



PNGO



Al Mezan



Al Dameer



PCHR



Gaza Community Mental Health Programme

6 April 2013

Four human rights organisations based in the Gaza Strip, along with the Palestinian NGO Network, have issued a letter to Mr Robert H. Serry, UN Special Coordinator for the Middle East Peace Process, expressing concern at a number of recent statements he has made.

Al Dameer Association for Human Rights, Al Mezan Center for Human Rights, the Gaza Community Mental Health Programme, the Palestinian Centre for Human Rights (PCHR), and the Palestinian NGO Network issued the letter on 6 April 2013.

On 25 March 2013, Mr Serry delivered a brief to the United Nations Security Council, in which he discussed, *inter alia*, the recent decision by Israel to again reduce the fishing zone available to Gaza fishermen to 3 nautical miles. On 3 April 2013, Mr Serry issued a statement, in which he condemned the indiscriminate firing of rockets into civilian areas by Palestinians but failed to condemn Israeli airstrikes, merely asking Israel to “act with restraint”.

The organisations are deeply concerned by Mr Serry’s failure to condemn Israeli violations of the ceasefire agreement, as well as the harsh punitive measures taken by the Israeli authorities against the people of the Gaza Strip. The text of the letter sent to Mr Serry is below.

Robert H. Serry

UN Special Coordinator for the Middle East Peace Process

The Office of the UN Special Coordinator for the Middle East Peace Process (UNSCO)

We, Al Dameer Association for Human Rights (Al Dameer), Al Mezan Center for Human Rights (Al Mezan), the Gaza Community Mental Health Programme (GCMHP), the Palestinian Centre for Human Rights (PCHR), and the Palestinian NGO Network (PNGO), hereby raise our serious concerns regarding the brief you delivered to the United Nations Security Council on 25 March 2013, in which you discussed, *inter alia*, the recent decision by Israel to again reduce the fishing zone available to Gaza fishermen to 3 nautical miles. We are further concerned by your more recent statement, on 3 April 2013, which condemns the indiscriminate firing of rockets into civilian areas by Palestinians but fails to condemn Israeli airstrikes, merely asking Israel to “act with restraint”. In particular, we are deeply concerned by your failure to condemn Israeli violations of the ceasefire agreement, as well as the harsh punitive measures taken by the Israeli authorities against the people of the Gaza Strip.

Your statement on the “setback in the implementation of the ceasefire brokered on 21 November”, which mentions the date of “21 March [when rockets] were fired from Gaza into Israel”, fails to accurately relay the events leading to the breakdown of the ceasefire agreement

and, most critically, fails to emphasise Israel's responsibility, as the occupying power, to ensure the protection of civilians in the Gaza Strip.

Since November 2012, Israel has violated the terms of the ceasefire agreement dozens of times, firing at farmers on their land, fishermen at sea, and peaceful demonstrators near the border. These unwarranted attacks on civilians represent serious violations of international law and should be condemned. According to the UN Office for the Coordination of Humanitarian Affairs, since the ceasefire came into effect, five Palestinians have been killed and 110 injured in the 'buffer zone' by Israeli forces.¹

Since 1994, Israel has increasingly imposed unlawful movement restrictions on Palestinians in the border lands and fishing waters, raising serious concerns for the lives and safety of civilians and their access to livelihood. These restrictions, combined with extensive long-term border closures, have had a detrimental humanitarian and economic impact on the civilians living in the Gaza Strip. In recent years, the combined policies have been internationally condemned as a form of collective punishment, which is imposed on the civilian population in violation of Article 33 of the Fourth Geneva Convention.²

In a statement issued jointly by the Israeli military and the Israeli Coordinator of Government Activities in the Territories (COGAT) on 21 March, it was stated that the decision to again reduce the fishing zone was made by the Israeli Prime Minister and Defence Minister "[i]n response to the rocket fire" from Gaza into Israel that morning.³ It was also announced that Kerem Shalom border crossing would be closed for the same reason. These increased restrictions form a continuation of the long-term unlawful closure of the Gaza Strip, which are intended to collectively punish the people living in the Gaza Strip.

In light of the aforementioned attacks, and the ongoing restrictions on civilians in the border lands and fishing waters, we strongly urge Robert H. Serry, in his capacity as the UN Special Coordinator for the Middle East Peace Process with UNSCO, to apply the framework of international law as it relates to occupied territory in considering the events leading up to and including Israel's recent retraction of the Palestinian fishing area.

To this end, Al Dameer, Al Mezan, GCMHP, PCHR, and PNGO, urge UNSCO to publically recognise and condemn the punitive measures imposed by the Israeli authorities as a form of collective punishment of the civilians of the Gaza Strip. We cite previous UN calls to end the use of such measures in the Gaza Strip, including the June 2012 statement by Under-Secretary-General for Humanitarian Affairs, Valerie Amos, in which she stated that the closure of the Gaza Strip "amounts to a collective punishment of all those living in Gaza and is a denial of basic human rights in contravention of international law."⁴

Al Dameer Association for Human Rights - Gaza
Al Mezan Center for Human Rights - Gaza
Gaza Community Mental Health Programme
Palestinian Centre for Human Rights - Gaza
Palestinian Non-Governmental Organisations Network - Gaza

¹ OCHA, "OPT: Protection of Civilians - OCHA Weekly Report (19-25 March 2013), UNISPAL, 25 Mar. 2013.

² ICRC, "Gaza closure: not another year," News Release 10/103, 14 June 2010.

³ The only remaining reference to the increased fishing area is included in COGAT's November 2012 Monthly report, which is available here: http://www.cogat.idf.il/Sip_Storage/FILES/8/3688.pdf

⁴ UN News Center, "Top UN Humanitarian Official Urges Lifting of Israeli Blockade of Gaza." UN, 13 June 2012.