



Urgent Appeal to the United Nations Special Procedures on the Needed Intervention to Protect Palestinians in Gaza, in Light of Israel's Tightening Restrictions and COVID-19 Outbreak in Gaza

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Submitted by:

Al-Haq, Law in the Service of Man

For the attention of:

- The Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Mr S. Michael Lynk;
- The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Ms Tlaleng Mofokeng; and
- The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ms E. Tendayi Achiume.

1. Overview

Since 1967, 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). Starting June 2007, Palestinians in the Gaza Strip have been subjected to stricter comprehensive land, sea, and air blockade and closure,¹ as Israel, the Occupying Power, maintains an unlawful policy of collective punishment over two million Palestinians.²

¹ The recent campaign, Gaza 2020: Lift the Closure, was launched in partnership by Al-Haq, Al Mezan Centre for Human Rights, Palestinian Centre for Human Rights, and Medical Aid for Palestinians to mark 13 years of illegal Israeli closure and to call to lift the closure through petition, social media campaign and blog available at <https://medium.com/@lifttheclosure/its-2020-lift-the-gaza-closure-c3f586611c11>.

² See, for example, Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk, 15 July 2020, UN Doc A/HRC/44/60, para. 60.

The blockade and closure of the Gaza Strip as an element of the strategic fragmentation of the Palestinian people under Israel's apartheid regime, serves to inhibit the rights of the Palestinian people and denies Palestinians the enjoyment of all rights and freedoms, including their right to self-determination and right of return. The Israeli-imposed closure undermines all aspects of life in Gaza, causing profound levels of poverty, aid-dependency, food insecurity, and unemployment, as well as the collapse of essential services, including healthcare.

Since early August 2020, the Israeli occupying forces have been bombing the occupied Gaza Strip. According to the Israeli government, these attacks are a response to "explosive and arson balloons launched from the Gaza Strip into Israel," and target Hamas facilities.³ Nevertheless, an Israeli missile was found inside an UN-run elementary school in al-Shati refugee camp, a very crowded area west of Gaza City, on 13 August 2020.⁴ While the missile was found unexploded, Israel, the Occupying Power, has the minimum legal obligation to ensure the safety of the protected Palestinian population and adhere to the legal principles of precision, proportionality and military necessity in its use of force, rather than firing missiles that could injure or kill Palestinian civilians, including children.

As part of its campaign of collective punishment, designed to control and dominate the Palestinian population in order to maintain its apartheid regime, Israel has escalated its restrictions on Gaza's two million population by imposing a complete closure on the sea, the only commercial checkpoint connecting Gaza with Israel, and moreover is preventing the entry of fuel and further restricting the entry of humanitarian goods. While the Israeli government tries to justify recent restrictions as a response to "continued launching of incendiary balloons from the Strip toward the territory of the State of Israel and of the undermining of security stability,"⁵ the broader policy of collective punishment, while arbitrary, punitive, and unlawful, has been systematically and unceasingly applied by Israel. For 13 years, Palestinians in the Gaza Strip have been punitively and collectively punished by comprehensive and complex Israeli policies and practices, including the imposition of the prolonged closure.

On 31 August 2020, a Qatari-mediated deal between the de-facto Hamas government in Gaza and Israel, which stipulates the cessation of launching Gaza's explosive balloons and Israel's missiles, reopening of Karam Abu Salem (Kerem Shalom) checkpoint and

³ See, for example, International Middle East Media Center, "Israeli Warplanes Bomb Several Sites in the Gaza Strip," 13 August 2020, available at: <https://imemc.org/article/israeli-warplanes-bomb-several-sites-in-the-gaza-strip/>, and AlJazeera, "Israeli planes bomb Gaza for seventh straight night," 18 August 2020, available at: <https://www.aljazeera.com/news/2020/08/israeli-planes-target-gaza-seventh-straight-night-200818060902391.html>.

⁴ Middle East Eye, "Unexploded missile found in Gaza school following Israeli attack," 13 August 2020, available at: <https://www.middleeasteye.net/news/gaza-school-unexploded-missile-israel-attack>.

⁵ France24, "Israel targets Hamas in Gaza in response to fire-bomb balloons," 13 August 2020, available at: <https://www.france24.com/en/20200813-israel-targets-hamas-in-gaza-in-response-to-fire-bomb-balloons>.

restoring the fishing to 15 NM, was announced.⁶ Following the announcement, UN special rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 Michael Lynk welcomed the deal, while stressing that Gaza does not need temporary band-aids but rather for the closure to be lifted, recognizing the importance of addressing the root causes of Palestinian dispossession in the Strip.⁷ Reminding Israel of its legal obligations and the illegality of collective punishment, Lynk provided that “the blockade has no meaningful security rationale,” but has rather resulted in “a human-made disaster,” which “could be quickly reversed if the political will existed.”⁸

On 1 September 2020, three Palestinian children, Yousef Omar Mahmoud Al-Hazeen, 5 years old, his four-year-old brother, Mahmoud, and his two-year-old brother, Mohammad, passed away in a house fire. The immediate cause of the fire was from a candle. The necessity for the use of candles is a direct consequence of Israel’s punitive decision to prevent the entry of fuel to Gaza which causes widespread power cuts.⁹ According to Al Mezan’s documentation, 35 Palestinians, including 28 children, passed away whilst trying to search for alternatives of electricity and to survive power cuts, since 2010.¹⁰

Al-Haq stresses that in the absence of international justice and accountability Israel will continue to ignore its legal obligations, as Occupying Power, as long as it benefits from an unlawfully created culture of impunity. This urgent appeal to the UN Special Procedures highlights the desperate situation that Palestinians in Gaza endure during a global pandemic, as Israel tightens its imposed restrictions and the number of positive confirmed cases of COVID-19 increases. Accordingly, the appeal requests the intervention of UN human rights experts in urging the fulfilment of Palestinian rights, which are systematically violated due to Israel’s unlawful closure over Gaza, and urges them to call upon third States to take effective steps to ensure the implementation of international accountability and to achieve justice.

⁶ See, for example, The Times of Israel, “Israel-Hamas ceasefire deal reached after weeks of Gaza balloon attacks,” 31 August 2020, available at: <https://www.timesofisrael.com/hamas-says-ceasefire-with-israel-reached-after-weeks-of-gaza-balloon-attacks/>, and The Guardian, “ Hamas and Israel agree end to cross-border bombing in Gaza,” 31 August 2020, available at: <https://www.theguardian.com/world/2020/aug/31/hamas-and-israel-agree-end-to-cross-border-bombing-in-gaza>.

⁷ OHCHR, “Israel/OPT: Respecting Fundamental Rights in Gaza is Pre-Condition to Achieving Peace, says UN Human Rights Expert,” 1 September 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26201&LangID=E>.

⁸ *Ibid.*

⁹ Al-Haq, an internal field report on the Death of Three Siblings Due to a Fire That Broke Out from Lighting a Candle in Their Home in al-Nuseirat Camp in Central Gaza Strip, 02 September 2020.

¹⁰ Al Mezan, “Press Release: House fire claims the lives of three children in Middle Gaza,” 02 September 2020, available at: <https://www.mezan.org/en/post/23791/Press+Release%3A+House+fire+claims+the+lives+of+three+children+in+Middle+Gaza>.

2. Gaza Under Closure During a Global Pandemic

On 24 August 2020, the Ministry of Health in the Gaza Strip announced the first COVID-19 cases inside the Gaza Strip outside quarantine facilities.¹¹ The cases were identified in al-Maghazi refugee camp among four members of the same family, three men and one woman. Since March 2020, following the outbreak of COVID-19 in the OPT, the local authorities in the Strip imposed a strict quarantine process for any Palestinian returning to Gaza, in an attempt to control the spread of COVID-19. Palestinians were obligated to quarantine in an official isolation facility for 21 days upon entering the Strip. To ensure the control of COVID-19, the Palestinian Ministry of Health conducted regular and random testing for residents. Up until 24 August 2020, zero cases of the random testing reported positive.

Following the announcement, the local authorities immediately imposed a 48-hour complete lockdown across the Gaza Strip. Gaza's healthcare system has been de-developed and is unable to operate in line with the needs of its population due to the unlawfully imposed closure. The lockdown, which includes the suspension of work in public and private sectors and the banning of gatherings, has been extended until further notice, following an increase in the number of confirmed cases among residents. As of 3 September 2020, the Gaza Strip has announced the death of five Palestinians due to COVID-19 and 581 confirmed cases of COVID-19, including 500 active cases. Out of the 500 active cases, 37 cases have been detected in the quarantine centers upon their return to Gaza, with the remaining 463 cases having been reported outside of the quarantine centers.¹²

Prior to the pandemic, the healthcare system in Gaza already faced severe shortages of medicine, medical supplies, and equipment.¹³ Thousands of patients with life-threatening conditions are forced to seek treatment outside of Gaza through an onerous, complex, and opaque permit process imposed by the Israeli occupying authorities, which severely deprives Palestinians of their right to health, and in the most serious cases of their right to life. These conditions are compounded by a chronic electricity crisis, and the contamination of most of Gaza's water supply,¹⁴ which has prevented Palestinians from effectively mitigating the spread of COVID-19.

¹¹ Palestinian Ministry of Health- Gaza, "MOH-Gaza: Announcing the first COVID-19 community transmission in Gaza strip on Monday," 26 August 2020, available at: <https://www.moh.gov.ps/portal/moh-gaza-announcing-the-first-covid-19-community-transmission-in-gaza-strip-on-monday/>.

¹² Al Watan Voice, "The Gaza Ministry of Health Reported 98 New Cases of COVID-19 in the Past 24 Hours," 3 September 2020, available in Arabic at: <https://bit.ly/2Z35eAl>.

¹³ OHCHR, "COVID-19: Israel has 'legal duty' to ensure that Palestinians in OPT receive essential health services – UN expert," 19 March 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25728&LangID=E>.

¹⁴ Al-Haq, "On World Water Day, Al-Haq Recalls Israeli Water-Apartheid Amidst a Global Pandemic," 23 March 2020, available at: <http://www.alhaq.org/advocacy/16625.html>.

With only 93 ventilators in all of Gaza's health facilities and 110 beds in Gaza's intensive care units, distributed between public hospitals (78), military clinics, (7), non-profit medical institutions (12), and private hospitals (13), a population of two million people is endangered. Critically, 72 percent of the ICU beds in public hospitals are currently occupied.¹⁵

3. Four Hours of Electricity a Day

Since 11 August 2020 and until 1 September 2020, Karam Abu Salem (Kerem Shalom) checkpoint, which is the only commercial checkpoint that connects the Gaza Strip with Israel, has been closed. The closure of this checkpoint, which is located southeast of Rafah, south of the Gaza Strip, has restricted the access of goods and vital humanitarian supplies. On 12 August 2020, the Israeli occupying authorities imposed further restrictions by preventing the entry of fuel into Gaza, deepening the crisis. Prior to the suspension decision, Gaza had a 64 percent power deficit.¹⁶ 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 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.

While the electricity cuts negatively impact the lives of Palestinians in Gaza, they further create yet another catastrophic issue for health facilities. As highlighted above, Gaza's health sector is already affected by the imposed closure. As health facilities try to work with limited resources, the continued power cuts may damage important equipment, including incubators, respirators and infant ventilators, and blood banking supplies, and negatively affects the work of laboratories and scheduled and urgent medical surgeries, according to the Gaza Ministry of Health.¹⁷

Israel's punitive practice of preventing the entry of fuel to Gaza further hinders other basic services across crucial sectors, including water and sanitation. Alarming, the chronic water shortage in residential buildings is expected to worsen, and raw sewage

¹⁵ Al-Haq, "ICHR and Civil Society Calls for Ending the Closure on Gaza and Taking Immediate Action to Save Lives amid COVID-19 Outbreak," 02 September, available at: <http://www.alhaq.org/palestinian-human-rights-organizations-council/17263.html>.

¹⁶ Al-Haq, an internal field report on the Israeli Occupying Authorities' Decisions to Close Karam Abu Salem Commercial Checkpoint and to Reduce the Fishing Area in the Gaza Strip, 13 August 2020, and Al-Haq, "Palestinian and Regional Human Rights Organisations Send Joint Written Submission on Gaza Ahead of the 45th Human Rights Council Session," 03 September 2020, available at: <http://www.alhaq.org/advocacy/17271.html>.

¹⁷ Palestinian Ministry of Health- Gaza, "MOH-Gaza: power plant shut down threatens the lives of (120) newborns in hospitals," 19 August 2020, available at: <http://www.moh.gov.ps/portal/moh-gaza-power-plant-shut-down-threatens-the-lives-of-120-newborns-in-hospitals/>, and PCHR, "PCHR Warns of Health Sector Collapse and Suspension of Health Services in the Gaza Strip," 25 August 2020, available at: <https://www.pchrgaza.org/en/?p=14968>.

may be pumped into the sea, adding more concerns on the population's health.¹⁸ Notably, the water and sanitation crisis had already been a point of concern as the imposed closure over Gaza aggravated the crisis,¹⁹ as less than four percent of Gaza's fresh water is fit for human use and consumption.²⁰ According to the United Nations Children's Fund (UNICEF), only one in ten Gazan households had direct access to clean and safe water, as of 2019.²¹ Israel, the Occupying Power, provides five per cent of the water supply in the Gaza Strip, whereas the rest comes from either the Coastal Aquifer, which is largely contaminated, or private wells, which are not affordable for most Palestinians.²²

4. Banning Fishing

As part of its unlawful closure, Israel unilaterally imposes a territorial and maritime buffer zone in Gaza, where access is entirely prohibited or severely restricted. Along the perimeter fence to the entire eastern part of the Gaza Strip, approximately 95 percent of the buffer zone, over 17 percent of the Strip's total land area, is arable land. Palestinian farmers, their agricultural lands and crops are continuously targeted by the Israeli occupying forces, as Israel targets farmers and routinely sprays chemicals that are understood to be herbicides, damaging Palestinian crops. Similarly, Palestinian fishermen, who face regular assaults by the Israeli occupying forces, are forced to work 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 occupying authorities 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.²³ 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.²⁴ On 16 August 2020, the Israeli occupying authorities imposed further restrictions on Palestinian

¹⁸ Al-Haq, "ICHR and Civil Society Calls for Ending the Closure on Gaza and Taking Immediate Action to Save Lives amid COVID-19 Outbreak," 02 September, available at: <http://www.alhaq.org/palestinian-human-rights-organizations-council/17263.html>.

¹⁹ Al-Haq, "On World Water Day, Al-Haq Recalls Israeli Water-Apartheid Amidst a Global Pandemic," 23 March 2020, available at: http://www.alhaq.org/advocacy/16625.html#_ftn10.

²⁰ Oxfam, "Failing Gaza: undrinkable water, no access to toilets and little hope on the horizon," available at: <https://www.oxfam.org/en/failing-gaza-undrinkable-water-no-access-toilets-and-little-hope-horizon>.

²¹ UNICEF, "Searching for clean water in Gaza," 10 January 2019, available at: <https://blogs.unicef.org/blog/searching-clean-water-gaza/>.

²² *Ibid.*

²³ Al-Haq, an internal field report on the Israeli Occupying Authorities' Decisions to Close Karam Abu Salem Commercial Checkpoint and to Reduce the Fishing Area in the Gaza Strip, 13 August 2020.

²⁴ *Ibid.*

fishermen as it announced a complete and immediate closure of the Gaza sea.²⁵ As of 1 September 2020, the fishing zone was restored back to 15 NM, after being closed completely for 16 days.²⁶

The livelihoods of the Palestinian fishermen and their families are being 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. Accordingly, Gaza is now more dependent on external aid, which may patch some of the many gaps in basic services but is not the solution.

5. Conclusion and recommendations

Since 2012, the United Nations (UN) has repeatedly warned that Gaza would become uninhabitable by 2020, should Israel fail to lift the illegal closure.²⁷ In 2013, the UN Secretary-General noted that "the blockade and related 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.²⁸ Similarly, in July 2020, the UN Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, called on Israel, the Occupying Power, to "End all measures amounting to collective punishment, including... the closure of Gaza."²⁹

Under international humanitarian law, the closure of Gaza violates Article 33 of the Fourth Geneva Convention of 1949, which enshrines that "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited."³⁰ Further, Article 50 of the Hague Regulations of 1907, which are constitutive of customary international humanitarian law, provides that "No general penalty, pecuniary or otherwise, shall be

²⁵ Al-Haq, "Palestinian and Regional Human Rights Organisations Send Joint Written Submission on Gaza Ahead of the 45th Human Rights Council Session," 03 September 2020, available at:

<http://www.alhaq.org/advocacy/17271.html>.

²⁶ International Middle East Media Center, "Israeli Authorities to Allow Entry of Fuel into Gaza, Restores Fishing Zone," 1 September 2020, available at: <https://imemc.org/article/israeli-authorities-to-allow-entry-of-fuel-into-gaza-restores-fishing-zone/>.

²⁷ See, for example, UN Country Team in the occupied Palestinian territory, "Gaza in 2020: A Liveable Place?," August 2012, p. 16, available at: <https://www.unrwa.org/newsroom/press-releases/gaza-2020-liveable-place>; UNCTAD, Report on UNCTAD assistance to the Palestinian people, 6 July 2015, UN Doc TD/B/62/3, para. 40; and UN Country Team in the occupied Palestinian territory, "Gaza: Ten Years Later," July 2017, p. 28, available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/UNCT%20Report%20-%20Gaza%2010%20Years%20Later%20-%202011%20July%202017.pdf>.

²⁸ Human Rights Council, Report by the Secretary-General, 22 August 2013, A/HRC/24/30, para. 22.

²⁹ Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk, 15 July 2020, UN Doc A/HRC/44/60, para. 83.

³⁰ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entry into force 21 October 1951) 75 UNTS 287 (Fourth Geneva Convention), Article 33.

inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible.”³¹

In February 2019, the UN Commission of Inquiry on the 2018 protests in the occupied Palestinian territory recommended that Israel “Lift the blockade on Gaza with immediate effect.”³² On 22 March 2019, Member States of the UN Human Rights Council adopted the Commission of Inquiry’s recommendations and committed to pursuing their implementation, as mandated by Human Rights Council resolution 40/13.³³ In November 2019, the UN Committee on Economic, Social and Cultural Rights (CESCR) urged Israel to “immediately lift the blockade on and the closures affecting the Gaza Strip and provide unrestricted access for the provision of urgent humanitarian assistance.”³⁴ Similarly, in December 2019, the UN Committee on the Elimination of Racial Discrimination (CERD) called on Israel to “review its blockade policy and urgently allow and facilitate the rebuilding of homes and civilian infrastructures, ensure access to necessary urgent humanitarian assistance as well as to the right to freedom of movement, housing, education, health, water and sanitation.”³⁵

Israel has repeatedly, constantly, and systematically evaded its legal obligations, as Occupying Power, and continues to systematically violate the rights of Palestinians, including the right to health of the protected Palestinian population during epidemics.³⁶ Article 56 of the Fourth Geneva Convention specifically provides that an Occupying Power has the duty of ensuring and maintaining the “adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics.”³⁷

Under international human rights law, Israel is also required to ensure the right to the highest attainable standards of health, including to take effective measures to ensure “the prevention, treatment and control of epidemic, endemic, occupational and other diseases,

³¹ Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land, 18 October 1907, Article 50.

³² Human Rights Council, Report of the independent international commission of inquiry on the protests in the Occupied Palestinian Territory, 25 February 2019, UN Doc. A/HRC/40/74, para. 122(a).

³³ Human Rights Council, Resolution 40/13, 22 March 2019, UN Doc. A/HRC/RES/40/13, para. 2.

³⁴ CESCR, Concluding observations on the fourth periodic report of Israel, 12 November 2019, UN Doc. E/C.12/ISR/CO/4, para. 11(a).

³⁵ CERD, Concluding observations on the combined seventeenth to nineteenth reports of Israel, 12 December 2019, UN Doc. CERD/C/ISR/CO/17-19, para. 45.

³⁶ See, for example, “Israeli Apartheid Undermines Palestinian Right to Health Amidst COVID-19 Pandemic,” 07 April 2020, available at: <http://www.alhaq.org/advocacy/16692.html>, Al-Haq, “Addameer and Al-Haq Send Appeal to UN Special Procedures on the Situation of Palestinian Prisoners in Israeli Prisons amidst Concerns over COVID-19 Exposure,” 02 April 2020, available at: <http://www.alhaq.org/advocacy/16674.html>, Al-Haq, “Civil Society Groups Send Appeal to UN Special Procedures on the Rights and Dignity of Palestinian Workers in Israel during COVID-19,” 15 April 2020, available at: <http://www.alhaq.org/advocacy/16733.html>.

³⁷ Fourth Geneva Convention, Article 56.

the treatment of these diseases and supervision over them,” as outlined in Article 12 of the International Covenant on Economic, Social and Cultural Rights.³⁸

Instead, Israel continues to tighten the restrictions imposed on Palestinians in Gaza, at a time when there is an alarming lack of equipment, including personal protective equipment, consistent with local shortages and compounded by the long-term restrictions imposed by the blockade.

In light of the above, Al-Haq urges the UN Special Procedures to urgently take the necessary measures to ensure that Palestinians residing in the Gaza Strip are guaranteed their right to the highest attainable standard of physical and mental health, especially during the COVID-19 outbreak and, accordingly, to:

- i. Send an urgent communication calling on Israel, the Occupying Power, to immediately lift its illegal closure of the Gaza Strip with immediate effect, as recommended by UN treaty bodies and the UN Commission of Inquiry on the 2018 protests in the occupied Palestinian territory, and as adopted in accountability resolution 40/13 by Member States of the UN Human Rights Council on 22 March 2019;
- ii. Urge Israel, the Occupying Power, to uphold the right of all Palestinians to the highest attainable standard of physical and mental health, in particular during the COVID-19 outbreak; and
- iii. Call upon third States to take effective and meaningful steps to oppose the continued and prolonged closure of the Gaza Strip, and to cooperate to bring the unlawful situation therein to an end, including through institutions and mechanisms such as the UN, European Union, and the International Criminal Court.

³⁸ International Covenant on Economic, Social and Cultural Rights, 16 December 1966, Article 12.