

NGOs call on Israel to halt excessive use of force and to end the Gaza Strip Blockade

27 March 2019

March 30, 2019 will mark one year since the Great March of Return (GMR) demonstrations started in the Gaza Strip. In its report to the Human Rights Council released on 18 March 2019, the United Nations independent international commission of inquiry on the protests in the Occupied Palestinian Territory (CoI report) found reasonable grounds to conclude that Israeli forces, in violation of both international human rights and international humanitarian law, killed and gravely injured civilian protestors who neither were participating directly in hostilities, nor posing an imminent threat to life. According to UN figures, since the 30 March 2018 start of the demonstrations in Gaza, 266 Palestinians, including 47 children and three health workers, have been killed, with over 29,000 injured.¹ The mass influx of casualties has overwhelmed an already overburdened healthcare system in the Gaza Strip and exponentially increased medical assistance needs.

AIDA, a network consisting of more than 80 international NGOs operating in the occupied Palestinian territory, demands for all states party to the Geneva Conventions to take urgent action to halt the killing and maiming of protestors in the Gaza Strip immediately and to prevent any further such actions directed at protestors in the Gaza Strip. Regardless of the alleged or actual political affiliation of protestors, international law prohibits the use of lethal force against civilian protestors unless they participate directly in hostile acts that pose an imminent threat to life.

In addition, the right to peaceful assembly and expression is guaranteed under international human rights law. In its actions in Gaza Strip boundary areas, international human rights law requires that Israel's security forces respect the rights to peaceful assembly and expression and that these forces use, to the greatest extent possible, non-violent means in discharging their duties. Living under layers of occupation, blockade, and political division, Gaza Strip Palestinians feel abandoned and trapped in an endless cycle of conflict. With the Gaza Strip unemployment rate standing at a staggering 54%, poverty at 53%, and food insecurity skyrocketing to 68%, Gaza Strip Palestinians are left with little hope or tangible prospect for a brighter future. The rights to assembly and expression are critical tools that must be protected so that Palestinians preserve a peaceful means to send their message to the world about the crisis they are living under in the Gaza Strip and throughout the occupied Palestinian territory.

AIDA supports the recommendation made by Michael Lynk, the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, to the UN Human Rights Council on 18 March 2019 for Israel to lift its suffocating blockade of the Gaza Strip immediately. Special Rapporteur Lynk correctly identified it as the source of a multitude of serious human rights and humanitarian law violations. He further demanded full accountability for the unlawful behavior of the Israel military, adding that if Israel will not conduct its own investigations into the mass shootings according to international standards, then the international community must itself address the vital accountability and command responsibility issues raised by the conduct of its military forces against Gaza Strip protestors.

The GMR demonstrations coincide with an unprecedented humanitarian crisis in the Gaza Strip that has harshly impacted livelihoods, access to the most basic services and personal human security for its two million residents. Decades of land closure, maritime and airspace blockade, and an accompanying draconian Israeli movement and access restriction system have driven this intensifying crisis, culminating in the imposition of an effective siege, over the Gaza Strip. Furthermore, the entire Gaza Strip population, over half of whom are children under the age

¹ World Health Organization Health Cluster Situation Report occupied Palestinian territory, Gaza February 2019

of 18, has been collectively punished for acts they individually have not committed. This position is shared by the United Nations, as expressed by Secretary General Ban Ki-moon in 2016.²

Massive current gaps in funding for humanitarian and development assistance for the Gaza Strip's increasingly vulnerable population compound a highly volatile and precarious reality for the Gaza Strip's isolated population, approximately 70 percent of whom are refugees. Significant cuts to relief and service providers, the United Nations Relief and Works Agency (UNRWA) for Palestine Refugees in particular, have fundamentally hampered the provision of life-sustaining emergency food and medical aid, access to primary healthcare, education and other critical support.

Accordingly, and in light of increased tensions and rounds of escalation in recent weeks and days, AIDA calls upon:

- **All states to recall their obligations under Common Article 1 to the Geneva Conventions, specifically the requirement to take all concrete measures within their individual and collective means to put an end to violations and to ensure respect for the Convention.** It further calls on states to recall their obligations to bring an end to unlawful situations and to refrain from aiding or assisting in the maintenance of such situations. These obligations are triggered by the apparent unlawful injuring and killing of civilians protesting in the Gaza Strip, as identified in the CoI report, as well as other serious human rights and international humanitarian law violations.
- All duty bearers to promptly and diligently pursue **implementation of the recommendations contained in the CoI report**, including:
 - **Prevention of future violations during demonstrations and protection of civilians – refraining from use lethal force against civilians**, including children, journalists, health workers and persons with disabilities, who pose no imminent threat to life;
 - **Ensuring access to medical services** and the fulfilment of the right to health for injured persons.
- **All actors able to influence the situation on the ground to take all possible positive measures to decrease humanitarian needs in the Gaza Strip as soon as humanly possible:**
 - **Israel must lift the blockade imposed on the Gaza Strip with immediate effect**, in line with Security Council Resolution 1860;
 - The **de facto authorities in the Gaza Strip and the Palestinian Authority** must do all within their respective powers to **ensure that Palestinians in the Gaza Strip enjoy equitable access to essential services**.
- **Israel to scrupulously abide by its obligations under international humanitarian and human rights law, as the occupying power in the Gaza Strip and throughout the occupied Palestinian territory, including East Jerusalem.**
- The United Nations and all other parties to take immediate and effective steps to hold the Government of Israel responsible for **the timely and unimpeded entry of all essential goods and basic services to preserve and protect the public health and welfare of all Gaza Strip residents.**
- International donors to intensify, through earnest and immediate bilateral and multilateral efforts, the provision of immediate and **robust humanitarian assistance** to address the emergency response and development needs of the Gaza Strip and its residents.

² “The Closure of Gaza Suffocates its people, stifles its economy and impedes reconstruction efforts. It is collective punishment for which there must be accountability.” UN Secretary Ban Ki-moon 28 June, 2016