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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.



Israel's violations against residents of the Gaza Strip

The Gaza Strip, home to 1.9 million people¹, has been under an air, land, and sea blockade imposed by Israel since 2007. Israel allows very limited movement in and out of the Gaza Strip and the majority of raw material necessary for construction is banned². The movement of people in and out is extremely difficult, and only specific groups of people are allowed to travel, often to receive medical treatment outside of Gaza.

While Israel as an occupying power has several legal responsibilities, among which are the responsibilities not to impose collective punishment and ensure a sufficient level of public health to the occupied population, it fails to meet a great part of its obligations. The blockade does constitute a form of collective punishment, illegal under international humanitarian law according to the Hague Regulations, the Third and Fourth Geneva Conventions, and their First Additional Protocol.³

The blockade however is not the only challenge that Palestinian in Gaza face. In 2008 and 2012 and 2014 the Gaza strip suffered three heavy Israeli attacks. The Israeli government's justification being that they are responses to rockets fired from Gaza into Israel. However, the response of the Israeli military was disproportionate and unnecessary, as well as indiscriminate, breaking many rules of international law, including articles 51 and 57 of the First Additional Protocol to the Geneva Conventions.⁴ The number of civilian casualties were 1400 in 2008, 170 in 2012, and 2200 in 2014⁵. In total, 926 children were killed, and more than 22 thousand people are still internally displaced persons⁶. Unfortunately, the international community and the United Nations have failed to take any serious measures to stop such actions by the Israeli government and the Israeli military still acts with impunity.

On the 30th of March 2018, on the occasion of Land Day, residents of the Gaza Strip started 'the Great March of Return'. The peaceful demonstrations are an expression of Gazan residents' claim to the right of return of Palestinian refugees, which number 1.4 million in the Gaza strip. Additionally, it is a formulation of the Gazans demand to lift the Israeli blockade on the Gaza strip.

The protests highlight the impact the blockade has on the daily lives of Gazans. Today, the unemployment rate in Gaza is close to 50% according to the World Bank⁷ and the poverty rate in 2017 was 53%.⁸ The severe restrictions imposed by Israel on the movement of goods and people also led to a deep shortage in services in the Gaza Strip; electricity worked for an average of 5 hours a day up until October 2018; and 90% of the population in Gaza needs to buy water as piped water is unfit for human consumption.⁹

¹ UNRWA, Where we work, Gaza Strip. *unrwa.org*. Available at: <https://www.unrwa.org/where-we-work/gaza-strip>

² Amnesty International, Six Months on: Gaza's Great March of Return. *amnesty.org*. Available at: <https://www.amnesty.org/en/latest/campaigns/2018/10/gaza-great-march-of-return/>

³ ICRC, Rule 103. Collective Punishments. Available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule103.

⁴ International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, 1125 UNTS 3, available at: <https://www.refworld.org/docid/3ae6b36b4.html>

⁵ United Nations Office for the Coordination of Humanitarian Affairs, Data on casualties. *ochaopt.org*. Available at: <https://www.ochaopt.org/data/casualties>.

⁶ United Nations Office for the Coordination of Humanitarian Affairs, 2018. 22,000 people in the Gaza Strip still internally displaced from the 2014 hostilities. *ochaopt.org*. Available at: <https://www.ochaopt.org/content/22000-people-gaza-strip-still-internally-displaced-2014-hostilities>.

⁷ World Bank, West Bank and Gaza Overview. *worldbank.org*. Available at: <https://www.worldbank.org/en/country/westbankandgaza/overview>

⁸ Palestinian Central Bureau of Statistics, 2018. Poverty Profile in Palestine, 2017. Available at: http://www.pcbs.gov.ps/Document/pdf/txt_e_poverty2017.pdf?date=16_4_2018_2

⁹ United Nations Office for the Coordination of Humanitarian Affairs, 2018. Significant boost in electricity supply across Gaza improves the delivery of basic services. *ochaopt.org*. Available at: <https://www.ochaopt.org/content/significant-boost-electricity-supply-across-gaza-improves-delivery-basic-services>.

What makes the situation worse is the increasing challenges that meet the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA). The recent cuts by the United States, on the funding of the UNRWA made it more difficult for the Agency to provide vital services to refugees, which constitute 75% percent of the population in Gaza, such as education and health care¹⁰. As a consequence, the Gaza strip witnesses rising rates of poverty and unemployment, and a dying economy. According to the United Nations Conference on Trade and Development (UNCTAD), the Gaza strip would be uninhabitable by 2020.¹¹

The response of the Israeli military to the Great March of Return

What the Palestinian Return Centre (PRC) wishes to highlight is the response of the Israeli military to the Great March of Return. During the period between the beginning of the demonstration in March 2018 and the beginning of February 2019, more than 250 people were killed by the Israeli military, including more than 50 children¹², and more than 27,000 were injured, including more than 6,000 with live ammunition.¹³

The argument made by the Israeli official authorities is that the Great March was organized by Hamas and does not constitute a peaceful demonstration. However, research conducted by a number of organizations and media agencies, have found that the demonstrations were not organized by Hamas but by the Great Return March coordination committee.¹⁴ The organizers of the March repeatedly stated that the demonstrations were intended to be peaceful.¹⁵

This did not stop the Israeli military from shooting at unarmed protesters who did not pose any immediate threat.¹⁶ Moreover, the Israeli military killed 3 medical staff between the start of the demonstrations and mid-January 2019, and injured 617 others, with a total of 94 ambulances damaged. The systematic targeting of medical personnel is a violation of Articles 12 and 15 of the First Additional Protocol to the Geneva Conventions^{17,18}, and constitutes a war crime according to Article 8 of the Rome Statute of the International Criminal Court.¹⁹

Additionally, the right of the Palestinian people to freedom of assembly, the right of freedom of opinion and expression, both ensured by the International Bill of Rights, and the right to life, enshrined in the UDHR and ICCPR, are all being wilfully and systematically violated

¹⁰ UN, 2018. UNRWA Statement on Implications of Funding Shortfall on Emergency Services in the OPT. un.org. Available at: <https://www.un.org/unispal/document/unrwa-statement-on-implications-of-funding-shortfall-on-emergency-services-in-the-opt/>.

¹¹ United Nations Conference on Trade and Development. *Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the Occupied Palestinian Territory*. (6 July 2015) [Online] TD/B/62/3 available at: https://unctad.org/en/PublicationsLibrary/tdb62d3_en.pdf

¹² Defence for Children International, Year in review: 2018 rained deadly force on Palestinian Children. *dci-palestine.org*. Available at: https://www.dci-palestine.org/year_in_review_2018_reigned_deadly_force_on_palestinian_children.

¹³ World Health Organization, Situation Report, occupied Palestinian territory, Gaza 1-19 January 2019. Available at: http://www.emro.who.int/images/stories/palestine/documents/WHO-Health-Cluster-Special-SitRep_1_-19_Jan.pdf?ua=1

¹⁴ Patel, Y., Al-Wa'ra, A. & Wuheid, N., 2018. Great March of Return organizers: Israeli claims that Hamas is behind protests are lies. *mondoweiss.net*. Available at: <https://mondoweiss.net/2018/04/organizers-organized-protests/>.

¹⁵ Amnesty International, Six Months on: Gaza's Great March of Return. *amnesty.org*. Available at: <https://www.amnesty.org/en/latest/campaigns/2018/10/gaza-great-march-of-return/>

¹⁶ International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, 1125 UNTS 3, available at: <https://www.refworld.org/docid/3ae6b36b4.html>

¹⁷ International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, 1125 UNTS 3, available at: <https://www.refworld.org/docid/3ae6b36b4.html>

¹⁸ *ibid*

¹⁹ United Nations Office on Genocide Prevention and the Responsibility to Protect, War Crimes. *un.org*. Available at: <http://www.un.org/en/genocideprevention/war-crimes.html>.

by the Israeli authorities, while there is no necessity that requires such an extent of violations. Most importantly, the Israeli measures impede on the right of the Palestinian people to self-determination.

In an attempt to hold perpetrators of international law violations accountable, an independent commission was created by the Human Rights Council (HRC) to investigate violations of international human rights and humanitarian laws in the occupied Palestinian territories with a focus on the Great March of Return.²⁰ However, the Israeli authorities refuse to investigate violations committed by the Israeli military and continue to act with flagrant impunity. As of November 2018, only three criminal investigations were ordered by the Israeli military advocate general, for the killing of three Palestinians.²¹

The situation at the Gaza-Israel fence is not expected to improve, as the latest reports show that there have been more than 500 hundred injuries, and a man, a woman, and a child were killed, while two people died from previous injuries, between the beginning of January and the beginning of February 2019 alone.²²

Conclusion:

The continuous violations of international law by the state of Israel, and its complete disregard to its international legal obligations both as a sovereign state and as an occupying power, brought the lives of population of the Gaza strip to a critical level. While the demonstrations intend to carry the voices of around two million Palestinians in Gaza the Israeli repression of those demonstrations is simply unacceptable.

The attacks of the Israeli authorities on the Great March of Return is not simply an attempt to demotivate tens of thousands of Palestinians from exercising their rights, but also a move to make it clear that it has no intention of easing or lifting the blockade on the Gaza strip, leaving two million Palestinians living in harsh conditions in an open-air prison.

The PRC calls on the HRC and the international community to take the necessary measures towards the state of Israel, in order to ensure its compliance with its international legal obligations. It also calls on the state of Israel to immediately stop its gross and systematic violations of human rights targeting Palestinian protesters in Gaza.

The PRC welcomes the efforts of the HRC in creating a commission of inquiry on the issue, but stresses the importance of holding the state of Israel accountable for its crimes and taking effective actions to ensure the non-continuation of its traditional impunity. The PRC also highlights the right of victims of human rights violations to remedy, and hopes that this right be at least acknowledged. An important step towards the improvement of hundreds of thousands of lives in the Gaza strip is enforcing and the rule of international law, and ensuring that no crimes targeting any population, including the Palestinian population, go unpunished.

²⁰ United Nations Human Rights Council. *Resolution adopted by the Human Rights Council on 18 May*. (22 May 2018) [online] A/HRC/RES/S-28/1 available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/137/36/PDF/G1813736.pdf?OpenElement>

²¹ United Nations Office for the Coordination of Humanitarian Affairs, 2018. More casualties sustained during the 'Great March of Return' in Gaza. *ochaopt.org*. Available at: <https://www.ochaopt.org/content/more-casualties-sustained-during-great-march-return-gaza#ftn12>

²² Numbers combined by weekly reports from the Palestinian Center for Human Rights Gaza, all available at: <https://pchrghaza.org/ar/?cat=47>