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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Al Mezan Centre for Human Rights, 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.

[14 February 2011]

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

Accountability: Towards ending impunity and protecting human rights in the occupied Palestinian territory

We would like to take note of the joint statement to which Al Mezan Centre for Human Rights, based in Gaza, part to. In that statement a coalition of Palestinian human rights organizations working in the occupied Palestinian territory (oPt) indicate the urgency of the enormous task before this honourable Council: to ensure accountability for human rights and humanitarian law violations in the oPt. This is particularly urgent in light of the insistence by the parties to disregard their obligation to adequately investigate such violations and punish them. Yet, it is even more urgent because the patterns of violations we witnessed during Israel's military offensive on Gaza, "Operation Cast Lead" (OCL), have continued to occur in the Gaza Strip. In this context, accountability has a rather direct meaning for people: it means protection of their human rights, which are violated on a daily basis.

During the months between the Human Rights Council fifteenth and sixteenth regular sessions, the Israeli army committed numerous human rights violations in the Gaza Strip in the context of the conflict and occupation. Civilians and civilian objects were directly targeted. And the blockade; an unlawful measure of collective punishment, continued to harvest lives and create misery for the population in many ways. The unemployment rate increased in Gaza Strip, from 39.3% in the 2nd quarter of 2010 to 40.5% in the 3rd quarter of 2010. Moreover, more families (7.5%) fell under the extreme poverty line by the end of the 3rd quarter of 2010.¹

In the context of enforcing security no-access zones in Gaza's land and sea, the Israeli forces destroyed civilian property and attacked uninvolved civilians, causing displacement for thousands of families whose homes and land are located close to the border between Gaza and Israel. On many occasions, farmers were targeted with artillery shells or sniper bullets as they worked in their land, even when their fields were outside the announced no-access zone.² Civilians who collect scrap and rubble, only for the besieged population to be able to use for small-scale construction, are targeted by killing, injury and detention and ill-treatment. During 2010, the IOF fired at civilians collecting rubble and scrap 107 times, killing one child, 16, and injuring over 100; including 22 children. Another 43 rubble and scrap collectors were arrested by the IOF; including eight children.³ Fishermen are faced with very risky methods of enforcement of the limited fishing zone in Gaza sea, often with live fire that killed and injured them, but also with detention, harassment and ill-treatment.⁴ When targeted, these civilians posed no risk on the Israeli forces.

Five patients from Gaza; including two children and one woman, died in 2010 owing to denying them timely access to life-saving treatment that is about an hour away from them

¹ See UNSCO, Socioeconomic Report, December 2010, page 4, available online at <http://www.unsco.org/sr.asp>.

² For a recent example, see 'Al Mezan: IOF Kill Palestinian Farmer and Continues to Use Excessive Force to Impose the Security Buffer Zone in Gaza' at http://www.mezan.org/en/details.php?id=11333&ddname=bufferzone&id2=9&id_dept=9&p=center. For another example see 'IOF Fires at Peaceful Demonstration and Shells Agricultural lands, Killing 3 Farmers and 43 Goats' at http://www.mezan.org/en/details.php?id=10715&ddname=bufferzone&id_dept=9&id2=9&p=center.

³ See Fact Sheet: Rubble and Scrap Collectors: Deliberate Attacks and Lack of Protection for more information on this issue.

⁴ See 'Al Mezan Condemns IOF Killing of Fisherman in Gaza and Calls International Community to End the Siege and Protect Civilians' at http://www.mezan.org/en/details.php?id=10793&ddname=fishermen&id_dept=9&id2=9&p=center.

by car.⁵ Another three patients were arrested and abused as they crossed the Erez Crossing between Gaza and Israel. Dozens of other patients are subjected to coercion by the Israeli security authorities, who ask them to provide information about their family, neighbours or friends so as for their permissions to access medical care outside Gaza to be issued. These patients are referred to medical treatment outside Gaza because the health sector in Gaza is affected by the blockade and; therefore, incapable of tending to tens of thousands of patients. The situation of the public health situation is exacerbated by the difficulties the water and sanitation sector, which is undermined because Israel does not agree to allow equipment and construction materials into Gaza. As a result, 90% to 95% of Gaza's aquifer, the main source of water, is contaminated.⁶

The right to education is also hindered by Israel's violations of international law in Gaza, with schools having to work without electricity and children subject to attacks as they go to school in the areas close to the no-access areas. Students from Gaza, as a category, are not able to join Palestinian universities in oPt owing to a blanket ban on them.⁷

Palestinian children in oPt continue to bear the brunt of the violations of international law. In addition to the above-mentioned restrictions on movement that affect them, they are faced with the risks of killing and maiming, detention and torture, human shielding and forced displacement.

In many of the above-mentioned incidents, complaints were lodged, by Palestinian and Israeli human rights organizations, with the competent Israeli authorities with a request to investigate and punish them. Nevertheless, no genuine investigations have been initiated and, as a result, the same patterns of violations of international law have continued to occur. This only supports the findings of the Committee of Experts Reports, which concluded that these authorities, while capable, are unwilling to act on their obligations and investigate the violations.

Under such circumstances, we reiterate our call on the Council to:

- Condemn the continued violations of international law; including the blockade of Gaza;
- Call for the immediate, full lifting of the unlawful blockade of Gaza by Israel, the Occupying Power;
- Condemn the lack of genuine domestic investigations into violations of international law and seek to implement appropriate international justice mechanisms in line with the reports of the United Nations Fact Finding Mission on the Gaza Conflict and the Committee of Experts;
- Refer the Committee of Experts Report to the General Assembly General Assembly with a recommendation to urge the Security Council to transfer the matter to the International Criminal Court;
- Determine the establishment of an escrow fund for Palestinian victims of Israel's violations of international law; including during OCL, under the auspices of the High Commissioner for Human Rights;

⁵ See for example http://www.mezan.org/en/details.php?id=11315&ddname=torture&id_dept=31&id2=9&p=center.

⁶ See <http://www.ewash.org/en/?view=79Y0cy0nNs3D76djuyAnkDDT>.

⁷ See 'A Report on Israel's Prevention of Gazan Students from Studying at the West Bank Universities' at http://www.mezan.org/en/details.php?id=10684&ddname=education&id_dept=22&id2=9&p=center.

- Urge all the states to facilitate the exercise of the principle of universal jurisdiction concerning suspected war crimes and crimes against humanity, in compliance with their international obligation under the Geneva Conventions;
 - Urge the Government of Switzerland, and all states, to promote the convening of the Conference of the High Contracting to the Fourth Geneva Convention at the earliest possible opportunity to consider methods to enforce the Convention in oPt and provide effective protection for civilians.
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