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Situation des droits de l'homme en Palestine et dans les autres territoires arabes occupés

Communication de la Commission indépendante pour les droits de l'homme de l'État de Palestine*

Note du secrétariat

Le secrétariat du Conseil des droits de l'homme fait tenir ci-joint la communication soumise par la Commission indépendante pour les droits de l'homme de l'État de Palestine**, reproduite ci-après conformément à l'article 7 b) du règlement intérieur figurant dans l'annexe de la résolution 5/1 du Conseil, qui dispose que la participation des institutions nationales des droits de l'homme s'exerce selon les modalités et les pratiques convenues par la Commission des droits de l'homme, notamment la résolution 2005/74 du 20 avril 2005.

* Institution nationale des droits de l'homme à laquelle l'Alliance globale des institutions nationales des droits de l'homme a accordé le statut d'accréditation « A ».

** La communication est distribuée telle qu'elle a été reçue, dans la langue de l'original seulement.



Annexe

Submission by the State of Palestine: Independent Commission for Human Rights

Israeli tightening of siege on Gaza Strip and collective punishment and repercussions of that on the status of basic human rights of the Gaza Strip residents

The Israeli occupation state “the occupying power” continues its daily violations and arbitrary practices against the Palestinians and their human rights in the occupied Palestinian territory. The violations escalate flagrantly and continue with the continuation of the occupation. Such violations include daily arbitrary detention campaigns against the Palestinians, continuing settlement expansion, house demolition and forced-eviction against the Palestinians from their homes and property. The violations add to the persistence of the Israeli occupation authorities and settlers in their violations against the Palestinians’ lives and property in the West Bank and deploying military roadblocks and imposing closures and restrictions on the movement of the Palestinians. These authorities continue collective punishment and escalation of their illegal and inhuman measures against the Gaza Strip and tighten siege against the strip for the 14th consecutive year. Additionally, the Israeli occupation continue closing all its crossings, harassing the Palestinian residents there and restricting the movement of individuals, commodities, medical and food supplies, a matter that threatens with unprecedented deterioration of the humanitarian situation and undermining of living requirements there.

The Israeli arbitrary measures against Gaza Strip residents have escalated and had a negative effect on the Palestinian human rights and all the basic services that need to be provided for the Palestinian residents of the Gaza Strip. These measures have recently resulted in shutting down the power plant in the strip, because of the Israeli prohibition of fuel for the running of the plant and for sustaining life in the strip. The siege has effectively restricted the capacity of the only power plant in the strip and reduced its power supply capacity into just 8 hours per day. This reflects a critical shortage in power supply and supply hours, a matter that had a negative effect on the ability of the strip residents to access their basic rights under difficult and inhuman health conditions that they suffer. Tightening the siege and power outage have resulted in the collapse and damage of different basic services provided for the citizens, especially health services, hospitals and healthcare centres’ functioning, water facilities and supplies, including drinking water pumping from the wells and disinfecting wells, the functioning of sewer treatment plants, as well as all the environmental and municipal services.

Power outage creates a serious problem during the summer peak time, where demand increases for electricity supply, because of the unprecedented temperature rise. Added to the above, are the losses incurred by the different economic sectors that rely on power supply in their economic production activities.

Power outage in Gaza Strip not only results in darkness, complete paralysis of the public facilities and different important sectors, but rather the difficult impact extends to affect all living aspects of the Gaza Strip residents and conditions that can help facilitate their daily life and provide their services. It also results in the deterioration in the health status, because of the effect on the functioning of hospitals and medical centres, government and private. It also affects all of the medical services, at the time when the Gaza Strip witnesses a grave deterioration in the health situation of the patients, because of the restrictions imposed on the movement and prohibiting them from receiving treatment outside the strip. This also includes serious implications, especially in light of the Covid-19 pandemic in the Gaza Strip, a matter that threatens with undermining the functioning of hospitals and paralyzing the health sector from carrying out its duties in facing the pandemic and assisting the patients, in light of the poor and limited resources in facing the virus spread.

On the other hand, the siege also constituted an obstacle before the ability of the citizens of the strip, estimated at around two million people, from enjoying the highest attainable level of health. The siege also limited the ability of the duty bearers from ensuring the right to health, in addition to their ability to overcome the weakness of the health sector because of the siege.

Siege threatens the residents' resilience and ability to face the pandemic. Intensive Care Beds in Gaza Strip is (110) beds, of which (78) at the hospitals of the Ministry of Health, (7) at the Military Medical Services, while the civil medical institutions have (12) of these beds and the private sector institutions have (13) beds. Additionally, 72%, if ICU beds of the Ministry of Health hospitals are in use already, which leaves only (22) beds ready to use Covid-19 cases in case the virus continues to spread. Ventilators at the medical centres in Gaza Strip are (93) ventilators, of which (63) are at hospitals of the Ministry of Health, (9) at hospitals of civil society organizations, while private hospitals have (17) of these ventilators. Any increase in the use of these ventilators for the Covid-19 patients will be at the expense of regular patients, unless the international community steps in with support and relief.

The Israeli tightening of the siege on the Gaza Strip for the 14th consecutive year is one of the collective punishment tools against the civilian residents of the Gaza Strip, which are protected according to the IHL. The results and effects of the siege have affected all aspects of human rights of all of the Gaza Strip residents. It also caused deep humanitarian crises and contributed to sustaining the deterioration of the living standards, economic and humanitarian situation. The measures of the Israeli occupation have also contributed to increasing poverty and unemployment rates among more than half of the residents. Poverty rates shot to 54%. (62.2%) of the households suffer food insecurity and is shockingly increasing, because of the plans for confronting the pandemic. The Israeli occupation authorities impose restrictions on the movement of commodities and supplies of necessary goods, including (62) such commodities that Israel classified as "dual use", which include basic commodities.

In addition to closing the sea and restricting fishing spaces before Gaza fishermen to 8 nautical miles instead of 15, this will exacerbate the humanitarian crises they have already created. The Israeli occupations' violations against the fishermen have escalated, where Israel arrested hundreds of them across the recent years. In addition to destroying their fishing equipment, which means fighting them and targeting their means of living and property, a matter that strips them of their right to decent living standards, in violation to the rules of the International Humanitarian Law.

The restrictions imposed on the freedom of movement, the closing of Gaza Strip crossings and prohibition of entry of food and medical supplies, as well as construction materials, are major collective punishment tools used by Israel. These collective punishment tools have implications on the ability of Gaza Strip residents to enjoy all human rights. This includes the right to enjoying the highest attainable health level, as Israel deprives Gaza Strip patients from travelling for treatment, in addition to depriving them from travel for education, work, travel and enjoying decent living standards, as well as the right to a healthy clean environment. The siege contributes to restricting enjoyment of these basic rights.

In accordance with international conventions and principles of international humanitarian law, the occupying power has a duty to act for providing the residents of the Gaza Strip with the necessary food and medical supplies. In addition, in the event of a shortage, it must act to ensure that relief operations reach the civilian population in need; the occupying power must guarantee the public health conditions and ensure the functioning of medical facilities.

Observers to the situation in the Gaza Strip are aware of the reality of the deterioration of the humanitarian and economic conditions there, and are aware that should the siege continue, the Gaza Strip will be facing a real humanitarian disaster.

International humanitarian law prohibits collective punishments in all cases and circumstances, and these punishments are considered one of the most severe violations of human rights, which are prohibited by Article 33 of the Fourth Geneva Convention for the

Protection of Civilians in Time of War of 1949. This strictly applies in particular to imposing collective punishment and intimidation measures against protected persons and their property "for a crime they did not personally commit." It also prohibited measures of reprisals against protected persons and their property, in addition to all measures of threat or terrorism. Collective punishments amount to war crimes, and it is prohibited in Article No. (4) of the Second Additional Protocol to the Geneva Conventions of 1977 relating to the protection of victims of non-international armed conflicts, while the First Additional Protocol of 1977 granted international protection to civilians in occupied territories, as they are among the most vulnerable groups in international armed conflicts.

The Independent Commission for Human Rights expresses its deep concern over the inevitable result of the siege and its tightening, including the collapse of the Gaza Strip's facilities and the functioning of its vital sectors, and over the inevitable further deterioration of the humanitarian situation there, and the negative repercussions of this on the ability of the citizens of the strip to enjoy their basic rights and the state of social rights, including the economic and cultural rights, on top of which are health rights and the provision of medical services to its residents.

The measures and policies of the occupation lead to strangling the Gaza Strip and lead to the explosion of situation there. Additionally, the international community must stand up to its legal and moral responsibilities and their obligations under international humanitarian law, in confronting the occupation's violations and its arbitrary policies towards the residents of the Gaza Strip. Thus, the Commission calls on:

- The international community urgently to act immediately to apply serious pressure on the Israeli occupation; to confront its practices, intervene in lifting the tightened siege around the Gaza Strip, stop its arbitrary policies and violations against its residents, including the systematic collective punishment policy against civilians and desist from using humanitarian needs and bargaining over basic rights to achieve political ends.
- The international community to ask the Israeli Occupation to abide by its commitments toward the Gaza Strip residents as per international law, and to allow them to enjoy their rights as included in all human rights international conventions and agreements. Also, ask the Israeli Occupation to ensure the provision of needs and services for the Gaza Strip residents; and provide urgent medical and humanitarian assistance and relief for the residents of the Gaza Strip, support the healthcare system and their resilience to face and contain the pandemic and the right of the Gaza Strip resident to health.
- The Human Rights Council to form a fact-finding commission on the different violations against Palestinian human rights by the Israeli Occupation authorities in the Gaza Strip and call for holding a special session to discuss the tightened siege around Gaza Strip and its repercussions on the status of human rights there.
- Pressure the Israeli occupation, the occupying power, to respect its legal commitments and responsibilities as per the IHL, to lift the tightened siege around Gaza Strip, open all its crossings before the movement of goods, power plant fuel and ensure sustainability of basic service provisions for citizens and end its economic and humanitarian crisis.
