



General Assembly

Distr.: General
21 September 2021

English only

Human Rights Council

Forty-eighth session

13 September–1 October 2021

Agenda item 7

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

Written statement* submitted by The Palestinian Return Centre Ltd, 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.

[19 August 2021]

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



Israel's Recent Illicit Violence Against Gaza's Besieged Population

The besieged Gaza Strip is home to a population of approximately 2.1 million Palestinians, including some 1.4 million Palestinian refugees.¹ 2.1 million Palestinian people are living under an illegal blockade imposed on Gaza by Israel for the past 14 years. Israel controls access to Gaza via air, land and sea, while the Rafah crossing on the Egyptian border, has been selectively closed for the vast duration of Israel's blockade on Gaza. Palestinians in Gaza effectively live in an open-air prison. They cannot enter or leave Gaza freely, to see family or friends in or to get life-saving medical care outside of Gaza. Even how far they go into the sea to fish is restricted.² From contextualising the present situation, it can be very clearly understood that any such military bombardment on a besieged population, such as the population of Gaza, would result in countless flagrant violations of the human rights of every single Palestinian in Gaza, due to the pre-determined current reality of blockade and occupation.

Israel's Most Recent Military Assault on Gaza

From May 10th until May 21st, 2021, Israeli airstrikes devastated the besieged Gaza strip. Following the ceasefire on May 21st, a high volume of Palestinian civilian casualties and injuries were recorded, especially high numbers of women and children being targeted by Israeli airstrikes. Israeli airstrikes killed over 248+ Palestinians, including over 65+ children, and left thousands of Palestinians severely injured. Israel targeted Palestinian hospitals, healthcare facilities, and water desalination plants. In total six Palestinian hospitals in Gaza were damaged, as well as nine primary healthcare centres, a desalination plant that supplies clean water to over 250,000 Palestinians and the only COVID-19 testing laboratory was destroyed. It is reported that over half of the water network in Gaza was severely damaged by Israel's most recent airstrikes.³ Israeli airstrikes also destroyed and damaged over 54 Palestinian schools, including Kindergartens. The airstrikes have displaced over 77,000 Palestinians who were seeking protection in 58 UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) schools, including in 23 designated emergency shelters.⁴

Israel's Systematic Human Rights Violations

The number of human rights and international law violations that Israel committed during its most recent military assault on Gaza, is unprecedented. Under international humanitarian law, all parties must distinguish between military targets and civilian objects and direct their attacks only at military objectives. When carrying out attacks, parties must take all feasible precautions to minimize harm to civilians. There is a distinct recorded pattern of Israel launching airstrikes in Gaza targeting residential buildings and family homes – in some cases entire families were buried beneath the rubble when the buildings they lived in collapsed. No prior warning was given to civilian residents to allow them to escape. Deliberate attacks on civilians and civilian property and infrastructure are war crimes, as are disproportionate attacks.⁵

¹ UNRWA, Where we work, Gaza Strip. Unrwa.org. Available at: <https://www.unrwa.org/where-we-work/gaza-strip>.

² Amnesty International, Tell Israel to lift the 11 year old blockade on Gaza. amnesty.org. Available at: <https://www.amnesty.org/en/get-involved/take-action/lift-the-blockade-on-gaza/>.

³ The BMJ, Gaza: Israeli airstrikes kill doctors and damage healthcare facilities. Bmj.com. Available at: <https://www.bmj.com/content/373/bmj.n1300>.

⁴ UN OCHA, UN releases US\$22.5M for rising humanitarian needs in Gaza. unocha.org. Available at: <https://www.unocha.org/story/un-releases-us225m-rising-humanitarian-needs-gaza>.

⁵ Amnesty International, Israel/ OPT: Pattern of Israeli attacks on residential homes in Gaza must be investigated as war crimes. Amnesty.org. Available at:

As an occupying power, Israel bears the responsibility to ensure ‘public safety’, a responsibility Israel repeatedly fails to meet in its belligerent and brutal occupation and blockade of Gaza. The Palestinian Return Centre (PRC) wishes to draw attention to Article 43 of the Geneva Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. Which states the following: ‘The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety’.⁶ Israel’s destruction and damage of Palestinian schools and educational facilities is a blatant violation of Palestinians innate human right to education, PRC highlights Article 26 of the United Nations’ 1948 Universal Declaration of Human Rights which states: ‘Everyone has the right to education’.⁷ Furthermore, Israel’s deadly attacks on Gaza’s crumbling healthcare system also violates Palestinians fundamental human right to healthcare, PRC highlights Article 25 of the United Nations’ 1948 Universal Declaration of Human Rights which states that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services”.⁸

On 11 and 12 May, two UNRWA schools were hit within the context of airstrikes by Israel on Gaza, causing extensive damage to the compound’s western perimeter and to at least 29 classrooms. Pursuant to international law, including the 1946 Convention on the Privileges and Immunities of the United Nations, UNRWA premises, property and assets are inviolable. All UNRWA facilities are clearly marked with a UN flag. Israel’s airstrikes on UNRWA sites are a flagrant violation of international law.⁹ Lastly, PRC also wishes to highlight Article 13 of the Universal Declaration of Human Rights, which states ‘Everyone has the right to leave any country, including his own, and to return to his country.’ This innate human right of freedom of movement, has been violated for over 14 years by the State of Israel through its illegal blockade of over 2.1 million Palestinians, trapped in Gaza.¹⁰

What the Palestinian Return Centre (PRC) wishes to highlight, is the vicious cycle of Israeli military assaults on Gaza, from 2008, to 2012, to 2014, and most recently, this year in 2021, and the systematic human rights violations that go seemingly ignored. The inability to investigate, act, and sanction Israel for its repeated military assaults, acts as impunity that only works to fuel further Israeli military assaults on Gaza. Furthermore, there is no international legal framework currently being utilised to hold Israel accountable; to deter Israel from committing another military assault on the besieged people of Gaza. What can possibly assure the population of Gaza that yet another Israeli military bombardment is not imminent.

Conclusion

The Palestinian Return Centre (PRC) is deeply concerned with the seeming impunity Israel has been granted merely months after one of its most heinous military assaults on the besieged people of Gaza. The continuous human rights and international law violations by the State of Israel, and its belligerent disregard to its international legal obligations, both as a sovereign state and as an occupying power, have only acted to significantly worsen the lives of the besieged Gaza population.

<https://www.amnesty.org/en/latest/news/2021/05/israelopt-pattern-of-israeli-attacks-on-residential-homes-in-gaza-must-be-investigated-as-war-crimes/>.

⁶ International Committee of the Red Cross, Treaties, States Parties and Commentaries. Icr.org. Available at: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/0/1d1726425f6955aec125641e0038bfd6>

⁷ United Nations, UN Declaration of Human Rights. Un.org. Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

⁸ United Nations, UN Declaration of Human Rights. Un.org. Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

⁹ UN OCHA, UNRWA installations in Gaza hit during hostilities. Reliefweb.int. Available at: <https://reliefweb.int/report/occupied-palestinian-territory/unrwa-installations-gaza-hit-during-hostilities>.

¹⁰ United Nations, UN Declaration of Human Rights. Un.org. Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

The PRC calls on the international community to take the necessary measures towards the State of Israel, in order to ensure its compliance with its international legal obligations and to hold Israel both culpable and accountable for its previous military assault on Gaza. It also calls on the State of Israel to immediately stop its systematic violations of Palestinian human rights, and to bring its 14 year illegal blockade of Gaza to an end.

The PRC calls on the Human Rights Council to urgently investigate Israel's most recent military assault on Gaza as war crimes. This would be a significantly important step towards improving the lives of millions of Palestinians. In also ensuring longing sustainable peace in the region, by enforcing the rule of international law, and ensuring that no crimes targeting any population, including the Palestinian population, go unpunished.
