



Update

The Access Restricted Areas in the Gaza Strip

January-December 2011

This update is issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR) as coordinator of the Protection Cluster in the occupied Palestinian territory (oPt). It has been jointly prepared by members of the Protection Cluster Working Group in the Gaza Strip, including: UNICEF, UN Office for the Coordination of Humanitarian Affairs (OCHA), Palestinian Centre for Human Rights (PCHR), Al Dameer Association for Human Rights, Al Mezan Centre for Human Rights, UNESCO, UN Mine Action Team (UNMAT) and the Emergency Water and Sanitation Hygiene Group (EWASH).

The violence surrounding the conflict in the Gaza Strip has affected scores of civilians in many different areas. This update highlights protection of civilian concerns in the Access Restricted Areas (ARA) in the Gaza Strip only – the sea and land areas in Gaza bordering Israel. It covers the period of January to December 2011.

1. Overview of the situation

Israeli authorities have continued to impose an illegal blockade on the Gaza Strip, placing physical and administrative restrictions on the movement of people and goods. This includes imposing a “buffer zone”, or an access restricted area (ARA) on land and sea. Restricted land includes the “no-go” zone, which covers the area between 0 - 500 metres from the Israeli fence where access is totally prohibited, and the “high risk” zone, which covers the area from 500 - 1,500 metres up to the fence. Along most of Gaza’s coast, the restricted area begins at three nautical miles (NM) from shore¹.

It is estimated that the ARA covers approximately 62.6 square kilometres - approximately 35% of Gaza’s cultivable land and 85% of Gaza’s maritime area – making these areas totally or partially inaccessible to Palestinians². Various forms of violence continue to be used by Israeli Forces to enforce these restrictions including: airstrikes, incursions, land levelling operations, firing of warning shots and the targeting with live ammunition Palestinian civilians living and working in these areas. In addition, Palestinian armed groups use the ARA for carrying out various military activities against Israeli targets. The overall situation in the ARA continues to have a negative impact on Palestinian civilian life and property in the Gaza Strip and is limiting the provision and access to essential services such as education, health, shelter, water and sanitation.

¹ Protection Cluster Needs Assessment Framework as submitted to the CAP 2012; OCHA and WFP, *Between the Fence and a Hard Place: The Humanitarian Impact of Israeli-imposed Restrictions Access to Land and Sea in the Gaza Strip* (August 2010).

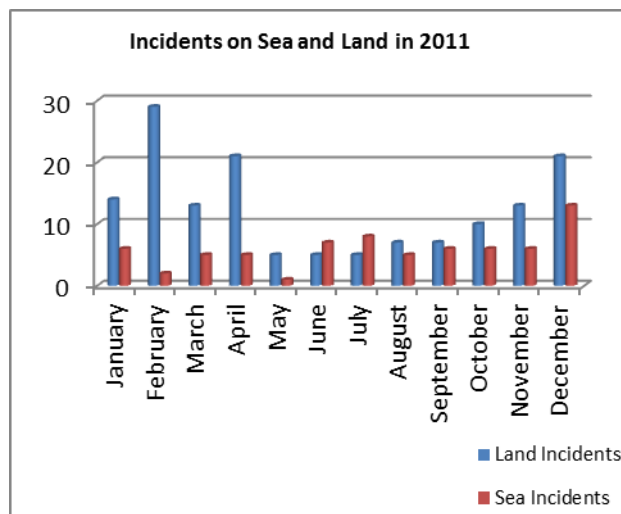
² OCHA and WFP, *Between the Fence and a Hard Place: The Humanitarian Impact of Israeli-imposed Restrictions Access to Land and Sea in the Gaza Strip, August 2010*

2. Update on figures for 2011 – casualties and damages

In 2011, at least 44 Palestinian civilians, not taking part in hostilities, were killed (including 12 children and two women) and 406 were injured (including 119 children and 28 women) in the Gaza Strip as a result of Israeli military activity. Almost half of these casualties occurred in the ARA: 21 were killed (including seven children and two women) and 213 were injured (including 68 children and 6 women)³. About 90% of the injuries in the ARA were recorded in the first half of 2011, including eight killings and 41 injuries during the escalation in violence from 7 to 9 April, and 105 injuries during the “Nakba” day incident in May 2011⁴. In addition, an estimated five civilians, including three children, were injured during 2011 as a result of unexploded ordnances (UXOs). Since the end of Operation Cast Lead in 2009 until the end of 2011, the total number of civilians injured and killed by UXOs in the ARA is at least 18, including five killed⁵.

During 2011, there were at least 69 recorded incursions and land levelling operations by Israeli Forces, with at least six recorded cases of damage to homes, civilian facilities and fishing equipment⁶. At least three schools in the ARA were affected as a result of the on-going violence and there were at least three recorded incidents of damage to water and sanitation facilities (WASH), including a municipality storage unit (sewage truck and spare parts), a water reservoir and a newly built sewage pump station⁷.

Since January 2011, at least 72 incidents by Israeli Forces targeting Palestinian fishermen were recorded, with at least 36 recorded cases of damage to fishing equipment⁸. Forty-three fishermen were arbitrarily detained and subjected to harsh interrogation by Israeli Forces, 17 of whom were detained and later released in November⁹. In all cases, Palestinian fishermen were given no explanation why they were detained and later released. Their fishing boats were confiscated by Israeli authorities resulting in heavy financial losses to several fishermen.



Source: PCWG Database

³ Based on OCHA figures, as on 13 January 2012

⁴ OCHA figures as of 13 January 2012

⁵ UNMAT Update, as of 31 December 2011

⁶ Based on figures monitored by PCHR and Al Mezan, as of 01 January 2012

⁷ Update from WASH Cluster, 11 January 2012

⁸ Based on figures reported by Al Mezan and the Protection Cluster Working Group/ARA database as of 31 December 2011

⁹ PCWG ARA Database

3. Key protection issues of concern

Killings, injuries and harassment

Palestinian civilians living near the ARA or whose livelihoods depend on activities which are undertaken in the ARA, (fishermen, farmers and scrap metal or rubble collectors) remain more vulnerable to various forms of violence and harassment from Israeli Forces than other civilians in the Gaza Strip. Threats to life, liberty and security are heightened in the absence of clarity on the precise boundaries of the restricted areas. While the Israeli Forces have reiterated that the no-go zone on land is within 300 metres of the border fence, in practice civilians have been shot at, up to two kilometres from the border fence. In addition, land levelling operations by Israeli forces take place at a distance of more than 300 metres from the fence.

At sea, a number of fluorescent sea buoys were placed at a distance of every four kilometres by the Israeli Naval Force within its stipulated 3 NM limit in December 2011, demarcating the area accessible to Palestinian fishermen. While the new demarcation may help reduce the risk of fishermen being shot at, it symbolises and further entrenches the blockade that continues to impact their livelihoods.

Property destruction

Frequent incursions, air strikes and land levelling operations by Israeli Forces, some of which occur several times a week, cause continuous destruction of agricultural land and fishing equipment. Assets destroyed or damaged in the ARA since the imposition of the blockade have included: at least 305 water wells, 377 sheep farms, 197 chicken farms, three mosques, three schools, six factories and at least 996 houses totally destroyed and 371 partially destroyed¹⁰. According to the latest available figures, the replacement value of civilian property destroyed in the ARA between 2005 and 2010 is conservatively estimated at USD 308 million¹¹.

Access to livelihoods

Palestinian livelihoods remain severely constrained by practices of the Israeli Forces since they restrict access to the areas with the most viable agricultural and fishing prospects. Since January 2009, Palestinian fishermen have not been able to fish beyond three nautical miles from the shore of the Gaza Strip. This has seriously infringed upon their access to livelihoods and resultant right to work. The shrinking fishing space has led to depletion in catches. The Ministry of Agriculture's Department of Fisheries documented for 2011, that the main fish catch in Gaza - sardine - recorded its lowest season in 12 years. It also noted a 90% decline in the overall catch compared to 2008, before the reduction in the accessible fishing areas¹².

In addition, fishermen remain vulnerable to various forms of violence at sea, including the use of live ammunition against fishing boats and arbitrary detention. Fishermen are subject to inhuman and degrading treatment at the time of Israeli detention, which normally lasts for 24 hours. Such treatment includes being forced to strip and jump into the sea and swim towards Israeli boats while being exposed to the elements, the use of blindfolds and handcuffs, and subjection to aggressive interrogation including verbal

¹⁰ Factsheet: Displacement in the "buffer zone", three years after Operation Cast Lead, Al Mezan Centre for Human Rights, December 2011, and OCHA – WFP Special Focus, *Between the Fence and a Hard Place: The humanitarian impact of Israeli-imposed restrictions on access to land and sea in the Gaza Strip, August 2010*

¹¹ OCHA – WFP Special Focus, *Between the Fence and a Hard Place: The humanitarian impact of Israeli-imposed restrictions on access to land and sea in the Gaza Strip, August 2010*

¹² OCHA Monthly Humanitarian Monitor, November 2011

abuse. When detained for prolonged periods, fishermen are also denied visits by legal counsel and family. They are given no explanation about either their reason for detention or release¹³. Since January 2011, 72 incidents by Israeli Forces targeting fishermen were recorded. There were seven incidents where boats were confiscated and five incidents where fishing equipment was destroyed, resulting in heavy financial losses to several fishermen.

Access restrictions to land, on-going land levelling operations and shootings continue to prevent farmers from tending their land up to 1,000-1,500 metres from the fence. This has affected production, economic growth and farmers' income. According to the latest figures available, access restrictions and destruction of agricultural land have resulted in a yearly loss of approximately 75,000 metric tons of potential produce¹⁴.

Access to services

Due to the dangerous security situation, access and movement to the ARA for UN and international organizations as well as service providers is very difficult, posing additional hardships to quantifiably assess the situation there. Nevertheless, from the information available, it is clear that security conditions in the ARA hinder Palestinian civilians from access to and receipt of vital services, such as education, health care, water and sanitation and psychosocial services. Children and teachers continue to face security risks on their way to and from schools in and around the ARA. In 2011, there were at least three recorded incidents where schools were affected¹⁵, including two schools that were evacuated due to frequent firing close to the schools. In a separate incident, Israeli firing reached within three metres of a school wall damaging a number of classrooms.

In addition, access restrictions continue to impair the construction, maintenance and upgrade of water, sanitation and hygiene (WASH) infrastructure. As a result, Palestinians living in and around the ARA continue to rely on contaminated and untreated underground water for domestic use. The precarious security conditions have prevented municipal vacuum tanks from reaching the area and cleaning sewage cesspits causing a further deterioration of groundwater quality and exacerbating pre-existing health hazards¹⁶.

4. The way forward

Lifting the Blockade

The blockade of the Gaza Strip must be lifted, with due regard to legitimate Israeli security concerns. This will allow for a dramatic improvement in the day-to-day lives of the population, including those within the ARA, and enable a fulfilment of many of their human rights.

Protection of civilians

The Government of Israel should respect the right of persons to life, liberty and security. It should ensure that actions of its security forces are consistent with Israel's obligations under international law and should

¹³ Based on interviews conducted by OHCHR, PCHR and Al Mezan

¹⁴ OCHA – WFP Special Focus, *Between the Fence and a Hard Place: The humanitarian impact of Israeli-imposed restrictions on access to land and sea in the Gaza Strip, August 2010*

¹⁵ UNICEF CAAC Bulletin, May 2011; Update from Al Mezan Centre for Human Rights as at 8 January 2012

¹⁶ Update from WASH Cluster, 11 January 2012

never include the use of live ammunition against civilians and civilian property and infrastructure. Under international law, civilians are entitled to protection from the effects of hostilities and to respect for their human rights.

The Government of Israel should ensure that civilians, especially children, are protected from the effects of hostilities and that the rules of distinction, proportionality and precaution in attack are adhered to so as to avoid the loss of civilian lives and property. This is essential to ensure safe access to education, healthcare, water and other services. Children are entitled to special protections in conflict areas.

Palestinian armed groups should undertake measures to respect international humanitarian law, and take all feasible precautionary measures to avoid harm to civilians.

Access to livelihoods

The Government of Israel should cease the restrictions on Palestinian access to the sea for fishing purposes imposed on the Gaza Strip. It should allow fishing activities within the 20 nautical miles as agreed to by the parties to the Oslo Accords. Israeli authorities should also allow the resumption of agricultural activity within the ARA.

Access to services

The Government of Israel should facilitate safe access and movement for civilians living and working in the ARA with special regard for schoolchildren and humanitarian personnel. It should also facilitate safe access for international humanitarian organizations and service providers where and when required.

Accountability

The Government of Israel must ensure the accountability of the members of its security forces. In particular, it should conduct credible investigations of international law violations which meet international standards and procedures of fair trial. These standards require promptness, independence, impartiality, and thoroughness. Appropriate disciplinary and penal sanctions against those responsible should be taken.

The Government of Israel must respect international humanitarian law and human rights law and provide for effective remedies for Palestinian victims of violations of the law. Palestinian victims of alleged crimes must have equal and effective access to legal remedies, including reparation and compensation. They must be able to do so in all safety.

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