

The Human Rights Situation in Occupied Palestine

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Theme: [Crimes against Humanity](#), [United Nations](#)

In-depth Report: [PALESTINE](#)

On March 15, 2006, the UN General Assembly voted overwhelmingly 170 to 4 (with only the US, Israel, the Marshall Islands and Palau against) “to establish the Human Rights Council (HRC), based in Geneva, in replacement of the Commission on Human Rights, as a subsidiary organ of the General Assembly....responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner.”

HRC “is an inter-governmental body within the UN system made up of 47 states responsible for strengthening the promotion and protection of human rights around the globe.”

At its tenth session this year, HRC prepared a report titled: “Human Rights Situation in Palestine and other Occupied Arab Territories” and delivered it on March 20. It deals mainly with grave human rights violations in Occupied Palestine, especially due to Operation Cast Lead against Gaza.

It states that the “Occupied Palestinian Territory, particularly the Gaza Strip, has been affected by protracted conflict and occupation policies for decades.” However, Operation Cast Lead caused “a dramatic deterioration of the living conditions of (a) civilian population” already reeling under an oppressive “20-month-long” siege. An estimated 80% of Gazans, especially women and children, were already dependent on humanitarian aid prior to the conflict’s onset.

When it ended, an estimated 91% needed help as it gravely exacerbated current conditions for all 1.5 million Gazans with regard to food, health, housing, education, transportation, electricity and gas, agriculture, and virtually all other aspects of life. Even after the January 18 ceasefire, attacks continued, the siege remained, and free movement restrictions hampered recovery efforts and a return to normalcy. Gazans still suffer gravely in the aftermath of a three-week conflict worsening an already catastrophic humanitarian situation compounded by continued hostilities and a complete blockade - in gross violation of international law.

The Territory’s complete dependence on external aid, by whatever means and in whatever amounts obtainable, makes Gazans vulnerable to political manipulation and a deepening crisis of poverty and desperation.

International Humanitarian Law

This writer discusses it often, especially the binding standards under Fourth Geneva relative to the Protection of Civilian Persons in Time of War. Also the Hague Regulations, obligations under Geneva’s Common Article 3, and principles of distinction and proportionality:

- distinction between combatants and military targets v. civilians and non-military ones; attacking latter ones are war crimes except when civilians take direct part in hostilities; and
- proportionality prohibitions against disproportionate, indiscriminate force likely to cause damage to or loss of lives and objects.

In addition, parties to a conflict must make take all precautions to avoid and minimize incidental loss of civilian life, injury to civilians, and damage to non-military sites. To alert civilians, “effective advance warning” must also be given, under Fourth Geneva; “neutralized zones” must be available to protect them as much as possible; and using human shields is strictly prohibited.

Other Fourth Geneva provisions prohibit:

- collective punishment “for an offence he or she has not personally committed;”
- the destruction of private or public property unrelated to military operations;
- torture, cruel, inhuman or degrading treatment at all times, under all circumstances, with no allowable exceptions;
- assuring the population of adequate food and medical supplies and providing relief by all available means; and
- allowing free passage of all “consignments” intended for civilian purposes.

Israel is a signatory to major human rights treaties relevant to the current situation and thus bound by their strict provisions:

- Article 2 of the International Covenant on Civil and Political Rights obligates parties to respect and ensure the rights of all persons in a territory;
- according to the International Court of Justice (ICJ), applicable also are the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child among other binding laws;
- UN human rights treaty bodies also affirm that as a party to international laws, Israel must fulfill its human rights obligations in Occupied Palestine as long as it maintains jurisdiction; they include ensuring free movement; various economic and social rights, especially the right to food, medical care, the highest attainable standard of physical and mental health, adequate housing, education, and freedom from discrimination.

Gaza’s Deepening Crisis

Years of Israeli incursions and blockade devastated Gaza’s infrastructure, environment, and lives of 1.5 million people. The World Bank estimates that 98% of industrial operations are inactive, and around 70,000 workers lost their jobs since 2007. In December 2008, the UN’s Office for the Coordination of Humanitarian Affairs (OCHA) estimated that 18 months of siege caused a 50% rise in unemployment, especially for women with only 11.5% of them employed in 2007, one of the world’s lowest rates.

Suspending financial aid and tax transfers and revenues interrupted regular salary

payments. Also, restrictions on currency transport caused a liquidity crisis enough to disrupt basic social services deliveries, forcing people to survive by any means possible.

During Operation Cast Lead, Israel inflicted destructive terror against a defenseless civilian population affecting vast numbers of non-military sites – hospitals and other health facilities, water and sanitation infrastructure, land and cellular communications networks, schools, universities, mosques, residential and government buildings, factories, commercial enterprises, farms, fishing boats, roads, bridges, transportation, power, UN buildings, and any living being that moved – all in gross violation of international laws.

Israel also willfully obstructed humanitarian personal leaving the poor, injured, and others without basic food, medical, and other essential services – crimes of war and against humanity under international law. Also, after hostilities ceased, the IDF continues obstructing humanitarian aid by maintaining its siege and restricting the work of civil society and human rights organizations.

HRC states that for Gaza and its population to revive, “all of (its) entry points must be opened to ensure freedom of movement for all, the free inflow of industrial and agricultural inputs and cash and the export of products” to buyers outside the Territory. Also that urgently needed fuel, construction materials, spare parts, and other essential supplies and services be allowed to be received normally.

Further, recovery depends on Gazans having income-generating work, including inside Israel and the West Bank as available, and access to education at all levels at home and abroad. The many thousands of injured, homeless, and displaced require special attention and aid, so far not forthcoming because Israel won't allow it and international leaders are silently complicit.

Besides the above-listed needs, HRC stresses that “to improve the lives of (Gazans) living in poverty, psychosocial support...is urgently needed,” especially for children who've been severely traumatized by months of deprivation and conflict. “The rights of the victims of human rights violations to have access to remedy and reparations must also be respected.

Adequate Housing As Part of An Acceptable Standard of Living

Inadequate housing far predates Operation Cast Lead in Gaza and the West Bank – characterized by overcrowding, lack of sanitation, exacerbated by repeated incursions, home demolitions, construction restrictions, an oppressive military occupation, and the willful targeting of thousands of residences during the recent conflict. Destroyed were 4240 houses with another 44,300 damaged and mostly uninhabitable without extensive rehab – in total, over 20% of the Territory's housing affecting up to 90,000 people left homeless, many forced to live in the open.

Numerous Gazan communities are virtually uninhabitable. In urban areas and several refugee camps, entire neighborhoods were destroyed. The vast amount of damage gravely reduced the housing stock, remaining unrehabed because Israel prohibits the import of essential construction materials.

HRC expressed deep concern about “persisting impediments to the entry of reconstruction material,” either by prohibition or protracted administrative delays, at a time when “international support for the reconstruction and rehabilitation of homes and neighborhoods

is urgently needed.” As a result, destitution and human suffering are deeper and the cycle of violation exacerbated.

The Fundamental Human Right to Food

Israel gravely violates this right while, at the same time, Dov Weisglass, advisor to former prime minister Ehud Olmert, talked of “putting Gazans on a diet” and deputy defence minister Matan Vilnai spoke of “a bigger shoah” to starve them – referring to the Nazi holocaust against the Jews. Against Muslims it’s “acceptable.”

According to various human rights organizations on the ground, Gaza’s farmland and greenhouses were extensively bombed. The result was a devastating impact on the population to produce enough food for sustenance or trade. The Palestinian Central Bureau of Statistics estimated that Operation Cast Lead damaged around 80% of agricultural land and crops. Also, sewage spills and toxic munitions contaminated vast areas of arable land.

OCHA reported that extensive destruction disrupted commercial enterprises and public infrastructure, including Gaza’s largest flour mill and food processing plants. These are grave international law violations, exacerbated by Gaza remaining under siege. Border crossings are blocked. Little of anything gets in or out, and, as a result, severe shortages of everything afflict the Territory and people. A nutritional crisis and starvation affect a sizable per cent of the population and little is done for relief.

Currently, “the number of hungry people without access to basic food necessary” to survive remains at dangerously high levels. According to a December 18, 2008 Palestine Monitor Factsheet, 75% of Gazans eat less overall and 89% survive on less nutritious, cheaper diets than pre-siege and before food prices rose sharply in 2008. As a result, chronic malnutrition is rampant, especially for children. Up to half of them under age two suffer from anemia. Two-thirds of them are vitamin A deficient, and stunted growth affects 10% of them. Gazans are slowly being starved to death while world leaders collude with Israeli crimes.

The Right of Everyone to the Highest Attainable Standard of Physical and Mental Health

The long-standing Israeli-Palestinians conflict, Gaza siege, and Operation Cast Lead “resulted in grave violations of the right to” achieve adequate food and nutrition, clean water and sanitation, proper housing, and a healthy environment.

Gazans are trapped and gravely vulnerable to deteriorating physical and mental health as well as outbreaks of highly infectious diseases such as measles, polio, and hepatitis – exacerbated by Operation Cast Lead’s destruction of vast infrastructure, including medical personnel and facilities:

- 16 medical workers were killed and another 25 injured;
- 15 hospitals, 43 primary health centers and 29 ambulances were targeted and destroyed; and
- only 44 of 56 primary health care centers still operate.

As a result, basic facilities are inadequate for public needs, and the WHO estimates that 40% of chronically ill patients have no health care centers available for help. Nor is it available abroad as border crossings remain closed with entries and exits blocked.

The Right to Education

The siege and recent conflict severely impaired education – within and outside Gaza. School facilities suffered extensive damage and destruction, and minimal repairs only are possible as long as Israel blocks construction materials from entering.

UN schools were also hit. So was the American International School near Beit Lahiya and the Islamic University's science and engineering labs, Gaza's oldest and largest higher education facility, affecting over 20,000 students.

During the three-week Operation Cast Lead period, schools at all levels shut down, causing 540,000 students to miss nearly a month of classes. Then for many, there was no school to attend.

Even before the conflict, conditions were grossly inadequate with the Territory under siege:

- overcrowding caused restricted school hours to accommodate morning and afternoon shifts for 450,000 students;
- 200,000 refugee camp children at UN schools were especially impacted;
- according to UNICEF, power shortages meant no heat or electricity for classrooms, and the blockade caused shortages of everything, including books, paper, pencils, chalk, and other essential materials and teaching aids; and
- as a result, enrollment rates dropped, effective teaching was impaired, and student performance suffered hugely – with failure rates of 80% in grades four to nine and for mathematics up to 90%.

Causes and Consequences of Violence against Women

HRC called the “scale of civilian deaths, injuries and destruction during (Operation Cast Lead) unprecedented by all accounts,” including its affect on women:

- 116 killed and another 800 injured.

Women suffered critical injuries from bombings, artillery shells, rockets, live ammunition, willful targeting at close range, being shot in their homes, and from use of illegal weapons like white phosphorous. Some injuries caused maiming and amputations, and for 40,000 pregnant women endangerment to their unborn and numerous cases of premature labor and delivery because of trauma from continuous bombing and shelling. Also, a UNFPA finding showed a 40% rise in miscarriages, a 50% increase in neonatal deaths, and a sharp increase in premature births.

A UNFPA February 2009 survey highlighted the psychological impact on women:

- extreme fear and insecurity;
- depression and sadness;
- overall debilitation making them feel unfit as mothers and care-givers; and
- vulnerability to violence and deprivations in a “precarious and traumatic environment.”

The Human Rights of Internally Displaced Persons

For nearly 42 years, Israel's occupation policies have gravely harmed the human rights of Palestinians and caused "large-scale forced displacement....within the Occupied Palestinian Territory," even prior to Operation Cast Lead. Displacement results from:

- incursions;
- military clearing operations;
- home demolitions and evictions;
- land expropriation;
- settlement expansions;
- the Separation Wall;
- settler violence and harassment;
- closures, barriers, and checkpoints that deny free movement;
- revocation of East Jerusalem residency rights; and
- denial of construction permits to build on one's own land.

Operation Cast Lead alone left about 72,000 persons displaced, according to a shelter/Intern Development Programme preliminary report - conducted in 45 Gaza localities several days after the conflict ended.

International law prohibits forced displacement, yet Israel caused it by targeting densely populated areas with bombings, shellings and ground assaults. Thousands fled to UN shelters in terror. They, too, were then attacked.

Currently tens of thousands remain displaced because their homes were destroyed, and no materials are available to rebuild them. As a result, they're staying in poor, overcrowded areas in the open, or when possible, with members of extended families - already overstretched by impoverishment, inadequate food, water, electricity, and basic non-food items and facilities like mattresses, blankets, and enough space for new arrivals. The overall humanitarian situation is far more dire than before hostilities began given the vast amount of destruction, deaths and injuries over the three-week period.

On February 9, 2009, the Office for the Coordination of Humanitarian Affairs reported that international agencies faced "unprecedented denial of access" to Gaza since the previous November, and that condition hasn't abated.

Extrajudicial, Summary or Arbitrary Executions

HRC reported that "All killings during the Gaza conflict that violated applicable human rights and humanitarian law norms come within the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions." Best estimates put the number at around 1440 people, the great majority being civilians.

Further, “strong and credible reports” indicate grievous war crimes and other international violations occurred that beg for accountability. None so far are in prospect. The alternative is de facto impunity that “mocks the international legal order, makes hollow the international obligations undertaken and reaffirmed by the parties, increases the likelihood of more flagrant (future) violations, and poisons the prospects for an eventual solution to the conflict.”

Disturbingly, that’s where things now stand with Israel absolving itself of war crimes and refusing to cooperate when HRC investigators arrive in the region to begin their independent work. In a May 8 issued statement, the Richard Goldstone headed team said:

“In the course of its work, the mission intends to conduct visits to affected areas of southern Israel and the Occupied Palestinian Territories, including Gaza, and has requested the cooperation of Israel in this regard.”

Goldstone stressed he would take a “law-based approach,” not a political one to achieve “an objective assessment of the issues....in the interest of all parties (to) promote a culture of accountability (that can) serve to promote greater peace and security in the region.”

HRC Recommendations

Briefly they include:

- Israel’s cooperation with HRC investigators;
- ending the siege;
- allowing unimpeded access and safe passage for humanitarian aid, including food, medicines, fuel, agricultural inputs, construction materials, and whatever else is needed to sustain, rebuild, and revive the shattered Territory;
- let sick and injured persons be treated abroad and in Israel;
- let those wishing to do so travel and study abroad; and
- end all violations of binding international laws and commit no breaches thereof – to include:
 - (1) abiding by the principles of distinction, proportionality, and precaution;
 - (2) ending the killing of civilians;
 - (3) no longer using human shields;
 - (4) ending extrajudicial assassinations;
 - (5) terminating the use of illegal weapons like white phosphorous; and
 - (6) prohibiting attacks on medical personnel, ambulances, hospitals, schools, civilian infrastructure, UN buildings, and other non-military sites.

HRC also calls on UN entities to assess Palestinian needs and contribute to the wide-scale

reconstruction of Occupied Palestine, including the vast amount of damage done to Gaza. It also asks the international community for help through the Security Council, International Court of Justice, and UN human rights mechanisms - and for all states to abide by international humanitarian law and work to restore a battered Palestine. Holding Israel accountable for its war crimes is a good way to start.

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