

A CLEAR AND PRESENT DANGER

AN ISRAELI CALL FOR URGENT HUMANITARIAN ACTION IN GAZA

January 14, 2009

Prime Minister Ehud Olmert
Defense Minister Ehud Barak
Chief of Staff Lieut. Gen. Gaby Ashkenazi
OC Southern Command Maj. Gen. Yoav Galant
Atty. Gen. Menachem Mazuz

RE: Warning of a clear and present danger to the lives and well-being of tens of thousands of civilians

Since the beginning of the campaign in Gaza on December 27, a heavy suspicion has arisen of grave violations of international humanitarian law by military forces. After the end of the hostilities, the time will come for the investigation of this matter, and accountability will be demanded of those responsible for the violations. At this point we call your attention to the clear and present danger to the lives and well-being of tens of thousands of civilians.

The level of harm to the civilian population is unprecedented. According to the testimony of residents of the Gaza Strip and media reports, military forces are making wanton use of lethal force which has to date caused the deaths of hundreds of uninvolved civilians and destroyed infrastructure and property on an enormous scale. In addition, Israel is also hitting civilian objects, having defined them as "legitimate military targets" solely by virtue of their being "symbols of government."

Caught in the middle are 1.5 million civilians in extreme humanitarian distress, whose needs are not being adequately met by the limited measures taken by the army. That distress is detailed in the Appendix to this letter. Its main points are as follows:

1. The fighting is taking place throughout the Gaza Strip, whose border crossings are closed, so that **residents have nowhere to flee**, neither inside the Gaza Strip nor by leaving it. Many are unable to escape from the battle zone to protect themselves. They are forced to live in fear and terror. The army's demand that they evacuate their homes so as to avoid injury has no basis. Some people who did escape are living as refugees, stripped of all resources.
2. **The health system has collapsed.** Hospitals are unable to provide adequate treatment to the injured, nor can patients be evacuated to medical centers outside of the Gaza Strip. This state of affairs is causing the death of injured persons who could have been saved. Nor are chronic patients receiving the treatment they need. Their health is deteriorating, and some have already died.
3. **Areas that were subject to intensive attacks are completely isolated.** It is impossible to know the condition of the people who are there, whether they are injured and need treatment and whether they have food, water and medicine. The army is preventing local and international rescue teams from accessing those places and is also refraining from helping them itself, even though it is required to do so by law.
4. **Many of the residents do not have access to electricity or running water, and in many populated areas sewage water is running in the streets.** That combination creates severe sanitation problems and increases the risk of an outbreak of epidemics.

ADALAH -- THE LEGAL CENTER FOR ARAB MINORITY RIGHTS IN ISRAEL | **AMNESTY INTERNATIONAL ISRAEL SECTION** | **BIMKOM** -- PLANNERS FOR PLANNING RIGHTS | **B'TSELEM** -- THE ISRAELI INFORMATION CENTER FOR HUMAN RIGHTS IN THE OCCUPIED TERRITORIES | **GISHA** -- LEGAL CENTER FOR FREEDOM OF MOVEMENT | **HAMOKED** -- CENTER FOR DEFENCE OF THE INDIVIDUAL | **PHYSICIANS FOR HUMAN RIGHTS -- ISRAEL PUBLIC COMMITTEE AGAINST TORTURE IN ISRAEL** | **YESH DIN** -- VOLUNTEERS FOR HUMAN RIGHTS

This kind of fighting constitutes a blatant violation of the laws of warfare and raises the suspicion, which we ask be investigated, of the commission of war crimes.

The responsibility of the State of Israel in this matter is clear and beyond doubt. The army's complete control of the battle zones and the access roads to them does not allow Israel to transfer that responsibility to other countries. Therefore we call on you to act immediately as follows:

1. **Stop the disproportionate harm to civilians**, and stop targeting civilian objects that do not serve any military purpose, even if they meet the definition of "symbols of government."
2. **Open a route for civilians to escape the battle zone**, while guaranteeing their ability to return home at the end of the fighting.
3. **Provide appropriate and immediate medical care to all of the injured and ill** of the Gaza Strip, either by evacuating them to medical centers outside of the Gaza Strip or by reaching another solution inside the Gaza Strip.
4. **Allow rescue and medical teams to reach battle-torn zones** to evacuate the injured and bring supplies to those who remain there. Alternatively, the army must carry out those activities itself.
5. **Secure the proper operation of the electricity, water and sewage systems** so that they meet the needs of the population.

Sincerely,

Atty. Fatmeh El-Ajou
Adalah -- The Legal Center for Arab Minority Rights in Israel

Vered Cohen Barzilay
Amnesty International Israel Section

Dr. Haim Yaakoby
Bimkom -- Planners for Planning Rights

Jessica Montell
B'tselem -- The Israeli Information Center for Human Rights in the Occupied Territories

Atty. Sari Bashi
Gisha -- Legal Center for Freedom of Movement

Dalia Kerstein
Hamoked -- Center for Defence of the Individual

Prof. Zvi Bentwich
Physicians for Human Rights -- Israel

Dr. Ishai Menuchin
Public Committee Against Torture in Israel

Atty. Michael Sfar
Yesh Din -- Volunteers for Human Rights

APPENDIX: THE HUMANITARIAN COLLAPSE IN THE GAZA STRIP

SITUATION REPORT, JANUARY 14, 2009, [DAY 19 OF FIGHTING]

OVERVIEW

As of Wednesday, January 14, 2009, the 19th day of the military campaign in the Gaza Strip, the dimensions of the humanitarian collapse in the Gaza Strip are growing: **many injured people are not receiving medical treatment at all, the evacuation of the injured to hospitals is not being permitted, medical teams are being attacked on their way to render aid and the health system in Gaza, especially hospitals, is collapsing.** Gaza's electricity, water and sewage systems are in a state of partial collapse, preventing Gaza residents from **accessing clean water** and exposing them to the **risk of infectious disease** and lethal sewage flooding in populated areas.

DAMAGE TO THE HEALTH SYSTEM AND PREVENTION OF EVACUATION OF CASUALTIES

- Six cases of army shooting at medical teams have been documented by human rights organizations. **12 medical personnel have been killed, and 17 were injured.**
- We know so far of **15 cases of attacks on medical facilities**, including a medical supply warehouse, three mobile clinics, a mental health center, the walls and windows of three government hospitals and a number of rescue vehicles. Direct attacks were recorded in the European hospital and the Dura hospital, an UNRWA facility and the Safha Al-Harazin clinic in Shuja'iya.
- There are delays of an average of between 2 and 10 hours in coordination between the army and the medical teams for evacuation or transfer of casualties. In most cases, the army does not respond at all to the requests made to it. The human rights organizations **know of more than 100 civilians who were trapped for more than 24 hours, including dozens of injured, without any medical care, sometimes without water or food either.** In one case a family of 21 (including six injured) waited seven days until the army allowed Red Cross representatives to evacuate them. In two other cases families waited more than 36 hours for evacuation. The organizations believe there are other similar cases that have not yet been documented.
- **The Gaza health system is in a state of total collapse after more than a year and a half of continuous closure:** a severe shortage of medical equipment and medications, a shortage of skilled personnel, the absence of knowledge and experts to treat complex injuries and more. According to the Palestinian Health Ministry, only 30% of the medical equipment and medications permitted to be transferred to the Gaza Strip meet the needs and of its hospitals and are responsive to their shortages.
- There are 2050 hospital beds in the Gaza Strip (1500 in government hospitals and 550 in private clinics). The intensive care unit at Shifa Hospital was reinforced from 12 beds to 30. Since January 1, 2009 the unit has been at full capacity, even though since January 6, 2009, each day an average of five patients are sent from it to Egypt. The health system is maintaining a 75% capacity at Shifa while at other hospitals, the capacity is 95%. The treatment of chronic patients, including cancer patients, liver patients, dialysis patients and others, has stopped almost completely due to a shortage of hospital beds in the departments and of available doctors.
- **850 chronic patients and hundreds of injured from the Israeli assaults need to be referred to medical treatment outside of Gaza** since December 27, 2008. Of them, just three wounded and a few dozen ill patients have been evacuated to Israel while 250 injured were evacuated to Egypt through the Rafah

Crossing. **Since January 6, 2009 no additional patients have been transferred to Israel for medical care.**

- Shifa Hospital and the other government hospitals in Gaza city operated without electricity supply using generators for a week between January 3-10. Since January 10, 2009 the hospital has been receiving electricity for 8-12 hours a day. Throughout the month of January the other hospitals in the Gaza Strip have been receiving electricity for an average of 4-8 hours a day. The rest of the time the hospitals rely on generators. In at least one case when a generator broke down at the Al-Quds hospital it remains without any electricity supply and life-saving medical equipment stopped working.
- Patients who are at home are exposed to heightened risk because of the shortage of electricity, which prevents the regular use of household medical equipment operated by electricity as well as heating devices.

ATTACKS ON ELECTRICITY, WATER AND SEWAGE INFRASTRUCTURES

Electricity lines, water and sewage pumps and waste collection and treatment facilities have been damaged by the bombardments. The battles taking place in the Gaza Strip prevent most repair work in the absence of security coordination with the army. The same is true of transporting fuel and equipment inside the Gaza Strip. Without electricity, it is impossible to pump water and treat sewage.

In the 14 months before the military campaign Israel prevented the supply of vital products to the Gaza Strip and thereby emptied it of the fuel, food, medicine and spare parts needed to cope with the severe results of the fighting. There is a severe shortage of fuel needed to operate the power plant in the Gaza Strip as well as the generators that back up the electricity system. There is a shortage of spare parts and equipment needed to perform repairs and maintenance.

Water and sewage systems

- **More than half a million people are completely cut off from access to clean water**, mostly in Gaza City and the northern area. Some of those people have been **without access to water for more than 10 days**. Many water pipes have been damaged. Without electricity in the homes it is impossible to pump water to the high stories and the water reservoirs on the roofs of the high houses.
- **Sewage is flowing in the streets** because of the shortage of electricity for sewage pumps and treatment facilities, due to the damage caused by the bombardments and because of breakdowns that could not be fixed in the absence of security coordination with the army and without the necessary spare parts. In Beit Hanoun, Beit Lahiya, Jabaliya and parts of Gaza City the sewage pumps are not working at all. Since January 3, 2009 it has been impossible to access a sewage pipe in Beit Hanoun that was bombed. Since then sewage has been flowing to the area.
- Israel is preventing Water Authority technicians from accessing the Gaza City waste treatment facility. Since January 3, 2009 sewage has been flowing to the facility but it is not emptying because there is no one to operate the pumps. In addition on January 10, 2009 one of the sewage reservoirs there was bombed. It is believed that **the sewage from the treatment facility and the sewage reservoir has begun to flood the area**, but the damage cannot be assessed in the absence of security coordination.
- Israel is prohibiting access to the Beit Lahiya sewage reservoirs, where the waste level rises every day in the central reservoir and the waste water threatens to flood the area. The reason is destruction of the generator on January 3, 2009 that is supposed to pump the waste into overflow lagoons. Despite requests from international organizations to avoid striking that sensitive area, the area was bombarded again on January 10,

2009 and damage was caused to buildings next to the reservoir. Floods in that area would risk the welfare and lives of some 10,000 residents living nearby.

- The Gaza Strip water company needs many items that are in short supply including chlorine, pipes, valves and other items. Most of the equipment was ordered months ago but no permission was given to let it in.

Electricity system

- **At least a quarter of a million residents of Gaza have been living without electricity for 18 days. At any given moment, up to one million people are disconnected from the electricity supply,** which makes it difficult to access water, use medical equipment, preserves and refrigerate food and heat homes.
- **Six of 12 high-voltage lines supplying electricity from Israel and from Egypt are not working** because of damage caused by the bombardments. The Gaza power plant has been working since January 10, 2009 very partially (at 38% capacity) and manufacturing only 30 MW a day. As a result, **the Gaza Strip is receiving a supply of only 48% of the required amount of electricity, at most.** It is estimated that because of local breakdowns of lines, the amount of electricity reaching consumers is much smaller.
- The amount of industrial diesel available at the power plant is 500,000 liters, **the amount needed for one single day to operate the three turbines.** Another 369,000 liters were transferred to the Palestinian side of the Nahal Oz terminal but cannot be shipped to the power plant because of the absence of security coordination.
- **On the night before Tuesday, January 13, 2009, Israel bombed the electric company's warehouse in Gaza, causing tremendous damage** including damage to transformers, cables, low voltage disconnect pillars and additional equipment. Israel had allowed the entrance of this equipment and spare parts into Gaza only four days earlier, after delaying the approval of its entry for months. The stores of the Gaza Electricity Distribution Company were empty before the military campaign since Israel has for months prevented the transfer of spare parts that were ordered and paid for.

A PREDICTABLE HUMANITARIAN COLLAPSE

- **For the last 14 months Israel has deliberately and consistently restricted the transfer of fuel** into the Gaza Strip as part of the Cabinet decision from September 19, 2007 authorizing punitive measures against the residents of Gaza. Instead of fulfilling its duty to provide the civil population with the necessary humanitarian products before launching the military campaign, **the Israel drained the Gaza Strip of the fuel, food and equipment needed to cope with the severe results of the fighting.**
- **In the two months preceding the military campaign Israel tightened the closure and deliberately drained the Gaza Strip of the industrial diesel** needed to manufacture electricity, by preventing its transfer through the Nahal Oz terminal. During those two months **Israel allowed the transfer of only 18% of the amount of industrial diesel** needed to operate the Gaza power plant, which is only 28% of the amount of industrial diesel the Supreme Court ordered it to provide.
- For more than three months Israel has been preventing the transfer of the spare parts needed by the Gaza Electricity Distribution Company (GEDCo) for its current operations. **Even at this very moment spare parts are waiting at the Karni Crossing and the Ashdod port.**
