



Palestinian Centre for Human Rights

Individual complaint related to the right to food in the Gaza Strip

Individual complaint presented to the UN Special Rapporteur on the Right to Food

15 October 2012

Palestinian Centre for Human Rights (PCHR), Omar Al-Mukhtar St.  
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## Case Summary

On 12 June 2012, Israeli army bulldozers conducted an incursion into the central Gaza Strip, on the eastern side of Deir el Balah. They razed 43 dunums<sup>1</sup> of farming land belonging to Palestinian farmers. On 17 June, the bulldozers and tanks returned to level what was left of the farming lands. One of the plots of land belongs to Youssef Abu Mghasib (38) from Wadi el Salqa, in Deir el Balah, Gaza Strip (Palestine). On his land, he grew olives and an assortment of fruits and vegetables to support his family. Abu Mghasib lives with and is the sole breadwinner for his wife, 9 children, mother and sister. Their home is located approximately 500 meters north-east of their farm. As a result of the land razing, the family lost its access to food and its source of income, violating their right to attain an adequate standard of living.

The razing of Abu Mghasib's land is part of a larger pattern of attacks carried out by the Israeli forces positioned on the border between the Gaza Strip and Israel. Israeli authorities have unilaterally and illegally established a so-called 'buffer zone' along the border, which officially extends 300 meters into the Gaza Strip. However, in reality, the 'buffer zone' can extend up to 1,500 meters from the fence, and is enforced with lethal force.

We trust that this individual complaint provides you with the information necessary to make further inquiries, in your capacity as Special Rapporteur, into the violation of the right to food of the Abu Mghasib family. We would like to stress the importance of your attention to this case, as this incident forms part of a much larger pattern of violations of the right to food in the Gaza Strip by Israeli authorities.

PCHR would like to invite the Special Rapporteur to undertake to visit the Gaza Strip and the larger occupied Palestinian territory in order to assess in greater detail the Israeli violations of the right to food of the Palestinian people.

Additionally, we encourage the Special Rapporteur to make a written intervention, urging the Israeli authorities to respect and promote the right to food in the occupied Palestinian territory, and cease all attacks and violations affecting people's access to food and livelihood.

Finally, PCHR also wishes to express its willingness to cooperate with your possible follow-up on this matter, and to provide further information as required.

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<sup>1</sup> One dunum is equal to 1,000m<sup>2</sup>.

## **I. Personal details of victim**

**Family name:** Abu Mghasib

**First name(s):** Youssef Ahmed Mohammed

**Gender:** Male

**Date of birth:** 1 December 1971

**Nationality:** Palestinian

**Civil status:** Married

**ID document:** Issued by the Palestinian Authority

**Date of issue:** 26 October 1999

**Profession and/or activity:** Unemployed farmer

**Address:** Wadi el Salqa, Deir el Balah. Mail can be sent via PCHR's email or fax.

Youssef Abu Mghasib (40) owns 10 dunums of farmland in eastern Deir el Balah, in the central part of the Gaza Strip, just over 300 meters from the Gaza-Israeli border and beyond Israel's unilaterally and illegally imposed 'buffer zone'. Here, he grows olives and an assortment of fruits and vegetables to support his family. Abu Mghasib lives with and is the sole breadwinner for his wife, 9 children, mother and sister in a home approximately 500 meters north-east of their farm.

During the same land-razing incidents, on 12 and 17 June 2012, the land, crops and farming utilities of the Abu Muhareb family were also destroyed.

## **II. Information regarding the incidents**

**Date:** 12 June 2012

**Place:** Deir el Balah, Gaza Strip, Palestine

**Time:** From approximately 08.00 until 12.00

At around 08.30 on 12 June 2012, approximately 8 Israeli army bulldozers and 4 to 5 tanks entered the farming lands east of Deir el Balah, central Gaza Strip, through 'Kissufim gate' in the border fence east of the town.

The army vehicles moved nearly 700 meters into the central Gaza Strip and fired a number of incendiary bombs, which burned a number of wheat fields.

The bulldozers and tanks destroyed 43 dunums of agricultural land, including 10 dunums belonging to Youssef Abu Mghasib, whose land was cultivated with olive trees, vegetables and fruit plants. His water irrigation network was also entirely destroyed during the incident. Abu Mghasib recalls: "I was watering plants on my farm when I heard the sound of the bulldozers and tanks. I could also hear heavy shooting. I was really scared that something would happen to me, so I ran home."

According to PCHR's investigation, the Israeli forces moved back to the border fence at approximately 16.15 on the same day, leaving irrigation networks, agricultural pools and lands planted with olives, palms, grapes, vegetables, wheat and corn in ruins.

**Date:** 17 June 2012

**Place:** Deir el Balah, Gaza Strip, Palestine

**Time:** From approximately 05.00 until 14.00

At around 05.00 on 17 June 2012, approximately 12 Israeli army bulldozers and 4 to 5 tanks entered the farming lands east of Deir el Balah, central Gaza Strip, through Bab el Nimr ('Tiger Gate') in the border fence east of the town. The bulldozers conducted leveling operations, flattening what was left of the farming lands which had been destroyed on 12 June 2012, including the land of Youssef Abu Mghasib. The Israeli army vehicles exited through Bab el Nimr at around 14.00 on the same day.

The value of Abu Mghasib's destroyed land and equipment is estimated to be USD 20,000. The bulldozing of the land has plunged the Abu Mghasib family into financial and emotional turmoil: "I felt completely destroyed when they bulldozed my farm. I had been cultivating that land since 2001, when my father died and left it to me. It was destroyed in the Second Intifada, but I had worked very hard to plant new olive trees and put in an irrigation system. [...] I used to feed my family from that land and sell the extra produce in the market. I currently have no other source of income and no other occupation. When the opportunity arises, I work on other people's farms to make a few shekels. Life has just been hard since 12 June. I had taken out a loan before the land was destroyed to rebuild the farm. Now, I have no way of paying back this loan. My neighbors gave me a bale of wheat because we have nothing to eat, but it will not feed us forever. It pains me that I could not even afford to buy my children school bags."

He continues: "I am struggling to find food and to clothe my family. It is a lot of pressure and I have a lot of anger and sadness inside me. I just think about providing for my family all day. [...] I have nowhere else to go and I know that, even if I plant again, Israel will come and take it away. Every day is worse than the one before. What is there left to hope for?"

Abu Mghasib expresses fear of being shot while farming on his land. In his experience, it is especially dangerous to move within the area up to 500 meters from the border fence: "There is no safety here. The risk of shooting is especially high when Israeli army vehicles move along the border. We never really know when there will be shooting. Sometimes it happens suddenly, for no reason, while we are farming."

Abu Mghasib has planted a small amount of zucchini seedlings on a part of his land. He still owes the agricultural store the money for the seedlings and hopes to pay off this

debt when he is able to harvest some of the zucchini. He has consciously chosen not to replant trees on his land: "I can't plant trees anymore. There is a high risk that the army will come to destroy them because they don't want anything to block their view."

By denying Youssef Abu Mghasib access to his farming lands, which are his and his family's primary source of food and livelihood, the Israeli authorities have taken away the family's ability to feed and sustain themselves. This is a violation of their right to an adequate standard of living, as codified under Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 24 (2) (c) of the Convention on the Rights of the Child.

Finally, the direct targeting of a civilian object constitutes a war crime, as codified in Article 8(2)(b)(ii) of the Rome Statute of the International Criminal Court. Similarly, under the Fourth Geneva Convention Article 53, the destruction of private property is prohibited unless rendered absolutely necessary by military operations.

### **III. Information related to perpetrators**

In both instances, the perpetrators are believed to be members of the Israeli Defence Forces (IDF) Southern Command, which is positioned on the armistice line, between the Gaza Strip and Israel, to the east of Deir al-Balah. PCHR is unable to further specify the rank and functions of the individuals involved in the destruction of Abu Mghasib's farming land.

The razing of Abu Mghasib's land is part of a larger pattern of attacks carried out by the Israeli forces positioned on the border between the Gaza Strip and Israel. Israeli authorities have unilaterally and illegally established a so-called 'buffer zone' along the border, which officially extends 300 meters into the Gaza Strip. However, in reality, the 'buffer zone' can extend up to 1,500 meters from the fence, and is enforced with lethal force.

In 2011, the Israeli forces positioned on along the border shelled the extended 'buffer zone' 124 times and targeted the area with live fire in 8 instances. In total 3 land razing operations were carried out, destroying 5 dunums of farming land.

From January until the end of September 2012, the Israeli army shelled the extended 'buffer zone' 153 times and targeted the area with live fire in 26 instances. In total 9 land razing operations were carried out so far, destroying 99 dunums of farming land.

To date, no one has been held responsible for the destruction by Israel's forces of farming land, agricultural establishments and houses in the extended 'buffer zone'.

#### **IV. Steps taken by the victim or his/her family**

No complaint was filed by the Abu Mghasib family. Their stated reason is that complaints submitted to the Israeli legal system are not fairly considered due to structural impunity. The Abu Mghasib family does not believe that filing a civil or criminal complaint will yield any result.

Three characteristics of the Israeli judicial system – the dual role of the Military Attorney General, flawed mechanisms of investigation, and the lack of civilian supervision of the military – combine to prevent genuine investigations into crimes committed by the Israeli military within the occupied Palestinian territory. This analysis is confirmed by, for example, PCHR's experience in cases related to 'Operation Cast Lead', Israel's 27 December 2008 – 18 January 2009 offensive on the Gaza Strip. Of 490 criminal complaints filed, 469 simply have not received replies. 19 responses have merely noted receipt of the complaint, without providing follow-up information. Only 2 complaints have resulted in prosecution of the perpetrator. Allegations of war crimes have been completely ignored.

#### **V. Steps taken by the authorities**

The Israeli authorities continue to unilaterally impose the 'buffer zone' with lethal force, denying Palestinians the right to life and access to 35% of the arable land of the Gaza Strip.

Despite numerous civil and criminal complaints on behalf of victims of these policies, repeated calls for accountability, and strong international criticism, Israel continues to illegally enforce the 'buffer zone' in violation of international human rights law.

As yet, no Israeli soldier or political official has been investigated or prosecuted for crimes committed in the 'buffer zone'.

**VI. Identity of the person submitting the case**

**Family name:** al Alami

**First name(s):** Iyad

**Status:** Non-governmental organization, Palestinian Centre for Human Rights (PCHR)

**Address:**

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**Confidentiality identity:** I do not desire to keep my identity confidential with relation to this complaint.

**Date and place:** 15 October 2012, Gaza City, Palestine

**Signature of author:**

