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Israel/Occupied Territories: Immediate action needed to avert humanitarian crisis in Gaza

Amnesty International is concerned that Palestinian residents of the Gaza Strip face a looming humanitarian crisis due to the Israeli authorities' prolonged closure of the Strip's only cargo crossing point. This has already resulted in shortages of food and other necessities, including an unprecedented rationing of bread, and threatens to have a disastrous effect on the 1.3 million Palestinians who live in the Gaza Strip and their access to basic rights.

Flour and other food reserves have been gradually depleted, as the Israeli authorities have kept the Karni/Muntar crossing between the Gaza Strip and Israel closed most of the time since the beginning of this year. The Israeli army's lengthy blockade of the crossing has also halted the export of Palestinian goods, mostly perishable products which are being wasted, depriving Palestinians of a crucial source of income and adding to the already high level of poverty in the Gaza Strip.

According to UN relief officials, the limited reopening of the Karni/Muntar crossing and the opening of the Kerem Shalom crossing in the past two days has so far not been sufficient to alleviate the crisis and more substantial measures are needed urgently to address the situation.

The Gaza Strip's economy is being hit at a particularly vulnerable time. It has been severely weakened during the past five and a half years by the Israeli army's destruction of thousands of Palestinian homes, vast areas of agricultural land and public facilities and infrastructure; while international aid to the Palestinian Authority (PA) is now dwindling following the recent election victory of Hamas.

The Israeli authorities cite security concerns, notably the threat of attacks by Palestinian armed groups, to justify the prolonged closure of the crossing. Palestinian armed groups have carried out frequent bombings and other attacks against Israelis, including one such attack at the Karni/Muntar crossing on 13 January 2005 which killed six Israelis and injured five others.

According to the Israeli army, Palestinian armed groups may have dug tunnels under the Karni/Muntar crossing. Several weeks ago the Israeli army asked the PA to dig several trenches around the crossing in order to find any tunnels. However, to date the trenches dug by the PA security forces have not revealed any tunnels.

Under international law Israel, as the occupying power which retains effective control over the Gaza Strip, remains responsible for the well-being of the Palestinian population of the Gaza Strip. Israel is entitled to take measures to protect the lives of its citizens. However it must not impose sweeping restrictions and draconian closures which are not proportionate, targeted, and strictly necessary. Such measures have a severe negative impact on the lives of hundreds of thousands of Palestinians who have not committed any

offence and may constitute a form of collective punishment, a violation of Article 33 of the Fourth Geneva Convention and of a fundamental principle of human rights.

In the wake of the Hamas election victory in January the Israeli authorities have indicated that they intend to impose more far-reaching restrictions on the Palestinians. In mid-February, as the Israeli government announced that it would stop reimbursing the customs duty which it collects on behalf of the PA, the Israeli Prime Minister's Advisor Dov Weisglass was quoted by Israeli media as referring to the planned economic siege on the PA as a diet, whereby "the Palestinians will get a lot thinner, but won't die".

Amnesty International calls on the Israeli authorities:

To ensure that whatever arrangement is made for passage of goods in and out of the Gaza Strip it should be one that respects the human rights of the Palestinian population.

To lift all restrictions on the movement of persons and goods which constitute collective punishment and to make every effort to enable as normal a life as possible for the Palestinians in the Gaza Strip and in the rest of the Occupied Territories.

To ensure that no restrictions on the movement of Palestinians and goods are imposed unless they relate to a specific security threat, are non-discriminatory and proportionate in impact, and are of limited duration.

To ensure that if restrictions are imposed they do not obstruct freedom of movement, or violate the right to an adequate standard of living - including adequate food, clothing and housing. Restrictions also must not violate other human rights of Palestinians', including their right to work, to education and to the highest attainable standard of health.

Amnesty International calls on all High Contracting Parties to the Geneva Conventions to urge Israel to respect its obligations as an Occupying Power and to take immediate measures to address the humanitarian crisis in the Gaza Strip.

Amnesty International reiterates its call on all Palestinian armed groups to put an immediate end to indiscriminate attacks and deliberate attacks on Israeli civilians. Such attacks are prohibited at all times and under any circumstances.

The organization also reiterates its call on the PA to do its utmost to stop and prevent such attack by Palestinian armed groups and to investigate any such attacks or attempted attacks which may occur, and bring to justice those responsible, including those responsible for past attacks.

Background

The Israeli authorities contend that Israel's occupation of the Gaza Strip ended when Israeli troops were withdrawn from the Strip in September 2005 and, consequently, that Israel is no longer bound by its obligations as an occupying power under international law in the Gaza Strip.

However, Israel continues to control all of the Gaza Strip's points of entry and exit, as well as its territorial waters and airspace. Israel does not allow the Gaza Strip to have a seaport and destroyed Gaza's airport in 2001, and only allows goods to enter or leave Gaza via Israel. Palestinian residents of the Gaza Strip are permitted to cross the border between the Gaza Strip and Egypt on foot via the Rafah crossing which is administered by the *European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah)*, but foreigners are only allowed to enter or leave the Gaza Strip via Israel.

As it remains in effective control of the Gaza Strip, Israel remains bound by its duties as the Occupying Power, as enumerated in the Fourth Geneva Convention. This Convention (Article 33) prohibits the collective punishment of protected persons: "No protected person may be punished for an offence he or she

has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited."

According to Article 55 of Geneva IV "To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate." And Article 59 specifies: "If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal."

Israel is also bound by its obligations as a state party to the International Covenant on Economic, Social and Cultural Rights. Particularly relevant are Article 11, the right of everyone to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions; and Article 12, the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

Lengthy procedures and delays at the Karni/Muntar crossing have significantly increased the cost of imports/exports and the frequent closures have exacerbated this impact, with products being damaged or wasted and Palestinian traders losing business in the export market because they are unable to guarantee that they can get their merchandise to their customers.

The international community, including the UN and the EU, has for years expressed concern at the devastating impact on the Palestinian economy of Israel's policy of imposing closures and strict movement restrictions in the Occupied Territories. In 2003 the World Bank noted that: "*The proximate cause of the Palestinian economic crisis is closure*"(1).

The free movement of persons and goods is an essential element of any functioning economy, particularly so for a new economy trying to develop and establish itself against the backdrop of dependency arising from four decades of occupation. In the Gaza Strip unemployment runs at half the labour force and some two thirds of the population live in poverty and rely on international aid. So long as Israel continues to impose such restrictions on the movement of people and goods Palestinians have little hope for a better future.

In recent weeks, Israel has sought to impose a new arrangement whereby goods entering or leaving the Gaza Strip must pass through the Kerem Shalom crossing, near the south-eastern tip of the Gaza Strip. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), this crossing point has only a fraction of the capacity of the Karni/Muntar crossing and is not equipped to handle the large cargo necessary to meet the Gaza Strip requirements (2). In addition, the use of the Kerem Shalom crossing would entail a detour of several kilometres on both the Israeli and Palestinian sides, further adding to transport costs for Palestinians.

(1) "Twenty-seven Months - Intifada, Closures and Palestinian Economic Crisis: An assessment", World Bank, May 2003

(2) Gaza Strip Situation Report; The Humanitarian Impact of the Karni Crossing Closure: Bread running out in Gaza. UN OCHA, 19 March 2006.

