



Arab Organisation for Human Rights in the UK



Gaza

March / 2015

Life in an occupied and besieged strip

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Gaza Strip

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About AOHR-UK

Arab Organisation for Human Rights in the UK is an independent human rights organisation based in London. It campaigns for human rights and freedom in the Middle East and North Africa.



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Executive Summary

Entry into Gaza by land is through seven crossing points. Nothing and no one can enter or exit the Strip except through these points, of which six are under Israeli control. The only border crossing not formally under Israeli control is through Rafah. In February 2005, the Israeli government voted in favour of the Disengagement Plan Implementation Law proposed by the then prime minister Ariel Sharon. The plan included the unilateral withdrawal of Israeli army from Gaza and the dismantling of all Israeli settlements in Gaza. The operation ended on the 12th of September 2005 with a declaration that Israeli rule over Gaza had ended. Israel retained exclusive control over Gaza's airspace and territorial waters. In November 2005, Israel and the Palestinian Authority signed The Agreement on Movement and Access with Egyptian blessing and European supervision allowing the PA to operate the Rafah crossing in the presence of closed circuit camer-



as broadcasting footage to the Israeli side. The number of travellers increased to 1320 a day following the agreement. In January 2007, Hamas seized full control of the Gaza Strip prompting PA forces and European monitors to relinquish control over the Rafah border crossing to Hamas.

A very harsh blockade imposed on the Gaza Strip by the Egyptian and Israeli sides aggravated poverty and levels of unemployment in Gaza and made it increasingly difficult for residents to travel outside Gaza, including students, the sick and those with special needs. This prompted activists from around the world to organize a flotilla of three passenger and three cargo ships carrying activists and aid. Israeli forces raided the flotilla on the 31st of May 2012 and killed nine activists and wounded scores of others.

Gazans sought other alternatives to access the outside world in the form of underground tunnels stretching from Gaza into Egypt. The tunnels provided Gazans with much-needed foodstuffs, medications, and basic daily needs despite the closure by Israel of the six crossings with Gaza.

During the blockade on Gaza, Israel launched major assaults on the Strip; Operation Cast Lead (2008-2009), Pillar of Defense (November 2012), and Operation Protective Edge (July 2014) killing and wounding thousands of Gazans. The attacks destroyed Gaza's infrastructure, leveled many public and private buildings, and inflicted massive losses on the Palestinian economy.

On the 3rd of June 2013, a military coup in Egypt ousted the country's first democratically elected leader, President Mohammed Morsi. The Rafah crossing was immediately closed and the process of destroying underground tunnels intensified. Egyptian authorities refused to heed international calls to reopen the crossing. Only very few people with special needs were allowed to cross through Rafah.

The number of Palestinians crossing into and out of Egypt through Rafah reached 123,459 during the first half of 2013 compared with 28,819 during the second half, a 77% decrease. In 2014, the Rafah crossing was open on 124 days out of 366 (38% of the year) at a rate of 5 hours a day. Approximately 52431 travellers crossed through Rafah in 2014.



As an occupied territory, it is the responsibility of the Occupation government of Israel to ensure the safety and welfare of the people of Gaza and respect their human rights as stipulated by the Geneva Conventions which also oblige the Egyptian government to offer all forms of assistance to lessen the impact of the blockade. The Egyptian government has opted instead to collaborate with the Israeli government by bolstering the blockade and closing the Rafah crossing in a glaring violation of people's basic right to travel and to free movement.

Introduction

The Gaza Strip is located in the southwest of Palestine on the eastern coast of the Mediterranean Sea. The Strip, 46 kilometer long by 6-14 kilometers wide with a total area of 365m², is home to 1.76 million Palestinians , of whom 855033 live in Gaza City. Gaza comprises five governorates; North Gaza, Gaza City, Deir Al-Balah, Khan Yunis and Rafah. The Strip, which makes up 1.36% of the total area of historical Palestine, is located in the south and shares a 12.6km border with Egypt. It is an indivisible part of the 210km international borders between Egypt and Palestine as demarcated by the 1906 Turco-British agreement.

Entry into Gaza by land is through seven crossing points. Nothing and no one can enter or exit the Strip except through these points of which six are under Israeli control. The only border crossing not formally under Israeli control is through Rafah. Each of the crossings has a Hebrew and Arabic name.





Gaza Border Crossings

- » 1. Al-Mintar (Hebrew: Karni)
- » 2. Beit Hanon (Hebrew: Erez)
- » 3. Al-Awda (Hebrew: Sufa)
- » 4. Al-Shujaia (Hebrew: Nahal Oz)
- » 5. Karm Abu Salem (Hebrew: Kerem Shalom)
- » 6. Al-Qarrara (Hebrew: Kissufim)
- » 7. Rafah





Rafah Border Crossing

The Gaza Strip was part of Mandate Palestine until 1948 when it fell under Egyptian control under which it remained until the Tripartite Aggression of 1956, which saw Israel occupy Gaza for a five-month interval before Egypt regained control of the Strip. In 1967, Israel occupied the Gaza Strip and Sinai, effectively ending Egyptian control over the area. The lack of border controls between Egyptian-controlled Rafah and Palestinian Rafah fostered good relationships, including those of marriage, between the residents of the two areas. Al-Arish became a focal point for Palestinians wishing to travel from Gaza on to Cairo, but only those with special needs (the sick, students, etc.) were allowed to cross over on to the Suez Canal with the help of the International Red Cross. The Camp David Accords signed between Egypt and Israel in September 1978 led to the creation of two border crossings (Karm Abu Salem for travellers and Al-Ouga for commercial



during the summer months when Palestinians would flood from abroad to visit relatives⁽²⁾.

When the second Intifada broke out in 2000, Israeli occupation forces began resorting to various pretexts to keep border crossings with Gaza closed for weeks on end. The continuous closures of crossings aggravated Palestinian suffering especially that of the sick, students, women and children. It is estimated that between 2001 and 2005, the number of people crossing into and out of Gaza dropped by 54% to reach 590 a day.

In February 2005, the Israeli government voted in favour of the Disengagement Plan Implementation Law proposed by the then prime minister Ariel Sharon. The plan included the unilateral withdrawal of Israeli army from Gaza and the dismantling of all Israeli settlements in Gaza. The operation ended on the 12th of September 2005 with a declaration that Israeli rule over Gaza had ended.

2 - Al-Mizan Centre for Human Rights, Another Side to the Siege: Rafah Crossing as an Example of Collective Punishment of Gazans by Israeli Occupation Forces, Gaza, 8 February 2003, p. 5.



traffic) between Gaza and Egypt in 1982, similar to the ones that connect Jordan and the West Bank⁽¹⁾.

The Camp David Agreement led to the dividing up of Rafah, effectively separating hundreds of families. Many families found themselves broken up into Egyptian and Palestinian elements which created a genuine humanitarian crisis especially after Israel retained total control over the Rafah crossing and dictated who should be allowed or prevented from crossing over. Following the Israeli withdrawal from Al-Arish, the Rafah border crossing was officially opened on the 25th of April 1982 to replace Al-Arish.

The crossing was placed under the control of the Israeli Aviation Authority, which kept it open all year round except for two days; Al-Adha Eid and Yum Kippur. These arrangements remained in place even after the Palestinian Authority assumed power in 1993. It was estimated that between 1200 and 1500 Palestinians used to cross daily between the two sides. The number would rise to 3000

1 - The Palestinian Independent Commission for Citizens' Rights, 2002, p. 32. See also Mustpaha Ahemd Abulkheir, Palestinian Crossings: A Legal and Political Perspective, 2008, p. 5.

Israel retained exclusive control over Gaza's airspace and territorial waters⁽³⁾. In November 2005, Israel and the Palestinian Authority signed The Agreement on Movement and Access with Egyptian blessing and European supervision allowing the PA to operate the Rafah crossing in the presence of closed circuit cameras broadcasting footage to the Israeli side⁽⁴⁾. The number of travellers increased to 1320 a day following the agreement.

Following its victory in the January 2006 general elections, Hamas formed its first government in April 2006. In January 2007, it seized full control of the Gaza Strip prompting PA forces and European monitors to relinquish control over the Rafah border crossing to Hamas. It was the excuse Egypt needed to announce an emergency and open-ended closure of the crossing on the pretext that it did not recognize the Hamas government in Gaza. The humanitarian situation worsened afterwards as the crossing became subject to the whimsical closures that stretched for weeks on end. The sick, students, those with special needs and

3 - For complete details of the disengagement plan, see (<http://www.alzaytouna.net/permalink/4702.html>)

4 - For a full transcript of the agreement, see (<http://www.palestine-pmc.com/arabic/inside1.asp?x=1914&cat=3&opt=1>)





those who worked abroad were especially affected⁽⁵⁾. Thousands of Palestinians were also held up for days or weeks in crowded waiting rooms under inhumane conditions at Egyptian airports⁽⁶⁾. This was accompanied by strict instructions to Egyptian, Arab and Foreign airlines to ban Gazans from travelling on their flights resulting in the death of hundreds of sick Palestinians, especially the elderly, women and children who could not get to hospitals outside Gaza in time. Hundreds of Palestinians lost their jobs in the Gulf and foreign countries or their student scholarships in various parts of the world. The closure of Rafah and the scarcity of foodstuffs prompted tens of thousands of Gazans to storm the border crossing into Egypt in January 2008 to buy their basic needs, baby formula and medications before returning to their homes without incident.

5 - <http://al-akhbar.com/node/203302>

6 - For more information about holding travellers up at Cairo Airport, see *The Price of Blockade* by the Friends of Humanity International and the Himaia Centre for human rights, April 2014.





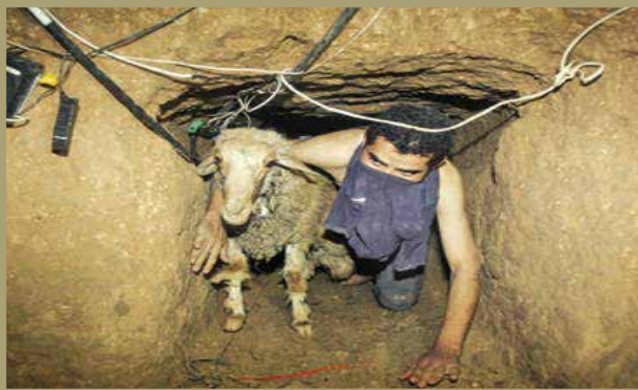
Underground

Despite this incident, Egyptian authorities did not feel compelled to change their policies regarding the Rafah crossing prompting Gazans to seek other alternatives in the form of underground tunnels stretching from Gaza into Egypt. The tunnels provided Gazans with much-needed foodstuffs, medications, and basic daily needs despite the closure by Israel of the six crossings with Gaza⁽⁷⁾.

This marked the beginning of the construction of more than 1000 tunnels, some big enough to accommodate cars Israel had banned in 2007 as a punitive measure after Hamas seized full control of Gaza. The Egyptian government under Mubarak, however, waged a fierce war against these tunnels by flooding them with sewage water and poisonous gases to kill anyone inside. The Israeli Air Force regularly bombed the tunnels⁽⁸⁾.

7 - Tareq Al-Qareezi, Gaza's Tunnels between Risk and the Desire for life, (<http://www.masress.com/alshaab/14660>)

8 - Ibid



The Israeli-Egyptian security collaboration culminated in the construction of a steel barrier furnished with detectors. The 10-km long, (Gaza's border with Egypt extend across 12-15kms) 30-metre deep barrier consisted of steel plates 18 meters -long and 50cms- thick, resistant to dynamite and equipped with fire-resistant detectors. The plan was for 20 to 30 meters-long pipes to be inserted vertically and at a distance of 30 to 40 meters one from another; these pipes would be connected through a 10 km-long horizontal main pipeline, from which seawater would be poured into them. The pipes, equipped with holes, would then release the seawater into the soil causing existing tunnels to collapse and preventing new ones to be dug⁽⁹⁾.

According to Palestinian Ministry of Health figures, more than 237 died while working inside the tunnels between 2006 and 2013 including 20 people killed by Israeli bombing of the tunnels. More than 600 were also injured⁽¹⁰⁾.

9 - Egyptian government infected by mad Israeli wall disease, a special report by Arab Organisation for Human Rights in the UK(AOHR UK), 21 December, 2009.

10 - Private interview with representative of the Palestinian Ministry of health Dr. Ashraf Al-Kidra, 15 October 2014.





Operation Cast Lead 2008-2009

In addition to the blockade imposed on Gaza, Israel launched a devastating bombing campaign on Gaza on 27 December 2008. The 22-day bombing resulted in the death of more than 1417 Palestinians, including 412 children and 111 women. More than 4336 women, children and old people were injured in addition to the destruction of thousands of homes, public buildings, schools, clubs, mosques and even UN buildings⁽¹¹⁾.

Despite the bloody and brutal nature of the war on Gaza, the then Egyptian president Hosni Mubarak announced on the 31st of December 2008 that the Rafah crossing would not be opened without the presence of PA security forces and European monitors as stipulated by the 2005 agreement. The Egyptian authorities agreed to open the crossing for a few hours to allow only some of the injured and the sick to leave and some aid to be sent into Gaza.

11 - A statistical report of the casualties and damages in the aftermath of the Israeli war on Gaza between the 27th of December 2008 and the 18th of January 2009, AL-Mizan Centre for Human Rights, 1 December 2009, p. 11.





Freedom Flotilla

The blockade of the Gaza Strip and the harsh Egyptian measures at the Rafah crossing, including the ban imposed on the movement of the old, the sick, women and children, and delegations wishing to visit Gaza, prompted activists from around the world to organize a flotilla of three passenger and three cargo ships carrying activists and aid. Israeli forces raided the flotilla on the 31st of May 2010 and killed nine activists and wounded scores of others⁽¹²⁾. The subsequent political embarrassment forced the Egyptian government to reopen the Rafah crossing for humanitarian cases until the 25th January 2011 Revolution.

12 - For more details, see Al-Bayan, 1 June 2010, Israel Assassinates Freedom at Sea.





25 January 2011 Revolution

According to human rights statistics, the Rafah crossing remained closed 86% of the time between June 2006 and January 2011⁽¹³⁾. Following the January 2011 revolution, the situation at Rafah improved slightly. The crossing was reopened for longer hours and the situation continued to improve throughout the rule of the Military Council and later under President Mohammed Morsi.

In August 2012, 15 Egyptian soldiers were killed near the Egyptian-Israeli borders. These killings were followed by uncorroborated claims that terrorists had travelled from Gaza through underground tunnels to carry out the killings. A fierce campaign ensued demanding the closure of the crossing and the tunnels. The fresh crackdown impacted the lives of Gazans who began to suffer food and medical supply shortages, and an increase in prices.

13 - Maslak for the Defense of Freedom of Movement, Who holds the Keys to the Rafah Crossing? p. 6.





Operation Pillar of Defense

On 14 November 2012, Israel waged a 7-day attack on Gaza killing 155 people including 27 children and 14 women. Compared to its predecessors, the bombing was less bloody due to the pressures exerted by the Egyptian President Mohammed Morsi who threatened Israel saying “Gaza is not alone”. He also sent his prime minister Hisham Qandeel to Gaza during the bombing. Egypt also opened the Rafah crossing to allow Arab and foreign delegations, as well as medical supplies to cross into Gaza. The injured were also evacuated for treatment.

Convoys carrying aid, foodstuffs and medical supplies were allowed into Gaza during the bombing. At least 36 delegations at an average of 5 a day crossed into Gaza during the 7-day attack. The delegates included 1256 supporters and activists arriving into Gaza at an average of 180 a day⁽¹⁴⁾.

14 - The Government Committee for Breaking the Blockade and Receiving Delegations, The Palestinian Ministry of Foreign Affairs, Convoys and Delegations: The past and the Future, unpublished report, July 2014, p.1.



Tightening the blockade after 3rd of July 2013

On the 3rd of June 2013, a military coup in Egypt ousted the country's first democratically elected leader, President Mohammed Morsi. The Rafah crossing was immediately closed and the process of destroying underground tunnels intensified. A few days later, the crossing was reopened for a few hours and only a few hundred were allowed to cross. It remained more closed than open with the Egypt government using the security situation in Sinai and terrorist activities as an excuse to keep it closed. Only those critically ill or wishing to travel to perform Umra or Hajj were allowed to leave Gaza.





Operation Protective Edge

This was one of the bloodiest and most brutal Israeli attacks on Gaza. The bombing started on the 7th of July 2014 and ended 51 days later on the 28th of August 2014. More than 2133 Palestinians were killed including 500 children, 300 women and 64 disabled⁽¹⁵⁾.

More than 10,000 people were injured including 3374 children, 2088 women and 410 elderly. According to some estimates, more than 1000 children have suffered a permanent disability and another 1500 will need constant care.

Approximately 500,000 people (28% of the population) were displaced and had to seek shelter in UNRWA buildings. More than 108000 will remain displaced after their homes were completely destroyed or severely damaged⁽¹⁶⁾. Israel

15 - For more details see Euro-Mid Observer for Human Rights, Indiscriminate Attacks and Deliberate Killings: Israel Takes Revenge on Gaza by Killings Civilians, October 2014. See also Euro-Mid Observer for Human Rights, Israeli Matrix of Control: Use of Palestinian Civilians as Human Shields, October 2014

16 - Ibid



bombed Gaza from the air, land and sea with 2108 missiles, 73615 rockets, and 73615 shells which destroyed the infrastructure and many public and private buildings. The losses were estimated to have been around \$3billion⁽¹⁷⁾.

Four days into the Israeli attacks, the Egyptian government announced it was reopening the Rafah crossing on the 10th of July 2014 following a request to do so from the UN Secretary-General to evacuate the injured and send in much-needed aid. The reality on the ground was different. Egypt continued to keep the Rafah crossing closed in the face of the injured and only a few were allowed to leave. The Egyptian Minister of Health announced that only 216 injured Palestinians crossed into Egypt from a total of 10,000 injured in the Israeli bombing⁽¹⁸⁾.

The Egyptian Prime Minister issued a decision on the 29th of October 2014 ordering the establishment of a buffer zone in Rafah, north west of Sinai. The decision, which was published in the Official Gazette under number 1957 for the

17 - Ibid

18 - Ibid



year 2014, stipulates that “If any resident of the area earmarked to be closed off does not move out voluntarily, his property will be confiscated.”

The Egyptian army in Sinai began evacuating residents from the buffer zone along a 500-metre-wide zone west of the borders with Gaza during the first phase in preparation for final phase which will see 13.5 kilometres converted into buffer zone that extends from the coast to Karm Abu Salem. More than 802 homes housing 1156 families being razed. The authorities said those whose homes will be demolished would receive 300 Egyptian Pounds (approximately \$45) a month for the next three months and would be compensated for their homes and lands later.

Number of people crossing through Rafah

A comparison between the number of travellers during the first half of 2013 when President Morsi was in power and the second half following the coup that ousted him reveals the drastic drop in the number of people crossing into and out of Gaza through Rafah. The number of Palestinians crossing into and out of Egypt through Rafah reached 123,459 compared with 28,819 during the second half, a 77% decrease.

In 2014, the Rafah crossing was open on 124 days out of 366 (38% of the year) at a rate of 5 hours a day. Approximately 52431 travellers crossed through Rafah in 2014.



The number of delegates crossing through Rafah between the years 2012-2014.

The same pattern can be noted with regards to the number of delegations crossing into and out of Gaza through Rafah between the years 2012-2014. Approximately 207 delegations comprising 4371 delegates travelled to Gaza through Rafah during the first half of 2013 when President Morsi was in power compared with only 11 delegations comprising 141 delegates during the second half of the year following the military coup. In 2014, only 40 delegations comprising 307 delegates crossed into Gaza through Rafah. It can be noted that while an average of 5 delegates used to cross into Gaza every day during the 2012 Israeli war on the Strip, only two delegates a week were able to cross into Gaza during the 2014 Israeli bombing⁽¹⁹⁾.

19 - The Government Commission for Breaking Blockade and Receiving Delegates, An Almost Complete ban on Delegates and Fuel Crossing into Gaza, December 2014.

The Economic and Humanitarian impact of the blockade

The blockade has aggravated poverty and levels of unemployment in Gaza. By the end of 2014, the collapse of the Gazan economy following the ruthless bombing of the Strip led to an increase in the number of those living below the poverty line. Unemployment rates stood at 55% as the number of those without a job reached a staggering 230,000 people. According to recent estimates, nearly 65% of the population of Gaza lives below the poverty line. The number of those receiving aid from UNRWA and other international organizations is around one million- 60% of the population. Food insecurity levels are estimated to be around 57%⁽²⁰⁾.

According to the Palestinian Ministry of National Economy, Israeli occupation forces completely or partially destroyed more than 1050 building and facility

20 - <http://www.unrwa.org/newsroom/press-releases/food-insecurity-palestine-remains-high>



during its 2014 onslaught on Gaza (450 were completely destroyed, and 600 partially destroyed). The bombing wiped out what remained of the Gazan economy following two previous wars during which Gaza incurred \$8 billion losses⁽²¹⁾. Scores of the sick and injured died due to lack of medical supplies and being denied passage out of Gaza.

21 - Gaza under the fire of an Economic War, Al-Eqtisadia newspaper, for a full transcript of the report see, www.eqtisadia.ps/wp-content/uploads/Final-771.pdf

The Legal Framework:

Undoubtedly, the closure of the Rafah crossing constitutes a violation of the most basic provisions of International law which protect the freedom to travel:

International human rights laws guaranteed individuals' rights to movement and travel. Article 13 of the Universal Declaration of Human Rights stipulates "Everyone has the right to freedom of movement and residence within the borders of each State. Everyone has the right to leave any country, including his own, and to return to his country⁽²²⁾." The right to travel and movement is an unalienable right that cannot be violated except in accordance with the law.

22 - <http://www.un.org/en/documents/udhr/>





Article (12) of The International Covenant on Civil and Political Rights of 1966 stipulates that ⁽²³⁾ :

- » Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
- » Everyone shall be free to leave any country, including his own.
- » The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
- » No one shall be arbitrarily deprived of the right to enter his own country.

23 - <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>



According to article 27 of The Arab Charter on Human Rights of 2004, “1. No one may be arbitrarily or unlawfully prevented from leaving any country, including his own, nor prohibited from residing, or compelled to reside, in any part of that country. 2. No one may be exiled from his country or prohibited from returning thereto ⁽²⁴⁾.”

Measures undertaken by the Egyptian and Israeli governments constitute a form of collective punishment. Article 50 of the 1899 Hague Regulations provides: “No general penalty, pecuniary or otherwise, can be inflicted on the population on account of the acts of individuals for which it cannot be regarded as collectively responsible.”

Article 33 of the Fourth Geneva Convention stipulates “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.”

24 - <http://www1.umn.edu/humanrts/instreet/loas2005.html>

Article 75 of Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, June 1977 stipulates “The following acts are and shall remain prohibited at any time and in any place whatsoever, whether committed by civilian or by military agents: ... collective punishments⁽²⁵⁾.”

25 - https://www.icrc.org/customary-ihl/eng/docs/v2_rul_rule103





Gaza Strip between a rock and a hard place:

As a general rule, International law considers the Gaza Strip an occupied territory. This designation was not been affected by the redeployment of Israeli troops along its borders in 2005 since Israel has maintained effective air, land and sea control of Gaza, making it responsible for the welfare of the civilian population, including the provision of services.

The Gaza Strip is also considered a land under siege. Israel controls all but one of the border crossings into Gaza. Rafah is under the control of the Egyptian authorities who have refused to keep it permanently open choosing instead to limit passage of Palestinians in and out of Gaza to very rare and infrequent occasions. As such, the Egyptian government has aided an international party, Israel, in imposing collective punishment on the civilian population of Gaza in a glaring violation of the Geneva Conventions which make it incumbent upon all international parties to stand up to anyone attempting to breach the Conventions.



Conclusions and Recommendations

All the above points to a grave humanitarian crisis and a breach of the human rights of the people of Gaza especially the right to freedom of movement which is guaranteed by international laws and conventions. As such the report seeks to make the following recommendations and demands:

- » The blockade and siege imposed on Gaza by Israel in collaboration with the Egyptian authorities are a crime and a form of collective punishment in stark violation of the Geneva Conventions which protect civilians in times of war.
- » Following the signing of the Rome Statute by the State of Palestine, the International Criminal Court is urged to launch an investigation into the siege imposed on Gaza and bring all those responsible to justice.

- » Secretaries-General of the UN, the Arab League, Organization of Islamic Cooperation, the African Union and the EU, are urged to pressure the Israeli government to lift the siege on Gaza and the Egyptian government to reopen the Rafah border crossing.
- » The National Conciliation government is urged to rebuild Gaza and save the lives of thousands of families who had lost their homes.
- » International donors are urged to draw up and implement plans for the development of Gaza, especially in terms of offering support for micro-projects and creating job opportunities to tackle the problems of poverty and unemployment.