

July 23, 2014

To:
Defense Minister
Mr. Moshe Ya'alon
By fax 03-6976218

URGENT!

Re: **Severe Electricity and Water Shortages in the Gaza Strip**

1. On behalf of the undersigned organizations, we call upon you to take immediate action to fulfill Israel's obligation to assure that the humanitarian needs of the people of Gaza are met, particularly with respect to the supply of water and electricity as detailed below.
2. This letter is written with great concern about the current situation in Gaza, with the majority of the population suffering from acute shortages of water and electricity resulting from the damage to civilian infrastructure caused during ongoing hostilities. Aid agencies have already defined the shortages as a genuine crisis that is putting the lives and health of many Gaza residents at risk and is likely to get worse.
3. We recall that prior to this latest round of hostilities, civilian infrastructure in Gaza had already been in a fragile state due to delays in obtaining spare parts from Israel and the severe restrictions on the entrance of construction materials, as part of Israel's closure policy. During the hostilities, the already fragile infrastructure sustained damage and can no longer supply the basic needs of the population.

Damage to the electricity infrastructure

4. Gaza receives electricity from ten high-tension lines running between it and Israel, three tension lights from Egypt and independently generated power from the local power plant. At present, six of the ten high-tension lines from Israel have been damaged during the hostilities. As a result, of 120 megawatts of electricity purchased by residents of Gaza from the Israeli Electric Corporation, only 48 MW are currently flowing into the Strip. Damage to infrastructure has also harmed the distribution of electricity generated by the sole local power plant. As a result, hundreds of thousands of people in Gaza are completely without power, while hundreds of thousands more receive only between 2-5 hours of electricity per day.
5. We note that Gaza's 12 hospitals, its medical clinics, its water and sewage infrastructure and civilian homes are dependent on electricity. Communications networks, which are essential for humanitarian work, are also dependent on electricity. In the absence of electricity, all, including medical and other humanitarian facilities, rely more heavily on the supply of fuel in order to run back-up generators. However, as the need for fuel grows, the amount of fuel brought into the Gaza Strip through Kerem Shalom has been reduced.

Damage to the water infrastructure

6. The severe electricity shortage has affected water infrastructure and sewage treatment systems, which are unable to fully function. Pumping for domestic water consumption and medical facilities has slowed down, as has pumping for sewage treatment and transport.
7. Water infrastructure has also been damaged during the fighting. Three technicians from Gaza's water utility, the Coastal Municipalities Water Utility (CMWU), were killed while on duty. In the absence of a mechanism for ensuring the safety of technicians working on the ground, the damage is largely left unaddressed, required maintenance work is not carried out and as a result, the state of Gaza's water infrastructure continues to deteriorate.
8. Infrastructure officials warn of a pending humanitarian and environmental catastrophe resulting from lack of access to water as well as severe health risks due to the overflow of raw sewage in neighborhoods and into the water supply. At present 80 million liters of untreated sewage flow directly into the sea every day. A third of Gaza's water wells are not functioning because technicians cannot access them and the remaining wells are working between 6-8 hours per day, due to lack of electricity.
9. It should therefore come as no surprise that according to reports by the United Nations' Office of the Coordinator for Humanitarian Affairs (OCHA), as of 3pm on July 22, 2014, 1.2 million people – more than half the population – were affected by lack of adequate access to water and sanitation services.

Israel's obligation to ensure that the humanitarian needs of the people of Gaza are met

10. Due to Israel's ongoing control over significant aspects of life in Gaza, Israel has a legal obligation to ensure that the humanitarian needs of the people of Gaza are met and that they have access to adequate supplies of water and electricity. This obligation emanates from international humanitarian law and has been recognized by the Israeli Supreme Court (HCJ 9132/07 *Bassiouni v. The Prime Minister* (Jan. 30, 2008)).
11. Severe harm to civilian infrastructure, failure to repair the damage or take active steps to provide protection to those attempting to make repairs does not comport with Israel's legal obligations. As a group of leading legal scholars, experts in international law, wrote in a [professional opinion](#) they recently presented to the Knesset Foreign Affairs and Defense Committee and to the Attorney General: "Israel's control over this infrastructure entails positive obligations. Thus, if infrastructure that supplies water and electricity to Gaza and is under Israel's effective control gets damaged in the hostilities, Israel has an obligation to repair it to the extent possible, in order to renew the supply of these basic needs".
12. Israel's actions are inconsistent with its repeated claims to care for the welfare of the civilian population in Gaza during these hostilities.

13. Therefore, the undersigned organizations call upon the Israeli authorities to heed their obligations to protect the civilian population and:

- Refrain from harming civilian infrastructure during hostilities
- Refrain from targeting or harming technicians who set out to repair damaged infrastructure and ensure safe and prompt access for technicians doing maintenance work or making repairs to infrastructure
- Take all necessary measures to **immediately** repair damage to infrastructure on Israel's side of the fence
- Allow, without delay, entrance of spare parts and fuel to guarantee the proper functioning of the civilian infrastructure
- Guarantee the safe movement of trucks transporting fuel and other essential supplies
- Following the end of hostilities, remove all restrictions on movement to and from Gaza beyond those necessary for addressing Israel's legitimate security concerns and in particular allow entrance of spare parts, fuel and construction materials to facilitate the repair and maintenance of Gaza's critical infrastructure

14. Given the importance and urgency of the matter, we request that you inform us of how you intend to act on these issues without delay.

Signed,

Yonatan Gher, Executive Director, Amnesty International Israel

Hedva Radovanitz, Executive Director, Bimkom - Planners for Planning Rights

Hagai El-Ad, Executive Director, B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories

Adv. Eitan Diamond, Executive Director, Gisha – Legal Center for Freedom of Movement

Raia Yaron, MachsomWatch – Women against Occupation and for Human Rights

Adv. Sharon Abraham-Weiss, Executive Director, Association for Civil Rights in Israel

Dr. Ishai Menuchin, Executive Director, Public Committee Against Torture in Israel

Dalia Kerstein, Executive Director, HaMoked: Center for the Defence of the Individual

Adv. Neta Patrick, Executive Director, Yesh Din – Volunteers for Human Rights

Adv. Hassan Jabareen, General Director, Adalah – The Legal Center for Arab Minority Rights in Israel

Ran Cohen, Executive Director, Physicians for Human Rights – Israel

Rabbi Arik Ascherman, President, Rabbis for Human Rights

Cc: Coordinator of Government Activities in the Territories, Maj. Gen. Yoav Mordechai

Military Advocate General, Maj. Gen. Danny Efroni