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

Written statement* submitted by Al-Haq, Law in the Service of Man, 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.

[22 August 2019]

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



Human Rights Council must ensure implementation of Commission of Inquiry recommendations on the great return march

On 22 March 2019, the United Nations (UN) Human Rights Council adopted four resolutions on the human rights situation in the Occupied Palestinian Territory (OPT), including a resolution on accountability within the context of the ongoing Great Return March (GRM) demonstrations in the occupied Gaza Strip, adopting the recommendations of the UN Commission of Inquiry (COI). Al-Haq welcomed the adoption of the COI's recommendations, and has called for meaningful accountability to ensure that Israel's widespread and systematic violations against the protected Palestinian population are brought to an end immediately.¹ In this submission, Al-Haq outlines Israel's ongoing attacks on protected Palestinians in the Gaza Strip, highlighting the urgent need to implement the COI's recommendations without delay.

Excessive use of force

Between 30 March 2019 and 1 August 2019, Al-Haq documented the killing of 208 Palestinians during the GRM, including seven persons with disabilities, four paramedics, and two journalists. Despite the COI's recommendations calling on Israel to "[r]efrain from using lethal force against civilians" and to bring its rules of engagement for the use of live fire in line with international human rights law,² Israeli forces continue to systematically resort to excessive use of force, including live ammunition, against protected Palestinian protesters participating in the GRM, having killed 27 Palestinians in the first half of 2019. Most of those killed were injured in the upper parts of their bodies, while not posing any threat to the lives of fully-armed Israeli soldiers behind the Gaza fence. In addition, four Palestinians killed during the GRM were lethally wounded from gas canisters or sound grenades shot directly at their faces or heads.

On 3 May 2019, Al-Haq documented the killing of Muhammad Al-Judeili by Israeli snipers, while on duty as a paramedic for the Palestine Red Crescent Society during the GRM. Muhammad was shot near Abu Safiya return camp, east of Jabaliya, in the northern Gaza. At the time, he was wearing an official vest identifying him as a paramedic. He suffered lethal injuries to his skull and died on 10 June 2019 at Al-Ahli Hospital in Hebron, making him the fourth Palestinian paramedic to have been killed since the start of the GRM.³ Critically, the COI recommended that Israel "refrain from using lethal force against civilians, including children, journalists, health workers and persons with disabilities, who pose no imminent threat to life".⁴ The Israeli occupying forces have not abided by their obligations under human rights law not to resort to lethal force unless absolutely necessary in order to protect life, and have disregarded the recommendations of the COI. As Israeli impunity prevails, the failure to implement the COI recommendations has the potential to deepen frustrations amongst Palestinians, in particular amongst the youth, with international mechanisms, while undermining the credibility of the Council and its mandates by failing to ensure justice and redress for Palestinian victims.

¹ Al-Haq, "Al-Haq Welcomes Adoption of UN Commission of Inquiry Recommendations on the Great Return March," 23 March 2019, available at: <http://www.alhaq.org/advocacy/targets/united-nations/1374-al-haq-welcomes-adoption-of-un-commission-of-inquiry-recommendations-on-the-great-return-march>.

² UN Doc. A/HRC/40/74, para. 119.

³ Al-Haq, "Israeli Occupying Forces (IOF) Target and Kill Palestinian Civilians, including a Paramedic," 19 June 2019), available at: <http://www.alhaq.org/documentation/weekly-focuses/1422--qq->

⁴ UN Doc. A/HRC/40/CRP.2, para. 226.

Israeli military incursions

Alongside attacks on unarmed civilians during the ongoing GRM, the Israeli occupying forces have continued to carry out unilateral military incursions into the Gaza Strip, resulting in indiscriminate and excessive damage to properties. In particular, three days after the adoption of the COI's recommendations, Israel launched widespread aerial incursions across Gaza, destroying military and civilian properties, and injuring two Palestinians. The bombing resulted in the disproportionate destruction of civilian homes and commercial premises, displacing 29 Palestinians, including 19 children.⁵ Between 3 and 5 May 2019, heavy Israeli shelling in the Gaza Strip resulted in the killing of 25 Palestinians and injury of 125 others. Throughout the escalation, Israeli occupying forces fired almost 130 artillery shells and over 200 missiles towards over 140 targets, including 20 homes and residential buildings. The shelling led to the destruction of targeted homes and sites and caused extensive damage to dozens of nearby homes, mosques, schools, universities, and commercial premises.⁶

Coercive environment and de-development

Al-Haq is gravely concerned with recent reported plans for the mass forcible transfer of the protected Palestinian population from the Gaza Strip, for reasons unrelated to evacuation for military or humanitarian purposes. The Israeli Security Cabinet has discussed plans to encourage Palestinians in Gaza to "emigrate", providing them with financial assistance to leave and access to Israeli airports.⁷ According to statements by an Israeli official, some 35,000 Palestinians have left Gaza through Rafah last year, not including those who later returned, with the closure of Gaza operating as a massive coercive environment to force the transfer of Palestinians and erase Palestinian presence therein.⁸ These coercive measures to force the largescale removal of the protected population from Gaza amount to a widespread and systematic attack on the civilian population and constitute unlawful forcible transfer, which may amount to a war crime and crime against humanity at the International Criminal Court (ICC).⁹

This June, Israel's prolonged closure of the Gaza Strip entered its 12th year. The closure amounts to unlawful collective punishment in violation of international humanitarian law¹⁰ and has led to the rapid de-development of the Gaza Strip. In particular, Gaza hospitals now face unprecedented shortages of essential medicines and medical supplies.¹¹ The UN Economic and Social Commission for Western Asia reported in May 2019 that "[t]he health-care system in Gaza is on the verge of collapse following years of closures and de-development and is now overburdened with massive casualties from the ongoing Great March of Return demonstrations."¹² Since 2012, the UN has warned that the Gaza Strip will

⁵ Al-Haq, "Special Focus: Widespread Israeli Aerial Incursions in the Gaza Strip," 2 April 2019, available at: <http://www.alhaq.org/advocacy/topics/gaza/1382-special-focus-widespread-israeli-aerial-incursions-in-the-gaza-strip-reporting-period-25-26-march-2019>.

⁶ See, Al-Haq, "Al-Haq Calls on the European Union to Withdraw its Recent Statement on Gaza and Apologize to Palestinian Victims," 9 May 2019, available at: <http://www.alhaq.org/advocacy/targets/european-union/1402-al-haq-calls-on-the-european-union-to-withdraw-its-recent-statement-on-gaza-and-apologize-to-palestinian-victims>.

⁷ The Times of Israel, "PA: Israel's encouragement of Gaza emigration 'extremely dangerous'," 20 August 2019, available at: <https://www.timesofisrael.com/pa-israels-encouragement-of-gaza-emigration-extremely-dangerous/>

⁸ The Times of Israel, "Israel actively pushing Palestinian emigration from Gaza, official says," 19 August 2019, available at: <https://www.timesofisrael.com/israel-actively-pushing-palestinian-emigration-from-gaza-official-says/>

⁹ Articles 7(1)(d) and 8(2)(a)(vii), ICC Statute.

¹⁰ Article 33, Fourth Geneva Convention.

¹¹ Middle East Monitor, "Gaza health ministry warns of 'unprecedented' shortage of medicines, medical supplies," 18 July 2019, available at: <https://www.middleeastmonitor.com/20190718-gaza-health-ministry-warns-of-unprecedented-shortage-of-medicines-medical-supplies/>.

¹² UN Doc. A/74/88-E/2019/72, para. 108.

become unliveable by 2020, should current trends continue. Last year, the UN Conference on Trade and Development reported that, “all socioeconomic indicators have worsened. Efforts at revival have been feeble and all interventions necessarily focused on reconstruction and humanitarian relief, leaving few resources for development or resuscitating the productive base.” Accordingly, Al-Haq stresses that Gaza has become unfit for human inhabitancy, requiring urgent action from the international community to bring the closure to an end, as recommended by the COI. In particular, the COI highlighted the urgent need to “provide treatment to those injured in the context of demonstrations”, ensure their access to hospitals across the OPT, in Israel, and abroad, and “[e]nsure efficient coordination for entry of medical items and equipment into Gaza”.¹³

Urgent need for accountability

Over 70 weeks since the start of the GRM on 30 March 2018, Palestinians in the occupied Gaza Strip have continued to call for the realisation of their inalienable rights, including the right of Palestinian refugees to return to their homes and property, as mandated by international law, and an end to Israel’s prolonged closure. As the GRM continues, Al-Haq calls on the Human Rights Council to:

- Address the root causes of the GRM by creating an effective mechanism for the implementation, without delay, of the COI’s recommendations, including by setting a clear time frame towards bringing the Gaza closure to an end, with immediate effect;
- Condemn Israel’s continued excessive use of force and lethal force against protected Palestinians, in particular during the ongoing GRM protests, and ensure that Israel aligns its rules of engagement for the use of live fire with international human rights law;
- Call on third States to cooperate to end Israel’s widespread and systematic violations, including by imposing individual sanctions and travel bans on perpetrators of grave breaches of international law committed in the OPT;
- Urge the Office of the High Commissioner for Human Rights to refer the dossier on alleged perpetrators prepared by the COI to the ICC and ensure transparency in the referral process;
- Call on the ICC to open an investigation into the situation in Palestine, without delay, to ensure accountability for suspected war crimes and crimes against humanity committed in the OPT; and
- Call on third States to activate universal jurisdiction mechanisms to hold to account perpetrators of suspected international crimes committed in the OPT, including in the occupied Gaza Strip since 30 March 2018, as recommended by the COI.

¹³ UN Doc. A/HRC/40/74, para. 122.