monthly clearance revenues, and releasing any other additional or outstanding amount available. Allow the maximum number possible of workers to continue to work in Israel and find compensation for absent days, while finding ways with the PA to reduce to a minimum the risk of contamination between the societies, including the provision of safe housing for those staying in Israel. 3. Renew efforts to achieve agreements with the PA on the unresolved fiscal files that have the potential to impact positively on recovery of the Palestinian economy from the crisis.

Achieving the highest possible degree of economic stability for the PA, as well as combating the further spread of the coronavirus, is a key interest for the PA and for Israel alike. Overcoming this extraordinary and global crisis together could also facilitate the broader efforts by the parties and the international community to achieve a negotiated two-state solution.

Norway, as Chair of the AHLC, in coordination with the EU is still planning to convene a meeting of the donor group towards the summer. The further fight against the coronavirus and restrictions on travelling and social distancing will define whether this will be possible and in which format. Our planned AHLC Ministerial Meeting in New York in September remains on the calendar.

**II. UN SECRETARY-GENERAL'S ENVOYS TO THE MIDDLE EAST  
ISSUE JOINT APPEAL FOR IMPLEMENTATION OF A CEASEFIRE**

*On 11 April, Geir O. Pedersen, United Nations Special Envoy of the Secretary-General for Syria, Jan Kubis, UN Special Coordinator for Lebanon, Jeanine Hennis-Plasschaert, UN Special Representative of the Secretary-General for Iraq, Martin Griffiths, UN Special Envoy of the Secretary-General for Yemen, and Nickolay Mladenov, UN Special Coordinator for the Middle East Peace Process issued the following [press release](#).*

On 23 March, the Secretary-General launched an appeal for an immediate Global Ceasefire, urging all warring parties to pull back from hostilities, put aside mistrust and animosity, and silence their guns. Many parties have responded positively to the Secretary-General's appeal, but more needs to be done to translate these words into actions.

Too many in the Middle East have endured conflict and deprivation for far too long. Their suffering is now compounded by the COVID19 crisis and its likely long-lasting social, economic and political impacts.

**We call on all parties to engage**, in good faith and without preconditions, on negotiating immediate halts to ongoing hostilities, sustaining existing ceasefires, putting in place more durable

and comprehensive ceasefires, and achieving longer-term resolutions to the persistent conflicts across the region.

**We also appeal to all to exercise maximum restraint**, de-escalate tensions and work to resolve differences through dialogue, negotiation, mediation or other peaceful means. We further call on all to refrain from any activities that can lead to further deterioration of stability and security in any country or the region as a whole.

**We urge parties to reach out across conflict lines** and cooperate locally, regionally and globally to stop the rapid spread of the virus and, where possible, to share resources, and allow access to medical facilities where needed.

**We call on all sides to facilitate humanitarian access and assistance** to the internally displaced and refugees, communities under siege, and all who have been ravaged by war and deprivation, without prejudice or discrimination. This requires fast-tracking the passage of health and aid workers at borders and in-country and ensuring they are protected. We further call on all to facilitate safe, voluntary and dignified return of refugees and IDPs to their homes by urgent, effective and meaningful action and measures.

**We call for special attention to the plight of the detained**, the abducted and the missing, and for humanitarian releases, access for humanitarian organizations, and urgent steps to ensure adequate medical care and protective measures in all places of detention.

**We call on all partners at a time when all are facing immense national challenges**, to work with the UN on urgent international response plans and recovery measures. No country, region or community can face the challenge of COVID-19 alone. Solidarity is required today and will be very much needed tomorrow.

Our teams will continue to focus on preventive diplomacy, on assisting all efforts to respond to the health and socio-economic consequences of the crisis, support broad cooperation in the interest of peace and the well-being of all, work relentlessly to facilitate humanitarian access to the most vulnerable, and engage resolutely for these objectives.

None of these efforts will succeed if the guns of war and conflict are not silenced. At a time like this, partisanship and narrow interests must yield to the greater cause and the good of the people. That is why we echo the Secretary-General in calling on all parties in the Middle East to work with the UN so we can “focus on the true fight of our lives.”

### **III. UN SPECIAL COORDINATOR ISSUES STATEMENT ON SOCIO-ECONOMIC IMPACT OF THE COVID-19 PANDEMIC IN THE OPT**

*On 12 April, Nickolay Mladenov, United Nations Special Coordinator for the Middle East Peace Process, issued the following press [statement](#).*

I am concerned about the socio-economic consequences of the COVID-19 health crisis on the Palestinian people, particularly vulnerable communities in Gaza.

In addition to the public health implications of the pandemic, the negative shock to the Israeli and Palestinian economies will have profound implications for public welfare, employment, social cohesion, financial and institutional stability.

If current trends continue, the damage to the Palestinian economy will be substantial.

Economic contraction and necessary public health restrictions are having an adverse effect on the economy and the viability of the Palestinian Authority (PA). Revenues from trade, tourism and transfers have declined to their lowest levels in the last two decades. It is estimated that the fiscal gap for 2020 will reach USD 1 billion by the end of the year.

The Palestinian Central Bureau of Statistics (PCBS) projects that a three-month shutdown and a six-month shutdown would lead to GDP contractions of 5.1 percent and 7.1 percent, respectively. A decline of 7 percent of GDP would represent a negative shock among the largest annual contractions recorded since reliable statistics began in 1994.

With very limited control over its economy, the Palestinian Government does not have access to the conventional monetary and fiscal tools necessary to remedy the crisis. These are in the hands of Israel.

Preserving the functioning and stability of the PA is vital to the security and well-being of both Palestinians and Israelis alike.

The current situation is extremely dangerous and calls for bold action by all stakeholders.

I welcome Prime Minister Shtayyeh's announcement of an emergency budget aimed at keeping public spending to a minimum. This budget should focus on health-related expenditures, income support to vulnerable Palestinians, support for affected firms, especially small and medium enterprises, and continuity of government, including salaries and security-related expenditures. All spending should be oriented to these priorities. Gaza's specific needs must be adequately addressed too.

Israel has a critical responsibility. I welcome the emergency transfer of some ILS 120 million last month to the PA. This is an important first step. Urgent discussions however need to take place on how Israel can ensure regular transfers, even if clearance revenues continue to fall, in order to guarantee a smooth functioning of Palestinian institutions and service delivery to the Palestinian people. Both parties must work quickly to resolve barriers standing in the way of regular transfers, including withheld clearance revenues.

The Palestinian Government will also require generous external support and technical assistance that is targeted directly to the recovery process. This demands improved coordination among donors with a focus on prioritized, targeted and integrated programming that guarantees transparency and accountability of funding.

The Ad Hoc Liaison Committee (AHLC) forum provides the platform for support to the PA as we move forward on the recovery process. I welcome the statement of the Chair of the AHLC on 3 April 2020, calling for strong international donor support.

The UN has been working closely with all stakeholders to ensure coordinated assistance to the health networks dealing with the spread of the virus in the occupied West Bank, including East Jerusalem, and Gaza.

We stand ready to support the Palestinian Government’s socioeconomic response plan and urge all stakeholders to do the same.”

#### **IV. UN SECRETARY-GENERAL’S DEPUTY SPOKESPERSON HIGHLIGHTS NEED TO AVOID ANY STEPS THAT COULD ENDANGER THE PEACE PROCESS**

*Farhan Haq, Deputy Spokesperson for the United Nations Secretary-General, made the following [remarks](#) during the daily press briefing of 13 April.*

...

Deputy Spokesman: Regarding the situation in the Jordan Valley, we’ve repeatedly spoken out — the SecretaryGeneral, Nickolay Mladenov and others — against... about the need to avoid any unilateral steps and any steps that could endanger the peace process, and we continue to do so. At this stage, of course, what we are encouraging is for the Israelis and the Palestinians to work together in the fight against COVID19, and Mr. Mladenov has been encouraged by the cooperation that the two parties have been showing as they try to deal with the pandemic.

...

#### **V. PALESTINIAN RIGHTS COMMITTEE HOLDS VIRTUAL CONVERSATION WITH UNRWA IN GAZA**

*On 14 April, the Palestinian Rights Committee held a virtual conversation with Matthias Schmale, UNRWA Director of Operations in Gaza, on “The COVID-19 Pandemic in Gaza and Ways to Mitigate its Impact on Palestine Refugees”. The [Chair’s summary](#) of the event is replicated below.*

The Event on “The COVID-19 pandemic in Gaza and ways to mitigate its impact on Palestine refugees” was convened virtually, on 14 April, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP).

The one-hour Event consisted of a conversation between the Bureau of the Committee and **Mr. Matthias Schmale**, the Director of Operations in Gaza of the United Nations Relief and Work

Agency (UNRWA). It addressed current developments in the occupied Gaza Strip, the latter's preparedness for the COVID-19 pandemic, the assistance to Palestine refugees in the Strip provided through UNRWA and the need for continued international resolve to support the Agency including with emergency funding. The Event was [streamed](#) live on the Committee's official Facebook page.

At the opening, the Chair of the Committee, **Ambassador Cheikh Niang** (Senegal), shared a brief history of the Committee and its mandate, stressing that it was in such challenging times that the international community needed to rally its support and solidarity.

Mr. Matthias Schmale shed light on the set of challenges in Gaza during the COVID-19 pandemic. Against the background of years of Israeli blockade, Mr. Schmale's main concerns were Gaza's population density, dilapidated economy and inadequate health infrastructure. He informed that there were no cases of infection in the local community; those infected had come from overseas and had been placed under quarantine. He emphasized that an outbreak in Gaza's crowded refugee camps would swiftly overwhelm Gaza's health care system and cause an unprecedented health crisis. There was a concern that in case of an outbreak Israel would close Gaza completely. UNRWA had taken mitigating measures to prevent the virus from spreading to the local community; shared examples included converting some schools into health posts and extending UNRWA's primary health care services to the population at large and not only to refugees. The local authorities had also closed mosques and other places of congregation.

During the Event's interactive section and responding to questions from **Ambassador Dian Tianshan Adjani** (Indonesia), Mr. Schmale underlined that UNRWA, as the United Nations system, was aligned with the Palestinian Government's response plan for the pandemic, complementing it with public health messaging through UNRWA's Palestinian staff, for example. He expressed concern about a possible tightening of the blockade should an outbreak take place, which may not be effective in countering the pandemic but would be devastating for the economy of the Strip.

Responding to **Ambassador Ana Silvia Rodríguez** (Cuba), Mr. Schmale emphasized that contributions to Gaza could also be in the form of technical expertise and stressed the importance of solidarity as referenced by the Secretary-General, the Deputy Secretary-General and the World Health Organization. Referring to UNRWA's role, he stressed that the Agency was "driven by its mandate" and that it "exists because there is no just solution for the people of Palestine".

Addressing questions from **Ambassador Adela Raz** (Afghanistan), Mr. Schmale underlined that the economy in Gaza had been collapsing even before COVID-19, with unemployment as high as 50 per cent, and for those below 30 years of age as high as 70 per cent. He called for international solidarity to convince the occupying Power to lift the blockade, concluding that "if you want to help Gaza, lift the blockade." Mr. Schmale added that UNRWA's core funding for Gaza would last until May and maybe June 2020. If Gaza's total collapse were to be avoided, funding for COVID-19 measures should not detract funding for UNRWA's other operations.

In response to **Counsellor Julia Imene-Chanduru** (Namibia), Mr. Schmale noted that UNRWA was part of the Occupied Palestinian Territory appeal, facilitated by UN Resident Coordinator and Development and Humanitarian Coordinator, and that the response rate for the first round of the appeals had been fairly positive with 80 per cent being funded. As for UNRWA's

own appeal, Mr. Schmale stressed that while the initial response was positive, the question was not just about resources but about availability of protective equipment, for example.

**Ambassador Riyad Mansour** (Palestine) noted that Palestine’s relationship with the occupation authorities was limited to technical coordination and was not cooperation. Israel was forced to deal with Palestinians because it occupied their land.

Mr. Schmale concluded that for Gaza it was not a matter of international aid, but of occupation, as it relied on a highly educated population that was innovative, resilient, entrepreneurial and able to turn the Strip into a prosperous place if the blockade were lifted.

The virtual Event was closed by the Chair.

## **VI. PALESTINIAN RIGHTS COMMITTEE HOLDS VIRTUAL CONVERSATION WITH PALESTINIAN CIVIL SOCIETY**

*On 21 April, the Palestinian Rights Committee held a virtual discussion with Palestinian civil society representatives on “the COVID-19 Pandemic Under Occupation – National Resilience and International Support”. The [Chair’s summary](#) of the event is replicated below.*

The Event on “**The COVID-19 pandemic under occupation – national resilience and international support**” was convened virtually, on 21 April 2020, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP).

The Event consisted of a conversation between the Bureau of the Committee and three Palestinian civil society representatives: **Mr. Ali Ghaith**, Palestinian journalist and activist in East Jerusalem; **Ms. Randa Siniora**, General Director of the Women’s Center for Legal Aid and Counselling (WCLAC) in Ramallah; and **Mr. Issam Younis**, the Director-General of the Al Mezan Center for Human Rights in Gaza.

The 90-minute event elaborated on how the Palestinian population in the West Bank, including East Jerusalem, and Gaza is coping with the COVID-19 pandemic under the ongoing occupation and political uncertainty in Israel and threats of annexation. The speakers elaborated on their challenges and restrictions in their respective locations, and on whether Israel, the occupying Power, upheld its responsibilities under international law vis-à-vis the occupied Palestinian population. The Event also elaborated on suggestions for Member States and global civil society to continue supporting the Palestinian people. All Member States and Observers, United Nations organizations, intergovernmental and civil society organizations were invited to attend, and the Event was [streamed](#) live on the Committee’s [official Facebook page](#).

At the opening, the Chair of the Committee, **Ambassador Cheikh Niang** (Senegal), shared a brief history of the Committee and its mandate and highlighted how, in these new and challenging times, the Committee would use innovative ways to ensure it continued to support the Palestinian people.

Mr. Ghaith contextualized his remarks against the ongoing Israeli policies of land confiscations, movement restrictions, and isolating Jerusalem from the West Bank by erecting the

separation wall. He highlighted Israel's biased policies by flagging discrepancies in the Israeli authority's funds disbursement process, which resulted in neglecting the provision of social services that include health, education, and infrastructure. In the current Coronavirus pandemic, Israeli authorities in East Jerusalem were not sharing accurate information about infections, let alone in Arabic, shut down civil society initiatives, and established containment measures aimed at only preventing the spread of the virus from Palestinian to Jewish neighborhoods but not inside the Palestinian community. The occupying Power also shut down Palestinian initiatives to provide health and disinfection services and food distribution.

Palestinians in East Jerusalem had to rely on social media platforms for news, which only created conditions for rumour spreading. What was needed, he added, was increasing preventative measures, awareness campaigns, random and arranged examinations, emergency medical services, and economic support for affected families under the principle of social solidarity.

Ms. Siniora expressed that this global pandemic had unique features for Palestinians living under occupation. Contrary to the initiative of Secretary-General Guterres for a global ceasefire, the Israeli authorities – responsible as occupying Power for the wellbeing of the Palestinians under its control – were continuing “business as usual” as evidenced by OCHA reports on systematic violations of human rights in the occupied Palestinian territory. She also highlighted how women were disproportionately affected by the pandemic due to deeply rooted inequalities and the persistence of traditional roles in Palestinian society, which only increased women's responsibilities as caregivers during the times of lockdown. This was compounded through night raids by Israeli forces without proper personal protective equipment (PPE). Restrictions on family reunifications, movement, and access to medical permits were further exacerbating the situation.

Mr. Younis, speaking on the situation in Gaza and Gazans' coping mechanisms with the new challenges paired with the ongoing difficulties, underlined that population density, the 14-year blockade, movement restrictions, and the requirement of having permits to attain outside medical treatment only indicated that the worst was yet to come. For example, only 3-4,000 COVID-19 tests had been allowed into the enclave, whose population stood at over 2 million. He stated that COVID-19 was a political crisis and the political context should be taken into consideration when dealing with the pandemic in Gaza. Without addressing the main cause of the problem – Israel's blockade and occupation and the lack of accountability for its actions – humanitarian aid would not be sufficient to combat the virus.

Ms. Siniora, replying to **Ambassador Feda Abdelhady-Nasser** (Palestine), explained that her organization was currently supporting women subjected to gender-based violence, including domestic violence. Her center was also joining efforts with other civil society organizations through voluntary efforts and initiatives throughout the occupied Palestinian territory. As a part of these activities, they addressed the issue of illegal violations and exerted efforts to bring to the situation in the OPT to the attention of the International Criminal Court, as serious investigations in the occupied Palestinian territory were now needed more than ever.

Answering a question from **Ambassador Dian Triansyah Djani** (Indonesia) on Israel's actions to carry out its obligations as the occupying Power and the crisis in the global supply chain and food prices, speakers highlighted that the occupation mixed with the pandemic was very serious combination limiting Palestinians' access to basic goods and needs. Yet there was no need

to reinvent the wheel: Israel just had to follow through with what was accepted practice under international law. Gaza had already been suffering from acute food, health, and security shortages long before COVID-19 so it stood no chance in combatting a virus that well-developed countries, with adequate financial means, were finding difficult to fight.

The speakers agreed that political will in the international arena was needed to end the conflict and to enforce Israel's compliance with UN Security Council resolutions. The body of international law and agreements existed; it was up to the United Nations Member States on the side of the Palestinian people and its fundamental rights, including the Committee, to push for more action to end the occupation. Resolutions were not sufficient without concomitant action.

**Ambassador Neville Gertze** (Namibia) stressed the that now was the time for the people throughout the world to demonstrate their shared values, with humanity being the main one, and support the Palestinian people who, while already dispossessed, were now also denied access to health, which had led to a terrible situation becoming even worse.

**Ambassador Riyadh Mansour** (Palestine) thanked the speakers for what he referred to as their testimonies on the crimes of Israel during the COVID-19 pandemic noting that the disease could only be fought with the collaboration and coordination of all nations under the umbrella of the United Nations.

In their concluding remarks, the speakers emphasized that even in such a bleak situation,

Palestinian resilience remained strong, for example through “The Palestinian Gathering to Combat Coronavirus”, that it was time for the United Nations to act in support of and coordination with Palestine, and to emphasize the rule of law and universal principles.

The virtual Event was closed by the Chair.

## **VII. HOST AND DONOR COUNTRIES HOLD SECOND MINISTERIAL STRATEGIC DIALOGUE ON UNRWA**

*On 22 April, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) issued the following [press statement](#).*

Foreign Ministers H.E Ayman Safadi of Jordan and H.E Ann Linde of Sweden hosted the second Ministerial Strategic Dialogue today, via telecommunication, to discuss joint efforts to support the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Participants included Egypt, France, Germany, Japan, Kuwait, Norway, United Kingdom, the European External Action Service and the European Commission. The meeting was attended by UNRWA Commissioner-General Philippe Lazzarini.

The participants underscored the importance of UNRWA as a critical component for humanitarian relief, regional development, stability and security, and underlined that UNRWA must continue to operate in fulfilment of its UN mandate until a durable and just solution to the Palestine refugee issue is found in accordance with international law and relevant UN resolutions, including UN General Assembly resolution 194, and within the context of a comprehensive solution to the Palestinian-Israeli conflict on the basis of the two-state solution.

The participants emphasized the importance of UNRWA's programmes in providing essential services to over 5.6 million Palestinian refugees in its five areas of operations, including East Jerusalem and Gaza, in line with UN values, and contributing to the Agenda 2030 in accordance with UNRWA's mandate.

The Strategic Dialogue welcomed the overwhelming international support for UNRWA's mandate renewal at the United Nations General Assembly in December 2019 and stressed the need to translate that political support into financial support, to allow UNRWA to continue delivering its vital services to Palestinian refugees efficiently and without interruption.

The participants expressed strong support for UNRWA's new leadership and welcomed the Commissioner-General's briefing on his plans to further strengthen the Agency.

Given the gravity of the global COVID-19 crisis, the participants called for support to UNRWA's response to the COVID-19 pandemic, including through ensuring that the Agency's flash appeals are fully funded. Participants also expressed appreciation for UNRWA's staff as frontline responders to the Covid 19 pandemic and the Agency's ability and ensure the delivery of its mandate in an increasingly challenging political and financial environment.

The Strategic Dialogue called for a renewed international commitment for 2020 and beyond, in order to ensure that UNRWA is able to maintain its educational, health, relief and vital development services to refugees and to advocate for their rights and protection in accordance with its mandate. The participants invited all donors to actively support UNRWA, notably through multiyear financial commitments and core financing, to help the Agency meet the 2020 budget requirements and ensure sufficient sustainable, and predictable financial support. Furthermore, the participants explored ways to assist the Agency diversify and expand its donor base and its funding opportunities.

The participants agreed to convene a virtual pledging conference in the coming months to ensure that the Agency's financial needs are met.

## **VIII. UN SPECIAL COORDINATOR WARNS SECURITY COUNCIL ABOUT NEW PUSH FOR WEST BANK ANNEXATION**

*On 23 April, the Security Council held an open virtual meeting on the situation in the Middle East, including the Palestinian question. Mr. Nickolay Mladenov, Special Coordinator for the Middle East Peace Process, provided the below [briefing](#).*

I brief you today as the Middle East continues to confront the monumental challenge of containing the COVID-19 pandemic.

On 23 March, the Secretary-General launched an appeal for an immediate global ceasefire. On 11 April, my fellow Envoys to the Middle East and I echoed the Secretary-General's call and restated our firm commitment to preventive diplomacy, to assisting all efforts to respond to the health and socio-economic consequences of the crisis, to supporting cooperation in the interest of peace, and to facilitating humanitarian access for the most vulnerable.

The past month has seen inspiring examples of cooperation across conflict lines in the common battle against the virus. But it has also witnessed continued confrontation and fighting, as the human toll of war continues to rise.

The dangerous prospect of annexation by Israel of parts of the occupied West Bank is a growing threat. If such a move were implemented, it would constitute a serious violation of international law, deal a devastating blow to the two-state solution, close the door to a renewal of negotiations, and threaten efforts to advance regional peace.

On 20 April, the two leading political parties in Israel signed a coalition agreement to form a government. While the two sides reiterated a committed to advance peace agreements and cooperate with Israel's neighbors, they also agreed on advancing annexation of parts of the West Bank, starting 1 July 2020. The Palestinian Authority has threatened that if this move takes place, it will cancel the implementation of all bilateral agreements.

Despite these worrying developments, I am encouraged that the COVID-19 crisis has also created some opportunities for cooperation. I hope that these opportunities will not be undermined or destroyed if the political context between Israel and the Palestinian Authority deteriorates. With support from the United Nations, both sides are coordinating their efforts on tackling the common threat posed by the pandemic. Much more can - and must - be done.

The recognition of this interdependence could, if there is political will, can translate into tangible progress towards resolving the conflict.

I strongly urge Israeli and Palestinian leaders to seize this moment to take steps towards peace, to reject unilateral moves that will only deepen the wedge between the two peoples and undermine the chances for peace.

Developments on the ground continue to be dominated by the COVID-19 crisis and efforts to respond to its medical, social and economic consequences.

The UN has put together a Response Plan, requesting USD 34 million to respond to the public health needs and immediate humanitarian consequences of the pandemic in the occupied West Bank, including East Jerusalem, and the Gaza Strip. The response plan, led by Deputy Special Coordinator McGoldrick, was developed in coordination with the Palestinian Ministry of Health. It will provide an important bridge to the Palestinian Government's broader socio-economic recovery plan.

I thank all Member States who have contributed and encourage others to urgently support these critical efforts.

Since the start of the crisis, the UN has delivered more than a million items such as essential drugs and equipment for the management of COVID-19, including personal protective equipment, laboratory materials, thousands of tests, oxygen therapy devices and advanced analysis machines. These items have reached hospitals and clinics directly and also through the Palestinian Ministry of Health.

The UN and its partners have provided training for Gaza health workers to build capacity on the ground, while the World Health Organization and UNICEF continue efforts to procure essential ICU and ventilator equipment.

On 15 April, the Palestinian Ministry of Health sent a shipment of drugs and supplies to Gaza. This included laboratory and testing materials, dialysis materials and some critical medications.

Israel also continues its efforts to provide and facilitate assistance to the Palestinians related to COVID-19.

UNRWA is also engaged in response efforts, having opened its health services to non-refugees in Gaza. In this context, I welcome the efforts of Jordan and Sweden in hosting the second Ministerial Strategic Dialogue on UNRWA on 22 April and the important focus placed on the need to continue supporting the Agency.

I take this opportunity to commend once again Palestinian and Israeli authorities for their continued efforts and sustained coordination to contain the virus and mitigate its economic fallout.

Despite the positive steps, significant challenges remain.

Palestinian health services continue to report an acute shortage of medical equipment and personnel due to insufficient funding.

In Gaza, the Ministry of Health reported that in March it ran out of 44 per cent of essential medical supplies. This, in addition to the urgent need for laboratory materials needed to conduct testing, as well as ICU equipment.

Tens of thousands of Palestinian workers have remained in Israel, providing for their families during a difficult time. If they return home, they must be properly quarantined and screened. The UN Country Team is working with the Palestinian authorities to ensure that the necessary facilities are in place for such an eventuality.

In East Jerusalem, where the health network is chronically underfunded, only two of six hospitals are prepared to deal with cases of COVID-19 that require clinical care. The Israeli closure of a COVID-19 testing clinic in the Silwan area of East Jerusalem on 14 April has also raised concerns.

Although to date no COVID-19 cases have been reported among prisoners, the Palestinian leadership has expressed concerns regarding the potential impact of the crisis on detainees in Israeli prisons.

I encourage all authorities to consider the release of or alternatives for those in various forms of detention who are particularly vulnerable – such as the elderly or those with pre-existing medical conditions – as well as children and women.

The impact of the virus on women and girls is particularly concerning. Evidence is emerging that gender-based violence, including domestic violence, has increased since the onset of the pandemic.

The crisis is also impacting women's engagement in economic activities and exacerbating preexisting gender inequalities. According to a recent survey by UN-Women, 27 per cent of women's businesses have been shut down, and 73 per cent of women surveyed indicated that they can only sustain their businesses under the current conditions for a maximum of four months. I encourage the Palestinian Government to work with the UN and take all necessary measures to ensure protection of women and girls.

Aside from the immediate health concerns, COVID-19 will also take a severe toll on the broader socio-economic situation.

If current trends continue, the damage to the economy risks the very existence of the Palestinian Authority. Revenues from trade, tourism and transfers have declined to their lowest levels in the last two decades. The PA fiscal gap for 2020 will likely exceed USD 1 billion.

Israel has a critical responsibility to ensure the well-being and safety of people under its control.

As a result of the occupation, the Palestinian Authority has limited sway over its economy and does not have access to the conventional monetary and fiscal tools necessary to remedy the crisis.

Following a series of consultations recently held with the Israeli and Palestinian Ministers of Finance, I can report today that measures are being discussed that will ensure, for the coming four months, that clearance revenue transferred by Israel to the Palestinian Authority do not fall below USD 137 million per month. This is the minimum amount necessary to ensure the Palestinian Authority's fiscal viability and critical service delivery to the Palestinian people.

In this context, I also welcome the Palestinian Prime Minister's announcement of an emergency budget aimed at keeping public spending to a minimum. This budget should re-orient all spending towards health-related expenditures, income support to vulnerable people, support for affected firms, and continuity of government, including salaries and security-related expenditures. Gaza's specific needs must also be addressed in this budget.

Turning briefly to Gaza, a relative calm has prevailed in and around the Strip. Two rockets were launched towards Israel on 27 March, and in response the Israel Defense Forces (IDF) fired three missiles at targets it identified as militant facilities.

Earlier this month, however, Hamas security forces detained eight civil society activists on the grounds of "establishing a normalization activity with the Israeli occupation." Three have been released. The UN Human Rights Office has raised serious concerns over the legality of the detentions, fair trial standards and the risk of ill-treatment in and outside detention. I reiterate their call for the civil society activists to be released.

Meanwhile, the Erez crossing has been largely shut down since 12 March, except for the exit of emergency medical cases and cancer patients. Severe movement restrictions have been put in place inside Gaza as well.

Exit via the Rafah crossing was also halted on 15 March. Since 13 April, however, the crossing has reopened in one direction. Egypt has allowed some 1600 Palestinians to return to Gaza. Local

health authorities there have organised isolation facilities, placing all who return in a mandatory three-week quarantine. The UN is working with all stakeholders to ensure that these facilities are properly maintained, and appropriate screening mechanisms are put in place.

Despite a notable decline in clashes due to COVID-19 related movement restrictions, sporadic violent incidents continued in the occupied West Bank, including East Jerusalem.

Overall, three Palestinians were killed and 25 injured, including four children, in various incidents. Two Israelis were injured, including one civilian and one member of the security forces.

On 22 March, Israeli Security Forces shot and killed a 32-year-old Palestinian man and injured his relative, while they were traveling on a main road in the central West Bank. The Israeli military reported that the two were throwing stones at vehicles, an account that has been disputed by family members.

On 22 April, a Palestinian man carried out a car ramming and stabbing attack against an Israeli border police officer and was subsequently shot and killed.

In East Jerusalem, the situation in the Issawiya neighborhood remained tense, with clashes and arrests taking place during the reporting period.

On 3 April, Israeli police detained the Palestinian Minister of Jerusalem Affairs for several hours and interrogated him over allegations of violating an Israeli law prohibiting the Palestinian Authority activities in Jerusalem without coordination. The minister was released on the condition that he abstain from such activities and was banned from movement within East Jerusalem for 14 days. Later on 5 April, Palestinians Authority's Governor of Jerusalem was arrested over similar allegations and released on the following day.

During the reporting period, OCHA recorded an increase in settler-related violence as compared to January and February, with some 38 incidents of Israeli settlers injuring Palestinians or damaging their property.

OCHA also recorded some 11 Palestinian attacks against Israeli civilians in the West Bank resulting in 1 injury and damage to 11 vehicles.

Meanwhile, the Israeli authorities demolished 34 Palestinian-owned structures in Area C due to lack of Israeli-issued building permits, which remain very difficult for Palestinians to obtain. No structures were demolished in East Jerusalem during the reporting period or in Area C of the West Bank since 26 March. While the temporary halt in home demolitions is a positive measure, the continued targeting of other structures, in particular water and hygiene-related structures, remains of concern.

Turning briefly to the region, on the Golan, where the ceasefire between Israel and Syria has been generally maintained, the overall security situation remains stable despite some continued violations by both parties including the presence of unauthorized personnel and equipment in the areas of separation and limitation.

On 13 April, UNDOF observed 15 drones flying from the Alpha side to the Bravo side over the area of separation with five of these drones heading towards the area of limitation on the Bravo

side. On 17 April, UNDOF observed an aircraft from the Alpha side flying across the ceasefire line and over the area of separation. Around the same time, UNDOF saw the Syrian armed forces at a position in the area of separation fire shots across the ceasefire line towards an aircraft flying on the Alpha side. These developments have a potential to escalate the situation between the two sides. The parties have an obligation to respect the terms of the Disengagement Agreement.

In Lebanon, since the Government declared a state of general mobilization because of the public health emergency on 15 March state security forces have enforced lockdown measures and distributed aid to vulnerable Lebanese households. In parallel, the deteriorating socio-economic situation has led to renewed demonstrations in parts of the country. The Palestine refugee camps are increasingly volatile as the population has been severely impacted by the economic crisis and is now facing the mounting threat of the COVID-19 virus, with the first case in a refugee camp confirmed this week. Meanwhile, Prime Minister Hassan Diab's promised economic rescue plan remains under Cabinet discussion.

As we continue our collective efforts to contain COVID-19, we must not lose sight of the critical decisions that lay ahead for Israeli political leaders, decisions that may impact the trajectory of this conflict for years to come.

Moves to annex land and to accelerate settlement expansion, combined with the devastating impact of COVID-19 can ignite the situation and destroy any hope of peace.

The path of unilateral action will only lead to more conflict and suffering.

However, there is a different path—one of working together to modernize and expand existing agreements, of solidifying the current relative calm in Gaza. A path of implementing the recommendations of the 2016 Middle East Quartet report and actively taking steps towards a negotiated two-state solution that is based on relevant UN resolutions, bilateral agreements and international law.

Today however I would like to end my briefing today by conveying my heartfelt gratitude and appreciation to the entire United Nations family, particularly to the World Health Organization team and Deputy Special Coordinator McGoldrick, who have been working tirelessly on the ground since the onset of COVID-19. They continue to demonstrate, on a daily basis, their unwavering commitment to support efforts to contain this deadly pandemic, protect the most vulnerable and uphold the values of the United Nations, never losing sight of our common path to sustainable peace.

## **IX. CHAIR OF THE PALESTINIAN RIGHTS COMMITTEE ADDRESSES SECURITY COUNCIL**

*Below is the written [statement](#) submitted by Ambassador Cheikh Niang, Chair of the Committee on the Exercise of the Inalienable Rights of Palestinian People, for the 23 April Security Council open virtual meeting on the situation in the Middle East, including the Palestinian question.*

First, I would like to congratulate the Dominican Republic for its professional handling of this month's Presidency of the Council and for finding creative solutions to procedural and technological challenges.

In these unprecedented times, when the world and the UN are fighting the Covid-19 pandemic, we must remind ourselves that the Palestinian People under occupation face even a bigger crisis. It is precisely in such challenging times that we must rally our support for and solidarity with them.

As the world's attention is turned to preventing loss of life and limiting the spread of the pandemic, the situation in the Occupied Palestinian Territory, including East Jerusalem, has continued to deteriorate and the occupation is still advancing, in grave breach of international law, including humanitarian and human rights law, and in violation of UN resolutions, including resolution 2334 (2016), which call for an end to the Israeli occupation that began in 1967 and the fulfilment of the rights of the Palestinian people, including to self-determination and independence.

The State of Palestine has joined the rest of the world as victim of the outbreak with 437 confirmed cases (15 in Gaza) and 2 deaths, as of 19 April. The negative shock to the Palestinian economies will have profound implications for public welfare, employment, social cohesion, financial and institutional stability. Strong international donor support and targeted technical assistance will be crucial on the path to recovery.

While technical coordination between Israeli and Palestinian authorities is supporting the response to the virus on the ground, these measures cannot be mistaken for well-intentioned steps towards a peaceful solution. In fact, as the international community focuses attention on the fight against the pandemic, the occupying Power, Israel, has continued to entrench the occupation and openly discuss its intention to annex the Occupied Palestinian Territory, with measures being taken while this debate is held and the illegal Israeli blockade on Gaza continues.

Home demolitions, evictions, confiscation of Palestinian property, destruction of agricultural and livelihood structures, expansion of settlements construction, human rights abuse and settlers' violence as well as military incursions have continued. Destruction of water, sanitation and hygiene facilities are putting thousands of Palestinians at an increased risk of contracting the virus and are jeopardizing their health and safety.

This is in breach of Israel's legal obligation to protect the right to health and life of Palestinians under the Fourth Geneva Convention. Children, especially the 194 currently in administrative detention in Israeli jails, are being affected by the virus. The Committee calls for the release of all Palestinian prisoners, whose health is at increased risk of virus contagion in detention facilities. Similarly, as reported by Special Coordinator Mladenov on 30 March, the provisions of Security

Council resolution 2334 (2016) continue to be violated. Declarations of regret and concern have made no difference. The international community must ensure that the occupying Power meets its obligations in all these matters under International and International Humanitarian Law and that there is accountability for not doing so.

During the virtual event organized by the Committee on 14 April, UNRWA Director of Operations, Mr. Matthias Schmale, mentioned that in the Gaza Strip the main concerns are a dilapidated economy and inadequate health infrastructure aggravated by high population density, especially in refugee camps. As UNRWA's core funding for Gaza is expected to last until May or June 2020, the Committee urges the international community to continue to provide the Agency with adequate and reliable funding for continuity of its operations in all fields to ensure its vital assistance to the Palestine refugees. The Committee reiterates its call for the total lifting of the Gaza blockade and to refrain from imposing further restrictions which would be devastating for the economy of the Strip.

Statements reaffirming support for the two-State solution based on the pre-1967 borders and opposing Israeli annexation have poured in from almost all countries, the Middle East Quartet, as well as representatives of the US Congress. As welcome as they are, statements are not enough and the time for action is long overdue. The expansion of Israel's control over the Palestinian Territory, including East Jerusalem, is eroding, literally, the possibility of achieving the two-State solution. The goal of seeing Israel and Palestine living side by side in peace and security along the pre-1967 borders with East Jerusalem as the capital of the Palestinian State remains unchanged, yet unattained and at great risk.

In the mist of this health scourge, we must not forget that, while everyone is affected by Covid-19, the pandemic's most devastating consequences are on women and girls: from health and the economy, to security and social protection. Palestinian women and girls are no exception. And yet, women are "not just victims" in the crisis; they also play a major role in the response and must be supported in their efforts.

The Secretary-General's recent call for a Global Ceasefire was heeded by many warring parties. UN Middle East Envoys joined him in calling parties to deescalate tensions and urged for greater humanitarian action to prevent the spread of the pandemic in the region. We also call on Israel, the occupying Power, to heed the long-standing call for a halt to illegal actions and practices, including all measures aimed at annexation of territory, and, in accordance with its international law obligation, ensure the protection of the Palestinian civilian population under its control by providing humanitarian access and assistance, so as to prevent the spread of Covid-19.

We in the United Nations have the tools to rein in violence and injustice, and seek peace, justice and security for all. We are committed to leaving no one behind. Not unlike the fight against the pandemic, we are in this together and each of us - individually, and collectively - must do our part, for only by caring for our neighbours, can we save ourselves.

## **X. EU WELCOMES FORMATION OF NEW ISRAELI GOVERNMENT, POSITION ON THE STATUS OF THE TERRITORIES OCCUPIED BY ISRAEL IN 1967 REMAINS UNCHANGED**

*On 23 April, Mr. Josep Borrell, European Union High Representative for Foreign Affairs and Security Policy, issued the below [press statement](#).*

The European Union takes note of the political agreement that could pave the way for the formation of a Government in Israel. The European Union is willing to closely cooperate with the new Government on fighting the coronavirus. Technical cooperation is ongoing and will be strengthened on all aspects of the pandemic. The health of our citizens and addressing the economic consequences of the coronavirus are our shared paramount priority.

The European Union's position on the status of the territories occupied by Israel in 1967 remains unchanged. In line with international law and relevant UN Security Council resolutions, including resolutions [242](#) (1967) and [338](#) (1973), the European Union does not recognise Israeli sovereignty over the occupied West Bank.

The European Union reiterates that any annexation would constitute a serious violation of international law. The European Union will continue to closely monitor the situation and its broader implications, and will act accordingly.

## **XI. UN SPECIAL RAPORTEURS AND EXPERTS CALL ON ISRAEL TO RELEASE PALESTINIAN PRISONERS**

*On 24 April, Michael Lynk, UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967; José Antonio Guevara Bermúdez (Chair); Leigh Toomey (Vice-Chair); Elina Steinerte (Vice-Chair); Seong-Phil Hong and Sètonджи Adjovi, UN Working Group on Arbitrary Detention; Dainius Pūras, UN Special Rapporteur on the right to physical and mental health; Agnes Callamard, UN Special Rapporteur on extrajudicial, summary or arbitrary executions; and Nils Melzer, UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, issued a statement reflected in the following [press release](#).*

A group of UN human rights experts urged Israel not to discriminate against thousands of Palestinian prisoners facing high-risk exposure to COVID-19 and to release the most vulnerable – particularly women, children, older persons and those with pre-existing medical conditions.

“There are currently more than 4,520 Palestinian prisoners, including 183 children, 43 women and 700 detainees with pre-existing medical conditions in Israeli jails. They remain dangerously vulnerable in the context of the current pandemic and the relative increase in the number of transmission rates in Israel,” said the experts.

“Over the past month, Israel has released hundreds of Israeli prisoners as a preventive and protective step. It has not applied similar measures to Palestinian prisoners. This indicates discriminatory treatment towards Palestinians prisoners – which would be a violation of international law,” they added.

The experts said prisoner releases should also include those in administrative and pre-trial detention. “Israel should be taking steps to release those facing arbitrary measures as well as vulnerable groups in its prisons to reduce overcrowding and ensure the minimum conditions to prevent the spread of the virus.”

They noted that family visits have been banned since the COVID-19 outbreak and access to lawyers restricted for Palestinian detainees. “It is critical that any such measures are medically justified and, if so, alternative means for communication, such as video conferencing, should be made available. Special and more relaxed measures should also apply to children and women for visits.”

The experts also expressed serious concerns over reports that Israeli authorities are impeding efforts to combat the spread of COVID-19 in East Jerusalem. In one reported incident, Israeli authorities recently raided a testing clinic in the densely populated Palestinian neighbourhood of Silwan under the pretext that its testing kits were provided by the Palestinian Authority. Israel has also arrested doctors.

“It is inconceivable that, in the current conditions, especially in light of the lack of testing kits and other equipment, Israel would undermine existing efforts to ensure that a larger portion of the Palestinian population is tested. Such efforts are especially needed when recent data suggests that rates of COVID-19 have significantly increased in occupied East Jerusalem,” they noted.

Palestinians under occupation, as a protected population under international humanitarian law, should have equal access to treatment and testing without discrimination. “Cooperation between Israelis and Palestinians to ensure protection, prevention and treatment of all is critical. Such acts as raiding Palestinian clinics can only undermine such efforts,” the expert said.

## **XII. INTERNATIONAL CRIMINAL COURT ISSUES REPORT ON THE SITUATION IN THE STATE OF PALESTINE**

*The Office of the Prosecutor of the International Criminal Court issued a [report](#) on the Situation in the State of Palestine (ICC-01/18) on 30 April. The introduction of the report follows.*

1. The Prosecutor is satisfied that there is a reasonable basis to initiate an investigation into the situation in Palestine under article 53(1) of the Rome Statute, and that the scope of the Court’s territorial jurisdiction comprises the West Bank, including East Jerusalem, and Gaza (“Occupied Palestinian Territory”). The Prosecutor nonetheless requested the Pre-Trial Chamber to confirm the scope of the Court’s territorial jurisdiction in Palestine, under article 19(3).<sup>1</sup> Such a ruling will presumptively resolve this question for the purpose of the Court’s future proceedings—according to the principle of *res judicata*, subject to articles 19(2) and (4)—and place the conduct of further proceedings by the Court on the soundest legal foundation.<sup>2</sup>

2. As the Prosecution recalled, this course of action was taken, exceptionally, in light of the uniquely complex legal and factual issues associated with the Occupied Palestinian Territory and

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<sup>1</sup> See [Prosecution Request](#). For full reference to all citations, please see Annex A.

<sup>2</sup> See [Prosecution Request](#), para. 5. On article 19(2) and (4), see further below para. 8.

contrary views expressed.<sup>3</sup> By seizing the Pre-Trial Chamber of this matter, under article 19(3), the Prosecution sought a forum in which the legal representatives of victims, the referring State (Palestine), Israel, and other States and interested parties could assist in the proper determination of the presented question.<sup>4</sup> The Prosecution expresses its appreciation to the Chamber for convening such a process,<sup>5</sup> and to the numerous legal representatives of victims,<sup>6</sup> States Parties,<sup>7</sup> intergovernmental organisations,<sup>8</sup> and *amici curiae*,<sup>9</sup> who have answered this call.<sup>10</sup> In total, the Chamber now has the benefit of submissions from some 11 groups of one or more victims, 31 States Parties (from 8 States Parties directly, and from 2 international organisations which include 23 States Parties, alongside more than 30 other non-States Parties), and 33 academics or non-governmental organisations (individually or in groups). Such a wide variety of perspectives will afford considerable legitimacy to the Court’s ultimate decision.

3. Given this inclusive approach—aiming to ensure, through a fair and transparent process, that the Court reaches a proper determination of jurisdiction, and where the Prosecution itself acknowledged the need to ventilate and resolve the divergence of legal opinions by bringing this matter on its own volition to the Chamber—the adversarial tone of a small minority of participants would seem to be misplaced.<sup>11</sup> The Prosecution approached this situation with the independence and impartiality required by article 42 of the Statute, as it always does. It was precisely in this context that the Prosecutor decided it was appropriate to seek judicial confirmation of the scope of the Court’s territorial jurisdiction by means of a public, inclusive process.<sup>12</sup> While she articulated her own view—which formed the basis for her determination under article 53(1)<sup>13</sup>—this was presented to the Chamber with the express acknowledgement that “determination of the Court’s

<sup>3</sup> See [Prosecution Request](#), paras. 5, 20, 31, 35-38.

<sup>4</sup> See [Prosecution Request](#), para. 6. See also paras. 39, 220.

<sup>5</sup> See [Procedural Order](#).

<sup>6</sup> In order of filing, see [LRV1 Brief](#) (victims represented by Zegveld); [LRV2 Brief](#) (victims represented by Gaynor and Kiswanson van Hooydonk); [LRV3 Brief](#) (victims represented by Parker and Quzmar); [OPCV Brief](#) (Office of Public Counsel for Victims); [LRV4 Brief](#) (victims represented by Darshan-Leitner *et al.*); [LRV5 Brief](#) (victims represented by Gallagher); [LRV6 Brief](#) (victims represented by Sourani *et al.*); [LRV7 Brief](#) (victims represented by Cochain Assi); [LRV8 Brief](#) (victims represented by Devers); [LRV9 Brief](#) (victims represented by Powles and Francis); [LRV10 Brief](#) (victims represented by [Redacted]).

<sup>7</sup> In order of filing, see [Czechia Brief](#); [Austria Brief](#); [Palestine Brief](#); [Australia Brief](#); [Hungary Brief](#); [Germany Brief](#); [Brazil Brief](#); [Uganda Brief](#).

<sup>8</sup> In order of filing, see [OIC Brief](#) (Organisation of Islamic Cooperation); [Arab League Brief](#) (League of Arab States). The Organisation of Islamic Cooperation represents 57 States of which Afghanistan, Albania, Bangladesh, Benin, Burkina Faso, Chad, Comoros, Côte d’Ivoire, Djibouti, Gabon, Gambia, Guinea, Guyana, Jordan, Maldives, Mali, Niger, Nigeria, Palestine, Senegal, Sierra Leone, Suriname, Tajikistan, Tunisia, and Uganda (25) are also ICC States Parties. The League of Arab States represents 22 States of which the Comoros, Djibouti, Jordan, Palestine, and Tunisia (5) are also ICC States Parties. Two members of these organisations (Palestine and Uganda) additionally filed their own observations: see *above* fn. 7.

<sup>9</sup> See [Amicus Curiae Decision](#); [Further Amicus Curiae Decision](#). In order of filing, see further [Quigley Brief](#); [ECLJ Brief](#) (European Centre for Law and Justice); [Schabas Brief](#); [PBA Brief](#) (Palestinian Bar Association); (Israeli Bar Association); [Lawfare Project et al. Brief](#); [Buchwald and Rapp Brief](#); [FIDH et al. Brief](#) (International Federation of Human Rights and others); [Gvirsman Brief](#); [OPCD Brief](#) (Office of Public Counsel for Defence); [Guernica 37 Brief](#); [UKLFI et al. Brief](#) (UK Lawyers for Israel and others); [Blank et al. Brief](#); [Ross Brief](#); [Benvenisti Brief](#); [PCHR et al. Brief](#) (Palestinian Centre for Human Rights and others); [Badinter et al. Brief](#); [IAJLJ Brief](#) (International Association of Jewish Lawyers and Jurists); [PCPA Brief](#) (Popular Conference for Palestinians Abroad); [TIHRH Brief](#) (Touro Institute on Human Rights and the Holocaust); [IL Brief](#) (International-Lawyers.org); [Heinsch and Pinzauti Brief](#); [IFF Brief](#) (Israel Forever Foundation); [Intellectum Scientific Brief](#); [Weiss Brief](#); [Romano Brief](#); [ICmJ Brief](#) (International Commission of Jurists); [IADL Brief](#) (International Association of Democratic Lawyers).

<sup>10</sup> The Prosecution will generally refer to them as ‘participants’.

<sup>11</sup> See *e.g.* [ECLJ Brief](#), paras. 17, 19, 23; [Shurat HaDin Brief](#), paras. 24, 29, 33, 39; [IsBA Brief](#), para. 20. <sup>12</sup> See also [Comoros AJ, Partly Dissenting Opinion of Judge Eboe-Osuji](#), para. 8 (noting the additional authority which may in some circumstances be lent to the Prosecutor by judicial intervention in the early stages of opening an investigation).

<sup>12</sup> See also [Comoros AJ, Partly Dissenting Opinion of Judge Eboe-Osuji](#), para. 8 (noting the additional authority which may in some circumstances be lent to the Prosecutor by judicial intervention in the early stages of opening an investigation).

<sup>13</sup> See *further below* para. 9.

jurisdiction may [...] touch on complex legal and factual issues”, and that “the Prosecution [Request] has sought to reflect” the “detailed views” of “both the Palestinians and the Israelis”, but that “it would more effectively advance the proceedings if the Chamber could receive those respective positions directly”.<sup>14</sup> Indeed, since the institution of article 19(3) proceedings is an act of prosecutorial discretion, it should be clear that the Prosecution has sought to ensure that all views on these complex issues are fairly represented, so that the Prosecution’s own position can be evaluated on its true merits.<sup>15</sup>

4. The Prosecution has carefully considered the observations of the participants and remains of the view that the Court has jurisdiction over the Occupied Palestinian Territory. It respectfully requests Pre-Trial Chamber I to confirm that the “territory” over which the Court may exercise its jurisdiction under article 12(2)(a) comprises the West Bank, including East Jerusalem, and Gaza.

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<sup>14</sup> [Prosecution Request](#), para. 39.

<sup>15</sup> *Cf.* [Ross Brief](#), para. 43.