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**Human rights situation in Palestine and other
occupied Arab territories**

Joint written statement* submitted by Al Mezan Centre for Human Rights, Al-Haq, Law in the Service of Man, non- governmental organizations 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.

[20 August 2021]

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



Israel's Increase in Prohibited Restrictions Following 11-Day Military Assault on Gaza

Recent months have been marked by apparent grave and repeated human rights violations committed in particular by Israeli authorities against Palestinians both in the occupied Palestinian territory (oPt) and in Israel. The reasons behind this escalation of violence are multifaced yet not new.

Root Causes: Systemic Violations Against Palestinians on Both Sides of the Green Line

Since 1948, the Palestinian people have been living an ongoing Nakba, during which they have endured a systemic, unabated denial of their individual and collective rights due to Israel's settler-colonial regime of racial domination and oppression, amounting to the crimes against humanity of persecution and apartheid.

Israel's 54-year occupation of the West Bank, including East Jerusalem, and the Gaza Strip, has resulted in systematic violations of international law by Israel, including the de facto illegal annexation of Palestinian land, transfer of Israeli settlers, and the ethnic cleansing, forcible displacement and eviction of thousands of Palestinians. The latest such episode is currently occurring in the Sheikh Jarrah and Silwan neighborhoods in East Jerusalem, where hundreds of Palestinians are at imminent risk of forcible transfer, and are subjected to State-backed Israeli settler violence and harassment.

In Gaza, for 14 years, its two million population has been subjected to a brutal, illegal blockade and closure policy by the Occupying Power that has caused a humanitarian catastrophe of such severity that the United Nations deemed Gaza 'unfit for humans to live in.' The population is repeatedly subjected to both limited and full-scale military assaults, that center around attacks on civilians and civilian objects.

Israel's pervasive and institutionalized impunity, which is supported by the supreme court—Israel's High Court of Justice—is among the root causes of the State's continued widespread and systematic violation of Palestinians' rights on both sides of the Green Line.

Israel's Increase in Unlawful Restrictions and Heightened Humanitarian Catastrophe

When Israel launched its military assault on Gaza on the evening of 10 May 2021, it suspended all crossing operations at Erez and Kerem Shalom, and blocked the passage of patients, including injured people. Patients urgently needing medical care were prevented from accessing it and two died.¹ The crossing operations at Kerem Shalom remained unlawfully restrictive after the ceasefire 11 days later, violating customary international humanitarian law, as all "parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need."² Limited consumer goods, e.g., food products and fuel, were gradually allowed entry, but raw and industrial materials, e.g., wood and chemicals, are still banned, with limited exceptions. Already deep in economic turmoil, impoverished communities in Gaza are now facing soaring prices of key commodities. At the same time, the Israeli occupying authorities reduced Gaza's fishing zone from 15 to 6 nautical miles as part of its punitive closure measures, and now allow only 12 nautical miles of fishing.

Israel's restrictions on the entry of construction materials prevents the 8,200 Palestinians who are displaced after their houses were destroyed and around 250,000 others who incurred damages—in both cases largely by the Israeli military—from rebuilding and conducting repairs. Life in the temporary housing is harming family stability and wellbeing in Gaza, especially with children heading back to school and the additional costs and emotional toll

¹ A total of four patients have died in 2021 waiting for Israeli-issued permits.

² Customary IHL, Rule 55.

that that entails, notably as schools have been damaged and children are experiencing fresh trauma.

Gaza's municipalities and local governmental bodies also struggle to repair vital infrastructure, facilities and paved roads that were destroyed in the offensive, because of the chronic shortage of resources and Israel's ban on the import of necessary materials.

These restrictive measures compound the humanitarian catastrophe in Gaza, where unemployment and poverty hover around 48% and 53%, respectively. Temporary employment projects also mask joblessness, which is likely above 50%. Food insecurity is 68%, with 70% of the population receiving humanitarian aid.

In Gaza, facts on the ground show that the already catastrophic humanitarian conditions will continue to deteriorate due to the massive damage and destruction of houses and key infrastructure, displacement of thousands of families, the ongoing COVID-19 outbreak without sufficient vaccines, delayed relief operations that are subject to Israel's unlawful closure restrictions, increased environmental pollution from the massive munitions used, lack of access to safe water, and steep decline in access to education.

Conduct of Hostilities: Israeli Military Targeting Civilians and Civilian Infrastructure in Gaza

Approximately 6pm on 10 May 2021, Israel launched a full-scale military offensive against Gaza, lasting until 2am on Friday, 21 May 2021. Throughout the 11-day offensive, Israeli occupying forces launched a series of heavy airstrikes at several densely populated areas in Gaza, deliberately targeting civilians and their homes—sometimes with people still inside, at night, and without warning—as well as civilian infrastructure.

During the offensive, 261 Palestinians were killed—including 67 children and 41 women, making up over 41% of all deaths—and another 1,981 people were wounded, including 643 children and 399 women, making up over 53% of injuries. According to Al Mezan's documentation, at least 40% of the victims were killed when Israeli airstrikes destroyed or damaged their houses without prior warning, while they were still inside, sometimes obliterating entire families. Nineteen Palestinian families lost between two and 21 members to Israeli airstrikes—80% of which occurred between 5pm and 5am, with the majority of houses being destroyed between midnight and 4:30am. With whole residential apartment blocks and individual homes being targeted pursuant to an apparent policy agreed by Israel's military and political leadership, the Israeli government resumed the key feature of its 51-day hostilities in the summer of 2014: targeted military attacks against family homes resulting in civilian casualties.³

According to Al Mezan's preliminary documentation, around 720 housing units were completely destroyed and 5,180 were damaged. As civilians and their homes were targeted directly and intensively with heavy missiles, random artillery and intense shelling from war planes and gunboats, thousands of people fled their homes in search of shelter—despite facts on the ground showing that nowhere is safe in Gaza. According to the UN Office for the Coordination of Humanitarian Affairs, around 8,200 people are still displaced.⁴

Al Mezan's documentation shows that Israeli occupying forces indiscriminately attacked public and private properties, including businesses, industrial and commercial entities, schools, mosques, banks, farmlands, and media outlets. Israeli airstrikes also deliberately destroyed vital roads leading to hospitals, which not only severely hindered the work of paramedics and rescue crews but also subjected them to harm. Major power, telecommunication, and water networks were also damaged. These include: 13 water wells; 18 water and sanitation pumps; 400,000 square-meters of paved roads; 250,000 meters of

³ See Al Mezan's early warning on the subject with partner organization Lawyers for Palestinian Human Rights, at: <http://mezan.org/en/post/23978>.

⁴ OCHA Situation Report No. 7 (2-7 July) at: <https://www.ochaopt.org./content/response-escalation-opt-situation-report-no-7-2-7-july-2021>.

water grids; four electricity lines; and 23 medical facilities—including Gaza’s only COVID-19 testing lab.

Al Mezan’s daily, firsthand field monitoring on the ground throughout the offensive and follow-up documentation indicate that Israel’s military attacks, which largely targeted civilians and civilian objects, were conducted in blatant violation of the core principles of distinction, proportionality, and military necessity enshrined in customary international humanitarian law. This conduct clearly amounts to war crimes and crimes against humanity under international criminal law.

Recommendations

Third States have a legal responsibility to ensure Israel’s compliance with international law. Accordingly, we call on the Council and UN Member States to:

1. Call on Israel to urgently open both humanitarian crossings into Gaza as a first step to the full and unconditional lifting of its illegal closure and blockade policy as recommended by UN Treaty Bodies and by the UN Independent Commission of Inquiry on the 2018 protests in the Occupied Palestinian Territory, and as reaffirmed by accountability resolution 40/13 by Member States of the Human Rights Council in March of 2019;
2. Ensure accountability, redress and the rights of Palestinian victims, in particular of Israel’s latest full-scale military assault, including by supporting international accountability mechanisms, namely the work and mandate of the incoming commission of inquiry;
3. Recognize and address root causes entrenching persecution and apartheid over the Palestinian people as a whole and end all forms of collective punishment, including through the above measures;
4. Call on Israel to stop targeting civilian individuals, properties and objects in Gaza and implement all HRC resolutions and recommendations to that effect, including resolution 40/13 and the 2018 commission of inquiry recommendations to bring an end to Israel’s unlawful resort of lethal force against Palestinians; and
5. Urge Israel to uphold its moral and legal obligations concerning the right to the highest attainable standard of physical and mental health of Palestinians, including by supplying the whole population under its effective control with the COVID-19 vaccine.

Addameer Prisoner Support and Human Rights Association, NGO(s) without consultative status, also share the views expressed in this statement.