



**Al Mezan Center for Human Rights**

**Report:  
Humanitarian Implications of Israel's Siege on the Gaza Strip**



**1 October 2007**

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## Introduction:

Restriction of Palestinians' movement represents the cornerstone of Israel's policy on the Occupied Palestinian Territories (OPT); and particularly the Gaza Strip (Gaza). The word siege in this report refers to the closure instituted by Israel of *all* Gaza's passage points. These include Gaza's five land crossings (only one of which, Rafah, is not shared with Israel), Gaza International Airport, and an unfinished seaport. The siege imposes restrictions on the movement of both people and goods, allowing only a very limited number of people to move across the border and only a restricted amount of goods to enter or leave Gaza.

Movement restrictions are a major direct cause of human rights violations in Gaza. Besides representing an illegal constraint on the right of every person to move freely, including within one's country and outside it, as stipulated by Article 13 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), these restrictions are the primary cause of violating several other human rights.

Over the past few years, facts on the ground have shown that Israel's siege policy had a destructive impact on the Palestinian economy. It, therefore, has generated grave violations of the right to work, as established in, *inter alia*, Article 23 of UDHR and Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the right of every person to an adequate standard of living for him/her and his/her family, as enshrined in Articles 25 and 11 of the UDHR and ICESCR respectively.

Movement restrictions on the entry of foodstuffs, fuel, medicine, medical equipment and personnel, materials necessary for education, equipment necessary for sanitation and the protection of environment also violate human rights. This includes the right to food (Article 25 of UDHR and Article 11 of ICESCR), the right to the highest attainable standard of mental and physical health (Article 12 of ICESCR) and the basic determinants of this right as established by the UN Committee on Economic, Social and Cultural Rights (ESCR Committee). It also violates the right to education, both by restricting access to education and to materials essential for a functioning educational system, which is provided for in Article 26 of UDHR and Articles 13 and 14 in ICESCR. Moreover, this policy has dire impacts on the environment in Gaza. Construction materials are not allowed into Gaza, thereby delaying efforts to improve water and sanitation, including the building of a water treatment plant. Collection of solid waste remains difficult, and most Gazans resort to burning garbage in the streets.

It should be stressed here that Israel has obligations vis-à-vis the population of the OPT under two sets of international law: international human rights law (IHRL) and international humanitarian law (IHL), as determined by the International Court of Justice (ICJ) in its 2004 Advisory Opinion on the legality of the construction of the Separation Wall in the West Bank.<sup>1</sup> In the areas where the Palestinian National Authority (PNA) is responsible for the execution of human rights obligations, Israel also bears a duty not to restrict the PNA's efforts

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<sup>1</sup> The International Court of Justice decided that certain human rights instruments are applicable in the case of occupation. In para. 104 of its Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, of 2004, the Court ruled that "the protection of the International Covenant of Civil and Political Rights does not cease in times of war, except by operation of Article 4 of the Covenant whereby certain provisions may be derogated from in a time of national emergency". It also concluded that the International Covenant on Economic, Social and Cultural Rights and the United Nations Convention on the Rights of the Child, as well as applicable IGL, are applicable in the Occupied Palestinian Territory.

to comply with these obligations. The siege policy is the main cause of the PNA's inability to effectively provide health, education and other services.

Approached from another angle, Israel's siege policy equals a multifaceted form of collective punishment against a civilian population under its direct occupation and control in Gaza. The policy is not oriented to serve justified security needs or to target a limited number of persons for legal or security considerations; however, is directed against the entire population. Siege and closure represent a blanket policy under which the prohibition of the movement of people and goods are the rule, while permission to enter or exit is the exception. Permission is highly difficult to gain: Palestinians must apply for special permits to enter or exit, and they must prove the presence of a pressing 'humanitarian need' for their movement ('humanitarian' here is interpreted in an extremely narrow way). The Israeli army handles these applications. Only a tiny percentage of applications receive a positive answer. Given their magnitude and indiscriminatory nature, these measures represent punitive measures. Collective punishment is punitive in nature and prohibited unconditionally by IHL, namely the Fourth Geneva Convention (Articles 33, 146, 147), and the Hague Regulations of 1907.

Israel continues to argue that its responsibilities have ceased to exist since its disengagement from Gaza in September 2005. Its obligations towards the life and well-being of Gazans have therefore come to an end. These claims are built on the assumption that Israel no longer occupies Gaza, an untenable assumption that both factual and legal accounts negate only with little effort.<sup>2</sup> In fact, Israel's capacity to effectively seal off Gaza in ways described in this report, including closures of all land, sea and air passage points, counters Israel's argument. Occupation is primarily about control and capacity to influence the administration of a territory – and with control comes responsibility.<sup>3</sup> Under a reality of occupation and conflict, Israel is obliged to observe and uphold the obligations that international law assumes in occupation situations, which aim to ensure the life, dignity and wellbeing of the occupied population. Israel should also observe the human rights obligations that arise from its contractual obligations under IHRL. These obligations apply to all people living in the territory under its jurisdiction.

Two months after the implementation of Israel's Disengagement Plan on 12 September 2005, international mediation efforts succeeded in the formulation and signing of the Agreement on Movement and Access (AMA) of 15 November 2005. Under this agreement, Israel promised to keep Gaza's borders open for the movement of persons (mainly through the Rafah Crossing under supervision of the European Union) and goods (via the Karni Crossing, under specific security arrangements). It was agreed that Israel would allow significantly larger amounts of goods in and out of Gaza and permit guarded convoy trips between Gaza and the West Bank. As frequently reported by the United Nations (UN) agencies and the World Bank, Israel, nevertheless, failed to uphold its part of this agreement in a fundamental, unwavering way. The Rafah Crossing was kept practically under the total control of the Israeli government, mainly through its ability to restrict the access of EU observers to reach the crossing. The levels of imports and exports through the Karni Crossing never reached the targeted levels and actually experienced a decrease after the AMA between the West Bank and Gaza. Convoys were never allowed to move. The siege policy reached its peak in June 2007 – the very month that saw Hamas take over the Gaza Strip to bring to an end years of

<sup>2</sup> See Al Mezan Center for Human Rights, 'REPORT ON THE LEGAL AND ECONOMIC CONSEQUENCES OF THE UNILATERAL DISENGAGEMENT PLAN', at [http://www.mezan.org/document/Legal\\_study\\_disingagment\\_en.pdf](http://www.mezan.org/document/Legal_study_disingagment_en.pdf).

<sup>3</sup> See *ibid*, pp. 8-14, for an account of the definition of occupation, when it starts and ends under international law.

internal fighting with Fateh.<sup>4</sup> The peak of the siege did not come as a surprise, since Israel doubled the restrictions on Gaza since Hamas won the elections in 2006. Even at that point, Gazans were living in severe socio-economic conditions.

Later, on 19 September 2007, the Government of Israel (GOI) declared Gaza a hostile entity and simultaneously approved a series of measures that added to the decade-long siege. These decisions meant expansion of the previously imposed restrictions and placed more groups of Gazans on the prohibited list for movement. Practically, the entire population was included; save for several humanitarian cases that were permitted to exit Gaza as they neared death due to Gaza's inadequate health care system.<sup>5</sup>

In practical terms, the declaration of Gaza as an enemy entity is highly controversial and self-contradictory. For decades, Israel occupied Gaza by force, considered it a hostile territory and waged war against it. The IOF never ceased to act in Gaza's land, water and air space. Aside from the expansion of movement restrictions, the declaration brings nothing new. IOF's conducts in Gaza, be they military activities that do not observe IHL or the collective punishment of Gazans, were in place before the declaration. Now they persist with more intensity.

Since 19 September 2007, it is clear that the siege and other forms of collective punishment would continue and even become worse. Israel began gesturing at restrictions that would limit the fuel and electricity supplies to Gaza. This, despite Israel knowing that that Gazans come under immediate harm, the shortage of fuel and electricity would lead to the exhaustion of all fuel storages and the destruction of the electricity production infrastructure.

As of 1 October 2007, Israel initiated new punitive measures against Gaza. For example, IOF demolished the Sufa Crossing. This crossing began to replace Karni as the main source of for exports, albeit limited, which are now getting into Gaza through the Kerem Shalom Crossing. This crossing operates under a very limited capacity, and it cannot meet the minimum needs. The Israeli military determined that only nine categories of commodities can enter Gaza.<sup>6</sup> It also declared that Gazans should not expect to get sufficient amounts of these goods. These measures equal a full paralysis of Gaza's economy for two reasons: (1) no raw materials are included on this list, and (2) no exports will be allowed out of Gaza. Gaza's now humbled industrial sector is expected to shut down in weeks, and, when this happens, several thousands of workers will be laid off immediately.<sup>7</sup> The same applies to the construction sector, which shut down in June 2007.

As this happens, more Gazans become victims of unemployment and poverty, and more people are denied access to adequate health care in- and outside Gaza. Every sector in the Strip - whether education, agriculture, construction, water or employment - will experience its share of regression. This is a situation that creates an environment ideal for violating human rights. This reports aims to shed light on some of the human rights implications the

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<sup>4</sup> This faction established and led the PNA until January 2006, after it lost the legislative elections.

<sup>5</sup> It should be noted that Israel allowed some 6,000 people to enter Gaza through Egypt, but only from Erez Crossing in late July 2007. Later, some convoys also left Gaza from the same path. See <http://www.haaretz.com/hasen/spages/887045.html> for more details.

<sup>6</sup> See Al Mezan Center for Human Rights, Press Release; [http://www.mezan.org/site\\_en/press\\_room/press\\_detail.php?id=714](http://www.mezan.org/site_en/press_room/press_detail.php?id=714).

<sup>7</sup> According to Near East Consulting, the poverty rate stands at 69.1%; with over 40% living in extreme poverty (see [http://www.neareastconsulting.com/surveys/poverty/p211/out\\_ct\\_region\\_povjam.php](http://www.neareastconsulting.com/surveys/poverty/p211/out_ct_region_povjam.php)). The official unemployment rate in Gaza is estimated at 30%.

siege policy causes by showing some of its impacts on industry, specifically agriculture and construction, and then education, and employment.

### **Industrial Sector**

Owing to the siege imposed on the Gaza Strip, two thousand industrial establishments were forced to suspend work, with over 70,000 workers laid off. Those establishments represent about eighty-five percent of the manufacturing businesses that operated in Gaza prior to 14 June 2007. Unfortunately, the chance for those who lost their jobs to find an alternative is extremely limited.

The siege, together with mounting threats of fuel and electricity cuts by Israel, renders all remaining factories and workshops at risk of closing. Consequently, most of the owners of such industrial projects sustained grave losses and can no longer afford the doubled production costs under the wake of procurement incapacity, scarcity of materials or their high market prices.

The impacts of such Israeli measures fall in line with the systematic destruction of the Palestinian industry. This situation renders Palestinians dependent completely on Israeli products, as was the case previously. These policies that harmed Gaza's industrial sector have been in place since the outbreak of Al Aqsa Intifada in 2000; however, were recently exacerbated by the decision to treat Gaza as an enemy entity. This decision caused the sector to come to a complete halt.

The figures provided in the table below, which are based on Al Mezan's documentation, show the range of direct damages to the industrial sector in Gaza:

**Table 1**

#### **Industrial premises destroyed by the IOF between 28 September 2000 and 30 Jun 2007**

<b>Size of damage</b>	<b># of factories damaged</b>	<b># of workers before damage</b>	<b># of workers on 30 June 2007</b>
<b>Partial damage</b>	135	1817	729
<b>Complete destruction</b>	164	1345	167
<b>Total</b>	299	3171	896

Additionally, the indirect damages suffered by the industrial sector as a result of the siege caused serious loss of materials, which forced thousands of business owners to move their businesses to neighboring countries. This worsened productivity, bringing it to levels lower than those recorded before the establishment of the PNA in 1994; a milestone that marks the most significant economic and industrial development in Gaza. It goes without say that industry is highly dependent on access to raw materials, which are imported from or through Israel. Until mid-June 2007, the siege caused severe damage to the sector, particularly due to the restrictions on imports and exports. But since Israel's suspension of Gaza's customs code on 21 June 2007, which immediately created a severe shortage of raw materials, the industrial sector almost has suspended its work. A considerable share of Gaza's industrial products is destined for markets in the West Bank; yet, the siege prevents these goods from entering this market.

Thus, the siege, suspension of the customs code, and these more recent measures have deprived Gaza's industry from receiving raw materials or marketing its products, two indispensable conditions for the continuation of any industry's production cycle.

### Commercial Sector

Gazan business owners continue to sustain losses and report difficulties arising from restrictions imposed on the movement of goods. Moreover, the suspension of Gaza's custom code has prevented Gazan traders from exporting and/or importing goods and raw materials. The prolonged closure of the Rafah Crossing (Gaza's only border crossing with a country other than Israel) makes Israel the only path for trade with Gaza. Besides the movement issues, Gaza's commercial sector suffers direct losses from destructive attacks by the IOF, for instance, the direct shelling of businesses, or the shelling of roads in front of businesses..

The IOF destroyed many trade companies in past years. The siege and destruction give Gaza's traders only little room to recover and maintain their work. The following table provides figures on the losses arising from IOF's attacks on commercial facilities in Gaza since the outbreak of the Second *Intifada*.

**Table 2**

**Stores destroyed by the IOF between 28 September 2000 and 31 May 2007<sup>8</sup>**

<b>Size of damage</b>	<b># of stores</b>	<b># of workers before damage</b>	<b># of workers after 31 May 2007</b>
<b>Partial</b>	202	318	252
<b>Complete destruction</b>	375	466	48
<b>Total</b>	577	784	300

Similar to the industrial sector, the limited goods allowed into the Strip cripple the commercial sector. Additionally, the Israeli authorities may allow the entry of seasonal goods such as school stationery just a few days before the start of the school year. The restrictions imposed on the commercial sector have resulted in a serious increase in prices of goods and a remarkable decline in their quality.<sup>9</sup> Tests carried out in 2006 showed that flour imported to the Gaza Strip did not conform to Palestinian and/or the internationally accepted minimum specifications. Essentially, the flour, which was given as humanitarian aid, was unfit for human consumption. UNRWA confirmed these results and halted contracts related to flour imports.

According to Al Mezan's documentation, the IOF allowed the entry of 229 truckloads of goods through the Sufa Crossing<sup>10</sup> from 10 to 16 September 2007. Another fifty truckloads were allowed to pass through the Karni Crossing during the same period. This represents less than fifty truckloads of commercial and humanitarian commodities per day, on average. The United Nations has estimated that the Gaza Strip needs 900 truckloads per week, with a

<sup>8</sup> These figures are retrieved from Al Mezan Center's database, which contain data and information collected by Al Mezan directly from the field.

<sup>9</sup> For a detailed and more recent picture about price inflation in Gaza, please consult Al Mezan's Press Release "Gaza Siege Must End to Evade Disastrous Humanitarian Impacts" at [http://www.mezan.org/site\\_en/press\\_room/press\\_detail.php?id=750](http://www.mezan.org/site_en/press_room/press_detail.php?id=750), last accessed on 30 December 2007.

<sup>10</sup> Sufa Crossing is located southeast of the town of Khan Younis.

minimum average of 150 truckloads daily, to cover the very basic needs of Gazans. This reflects the badly deteriorated humanitarian situation in the Gaza Strip.

### **Agricultural Sector**

Since 1967, the IOF has systematically razed cultivated and uncultivated lands, uprooted trees, and demolished water wells and irrigation networks. Further, it buried the rubble of destroyed agricultural facilities and homes in arable lands, which affects negatively the quality of soil and renders rehabilitation very difficult. The following table shows the area of land that was razed by the IOF in Gaza during the Second *Intifada*.

**Table 3**

**Cultivated land razed by the IOF in the Gaza Strip between 28 September 2000 and 9 September 2007**

<b>Land location (by district)</b>	<b>Area in km<sup>2</sup></b>	<b># of people affected</b>
<b>North Gaza</b>	14611.5	26314
<b>Rafah</b>	3986.2	15403
<b>Gaza</b>	4067	10654
<b>Deir Al Balah</b>	5.556	10022
<b>Khan Younis</b>	3846.3	9075
<b>Total</b>	31566.8	71468

From this table, you can see that the Northern Gaza district received the brunt of these attacks. The town of Beit Hanoun, located in this area, was once surrounded by kilometers of fruit and flower trees. The IOF deliberately bulldozed these trees, effectively crippling the agricultural sector in Beit Hanoun, and psychologically damaging its citizens.

Additionally, Palestinian farmers depend mainly on the crossing points to import seed, fertilizer, and insecticide from Israel, or via its ports. Those crossings are the only outlet for agricultural products, including vegetables and flowers, to the external markets in the West Bank, Israel, and Europe.

Under the prolonged siege, farmers hesitate to commence the agricultural season, as they fear that their products cannot be sold outside Gaza, and thus sustain grave losses. They were faced by this situation many times over the past few years. Under such conditions, most Gazan farmers have found it inevitable not to plant during this year's season. Of those, hundreds have become unemployed as a result. According to sources in the Union of Palestinian Agricultural Relief Committees (PARC), the Gazan farmers have planted about 2,000 dunams of strawberry plants, 500 dunams of flowers, and 750 dunams of vegetables (cherry tomatoes and peppers). The Gaza Strip market cannot demand quantities of such products, as they are intended for export. If Israel continues its prohibition of Gaza's exports, the farmers will sustain tremendous losses, which are estimated to reach USD20,000,000.

Moreover, the Israeli authorities continue to prohibit the flow of agricultural materials into the Gaza Strip, such as fertilizers, insecticides, sterilization gas, seeders, packing materials, plastics, and green-house equipment. Usually, fruits need to be covered with plastic by mid-October at the latest, but this plastic is no longer available in Gaza's markets.



The ongoing closure threatens the prospects of agriculture in Gaza. Sources at the Palestinian Agricultural Relief Committee (PARC) indicated that the shortage of materials used for agriculture hinders the execution of UNDP-financed projects, which are scheduled to start this season. This may result in cancelling the funds allocated for these projects; consequently, depriving Gaza from significant development opportunities and hundreds of farmers from the opportunity to work.

Moreover, the continued obstruction of agricultural equipment and materials into Gaza could bring about a serious shortage of vegetables; therefore, based on the fact that prices of some vegetables started rising already, the prices of other vegetables will begin climbing. This renders the most disadvantaged groups; especially poor and low-income families, which make-up the majority of the Gaza's population now, unable to afford vegetables necessary for proper nutrition.

It should be noted here that these negative impacts of siege on the industrial, commercial, and agricultural sectors affect negatively an already critical situation. The rate of unemployment in Gaza now exceeds forty percent while the rate of poverty nears ninety percent.

### **Health Sector**

The siege has drawn dark shades on the Palestinian health sector, which has seen significant deterioration that hinders the population's right to adequate healthcare both in- and outside Gaza. According to information retrieved from the Palestinian Ministry of Health (MoH) by Al Mezan, the health sector suffers from serious shortages of medicines. The MoH has a 'List of Essential Medicines' (LEM), which has 468 medicinal items. Of those, the health sector was short 120 items during the first half of 2007. This shortage constitutes over twenty-five percent of essential medicines. With regard to medical and surgical disposables, such as cotton wool and surgery threads, the shortage ranged between 150 and 200 items out of about 1000-1400 items normally used at hospitals and clinics. The LEM includes forty items used for emergency cases by the MoH.

Most medicines received in humanitarian aid packages are soon to expire when they reach the Gaza Strip; therefore, many of them are no longer useable when prescribed to patients. The medical humanitarian aid provided by international organizations fails to meet the needs of Gazans sufficiently. Medicines and services provided by the World Health Organization (WHO) meet only the minimum needs of Gaza's health sector.

Besides these shortages, frequent Israeli disruption of electricity and fuel supplies endangers the work of the health sector, particularly hospitals that require relatively large quantities of electricity and fuel supplies. This particularly risks the lives of patients that require life-sustaining health care, such as kidney dialysis as a result of diabetes for example. Furthermore, frequent cutoffs of electricity obstruct the work of surgery rooms and cause damage to medical equipments that experience continued shortages. It has also been reported that electricity cuts endanger vaccines and other materials that require refrigeration.<sup>11</sup> These conditions contribute to further deterioration of health services in Gaza.

As far as health determinants, such as potable water, sanitation and the environment, are concerned, the siege has led to problems that affect public health in Gaza. Water cannot be pumped to households without electricity and/or fuel. Similarly, sanitation services lack any capacity without electricity and fuel. Fuel is particularly necessary for the collection of solid waste from Gaza's households and streets, an activity that has seen great troubles in the second half of 2007. Moreover, the siege directly or indirectly caused many environmental projects to be suspended; especially those concerning sewage treatment plants, causing an increase in the environmental and health risks in the Gaza Strip. An impending health crisis ensues.

## **Construction Sector**

With a high population density and lack of infrastructure, particularly in refugee camps,<sup>12</sup> the construction sector in the Gaza Strip worsened as a result of the prolonged siege. The housing conditions in Gaza are low, especially in refugee camps. The obstruction of construction materials created shortages that deprive Gazans from their right to adequate housing.

Moreover, systematic home demolitions by the IOF have played a major role in the deterioration of housing in Gaza. Add to the already low housing standards, high poverty and unemployment, and restrictions on the entry of construction materials, home demolitions worsened the housing crisis in Gaza to unprecedented levels. Between 28 September 2000 and 9 September 2007, over 73,000 Palestinians had their homes demolished only in the Gaza Strip (see Table 4 below). The slow process of re-housing fails to relieve the vast majority requiring new homes. This process was halted, as UNRWA, the main relief organization that helps refugee victims of home demolitions, had to stop its construction projects when the IOF prevented the entry of construction materials in June 2007.<sup>13</sup> The PNA was forced also to halt many construction activities for families whose homes were demolished. Alternatively, they decided to rehabilitate homes that sustained partial damages. This keeps tens of thousands of people without adequate post-demolition services by the PNA, which could not afford the mounting expenses of construction.

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<sup>11</sup> The Temporary International Mechanism, which is supported mainly by the EU, has continued to provide assistance for clinics and hospitals in Gaza to maintain the work of electric generators so that such essential items do not expire; see for example the World Health organization, 'Health Situation in the West Bank and Gaza Strip', available online at

<http://domino.un.org/UNISPAL.NSF/59c118f065c4465b852572a500625fea/56dd6818b4bdf4c2852572740055c047!OpenDocument>.

<sup>12</sup> Over three-quarters of the current estimated population of some 1.48 million are registered refugees; some half a million of them live in refugee camps. See <http://www.un.org/unrwa/refugees/gaza.html> for greater details.

<sup>13</sup> See Oxfam International, Press Release 'For aid to be effective, donors need to insist Israel changes its policies towards occupied Palestinian Territories' at [http://www.oxfam.org/en/news/2007/pr071214\\_occupied\\_palestinian\\_territories\\_aid](http://www.oxfam.org/en/news/2007/pr071214_occupied_palestinian_territories_aid).

The following table shows the number of homes demolished by the IOF during the Second *Intifada* in Gaza and the number of people who lost their homes:

**Table 4**

**The number of houses demolished by the IOF from 1 January 2007 through 9 September 2007**

<b>District</b>	<b>Size of damage</b>	<b># of homes</b>	<b># of permanent residents</b>	<b># of female residents</b>	<b># of children affected</b>
Khan Younis	Complete	550	4158	2023	2181
	Partial	524	4238	2142	2128
Deir Al Balah	Complete	212	1726	789	825
	Partial	307	3295	1625	1557
Rafah	Complete	1612	14065	6606	7450
	Partial	1129	10666	5006	5443
North Gaza	Complete	386	3930	1874	1817
	Partial	1545	16705	8149	8998
Gaza	Complete	224	1803	675	773
	Partial	846	8760	3862	4062
<b>Total</b>		<b>7335</b>	<b>69346</b>	<b>32724</b>	<b>35234</b>

Therefore, the siege has been the major factor that deprives Gazans from their right to adequate housing: both directly, by creating an unprecedented shortage of construction materials, and indirectly, by creating an economic regression that affects the PNA's ability to face the high demand for re-construction and rehabilitation. Due to this siege, many other housing-related projects have been suspended, including pavement of roads and building of infrastructure.

According to the information collected by Al Mezan, many construction and infrastructure projects have been suspended due to the shortage of raw materials created by the siege. Those are listed below:

1. The project of developing Salah Ad-Din Main Street (EURO25 million);
2. The project of pipes for drinking water in Gaza (USD 155 million);
3. The construction of Gaza Sewage Treatment Plant (EURO70 million);
4. The construction of North Gaza Sewage Treatment Plant and the transfer of sewage from Um An Nasser Village (cost unidentified),
5. The construction of 754 housing units in the southern Gaza town of Rafah to re-house victims of home demolition; financed by Saudi Arabia under the supervision of UNRWA (cost unidentified);
6. The construction of 300 housing units in Rafah; financed by the EU under the supervision of UNDP (cost unidentified);

7. The construction of 600 housing units on evacuated settlements, west of Khan Younis; financed by the United Arab Emirates (cost unidentified);
8. The construction of 450 housing units on evacuated settlements west of Khan Younis; financed by Japan under the supervision of UNRWA (cost unidentified);
9. The construction of 250 housing units on evacuated settlements west of Khan Younis; financed by the Netherlands under the supervision of UNRWA (cost unidentified);
10. The project of developing the administration of municipalities in the Middle-Gaza District, by SMDM in partnership with the municipalities of this District. This project aims at improving the living standards of the District's population and includes infrastructure projects that would generate employment opportunities for them. Under this project, it was planned to pave many roads and rehabilitate infrastructure in the towns of Deir Al Balah and Az-Zahra, as well as An-Nusirat Refugee Camp, the villages of Wadi Gaza, Wadi As-Salqa, Al Mughraqa, and Al Musaddar. The project's estimated cost is USD 1,000,000.

Additionally, many other projects by governmental and nongovernmental institutions have been suspended in Khan Younis, including projects for sewage treatment and rainwater collection networks. Dozens of other street pavement and repairing water and electricity networks projects were also suspended.

The full prohibition of the entry of construction materials since 14 June 2007 affected people's ability to repair their own homes, as well as the natural growth of housing in Gaza.

Moreover, according to Al Mezan's documentation, the prices of construction materials has increased in an unprecedented way owing to their scarcity in the market. For example, a sack of cement increased from approximately USD5 to USD30, rendering access to such material impossible for economic reasons.

Sources in the Gaza Strip's Chamber of Commerce reported to Al Mezan that Gaza needs, on average, 3,000 tons of cement and 2,500 tons of stone aggregates (gravel) daily; however, Israel banned entry of any construction materials since 15 June 2007. Consequently, dozens of construction companies shut down and many contractors, engineers and other people working in this sector became jobless.

### **Impacts of the siege on human rights**

The Israeli restrictions on movement and access reflect indifference to the vital needs of the population. Gaza's health sector has grown incapable of meeting the needs of its population. Gazans must travel to neighboring countries, such as Israel, Egypt, or Jordan, to obtain services not provided locally. The following section sheds light on the repercussions of movement restrictions on people's access to vital goods.

### **The right to life and access to healthcare:**

The sustained closure of the Rafah Crossing, the only point connecting the Gaza Strip to the outside world, places the lives of the sick at risk. As mentioned above, the Palestinian health sector has grown inadequate over the past years. Therefore, many patients whose disease cannot be treated in Gaza died as a direct result of the IOF not granting them access to hospital services abroad, where they could receive advanced treatment or surgeries.

Since mid-June 2007, approximately six thousand Palestinians were stranded on the Egyptian side of the Rafah Crossing waiting to enter Gaza. Many of those were abroad for health reasons, while many of the stranded are sick and old. Some died during the more than fifty days of waiting under inadequate conditions and a lack of health services. In particular, those who received recent operations abroad suffered many problems due to the lack of adequate care.

According to Al Mezan's monitoring reports, bodies of nineteen Palestinians, who died while waiting in Egypt, were allowed into Gaza through the Karem Shalom Crossing. The pleading of dozens of other patients waiting at the crossing did not mobilize efforts to end the silence of the international community, which many hoped would exert pressure on Israel to re-open the crossing. The following table lists the names of those who died in Egypt as they waited to enter Gaza, along with the circumstances under which they died.

**Table 5**  
**Gazans who died waiting at the Rafah Crossing and carried through the Karem Shalom Crossing from 15 June through 12 August 2007**

<b>Date of corpse entry to Gaza</b>	<b>Name/Age</b>	<b>Circumstances of death</b>
16 June 2007	Muhammad Abdul Muhsin, age 21	Died from wounds he sustained in Gaza on 10 June 2007. He was treated in Egypt and needed hospitalization in Gaza.
	Ahmed Al Abadleh, age not identified	He died in Egypt.
20 June 2007	Inshirah Talal As-Sani', age 50	She died in Egypt.
	Hisham Salim Salameh, age not identified	He died in Egypt.
21 June 2007	Zeinab Muhammad As-Suradi, age 55	She died in Egypt.
22 June 2007	Majdi As-syid Abu Jami', age 21	Both cousins were university students in Egypt. They died in a car crash as they were getting help to other stranded relatives at the Crossing.
	Tariq Muhammad Abu Jami' age 21	
	Ahmad Al Ghifary, age not identified	Both died in Egypt.
	Ahmed Ali Muhammad Abu Tayim, age not identified	
24-Jun 2007	Mahmoud Khmis Abdullah Gharara, age 57	He died in Egypt.
29 Jun 2007	Sa'ad Muhammad Ayyad, age 67	He died in Egypt.
30 Jun 2007	Khadra Abu Arif, age not identified	She died in Egypt.

02 July 2007	Taghrid Muhammad Abid, age 31	She died from cancer at Al Arish Hospital in Egypt.
	Suliman Abid Muhammad Tahir, 70	He died in Egypt.
05 July 2007	I'layan Al-Abid Al Marshadi, age 70	He died in Egypt.
08 July 2007	Hassan Muhammad As-Skafi, age 52	He died in Egypt.
11 July 2007	Barakah Abu Nasir, age; 54	He died in Egypt.
18 July 2007	Sana'a Ahmed Shalha, age 26	She died in Egypt from cancer on 17 July 2007.
24 July 2007	Wafa'a Hassan Al Ja'al, age 41	She died in Egypt.
30 July 2007	Ahmad Ramadan Al Khatib, age 47	He died in Egypt.
07 August 2007	Ismail Hassan Lubbad, age 17	He died from cancer in Egypt.
12 August 2007	Fatmeh Ubaid Abdul Majid Musa, age 54	She died on 9 August 2007.

During this period, the IOF acted unilaterally and did not discuss the management of the Rafah Crossing with the PNA. The IOF claimed that there was not a Palestinian counterpart to talk with after Hamas took over Gaza in June 2007. Nevertheless, Israel had closed the Rafah Crossing for long periods in the past without Hamas being in power. The IOF closed the crossing for over two months in 2005, for example. However, during that period, it permitted short openings of Rafah several times for those stranded outside to enter Gaza. People were allowed into Gaza despite the absence of the IOF and EU observers.

### **Infringements upon human dignity**

Restrictions on the movement of Palestinians are indicative of Israel's full control over Gaza, especially since Israel obstructed navigation causing Gaza's sole airport to close. Gazans have had to travel through crossing points controlled and observed by IOF, particularly the Rafah Crossing. The IOF employed various types of degrading and humiliating treatment, and used its ability to open and close the crossing points as a means to punish and humiliate the population.

Owing to the frequent closures of Rafah, the crossing witnessed a very high rate of travelers when it was open for short periods of time. On their way to Gaza, people would wait in thousands in Egypt for the crossing to be open. Similarly, the number of people needing to leave Gaza for health, education and other reasons would multiply in Gaza. When the crossing opened, it witnessed over crowdedness and chaos. The number of travelers stranded on the Egyptian side of the crossing increased dramatically during the summer vacation months when thousands of families, students, and workers come to visit their relatives in the Gaza Strip, and to apply for identity cards so that they do not lose their residency. In particular, after 9 June 2007, the crossing has witnessed unprecedented congestion as over 6,000 people were stranded on the Egyptian side in very difficult conditions. According to eyewitnesses interviewed by Al Mezan's fieldworkers, some of the stranded travelers were

forced to beg after they spent their money, while others were forced to sleep on the streets as they had no money to rent rooms or apartments. They were not prepared for such a long stay in Egypt, and their families in Gaza could not support them.

It is the view of Al Mezan that the IOF's justifications as to the reasons for closing Rafah for such a long time are false and untenable. Previous experiences showed that the opening of Rafah was possible without the presence of EU observers or coordination with the PNA. This was particularly true in cases when long closures were imposed, rendering thousands of people without access to their homes in Gaza, or to vital health, education and other services outside Gaza. IOF's measures have caused serious infringements upon the people's dignity, and the wellbeing of innocent people.

### **Deprivation from access to education**

As mentioned in this report, the restrictions on movement bring about violations of numerous human rights, such as the right to access education outside the OPT. Under the continued closure of the Rafah Crossing, thousands of students were denied access to universities abroad. The closure started just after the commencement of summer vacation, when Gazan students normally return to spend the holiday with their families. Moreover, the 2007 secondary school graduates who registered in universities outside the Strip, many of whom paid the tuition fees, could not join their universities as of 1 October 2007.

### **Separation of family members**

The closure also separated thousands of families who came to the Gaza Strip to visit their relatives and/or apply for identity cards for their children.<sup>14</sup> The closure of all crossings deprived those from joining their families abroad. Many of those face the risk of losing their residency, visas and/or jobs abroad, especially as many countries impose severe restrictions on Palestinians' who try to enter their territories. Additionally, many schoolchildren are in danger of missing the school year in the countries where they live with their families.

As an alternative to the Rafah Crossing closure since 9 June 2007, Israel allowed a few thousand Palestinians, who were then stranded in Egypt, to enter Gaza through Al Ouja Crossing, at the Egypt-Israel border, then via Erez Crossing. A few hundred people have also received permissions to leave from the same route; yet in a highly irregular, slow fashion. It was expected that, under such circumstances, the process of moving the travelers who have registered to leave the Strip may take one year; if this mechanism is implemented regularly. However, the IOF halted the mechanism since 15 September 2007. Many travelers have been forced to stay in the Gaza Strip, despite previous coordination made for their exit.

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<sup>14</sup> Palestinian children who are born abroad must be registered and then apply for ID cards that are issued by the Israeli authorities in coordination with the PNA when they are sixteen years old. Palestinians who fail to do so lose their residency in Gaza; hence have to stay in diaspora for the rest of their life. For this reason, thousands of Palestinian families visit Gaza to finish the relevant procedures during the summer months; when their children have summer school holidays.

## Conclusion:

The prolonged siege of the Gaza Strip resulted in severe violations of human rights. They represent a form of systematic collective punishment of Palestinian civilians, which is a breach of International Humanitarian Law (IHL), particularly the Fourth Geneva Convention (FGC) relative to the Protection of Civilian Persons in Times of War. The restrictions, which are punitive in nature, also represent violations of the internationally accepted human rights standards.

IHL prohibits the punishment of civilians under all circumstances. Article 33 of the FGC provides that "[N]o 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."

Moreover, international human rights law (IHRL) prohibits unjustified restrictions on the right to free movement; especially if they are arbitrary and punitive in nature. If applicable, derogation from States obligations under the ICCPR requires close observance of the principles of necessity, proportionality and distinction in order to avoid harm. In all cases, arbitrary punishment is prohibited under IHRL.

Al Mezan asserts that the failure of the international community to observe its obligations under international law, especially by its silence in the face of Israeli human rights and IHL violations, has only encouraged Israel to continue with these violations. As an occupying power, Israel bears obligations under IHL and international customary law, which prohibit collective punishment of civilians under its occupation. The failure developed to a point that the international community has become an active participant of the imposed siege and sanction policy against the Gaza Strip, particularly on the economic side. The implications of these sanctions have been born mostly by the weakest groups in Gaza, or the poorest of the poor. This conduct increasingly leads to undermining the foundations of human rights; especially after the majority of the population became aid-dependent and extremely impoverished.

Notwithstanding the scale and systematic nature of the violations committed by the IOF against civilians and their property, they faced a full silence on the part of the international community. Even those states that consider themselves as the 'defenders of democracy and human rights in the world' explicitly expressed their 'understanding' of the IOF's conduct and the pretexts it claims in perpetrating conducts that amount to crimes against humanity and crimes of war in the OPT.

In the light of facts provided in this report, Al Mezan finds it urgent for international intervention to ameliorate the human rights conditions and protect the civilian population and ensure respect for the provisions of IHL. The ICJ ruled that "the obligations violated by Israel (in OPT) include certain obligations *erga omnes*";<sup>15</sup> therefore, creating obligations on third party states and the international community at large.

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<sup>15</sup> See *supra*, n. 1, Para. 155.



Al Mezan Center for Human Rights calls upon the international community to uphold its legal responsibilities towards the civilians in the OPT, by protecting them and their property and exert effective efforts to lift the siege of the Gaza Strip immediately.

**END**