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## Human Rights Council

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

### **Joint written statement\* submitted by Al-Haq, Law in the Service of Man, Al Mezan Centre for Human Rights, Cairo Institute for Human Rights Studies, Palestinian Centre for Human Rights, 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 2020]

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

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## **Gaza 2020: Uninhabitable and Unnoticed as Israel's Restrictions Tighten**

For 53 years, Israel has maintained a prolonged military occupation over the West Bank, including East Jerusalem, and the Gaza Strip, in what constitutes the Occupied Palestinian Territory (OPT). For 13 years, Israel has maintained a comprehensive land, sea, and air blockade and closure over the Gaza Strip, imposing unlawful collective punishment over two million Palestinians. The closure, which has undermined all aspects of life in Gaza, denying Palestinians the enjoyment of all rights and freedoms, including their right to self-determination and right of return, has resulted in profound levels of poverty, aid-dependency, food insecurity, and unemployment, as well as the collapse of essential services, including healthcare.

### **Denial of Access to Healthcare for Palestinian Patients from the Gaza Strip**

The 13-year-long illegal closure, marked by the restrictions imposed on the movement of people and goods, has resulted in the fragmentation and de-development of Gaza's healthcare system, driving it to the brink of collapse. Essential medicines, supplies, and equipment are unavailable. Many Palestinian patients need to be referred to more advanced facilities outside Gaza to access healthcare. Leaving Gaza, even when seeking lifesaving treatment, is dependent on a complex permit regime imposed by the Israeli occupying authorities. Arbitrary denial and delay in the issuance of permits presents a major barrier on patients' ability to access healthcare, and the complex bureaucratic process causes significant anxiety and stress for patients and their families.

On 19 May 2020, in response to Israel's plans to de jure annex large parts of the occupied West Bank,<sup>1</sup> the State of Palestine declared that it was absolved of all agreements with Israel, the Occupying Power, including security agreements.<sup>2</sup> While the Palestinian Ministry of Health continues to issue referrals for patients to facilities outside of Gaza and for West Bank patients to East Jerusalem, the Israeli occupying authorities require these patients to apply for permits, but they currently have no official means to do so.

While noting the State of Palestine's decision to cease coordination with the Israeli occupation, the current health crisis facing Gazan patients pre-dates this cessation. The roots of the crisis lie in Israel's policy of preconditioning healthcare, and the imposition of an arbitrary and discriminatory permit system, which itself constitutes an integral part of the illegal closure regime. Following the cessation of coordination and given the current deadlock in the system, it is incumbent upon the Israeli occupying authorities to provide a safe and expeditious alternative to the permit system—one that fulfils the fundamental rights of Palestinian patients and lives up to international standards concerning the right to health under occupation, rather than maintaining one that violates Palestinians' right to the highest attainable standard of health, and in the most extreme cases, their right to life.

Since June 2020, two Palestinian infants, A. H., 9 days, and O. Y., 8 months, each in need of urgent medical assistance, died before they were able to leave Gaza to receive life-saving treatment. These deaths are the consequence of Israel's unlawful closure of the Gaza Strip and the imposition of an arbitrary permit regime which denies freedom of movement. Israel, as the Occupying Power, has the primary responsibility to ensure that Palestinian patients have access to essential health services, to lift the illegal closure of Gaza, and to dismantle the permit system.

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<sup>1</sup> Al-Haq, "Third States Must Act to Prevent Further Israeli Annexation of Occupied Palestinian Territory," 4 June 2020, <http://www.alhaq.org/advocacy/16937.html>.

<sup>2</sup> Wafa, "President Abbas declares end to agreements with Israel, US; turns over responsibility on occupied lands to Israel," 19 May 2020, <http://english.wafa.ps/page.aspx?id=1s724Ua117154132029a1s724U>.

## Gaza 2020: Uninhabitable and Unnoticed as Israel's Restrictions Tighten

Israel's closure regime impacts all aspects of Palestinian life in Gaza. Since 2012, United Nations (UN) reports have repeatedly warned that the Gaza Strip will become uninhabitable by 2020 should Israel fail to lift the closure. In resolution 40/13, the Human Rights Council requested that the Office of the UN High Commissioner for Human Rights (OHCHR) "follow up on the implementation of the recommendations contained in the report of the commission of inquiry," including to lift the Gaza closure with immediate effect and to fulfil the right to health of Palestinians. As the international community fails to ensure the protection of Palestinian human rights, Israel, the Occupying Power, continues to tighten the restrictions on the Gaza Strip.

On 10 August 2020, the Israeli occupying authorities announced the closure of Karam Abu Salem (Kerem Shalom) checkpoint, located southeast of Rafah, south of the Gaza Strip, as of the following morning, 11 August 2020. The closing of the checkpoint, which is the only commercial crossing that connects the Gaza Strip with Israel, restricted the access of goods to certain vital humanitarian supplies. On 12 August 2020, the Israeli occupying authorities imposed further restrictions on Gaza and prevented the supply of fuel. The decision to suspend the entry of fuel into Gaza will deepen the already-existing-crisis. Prior to the suspension decision, Gaza had a 64 percent power deficit.<sup>3</sup> Since 18 August 2020, the Palestinian Energy and Natural Resources Authority and the Gaza Electricity Distribution Company have suspended the work of the power plant at full capacity due to a lack of fuel being imported from Israel, and Palestinians in the Gaza Strip are being forced to live on 3-4 hours of electricity a day.

As part of the closure, Israel unilaterally imposes a territorial and maritime buffer zone in Gaza, where access is entirely prohibited or severely restricted. Extended along the perimeter fence of the entire eastern part of the Gaza Strip, the Israeli occupying forces target the buffer zone's farmers, their agricultural lands, and crops. Similarly, Palestinian fishermen, who face regular assaults by the Israeli occupying forces, are forced to fish in a severely restricted fishing zone where fish stocks have already been severely depleted and where larger fish are out of reach.

On 12 August 2020, the Israeli occupation forces further restricted the fishing zone to 8 nautical miles (NM), preventing Palestinian fishermen from accessing 60 percent of their maritime areas, diminishing both the quantity and quality of the fish available to catch.<sup>4</sup> According to the head of the Palestinian Fishery Union, the Israeli occupying authorities had not officially informed the Union of the decision to restrict the fishing area. Nonetheless, Palestinian fishermen have reported that Israeli occupying forces have pursued their boats, which were at varying distances of more than 8 NM but less than 15 NM, opened fire on the boats, and forced them to flee the scene and stop fishing. On 16 August 2020, the Israeli occupying authorities imposed further restrictions on Palestinian fishermen as it announced a complete and immediate closure of the Gaza sea, until further notice.<sup>5</sup>

The livelihoods of the Palestinian fishermen and their families have been severely affected. Israel's policy of denying Palestinian fishermen access to Palestinian territorial waters violates Palestinian sovereignty over natural resources and undermines what would otherwise be a viable sector in the Palestinian economy.

The blockade and closure of the Gaza Strip and the larger strategic fragmentation of the Palestinian people, including the denial of Palestinian refugee return, has served to inhibit the rights of the Palestinian people, and in the case of Gaza amounts to unlawful collective punishment. In 2013, the UN Secretary-General noted that "the blockade and related

<sup>3</sup> Palestinian Centre for Human Rights (PCHR), "IOF Tightens Gaza Strip Closure, Fuel Entry Suspended and Fishing Area Reduced," 13 August 2020, <https://www.pchrgaza.org/en/?p=14886>.

<sup>4</sup> Al Mezan, "Israel tightens punitive closure measures on Gaza and bans fuel entry," 18 August 2020, <https://www.mezan.org/en/post/23784>.

<sup>5</sup> PCHR, "IOF Tightens Gaza Strip Closure, Gaza Sea Completely Closed and Fishermen Denied Work," 16 August 2020, <https://www.pchrgaza.org/en/?p=14904>.

restrictions target and impose hardship on the civilian population, effectively penalizing them for acts they have not committed” constituting a violation of Article 33 of the Fourth Geneva Convention.<sup>6</sup> The closure has undermined all aspects of life in Gaza, and as such active steps must be taken by the international community to bring the unlawful situation to an end.

## **Conclusion and Recommendations**

Within the context of Israel’s pervasive impunity for widespread and systematic human rights violations committed against the Palestinian people, third States have a responsibility to ensure international justice and accountability. At the Human Rights Council, States must end all forms of collective punishment imposed on Palestinians, including Israel’s illegal closure of Gaza. Accordingly, we call on the Council and all UN Member States to:

1. Adopt effective measures to lift Israel’s illegal closure of Gaza with immediate effect, as recommended by the UN Commission of Inquiry on the 2018 protests in the Occupied Palestinian Territory and Human Rights Council resolution 40/13.
2. Recognize and end all forms of unlawful collective punishment imposed on the Palestinian people, ensure access to healthcare for Palestinians under Israeli occupation, and support Gaza’s infrastructure, including to develop the healthcare system and other essential services.
3. Pursue international justice and accountability for widespread and systematic human rights violations committed against the Palestinian people, including suspected crimes, and uphold their third State responsibility with regard to penal sanctions for grave breaches of international law committed against the Palestinian people.

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<sup>6</sup> A/HRC/24/30, para. 22.