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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.

[7 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Continuing Daily Violence and Denial of Rights in the Gaza Strip, occupied Palestinian territory

Recent months have seen a continuation of apparent grave and repeated human rights violations committed by Israeli authorities against Palestinians in the Gaza Strip, occupied Palestinian territory. The reasons behind this escalation of violence are multifaced yet not new.

Root Causes

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 system of racial domination and oppression, amounting to the crimes against humanity of persecution and apartheid.(1)

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 illegal annexation of Palestinian land, transfer of Israeli settlers, and the ethnic cleansing, forcible displacement, and eviction of thousands of Palestinians.

In Gaza, for nearly 15 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 UN deemed Gaza 'unfit for humans to live in'.(2) 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 its supreme court—the High Court of Justice (HCJ)—is among the root causes of the State's continued widespread and systematic violation of Palestinians' rights on both sides of the Green Line.

In a recent petition brought by Al Mezan and partner organizations to the HCJ,(3) the organizations challenged a decision by Israel's Military Advocate General (MAG) to close a criminal investigation into the Israeli military's killing of four children from the B. family in its 2014 summer military offensive on Gaza—a decision that was confirmed by the Attorney General (AG). The investigative materials show that the Israeli air force intentionally and directly aimed deadly fire at the children, without conducting target verification or taking the necessary precautions, in serious violation of international humanitarian law. The petitioners further argue that the MAG has a conflict of interest as he plays a dual role: he provides legal advice to the army before and during military operations, and he also decides whether or not to open a criminal investigation and how to conduct it. To date, the MAG and AG have refused to conduct any criminal investigations that led to an indictment in cases in which civilians in Gaza have been killed. The conduct of the Israeli investigation mechanism in the B. case is another indication of a total impunity policy for Israeli soldiers and commanders.

Israel's Perpetuation of Unlawful Restrictions

Israel's illegal land, sea, and air closure of Gaza, which amounts to collective punishment under international law, has led to a poverty rate of 56%,(4) which the World Bank expects to increase to 64% as a result of the COVID-19 crisis.(5) Similarly, the unemployment rate toward the end of 2021 soared at 50.2%,(6) with 70% of Gaza's households already receiving aid.(7)

Israel's continued enforcement of access restricted areas undermines Palestinians' right to permanent sovereignty over natural wealth and resources, leaving fishermen and farmers vulnerable to shooting, harassment, verbal and physical abuse, arbitrary arrest, detention, and destruction of equipment. In 2021, Israeli opened fire against Palestinian fishermen 336 times, injuring five and detaining 12, including two children. During the same period, Israeli forces carried out 586 attacks against farmers, killing 10 and injuring four.

Patient applications to travel via the Israeli-controlled Erez crossing for urgently needed care unavailable in Gaza continue to be delayed or denied without any clear justification under Israel's complex, arbitrary, and discriminatory permit regime. Al Mezan's figures show that in 2021 four medical patients—including two children—died after Israel denied or deferred their permits. On 9 January 2022, Gaza resident S.A-N, 16, died from leukemia after missing three hospital appointments due to Israel's delayed responses to his permit requests.(8)

Since the outbreak of the COVID-19 pandemic, 250 Palestinian from Gaza detained in Israeli prisons have been kept in almost complete isolation from the outside world under Israel's ban on family visits, with only sporadic, short phone calls allowed. Notably, Gaza detainees associated with Hamas have been denied visits since 2017 as part of Israel's sanctions on Gaza, and those detained as "security internees" are generally denied all phone contact with the outside world.(9)

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, delayed relief operations that are subject to Israel's unlawful closure restrictions, increased environmental pollution resulting from Israel's massive munitions used in the May escalation, and lack of access to safe water.

While the Israeli government purports to justify the closure and the related restrictions under the guise of "security", this treatment of more than two million Palestinians has been recognized as a situation of racial segregation and apartheid.(10)

Israeli Military Targeting of Civilians and Civilian Infrastructure

Between 10-21 May 2021, Israel launched a full-scale military offensive against Gaza, conducting a relentless series of heavy airstrikes at densely populated areas in Gaza and deliberately targeting civilians and their homes as well as civilian and public infrastructure. Al Mezan, Al-Haq and the Palestinian Centre for Human Rights documented the attacks.(11)

During the offensive, 261 Palestinians were killed, with 240 killed by Israeli forces—151 of whom were civilians, including 38 women and 59 children (39 of whom under 12). The Israeli military wounded another 1,968 Palestinians in Gaza, including 630 children (415 of whom under 12). In 13% of Israeli military attacks, ambulances were obstructed from reaching victims and hospitals due to ongoing attacks and destruction to roads.

Of the 240 Palestinians killed by the Israeli military, 113 were targeted in their homes without warning. With whole residential apartment blocks targeted and 7,680 housing units damaged or destroyed pursuant to an apparent policy at least tacitly 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. (12)

Further, 24 wells, 221 poultry and livestock farms, seven banks, 124 mosques, 81 daycare centers, 50 healthcare clinics and 184 schools were damaged or destroyed, among other private and public facilities. Israeli forces also destroyed water and electricity lines, roads, and waterworks that feed entire residential neighborhoods as indispensable objects to the survival of civilians, deliberately subjecting two million Palestinians to inhumane living conditions.

The organizations' daily and firsthand field monitoring on the ground throughout the offensive and follow-up documentation indicate that Israel's military attacks were conducted in blatant violation of the principles of distinction, proportionality, and precautions enshrined in customary international humanitarian law. This conduct clearly amounts to war crimes and crimes against humanity under international criminal law.

Meanwhile, no progress is being made on plans to rebuild Gaza's infrastructure, particularly residential houses, water, electricity, and sewage networks, and roads. This is due both to the restrictions imposed by Israeli authorities on the entry of construction materials and to the lack of international funds for the reconstruction process or for compensation to those affected by the May offensive.

Recommendations

Third States have a legal responsibility to ensure Israel's compliance with international law. Accordingly, we urge this Council and UN Member States to:

1. Call on Israel to immediately lift its illegal closure and blockade on Gaza, as recommended by UN treaty bodies and by the 2018 Commission of Inquiry and as reaffirmed by accountability resolution 40/13 by Member States of this Council.
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 Commission of Inquiry pursuant resolution S-30/1.
3. Recognize and address root causes entrenching persecution and apartheid over the Palestinian people as a whole and end all forms of collective punishment.
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 align its rules of engagement with international standards and to end its unlawful resort of lethal force against Palestinians.

1 See Al Mezan at: <http://mezan.org/en/uploads/files/16381763051929.pdf> and Amnesty at: <https://www.amnesty.org/en/documents/mde15/5141/2022/en/>

2 See UNRWA at: <https://www.unrwa.org/userfiles/file/publications/gaza/Gaza%20in%202020.pdf>

3 See Al Mezan et al at: <http://mezan.org/en/post/24090>

4 See UN General Assembly report at: https://unctad.org/system/files/official-document/a75d310_en_1.pdf

5 See World Bank at: <https://www.worldbank.org/en/news/press-release/2020/06/01>

6 See Palestinian Central Bureau of Statistics at: https://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_Ar_8-11-2021-LF-ar.pdf

7 See Al Mezan at: <https://mezan.org/en/uploads/files/16261619561305.pdf>

8 See Al Mezan at: <http://mezan.org/en/post/24091>

9 See Al Mezan et al at: <http://mezan.org/en/post/24092>

10 See Al Mezan at: <http://mezan.org/en/uploads/files/16381763051929.pdf>

11 See Al Mezan et al at: <http://mezan.org/en/post/24096>

12 See Al Mezan at: <http://mezan.org/en/post/23978>