



Al Mezan Center for Human Rights

First Quarter Report of 2016

Israeli Violations against Palestinian Fishermen in the Access Restricted Area in the Sea

Reporting Period: 1 January – 31 March 2016

Prepared by Field Work Unit
Al Mezan Center for Human Rights
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Introduction

Israeli occupation forces (IOF) continue to impose a stifling maritime siege on the Gaza Strip that is hampering Palestinian maritime activities, particularly for Palestinian fishermen whose fishing activities are limited to an area between three to six nautical miles off the coast of the Gaza Strip, depending on Israeli authorities' alternating decisions.

Palestinian fishermen have been struggling due to the constantly diminishing fishing zone since October 2000, when they were prohibited from reaching the 20 nautical miles limit - agreed upon under the Oslo Accords¹ between Israel and the Palestine Liberation Organization in 1993. Israeli authorities imposed a new limit of 12 nautical miles, then lowered it to six and even three nautical miles at times. Nevertheless, Israeli authorities kept targeting Palestinian fishermen and hinder their fishing activities even inside the Israeli-imposed fishing zone.

The Israeli authorities are practically prohibiting Palestinian fishermen from entering 85% of the fishing zone granted under the Oslo Accords and its annexes. In addition, the IOF regularly open fire at fishermen, force them to undress and swim in cold seawater before arresting them, and destroy or confiscate their fishing boats and equipment. Furthermore, the IOF uses heavy water canon to damage and partially submerge small fishing boats that are left unattended at night in the sea to catch fish. These violations occur, most of the time, within the allocated fishing zone, i.e. within three or six nautical miles.

According to fishermen's accounts, the fish is scarce in the 6 nautical miles zone where the seabed is composed mostly of sand and lacks in fish, whereas areas with abundance of fish is beyond 12 nautical miles.

Due to such practices, Palestinian fishermen became one of the poorest communities in the society, while other industries that are dependent on fishing such as constructing boats and fishing equipment, and fish merchants have suffered massively as well.

In the context of promoting and protecting human rights and the rules of International Humanitarian Law (IHL), Al Mezan Center for Human Rights (Al Mezan) continues with monitoring and documentation activities to expose violations and stop them. This report has been prepared in order to pave the path to demand reparation² and achieve accountability. It provides an overview of the Access Restricted Area (ARA) in the sea and discusses Israeli violations of IHL. It also

¹ Oslo Accords and its annexes, signed in 1993

² Basic Principles and Guidelines on the Right to a Remedy and Reparation (Resolution 60/147 adopted by UN General Assembly on 16 December 2005)

discusses maritime borders within the historical context and presents the IHL stand on the Israeli practices.

The report deals with all incidents occurring in the ARA in the sea where the IOF has limited all fishing activities to 6 nautical miles off the coast of Gaza Strip. The report documents systematic and almost-daily violations against Palestinian fishermen. It highlights measures and practices that constitute violations of International human rights law (IHRL) and IHL, particularly the practice of limiting the fishing zone and targeting fishermen even within the imposed fishing zone.

This report covers the period between 1 January 2016 and 31 March 2016, and summarizes the IOF violations against Palestinian fishermen inside the ARA in the sea accompanied by documented and verified statistics.

The Gaza Strip

Location:

The Gaza Strip is a roughly rectangular territory lying along the Mediterranean Sea. It is bordered by the Mediterranean to the west, Egypt to the south, and Israel to the north and the east. From north to south the Strip extends about 45 kilometers, with a width varying between six and 12 kilometers from east to west. It is about 365 square kilometers in area, divided into five districts³: North Gaza, Gaza, Deir Al Balah, Khan Younis, and Rafah.

Population:

According to estimates by the Palestinian Central Bureau of Statistics (PCBS), based on the results of the Population, Housing and Establishment Census of 2007, the total population of Palestine in mid-2015 was about 4.68 million; 2.38 million males and 2.30 million females. The estimated population of the Gaza Strip totaled 1.82 million of which 925 thousand were males and 895 thousand were females.

The percentage of urban population in mid-2015 was 73.9%, while the percentages of population in rural and camps areas were 16.7% and 9.4%, respectively.⁴

Population density of Palestine is generally high at 778 persons/km². Population density in the West Bank was 506 persons/km², while it reached 4,986 persons/km² in the Gaza Strip.⁵

Standards of living:

Standards of living has plummeted significantly since the beginning of the second intifada due to the constant Israeli targeting of Palestinian civilian facilities, especially destroying industrial and commercial facilities, and leveling farmlands. In addition to the strict blockade imposed on the Gaza Strip, the targeting of civilian facilities has led to a sharp rise in unemployment rate and poverty in the occupied Palestinian territory (oPt). The fishing industry and Palestinian fishermen are among the sectors that have been severely hit by the stifling blockade and the constant targeting in the sea. This has led many fishermen to abandon their only mean of livelihood, while fishermen who chose to remain in this business are suffering from attacks on almost-daily bases that put their lives in danger. Not to mention the ever shrinking fishing zone and the rise in fuel prizes, all of which makes it even harder for fishermen to earn a decent living and puts them under the poverty line.⁶

³ Administrative divisions according to the Ministry of Local Government

⁴ Palestinian Central Bureau of Statistics (PCBS), Press Release on the Eve of the International Population Day 11/7/2015. Link: <http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=en&ItemID=1441&mid=3172&wverson=Staging>

⁵ PCBS, Press Release on the Eve of International Population Day, 11/7/2015

⁶ The official poverty line was established in 1997 by the National Commission for Poverty Alleviation

According to consumption patterns in 2011, the poverty rate among Palestinian individuals was 25.8 (17.8% in the West Bank, and 38.8% in Gaza Strip), and 12.9% of the individuals in Palestine were suffering from deep poverty in 2011 (7.8% in the West Bank, and 21.1% in Gaza Strip). The relative poverty line and the deep poverty line according to consumption patterns⁷ in Palestine in 2011 were 2,293 NIS, and 1,832 NIS respectively.⁸

⁷ for reference household consisting of 2 adults and 3 children

⁸ PCBS, Press Release on the Eve of the International Population Day 11/7/2014. Link: <http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=en&ItemID=1165&mid=3172&wversion=Staging>

Background

The Oslo Accords and annexes, signed between the government of Israel and the Palestinian Liberation Organization (PLO), was the first document to impose restrictions on the fishermen's freedom of movement in the Gaza Sea and to place limits on the distance that fishermen are allowed to cross. Although Al Mezan rejects the use of the Oslo Accords to organize the relation between civilians in the oPt and the Israeli occupation, and stresses that the rules of IHL and IHRL should be the main references to organize the relation between civilians and the occupying forces, however, we list below part of the terms of the Oslo Accords and Annexes to show how Israel is breaching its bilateral agreements in addition to violating the rules of the IHL.

✚ Oslo Accords and Annexes, and regulating fishing activities⁹:

The Palestinian-Israeli agreements specified a limit of 20 nautical miles¹⁰ off the coast westward as the maximum distance of fishing activities, and two no-go zones in the north and the south of the Gaza Sea.

The agreements divided the maritime zones as follows:

A. Extent of Maritime Activity Zones

The sea off the coast of the Gaza Strip will be divided into three Maritime Activity Zones, K, L, and M as detailed below:

1) Zones K and M:

- Zone K extends to 20 nautical miles in the sea from the coast in the northern part of the sea of Gaza and 1.5 nautical miles wide southwards.
- Zone M extends to 20 nautical miles in the sea from the coast, and one nautical mile wide from the Egyptian waters.
- Subject to the provisions of this paragraph, Zones K and M will be closed areas, in which navigation will be restricted to activity of the Israel Navy.



⁹ Agreement on the Gaza Strip and the Jericho Area, and Annexes, signed on 4 May 1994 by The Government of the State of Israel and the Palestine Liberation Organization.

¹⁰ One nautical mile is equivalent to 1852 meters.

2) Zone L:

- Zone L bounded to the south by Zone M and to the north by Zone K extends 20 nautical miles into the sea from the coast.
- Zone L will be open for fishing, recreation and economic activities, in accordance with the following provisions:
 1. Fishing boats will not exit Zone L into the open sea and may have engines of up to a limit of 25 HP for outboard motors and up to a maximum speed of 15 knots for inboard motors. The boats will neither carry weapons nor ammunition nor will they fish with the use of explosives.
 2. Recreational boats will be permitted to sail up to a distance of three nautical miles from the coast unless, in special cases, otherwise agreed within the Maritime Coordination and Cooperation Center ... Recreational boats may have engines up to a limit of 10 horsepower. Marine motor bikes and water jets will neither be introduced into Zone L nor be operated therein.
 3. Foreign vessels entering Zone L will not approach closer than 12 nautical miles from the coast ...

B. General Rules of the Maritime Activity Zones

- The aforementioned fishing boats and recreational boats and their skippers sailing in Zone L shall carry licenses issued by the Palestinian Authority, the format and standards of which will be coordinated through the Joint Security Coordination and Cooperation Committee (JSC).
- The boats shall have identification markings determined by the Palestinian Authority. The Israeli authorities will be notified through the JSC of these identification markings.
- Residents of Israeli settlements in the Gaza Strip fishing in Zone L will carry Israeli licenses and vessel permits.
- As part of Israel's responsibilities for safety and security within the three Maritime Activity Zones, Israel Navy vessels may sail throughout these zones, as necessary and without limitations, and may take any measures necessary against vessels suspected of being used for terrorist activities or for smuggling arms, ammunition, drugs, goods, or for any other illegal activity. The Palestinian Police will be notified of such actions, and the ensuing procedures will be coordinated through the Maritime Coordination and Cooperation Center.

Israel has been breaching the aforementioned terms since 9 October 2000. Palestinian fishermen were banned from reaching the 20 miles mark and were restricted to 12 nautical miles. Later on, the distance was lowered to six nautical miles and, in some occasions, to three nautical miles. In addition, Israeli gunboats continued to target Palestinian fishermen on almost-daily bases causing them death and injury, and continued to detain fishermen and confiscate or destroy their boats and fishing equipment.¹¹

Israeli practices against Palestinian fishermen are contrary to paragraph two of Article (1) in both the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), which states: “All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence”.¹²

In addition, these practices constitute a grave violation of the ICESCR which states in Article (6), paragraph one : “The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right”.

Furthermore, Israeli practices contradicts paragraph one of Article (23) of the Universal Declaration of Human Rights which states: “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment”.¹³

Israel, by constantly assaulting and targeting Palestinian fishermen, is violating Article (6) of the ICCPR which states: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”¹⁴, and Article (12) as well, which states: “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement ...”

¹¹ Information acquired from fishermen in the field and Gaza’s Fishermen Union

¹² The International Covenant on Economic, Social and Cultural Rights (ICESCR) adopted and opened for signature, ratification and accession by UN General Assembly resolution 2200A (XXI) of 16 December 1966. Entry into force 3 January 1976, in accordance with article 27.

¹³ The Universal Declaration of Human Rights was proclaimed by the United Nations General Assembly on 10 December 1948 (General Assembly resolution 217 A)

¹⁴ International Covenant on Civil and Political Rights (ICCPR) adopted and opened for signature, ratification and accession by UN General Assembly resolution 2200A (XXI) of 16 December 1966. Entry into force 23 March 1976, in accordance with article 49.

Israel's practices contradicts the Fourth Geneva Convention, which states in Article (52): "... all measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited".¹⁵ Furthermore, Article (33) prohibited collective punishment and reprisals, stating: "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited."

¹⁵ International Humanitarian Law (IHL), Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949.

IOF Violations against Fishermen in the Access Restricted Area in the Sea

The IOF continue to impose a stifling maritime siege on the Gaza Strip and assault Palestinian fishermen. In the first quarter of 2016, the IOF continued to impose a limit of 6 nautical miles off coast for fishing activities, while enforcing a one and a half nautical mile limit and one nautical mile limit parallel to northern and southern borders, respectively; this has denied fishermen access to fishing areas with abundance of fish. The IOF regularly open fire towards fishermen, force them to take off their clothes, and swim in cold seawater before arresting them. In addition, their boats and equipment are either destroyed or confiscated and taken to Ashdod seaport.

According to Al Mezan’s monitoring and documentation during the first quarter of 2016, 29 violations against fishermen were committed. Resulting in wounding five fishermen and the detention of 19 others; the detained fishermen were taken to Israel, and were released after few hours. In addition, six fishing boats were confiscated in four separate incidents, and Israeli soldiers destroyed fishing equipment i.e. fishing nets and lights in three separate incidents.

Table: Overall violations against fishermen in the first quarter of 2016¹⁶

No. of violations against fishermen in the first quarter of 2016			29
Type of violation			
Incidents involving arrest of fishermen	4	No. of detainees	19
Incidents involving shooting at fishermen	29	wounded	5
		killed	0
Incidents involving confiscation of fishing boats and equipment	4	No. of boats	6
Destruction of fishing equipment		No. of incidents	3

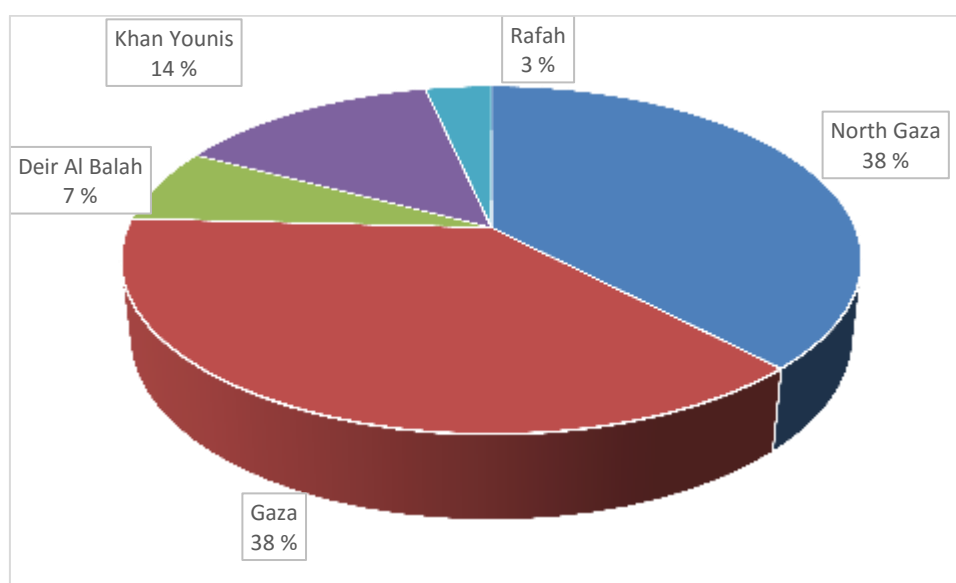
¹⁶ Statistics are extracted from Al Mezan’s database which is constantly updated with new information gathered by Al Mezan’s field workers

Incidents of Israeli violations against Palestinian fishermen were as follows:¹⁷

✚ Incidents involving shooting at fishermen:

Israeli gunboats continued to open fire at fishermen and hinder their work on an almost-daily basis in the first quarter of 2016. During the reporting period 29 incidents were documented.

Chart: Opening fire at fishermen distributed by district

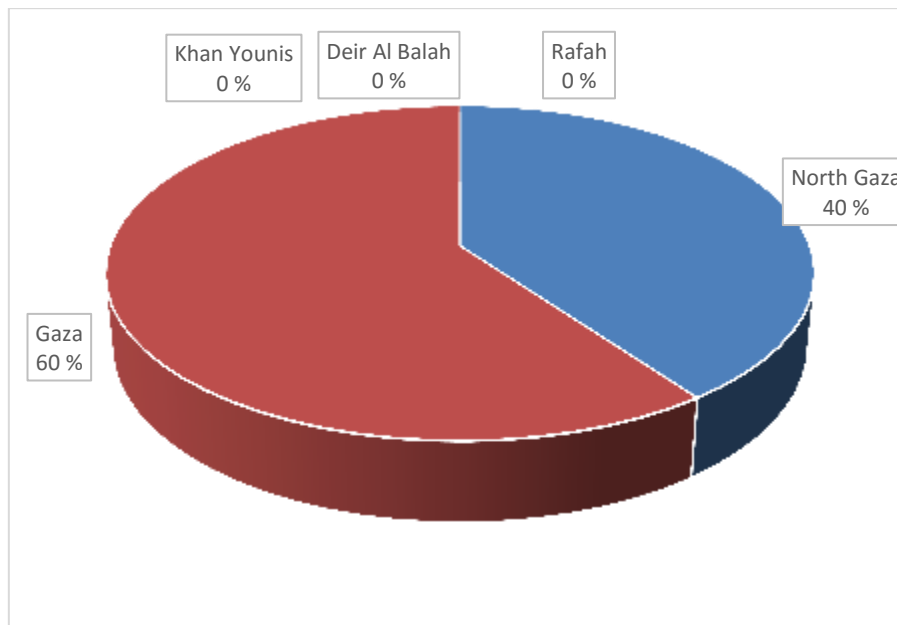


✚ Incidents resulting in killing and wounding fishermen:

Israeli naval forces continued to systematically target fishermen within the ARA in the sea in the first quarter of 2016. During the reporting period five fishermen were wounded and no deaths were reported.

¹⁷ All data presented in this section is based on Al Mezan's monitoring and documentation during the first quarter of 2016

Chart: Wounded fishermen distributed by district



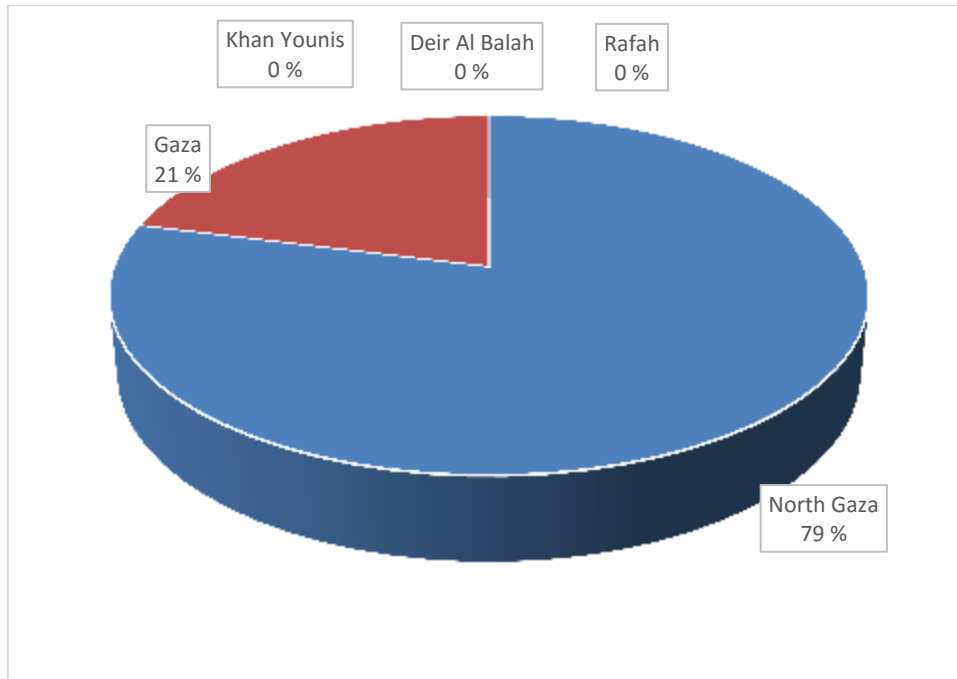
Arrests:

Israeli naval forces continued to arrest and detain fisherman. Before the arrest fishermen were made to remove their clothes and swim to Israeli naval boats. They were detained for several hours and were subjected to inhuman and degrading treatment. During the reporting period, 19 fishermen were arrested in four separate incidents; they were all released, after being detained for several hours

Table: Arrested fishermen distributed by district

District	No. of Incidents	No. of Detainees	of whom children	Released
North Gaza	3	15	3	15
Gaza	1	4	0	4
Total	4	19	3	19

Chart: Arrested fishermen distributed by district



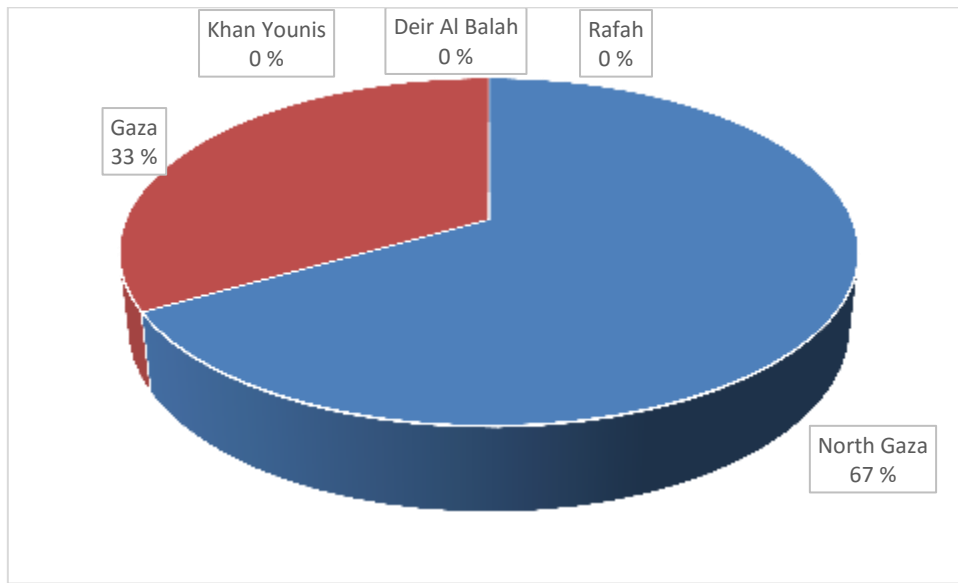
✚ Incidents involving confiscation of fishing boats and equipment:

Arrests of fishermen are, in most cases, followed by confiscation of their boats and fishing equipment. The confiscated fishing boats usually have fishing nets, rowing paddles, generators, and torch lights on board. During the reporting period six boats were confiscated in four separate incidents.

Table: Confiscation of boats distributed by district

District	No. of incidents	No. of confiscated boats
North Gaza	3	4
Gaza	1	2
Deir Al Balah	0	0
Khan Younis	0	0
Rafah	0	0
Total	4	6

Chart: confiscated boats distributed by district



Conclusion

The report shows the scale of Israeli violations against Palestinian fishermen in the Gaza Strip and the extent of damage suffered by the fishing sector as a result of the maritime siege and the constant targeting of fishermen.

The report aims at exposing Israeli violations and providing documented information to the international community, particularly the High Contracting Parties to the Fourth Geneva Convention, to uphold their legal and moral responsibilities, and intervene to end the maritime siege. Further, the report is an additional tool dedicated to peace activists standing in solidarity with Palestinians to support their efforts in exerting pressure on foreign governments to fulfill their obligations, end the violations, and hold the perpetrators of such violations accountable.

The escalating violations against Palestinian fishermen, even within the Israeli-imposed fishing zone, raise concerns that the aim no longer rests on the notion of collective punishment, but represents financial incentive. Israel is deliberately depriving Palestinian from utilizing their natural resources and is exploiting these resources for its own benefit. Israel is deliberately depriving Palestinian from utilizing their natural resources while exporting its own products such as fish from fishing farms to the Gaza Strip.

Accordingly, Al Mezan reiterates its condemnation of the ongoing Israeli violations against Palestinian fishermen. Al Mezan stresses that a fisherman's right to work is an inherent human right, and that the IOF is committing systematic violations of IHL articles and IHRL by repeatedly targeting fishermen often resulting in death, injury, and arbitrary arrest in a degrading manner, as well as depriving fishermen of their livelihoods and the right to work.

Al Mezan reiterates its calls on the international community to intervene to protect civilians and put an end to Israeli violations against them. Al Mezan reaffirms that the Gaza Strip is an integral and inalienable part of the occupied Palestinian territory, and that any measures taken by the IOF cannot change this reality. The occupying force is required to fulfill its obligations under the international law, which not only prohibits violations, but also dictates the respect and realization of human rights for the civilian residents in the occupied territory.

Al Mezan denounces the silence of the international community and its disregard for its legal obligations under international law, particularly the Fourth Geneva Convention, to the civilian population of the occupied Palestinian territory. Al Mezan asserts that the silence of the international community has encouraged Israel to escalate the perpetration of practices that amount to serious violations of international law.

Al Mezan reiterates its calls on the international community, particularly the High Contracting Parties to the Fourth Geneva Convention, to exert pressure on Israel to ensure respect for international law and abolish the closure/blockade policy imposed on Gaza without further delay.