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## Human Rights Council

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Agenda item 7

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

### **Written statement\* submitted by the Human Rights Now, 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.

[31 August 2015]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



## **The international community must make all effort to end the impunity and humanitarian crisis in Gaza**

### 1. Introduction

Human Rights Now (HRN), a Tokyo-based international human rights NGO, welcomes the work of the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict (hereinafter “the Commission”) and supports the Commission’s findings and recommendations stated in its report of 14 June 2015. In particular, we call on the international community to face up to the indiscriminate attacks against the people of Gaza as a consequence of the conflict, which have killed thousands of civilians.

Further, during the Gaza Conflict, Israel targeted critical infrastructure such as medical facilities, schools, and electricity delivery. The attacks and the continuing blockade of the Gaza Strip have caused devastating impacts on a wide range of fundamental human rights and should be recognized as serious human rights violations. The international community should take immediate action to end abuses of the Palestinian people’s fundamental human rights.

### 2. Indiscriminate Attacks against People in Gaza

In its report, the Commission concluded that in the Gaza conflict serious violations of international humanitarian and human rights had been committed by both parties, some of which may constitute war crimes.<sup>1</sup> As it found, 1462 Palestine civilians, including 299 women and 551 children, were killed by the Israeli Military.<sup>2</sup>

The Commission suggested that “the attacks of the Israel Defense Forces on residential buildings; the use of artillery and other explosive weapons ... in populated areas; [and] the destruction of entire neighborhoods” raise serious questions as to whether Israel’s military policy violates the laws of war.<sup>3</sup> Moreover, the Commission’s findings regarding a series of Israeli attacks on UNRWA (United Nations Relief and Works Agency for Palestine Refugees) schools sheltering civilians show persistent patterns of alleged war crimes.<sup>4</sup>

We echo the Commission’s assessment that “[t]hose responsible for suspected violations of international law at all levels of the political and military establishments must be brought to justice.”<sup>5</sup> The prevailing impunity for alleged crimes in Gaza and the West Bank by Israeli forces, as well as Israel’s persistent failure to implement the recommendations made by the UN mechanism, significantly contribute to a recurrence of gross human rights violations against the Palestinian people. To date, the investigations implemented by Israel’s Government have been far from satisfactory. The international community must take all effective measures to put an end to impunity, injustice and further recurrence.

On the other hand, those Palestinians responsible for suspected violations of international law also need to be investigated. Six Israeli civilians, including one child, were killed by the indiscriminate attacks of Palestinian armed groups during the conflict.<sup>6</sup>

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<sup>1</sup> Para 668, Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council Resolution S-21/1 (A/HRC/29/CRP.4)

<sup>2</sup> Para 574, Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council Resolution S-21/1 (A/HRC/29/CRP.4)

<sup>3</sup> Para 671, Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council Resolution S-21/1 (A/HRC/29/CRP.4).

<sup>4</sup> Para 446, Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council Resolution S-21/1 (A/HRC/29/CRP.4)

<sup>5</sup> Para 664, Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council Resolution S-21/1 (A/HRC/29/CRP.4)

<sup>6</sup> Press release, Humanitarian coordinator calls for an accelerated recovery effort for the Gaza Strip one year after the 2014 hostilities, at: [http://www.ochaopt.org/documents/press\\_release\\_7-7-2015.pdf](http://www.ochaopt.org/documents/press_release_7-7-2015.pdf)

The ICC prosecutor should accelerate the ongoing preliminary examination of the alleged crimes committed during the Gaza Conflict and start the criminal investigations of those crimes immediately. Both the Israeli and Palestinian governments should fully cooperate with the ICC's investigation, and the international community should also support this accountability mechanism.

### 3. Incalculable Delays in Reconstruction

Alongside the high number of civilian fatalities, the damage caused by the destruction of civilian infrastructure stemming from the attacks in the Gaza conflict is enormously high and estimated to be around 1.4 billion dollars.<sup>7</sup>

18,000 housing units in Gaza were destroyed or damaged.<sup>8</sup> Water and sanitation facilities in Gaza were heavily affected by the escalation of violence with 63 water facilities damaged and 23 completely destroyed.<sup>9</sup> These deficits were exacerbated by the partial or total destruction of 209 schools caused by the attacks on Gaza.<sup>10</sup> Finally, 15 hospitals and 51 primary health care clinics were damaged and one hospital and 5 clinics completely destroyed, alongside with the incapacitation of tens of ambulances and the decimation of health care personnel.<sup>11</sup> This destruction of critical infrastructure strongly impacts the enjoyment of a wide range of human rights such as the rights to security, sanitation, health, privacy and family life.

Since the Gaza conflict, humanitarian organizations and international donors have supported the reconstruction of Gaza and provided financial aid. Further, at the Cairo Gaza Reconstruction Conference in October 2014, Palestine, Israel and the UN established a mechanism to facilitate the entry of construction material.<sup>12</sup> However, these efforts aimed at facilitating reconstruction have been too slow and lamentably inadequate to address the immense needs in Gaza. Approximately 100,000 people remain internally displaced; 120,000 people are disconnected from the water supply; and 73 percent of the population suffers from food insecurity.<sup>13</sup>

This is mainly because of Israel's blockade on Gaza, which prevents essential construction material from reaching the people in need.

According to a petition proposed by 35 aid organizations, only 5 percent of the 6,700,000 tons of construction material needed to rebuild the buildings and facilities destroyed in the war have been permitted to enter Gaza.<sup>14</sup> At this rate, it is estimated reconstructing the Gaza Strip could take up to 17 years.<sup>15</sup> As a consequence, not a single home has been rebuilt in the last year.<sup>16</sup>

<sup>7</sup> Press release, Humanitarian coordinator calls for an accelerated recovery effort for the Gaza Strip one year after the 2014 hostilities, 7 July 2015

<sup>8</sup> Para 576, Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council Resolution S-21/1 (A/HRC/29/CRP.4)

<sup>9</sup> Para 61, Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolution S-9/1 and S-12/1 (A/HRC/28/80/Add.1)

<sup>10</sup> Para 585, Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council Resolution S-21/1 (A/HRC/29/CRP.4)

<sup>11</sup> Para 591, Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council Resolution S-21/1 (A/HRC/29/CRP.4).

<sup>12</sup> UN Daily News, at: <http://www.un.org/News/dh/pdf/english/2015/07072015.pdf>

<sup>13</sup> Press release, Humanitarian coordinator calls for an accelerated recovery effort for the Gaza Strip one year after the 2014 hostilities, at: [http://www.ochaopt.org/documents/press\\_release\\_7-7-2015.pdf](http://www.ochaopt.org/documents/press_release_7-7-2015.pdf)

<sup>14</sup> [https://secure.avaaz.org/en/gaza\\_blockade\\_aida/?1440413696](https://secure.avaaz.org/en/gaza_blockade_aida/?1440413696).

The 35 aid organizations include members of the Association of International Development Agencies (AIDA), a coordination forum of over 80 international NGO and NPO organizations working in the occupied Palestinian territory and other regional networks working closely with AIDA.

<sup>15</sup> The Shelter Cluster, Construction Material Tracking for Gaza, at: <http://shelterpalestine.org/Upload/Doc/741ec903-0c96-47fa-93ee-e320417e7dc4.pdf>

<sup>16</sup> [https://secure.avaaz.org/en/gaza\\_blockade\\_aida/?1440413696](https://secure.avaaz.org/en/gaza_blockade_aida/?1440413696)

Considering the humanitarian crisis in Gaza, the blockade constitutes collective punishment, another war crime committed by the Israel under the Fourth Geneva Convention. Israel must lift the blockade immediately and unconditionally.

International donors at the Cairo Conference had pledged 5 billion USD to the Palestinian Territories, of which 3.5 billion USD were intended to support Gaza. However, on 15 May the disbursement ratio had only reached 27.5 percent.<sup>17</sup> The international community must increase their efforts to support the reconstruction process in Gaza.

#### 4. Recommendations

- (1) HRN calls upon the government of Israel to respect and ensure compliance with international human rights and humanitarian law, especially with regard to:
  1. Cease all violations of international humanitarian and human rights law in the occupied Palestinian territory;
  2. Immediately and unconditionally lifting the blockade against Gaza in order to facilitate the reconstruction of destroyed buildings and infrastructure;
  3. Cooperating with the ICC's criminal investigations and all other efforts to achieve justice and accountability over all acts violating international law in the occupied Palestinian territory, including the violations committed during recent Gaza conflict;
- (2) HRN calls upon the State of Palestine:
  1. To make effort to investigate alleged violations of human rights and humanitarian law against Israel civilian during the recent Gaza conflict;
- (3) HRN calls upon the international community:
  1. To use its influence to promote compliance with human rights and humanitarian law obligations in the occupied Palestinian territory and Israel;
  2. To support efforts for justice and accountability with regard to the human rights violations in the Palestinian occupied territory;
  3. Increase its efforts to support the reconstruction of Gaza. In particular, it urges donors to fully provide the financial means they pledged at the Cairo Conference.
- (4) HRN calls upon the ICC prosecutor to accelerate the preliminary examinations and to immediately start criminal investigations.
- (5) HRN calls upon the UN Human Rights Council to set up effective mechanisms to ensure accountability over the alleged violations as well as the implementation of all UN recommendations on the State of Israel in relation to the human rights situation of people in the occupied Palestine territory

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<sup>17</sup> World Bank, Reconstructing Gaza, Donor Pledges, at: <http://www.worldbank.org/en/programs/rebuilding-gaza-donor-pledges#3>