



Urgent Appeal: The International Community Must Take All Necessary Measures to Cease Israel's Escalation of Violence and Ensure Humanitarian Supplies to Occupied Gaza Strip

Date: 7 August 2022

For the attention of:

- The United Nations Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Ms. Francesca Albanese;
- 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.

I. Context

On 5 August 2022, Israel launched a military offensive, the so-called “Truthful Dawn,” on the occupied Gaza Strip, which indiscriminately targeted civilians and non-military structures, killing 32 Palestinians, including six children, and injuring 265 Palestinians.¹ At least forty families have been displaced after their homes were damaged or destroyed by Israeli airstrikes.² This attack was preceded by several days of Israel’s escalation of hostilities, resulting in the dispensing of Israeli military aircrafts across the Gaza Strip. On 2 August, Israeli authorities closed all crossings into Gaza, prohibiting the freedom of movement of the protected Palestinian population within the Gaza Strip, in violation of international humanitarian law.³

On 7 August 2022, Al Mezan issued a warning that: “of the serious health risks for Gaza patients due to the closure of Erez, who are banned from accessing life-saving treatments otherwise

¹ Field documentation on file with Al-Haq. Preliminary figures initially sourced from the Palestinian Ministry of Health, while Al-Haq carries out field investigations. These statistics may increase as Al-Haq continues to collect further information as the escalation develops. Figures as of 13:00 on 7 August 2022.

² Al-Haq field report, featuring preliminary records of Palestinian Ministry of Health, as of 13:00 on Sunday 7 August 2022.

³ International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287, Art. 48 (hereafter Fourth Geneva Convention).

unavailable in Gaza due to Israel’s closure”.⁴ According to the Palestinian Ministry of Health’s Coordination and Liaison Department, “[n]one of Gaza patients with serious diseases who have medical referrals to hospitals and medical facilities outside Gaza were able to leave the Strip [since last Tuesday] and are still waiting for a decision from the Israeli authorities to allow them to travel”.⁵ According to Al Mezan’s field analysis, “the same sources also pointed out that the number of Gaza patients needing to travel via Erez is increasing, as the daily average of patients obtaining approval for Israeli exit permits is around 120.”⁶

In addition, Israel’s closure of the Kerem Shalom crossing has prevented the passage of fuel into the occupied Gaza Strip, which Gaza’s sole power station, the Gaza Power Plant (GPP), requires to remain in operation. On 6 August, the Gaza Energy Authority stated that, due to the inaccessibility of fuel, GPP had completely shut down, significantly reducing the supply of electricity to only four hours per day.⁷ The forced closure of the GPP endangers the 2.17 million Palestinians, the protected occupied population living in the occupied Gaza Strip, threatening the collapse of basic essential public services, including access to healthcare, water, and sanitation. Due to the limited fuel supply, exacerbated by enforced border closures, it is expected that the general supply of electricity in Gaza will stop entirely in the coming days.⁸

The Ministry of Health in Gaza has announced that the cessation of health services would occur within 72 hours of the closure of the GPP.⁹ The impending stoppage of vital health services in the occupied Gaza Strip coincides with Israel’s escalation of violent attacks, which have wounded hundreds of Palestinians, many in need of ongoing urgent medical attention. Additionally, the significant restriction of movement on Gazan patients and health workers has obstructed crucial medical attention and supplies from entering the occupied Gaza Strip in violation of international humanitarian law and gravely endangering Palestinians.

Israel does not intend to halt its indiscriminate assault on Gaza. Israeli Defense Force spokesperson, Brigadier General Ran Kochav, stated that Israel will not be negotiating a ceasefire and expects the attacks to last for at least a week.¹⁰ Simultaneously, Israeli Defense Minister, Benny Gantz, has approved a draft order of up to 25,000 soldiers for operations in and around Gaza and have begun calling upon its reservists in preparation for the escalation of violence in the

⁴ Al Mezan, Press Release: For the fifth consecutive day, Israeli authorities close Gaza crossings and deny Palestinian patients the right to access hospitals outside the Strip (6 August 2022), available at: <<http://www.mezan.org/en/post/24161>>

⁵ Ibid.

⁶ Ibid.

⁷ OCHA (n. 2).

⁸ OCHA (n. 2).

⁹ Field documentation on file with Al-Haq.

¹⁰ Anna Ahronheim, ‘After New Gaza Strike, Israel Says it has Killed All Islamic Jihad Leaders’ (*The Jerusalem Post*, 6 August 2022) <<https://www.jpost.com/israel-news/article-714056>> accessed 7 August 2022.

Gaza Strip.¹¹ On 6 August, Special Rapporteur on the situation of human rights in the Palestinian Territory, Francesca Albanese, condemned Israel’s airstrikes in Gaza as an illegal, immoral, irresponsible, and a flagrant act of aggression.¹²

This escalation of violence follows the same pattern of indiscriminate violence as Israel’s full scale military offensive on the Gaza Strip in May 2021, which killed 151 civilians and whose actions amount to war crimes and crimes against humanity under investigation by the International Criminal Court. This attack on Gaza is compounded by Israel’s 15-year land, air and sea closure and blockade, which has actively sought to isolate, deplete, and control the occupied Gaza Strip through abhorrent measures that restrict and collectively punish Gazans, in violation of international humanitarian law.

II. Legal Analysis

Israel’s indiscriminate attacks on the civilian Palestinian population constitute a blatant violation of Palestinians’ right to life and health, and amount to grave breaches of the Geneva Conventions and war crimes.¹³ Israel’s targeting and destruction of civilian property is in violation of Article 53 of the Fourth Geneva Convention, and the resulting displacement of Palestinians have been deprived of their right to shelter, hygiene, health, safety and nutrition, as incumbent upon Israel by international humanitarian law.¹⁴

Israel, as the Occupying Power, is required to restore and ensure, as far as possible, public order and civil life in the occupied territory.¹⁵ It is incumbent upon Israel to ensure that Palestinians have access to medical and food supplies,¹⁶ as well as “supplies essential to the survival of the civilian population of the occupied territory.”¹⁷

¹¹ Anna Ahronheim, ‘Gantz approves draft of over 25,000 reservists after IDF strikes in Gaza’ (*The Jerusalem Post*, 5 August 2022) <<https://www.jpost.com/arab-israeli-conflict/gaza-news/article-714026>> accessed 7 August 2022.

¹² Francesca Albanese, ‘Condemning Israel’s Airstrike’ (*Twitter*, 6 August 2022) <<https://twitter.com/FranceskaAlbs/status/1555836586985676800>> accessed 7 August 2022.

¹³ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, Art. 6 (hereafter ICCPR); Article 47, Fourth Geneva Convention, (1949), “wilfully causing great suffering or serious injury to body or health” and “wilful killing”.

¹⁴ Art. 49(3) Fourth Geneva Convention; International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, 8 June 1977, 1125 UNTS 609, Art. 17(1).

¹⁵ International Conferences (The Hague), *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, Art. 43.

¹⁶ Art. 55 Fourth Geneva Convention

¹⁷ International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, 1125 UNTS 3, Art. 69(1).

Yet, Israel's prolonged closure and blockade of the Gaza Strip, and the resulting restrictions it imposes upon access to essential supplies and services is in violation of Israel's international human rights obligations to the Palestinian population to provide access to "all basic and life-giving services as food, health, electricity, water and sanitation," as well as its responsibility to ensure "the free passage of all consignments of medical and hospital stores."¹⁸ In this vein, the denial of fuel, amounts to an act of collective punishment against the civilian population, as previously condemned by UN Special Rapporteur for the Occupied Palestinian Territories, Michael Lynk.¹⁹ Notably, on 4 August, Israel prevented fuel tankers from entering the Gaza Strip, which may amount to the deliberate imposition of living conditions denying the right to life, prohibited as inhuman acts defined by the 1973 Apartheid Convention.²⁰

Israel's aggressive assault and bombardment of the civilian population and infrastructure in the occupied Gaza Strip is being conducted disproportionately and excessively, relative to Israel's anticipated military advantage, constituting a grave breach of international humanitarian law and may amount to war crimes and crimes against humanity.²¹

III. Recommendations

1. Under Chapter VII of the UN Charter, call for Israel to immediately cease its aggressive escalation of violence in the Gaza Strip and take concrete actions to bring the aggression to an end;
2. Call for immediate and unconditional transfer of patients from Gaza to receive healthcare treatment;
3. Call for unimpeded access of humanitarian aid into the Gaza Strip;
4. Call for the full and immediate restoration of electricity to the Gaza Strip, including through the import of fuel through Karem Shalom crossing;
5. Call for the UN Security Council to implement economic sanctions and other countermeasures until Israel adheres to its obligations under international law;
6. Call for the end of the weapons trade with Israel through a two-way arms embargo and end military-security cooperation;

¹⁸ UN Human Rights Committee (HRC), *Concluding observations on the fourth periodic report of the United States of America*, 23 April 2014, CCPR/C/USA/CO/4, available at: <https://www.refworld.org/docid/5374afcd4.html>. See also UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, Art. 11 and 12; Art. 23 Fourth Geneva Convention.

¹⁹ UN OHCHR, "Israel's collective punishment of Palestinians illegal and an affront to justice: UN expert" (17 July 2020), available at: < <https://www.ohchr.org/en/press-releases/2020/07/israels-collective-punishment-palestinians-illegal-and-affront-justice-un> >

²⁰ UN General Assembly, *International Convention on the Suppression and Punishment of the Crime of Apartheid*, 30 November 1973, A/RES/3068(XXVIII), Art. 2(a)(i), 2(a)(i), and 2(b).

²¹ Art. 8 (2) (b) (iv), Rome Statute of the International Criminal Court,

Affiliate , International Commission of Jurists - Geneva فرع لجنة الحقوقيين الدولية ، جنيف
تتمتع الحق بصفة استشارية لدى المجلس الاقتصادي والاجتماعي في الأمم المتحدة
NGO in Consultative Status with the Economic and Social Council of the United Nations



AL-HAQ

7. Call on Israel to guarantee the protection of the Palestinian civilian population in the occupied Gaza Strip, including immediate access to essential life-giving supplies and public services;
8. Calls for Israel to dismantle its apartheid regime and end its military occupation of Palestine.