

Al Mezan Center for Human Rights



2013 Statistical Report on Israeli Attacks in the Access Restricted Areas Gaza Strip

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Introduction

Al Mezan Center for Human Rights monitors and documents human rights and international humanitarian law violations, including Israeli attacks and policies targeting the population of the Gaza Strip. This reporting is part of the Center's efforts in protection, promotion and monitoring of violations by Israeli occupation forces (IOF) in the occupied Palestinian territory, especially in the Gaza Strip.

This report covers the period of 2013 and focuses on incidents and policies in the access restricted areas (ARA), or buffer zone, in the Gaza Strip. The report breaks down the reporting between attacks against residents and visitors of the border areas, workers in various forms of the agricultural, fishing and farming industries, rubble collectors, and demonstrators, who enter the area to protest against the mechanisms and enforcement of the buffer zone by the IOF.

The report shares the documentation of attacks on civilians, including those that result in deaths and injuries; arbitrary arrests; and the policies that hinder access to livelihoods, adequate housing and education. The data raises serious questions as to the extent of the systematic violations of international human rights law (IHRL) and international humanitarian law (IHL) by the IOF against the population of the Gaza Strip, without any effective intervention from the international community, particularly the High Contracting Parties to the Fourth Geneva Convention.

Background

The Gaza Strip's borders are demarcated in accordance with the 1949 Armistice Line (Green Line) that was fixed following the establishment of the State of Israel in 1948–49 and during the ceasefire talks on the island of Rhodes between the belligerent countries: Egypt, Jordan, Syria, Lebanon, and Israel. These borders intersect with Israel to the north and east, and to the south with Egypt.¹

Since 2000, Israel has gradually decreased access to Palestinian land in the Gaza Strip, including farmlands and fishing grounds along the eastern and northern borders by land and western border by sea. Prior to the Second Intifada in 2000, the Israeli military unilaterally implemented an undefined “no-go” zone and began leveling lands near the Green Line. By mid-2006, Israel was leveling Gaza lands and civilian structures between 300 and 500 meters from the Green Line. The Israeli military have permanently displaced all families and communities in the 300m zone, and many beyond, with the demolition of structures and homes. This access restricted area (ARA) is militarily enforced by incursions and use of live fire at residents, workers, and property.

The Palestinian fishing area off of the coast of Gaza, as agreed under the 1994 Oslo Accords and its appendixes, is 20 nautical miles (nm). The IOF have restricted Palestinian fishing in Gaza waters to 6 nm currently, and at times to a further 3 nm.² The IOF therefore prevents Palestinian fishermen of accessing 70 to 85 per cent of the Gaza maritime territory. In addition to the access restrictions on fishermen's work, the IOF regularly targets fishermen with live fire, arrests fishermen in manners considered ill-treatment, destroys their fishing equipment, and confiscates their boats when they are inside the designated fishing zone.

The term “access restricted areas” came into usage following Israel's evacuation of settlements in the Gaza Strip and the unilateral disengagement on 12 September 2005, which involved redeployment of the Israeli forces to control the Gaza Strip's borders, air space and territorial waters. Throughout the years the term has been used in reference to IOF abuses and policies in areas of land and sea along the Gaza Strip-Israel borders. In 2008, the IOF made public its intent to create a buffer zone between Israel and the Gaza Strip, and in 2008, 2009, and 2012, Israeli aircraft dropped leaflets tens of times warning people against approaching closer than 300 meters from the separation fence; the leaflets warned that those who did enter the 300m access restricted zone, would be putting their lives in danger. The leaflets included maps of the eastern and northern border areas of the Gaza Strip for reference. Israeli authorities have reiterated a 300m restricted zone by land, yet in practice, Palestinians are shot at beyond 1,500 meters from the border fence.

¹ See Al Mezan's report, “Occupation Violates all Rules, the Suffering of Civilians Continues,” http://www.mezan.org/ar/details.php?id=10006&ddname=buffer%20zone&id_dept=22&id2=9&p=center.

² Field information obtained by Al Mezan's field workers from fishermen and supported by information from Fishermen Syndicate in Gaza.

The enforcement of the ARA on land prohibits Palestinians from accessing 35 per cent of cultivable lands and 17 per cent of the Gaza Strip.³ The ARA covers approximately 62 square kilometers of the Gaza Strip beginning in the north from the outskirts of Beit Lahiya town and Um An-Naser village, continuing across the northern and eastern edges of Beit Hanoun, where the Green Line veers south and the delimitation of Gaza's eastern border begins, and then crossing the eastern edge of Jabaliya. The ARA includes lands in the eastern parts of Al Ijdaida, At-Turkman, Wadi Gaza (Juhr Ad-Deek), and the eastern and southeastern district of the Gaza Strip. It also runs through six communities in eastern Khan Younis including, Al Qarrara, Bani Suhaila, Khuza'a, Absan Al Kabeera, Abasan As-Sagheera, and Al Fukhari. The ARA comes to an end at As-Shoka village southeast of Rafah on the southern border of the Gaza Strip with Egypt.

The majority of the separation fence on the border is made up of three parallel wires each spaced a few meters apart, one of which has an electric current running through it, and all of which are barbed. From the north, Beit Lahiya and Beit Hanoun are barricaded by cement walls. On the Israeli side, there are several military sites and the fence is dotted regularly with Israeli watchtowers. There are also iron gates, big and small, used by infantry troops, and the constant presence of Israeli tanks, which are used during incursions.

Due to Israel's closure of the Gaza Strip and subsequent limitation on resources, many families have remained in or close to the ARA despite the risks to life and wellbeing that are evident, as detailed in this report. The violent enforcement of the ARA and subsequent ill-treatment of the population therein raises serious questions as to systematic violations of international humanitarian law (IHL) and international human rights law (IHRL) by Israel as the power that has effective control over the Gaza Strip. These attacks, which have killed and injured hundreds of Palestinian civilians, signal violations of articles (3) and (32) of the Fourth Geneva Convention, which prohibit attacks against life and bodily integrity, especially acts of killing of protected persons.

Fundamentally, the IOF fails to differentiate between civilians and combatants as prescribed in the 1949 Fourth Geneva Convention Relative to the Protection of Civilians in Armed Conflicts. The bedrock principle of IHL is that of distinction between combatants, who by virtue of their choice to participate in hostilities can be legitimate targets, and civilians, who are protected persons and cannot be the object of direct attack under any lawful circumstance. An attack on a lawful target must, under the law, be carried out in line with the principles of proportionality, military necessity, and distinction in attack. Israel is in possession of highly developed weapons and surveillance systems that enable its soldiers to thoroughly identify and select a target. And yet, amounting to a grave breach of the Fourth Geneva Convention, non-combatants in the ARA are regularly targeted by the IOF. These attacks also violate IHRL rules; especially protections provided against attacks on life and bodily integrity in the Universal Declaration for Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention on the Rights of the Child (CRC).⁴ In further violation of IHRL, the use of live-fire

³ Percentage of ARA of the agricultural lands and of the Gaza Strip are estimation from the Palestinian Ministry of Agriculture.

⁴ See UDHR Article 3, ICCPR Article 6, and CRC Article 6.

without warning or exhaustion of non-lethal mechanisms signifies a reckless disregard for human life and the excessive use of force.

Within the context of displacement, repeated demolition and destruction of homes, lands and equipment, and militarily enforced restrictions on movement and livelihood, the IOF continue to hinder implementation of the rights to livelihood, adequate housing, freedom of movement, education, and the right to life. The Fourth Geneva Convention declares unnecessary extensive destruction of property as a grave breach of the convention that might amount to war crimes.⁵ Destruction of property and livelihood violates the prohibitions provided for by the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁶

⁵ Article 147 of the Convention states that 'extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly' are grave breaches to the Convention 'if committed against persons or property protected by the present Convention'

⁶ See ICESCR Article 11, which protects the right to an adequate standard of living; including adequate food and housing.

Section I: IOF Attacks in the ARA by Land

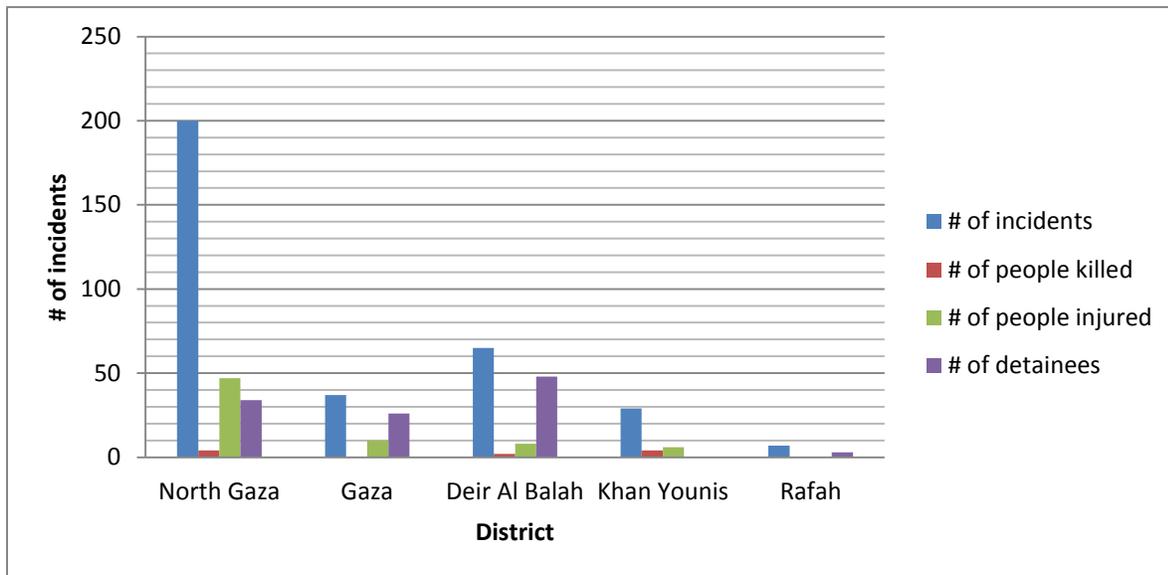
Following is a statistical summary of IOF attacks in the ARA during the reporting period, including shootings/shelling, incursions, arrests and equipment destruction and confiscation:

Table 1

Table illustrates number of incidents and victims in the ARA during 2013

District	# of incidents	# of people killed	# of people injured	# of children injured	# of detainees	# of children detained
North Gaza	200	4	47	10	34	2
Gaza	37	0	10	1	26	8
Deir Al Balah	65	2	8	3	48	26
Khan Younis	29	4	6	0	0	0
Rafah	7	0	0	0	3	2
Total	338	10	71	14	111	39

Table 2



Distances of shootings in ARA by land

During the reporting period, in each district the IOF shooting extended the Israeli-stated 300 m ARA. Table 3 illustrates the shootings in the ARA at the furthest distance from the fence per district. The shootings resulted in injury and death.

Table 3**Shootings by furthest distance from the fence per district**

District	Distance from the fence
North Gaza	1,000 meters
Gaza	400 meters
Deir Al Balah	1,000 meters
Khan Younis	600 meters
Rafah	700 meters*

*Shooting did not result in fatality or injury.

Attacks against civilians and in residential areas

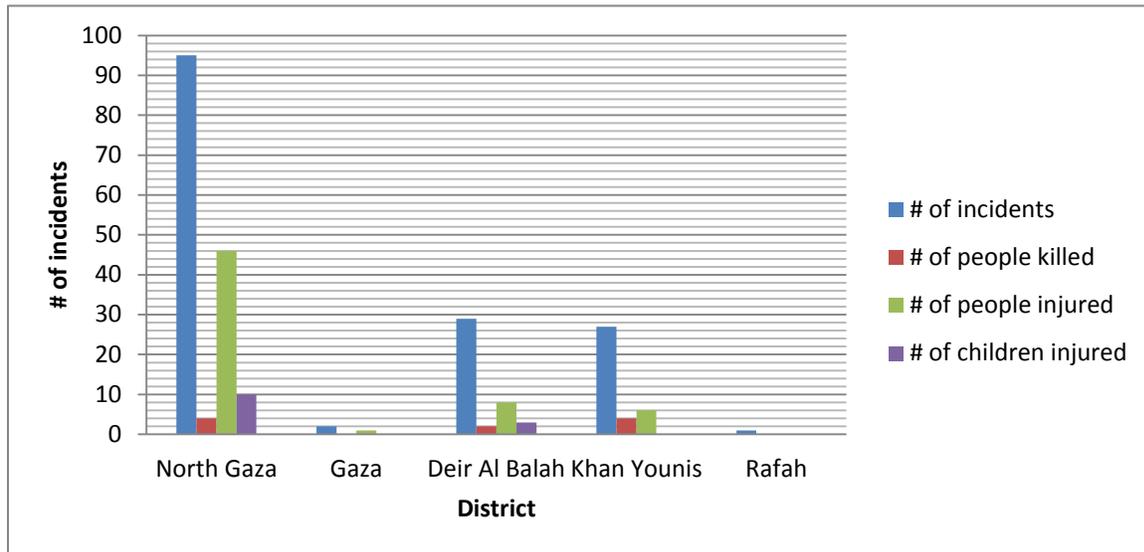
During the reporting period, the IOF continued to open fire on residential areas and people present in the eastern and northern border areas, including picnickers. Some affidavits show the picnickers' curiosity at the separation fence bringing them closer to the fence, to see the Israeli soldiers and tanks. These people were targeted with live ammunition and tear gas. The number of incidents increased with the increase in the volume of visitors.

According to Al Mezan's documentation, the IOF carried out 154 attacks against people in the ARA by land; people near their homes in residential areas, workers from various industries, and people visiting the ARA. In the reporting period, seven people were killed, including one child. A further 61 people were injured, including one woman and 13 children. The attacks included shootings/shelling, incursions, arrests and equipment destruction and confiscation:

Table 4

IOF Attacks in the ARA by land				
District	# of incidents	# of persons killed	# of injured	# of children injured
North Gaza	95	2	46	10
Gaza	2	0	1	0
Deir Al Balah	29	1	8	3
Khan Younis	27	4	6	0
Rafah	1	0	0	0
Total	154	7	61	13

Table 5: Breakdown by district of ARA attacks by land



Examples of attacks in the ARA by land in the reporting period

The case of Mustafa Abdel Hakeem Abu Jarad:

At around 1:00 pm on Monday, 14 January 2013, IOF opened fire at a number of farmers and young men who were in Teen Wanees area, west of Um Anaser village, north of Beit Lahiya. At the time of the attack, the group was approximately one kilometer away from the separation fence between the Gaza Strip and Israel. As a result of the shooting, Mustafa Abdel Hakeem Abu Jarad, 19, sustained a bullet wound in the head. Medical sources at Kamal Odwan Hospital described his injury as critical as the bullet penetrated his forehead and remained in his head. He was referred to Balsam Hospital then to Shifa Hospital in Gaza. At approximately 7:15 pm on the same day, medical sources pronounced his death.

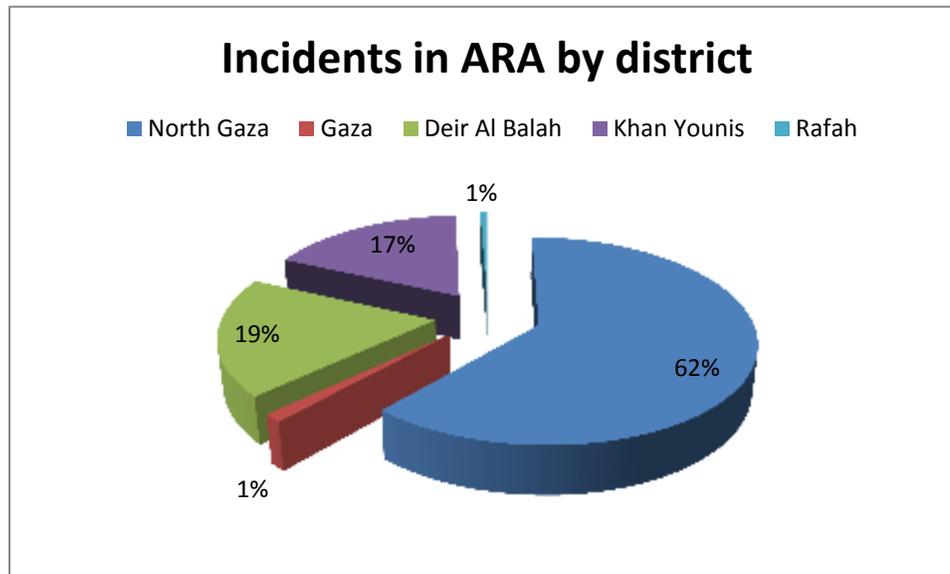
Excerpt from an affidavit taken by Al Mezan from Saddam Jamal Warsh Agha, a friend of Mustafa Abu Jarad: *“My friend Mustafa came to visit our land at around midday on Monday... at around 1:00 pm on the same day, I heard several rounds of shots and saw sand scattered around my friend. I heard him yelling “get down!” which I did. Mustafa was crawling on the ground. I made it to him and saw that he was injured. His head was bleeding... he was bleeding from his mouth and nose.”*

The case of Nahed Ahmed Al 'Adeeni:

At approximately 9:00 am on Saturday, 19 January 2013, IOF opened fire at a group of people and homes in Wadi As-Salqa village, southeast of Deir Al Balah. As a result, Nahed Ahmed Al 'Adeeni, 3, sustained a bullet wound in her left leg. Medical sources at Al Aqsa Hospital described her injury as moderate. Al 'Adeeni was playing in front of her house which is approximately one kilometer away from the separation fence between the Gaza Strip and Israel.

Excerpt from an affidavit taken by Al Mezan from her mother, Hanadi Zayed Al 'Adeeni: "... my daughter and I were setting in front of our home... she was playing when we heard shooting from the eastern border...my daughter fell on the ground and screamed. I immediately went to her. I saw that her left leg was bleeding. I picked her up...and her uncle, Samir, gave us a lift to the hospital..."

Table 6



Attacks on farmers

The IOF continued to attack Palestinian farmers and bird catchers working near the separation fence in the ARA preventing safe access to lands and places of work.

Due to the physical and financial risks of working in the ARA, including shooting at workers and equipment and land razing, farmers continue to plant low-maintenance crops, including barley, wheat, and watermelon. Infrastructure issues compound the physical and financial risks where the rebuilding of water mains would be too risky or equipment is not permitted in the area. The lands are in further need of rehabilitation that would also include rehabilitation of the soil and implementation of electrical infrastructure.

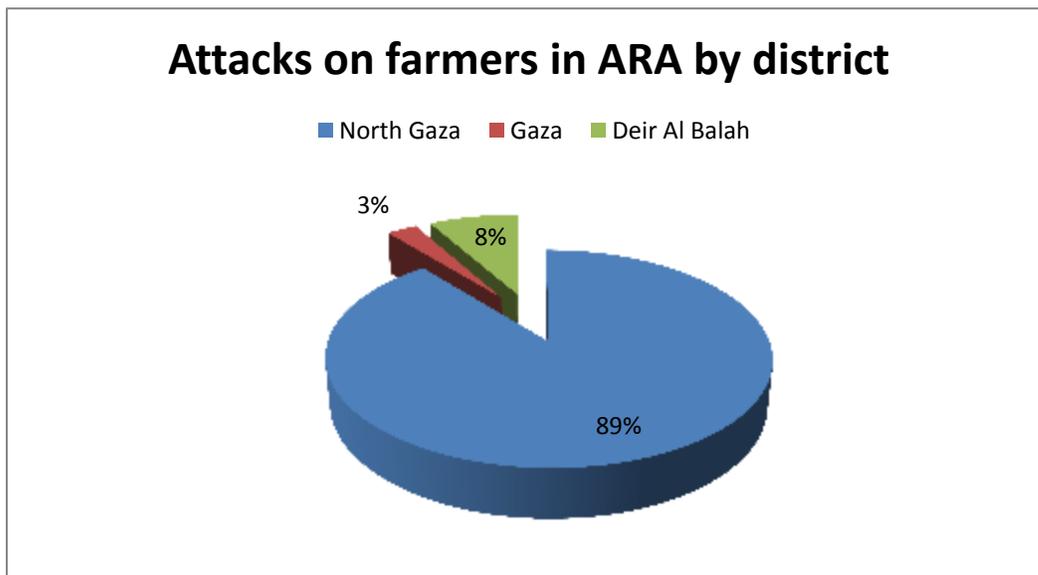
National and international organizations are hesitant to implement projects in these areas or support farmers and owners of these lands as the projects would be at risk.

According to Al Mezan's documentation, the IOF carried out 37 attacks during the reporting period, involving gunfire from watchtowers and/or use of heavier munitions. As a result of the attacks, one farmer was killed and eight were injured, including a child.

Table 7 illustrates Israeli attacks on Palestinian farmers in ARA in the Gaza Strip

District	# of incidents	# of injured	# of children injured
North Gaza	33	5	1
Gaza	1	1	
Deir Al Balah	3	2	0
Khan Younis	0	0	0
Rafah	0	0	0
Total	37	8	1

Table 8



Example of an attack on a farmer in the ARA during the reporting period

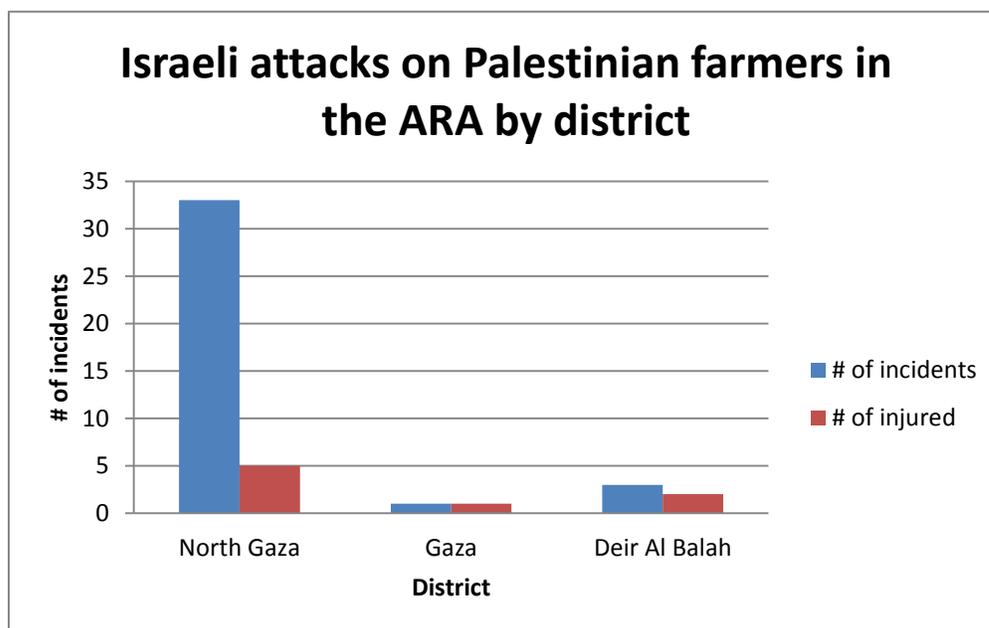
The case of Omar Abu Moharib

At approximately 7:00 pm on Friday, 14 June 2013, the IOF opened fire at Omar Abu Moharib while he was watering zucchini plants on his land in Wadi As-Salqa, southeast of Deir Al Balah, in the middle of the Gaza Strip. Abu Moharib was approximately 400 meters away from the separation fence.

Excerpt from an affidavit taken by Al Mezan from Omar Abu Moharib: "...I was watering my zucchini plants and I heard the sound of two gun shots. I felt something hit my right thigh and I saw blood. I knew that I was injured. I called my sons and I went my home. My sons, my wife, and my brother, Jamal, came and called an ambulance for me. We waited. When the ambulance did not arrive, my brother brought a civilian car from one of our relatives to take me to the hospital. On our way we saw the ambulance. I left the civilian car and got into the ambulance, which took me to Al Aqsa Hospital in Deir Al Balah. The doctors told me that there was shrapnel

in my thigh, which they were unable to get out due to its location. I stayed in the hospital for two days. I went home and I could not walk as I was able to before.”

Table 9



Attacks on rubble and scrap collectors

The IOF continued to attack rubble and scrap collectors in the ARA endangering their lives and wellbeing and hindering their ability to carry out their livelihoods by hindering access to work areas. Despite the dangers, people who collect rubble and scrap materials continue to enter the ARA for work attempting to support their families. Scrap and rubble collectors earn approximately ILS 40 per day.

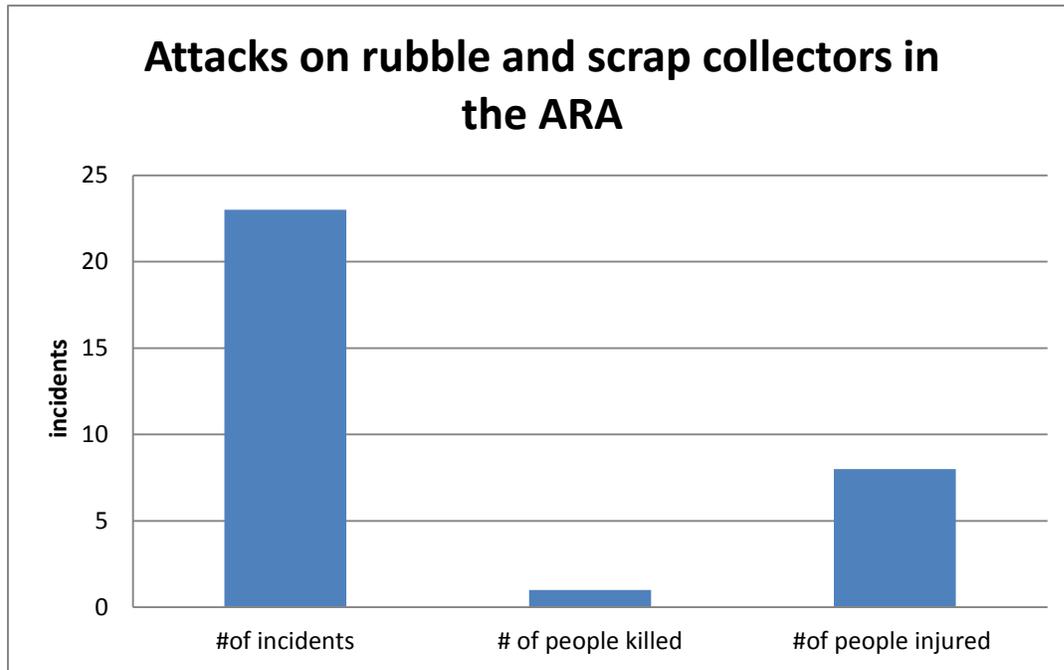
During the reporting period, the IOF carried out 23 attacks in the form of gunfire from watchtowers against scrap and rubble collectors. As a result, one person was killed and eight other people were injured.

Illustrating Israeli attacks on Palestinian rubble and scrap collectors in the ARA:

Table 10

Content	#of incidents	# of people killed	#of people injured
Total	23	1	8

Table 11



Example of an attack on rubble and scrap collectors

The case of Oda Jehad Hamad

At approximately 2:30 pm on Friday, 20 December 2013, IOF opened fire at Oda Jehad Hamad, 27, and his brother Raddad, 22, while they were collecting rubble and scrap materials from the solid waste dump near the separation fence in the ARA, north of Beit Hanoun, in northern Gaza. The International Committee of the Red Cross (ICRC) coordinated with Israeli authorities for an ambulance to reach the victims. The ambulance was given permission by Israeli authorities at 3:50 pm to enter the area and evacuate the victims. The ambulance carried the two injured to Beit Hanoun Hospital where medical sources reported that Oda had died from a bullet that penetrated his forehead and exited from the back of his head.

Excerpt taken by Al Mezan from Raddad: *"my brother and I were collecting rubble and scrap when I suddenly heard shooting at around 2:30 pm. I saw my brother fall on the ground. He was hit in the head. I tried to reach him but I fell on the ground and felt pain in my right arm."*

Limited Incursions

During the reporting period the IOF continued to carry out incursions into the northern and eastern ARA of the Gaza Strip. The incursions, within a few hundred from the separation fence, are considered limited in nature. The limited incursions are usually carried out under sporadic and heavy suppression fire. During the reporting period, the IOF carried out 55 limited

incursions during which agricultural lands were razed and leveled. As a result, four people were killed and one person was injured.

The frequent incursions deter Palestinian farmers from planting or accessing their lands at the risk of injury and land razing resulting in destruction of agriculture and equipment.

Table 12 Illustrates IOF limited incursions distributed by district

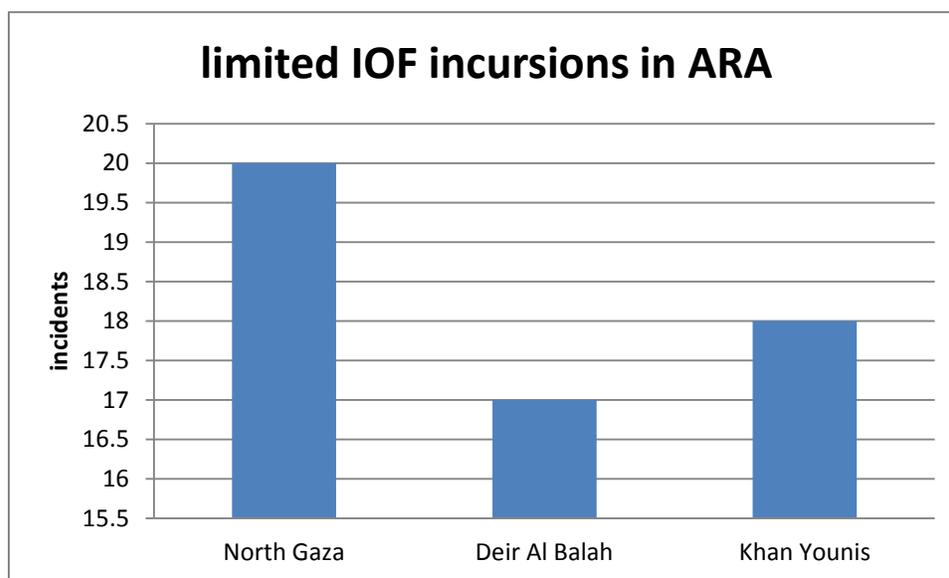


Table 13 illustrates limited IOF incursions near the borders

District	# of incidents	#of people killed	#of people injured
North Gaza	20	0	0
Gaza	0	0	0
Deir Al Balah	17	0	0
Khan Younis	18	4	1
Rafah	0	0	0
Total	55	4	1

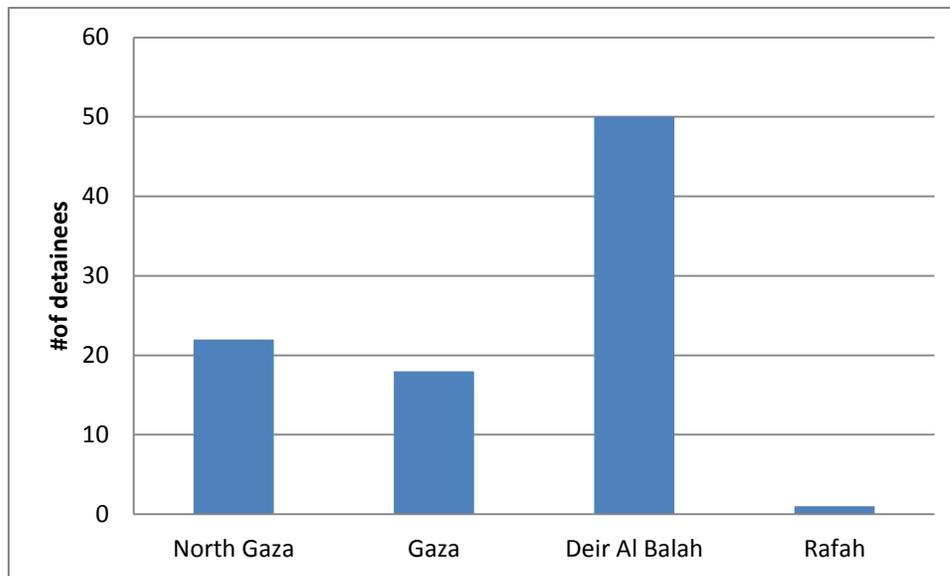
Arrests by land

The IOF continued its policy of arbitrary arrest of Palestinians in the ARA during limited land incursions and at sea. The IOF exploited the need of patients to travel for treatment via Erez crossing, using the crossing as a trap to arrest and attempt to blackmail Palestinians into collaborating with Israeli authorities. In this context, the IOF arrested 91 people, including 35 children, 16 patients, their escorts, and businessmen. The IOF released 12 people and the others are still in detention at the publishing of this report.

Table 14 illustrates number of detainees in the ARA land and at Erez crossing distributed by district

District	#of detained	#of detained that have been released
North Gaza	22	9
Gaza	18	6
Deir Al Balah	50	6
Khan Younis	0	0
Rafah	1	0
Total	91	21

Chart 15 illustrates arrests in the ARA by land and at Erez crossing



Example of an arrest at Erez crossing

At approximately 10:15 am on Wednesday, 4 December 2013, the IOF arrested Mohammed Saber Abu ‘Amsha, 32, while he was on his way to the West Bank to receive medical treatment at St. John Eye Hospital in Jerusalem. Abu ‘Amsha had sustained an injury to his left eye while doing construction. He underwent a surgery at the Eye Hospital in Gaza and was then referred to the Jerusalem hospital.

Excerpt from his brother Khalil’s affidavit: *"at around 9:00 am on Wednesday we arrived at Erez crossing... I was forced to take off my clothes. I was searched with a hand held metal detector. I was then interrogated by an Israeli security agent about my family, my brother, Mohammed, myself, and my place of residence. At around 1:00 pm I was ordered to stay in the*

waiting room. I asked about my brother several times. At around 2:40 pm I was ordered to leave the crossing. I asked about my brother and was told that he was being detained."

Table 16 Illustrating number of detainees in areas near border and at Erez crossing

# of arrest incidents	# of detained in incidents	# of children detained	# of detainees from Erez crossing	# of released after Erez detention
51	91	35	16	13

Section II: IOF Attacks in the ARA by Sea

Opening fire and attacks on fishermen

The IOF continued systematic attacks on fishermen during the reporting period. The attacks took place within the context of severe restrictions on the Palestinian fishing areas and included opening fire on fishermen and their boats and destroying and confiscating equipment.

During the reporting period, the IOF carried out 161 attacks, which injured ten fishermen. The IOF arrested 22 fishermen, who were all released after a number of hours. The IOF destroyed 20 boats, confiscated 10 boats, and destroyed 643 nets.

Table 16 illustrates the number and types of attacks against Palestinian fishermen

District/ type of attack	# of incidents of gunfire	# of injured	# of incidents of boat destruction	# of fishing boats confiscation	# of fishing nets destroyed	# of incidents of arrest	# of arrests made
North Gaza	108	2	3	6	93	5	12
Gaza	37	0	11	3	519	3	8
Deir Al Balah	7	0	3	0	18	0	0
Khan Younis	3	0	0	0	0	0	0
Rafah	6	0	3	1	13	1	2
Total	161	10	20	10	643	9	22

Chart 17 illustrates Israeli attacks on Palestinian fishermen by district

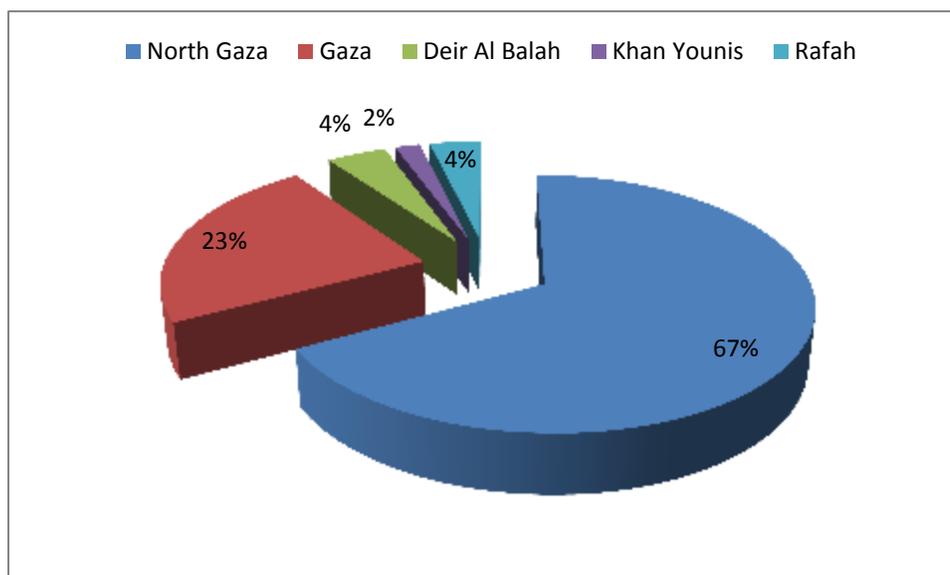


Table 18 illustrates the number of shooting incidents and fishermen injured by district

District	# of incidents	# of people injured
North Gaza	108	2
Gaza	37	8
Deir Al Balah	7	0
Khan Younis	3	0
Rafah	6	0
Total	161	10

Attacks on fishing boats and equipment / confiscations

During the reporting period, the Israeli naval forces continued attacks and confiscation of boats.

Table 19 illustrates Israeli attacks on fishing boats distributed by district

District	#of boats destroying / damaged	#of boats confiscated
North Gaza	3	6
Gaza	11	3
Deir Al Balah	3	0
Khan Younis	0	0
Rafah	3	1
Total	20	10

Chart 20 illustrates Israeli attacks on fishing boats distributed by district

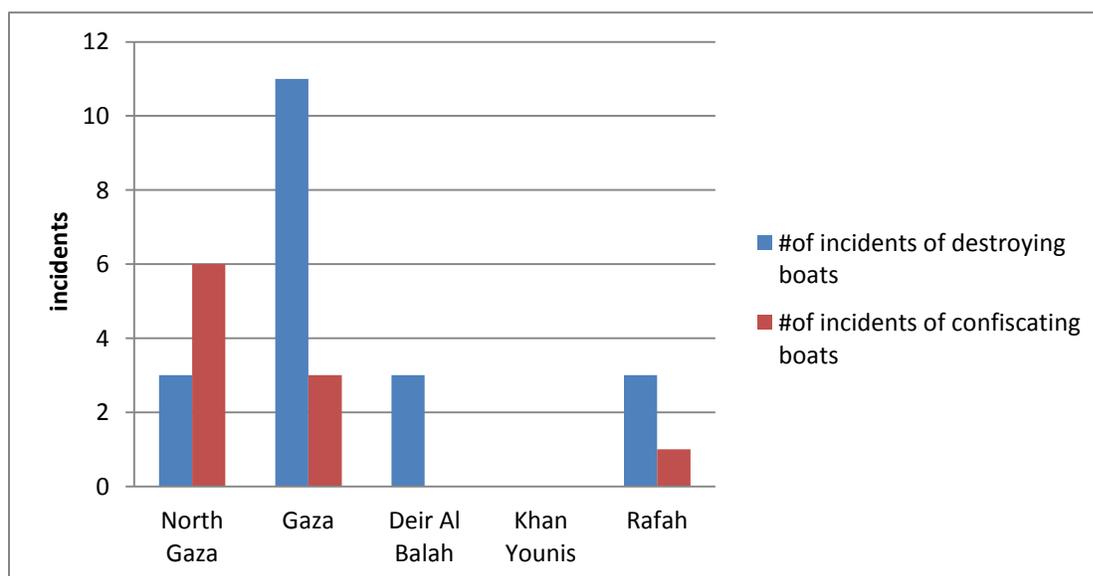
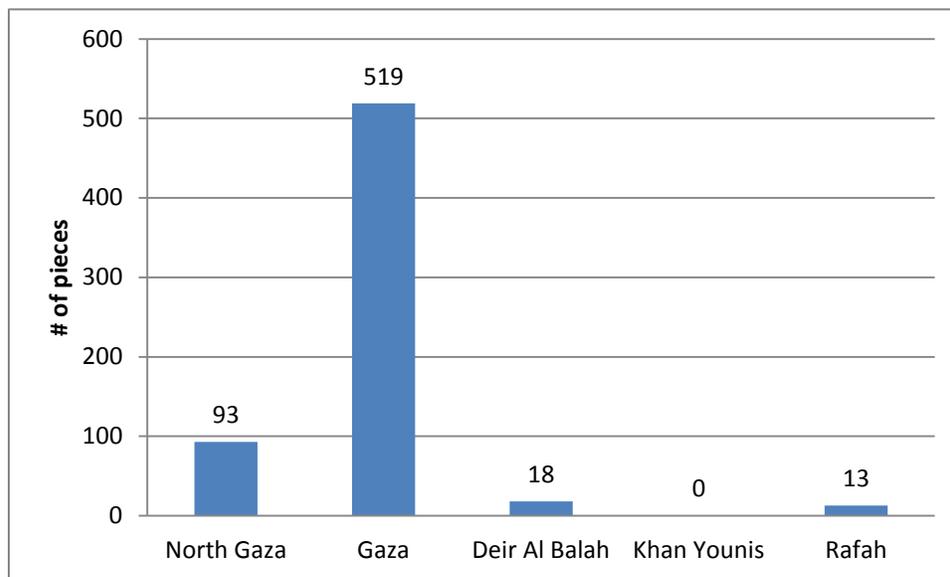


Table 21 Illustrates incidents of net destruction by district

District	# of destroyed nets
North Gaza	93
Gaza	519
Deir Al Balah	18
Khan Younis	0
Rafah	13
Total	643

Chart 22 illustrates incidents of net destruction by district



Arrests by sea

During the reporting period Israeli naval forces continued to arrest and detain Palestinian fishermen using methods considered cruel, inhuman and degrading treatment. During arrest, Palestinian fishermen were made to remove their clothes and swim to Israeli naval ships, where they were blind folded and taken to Israel for interrogation.

In 2013, Al Mezan documented nine incidents of Israeli arrest of Palestinian fishermen, during which the IOF arrested 22 fishermen. All 22 were released within a number of hours.

Table 23 Illustrates incidents of fishermen arrest by district

District	# of arrest incidents	# of fishermen detained
North Gaza	5	12
Gaza	3	8
Deir Al Balah	0	0
Khan Younis	0	0
Rafah	1	2
Total	9	22

Chart 24 illustrates arrest incidents of Palestinian fishermen distributed by district

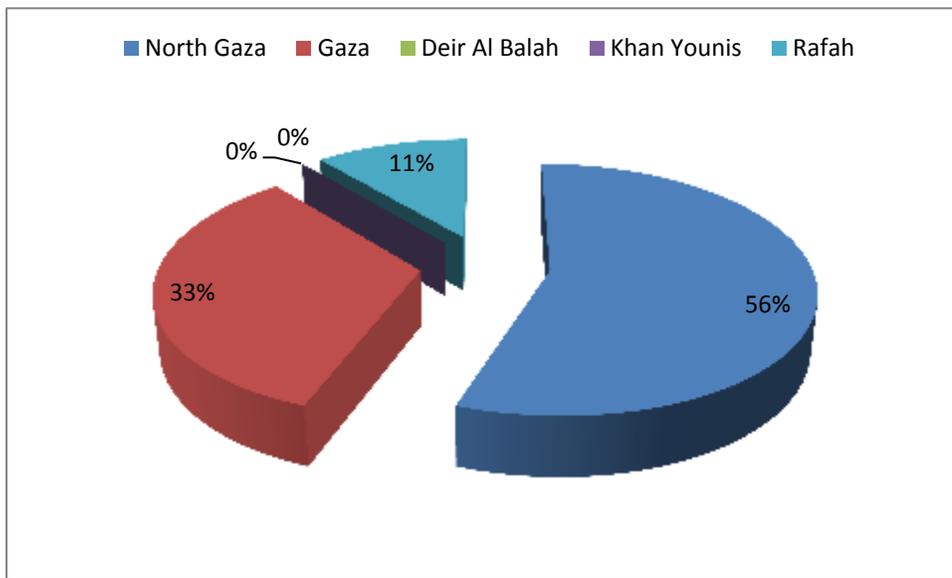
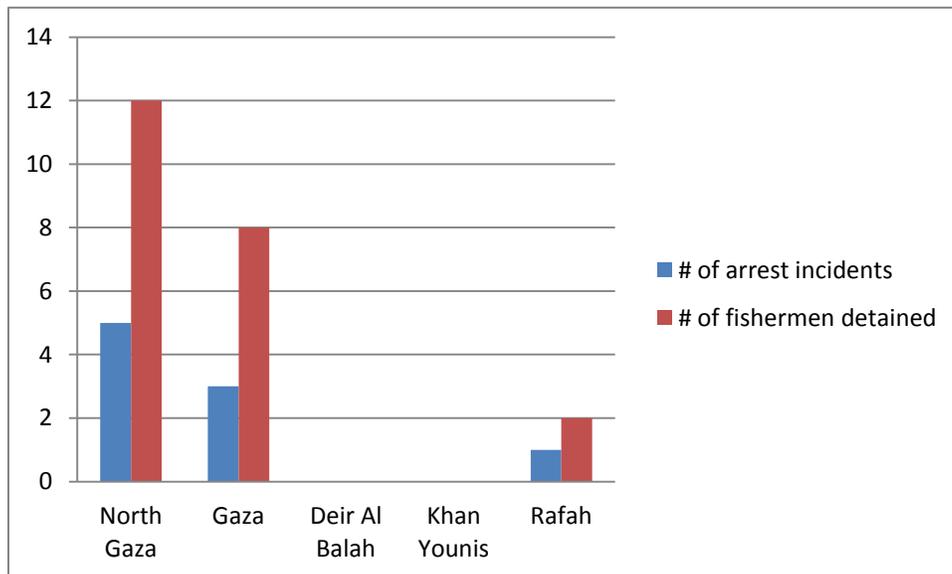


Chart 25 illustrates arrest incidents of Palestinian fishermen distributed by district



Conclusion

The information presented in this report, covering attacks and policies targeting Palestinians and Palestinian land and property in the ARA, raises serious questions as to the extent of the systematic violations of IHRL and IHL by the IOF against the population of the Gaza Strip.

Al Mezan stresses that Israel, as the occupying power, is obliged to respect its obligations towards the Palestinian population under international law. Al Mezan maintains that the failure on the part of the international community, particularly the High Contracting Parties to the Fourth Geneva Convention, to intervene, and prevent grave breaches of the Fourth Geneva Convention, as detailed in articles (146) and (147) of the Convention, and oblige Israel to uphold its obligations as the occupying force encourages Israeli violations against the population in the occupied Palestinian territory (oPt) and the Gaza Strip in particular.

For decades, these patterns of violations of the rights of the civilian population of the Gaza Strip have occurred under full impunity, where killing and injuring Palestinian civilians goes unchecked sufficiently and unpunished. Israel has reformed its domestic law in such a way to prevent Palestinian victims of unlawful attacks from accessing justice or redress,⁷ which is a serious matter of concern. Impunity is a main reason for such violations to persist and even worsen in terms of their type and scale.

Therefore, Al Mezan calls on the international community to:

- Exert pressure on Israel to abolish the restrictions on Palestinian civilian movement in the ARA; including the land buffer zone and the sea;
- Condemn all unlawful attacks targeting civilians in the ARA and call for effective protection of civilians and their property;
- Denounce Israel's policies and legislative reforms which deny Palestinian victims access to effective justice and redress;
- Call Israel to comply with the international standards concerning its obligation to investigate and punish acts of its forces and agents that violate international law in accordance with the standards provided by international law.

⁷ See <http://www.mezan.org/en/details.php?id=18468&ddname=buffer>