



Urgent Appeal: The International Community Must Intervene to Ensure Electricity Supply to the Gaza Strip

Date: 15 May 2021

For the attention of:

- The United Nations Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, **Mr. S. Michael Lynk**;
- The United Nations Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, **Ms. Tlaleng Mofokeng**;
- The United Nations Special Rapporteur on the right to adequate housing, **Mr. Balakrishnan Rajagopal**;
- The United Nations Special Rapporteur on the human rights to safe drinking water and sanitation; **Mr. Pedro Arrojo-Agudo**;
- The United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, **Ms. E. Tendayi Achiume**;
- The United Nations Special Rapporteur on human rights and the environment, on **Mr. David Boyd**; and
- The United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons, **Ms. Cecilia Jimenez-Damary**.

1. Context

Since 8 May 2021, Israel has escalated inhumane acts of apartheid against the Palestinian people as a whole, targeting Palestinian civilians in Jerusalem and across the West Bank¹, establishing a state of emergency in Palestinian villages in Israel,² and launching a full-scale military offensive on the Gaza Strip with 139 Palestinians killed.³

In the Gaza Strip, since Monday 10 May 2021, a number of missiles have damaged the electricity infrastructure.

¹ Al-Haq, "International Community Must Address Root Causes, of Colonialism, Apartheid and De Facto Annexation Leading to Killing of 123 Palestinians and injury of over 1,500 in an Eid of Israeli Terror" (13 May 2021), available at: <<https://www.alhaq.org/advocacy/18323.html>>

² Jonathan LisJosh Breiner, "Netanyahu: Israel May Deploy Military to Quell Violence in Mixed Jewish-Arab Cities" (13 May 2021), available at: <<https://www.haaretz.com/israel-news/.premium-gantz-orders-massive-police-reinforcement-to- quell-unrest-amid-jewish-arab-clashes-1.9804113>>

³ Figures from Ministry of Health as of 12:30 pm on 15 May 2021, available at: <<https://www.moh.gov.ps/portal/one-hundred-and-thirty-nine-139-palestinians-killed-including-39-children-and-22-women-while-1000-were-wounded/>>

- On 10 May 2021, Al-Haq documented a local missile which fell in front of Al-Rahman Mosque. The missile partially damaged a number of houses adjacent and to the southern side of the mosque, in addition to the electricity and communications network in the neighbourhood.
- At 1:10 am, on 13 May 2021, Israel launched 20 missiles in the Northern Gaza Governorate, leading to the death of two civilians, Abd al-Rahim Muhammad Abdullah Al-Madhoun, 62 and his wife Halima Ali Muhammad al-Madhoun, 65, and the wounding of 33 civilians. Nine buildings were destroyed in the attack, including houses for rent, commercial companies, the office of Faten Lending Corporation, a law firm, an educational center, and shops, in addition to the destruction of the public street, water lines, sewage lines, the electricity and communications network, and a large number of neighbouring houses, including 6 residential buildings, were severely damaged.

Due to the shelling of civilian infrastructure, the four main electricity lines in Gaza have been destroyed. On 13 May 2021, a statement issued by the Gaza Governorate Electricity Distribution Company has warned of serious repercussions owing to the disruption of the Jabalia line supplying the northern Gaza Strip. Currently there are now only two of the four electricity lines out of service which supply 45 percent of the electricity to the Gaza Strip.⁴ At the same time, Israel has prevented the entry of fuel shipments needed to operate the only power station in the Gaza Strip due to the closure of the Kerem Shalom crossing and the current fuel supply is now running out.

2. Impact on Access to Health, Water, Sanitation

When the Gaza Power Plant stops working completely, this will lead to a serious and detrimental overburdening on the electricity sector, with the potential, imminent and inevitable collapse of vital sectors in Gaza, including the health, water, environment, sanitation and public services sector. The collapse of these sectors will affect two million Palestinians in the Gaza Strip. The currently availability of electricity is estimated at about 125-110 megawatts, while the demand has reached about 400 megawatts, with a deficit of about 70 percent, which necessitates immediate and urgent international intervention to restore vital infrastructure and the supply of electricity required for the provision of critical public services.

The reduced electricity to the Gaza Strip will impact Gaza's already decimated health care sector, crippled by Israel's 14-year land and sea closure, and collective punishment measures. In March 2020, the United National Special Rapporteur, Michael Lynk noted "that Israel is in 'profound breach' of its international obligations with regards the right to health of Palestinians living under occupation".⁵ Significant movement restrictions on patients and health workers already compromise Palestinians' access to healthcare services. In November 2020, Medical Aid for Palestinians warned that "Gaza's beleaguered health system" was "on the brink of collapse".⁶ While the electricity supply is almost halved the numbers of wounded are

⁴ "Civilian casualties climb, as UN chief calls on all parties to 'immediately cease' fighting in Gaza and Israel" (14 May 2021), available at: <<https://news.un.org/en/story/2021/05/1091962>>

⁵ United Nations, Human Rights Office of the High Commissioner, 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>>

⁶ MAP, "Experts warn of Gaza's imminent health system collapse as COVID-19 continues to spread" (23 November 2020), available at: <<https://www.map.org.uk/news/archive/post/1176-experts-warn-of-gazaas-imminent-health-system-collapse-as-covid-19-continues-to-spread>>

increasing, which will have significant impact on the capacity of the hospitals to provide medical care. Noting that as of 12:30 pm on 15 May 2021, the Palestinian Ministry of Health reported over 1,000 wounded as a result of ongoing airstrikes in the Gaza Strip.⁷

3. Legal Analysis

Article 43 of the Hague Regulations, reflective of customary international law, requires that the Occupying Power restore and ensure, as far as possible, public order and civil life in the occupied territory. This places an onus on the occupant exercising de facto control, to ensure the welfare of the occupied population, including by ensuring that Palestinians enjoy water, sanitation and electricity services.

Notably, Article 53 of the Fourth Geneva Convention prohibits the destruction of real or personal property belonging individually or collectively to private persons or to the State or other public authorities except where such destruction is rendered absolutely necessary by military operations whilst taking into consideration the welfare of the occupied population. Further, Article 54 (2) of Additional Protocol I of 1977, prohibits attacks during hostilities, which “destroy, remove or render useless objects indispensable to the survival of the civilian population” such as water installations, supplies and irrigation works “whatever the motive”, provisions which are declaratory of customary international law.

As Occupying Power, Israel has specific obligations “to the fullest extent of the means available to it and without any adverse distinction”, to ensure “supplies essential to the survival of the civilian population of the occupied territory”.⁸ In addition, Israel has complementary international human rights obligations to the Palestinian population under its effective control to provide access to “all basic and life-giving services as food, health, electricity, water and sanitation”.⁹

Recommendations:

1. Call for the full and immediate restoration of electricity to the Gaza Strip, including through the import of fuel through Karem Shalom crossing as a matter of urgency;
2. Call for unimpeded access of humanitarian aid into the Gaza Strip;
3. Call for Israel to cease immediately its military offensive in the Gaza Strip, attacks on Palestinians in the West Bank, including East Jerusalem and Palestinian citizens of Israel;
4. Urge Israel to immediately and urgently lift the land and sea closure of the Gaza Strip;
5. Call for Israel to dismantle its apartheid regime and end its military occupation of Palestine.

⁷ Figures from Ministry of Health as of 12:30 pm on 15 May 2021, available at:

<<https://www.moh.gov.ps/portal/one-hundred-and-thirty-nine-139-palestinians-killed-including-39-children-and-22-women-while-1000-were-wounded/>>

⁸ Article 69(1), Additional Protocol I (1977).

⁹ International Covenant on Civil and Political Rights (21 November 2014), available at:

<<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsjE8R4c4NRTnrnvejYEy%2FQ%2FTfsNhC%2FVcCyV6AaesRq4RWflg0Oz033dIQscGF57fWmil1potdJupmspjFKEg7x4Qa1y8YjI8hYsH0DDwpVxN>>