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CLOSURE UPDATE NO. 22

Report by Palestinian Centre for Human Rights On the Closure Imposed by Israel On Gaza Strip

Israeli authorities are continuing to impose strict closure on the Palestinian Occupied Territories, including areas under the jurisdiction of the Palestinian authority in the West Bank and the Gaza Strip. Furthermore, it is not expected that this closure will be eased (in terms of freedom of movement for individuals) until after the middle of this month, according to Israeli officials. Since September 11th, Israeli authorities have once again tightened measures of closure, thus eliminating the previous measures incorporated to ease the closure in the Occupied Territories.

New, stricter measures were imposed after the extrajudicial killings of Emad and Adil Awadallah by Israeli security forces on September 9th. The brothers were accused by Israel of being members of the military wing of the Islamic movement Hamas. Israeli authorities claim that the new closure measures have been introduced in order to prevent retaliation by Palestinians against Israeli targets.

The Palestinian Centre for Human Rights reiterates its rejection of Israel's justification for the closure, when it has in the past failed to deter military operations against Israeli targets. PCHR believes that the policy of closure is a form of collective punishment against the Palestinian people in the Occupied Territories, which is in fact prohibited by international law. The policy of closure constitutes a grave breach of Palestinian economic and social rights and contributes only towards the deterioration of the living conditions of the Palestinian citizens. PCHR also expresses its regret about the failure of the international community to put an end to Israeli illegal practices, including closure measures which have been established in the last five years as a systematic policy against the Palestinian people.

This is the 22nd issue of the closure update published by PCHR to document the effects and implications of the closure on all aspects of life in the Gaza Strip.

The Denial of Access to Palestinian Workers in Israel

Palestinian workers in Israel have been facing economic hardship and a deterioration in living conditions as a result of the Israeli policy of closure and which denies them access to work in Israel. These workers feel frustrated due to their inability to secure a decent and stable life for their families. Since September 11th, all workers have been prevented by Israel from travelling to their work and all their work permits have been cancelled. Prior to September 11th, Palestinian workers in Israel were estimated at 50,000 (almost 50% from the West Bank and 50% from Gaza). On September 14th, only 5,180 workers from Gaza were allowed to return to

their work after they were issued new work permits. An additional 2,000 workers were admitted the following day. By September 16th, the number had increased to 9,500.

New preconditions were demanded by the Israeli authorities in order to issue work permits. The first precondition is that the worker must be married with children, should be aged over 28 and should have been working continuously with the same employer for more than 2 years.

On September 18th, the Israeli authorities once again tightened measures against the workers, even for those who had been issued permits in the last few days. Once again the number of workers fell down to zero until September 22nd when workers with the new permits were permitted. By September 27th, the number of permits increased to 12,835. On October 3rd, the Israeli authorities re-tightened the closure and all workers were yet again denied access. According to Israeli authorities, this situation will continue until the middle of this month.

The Cancellation of the Previous Limited Measures to Ease the Freedom of Movement between the Gaza Strip and the West Bank

Since September 11th Israeli Authorities have cancelled all partial and limited easing measures gradually incorporated during the last few months on the movement of Palestinians between the West Bank and the Gaza Strip. Palestinian citizens have been denied the right of free movement even between areas under Palestinian jurisdiction in the West Bank and the Gaza Strip. This contradicts international humanitarian law, especially the 4th Geneva Convention of 1949 which is related to the protection of civilians in times of war. In addition, it also contradicts the interim agreement between Israel and the PLO which recognized the territorial integrity of the West Bank and the Gaza Strip. The only people exempt from these restrictions were a limited number of Palestinian senior officers (an average of 50 persons daily were allowed to move between the West Bank and the Gaza Strip). On many occasions these officers were also denied access (for example on October 4th).

As a result of the closure measures, 63 Palestinians from the West Bank have not been allowed to return to their homes and thus have been forced to remain in Gaza, despite the fact that they came with permits. Also, residents of Gaza are prohibited from travelling through the Jordanian / West Bank borders. Therefore, any Gazan who wishes to travel the short distance to Jordan should first travel to Egypt and then fly to Jordan, making the journey an extremely long one.

The Continued Suffering of Gazan Students in the West Bank

For the 31st consecutive month, Gazan students in the West Bank universities continue to suffer as Israel has deprived them of their right to reach their educational institutions. Since February 26th 1996, Israeli authorities have refused to allow more than 1200 Gazan students to return back to their universities in the West Bank. They have even been prohibited from staying in areas classified "A" in the interim agreement (areas which are under Palestinian jurisdiction). The Israeli army issued a military order on March 12 1996 stating that all Gazans in the West Bank should return immediately to the Gaza Strip. On March 28th, a

massive wave of arrests was launched against Gaza students around Bir Zeit university. The students were detained and later sent back to Gaza. This measure continues until now and whenever Israel eases the restrictions, the students do not benefit. Despite the fact that a few dozen students have been able to return to their universities since that time, the Israeli authorities consider their stay in the West Bank as illegal and continue to harass them. Those students are facing difficult living conditions and an unstable and unsafe academic life, as well as being disconnected from their families in the Gaza Strip.

Depriving Patients the Right to Receive Medical Treatment outside the Gaza Strip

After 3 decades of Israeli negligence, the Palestinian Authority has inherited a very weak health infrastructure in the Gaza Strip. It is unable to meet the demands of the community and as a result, serious medical cases have to be transferred to Palestinian hospitals in the West Bank including Jerusalem, which are relatively better equipped. Other medical cases are transferred to either neighbouring Arab countries (Jordan and Egypt) or to Israel.

As a result of the Israeli policy of closure, severe restrictions are imposed on the movement of Gazan patients and sometimes all access is denied. In such cases, many patients have died as a result of the prolonged delay on military checkpoints or because patients are denied permits.¹

Occasionally, patients benefit from the easing measures announced by Israel and are usually issued permits. However, the security risk rather than the health condition of the patient is the determining factor in the issuing of permits. In these cases, hundreds of patients are denied permission to leave the Gaza Strip for unexplained security reasons. Since the tightening of the closure on Sept 11th, a patient has to be suffering from an extremely dangerous disease in order to obtain such a permit.

Furthermore, critically ill patients who are transferred to neighbouring countries (Jordan in particular) have been facing very difficult conditions on their trip, which can be life-threatening. After such patients are issued permits to travel from Gaza to Jordan, the Israeli authorities require joint Palestinian, Israeli and Jordanian co-ordination in order to transfer the patient from Gaza in an equipped Palestinian ambulance accompanied by a doctor and a nurse. At Erez checkpoint, the ambulance and its passengers are subjected to a prolonged search that can last for several hours. Eventually, the ambulance is allowed to drive to the West Bank up to the Jordanian border crossing. At the border, the ambulance is subjected to a wait of up to 4 hours before crossing, due to the common Israeli claims that the Jordanian ambulance has not yet arrived or that there was no prior co-ordination. Eventually, the patient is transferred to a Jordanian ambulance.

¹ Refer to previous issues of this closure update which include full documentation of such cases. If you wish to obtain these updates, contact PCHR.

Once the patient has received his treatment, his return to the Gaza Strip also requires Palestinian, Israeli and Jordanian co-ordination and once again the patient faces long delays which may be life-threatening, as most of these patients are heart disease cases. Sometimes the patients are forced to return back to Jordan and go again the following day. The consequences of such delays can be tragic, when one considers that most of the patients are emergency or very serious cases.

Examples of Patients who have Been Deprived of the Right to Receive Medical Treatment outside the Gaza Strip

1. Salman Yousef Abu Shaar, born in 1978, resident of Rafah. His application to receive medical treatment at Al-Makassid hospital in Jerusalem was rejected on September 14th for security reasons.
2. Maher Mohammed El-Bilbaisi, born in 1963, resident of Jabalia. His application to receive medical treatment for his kidney at Ramallah hospital was rejected on September 10th, the reason being the Israeli feast even though the hospital is a Palestinian one in the West Bank.
3. Tamam Hassan Abu Eisa, born in 1979, resident of Gaza. Her application to receive medical treatment for spinal problems at Ramallah hospital was rejected on September 17th due to the Israeli feast even though the hospital is a Palestinian one in the West Bank.
4. Shukry Hafez El Ajil, born in 1914, resident of Gaza. His application to receive medical diagnosis for suspected cancer at Al-Mukassid hospital was not issued, instead a permit was issued to his daughter and he consequently missed his appointment on October 1st.
5. Mohammed Ali Dimeida, resident of Jabalia, who had medical surgery in Jordan to have a pacemaker fitted. His application to receive further essential heart treatment on 20th September at Tel Hashomer hospital in Tel Aviv was rejected without justification.
6. Mohammed Ahmed Abu Mutair, born in 1989. His application to receive medical treatment at the osteotherapy section of Al-Mukassid hospital was rejected on 28 September for reasons unknown.
7. Amin Abd El-Salam El-Bobeli, born in 1960, resident of El-Maghazi. His application to receive medical treatment for his liver at Al-Mukassid hospital has been continuously rejected since July 29th for security reasons.
8. Sabreen Yousef Abu Sultan, born in 1980, resident of Jabalia. Her application to receive medical treatment in the osteotherapy section of Al-Mukassid hospital was rejected on the 28th September for reasons unknown.
9. Ihsan Naim El-Sultan, born in 1980, resident of Beit Lahya. His application to receive medical treatment for his kidney at Ramallah hospital was rejected on September 28th because of the Jewish feast, even though the hospital is a Palestinian one in the West Bank.

Restriction on the Economic Transactions in the Gaza Strip

As a result of the systematic policies of Israeli consecutive governments since 1967, the Palestinian economy is heavily dependent on the Israel. As a result, the economy is extremely vulnerable and unstable. With the continued rejection by Israel to establish the Gaza sea port, to open the airport and to activate the safe passages between the West Bank and the Gaza Strip, most of the Palestinian exports and import activities are carried out through Israel.

There are three crossings between Gaza and Israel used for the import and export of goods. The first one, Erez (in the north of the Gaza Strip), allows a limited number of vehicles to cross (in convoys) for importing/exporting purposes. Individuals with permits also use this crossing. The second crossing, Karni (in the middle of the Gaza Strip), is used only for importing/exporting purposes. The third crossing, Sofa (in the south of the Gaza Strip), is used to import/export goods such as cement and gravel. Also, a limited number of workers working in agriculture in Israel are also allowed to cross here.

With the new closure tightening measures of September 11th, Israel sealed off all three of these commercial outlets which caused severe damage to the Palestinian economy. By September 13th, the Israeli authorities had re-opened the Karni Border crossing between Gaza and Israel, whilst the other 2 borders remained closed. By the following day, these borders were opened for trade only. Again all three borders were closed on September 18th until September 23rd because of the Jewish feast. On September 28th they closed again until Sept 30th. They were closed yet again on October 3rd for the day, thus drastically affecting Palestinian trade.

Conclusion

After more than 5 years since the signing of the Declaration of Principles in September 1993 between the PLO and the Israeli government, the Israeli authorities continue to impose collective punishment against the Palestinian people with its policy of closure. Such an illegal policy contradicts international humanitarian law, particularly the 4th Geneva Convention of 1949 and other relevant human rights conventions. This Israeli policy also contradicts the interim agreement between the PLO and Israel, which recognized the territorial integrity of the West Bank and the Gaza Strip and guaranteed the establishment of safe passages between the two areas. Accordingly, the economic and social human rights of the Palestinian people have been gravely breached by the Israeli policy of closure. The closure affects all sectors of citizens, especially the most vulnerable groups such as the thousands of families who rely solely on income generated by their relatives working in Israel.

The Palestinian Centre for Human Rights reiterates its call to the international community for immediate intervention to stop the collective punishments implemented by Israel. PCHR calls upon the High Contracting Parties to the 4th Geneva Convention to fulfil their obligations in accordance with this convention to protect the Palestinian civilians in these territories.