

To:

Ms Federica Mogherini, High Representative of the Union for Foreign Affairs and Security Policy
Mr Johannes Hahn, European Commissioner for Enlargement and Neighbourhood Policies
EU Ministers of Foreign Affairs

12 July 2018

Re: Israel's unlawful closure and blockade of the Gaza Strip under international law

Dear High Representative Federica Mogherini,
Dear Commissioner Johannes Hahn,
Dear EU Ministers of Foreign Affairs,

We are writing regarding the alarming situation in the Gaza Strip, to call on you to urge the Israeli authorities to lift the more than a decade-long closure and blockade imposed on the 2 million Gaza Strip residents.

Mass protests, which have taken place in the Gaza Strip since March 30, have left at least 135 Palestinians killed, over 14,000 injured and an already precarious healthcare system near breaking point.¹ These protests have brought renewed international focus to the untenable situation that prevails in the Gaza Strip and causes widespread frustration and despair after 11 years of illegal closure, three Israeli military offensives and over half a century of military occupation. As Israel continues tightening the Gaza restrictions,² the recent events have made it clear that the situation on the ground will not improve unless the international community urgently addresses the root cause: Israel's unlawful closure in breach of international law.

The two million people living in Gaza are exposed to largely unsafe water, limited electricity and expansive restrictions on freedom of movement.³ Israel often denies or delays permits to those seeking vital medical care outside Gaza,⁴ while hospitals lack adequate resources and face chronic shortages of medical supplies.⁵ Furthermore, the Palestinian government is imposing punitive measures against residents in Gaza, including cuts in electricity supplies during more than 6 months,⁶ and salaries of civil servants.⁷ We fear that this situation will briskly worsen in view of the expected reduction or suspension of essential UNRWA emergency services, as two thirds of Gaza's overall population are refugees.⁸

The European Union has made important efforts to improve Gaza's socio-economic conditions, through substantial financing of humanitarian and development projects aimed at rebuilding Gaza's

¹ According to OCHA documentation, available at <https://www.ochaopt.org/content/humanitarian-snapshot-casualties-context-demonstrations-and-hostilities-gaza-30-march-12>

² Prime Minister Netanyahu announced the closing of Kerem Shalom commercial crossing on 9 July, available at <https://www.haaretz.com/israel-news/netanyahu-israel-to-close-gaza-s-only-commercial-crossing-1.6255071>

³ See the Gaza-based Al Mezan Center for Human Rights 2017 Annual report, available at <http://mezan.org/en/post/22532>

⁴ Joint Press Release: Israel: Record-Low in Gaza Medical Permits, available at <http://mezan.org/en/post/22378>

⁵ <https://www.map.org.uk/campaigns/emergency-actionagaza-health-system-is-close-to-collapse> and <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23236&LangID=E>

⁶ See LPHR June 2018 update: <https://lphr.org.uk/blog/the-gaza-electricity-crisis-continues-june-2018-update/>

⁷ Palestinian Centre for Human Rights 2017 Annual Report <http://pchgaza.org/en/?p=10596>

⁸ See UNRWA Gaza situation report at <https://www.unrwa.org/newsroom/emergency-reports/gaza-situation-report-226>

battered infrastructure. The EU has also sought to facilitate the Palestinian unity process for years. Despite these measures, the situation of the Palestinian population in Gaza is much closer to the brink of a humanitarian disaster today than it has ever been.

Financial assistance alone will not reverse this accelerating trend and will not fulfill the basic rights of Palestinians in Gaza. As interest for increased humanitarian relief grows internationally, we fear that there can be no effective development and humanitarian aid as long as Israel maintains its illegal closure.⁹ The Gaza Reconstruction Mechanism has previously largely failed as its functioning was rooted in the illegal policies of closure and blockade imposed by the Israeli Authorities. Similar solutions can be expected to generate the same outcome. The more than a decade-long blockade and isolation of the Gaza Strip must be lifted for the humanitarian situation to be adequately addressed.

As representatives of international, European, Israeli and Palestinian human rights and development organisations, we urge European leaders to clearly recognise Israel's primary responsibility over the unlawful closure and blockade of the Gaza Strip, which is the root cause of its continuous de-development and amounts to a form of collective punishment prohibited by international law.¹⁰ It is time the European Union took sustainable steps to ensure "an immediate and unconditional end to the blockade and closure of the Gaza Strip"¹¹ and "a full opening of the crossing points",¹² in line with its longstanding policies, humanitarian objectives and international human rights obligations.

We look forward to hearing from you about this letter.

Yours sincerely,

The Undersigned organisations:

Adalah – the Legal Center for Arab Minority Rights in Israel

Al Haq

Al Marsad, Arab Human Rights Centre in Golan Heights

Al Mezan Centre for Human Rights

Amnesty International

Associazione Ricreativa e Culturale Italiana (ARCI)

Broederlijk Delen

Cairo Institute for Human Rights Studies (CIHRS)

CCFD-Terre Solidaire

CIDSE

CNCD-11.11.11

EuroMed Rights

Gisha – Legal Center for Freedom of Movement

International Federation for Human Rights (FIDH)

Jerusalem Legal Aid and Human Rights Center (JLAC)

⁹ According to the World Bank's March 2018 report, "Any effort at economic recovery and development must address the impacts of the current closure regime." Available at <http://www.worldbank.org/en/news/press-release/2018/03/15/a-sustainable-recovery-in-gaza-is-not-foreseen-without-trade>

¹⁰ A/HRC/34/36 para 36 with references, available here <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/018/18/PDF/G1701818.pdf?OpenElement>. Collective punishment is expressly prohibited by Article 33 of the Fourth Geneva Convention as well as by customary international law

¹¹ See the latest European Parliament resolution on the situation in the Gaza Strip (April 2018) <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2018-0176>

¹² See the latest comprehensive EU Council conclusions on the Middle East peace process (January 2016) <http://www.consilium.europa.eu/en/press/press-releases/2016/01/18/fac-conclusions-mepp/>

La Plateforme des ONG françaises pour la Palestine
Lawyers for Palestinian Human Rights (LPHR)
Médecins du Monde
Medical Aid for Palestinians (MAP)
Medico International
Palestinian Center for Human Rights (PCHR)
Physicians for Human Rights Israel (PHRI)
Trocaire