

Submission to the United Nations Human Rights Council

"We will not allow a humanitarian crisis in Gaza, but we have no intention of making their lives easier....as far as I'm concerned, every resident of Gaza can walk because they have no gasoline for their vehicles..."

Israeli Prime Minister Ehud Olmert, Monday January 21st, 2008

One week ago, on Tuesday January 15th, Moin Ali Mahmoud al-Wadiya was working at a mechanics market in the al-Zaytoun district of Gaza city when the Israeli Occupying force (IOF) invaded al-Zaytoun en masse. The forty eight year old mechanic immediately tried to flee the intense IOF shelling, but when he stopped in order to drag a critically injured civilian to safety, the ground beneath him exploded. When he regained consciousness, in Gaza city's main al-Shifa hospital, Moin al-Wadiya had lost his left foot. His right leg has been smashed to pieces and he has serious lacerations across his stomach. He cannot walk, or work. "I have six children" he says. "But now there is no-one to support my family. I was the only one working."

Nineteen Palestinians were killed during the IOF invasion of al-Zaytoun and neighbouring Shejae'a district. Another thirty people were injured, including several who sustained critical injuries. During the first nineteen days of 2008, Israeli military attacks in the Gaza Strip killed a total of 71 Palestinians, and injured more than 190 others. Many of the men, women and children who died during these military attacks were civilians, indiscriminately mown-down during Israeli extra-judicial execution operations. On Wednesday, January 16th, a car carrying three members of the al-Yazji family was hit by an IOF missile fired into the residential al-Daraj district of east Gaza city. 40 year old Aamer al-Yazji, his 27 year old brother, Mohammed, and Mohammed's five year old son, Ameer, were all killed instantly. According to the Israeli media, IOF sources have admitted the attack on these three civilians was a mistake. The Yazji family has lost two sons and one young grandson "by mistake" and they are devastated.

Israeli extra-judicial executions of Palestinians are one grim component of the Israeli military siege and closure of the entire Occupied Palestinian Territory, which is subjecting Palestinians to executions, deprivations, imprisonment and mass collective punishment. As NGO's committed to the protection and promotion of human rights and international humanitarian law, FIDH and PCHR are especially concerned about the

continuing siege and closure of the Gaza Strip, including deliberate deprivation of essential fuel supplies, amidst escalating IOF attacks which are killing and injuring civilians on an almost daily basis. From January 2007-January 2008, three hundred and seventy Palestinians were killed by the IOF in the Gaza Strip, and another 850 were injured. In addition to inflicting thousands of deaths and injuries on Palestinian civilians in Gaza, Israel has manufactured a chronic humanitarian crisis as a tool of collective punishment against the 1.5 million Palestinian citizens living in Gaza.

FIDH and the Palestinian centre for Human Rights reiterate that Palestinian civilians are protected from collective punishment under international human rights law, and international humanitarian law, including the Fourth Geneva Convention.

However, the facts on the ground in the Gaza Strip speak for themselves. To date, Israel has closed all border crossings to the Gaza Strip for almost eighteen months continuously. During this period, more than 100,000 Palestinians have been denied passage either into or out of Gaza, including patients requiring life-saving medical treatment at hospitals in Israel or the Palestinian West Bank. During this period, 45 Palestinian patients have died as a direct result of the closure and siege of the Gaza Strip. Allegations by Palestinians seeking urgent medical treatment in Israel that they have been subjected to intense pressure to act as informers for the Israeli Security Service, Shin Bet, in return for clearance to enter Israel, have been corroborated by the Israeli Physicians for Human Rights. PCHR has also monitored cases in which Shin Bet officers have attempted to entrap seriously ill Palestinian children by offering health services in return for them supplying intelligence information. International law affirms the right of all citizens to receive appropriate medical treatment. Denial of this right constitutes a war crime and a crime against humanity.

During these last eighteen months, Israel has also systematically limited imports and exports to the Gaza Strip, including the restriction of food imports to nine basic food stuffs. Since declaring the Gaza Strip to be "A hostile entity" on September 19th, 2007, Israel has steadily tightened these restrictions, causing steep rises in the price of imported goods, and freefall in the cost of local goods. Many goods are now unavailable, and local food producers in Gaza are struggling to make a sustainable living because they cannot export their produce.

On January 17th, 2008, the siege of the Gaza Strip intensified when Israel also began to target humanitarian supplies, including the food aid which

helps sustain 80% of the population of the Gaza Strip. Israel has now hermetically sealed the Gaza Strip, imprisoning the civilian population who cannot enter or leave, bar exceptional circumstances. Israel's refusal to allow essential fuel supplies to enter Gaza via the Nahal Oz Crossing on January 18th and January 20th forced Gaza's only power plant to shut down, drastically reducing electricity supplies across the Gaza Strip, and leaving more than 800,000 civilians without light in their homes and work places. Thousands of Gaza families are also being deprived of water, as they depend on electricity to power their domestic water pumps. In addition, there are chronic shortages of gas for domestic use, and petrol for cars and public transport, including ambulances.

The conditions at Gaza's main hospital, al-Shifa, are a grim reminder of the cost Palestinian civilians are being forced to pay on a daily basis for this continuing and escalating siege. Al-Shifa hospital, which is already suffering from chronic shortages of equipment, and has recently been forced to reduce vital services, including the size and constituency of the meals it offers patients, currently has fuel reserves to last just three days. According to the hospital director, Dr Hassan Khalaf, if there is a power cut at the hospital tens of patients will die, including 30 premature babies who are surviving in incubators. Dr Khalaf describes the situation in his hospital as "Potentially disastrous."

For patients like Moin Ali Mahmoud al-Wadiya, who have been maimed by IOF attacks, al-Shifa hospital can offer little more than basic medical intervention. Whilst he remains in hospital, Moin al-Wadiya's family are buying his medication themselves, because al-Shifa is now extremely short of many essential drugs, including some strong painkillers.

Israel has not only allowed a humanitarian crisis to emerge in the Gaza Strip: it has manufactured a chronic humanitarian crisis in Gaza in defiance of international law. As human rights organisations committed the protection and promotion of human rights and international humanitarian law, FIDH and PCHR acknowledge that attacks by armed Palestinian groups on Israeli civilians are undeniably a violation of international humanitarian law. FIDH and PCHR condemn all attacks on civilians, whilst reiterating that the Israeli military continues to launch indiscriminate attacks on densely populated Gaza neighbourhoods, where it is impossible to distinguish between civilians and military objects. This continued use of disproportionate force by the IOF is putting the lives of Palestinian civilians at great risk.

Due to shortages of concrete and other basic raw materials, the Ministry of Religious Affairs in the Gaza Strip has just appealed to PCHR, asking for the Centre's assistance in making more graves available, so that the people of the Gaza Strip can bury their dead with dignity.

FIDH and PCHR have repeatedly called on the International Community to honour its legal and moral obligations as High Contracting Parties to the Fourth Geneva Convention, in order to ensure Israel's respect for the Convention in the Occupied Palestinian Territory. In addition, FIDH and PCHR have reiterated that failure to act by the international community has encouraged Israel to act as if it is above the law, and encourages Israel to violate international human rights and humanitarian law.

FIDH and PCHR also reiterate that any political settlement not based upon international human rights law and humanitarian law cannot lead to a peaceful and just solution of the Palestinian question. Rather, such an arrangement can only lead to further suffering and instability in the region. Any peace agreement or process must be based on respect for international law, including international human rights and humanitarian law.