

**The Israeli Aggression on the Gaza Strip and its
Consequences on the Situation of Fundamental Rights**
Special Report

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Situation of Fundamental Rights**

Special Reports Series No. (112)

Prepared by Researcher: Aiche Ahmad

Follow up and Supervision: A. Khadijah Zahran, Dr. Ammar Dwaik

Translated by: Yaseen Al Sayed

Design and print:

Third Dimension Company for Design and Printing

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**The Independent Commission for Human Rights
(ICHR), Palestine.**

ISBN: 978-9950-401-06-8



A series
Of Special
Reports

112

The Israeli Aggression on the Gaza Strip and its Consequences on the Situation of Fundamental Rights

2021

Addresses of the Independent Commission for Human Rights (ICHR) – Palestine

- **Main Office**

Ramallah

Behind the Palestinian Legislative Council, opposite the Thalassemia and Hemophilia Unit
Thalassemia (Hippocrates Centre)

Tel.: + 970 2 2960241 / 2986958

Fax: + 970 2 2987211

P. O. Box: 2264

E-mail: ichr@ichr.ps, Website: www.ichr.ps

- **Central West Bank Office**

Ramallah al-Tahta

Opposite the Germany Embassy, Raha Building, 6th Floor

Tel.: + 970 2 2989838

Fax: + 970 2 2989839

- **Northern West Bank Offices**

Nablus

Sufian Street, Al-Lahham Building, 1st Floor

Tel : + 970 9 2335668

Fax: + 970 9 2336408

Tulkarem

Near Thabet Thabet Hospital, De'bas Building, 3rd Floor

Telefax: + 970 9 2687535

- **Southern West Bank Offices**

Hebron

Ras Al-Jora , near the Traffic Department, Hureizat Building, 1st Floor

Tel.: + 970 2 2295443

Fax: + 970 2 2211102

Bethlehem

Nazzal Building, above the Arab Bank, 2nd Floor

Tele: + 970 2 2750549

Fax: + 970 2 2746885

- **Gaza and Northern Gaza Office**

Gaza

Al-Rimal, opposite the Palestinian Legislative Council, near Al-Quds Bank

Tel: + 970 8 2824438

Fax: + 970 8 2845019

- **Central and Southern Gaza Office**

Khan Yunis

Gamal Abdel Nasser Street, Al-Hasan Building, 3rd Floor

Tele: + 970 8 2060443

Fax: + 970 8 2062103

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Introduction

In the evening of Monday, 10 May 2021, the Israeli occupying forces launched a systematic military aggression on the entire Gaza Strip. Over 11 days in a row, Israeli military aircraft carried out violent air raids, artillery attacks, and naval bombardment on Gaza, mainly targeting the civilian population, objects, and infrastructure. The aggression resulted in the destruction of hundreds of residential flats, tower blocks, and government institutions, banks, schools, roads, water pipelines, and water desalination plants. The Israeli occupying forces deliberately shelled civilian vehicles and gatherings on streets, killing 254 Palestinian citizens, including 67 children, 39 women, and 17 older persons, and injuring 1,948 others.¹ Some wounded citizens will suffer from permanent disabilities.²

During the Israeli military aggression, dozens of police stations, security structures, and open areas were targeted. In the Gaza city, the Civil Police headquarters was destroyed. In the meantime, streets, commercial premises, and markets were shut down and traffic was limited to ambulances and emergency teams.

The Israeli occupying authorities intentionally undermined economic structures across Gaza, causing severe damage to various economic sectors, particularly industry and commerce. The economy was disrupted as dozens of businesses, factories, and handicraft workshops were targeted, causing hefty losses, both directly and indirectly. Many main roads, streets, junctions, electricity grids, water networks, and other infrastructure were bombed and destroyed. The Israeli aggression further worsened the conditions of these already deteriorated facilities due to previous Israeli offensives and longstanding siege on Gaza.

1 Palestinian Ministry of Health (MoH), *Total casualties of the Israeli aggression on the Gaza Strip, Gaza*, 24 May 2021, available at: <http://www.moh.gov.ps/portal/> (in Arabic).

2 MoH, *Update: Total casualties of the Israeli aggression on the Gaza Strip, Gaza*, 24 May 2021, available at: <http://www.moh.gov.ps/portal/> (in Arabic).

Targeting populated areas, Israeli air strikes constituted a clear contravention to the occupying Power's obligations under the International Humanitarian Law (IHL), including abidance by the principles of distinction, proportionality and precautions in attacks in the conduct of hostilities. When it used force, Israel did not comply fully with international human rights standards. This included the prohibition of unnecessary or disproportionate use of force. Israel did not "refrain from punitive measures, such as additional closures and restrictions that punish the entire civilian population of Gaza."³

During the military operation, Israel committed grave violations of Palestinian human rights. This was in clear breach of the 1949 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), first and foremost the right to life and existence in human dignity. Deliberately, the Israeli occupying forces used excessive force to target the civilian population, particularly children and women, who had already been victims of the Israeli tightened blockade and violence. These lost their homes and livelihoods. With persistent impunity and lack of accountability, the occupying Power acts as a State above the law. Israel continues to commit systematic, arbitrary practices against Palestinians and target Palestinian civilians and property in the West Bank, including the occupied city of Jerusalem, and Gaza Strip.

The Israeli aggression has had adverse consequences on the rights of Palestinian citizens throughout the Gaza Strip. In addition to flagrant impingements on fundamental human rights, the military offensive disabled and left the services sector falling short of providing vital services to the Gaza population at the time. It impacted vulnerable groups across Gaza, especially female-headed households and children. This was further compounded by the need for mental health and psychosocial support services. During the aggression, Israeli arbitrary measures, including ongoing tight siege for the 15th year in a row, are part and parcel of the collective punishment against the Gaza population in disregard of all international conventions, treaties, and customs which ensure peoples' right to self-determination and right of unarmed civilians to protection in time of war and armed conflict.

This report covers the period from the launch of Israeli aggression on the Gaza Strip on 11 May 2021 to the evening of 21 May 2021. Using a descriptive approach, the report is informed by qualitative and quantitative information collected from secondary sources, including reports and data released by national and international human rights organisations and statements by public officials

3 United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Escalation in East Jerusalem, the Gaza Strip and Israel | Flash Update #2 as of 17:00, 12 May 2021*, available at: <https://www.ochaopt.org/content/escalation-east-jerusalem-gaza-strip-and-israel-flash-update-2-1700-12-may-2021>.

to various media outlets. In addition to ICHR human rights reports prepared during the aggression on the Gaza Strip by its field researchers based on their field monitoring, violations documentation, interviews with official duty bearers and victims. Worth of note is the considerable inconsistency in figures and data among official and nonofficial, national and international human rights actors. Apparently due to different documentation methodologies, these discrepancies involve information on victims and consequences of the aggression.

Structured around several themes, this report provides a review of the Israeli aggression and the circumstances leading up to the aggression. It presents facts on infringements on the fundamental rights of the Gaza population under the IHL provisions. Chapter 1 serves as an entry point to and reviews the background of the Israeli aggression on the Gaza Strip in light of IHL rules. Chapter 2 sheds light on the 2021 Israeli aggression on Gaza and violation of the right to life and physical integrity. Chapter 3 makes clear the impact of aggression on the situation of social, economic, and cultural rights of the protected population, including the rights to education, health, adequate housing, and a decent standard of living. Chapter 4 provides an overview of the situation of the services sector in Gaza during the Israeli military aggression. It investigates the impact of aggression on infrastructure and provision of critical services to citizens. Chapter 5 addresses the Gaza reconstruction efforts following the end of the aggression. The report concludes with an emphasis on the role the aggression played in further exacerbating the situation of human rights as well as the living and humanitarian conditions of the Gaza population. It provides a set of recommendations, for which necessary measures need to be taken by Palestinian government bodies.

1. Entry point and background of the Israeli aggression on the Gaza Strip vis-à-vis the provisions of IHL

1.1 The Gaza Strip... A target of recurrent Israeli aggressions

In late 2005, Israel, the occupying Power, carried out a unilateral withdrawal from the Gaza Strip. The step aimed at a political, military, social, and geographical separation of the Gaza Strip and West Bank. This disengagement meant a disavowal of Israel's full responsibility for the Gaza Strip and its subsequent crises. Ever since, Israel has launched four military aggressive operations on Gaza, including Operation Cast Lead in 2008, Operation Pillar of Cloud in 2012, Operation Protective Edge in 2014, and most recently Operation Guardian of the Walls in 2021. These offensives resulted in the killing of thousands of Palestinian citizens, injury of tens of thousands more, systematic destruction of Gaza's infrastructure, and disruption of the pillars and instruments of economy.

1.2 Israeli siege and arbitrary policies against Gaza in the context of collective punishment of the protected population

Since 2006, the occupying Power has maintained a policy of a tight blockade on Gaza as a collective punishment against the local population. In the context of this policy, the Israeli occupying authorities have systematically used a combination of abusive measures and practices, tailored to punish the entire Palestinian population as a result of some acts done by an individual or a group. Mass scale aggression has been launched on the pretext of deterring and intimidating the Palestinian resistance. Since 1967, the Israeli occupying authorities have systematically imposed collective punishment on Palestinian citizens across the occupied Palestinian territory (oPt). The Israeli occupying authorities use multiple forms of collective punishment against Palestinians

in the Gaza Strip and West Bank, including East Jerusalem. Among the most pronounced forms of collective punishment is the strict siege on the Gaza Strip, closure of all crossing points to Gaza, and restrictions on the movement of persons and goods. While using excessive force, Israel has also launched recurrent aggressions on Gaza. Other forms of collective punishment include home demolitions, forced population displacement, arbitrary detention, closure, and restriction of freedom of movement and access.

Home of over 2 million Palestinians, Gaza is one of the most densely populated areas of the world. For the 15th consecutive year, Gaza has been under a tight inhuman siege that violates IHL rules and contributes to the worsening of the situation of economic, social, and cultural rights of the Gaza population. The blockade has further exacerbated Gaza's economic crisis and humanitarian conditions in view of restrictions on freedom of movement, enshrined in international human rights conventions and treaties. The siege has restricted the ability of Palestinians in Gaza to enjoy all fundamental human rights, including the rights to the highest attainable standard of physical and mental health, education, health, movement, a decent standard of living, and clean and healthy environment. As a consequence of these persistent abuses, the Gaza population have experienced a disastrous situation, affecting their ability to enjoy an adequate standard of living.

The Israeli siege has seriously undermined all human rights of the Gaza population. It has caused increasing poverty and unemployment, deteriorating standards of living, declining social conditions, and mounting pressure on the lives of the local population. The siege has resulted in a deterioration of health conditions and put at risk the ability of the health sector and relevant agencies to perform their duties, provide assistance to persons infected with the coronavirus (COVID-19), and ensure a timely response to the pandemic.

Recent official statistics show that, in Gaza, the unemployment rate in the labour force accounted for 45 percent.⁴ Poverty was as high as 53 percent. In proportion to the overall population, food insecurity was record high: 70 percent of all households in Gaza received food assistance.

Key tools of punishment against the Gaza population have also included recurrent aggressions, closure of crossing points, and ban on travel for patients to receive medical attention outside Gaza. In addition to targeting the lives of participants in the Great Return March demonstrations on the Gaza border, Israel has prevented the entry of food and medical supplies, medicines, goods, and construction material into Gaza.

4 Palestinian Central Bureau of Statistics (PCBS), Press Release: the Results of the Labour Force Survey Second Quarter (April – June, 2021) Round, available at: <https://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=4044>.

Reflecting an incessant escalation of assaults, the Israeli occupying forces have recurrently attacked Palestinian fishermen in Gaza, causing a loss of fishing boats and equipment. Over the past years, dozens of fishers were either killed or injured. Hundreds more were arrested, detained, and interrogated. The Israeli occupying forces have confiscated fishing boats and damaged fishing equipment. Further restricting their livelihoods and targeting their property, Israel has deprived Palestinian fishers of their right to a decent standard of living in contravention to the IHL rules.

The Israeli occupying authorities have reduced the permissible fishing zone to 12 nautical miles (NM) off the Gaza coast. They have also continued to manipulate and limit this zone. According to the Oslo Accords, the agreed permissible fishing zone is 20 NM from the Palestinian coast. However, Palestinian fishers are subject to Israeli attacks even within the bounds of the reduced fishing zone. Depending on developments, the permissible fishing zone has been limited to 6 NM in the north and 15 NM in the south. Restriction of the fishing zone, Israeli naval assaults, and pursuit of fishers have all resulted in the decline of economic and social conditions of some 4,000 fishers and 1,000 workers in the fishing industry.⁵

The Israeli siege has adversely impacted different walks of life in Gaza. The economy has been largely affected by an economic recession, lower levels of income, and declining production. In 2020, Gaza incurred some US\$ 1.5 billion in direct and indirect losses as a result of the siege. Both the siege and the COVID-19 pandemic jeopardised food security of approximately 70 percent of the Gaza households. Meantime, more than 350,000 workers were unemployed.⁶

Now operating at 20 percent capacity, production processes at factories declined due to the ban on the entry of industrial raw materials, ongoing Israeli attacks, restrictions on imports, exports, and entry of raw materials, and arbitrary measures on crossing points. The economic situation of per diem workers, shopkeepers, and owners of workshops deteriorated.⁷ The impact of the siege on the construction sector has far exceeded the profits made, affecting thousands of forcibly displaced households, whose homes were completely or partially destroyed during recurrent Israeli aggressions on Gaza. These households are still waiting for the reconstruction of their homes.

The Israeli occupying forces continue to attack and assault Palestinian citizens in access restricted areas along the eastern and northern perimeter fence around Gaza. During incursions, the Israeli forces target and open fire on farmers as

5 Monitoring and documentation provided by the Palestinian Centre for Human Rights, <https://www.pchr-gaza.org>.

6 Statement by the Popular Committee against the Siege on Gaza, 24 December 2020.

7 Previous reference.

well as agricultural and vacant land. Israeli bulldozers have levelled dozens of *dunums* of agricultural land in this area. Recurrent Israeli incursions have put at risk the security and safety of Palestinian citizens in areas adjacent to the perimeter fence and deprived hundreds of farmers of their right to engage in agriculture, tend their lands, and benefit from their yield. Frequent land levelling and losses have stripped Palestinian farmers of their livelihoods as land is their main source of income.⁸

Collective punishment is one of the gravest and most serious human rights violations in the oPt. Collective punishment undermines Palestinians' ability to enjoy the full range of fundamental rights enshrined in the principles of IHL and International Human Rights Law (IHRL). Under IHL, collective punishment is prohibited in various situations and under all circumstances. In particular, Article 33 of the Fourth Geneva Convention strictly prohibits collective penalties and all measures of intimidation against a protected person "for an offence he or she has not personally committed." Threats, all forms of terrorism, and reprisals against protected persons and their property are equally prohibited. According to IHL rules, collective punishment amounts to a war crime. It is prohibited under Article 4 of the 1977 Second Protocol Additional to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). Article 75 of the 1977 First Protocol Additional to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts (Protocol I) grants international protection to, prohibits collective punishment against, the civilian population in occupied territories. Civilian persons are the most vulnerable in international armed conflicts.

1.3 Protection accorded to civilians under IHL rules

At the onset of the Israeli aggression, protection of citizens was of paramount importance because Israeli air strikes targeted civilian persons and objects. While the aggression compounded an already dire humanitarian situation, the COVID-19 pandemic has placed a strain on the health sector, which was affected by an acute crisis. At the time, there were concerns that Gaza's only power plant would cease to operate as a result of short fuel, whose schedule and quantity were, and still are, under effective control of the Israeli occupying authorities. This threatened public service provision and negatively reflected on the overall humanitarian situation in Gaza.

According to IHL, the occupying Power is bound to respect and uphold human

8 Abdullah al-Hourani Centre for Studies and Documentation of the Palestine Liberation Organisation, *A synopsis of Israeli violations across the occupied Palestinian territory*, 4 January 2021.

rights. IHL limits permissible means and methods of warfare by parties to an armed conflict and requires them to respect and protect civilians and captured combatants. Protocol I and the 1907 Hague Regulations lay out the law that protects civilians during armed conflict. Most of the relevant provisions of both treaties are considered customary rules of international law. These are based on established state practice and are binding on all parties to an armed conflict, whether they are state actors or non-state armed groups.⁹ Under IHL, the two fundamental tenets of international humanitarian law are those of “civilian immunity” and “distinction.” Rules of customary law impose a duty, at all times during the conflict, to distinguish between combatants and civilians, and to target only the former. Article 48 of Protocol I states that “[t]he Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.”

Civilian objects are those that are not considered military objectives.¹⁰ In general, the law prohibits direct attacks against what are by their nature civilian objects, such as homes and apartments, places of worship, hospitals, schools, or cultural monuments, unless they are being used for military purposes.¹¹ Civilian hospitals enjoy a status of special protection under the Fourth Geneva Convention beyond their immunity as civilian objects “unless they are used to commit, outside their humanitarian duties, for committing acts harmful to the enemy.” Additionally, the “fact that sick or wounded members of the armed forces are nursed in these hospitals [...] shall not be considered to be acts harmful to the enemy. Parties to a conflict must not make threats or commit acts of violence “the primary purpose of which is to spread terror among the civilian population.” Reprisals that involve attacks against the civilian population are also prohibited.¹² IHL has outlawed any direct attack on civilians, whether in reprisal or not, in part because attacks ostensibly launched as reprisals often spur counterattacks by the other side and there is no end to the cycle of civilian injury and death.

IHL prohibits indiscriminate attacks. As a matter of both treaty and customary law, indiscriminate attacks are “of a nature to strike military objectives and civilians or civilian objects without distinction.” Also prohibited are attacks that violate the principle of proportionality. Disproportionate attacks are those that are “expected to cause incidental loss of civilian life, injury to civilians [or] damage to civilian objectives . . . which would be excessive in relation to the concrete and direct military advantage anticipated” from that attack.¹³

9 International Committee of the Red Cross (ICRC), *Customary international humanitarian law*, <https://www.icrc.org/en/war-and-law/treaties-customary-law/customary-law>.

10 Protocol I, Article 52.

11 ICRC, *Customary international humanitarian law*, Rule 8.

12 Protocol I, Article 52.

13 Protocol I, Article 51.

Resolution 2 of the 26th International Conference of the International Red Cross and Red Crescent Movement, Geneva, 3-7 December 1995, on the Protection of the civilian population in period of armed conflict reaffirms the obligation of all States to respect in all circumstances the relevant principles and norms of IHL and of States party to the 1949 Geneva Conventions and States party to the 1977 Additional Protocols to ensure respect for the Conventions and Protocols. The conference Resolution also strongly condemns the systematic and massive killing of civilians in armed conflicts; urges States and all parties to armed conflicts to comply in all circumstances and to ensure compliance by their armed forces with the relevant principles and norms of IHL and, with the support of the International Red Cross and Red Crescent Movement, to take the necessary measures to disseminate them; stresses that international humanitarian law provides for the protection of the civilian population in case of foreign occupation and against attacks, the effects of hostilities and dangers arising from military operations; stresses also the utmost importance, in all circumstances, of humanitarian standards and the necessity to respect applicable human rights norms; and strongly reasserts the right of a civilian population in need to benefit from impartial humanitarian relief actions in accordance with international humanitarian law.¹⁴

With respect to individual responsibility, serious violations of international humanitarian law, when committed with criminal intent, are war crimes. This would include deliberate attacks on civilians, as well as indiscriminate and disproportionate attacks when done with knowledge or reckless indifference to their illegal character. Individuals may also be held criminally liable for attempting to commit a war crime, as well as planning, instigating, assisting in, facilitating, aiding or abetting a war crime. Commanders and civilian leaders may be prosecuted for war crimes as a matter of command responsibility when they knew or should have known about the commission of war crimes and took insufficient measures to prevent them or punish those responsible.¹⁵

1.4 Applicability of IHL rules to the oPt

The rules of IHL, particularly the Fourth Geneva Convention, are applicable to the oPt. The Gaza Strip and the West Bank, including Jerusalem, have been under military occupation by Israel since 1967. IHL in general, and Fourth Geneva Convention in particular, seek to provide protection to war victims, especially

14 26th International Conference of the International Red Cross and Red Crescent Movement, Geneva, Switzerland, 3-7 December 1995, Resolution 2, available at: <https://www.icrc.org/en/doc/resources/documents/resolution/26-international-conference-resolution-2-1995.htm>.

15 See ICRC, *Customary International Humanitarian Law*, Rule 153.

the civilian population in occupied territories. The Israeli government has consistently claimed that the IHL rules did not apply to the Palestinian territory occupied in 1967, ostensibly because the Fourth Geneva Convention neither prevail nor take precedence over the Israeli law and military command orders.¹⁶

International consensus confirms the applicability of the Law of Belligerent Occupation to the oPt. The state of war or occupation does not relieve the occupying Power of its responsibilities for upholding human rights in the occupied territory. It is bound to respect the people's right to self-determination. This has been further asserted by many resolutions of the United Nations, all stressing that Israel, the occupying Power, should be committed to the Geneva Conventions of 1949. In accordance with the request of the United Nations General Assembly (UNGA) dated 3 December 2003, the Advisory Opinion on the Wall, rendered by the International Court of Justice on 9 July 2004, further highlights that the Fourth Geneva Convention is applicable to the oPt.

Having been evacuated and characterised as a hostile entity, the legal status of the Gaza Strip has given rise to many questions. Does this mean an end of the Israeli occupation? Is it merely redeployment of Israeli forces in the occupied territory while the Israeli occupation remains in place? Since it announced it, Israel had sought to promote the evacuation plan both politically and in the media as a unilateral disengagement, which would put an end to the claim that Gaza was occupied. In practice, however, this was just redeployment of Israeli occupying forces from one site to another.¹⁷

According to IHL, Israel, the occupying Power, continues to be under many legal and humanitarian obligations and responsibilities towards the Palestinian civilian population in the oPt, including Gaza. By declaring it as a hostile entity, Israeli intended to evade its own responsibilities towards Gaza, which is regarded as an occupied territory. The fact that the occupying Power considers Gaza as such is legally untenable. The occupying Power exercise its effective control over Gaza, just like the rest of the oPt. Therefore, the Israeli occupying authorities are under an obligation to fully respect IHL rules in Gaza. Article 6 of the Fourth Geneva Convention provides that "the application of the present Convention shall cease on the general close of military operations." However, the occupying

16 Israel has invoked a number of arguments to support its legal claim that the Fourth Geneva Convention is not applicable to the Palestinian territories occupied by Israel since 1987, including East Jerusalem. In response to these claims see Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967, UN Doc (A/56/440), 4 October 2001, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N01/565/49/PDF/N0156549.pdf?OpenElement>.

17 The concept of redeployment entails that forces with military and administrative presence in a geographical area retreat to other areas. Responsibility for the internal administration and security of that area is handed over to other authorities. General, however, responsibility for regional security remains in the hands of redeployed forces.

Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of certain Articles of the Convention. Humanitarian considerations reflect the foundation, on which the Geneva Conventions are established. The fact that the occupying Power refrains from applying the Conventions to the oPt does not result in any exoneration from international responsibility for practices and violations of the provisions of these Conventions.

2. Israeli aggression on the Gaza Strip in 2021 and violation of the right to life

2.1 The Palestinian landscape ahead of the aggression

On 13 April 2021, 1 Ramadan 1442 AH, the Israeli aggression began in occupied East Jerusalem and then extended to cover the West Bank, Palestinian cities inside the Green Line, and Gaza Strip. Confrontations started when dozens of Palestinians were assaulted, denied access to, and prevented from gathering on the Damascus Gate square in occupied Jerusalem. The situation escalated when Israeli extremist settler organisations called for “burning Arabs” and preparing for large-scale raids on the Al-Aqsa Mosque compound on 10 May 2021, 28 Ramadan 1442, on the so-called “Jerusalem Day” occasion. In response to these violations and threats, Palestinian factions fired dozens of missiles from Gaza on Israeli settlements in close proximity to Gaza.

On 15 April 2021, Israeli settlers raided the Al-Aqsa Mosque compound on the so-called anniversary of the “Independence of Israel”. Later in the evening, Israeli occupying forces raided and expelled Palestinian worshippers from the mosque. Tensions continued until 22 April, when clashes resulted in the injury of at least 105 Palestinian civilians and arrest of 50 others by the Israeli police in Jerusalem. On 23 April, the Al-Qassam Brigades, the armed wing of the Islamic Resistance Movement (Hamas), issued a statement, warning the occupying Power against continued encroachments on Jerusalem and Palestinian population of the city. As a response to these violations, on 23 April, Palestinian factions in Gaza fired a missile towards an Israeli settlement adjacent to Gaza. Tensions continued and developed into confrontations with the Israeli occupying forces in Jerusalem on 7 May, when the Israeli authorities attempted to evict Palestinian families from, and hand over, their homes to Israeli settlers in the Sheikh Jarrah neighbourhood. During the last days of the month of Ramadan, on 10 May, the Israeli occupying forces raided the grounds of the Al-Aqsa Mosque compound and assaulted worshippers, leaving some 350 Palestinian civilians with various wounds. At this point, the Joint Operations Room of Palestinian factions gave

Israel a respite until 6:00 pm on the same day to withdraw from the Al-Aqsa Mosque compound and end attacks on Jerusalemites. As Israel did not do so, Palestinian factions jointly fired a barrage of missiles towards Israeli sites. Then, Israel launched a large-scale aggression on Gaza.

In the evening of Monday, 10 May 2021, the occupying Power unleashed a systematic aggression on Gaza, targeting every moving object in Gaza. Over 11 days, Israeli military aircraft launched intense rocket attacks on various populated areas in Gaza. The Israeli occupying forces deliberately used excessive force, targeting protected civilian persons, civilian objects, and public facilities, in blatant disregard of the principles of necessity, proportionality, distinction, and precautions in attacks in the conduct of hostilities. Carried out tit for tat, these attacks were designed to maximise and ensure further human suffering of the Gaza population by all means available. In particular, Israel targeted civilian persons, homes, properties, and service facilities, causing complete inability to provide vital services. Meantime, the Israeli occupying authorities intensified the closure of the crossing points around Gaza.

In grave breach to IHL principles, the Israeli occupying forces perpetrated crimes that amounted to war crimes. During the aggression, violations of fundamental human rights exacerbated. Arbitrary practices and measures initiated by the occupying Power were part of the collective punishment policy against the Gaza population. These were in gross contravention to all international conventions, which safeguard peoples' right to self-determination and right of unarmed civilians to protection in time of war and armed conflict.

2.2 Violation of the right to life and physical integrity

The killing of Palestinian civilians is in direct contravention to and constitutes a grave breach to IHL rules and human rights conventions. Article 147 of the Fourth Geneva Convention prohibits all forms of assaults on the lives and security of protected civilians. It further provides that any act involving an attack on the right to life is a grave breach, if committed against persons protected by the Convention.

According to Amnesty International, the Israeli forces have displayed a shocking disregard for the lives of Palestinian civilians by carrying out a number of airstrikes targeting residential buildings in some cases killing entire families – including children – and causing wanton destruction to civilian property, in

attacks that may amount to war crimes or crimes against humanity.¹⁸ Human rights organisations confirmed that acts of killing and destruction committed by the Israeli occupying forces on a large scale targeted civilians both directly and intentionally.¹⁹ Israeli air raids constituted a grave violation of the right to life and physical integrity as they directly claimed many victims. These created a situation that involved a complete lack of collective security, turning Gaza into an unsafe place where every person was under imminent threat, risking the lives of population. Anyone could lose their life at any moment.

A total of 254 Palestinian citizens were killed, including 67 children, 39 women (of whom four were pregnant), and 17 older persons. Of these, three persons were disabled, including a child. Another 1,948 citizens sustained various wounds. Dozens of injuries were described as serious. Injured citizens included 610 children, 398 women (three of whom were pregnant), and 940 men.²⁰ This reflected Israel's absolute disregard of the lives of all Palestinians, particularly children and women. The Israeli aggression caused harm to and execrated the suffering of Gazan children, further to humanitarian tragedies and crises witnessed in Gaza.

2.2.1 Wiping out of families

Israeli air strikes and rocket fire targeted dozens of civilian homes and residential units both deliberately and directly, destroying them with their inhabitants inside. As a result, many Palestinian families lost their lives. During these raids, massacres were committed, displacing Palestinian families and wiping out 19 families altogether. At least 14 families in Gaza have lost three or more family members in the same incident, totalling of 77 fatalities.²¹

Wiping out of families by the Israeli occupying forces reflects an informed and deliberate pattern, which directly targeted extended families. Some entire families were buried under the rubble of their homes. Of all instances, bombardment targeted and destroyed 21 residential buildings on top of their inhabitants, as well as two residential compounds, two vehicles, and two farms, resulting in the killing mothers, children, and siblings. Seven mothers were killed together with three or four of their children.

18 Amnesty International, *Israel/ OPT: Pattern of Israeli attacks on residential homes in Gaza must be investigated as war crimes*, 17 May 2021, available at: <https://www.amnesty.org/en/latest/press-release/2021/05/israelopt-pattern-of-israeli-attacks-on-residential-homes-in-gaza-must-be-investigated-as-war-crimes/> (accessed, 25 May 2021).

19 Al Mezan Centre for Human Rights, *Press release: Following the announcement of the end of Israeli military attacks*, Gaza, May 2021.

20 According to the MoH after the end of Israeli aggression on Gaza.

21 OCHA, *Escalation in the Gaza Strip, the West Bank and Israel | Flash Update #11 covering 12:00 20 May – 12:00 21 May*, available at, <https://www.ochaopt.org/content/escalation-gaza-strip-west-bank-and-israel-flash-update-11-covering-1200-20-may-1200-21-may>.

Amnesty International stated that, according to eyewitness testimonies, no prior warning was given to the families to allow them to escape. Also, there were no fighters or military objectives in the vicinity at the time of the attacks documented.²² Still, the Israeli occupying forces targeted and destroyed the homes of these families, while residents were inside, leaving hundreds of civilians dead and others injured, including children and their mothers. This was further confirmed by *Haaretz*, which reported on 19 May 2021, that the bombings, targeting entire families, follow a decision from higher up, backed by the approval of military jurists. No advance warning was given so that families could evacuate the targeted houses, usually via phone call from the army or Shin Bet security service, then “warning missiles” fired by drones.²³

According to a Gaza-based MoH report, massacres resulted in 19 families completely wiped out of the civil register. Families that were victims of Israeli pogroms included Al-Kolak, Al-Tannani, Al-Tilbani, Issa, Al-Masri, Sharir, Arafah, Al-Attar, Amin, Al-Hadidi, Abu Hattab, Al-Ouf, Ishkantana, Abu Dayer, Slhah, Barakeh, Al-Zibdeh, and Al-Mansi families.

As indicated in the report, young persons and children of the Al-Masri family were slain on the first day of aggression on Gaza. Mohammed al-Hadidi lost his four children and wife in shelling that targeted their maternal uncle’s house. Al-Hadidi was left with only one baby, who was hardly recovered from the rubble. The Kolak family lost 21 members, including eight children and six women.

The Abu Ouf family lost nine members, including a child and five ladies, after their home was directly targeted in the Gaza city. The mother, father, and four children of the Al-Tannani family also lost their lives.²⁴ The families of Al-Masri, Al-Attar, Al-Hadidi, Abu Hattab, Ishkantana, and Al-Ifranji each lost five members. The families of Sharir and Amin lost eight members, including four each. While the Sallah family lost three members, Al-Tilbani, Issa, Arafah, Abu Dayer, Barakeh, Al-Zibdeh, and Al-Mansi families lost two members each.

Following examination of martyrs’ bodies, autopsy reports confirmed that suffocation was the direct cause of death. Outward symptoms indicated possible inhalation of toxic gases. To conduct relevant tests, the Palestinian MoH took needed specimens.²⁵

22 Amnesty International, *Israel/ OPT: Pattern of Israeli attacks on residential homes in Gaza must be investigated as war crimes*, 17 May 2021, available at: <https://www.amnesty.org/en/latest/press-release/2021/05/israelopt-pattern-of-israeli-attacks-on-residential-homes-in-gaza-must-be-investigated-as-war-crimes/> (accessed, 25 May 2021).

23 Amira Hass, “Gaza Lives Erased: Israel Is Wiping Out Entire Palestinian Families on Purpose”, *Haaretz*, 19 May 2021, available at: <https://www.haaretz.com/israel-news/gaza-israel-wiping-entire-palestinian-families-hamas-1.9820005>.

24 MoH, press release, 14 May 2021, available at: <http://www.moh.gov.ps/portal>.

25 Al Mezan Centre for Human Rights, press release, 13 May 2021, available at: <http://www.mezan.org/post/>.

Pursuant to the international law, the crime of exterminating entire families is in clear contravention to norms of IHL and IHRL. It also constitutes a breach of the principles of necessity and proportionality, amounting to “a war crime and a crime against humanity”. This crime requires prosecution of Israeli commanders, who issued the orders, as well as military personnel to executed these orders.

2.2.2 Targeting Palestinian children during the Israeli aggression on Gaza

During the aggression, the Israeli occupying forces target children across the Gaza Strip and substantially violated their right to life and physical integrity. Israel, the occupying Power, impinged all rights of Palestinian children by use of lethal force against these protected children, who did not pose a threat to the safety of Israeli military personnel. Children were targeted in grave violation of IHL norms. Israeli military aircraft launched intense missile attacks on various populated areas in Gaza in complete disregard of the principles of necessity, proportionality, distinction, and humanity, wiping out entire families with their children. These attacks led to scores of civilian casualties, particularly children and women.

2.2.3 General and special protection afforded to children under IHL rules

Children are a priority care group during armed conflicts. IHL grants special respect and protection to children, conducive to their character which distinguishes them from other civilians. Like protected civilians, general protection is also accorded to children, who should be spared from the ravages of war because they do not take part in hostilities. The Fourth Geneva Convention highlights protection of children against all forms of harm, which may be caused to them. It prescribes that children may not be targeted, killed, deported, or transferred during the course of hostilities. In particular, Articles 27-34 of the Fourth Geneva Convention places a special focus on different protections of civilians, including children, during international armed conflicts.

The Fourth Geneva Convention establishes rules, obliging States parties to relieve and help children. Ensuring protection of children, Article 14 of the Convention provides that “In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital and safety zones

and localities so organized as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven.”

Article 17 also provides that “The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases.” Article 27 further prescribes that “Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.”

Under the Fourth Geneva Convention, children enjoy protection unless and for such time as they take a direct part in the hostilities. Ensuring human treatment, physical assault on children is prohibited. With their physical and mental being, children must be respected. Collective punishment, reprisals, and torture against children are forbidden. In addition to random attacks on protected population, attacks directed against civilians, including children are equally prohibited.

Further asserting relevant provisions of the Fourth Geneva Convention, Protocol I emphasises that special protection needs to be afforded to the civilian population, including children. Article 51(1) of Protocol I states that “[t]he civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. To give effect to this protection, [...] rules, which are additional to other applicable rules of international law, shall be observed in all circumstances.”

Also benefiting from Protocol I, children, like the civilian population as such, as well as individual civilians, shall not be the object of attack. In addition to ensuring protection under Articles 48 and 75 of Protocol I, acts or threats of violence the primary purpose of which is to spread terror among the civilian population, are prohibited. According to Article 77(1) of Protocol I, “[c]hildren shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason.”

Pursuant to Article 7 of the Rome Statute of the International Criminal Court (ICC), dated 17 July 1998, murder, extermination, and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health constitute crimes against humanity when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. Thereupon, acts of which

children are victims are crimes against humanity and fall within the jurisdiction of the ICC. The Court is also competent of hearing violations of the rights of the child, covered within the definition of genocide as provided for under Article 6 of the Rome Statute. Accordingly, killing members of a group, causing serious bodily or mental harm to members of the group, and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part is regarded as a crime of genocide.

2.2.4 Targeting children during aggression

In mid-2021, children (under 18 years of age) were estimated at some 2.31 million, representing nearly 44.2 percent of the total population in Palestine, including 42.0 percent in the West Bank and 47.5 percent in Gaza. During the aggression on Gaza, Israel, the occupying Power, violated all children's rights as it used lethal force against protected children, who did not pose a threat to the safety of Israeli military personnel. children were targeted in blatant contradiction of the principles of IHL and IHRL. Israel essentially impinged on these children's right to life and physical integrity.

The Israeli aggression and hostilities against Gaza caused extreme terror and panic among children. This resulted from psychological and mental pressure, which dominated the Gaza population for the duration of hostilities and threat of more aggression by the Israeli occupying forces. It was also caused by the sound of air strikes, explosions, and shaking ground, bearing extremely difficult psychological consequences, which will be affected over years to come.

2.2.5 Violating children's right to life and physical integrity in particular

Right to life is a fundamental human right of every human being, whether a child or an older person. It means that any act that jeopardises human soul or body is impermissible. This involves children, a particular reference to whom is made by Article 38(4) of the Convention on the Rights of the Child (CRC). Israel's targeting of children and inflicting as many casualties as possible among is a grave violation of Palestinian children's rights. The CRC further obliges States to respect and uphold children's right to life. Article 6 of the Convention provides: "(1) States Parties recognise that every child has the inherent right to life; (2) States Parties shall ensure to the maximum extent possible the survival and development of the child." Article 38(4) further prescribes that "[i]n accordance

with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.” These obligations were gravely violated during the course of hostilities against Gaza and the Palestinian civilian population, including children.

The fact that the Israeli occupying forces targeted and deliberately cause the maximum possible death toll among children constituted a grave breach of their rights, including their right to life and physical integrity. During the aggression on Gaza, 67 Palestinian children were slain, accounting for 26 percent of total victims. Aged six months to 17 years, these included 43 boys and 24 girls.

Human rights organisations documented the killings of the majority of children and recovery of their dismembered bodies from the rubble of their homes. Bombed by Israeli war planes, civilian homes were toppled over their inhabitants without prior warning. Entire residential compounds were targeted. For example, following the bombardment of a residential compound on Al-Wihdah Street, 18 children, mostly siblings, of four families were killed. This attack serves as a model of the nature of objects, which the Israeli occupying forces targeted during the aggression on Gaza.

The first night of aggression on Gaza resulted in the killing of at least 20 persons, including nine children, four of whom were siblings. Many of these children used to go to the same school. At least 25 others were confirmed to have been injured at the same night. Before midnight on 14 May, Israeli air strikes hit a three-floor building belonging to the Al-Attar family in Beit Lahiya, northern Gaza, killing Lamya’ al-Attar (28) and her three children: Islam (7), Amirah (6), and Mohammed (8 months). All were stuck under the rubble.

Worth of note is that, among all girls killed in Israeli bombardment, there were 11 girls (aged 5-15) who were receiving treatment of trauma together with their brothers in the context of specialised psychological programmes in Gaza. They were killed by Israeli missiles fired during the aggression. These included Yara, Rula, Hala, and Hana’ al-Kolak; Dima and Mira al-Ifranji; Rafif Abu Dayer; Tala Abu al-Ouf; Lina Sharir; Hala al-Rifi; and Dana Ishkantana. Furthermore, victims included a number of infants and infants in utero. Six children under two years of age were documented to have been killed.

In the morning of Saturday, 15 May 2021, ten Palestinians of the Abu Hattab family, including eight children and two women, were killed as a result of by aerial bombardment, which targeted a residential building in Al-Shati’ refugee camp west of the Gaza city. The three-storey building was pulled to the ground. At the Al-Shifa’ Hospital in the Gaza city, Mohammed Abu Hattab, father of

the eight children, stated that his children “were safe in their home. Neither did they carry a weapon nor fired missiles.” He explained that they were killed “while they putting on their new clothes to celebrate the Eid al-Fitr occasion.”

In the morning of 16 May, Israeli military aircraft launched air strikes on the Al-Wihdah Street in the Gaza city, destroying two residential buildings belonging to the families of Abu al-Ouf and Al-Kolak. All families living in the Abu al-Ouf four-storey building did not receive any prior warning. Israeli air strikes resulted in the killing of 44 Palestinians in the Gaza governorates, including 18 children. The majority of casualties were trapped under debris.²⁶

These children were killed when missiles directly targeted, struck, and destroyed their homes with their inhabitants inside them. Others were killed by missiles that landed on streets adjacent to children’s homes, targeted a public road, agricultural land, or grove where these children and their children were present. Missiles were fired on multi-storey residential buildings. Fire was opened towards farmers. Indiscriminate artillery shelling targeted or shrapnel hit citizens’ homes. Rockets were fired towards citizens while they were on a local market.

Experts warned that children on the perimeter fence would probably suffer from psychological scars for years to come. Those who survived Israeli attacks would continue to pay the price. Dozens of children suffer from injuries, which caused them permanent disability and amputations, requiring ongoing medical attention. Although they did not sustain physical wounds, many children have lost one or both parent or family members. Apart from fear and instability, others witnessed acts of killing and destruction. Targeting children during the aggression against Gaza constituted a violation of all general and special protections afforded to children as protected civilians. It was in breach of children’s right, guaranteed by various international conventions and treaties, including the right to life and physical integrity and right to the highest attainable standard of physical and mental health. The aggression reflected a genocide against Palestinian children and families. Of these, 12 families were entirely wiped out of the civil register.

The fact that a large number of children were killed during the aggression on Gaza demonstrates that the Israeli occupying forces perpetrate grave violations against children, amounting to war crimes and crimes against humanity. Children were directly targeted by missiles fired by drones. Extensive casualties among children refutes the Israeli occupying forces’ claim that they had had precise targets. In fact, Israel made protected civilians, including children, legitimate

26 Palestinian Centre for Human Rights (PCHR), *Weekly Report on Israeli Human Rights Violations in the Occupied Palestinian Territory (11 – 19 May 2021)*, available at: <https://pchrgaza.org/en/weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory-11-19-may-2021/>.

targets. Many children were murdered while they were playing in the vicinity of their homes, enduring the most egregious suffering during and after the aggression. This is evidence that, while conducting the aggression, Israel and its war machine did not observe the principles of distinction, proportionality, and necessity. Viewed as key pillars of IHL, these principles that humanitarian consideration be taken into account, ensuring that superfluous injury is not caused. Infringements on these norms result grave crimes that shock the conscience of humanity.

2.2.6 Displacement of children and their families to schools

During the aggression on Gaza, the Israeli occupying forces deliberately targeted homes, causing the displacement of thousands of families and children to places, which they believed would be somewhat safer or less dangerous. Over 42,000 civilians sought refuge in 52 schools of the United Nations Relief and Works Agency (UNRWA) and other governmental schools due to violent bombardment, which damaged their homes on the eastern border area, in northern Gaza, and in the Gaza city. Residents took refuge in these schools despite the fact they did not accommodate minimum basic living standards, including adequate mattresses and blankets, potable water, electricity, daily necessities, and clean and appropriate sanitary facilities. However, in fear for their and their children's lives, these families were forced to stay in schools because they thought they would be safer or less vulnerable to air strikes. In shelters, displaced families lived in difficult humanitarian circumstances due to severe overcrowding, lack of measures in response to COVID-19, and difficulties in applying these measures in the absence of social distancing precautions. Under the aggression and heavy bombardment, displacement of children together with their families created cases of intense fear, horror, and psychological stress, which has had long-term reflections on children's mental and health conditions throughout Gaza.

Parents reported to journalists on the terror, tremors, and apprehension children endured as a result of the shelling. Let alone nightly suffering from nightmares, children bitterly cried over losing their little belongings.

2.2.7 Children's mental health

In Gaza, children continue to suffer from psychological symptoms associated with fear of aerial bombardment. These include screaming, weeping, depression, anxiety, behavioural disorders, bedwetting, nervousness, etc. Civil Defence

teams evacuated a number of women and children from under the rubble of the Al-Kolak and Abu al-Ouf houses, which were completely destroyed. In this Israeli air strike, almost 44 Palestinians, including 13 women and 18 children, were killed.²⁷ Maram Abu al-Ouf (7) survived and was recovered from the debris of her home. Some children were stuck under the rubble after their homes had been targeted by rocket attacks for extended hours. These continued to scream under the rubble until they were rescued. While some sustained concussions, children expressed sorrow over the destruction of their homes and fire that consumed their books, notebooks, clothes, and favourite toys.

Omar abu al-Ouf, 16 years old, was traumatised and stopped talking after his two brothers and father had been killed by an Israeli air raid. Omar was trapped under the rubble for 12 hours. In view of intensified Israeli night attacks, children said they hated nighttime. Entire families were killed while they were asleep, including the Abu al-Ouf family mentioned above.

In Gaza, a total of 326,000 children are registered by the United Nations Children's Fund (UNICEF). Prior to the aggression, one in every three children needed psychological support to help them deal with stress and fear caused by the then current situation and Israeli siege on Gaza. According to the UNICEF, this number increased considerably during the aggression. Because children were the most affected by hostilities, there is a dire need for emergency interventions for child mental health.

Psychologist Mohammed Abu Subeih told France 24 that children who suffer "a major trauma" often display "violence behavioural disorders. War sows violence at school and at home." According to Abu Subeih, most children in Gaza suffer from "depression, anxiety, or behavioural disorder". A "catastrophic number" of these children were in need of treatment. "The aggression will create a hostile and violent generation," Abu Subeih concluded.

Israel, the occupying Power, committed war crimes against children in Gaza. Legally under occupation, IHL rules and international protection provided by IHL are applicable to the Gaza Strip. The international community is under legal and moral responsibility for providing protection to the Gaza population, including children. The onus is on the international community to prosecute perpetrators and those who ordered the perpetration of these crimes. Beyond doubt, the Israeli occupying forces targeted children, used excessive force during the aggression, and targeted residential areas and protected civilians without distinction and without being justified by military necessity.

27 PCHR, *Weekly Report on Israeli Human Rights Violations in the Occupied Palestinian Territory (11 – 19 May 2021)*, available at: <https://pchrghaza.org/en/weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory-11-19-may-2021/>.

Article 1 of the Fourth Geneva Convention obligates High Contracting Parties to “undertake to respect and to ensure respect for the present Convention in all circumstances”. Article 146 also places High Contracting Parties under the obligation to “undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention [...] Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts.”

Israeli abuses of Palestinian children are not only continuing, but are increasing over the years of protracted occupation. Israel has effectively violated Gazan children’s rights to life, safety, security, and decent standard of living. It has also threatened their psychological integrity, negatively impacting Palestinian children and their fundamental rights. This situation calls for ensuring protection accorded to these children under IHL principles, putting an end to encroachments against them, and preventing the recurrence of such aggression in the future.

Resulting from Israeli bombardment, psychological effects will impact children for years to come. Save the Children stated that children in Gaza would children will bear the mental consequences for years to come: “Children in Gaza are suffering from fear and anxiety, a lack of sleep, and are displaying worrying signs of distress.” According to the Gaza Community Mental Health Programme, there are no overall statistics on the number of Gazan children, who suffer from mental health problems as a consequence of recurrent Israeli attacks on Gaza. Although numbers are increasing by hundreds every month, there is no precise percentage of children who are affected by mental disorders in Gaza.

2.3 Women’s suffering caused by the Israeli aggression on Gaza

As a result of the Israeli aggression and siege on Gaza, women lived under extraordinary circumstances. The Israeli occupying forces perpetrated acts of organised violence against women and their children, who were seen a direct target. Without distinction and using the deadliest weapons, Israeli forces intentionally targeted civilians and destroyed their homes while they were inside, killing 39 women, of whom four were pregnant. Wiping out families and targeting residential building with inhabitants inside them claimed the lives of women together with their children and siblings. Of these, seven women were killed along with three or four children.

The aggression caused forcible displacement of thousands of Palestinian families, including women and children. Pressure on women mounted as they had to bear further burdens to keep their families in shelters, which lacked safety standards and basic needs of life. In addition to preserving their dignity and privacy as women, they had to play a role in alleviating and supporting their children and families due to psychological pressure experienced during the aggression. Out of a sudden, many women found themselves as the only supporter of their families after their husbands had been victims of the aggression. This took place against a backdrop of worsening humanitarian and economic conditions as well as rising unemployment and poverty. Israeli crimes have increased psychological pressure on women under the shadow of the culture of a conservative society and discrimination on the basis of gender. At least 39 women were killed during the aggression on Gaza. Dozens others were forcibly displaced. These continue to suffer from displacement in shelters and delayed reconstruction and housing efforts.

3. Impact of aggression on the situation of social, economic, and cultural rights of the protected population

The Israeli aggression on Gaza impinged on the majority of social, economic, and cultural rights of the local population. In gross violation of IHL principles, these infringements were triggered by air raids, artillery shelling, continued tightening of the siege, and closure of crossing points, and restrictions on movement and access, and deprivation of living necessities and essential medical supplies. In the social development sector, including health, social protection, education, cultural, sports and religious institutions, and civil society organisations, damage was estimated as some US\$ 30.4 million.

Below is a review of key violations committed by the Israeli occupying forces during the aggression on Gaza as well as current and future implications.

3.1 Violation of the right to education

The aggression on Gaza took place during the time when schools were disrupted for varying periods due to the spread of COVID-19. The majority of students were attending online classes, requiring a regular power supply, operable telecommunications grid, and high quality internet connection, all of which are lacking in Gaza as a consequence of arbitrary Israeli policies. Because of the siege, Gaza is also affected by a shortage of schools due to limited resources available. Hence, the Israeli aggression has further exacerbated the already deteriorating situation of educational facilities in Gaza.²⁸

According to Save the Children, at least 50 schools sustained damage by Israeli

²⁸ Ministry of Higher Education, *Press release by the Ministry of Higher Education in Gaza on the Israel's deliberate shelling of schools and educational institutions*, 13 May 2021, available at: <https://bit.ly/3FnBbGt>.

air strikes, affecting some 41,897 children. The Israeli aggression resulted in the killing of 67 children and injury of hundreds others of both sexes,²⁹ most of whom were school students. Injuries obstructed students to pursue online education or go to school. During the aggression, intensive bombardment targeted dozens of schools.³⁰ Extensive destruction of infrastructure affected student's ability to go to school and attend online classes due to long and frequent power outages and internet disconnections throughout vast areas of Gaza. This took place while many school students were preparing for final examinations.

Some 54 education facilities in Gaza were severely or partially affected, including three kindergartens, schools, an UNRWA vocational training centre, one Ministry of Education (MoE) directorate building and a higher educational facility were impacted since the start of the Israeli aggression, with reports indicating that a number were directly hit by airstrikes or tank shells. Then, the MoE announced that the school year would come to an end of 3 June 2021. No final exams would be held for grade 1-11. Only twelfth graders would sit for final (*Tawjihi*) exams. During and after the aggression, UNRWA schools were closed for several days towards the end of the academic year. Approximately 600,000 students lost education time, experienced adverse impacts on their rights and lives. Students and their families also suffered psychosocial effects of the aggression.³¹

For example, on the second day of the aggression, damage was caused to eight schools and higher educational institutions. Consequently, international organisations scaled up remote MHPSS interventions, the delivery of emergency education supplies to displaced children, and started resource mobilisation to rehabilitate damaged educational facilities.³²

3.2 Violation of the right to health and situation of health rights during the aggression

During and before the aggression, Gaza was subject to collective punishment. Most notably, the Israeli occupying forces have imposed a siege on Gaza the 15th consecutive year. This has involved the closure of crossing points and restrictions on the movement of persons into and from Gaza. During the aggression, at

29 PCHR, *On the fifth day of the aggression on Gaza, state terror manifests and displacement invokes memories of the Nakba*, 14 May 2021.

30 Government Media Centre, Gaza, Statement of the Government Media Centre, 18 May 2021.

31 OCHA, *Escalation in the Gaza Strip, the West Bank and Israel | Flash Update #12 as of 12 :00 23 May 2021*, available at: <https://www.ochaopt.org/content/escalation-gaza-strip-west-bank-and-israel-flash-update-12-covering-1200-21-may-1200-23-may>.

32 OCHA, *Escalation in the West Bank, the Gaza Strip and Israel | Flash Update #1 as of 17:00, 11 May 2021*, available at: <https://www.ochaopt.org/content/escalation-west-bank-gaza-strip-and-israel-flash-update-1-1700-11-may-2021>.

the time there was a major outbreak of COVID-19 throughout Gaza, the Karm Abu Salem commercial crossing and Beit Hanun (Erez) passenger crossing were completely closed down. During the course of hostilities, Israel targeted individuals and violate their right to life and physical integrity and right to the highest attainable standard of physical and mental health. Protected civilians were deliberately targeted by shelling densely populated neighbourhoods, which have had a significant damaging psychological impact and created panic and fear that are hard to overcome by citizens.

Bombardment and destruction of main roads and infrastructure also obstructed movement and access to hospitals and health centres, delayed access for ambulances to hospitals, and impeded civilian rescue operations. Additionally, the Israeli occupying authorities continued to impose a travel ban on patients with medical transfers for treatment at hospitals outside Gaza, including the West Bank, occupied Jerusalem and inside the Green Line. They also prevented civilians injured during the aggression from travelling abroad to receive medical attention.

Between 10 and 21 May 2021, the Israeli occupying authorities did not allow access for Gazan patients and continued to shut down crossing points, threatening their lives, deteriorating their conditions, and causing harm to thousands of ill men and women. In numerous cases, in defiance of the international community, Israel prevented return of the bodies of Gaza patients, who died in hospitals in the West Bank and inside the Green Line, to be buried in Gaza.

All Israeli practices during the aggression on Gaza constitute a violation of the right to life and physical integrity of the protected population. The Israeli occupying authorities committed grave abuses of Palestinian health rights as well as international standards of the enjoyment of these rights. Israel denies its responsibilities for ensuring the right of Palestinians under occupation to enjoy health care based on the principles of IHL, particularly the Fourth Geneva Convention. All the more so, it intentionally violated these rights through collective punishment, which had consequences on the Palestinian health sector. In particular, Gaza crossing points were completely closed with the onset of the aggression. Even before the aggression was launched, the health sector had already deteriorated as a result of the tight closure of crossing points for 15 years in a row. The aggression coincided with the COVID-19 outbreak, further compounding the health situation. Meantime, the Israeli occupying forces perpetrated acts that amounted to war crimes, when they directly targeted and damaged health facilities and associated infrastructure, greatly impacting their capacity to deliver health care services to the Gaza population.

3.2.1 Targeting health facilities during the aggression

Israeli constant air strikes and shelling hit many health facilities across Gaza and wounded many health workers while they were on duty, providing medical services to citizens. Due to Israeli bombardment of neighbouring residential compounds, at least 24 health facilities sustained severe damage, including 11 MoH structures (five hospitals and six health centres) and 13 private health facilities.³³

Health facilities were targeted both directly and indirectly. Having targeted a piece of land nearby, the Hala al-Shawwa Health Centre was badly damaged and put out of service. Later, the same health centre was deliberately targeted, causing more damage. The centre used to provide vaccinations as well as maternal and child health services. COVID-19 testing and vaccination centres were also targeted. Damage was also caused to the Beit Hanun Hospital as the area around the hospital was bombed. The Indonesian Hospital was shelled, causing extensive damage to management sections and impeding access for and capacity of ambulances to evacuate casualties.

In southern Gaza, Israeli military aircraft targeted the vicinity of a quarantine centre in the Rafah governorate, posing a significant challenge to MoH efforts to contain and respond to the COVID-19 pandemic. It thwarted the Ministry's efforts to ensure health service delivery to infected persons. This particularly disrupted the MoH decision to place in quarantine all people returning from India, Bangladesh, and several other countries following the spread of the Indian strain (Delta variant) of COVID-19.

The Shuhada' al-Daraj Health Centre was hit by a drone missile, causing major damage to the facility. Damage was also caused to the Al-Nasser Children's Hospital, Al-Durrah Children's Hospital, Hamad Prosthetic Hospital, Kuwait Specialist Hospital, Al-Karamah Hospital, Patient's Friends Hospital, Palestine Red Crescent Society premises, two health centres of the Union of Palestinian Woman Committees, the premises and two centres of and Palestinian Medical Relief Society, among several others, as bombardment hit surrounding areas. Damaged roads around the Al-Shifa' Medical Complex disrupted the movement of ambulances.³⁴

Israeli bombardment of residential compounds caused hundreds of civilian casualties. Medical staff of Gaza hospitals were killed while others sustained critical wounds. This had a negative impact on medical personnel, who had to

33 PCHR, *The health situation during the military aggression on the Gaza Strip in May 2021*, Gaza, May 2021.

34 PCHR, *The health situation during the military aggression on the Gaza Strip in May 2021*, Gaza, May 2021.

work around the clock in emergency sections of Gaza hospitals as they could not be in touch with and feel assured that their families were safe. Indeed, some health workers were surprised that a family member or relative was killed during the aggression.

The attack on medical centres and their surrounding areas left some out of operation or reduced health service delivery to the Gaza population. This was the case of the MoH central laboratory. The bombing of a neighbouring building resulted in a breakdown in service delivery and lab testing, including COVID-19 tests.

The MoH efforts to contain and respond to COVID-19 was negatively impacted by the displacement of thousands of citizens from their homes, overcrowded shelters, inadequate social distancing, and lack of preventive health measures. Worth of note, up to 5 June 2021, some 109,763 Palestinians in Gaza tested positive for COVID-19, and approximately 105,150 recovered. The number of fatalities due to the virus was 1,023.³⁵

3.2.2 Closure of crossing points and travel ban by patients to receive treatment outside Gaza

As the Israeli aggression was launched on Gaza, the Karm Abu Salem commercial crossing and Beit Hanun (Erez) passenger crossing were closed by the Israeli occupying authorities, denying access for Gaza citizens, including patients with medical transfers for attention or follow-up treatment abroad. In spite of Israel's claim of having allowed dozens of serious cases to cross to Israeli hospitals, between 25 and 30 May 2021, access was allowed for only 13 out of 191 patients, who submitted applications to the Israeli occupying authorities through the MoH Coordination and Liaison Office.³⁶

Closure of the Beit Hanun (Erez) crossing had serious reflections on the health conditions of Gazan patients, who had patient transfers for treatment abroad and prescheduled appointments with hospitals in the West Bank, occupied Jerusalem, and inside the Green Line. It also gravely impacted patients' health, possibly leading to death. In particular, transfers involved patients with serious conditions, which brook no delay. Foremost among these are cancer patients.

As needed treatment was unavailable in Gaza hospitals, dozens of patients and victims of the Israeli aggression reported to and asked Gaza-based human rights

³⁵ MoH, *Update on the COVID-19 pandemic*, <https://www.moh.gov.ps/portal/en/>.

³⁶ PCHR, *The health situation during the military aggression on the Gaza Strip in May 2021*, Gaza, May 2021.

actors to urgently intervene to allow them to travel and access medical attention. These includes some 8,700 cancer patients, who were supposed to receive or continue treatment in hospitals outside Gaza. Suffering from deteriorated health conditions, they were in need of regular chemical and radioactive therapy. The lives of dozens of these patients were put at risk because they were not able to travel and continue their treatment.³⁷

3.2.3 Shortage of medicines and medical supplies

The tight siege and closure of crossing points to Gaza blocked the capacity to provide essential supplies for hospital and health centre operations, including medicines, medical equipment and supplies, laboratory reagents, and spare parts of medical devices. While prior to the aggression essential drugs at zero stock at MoH central warehouses included some 232 medicines, representing a 45 percent deficit. The deficit soared as a result of worsening primary health care, cancer treatment, and blood disease services, standing at 64 and 45 percent retrospectively.

Before the aggression, approximately 65 percent of laboratory reagents and blood banks were in short supply. Almost 284 medicines were at zero stock. Medical missions of various types were 33 percent short. Shortfalls were acute in items for cardiac catheterisation and open heart surgeries on one hand, and dialysis on the other, recording a deficit of 71 and 52 percent respectively.³⁸ This significant shortage in medicines, medical missions, laboratory reagents, and blood banks was further exacerbated by the Israeli military aggression on Gaza. It was driven by growing needs and demand in view of the increasing number of victims of the aggression.

The aggression further compounded the health sector needs due to right restrictions on imports of “dual use” commodities. According to Israeli classification, some 62 items have been labelled as dual use goods. The list includes hundreds of primary commodities and items, which are essential for the life of the Gaza population. Import restrictions have resulted in further deterioration of the economic situation, infrastructure, and health sector as a whole.³⁹

37 PCHR, *A cancer patient loses his life as a result of a ban on travel abroad: Israel continues to prevent patients from traveling for treatment outside Gaza*, 2 June 2021.

38 MoH, *Pharmaceutical Department, Situation of Medicines and Medical Missions: Monthly Report*, Gaza, December 2020.

39 PCHR, *Press statement warning of consequences of ceased COVID-19 testing by the MoH central laboratory*, 6 December 2020, available at: <https://pchrgaza.org/en/>.

During the aggression, extreme shortages continued to affect medicines and medical missions at major medical centres and hospitals in Gaza, particularly emergency sections, operating rooms, and intensive care units (ICUs). Many items were needed to save the lives of people with various injuries. These required urgent surgical interventions. Hospitals witnessed catastrophic health conditions due a continued flow of hundreds of injured persons. In the meantime, the Israeli occupying authorities refused to allow in necessary quantities of essential medicines and medical supplies requested by international organisations, effectively reducing chances for saving the lives of some injured citizens and posing a significant challenge to medical practitioners in Gaza. At the time, dozens of cases suffered from limb amputations, ruptured organs, internal lacerations, and exposure to toxic gas. A large number of wounds were in the upper parts of the body, indicating that the Israeli occupying forces used excessive force against protected civilians in Gaza.

Over the course of the aggression, the list of essential medicines ran short of more than 256 out of 516 items. A total of 285 items were lacking in the list of medical mission, negatively impacting health service provided to injured persons. The crisis was aggravated as emergency sections, operating rooms, and ICUs units were affected by serious shortages of drugs necessary to save the lives of hundreds of people, who sustained critical wounds and needed to stay in ICUs. These shortfalls exacerbated patients' health conditions and put their lives at risk.

Against this background, health services declined at most hospital wards, particularly emergency sections and operating rooms. Compared to 32 percent at emergency and operating rooms, blood and cancer wards were affected by capacity gap of 53 percent. This compounded the suffering patents and their ability to provide medicines and afford extra costs against the backdrop of a worsening economic situation. Shortage of essential medicines and medical supplies also debilitated the MoH capacity to respond to the COVID-19 outbreak throughout Gaza.⁴⁰

Needed for the operation of various hospital wards, essential medical missions at zero stock involved 285 out 853 items, registering a deficit of 32-33 percent. Also, 60 items had a supply for less than three months. Patients who had open heart surgeries and cardiac catheterisation experienced a 66 percent shortfall in medical missions needed for their treatment. Items needed for colostomy surgical procedures were 50 percent in short supply.⁴¹

40 PCHR, *The health situation during the military aggression on the Gaza Strip in May 2021*, Gaza, May 2021.

41 PCHR, *The health situation during the military aggression on the Gaza Strip in May 2021*, Gaza, May 2021.

Out of 149, 47 items were at zero stock at emergency sections and ICUs. Of 309 items, 73 medical missions were in short supply. The supply of 25 medicines and 20 medical mission items covered three months only, posing a particularly serious risk to both patients and victims of hostilities. At a certain point during the aggression, while the Al-Shifa' Medical Complex had 9 ICU beds, 17 critically wounded patients were admitted to the hospital.

The short supply of medicines had grave consequences on and seriously threatened the lives of patients and injured people in Gaza. Of these, patients with phenylketonuria need therapeutic milk, the lack of which causes mental retardation. If they do not have their medicines, the bodies of patients with kidney transplants would reject the transplanted organ. Cardiac patients are also affected by short medical missions necessary for diagnostic and therapeutic catheterisation, such as balloon angioplasty and heart stents. If their medication is in short supply or they do not have it, thalassemia, haemophilia, and cancer patients would face a life-threatening situation.

Orthopaedic sections also saw a shortage of essential medical missions. Representing 16 percent, 24 out of 151 items were at zero stock. Orthopaedic surgeons were obstructed by short stabilisers, including internal fixation with plates and screws, so they had to split available items in surgical procedures. Surgery sections were affected by short tranquilisers following orthopaedic surgeries, as well as antibiotics and medical solutions needed to sanitise wounds, particularly on limbs to avoid severe infections. As a result, surgeons had to regulate the use of available items in view of the daily increase in the number of injured persons, heightening the suffering and pains of patients.

3.2.4 Obstruction of the movement of ambulances

Israeli air strikes targeted infrastructure and main road, including the Al-Wihdah Street in the Gaza city and public road in the Sheikh Zayed neighbourhood east of the Beit Lahiya city. This obstructed movement and limit access for civilians and civilian vehicles to hospitals and medical centres to receive treatment or save the lives of injured people. It has impeded the movement and access for ambulances to main hospitals and health centres, including the Al-Shifa' Medical Complex in the Gaza city and Indonesian Hospital in the Northern Gaza governorate.

For example, providing a key route to the Al-Shifa' Medical Complex in the Gaza city was hit by shelling. Other main road junctions were directly bombed, including the junctions to the Al-Rimal clinic, Al-Tailandi restaurant, and

Palestine Pension Agency, impeding citizens' movement across the Gaza city neighbourhoods and obstructing access for ambulances.

Direct targeting of infrastructure, including roads and health settings, undermined the ability of patients, particularly those suffering from chronic diseases, to access medical centres. It impeded citizens' access to COVID-19 vaccines, prevented medical personnel from reaching ill people, and hindered COVID-19 response efforts.

3.3 Right to adequate housing and forced population displacement

Protection of civilians and civilian objects is enshrined in the Fourth Geneva Convention and Protocol I. Article 147 of the Fourth Geneva Convention considers as a grave breach the extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly. Article 25 of the Hague Regulations provides that "[t]he attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited." According to international conventions, parties are generally under the obligation to protect to protect civilian objection: "Civilian objects shall not be the object of attack or of reprisals (Article 52 of Protocol I).

In a blatant violation of the right to adequate housing, from the first day of the aggression, Israeli air strikes targeted homes and residential buildings. Targeting of these objects intensified as residential towers were hit and completely destroyed. Israeli airstrikes and shelling have hit houses and apartment buildings. In some of these properties, residents reported receiving prior warning to evacuate from callers identifying themselves as members of Israeli security forces. The Hanadi Building in Gaza city, a 14-storey structure containing residential and office units, was destroyed, and three other multi-storey buildings in the city were hit and severely damaged. Over 350 housing units were destroyed or damaged, and hundreds of others sustained moderate damages. Numerous families were displaced, with an estimated 1,750 people affected.⁴² On the next day, at least 18 buildings were destroyed and over 350 houses were damaged. The Ministry of Social Development (MoSD) has shared a list of 500 displaced families and of 500 additional families who were otherwise affected and now need food baskets and cash subsidies. WFP is

⁴² OCHA, *Escalation in the West Bank, the Gaza Strip and Israel | Flash Update #1 as of 17:00, 11 May 2021*, available at: <https://www.ochaopt.org/content/escalation-west-bank-gaza-strip-and-israel-flash-update-1-1700-11-may-2021>.

ready to provide 160,000 affected families with one-time voucher and support Internally Displaced Persons (IDPs) with in-kind food assistance parcels.⁴³

Israeli army attacks, artillery shelling, and rumours about an approaching ground invasion into Gaza caused the forced displacement of tens of thousands of the population living in the border region from their homes. Many sought refuge and took shelter in governmental and UNRWA schools or with host families, which they thought would be less dangerous. IDPs lived in harsh humanitarian conditions and their suffering was compounded because the UNRWA shelters did not offer them anything they needed for a decent life. According to the Independent Commission for Human Rights (ICHR) documentation, beginning on 25 May 2021, five days after the aggression came to an end, the UNRWA distributed mattresses, blankets, lunch meals (a tuna fish can and three loaves of bread) daily to IDPs in shelters. In addition to lacking adequate food, blankets, and mattresses, shelters experienced an acute shortage of detergents, sanitisation items, clothes, sanitation facilities, potable water, cooking gas, and dignity kits. Power supply was only provided for two to four hours a day during the aggression, further exacerbating the humanitarian situation of IDPs. Those days also saw a steady increase of the COVID-19 incidence.

The humanitarian situation of IDPs who took refuge with host families was not less worse.⁴⁴ They felt embarrassed, lacked privacy, and suffered from congestion in tiny houses, short power and clean water supplies, and lack of sanitary items, detergents, and other basic capabilities to live in dignity. Overall, displacement stripped IDPs of their rights to a decent life and adequate housing, as well as of their ability to enjoy economic, social, and other fundamental human rights.

The Israeli aggression caused total destruction of 1,400 housing units and severe damage to 880 others. 55,600 housing units were moderately or slightly damaged.⁴⁵ During the aggression, 21 residential towers and multi-storey buildings were destroyed.⁴⁶ According to preliminary data released by the Ministry of Public Works and Housing (MoPWH), from the moment the aggression started until 20 May 2021, 258 residential buildings and commercial premises were destroyed. Work is underway to assess unexploded ordnances in buildings and areas targeted by missile strikes.

43 OCHA, *Escalation in East Jerusalem, the Gaza Strip and Israel | Flash Update #2 as of 17:00, 12 May 2021*, available at: <https://www.ochaopt.org/content/escalation-east-jerusalem-gaza-strip-and-israel-flash-update-2-1700-12-may-2021>.

44 According to UNRWA data, the number of IDPs with host families was estimated at 9,000-10,000 during the Israeli aggression on Gaza.

45 A statement by Engineer Naji Sarhan, Undersecretary of the Ministry of Public Works and Housing in an open meeting on Reconstruction and Siege on the Gaza Strip, held by the ICHR in Gaza, 13 September 2021.

46 Higher Government Committee for Gaza Reconstruction, Executive summary: Report on the findings of the rapid assessment of direct damage caused by the aggression, May 2021, June 2021.

In its broad sense, the right to adequate housing is associated with the right to life as housing provides a safe haven for inhabitants. Violation of the right to adequate housing entails impingements on many other related rights, including the right to privacy, right to found a family, right to family reunification, right to health, right to clean environment, and right to education.

3.3.1 Targeting of residential towers

During the aggression, the Israeli occupying forces deliberately targeted multi-storey towers, including dozens of residential flats, private offices, companies, commercial premises, and local and international media outlets.

Towards the end of the aggression, seven tower blocks had been targeted. Of these, five were completely destroyed: Hanadi tower (13 storeys, 52 flats); Al-Jawharah tower (10 storeys, 60 flats); Al-Shurouq tower (16 storeys, 64 residential units); Al-Jala' tower (12 storeys, 60 residential units); and Anas Bin Malik (9 storeys, 45 residential flats).⁴⁷

On 11 May 2021, the Hanadi tower block, west of the Gaza city, was targeted and pulled to the ground. It accommodated residential flats inhabited by some 80 families. It also housed offices of many private institutions and companies. On the same day, the Al-Jawharah tower in the centre of Gaza city was targeted and completely destroyed. The tower included offices, commercial premises, medical clinics, private companies, and media outlets. On 12 May 2021, Israeli military warplanes fired missiles on and caused damage to the Al-Sousi and Al-Rawdhah towers, consisting of 14 and seven storeys each.

On 13 May 2021, the Al-Shurouq tower, Al-Rimal neighbourhood in the Gaza city centre, was targeted and completely destroyed by Israeli air strikes. It comprises commercial premises, offices of media outlets, and institutions. On 15 May 2021, Israeli air raid also targeted and raised to the ground the 12-floor Al-Jala' tower. Six floors consisted of residential flats and another six of private law firms, commercial premises, and local and international media outlets, including Al-Jazeera and Associated Press. On 16 May 2021, the Israeli occupying forces targeted Anas Bin Malik. On the day before, the Al-Qahirah (Mushtaha) and Al-Andalus towers were hit by Israeli air strike, destroyed several floors and causing partial damage to others.

Some tower block owners stated that they had received warnings by telephone to evacuate tower blocks a few minutes before they were targeted by Israeli military aircraft. After warning missiles were fired, towers were hit and destroyed

47 Al Mezan Centre for Human Rights, *Press released on the Israeli aggression against the Gaza Strip*, available at: <https://www.mezan.org/en/>.

by high-explosive bombs. Israel, the occupying Power, claimed that these towers were used for military purposes by resistance faction in Gaza, considering them legitimate military targets. However, let alone tower owners and eyewitnesses, the very fact attests that these were civilian objects, which were used as residence and accommodate offices of media outlets, private institutions, and companies. The principle of proportionality was not observed when the towers were targeted. Extensive destruction demonstrated a clear violation of the principles of distinction and proportionality.

As a result of heavy shelling, thousands of residents were forced to evacuate their homes in the Al-Qaryah al-Badawiya (Umm al-Nasser) area as well as many eastern neighbourhoods in northern and eastern Gaza.⁴⁸ UN statistics show that overnight 20 and 21 May, over 77,000 IDPs were seeking protection in 58 UNRWA schools. Following the ceasefire, the vast majority have returned home with only 330 remaining as of 22 May.⁴⁹ According to the MoSD, the number of people staying with host families, which reached some 36,700 by 21 May, has also significantly reduced.

This took place in the midst of the COVID-19 outbreak, increasing the burden on efforts made to respond to the pandemic. Besides limited resources and services were available in shelters, food and water supplies, medicines, and health services provided to IDPs were short. It posed a threat to the lives and safety of citizens in view of overcrowded accommodation, creating a precarious environment and fertile conditions for the spread of pandemics and contagious diseases.⁵⁰

Destruction of residential towers reflect a collective punishment policy implemented by the Israeli occupying authorities against the Gaza population. It led to the displacement of hundreds of Palestinian families, who ended up homeless and unemployed because their homes and livelihoods were razed to the ground. Resulting financial and economic losses were heaving, estimated at millions of dollars. Preliminary estimates put the cost of losses at some US\$ 16,860,000. Furthermore, displacement caused intense panic and fear to the protected civilian population, who lost their home, work places, hopes, and memories altogether.

In a statement released on 18 May 2021, the Government Media Office of Gaza reported that eight mosques were completely destroyed or seriously damaged.

48 PCHR, *On the fifth day of the aggression on Gaza, state terror manifests and displacement invokes memories of the Nakba*, 14 May 2021.

49 OCHA, *Escalation in the Gaza Strip, the West Bank and Israel | Flash Update #12 as of 12 :00 23 May 2021*, available at: <https://www.ochaopt.org/content/escalation-gaza-strip-west-bank-and-israel-flash-update-12-covering-1200-21-may-1200-23-may>.

50 UN, *UN: Hostilities forced 10,000 Palestinians to leave homes in Gaza*, 15 May 2021, available at: <https://www.aa.com.tr/en/middle-east/un-hostilities-forced-10-000-palestinians-to-leave-homes-in-gaza/2241668>.

Twenty nine mosques and one church were also damaged. Bombardment caused damage to a five-storey *Waqf* building as well as other *Waqf* properties.

Israeli air raids on populated areas constituted a clear violation of the occupying Power's obligations under IHL, including the obligation to uphold the principles of distinction, precaution, and proportionality in the use of forces. The fact that the Israeli occupying authorities deliberately targeted civilian tower blocks was not consistent with the principle of proportionality in military operations, gravely infringing on IHL. Attacks on residential towers constituted a full-fledged war crime that demands accountability. According to Article 8 of the Rome Statute, "[g]rave breaches of the Geneva Conventions of 12 August 1949" are deemed to be a war crime. So is the "[e]xtensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly." Laying out grave breaches, Article 147 of the Fourth Geneva Convention considers as a grave breach the extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

In several statements, the Office of the High Commissioner for human Rights (OHCHR) stated that when use of force is necessary, it should comply fully with international human rights standards. This includes the prohibition of unnecessary or disproportionate use of force." OHCHR further said that Israel must "refrain from punitive measures, such as additional closures and restrictions that punish the entire civilian population of Gaza."⁵¹

The UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 was of the opinion that "indiscriminate or deliberate bombardment of civilians and towers housing civilians, media organizations and refugee camps in Gaza and Israel are war crimes that are, prima facie, not justified by the requirements of proportionality and necessity under international law."⁵² Also, many human rights actors, including Amnesty International, called for launching an investigation into the Israeli attack on Al-Jala' building. "[D]estroying homes, Al-Jazeera, Associated Press offices must also be investigated as a war crime. The strike fits a pattern of Israel's collective punishment of the Palestinian population."⁵³ Reporters without Borders further

51 OCHA, *Escalation in East Jerusalem, the Gaza Strip and Israel | Flash Update #2 as of 17:00, 12 May 2021*, available at: <https://www.ochaopt.org/content/escalation-east-jerusalem-gaza-strip-and-israel-flash-update-2-1700-12-may-2021>.

52 UN News, *Ceasefire can't hide scale of destruction in Gaza, UN warns, as rights experts call for ICC probe*, 21 May 2021, available at: <https://news.un.org/en/story/2021/05/1092482>.

53 Amnesty International, *Israel/ OPT: Pattern of Israeli attacks on residential homes in Gaza must be investigated as war crimes*, 17 May 2021, available at: <https://www.amnesty.org/en/latest/press-release/2021/05/israelopt-pattern-of-israeli-attacks-on-residential-homes-in-gaza-must-be-investigated-as-war-crimes/> (accessed, 25 May 2021). Also see Amnesty International's tweet at <https://twitter.com/iotpa/status/1393983460688207874>.

called on the ICC to open an investigation into the bombardment of the Al-Jala' tower as a "potential war crime."⁵⁴

In addition to mitigating the threat posed by explosive remnants of war, mine action activities were needed in order to reduce secondary injuries among civilians when work is initiated to remove the rubble.

With the ongoing blockade on Gaza, civilians who lost their homes continued to suffer. A total of 8,500 citizens, whose homes were completely destroyed, continue to be displaced. An additional 250,000 others with partially damaged homes are still unable to repair and restore them as an embargo continues to be imposed on the entry of construction materials into Gaza. Efforts have not effectively been launched to reconstruct civilian homes, which were completely or partially destroyed by the Israeli aggression on Gaza. In addition to family separation and instability, the aggression posed considerable challenges to citizens' ability to work and adapt to the new situation and integrate into the housing environment, affecting children and their best interests. Risks posed by this new temporary situation also affects children's ability to enjoy their right to education. Difficulties involve a long distance, cost of transportation, and coping with other new schools that are far from their original homes.

3.4 Right to development and to a decent standard of living

Affecting the Gaza Strip for years, the economic downturn has deepened as a consequence of the siege, severe restrictions on crossing points, movement of persons and goods, and recurrent Israel aggressions, mainly targeting infrastructure. By the end of 2020, unemployment rate was as high as 43 percent.⁵⁵

Imposed for the 15th consecutive year, the Israeli siege on Gaza have further deteriorated the economic situation. The siege has created a difficult reality, causing the economic sector to incur a loss of some US\$ 1.57 billion of GDP. The blockade has also resulted in an average of US\$ 576 million in annual losses. Both the blockade and recurrent aggression caused damage of over US\$ 17 billion, posing challenges to the economic sector and making the achievement of economic development in Gaza a difficult task. The most recent Israeli

54 Reporters without Borders, *RSF asks ICC prosecutor to say whether Israeli airstrikes on media in Gaza constitute war crimes*, 16 May 2021, available at: <https://rsf.org/en/news/rsf-asks-icc-prosecutor-say-whether-israeli-airstrikes-media-gaza-constitute-war-crimes>.

55 PCBS, *The Labour Force Survey Results Fourth Quarter (October – December, 2020) Round: The Impact of the Coronavirus Pandemic on the Labour Market*, available at: <https://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=3919>.

aggression has further compounded this crisis and increased economic sector losses, particularly as a result of the closure of commercial crossing points. Preliminary assessments show that more extensive damage has impacted the business sector, affecting 1,150 commercial establishments. Moreover, 322 industrial facilities and 700 service providers have sustained damage.⁵⁶ In an initial statement, the Government Media Office had announced that losses caused by the Israeli aggression totalled US\$ 243.8 million.⁵⁷ These figures have risen further up after the end of the aggression.

Israeli air strikes launched by military aircraft and drones have directly devastated headquarters of banks, offices, factories, workshops, and dozens of commercial premises. While destruction has incurred heavy losses on business owners, workers have lost their livelihoods and sources of income. For instance, located in the most vital commercial districts in the Gaza city, the Al-Shurouq tower accommodated dozens of commercial premises, offices, and private medical clinics. Targeting of this block has resulted in severe damage to scores of other commercial shops. Some 100 private vehicles and means of transportation were also completely or partially damaged. Losses were close to US\$ 5.5 million.⁵⁸

Due to intensive aerial strikes and artillery shelling of agricultural land, the agriculture sector suffered heavy losses. Animal farms sustained various degrees of damage as a result of bombardment. A shortage of animal fodder was driven by the closure. The Ministry of Agriculture (MoA) provided an initial estimate of agriculture losses by some US\$ 5 million.⁵⁹ This included damage to land planted with vegetables as well as complete and partial destruction of agricultural infrastructure (carrier lines, irrigation networks, agricultural wells, and water cisterns). Additionally, wheat fields, poultry farms, and animal shelters were put at risk as farmers could not provide needed care and marketing. The Israeli occupying forces deliberately targeted farmers while they working their lands.⁶⁰ Large destruction of Gaza's main roads by the Israeli occupying forces will render recovery of the Gaza economy more difficult in view of the restricted movement of persons and goods.

The blockade has led to soaring unemployment, amounting to 70 percent among university graduates and young people. Across Gaza, wage and

56 A statement by Engineer Abdul Fattah al-Zurei'i, Undersecretary of the Ministry of National Economy in an open meeting on Reconstruction and Siege on the Gaza Strip, held by the ICHR in Gaza, 13 September 2021.

57 Government Media Centre, Gaza, Statement of the Government Media Centre, 18 May 2021.

58 Government Media Centre, Gaza, Statement of the Government Media Centre, 18 May 2021.

59 MoA, Gaza, *Preliminary agriculture losses are over US\$ 5 million*, Gaza, available at <https://moa.gov.ps/?p=7118> (in Arabic).

60 MoA, *Preliminary agriculture losses are over US\$ 2 million*, Gaza, available at <https://moa.gov.ps/?p=7112> (in Arabic); MoA, *The Ministry of Agriculture warns of a disaster to hit the livestock sector due to shortage of fodder*, Gaza, available at: <https://moa.gov.ps/?p=7115>.

household income rates also declined as a result of the siege and electricity crisis. The number of operating industrial establishments dropped to less than a half, and so did production rates.⁶¹ Because of the aggression, approximately 7,000 workers have been unemployed.⁶²

The Israeli aggression on Gaza has exacerbated an already deteriorating economic situation. To be so even after the aggression came to an end, the economy will continue to be crippled by long-term effects of the hostilities, subsequently threatening the Gaza reconstruction effort. Obstacles to the reconstruction process are anticipated to be placed by the Israeli occupying authorities. Reconstruction could drag on for many years due to Israeli impediments.

3.4.1 The situation of Gaza crossings during the aggression

During the Israeli aggression, the Israeli occupying authorities closed down all crossing points to the Gaza Strip. The Israeli-controlled Beit Hanun (Erez) passenger crossing, which was closed starting from 10 May, and remained so, except for 60 international humanitarian staff and journalists allowed into Gaza on 21 May. Patients referred to medical treatment in hospitals in West Bank, including East Jerusalem, or inside the Green Line were waiting for the reopening of the crossing, as well as those who left prior to 10 May and want to return to their homes in Gaza.⁶³ On 21 May, 14 patients were transported to Egypt to receive medical treatment in Egyptian hospitals.

The Karm Abu Salem commercial crossing which was also closed, except for a few hours on 18 May, allowed the entry of about 50 truckloads of humanitarian goods and 27 truckloads of animal fodder on 21 May. The Ministry of Agriculture declared that there is still a severe shortage of animal fodder, resulting in increasing animal deaths and a possible collapse of the sector.

The Israeli policies, including full closure of crossings and denial of access to persons and goods into and from Gaza during the aggression, caused the death of two patients, who were denied timely access to hospitals to receive medical attention. Reflecting collective punishment against the Gaza population, these

61 A statement by Engineer Abdul Fattah al-Zurei'i, Undersecretary of the Ministry of National Economy in an open meeting on Reconstruction and Siege on the Gaza Strip, held by the ICHR in Gaza, 13 September 2021.

62 A statement by Mr. Mohammed al-Mansi, representative of the General Federation of Industries, in an open meeting on Reconstruction and Siege on the Gaza Strip, held by the ICHR in Gaza, 13 September 2021.

63 OCHA, *Escalation in the Gaza Strip, the West Bank and Israel | Flash Update #12 as of 12 :00 23 May 2021*, available at: <https://www.ochaopt.org/content/escalation-gaza-strip-west-bank-and-israel-flash-update-12-covering-1200-21-may-1200-23-may>.

policies were maintained after the Israeli side announced a unilateral ceasefire on 21 May 2021. The Israeli occupying authorities continued to close Gaza crossings, particularly the Karm Abu Salem crossing, which allows the passage of essential goods. Later, Israeli gradually allowed in some items, including food supplies and fuel. It also reduced the permissible fishing zone from 12 nautical miles (NM) from 15 NM, allowed before the aggression. This has had major humanitarian implications for on the situation and livelihoods of the Gaza population.⁶⁴ During the aggression, the Israeli occupying authorities also continued to prohibit all fishing activities off the Gaza coast.

3.5 Violation of the right to freedom of opinion and expression and right to press freedom

The Israeli occupying forces targeted the lives of Palestinian journalists while they were covering the Israeli aggression and violations of citizens' rights in Gaza. Israeli military aircraft and drones destroyed media infrastructure, including media, press, and cultural institutions. These abuses were designed to silence the press and journalists, suppress Palestinians who sought to uncover Israeli infringements on Palestinian civilians and civilian objects, and impede reporting and exposing all forms of aggression on Gaza.

3.5.1 Legal protection of journalists in armed conflicts

During the aggression on Gaza, the Israeli occupying forces committed many encroachments on media freedoms by targeting Gaza-based media representatives and outlets. International human rights conventions, including the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), and principles of IHL under the Fourth Geneva Convention, all highlight the right to freedom of opinion and right to press freedom. These instrument guarantee unimpeded reporting and ward off attacks on journalists and mass media over the course of military operations.

The UDHR is one of the key instruments, which safeguard the right to press freedom. Article 19 of the Declarations provides that "[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." Also, Article 19 of the ICCPR ensures the right to freedom of opinion and expression, which

64 Al Mezan Centre for Human Rights,

includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers.

In relation to IHL, Article 79 of Protocol I regards journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians. They shall be protected as such under the Conventions and this Protocol, provided that they take no action adversely affecting their status as civilians.

In the context of ensuring protection of journalists and media professional in armed conflicts, at its meeting on 27 May 2015, the UN Security Council issued Resolution 2222/2015,⁶⁵ reaffirming its resolutions 1265 (1999), 1296 (2000), 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflict and its resolution 1738 (2006) on the protection of journalists, media professionals and associated personnel in armed conflicts. The UN Security Council condemns all violations and abuses committed against journalists, media professionals and associated personnel in situations of armed conflict. It further recalls in this regard that journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians and shall be respected and protected as such.

3.5.2 Impingements on journalists and media freedoms during the aggression on Gaza

During the aggression on Gaza, Israeli attacks affected the media and media representatives, grossly violating freedom of the press. More than 97 violations were monitored, targeting press freedom, lives of journalists, media institutions, and journalists' homes and vehicles.

The Israeli occupying forces committed numerous attacks and violations against the media and media professionals. Amounting to war crimes, some abuses were characterised as grave breaches, including against offices of local and international media agencies. Some attacks crippled some media outlets' ability to work for a long time. Israeli air strikes targeted journalists and their media institutions. The homes of some journalists were also shelled.

An Israeli air raid targeted a flat on an Abu Hussein building north of the Gaza city, killing Yousef Mohammed Abu Hussein, 33 years old, journalist, and broadcaster at the Sawt al-Aqsa radio station. More than 12 journalists sustained various

⁶⁵ Resolution 2222 (2015). Adopted by the Security Council at its 7450th meeting, on. 27 May 2015, available at: [https://undocs.org/sp/S/RES/2222\(2015\)](https://undocs.org/sp/S/RES/2222(2015)).

wounds. In addition to 11 advertising agencies, art production companies, prints shops and publishing houses, the offices of 45 media institutions were either completely or partially destroyed. While six cars belonging to journalists were hit, the homes of 22 media professionals were destroyed totally or partially. Israeli military aircraft deliberately fired missiles on a car belonging to journalist Abu Hussein, while it was parked outside his house.⁶⁶

While they were on duty covering the Israeli aggression on Gaza, more than 12 journalists were directly targeted and sustained shrapnel wounds by air strikes. Some were hit when their homes were bombed, leaving them with bone fractures, burns, injuries, and contusions in various parts of their bodies.

Destruction of tower blocks in Gaza caused complete or partial damage to the offices of 45 media and press institutions. Nine offices were partially damaged and lost equipment. Media institutions situated in the Al-Jala', Al-Jawharah, and Al-Shurouq towers in the Al-Rimal neighbourhood, Gaza city centre, were totally destroyed. These institutions incurred heavy losses due to the destruction of exorbitant media equipment, including satellite transmitters, studios, and other devices used to report on arbitrary Israeli practices against Palestinians as well as violations on IHL.

The Al-Jala' tower accommodated the Al-Jazeera and Al-Jazeera Live channels, Associated Press, the second office of Al-Quds Today, Sawt al-Quds [Voice of Jerusalem], Sawt al-Asra (Voice of Prisoners), Palestine newspaper, Forum of the Palestinian Media Professionals, National Agency, TRT TV, Al-Mamlakah al-Urduniyyah [Jordanian Kingdom] TV, Al-Nujaba' satellite channel, Al-Ittijah [Direction] satellite channel, Sabq [Scoop] Agency, Keffiyeh satellite channel, APA Photography Agency, Syria TV, and Litter Journalist Radio and Clubs. The Al-Shurouq tower housed Russia Today channel, Dubai TV, ZDF, Press channel, Al-Jazeera English, Tayf Media Institution, Hona al-Quds Media Institution, Al-Hayat al-Jadida newspaper, Mayadeen Media Company, Gaza Media Company, Palestine for Media Production Company, first office of the Al-Quds al-Yawm channel, Al-Aqsa radio, Tayf radion, Al-Aqsa satellite channel, Hala Palestine Centre, and Alaraby TV.⁶⁷

An air strike on the Al-Sousi tower caused partial damage to the Al-Alam News company. Targeting of the Ru'ya tower resulted in partially damaging Masdar News Agency, office of Media Development Centre of Birzeit University, Palestinian Today channel, Filistiniyat office and news agency, Gaza Centre for Journalism and Press Freedom, and Al-Manar satellite channel. In addition to

66 Government Media Office, Monitoring Unit, *Report on violations of media freedoms in May 2021*, available at: http://www.gmo.ps/ar/?page=news_det&id=111089#YVGnDZpByUk (in Arabic).

67 Government Media Office, Monitoring Unit, *Report on violations of media freedoms in May 2021*, available at: http://www.gmo.ps/ar/?page=news_det&id=111089#YVGnDZpByUk (in Arabic).

Ma'an News Agency offices on the Wattan tower, the Falastin Al-Aan [Palestine Now] website sustained damage by an air raid on the Ajjour building.

Eleven offices of media production companies, print shops, and publishing houses were completely damaged after the Kuheil, Al-Waleed, and Al-Awqaf buildings were the object Israeli attacks. Damaged media institution also included Mashareq Advertising, Al-Majal Media Production, Al-Filistiniyyah Printing and Advertising, Taf'eel Print Shop, Felex Company, Admark Company, Record Media Production, and Idea Media Production. Damage was also caused to Sameer Mansour Book Shop, which house 100,000 books; Ru'ya Printing and Publishing; Iqra' Printing and Publishing; and Al-Nahdah Book Shop. Air bombardment also damaged homes belonging to a number of journalists. Of these, 22 houses were no longer inhabitable.⁶⁸

68 Government Media Office, Monitoring Unit, *Report on violations of media freedoms in May 2021*, available at: http://www.gmo.ps/ar/?page=news_det&id=111089#.YVGnDZpByUk (in Arabic).

4. The situation of the services sector in Gaza during the Israeli aggression on Gaza

The Israeli aggression caused extensive damage to infrastructure throughout cities and areas of the Gaza Strip. In particular, vital areas and facilities in the Gaza city, including roads, service structures, water and wastewater networks, and other facilities, were badly damaged. During the aggression, the Israeli occupying forces deliberately targeted vital facilities of the civilian service sector, mainly roads, fragmented areas, and destroyed infrastructure throughout the Gaza Strip. This reflected collective punishment against the Gaza population, impeded access and movement, and disrupted the provision of various services, including water and sanitation.

Under constant shelling, Gaza municipalities worked to provide, wherever possible, basic services to citizens. Although an assessment was initiated after the aggression, damage is still not clearly spelled out because destruction took place underground, reaching as deep as 10 metres, as a result of blasting vibrations during bombardment. In the Gaza city alone, damage was estimated at some US\$ 20 million. As no specific deadline had been set for initiating infrastructure reconstruction, there is a risk of a heightened danger of floods in winter. Water and sanitation lines have been provisionally repaired, but the reconstruction process has not included storm drain networks.⁶⁹

3.4.1 Targeting of the electricity sector

Since over 15 years, electricity has been a major crisis in the Gaza Strip. The crisis usually deepens during escalations of Israeli attacks on Gaza. The Israeli occupying authorities implement a policy of destroying power lines and cutting off fuel supplies. In a statement released on 13 May 2021, the Gaza Electricity Distribution Company (GEDCO) reported that four main power lines were broken

⁶⁹ A statement by Dr. Yihya al-Sarraj, Gaza Municipality Chair, in an open meeting on Reconstruction and Siege on the Gaza Strip, held by the ICHR in Gaza, 13 September 2021.

down, accounting for 45 percent, or some 50 megawatts (MW), of electricity supplies from the Israel Electric Corporation. The GEDCO also warned of an imminent shutdown of the Gaza Power Generating Company (GPGC) because fuel supplies were denied access through the Karm Abu Salem commercial crossing. The Company made clear that, while the demand close to 400 MW, available power supply was estimated at some 110-125 MW only. According to the GEDCO statement, during the aggression, the electricity crisis was unprecedented and represented a dramatic turning point, risking an imminent collapse of the majority of vital sectors in Gaza, most notably the health, water, sanitation, and public services sectors.⁷⁰

The closure of Gaza crossings cut off fuel supplies needed to operate the GPGC. Constant air strikes caused damage to electricity grids and power outage, directly impacting various vital sections at hospitals, such as operating rooms, ICUs, baby incubators, laboratories, and medical imaging. Consequently, these section had to be operated by backup generators, which consume large quantities of fuel, for long hours. Meanwhile, ICUs were packed with cases that required specialist follow ups.

The GEDCO continued to repair power feeder lines and networks. Until the aggression came to an end, power supply ranged from five to seven hours a day on average throughout the Gaza Strip. The GPGC continued to operate at half capacity until such time fuel supplies were made available.

The aggression disrupted the schedule of electricity distribution to citizens' homes in Gaza, decreasing to 3-4 hours of power supply, compared to 20-21 hours of power cut off. GEDCO personnel could reconnect some neighbourhoods and areas to the electricity grid for days. Due to difficult access and inability to repair networks, many residential areas suffer permanent power cuts. As a result of the aggression on Gaza, six main feeder lines from inside the Green Line were down. With a total capacity of 75 MW, these feeder lines included Baghdad, Al-Qubbah, Al-Shaghaf (feeding the Gaza governorate), F7 (feeding the Central Gaza governorate), F11 (feeding the Khan Yunis governorate), and F9 (feeding the Rafah governorate). Damage was also caused to the 10-MW J10 internal transmission line from the GPGC to the Gaza and Northern Gaza governorates,. Then, Palestinian and Israeli technical teams were not allowed to fix these power lines because the Israeli occupying authorities had declared the areas adjacent to the perimeter fence as a closed military zone.⁷¹

70 GEDCO, GEDCO press statement, 13 May 2021.

71 Al Mezan Centre for Human Rights, Al Mezan warns that the population of the Gaza Strip suffers from a 76 percent deficit in electrical supplies, due to ongoing attacks by Israeli forces, 16 May 2021, available at: <http://mezan.org/en/post/23984/Al-Mezan-warns-that-the-population-of-the-Gaza-Strip-suffers-from-a-76-percent-deficit-in-electrical-supplies%2C-due-to-ongoing-attacks-by-Israeli-forces>.

3.4.2 The situation of water and sanitation

Over the course of aggression on the Gaza Strip, the Israeli occupying forces targeted water and sanitation networks in a gross violation of the right to water under IHRL and IHL, including standards required to fulfil this right, mainly availability, quality, and accessibility. This exacerbated the water and sanitation crisis and violated the Gaza population's right to access safe water and sanitation services. Closure of the Gaza crossing points prevented the entry of water and sanitation sector needs, including fuel to operate the GPGC. At the time, the COVID-19 outbreak necessitated the delivery of water and sanitation services to reduce the spread of the pandemic. As thousands of citizens were forced out of their homes, shelters were opened to accommodate them, despite the fact that appropriate capabilities were not available.

3.4.2.1 Right to water under IHL and IHRL

Enjoyment of the right to a decent standard of living entail uninterrupted access to safe water and sanitation. This is closely linked to the right to the highest attainable standard of physical and mental health as well as the right to life and human dignity.⁷² IHRL ensures the human right to water by a set of international documents, which entitle everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) establishes a set of rights arising from fulfilment of the right to an adequate standard of living. The right to water is essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival. The right to water is also inextricably linked to the right to the highest attainable standard of health and rights to adequate housing and food.⁷³

The right to water is also linked to peoples' rights to freely enjoy their wealth and natural resources. According to Article 1(2) of the ICESCR, "[a]ll peoples may, for their own ends, freely dispose of their natural wealth and resources."⁷⁴ The Committee on Economic, Social and Cultural Rights also notes the importance of ensuring sustainable access to water resources for agriculture to realize the

72 Office of the High Commissioner for Human Rights (OHCHR), *Right to Water and Sanitation Toolkit*, available at: <https://www.ohchr.org/EN/Issues/ESCR/Pages/Water.aspx>.

73 See General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant), Committee on Economic, Social and Cultural Rights, Twenty-ninth Session.

74 ICCPR, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49; ICESCR, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976, in accordance with article 27

right to adequate food. Note should be taken of the duty in article 1, paragraph 2, of the Covenant, which provides that a people may not “be deprived of its means of subsistence.” The right should also be seen in conjunction with other rights enshrined in the International Bill of Human Rights, foremost amongst them the right to life and human dignity.⁷⁵

The manner of the realization of the right to water must also be sustainable, ensuring that the right can be realized for present and future generations. Certain factors must apply in all circumstances. Of these, the water supply for each person must be sufficient and continuous for personal and domestic uses. The water required for each personal or domestic use must be safe, therefore free from micro-organisms, chemical substances and radiological hazards that constitute a threat to a person’s health. Water and water facilities and services have to be accessible to everyone without discrimination, within the jurisdiction of the State party.⁷⁶

IHL guarantees the rights of peoples under occupation and holds the occupying Power responsible for fulfilling these rights. Given its importance, water is an indispensable element to secure the lives of protected persons. Under IHL, the occupying Power is also responsible for the well-being of the civilian population. Article 56 of the Fourth Geneva Convention provides that the occupying Power has the duty of ensuring and maintaining public health and hygiene in the occupied territory to the fullest extent of the means available to it. This necessarily requires the provision of water and sanitation services. Article 3 common to the Geneva Conventions further emphasises that persons taking no active part in the hostilities must in all circumstances be treated humanely. This requires that these persons be provided with, or allowed to provide, the necessities they need to survive, food, medical supplies, shelter, access to clean and safe water, sanitation services, and hygiene.

IHL further ensures protection of water sources.⁷⁷ As a civilian object, water sources are protected under IHL. At all times, distinction by parties to armed conflict between the civilian population and combatants on one hand, and between civilian objects and military targets is a key principle of IHL, maintaining one form of protection to water sources. Drinking water supply facilities may not be targeted, destroyed, removed, or rendered unusable.⁷⁸ The Fourth Geneva Convention also highlights the prohibition of targeting, destroying, or

75 General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant), Committee on Economic, Social and Cultural Rights, Twenty-ninth Session.

76 General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant), Committee on Economic, Social and Cultural Rights, Twenty-ninth Session.

77 Al Mezan Centre for Human Rights, *Fact sheet: The Israeli aggression targets the water and sanitation sector in the Gaza Strip*, Gaza, 2014.

78 Jelena Blake, “The Right to Food During Situations of Armed Conflict: The Legal Framework”, *International Review of the Red Cross*, Issue 844, 31/12/2001 AD, available at: <https://www.icrc.org/ara>.

seizing properties except where such act is rendered absolutely necessary by military operations.⁷⁹ Any violation of that provision constitutes a grave breach that amounts to a war crime.⁸⁰

3.4.2.2 Israeli policies vis-à-vis water and sanitation services

Israeli policies and tight siege on the Gaza Strip has caused compound crises to the water and sanitation sectors. The Gaza population have suffered from deteriorating water and sanitation services due to Israeli practices and tightened blockade for the 15th year consecutively. For many Gazan households, drinking water are expensive and unaffordable. Poor purchasing power to afford filling domestic water tanks or bottled water has been driven by a decline in the economic situation and increasing poverty among the population. Water scarcity implies an inability to take safety and preventive measures, including frequent handwashing for protection from COVID-19.⁸¹

The Israeli occupying authorities repeatedly obstructed the entry of fuel supplies, further deepening the electricity crisis in the midst of the COVID-19 pandemic. This created a crisis for municipalities, disrupted the water distribution schedule, and deprived residents of many areas, particularly poor neighbourhood, of the right to adequate amounts of water to meet their basic daily needs.⁸² Recurrent power outage and denial of access to fuel supplies also negatively impacted the protection and production of water desalination plants and amount of drinking water.

Due to Israel' control over more than 85 percent of Palestinian water sources, Palestinian per capita water consumption is well below the absolute minimum of 100 litres per day recommended by the World Health Organisation (WHO). In the Gaza Strip, Palestinian per capita water consumption is just 77 litres per day. Apart from highly contaminated water and available amount of water fit for human consumption, per capita share of fresh water is merely 22.4 litres per day.⁸³ More than 97 percent of drinking water in Gaza do not matched WHO standards for it to be potable. Compared to a permitted rate of 250 mg/litre according to WHO standards, in some wells, chloride concentration in water is as excessive as 8,000 mg/litre. Nitrate concentration in some wells is high,

79 Article 53, Fourth Geneva Convention.

80 Article 147, Fourth Geneva Convention.

81 Al Mezan Centre for Human Rights, *World Water Day 2021: Al Mezan deplores water situation in Gaza and calls for Palestinians' right to water and accountability for water-related violations*, 22 March 2021, available at: <http://www.mezan.org/en/post/23937/WORLD%20WATER%20DAY%202021>.

82 Al Mezan Centre for Human Rights, *Fact Sheet: Water Shortage in the Gaza Strip Amid COVID-19 Outbreak*, Gaza, 2020.

83 PCBS and Palestinian Water Authority, *ibid*.

reaching up to 500 mg/litre, compared to a maximum of 50 mg/litre as allowed by WHO standards.⁸⁴ Frequent and extended power cuts prevents a regular water supply to the Gaza population, particularly in multi-storey buildings.

3.4.2.3 Consequences of the aggression on accessibility to water and sanitation services

The water and sanitation sector has experienced an acute crisis as a result of Israeli policies and tight siege on the Gaza Strip. During the aggression, the crisis worsened as the Karm Abu Salem commercial crossing was closed, denying access to items needed by the water and sanitation sector. The GPCG is plant was likely to stop operating unless fuel supplies to the Strip are re-instated.⁸⁵ Besides, response to the COVID-19 outbreak requires the provision of water and sanitation services in order to reduce the prevalence of the disease.

Deliberate destruction of water and sanitation systems by the Israeli occupying forces has severely impacted basic service delivery to the Gaza population. The lack of fuel which municipalities need to operate backup generators contribute to the inability to operate water wells. Consequently, local government units stopped, or experienced a weak capacity, to secure water supplies to citizens. Even if it was pumped to homes, water supply could not be delivered to upper floors due to power outages. As a result of destroyed of water and sanitation infrastructure, water desalination plants ceased operating and producing desalinated water to citizens due to low productivity and limited distribution capacity. Should they go on, power cuts and lack of fuel would threaten to halt operations of these plants. This has caused the inability to provide water supplies needed for drinking and personal hygiene to IDPs from across the Gaza Strip. It was estimated that thousands of IDPs sought protection in 58 UNRWA schools,⁸⁶ posing a risk of contagious disease spreading among IDPs amidst the COVID-19 outbreak.

This reflect water supply capacity and resulted in water shortfall of some 40 percent. Extensive destruction affected and disconnected feeding power lines of the main water pipelines. Israeli air strikes also targeted the main water

84 Ahmed Hisham Hilles, Chairman of the National Institute for the Environment and Development, Interview by the ICHR researcher, 16 May 2021.

85 Al Mezan Centre for Human Rights, *Al Mezan warns that the population of the Gaza Strip suffers from a 76 percent deficit in electrical supplies, due to ongoing attacks by Israeli forces*, 16 May 2021, available at: <http://mezan.org/en/post/23984/Al+Mezan+warns+that+the+population+of+the+Gaza+Strip+suffers+from+a+76+percent+deficit+in+electrical+supplies%2C+due+to+ongoing+attacks+by+Israeli+forces>.

86 Al Mezan Centre for Human Rights, *Israeli Forces' Attacks against Civilians Prompt Tens of Thousands to Evacuate their Homes: Al Mezan Calls for an End of the Aggression and a Protection for People Displaced*, 17 May 2021, available at: <http://mezan.org/en/post/23986>.

pipeline, which transmitted water from the Al-Muntar reservoir to the Gaza city. The majority of water wells across the Gaza Strip governorates were out of operation. A considerable number of major wells which provided water supply to the Gaza population ceased to function.

When the aggression was launched, the water desalination plant in Northern Gaza had to suspended operation as a result of risks posed to personnel and damage caused to local power lines, affecting some 250,000 people. At the beginning of the aggression, damage was caused to the main feeder line from inside the Green Line to Rafat, impacting some 65 percent of Water, sanitation and hygiene (WASH) infrastructure, including water tanks, wells, and desalination plan. In view of security concerns, operators faced difficulties accessing WASH facilities.⁸⁷ In total, an estimated 800,000 people were left without regular access to piped water.⁸⁸

Destruction of water pipelines had an extensive negative impact on the amount of water supply to citizens. Also, wastewater pumping stations also ceased to operate, resulting in wastewater to flood in the streets, causing health hazards, and contaminating groundwater. As wastewater treatment also came to a halt, untreated wastewater was pumped into the sea. After the main wastewater line was targeted, the wastewater treatment plant in Northern Gaza suspended operation. Consequently, wastewater was diverted to irregular basins in the vicinity of the old wastewater station in Beit Lahiya, putting at risk more than 10,000 residents east of Beit Lahiya and southern of the Al-Qarya al-Badawiya (Umm al-Nasser).

Damage caused to the main wastewater line in Khan Yunis led to the flow of wastewater into the sea, drastically contaminating seawater. Compounded with an inability to repair them, severely damaged lines and pumps of wastewater treatment stations had negative consequences that exacerbated the sanitation crisis. Also, difficult access to stations prevented technical teams from providing necessary maintenance works in these stations as well as various water facilities. The ICRC could not deliver assistance to transporting maintenance teams because the Israeli side to approve coordination of works in targeted areas.

Israeli bombardment and power outage halted the operation of water desalination plans and wastewater treatment stations, posing a risk of serious health hazards to citizens in view of overflowing wastewater and renewed

87 OCHA, *Escalation in the Gaza Strip, the West Bank and Israel | Flash Update #11 covering 12:00 20 May – 12:00 21 May*, available at, <https://www.ochaopt.org/content/escalation-gaza-strip-west-bank-and-israel-flash-update-11-covering-1200-20-may-1200-21-may>.

88 OCHA, *The United Nations and NGOs launch a humanitarian plan to support Palestinians affected by the recent escalation*, 16 May 2021, available at: <https://www.ochaopt.org/content/united-nations-and-ngos-launch-humanitarian-plan-support-palestinians-affected-recent>.

contamination of groundwater.⁸⁹ While six were completely destroyed, nine wastewater pumping stations were partially damaged. Of these, three stations were repaired of damage caused by the Israeli shelling. A total of 10,985 metres of wastewater lines were totally destroyed and another 395 metres sustained partial damage, causing wastewater to pour into the streets and gravely impacting public health. Israeli air strikes also caused partial damage to two rainwater harvesting basins and totally destroyed 1,200 storm drainage lines.⁹⁰ In addition, Israeli attacks resulted in the complete destruction of nine and partial damage of 19 municipal buildings, offices, and vehicles, seriously affecting water and sanitation services.

The three main water desalination plants have resumed operation, but at limited capacity due to reduced availability of power supply. This has resulted in improving access to drinking water supply to 400,000 people, even if it is still irregular. Similarly, wastewater treatment facilities have resumed operation at limited capacity, reducing the daily quantity of untreated or partially treated wastewater being discharged to the sea to more than 20,000 cubic metres. All the landfills are now accessible, and solid waste and rubble are being removed from urban areas. The communication network damaged during the hostilities has been repaired. Public utilities companies declared that the shortage of spare parts and equipment is affecting the repair and maintenance of damaged networks.⁹¹

In the light of the Israeli aggression, data on the water and sanitation sector show that the Israeli occupying authorities committed grave breach of the Gaza population's right to adequate and safe drinking water and appropriate sanitation services in terms of availability, quality, and accessibility. In accordance with Article 8 of the Rome Statute,⁹² the Israeli occupying forces perpetrated war crimes as it destroyed water and sanitation infrastructure and systems. This requires significant official efforts and investments to repair and put back to operation these facilities. The crisis was further compounded by the closure of the Karm Abu Salem crossing, preventing the entry of needed items for the water and sanitation sector as well as fuel to municipalities, impacting the ability to provide municipal services. Also, water and sanitation services were not delivered, inhibiting adequate response to the COVID-19 outbreak among the Gaza population.

89 Palestine News and Information Agency (WAFA), *Palestinian Water Authority: Targeting infrastructure in Gaza is a serious crime added to the record of Israeli crimes*, 16 May 2021, available at: <https://wafa.ps/Pages/Details/24125> (in Arabic).

90 Ministry of Local Government, *Preliminary report on damages to the water and sanitation sector*, 11-17 May 2021.

91 OCHA, *Escalation in the Gaza Strip, the West Bank and Israel | Flash Update #12 as of 12 :00 23 May 2021*, available at: <https://www.ochaopt.org/content/escalation-gaza-strip-west-bank-and-israel-flash-update-12-covering-1200-21-may-1200-23-may>.

92 Rome Statute of the International Criminal Court, 17 July 1998.

The Israeli occupying forces intentionally caused grave damage to water desalination plants and wastewater treatment stations. In the aftermath of the 2014 aggression, the Coastal Municipalities Water Utility (CMWU) labelled all service utilities, including water desalination plants and wastewater treatment stations. The CMWU coordinated with the ICRC and placed marks on these facilities to avoid bombardment. In the context of their emergency plans, the Gaza municipalities also had difficulty continuing to provide basic services to citizens. The Israeli occupying authorities refused to allow technical teams to provide necessary repairs of targeted service utilities. As a result, untreated wastewater leaked into groundwater. As the Gaza Strip produced some 160,000 cubic metres of wastewater, treatment plants face a major challenge in view of the damage caused by the Israeli aggression.⁹³

4.3 Telecommunications

The Gaza Strip has often experienced inadequate telecommunications and internet services due to Israeli restrictions on IT and entry of IT equipment into Gaza. The Israeli aggression has further compounded this crisis, exacerbating poor telecom and internet service provision. Israeli air strikes destroyed telecom networks and internet serves. According to the Government Media Office, the telecom and internet sector incurred a loss of US\$ 6.1 million.⁹⁴ In the same context, the Fusion Company for Telecommunications and Internet Services reported that shelling of the Al-Jawharah tower block in the Gaza city caused the destruction of the company's equipment, disconnecting internet to thousands of subscribers across the Gaza Strip. This company was not able to restore the service shortly as it could not make up for, repair, and replace destroyed devices because of the full closure imposed on Gaza.⁹⁵

93 Engineer Munther Shublaq, CMWU Director General, "Impact of the military aggression on water and sanitation facilities", *Conference on Humanitarian conditions in Gaza in the aftermath of the Israeli aggression*, Gaza, 9 June 2021.

94 Government Media Centre, Gaza, Statement of the Government Media Centre, 14 May 2021.

95 A statement by Hani al-Alami, Managing Director of the Fusion Company for Telecommunications and Internet Services, available at: <https://www.wattan.net/ar/news/340379.html> (in Arabic).

5. Gaza reconstruction after the aggression

Reconstruction is primarily a human right and a humanitarian requirement. Official plans and programmes to implement and overcome challenges to Gaza reconstruction should be in consistence with legal standards and parameters set for realising the right to an adequate standard of living and right to adequate housing. Gaza reconstruction is a top priority to be carried out in the aftermath of the Israeli aggression. At first, the rubble of homes was removed. Buildings in an imminent state of collapse were demolished. Consequences of the Israeli aggression, including destroyed houses and infrastructure, require an expedited action to ensure reconstruction. Official agencies have announced that most rubble removal operations were complete. However, many obstacles still delay the reconstruction process. Worth of note is that reconstruction efforts started after the Israeli aggression of 2008-2009 had not been finished at the time to most recent Israeli offensive was launched on Gaza.

The vision and policies to govern Gaza reconstruction, rehabilitation of social, economic and service infrastructure, and reoperation of public utilities, are still unclear. The process continues to lack a comprehensive legal and development plan and vision. This should be aimed at addressing effects of the protracted siege on Gaza, ensuring citizens' fundamental rights, engaging in the planning process, and taking their needs and priorities into account.

So far, a final agreement has not been reached on the agency to be in charge of, supervise, and monitor Gaza reconstruction mechanisms. Many issues, first and foremost victims, continue to be pending.

The Israeli aggression on Gaza was a major challenge for Palestinians to put in place a plan for Gaza reconstruction and recovery with a view to emerging from the humanitarian crisis, achieve long-term development, and respond to chronic and urgent needs, improve the life of individuals, and repair damage to infrastructure as large swathes of Gaza now lie in ruins. Accordingly, reconstruction provides a response to the massive damage to all sectors across the Gaza Strip. It will be extremely difficult to initiate reconstruction of various sectors in Gaza without an international support to Palestinians.

Requiring millions of dollars, the reconstruction effort will involve a safety net to lift citizens from poverty by means of cash transfers and assistance. It is also essential to strengthen health services and rehabilitate health equipment and infrastructure. Infrastructure rehabilitation efforts will be coordinated to resume education. This requires that rubble be removed, additional fuel provided to increase the power supply produced by the GPGC, drinking water secured, and citizens' homes reconstructed. Crossing points is a major challenge to Gaza reconstruction. These should be opened to ensure the transportation of construction materials needed for the reconstruction efforts.

It should be noted that thousands of families are waiting for the reconstruction of their homes, which had been destroyed during the three previous wars on Gaza. Thousands of more homes have also been destroyed either totally or partially in the course of the latest aggression on Gaza.

Following the 2014 aggression, the mechanism for entering international assistance and reconstruction materials was under full control of the Israeli occupying authorities, affecting both reconstruction supplies and businesses and operators. This mechanism effectively impeded Gaza reconstruction. In the aftermath of previous Israeli offensives, only 50 percent of the reconstruction efforts have been accomplished.⁹⁶

5.1 The reality of Gaza reconstruction

The Palestinian government launched its efforts to reconstruct Gaza by means of a government plan, which comprises three stages. Firstly, humanitarian relief has already been initiated through the Palestine Red Crescent Society (PRCS), UN, and civil society organisations in coordination with Palestinian government bodies. Secondly, all structures destroyed by Israeli bombardment will be reconstructed, including homes, buildings, utilities, institutions, companies, and infrastructure. This stage will be launched immediately after damage assessment and prioritisation. Thirdly, the economy will be relaunched in parallel with the reconstruction process. A key component of this stage is to provide support to the private sector in the form of aid to affected businesses.⁹⁷

In partnership with relevant ministries, the MoPWH developed a national early recovery and reconstruction plan, including a detailed account of reconstruction needs and cost estimates of implementation. The plan is pending the entry

⁹⁶ Estephan Salameh, Advisor to the Prime Minister for Planning and Aid Coordination, "The government's Gaza reconstruction roadmap: A political framework and Palestinian ownership", WAFA, 31 May 2021.

⁹⁷ Estephan Salameh, Advisor to the Prime Minister for Planning and Aid Coordination, "The government's Gaza reconstruction roadmap: A political framework and Palestinian ownership", WAFA, 31 May 2021.

of reconstruction materials, provision of necessary budget line items for implementation, and resolution of challenges and obstacles to the Gaza reconstruction process.

Although it is required to reconstruct Gaza, Israel, the occupying Power, is in command and capable of disrupting Gaza reconstruction. It can either facilitate or obstruct this effort. Israel is in control of the Gaza border and crossing points, continues to prevent the entry of basic materials needed to start reconstruction and reoperation of Gaza's infrastructure and economic establishments targeted during the aggression. Throughout the Gaza Strip, humanitarian conditions continue to be tragic. Damage assessment is still underway. However, the reconstruction process is at a standstill owing to the tight blockade of Gaza as well as lack of reconstruction materials. The landscape of Gaza devastation continues to be visible. Reconstruction is further complicated by failure to reach an agreement on implementation mechanisms.

The Israeli siege is the most formidable obstacle to Gaza reconstruction. While linking it to a political track, Israel controls Gaza reconstruction by tightening the blockade and preventing access to funds, equipment, and machineries needed to initiate work and remove debris. Israel also prevents the entry of raw materials for reconstruction-associated industries as well as resources, including iron, equipment, assembly lines, spare parts for maintenance works, and construction materials.

According a report by the Higher Government Committee for Gaza Reconstruction, the Israeli aggression on Gaza ended up in a grim reality: thousands of housing units destroyed and damage caused to infrastructure, economic and social sectors. Damage to wastewater networks has generated pollution and health hazards. Fifty four schools sustained damage, undermining Gazan children's right to education. A number of hospitals and health care facilities were targeted, impeding the health sector's ability to deliver health services. Fuel shortage, destroyed electricity grid, and reduced power supply to a daily average of 4-6 hours throughout Gaza have all debilitated adequate basic service provision. Meantime, the overall health system has been overstretched as a result of the tightened blockade and COVID-19 pandemic.

Until the time of reporting, the Israeli occupying authorities continue to block the entry of basic materials needed for reconstruction, posing a major challenge to proceed with the reconstruction process and finish works pending from previous aggressions. This is compounded by the absence of a terms of references for receiving and using regional and international financial grants pledged by the donor community to implement the Gaza reconstruction plan. Furthermore, the government vision of reconstruction is unclear.

5.2 Assessment of damage to various vital sectors in Gaza

According to the Higher Government Committee's Rapid Assessment of Direct Damage Caused by the Israeli Aggression on the Gaza Strip, direct damage in various sectors was close to a total of US\$ 479 million. Direct damage sustained by the housing and infrastructure sectors accounted for 60 percent. This is a proof that the Israeli occupying authorities deliberately targeted what had remained of an already stretched infrastructure in Gaza. Direct damage totalled US\$ 292 million in both the housing and the infrastructure sectors, including housing, water, sanitation, environment, transportation, telecommunications, roads, buildings, public facilities, municipal utilities, and local government units. Damage affecting the housing sector was estimated at US\$ 145 million, representing 50 percent of all damage in the most affected infrastructure sector. Damage to road networks comprised 22 percent, or US\$ 62 million.⁹⁸

Including industry, trade, agriculture, services, and tourism, the economic sector incurred direct damage of some US\$ 56 million, representing 33 percent all direct damage caused by the Israeli aggression. The agriculture sector accounted for the majority of losses as missile strikes repeatedly targeted large areas of agricultural lands throughout Gaza governorates. Direct damage to the agriculture sector were over US\$ 78 million, or 50 percent of the overall economic sector losses.

Damage also affected the social sector, including health, education, and civil society, amounting to some US\$ 30 million, or 7 percent of total damage resulting from the Israeli aggression. Of these sectors, youth, cultural, religious, and civil society organisations sustained various damages in US\$ 20.05 million, accounting for 55 percent of all damage caused to these institutions.

It is noted that all the estimates above represent an assessment of direct damage done by the Israeli aggression. Work is underway to finalise the calculation of direct and indirect losses, together with a comprehensive assessment of resultant damages.

In relation to humanitarian needs, the UN and NGO partners worked towards restoring people's access to food, water, healthcare, and other basic services. However, more funding is needed from Member States to ensure humanitarian needs are met. The Humanitarian Coordinator of the oPt, Lynn Hastings, launched an emergency plan to support people affected by the latest escalation in Gaza. Hastings called on all Member States to contribute generously towards the US\$ 95 million plan, to allow for a swift and full implementation over the

98 Higher Government Committee for Gaza Reconstruction, *Executive summary: Report on the findings of the rapid assessment of direct damage caused by the aggression*, May 2021, June 2021.

next three months.⁹⁹ Hastings announced earlier that she has allocated \$18 million from the oPt Humanitarian Fund. With this funding, in addition to \$4.5 million released by the Emergency Relief Coordinator, the UN and NGO partners were already restoring people's access to food, water, healthcare, and other basic services.

On the basis of all of the foregoing, Gaza reconstruction requires the addressing of distortions to the infrastructure of various social and economic sectors and violations of people's rights as a consequence of years of siege and protracted occupation. This has not been taken into account by earlier Gaza reconstruction processes.

Still, the international community continues to fail to take effective action to fulfil its obligations, particularly those in relation to Gaza reconstruction and lifting of the restrictive Israeli blockade of Gaza.

99 OCHA, *The United Nations and NGOs launch a humanitarian plan to support Palestinians affected by the recent escalation*, 16 May 2021, available at: <https://www.ochaopt.org/content/united-nations-and-ngos-launch-humanitarian-plan-support-palestinians-affected-recent>.

6. Conclusion and recommendations

In contravention to IHL and IHRL rules, collective punishment continues to be imposed on the civilian population after the Israeli aggression the Gaza Strip came to an end. Instead of lifting the siege imposed on Gaza for 15 years in a row, providing relief to the Gaza population, and reversing organised violations of IHL rules and UNGA resolutions, Israeli statements indicate that the stifling blockade would be entrenched and tightened future on Gaza. This is particularly the case given declining ability to enjoy services and access international grants after Gaza reconstruction was initiated.

The Israeli aggression and siege on Gaza has had a grave impact on and undermined living and humanitarian conditions of the Gaza population, further deteriorating the situation of human rights. In addition to negative reflections on social life, the offensive and blockade have reduced employment opportunities, access to livelihoods, and enjoyment of the rights to health and education. They have also limited of a decent standard of living and safe life, torn families apart, and undermined prospects for enjoying a safe future. Empowering the Gaza population to live in peace, ensuring a decent life, providing needed funding to put Gaza on a sustainable development path, and ensuring rights of people in Gaza are the most significant challenges which the international community must guarantee to the Gaza population.

In the aftermath of the aggression, the Israeli occupying authorities continue to prevent patients, who the overstretched health system in Gaza cannot deal with, from travelling for medical treatment outside Gaza. The siege has already undermined capacities of the health care sector.

The Gaza population and local government units continue to suffer from the effects of the Israeli hostilities, which have caused extensive damage to roads, streets, and water, sanitation, and telecommunications networks. At the same time, needed resources are lacking to repair these facilities. While Gaza lacks necessary capacities, Israel prohibits the entry of necessary items for reconstruction.

The fact that the Israeli occupying authorities continue to tighten the siege on Gaza constitutes collective punishment against the Gaza population on racist grounds. This is so because they are Palestinians living in Gaza, not for committing an act that would justify collective punishment. The Israeli occupying authorities attempted to deceive the international community to avoid international denouncement of Israeli arbitrary practices and policies towards Gaza. Israel claimed that the situation in Gaza was driven by the fact that it was under control of an extremist Islamic parties. By doing so, Israel intended to evade its legal obligations under international conventions, particularly Geneva conventions, and justify the siege on Gaza and failure to provide any services to the Gaza population. By collective punishment, Israel attempts to force a final capitulation on, suppress, and submit Gaza to its arbitrary policies.

Collective punishment is in conflict with the provisions of Article 33 of the Fourth Geneva Convention. Use of force and the threat thereof runs counter to international instruments, including Article 2(4) of the UN Charter. Willful killing, closure of crossing points, imposition of an economic embargo, and military aggression are grave breaches of the Fourth Geneva Convention, including Article 147 in particular. According to Article 85(5) of Protocol I, these are deemed to be war crimes. Against this backdrop, the occupying Power, persons involved in issuing orders and committing grave breaches in Gaza should be prosecuted and held to account. In its capacity as the occupying Power, Israel bear legal responsibility for the occupied Gaza Strip as an integral part of the oPt. Israel is further liable for perpetrating war crimes against occupied Gaza and protected persons.

Combined with the silence of the international community, impunity has led Israel to persist acts of aggression and commit further crimes in Gaza, which already suffers from the impact of previous aggressions and tight siege. Holding Israel accountable for its heinous crimes against Palestinians across the oPt by the international community will be less costly than dealing with the humanitarian, social, economic, and political consequences of aggressions on Gaza. In reference of Articles 1 and 146 of the Fourth Geneva Convention, High Contracting Parties to the Convention are under legal and moral obligations.

Against this background, the ICHR recommends that the Palestinian President's Office and government take the following actions.

1. Call on the international community to put an end to the protracted Israeli military occupation of the oPt.
2. Call on the international community, particularly High Contracting Parties to the Fourth Geneva Convention, to fulfil their legal and moral obligations. These need to provide protection to Palestinian civilians in the oPt, place

serious pressure on the occupying Power, take action to ensure respect for binding principles of IHL and IHRL, bring an end to recurrent Israeli offensives on Gaza, safeguard the lives of the Gaza population, particularly children and women, and eliminate grave violations against civilians and civilian property.

3. Call on the international community to launch an investigation, in accordance with relevant international standards, into the war crimes and crimes against humanity perpetrated by Israel against Gazan civilians, including women, children, and infants. Israeli commanders who issued orders and all those who committed these crimes will be held to account. Every person suspected of violating IHL rules during the aggression will also be held accountable.
4. Call on the international community to take serious and effective action to bring an end to arbitrary Israeli policies against the Gaza population, end the policy of collective punishment, lift the siege on Gaza, open crossing points, and ensure free and uninterrupted movement of persons and goods. Closure has negative consequences on civilians' humanitarian, economic, and social conditions.
5. Put pressure on the Israeli occupying authorities to ensure uninterrupted access to humanitarian relief and call on donors to increase their funding of humanitarian interventions.
6. The Palestinian government will play its legal role in supporting rapid relief response to Gaza, separately from delivered international grants, place pressure on the Israeli occupying authorities to allow the flow of reconstruction materials, revoke the Gaza Reconstruction Mechanism, and refuse any condition restricting the reconstruction process.
7. In cooperation with UN humanitarian agencies, the Palestinian government will provide swift solutions to citizens who lost their homes until they are reconstructed. The government will provide secure housing, ensuring adequate shelter, and meet the needs of affected families, particularly those who survived extermination with their families.
8. In collaboration with UN humanitarian agencies and WHO, and in partnership with civil society organisations, the Palestinian government will provide psychological treatment and support to individuals who survived exterminated families, especially children.
9. Prosecute persons involved in perpetrating crimes, including political leaders and military commanders of the occupying Power who issued orders

and effectively carried out these orders. The principle of international jurisdiction will be put in place to enable their prosecution in States, whose national laws thus allow.

10. Call on the ICC Prosecutor to open a special investigation into the war crimes committed by the Israeli occupying forces in Gaza, including the targeting of civilians and civilian objects. In March 2021, the ICC admitted its jurisdiction over crimes committed in both the oPt and the territory of the occupying Power.
11. Call on High Contracting Parties to the Fourth Geneva Convention to bring an end to the violation of media freedoms by the Israeli occupying authorities, and exert pressure to initiate accountability for breaches of IHL rules.
12. Call on the Palestinian government to establish a national commission for Gaza reconstruction, bringing together Palestinian society from across the spectrum. To this end, the commission will develop an urgent plan, take effective action to move forward with this file, refuse conditions that restrict the reconstruction process, and start implementation. In this context, reconstruction will be in line with an integrated, comprehensive vision to reconstruct and finalise reconstruction of everything destroyed by the Israeli occupying forces over the past years. It should be stressed that reconstruction efforts, including humanitarian and legal aspects, be sidelined from political rivalries, which have directly impact the process.
13. The government will provide needed funding to implement reconstruction interventions, programmes, and projects, as well as to develop the Gaza Strip. To do so, the government will exert pressure on the donor community to make available funding, set up common mechanisms to follow up on implementation and progress of projects, and ensure access to funding by beneficiaries in particular.
14. The Palestinian government will place pressure on and demand that the Israeli occupying authorities fulfil their obligation to ensure access for humanitarian workers and supplies, entry of necessary machineries and tools, and unhindered flow of construction materials to enable companies and individuals to work in Gaza.