

Gaza-Israel escalation: End violence now, then work to end occupation, say UN experts

GENEVA (18 May 2021) – UN human rights experts* called on the international community to demand an immediate end to the violence in Gaza and Israel, and to act decisively to address the underlying source of the conflict: the denial of collective and individual rights of the Palestinian people.

"This most recent violence has a depressingly familiar pattern to it," said the experts. "Israel and Palestinian armed groups in Gaza exchange missiles and rockets following dispossession and the denial of rights in the occupied Palestinian territory, with Israel's far greater firepower inflicting far higher death tolls and injuries and a much larger scale of property destruction."

As of Monday, at least 211 Palestinians in Gaza, including at least 59 children, have been killed, along with 10 Israelis, including two children. At least 10 Palestinians in the West Bank protesting the violence in Gaza have also been killed by Israeli security forces. Almost 40,000 Palestinians have been displaced from their home, sheltering in UN compounds.

"The firing by Israel of missiles and shells into heavily populated areas of Gaza – particularly with the rising civilian toll and property destruction – constitute indiscriminate and disproportionate attacks against civilians and civilian property. These attacks likely violate the laws of war and constitute a war crime," the experts said.

"Similarly, the firing of rockets by Palestinian armed groups deliberately or recklessly into Israeli urban areas likely violate international law and may well amount to a war crime. Armed groups in Gaza should also be held to account in their failure to take adequate precautions to protect the civilian population and civilian objects under their control against the effects of attacks.

"Both sides must strictly adhere to their responsibilities under international law, especially that of proportionality and necessity. There is no justification, including counter-terrorism or self-defence, to justify a wholesale abdication for the obligations of Parties to strictly obey international humanitarian law. The actions of both Israel and the Palestinian armed groups should be a matter for the International Criminal Court to investigate."

In particular, Israel's duties as the occupying power require it to allow humanitarian aid – including food, fuel and medical supplies – to enter unhindered into Gaza, the experts said. New reports indicate that fuel supplies in Gaza are almost completely depleted.

The experts condemned the Israeli attack on a civilian apartment building which housed the offices of several international news agencies. "Violence or threatened violence against journalists, particularly those reporting in a conflict zone, breaches the freedom of expression and the right of the media to report unhindered," they said.

Gaza has been under a comprehensive 14-year-old blockade by Israel. Recent Secretaries General of the United Nations have called this a form of collective punishment, a prohibited act under the Fourth Geneva Convention.

"The world should be deeply concerned about the deteriorating humanitarian conditions in Gaza," said the human rights experts. "Most alarmingly, its health care system is flat on its back. It has been starved of equipment, medicines and trained staff. It is buckling under the ravages of the COVID-19 pandemic. And now, it is trying to treat the more than 2,000 Palestinians injured during this latest violence."

The experts noted with deep regret that the international community has not acted with more unity and more success to bring an immediate end to the violence. In particular, the inability of the UN Security Council to even issue a statement after three meetings is an abdication of duty. They observed that the United States has failed to employ its special relationship with Israel, with whom it enjoys a close military and diplomatic alliance, to enforce an immediate ceasefire.

"The underlying reality is that there is an occupying power, with one of the best equipped militaries in the world, ruling over an occupied people who have the right to be freed from an unwanted and protracted alien regime," they said. "This struggle is deeply unequal. The 54-year-old Israeli occupation – already the longest occupation in the modern world – is becoming even more entrenched and even more abusive of fundamental human rights.

"After the last missile of this current violence has been fired, and after the tears from the last funeral have been shed, accountability must rise to the top of the agenda of the United Nations. The international community must ensure that Israel, the occupying power, complies fully with the more than 30 UN Security Council resolutions and the hundreds of General Assembly resolutions of which it is in breach.

"The enemies of accountability are impunity and exceptionalism," the experts said. "It is folly to expect that the justice, peace, equality and security which both Palestinian Arabs and Israeli Jews have a right to enjoy can be achieved without imposing a meaningful cost on Israel, the occupying power, to fully end its illegal occupation.

"A brand new diplomatic playbook is needed, which leaves behind realpolitik. A rights-based approach must guide the diplomacy of the international community to secure a just and durable solution."