



Gaza Strip: Closure not Ended, Reconstruction not Started



**A Report on the Impact of the Israeli Closure on Civilians in the Gaza Strip
after the Third anniversary of the Latest Israeli Offensive on the Gaza Strip**

June 2010-November 2011



The Palestinian Centre for Human Rights

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The Palestinian Centre for Human Rights is an independent non-profit legal agency based in Gaza city. The Centre was established in April 1995 by a group of Palestinian lawyers and human rights activists in order to protect human rights and promote the rule of law in accordance with international standards, create and develop democratic institutions and an active civil society in Palestine in accordance with internationally accepted standards and practices and support all efforts aimed at enabling the Palestinian people to exercise their inalienable rights according to international law.

The Centre enjoys Consultative Status with the ECOSOC of the United Nations. It was granted three international prominent awards for its efforts in the field of human rights:

1. The 1996 French Republic Award on Human Rights; and
2. The 2002 Bruno Kreisky Award for Outstanding Achievements in the Area of Human Rights; and
3. The 2003 International Service Human Rights Award (UNAIS).

The Centre has wide relationships with human rights and civil society organizations throughout the world. It is an affiliate of five international and Arab human rights organizations, which are active in the international arena:

International Commission of Jurists

The International Commission of Jurists (ICJ), headquartered in Geneva, is a non-governmental organisation in consultative status with the United Nations Economic and Social Council, UNESCO, and the Council of Europe and the OAU. Founded in 1952, its task is to defend the rule of law throughout the world and to work towards the full observance of the provisions in the Universal Declaration of Human Rights. Its membership is composed of sixty eminent jurists who are representatives of the different legal systems of the world.

Federation Internationale des Ligues des Droits de l'Homme

The Federation Internationale des Ligues des Droits de l'Homme (FIDH) is an international non-governmental organisation dedicated to the world-wide defence of human rights as defined by the Universal Declaration of Human Rights of 1948. Founded in 1922, FIDH has eighty-nine national affiliates in all regions.

Euro-Mediterranean Human Rights Network

The Euro-Mediterranean Human Rights Network (Euro-Med Network) is a network of human rights organisations and individuals from the Middle East, North Africa and the European Union, established in 1997. The overall objective of the Network is to contribute to the protection of the human rights principles embodied in the Barcelona Declaration of 1995.

International Legal Assistance Consortium (ILAC)

The International Legal Assistance Consortium (ILAC) is one of the most important international legal bodies. It is specialized in legal and judicial training. It includes more than 30 members of distinguished legal organizations throughout the world, including American Bar Association; Arab Lawyers Union; and Bar Council of England and Wales.

The Arab Organization for Human Rights

It is an NGO founded in 1983. It calls for respect and promotion of human and people rights and fundamental freedoms in the Arab World for all individuals on its land in accordance with international human rights instruments. The Organization signed an agreement with Egypt in May 2000, according to which its headquarter was moved from Limassol in Cyprus to Cairo.



The Palestinian Centre for Human Rights

The Palestinian Centre for Human Rights is an independent non-profit non-governmental organisation dedicated to the protection and promotion of human rights, the rule of law, and democratic principles in the Occupied Palestinian Territories.

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It has been said about the closure that ...

"We call upon the Israeli Occupation Forces (IOF) to completely end the closure imposed on the Gaza Strip. The latest Israeli claims of the alleged easing of the closure were not enough," said Malcolm Smart, Amnesty International's Director for the Middle East and North Africa, Almesryoon Newspaper on 08 July 2010.

"The closure has to be lifted to allow the civilians in the Gaza Strip to manage their businesses and build their life and their children's future in order to achieve a normal life," Catherine Ashton, High Representative of the European Union for Foreign Affairs and Security Policy, Al-Quds Al-Arabi Newspaper on 19 July 2010.

"The closure must be lifted, not eased," said Broncias Derosa, President of the European Parliament Delegation visiting Palestine, the Palestinian News Agency (Wafa) on 01 December 2012.

"The situation in the Gaza Strip under the Israeli closure is on the "brink of collapse" due to the deterioration of unemployment rates among the Palestinians. This is a "serious indicator" to the aggravation of conditions in the Gaza Strip. Besides, it will exacerbate the state of instability and despair in Gaza," Chris Gunness, UNRWA spokesman, Al-Quds Al-Arabi Newspaper on 10 February 2011.

"The closure must be lifted completely," said Micheline Calmy-Rey, President of Switzerland and Minister for Foreign Affairs, in a meeting with a senior delegation from the Council for European Palestinian Relations (CEPR), Palestine online website on 23 March 2011.

"The International Committee of the Red Cross (ICRC) is concerned over the inability of a million and a half civilians in the Gaza Strip to live a normal and decent life, in addition to their inability to move from and to the Gaza Strip freely," said Mathilde Redmatn, Deputy Director of ICRC in Gaza, Sama News Agency on 31 May 2011.

"We call for putting an end to the closure imposed by "Israel" for years. It is necessary for the Palestinians in the Gaza Strip to live in peace, security and welfare," said Jerzy Buzek, President of the European Parliament during a joint press conference with the UNRWA Commissioner-General in Gaza City, Al-Hayat Newspaper on 14 June 2011.

"... more efforts must be exerted to find a solution to the resultant problems of the 4-year closure, the occupation power that is Israel is the main responsible in this regard," said Filippo Grandi, UNRWA Commissioner-General in Gaza, Wafa News Agency on 16 June 2011.

Summary

- **IOF alleged claims:** the present report analyses the claims by Israel on the easing of the closure and restrictions imposed on the movement of people and goods since June 2010. In effect, the reporting period (June 2010 – November 2011) did not witness any real change on the movement at commercial crossings or those designated for the movement of persons. Although the quantity of imports allowed into Gaza increased, the majority of these imports were food and consumables. The IOF have persisted at preventing the entry of most of the basic goods, raw materials, industrial equipment and machines. Besides, the IOF have insisted on the complete ban on the exportation of all types of products from the Gaza Strip, excluding very limited quantities of flowers and strawberries.
- **Continuous deterioration of the humanitarian conditions and economic and social rights:** the Israeli policies succeeded in undermining any real opportunity to revive the economy of the Gaza Strip and to let the economic sectors work again.
- **Violation of the right to an adequate standard of living:** the rights of civilians in the Gaza Strip to an adequate standard of living, such as their rights to an adequate housing, work, social insurance, health and education, have been violated by Israel through its closure's systematic policy.
- **Food insecurity:** 71% of the Gaza Strip population suffers from food insecurity; 65% of whom are children. This constitutes a significant rise in comparison to the past years' rates. For instance, 41% of the population was food insecure in 2003. As a result, the levels of malnutrition, weight loss, stunted growth and anemia increased and exceeded the levels of the neighboring countries.
- **Water conditions:** according to the World Health Organization (WHO), 90% of the potable water in the Gaza Strip is polluted and unfit for drinking. The number of families that do not have water supply for a day or three days a week reached 39%, while 20% of the families have at least a child under the age of five, who suffers from diseases resultant from the bad quality of water and sanitation.
- **Fuel:** Due to the limitation by Israel on the quantities of fuel allowed into the Gaza Strip since 2008, Palestinians in the Gaza Strip depend on the fuel smuggled from Egypt through the tunnels to meet their needs.
- **Cooking gas:** the crisis on the cooking gas crisis arose several times in the last years. It started to aggravate after the IOF closed Nahal Oz crossing, which is the only crossing designated for the importation of fuel to the Gaza Strip. The IOF allowed the entry of gas via Karm Abu Salem (Kerem Shalom) crossing instead, which is technically inappropriate for the entry of enough quantities of cooking gas. The quantity of cooking gas entered in Gaza reached 49,780 tons only, which covered 33% of the Gaza Strip needs, which are 350 tons in winter and 200 tons in summer.

- **Banning the reconstruction of the Gaza Strip:** the reconstruction activities remain obstructed 3 years after the latest Israeli offensive on the Gaza Strip (27 December 2009 – 18 January 2009). This is due to the ban imposed on the entry of construction materials.
- **Construction materials:** The IOF continue to ban the entrance of construction materials for the private sector since June 2006 although they declared in June 2010 that they will allow the entry of limited quantities of construction materials for projects implemented by international organizations. However, the quantities allowed by the IOF, including cement (82,864 tons), construction aggregate (444,133 tons) and construction steel (17,825 tons), do not meet the minimal level of the Gaza Strip needs. The Ministry of Public Works and Housing in Gaza estimated that the Gaza Strip immediately needs the importation of 1.1 million tons of cement, 2.5 tons of construction aggregate and 200,000 tons of construction steel for the reconstruction of Gaza.
- The quantity of construction materials allowed into the Gaza Strip for international organizations is very limited compared to the quantities needed for reconstruction. The percentage of cement quantities was less than 7.5% of the needs, while the quantities of construction aggregate did not exceed 9.9% and construction steel constituted 17.7% of the actual needs.
- **Violation of the right to an adequate housing:** the ban imposed on the entrance of construction materials halted the construction activities in the Gaza Strip, which affected particularly to the housing sector. The Gaza Strip needs over 60,000 housing units to meet the natural growth of its population and to shelter families whose houses were demolished in the latest Israeli offensive conducted at the end of 2008.
- **Obstruction of streets and roads rehabilitation:** the ban imposed on the entry of basic materials, particularly tar, sidewalks tile, heavy machines and equipment for road reparations, obstructs the rehabilitation of approximately 540,000 square meters of roads and streets. This area needs a quick rehabilitation to revive the transport network in the Gaza Strip.
- **Violation of the right to health:** the aggravation of health conditions in the Gaza Strip has been ongoing. The civilians have suffered from a continuous violation of their right to the highest attainable standard of physical and mental health.
- **The crisis of lack of medicines and medical supplies:** the Gaza Strip witnessed a continuous lack in medicines and medical supplies, especially in May 2010 and February and June 2011. The number of medicines and medical supplies were not available in the Gaza Strip reaching 110,178 and 147 types respectively.
- **Medical referrals abroad:** the total number of applications presented to obtain permits to travel via Beit Hanoun (Erez) crossing to access to hospitals in Israel, Jerusalem and the West Bank during the reporting period reached 15,633 applications. This number used to be higher, reaching approximately 20,000 applications annually.

- The IOF refused to give permits to 16,626 applications, while 2,007 applications of patients faced problems such as total rejection of the application, changing the companion, requesting for interviews or new appointments with the security officer at the crossing. As a result, the majority of the patients were prevented from traveling or their appointments for treatment were delayed. These numbers reflect the decrease of the daily average of approvals by the IOF from 50 cases daily in 2006 to 24 cases daily in the reporting period; i.e. it decreased by 52%.
- **Blackmailing and arresting patients:** during the reporting period, IOF summoned 242 patients of those who applied to obtain permits to travel to the hospitals in the West Bank, Israel or Jordan. They were requested to go to the Israeli Intelligence Service (IIS) at Beit Hanoun crossing where they were summoned under the pretext of completing the security check. During this process, patients were subjected to cruel and degrading treatment and some of them were arrested and blackmailed.
- **Three patients died due to the closure:** hundreds of Palestinian patients from the Gaza Strip have been prevented from receiving medical services in hospitals of the West Bank, including Jerusalem and/or Israeli hospitals due to the Israeli-imposed closure. During the reporting period, the Palestinian Center of Human Rights (PCHR) documented the death of 3 patients, including a child, due to denying them access to the hospitals via Beit Hanoun crossing.
- **The right to education:** the educational sector has been suffering from a severe crisis due to the inability to construct new schools to meet the natural growth of population or to reconstruct schools that were damaged in the latest offensive. For instance, the ban on construction materials halted the UNRWA project to build 100 schools during 3-5 years. Despite lands and designs for new schools are available, the prohibition on the entrance of materials has prevented the adequate development and functioning of this sector.
- **Unavailability of a proper environment for the educational process:** the inability to build new schools resulted in highly populated classrooms in some schools. This has negatively affected the students' ability to comprehend. As a result, 79% of the Gaza Strip schools work in two shifts, while 21% of schools have one shift.
- The closure has deprived thousands of students in the Gaza Strip of the chance to study in the West Bank universities, which offer fields of study that are considered vital and necessary to the Gaza Strip students. As a result, the number of the Gaza Strip students reached 26% in 1994 became zero.
- **Violation of the right to work and high rates of poverty:** the exacerbation of economic conditions in the Gaza Strip resulted in increasing the rates of Palestinian families that live below poverty line to 38%. The rates of unemployment among labor force in the Gaza Strip, which resulted from the almost complete paralysis in the economic sectors, reached 45.2%.
- **Economic situation:** the ongoing closure and imposition of restrictions on the entry of raw materials led to the destruction of 73% of the active economic facilities during the latest Israeli offensive. This factor added to the paralysis that affected the different economic sectors that had been already suffering due to closure has severely affected the economic situation.

- **The construction and contracting sectors:** the number of contracting companies working in the Gaza Strip decreased from 120 to 5. Approximately 42,000 workers in these companies were exposed to layoff due to the ban imposed on construction materials. In the past year, some companies returned to work partially, as their work was limited to projects implemented by international organizations. Additionally, some private projects started using the construction materials smuggled into the Gaza Strip through the tunnels at the Palestinian-Egyptian border.
- **Wood and furniture industries' sector:** this sector has been negatively affected because of the ban imposed on the exportation of wood and furniture products since 12 June 2007. As a result, the work in approximately 600 factories and workshops that offered work opportunities to 6,600 workers stopped and/or was minimized. This sector is the largest at the level of exportation in the Gaza Strip, as approximately 50% of the Gazan exports amounting to US \$300 millions annually are wood and furniture products.
- **Agricultural sector:** as a result of the prevention of farmers from exporting their products, losses of this sector mounted to US \$120 million annually. The agricultural sector offers work opportunities to approximately 45,000 workers, in addition to 25,000 workers who work on temporarily basis from October to May (the season of agriculture). This seasonal work provides daily wages to families that do not have lands or any other source of income.
- **Sewing sector:** the ongoing closure of the Gaza Strip crossings resulted in stopping and / or minimizing the work in approximately 625 sewing factories that employ about 25,000 workers. These factories depend on exporting 90% of their products to the Israeli market.
- **Metal Industries Sector:** the prevention of entering all types of metals into the Gaza Strip resulted in stopping and / or minimizing the work in the majority of metals' facilities, while the rest of these facilities operated under complicated conditions depending on raw materials which were smuggled via the tunnels at the Palestinian-Egyptian border. As a result, 6,000 workers, who were involved in different metal industries, became unemployed.
- **Movement of persons:** civilians in the Gaza Strip have been still denied their right to freedom of movement.
- **Beit Hanoun crossing:** due to the continuous and complete closure of Beit Hanoun (Erez) crossing for the movement of Palestinians wishing to travel to the West Bank and / or Israel, civilians in the Gaza Strip have been denied access to holy places in Jerusalem and Bethlehem to perform religious rituals. Students were prevented from traveling to join universities in the West Bank. Families were prevented from visiting their relatives in the West Bank or vice versa. The IOF have also continued to prevent the families of 700 Palestinian prisoners from Gaza held in Israeli jails from visiting their imprisoned sons. The last year witnessed a remarkable decrease in the number of traders who were allowed to travel via the crossing, as the daily average reached 27 traders daily throughout the year. This is a sharp decline in the number of traders allowed to travel via the crossing compared to the numbers in 2006 when the average was 150 traders daily.

- **Rafah International Crossing Point:** during the reporting period, the suffering of civilians wishing to travel abroad via Rafah International Crossing Point continued. In spite of the improvements declared by the Egyptian authorities in late May 2011, a person wishing to travel had to register his name and obtain a date in advance because of the limited number of persons allowed to travel daily. According to PCHR's follow-up, hundreds of Palestinians, who met the conditions to go through Rafah crossing, were not able to travel due to the high demand. This creates an overload of the crossing's administration, which has modified travel dates several times.
- **Commercial crossings:** the dependence on Karm Abu Salem (Kerem Shalom) as the only operative crossing in the Gaza Strip increased the suffering of the Palestinians. This crossing it is not well equipped for the movement of goods, besides, its operational capacity is very limited (400 truckloads daily). This maximum capacity, which has never been reached, does not meet the needs of the Gaza Strip, which are 570 truckloads as per June 2007. The crossing operated partially for specific days and was used for the entry of wheat and fodders. On 02 March 2011, the IOF declared the complete closure of Karni (al-Mentar) crossing. This decision came as the outcome of many previous decisions in the context of a scheme in which the IOF aimed at tightening the closure on the Gaza Strip and using Karm Abu Salem crossing as the main and sole crossing in the Gaza Strip.
- **Complete isolation of areas in the Gaza Strip "buffer zones":** the IOF unilaterally widened security areas (so-called buffer zones) in the Gaza Strip ranging between 300m – 2km. These buffer zones include approximately 30% of the best farmlands in the Gaza Strip (approximately 27,000 dunums) and hundreds of water wells. Reaching these lands implies a big risk for Palestinians as the IOF impose restrictions on the freedom to enter these lands, by targeting, sometimes with life ammunition, any moving objects in these areas. As a result, there is a constant threat and serious consequences affecting the safety of families who live in these areas or need to farm on these lands for their livelihood.
- Prevention of people from reaching their lands and water wells in the buffer zones resulted in restricting the farmers' ability to plant the crops designated for exportation. The crops planted in the buffer zone constitute 40% of the Gaza Strip exports; as a result, the agricultural sector loses one of the main elements of the Palestinians national income. As the buffer zone lands are known for their abundant production of livestock, particularly poultry and cattle pens, the ongoing targeting in the buffer zone minimized the agricultural production.
- The serious violations committed by the IOF against Palestinians in the buffer zone whether by targeting border areas or by incursions during the reporting period resulted in 77 deaths, 315 injuries and 40 arrests. Besides, 15 houses and 56 civilian facilities were destroyed and families near the border areas were displaced.
- **Naval blockade:** the IOF have continued to impose a naval blockade on the Gaza Strip and to reduce the distance allowed for fishing to 3 nautical miles. This deprived fishers from reaching the areas where fish breeds beyond that distance. The prohibited areas are in effect the richest in terms of fishing. As a result, they lost 85% of their income.

- During the reporting period, the IOF continued to commit violations and attacks against Palestinian fishers. These attacks include firing, killing, wounding and insulting fishers, as well as confiscating fishing boats. Some fishing boats were destroyed even inside the 3 nautical miles. PCHR documented 99 attacks by the IOF against fishers. PCHR also documented 59 cases of firing against fishers that resulted in one killing and 11 injuries, while it documented chasing fishers cases, due to which 24 fishers were arrested and 16 incidents led to confiscating and damaging boats and fishing equipment.

Introduction

This report is issued in the context of the closure policy imposed by the IOF on the Gaza Strip for five consecutive years, which has affected Palestinians' lives in a brutal way. These cruel conditions resulted from the restrictions imposed on the border crossings affecting the economic, social and cultural rights of 1.6 millions in the Gaza Strip and all their basic needs. This report, that covers the reporting period (15 June 2012 – 30 November 2011), documents the state of the Gaza Strip's border crossings used for the movement of persons and goods. Further, it presents comprehensive statistics on the border crossings showing the latest developments at the crossings and the impacts on the Gaza Strip. The report also refutes the Israeli claims on the alleged "easing" of the closure imposed on the Gaza Strip.

The issuance of this report coincides with the third anniversary of the latest Israeli offensive on the Gaza Strip (27 December 2008 – 18 January 2009). It documents the impact of denying the entrance of construction materials for the private sector, which is an urgent need for the reconstruction of the Gaza Strip in order to rebuild all civilian facilities that were destroyed partially or completely during the said period. The report presents statistics on the limited quantities of construction materials allowed for international organizations, in addition to statistics on the annual needs and the basic quantities needed to avoid a humanitarian crisis. It also identifies the urgent priorities for reconstruction, rebuilding of the infrastructure and public and vital facilities including rubble removal and rehabilitation of roads and streets.

The report addresses the health situation in the Gaza Strip shedding light on the continuous shortages in medicines and medical supplies and their impact on the patients who suffer from serious diseases. It presents comprehensive statistics on this field, including the number of medical referrals and difficulties that obstructed the patients' freedom of movement, denied them their right to travel and / or delayed dates of traveling for hundreds of patients seeking for medical treatment outside the Gaza Strip. As a result, they suffered from serious health problems leading to the death of 3 individuals during the reporting period.

The report focuses on the educational situation under the ongoing closure as well, while it sheds light on the main crisis of the educational sector, which is represented in the inability to build new schools to meet the natural growth of students' numbers, or the delay in rebuilding schools that were damaged during the latest offensive. Besides, the report draws attention to the impact of the educational crisis on the proper educational environment. The increasing number of students in classrooms and in schools affects the students' ability to comprehend. Ultimately, the report addresses the impact of preventing thousands of students in the Gaza Strip from joining the West Bank universities to choose the fields they prefer and are considered as vital for the Gaza Strip.

The report addresses the economic situation in the Gaza Strip and how thousands of Palestinian families lost their income as thousands of workers in the economic sectors lost their jobs. It shed light on the high rates of families below poverty line and the unprecedented rates of unemployment due to the semi-complete paralysis of the economy.

Additionally, the report tackles the impact of widening the "buffer zone" in the Gaza Strip, explaining the restrictions imposed on the freedom movement to access these areas, including targeting farmers and negative consequences on the safety of families that depend on their livelihood on working in their farmlands inside the buffer zone. The report analyses the impacts of the enforcing mechanisms applied in the buffer in limiting the livestock production, particularly poultry and cattle. It documents the serious violations committed by the IOF against civilians whether by targeting border areas or through incursions. These attacks included killing, wounding and destroying houses and civilian facilities. This forced the displacement of families living near the border areas.

The report analyses the effect of the naval blockade on the Gaza Strip, which minimized the distance allowed for fishing to 3 nautical miles only or less in some cases. Furthermore, it reflects the impact of preventing the Palestinian fishers from reaching areas in which fish breeds. It also shows the frequent attacks against such as firing, killing and wounding fishers, in addition to chasing and confiscating their fishing boats.

The data mentioned used reflect the falsity of the Israeli claim on the easing of the closure at relaxing the restrictions imposed on the entry of goods into the Gaza Strip. In practice no real changes were witnessed at the commercial crossings as the ban imposed on the majority of basic materials, including raw materials needed for the industrial sectors remained. The daily average of truckloads allowed into the Gaza Strip did not exceed 25% of the needs of the Gaza Strip. Additionally, the IOF banned the exports excluding very limited quantities of flowers and strawberries.

The report concludes that the closure imposed on the Gaza Strip constitutes a violation of the international law and that increasing the goods allowed into the Gaza Strip does not mean the legality of this policy. This policy does not comply with the international legal obligations of Israel as an occupying power and the international human rights treaties Israel is a state party such as the International Covenant on Civil and Political Rights. However, the goods allowed into Gaza so far do not meet the minimal levels of the Gaza Strip's basic needs, or the market in Gaza does not need these new goods because they are smuggled from Egypt to Gaza through the tunnels. The deterioration of economic, social and cultural conditions and high rates of poverty and unemployment made the Palestinians unable to purchase these goods.

The Israeli closure under the international humanitarian law and international human rights law

Since the Israeli occupation of the Gaza Strip and West Bank, including Jerusalem, in 1967, the IOF imposed their military control over these areas. As a result, the International community has stressed that the IOF is an occupying power and that the Palestinian lands are occupied territories. The Fourth 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War is legally applicable to this territory and the IOF have to comply with the convention and apply it. However, the IOF systematically violated this convention and other rules of the international law concerning the administration of the Palestinian Occupied Territory and the Palestinian civilians who have to protect. The international humanitarian law (IHL), particularly the Fourth Geneva Convention, offers protection to war victims including civilians in the occupied territories. This Convention states that the occupying power cannot arbitrarily apply force or measures or policies in its administration of the occupied territories. The interests of the civilian persons shall prevail, their property shall be protected and the legal status of these territories shall not be changed.

The policy of closure imposed by Israel over the Gaza Strip it is illegal as it violates provisions included in IHL and the international human rights law (IHRL). It constitutes a form of collective punishment Article 33 of the Geneva Convention stipulates that: "No protected person may be punished for an offence he or she has not personally committed. Reprisals against protected persons and their property are prohibited." International human rights instruments uphold the right to freedom of movement. In particular, Article 12 of the International Covenant on Civil and Political Rights of 1966 provides that: "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. Everyone shall be free to leave any country, including his own." The closure policy also violates article 1 of the International Covenant on Economic, Social and Cultural Rights 1966: "In no case may a people be deprived of its own means of subsistence." While article 5 of the same covenant: "Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein...."

Furthermore, the Committee against Torture considered the policies of closure and demolition of houses that are practiced by the IOF a violation of article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. These two policies cannot be justified in any case. The provisions of the IHRL are binding to Israel as State party to the majority of the international agreements.¹ Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination 1965 provides that everyone has the right to freedom of movement and residence within the border of the State, the right to leave any country, including one's own, and to return to one's country and the right to nationality.

The General Comment No. 27 issued by the Civil and Political Rights Committee in its 67 session in 1999, is considered the philosophical and legal interpretation for the right to freedom of movement. This General Comment stipulates that everyone has the right to leave any country, including one's own, and also provides for exceptional circumstances in which the freedom of movement may be restricted. The Comment highlights everyone's right to return to his country of residence. In addition, it addresses article 12 of the International Covenant on Civil and Political Rights and examines it from a legal perspective.

The report by Professor Richard Falk, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, confirmed that the closure imposed on the Gaza Strip is illegal, regardless of the overall humanitarian impacts. It regards the closure as a form of collective punishment against civilians in violation of article 33 of the Fourth Geneva Convention. The report also shows that in spite of the declaration by Israel towards a commitment to easing the closure following the Israeli attack on the Freedom Flotilla on 31 May 2010, the harsh humanitarian conditions have prevailed. Although the closure had been eased in a selective manner, its basic characteristics have endured side by side with the hardships and risks faced by the civilians in the Gaza Strip. Statistics mentioned in the report point out that the truckloads allowed into Gaza after the easing are 28% of the average allowed prior to June 2007. The report indicated that the Gaza Strip needs 670,000 truckloads of construction materials to cover the reconstruction needs resulting from the Israeli offensive on Gaza in January 2009. Israel allowed the entry of only 715 truckloads a month since the "easing" of the restrictions in June 2010. If we follow this pace, the reconstruction of the Gaza Strip will take 78 years, i.e. in 2088. Food provisions constitute 53% of the total imports in comparison to the period prior to the closure, which was 20%. This reflects the decrease on other materials, excluding food, needed for the restoration of normal life. These facts, according to the Special Rapporteur, prove the continuity and illegality of the closure as a form of illegal collective punishment that amounts to a crime against humanity. Furthermore, the report considers that the deprivation of basic materials necessary for civilians living under the occupation is a violation of the IHL.² The right to freedom of movement is a necessary condition to achieve other fundamental rights contained in the International Covenant on Economic, Social and Cultural Rights, including the right to work (article 6), the right to an adequate standard of living (article 11), the right to health (article 12), the right to education (article 13) and the right to family life (article 10).

The role of PCHR against the Israeli closure

¹ The Committee against Torture (CAT) is one of the UN bodies that observes to what extent the States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are abide by the Convention. The Committee was formed according to article 17 of this Convention. This convention was presented to the States for ratification on 10 December 1984 and entered into force after 58 states of the UN States parties ratified it on 26 June 1987.

² The report of Richard Falk, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, A/HRC/16/72, issued in 10 January 2011, in Arabic.

PCHR has monitored all the Israeli practices, including violations of the right to freedom of movement of Palestinian civilians since 1996. PCHR has paid special attention to the ongoing Israeli-imposed closure on Gaza since mid June 2007 and all serious violations committed against civilians at the economic, social, cultural, civil and political levels. The Israeli closure is considered the cruelest in terms of the severity of its measures and its period of application. Its social and economic consequences have strangled over 1.6 million Palestinians in the Gaza Strip. The position of PCHR in relation to the closure emanates from IHL and IHRL instruments, which consider it a form of collective punishment. It constitutes a way to punish civilians by targeting their livelihood. In its legal and documentary work, PCHR focuses on monitoring the impact of the Israeli closure on civilians at the humanitarian, social and cultural levels; the most prominent of which are:

1. Documenting the suffering of the Palestinian civilians at the border crossings designated for the movement of persons from the Gaza Strip to the West Bank, including East Jerusalem, or for traveling abroad. Throughout the past years, PCHR has documented practices that led to the violation of Palestinians right to the freedom of movement. It also documented the impact of such violation on other rights such as the right to life, the economic, social and cultural rights and the civil and political rights. PCHR focuses on those most affected by the closure of the border crossings, particularly those who need to travel abroad. This includes patients who suffer from serious illnesses and are in need for medical treatment abroad, students joining universities abroad, persons holding residency permits in Arab countries and those wishing to travel and were prevented to do so due to the restrictions imposed on the freedom of movement. PCHR has issued dozens of press releases and appeals to the international community and human rights organizations to intervene in order to end the suffering of these civilians.
2. Since 1996, PCHR initiated the first legal and documentary series of studies that addressed the policy of the closure imposed on the Occupied Palestinian Territory, especially on the Gaza Strip, and its impact on civilians from legal and documentary perspectives.
3. PCHR has observed and documented the movement of goods at the border crossings. PCHR prepared comparative statistics on the actual needs, the shortages resultant from the minimized quantities and its disastrous impact on the civilians in the Gaza Strip. PCHR documented the effect of the ban on exporting industrial products on all economic sectors, particularly on the industrial facilities, which depend on imports to manufacture their production. PCHR also documented the ramifications of the deteriorating economic conditions on the poverty rates among families in the Gaza Strip and unemployment rates among the labour force.
4. PCHR issued dozens of reports that tackled the impact of the closure policy on the economic and social sectors. These reports addressed the impact of the closure on the right to health, the right to education, the right to an adequate standard of living and the right to work. The report also focused on the ramifications of the closure on the prospect for an economic development on fishers, organizations working on people with disabilities persons, infrastructure and the reconstruction of the Gaza Strip.
5. PCHR issued 48 periodic reports on the impact of the closure on the Gaza Strip from March 1996 to July 2006. PCHR also started a periodic report on the state of the Gaza Strip's border crossings since August 2006. In total, 48 reports were published from August 2006 to 30 November 2011.
6. In coordination with a number of Palestinian community-based organizations and international organizations, PCHR led advocacy campaigns requesting the closure to come to an end. These campaigns included the organization of dozens of conferences, seminars, workshops, and briefing the

- international delegations visiting Gaza on the impacts of the closure and different media activities aiming at unveiling the Israeli practices and violations resultant from the closure.
7. PCHR worked on establishing a database on the impact of the Israeli closure. The database included the state of the border crossings – the crossings designated for commercial purposes or for the movement of persons – including their operational capacity and the opening days. PCHR has become the main source of data and information on the effect of the closure on Palestinian civilians in the Gaza Strip to dozens of international and local institutions working in the field of human rights, in addition to field workers and those working in local and international media.
 8. PCHR participated in the majority of activities organized by international and local organizations promoting the end of the closure or to reveal its impact on civilians. PCHR delivered several speeches in regards to the closure to UN human rights bodies such as Human Rights Council, the Committee on Economic, Social and Cultural Rights, the two Special Rapporteurs and other instruments adopted by the UN in the field of human rights.
 9. PCHR issued "Fact Sheets" to document the consequences of the naval blockade and the isolation of areas inside the Gaza Strip that were declared as "buffer zone". PCHR also issued fact sheets on the impact of the ongoing closure on the health sector, particularly in regards to the shortage of medicines used for serious illnesses and medical equipment. These fact sheets are updated to keep pace with the developments resultant from the closure.
 10. PCHR offered legal aid, through the Legal Aid Unit, to hundreds of individuals who suffered from the consequences of the closure. These cases included persons denied access to travel whether to complete their studies, to receive medical treatment or for any other purposes. PCHR succeeded in following up these cases and addressing the different Israeli legal authorities.

The state of the Gaza Strip's border crossings during the reporting period

The civilians in the Gaza Strip have been denied their right to the freedom of movement and have been suffering due to the restrictions imposed at the Gaza Strip's border crossings.

• Beit Hanoun (Erez) Crossing

Since 15 June 2007, the IOF have completely closed Beit Hanoun crossing to the movement of Palestinian civilians wishing to travel to the West Bank and / or Israel, with the exception of limited categories; patients suffering from serious illnesses, international journalists, employees in international humanitarian organizations, traders and persons travelling via al-Karama crossing. These categories of people travel via the crossing under very complicated and degrading procedures. As a result, Palestinians in the Gaza Strip are denied access to holy places in Jerusalem and Bethlehem to perform their rituals. Besides, the students were prevented from joining universities in the West Bank, and Gazan families were prevented from visiting their relatives in the West Bank or vice versa.

The fifth year of the closure witnessed more restrictions that affected to the categories of people allowed to travel via the crossing. There was a sharp decline in the number of patients allowed to travel via the crossing. The IOF allowed 13,000 patients to travel via the crossing, which shows a sharp decline in comparison to the number of patients previously allowed to travel via the crossing in 2006, when an average of 24 patients were allowed to travel daily; a percentage of 48%. The IOF have continued to prevent approximately 500 prisoners from Gaza from their families' visitation since 6 June 2007 without providing any reason to justified this measure; in violation of the Fourth Geneva Convention of 1949.

This year also witnessed a sharp decline in the number of traders allowed to travel via the crossing. The average of them allowed to travel daily reached 27 throughout the year. This constitutes a sharp decline in

comparison to the number of traders previously allowed to travel via the crossing in 2006, when 150 traders were allowed to travel via the crossing daily. The IOF also imposed restrictions on the entry of international journalists, diplomats and representatives of international human rights organizations. A very limited number of these categories were allowed to enter Gaza often under complicated procedures, resulting in several delays.

• **Rafah International Crossing Point**

During the reporting period, suffering of the Palestinian civilians wishing to travel via Rafah International Crossing Point increased. Despite the statements by the Egyptian authorities in late May 2011 to improve the movement of people through the Rafah crossing, Palestinians have to register for the travel in advance because a very limited number of people are allowed to travel daily.

After closing Rafah International Crossing Point for three days, on 01 June 2010, the Egyptian authorities declared the opening the crossing exceptionally to enter the humanitarian aid and to allow specific categories to travel via the crossing. These categories included patients, students joining universities abroad, persons working abroad and others holding residency permits in Arab countries.

In late May 2011, the Egyptian authorities declared the establishment of improvements at the Rafah International Crossing Point. Egyptian authorities increased the hours of operation at Rafah International Crossing Point from 09:00 to 17:00 daily. They also announced that they would apply the procedures regulating the entry of Palestinians to Egypt that were in effect prior to 2007. Under these procedures, the following categories are exempted from applying for entry visas: Palestinian women, male Palestinian aged below 18 and above 40, patients who possess approved medical transfers, students joining universities abroad and persons holding residency permits in Arab countries. According to PCHR's monitoring, travel dates of hundreds of Palestinians included in these categories were delayed. As a result, there was disorder at the crossing, resulting in the alteration of travel dates in several instances by crossing's administration.

Second: Commercial Crossings

During the reporting period, the IOF undertook additional measures that aimed at using Karm Abu Salem (Kerem Shalom) crossing, southeast of Rafah, as the major and sole crossing in the Gaza Strip. The operational capacity of the crossing is low, because it is not well equipped to meet the needs of the Gaza Strip. These measures entailed the closure of other crossings designated for the transport of goods from and to the Strip. The IOF intended, at the beginning of the third year, to obstruct the work at Nahal Oz crossing, which was assigned for fuel supplies. On 04 January 2010, the IOF closed Nahal Oz crossing completely and allowed the entry of fuel to Gaza via Karm Abu Salem crossing, whose operational capacity does not meet the daily needs particularly in relation to cooking gas. On 15 June 2007, the IOF closed Sofa crossing, which was originally designated for the entry of construction materials, although it was used for the entrance of humanitarian aid until November 2008, when it was closed completely.

At the beginning of 2011, the IOF obstructed the work at al-Mentar (Karni) crossing that was the major crossing in the Gaza Strip, as it was highly equipped for the entry of goods. 75% of the Gaza Strip's needs used to enter via this crossing, as its operational capacity reaches approximately 400 truckloads daily. The crossing was open partially for specific days, but only wheat and fodders were allowed via the crossing. On 02 March 2011, the IOF declared its complete closure. This decision was taken as part of a policy that aimed at tightening the closure on the Gaza Strip by using Karm Abu Salem crossing, which is inadequate for commercial purposes, as the major and sole crossing in the Gaza Strip.

Al-Mentar crossing is located in Gaza City. It is located inside the main industrial zone that was destroyed by the IOF in the latest Israeli offensive 2008-2009. Since it was established in 1995, it was the

major crossing in the Gaza Strip, due to its operational capacity. According to the Crossings Agreement signed in November 2005, this crossing allows the exportation of 400 truckloads daily of vegetables, fruits and industrial and commercial products, while allows the importation of 600 truckloads of goods daily. The data documented by PCHR reflect that the operational capacity of the crossing has never reached the agreed rates due to restrictions imposed by Israel.

The closure of al-Mentar crossing and the increase of the dependence on Karm Abu Salem crossing aggravated the situation of the industrial, commercial and agricultural sectors in the Gaza Strip. It also created more obstacles to the already limited movement of the allowed goods. The location of Karm Abu Salem crossing, in the South of the Gaza Strip, elevated the transportation costs. This resulted in an increase of the prices of the Gaza Strip's imports, amplifying the financial burden to the Gazan exporters (the agricultural goods allowed for exportation). Mr. Jihad Saleem, Secretary of the Road Transport Association in the Gaza Strip, said that the costs of transporting a goods' container from Ashdod Seaport to the Gaza Strip exceeds the costs of transporting the same container from China to Ashdod Seaport. The costs from China to Ashdod Seaport reach 6,600 NIS (a distance of 9,000 km), but the costs from Ashdod Seaport to Gaza reach 10,400 NIS (a distance of 70 km) due to the fees imposed by the IOF on the entry of goods into the Gaza Strip.

Depending on Karm Abu Salem crossing, which is inadequate for commercial purposes. It is not well equipped and its operational capacity is limited it does not meet the number of truckloads that used to be exported via al-Mentar crossing before tightening the closure. The Gaza Strip's imports that were allowed before tightening the closure were 570 truckloads daily. This amount decreased to 129 truckloads daily during the reporting period. Additionally, the IOF imposed a complete ban on the exportation of the Gaza Strip's products, including very limited quantities of flowers and strawberries.

• Imports of the Gaza Strip

Data collected by PCHR's fieldworkers revealed the falsity of the Israeli claims on the easing of the closure. In practice, the IOF continue to ban the entry of the basic goods to the Gaza Strip. The data show that the daily average of truckloads allowed into the Gaza Strip reaches 129 truckloads only, a quantity that does not exceed a quarter of the actual needs that mounted to 570 truckloads daily (22.6%) prior to June 2006. Mr. Ra'ed Fattouh, Head of Coordination Committee for the Entry of Goods, said that although the quantities of goods entered into Gaza via Karm Abu Salem crossing increased, most of these goods are consumables that include food products cleaning materials, ketchup, mayonnaise, mattresses, glass, aluminum, wood, electrical appliances... etc. Mr. Fattouh added that the IOF have persisted on banning the entrance of basic goods, including the construction materials for the private sector and raw materials used for industrial purposes. Besides, they continue to prevent the entry of medium and heavy equipment and production machines.³

• The Gaza Strip's Exports

The IOF have continued to completely ban the exportation of all kinds of the Gaza Strip's products to the outside market since June 2007. This affects to all exports, including the West Bank and Israel, excluding very limited quantities of flowers and strawberries. As a result, heavy losses were caused to most of the economic sectors, especially those depending on the marketing of products to the West Bank and Israel. Also, the majority of those industrial facilities shut down.

³ Statement of Engineer Ra'ed Fattouh to Al Jazeera Net on 04 January 2011.

Aggravation of Humanitarian Situation and Economic Social and Cultural Rights

The aggravation of the humanitarian conditions in the Gaza Strip continued due to the ongoing social and economic strangulation imposed by the IOF for five consecutive years. As a result of this policy, serious indicators appeared at the humanitarian level, particularly on food security. The economic and social rights of Palestinians in Gaza were undermined due to the long-term impacts of IOF's policies that succeeded in hampering any real opportunity to restore the Gaza Strip's economy and economic sectors. This systematic policy resulted in violations of the Palestinians' right to an adequate standard of living as it includes the right to adequate housing, the right to work, the right to health and the right to education.

Violation of the Right to an Adequate Standard of Living

The violation of the right to an adequate standard of living may affect a person's right to life. The right to an adequate standard of living includes a range of economic and social rights such as the right to health, the right to food and the right to just and favorable conditions of work. During the reporting period, the health and food conditions deteriorated in the Gaza Strip due to the continuation of the closure.

The closure imposed on the Gaza Strip has targeted all what may contribute to facilitating the livelihood of the Palestinian civilians. Because of the high rates of unemployment and deterioration of income levels resulting originally from the restrictions imposed on the freedom of movement of persons and goods, the levels of food insecurity increased and nutrition levels decreased. Malnutrition of children raises the concerns of Palestinians and organizations working in the fields of health and children. The families, whose breadwinners used to work in Israel, are the most affected by the food insecurity. The restrictions on the access to their traditional sources of livelihood in the Israeli agricultural and industrial markets affected to their ability to provide their families with the food they need.

The situation of Food Security

The deteriorated conditions resulting from the 5-year Israeli closure affected to the food security of Gaza Strip's civilians. Food security means that all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy life.⁴ If civilians lack the ability to obtain the needed food, due to physical, social or economic constraints, there will be food insecurity.⁵ Seventy one percent of the Gaza Strip civilians are food-insecure and depend on the food aid offered by humanitarian agencies for their health and well-being⁶, 65% of whom are below 18 years. Food insecurity among children is linked to the high levels of severe malnutrition and difficulties of growth in the long run. Besides, their health conditions are expected to escalate as food insecurity contributes to the prevalence of diarrhea and anemia due to insufficient iron levels in blood because of the unavailability of clean water and balanced nutrition.

Table (1): deterioration of food insecurity levels from 2003 to 2011

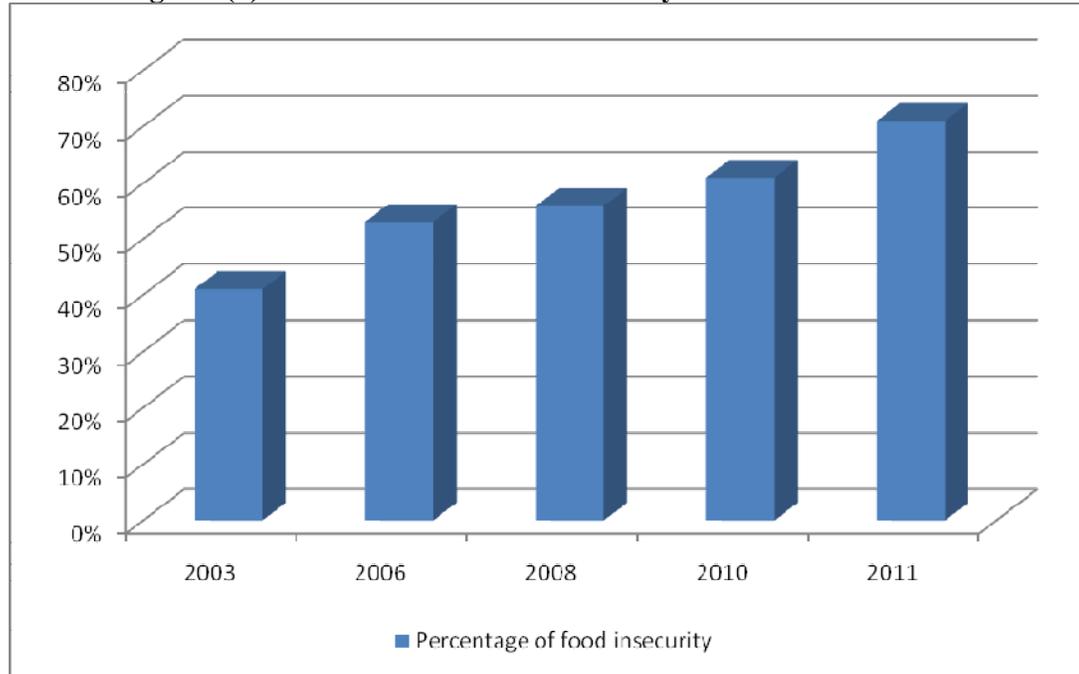
Year	2003	2006	2008	2010	2011
Percentage of food insecurity	41%	53%	56%	61%	71%

⁴ Food and Agriculture Organization (FAO).

⁵ FAO, global food security situation in 2009.

⁶ Report issued by Physicians for Human Rights on the eve of World Hunger Day, January 2011.

Diagram (1): deterioration of food insecurity levels from 2003 to 2011



Dr. 'Adnan al-Whaidi, Director of Ard El Insan Palestinian Benevolent Association, stated that the anemia and loss of weight rates among children in the Gaza Strip are high and exceed those of the neighboring countries. He stressed that these rates vary according to the age and gender, but increased among children below five. Dr. Al-Whaidi added that the average deficit of micronutrients, such as vitamin A, among children in the Gaza Strip is over 22%, the direct shortage of vitamin D is 4.1% and the indirect is 27%. He also highlighted that the steady increase of nutritional dwarfism is a serious issue, as it increased from 8% to 14% throughout the 16 past years. He also mentioned that the percentage of anemia among children below 5 ranges between 50-70%, and he reasoned that the increasing rates of malnutrition and anemia are related to the high levels of poverty and unemployment in the Gaza Strip resulting from the closure.⁷

In the same context, the only source of potable water in the Gaza Strip, which is its aquifer, is severely depleted. At present, the aquifer's depletion reached 160 million square meters annually while the rains level does not exceed 100 million square meters. The over pumping of the aquifer, the intrusion of saline water and the lack of waste water treatment facilities are among the major causes of this contamination. As a result, 90% of the water of the Gaza Strip is polluted and non-potable and only 10% meets WHO standards and 39% of families in the Gaza Strip receive the water a day or three days a week, so that the families have to store the water to ensure its availability. The impact of the water quality on health is seen on the perception of 20% of the families, which claim that at least a child under 5 suffers from water quality and sanitation's bad conditions.⁸ Mr. Yusef al-Ghrazee, Director of the Environment Quality Authority, described the situation as catastrophic,⁹ arguing that water contamination is related to the disruption of sanitation projects. In particular, the prevention of the entrance of the equipment needed for the treatment plants, which forces the pumping of 80 million liters of sewage into the sea daily. The polluted seawater intrusion leads to increasing the rates of salt in the soil, polluting the water aquifer and threatens the main source of potable water. Moreover, this seawater intrusion results in serious impacts that

⁷ Al-Hayat Newspaper, 26 October 2011.

⁸ Report issued by Physicians for Human Rights on the eve of World Hunger Day, January 2011.

⁹ Interview with Mr. Yusef al-Ghrazee, Director of the Environment Quality Authority, done by Al Jazeera Net on 10 September 2009.

have been affecting the Palestinians' health. The intrusion of polluted water into the aquifer in an unprecedented manner, due to the inability to treat sewage water, resulted in the damage of a wide range of farmlands around the sewage treatment pools throughout the Gaza Strip.

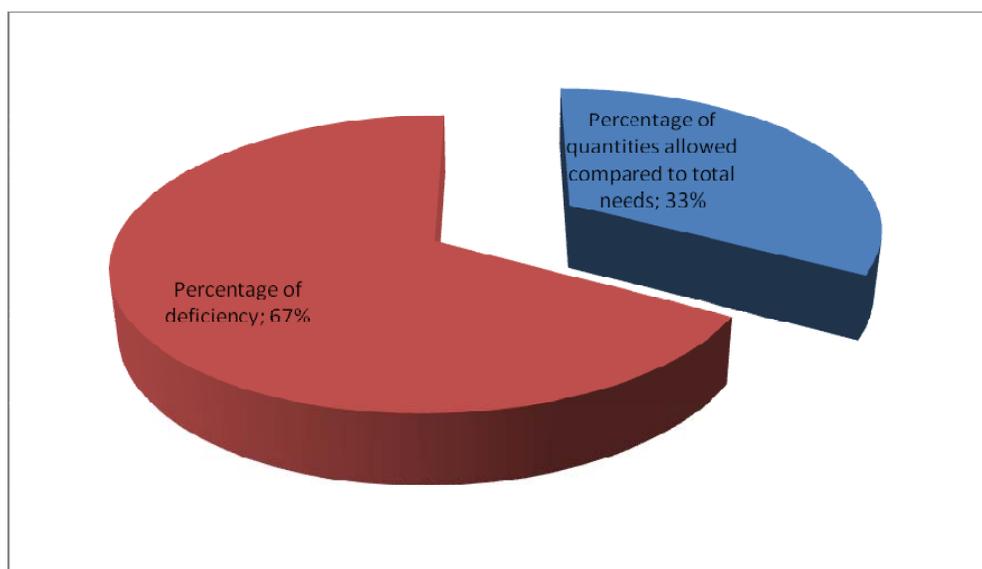
The Ongoing Cooking Gas Crisis

The IOF continued restricting the quantities of fuel allowed into the Gaza Strip. As a result, the cooking gas crisis has erupted frequently since the beginning of the closure. The crisis continued for the fifth year and escalated after the closure of Nahal Oz crossing that was assigned for the entry of fuel into Gaza. After its closure the gas was introduced through Karm Abu Salem crossing, which is technically unequipped for entering sufficient quantities of fuel especially cooking gas. The entry of gas from Israel to the Gaza Strip during the reporting period was as follows:

Table (2): quantities of cooking gas allowed into Gaza compared to the actual needs of the Gaza Strip and percentage of deficiency

Type	Allowed quantities	Total needs	Deficiency	Percentage of quantities allowed compared to total needs	Percentage of deficiency
Cooking gas	49,780	150,700	100,920	33%	67%

Diagram (2): quantities of cooking gas allowed into Gaza compared to percentage of deficiency

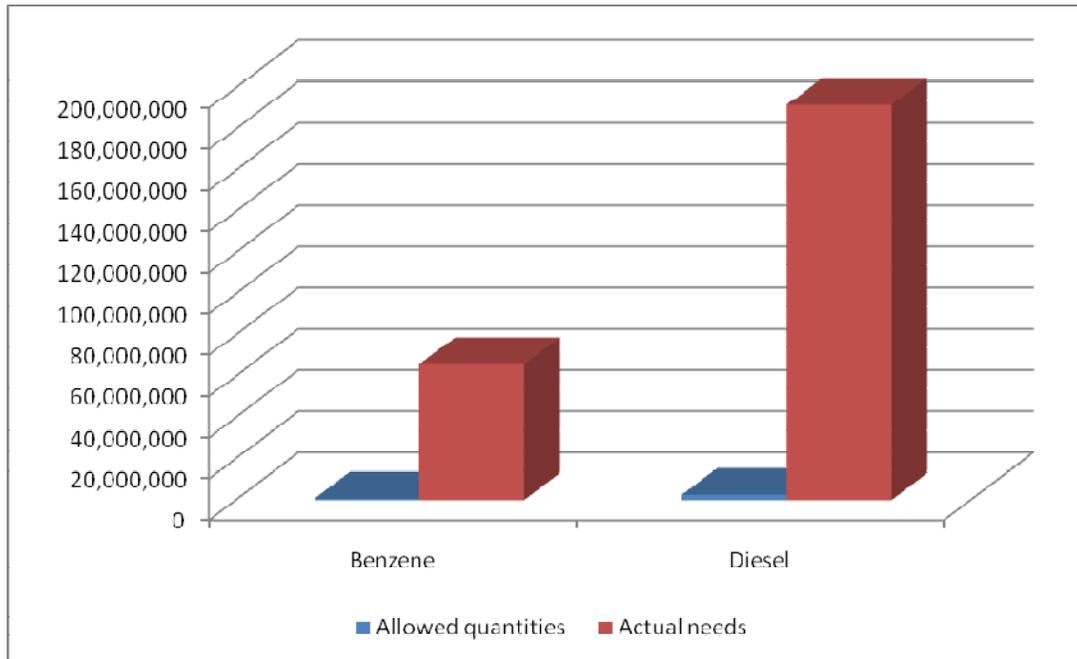


The data shown in the table above indicate that the quantities of cooking gas allowed into Gaza do not meet the minimal needs of civilians. The IOF allowed the entry of 49,780 tons of cooking gas, which constituted 33% of the Gaza Strip daily needs. As a result of reducing the Gaza Strips' supplies of cooking gas, it was often depleted from gas stations, due to which, thousands of empty gas canisters overstocked in 29 gas stations.

Table (3): allowed quantities of petrol derivatives compared to the actual needs and deficiency

Type	Allowed quantities	Actual needs	Deficiency	Percentage of the allowed quantities compared to needs	Percentage of deficiency
Benzene	638,000	65,760,000	65,122,000	0.97%	99.03%
Diesel	2,519,000	191,800,000	189,281,000	1.31%	98.69%

Diagram (3): allowed quantities of petrol derivatives compared to the actual needs and deficiency



The data shown in the table above reflect that the quantities allowed into the Gaza Strip do not meet the minimal needs of the Gaza Strip's population.

Before Israeli decided to reduce the fuel supplies into Gaza in October 2007, it already allowed the entry of limited quantities of Benzene (638,000 liters), which constitute less than 1% of the actual needs that reached 120,000 liters daily. Additionally, 2,519,000 liters of diesel were allowed into Gaza; this quantity constitutes 1.31% of the Gaza Strip imports that reached 120,000 liters daily before the fuel supplies into Gaza were minimized.

Due to the mentioned deficiencies on the availability of fuel, nowadays, the Gaza Strip depends on the fuel smuggled through tunnels at the Palestinian-Egyptian borders. However, civilians have been suffering from an ongoing cooking gas crisis as there is no alternative for the entrance of cooking gas.

Ban on the reconstruction of Gaza and violation of the right to an adequate housing

The right to adequate housing is explicitly recognized in international law, particularly in international human rights law. The majority of international instruments, which gather a number of declarations and international conventions relevant to human rights, include clear provisions relative to the right to adequate housing. The recognition of this right has been promoted at the national level, as many national constitutions include this right. The Universal Declaration of Human Rights, which is considered the first document at the international level to explicitly address the right to housing as a basic human right formulates it in its article 25(1): "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services,..." The Universal Declaration of Human Rights established the foundation on which the right to adequate housing developed, as article 11.1 of the International Covenant on Economic, Social and Cultural Rights which provides that: "The States Parties to present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the international co-operation based on free consent."

Three years after the latest Israeli offensive on Gaza (27 December 2008 – 18 January 2009), causing severe damage to the infrastructure, houses and all vital facilities, the IOF have banned the reconstruction activities. In practice, the promises to reconstruct the Gaza Strip have remained ink on paper and have not been put into effect. The closure of the commercial crossings and the ban imposed on basic materials, especially those used for construction purposes, are the main reasons have prevented Palestinians and donors from reconstructing the Gaza Strip. This situation, adds to the impact of the destruction of thousands of houses and public facilities throughout the Intifada years and the natural population growth of the Gaza Strip.

As a consequence, the ban imposed on the reconstruction of the Gaza Strip constitutes a grave violation of the right to adequate housing, moreover, the civilians' suffering increased and aggravated especially for those whose houses were destroyed by the IOF. International donors commitment to exert efforts for the reconstruction of the Gaza Strip in a conference held in Sharm al-Sheikh in 2009. Nevertheless, the conference results were disappointing. They failed to settle a plan for the reconstruction and as a result the issue was left to Israel to allow the entrance of the necessary construction materials. Donors did not hold Israel responsible for the destruction it inflicted in the Gaza Strip and did not set guarantees of non-repetition. As a result, obstacles prevailed for the reconstruction to happen.

All the levels of the reconstruction were affected, starting from removing the rubbles, securing the dilapidated facilities, rebuilding the houses and governmental facilities, including ministries, local bodies and police stations. This man-made humanitarian disaster forced to the approximately 50,000 Palestinians who lost their houses to live in temporary or dilapidated houses or tents. These persons were not able to resume their normal life, the majority of them do not get clean potable water and their facilities are not connected to a safe sewage system. Additionally, the destruction of infrastructure left negative impacts on their health due to the spread of rubble and dust around them.

The continuing ban imposed by the IOF on the entry of construction materials constitutes the main cause of the violation of the Palestinians right to adequate housing. This right is not limited to families whose houses were destroyed by the IOF only, but also includes thousands of other families who need new houses as a result of the natural population growth experienced throughout the past four years. The quantities of cement and construction steel that were allowed in 2006 declined to the minimal levels reaching respectively 8.66% and 4.57% of the annual needs of the Gaza Strip. These rates decreased in 2007 to approximately 5.5% of cement and 3.8% of construction steel out of the total needs in the same year. In 2008, the cement quantities reached less than 2% of the basic needs of cement, while Israel completely prevented the entry of any quantities of construction steel. In 2009, the IOF completely prevented the entry of construction materials. In the context of the Israeli declaration to easing of the closure, since June 2010 it allowed the entry of limited quantities of construction materials. These included cement, construction aggregate, base course, construction steel, paints and pipelines for the projects implemented by the UNRWA, UNDP, CMWU and ANERA.

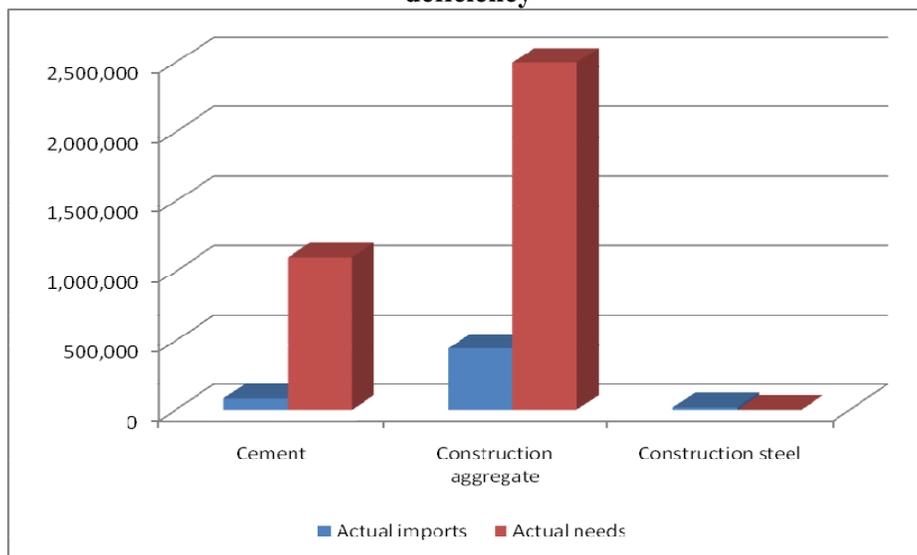
The UNRWA spokesman, Chris Gunness, declared that the closure imposed on the Gaza Strip is ongoing, as Israeli prevents over 3,291 truckloads of construction materials from entering the Gaza Strip. This quantity constitutes only 4% of the projects planned by UNRWA in the three coming years which cost is estimated by US in \$660 millions. Gunness added that the UNRWA intends to build 100 schools and university colleges for the training of teachers, 10,000 houses and a number of health care centers in the three coming years. This requires the entry of over 80,000 truckloads of construction materials to the Gaza Strip. He highlighted the unacceptable character of the prohibition of these materials.¹⁰

The quantities allowed by the IOF during the reporting period did not suffice the minimal levels of the Gaza Strip's needs for a single day in normal conditions. In total, the IOF allowed the entry of 82,864 tons of cement, 444,131 tons of construction aggregate and 17, 825 tons of construction steel. The Ministry of Public Works and Housing in Gaza said that the Gaza Strip immediately needs the entrance of 1,100,000 tons of cement, 2,500,000 tons of construction aggregate and 200,000 tons of construction steel in order to confront the urgent needs. These needs includes the reconstruction of civil infrastructure, housing and vital facilities that stopped completely due to the ban imposed on the entry of construction materials.¹¹

Table (4): the actual imports of construction materials compared to the actual needs and deficiency

Description	Cement	Construction aggregate	Construction steel
Actual imports	82,864	444,131	17,825
Actual needs	1,100,000	2,500,000	200,000
Deficiency	1,017,136	2,055,000	182,175
Percentage of imports compared to the actual needs	7.5%	17.7%	9.9%

Diagram (4): the actual imports of construction materials compared to the actual needs and deficiency



The table above shows that the percentage of what had been entered by the IOF of cement does not exceed 7.5% of the needs for the reconstruction of the Gaza Strip. The amount of construction aggregate does not surpass 17.7% and of construction steel does not exceed 9.9% of the actual needs. As a result, approximately 50,000 civilians suffer from cruel and harsh conditions, as they were not able to rebuild

¹⁰ Statement delivered by Chris Gunness, UNRWA spokesman, to the media in Rafah on 14 July 2011.

¹¹ Interview with the engineer Yassir al-Shanti, Assistant Undersecretary of the Ministry of Public Works and Housing in Gaza Government, done by Maan News Agency on 10 June 2010.

their houses, which were destroyed in the latest Israeli offensive. A total of 5,403 residential buildings, 2,126 of which were buildings that include 2,881 apartments that were completely destroyed. These buildings shelter 5,483 families consisting of 32,703 members. It should be noted that the owners of these houses had rebuilt them partially or temporarily repaired them by using construction materials entered through the tunnels at the Egyptian-Palestinian borders.

The engineer, Osama al-Sa'dawi, Director General of the Palestinian Housing Council in the Gaza Strip, said that the Gaza Strip needs over 60,000 housing units to satisfy the natural population growth and to shelter those whose houses were destroyed in the latest Israeli offensive. Besides, Mr. Osama Kheil, Director of the Palestinian Contractors Union (PCU), declared that due to the unavailability of cement, construction steel and aggregate, over 90% of construction companies stopped their work. He added that although there are no accurate studies or statistics on the Gaza Strip's needs of housing, he estimated the needs by thousands considering the natural population growth. Kheil stressed that the losses on infrastructure due to the said offensive exceeded a billion dollars, in particular, that "All the private and public construction, development and infrastructure projects have stopped due to the unavailability of construction materials. The damage was also caused to the construction industries, living 3,500 workers unemployed."¹²

The ban imposed on the entry of basic materials, especially tar, which is used for the pavement of streets, the pavement tile, and machines necessary for the rehabilitation of roads, hindered the rehabilitation of approximately 540 square kilometers of roads and streets. The rehabilitation of the transportation sector needs to be done immediately to activate the transportation network and avoid car accidents, especially as no new roads or streets were established in the Gaza Strip for over five years. Only temporary reparations of some roads and streets have been undertaken.

The ban of construction materials also affect to the reconstruction of governmental facilities, which were destroyed during the last offensive such as the main Ministries Compound in Gaza City. The new project includes the construction of three main buildings. Each building, whose area is 3,600 square meters, consists of a basement and eight floors; the area of each floor is 1,000 square meters. The delay in the reconstruction of these facilities resulted in severe inconveniences for the government operation, employees and civilians. It is expected that these problems will aggravate in the coming years, especially as the period specified to finish the project is 24 months after the availability of necessary supplies including electronic and electrical appliances and furniture is a reality. The reconstruction plan set by the government in Gaza consists of three phases: removal of rubble, rehabilitation of infrastructure and the buildings and furniture. This project aims at offering enough governmental buildings for the employees who had been working in the compound, in addition to offering an appropriate work environment to the governmental employees who work in alternative buildings. It also aims at facilitating the governmental measures when a civilian wants to finish governmental transactions, moreover, easing the difficulties of communication, coordination and follow-up among the ministries.

Violation of the right to health

The closure imposed on Gaza from mid 2007 severely impacted on the access to health of approximately 1.6 million population of the Gaza Strip, particularly on the patients who suffer from serious and chronic diseases. During the reporting period, the deterioration of health conditions in the Gaza Strip increased, due to which the civilians do not enjoy their right to the highest attainable standard of physical and mental health. Health institutions, including hospitals and primary health care centers, suffer due to the lack of medicines and medical supplies needed for the treatment of patients, in addition to the severe shortage of medical equipment or the inability to maintain them due to the lack of spare parts. The reporting period

¹² Statement of Osama al-Sa'dawi, General Director of the Palestinian Housing Council in the Gaza Strip, and Osama Kheil, Director of PCU, to Wafa news agency, 18 June 2011.

also witnessed a severe shortage in many types of medicines and medical supplies at different intervals. There was also shortage in types of medicines that are necessary for the nurseries, surgeries, endoscopic surgeries, intensive care units, orthopedics, ECG and delivery chart paper, all kinds of urinary catheter, CT scan films, and other medical supplies used in anesthetization and artificial respiration, in addition to plasters and injections with different sizes.

In the same context, the suffering of the Palestinian patients, whose medical treatment is not available in the Gaza Strip's hospitals and need treatment abroad, increased. This suffering increased due to the restrictions imposed on the movement of persons via the border crossings especially Beit Hanoun (Erez) crossing. The IOF continued to impose restrictions on the movement of Palestinian patients referred to hospitals in the West Bank, including Jerusalem and / or Israel or to hospitals abroad. In an unprecedented development, the IOF prevented new categories of patients from traveling via Beit Hanoun crossing. These categories include patients suffering from blindness and limbs' amputation, claiming that they only need to improve the quality of their life. As a result, the number of such patients referred to hospitals outside the Gaza Strip increased.

Medical referrals abroad

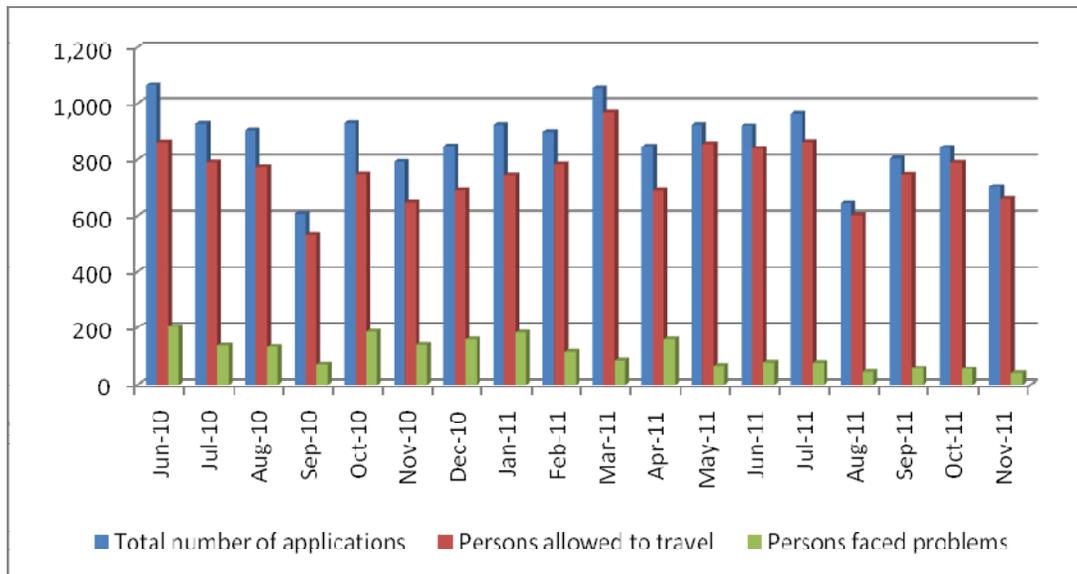
Many patients who suffer from serious illnesses cannot be treated in the Gaza Strip's hospitals due to the lack of medical equipment and expertise. As a result, the patients are obliged to receive medical treatment abroad with a financial coverage from the Palestinian Ministry of Health in Ramallah in most cases. Obtaining the medical referrals abroad often goes under complicated conditions that result in delays in their travel dates and the patients' travel to Palestinian hospitals in the West Bank, including hospitals in Jerusalem and / or Israel or hospitals abroad. During the reporting period, three patients referred to hospitals abroad died as a result of the Israeli refusal to grant these patients the travel permits, because of the obstruction of their travel, or due to the lack of medicines.

Table (5): the number of patients who applied to the Ministry of Health for traveling via Beit Hanoun (Erez) crossing compared to the patients allowed to travel and the number of patients who faced problems

Description	Total number of applications	Persons allowed to travel	Percentage	Persons faced problems	Percentage
June 2010	1,068	865	81%	203	19%
July 2010	931	791	84.9%	140	15.1%
August 2010	905	771	85.2%	134	14.8%
September 2010	607	534	88%	73	12%
October 2010	933	747	80%	186	20%
November 2010	793	651	82%	142	18%
December 2010	851	691	81%	160	19%
January 2011	927	744	80%	183	20%
February 2011	899	784	87.2%	115	12.8%
March 2011	1054	968	91.9%	86	8.1%
April 2011	850	690	81.2%	160	18.8%
May 2011	927	859	92.6%	68	7.3%
June 2011	922	843	93.9%	79	6.1%
July 2011	964	866	89.8%	78	10.2%
August 2011	648	603	93%	45	7%
September 2011	804	746	92.8%	58	7.2%
October 2011	846	790	93.4%	56	6.6%
November 2011	704	663	89.9%	41	10.1%
Total	15,633	13,626		2,007	

Source: Liaison and Civil Coordination in the Ministry of Health.

Diagram (5): the number of patients who applied at the Ministry of Health for traveling via Beit Hanoun (Erez) crossing compared to the patients allowed to travel and the number of patients who faced problems



The table above shows that in the reporting period the total number of applications remarkably decreased and reached 15,633 when this figure used to reach 20,000 annually. This fact is attributed to the IOF's refusal to grant permits to a big number of Palestinian patients and to the IOF refusal to grant permits to persons having certain diseases. They listed a very limited number of serious diseases to allow persons traveling via Beit Hanoun crossing. As a result, the IOF granted permits to 13,626 applications only, i.e. 87.16% of the whole submitted applications. A total of 2,007 of the approved applications, which constitute 12.8% of the total number, faced problems. These difficulties included rejection of applications, asking for a change of companion, summoning patients or setting another date for the interview at the crossing. This led to the cancelation of the trips or to delays. Ultimately, the previous figures reflect the decrease in the daily average of patients allowed to travel via the crossing, which declined from 50 cases daily in 2006 to 24 cases, i.e. a decrease of 52%.

The Gaza Strip's patients referred to Egypt suffered also from difficulties. Although the present moment is considered one of the easiest in terms of movement of people since the semi-closure of Rafah International Crossing Point on 25 June 2006, still dozens of patients have suffered delays.

Deaths due to the closure

Dozen Palestinian patients from the Gaza Strip have been denied the necessary medical services in the West Bank hospitals, including Jerusalem and / or Israeli hospitals, due to the policy of closure imposed by the Israeli authorities on the Gaza Strip. These patients faced many difficulties, the most prominent of which were the slow and complicated protocols that reach the extent of prevention to obtain medical referrals from the Department of Treatment Abroad in the Palestinian Ministry of Health. These delays often lead to health complications resulting into death. According the investigations conducted by PCHR, during the reporting period, three patients, including a child and two young persons, died because of the denial of access to hospitals outside the Gaza Strip.

- Child after denial of access to Israeli hospitals for medical treatment

On 02 October 2010, Mo'taz Hani Abu Nada, from Rafah, was prevented by the IOF from traveling via Beit Hanoun (Erez) crossing despite he was approved a medical referral to an Israeli hospital.

Sabreen 'Isa Abu Nada, the mother of Mo'taz, declared to PCHR's fieldworker as follows:

"My son Mo'taz Hani Ahmed Abu Nada was taken to the European Hospital a week after his birth to undergo a surgery, as he suffered from a congenital malformation in the heart. After doing the necessary tests, the doctors decided referring him to Israeli for treatment. We obtained a medical referral from the Department of Treatment Abroad, but the IOF refused twice to allow us to travel via the crossing under the pretext of Jewish holidays and then because there were no enough beds in the hospital to which he was referred. As a result, my son died on 02 October 2010 before the IOF allow us to pass via the crossing."

- On 01 January 2011, Anas Jom'a Abdul Qader Saleh, 20, from the north of Gaza, died due to the IOF's delay in giving him a permit to travel via Beit Hanoun (Erez) crossing to al-Maqased Hospital in Jerusalem. The IOF delayed his travel for three weeks in spite of his bad health conditions.

Jom'a Abdul Qader Saleh, 47, Anans' father, declared to PCHR's fieldworker the following:

"On 14 September 2010, I transported my son Anas to Shifa Hospital in Gaza City. After conducting the necessary tests, we found that he suffered from obstruction in the hepatic artery. As a result, the doctors decided to refer him to al-Maqased Hospital in Jerusalem. On 05 October 2010, I obtained the approval of the permit; however, the administration of the hospital informed me that they could not receive my son because the specialized doctor in Israel had traveled abroad. On 06 December 2010, the administration of the hospital replied that they could receive the patient. I went to the Ministry of Civil Affairs to obtain a permit for me and my son, but the Israeli authorities did not reply to the application. As a result, the date assigned for our travel passed. On 28 December 2010, I received a phone call from the Minister of Civil Affairs stating that the Israeli authorities appointed a date to meet my son, but I told them that his health conditions have been deteriorating and he was unconscious. I sent them a medical report proving his health situation. Due to the delay from the Israeli authorities, and their disagreement to allow us to access via Beit Hanoun crossing to al-Maqased Hospital in Jerusalem, my son died on 01 January 2011."

- Death of patient due to the rejection of his petition to travel via Beit Hanoun Crossing

On 25 July 2011, Ra'ed 'Azzam Saleem al-Mghari, 33 from al-Bureij refugee camp in the centre of the Gaza Strip, passed away as a result of the IOF refusal to give him a permit to travel to the Arab Center for the Treatment and Surgery of Heart and Blood Diseases in Nablus in the West Bank. The Health Coordination Committee of the Civil Affairs in Gaza informed PCHR that it urgently faxed the request to the Israeli side on 18 July 2011. They received a reply on 20 July 2011, stating that the application is under examination. On 20 July 2011, the Committee's representative re-sent an application due to the patient's serious condition, but the IOF at Beit Hanoun (Erez) crossing submitted a written letter to the Palestinian representative on 24 July 2011, rejecting that application.

According to information collected by a PCHR field worker, al-Mghari had been suffering from a heart disease for 16 years. His health conditions deteriorated in the beginning of July when he obtained a medical referral to the Arab Center for the Treatment and Surgery of Heart and Blood Diseases in Nablus in the West Bank to undergo a surgery in the heart valves.

In his testimony to PCHR's field worker, the victim's father, 'Azzam Saleem al-Mghari, 56, said:

"My son has been suffering from health problems in the heart valves for 16 years. He used to receive medical treatment at Nasser and Shifa Hospitals in Khan Yunis and Gaza City respectively. He underwent an open-heart surgery in the Arab Center for the Treatment and Surgery of Heart and Blood Diseases in Nablus five years ago. On 11 June 2010, doctors at the Center followed up, they decided that he would not be able to undergo a surgery in one of the heart's valves then. Accordingly, he returned to Gaza. On 10 July 2011, we transferred him to the intensive care unit at Shifa Hospital in Gaza City due to the deterioration of his health condition, and he spent two days there for medical treatment. He kept going to the hospital to receive necessary medical treatment and returned home until 14 July 2011, when he fell down to the ground at home and was returned to the hospital again. We started then working on the referral process urgently to transfer him to the Arab Center, however, the Health Coordination Committee of the Civil Affairs informed us on 19 July 2011 that the companion's permit (his wife's father, As'ad al-Mghari, 49) was rejected. We started working on the referral without a companion, but the Committee informed us on 24 July 2011 that the Israeli side rejected his application for security reasons. I moved to working on a referral permit to Egypt, but his health deteriorated more and more. On Monday, 25 July 2011, the doctors decided to perform an urgent surgery. He died after five hours from the beginning of the surgery, while in operation ".

Blackmail and Arrest of Patients

Patients in the Gaza Strip, who are referred to Palestinian hospitals in the West Bank, including hospitals in Jerusalem, and Israeli hospitals, suffer due to the degrading treatment and being blackmailed by the IOF to force them to collaborate with them in exchange of granting permits for medical referrals. During the reporting period, PCHR documented many cases, including the arrest of patients or their companions at Beit Hanoun crossing.

During the reporting period, the IOF summoned 242 patients of those who applied for permits. These patients were summoned to meet the Israeli Investigation Service at Beit Hanoun crossing under the pretext of completing the security examination. These patients were subjected to cruel and degrading treatment. They were forced to walk a distance of approximately a kilometer before reaching the gate of the crossing, then they were subjected to complicated and degrading search measures resulting in exhaustion. During the search, they are obliged to take their clothes off and wait for prolonged hours inside the crossing's hall until they are allowed to go for the security interview. A big number of patients and their companions were blackmailed during the interrogation, as they were requested to provide

information about their relatives, friends and neighbors. In most of the cases, the IOF blackmail the patients to force them to give information or to recruit them as collaborators under the threat of not granting them the permits for medical referrals. Some of these patients or companions were arrested once they reached the crossing.

PCHR Legal Aid Unit followed up a number of cases of arrest such as the arrest of Ahmed Khamis 'Aqeela, 25, from al-Shati' refugee camp, on 30 November 2011. 'Aqeela was going for an interview with the Israeli security service at Beit Hanoun crossing upon the request sent to the Liaison Office of the Ministry of Health in Gaza. He was waiting to get permission to receive medical treatment in St. John's hospital in Jerusalem. Iyad Sha'ban Dawwas, 39, from Beit Lahia, was arrested while he was returning from receiving medical treatment at al-Matla' Hospital in Jerusalem to Gaza.

Medical Consignment and Supplies

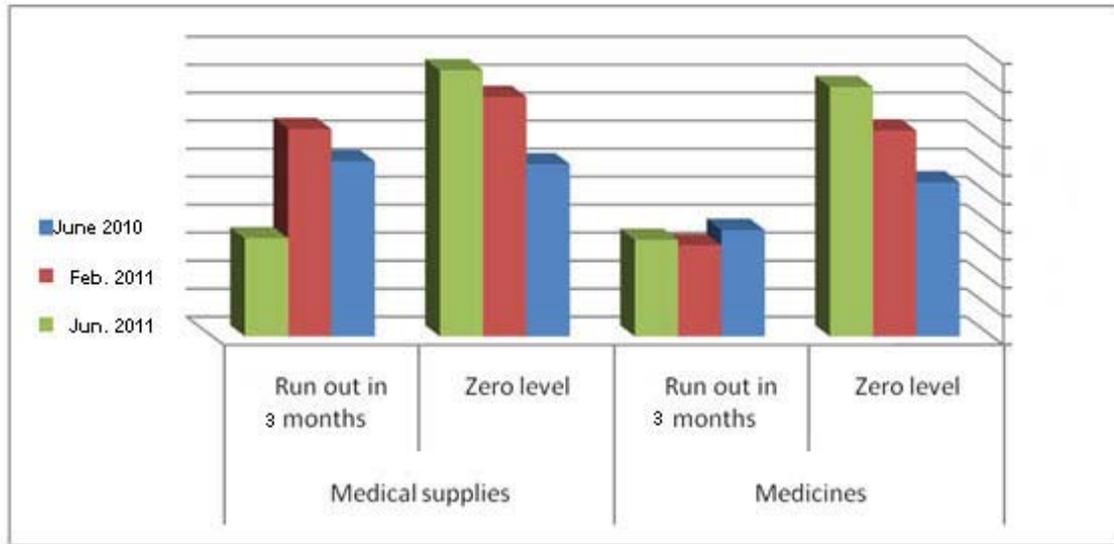
The Gaza Strip witnessed a severe and ongoing shortage in the medications and medical supplies. At different intervals, many kinds of medicines run out, as a result, PCHR's field workers followed up the situation of medicines and medical supplies in all of the government health facilities, including hospitals and medical centers during the reporting period. According to investigations conducted by PCHR and data of the Ministry of Health in Gaza, during the reporting period, the Gaza Strip suffered from three main serious problems related to medicines and medical disposables in June 2010, February 2011 and June 2011.

Table (6): the shortage of medicines and medical supplies in the fourth year of the closure

Description	State	June 2010	February 2011	June 2011
Medicines	Zero level	110	147	178
	Run out in 3 months	76	65	69
Medical supplies	Zero level	123	171	190
	Run out in 3 months	125	148	70

Source: Director General of Pharmacy in the Ministry of Health

Diagram (6): the shortage of medicines and medical supplies in the fourth year of the closure



The table above reflects that the basic medicines and medical supplies that reached zero level in the Ministry of Health's warehouses in June 2010 were 110 types, while the types that are about to finish (in three months) are 76 other types. During the same period, the number of medical supplies that reached the zero level was 123 types, in addition to other 125 types that would run out in three months.

In February 2011, the types of medicines and medical supplies that were depleted from of the Ministry of Health reached 147 and 171 respectively, while 65 types of medicines and 148 types of medical supplies were about to finish in the next three months.¹³

In June 2011, the Gaza Strip witnessed a unprecedented medicine crisis, as 178 types of medicines and other 190 types of medical supplies were completely ran out of the Gaza Strip's governmental facilities and warehouses. Moreover, 69 types of medicines and 70 types of medical supplies did not cover the needs of health facilities in three months.

The health sector of the Gaza Strip was severely affected by the continuous shortage of medicines and medical supplies. This included patients suffering from chronic diseases. As a result, the Ministry of Health in Gaza was obliged to take urgent measures such as minimizing surgeries in some hospitals and stopping basic health services in dental clinics. Services were also minimized in public clinics and outpatient clinics, heart catheterization, in addition to stopping laboratory tests, medical imaging, endoscopic surgeries, orthopedic surgeries and neurosurgeries. On 12 June 2011, the Director of Eye Hospital in Gaza City said that they were forced to delay 8 surgeries for patients suffering from cataract. He added that surgeries for the eye retina had stopped for 6 months due to the severe shortage of medical supplies and spare parts of medical machines in the hospital. The Ministry of Health also declared minimizing services in some departments of primary health care and hospitals, including services of observing food and water, child health, women, environment and professional health.

Information collected by PCHR's field workers indicates that the Gaza Strip's hospitals and primary health care centers are suffering due to the unavailability of certain types of basic medicines for the patients. Most of the Gaza Strip's hospitals warned against the consequences of the shortage of medicines and medical supplies after they started to use their emergency stocks and some types of medicines ran out completely; the most important of which are:

¹³ For more information, see PCHR's press release issued on 09 February 2011.

- Medicines of serious illnesses, such as cancer, epilepsy, kidney failure, kidney transplantation.
- Medicines necessary for nurseries and milk for Phenylketonuria patients, as 300 children are need for these medicines.
- Milk needed for babies suffering from problems in the digestive system and epilepsy medicines, as a big number of epilepsy patients are children.
- Medicines Hemophilia patients mounting to 70 patients, Thalassaemia, anti-toxins and medicines for delivery sections, noting that approximately 70 deliveries took place daily at Shifa Hospital only.¹⁴
- Psychiatric drugs, pacemaker, blood medicines, Insulin, Ventolin and dialysis solutions.

Medical Devices and Equipment

Hospitals in Gaza suffered from severe shortages in medical devices and equipment as the Israeli authorities banned the delivery of such devices and equipment to the Gaza Strip via Gaza border crossings. The Israeli authorities also have restricted the delivery of spare parts to repair broken devices. The shortage of medical supplies constitutes a big obstacle for the medical staffs working in Gaza hospitals and medical centers. PCHR's field workers said that dozens of different medical supplies were unavailable, especially those necessary for intensive care units, nurseries and operation rooms. In addition to Anesthesia and supplies necessary for emergency rooms, operations, heart catheterization, blood diseases and tumors, kidney department and pediatric hospitals.

According to the Ministry of Health, due to the closure imposed on Gaza border crossings, Shifa Hospital suffers from a lack of MRI devices while Naser Hospital in Khan Yunis has a shortage of CT devices. Further, 84 broken devices in laboratories in Gaza hospitals belonging to the Ministry of Health and 24 broken portable x-ray machines could not be repaired due to the shortage in spare parts. Electronic boards and numeric pads of many devices were disrupted due to power outage, risking the lives of dozens of patients in the Intensive Care Unit and the Department of Surgery. Most important broken devices include:

- Blood chemical analyzers
- PCR devices used to detect hepatitis
- Blood gas analyzers used in the Intensive Care Unit

Besides, the IOF denied the entry of a big UPS for the kidney department. This UPS was waited for a long period before it got granted the permit to enter Gaza. It should be noted that Shifa Hospital is in an urgent need for this UPS, which can save the lives of dozens of patients suffering from kidney problems, especially in light of the sudden power cut-off that may cause blood clots.

¹⁴ Interview with Dr. Moneer al-Bursh, Director General of Pharmacy in the Ministry of Health in Gaza. PCHR obtained information from the MOH in Gaza on 19 May 2010 that includes details about the different types of medicines and medical supplies, which ran out or were about to run out from MOH's warehouses in Gaza.

Violation of the Right to Education

The closure imposed on the Gaza Strip for five years has negatively affected the educational sector. The ban on the entry of construction materials and tools that are needed for the educational sector hindered the natural development of the academic and educational institutions. Moreover, due to the restrictions on the movement of people, thousands of students in the Gaza Strip are denied the chance of education in the West Bank universities.

The Closure Prevents Building New Schools to Ensure the Proper Environment for Educational Process

The ban on construction materials halted the UNRWA project aiming at building 100 schools in 3-5 years for the fourth consecutive year although the designs and the land on which the schools will be built are ready. Additionally, a project to build a training college for teachers stopped in spite of completing the necessary designs.

As a result, the environment in the schools is not appropriate for the educational process as the number of students in classrooms increased. This in turn affects to the students ability to comprehend. The Ministry of Education in Gaza has confirmed this fact. Due to the lack of school facilities there has been an increase the number of schools that works in the system of two shifts. In total, 79% of the Gaza Strip schools work in two shifts and 21% of them work in one shift. During the Israeli offensive 150 public schools out of 384 were damaged. These schools include 250,000 students. Eight schools of these were completely destroyed, five others became unfit for educational purposes and three schools sustained heavy damage and need big efforts to be reconstructed. Moreover, 158 other schools were partially damaged due to bombardment and direct or indirect attacks. Another problem is the population growth in the Gaza Strip that is considered the biggest in the world; this population growth requires increasing the educational facilities. When the expansion of educational facilities is unavailable, the responsible authorities are obliged to increase the number of students in schools. In the same context, 35 UNRWA schools in the five governorates sustained partial damage, the most prominent of which were in the northern Gaza Strip. The damage ranged between destruction of the ceiling, walls, windows, and doors and destruction of the school environment. Concerning the damage caused to training centers, two training halls inside the UNRWA headquarter were targeted, while Gaza Training Center sustained partial damage. As a result, UNRWA had coordination with the public schools to use them, and used 88 containers in some schools to be used as classrooms. Most of the schools work in the system of two shifts (90%).

The teachers and students suffer due to the damage and obstruction caused to their educational institutions. Moreover, these educational institutions have been suffering from shortage in the educational tools and laboratory devices.¹⁵

Prevention of the Gaza Strip students from education opportunities in the West Bank universities

Due to the closure thousands of students in the Gaza Strip were denied opportunities of education in the West Bank. Some of the specializations outside the Strip are considered vital and necessary for them. Hundreds of students were obliged to change their intended specializations and accept the ones available in the Gaza Strip.

The Gaza Strip students in the West Bank used to go to their universities via Beit Hanoun crossing, however, the Israeli measures at Beit Hanoun crossing during al-Aqsa Intifada gradually increased

¹⁵ For more information on the educational situation in the Gaza Strip under the closure, see PCHR's report "Education Denied: Israel's systematic violation of Palestinian children's right to education," that was issued on 03 July 2011 on www.pchrgaza.org.

restrictions on the movement of persons until the crossing was completely closed on 16 February 2007. As a result, Palestinians, including students joining universities in the West Bank, were prevented from traveling via the crossing. Although limited categories of people were allowed to travel under complicated measures, students were totally prevented. As a result, thousands of students from the Gaza Strip were denied the chance to study in the West Bank universities, while other hundreds were not able to resume their study in those universities. The number of Gazan students decreased in the West Bank universities and the percentage of Gazan students exceeded 26%, i.e. over 3,000 students before the imposition of the Israeli restrictions in 1994. It should be noted that the IOF trace the limited number of Gaza students in the West Bank, who succeeded in joining their universities somehow, and expelled them to Gaza.

Civilians in the Gaza Strip are not self-sufficient in their academic education. Several vital and necessary university programs are not available in the Gaza Strip, especially in the field of modern medical and engineering sciences. Besides, universities in the Gaza Strip do not offer PhD programs in any of the different academic fields, although certain programs offer MA in some fields. The Gaza Strip universities suffer due to the lack of expertise, as the IOF prevent the entry of international academics and experts in Gaza. Palestinian academics are also denied traveling abroad whether to participate in scientific conferences, to complete their studies and improve their abilities or to exchange knowledge with other universities in the West Bank and abroad.

The IOF started to apply their restriction policy on students in 1996. On 12 March 1996, they issued a decision to expel all the Gaza students from the West Bank. The IOF stormed the houses of these students and arrested dozens of them, while 32 others were transported to Beit Hanoun crossing in the northern Gaza Strip to be handed to the Palestinian authorities.

Under these measures, over 1,200 students were denied their right to continue their education in the West Bank universities and institutions without justifications. Besides, students, who were about to finish their study in the West Bank universities, were prevented from going back and resuming their study. As a result of that policy, the number of Gazan students decreased to dozens only.

In 2000, the IOF restricted the movement between the Gaza Strip and West Bank due to which the numbers of students decreased more and more and hundreds of them, including dozens of MA students, were prevented from completing their studies.

In spite of the IOF's continuing declaration to address the urgent humanitarian issue only to move from Gaza to Israel or the West Bank via Beit Hanoun crossing, they refused the Gaza Strip students, who came to Gaza in holidays, the permits needed to get back to their universities in the West Bank. As a result, they were afraid to lose the whole academic year.

In 2005, the matter culminated when these students were denied registration or joining these educational institutions. As a result the number of students registered in the Birzeit University reached approximately 30 while they were over 500 students before 1994. These students faced many problems resulting from the denial of travel permits. Besides, other students were forced to travel to Egypt, Jordan and then the West Bank.

In October 2009, the IOF started to look for students from Gaza, who could join universities in the West Bank, detained them and expelled them to Gaza through Beit Hanoun crossing.

Depriving the Palestinian students from their right to education constitutes a grave violation of the human rights principles recognized by the International Bill of Human Rights and international humanitarian law. Everyone has the right to education, and "higher education shall be equally accessible to all on the basis of

merit," according to article 26 of the Universal Declaration of Human Rights. Additionally, article 13 of the International Covenant of Economic, Social and Cultural Rights includes the recognition of the States Parties to the present Covenant of the right of everyone to education. The States Parties to the present Covenant recognize the right of everyone to education and that higher education shall be made equally accessible to all. Israel as a State party to this Covenant is obliged to fulfill the provisions of the text and the spirit of the Covenant.

Israel is fully responsible for the deprivation of all the Gaza Strip students from studying abroad, as Israel is the occupying power. The Israeli occupation has been ongoing in the Gaza Strip at the practical and legal levels in spite of the implementation of the Israeli unilateral disengagement plan in September 2005. The IOF have maintained control over the Gaza Strip's air, sea and border crossings. According to the Fourth Geneva Convention 1949, the occupation is defined according to its practical control over the civilian life and the reality that confirms the complete control of the occupying authorities over civilians and all the political, economic and social aspects of life.

Economic Situation

The Israeli closure imposed on the Gaza Strip has left a disastrous impact on the economy of the Gaza Strip. This affected the majority of the economic sectors and increased the levels of poverty and unemployment as the work opportunities at the industrial facilities were minimized and other facilities were obliged to halt. This happened as a result of the ban imposed on industrial exports of the Gaza Strip such as furniture and food products, and denying the entry of imports such as raw materials used in industry. The Israeli decision taken in mid June 2007 to tighten the closure constitutes a deathblow to the Palestinian economy in the Gaza Strip that has been destroying since September 2000. Since that time, the IOF imposed measures aiming at strangulating the economy of the Gaza Strip such as the prevention of the entry of the raw materials necessary for the industrial, agricultural, fishing and construction sectors, which are ongoing for the fifth consecutive year.

Limiting the commercial movement of goods in the Gaza Strip into a single commercial crossing

During the reporting period, more restrictions were imposed to undermine the Gaza Strip's economy. The most prominent of which were to leave Karm Abu Salem crossing, southeast of Rafah, as the only major commercial crossing in the Gaza Strip despite its operational capacity does not meet the needs of the Gaza Strip, as it is not well-equipped for such a purpose. On 15 June 2007, the IOF closed Sufa crossing that was assigned for the imports, including construction materials, while they allowed the entry of humanitarian aid until November 2008, when it was completely closed. As a result, the limited quantities of humanitarian aid were entered via Karm Abu Salem crossing. The IOF also obstructed work at Nahal Oz crossing that was designated for fuel supplies and minimized the quantities of fuel entered to Gaza to the minimal quantities, which cannot meet the minimal needs of the civilians in Gaza. In another development on 04 January 2011, the IOF completely closed the crossing and transferred the limited fuel supplies to be entered via Karm Abu Salem crossing. This amount does not meet the daily needs, especially as it is not well-equipped to enter cooking gas into Gaza. In the same context, the IOF hindered the work at Karni crossing that was considered as the major commercial crossing and well-equipped for the entry of goods. The crossing used to enter 75% of the Gaza Strip's needs and had an operational capacity of approximately 400 truckloads daily. Karni crossing was partially closed on 13 June 2007, but it was open at different intervals to enter wheat and fodders through the conveyor belt. On 02 March 2011, the crossing was completely closed.

Depending on Karm Abu Salem crossing, which is inadequate for commercial purposes, as a the major crossing aggravated the suffering of the civilians, as it is not equipped for the entry of goods, besides, its capacity is limited and does not meet the Gaza Strip needs (570 truckloads daily prior to tightening the closure) which decreased to a daily average less than 129 truckloads during the reporting period. Also during this period, the IOF did not allow the exportation of any type of goods produced in Gaza, excluding the exportation of very limited quantities of flowers and strawberries.

Violation of the right to work

As a result of the deterioration of the economic situation in the Gaza Strip thousands of Palestinian families lost their source of income because thousands of workers lost their jobs in the different economic sectors in Gaza. The rates of families living below the poverty line increased to 38%, 23% of whom live below extreme poverty. According to the Palestinian Central Bureau of Statistics (PCBS) poor families consisting of 5 members (two adults and three children) in the oPt are be identified by their income. They are considered below the poverty line when their income is below 2237 NIS (approximately US\$ 609), while the extreme poverty line for the same family is 1783 NIS (approximately US\$ 478).¹⁶

The rates of unemployment that resulted from the paralysis of all the economic sectors increased to 45.2% among manpower in the Gaza Strip¹⁷, and over 50% of categories ranging between 15-29 years old. These rates imply the misuse of the youth capacity.¹⁸ Families have been unable to meet their needs, particularly in relation to food and health, due to the low wages they get and due to the losses sustained by their employers. The rate of unemployment in the Gaza Strip is one of the highest rates in the world. The salaries have also decreased by 34.5% since the first half of 2006. The refugees, who represent two thirds of the Gaza Strip population, are the most affected during the reporting period.

According to the report issued by UNRWA, the private sector was the most affected compared to the public one. In the second half of 2010, companies and commercial facilities excluded 8,000 job opportunities, as a result, the average of employment decreased by 8% compared to the first half of the year. The public sector governed by Hamas, on the contrary, grew by 3% during the same period. Sami Msha'sha', the Public Information Officer at UNRWA, declared that "It is difficult to understand the reason of the intended policy that deliberately aims at the impoverishment of people and obliging hundreds of thousands of people, who are capable to be productive, to live in poverty." Msha'sha' added, "Since 2007, Hamas government has increased the employment rate in the public sector to more than 20%. The most interesting thing is that when it was supposed for the public sector's situation to be relatively good compared to the private sector in the Gaza Strip due to the alleged easing of the closure, the public sector created 70% of the total growth of job opportunities from the second half of 2009 to the second half of 2010. In case the reason behind the policy of closure is to undermine the administrative side of Hamas government, the figures related to employment in the Gaza Strip indicate that the goal has failed to do so. The IOF succeeded in punishing a group of people that is one of the poorest groups in the Middle East." Msha'sha' explained, "The persons who come to us are the poorest and live on less than a dollar daily. The number of these people increased to 300,000 persons since the imposition of the closure. With the unavailability of the reconstruction projects that have been waiting for approval, the future seems to be dark."¹⁹

¹⁶ Statistics of PCBS on the World Population Day, 11 July 2011.

¹⁷ Report issued by UNRWA in June 2011.

¹⁸ Report issued by the International Labor Organization (ILO) on the Global Employment Trends in 2009.

¹⁹ For more information on statements of Sami Msha'sha', the Public Information Officer at UNRWA, see UNRWA's website: http://www.unrwa.org/ainside.php?tag_id=123.

Wood and Furniture Industries' Sector

This sector was considered the biggest in Gaza at the exportation level, as it constituted 59% of the total Gazan exports. The number of factories is approximately 600 that employ 6,600 workers. Approximately 3,000 truckloads of wood and furniture products were exported annually, as the total income reach US\$ 300,000,000 annually. These products are of a high quality and were marketed in the West Bank and Israel.

Throughout the years of the closure, this vital sector witnessed a real relapse. As a result, all factories and workshops stopped and / or minimized their activities after the closure of al-Mentar crossing. Particularly, the exportation of furniture products is prevented since 12 June 2007. The owners of factories and furniture companies were obliged to decrease their operational capacity to 20% of their production. Approximately 75% of the production of this sector was dedicated for exportation, as the size of production dedicated to the Gaza Strip market did not exceed 25%. The workers in this field suffered a lot as they lost their jobs and their ability to meet their families needs. The number of workers in this field decreased by 80% as over 5,000 workers lost their source of income. According to information given by the Wood Industries Union, the daily losses of this sector mount to US\$ 300,000 as a result of the ban imposed on the exportation of the products and the denial of the entrance of needed raw materials to the Gaza Strip.

The Agricultural Sector

The ongoing closing of the commercial crossings resulted in heavy losses in the Palestinian agricultural sector, which is famous for the high quality of its production and its commitment to the health and international agricultural production standards. In this sector, there are approximately 45,000 workers, in addition to other 25,000 who work on temporary basis (seasonal) from October to May (during the agriculture season). These 25,000 workers receive daily wages and do not have farmlands or any other source of income. The agriculture sector was afflicted with heavy losses, because the farmers have been prevented from exporting their products by the IOF for five years. The annual exports of the agriculture sector in Gaza to the West Bank mount to 235,400 tons, an estimate of US\$ 93 million. These annual exports include: tomatoes, cucumber, bell pepper, eggplant, kidney beans, sweet potato, potato, lettuce, cabbage, marrow, onion, carrot, cauliflower, dates, guava and citrus. The Gaza Strip's exports to the European markets are estimated to approximately 53,500 tons; they include: strawberries, cherry tomato, bell pepper, potato, sweet potato, in addition to approximately 60 million flowers. These exports to Europe are estimated to US\$ 12 million.

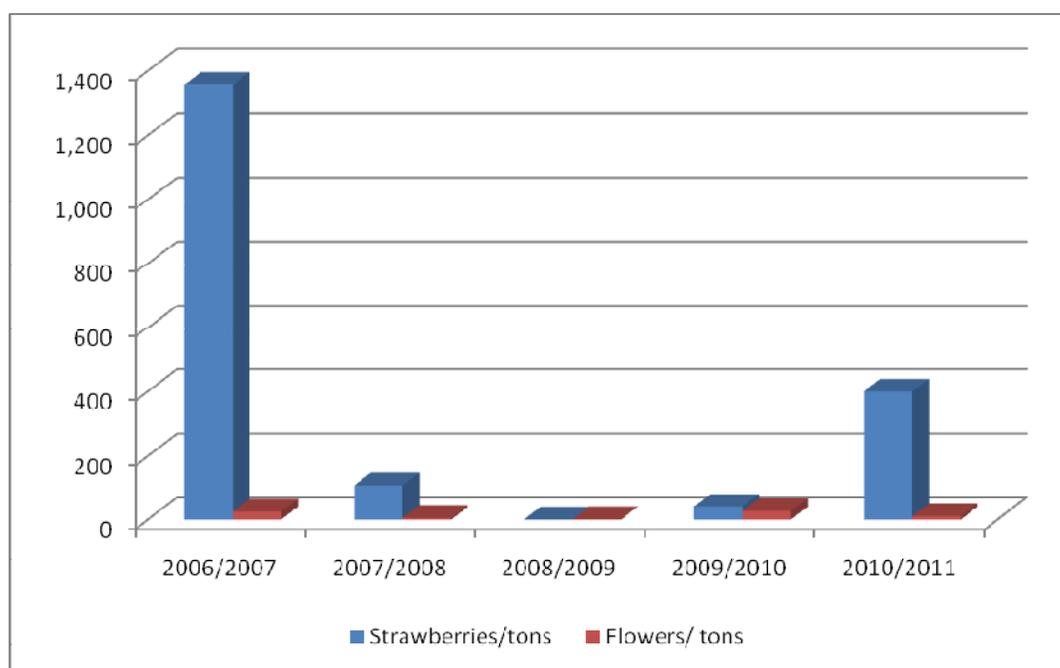
During the agricultural season 2010/2011, the farmers sustained heavy losses due to their inability to export their products, due to the ban imposed by the IOF on the agricultural products, excluding very limited quantities of flowers and strawberries. This limited quantity of flowers decreased to 10 million flowers, a sharp decline compared to the quantities allowed 2009/2010, which were 26 million flowers. The percentage of flowers allowed for exportation this year reached (10 million) 16.66% of flowers which was approximately 60 million flowers annually according to the Agricultural Cooperative Association in the north of Gaza. During this season as well, the IOF allowed the exportation of approximately 40 tons of strawberry, a quantity less than 3% of the quantity specified for exportation, which is 1,500 tons annually according to the Agricultural Cooperative Association of Strawberry, Vegetables and Flowers Farmers. During the same period, the IOF allowed exporting 6 tons of bell pepper and 7 tons of cherry tomato.

Table (7): the Gaza Strip's exports of strawberries and flowers in the past agricultural seasons compared to the annual production²⁰

Type/season	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011
Strawberries/tons	1,357	109	00	40	400
Percentage	90.46%	7.75%	0.00%	2.60%	26.6%
Flowers/ tons	24	5	0.8	26	10
Percentage	40.00%	8.33%	1.33%	43.33%	16.66%

Agricultural Development Association – the Palestinian Agricultural Relief Committee (PARC)

Diagram (7): the Gaza Strip's exports of strawberries and flowers in the past agricultural seasons compared to the annual production



Sewing Sector

The continuing closure of the Gaza Strip's border crossings led to closing approximately 90% of the 624 factories of the Gaza Strip. These factories offered jobs to approximately 2,500 workers. Ninety percent of the production of these factories depends on the Israeli market, while the other 10% depends on the Palestinian market. According to information issued by the Ministry of National Economy, the exportation capacity of this sector is estimated to 3,500 truckloads annually. During the reporting period, some of these factories worked at different intervals and for limited periods to meet the needs of the local market. These factories rely on their needs of raw materials on limited quantities of fabrics allowed by Israel and fabrics smuggled from Egypt to Gaza through the tunnels at the Egyptian-Palestinian borders.

²⁰ The season for exportation of strawberries starts annually in mid November until late February of the following year. The season for exportation of flowers starts annually in mid November until late April of the following day. See the exportation seasons in the table above.

Metal Industries Sector

Targeting the metal industries sector did not start when the closure was imposed and the border crossings were closed, but started with the second Intifada when the IOF intensively shelled the metal industries' facilities and demolished dozens of other facilities. Approximately 6,000 workers made a living from this sector, the majority of them work in aluminum companies and workshops, nails factories, metal furniture, and Solar Water-Heating. Over 95% of industrial facilities stopped completely due to the prevention of entering all types of metals in Gaza. While the rest of the facilities work with a low capacity, depending on raw materials smuggled through the tunnels at the Egyptian-Palestinian borders and with high costs. As a result of the closure of these facilities, all workers of this sector are unemployed.

Construction Sector

This sector is considered the most important pillar of the Palestinian economy, which includes approximately 30,000 workers in a direct way and 20,000 others in an indirect way. These numbers constitute 22% of employment in the Gaza Strip, which is the highest percentage from the different economic sectors. This sector contributes to 26% of the total national income. The majority of construction projects in Gaza depend mainly on construction materials introduced from Israeli or via Sofa and Karni crossings. The IOF denied the entry of all types of daily items necessary for housing and different construction projects in the Gaza Strip. This sector was exposed to heavy losses since the beginning of the second Intifada in 2000 due to the closure imposed on the Gaza Strip. As a result, the activities of this sector witnessed a steadily decrease until they stopped completely when the closure was tightened in June 2007. Due to which, this sector sustained heavy losses and its annual activities retreated to the minimum levels after the average of its annual activities mounted to approximately US\$ 200 million until 2000.

The continuous closing of Sofa and al-Mentar crossings resulted in completely stopping the free flow of construction materials. In the first four years of the closure, the market in Gaza suffered from a severe shortage of construction aggregate, cement and steel, in addition to other supportive materials. Therefore, dozens of contracting companies stopped because of their inability to implement their projects that started before imposing restrictions on 15 June 2007. As a result, those companies sustained heavy losses, especially as they had contracted to implement projects under a specific timeframe and they would subject to penalty clauses in case of delay in the implementation of the project. According to the PCU, losses resultant from halting these projects mounted to US\$ 2,880,000 monthly and other administrative losses, the bank interests' guarantees that reached US\$ 2,500,000. The losses resulting from the high prices of construction materials reached US\$ 21,600,000.

During the reporting period, some contracting companies resumed their work partially, depending on the construction materials smuggled from Egypt via the tunnels and limited quantities entered by the international organizations.

Depriving traders from traveling to Israel or the West Bank

The IOF targeted the Palestinian commercial sector by imposing restrictions on the movement of traders and businesspeople from Gaza and depriving them from traveling from Gaza to Israel or the West Bank to sell their products or buy what they need for their businesses. The IOF continued to decrease the number of permits that used to be granted to approximately 1,000 traders from Gaza, due to which these traders were prevented from practicing their work and following up their businesses abroad. During the reporting period, the IOF allowed 27 traders to travel daily. This is considered a decline in comparison to the daily average of businesspeople allowed to travel via the crossing prior to June 2007 that was 150 traders daily.

Isolation of areas in the Gaza Strip declaring them security areas "buffer zones"

The "buffer zones" are areas declared by the IOF as closed security areas inside Palestinian lands. The buffer zone extends along the northern and eastern borders of the Gaza Strip with Israel and the southern borders with Egypt. It also includes an area beyond the three nautical miles off the Gaza Strip's shore. The Palestinians have been denied access to these areas that are established at 300 meters from the land border, but can extend to over 2 kilometers. The IOF enforce the buffer zones, which are unknown and changing, with live fire and arbitrary shelling. The lack of clarity on the borders of these areas raises serious concerns over the protection of civilians.

First: buffer zone along the land border

According to the security arrangements mentioned in the transitional phase agreement that was signed between the Palestinians and the Israelis in 1995, it was included the establishment of a 50-meter width buffer zone in the Gaza Strip. After the second Intifada erupted in September 2000, Israel unilaterally extended the buffer zone to 150 meters width. In January 2010, Israeli warplanes dropped thousands of leaflets on the border areas warning civilians against getting closer at the distance of 300 meters. However, the reality shows that the buffer zone is enforced at ranges between 300 meters to 2 kilometers. This area includes the best arable lands in the Gaza Strip, in addition to the best water wells. People reach these areas under big threats, as the IOF impose restrictions on the entry of these lands. The safety of people, who cultivate these lands for their subsistence, is threatened. Civilian houses and facilities were destroyed during the continuous Israeli incursions and shelling of the area. As a result, the Palestinian families living close to that area were displaced.

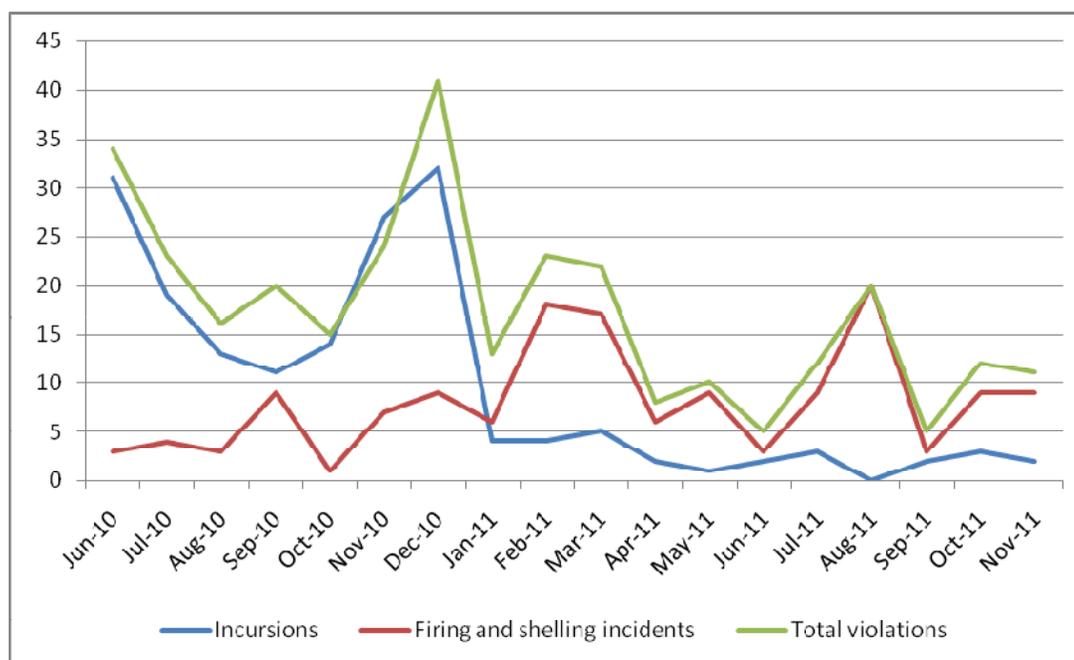
The buffer zone on land constitutes 30% of the total farmlands in the Gaza Strip, a total of 27,000 dunums, in which different crops used to be planted for exportation or for marketing in the local market. These crops are: citrus, almonds, apples, strawberries and different types of flowers. This area also has the biggest water aquifer in the Gaza Strip. As a result of establishing the buffer zone, the farmers are denied access to their lands to transport their products. Besides, the farmers were unable to plant the crops specified for exportation, as 40% of the agricultural exports of the Gaza Strip are planted in farmlands that are included in the buffer zone. Therefore, the agricultural sector lost one of the main factors to improve the agricultural sector, which is considered one of the sources of the national income. Thousands of farmers were prevented from practicing their work inside the buffer zone.

This area is also well known for its abundant production of livestock, including 32 poultry farms. Twelve are in al-Sayafa area, 20 farms are in Beit Hanoun, in addition to dozens of home pens. Due to the Israeli frequent attacks, 25 poultry farms and 10 sheep and cattle pens were destroyed completely or partially, as a result, over 250 persons lost their jobs.

Table (8): classification of violations in the buffer zone

Month	Incursions	Firing and shelling incidents	Total violations
June 2010	31	3	34
July 2010	19	4	23
August 2010	13	3	16
September 2010	11	9	20
October 2010	14	1	15
November 2010	27	7	24
December 2010	32	9	41
January 2011	4	6	13
February 2011	4	18	23
March 2011	5	17	22
April 2011	2	6	8
May 2011	1	9	10
June 2011	2	3	5
July 2011	3	9	12
August 2011	-	20	20
September 2011	2	3	5
October 2011	3	9	12
November 2011	2	9	11
Total	175	145	314

Diagram (8): classification of violations in the buffer zone

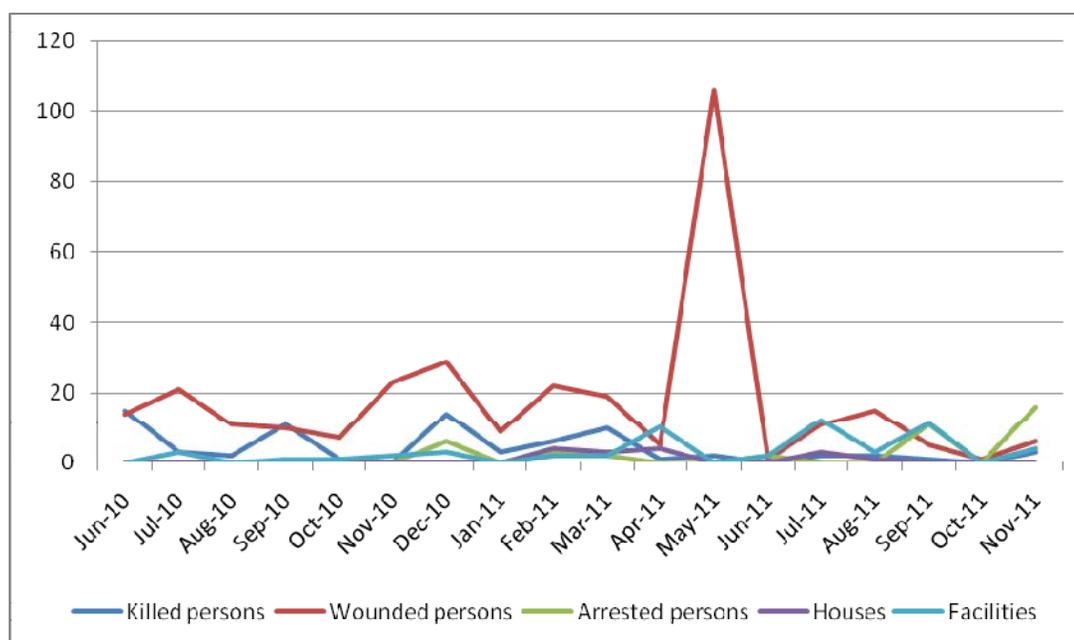


During the reporting period, the serious violations committed by the IOF against the civilians in the buffer zone, whether by targeting them from the watchtowers or by incursions, resulted in 77 deaths and 315 injuries. Additionally, 40 Palestinians were arrested, 15 houses were destroyed and other 56 civilian facilities were destroyed as well.

Table (9): results of the Israeli violations in the buffer zone

Month	Killed persons	Wounded persons	Arrested persons	Houses	Facilities
June 2010	15	14	-	-	-
July 2010	3	21	-	-	3
August 2010	2	11	-	-	-
September 2010	11	10	-	-	1
October 2010	1	7	-	-	1
November 2010	-	23	-	-	2
December 2010	14	29	6	-	3
January 2011	3	9	0	0	0
February 2011	6	22	3	4	2
March 2011	10	19	2	3	2
April 2011	1	5	-	4	10
May 2011	2	106	-	-	-
June 2011	-	1	2	-	2
July 2011	2	11	-	3	12
August 2011	2	15	-	1	3
September 2011	1	5	11	-	11
October 2011	-	1	-	-	-
November 2011	3	6	16	-	4
Total	77	315	40	15	56

Diagram (9): results of the Israeli violations in the buffer zone



Second: buffer zone along the naval border

The IOF continued to impose the naval blockade on the Gaza Strip waters and limiting the areas allowed for fishing to 3 nautical miles only. As a result, the Palestinian fishermen were denied access to areas in which fish breeds beyond the 3 nautical miles, due to which fishermen lost 85% of their income. In the same context, during the reporting period, the Israeli violations against Palestinian fishermen continued. They were subjected to different attacks, including opening fire at fishermen, killing, wounding, chasing, searching and humiliating them. Besides, their fishing boats were confiscated, sunk into water or destroyed. All these attacks were carried out inside the 3 nautical miles, where fishing is allowed.

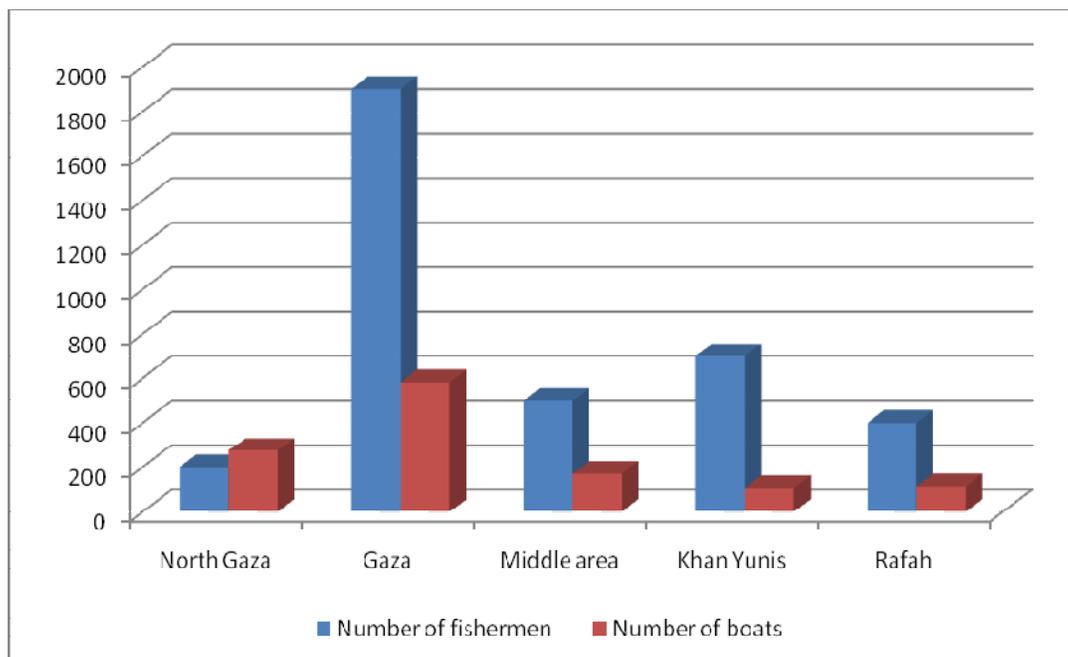
According to Oslo Accords, the area allowed for fishing before the eruption of the second Intifada in September 2000 was 20 nautical miles. It was gradually minimized to 10-12 nautical miles in 2005. In June 2006, after the Palestinian operation at Karm Abu Salem crossing resulting in killing two Israeli soldiers and kidnapping of a third one, the IOF imposed a complete naval blockade for few months. It was partially allowed for fishermen to work in 6 nautical miles, but it was decreased to 3 nautical miles in June 2007 after Hamas took control over the Gaza Strip.

Approximately 8,200 fishermen and workers operate in the fishing sector and support approximately 50,000 persons in the Gaza Strip. The fishermen, who are approximately 3,700, are distributed on the Gaza Strip's governorates as follows: 200 fishermen in the northern Gaza Strip, 1,900 fishermen in Gaza, 500 fishermen in the middle governorate, 700 fishermen in Khan Yunis and 400 fishermen in Rafah. Moreover, the number of fish traders and fishing amateur is approximately 2,000 traders and amateur fishermen, while the number of persons working in professions related to fishing is approximately 2,500. These persons work in supportive profession such as making and maintaining boats, preparing fishing nets, making ice to keep the fish, cleaning and selling fish. The number of fishing boats is 1,249 boats distributed as follows: 275 boats in the northern governorate, 582 boats in Gaza, 170 boats in the middle governorate, 107 boats in Khan Yunis and 115 boats in Rafah.

Table (10): the number of fishermen and fishing tools in the Gaza Strip

Area	Number of fishermen	Number of boats
North Gaza	200	275
Gaza	1,900	582
Middle area	500	170
Khan Yunis	700	107
Rafah	400	115
Total	3,700	1,249

Diagram (10): the number of fishermen and fishing tools in the Gaza Strip



The Israeli violations against fishermen in the Gaza Strip

The Israeli violations against fishermen and their property varied. During the reporting period, a remarkable increase in the Israeli violations against fishermen was witnessed. PCHR documented 83 Israeli violations against fishermen off the Gaza Strip's shore, in addition to 42 firing incidents that resulted in killing a fisherman and wounding 13 others. Furthermore, PCHR documented 12 incidents of chasing fishermen that resulted in arresting 24 fishermen, and 16 incidents that led to confiscation and damage of boats and fishing tools.

- **Palestinian Fisherman Killed While Fishing**

On 24 September 2010, attacks from IOF gunboats killed Mohammed Mansour Bakr, 20, from the northern Gaza Strip, while fishing off the shore of al-Soudaniya area in the northern Gaza Strip. Bakr was with four of his cousins on a fishing boat when an IOF gunboat suddenly fired randomly at them from a 100-meter distance. The IOF did not give any prior warning and Bakr was wounded by a bullet to his right side. The IOF continued firing at the fishing boat for more than 10 minutes. Bakr was transferred later to Kamal Odwan Hospital in Beit Lahia, but died of his wounds.

Rami Sami Bakr, 32, from Gaza governorate, stated the following:

"At 09:30 on Friday, 24 September 2010, I went fishing with my cousin Mohammed Mansour Bakr, 20, and three of my brothers off the shore of al-Soudaniya area in the northern Gaza Strip. We were approximately 2,000 meters off the shore and 2,000 meters far from the Israeli nautical borders when an Israeli gunboat stopped around 100 meters from us. Suddenly, the soldiers intensively fired at us with no justification. They did not give any prior warning. My cousin Mohammed screamed and fell inside the boat. He was bleeding as a bullet wounded him in his right side. We started shouting at the soldiers asking them to stop firing. We were extremely frightened but they continued firing for 10 minutes. They then withdrew. We transferred Mohammed to the shore and then to Kamal Odwan Hospital, where he died."

- **11 Palestinian Fishermen Wounded at Sea**

At approximately 10:30, on 05 July 2010, the Israeli gunboats positioned off Gaza seaport, west of Gaza City, opened fire at the fishing boats that were approximately 2 nautical miles off the shore. As a result, Allam Nasser Fadel Baker, 14, from al-Shati' refugee camp, west of Gaza City, was wounded by two bullets to the abdomen. The boat on which Allam, his brother and father were, was also damaged.

Yasser Nasser Bakr, brother of Allam, said to PCHR's field worker:

"At approximately 06:00, I went with my father and brother Allam to fish at Gaza seaport area. Once we arrived, we sat on the edge of the boat and started to throw the net. At approximately 10:30, we were surprised that the Israeli soldiers on board an Israeli gunboat that was at half a nautical mile away to the north started firing heavily at our boat for 10 minutes. As a result, my Allam was wounded by two bullets to the abdomen, while the boat was hit by two bullets to the front side. Allam and my father were transferred to the beach by another boat and then to Shifa Hospital in Gaza City. After doing the medical examination, it was found that Allam was wounded by two bullets to the lower left side of the abdomen and his wounds were described as moderate."

At approximately 12:30, on 27 November 2010, the IOF positioned at the coastal watchtower, northwest of Beit Lahia in the northern Gaza Strip, opened fire at a group of fishermen 350 meters away from the border fence off the shore. As a result, Ahmed Mahmoud Mohammed Jarbou', 26, from al-Shati' refugee camp, west of Gaza City, was wounded by a bullet to the left leg. Once Jarbou' was wounded, other fishermen transferred him to the main street, where a PRCS ambulance arrived after 10 minutes and transported him to Kamal Odwan Hospital in Beit Lahia. He received medical treatment and medical sources described his wounds as moderate.

On 25 December 2010, the IOF positioned in the watchtowers at the northwestern borders of the Gaza Strip, opened fire at the Palestinian fishermen while fishing off Beit Lahia's shore in the north of the Gaza Strip. As a result, Ahmed Mohammed Mohamed Zayed, 25, from Beit Lahia, was wounded by a bullet to the right leg. Zayed was transferred to Kamal Odwan Hospital in Beit Lahia to receive the necessary medical treatment. Doctors described his wounds as moderate.

On 16 March 2011, the Israeli gunboats off al-Waha Resort, northwest of Beit Lahia in the northern Gaza Strip, opened fire at fishing boats in that area. As a result, Yasser Nasser Fadel Bakr, 19, from al-Shati' refugee camp in the west of Gaza City, was wounded by a bullet to the right side. Immediately, a fishing boat transferred him to Gaza Seaport from which a PRCS ambulance arrived and transported him to Shifa Hospital in Gaza City. The doctors made the diagnosis and took the bullet out of his side, as his wound was described as moderate. The wounded fisherman said:

"At approximately 05:00, on 16 March 2011, I went with my father Nasser Bakr, 49, and my brother Allam, 16, to the fishermen seaport in the west of Gaza City. We sailed on a boat belonging to Mahmoud Abu Hweidi 2 nautical miles to towards the northwest off the shore. We started our work off al-Waha Resort in the northwest of Beit Lahia. At approximately 05:15, an Israeli gunboat got closer to our boat and other fishing boats. The Israeli soldiers ordered us to leave the area and immediately sailed to the south. After we sailed 200 meters away, the Israeli gunboat opened fire, due to which I was wounded. My father and brother took me to Gaza seaport on board another boat belonging to my cousin Khader Bakr. I was then transported to Shifa Hospital in Gaza City."

At 20:00, on 26 May 2011, the Israeli soldiers fired at fishing boats off Khan Yunis shore. As a result, 3 fishermen were wounded:

1. Ra'ed Yusef Abu Oda, was wounded in the right thigh,
2. His brother Mohammed Yusef Abu Oda, was traumatized, and
3. Nidal Sharif al-Sharif, suffered from a fracture in the finger of his left hand.

They are all from al-Shati' refugee camp in Gaza City.

At 22:00, on 02 June 2011, the Israeli soldiers opened fire at the Palestinian fishing boats off Rafah shore. As a result, Ahmed Abu Salmiya, 23, from Rafah, was wounded by a bullet to the left hand, due to which he was transported to the European Hospital in Khan Yunis for medical treatment.

At approximately 10:30, on 15 August 2011, the Israeli naval forces opened fire at the fishing boats off Beit Lahia shore. As a result, Yassin Ali Yassin Zayed, 41, from Beit Lahia, was wounded by a bullet to the right leg. He was then transported to Shifa Hospital in Gaza City for medical treatment. In his testimony to PCHR, Zayed said that at approximately 06:00, on 15 August 2011, he and his son Mohammed, 16, went for fishing off Beit Lahia shore. They started their work 300 meters away from the naval border fence and threw the fishing net into water. At approximately 10:30, the Israeli soldiers fired at the fishermen, as a result, he was wounded by a bullet to the right leg. He then was transported to Shifa Hospital in Gaza City for medical treatment.

At approximately 06:30, on 11 September 2011, the Israeli soldiers opened fire at the fishing boats off Beit Lahia shore. As a result, Mohammed Sohail Bakr, 17, was wounded by a bullet to the right thigh, and Khader Hassan Bakr, 29, was wounded by a bullet to the left hand. They were both transported to the hospital for medical treatment.

Arresting fishermen and damage and confiscation of fishing boats

PCHR documented 12 cases of chasing and arresting fishermen, in which 24 fishermen were arrested.

At approximately 06:30, on 08 July 2010, the Israeli gunboats off the northwest of Beit Lahia, opened fire at a group of Palestinian fishermen, who were sailing off the northwest of al-Waha Resort. Two Israeli gunboats surrounded two fishermen on board a fishing boat. The two fishermen Ammar As'ad Mohammed al-Sultan, 17, and Tamer Mohammed Ahmed Zayed, 27, from al-Salateen neighborhood in Beit Lahia, were fired at randomly while they were sailing 1,500 meters at the sea. The Israeli soldiers ordered the two fishermen to sail towards al-Rafsouda seaport, which is approximately 1,500 meters away to the northwest. They arrived after approximately an hour of rowing. The Israeli soldiers ordered them to leave their boat at the seaport, take their clothes off and jump and swim towards one of the two gunboats. The gunboat then transported them to another big gunboat after half an hour of sailing. That gunboat transferred them to Ashdod Seaport in Israel, where they were detained and questioned. At approximately 17:00, on the same day, they were released at Beit Hanoun crossing.

On 28 December 2010, the Israeli gunboats arrested 6 Palestinian fishermen who were sailing in the north of the Gaza Strip. They then were transported to Ashdod Seaport, where they were questioned. The IOF kept the fishing boat belonging to Abdul Salam Sobhi al-Hessi and his brother Mohammed Sobhi al-Hessi. On the next day, the six fishermen were released at Erez crossing in the northern Gaza Strip.

On 04 January 2011, the Israeli navy forces arrested four fishermen, who were 4 kilometers off Sheikh Ejleen, south of Gaza City, as the Israeli gunboats intercepted the boat and opened fire at it. After they had been arrested, the Israeli gunboat transported them and the fishing boat belonging to Mohammed Abdul Qader Bakr to Ashdod Seaport. The fishermen were released at approximately 20:00 on the same day.

On 11 January 2011, the Israeli navy forces arrested 4 fishermen, including two children, off Sheikh Ejleen shore, south of Gaza City, while they were 2.5 nautical miles away.

At approximately 11:00, on 19 February 2011, an Israeli gunboat chased 3 fishermen on board a fishing boat approximately 3 kilometers off Khan Yunis shore in the southern Gaza Strip. The Israeli soldiers fired at the boat and ordered the fishermen to stop. The fishermen were obliged to take their clothes off, swim towards the gunboat that was 20 meters away from them and then transported them to Ashdod Seaport. The fishermen were detained and questioned before they were released at approximately 21:00 on

the same day. The IOF kept the fishing boat and tools. The arrested fishermen are: Mostafa Hhazi Saleh al-Lahham, 42, Hhazi Hani Hhazi al-Lahham, 27, and Mahmoud Hassan Saleh al-Lahham, 30, all from al-Mawasi area in Khan Yunis.

At approximately 10:00, on 20 March 2011, the Israeli navy forces arrested Nasser Fadel Bakr, 45, from al-Shati' refugee camp, and his son Allam Nasser Bakr, 15. They were on board a fishing boat two nautical miles off Sheikh Ejleen shore, south of Gaza City. The Israeli soldiers transported them to Ashdod Seaport. At approximately 05:00 on the following day, they were released and returned to Gaza via Beit Hanoun crossing, but the IOF kept the boat.

At approximately 06:00, on 23 June 2011, the IOF arrested Mohammed Mohammed Ibrahim al-Bardaweel, 22, and his brother Isma'il, 18, while they were fishing off Rafah fishing seaport. They were 2.8 nautical miles away. They were obliged to swim for 200 meters towards the Israeli gunboat. After they got on board the gunboat, they were blindfolded and handcuffed. The IOF transported them to Ashdod Seaport, where they were questioned. They then were released at approximately 19:00 on the same day via Beit Hanoun crossing.

At approximately 05:30, on 28 August 2011, the IOF arrested Mohammed Salah Mohammed Abu Riyala, 21, Hazem Saleh Abu Riyala, 19, and Mohammed Saleh Abu Riyala, 23, while they were fishing off al-Waha Resort in Gaza City. They were released at approximately 19:00 on the same day.

At approximately 06:30, on 11 September 2011, two Israeli gunboats off al-Waha Resort surrounded two fishing boats where 8 fishermen were on board. The Israeli soldiers opened fire at the two boats, arrested the fishermen on board and transported them to Ashdod Seaport. The fishermen are: Hassan Khader Bakr, 53, his sons Khader, 29, Ja'fer, 27, Mohammed 21, in addition to Allam Nasser Fadel Bakr, 16, Khalil Jawher Khalil Bakr, 21, Mohammed Majed Fadel Bakr, 29, and Mohammed Soheil Bakr, 17. At approximately 18:00 on the same day, the IOF released all of them²¹

Confiscation and damaging fishing boats and tools

PCHR followed up the Israeli violations against the Palestinian fishermen in the Gaza Strip while practicing their work, especially confiscation of fishing boats and damaging them. During the reporting period, the IOF trapped 10 fishing boats and tools belonging to fishermen while they were doing their work. The total number of boats trapped by the IOF increased to 19 fishing boats.²² During the reporting period, PCHR documented that the IOF damaged 6 fishing boats. Following are some of the fishermen testimonies.

In his testimony to PCHR, Khaled Mohammed Abu 'Amira, 46, from al-Shati' refugee camp in Gaza City, said that at approximately 11:00, on 11 January 2011, the IOF confiscated his fishing boat. His son Mohammed and other three fishermen were on board that boat off Ansar shore in Gaza City. The Israeli navy soldiers got closer to the boat, fired at the fishermen, arrested them and confiscated the boat.

Mahmoud Mohammed Abu Hweidi, 45, from Gaza, said to PCHR's fieldworker that at approximately 10:00, on 20 March 2011, the Israeli navy forces confiscated his boat. Besides, Nasser Fadel Bakr and his son Allam, who were on board the boat off Sheikh Ejleen shore in Gaza City, were arrested. Abu Hweidi added that the Israeli navy forces, which were 3 miles off the shore, fired heavily at the fishermen, ordered them to take their clothes off and swim in the sea. They then arrested the fishermen and transported them to Ashdod Seaport.

²¹ For more information, see PCHR press release issued on 14 September 2011 on www.pchrgaza.org.

²² PCHR received a number of complaints from the trapped boats' owners. PCHR maintains the names of the owners.

On 26 May 2011, an Israeli gunboat that was 3 miles off the shore approached the boat of Ra'ed Yusef Abu Oda and hit the boat twice. As a result, some of the fishing tools estimated at NIS 57,000 and US\$ 6,800 were damaged.

On 28 July 2011, the IOF confiscated a fishing boat belonging to Imad Mohammed Hamada while he was practicing his work off al-Nusairat shore in the middle of the Gaza Strip.

On 25 August 2011, the IOF confiscated the boat of Mahdi Mohammed Abu Riyala while he was fishing off al-Sudaniya shore in the northern Gaza Strip.

On 11 September 2011, the IOF confiscated two fishing boats belonging to Hassan Bakr and Soheil Bakr from Gaza City.

At approximately 10:00, on 21 June 2011, the IOF opened fire at two fishing boats 2 miles off the shore. The boats belong to Abdul Fattah Monther Bakr, 21, and Mohammed Sobhi Bakr, 47, from Gaza City. As a result, the motors of both boats were completely damaged.

At approximately 06:00, on 23 June 2011, the IOF opened fire at a fishing boat on which Mohammed Mohammed Ibrahim al-Bardaweel, 22, and his brother Isma'il, 18, were. The boat was approximately 2.8 nautical miles off Rafah shore. As a result of the attack, the boat's motor was damaged.

At approximately 06:30, on 04 July 2011, the Israeli gunboats opened fire at a boat belonging to Mohammed Abdul Razzaq Bakr, 41, from Gaza City. As a result, heavy damage was caused to the boat due to being hit by seven bullets.

At 09:30, on 13 July 2011, the Israeli gunboats opened fire at 7 fishing boats²³ while sailing at sea. As a result, heavy damage was caused to the boats and fishing tools.

The IOF attacked Oliva International Boat in the Gaza Strip Waters:²⁴ on 14 July 2011, the Israeli gunboats opened fire at Oliva Boat; as a result, the boat sustained heavy damage. On 20 July 2011, the Israeli gunboats opened fire at Oliva Boat again. This coincided with similar attacks done by the IOF against Palestinian fishing boats.

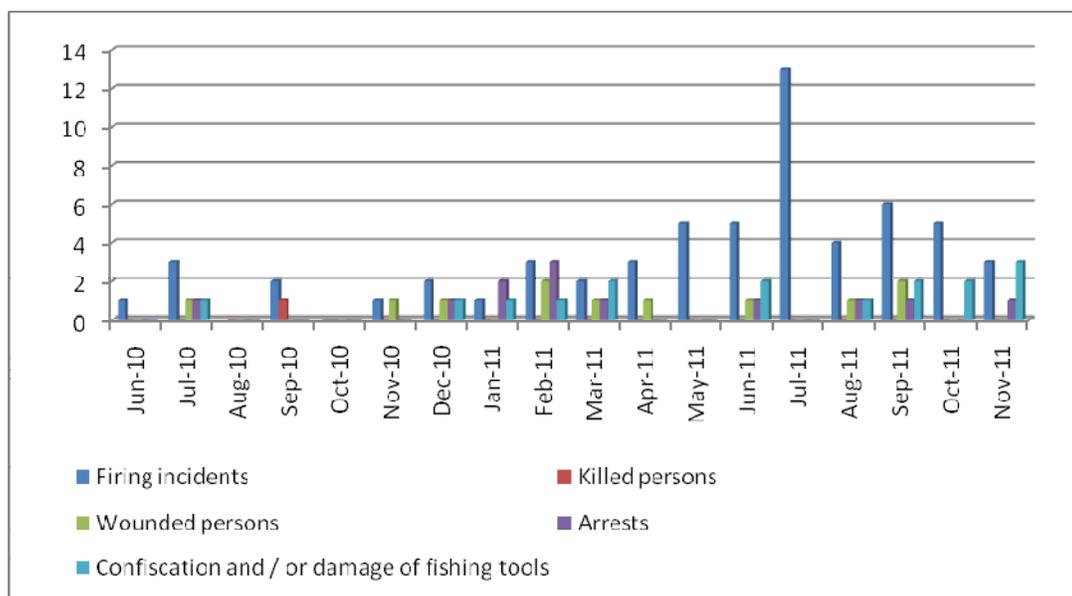
²³ PCHR keeps the names of the owners of fishing boats that were attacked by IOF in the Gaza Strip waters on 13 July 2011.

²⁴ For more information, see PCHR's press release on the Israeli Attacks against Oliva Boat, on 14 and 21 July 2011, on www.pchrgaza.org.

Table (11): the Israeli violations against fishermen and their property at sea

Description	Firing incidents	Killed persons	Wounded persons	Arrests	Confiscation and / or damage of fishing tools	Total
June 2010	1					1
July 2010	3		1	1	1	6
August 2010						
September 2010	2	1				3
October 2010						
November 2010	1		1			2
December 2010	2		1	1	1	5
January 2011	1			2	1	4
February 2011	3		2	3	1	9
March 2011	2		1	1	2	6
April 2011	3		1			4
May 2011	5					5
June 2011	5		1	1	2	9
July 2011	13					13
August 2011	4		1	1	1	7
September 2011	6		2	1	2	11
October 2011	5				2	7
November 2011	3			1	3	7
Total	59	1	11	12	16	99

Diagram (11): the Israeli violations against fishermen and their property at sea



Recommendations

• International Community

1. To exert pressure immediately to lift the closure in order to facilitate the life of 1.6 million Palestinians in the Gaza Strip and enable them to communicate with the outside world.
2. To exert pressure on Israel to reopen all the Gaza Strip's commercial crossings, especially crossings designated for the entry of construction materials, raw materials and fuel.
3. To oblige the Israeli authorities to abide by the economic rules, principles and basic rights, particularly the International Covenant on Economic, Social and Cultural Rights.
4. To offer international protection to the Palestinian civilians under the ongoing escalation of war crimes and other grave violations of the international humanitarian law (as provided in the Fourth Geneva Convention 1949). These crimes and violations, including the closure imposed on the Gaza Strip, have been committed continuously against the Palestinian civilians.
5. To offer urgent relief programs to save the society sectors affected by the violations, in addition to stop the steady increase in the unemployment and poverty rates.

• Palestinian Authority

1. To work immediately on achieving the national reconciliation in order to overcome the current crisis, exerting efforts to lift the closure imposed on the Gaza Strip and reopening all the border crossings: commercial crossings and crossings designated for the movement of persons.
2. To conjugate efforts in order to overcome the disastrous impacts of the closure, especially poverty and unemployment.
3. To form a national emergency committee to follow up the performance of the economic sectors and to work on offering the necessary recommendations to the concerned authorities in order to take the necessary measures against the problems arising in this sector.
4. To adopt new economic policies and to pay special attention to supporting the most economic sectors affected by the closure.

Tables and diagrams elaborated in the report

First: Tables

Table (1): deterioration of food insecurity levels from 2003 to 2011

Table (2): quantities of cooking gas allowed into Gaza compared to the actual needs of the Gaza Strip and percentage of deficiency

Table (3): allowed quantities of petrol derivatives compared to the actual needs and deficiency

Table (4): the actual imports of construction materials compared to the actual needs and deficiency

Table (5): the number of patients who applied at the Ministry of Health for traveling via Beit Hanoun (Erez) crossing compared to the patients allowed to travel and the number of patients who faced problems

Table (6): the shortage of medicines and medical supplies in the fourth year of the closure

Table (7): the Gaza Strip's exports of strawberries and flowers in the past agricultural seasons compared to the annual production

Table (8): classification of violations in the buffer zone

Table (9): results of the Israeli violations in the buffer zone

Table (10): the number of fishermen and fishing tools in the Gaza Strip

Table (11): the Israeli violations against fishermen and their property at sea

Second: Diagrams

Diagram (1): deterioration of food insecurity levels from 2003 to 2011

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Funded by the EU and supported by Oxfam Novib.

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