

AI MEZAN CENTER FOR HUMAN RIGHTS



Digest on the impacts of the imposed closure on the Gaza Strip, 30 days after the implementation of the Israeli Unilateral Disengagement Plan

The Gaza Strip is turned into a large prison

Gaza 12/10/2005

Introduction

In August 2005, with considerable international support, the Israeli Government evacuated 22 settlements in the Gaza Strip and redeployed its forces alongside the borders on September 12th, thus maintaining full control over coastline, territorial borders and airspace. The Israeli Disengagement Plan is an applicable and practical security plan for Israel which aims at serving its strategic objectives of ending its responsibility for the Gaza Strip on the one hand, continuing the construction of the apartheid wall in the West Bank, to expand settlements and to ensure a Jewish majority in Jerusalem.

The Disengagement Plan is not a political initiative open to negotiations; it is rather a plan developed to block any viable political initiative, notably the Road Map, to which the Israeli Government has announced 14 restrictive conditions. Moreover, the Plan is purely unilateral and does not require any partners for its implementation, and was used as a propaganda mechanism for Israel to announce the end of its occupation of the Gaza Strip. Al Mezan Center for Human Rights emphasizes that the implementation of the Disengagement Plan does not change the legal status of the Gaza Strip as an occupied territory, which is evident from the facts stated in the Disengagement Plan document itself, namely the continued Israeli control over the borders, crossings, airspace, and territorial waters in the Occupied Palestinian Territories (OPT).

Thirty days after the evacuation and destruction of settlements and the redeployment of the Israeli Occupation Forces (IOF) along the Gaza Strip borders, Al Mezan Center for Human Rights submits this digest on the destructive impact of the ongoing Israeli control over border crossings in the Gaza Strip following the Disengagement Plan. Gaza has become a large prison which effectively disproves IOF claims that its control over the Gaza Strip is over.

The report begins with a brief description of the border crossings which link Gaza Strip with the West Bank, Israel, and the outside world. Next, it depicts the IOF closure and siege policies from September 28 until the completion of the unilateral Disengagement Plan and the redeployment of the IOF.

The report sheds light on the Israeli procedures which accompanied with the redeployment and the social and economic impact of the Israeli policies on Palestinian human rights such as the right to work, health care, education, appropriate living standards, as well as on the chances of a better economic situation emerging.

Gaza Strip Border Crossings:

Five border crossings link the Gaza Strip with the West Bank, Israel, and the outside world, of which three are used by passengers while the rest are of used for trade and cargo. The following is a description of these crossings:

Al Awda Crossing (Rafah): This crossing links the Palestinian Territories with Egypt and is divided into two sections: one for passengers and the other for goods. The goods crossing has been entirely closed since the beginning of the Intifada in September 2000, and the passenger crossing has been opened and closed sporadically during this period.

Sofia Crossing: This crossing is located east of Rafah, and used by businesses to exchange construction materials. It has been constantly closed since October 9, 2000 and is no longer in use since many businesses were denied access.

Beit Hanoun Crossing (Erez): This crossing is the crossing used by passengers, workers, goods and trucks. The crossing is located in Beit Hanoun in the north of the Gaza Strip. The IOF closed this crossing in October 9, 2000 and it has since remained closed except for workers, humanitarian cases, and diplomatic and foreign delegates.

Gaza International Airport: Gaza Airport represents the sole air outlet in the Palestinian Territories; it is located east of Rafah in the south of the Gaza Strip. The IOF banned aviation movement in Palestinian airspace on February 2nd, 2000 and the airport has not been allowed to open since then. It is worth mentioning that the IOF demolished and wiped out air terminals, namely the air control tower and the landing runway.

As illustrated, only three crossings have been used since 2000 and these were closed later by the IOF, with the exception of Rafah crossing which remained partially opened during the Intifada until September 12, 2005, when the IOF closed it until further notice and redeployed along the borders of the Gaza Strip.

Closure and Siege Policy:

Since the outbreak of the Al Aqsa Intifada in September 2000, the IOF adopted a policy of collective punishment towards Palestinians in the OPT by demolishing homes, confiscating lands, filling up wells with earth, shooting randomly and shelling. The closure and siege policy is the most prominent among all types of collective punishment carried out by the IOF against Palestinians.

The IOF is determined to detach Palestinian cities and towns from each other by establishing military barriers and checkpoints as a means of humiliation. The IOF has continued to isolate different areas for successive days, which has strongly affected the

human rights of Palestinians. Furthermore, the IOF denied Palestinians access to their universities, workplaces and hospitals, which yielded negative consequences for farmers, traders, and for various economic aspects.

Simultaneously, the IOF has imposed a tight siege on Palestinian populated areas adjacent to Jewish settlements or roads, like areas in Mawasi, Rafah and Khan Younis, Seefa area in Beit Lahia, Al Maani and Abu Nahia in Deir Balah. The isolation of these areas turned them into effective inaccessible prisons. Such practices constitute a real threat to people in the isolated areas, and are in breach of human rights.

Furthermore, the IOF imposed a total siege which segregated the OPT from the outside world, most notably on the Gaza Strip. They declared all the border crossings closed in October 2000, including the Gaza International Airport which linked the OPT with the outside world, in addition to the crossings between Gaza Strip and the West Bank and Israel.

This siege deprived Palestinians of the freedom of movement and travel and gravely violated their human rights. Consequently, patients who needed medical treatment abroad died before receiving their treatment, students were unable to join their schools abroad and incoming students were prevented from reaching their schools in the OPT. In addition to this, the economic and social dimensions were affected as the IOF denied Palestinians access to visit their families and relatives in the OPT by revoking or canceling permits.

The successive closures of the border crossings resulted in the committing of daily crimes against Palestinian civilians who were unable to leave or enter Gaza Strip.

The tight siege on the OPT led to terrible social and economic problems; many Palestinian workers were denied access to work inside the Green Line, and many even suffered from restricted movement within the Gaza Strip itself. This situation has considerably increased the rate of unemployment in the OPT.

Poverty has greatly spread due to unemployment which has resulted from the demolishing of industrial and economic facilities and destruction of wells. More than half of the population now lives in extreme poverty.

Number of closures and partial closures of crossings in the Gaza Strip from the beginning of the Intifada in September 2000 to the end of August 2005 ¹

Border crossings	Total closure	Partial Closure	Partial closure with arbitrary opening
Al Muntar- Karni Crossing	431	617	750
Erez Crossing	765	1008	25
Sofia Crossing	1164	629	5
Gaza International Airport	1719	79	0
Rafah Crossing	279	868	650

Beginning of the redeployment:

The IOF announced on Sunday 14th August 2005 the beginning of the evacuation of settlers from the twenty-one settlements; they imposed a tight siege around the surrounding areas such as Al Mawasi area in Rafah and Hanoun, Abu Nahia and Al Maani in Deir Al Balah, and Seefa in Beit Lahia.

On Wednesday 17th August 2005, the IOF closed Salah Al Din road for the entire day, and it was reopened for few hours on Saturdays and Fridays nights during the pullout. In addition to closing the linking part of Salah Al Din road between Rafah and Khan Younis, and closing the linking part of Al Shohada (Martyrs) crossroads between Deir Al Balah and Khan Younis, as well as the road east of Abu Alajeen.

The closure of Salah Al Din, the main road that links towns and villages, caused terrible damages notably in the employment, health, and education sectors. The closure resulted in a sharp decrease in food and medical supplies and fuel in the south of the Gaza Strip and inflicted damage on the Palestinian farmers who could not transport their products and crops to the local markets or export them.

On 19th August, 2005, farmers in Al Mawasi area appealed for the aid of International human rights organizations to intervene in order for them to be allowed to harvest, as a desperate attempt to save the annual guava harvest.

By September 12th 2005, the IOF ended their evacuation of settlements, razing facilities and buildings, and redeploying their forces along the borders of the Gaza Strip.

Work movement in the border crossings:

¹ The information given in the table is based on Al Mezan Center for Human Rights documentations

The IOF tightened the closure of the crossings along the borders of the Gaza Strip, which gravely affected different aspects of Palestinians' life, mainly education, health care, and employment. The closures restricted the movement of goods in and out of Gaza Strip, which has exacerbated levels of poverty and low standards of living. The table below shows the number of days of closure of the Palestinian border crossings following the redeployment of the IOF; the figures reflect the severity of the imposed siege.

Work movement from September 1 to 10th October, 2005

Border crossings	Total Closure	Partial Closure	Partial closure with arbitrary opening
Al Muntar- Karni Crossing	18	22	0
Erez Crossing	18	5	17
Sofia Crossing	0	40	0
Gaza International Airport	40	0	0
Rafah Crossing	30	2	8

²Guava products are produced in Al Mawasi in Rafah and Khanyounis, in an isolated area of 6000 to 7000 Dunums. Due to continuous closures, farmers were unable receive income from the annual crops of guava which represents around 90% of the total agriculture land in Al Mawasi. Guava is a seasonal fruit which grows for 45 days only and is found just once a year in the markets.

³The information given in the table is based on Al Mezan Center for Human Rights documentations.

⁴The partial closure of the crossing took place before 12th September 2005, the date of the end of redeployment of IOF outside Gaza Strip.

The social and economic impacts of the closures:

The closure and siege policy following the redeployment of IOF resulted in grave violations of Palestinians' human rights. In spite of the removal of IOF military checkpoints which were separating areas in the Gaza Strip and the end of the isolation of Al Mawasi, Seefa, Al Maani, and Abu Nahia areas, the Palestinians in Gaza found themselves enclosed in a large prison.

² Guava is a produce mainly grown in Al Mawasi in Rafah and Khan Younis, which is an isolated area of 6000 to 7000 Dunums. Due to the continuous closures, farmers were unable to take advantage of the income of the annual crops of guava, which forms around 90% of the total agriculture land in Al Mawasi. Guava is a seasonal fruit of 45 days only, and is found once a year in the markets .

³ The information given in the table is based on Al Mezan Center for Human Rights documentations.

⁴ The partial closure of the crossing took place before 12/9/2005, the date of the end of redeployment of IOF outside the Gaza Strip

The report explains the negative economic and social impacts of the imposed siege on the Gaza Strip as follows:

1. Palestinians deprived of their right to health care:

It is well known that the health care sector complains of inability to deal with serious diseases or critical surgeries in Palestinian hospitals such as oncology, cardiac and neuro surgeries and other critical surgeries. Usually, serious medical cases are transferred abroad to Egyptians, Jordanian and Israeli hospitals, when Palestinian hospitals fail to cure patients.

Because of this situation, the closure and siege policy imposed by the IOF constitutes a serious threat not only to the Palestinian right to receive health care, and also to their right to live, as the closure of the crossings especially Rafah crossing and Gaza International Airport has denied access to hospitals abroad.

The number of passengers who have applied for Israeli permits to receive treatment abroad is available at the Ministry of Civil Affairs. In addition to applications made to pass through Erez crossing, the number of applications made to Israeli hospitals and Al Maqased hospital in Jerusalem during the period of August to September is also available.

The IOF authorized passengers to cross Rafah terminal on just two days, during this period, on 23rd September and 3rd October. The Egyptian Authorities, however, had opened their side of the crossing due to the large masses of Palestinian passengers stuck in the Egyptian side of the crossing.

The temporary opening of Rafah crossing for one or two days does not only hinders the travel of students, medical, and humanitarian cases, but also threatens their return, where they are often forced to wait on the Egyptian side of the crossing and are subjected to terrible conditions, despite their often dire need of special health care while in transit.

A testimony was provided under oath to the Center by N.M⁵, a lady of 35 years old. N.M is married, has five children, lives in Gaza City, and suffers from an ascending colon which results in severe constipation. Consequently, N.M got a medical transfer abroad. Upon her return to Gaza, she had to wait for one week in the Egyptian side of Rafah crossing under terrible conditions despite her need for special health care.

The testimony of N.M was as follows: "*On September 7^h, 2005, I went to Egypt after getting a medical transfer from the Ministry of Health to Palestine Hospital in Cairo; I suffer from ascending colon which causes severe constipation. I was hospitalized and had the surgery on September 9^h where part of the colon was ablated.... The surgery was successful On September 15^h, doctors informed me*

⁵ The name of the witness is withheld, upon her request.

that my state had improved and I could leave the hospital.... I knew that Rafah Crossing was closed, however, my friends advised me to head to the borders and reserve my turn.... I arrived at the crossing during the same day, and suffered greatly because the crossing remained closed. My medical condition became worse...doctors insisted on a healthy and hygienic environment, yet the bathroom at the crossing was filthy...I badly needed health care...I faced difficulty sterilizing the spot of the surgery due to the crowd.... I was hurt and sleepless since I had to assume a specific sleeping position...I started bleeding whenever I used the bathroom.... I had a fearful feeling that my condition would worsen.... I cried all the time...On Thursday 22nd, the Egyptian lieutenant informed me that the crossing would open the next day. The next day, the crossing was opened and I managed to reach home, but in a terrible state of mind".

Statistics of transferred cases according to hospitals during 6months in 2005⁶

month	Telha-shomeer	Maqased	Eykholf	Asota	Sarfand	wellfson	Hadassa	Soroka	Jerusalem	Erez	Rafah crossing	Ramallah	St.John	Ashkalon	Total
May	142	19	32	86	4	3	8	5	6	9	15	28	15	11	383
June	135	11	33	42	4	5	6	8	2	13	38	24	12	6	339
July	78	5	28	7	2	2	6	3	3	12	12	14	5	8	197
August	60	8	6	2	1	7	2	3	6	17	17	5	6	7	149
September	21	3	-	7	4	2	-	-	-	32	7	-	-	-	76
Until 12/10/2005	23	-	4	1	-	1	-	-	-	16	4	-	-	2	51

⁶ Statistics are based on resources from the General Emergency Dept. in the Ministry of Health.

The figures in the table above show the IOF tightening and restricting travel for transferred medical cases whether abroad or in Israeli, Jordanian, and Egyptian hospitals. They also reflect decreases in the number of cases permitted to travel, notably patients who are used to visiting Israeli hospitals to cure oncology diseases. According to the Palestinian Ministry of Civil Affairs, 300 patients submitted requests for IOF clearance to travel during September, but their requests were denied due to the ongoing closure of Rafah crossing.

2. Palestinians deprived of their right to education:

The imposed closure deprived many Palestinian students from joining their universities outside the Gaza Strip. During the Intifada, the IOF prevented students outside the OPT to visit their families during the summer vacations. Furthermore, the IOF banned Palestinians of age range 16- 35 from traveling; i.e. most students.

Upon completing the pullout from the Gaza Strip, the IOF partially closed Rafah crossing, a vital link to the outside world, after closing and demolishing Gaza International Airport.

It is noticeable that the IOF tightened the siege and closure of Rafah crossing in September at the beginning of the academic year, which means that all students admitted to universities outside the Gaza Strip were deprived from their right to education and denied access to universities.

In this respect, the incoming information from the Palestinian Civil Affairs indicate that 1500 fresh students submitted requests for clearance, in addition to 1200 students joining universities abroad, or among students who came for visit during the summer vacation⁷

3. Palestinians deprived from their right to work

The IOF has been violating the Palestinians' right to work since the beginning of the Intifada and following the redeployment of the IOF on 12th September 2005. The IOF prevented workers from entering their workplaces inside the Green Line and restricted the movements of goods in and outside the Gaza Strip.

The report exposes the number of Palestinian workers inside the Green Line before the Intifada in September 2000, compared to the number of workers permitted after the completion of the IOF redeployment.

⁷ Number of permits mentioned above is related to requests submitted to Ministry of Civil Affairs during Sep 2000.

The Table below shows the number of permits issued for Palestinians inside the Gaza Strip before September 2000⁸.

No.	Number of permits	Type of permit
1.	24,650	Permit for work
2.	800	Permit for PNA Employees
3.	500	Permit to perform religious rituals like praying in Jerusalem
4.	1,000	Permit for family visits
5.	10,000	Permit for purposes (trade, agriculture, industry)
6.	1,000	Permit for miscellaneous (personal)
7.	900	Permit for vehicles

The table above shows the number of workers and traders who were allowed daily into their work inside the Green Line. 34,650 permits were issued, including permits given for other purposes such as trade, agriculture, and industry.

After the IOF redeployment, the number of workers and traders remarkably decreased as they were deprived from reaching their workplaces during the period between 12th and 23rd September.

The Table below shows the number of permits issued for Palestinians from the Gaza Strip since September 12 to 23 2005⁹

Number of permits	Type of permit	Number of workers allowed	Average number of daily access
2581	work	1674	152
4751	trade	1890	171

Permits given for work and trade before the Intifada compared with their equivalents after the redeployment clearly illustrate the collective punishment policy adopted by the IOF to deprive workers from earning their living and supporting their families.

On 16th September 2005, the fewest workers were given permits – 34. The highest number of workers leaving the Gaza Strip was 314 on 22nd September. The least number was 15 workers on 17th September.

⁸ information based on correspondences with the Director General of Ministry of Civil Affairs in Jan.2001

⁹ Information based on documentations of Fieldwork Unit at Al Mezan Center for Human Rights.

4. Fishermen deprived of their right to fish

During the Intifada, the IOF inflicted collective punishment against Palestinian fishermen by not allowing them to fish and limiting the distance sailed to no more than 12 nautical miles in open sea on ideal days. This distance was often reduced to 6 and 3 nautical miles¹⁰

In addition, fishermen were exposed to daily shooting, arrests, and confiscation of boats.

Upon the IOF redeployment, Palestinian fishermen hoped for a positive change to be able to fish freely, yet their hopes evaporated once they realized that the violations had not lessened even after the redeployments. On 22nd September 2005, the IOF arrested two fishermen on a motor surfboard, Khalil Abdal Hadi, and Fadl Msallam Shalouf. The IOF released them after confiscating the surf engine at the Rafah shore.

On Saturday 24th September, the IOF decided to ban all fishermen from sailing. A group of Palestinian fishermen wanted to bring back their anchored boats from sea and the IOF opened fire on them. The ban remained valid until the morning of 7th October¹¹

5. Abolishment of any chances for the economy to be revived

During the Intifada, the IOF mostly targeted Palestinian civil facilities, most notably the economic, industrial, agricultural, and trade facilities which were bombarded, destroyed, and demolished. This had a direct impact on rising rates of unemployment and poverty in the OPT. Thousands of Palestinian workers lost their employment due to the destruction of such facilities.

The table below shows the number economic and industrial and demolished lands¹²

Size of damage	Number of stores	Industrial facilities	Area of demolished lands (dunums)
Partial	173	119	28973
Complete	357	156	
Total	530	275	28973

¹⁰- the agreement signed between the PNA and the Israeli Government gives right to Palestinians to fish in the regional waters for 20 nautical miles opposite to the Gaza Strip shore.

¹¹- The information based on Fieldworker interview with Mr. Nizar Mohammad Ayyash, Chief of Palestinian fishermen in the Gaza Strip.

¹²- Information based on documentations of the Fieldwork Unit at Al Mezan Center for Human Rights.

Moreover, the closure has a direct negative impact on deteriorating the economic situation and destroying its chances of revival, this was reflected by poor living standards and high rates of unemployment and poverty.

The PNA's inability to control the border crossings which link the Gaza Strip with the outside world will certainly cause stiffness and deterioration of the economic situation. Thus, this report explains the reasons of the economic decline:

- The imposed siege on the Palestinian crossings and exits block the flow of raw materials which constitute the basic components for entire industries. Currently more than 90% of raw materials are being imported through the Israeli ports and exits.
- Tight closure and siege hold back manufactured materials from export.
- Frequent closures of Al Muntar crossing caused huge damages to Palestinian traders and owners of factories with respect to the large amounts of money they pay to have substitute grounds on the Israeli ports and crossings. In addition, the factories risk extra damages due to their inability to provide orders on time.
- The fact of limiting transportation to Israeli trucks only contributes to raising transportation charges, thus increasing prices of products which are in competition with their Israeli equivalents in local markets.
- The siege disconnects the Gaza Strip from the West Bank, minimizes quantity of sales in local markets, and restricts the basics of shared trade since Palestinian products are held back from local markets in the West Bank and vice versa.
- The imposed siege blocks the Palestinian products from reaching markets overseas, in particular the Arab markets.
- The siege leads to a decrease in economic activities due to unavailability of the raw materials.
- The siege deprives Palestinian from rebuilding the industrial facilities and the infrastructure destroyed by the IOF, thus reducing chances of new job opportunities and increasing poverty and unemployment rates.

6. Palestinians detainees deprived of visits

In spite of the IOF claims that the Unilateral Disengagement Plan is the end of the occupation, they have continued to detain Palestinians from the Gaza Strip in Israeli detention prisons, and have insisted on suspending their juridical judgment.

The number of political detainees from the Gaza Strip is approximately 760¹³ persons sentenced by long druidical judgments. The Palestinian detainees complain of their frequent deprivation of family visits during the long years of the Intifada.

In the wake of the IOF redeployment from the Gaza Strip, the state of the Palestinians detainees has worsened, since their families have not been permitted to visit.

It is worth noting that the IOF announced in mid September 2005 their intention to authorize visits to detainees from the Gaza Strip. However, they retracted on making any practical step following the escalation of the IOF aggression by the end of September.

¹³ Number of Palestinian detainees from the Gaza Strip is based on recourses of the Palestinian Ministry of Prisoners and liberate Affairs

CONCLUSION

In this report, the field facts show that the IOF Unilateral Disengagement Plan was not an Israeli full withdrawal from the OPT, but merely a redeployment of the IOF and the military troops to the perimeter of the Gaza Strip. The facts put emphasis on the IOF attempts to disregard their legal obligations and commitments as the occupying power.

The facts on the ground emphasize that the implementation of the Disengagement Plan has not ameliorated the situation of Palestinians nor has it granted them absolute freedom. On the contrary, it has reinforced the collective punishment policy against Palestinian civilians in the OPT, which has been evidenced through continuous closure and siege, and economic and social restrictions against civilians. As a result, the rates of poverty and unemployment have duplicated, and future economic revival was ruined notably following the destruction of the infrastructure and economic facilities which not only require huge financial support, but also total control over the economic crossings as to guarantee freedom of movement for individuals and goods.

Therefore, Al Mezan Center emphasizes on its previous position that the implementation of the unilateral Disengagement Plan superficially aims at ending the Israeli control over the OPT. The facts on the ground, however, demonstrate that the IOF merely redeployed along the borders, thus maintaining their absolute control on the crossings and the freedom of movement. In other words, the Gaza Strip remains a territory occupied by the IOF

Al Mezan Center calls upon the International Community to:

- Regard the Gaza Strip as occupied territory and apply the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, until the actual end of occupation.
- Immediately halt the policy of collective punishment carried out by IOF against civilians, compel the IOF to abide by the Convention and lift the siege, which will add to further poverty and unemployment if continued.
- Further, end the Israeli occupation of the OPT. The Center asserts that the commitment of the International Community according to the Advisory Opinion of the Supreme Court of Justice constitutes the required beginning to end the occupation. Thus, the International Community ensures respect for the International Law and the Supreme Court as the highest juridical and international organization.

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