

THE PALESTINIAN CENTRE FOR HUMAN RIGHTS

Published @ 12.00 hours GMT on 30th March 1997

CLOSURE UPDATE NO. 17

Report by the Palestinian Centre for Human Rights on the Closure imposed by Israel on the Gaza Strip

Since 21st March 1997 Israel has maintained a total closure of the Gaza Strip, following a suicide bomb attack in Tel Aviv. Total closures violate the IV Geneva Convention,¹ and general international law, as they effect a blockade of the Gaza Strip, preventing all cross-border movement between Gaza and Israel. This total closure is exacerbating the already dire socio-political, economic and health situation that exists in the Occupied Palestinian Territories (OPTs), which has resulted from the total and very strict closures that Israel has maintained constantly since February 1996.

Information gathered by the Palestinian Centre's Closure Monitoring Team affirms that Israeli authorities have closed all outlets between the Gaza Strip and Israeli territory; consequently preventing all regional and international commercial activity and preventing movement of persons out of the Gaza Strip, even for urgent medical treatment. In addition Gazans are prohibited from going to Israel to work, with severe economic and social implications in Gaza, which has a very high unemployment rate.

The Background to the Closure

Throughout Israel's military occupation of the Gaza Strip and West Bank including East Jerusalem, it has maintained a stranglehold over Palestinian life. The sealing of borders and restricting the movement of persons and goods has been a policy of the Israeli occupying authorities; it constitutes the collective punishment of the 2.5 million Palestinian people who inhabit these areas, which is forbidden by humanitarian law.² Israel has claimed that the closure is necessary to ensure its

¹ It is the view of the PCHR that the IV Geneva Convention applies *de jure* to the Gaza Strip, West Bank including East Jerusalem until a comprehensive peace agreement is reached. This view has wide support among the international community.

² Article 33, 1949 IV Geneva Convention

security; but, as the bomb attacks of March 1996 and 21st March 1997, prove, and as experts argue, the closure is not effective for this purpose.

As a High Contracting Party and as an Occupying Power, bound by the IV Geneva Convention, Israel is obliged to ensure that Gazans have access to adequate food and health facilities.³ When a total closure is imposed, Israel prevents the import of basic food stuffs and necessary medical supplies; Gazans are also prevented from access to medical treatment which cannot be found in Gaza due to Israel's destructive policies regarding the health sector in the OPTs during the total occupation. Arguably the devastating consequences of the closures for the Gazan economy violate international law which forbids the taking of measures for national security which infringe fundamental human rights.⁴

In addition, Israel's imposition of closures violate the agreements signed between it and the PLO; including, *inter alia*, its failure to implement safe passage routes which ensure travel between the autonomous areas; the guarantee that the Karni crossing will remain open; and the requirement that the West Bank and Gaza Strip be treated a single integral unit.

The following forms part of a documentary series of Israel's violations of international law with regard to the closures:

1. ECONOMIC RAMIFICATIONS OF THE CLOSURES

Israel's recent tightening of the closure prevents all movement of goods across Karni border crossing and the total prevention of goods across the Erez border crossing.⁵ Israel closes Karni in complete disregard of the undertaking it previously made to keep it open for commercial traffic even during total closures. Commercial traffic across both these points has been severely limited since February 1996.

i. **Karni Border Crossing**

From the afternoon of 21st March 1997 until the date of publication, Karni was closed completely for exports and imports. It has evolved into the most important bridge for commerce exports and imports between the Gaza Strip and the outside world; consequently its closure severely damages the Palestinian economy.

Karni is the only outlet through which vegetables can be exported. Thus when it is closed the agricultural sector suffers severe losses. Sources from the Ministry of Agriculture state that Israel has not permitted any vegetable exports since 21st March. A high percentage of Gazan produce is agricultural and there is a high dependence by producers on export markets. Gazan exports of vegetables are usually between 400 - 500 tonnes daily to the West Bank, Israel and abroad. Losses due to the inability to export this product are estimated at \$500,000 per day.

ii. **Erez Border Crossing**

³Articles 14-23 and 55-57 of the IV Geneva Convention

⁴See Article 1, 1966 UN International Covenant on Economic and Social Rights, to which Israel is a Party; UN General Assembly Resolutions *inter alia* 2133 and 2214.

⁵These are the only two points across which commercial traffic can be exported or imported.

On 21st and 22nd March 1997 Israel prevented all imports and exports across Erez. Since 23rd March only very limited amounts of citrus produce were permitted to be exported.⁶

Prior to the 21st March, commercial exports were already severely restricted. Only 85 vehicles of citrus produce were permitted to be exported from Gaza each day.⁷ Between 23rd and 26th March the following exports were permitted:

DATE	NO. OF VEHICLES	DESTINATION
23rd March	7	Ashdod
24th March	4	Ashdod
25th March	15	Jordan
26th March	15	Jordan

Since Tuesday 25th March Israeli authorities have allowed only the limited importation of some basic foodstuffs such as oil, dairy products, meat, tea and sugar.

3. DENYING ACCESS FOR GAZAN WORKERS TO ISRAEL

Since 21st March Israel has prevented Gazans from going to Israel to work, consequently exacerbating social problems and contributing to the severe strain that the economy is already under.

Recent figures estimate the Gazan labour force to be around 169,000; 72,000 of which are locally employed in Gaza, leaving a surplus of 97,000. Historically most of the surplus labour force was absorbed, as workers migrated to Israel for employment. Throughout the 27 years of direct Israeli occupation Israel nurtured this dependence, and moreover, transformed the OPTs into a free market for its products and a cheap source of labour.

The income generated in Israel by Gazan workers has become an important part of the Gazan economy. However, Israel has significantly reduced the number of permits issued to Gazans for work in Israel. The highest recorded figure since February 1996 is only 23,744.⁸ Around 71,000 persons, 43% of the labour-force were unemployed prior to the tightening of the closure on 21st March; the unemployment rate subsequently increased to over 58%.

⁶The permitted consignments were bound for Jordan and Ashdod Port.

⁷45 of which are usually scheduled for Jordan and 40 for Ashdod port, bound ultimately for foreign markets.

⁸An additional 2,564 Gazans are permitted to work in the Erez Industrial Zone, which is situated inside Gaza but is under Israeli jurisdiction.

2. RESTRICTIONS ON FREEDOM OF MOVEMENT

Since 21st March 1997, Palestinians have not been permitted to leave or enter the Gaza Strip. These severe restrictions on the freedom of movement include the denial of access for Gazan patients in need of medical treatment outside Gaza in violation of humanitarian law; and the prevention and severe restriction of regional and international travel.

i. Depriving access for Palestinians to medical treatment outside Gaza

Often Gazans are forced to seek medical treatment which is not available inside Gaza due to the lack of specialist medical facilities.⁹ In order to receive what is often vital medical treatment, Gazan patients are referred to hospitals situated in the West Bank including East Jerusalem, and to hospitals in Israel and Jordan.

Since 21st March 1997 permits have been denied to patients in need of medical treatment outside Gaza: 16 applications were rejected on Tuesday 25th March even though the applicants satisfied all the prerequisites prescribed by the Israeli authorities.

Upon the imposition of the total closure on 21st March all valid permits were cancelled. Fourteen Gazans were turned back from Erez Checkpoint between 23rd and 25th March despite the fact that they possessed valid permits. Thirteen of them were going to Palestinian hospitals in East Jerusalem, and one to Tel Hashomer in Israel.

Gazans who at that time undergoing a course of treatment in hospitals outside Gaza, were prevented from returning. On 25th March the Israeli authorities prevented a Gazan ambulance, from leaving Gaza to collect a Gazan patient from Al Mokassed Hospital in Jerusalem.

Palestinians who must leave Gaza for medical treatment are required to obtain special permits from the Israeli authorities. However in many cases Israel denies such permits, even when border restrictions are more relaxed. In previous Closure Updates we have documented several cases where Palestinian have died as a direct result of being denied a permit, or as a result of obstructions by Israeli soldiers at the checkpoints, despite the fact that the patients possessed the required permits.¹⁰

The PCHR reiterates its condemnation of Israel's denial of Gazan medical patients access to vital medical treatment on the pretext of security. The Centre finds no legal justification for the denial of access to medical treatment for children, and sick women and men, who are fighting disease and illness.

ii. Regional and foreign travel

The Israeli authorities prevent Palestinians from travelling between the West Bank and Gaza Strip, to Jordan and other countries in the region, and to the outside world

⁹This is a consequence of the neglect of the health sector by Israeli occupying authorities during the total Israeli occupation.

¹⁰See Updates 1,2,3, 8 and 9

via Israel's Ben Gurion Airport. Information gathered by PCHR fieldworkers affirms the following:

- a. On 21st March 1997 the Israeli authorities cancelled all existing travel permits for Palestinians wishing to travel to Jordan via Israel.¹¹ Consequently 190 Gazans who were scheduled to travel to Jordan on 23rd March were prevented from doing so. By the date of publication the Israeli authorities refuse to even receive applications for new permits. Therefore, anybody wishing to travel to Jordan, even for urgent reasons, has to travel to Egypt and fly from Cairo Airport. The journey to Cairo takes around 2 days, is thus inconvenient and very expensive.
- b. The Israeli authorities prevent Palestinians from travelling via Ben Gurion airport, which is the most accessible international port for Gazans. Instead they are forced to travel overland to Egypt and then to travel from Cairo Airport. Israel continues to prohibit use of the airport that was recently built in Gaza, despite undertakings to the contrary.
- c. Israeli authorities deprive Palestinians from travel between the Gaza Strip and West Bank in violation of the Oslo Agreements which require these territories to be regarded as a single integral unit for the duration of the Interim Period, and for Israel to implement safe passage routes between them facilitating this unity. This prohibition enforces the separation of families, prevents access to religious holy sites and prevents Gazan students from reaching their universities in the West Bank.

CONCLUSION

Israel's total closure of Palestinian territory is a collective punishment, prohibited by international law. The nature and many aspects of these closures violate international human rights law; they contribute to the deterioration of living conditions and to the suffering of the Palestinian population.

The PCHR rejects absolutely Israel's security justification for the closures. We believe that there is substantial evidence which undermines this justification, including:

- i. The closures have not prevented suicide operations in Israel. The recent bombing on 21st March was carried out while restrictions were imposed on freedom of movement for Palestinians. The second two of the four bomb attacks carried out in February/March 1996 took place during the strictest closure ever imposed on the OPTs.
- ii. Palestinian medical patients including children, women and old people who are often very sick do not present a threat to Israel's security, but are deprived of vital medical treatment on this premise.
- iii. Reports suggest that many Palestinian students and labourers from Gaza manage to enter Israel without permits. The closure is not therefore an effective security measure. Apparently any Palestinian who decides to carry out a suicide bomb attack can reach Israeli towns easily.

The Palestinian Centre believes that there is direct correlation between the Israeli Government's provocative policies towards the Palestinian people and instability in

¹¹See Closure Update 16 for background on arrangements for travel to Jordan for Palestinians from Gaza.

the region. The Centre believes also that the closure does not guarantee Israel's security, but does reduce the living standards of the Palestinian people to wretched levels, violating their fundamental human rights, international law and the Oslo Agreements; consequently the closures have the effect of causing a deterioration in the situation.

The Palestinian Centre for Human Rights reiterates its plea to the international community, sponsors of the peace process and donors, to intervene and to exert pressure on the Israeli Government to end its provocative policies and illegal measures against the Palestinian people, including the closure and illegal settlement activities. The Centre warns of the clear potential for such measures to lead to a spread in the violence which has resurged in the region.