

**The United Nations Independent International Commission of Inquiry on the Occupied
Palestinian Territory, including East Jerusalem, and Israel**

Written Submission on Internet Shutdowns in the Gaza Strip

May 2024

I. Introduction

1. Access Now and the UCI Law International Justice Clinic welcome the opportunity to provide this submission relevant to the ongoing investigation conducted by the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, (“the Commission”) into possible international crimes and violations of international human rights law committed in Israel and the Occupied Palestinian Territory since 7 October 2023. As an ECOSOC accredited organization, Access Now routinely engages with the United Nations in support of our mission to extend and defend people and communities at risk in the age of digital information. Directed by Professor David Kaye, former UN Special Rapporteur on freedom of opinion and expression, the UCI Law International Justice Clinic has extensive experience addressing threats to human rights, particularly in the digital realm. The Clinic works alongside civil society organizations and other stakeholders from across the globe and emphasizes a multi-faceted approach to human rights advocacy.
2. **This submission provides a comprehensive documentation of internet shutdown incidents and telecommunications disruptions resulting from Israel’s military campaign in the Gaza Strip since October 7, 2023.** Internet shutdowns violate international law, and hinder people’s ability to exercise their fundamental human rights and access life-saving information and emergency aid in times of war. They also serve as a shield to conceal crimes and human rights abuses, and consequently impede justice and accountability efforts. Recent actions by the Israeli authorities in the Gaza Strip demonstrate how internet access can be weaponized as a form of collective punishment to control information flows, censor people, disrupt critical humanitarian services, and cause psychological, physical, and economic harm and distress to the civilian population. The submission also **provides an overview of states’ obligations under international human rights law and international humanitarian law** for the Commission to consider when evaluating the legality of Israel's actions in the Occupied Palestinian Territories, particularly in Gaza.
3. Access Now **defines internet shutdowns** as “an intentional disruption of internet or electronic communications, rendering them inaccessible or effectively unusable, for a specific population or within a location, often to exert control over the flow of information.” Internet shutdowns can occur in the form of “complete” or “blanket” shutdowns, and/or slowing down

of internet speed also known as “throttling”, and/or blocking specific digital platforms. They are also commonly referred to as “blackouts,” or “kill switches,” “network disruptions.”

4. In 2016, Access Now launched the #KeepItOn coalition to mobilize people, communities, and civil society actors globally to fight against internet shutdowns. The campaign currently unites more than 330 national, international, regional, and local organizations. The #KeepItOn coalition has grown to become the world’s leading network advocating to end internet shutdowns globally. Through grassroots advocacy, direct policy-maker engagement, technical support, and legal interventions, the coalition highlights the dangers and impact of internet shutdowns and holds perpetrators accountable.¹ We follow a robust working methodology that guides our data collection, verification, and documentation process into our Shutdown Tracker Optimization Project (STOP) — a dataset of shutdowns documented by the coalition since 2016.² We detect, verify, and report on shutdown incidents through coordination with local partners in areas impacted by shutdowns as well as monitoring news and media reporting about crises or key moments that generally trigger shutdowns including protests, armed conflicts, elections, etc. To verify initial shutdown reports, we coordinate with various platforms that host user traffic data to detect and gather evidence of a dip in traffic in areas impacted by shutdown. We also use the #KeepItOn coalition mailing list to alert the community about impending shutdowns.³ Furthermore, Access Now publishes an annual #KeepItOn report, sharing the data we have collected and analyzing key global and regional trends on shutdowns.⁴ **The information provided in this submission is based on the above-mentioned methodology.**

II. The United Nations condemns internet shutdowns

5. The United Nations (UN) has unequivocally and strongly condemned internet shutdowns, highlighting the critical importance of the internet for exercising fundamental human rights, online and offline.
6. As early as May 2011, Frank La Rue, the former UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, provided a framework to analyze the human rights implications of States’ disruption of the internet. LaRue lamented “ways in which States are increasingly censoring information online,” including through “arbitrary

¹ Access Now, KeepItOn: fighting internet shutdowns around the world, available at: <https://www.accessnow.org/campaign/keepiton/>, 2024.

² KeepItOn STOP Data 2016-2022, available at: <https://docs.google.com/spreadsheets/d/1DvPAuHNLp5BXGb0nnZDGNoilwEeu2ogdXEIDvT4Hyfk/edit#gid=798303217>; see also Access Now, Shutdown Tracker Optimization Project (STOP), available at: https://www.accessnow.org/wp-content/uploads/2023/03/Read-Me_STOP_data_methodology.pdf, updated February 2023.

³ KeepItOn STOP Data 2016-2022, available at: <https://docs.google.com/spreadsheets/d/1DvPAuHNLp5BXGb0nnZDGNoilwEeu2ogdXEIDvT4Hyfk/edit#gid=798303217>.

⁴ Access Now, #KeepItOn FAQ, available at: <https://www.accessnow.org/keepiton-faq/>, 2022.

blocking or filtering of content; criminalization of legitimate expression; [and] disconnecting users from internet access [.]”⁵

7. In his report, La Rue characterized the internet as “one of the most powerful instruments of the 21st century for increasing transparency in the conduct of the powerful, access to information and for facilitating active citizen participation in building democratic societies,”⁶ and therefore “a key means by which individuals can exercise their right to freedom of opinion and expression.”⁷ He also stated that the internet is an “enabler” of human rights such as the right to education and the right to take part in cultural life and to enjoy the benefits of scientific progress and its applications.⁸
8. Therefore, any restriction to the right to freedom of expression, including restrictions on freedom of expression on the internet, must meet the strict criteria under international human rights law: (i) it must be provided by law, which is clear and accessible to everyone (principle of legality); (ii) it must pursue a legitimate aim (principle of legitimacy); and (iii) it must be proven as strictly necessary and the least restrictive means required to achieve the purported aim (principles of necessity and proportionality)⁹ —collectively, “the three-part test”. However, according to La Rue, “in many instances, States restrict, control, manipulate and censor content disseminated via the internet without any legal basis, or on the basis of broad and ambiguous laws, without justifying the purpose of such actions; and/or in a manner that is clearly unnecessary and/or disproportionate to achieving the intended aim.”¹⁰ Consequently, “such actions are clearly incompatible with States’ obligations under international human rights law.”¹¹
9. This analysis and concern about the States’ disruption of the internet have been increasingly reconfirmed by the UN and other multilateral organizations on many occasions.
10. One month after Frank La Rue’s report was published, the 2011 Joint Declaration on Freedom of Expression and the Internet issued by UN and regional experts in the field of freedom of expression reconfirmed that “[c]utting off access to the Internet, or parts of the Internet, for whole populations or segments of the public (shutting down the Internet) can never be justified, including on public order or national security grounds.”¹²

⁵ UN General Assembly, Human Rights Council, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, UN Doc. A/HRC/17/27, available at: <https://undocs.org/en/A/HRC/17/27>, 16 May 2011.

⁶ Id., para. 2.

⁷ Id., para. 20.

⁸ Id., para. 22.

⁹ Id., para. 24.

¹⁰ Id., para. 31.

¹¹ Id.

¹² The UN Special Rapporteur on freedom of opinion and expression, the organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on freedom of expression, and the African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on freedom of expression and access to information, para. 6(b), available at: <https://www.osce.org/files/f/documents/e/9/78309.pdf>, 1 June 2011; The 2001 Joint Declaration stated that the right to freedom of expression applies to the internet, just as it does to

11. In the 2015 Joint Declaration, the UN and regional experts in field of freedom of expression reconfirmed the unlawfulness of the internet shutdowns by stating that “[f]iltering of content on the Internet, using communications ‘killswitches’ (i.e. shutting down entire parts of communications systems) [...] are measures which can never be justified under human rights law.”¹³
12. In July 2016, the UN Human Rights Council, in its consensus resolution on the promotion, protection and enjoyment of human rights on the internet, called on all States to refrain from and cease measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law.¹⁴
13. In September 2016, the former UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, reconfirmed that internet shutdowns “are generally disproportionate,” as “for even if they are premised on national security or public order, they tend to block the communications of often millions of individuals.”¹⁵
14. In 2018, the UN General Assembly in its resolution on the promotion and protection of human rights and fundamental freedoms, including the rights to peaceful assembly and freedom of association called upon “all States to ensure that the same rights that individuals have offline, including the rights to freedom of expression [...] are also fully protected online, in accordance with human rights law, particularly by refraining from Internet shutdowns and content restrictions on the Internet that violate international human rights law.”¹⁶ Accordingly, the UN

other communication media. The UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative On Freedom of the Media and the OAS Special Rapporteur on freedom of expression, available at: <https://www.osce.org/files/f/documents/2/0/40053.pdf>, 19 November 2001.

¹³ The UN Special Rapporteur on freedom of opinion and expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on freedom of expression and the ACHPR Special Rapporteur on freedom of expression and access to information, para. 4(c), available at: <https://www.osce.org/files/f/documents/a/0/154846.pdf>, 4 May 2015. The 2011 and 2015 Joint Declarations were reconfirmed in the Joint Declaration in 2016 and 2018. Further, the 2019 and 2020 Joint Declaration deplored specifically internet shutdowns and required that “[o]ver the coming years, States and other actors should [...] [r]efrain from imposing Internet or telecommunications network disruptions and shutdowns.” For the 2020 Joint Declaration, see https://www.osce.org/files/f/documents/9/8/451150_0.pdf.

¹⁴ UN General Assembly, Human Rights Council, The promotion, protection and enjoyment of human rights on the Internet, UN Doc. A/HRC/32/L.20, para. 10, available at: <https://undocs.org/A/HRC/32/L.20>, 27 June 2016. Recalled by the UN General Assembly, Human Rights Council, The promotion, protection and enjoyment of human rights on the Internet, A/HRC/RES/38/7, available at: <https://undocs.org/A/HRC/RES/38/7>, 17 July 2018. Also, another 2018 Human Rights Council resolution expressed concern “about the emerging trend of [...] undue restrictions preventing Internet users from having access to or disseminating information at key political moments, with an impact on the ability to organize and conduct assemblies[.]” UN General Assembly, Human Rights Council, The promotion and protection of human rights in the context of peaceful protests, UN Doc. A/HRC/RES/38/11, available at: <https://undocs.org/A/HRC/RES/38/11>, 16 July 2018. This resolution was recalled by a 2020 Human Rights Council resolution. UN General Assembly, Human Rights Council, The promotion and protection of human rights in the context of peaceful protests, UN Doc. A/HRC/44/L.11, available at: <https://undocs.org/en/A/HRC/44/L.11>, 13 July 2020.

¹⁵ UN General Assembly, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, UN Doc. A/71/373, para. 21, available at: <https://undocs.org/en/A/71/373>, 6 September 2016.

¹⁶ UN General Assembly, Resolution on promotion and protection of human rights and fundamental freedoms, including the rights to peaceful assembly and freedom of association, UN Doc. A/RES/73/173, para. 4, available at: <https://undocs.org/en/A/RES/73/173>, 8 January 2019.

Secretary General also confirmed in May 2020 that “blanket internet shutdowns and generic blocking and filtering of services are considered by the UN human rights mechanisms to be in violation of international human rights law.”¹⁷

15. In May 2019, the former UN Special Rapporteur on the right to peaceful assembly and association, Clément Nyaletsossi Voule, in his annual report to the Human Rights Council, characterized the digital technologies “both as tools through which these rights can be exercised ‘offline’ and as spaces where individuals can actively form online assemblies and associations.”¹⁸ He expressed concern that “[g]overnments are ordering Internet shutdowns more frequently [...] ahead of critical democratic moments such as elections and protests.”¹⁹ He added that “network shutdowns are in clear violation of international law and cannot be justified in any circumstances,” and called for “repealing and amending any laws and policies that allow network disruptions and shutdowns, and refraining from adopting such laws and policies.”
16. In April 2020, the former UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, in his final report to the Human Rights Council, emphasized that internet shutdowns interfere with not only the freedom of expressions but other fundamental rights by risking the health and life of everyone who is denied access to the internet, which is “a critical element of health-care policy and practice, public information and even the right to life.”²⁰
17. The UN Human Rights Council, in its July 2020 Resolution on the promotion and protection of human rights in the context of peaceful protests, calls on States to refrain from internet shutdowns and blocking of online services, especially in the context of emergencies, such as when physical assemblies are restricted.²¹
18. In addition, the former Special Rapporteur on the rights to freedoms of peaceful assembly and of association Clément Voule called for guaranteeing freedom of association and assembly online, and refraining from restrictions such as internet shutdowns or online censorship.²² More recently, in an addendum report to the Human Rights Council dedicated to internet

¹⁷ UN General Assembly, Road map for digital cooperation: implementation of the recommendations of the High-level Panel on Digital Cooperation, UN Doc. A/74/821, para. 41, available at: <https://undocs.org/A/74/821>, May 29, 2020.

¹⁸ UN General Assembly, Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, UN Doc. A/HRC/41/41, para. 21, available at: <https://undocs.org/A/HRC/41/41>, 17 May 2019.

¹⁹ Id., para. 3.

²⁰ UN General Assembly, Human Rights Council, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, UN Doc. A/HRC/44/49, para. 24, available at: <https://undocs.org/A/HRC/44/49>, 23 April 2020.

²¹ UN General Assembly, Human Rights Council Resolution 44/20 The promotion and protection of human rights in the context of peaceful protests, UN Doc. A/HRC/RES/44/20, para. 12, available at: <https://undocs.org/en/A/HRC/RES/44/20>, 17 July 2020.

²² UN Special Rapporteur on the right to peaceful assembly and association, States responses to Covid 19 threat should not halt freedoms of assembly and association, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25788&LangID=E>, 14 April 2020.

shutdowns titled “Ending Internet shutdowns: a path forward,” Voule has stressed that “[d]espite several calls to States to end or refrain from imposing internet shutdowns... many shutdowns continued to take place, effectively impeding people’s ability to access essential services necessary for education, work, health, and social connection, and thereby causing increased anxiety and fear.”²³

19. The Office of the UN High Commissioner for Human Rights (OHCHR), in its landmark 2022 report on internet shutdowns, highlighted that “[s]hutdowns are powerful markers of deteriorating human rights situations,”²⁴ including in situations of armed conflicts where “the inability to access tools to document and rapidly report abuses seems to contribute to further violence, including atrocities. Some shutdowns may even be implemented with the deliberate intent of covering up human rights violations.”²⁵ Due to the indiscriminate reach and broad adverse impacts of internet shutdowns on numerous rights beyond the areas or periods of their implementation, the report affirms that shutdowns “rarely meet the fundamental requirements of necessity and proportionality... rendering them disproportionate, even when they are meant to respond to genuine threats.”²⁶

20. In December 2023, the UN General Assembly (UNGA) in its resolution on the promotion and protection of human rights in the context of digital technologies reaffirmed States’ obligation to protect human rights and fundamental freedoms, online and offline, and unequivocally condemned “the use of blanket Internet shutdowns and unlawful restrictions to intentionally prevent or disrupt access to, or the dissemination of, information online, and stressing the importance of a free, open, interoperable, reliable and secure Internet.”²⁷ It further called on States to “refrain from imposing restrictions on the free flow of information and ideas that are inconsistent with relevant obligations under international law, including articles 19 and 20 of the International Covenant on Civil and Political Rights, through practices such as the use of Internet shutdowns and online censorship to intentionally prevent or disrupt access to or the dissemination of information.”²⁸

²³ UN Special Rapporteur on the right to peaceful assembly and association, States responses to Covid 19 threat should not halt freedoms of assembly and association, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25788&LangID=E>, 14 April 2020.

²⁴ UN General Assembly, Report of the Office of the United Nations High Commissioner for Human Rights on Internet shutdowns: trends, causes, legal implications and impacts on a range of human rights, UN Doc. A/HRC/50/55, para. 24, available at: <https://documents.un.org/doc/undoc/gen/g22/341/55/pdf/g2234155.pdf?token=xdoOrTv58vAKRkdqTq&fe=true>, 13 May 2022.

²⁵ Id., para 27.

²⁶ Id., para 59.

²⁷ UN General Assembly, Resolution on the promotion and protection of human rights in the context of digital technologies, UN Doc. (A/RES/78/213), available at: <https://documents.un.org/doc/undoc/gen/n23/422/28/pdf/n2342228.pdf?token=MFYkGMwcfvfMuUO2s&fe=true>, 19 December 2023.

²⁸ Id., para 18.

III. Israel's duties and obligations in the armed conflict under ICCPR, ICESCR, and Fourth Geneva Convention

21. The International Court of Justice (ICJ) confirmed in its 2004 Advisory opinion on the Legal Consequences of the Construction of a Wall in the OPT that Israel is obliged to extend the application of the Fourth Geneva Convention, the International Convention on Civil and Political Rights (ICCPR), the International Convention on Economic, Social and Cultural Rights (ICESCR), and other treaties to which it is a state party to people in the OPT.²⁹
22. Israel is a party to the ICCPR and the ICESCR.³⁰ In addition, Israel is bound by some key provisions under the Geneva Conventions, and notably by the Fourth Geneva Convention, which explicitly mandates the protection of civilian populations and their rights in occupied territories. This applies in cases where a nation is **partially or totally occupied** by soldiers of another nation, even when there is no armed resistance to that occupation.³¹

1. Civil and political rights

Duty to promotion of freedom of expression

23. Article 2 paragraph of the ICCPR establishes that each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the Covenant.

Right to freedom of opinion and expression

24. Article 19 of ICCPR guarantees the right to freedom of opinion and expression, which includes “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media.”
25. The UN Human Rights Committee's General Comment No. 34 on Article 19 ICCPR clarifies that Article 19 “protects all forms of expression and the means of their dissemination [...] includ[ing] [...] internet-based modes of expression.”³² Once an individual has shown the existence of a restriction on freedom of expression, the burden falls on the State to demonstrate that it passes the three-part test.

²⁹ International Court of Justice, Advisory opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, available at: <https://www.un.org/unispal/document/auto-insert-178825/>, 9 July 2004.

³⁰ OHCHR, Ratification Status for Israel, UN Treaty Body Database, available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=84&Lang=EN.

³¹ American Red Cross, Summary of the Geneva Conventions of 1949 and Their Additional Protocols, available at: https://www.redcross.org/content/dam/redcross/atg/PDF_s/International_Services/International_Humanitarian_Law/IHL_SummaryGenevaConv.pdf, April 2011.

³² Human Rights Committee, General comment No. 34 on Article 19: Freedoms of opinion and expression, UN Doc. CCPR/C/GC/34, available at: <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>, 12 September 2011.

23. General Comment No. 34 also emphasizes that State authorities wanting to place restrictions on freedom of expression “it must demonstrate in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat.”³³ The Committee adds that it is inconsistent with Article 19 “to prohibit a site or an information dissemination system from publishing material solely on the basis that it may be critical of the government or the political social system espoused by the government.”³⁴
24. Most importantly, General Comments No. 34 adds that “[restrictions] must be the least intrusive instrument amongst those which might achieve [State interests]”³⁵ and “Permissible restrictions generally should be content-specific; generic bans on the operation of certain sites and systems are not compatible with paragraph 3 [of Article 19].”³⁶

Right of peaceful assembly

25. Article 21 of ICCPR states that “[t]he right of peaceful assembly shall be recognized.” The General Comment No. 37 on Article 21 ICCPR clarifies that it protects peaceful assemblies on and offline or combination of them. It also clarifies that the country’s obligation extends to participants’ or organizers’ associated activities such as “mobilization of resources; planning; dissemination of information about an upcoming event; preparation for and traveling to the event; communication between participants leading up to and during the assembly; broadcasting of or from the assembly; and leaving the assembly afterwards.”³⁷ Internet shutdowns hinder online protests and all the associated activities conducted online in a blanket manner, which are prohibited under Article 21.
26. Article 21 of ICCPR is also interpreted as requiring the three-part test to justify a restriction. General Comments No. 37 sets a strict standard that is equivalent to Article 19 by requiring that “[r]estrictions must be necessary and proportionate in the context of a society based on democracy, the rule of law, political pluralism and human rights, as opposed to being merely reasonable or expedient. [...] They must also be the least intrusive among the measures that might serve the relevant protective function.”³⁸

2. Economic, social, and cultural Rights

³³ Id., para 35.

³⁴ Id., para 43.

³⁵ Id., para 34.

³⁶ Id., para 43.

³⁷ Human Rights Committee, General Comment No. 37 on Article 21 (Right of peaceful assembly), UN Doc. CCPR/C/GC/37, para. 33, available at: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-37-article-21-right-peaceful>, 17 September 2020.

³⁸ Id., para 40.

23. The internet is becoming increasingly essential to fundamental societal systems, including business, banking, health, education, public administration, and social and cultural life. Thus, internet shutdowns affect not only political and civil rights, such as the rights to free expression, access to information, and peaceful assembly, but also economic and cultural rights.
24. Unlike ICCPR, which imposes immediate obligation on States, Article 2(1) of ICESCR requires States to “undertakes to take steps [...] to the maximum of its available resources, with a view to achieving progressively the full realization of the rights,” because, according to General Comment No. 3, “full realization of all economic, social and cultural rights will generally not be able to be achieved in a short period of time.”³⁹
25. However, the General Comments set out that any deliberately retrogressive measures in that regard would require the most careful consideration, and according to General Comment no. 25, “[Retrogressive] measures should remain in place only insofar as they are necessary; mitigate inequalities that can grow in times of crisis and ensure that the rights of disadvantaged and marginalized individuals and groups are not disproportionately affected; and guarantee the minimum core obligations.”⁴⁰ There is a strong presumption of impermissibility of any retrogressive measures taken in relation to rights outlined in ICESCR. Unlike an omission of or delay in internet infrastructure investment, for example, internet shutdowns are a deprivation of internet connectivity which already functioned and served as a basis for lives of the affected people. This is a deliberately retrogressive measure, which triggers the strong assumption of impermissibility.
26. Also, General Comment no. 20 clarifies that Article 2(2) imposes the immediate obligation on States to guarantee that the rights protected under ICESCR will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁴¹ Therefore, if internet shutdowns are implemented based on these attributes the internet shutdowns are unlawful.

Right to work

27. Article 6 of ICESCR protects the right to work, including the right to the opportunity to gain living by work which an individual freely chooses, and requires States to take appropriate

³⁹ OHCHR, General Comment No. 3: The Nature of States Parties' Obligations (Art. 2, Para. 1, of the Covenant), UN Doc. E/1991/23, para. 9, available at: <https://www.refworld.org/legal/general/cescr/1990/en/5613>, 14 December 1990.

⁴⁰ Committee on Economic, Social and Cultural Rights, General comment No. 25 (2020) on article 15: science and economic, social and cultural rights, UN Doc. E/C.12/GC/25, available at: <https://documents.un.org/doc/undoc/gen/g20/108/12/pdf/g2010812.pdf?token=s85L2AjWE8K7TNmQCE&fe=true>, 30 April 2020.

⁴¹ Committee on Economic, Social and Cultural Rights, General Comment No. 20: Non-discrimination in economic, social and cultural rights, UN Doc. E/C.12/GC/20, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11, 2 July 2009.

steps to safeguard this right. The internet has long been an important infrastructure to secure employment and the right to work. Internet shutdowns infringe on the right to work by depriving affected people of opportunities to work, or otherwise force them to engage in brick-and-mortar works with higher risks.

Right to health

28. Article 12 of ICESCR protects the right to the enjoyment of the highest attainable standard of physical and mental health. States are obliged to, among others, the prevention, treatment and control of epidemic, endemic, occupational, and other diseases. Like the right to work, the internet has already become an important infrastructure to better enjoy physical and mental health. People are relying more on online communication with their loved ones and therapists to maintain their mental health. Internet shutdowns infringe on the right to health by cutting off their lifeline to getting help and support that they need to stay healthy as well as inflicting mental and/or physical harm on individuals.

Right to education

29. Article 13 of ICESCR protects the right to education. General Comment no. 13 clarifies that States are obliged to implement educational institutions and programs accessible to everyone. In the wake of online courses, asynchronous classes, and all forms or levels of commitment to higher education becoming online, internet shutdowns hinder people's ability to attain education.⁴²

Right to science and culture

30. Article 15 of ICESCR protects the right to take part in cultural life and the right to enjoy the benefits of scientific progress. In the modern era, the most convenient and economical mechanism for access to cultural products (literature, news content, popular entertainment, etc.) and scientific progress and its applications (scientific literature, computer coding, and web development resources and repositories, open source data for experimentation purposes) is provided by the internet. Internet shutdowns infringe on the right to science and culture by depriving people affected of opportunities to access to cultural products and scientific progress and its applications.
31. Further, General Comment no. 25 clarifies that Article 15 imposes an immediate obligation on States to respect the right to science, including to refrain from interfering directly or indirectly in the enjoyment of this right. This obligation includes, among others, "eliminating censorship or arbitrary limitations on access to the Internet, which undermines access to and

⁴² Committee on Economic, Social and Cultural Rights, General Comment No. 13 (Twenty-first session, 1999), The right to education (article 13 of the Covenant), UN Doc. E/C.12/1999/10, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11, 08 December 1999.

dissemination of scientific knowledge.”⁴³ Such conduct can be justified only in accordance with the three-part test as the then UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, David Kaye, also reiterated in his 2020 report, that the right to freedom of expression supports this freedom aspect of the right to science.⁴⁴

3. Fourth Geneva Convention

General protections

32. Article 25 of the Fourth Geneva Convention provides that all persons in a territory occupied by a party to the conflict, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. This correspondence shall be forwarded speedily and without undue delay. Additionally, Article 26 states that each party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organizations engaged on this task such as humanitarian, human rights, or news and media entities.
33. Article 27 of the Fourth Geneva Convention provides the general protection of civilians, stating that they are to be protected against all acts of violence or threats and against insults and public curiosity. This article lays the foundation for the protection of human rights in occupied territories. Expanding on these protections, Common Article 3 to the Geneva Conventions states “all persons not actively participating in hostilities, including those who have laid down their arms or are hors de combat due to sickness, wounds, or detention, must be treated humanely without discrimination based on race, color, religion, sex, birth, wealth, or similar criteria.” Prohibited acts include: (1) Violence to life and person, such as murder, mutilation, cruel treatment, and torture; (2) Taking hostages; (3) Outrages upon personal dignity, including humiliating and degrading treatment; (4) Passing sentences and carrying out executions without a prior judgment from a regularly constituted court with necessary judicial guarantees; and (5) The wounded and sick must be collected and cared for.

Inviolability of rights

34. Article 47 of the Fourth Geneva Convention ensures that protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory.

Duty to facilitate working institutions with respect to children

⁴³ Committee on Economic, Social and Cultural Rights, General comment No. 25 (2020) on article 15: science and economic, social and cultural rights, UN Doc. E/C.12/GC/25, para. 42, available at: <https://documents.un.org/doc/undoc/gen/g20/108/12/pdf/g2010812.pdf?token=s85L2AjWE8K7TNmOCE&fe=true>, 30 April 2020.

⁴⁴ UN General Assembly, supra note 20.

35. Article 50 of the Fourth Geneva Convention states that the Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children. Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.
36. Whereas in previous years it would be hard to conceive, Article 50 applies now more than ever to the facilitation of internet shutdowns because in the age of digital information, children look to the internet for their care and education. The Asian Journal of Distance Education set out a qualitative study of the use of technology for education in Palestine. The “most significant findings of this study is the usefulness of using technologies in responding to the COVID-19 crisis in Palestine and other countries in terms of raising safety awareness, communication, and the design and delivery of educational materials.”⁴⁵

Duty to prevent destruction of property

37. Article 53 of the Fourth Geneva Convention establishes a duty to prevent the destruction of property which includes cell phone towers, internet cables and infrastructure. Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

Duty to maintain infrastructure necessary for public health

38. Article 56 of the Fourth Geneva Convention specifically addresses the duty of the Occupying Power to ensure and maintain, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health, and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. This article can be interpreted in the modern context to include the maintenance of infrastructure critical for public health, such as internet services that facilitate access to medical information and services.⁴⁶

IV. Internet shutdowns perpetrated in the Gaza Strip since October 7, 2023

⁴⁵ <https://files.eric.ed.gov/fulltext/EJ1285312.pdf>

⁴⁶ ICRC, Identifying protected missions in the digital domain, available at: <https://blogs.icrc.org/law-and-policy/2021/09/23/protected-missions-digital-domain/>, 23 September 2021.

39. Since October 7, 2023, telecommunications and internet access have been severely limited in the Gaza Strip as Israel commenced its military assault.⁴⁷ Evidence indicates that the outages across Gaza are a result of a combination of **direct attacks on civilian telecommunications infrastructure** (including cell towers, fiber optic cables, and offices of internet service providers), **restrictions to access to electricity** (through infrastructure attacks, denial of service, and blockading of fuel required to run generators),⁴⁸ and **deliberate technical disruptions to telecommunications services by Israeli-operated upstream providers**. Where connectivity has been available, it has been unreliable both in quality and in location, with pockets of access opening up intermittently. To the date of this submission, residents of Gaza struggle to remain connected or have access to a reliable and safe communications system.
40. According to Access Now's in-depth analysis of connectivity status of the main internet service providers (ISPs) across the Gaza Strip between October 4 and 31, 2023, **15 of the 19 providers operating in Gaza were facing a complete shutdown of their mobile and broadband services**, and the remaining four were each experiencing significant but varying levels of disruption, impacting millions of people. **As a result, internet traffic across Gaza decreased by over 80% in October 2023.**⁴⁹
41. As of January 9, 2024, 12 Palestinian ISPs remain under a complete, ongoing shutdown since October. These include: [Netstream](#), [Speedclick](#), [TechHub](#), [AlfaNet](#), [JetNet](#), [DCC](#), [DCC Khan Younis](#), [DCC North](#), [DCC Rafah](#), [PalWifi](#), [CityNet](#), and [Fusion](#). In the very early days of its military operation in Gaza, the Israeli army targeted and damaged parts of the internet and telecommunications infrastructure in the Gaza Strip including attacking mobile cell towers, cables, electrical grids, internet servers, and internet service providers (ISP) offices. For instance:
- i. As early as October 8, 2023, at least three Palestinian ISPs, Fusion,⁵⁰ AlfaNet,⁵¹ and HiNet,⁵² reported that their services went down due to the targeting of their offices and services infrastructure by the IDF.

⁴⁷ Access Now, #KeepItOn: Telecommunications blackout in the Gaza Strip is an attack on human rights, available at: <https://www.accessnow.org/press-release/communications-blackout-gaza-strip/>, 13 October 2023.

⁴⁸ See Arwa Damon, X: <https://x.com/IamArwaDamon/status/1711616538585763955>.

⁴⁹ Id., supra note 51.

⁵⁰ See Fusion's statement here: <https://www.facebook.com/photo?fbid=724655189687368&set=a.503024435183779>

⁵¹ AlphaNet, Facebook, 8 October 2023:

<https://www.facebook.com/AlfaNetIT/posts/pfbid02GSsU8PdChNkczmp4RT1k3RZZdY8vN9YZXf4UUVx2F7CutcWKzu4TcuYggZ2e67sl>

⁵² HiNet, Facebook, 9 October 2023:

<https://www.facebook.com/HiNet.Gaza/posts/pfbid02YKcy7r9ywaiqLYMZr5KEEWZDPvd3yoPUMKKzNrFuDnApsMQhST2Q8nQBDuTV5Msl>

- ii. On the same day, Israeli airstrikes targeted and destroyed the 14-story Al-Watan Tower in Gaza City, a commercial building which housed media offices as well as ISPs.⁵³
- iii. On October 9, 2023, Palestinian ISPs JetNet, AlfaNet, TechHub-HiNet, Fusion, PalWiFi, CityNet, SpeedClick, DCC experienced shutdowns around the same time of day (4:30-6:30 pm local time, UTC+3), most likely as a result of attacks on infrastructure.⁵⁴
- iv. On October 9, 2023, Israeli forces bombed and destroyed the main offices of Paltel Group and its subsidiary mobile network operator Jawwal, one of the two telecommunications and mobile operators in Gaza.⁵⁵
- v. On October 10, 2023, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported that Israeli airstrikes “targeted several telecommunication installations, destroying two of the three main lines for mobile communication.” Gaza residents were left to rely on just one line for mobile and internet connections, resulting in disruptions to mobile and internet services.⁵⁶
- vi. On November 21, 2023, Israeli airstrikes [targeted](#) a number of cell towers resulting in communications outage in northern Gaza.⁵⁷
- vii. As of October 29, 2023, Paltel reported that 83% of fixed line users, 54% of fixed line sites, and 50% of primary fiber-optic internet lines were non-operational due to infrastructure damage and fuel shortages.⁵⁸ Paltel also stated that all parts of its infrastructure have been impacted including “radio sites, switches, data centres, office buildings, showrooms, cable networks, street cabinets, etc.”⁵⁹ It further reported that 80% of its over 500 cell towers in Gaza have been destroyed during the war.⁶⁰ The damage is a result of Israeli direct bombardment and bulldozing of streets and pavements; power outages due to Gaza’s power plant shutdown, diesel shortages, and solar panels destruction;

⁵³ Middle East Monitor, Israeli air strikes take down commercial building in Gaza, available at: <https://www.middleeastmonitor.com/20231008-israeli-air-strikes-take-down-commercial-building-in-gaza/>, 8 October 2023.

⁵⁴ Access Now, Palestine unplugged: how Israel disrupts Gaza’s internet, available at: <https://www.accessnow.org/publication/palestine-unplugged/>, 10 November 2023.

⁵⁵ See footage documentation here: <https://israelpalestine.liveuamap.com/en/2023/9-october-israel-has-bombed-the-headquarters-of-the-two-main>.

⁵⁶ UN OCHA, Hostilities in the Gaza Strip and Israel - Flash Update #4, available at: <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-4>, 10 October 2023.

⁵⁷ Roya News, Communications interruption in Gaza City and the northern Gaza Strip after a number of towers were targeted, available at (in Arabic): <https://royanews.tv/news/314473>, 21 November 2023.

⁵⁸ Emergency Telecommunications Cluster, Global ETC Teleconference Minutes: Palestine #1 - 29 October 2023, available at: <https://www.etcluster.org/document/global-etc-teleconference-minutes-palestine-1-29-october-2023>

⁵⁹ Access Now, Paltel Group’s response to Access Now and Human Rights Watch’s letter, available at: <https://www.accessnow.org/press-release/paltel-group-response-letter-access-now-hrw/>, 15 November 2023.

⁶⁰ NPR, Destruction from the war with Israel has cut Gaza off from the outside world, available at: <https://www.npr.org/2024/03/03/1229402063/gaza-communications-cell-phone-internet-service-blackouts-paltel>, 3 March 2024.

and connectivity loss due to local network damage including street poles, fiber and copper cables, as well as street cabinets.

42. In addition to targeting and damaging internet infrastructure, **Israel has targeted Palestinian telecom technicians and crews while on duty to do repair work required to restore connectivity in Gaza.**⁶¹ According to Paltel, their teams can only move during periods of ceasefire and if granted safe passage by the Israeli authorities, which often are not granted.⁶² Crews, however, were targeted even after their movement was approved and coordinated with the IDF. On January 13, 2024, an Israeli tank shelled the vehicle of a Paltel crew killing two staffers, Nader Abu Hajjaj and Bahaa Al-Rayes, while returning from a mission to repair a damaged switchboard generator in Khan Yunis.⁶³ A media investigation into the incident revealed that the attack was deliberate, despite Paltel's coordination with the Israeli military for a safe passage, including receiving and following a detailed map from the IDF specifying the exact routes the crew was authorized to take.⁶⁴ A month prior, Abu Hajjaj, was targeted while fixing cables and replacing batteries on a building in Khan Yunis despite coordinating his movement with the Israeli authorities.⁶⁵
43. Since October 11, 2023, Gaza has gone under a full electricity blackout following Israel's shutdown of Gaza's sole power plant. This has forced essential services, including ISPs, to rely on backup generators and solar panels, which have also been targeted and devastated by Israeli airstrikes. **The lack of fuel, combined with infrastructure damage, has resulted in a significant decrease in connectivity across Gaza.** On November 16, 2023, the Gaza Strip was plunged into a complete communications blackout after fuel reserves were depleted.⁶⁶
44. Further to the ongoing connectivity dip across the Gaza Strip, Access Now has documented at **least fourteen full internet and telecommunications shutdowns between October 2023 and May 2024.** These communications blackouts varied in length and duration, ranging from a few hours to over a week. The first full communications blackout occurred between October 27 and 29, 2023 and lasted for 36 hours amid unprecedented bombardments as Israel prepared to launch its ground invasion of the Gaza Strip. The blackout caused a wide state of panic and anxiety among the civilian population, emergency providers, humanitarian organizations, and several UN agencies in Gaza.⁶⁷ Successive full shutdowns in Gaza occurred on the following dates:

⁶¹ The New York Times, These Workers Are Risking Their Lives to Restore Gaza's Phone Network, available at: <https://www.nytimes.com/2024/03/13/world/middleeast/gaza-phone-networks.html>, 13 March 2024.

⁶² Id.

⁶³ See Jawwal's statement on 13 January 2024: <https://twitter.com/JawwalPal/status/1746218633221591108>

⁶⁴ +972 Magazine, A Gaza team went to repair a telecoms machine. An Israeli tank fired at them, available at: <https://www.972mag.com/paltel-workers-gaza-israeli-army/>, 1 May 2024.

⁶⁵ Id.

⁶⁶ Paltel, X, available at: <https://x.com/Paltelco/status/1725159705796821048?s=20>, 16 November 2023.

⁶⁷ The New York Times, 34 Hours of Fear: The Blackout That Cut Gaza Off From the World, available at: <https://www.nytimes.com/2023/10/29/world/middleeast/gaza-blackout-internet-israel.html>, 29 October 2023.

1. November 1, 2023 (8-9 hours);
2. November 5, 2023 (15 hours);
3. November 16-17, 2023 (30 hours);
4. December 4-5, 2023 (11-12 hours);
5. December 14-17, 2023 (72 hours);
6. December 20-21, 2023 (36 hours);
7. December 26-27, 2023 (24 hours);
8. January 12-19, 2024 (173 hours);
9. January 22-28, 2024 (48 hours)
10. March 5, 2024 (4 hours);
11. March 12, 2024 (4 hours);
12. April 25, 2024; and
13. May 12, 2024 (7 hours).

45. **Some of these connectivity blackouts were deliberate and premeditated.** On October 23, 2023, the Israeli Ministry of Communications publicly stated its “ongoing examination and preparation for the shutting down of cellular communications and Internet services to Gaza,”⁶⁸ while outlining extensive steps it is undertaking to ensure telecommunications in Israel remain stable, in particular for settlements surrounding the Gaza Strip. **Despite the premediation, neither the Palestinian Authority nor the Palestinian telecom providers were notified ahead of full shutdowns.** On October 29, 2023, for instance, the Palestinian Minister of Communication Ishaq Sidr [stated](#) that the ministry was not notified of Israel’s decision to completely shut down internet and telecommunications access in Gaza two days prior. Similarly, Paltel initially attributed the internet outage on October 26 to intensive bombardment. However, it informed Access Now that “when service was restored without our intervention, it was quite clear that these disruptions resulted from deliberate actions perpetrated by Israeli authorities, and it happened twice afterward. All international fiber cables that connect Gaza to the West Bank and the world go through Israeli Territories and, as a matter of fact, the Israeli Authorities can bring down connections whenever they want.”⁶⁹

46. Below are the details of each full shutdown incident in chronological order:

- i. On **October 27, 2023**, Jawwal and Paltel announced the complete shutdown of their internet and telecommunications services in the Gaza Strip. While they initially announced that the shutdown was due to Israel’s heavy bombardment and the full destruction of their infrastructure, Paltel stated that “when service was restored without our intervention, it was quite clear that these disruptions resulted from deliberate actions perpetrated by Israeli authorities, and it happened twice afterward. All international fiber cables that connect Gaza to

⁶⁸ Israeli Ministry of Communications, Summary of the activities of the Ministry of Communications – ten days into the war, available at: <https://www.gov.il/en/pages/17102023>, 23 October 2023.

⁶⁹ Id., **para**

the West Bank and the world go through Israeli Territories and, as a matter of fact, the Israeli Authorities can bring down connections whenever they want.”⁷⁰ The services were gradually restored 36 hours later on October 29, 2023.⁷¹

- ii. On **October 30, 2023**, Paltel announced that its services were disrupted in different parts of northern Gaza due to Israeli heavy bombardment.⁷²
- iii. On **November 1, 2023 at 2:58 am local time**, Israeli authorities cut off internet and telecommunications services in Gaza overnight for around 8-9 hours.⁷³ Around 12:30 pm local time, Paltel reported that the internet was gradually restored.⁷⁴ An hour later, however, Paltel announced the internet was down again.⁷⁵
- iv. On **November 5, 2023**, Gaza plunged into another communications blackout as the Israeli military announced that it had besieged Gaza City and consequently divided the Gaza Strip into two.⁷⁶
- v. On **November 13, 2023**, Palestinian telecommunications companies, Paltel and Jawwal, sounded the alarm about an imminent complete shutdown if fuel were not allowed into the Gaza Strip on time.⁷⁷ On November 15, Paltel tweeted: “Our main data centers and switches in Gaza Strip are gradually shutting down due to fuel depletion. Currently, main network elements depend solely on batteries. This will lead to a complete telecom blackout in the coming hours.”⁷⁸ Consequently, on **November 16 at 16:31 pm local time**, Paltel announced that all telecommunications services went down in Gaza as fuel depleted.⁷⁹ Between November 17-18, internet traffic was gradually

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⁷¹ See Jawwal’s statement: <https://x.com/JawwalPal/status/1718471250924777698?s=20> and Paltel’s: <https://x.com/Paltelco/status/1718469093450289659?s=20>

⁷² Al Jazeera, Communication and Internet outage in various areas in northern Gaza, available at (in Arabic): <https://www.aljazeera.net/news/2023/10/30/%D8%A7%D9%86%D9%82%D8%B7%D8%A7%D8%B9-%D8%A7%D9%84%D8%A7%D8%AA%D8%B5%D8%A7%D9%84-%D9%88%D8%A7%D9%84%D8%A5%D9%86%D8%AA%D8%B1%D9%86%D8%AA-%D8%A8%D9%85%D9%86%D8%A7%D8%B7%D9%82>, 30 October 2023.

⁷³ Doug Madory, X, available at: <https://twitter.com/DougMadory/status/1719554102865100920>, 1 November 2023.

⁷⁴ Paltel, X, available at: <https://x.com/Paltelco/status/1719664619214565831?s=20>, 1 November 2023.

⁷⁵ See Paltel’s statement: <https://x.com/Paltelco/status/1719673586493829535?s=20>

⁷⁶ Associated Press, Gaza has lost telecom contact again, while Israel’s military says it has surrounded Gaza City, available at: <https://apnews.com/article/israel-hamas-war-news-11-05-2023-eb1dfa6afe40ba267024c7d819e17194>, 6 November 2023.

⁷⁷ Paltel, X, available at: <https://x.com/Paltelco/status/1724014148437045527?s=20>, 13 November 2023.

⁷⁸ Al Jazeera, Gaza telecom companies warn of coming blackout amid Israeli attacks, available at: <https://www.aljazeera.com/news/2023/11/15/gaza-telecom-companies-warn-of-coming-blackout>, 15 November 2023.

⁷⁹ Paltel, X, available at: <https://x.com/Paltelco/status/1725159705796821048?s=20>, 16 November 2023.

restored after Paltel received fuel through UNRWA to resume its operations.⁸⁰

- vi. On **December 4 at 19:20 local time**, Paltel announced that all services had shut down due to damages on the main optic fibre routes.⁸¹ Data from Cloudflare and IODA also showed internet traffic to the region dropping at 19:30 local time.⁸² The services were gradually restored the next morning on December 5 around 7:20 local time with the disruption lasting nearly 11 to 12 hours.⁸³
- vii. On **December 14, 2023 at 17:44 local time**, Paltel announced the complete loss of all telecommunications services in the Gaza Strip, attributing the shutdown to the ongoing Israeli aggression.⁸⁴ Cloudflare data showed a decline in traffic at a governorate level just after 17:00 local time.⁸⁵ Three days later, on December 17 at 16:52 local time, telecom services were gradually restored in the central and southern areas of the Gaza Strip after Paltel had successfully managed to repair damages “after numerous attempts in the past days with the help of relevant international bodies.”⁸⁶
- viii. On **December 20, 2023 at 9:54 local time**, Paltel announced that all telecom services in the Gaza Strip had been lost due to Israel’s military aggression.⁸⁷ Cloudflare data also showed a [decline in traffic](#) in the region after 09:00 am local time.⁸⁸ The following day, on December 21 at 20:32 local time, telecommunications services in the central and southern areas of the Gaza Strip were gradually restored.⁸⁹ The outage lasted nearly a day and a half.⁹⁰
- ix. On **December 26, 2023 at 17:23 local time**, Paltel announced the complete loss of all telecommunications and internet services across the Gaza Strip due to the aggression, resulting in another full communications blackout for

⁸⁰ Cloudflare, X, available at: <https://twitter.com/CloudflareRadar/status/1726195222294458588>, 19 November 2023; See also Doug Madory’s post at: <https://twitter.com/DougMadory/status/1725619634064212322> and IODA at: https://x.com/IODA_live/status/1725173038671331613?s=20.

⁸¹ Paltel, X, available at: <https://twitter.com/Paltelco/status/1731740390691066263?s=20>, 4 December 2023.

⁸² Cloudflare, X, available at: <https://twitter.com/CloudflareRadar/status/1731746110987702538>, 4 December 2023; See also IODA’s post: https://twitter.com/IODA_live/status/1732040094335549478.

⁸³ Paltel, X, available at: <https://twitter.com/Paltelco/status/1731921449781199129>, 5 December 2023.

⁸⁴ Paltel, X, available at: <https://twitter.com/Paltelco/status/1735324896677216391>, 14 December 2023.

⁸⁵ Cloudflare, X, available at: <https://twitter.com/CloudflareRadar/status/1735332016088854940>, <https://twitter.com/Paltelco/status/1735324896677216391>, 14 December 2023.

⁸⁶ Paltel, X, available at: <https://twitter.com/Paltelco/status/1736398936750117082>, 17 December 2023.

⁸⁷ Paltel, X, available at: <https://twitter.com/Paltelco/status/1737380988064272472>, 20 December 2023.

⁸⁸ Cloudflare, X, available at: <https://twitter.com/CloudflareRadar/status/1737452631079977341>, 20 December 2023.

⁸⁹ Paltel, X, available at: <https://twitter.com/Paltelco/status/1737904003151987087>, 21 December 2023.

⁹⁰ Cloudflare, X, available at: <https://twitter.com/CloudflareRadar/status/1737933103765565669>, 21 December 2023.

Gaza.⁹¹ Data from Cloudflare indicated a decline in traffic from the region around 13:00 local time.⁹² The following day, December 27 at 12:17 local time, the ISP announced the gradual restoration of its telecommunications services in the central and southern areas of Gaza.⁹³ Cloudflare also reported that internet connectivity was returning to Gaza after a disruption lasting approximately 24 hours.⁹⁴

- x. On **January 12, 2024 at 16:23 local time**, Paltel announced another full telecommunications outage.⁹⁵ This was confirmed with data from Cloudflare that showed traffic dropping at 15:30 local time.⁹⁶ On January 19 at 20:41 local time, telecommunication services in various areas of the Gaza Strip were gradually restored.⁹⁷ Data from [Cloudflare](#) also shows traffic starting to increase in the Gaza, Khan Yunis, and Rafah governorates around 20:30 UTC **ending a blackout that lasted more than a week, the longest shutdown documented during the current war. Internet services were not restored to the entire Gaza Strip, however.**⁹⁸
- xi. On **January 22, 2024 at 18:08 local time**, Paltel stated that its services were down.⁹⁹ It started to gradually come back on January 24 at 10:06 local time.¹⁰⁰ Reports indicate, however, that phone lines were restored to the middle and northern areas, and internet services were not restored to the entire Gaza Strip since the start of the previous shutdown on 12 January.¹⁰¹
- xii. On **March 5, 2024**, an internet outage was reported in wide areas of Rafah, south of the Gaza Strip.¹⁰²
- xiii. On **March 12, 2024**, Cloudflare reported a full internet outage between 12:00 - 16:30 UTC. While connectivity was restored in Rafah and Gaza governorates, it remained down in Deir al-Balah. Khan Yunis was also reported to have

⁹¹ Paltel, X, available at: <https://twitter.com/Paltelco/status/1739668361837936669>, 26 December 2023.

⁹² Cloudflare, X, available at: <https://twitter.com/CloudflareRadar/status/1739822115073757377>, 27 December 2023.

⁹³ Paltel, X, available at: <https://twitter.com/Paltelco/status/1739953630512304193>, 27 December 2023.

⁹⁴ Cloudflare, X, available at: <https://twitter.com/CloudflareRadar/status/174003968822642579>, 27 December 2023.

⁹⁵ Paltel, X, available at: <https://twitter.com/Paltelco/status/1745813735627727091>, 12 January 2024.

⁹⁶ Cloudflare, X, available at: <https://twitter.com/CloudflareRadar/status/1745822239600111809>, 12 January 2024.

⁹⁷ Paltel, X, available at: <https://twitter.com/Paltelco/status/1748415439686824283>, 19 January 2024.

⁹⁸ OCHA, Hostilities in the Gaza Strip and Israel - Flash Update #98, available at: <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-98>, 21 January 2024.

⁹⁹ Paltel, X, available at: <https://twitter.com/Paltelco/status/1749464176756449631>, 22 January 2024.

¹⁰⁰ Paltel, X, available at: <https://x.com/Paltelco/status/1750082541330030746>, 24 January 2024.

¹⁰¹ OCHA, Hostilities in the Gaza Strip and Israel - Flash Update #102, available at: <https://ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-102>, 26 January 2024.

¹⁰² Quds News Network, X, available at: <https://twitter.com/QudsNen/status/1765100306353017128>, 5 March 2024.

remained offline since the previous outage on March 5.¹⁰³

- xiv. On **April 25, 2024**, Cloudflare reported internet traffic had dropped to zero across the Gaza Strip around 12:00 local time.¹⁰⁴
- xv. On **May 12, 2024**, Cloudflare reported internet traffic had significantly dropped across multiple governorates between 11:30 - 18:30 local time.¹⁰⁵ Paltel also reported on the disruption the same day.¹⁰⁶

V. The impact of internet shutdowns on the civilian population in Gaza

47. Internet shutdowns in times of war can inflict grave and immeasurable psychological, physical, and economic harm and suffering on individuals and communities as they are cut off from their family members and loved ones, and isolated from their surroundings. Shutdowns hamper people's ability to access life-saving information and services, such as ambulances and civil defense, or learn about safe relocation routes, or where to safely get food and medicine. They sow fear and confusion as people can't access reliable news, and cause loss of livelihoods and the ability to work or receive financial support. Thus, shutdowns constitute a violation of a plethora of rights, including the right to life, the right to freedom of peaceful assembly, the rights to freedom of expression and access to information, the right to enjoyment of the highest attainable standard of physical and mental health, the right to education, the right to work, the right to freedom of movement, among others.

48. **Most importantly, internet shutdowns often coincide with state violence and repression, and therefore, can be seen as a precursor for human rights abuses and atrocity crimes.**¹⁰⁷

In 2011, the International Criminal Court's (ICC) Pre-Trial Chamber I considered disruptions of internet and telecommunications services to be evidence of a State policy in crimes against humanity.¹⁰⁸ In its assessment of international crimes perpetrated by the Gaddafi regime in Libya, the court upheld that it held that "repeatedly blocking satellite transmission of [TV] channels [...] and disrupting internet and telecommunications services" was relevant evidence to find that "there [were] reasonable grounds to believe" that a State policy existed.¹⁰⁹

49. Between February and April 2024, Access Now has documented the detrimental impacts of internet shutdowns on the civilian population in Gaza through field interviews with over 50

¹⁰³ Cloudflare, X, available at: <https://x.com/CloudflareRadar/status/1767632877074722856>, 12 March 2024.

¹⁰⁴ Cloudflare, X, available at: <https://twitter.com/CloudflareRadar/status/1783470837355389142>, 25 April 2024.

¹⁰⁵ Cloudflare, X, available at: <https://twitter.com/CloudflareRadar/status/1789700634759045608>, 12 May 2024.

¹⁰⁶ Paltel, X, available at: <https://twitter.com/Paltelco/status/1789689242857181575>, 12 May 2024.

¹⁰⁷ See para. 18 of the submission.

¹⁰⁸ Access Now, Legal explainer: Internet and telecommunications shutdowns in the assessment of international crimes, available at: <https://www.accessnow.org/wp-content/uploads/2024/02/Shutdowns-and-ICI-Legal-Explainer.pdf>, February 2024.

¹⁰⁹

individuals across the strip.¹¹⁰ Notably, as many Gazans have testified, the internet shutdowns and telecommunications blackouts “**had an impact no less profound than the destruction, bombing, killing, and displacement witnessed throughout this ongoing war in Gaza.**” Some have even described the shutdowns as part of Israel’s “**psychological warfare**” and a **form of collective punishment** against the Palestinians in Gaza. Disrupting internet access and deliberately targeting critical civilian infrastructure,¹¹¹ including telecommunications,¹¹² as collective punishment¹¹³ or retaliation¹¹⁴ is a human rights violation forbidden by customary international humanitarian law and international humanitarian law regulating military occupation.

Psychological distress and harm

50. The shutdowns have caused Palestinians in Gaza to completely lose contact with their loved ones, sometimes for months. In numerous cases, people learnt about the killing of their family members or the destruction of their homes many months after. The inability of people to communicate with their relatives and loved ones or access news has been a major source of psychological distress and anxiety, especially as 85% of Gaza’s population — 1.9 million civilians— have been forcibly displaced,¹¹⁵ and many are forced to relocate multiple times due to continuous Israeli bombardment and attacks.¹¹⁶ An overwhelming majority of the testimonies described going through a state of “confusion,” as a result.
51. Hassan Awkal from Tal al-Zaatar neighborhood in northern Gaza pointed to the deliberate nature of these shutdowns. At the start of November, the communications blackout coincided with the escalation of bombing and destruction in his area; “from the outset, we observed a deliberate tactic by the occupying forces to target houses with communication towers atop them. This made communication difficult, we repeatedly tried to establish even a single connection. The occupation planes also intentionally targeted facilities and institutions that provide internet services to citizens, suggesting a systematic and deliberate plan behind the events unfolding.” The internet and telecommunications disruptions had a profound impact on his family as they were subject to direct Israeli bombardment, resulting in the tragic killing

¹¹⁰ Access Now received consent from interviewees to share their testimonies in this submission. Some testimonies are anonymized at the request of the individual.

¹¹¹ ICRC, Customary International Humanitarian Law, Rule 7. The Principle of Distinction between Civilian Objects and Military Objectives, available at: <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule7>.

¹¹² ICRC, Cyber Operations During Armed Conflict, The Principle of Distinction, available at: https://www.icrc.org/sites/default/files/wysiwyg/war-and-law/03_distinction-0.pdf, March 2023.

¹¹³ MSF, The Practical Guide to Humanitarian Law, available at: <https://guide-humanitarian-law.org/content/article/3/collective-punishment/>.

¹¹⁴ MSF, The Practical Guide to Humanitarian Law, available at: <https://guide-humanitarian-law.org/content/article/3/reprisals/>.

¹¹⁵ UN Press, As Israel’s Aerial Bombardments Intensify, ‘There Is No Safe Place in Gaza’, Humanitarian Affairs Chief Warns Security Council, available at: <https://press.un.org/en/2024/sc15564.doc.htm>, 12 January 2024.

¹¹⁶ UN, Gaza: Nearly 800,000 now displaced from Rafah, available at: <https://news.un.org/en/story/2024/05/1149951>, 18 May 2024.

of several family members: “I wouldn't be exaggerating if I said that the communication blackout left us in an unprecedented state of anxiety. We couldn't help but wonder about the intentions of the occupation army behind this disruption and what they were planning to do next.”

52. Mohamed Imad Awda, a plumber from Gaza City, said people started having difficulties making phone calls in early November; “we had to try numerous times just to get a call to connect.” But he experienced the impact of the full shutdown on November 19, which led him and his family to “become completely isolated from the world.” As a result, they were unable to access news: “Many events were happening around us, but none of us understood what was going on; we would hear about bombings here and there and sometimes see smoke plumes billowing from several places. We absolutely had no idea about what was going on. The worst feeling I had was whenever I heard about bombings in Al-Saha in the old Gaza City where my family house is located. I immediately started to wonder about what was happening and how my family was. What's strange about the situation is that I live just one kilometer away, but it's very difficult to go that short distance given the ongoing intense bombing and army incursion. That's when I grasped how pivotal the internet and communications are. **By shutting down communications in my neighborhood and elsewhere, Israel is deliberately putting us through an insurmountable psychological war.**”
53. Aaed Nadjm, a civil servant from Al-Maghazi in central Gaza, shares a similar experience during the internet outage in December 2023. The shutdown, he alleges, “constitutes a war crime on par with bombing, killing, and displacement. It has cut us off from the rest of the world and plunged us into a spiral of anxiety and fear for [our families'] safety. We found ourselves in a cycle of internal conflict, unaware of the events unfolding around us—bombing, destruction, and killing. How can we endure this brutal war without the reassurance of our loved ones, and without being able to provide them with reassurance in return? Isn't the killing enough?”
54. **In many cases, the telecommunications and internet disruptions coincided with intensified bombing and military attacks leading to further panic and anxiety.** Fidaa Yusif, a school teacher from Gaza City, experienced the shutdown in early November 2023 “during the darkest times, when the bombing was intensifying, and massacres were everywhere. At that time, we were in dire need of communication to check up on our families and relatives.” She struggled to maintain contact with her three brothers who live abroad whose “anxiety grew as they didn't know anything about us.” Their anxiety intensified further when her fourth brother who lived with her was displaced to Rafah; “this only amplifies our anxiety and underscores the urgent and indispensable need for communication. The shutdown has also impeded them from accessing news: “we heard bombings near our house, yet we were left in the dark about their nature or their aftermath due to the communication blackout. Meanwhile,

we were unable to leave the house to investigate the cause of the disturbances.”

55. Abdulrahman Sameh Jaber, a nurse at the Indonesian Hospital in northern Gaza, was forced to evacuate to the south following the Israeli forces' incursion into the hospital in mid-December 2023. He left his family behind in Jabalia Refugee Camp to work at the European Hospital in Khan Yunis: “The decision to accompany patients to southern Gaza was one I made without hesitation. I am accustomed to practicing my work in the darkest and most challenging circumstances. However, the internet and communications shutdown, witnessed by our people in northern Gaza, has dealt a significant blow to me. It caused me profound devastation, impacting my ability to effectively treat patients. I attempted to contact my family, but to no avail. They had no access neither to communications nor to the internet, which left me feeling lost and trapped in uncertainty. I followed the news and heard about the Israeli occupation forces storming Jabalia camp, resulting in dozens of martyrs and wounded. This only intensified the anxiety I am experiencing. I remained in this state until my brother, who was displaced to southern Gaza in late January 2024. He brought me news about my family, and I learned that the occupation forces had completely destroyed my family's home.”
56. A laborer from Al-Nuseirat Refugee Camp had to flee his work in Israel to the West Bank “out of fear of beatings and imprisonment” as the Israeli authorities started detaining Gaza workers in the early days of the war. When the internet was shut down on November 5, 2023, he lost contact with his family: “With great difficulty, I managed to communicate with friends, but unfortunately, I could not obtain any information about the situation of my family located west of Al-Nuseirat Camp. Movement has become extremely challenging due to the ongoing bombings. Suddenly, I received a message on WhatsApp from my neighbor, Mohamed, informing me that my family's home was directly bombed, resulting in the death of five of my brothers and injuries to others. The news hit me like a thunderbolt. I attempted to call Mohamed, but due to the weak internet connection and the intermittent sound, I could not hear his words. Late in the evening, I finally managed to get through to my neighbor. He delivered the heartbreaking news of my brothers' martyrdom, the injuries sustained by my father and mother, and the dire situation of my wife, son, and six other relatives trapped under the rubble. The crisis was exacerbated when I lost contact with my neighbor. Even attempts to call and send messages online proved futile. I lived in a state of confusion, spending more than a week wondering about my family's fate. I tried different methods to obtain any news about them. At times, I would call my relative in Turkey, but he had no information to offer. I even reached out to a journalist in Gaza, but unfortunately, I obtained no information as the journalist was situated in northern Gaza. After about a week, communication was suddenly restored, bringing a sense of relief as if my soul had returned to me. I managed to contact one of my relatives, who told me that my wife had survived but my child had been martyred. I endured profound pain and heartbreak, and to this day, I remain trapped in the West Bank.”

57. An employee who works in network maintenance from Sabra neighborhood in Gaza City describes the internet and communications blackout as **“another kind of war, a war against access to work, a war that nourishes fear and angst.”** Despite having access to an e-SIM card, he was unable to reach his relatives and friends as the war intensified: “Whenever I go online and come across news about bombings in a certain area, I would immediately attempt to contact my friends and relatives residing there to no avail. What seemed to be excessive worry at first turned out to be accurate, as we later learned about the loss of relatives and friends alike because of the occupation’s bombing, and we couldn’t have known that sooner due to the outage.”
58. Hanan Ayish from Gaza City emphasized the critical importance of the internet to access and receive information in times of war: “Before the war outbreak, I didn’t pay much attention to the internet, I only used to call my relatives and friends when necessary. However, everything changed after October 7, 2023. As my anxiety grew, I found myself constantly browsing the internet, checking social media, and following news platforms for updates. I was constantly reaching out to my family in Rafah. When the internet was completely shut down on November 7, 2023, “a sense of dread engulfed me as I realized we were now completely isolated from the outside world. We were caught off guard by the unfolding events around us, constantly wondering about the source of this intense bombing. Israel has succeeded in plunging us into a spiral of confusion, trapping us in a maze of despair, and causing a significant collapse among citizens, depriving us of our most fundamental right to communication.”
59. **The inability to access reliable news has led to the proliferation of misinformation which compounded people’s confusion and anxiety.** Ahmed Abu Qamar, a journalist and a researcher from Jabalia Refugee Camp, testifies: “We truly did not know a thing due to the internet shutdown, and it took a frustrating toll on us as rumors and speculations began to thrive. Once you step outside of your house, neighbors would hammer you with questions like: what is the latest news? Where are these noises of hostilities coming from? Was the bombing in the east or west? We never managed to get any confirmed information, we were stuck in this vicious circle for almost two months.”
60. Similarly, Salem Abu Omeyra from the Sheikh Radwan neighborhood in Gaza City, testified that “the communications and the internet disruption plunged us into a vortex of uncertainty about the events unfolding around us. We reached a point where we couldn't know who was killed, how many were killed, and their whereabouts. The shutdown exacerbated the proliferation of rumors among people, which negatively affected the community. We relied on news from fellow citizens, only to quickly realize their lack of credibility. The spread of rumors had a significant toll on people. It shook them and exacerbated their distress.”

Inability to access emergency aid and threat to physical safety

61. **Due to connectivity disruptions, emergency providers, hospitals, and humanitarian aid organizations were all impeded from doing their work and delivering timely life-saving support to civilians.** On October 26, 2023, for instance, Gaza's main emergency provider, the Palestinian Red Crescent completely lost contact with its operations room and all their teams in Gaza Strip, hindering their ability to provide medical aid to the injured and sending ambulances on time.¹¹⁷ Similarly, the World Health Organization (WHO), UNICEF,¹¹⁸ Medecins Sans Frontiers,¹¹⁹ Medical Aid for Palestinians,¹²⁰ Action Aid,¹²¹ and others have also reported the loss of contact with their staffers in Gaza and concern for their safety.
62. To overcome these disruptions, some neighborhood committees in northern Gaza devised a cumbersome communications method. In Jabalia Refugee Camp, for instance, an ambulance and a civil defense vehicle were stationed at each main intersection, so they can be mobilized when there are bombings or are summoned by the nearest people who can reach them. During nighttime, people used a flashlight to send signals in the direction of the vehicles in case of bombardment. Once the flashlight signal is seen, the vehicles will rush towards it. Despite such efforts, the inability to call emergency services on time has forced residents to cross into danger zones and expose themselves to serious harm in order to reach life-saving aid.
63. Sahar Al Majdalawi from Bir al-Naja neighborhood in northern Gaza, west of Jabalia Refugee Camp, stated that her area was one of the first to endure communications outages in Gaza. According to her testimony, the shutdown propelled the displacement of several families to the center of the camp so they can remain in contact with their relatives and handle emergency situations. Her parents, however, preferred to remain at home; "I don't know whether this was the right decision, but we stayed. On November 3, Israeli occupation aircrafts bombed my uncle's house, which is right next to ours. We quickly left the house to find very few neighbors coming to our rescue at a time when the majority had been displaced. The main problem was the absence of communication. The civil defense and ambulances were unaware of bombing locations, and we could not reach them, especially since we live in an area far from the city center." **The inability to call emergency services can put civilians in harm's way as they have to physically reach the nearest emergency contact point.** Due to the shutdown, "my father had no choice but to quickly get on his bicycle and go to the ambulance and emergency checkpoint to tell them about the bombing. Can you imagine having to deliver news about a bombing on a bicycle?"

¹¹⁷ Palestinian Red Crescent, X, available at: <https://twitter.com/PalestineRCS/status/1717953723605901373>, 27 October 2023.

¹¹⁸ UNICEF, X, available at: <https://twitter.com/unicefchief/status/1718002929771196452>, 27 October 2023.

¹¹⁹ MSF, X, available at: <https://twitter.com/MSF/status/1718005591530979717>, 27 October 2023.

¹²⁰ Medical Aid Palestine, X, available at: <https://twitter.com/MedicalAidPal/status/1717978133456994319>, 27 October 2023.

¹²¹ Action Aid UK, X, available at: <https://twitter.com/ActionAidUK/status/1717989569746837964>, 27 October 2023.

64. Abu Qamar points to a similar experience: “We didn’t know the locations of the occupation forces, this applied to all residents of northern Gaza. Many people were killed because they unknowingly crossed streets in which Israeli snipers were positioned; and the shutdown may have been the main factor behind that. That’s why my family and I remained inside the house at the time. When we go out to buy some necessities, we deliberately stay close to the vicinity of our neighborhood and ask passers-by about how safe the route is. We never walk down deserted streets.”
65. Awkwal stated that in December 2023, at the time of bombing his area, they were unable to reach emergency and civil defense services due to the communications outage, thus delaying their arrival for assistance, which “led to a state of confusion and further distress.”
66. Fady Hijazi, a football player from Al-Shati Refugee Camp, plunged into “a spiral of anxiety and immense psychological pressure” after losing contact with his wife and two children who were displaced to the south: “A day, a week, and then a month passed without the return of communication services, and I remained unaware of the whereabouts of my wife and children. The last word I received indicated that they had sought refuge at her aunt’s house in Deir Al-Balah. It’s impossible to fathom the intensity of emotions we endure every day, particularly when we hear news of bombings in Deir al-Balah. The uncertainty is likely mutual for my wife, who remains unaware of my situation. The first contact with my wife and children, which took place with great difficulty, was filled with tears. **I had to go to a location on the outskirts of the camp to make the connection, and it was close to where occupation vehicles were stationed.**”
67. Samira Abu Youssef from Gaza City describes the shutdowns as “no less ferocious than the scenes of bombing and destruction. Airstrikes kill people and destroy homes, and communication disruptions shutter hearts and feelings and put people in a state of stress, anxiety, and fear for family.” On November 29, 2023, she heard on the local radio that Israeli forces bombed a house belonging to Abu Youssef’s family: “I wanted to go out alone, but my husband stopped me because of the bombing and the danger of traveling long distances alone in those circumstances. It was a heart-wrenching night as the internet and communications were shut down. The pain was excruciating; did the bombing target my family’s house? Are they okay? How were they? There are no other people from the same family in that area. In the morning hours, I got to the bottom of it. I quickly went to my family’s house despite the bombing and destruction. Indeed, my family’s house was completely destroyed. My brother was martyred, my sister was injured, and the rest of the family miraculously survived.”
68. Fatima Shaheen from Al-Nuseirat in central Gaza said she endured extremely challenging days due to the shutdowns in December 2023: “Anxiety has consumed me with each bombing in Gaza City, particularly in the Al-Sabra neighborhood where my family is located. For weeks, I

searched tirelessly for ways to communicate with them, but to no avail. I would sit obsessively at night consumed by thoughts of my family's whereabouts and whether they were safe. I finally managed to contact them online in mid-January 2024. I learned that a house adjacent to my family's house was bombed, resulting in the tragic death of two of my nephews. The suffering didn't end there. It escalated to the point where a house near mine was bombed, and we were unable to call an ambulance or civil defense for help. One of the youths in the area had to run to the emergency checkpoint to call for help, causing a delay in their response. It's true we didn't perish in this war, but the repercussions we endure—from the devastation of war, the loss of communication, and the scourge of hunger—are no less agonizing than death itself.”

69. Amany Gosh from Al-Nuseirat lost contact with her family in October 2023 causing her severe distress: “My family's house is located near Birkat Abu Rashid in northern Gaza Strip, adjacent to Al-Yemen Al-Saeed Hospital, which Israeli occupation forces targeted last December. The abrupt internet shutdown in northern Gaza made it impossible for me to get any updates from them. We heard reports of bombings near their house and an incursion into the Jabalia camp, all while remaining completely unaware of my family's status. I have endured this anxiety and tension for several weeks until a relative of ours, who was displaced from the north to central Gaza, reassured me about my family. He informed me that my brother was injured and my cousin was killed. We continued to get updates about my family from displaced people. I would stand along Salah Al-Din Road, eagerly awaiting the arrival of displaced groups. As soon as I spotted someone, I would hurriedly approach them, anxiously inquiring about the situation of my family and their area. The occupation deliberately pushed the residents of the Gaza Strip into a state of collapse, bombing homes while their residents were still inside, followed by cutting off the internet, and exacerbating the situation by subjecting Gazans to a harsh famine.”
70. Another testimony shared with Access Now demonstrates **how internet shutdowns had negatively impacted people's ability to safely access food and medicine in northern Gaza**: “When it comes to food, we barely secured some during raids or heavy bombardment. The only fear was not knowing where the military is stationed. This meant that people may go into streets covered by the occupation's snipers and vehicles. As for medication, we were going through a real crisis, especially during the early days when there was talk of the Israeli military raiding hospitals. We could not know if this news was true due to the shutdown.” It's worth noting that, according to the Palestinian Ministry of Health in Gaza, there are 350,000 chronically ill patients who do not have access to medicine since October 7, 2023.¹²² The Health

¹²² Anadolu Agency, “Gaza Health”: 350,000 chronic patients in the Strip “without medication”, available at (in Arabic): <https://www.aa.com.tr/ar/%D8%A7%D9%84%D8%AF%D9%88%D9%84-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A%D8%A9/%D8%B5%D8%AD%D8%A9-%D8%BA%D8%B2%D8%A9-350-%D8%A3%D9%84%D9%81-%D9%85%D8%B1%D9%8A%D8%B6-%D9%85%D8%B2%D9%85%D9%86-%D9%81%D9%8A-%D8%A7%D9%84%D9%82%D8%B7%D8%A7%D8%B9-%D8%A8%D9%84%D8%A7-%D8%AF%D9%88%D8%A7%D8%A1-/3110131>, 16 January 2024.

Emergency Committee in Gaza has also documented between 40 to 50 deaths a day due to lack of access to medical care and attention (compared to a rate of five in pre-war times).¹²³

Economic harms

71. Due to Israel's ongoing blockade on Gaza, and consequently extremely high poverty and unemployment rates, many Gazans were forced to leave the Gaza Strip or find remote work opportunities online.¹²⁴ Many Palestinians — including journalists, researchers, tech workers, among others— have lost their jobs as a result of internet shutdowns or were unable to receive money transfers from their relatives abroad.¹²⁵
72. Mohamed Mattar, a teacher, was displaced to Rafah while his family remained in northern Gaza. During the communications blackout, he said they “were completely isolated from the outside world and had no information about what was happening in the Gaza Strip. We relied on journalists to answer our questions and worried greatly when they informed us about airstrikes in close proximity to where our families were.” The shutdown impeded him from transferring money to his family members remaining in northern Gaza: “My family was suffering from starvation, food scarcity, and skyrocketing prices...My father is suffering from cancer and his health condition has worsened, especially when we heard about the hospitals being stormed. I constantly wondered how he was doing because I couldn't reach him. This situation persisted for more than 40 days until I finally received a call from my brother, who reassured me about my family. Only then was I able to feel relieved.”
73. A private sector employee lost his job because of the shutdown in Gaza city; “five months have gone by now, and I am still unable to work, and I find myself having financial troubles.” The shutdown has also prevented him from receiving remittances sent by his brother living abroad as banks and money exchange offices could not operate without internet access.
74. Hossam Hamad, an internet service retailer from Beit Hanoun, reported that his business suffered because of the shutdowns: “In the first days, we began to witness damage and a significant drop in the network due to the heavy bombing. By the end of October, the internet and communications in Beit Hanoun were completely shut down. We were unable to resume work for more than two months. The internet is still down, and we have not been able to leave

¹²³ Al Jazeera, Hosts half of Gaza's population, a significant increase in the deaths of chronic patients in Rafah, available at (in Arabic): <https://www.aljazeera.net/politics/2024/2/4/%D8%AA%D8%B3%D8%AA%D8%B6%D9%8A%D9%81-%D9%86%D8%B5%D9%81-%D8%B3%D9%83%D8%A7%D9%86-%D8%BA%D8%B2%D8%A9-%D8%A7%D8%B1%D8%AA%D9%81%D8%A7%D8%B9-%D9%83%D8%A8%D9%8A%D8%B1-%D9%81%D9%8A>, 4 February 2024.

¹²⁴ Euronews, Remote work offers hope to Gaza residents, available at: <https://www.euronews.com/business/2018/07/04/remote-work-offers-hope-to-gaza-residents>, 4 July 2018; Fast Company Middle East, Gaza has a huge unemployment challenge. Can remote work solve that?, available at: <https://www.linkedin.com/pulse/gaza-has-huge-unemployment-challenge-can-remote-work-solve-/>, 18 January 2023.

¹²⁵ The New Arab, With no work, Gaza starts the full-time job of staying alive, available at: <https://www.newarab.com/features/no-work-gaza-starts-full-time-job-staying-alive>, 26 March 2024.

the shelters in Jabalia, where we're currently displaced. My work has been severely damaged, and people are struggling to communicate with their relatives and check up on their families. We do not fathom the reasons behind such a violation.”

75. Those who rely on the internet for their work, such as journalists, researchers, analysis, and other remote workers, suffered the most from internet shutdowns: “Due to the nature of my work as a journalist and researcher, I have been consistently using the internet on a daily basis for more than ten years, I would browse the internet even on my days off to stay up to date on developments relevant to my work. I ended up spending 43 consecutive days without internet, and I finally managed to regain access on December 18, 2023. The internet shutdown was like a rupture with the exterior world. We didn't know much about what was happening around us; we'd hear noises of clashes and near-by shootings but we could not know what was exactly happening.”
76. Ahmad Abu Qamar, a journalist and a researcher, said: “The shutdown still affects my work till this day. The occupation forces destroyed the building where I reside, near Kamal Adwan hospital in the Lahia housing project area. My work also came to a complete stop due to the shutdown, which had further added insult to injury. I'm still suffering because of it, despite my attempts to access the internet for an hour every day using an Israeli telecommunication service, but the network is too poor for work use.”
77. Another female journalist from Gaza was forced to stop her work because of the shutdowns: “the internet shutdown had a profound impact on me as a journalist. How can I effectively work without internet access, especially during a time when it is most crucial? Unable to carry out my work without internet and communication, I had to take a leave of absence until this day March 6, 2024, the date of this testimony, nothing has changed.”
78. Ines Kamal Bader, a primary school teacher from Deir Al-Balah, describes how the shutdowns by Israel were planned to “undermine people's resolve and violate their basic rights by killing, starving, and preventing them from communicating with their families...I was languished because I couldn't get in touch with my family members, who live in Gaza City, at a time when bombing intensified everywhere.” The internet shutdown which occurred on December 16, 2023 had also resulted in losing her remote job as an assistant to university students in drafting scientific research papers, in addition to her job as a primary school teacher.

Impact on humanitarian aid delivery and operations

79. All humanitarian agencies in Gaza faced serious constraints in providing humanitarian assistance due to lack of safe access, communications disruptions, movement restrictions, and electricity and fuel shortages. On October 31, 2023, the Emergency Telecommunications Cluster was activated to coordinate urgent support for reliable communications services for

humanitarian operations in Gaza. However, it faced major obstacles in obtaining authorization from the Israeli authorities to import and use ICT equipment in Gaza. Such processes took between four to five months before the war as Israel placed strict control over the import of dual-use items into the Gaza Strip.

80. For example, on November 16, 2023, UNRWA said in [an X post](#) that it had to halt its humanitarian convoys due to communication shutdown. In a following statement it emphasized that “fuel is also critical for the telecommunications networks. Gaza went through a fourth blackout in communications yesterday. As a result, UNRWA was not able to transport trucks of humanitarian assistance arriving via Egypt.”¹²⁶

VI. Recommendations

72. Should States contemplate or enact shutdowns, they must strictly adhere to six essential requirements: (1) The shutdowns must be clearly grounded in unambiguous and publicly available law; (2) They must be necessary to achieve a legitimate aim, as defined in human rights law; (3) Shutdowns must be proportional to the legitimate aim, employing the least intrusive means possible in terms of duration, geographical scope, and affected networks and services; (4) Prior authorization by an independent adjudicatory body, such as a court, is essential to prevent undue political, commercial, or other influences; (5) Advance communication to the public and internet service providers is crucial, providing a clear explanation of the legal basis, scope, and duration of the shutdown; (6) Meaningful redress mechanisms accessible to those affected by the shutdowns, including judicial proceedings in impartial courts, should be established. These proceedings must be timely and allow for declarations of unlawfulness, even after the shutdown ends.
73. States should ensure comprehensive and timely public information regarding any shutdowns imposed, including bandwidth throttling and limitations on access to specific communication services or platforms. Additionally, banning, blocking, or criminalizing encryption, circumvention tools, or specific communication channels such as virtual private networks should be avoided. Instead, access to such tools should be facilitated.

¹²⁶ UNRWA, X, available at: <https://x.com/UNRWA/status/1725185182339055779>, 16 November 2023.