The Coordination Committee of the Special Procedures of the Human Rights Council has asked me to deliver this statement on its behalf. I fully associate my mandate to it in my capacity as Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

The events in Gaza this past week, and these past two months, and these past eleven years, haunt the conscience of the international community. A tiny crowded enclave of land, holding two million people under occupation, cut off from the outside world by an imposing and comprehensive air, sea and land blockade, living in an utterly dire situation that the United Nations has called unsustainable and unlivable and a form of collective punishment, seeking the elemental human demands of freedom, justice and the right to enjoy the fruits of life, like anyone else.

**Excellencies**

Earlier this week, an inspiring young Palestinian journalist in Gaza, Ahmed Abu Ratima, wrote a compelling plea that was published in the *New York Times*. He is one of the organizers of the Great Return March. Mr. Abu Ratima pointed out that most people his age have never been permitted to leave Gaza, ever. They led lives of despair: lacking jobs, electricity, clean water, hope, housing, a functioning economy, well-stocked hospitals and the ability to experience the wider world. He wrote about birds that he would watch fly overhead, freely crossing a border that he could not.
In his article, Mr. Abu Ratima explained his idea of organizing a massive, popular, non-violent protest, to remind the world that Gaza still exists, it still yearns for its long-denied freedoms, it badly wants life with dignity. These protests, he said, would carry these demands but with a message of peaceful, equal co-existence. Mr. Abu Ratima and his co-organizers have largely succeeded. The Gazan demonstrations have been almost entirely unarmed and non-violent. Thousands and thousands marching, singing, protesting against their conditions, and demanding the right to a better future.

Yes, some threw Molotov cocktails, or flew burning kites, or rushed the wire fences at the Gaza frontier. But the overwhelming majority have been committed to non-violence over the past seven weeks, armed only with the oldest and most human of aspirations: to live free in one’s own land.

**Excellencies**

Over the past seven weeks, over 100 Palestinian demonstrators have died at the hands of the Israeli military. Among the dead are children, journalists, health medics and many many young unemployed men. Approximately 12,000 have been injured. According to statements by Doctors Without Borders, many of the wounded have received devastating injuries of an unusual severity, which are extremely complex to treat. Many of these wounded now have serious, life-long physical disabilities. All of this has over-whelmed an already-fragile health care system, and will burden a desperately poor society.

Who bears responsibility for all this? It must start with Israel, and its political and military command. It is Israel that has imposed the 11-year-old travel and
economic blockade that has strangled the Gazan economy and society. It is Israel that remains the occupying power, because it maintains “effective control” – the governing test under the laws of occupation – over Gaza and its inhabitants. And it is the Israel Defense Forces which, over the past seven weeks, has fired lethal ammunition again and again into the crowds of demonstrators, notwithstanding the calls of the international community and the demands of human rights defenders. Responsibility for the grim conditions in Gaza also rest with Hamas, with the Palestinian Authority and with Egypt. They must also fulfill their obligations to the people of Gaza.

And responsibility as well rests with the international community. It is you who bears the ultimate obligation for ensuring that Israel respects all of its many unmet obligations under international law.

**Excellencies**

I wish to remind you of the legal obligations that arise in this situation.

Israel, as occupying power, is obligated to uphold and respect the human rights of Palestinians living in the occupied territory.

Palestinians, as all of us, are entitled to their human rights. These include the right to peaceful assembly, as set forth in Article 21 of the International Covenant on Civil and Political Rights, and treaty, which Israel has ratified. The Human Rights Council has noted, in its resolution 24/5, that States are obligated to respect and fully protect this right, including for those espousing dissenting views.
I have noted repeatedly in my statements over the past weeks my concern about Israel’s excessive use of force. Once again, I will refer to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which require law enforcement officials to refrain from using lethal force on demonstrators unless strictly unavoidable in order to prevent death or serious injury.

I must point out that the “willful killing” and the “willful causing of great suffering or serious injury to body or health” of civilians is both a grave breach of the Geneva Conventions and a war crime under the Rome Statute. I note that the Chief Prosecutor of the International Criminal Court has issued a caution regarding the violence against civilians in Gaza last month.

I would like to echo the sentiment of the High Commissioner, and highlight that an attempt to approach the fence, to damage the fence, or even to cross the fence, by an unarmed individual faced with heavily armed soldiers, does not constitute a threat to life or serious injury that would justify the use of lethal force. Similarly, stones, or even Molotov cocktails, thrown at significant distances towards well-protected and heavily armed security forces behind defensive positions, would not rise to the level of threat necessary to justify use of lethal force.

**Excellencies**

This is a profoundly asymmetrical situation. Thousands of unarmed demonstrators, shorn of hope, but marching with dignity, living in one of the poorest societies in the region, against the most militarily powerful and economically advanced society in the region. Israel has been exacting an eye for an eyelash, because it can.
Any condemnation of these recent events would be empty unless it is accompanied by the pursuit of justice and accountability. Accordingly, I call upon the international community, through the United Nations, to conduct an independent and impartial investigation into the killings and injuries that have occurred in the context of these demonstrations since 30 March. As I noted in my statement on 15 May, impunity for these actions is not an option. Justice for the victims must become a priority for the international community.

May I conclude with this? Israelis and Palestinians are bound to each other. They live under the same sky, in the same land. Their futures are intertwined. It is in the best interests of both for the Palestinians to finally be able to live in freedom and dignity, and for Israelis to finally free themselves from the yoke of their occupation. Pursuing accountability, and defending human rights, is the only path to that future.