



12 February 2014

## **Gaza: The status quo is not an option anymore**

### **The EU must take urgent action to end the continuing closure and impunity in Gaza**

As a group of international and European human rights and development organisations, we the undersigned are concerned about the deteriorating human rights and humanitarian situation in the occupied Gaza Strip. In the context of ongoing discussions on European Union (EU) joint policy towards Gaza, we call on the European Union to urge Israel to lift the unlawful closure of the Gaza Strip, and demand that all parties comply with their obligations under international law.

Israel's closure of the Gaza Strip continues to collectively punish 1.7 million Palestinians, a breach of international humanitarian law. In addition, Egypt's destruction of smuggling tunnels between Gaza and Egypt since June 2013 has heightened shortages. The escalation of cross-border attacks by the Israeli military and Palestinian armed groups in recent weeks has exacerbated the already dire situation in the Strip and raised fears of a new conflict. The impact of the closure and the violence on the population's right to life, health, education, food, water and an adequate standard of living has never been clearer. All civilians, Palestinian and Israeli, should be able to live in security, free from fear and attack, and protected by the rule of law. And, security can best be achieved through engagement, dialogue and compliance with human rights standards, not isolation and punishment.

As Gaza moves into its eighth consecutive year of Israeli closure, years of import and export restrictions have impaired its basic infrastructure. The agricultural and manufacturing sectors in Gaza have been particularly affected. Unemployment in Gaza rose to [32.5%](#) during the third quarter of 2013, and figures for the fourth quarter are expected to be even higher. Restricted economic growth has led to increased and unsustainable levels of dependence on humanitarian aid. Recently, the Dutch government donated a new scanner to the Palestinian Authority in order to facilitate the export of goods from Gaza while addressing Israel's security concerns. While a limited number of goods are exported to Europe, the Israeli authorities continue to ban the transfer of goods from Gaza to the West Bank.

The Egyptian authorities, meanwhile, have destroyed most of the goods-smuggling tunnels, on which Gaza had grown to depend, claiming that their military operations are necessary for Egypt's national security. They have also limited the crossing of people at Rafah. In the months following the removal of Mohamed Morsi in July 2013, army checkpoints, security personnel and government buildings in Egypt have come under increased attack by groups described by the Egyptian authorities as "terrorists". The violence has been felt across the country, with the restive North Sinai region affected disproportionately. The actions of the Egyptian authorities have contributed to significant shortages of goods in Gaza, including

affordable fuel and construction materials, and left thousands of Gazans waiting for weeks or months to travel to Egypt and abroad, including for studies or medical treatment. In late 2013, fuel shortages led to a prolonged closure of the only electric power plant in Gaza endangering critical water, sanitation and health services.

Particularly worrisome is the situation of patients who, due to the lack of adequate capacity in Gaza after decades of occupation, require medical treatment in the West Bank or abroad. In December 2013, the World Health Organization (WHO) reported a shortage of [30% of medicines and 50% of medical disposables](#), and raised concern about the decreasing ability of the fragile health infrastructure to cope with continuing critical shortages. Moreover, patients often encounter protracted delays in obtaining permits to exit through the Erez crossing with Israel. These practices have put the lives of patients at risk and violate their right to health. On several occasions, patients have been [arrested and interrogated](#) by the Israeli authorities. Since the beginning of 2013, at least [eight patients](#) have been detained at the Erez crossing. Combined with severe restrictions imposed at Rafah by Egypt, some patients in need of urgent medical care are being put in unnecessary danger.

According to numbers from the Office for the Coordination of Humanitarian Affairs' (OCHA), in 2013 a total of [5 Palestinian](#) civilians were killed, and 66 others, including 20 children, were injured in Gaza's access restricted areas or "buffer zone"<sup>1</sup> on land and at sea. On 24 January 2014, Israeli forces [shot and killed a Palestinian civilian](#) protesting near the border in Beit Lahiya and injured several others. Gazan fishermen are also subject to frequent Israeli attacks. Already in 2014, there were at least [5 shooting](#) incidents against fishing boats within the 6 nautical miles limit.

Five years on from the end of Operation "Cast Lead", the 22-day conflict in which hundreds of civilians were killed in Gaza, Israel has failed to properly investigate allegations and prosecute any breaches of international human rights and international humanitarian law committed by its military forces.<sup>2</sup> This lack of accountability perpetuates the existing culture of impunity, as demonstrated in November 2012 during Operation "Pillar of Defence", when more than 100 Palestinian civilians were killed in eight days. Meanwhile, [Palestinian victims continue to be denied access to Israeli courts and effective remedy](#) because of Israel's imposition of legal, administrative, monetary and physical barriers. At the same time, the Hamas de facto administration has failed to investigate and prosecute those responsible for firing indiscriminate rockets from Gaza into Israel, a war crime that endangers civilians on both sides of the Israel-Gaza border.

While Israel has the right to check that no weapons enter or leave Gaza, it continues to fail to fulfil its obligations as the occupying power to provide for the safety and welfare of the

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<sup>1</sup>The Buffer zone extends along the land and sea borders of the Gaza Strip. This buffer zone is an area prohibited to Palestinians which is enforced by Israeli military patrols. The precise delineation of this zone has fluctuated and the lack of clarity around this raises serious security concerns for Palestinian civilians. Following the 21 November 2012 cease fire agreement that ended operation "Pillar of Defence" restrictions at sea were [set at 6 nautical miles](#). On land the prohibited access zone extends from [100-300](#) meters from the Israeli fence. in practice the Israeli authorities enforced a 'no go' zone up to 500 metres from the fence and a 'high risk zone' extending sometimes up to 1,500 metres.

<sup>2</sup>Several UN bodies have documented legislative, structural and operational flaws in the Israeli Military investigation system, as has been confirmed by the UN [Committee of Independent Experts](#) on 18 March 2011.

occupied population and uphold their human rights because of its comprehensive closure policy, despite some changes in recent years. Israel still uses movement restrictions as a form of collective punishment, in a way that goes well beyond legitimate measures to address its security needs. The explicit and punitive aim of Israel's closure policy is to entrench the [separation](#) between the Gaza Strip and the West Bank, which are considered as one territory under international humanitarian law. While Israel has a duty to protect its civilians, it has an obligation to ensure full compliance with the rules of international human rights and humanitarian law, including the obligation to distinguish between civilians and combatants at all times, to refrain from launching indiscriminate attacks, and to avoid the reckless use of live ammunition.

Although Israel, as the occupying power, has the primary responsibility for the welfare of the civilian population in Gaza, Egypt has a legal obligation not to impose arbitrary or discriminatory restrictions on the freedom of movement of Gazans. In view of the dire humanitarian situation in the Gaza Strip, Egypt should also work with all relevant actors to help ensure that the needs of the population are met. Furthermore, the Palestinian Authority also has some responsibility for the residents of the Gaza Strip, and receives funding from international donors to fulfil this role. Last but not least, Hamas, as de facto authority in the Gaza Strip, is obligated to respect customary international law.

We call for full compliance by all parties with the rules of international humanitarian and human rights law, including bringing an end to all attacks on civilians.

The human rights of 1.7 million people in the Gaza Strip have been denied for years. Respect for international law, the protection of civilians and the lifting of the Israeli closure, as well as maintaining and strengthening links between the Gaza Strip and the West Bank, are critical first steps towards addressing this denial. The EU must play a constructive role in these areas, and should not wait for the outcome of the Israeli-Palestinian peace negotiations to ensure respect for international law. As human rights and development organisations, we highlight the need to engage with all relevant actors in the best interests of the civilian population in the Gaza Strip.

**The undersigning organisations call on the EU to:**

1. Base its bilateral relations with Israel on respect for international law and ensure that its Guidelines on the promotion of compliance with international humanitarian law are implemented with respect to Israel and all relevant parties
2. Urge Israel to:
  - 2.1 Immediately, unconditionally and completely lift its comprehensive closure of the Gaza Strip, including:
    - lifting the blanket and disproportionate restrictions on the movement of people, including between Gaza and the West Bank;
    - facilitating the marketing or transit of goods from Gaza to the West Bank and Israel;

- facilitating the entry of construction and raw materials, including those for the private sector, by expanding operations of the border crossings;
- ensuring access to Gaza's agricultural land, including in areas near the borders and fishing grounds, and the protection of civilians in these areas;
- facilitating the timely exit of patients in need of medical treatment outside of Gaza;

2.2 Ensure accountability for violations of international humanitarian law and international human rights law by its forces in Gaza, by conducting investigations that meet international standards into alleged violations, including all cases when civilians are killed, and prosecuting those responsible.

2.3 Ensure that Palestinian victims of Israeli violations of international law have adequate access to Israeli courts and effective remedy.

3. Urge Egypt to facilitate the travel of Gaza's residents to and from Gaza through Rafah crossing and to ensure the unimpeded passage of humanitarian relief consignments.
4. Urge the Palestinian Authority to ensure that Palestinian non-state actors comply with the rules of international law and enhance cooperation with all relevant parties to ensure that the Gaza Strip receives a steady supply of industrial fuel and essential medicines.

Signed by the following international and European human rights and development organisations:

1. ACSUR Las Segovias
2. ARCI associazione di promozione sociale
3. Amnesty International- European Institutions Office
4. Broedelijk Delen
5. CCFD- Terre Solidaire
6. CNCD-11.11.11
7. Dignity-Danish Institute Against Torture
8. Euro Mediterranean Human Rights Network (EMHRN)
9. Federacion DDH
10. Greek Committee for International Democratic Solidarity (EEDDA)
11. Ligue des droits de l'Homme
12. Trocaire