



# 23 Days of War, 928 Days of Closure

Life One Year after Israel's Latest Offensive on the Gaza Strip, 27 December 2008 – 18 January 2009



The Kader family breaks their daylong fast during Ramadan amid the rubble of their home in Jabaliya. Photo: Eman Mohammed.

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## Introduction

The Palestinian Centre for Human Rights (PCHR) have released this report in order to highlight the reality of life in the occupied Gaza Strip, and to illustrate the dramatic deterioration in the human rights situation brought about by 928 days of continuous illegal closure,<sup>1</sup> as well as numerous offensives, incursions, and attacks.

Over the course of 42 years of occupation, Israeli occupation forces have consistently violated international law. These violations have been well documented and reported, yet despite a significant level of media and political attention, the international community has continued to grant Israel impunity, a fact recently illustrated by the international reaction to the publication of the Report of the United Nations Fact Finding Mission on the Gaza Conflict (the "Goldstone Report"). This impunity, which has been a consistent feature of the occupation, has resulted in continuous and escalating violations of international law, and the denial and violation of Palestinian civilians fundamental human rights. This reality was graphically underlined by Israel's 23-day assault on the Gaza Strip – codenamed Operation Cast Lead – which lasted from 27 December 2008 to 18 January 2009.

It is evident that if the rule of law is to be respected – if it is to prove capable of protecting civilian populations – then it must be enforced. Victims' rights to the equal protection of the law, and an effective judicial remedy must be upheld, Israel and individual Israeli officials and soldiers must be held to account for their actions.

International human rights law (IHRL) and international humanitarian law (IHL) form the core bodies of law referenced in this report. However, PCHR wish to emphasize that the international community may also be in violation of their own legal obligations. Common Article 1 of the Four Geneva Conventions requires all High Contracting to respect and ensure respect for the Conventions in all circumstances; there is no valid pretext, legal or otherwise, for not respecting the Conventions in their entirety. Article 16 of the International Law Commission's Articles on State Responsibility for Internationally Wrongful Acts places an obligation on the individual states of the international community not to aid or assist the commission of an internationally wrongful act. Such aid and assistance includes, *inter alia*, financing the wrongful acts in question. Article 41 explicitly prohibits States from rendering aid or assistance sued to maintain the situation created by a serious breach of international law. By continually covering the financial cost associated with Israel's illegal actions in the oPt, individual States are in breach of their own international obligations, and complicit in the occupation's violations of international law.

Note: Unless otherwise noted, all figures provided herein are based on PCHR's documentation.

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<sup>1</sup> 14 June 2007 – 27 December 2009.

## Israel's Offensive on the Gaza Strip: 27 December 2008 – 18 January 2009



The Tel al-Hawa home of Majed Hassan Al Nakhala, a pharmacist, which was attacked by tanks on 15 January 2009. Photo: Kent Klich.



## Introduction

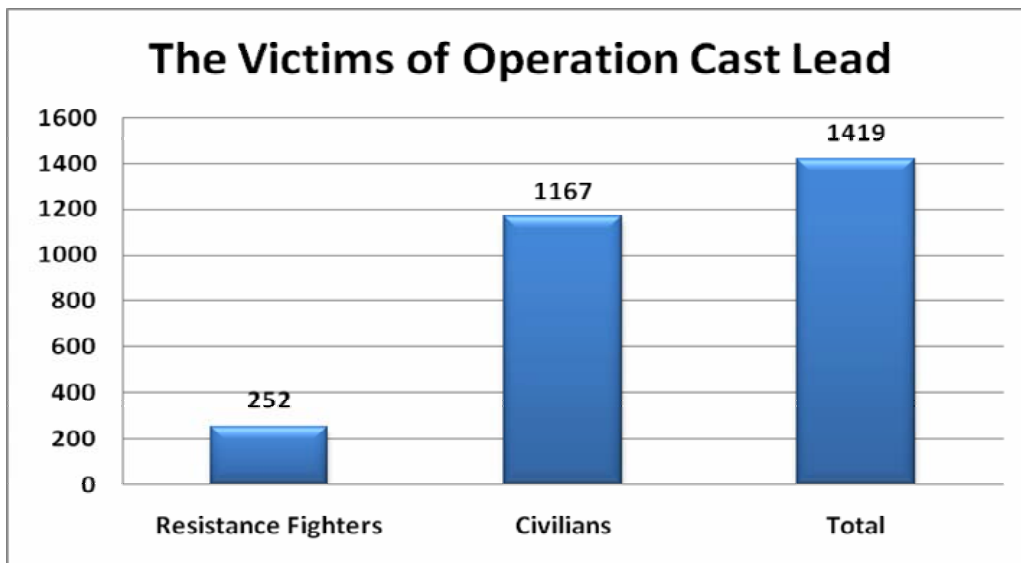
During the latest Israeli offensive on the Gaza Strip (27 December 2008 - 18 January 2009), Israeli occupation forces killed over 1,400 Palestinians, the overwhelming majority of whom were civilians, and wounded thousands more. They directly targeted and attacked private homes and civilian institutions, including hospitals and schools. Exacerbating the effects of the continuing illegal closure, the offensive had a devastating impact on the overall economy of the Gaza Strip. Civilian workshops and factories were directly targeted and agricultural land was razed, destroying farms, fields and irrigation systems that formed the basis of farmers' livelihoods. As reconstruction is impossible due to the illegal closure, the hardship brought about by this destruction has only increased in the last twelve months.

PCHR believe that Israeli occupation forces committed serious violations of IHL and IHRL over the course of the offensive. Violations entailing individual criminal responsibility include – but are not limited to – the crimes of wilful killing, the extensive destruction of civilian property, the direct targeting of civilians and civilian objects, the use of human shields, and the launching of indiscriminate attacks. However, it must be emphasized that although the scale and brutality of the offensive was unprecedented, the underlying crimes have been a consistent feature of Israel's occupation policy. It is evident that these crimes demand judicial redress. If the law is to be respected – if it is to prove capable of protecting civilian populations – it must be enforced; victims' rights to the equal protection of the law and effective judicial remedy must be upheld. Those responsible for committing such crimes must be investigated, tried and prosecuted in accordance with international standards.

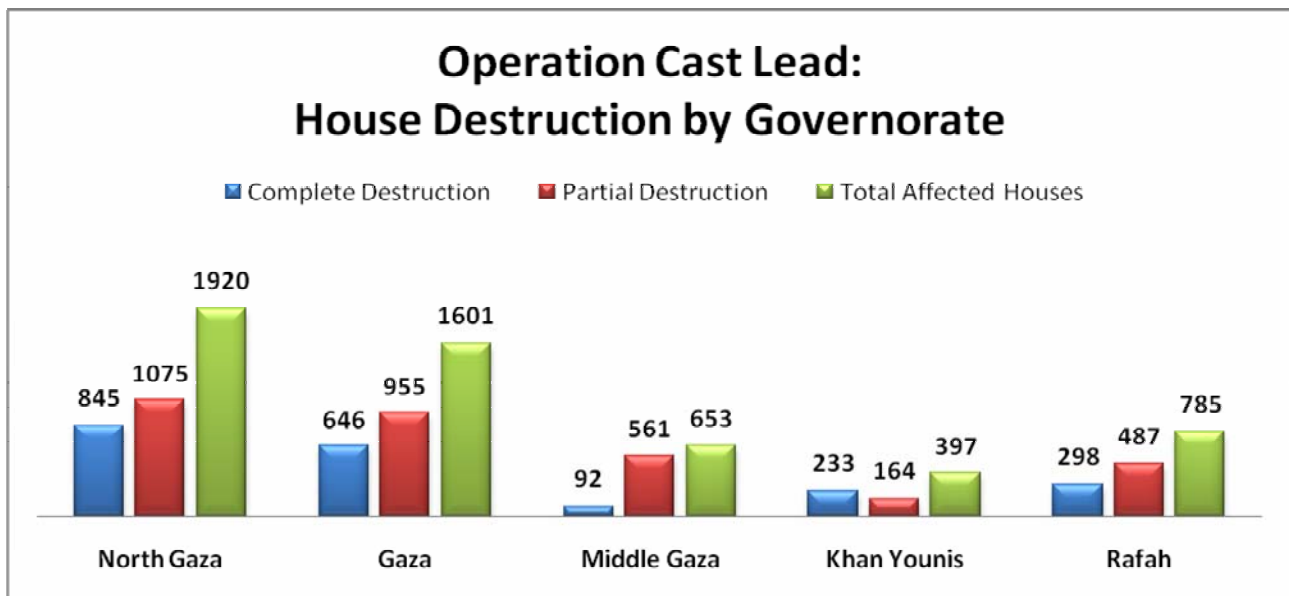
If the occupation has taught us anything it is that as long as Israel is granted impunity, it will continue to violate international law, Palestinian civilians will continue to suffer the horrific consequences.

## The Victims

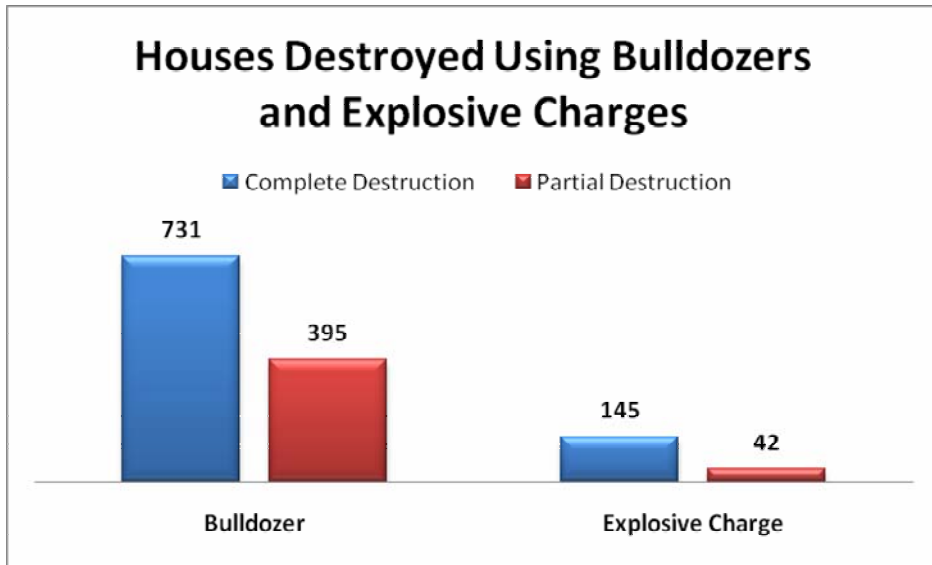
Over the course of the offensive, Israeli occupation forces killed **1,419** Palestinians, and wounded over **5,300**. The vast majority of those killed were civilians entitled to full protection and immunity from attack under IHL (**1,167** protected persons, **82.2%**); **326** were children, and **111** were women. This figure includes the **251** non-combatant police officers killed during the offensive. These policemen were not members of an armed group and were not participating in hostilities; their targeting and wilful killing constitutes a grave breach of the Geneva Conventions. Of the injured, approximately **1,600** were children, and approximately **860** were women.



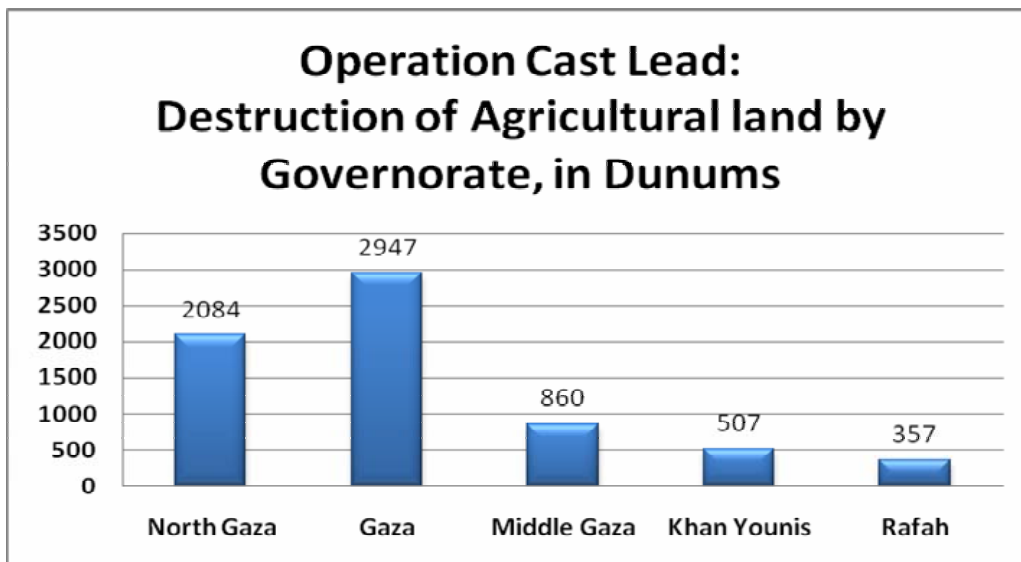
## The Destruction of Civilian Property



During the offensive, Israeli occupation forces extensively targeted and destroyed civilian property throughout the Gaza Strip. PCHR figures indicate that **2,114** houses (comprising **2,864** housing units) were completely destroyed, affecting **3,314** families (**19,592** individuals). **3,242** houses (**5,014** housing units) were partially destroyed – rendered uninhabitable – affecting **5,470** families (**32,250** individuals). A further **16,000** houses suffered moderate damage. As a result of Israel’s continuing illegal closure, reconstruction and rehabilitation has proved impossible; **18.5%** of households in the Gaza Strip have an urgent need for reconstruction of their housing unit, while **16.8%** have an urgent need for repairs. **20,000** individuals remain homeless.



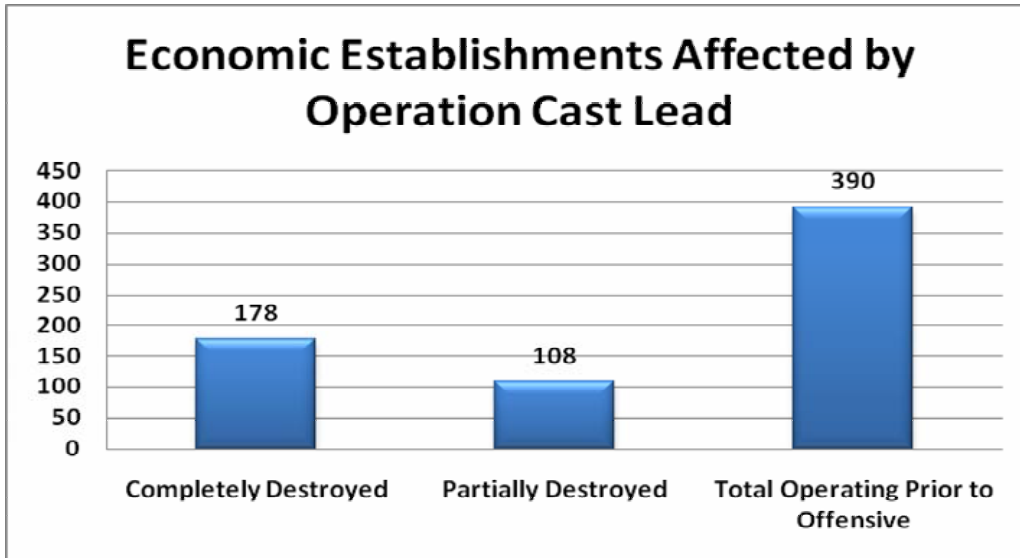
PCHR believe that the majority of the destruction took place in situations void of military necessity in acts amounting to war crimes. For example, at least 876 houses were destroyed and 437 houses partially destroyed using bulldozers or explosive charges. The nature of this destruction requires that soldiers approach and/or enter a building. Given the reality of combat and the dangers posed to troops, it is inconceivable that Israeli occupation forces would approach a building, whether on foot or in a bulldozer, from which resistance activists were firing, in order to demolish it. Equally, given the danger posed to troops by secondary explosions, it is presented that Israeli forces were confident that houses demolished, either by explosive charges or bulldozers, were not booby-trapped. The extensive destruction of property not justified by military necessity is a grave breach of the Geneva Conventions, while the targeting of civilian objects is a war crime.



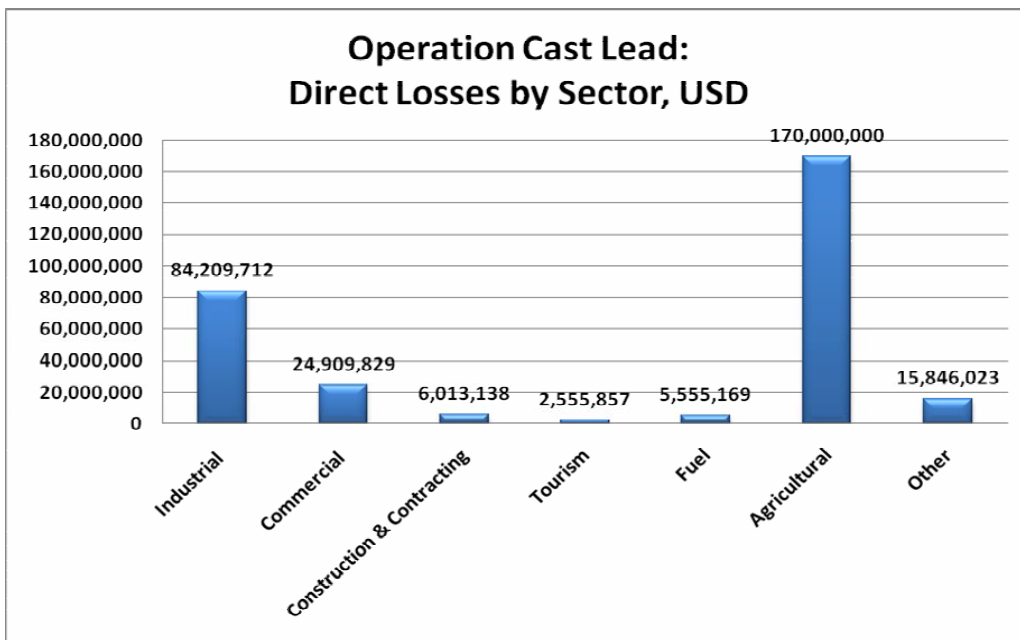
Israeli forces also extensively and deliberately destroyed large amounts of agricultural land, predominantly using bulldozers in situations completely devoid of military necessity. In total 6,855



dunums<sup>2</sup> of agricultural land, including almond farms and export-oriented flower farms, were destroyed. Losses incurred to this sector (**USD 170 million**) account for **55%** of total direct losses incurred as a result of the offensive. Gaza’s agricultural sector used to employ **40,000** individuals, providing food for **25%** of the population.



Of the **390** economic establishments still operating prior to the Israeli offensive, **286** were either completely or partially destroyed.



As a result of destruction caused during the offensive the economic sector in Gaza suffered direct losses of **USD 309,089,188**. The extensive destruction of property not justified by military necessity is a

<sup>2</sup> 1 dunum = 1000 square metres.

grave breach of the Geneva Conventions, the targeting of civilian objects (including agricultural land) is a war crime. Denying a civilian population its means of sustenance violates Article 54 of Additional Protocol I – which forms part of customary international law – while collective punishment violates Article 33 of the Fourth Geneva Convention.

## The Illegal Closure of the Gaza Strip



A worker descends into a 20-metre deep tunnel near the Rafah border between Gaza and Egypt. Photo; PCHR.

## Introduction

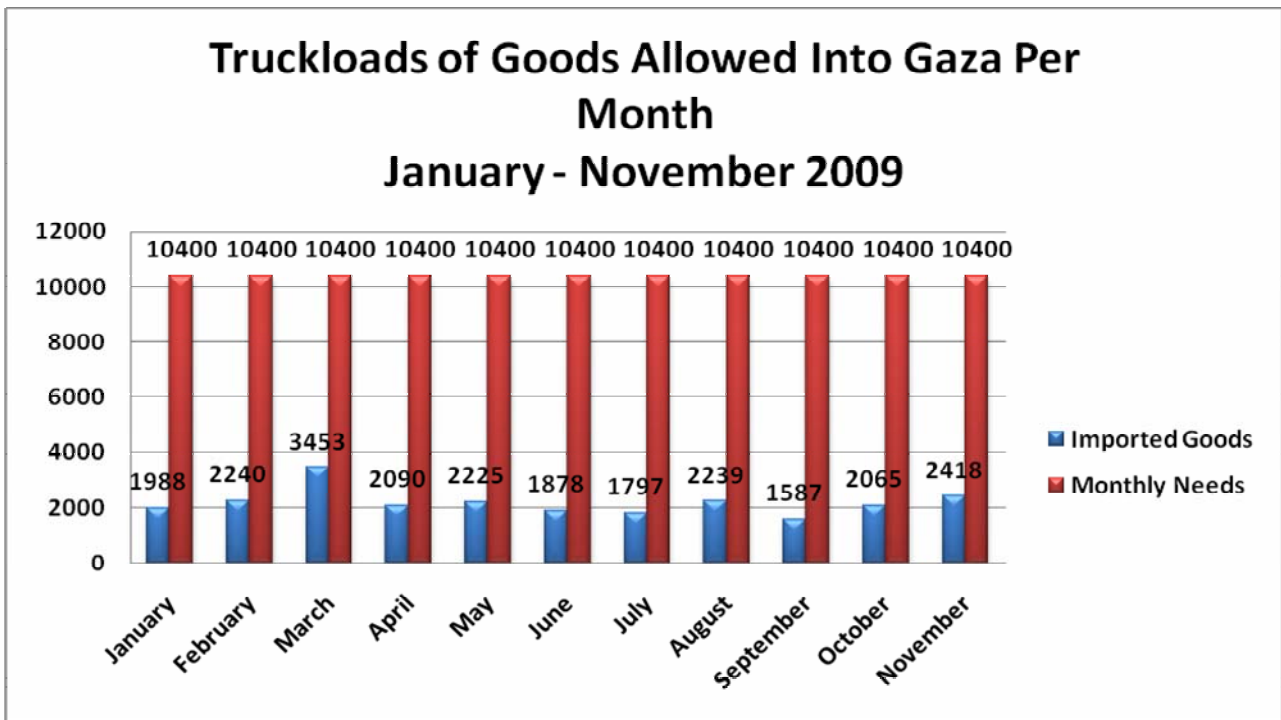
Israel has subject the Gaza Strip to a closure policy since 1991, however, its current, most extreme form, has been applied continuously since 14 June 2007, following the Hamas takeover of the Gaza Strip. Despite the Hamas-Israel ceasefire between June and November 2008, and the effects of Operation Cast Lead, the closure regime has been continuously applied. Today, the Gaza Strip has been completely cut off from the outside world for over 2½ continuous years. Palestinians are not allowed to leave the territory, goods are not allowed to be exported, and imports have been illegally reduced to a very limited number of items in dramatically insufficient quantities.

The illegal closure of the Gaza Strip is enacted as a form of collective punishment. The current closure regime is in violation of numerous principles of IHL and IHRL, *inter alia* Article 43 of the Hague Regulations, Articles 33, 55 and 56 of the Fourth Geneva Convention, and the right to life, the right to the highest attainable standard of living, the right to the highest attainable standard of health, the right to freedom of movement, and the right to live in human dignity.



Gaza Strip Crossings, source: OCHA

Israel controls 5 border crossings: Erez (passenger traffic), Nahal Oz (fuel depot), Karni (conveyor belt for grains), Sufa, and Karm Abu Salem/Kerem Shalom (both for humanitarian goods). Under the terms of the Agreement on Movement and Access Israel also exerts ultimate control over the opening of Rafah crossing.<sup>3</sup> Nahal Oz and the Karni conveyor belt are gradually being closed, making Karm Abu Salem the main crossing for goods into Gaza, although its capacity is not sufficient to support even the passage of the limited goods allowed for import – currently approximately 40 items determined by the Israeli government. The type and amount of goods imported over the past year has been insufficient to meet the needs of the 1.5 million people trapped inside the Gaza Strip.

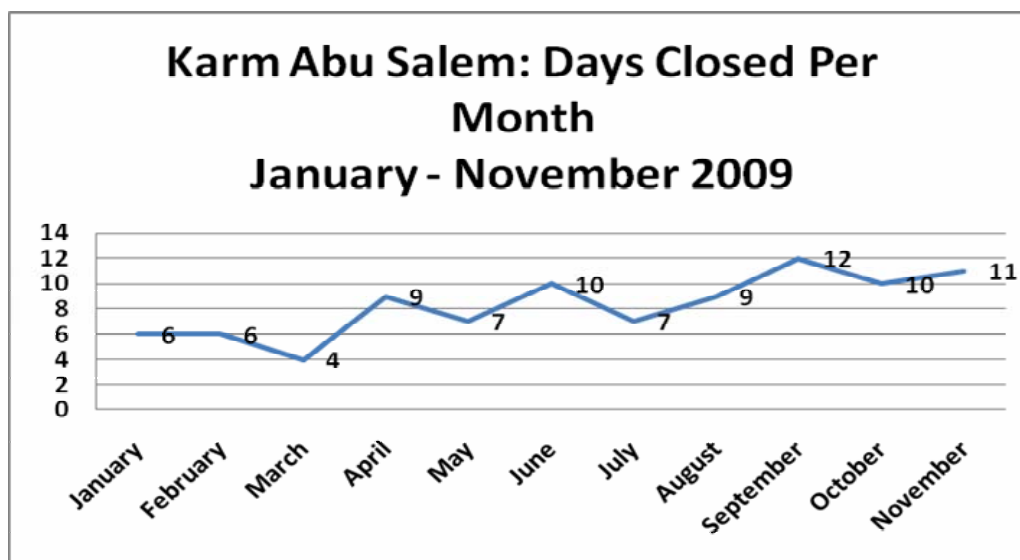


Following a decision of the Israeli government in September 2007, the supply of electricity and fuel into Gaza has been dramatically reduced, in blatant violation of Israel’s obligations as an Occupying Power responsible for the well-being of the population in occupied territory. This illegal decision has been endorsed by the Israeli High Court of Justice. On average, only 49.48% of Gaza’s fuel needs are imported, however, this figure has dropped significantly in the past two months.

<sup>3</sup> Rafah crossing has opened sporadically for humanitarian reasons since June 2007. However, Egyptian authorities report that they still pass lists of those wishing to travel to Israel authorities. All parties have stated that any ‘normal’ opening of Rafah crossing will be conditioned on the Agreement on Movement and Access.

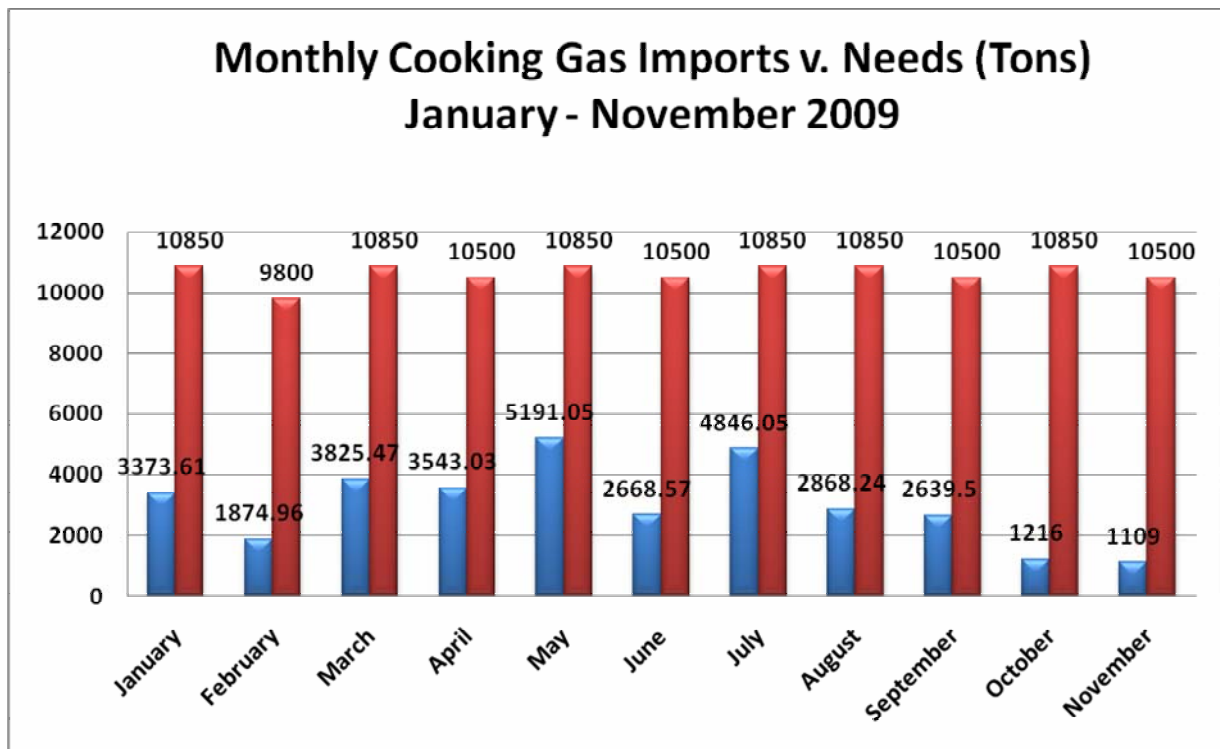
<b>Industrial Fuel Imports v. Requirements January – 24 November 2009</b>				
<b>Month</b>	<b>Imported</b>	<b>Required</b>	<b>HCJ Allowance</b>	<b>Percentage of Total Needs</b>
January	3,483,980.00	15,500,000.00	9,742,857.01	22.47
February	7,978,450.00	14,000,000.00	8,799,999.88	56.98
March	7,437,360.00	15,500,000.00	9,742,857.01	47.98
April	7,927,481.79	15,000,000.00	9,428,571.30	52.84
May	13,604,390.00	15,500,000.00	9,742,857.01	87.77
June	9,502,050.00	15,000,000.00	9,428,571.30	38.00
July	9,736,840.00	15,500,000.00	9,742,857.01	62.81
August	7,936,330.00	15,500,000.00	9,742,857.01	51.20
September	11,101,873.00	15,000,000.00	9,428,571.30	74.01
October	4,233,000.00	15,500,000.00	9,742,857.01	27.30
November	2,750,260.00	12,000,000.00	7,542,857.04	22.91

Karm Abu Salem (Kerem Shalom) is now the principle crossing used. The main crossing at Karni was closed in June 2007. Israel has recently begun closing Karm Abu Salem on Fridays, reducing further the quantities of imports.



Recent construction at Karm Abu Salem means that it is now the main crossing point for industrial fuel and gas, including cooking gas. However, the pipelines at Karm Abu Salem can only handle **100 tons** per day, compared to a total capacity of **400 tons** at Nahal Oz.





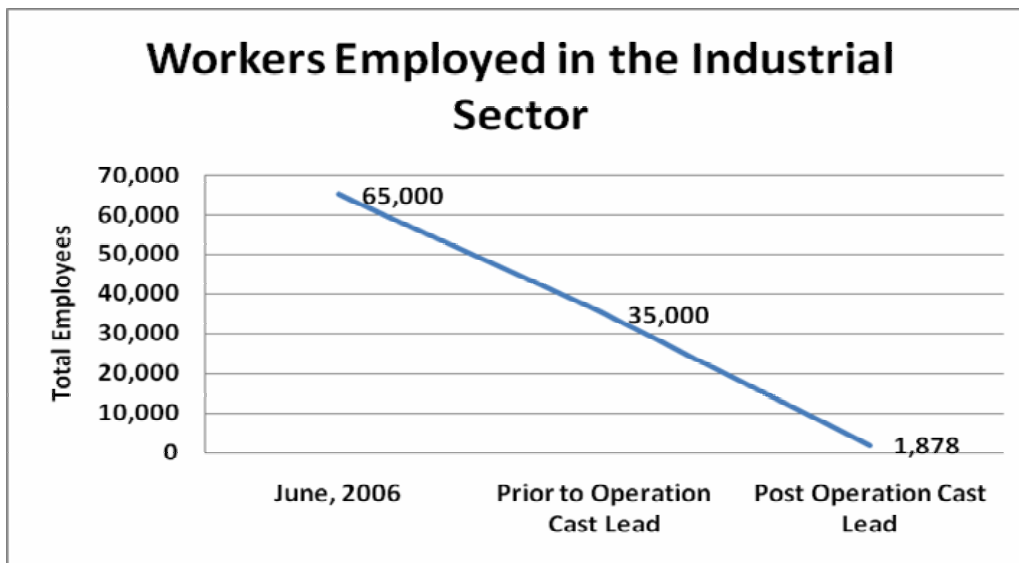
## Poverty, Unemployment and Food Insecurity

The closure has had a devastating impact on the economy of the Gaza Strip, fundamentally undermining the human rights situation, and contributing to the emergence of a man-made, and completely preventable, humanitarian emergency. Poverty levels have reached an estimated 80%, while unemployment stands at over 42%, and in some governorates, such as Khan Younis, over 55%; these levels are among the highest in the world.<sup>4</sup> 18.6% of households report a decrease in income since the Israeli offensive, and at 1,567 NIS the average monthly household income is lower than the average monthly household expenditure of 1,734 NIS per month.<sup>5</sup>

Although precise details on the true extent of the situation are unavailable, some illustrative examples are presented below. Prior to the start of Israel's illegal closure in June 2007 there were 3,900 economic establishments operating in the Gaza Strip, employing approximately 150,000 workers - who provided for approximately 500,000 individuals. As a result of the closure, 90% of these establishments were closed by the start of the offensive. When Israel declared a unilateral ceasefire on 18 January 2009, only 104 economic establishments had escaped damage or destruction.

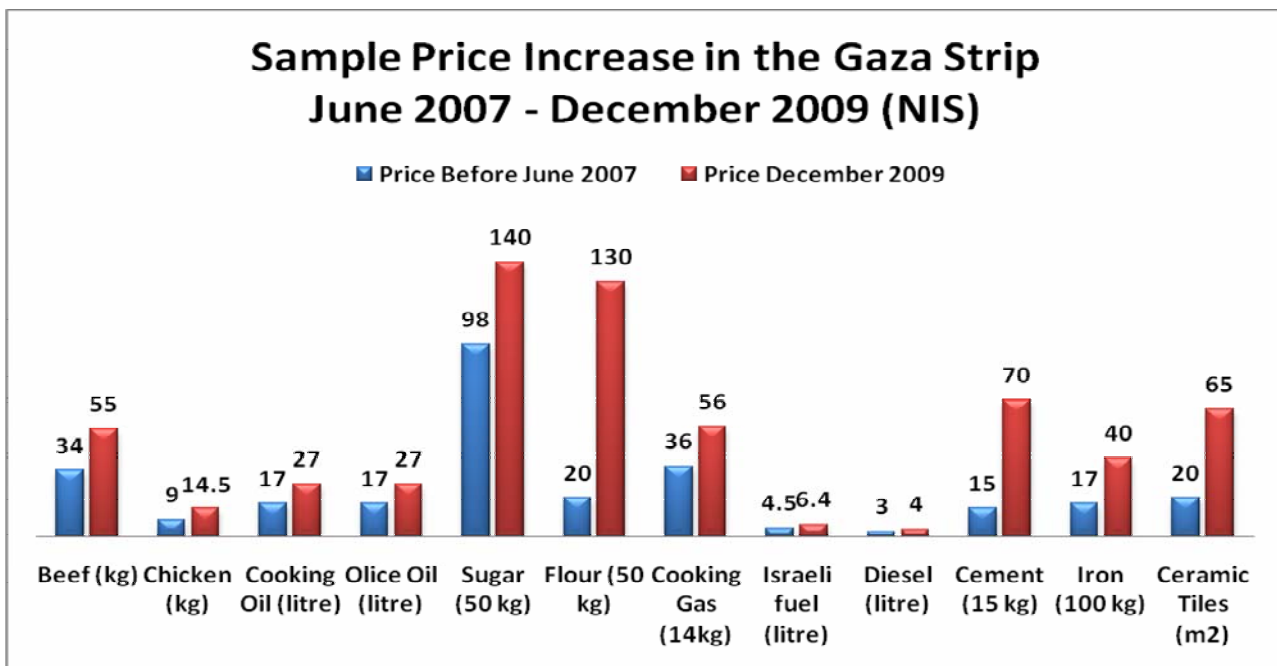
<sup>4</sup> Unemployment figures according to ILO definitions, from: PCBS, *Press Release on Labour Force Survey Results (July-September, 2009)*, 2 December 2009.

<sup>5</sup> Palestinian Central Bureau of Statistics, *Main Results Survey on the Impact of War and Siege on Gaza Strip*, October 2009.



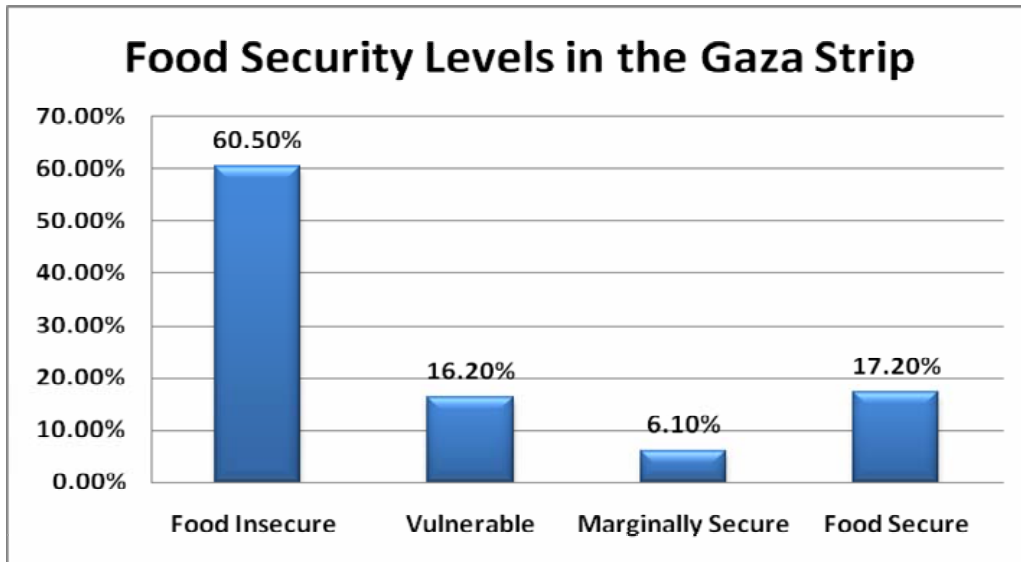
Before the current closure, Gaza's industrial sector employed approximately 65,000 workers. Immediately prior to the offensive, this number had dropped to 35,000. After the offensive the industrial sector now employs a mere 1,878 workers.

The closure has also resulted in often dramatic price increases, forcing families to modify their purchasing habits, often at the expense of nutritional balance. The Palestinian Central Bureau of Statistics (PCBS) report that 33.7% of households in Gaza now consume lower quality food, and 16.2% consume less food. In addition, 47.8% of households do not have the ability to pay bills, while 48.5% of households purchase food on credit.<sup>6</sup>



<sup>6</sup> Palestinian Central Bureau of Statistics, *Main Results Survey on the Impact of War and Siege on Gaza Strip*, October 2009.

The high levels of poverty and the price increases caused by the closure directly affect food security levels of Gaza's population. **60.5%** of Gazans are considered food insecure and a further 16.2% are vulnerable to food insecurity.<sup>7</sup>



### Tunnels along the Egyptian Border

As a result of Israel's ongoing illegal closure, Palestinians have been forced to resort to smuggling goods into the Gaza Strip in order to ensure a basic level of goods and commodities, including food staples, basic hygiene items, fuel, and cooking gas. An extensive underground network of hundreds of tunnels exists along the border between the Gaza Strip and Egypt, and the import of goods is tightly controlled and taxed by the government in Gaza.

<sup>7</sup> FAO/WFP, *Socio-Economic and Food Security Survey Report 2 – Gaza Strip*, November 2009.



Work in these tunnels is extremely dangerous. The border area is regularly bombed by Israeli forces, with the stated aim of destroying tunnels, and tunnel collapse is also frequent. From February to November 2009, PCHR figures indicate that 64 individuals were killed in accidents in the tunnels, including tunnel collapse, suffocation, electrocution, and gas leaks. The overwhelming majority of those killed – 46 – were youth between 15 and 24 years of age, and of these 4 were children. In addition, 7 individuals were killed as a result of Israeli attacks on the tunnels.

### International Donor Complicity in Israeli Violations of International Law

On 2 March 2009, major international donors convened in Sharm al-Sheikh to collectively respond to the destruction caused by Israel's 23 day military offensive on the Gaza Strip. During the conference, a total of \$4.5 billion was pledged in reconstruction funds for Gaza. In light of the extensive destruction across the Gaza Strip, especially the destruction of civilian homes and infrastructure, reconstruction is urgent.

However, by agreeing to reconstruction without specific, binding assurances from the State of Israel, international donors are effectively underwriting Israel's illegal actions in the occupied Palestinian territory (oPt). International law – including IHRL, IHL, and the law of state responsibility for wrongful acts – places specific, binding obligations on the State of Israel (based, *inter alia*, on its duties as an Occupying Power) with respect to the maintenance and development of normal life in occupied territory. By repeatedly restricting their action to providing aid, without holding Israel accountable for its specific obligations, international donors are relieving Israel of its legally binding responsibilities.

Individual donor States – as High Contracting Parties to the Geneva Conventions – are under an obligation to ensure respect for the Conventions at all times. They are also bound by international law which prohibits complicity in internationally wrongful acts. By repeatedly covering the cost of the occupation, without demanding accountability from Israel, the international community is implicitly encouraging violations of international law perpetrated by Israeli forces in occupied territory: individual donor States may thus be acting contrary to their own legal obligations.

Such action negatively impacts upon respect for the rule of law, and is in violation of States' legal obligations. Ultimately, the continuation of this policy may reduce the protections afforded to civilian populations, further exposing them to violations of the laws of war.

International donors must demand specific, concrete assurances from the State of Israel. These assurances, and the political will necessary to ensure their compliance, must form an integral part of international assistance to the Palestinian people. As the responsible party, Israel must accept the consequences of its actions. As illustrated in the fact sheet, the State of Israel is subject to explicit legal obligations: it bears the responsibility for reconstructing and maintaining the Gaza Strip. Bank rolling the occupation without demanding an end to its violations is equivalent to tacit complicity on the part of the international community

Reconstruction aid must be accompanied by strict conditions and assurances from the State of Israel. Otherwise, the taxpayers of the international community will continue to support an endless cycle of aid-destruction-aid-reconstruction. The Palestinian people will continue to suffer at the hands of a brutal and illegal occupation.

International assistance is most appropriate at the political level. It has become increasingly evident that international aid alone cannot resolve the conflict. In order to facilitate long-term development and recovery, political will and political action are required. All potential avenues that accord with humanitarian and human rights law must be pursued in order to ensure the State of Israel's compliance with international law. We call on the taxpayers of the international community to exert pressure on their governments, to lobby on behalf of the rights of the Palestinian people, and to ensure that their money is no longer wasted by governments willing to fund a school but not willing to take action in response to that school's destruction, or to ensure that the cement necessarily for its reconstruction is permitted to enter Gaza.

For further information see, *Palestinian and Israeli Human Rights Organisations call for End to International Donor Complicity in Israeli Violations of International Law*.<sup>8</sup>

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<sup>8</sup> Available at, [http://pchrgaza.org/files/PressR/English/2009/06-05-2009\\_2.html](http://pchrgaza.org/files/PressR/English/2009/06-05-2009_2.html).

## The 'Buffer Zone'



The 'Buffer Zone' the south of Khan Younis governorate – an Israeli watch tower is visible at a distance of 350 metres. Photo: PCHR.



## Introduction

Since Israel's disengagement from the Gaza Strip in September 2005, Israeli occupation forces have established a 'buffer zone', an area prohibited to Palestinians, along the land and sea borders of the Gaza Strip. The precise areas designated by Israel as 'buffer zones' are unknown and Israeli policy is typically enforced with live fire.

The establishment of a so-called 'buffer zone' is illegal under both Israeli and international law. Under the Oslo Accords, Israel is legally bound to allow fishing up to 20 miles off the coast of the Gaza Strip. On land, there is no military necessity associated with the establishment of permanent 'closed military areas' inside the Gaza Strip. This effective confiscation/seizure of property violates Article 23(g) of the Hague Regulations, and constitutes a grave breach of the Geneva Conventions. Preventing Palestinians from access to their land, and fishing areas, violates numerous provisions of international human rights law, including the right to work, the right to the highest attainable standard of living, and the right to the highest attainable standard of health. Enforcing the 'buffer zone' by means of live fire often results in the direct targeting of civilians, a war crime; killings under such circumstances constitute the crime of wilful killing a grave breach of the Geneva Conventions.

## The 'Buffer Zone' on Land and at Sea

The extent of the land buffer zone is variable, extending from a minimum distance of 300m inside the Palestinian side of the Israel-Gaza border to over 2km. The precise depth of the buffer zone is not designated, and is routinely enforced with live fire. Gaza's prime agricultural land lies along the border, and approximately 27,000 dunums of land (approximately 7.5% of the entire area of the Gaza Strip), constituting approximately 30% of Gaza's agricultural land,<sup>9</sup> cannot be worked without severe personal risk. Israeli forces also stage frequent incursions during which they raze areas of land, often at immense financial loss to the owners.

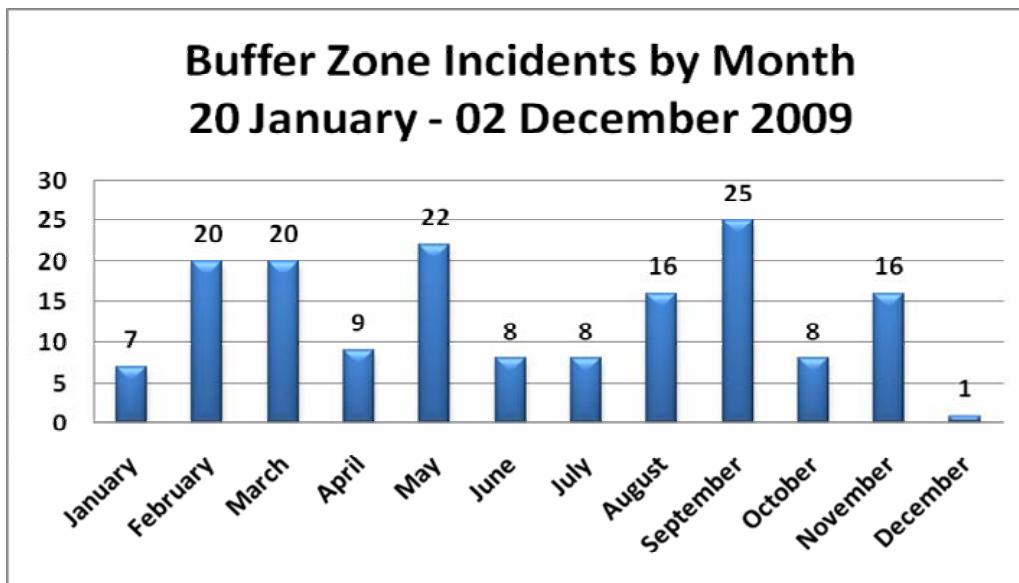
At sea, Israeli occupation forces prevent Palestinian fishermen from travelling more than 3 nautical miles from the shore although the Oslo Accords specify that Palestinian fishermen are legally entitled to fish to a distance of 20 nautical miles. This limitation has led to over-fishing of the areas near the coast and has severely impacted the fishing industry, which supports the families of over 3,400 fishermen and 2,000 workers.

## Attacks in the 'Buffer Zone'

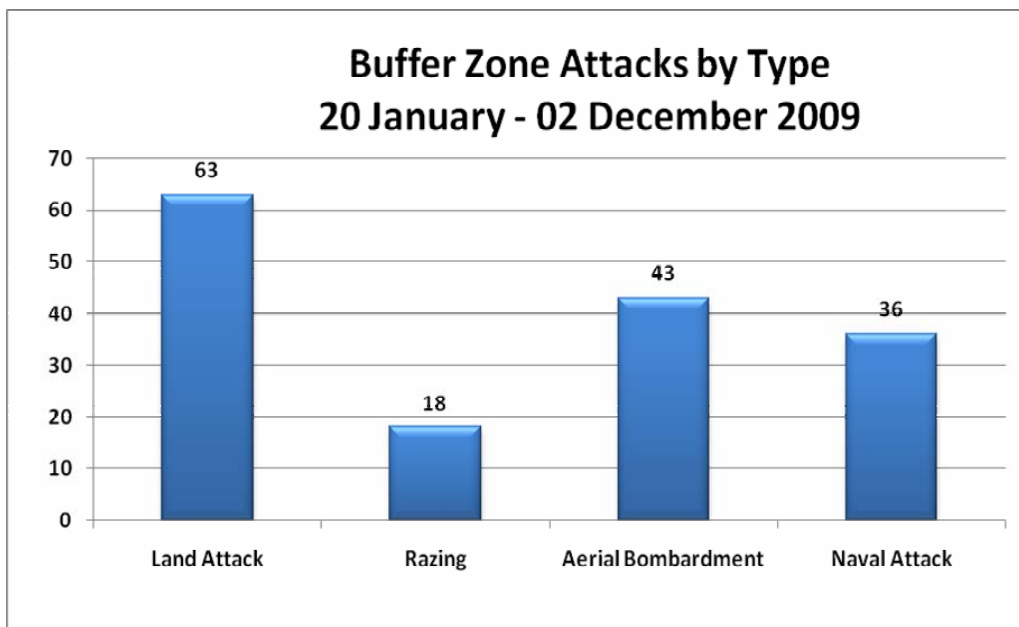
From 20 January 2009, after the end of Operation Cast Lead, to 2 December 2009, Israel launched at least 160 attacks or incursions in the buffer zone.

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<sup>9</sup> FAO, *Agricultural Sector Report: Impact of Gaza Crisis*, March 2009

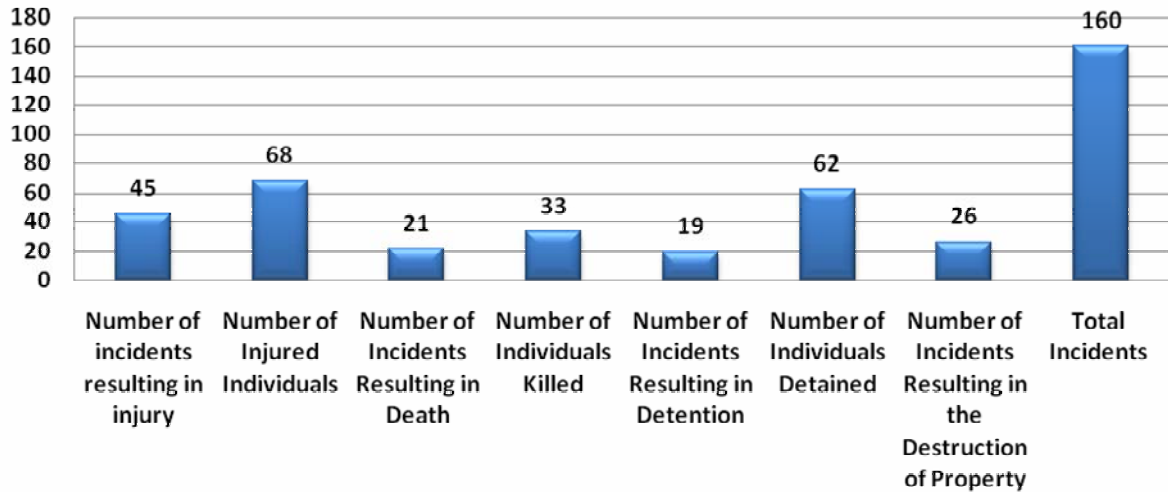


Buffer zone attacks take numerous forms. At sea, Israeli gunboats often fire on or detain Palestinian fishermen, in addition to bombarding coastal areas. On land, Israeli forces stage incursions, or fire from positions on the Israeli side of the border, either with small arms fire or using mortars and artillery. Aerial attacks predominantly target the border between Gaza and Egypt, ostensibly to disrupt the underground tunnel network, however, due to the necessity of such imports, the tunnel industry continues to thrive. An estimated 50,000 individuals are directly or indirectly involved in the industry.



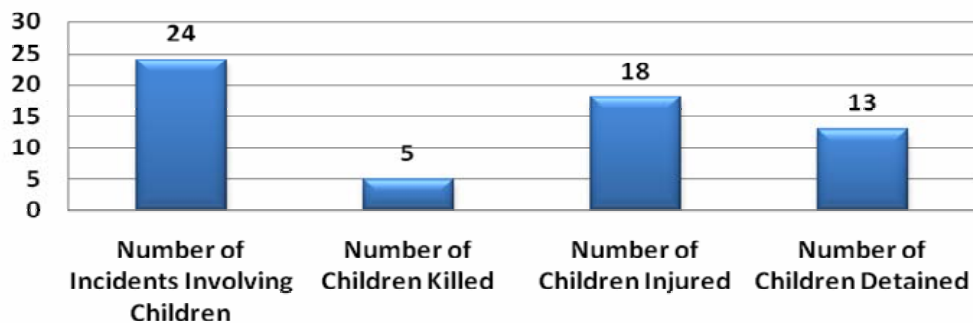
In enforcing this illegal buffer zone policy, Israeli occupation forces frequently target civilians (resulting in death or injury), destroy property, including agricultural land, and detain individuals. From 20 January to 02 December 2009, 33 individuals were killed, 68 injured, and 62 detained.

## Data Related to Injury, Death, Detention and Destruction of Property in the 'Buffer Zone' 20 January - 02 December 2009



All too often, children bear the brunt of these attacks. For example, Palestinian children often play near the buffer zone or on the beach, or work as herders in the now idle agricultural land along the border. From 20 January to 02 December 2009, 5 children were killed, 18 injured, and 13 detained.

## Buffer Zone Incidents Involving Children 20 January - 02 December 2009



## The Health Sector in the Gaza Strip



A bedroom in the eastern wing of Al Wafaa' Hospital, Gaza City, after Israeli shelling on 15 January. Photo: PCHR.

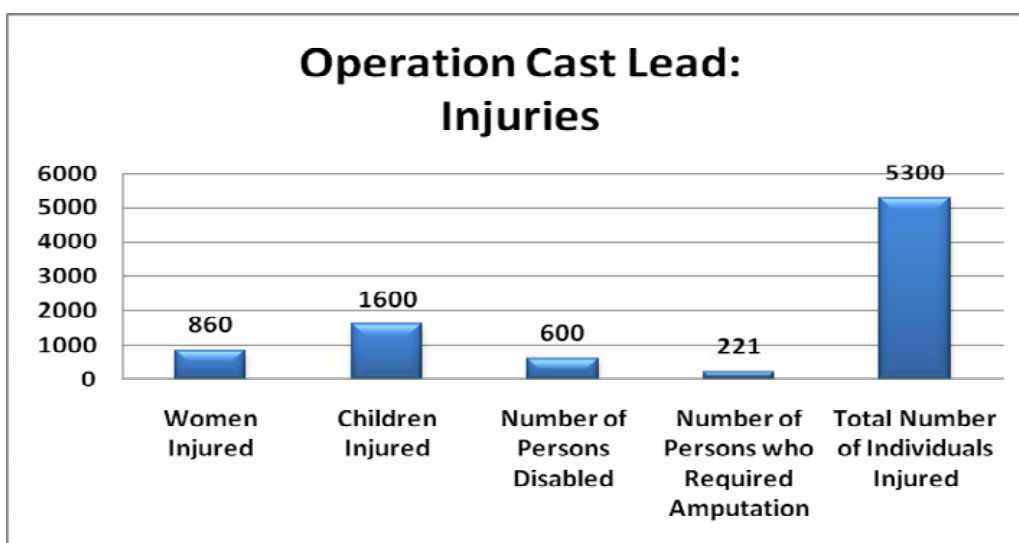
## Introduction

Attacks during the Israeli offensive not only killed hundreds of civilians, they also wounded over 5,300 individuals, many of them severely. This put an enormous strain on Gaza's health sector, which was already severely weakened due to one and a half years of closure. In addition, Israeli forces directly attacked numerous hospitals and health institutions, and hindered humanitarian workers such as ambulance drivers from carrying out their duties, at times even attacking them directly; these attacks had obvious consequences for injured individuals requiring medical treatment. Because the situation in the Gazan Health sector continues to deteriorate, many medical services cannot be provided and patients must attempt to seek treatment outside the Gaza Strip. The procedures for obtaining such medical treatment abroad are complicated and lead to serious delays, and at times even death.

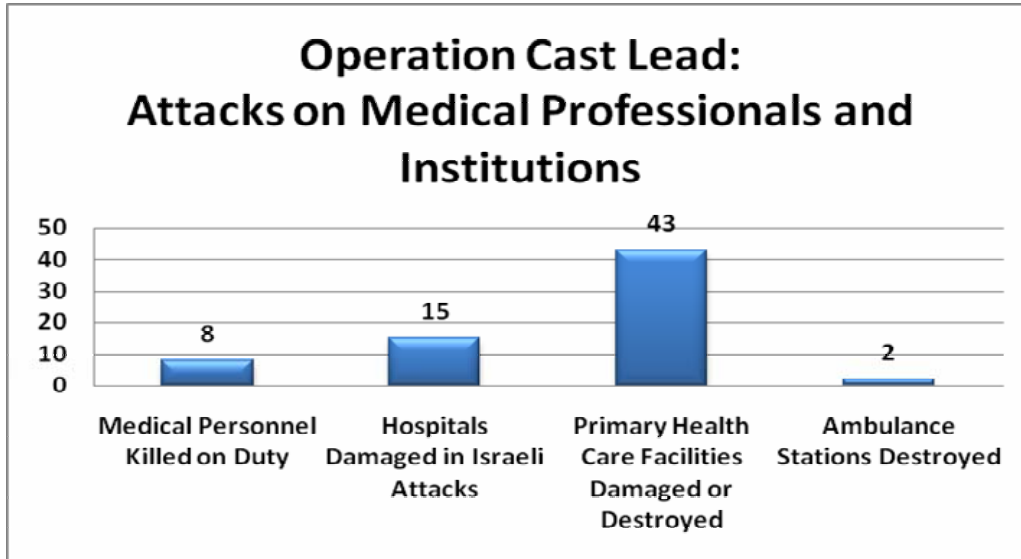
As the Occupying Power, Israel is legally obliged to ensure the maintenance of normal life in occupied Palestinian territory. Articles 55 and 56 of the Fourth Geneva Convention explicitly require that the Occupying Power should – to the fullest extent of the means available to it – ensure the supply of food and medicines, while ensuring and maintaining the health system. As confirmed by the International Court of Justice in its Advisory Opinion on *The Wall*, Israel's actions in the occupied Palestinian territory are also regulated by international human rights law; of principal concern is the right to health enshrined in Article 12 of the International Covenant on Economic, Social and Cultural Rights.

## Damage to the Health Sector caused by the Israeli Offensive

In addition to the over 1,400 Palestinians killed during the Israeli offensive, at least 5,300 individuals were injured. Of these 1,600 were children, and 860 were women. In total, 600 persons suffered permanent disability as a result of injuries sustained during the Israeli assault, and 221 people required amputation.



During the offensive, at least 8 medical personnel were killed on duty. Israeli occupation forces damaged 15 of Gaza's 27 hospitals, and damaged or destroyed 43 of 110 Primary Health Care facilities. 29 ambulances were damaged and destroyed; 2 ambulance stations were also destroyed.



### The effects of the Closure on the Health Sector

As a result of the Israeli closure on the Gaza Strip, essential medical supplies are often unavailable. For example, in November 2009, 24% of essential drugs were at 0% availability, while 17% of essential disposable items were unavailable. It must be noted that the number of unavailable medical supplies has increased dramatically in recent months, for example, in March 2009, 52 essential drugs were at 0% availability, compared to 115 in November, while 68 essential disposable items were unavailable in March compared to 119 in November.

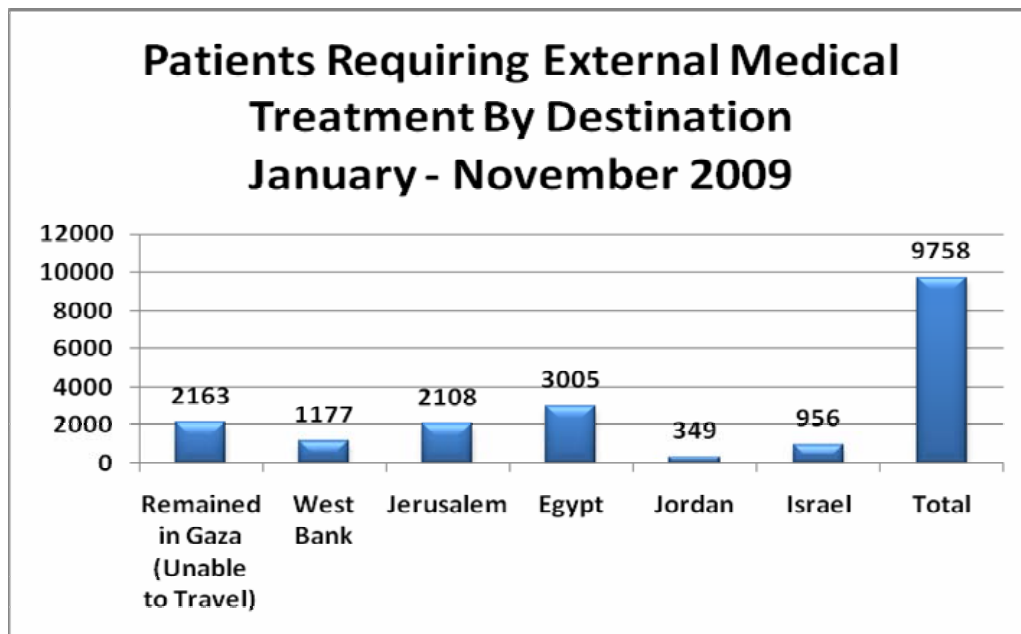




The hospitals and primary health care facilities damaged during the Israeli attacks between 27 December 2008 and 18 January 2009 have not been repaired or rehabilitated due to the ongoing closure of the Gaza Strip, which includes an import embargo on construction materials. However, even before the latest hostilities, hospitals in Gaza were not able to function properly due to lack of medical equipment and supplies, leading to diseases and deaths that could – under normal circumstances – have been easily prevented. As part of the Israeli closure of Gaza, which has lasted since June 2007, many medical supplies are not allowed into Gaza because they are considered 'dual use items,' meaning they could be used to produce weapons. X-ray machines and batteries – which are essential to keep life-preserving medical equipment running during frequent power outages – are among such items. In Gaza's biggest hospital – Shifa – the hospital's new surgical wing has been unfinished since 2006 because of the shortage of construction materials. Additionally, medical staff are not allowed to exit Gaza via Israel to receive training, leaving a large portion of Gazan doctors, nurses, and technical staff without up-to-date clinical skills and technical training - further endangering lives unnecessarily.<sup>10</sup>

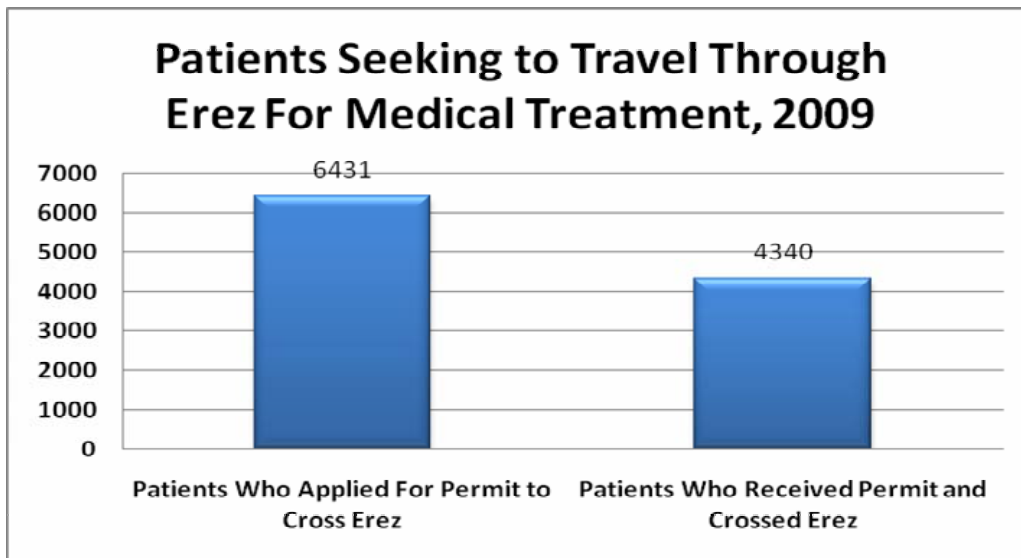
### Medical Referrals Abroad

Due to lack of facilities, training, and equipment, many serious illnesses cannot be treated in local hospitals, forcing patients to seek medical treatment outside of the Gaza Strip. Cardiovascular disease, oncology, ophthalmology, neurosurgery, and orthopaedics are the most common health conditions requiring external treatment.

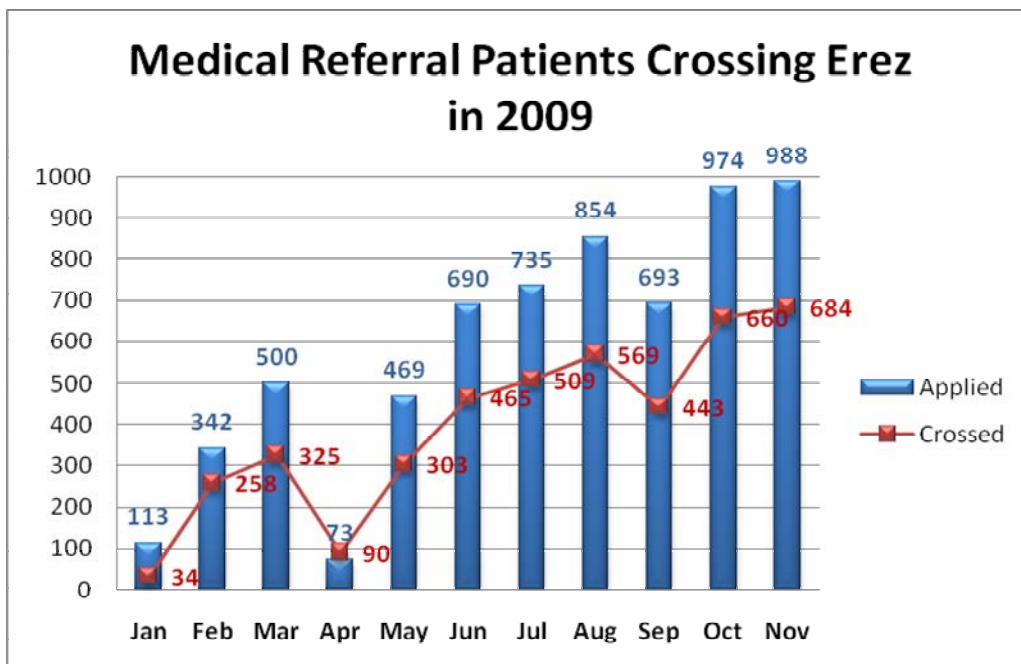


<sup>10</sup> UN and Humanitarian Agencies, *Statement: The closure of the Gaza Strip threatens the health of people in Gaza and prevents the health system from functioning*, December 2009

In the first 11 months of 2009, there were a total of 9,758 patients who required medical treatment outside of Gaza; of these, 2,163 (22%) were denied permission to travel and ended up being treated in Gaza. The largest portion of medical referrals abroad was sent to Egyptian hospitals (30%), it should be noted, however, that timely treatment in Egypt is dependent on the Rafah border crossing being open. From January through November 2009, the crossing was open 33 out of 301 days.



As a result of the delays involved in getting permission to travel outside of the Gaza Strip either through the Erez Crossing to Israel, or the Rafah crossing to Egypt, at least 26 patients died in 2009.<sup>11</sup> Precise figures on the number of patients whose health was affected as a result of delays – for example cancer patients – are unavailable.



<sup>11</sup> WHO, *Referral Abroad of Patients from the Gaza Strip*, November 2009.

In the first 11 months of 2009, 67% of applications for crossing Erez resulted in patients actually crossing the border to receive medical treatment in Israel or the West Bank (including East Jerusalem). While this rate constitutes a slight improvement compared to last year, previous years had much higher acceptance rates: In 2006, 90% of patients were granted permits and in 2007 this number was 82%. Due to a dispute between the health authorities in Gaza and the Ministry of Health in Ramallah, the Medical Referrals Department was closed between 22 March and 27 April 2009. In this period, no applications for referrals were processed.

## Application Procedure to Cross Erez for Medical Treatment<sup>12</sup>

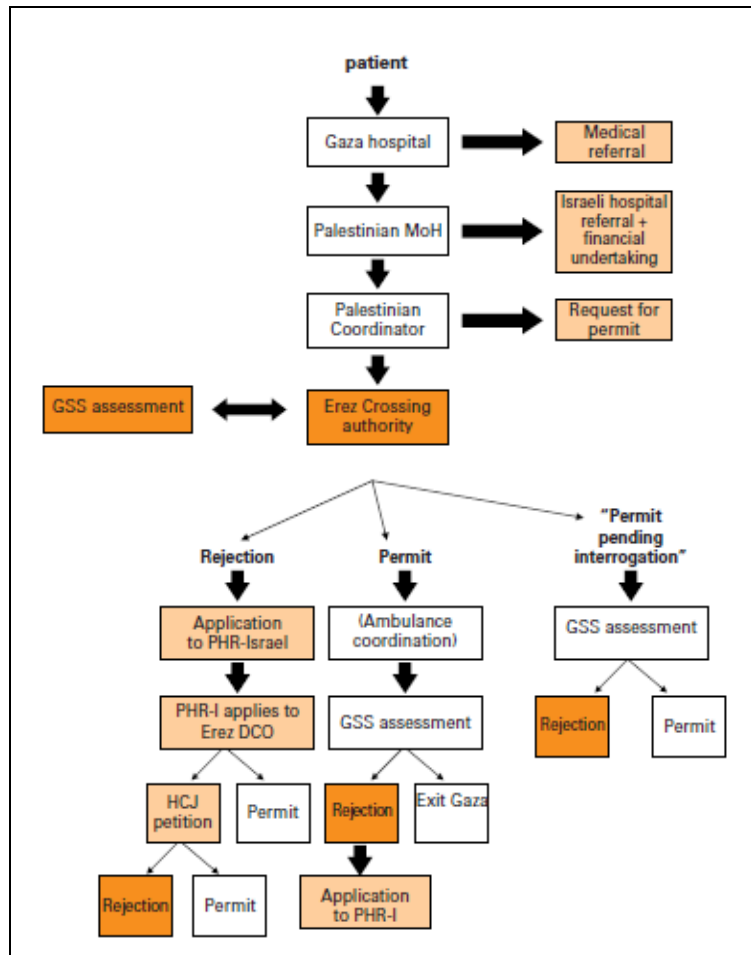
The application procedure is quite protracted and can take months, often causing severe delays in medical treatment. The steps the patient must take to secure a permit to cross Erez are outlined below.

1. Referral Report: The patient must obtain a document with the words "Referral Report" from a government hospital in Gaza. Regular medical documents will not suffice and the referral report will only be considered valid if it is stamped by the attending physician, the department director, and the hospital director.
2. Securing Financial Undertaking: The patient must deliver the Referral Report to the Referral Abroad Department (RAD) at the Ministry of Health (MoH) in Gaza. The officials of this department are appointed by and accountable to the PA Ministry of Health in Ramallah, which funds medical referrals abroad. The RAD makes a recommendation as to where the patient should be referred to and forwards this to the MoH in Ramallah for approval. If patients are not approved for funding by the RAD and the MoH in Ramallah and wish to self-finance their treatment outside of Gaza, they will not receive permits to leave Gaza.
3. Obtaining Hospital Appointment: After receiving the Financial Undertaking, the patient contacts the RAD again in order to obtain a hospital appointment, which depends on the next available date of the hospital and its willingness to receive the patient.
4. Application to Leave Gaza for Medical Treatment: The application materials are submitted to the Palestinian Civilian Committee, which forwards them to the Israeli army's District Coordination Office (DCO). The DCO sends the materials to the Israeli General Security Services (GSS), which makes the final decision on whether to approve or reject applications.
5. Response: The GSS may provide the patient with a permit, refuse a permit (on 'security grounds'), or make the decision dependent on questioning of the patient by the GSS. While not all summoned patients appear for questioning, generally very few applications are approved after questioning by the GSS. (In November 2009, none of the 64 applicants who appeared for questioning were approved after the interview).

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<sup>12</sup> Much of this information was obtained with the help of Physicians for Human Rights – Israel

6. In case of a rejected permit application, the patient may choose to re-apply with the help of a non-governmental organization, usually Physicians for Human Rights – Israel. The NGO facilitates the process through direct contact with the responsible Israeli officials.



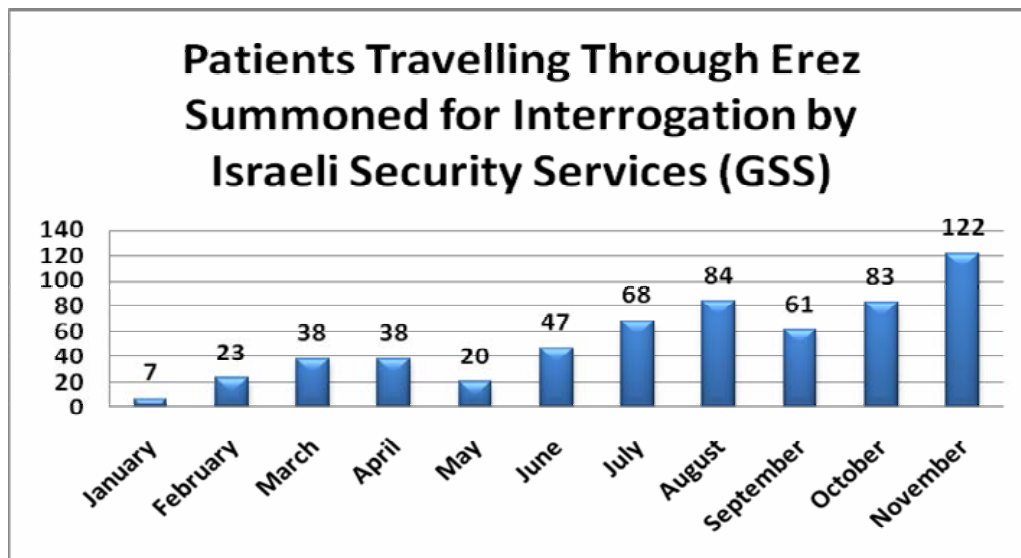
Overview of Application Procedure for Permit to cross Erez for medical treatment outside Gaza<sup>13</sup>

There are a large number of potential obstacles the patient may encounter during in the permit application process, each of which can abort or prolong the application process:

- The Referral Report from the government hospital in Gaza may have been issued or signed by someone whom the Israeli side does not accept, either because they suspect him of document forgery or because he is associated with Hamas. In this case, a new Referral Report must be obtained and the application procedure repeated.
- If the patient does not received funding from the MoH in Ramallah, self-funding of medical treatment is not permitted.
- If medical documents are deemed to be out-of-date, the application procedure must be repeated.
- Delays because the designated escort, who must be a first-degree relative, is not approved by Israeli army and GSS and someone must replace him or her. The application must then be re-submitted to the Palestinian Civilian Committee.

<sup>13</sup> Source: Physicians for Human Rights – Israel, *Holding Health to Ransom* (August 2008)

- Applications can be rejected outright on "security" grounds, although this policy has been replaced by extended "review" periods in 2009.
- Hamas police near the Erez crossing do not allow individuals who state they are travelling to Erez crossing for questioning to proceed, and occasionally threaten these patients with arrest. Thus, patients who are travelling to Erez for questioning are forced to mislead the local authorities in order to have a chance at obtaining a permit to leave Gaza for medical treatment.
- The government in Gaza has recently required that all Palestinians wishing to leave the Gaza Strip obtain permission from the Ministry of the Interior 3 days in advance. This practice, which is illegal under Palestinian law, often means that patients are denied permission to travel by the government in Gaza. For example, the Israeli authorities typically only inform patients they can travel the night before, making it impossible to notify the Ministry of the Interior.
- Prolonged GSS reviews often lead to delays weeks beyond the scheduled hospital appointment. In November 2009, 25% of all permit applications were delayed beyond the hospital appointment date, forcing the patient to schedule a new appointment and apply for a new permit.
- In November 2009, half of the delays were caused by summons for GSS interviews (12% of total applications). Further, interrogations can also take place at Erez if they are not announced in advance and the patient already holds a permit, leading to hour-long delays and potentially also leading to a missed hospital appointment, in which case the application process begins anew.



An increasing number of Palestinian patients have been interrogated by the GSS at Erez crossing each month. Many of these patients are pressured to collaborate with the Israeli intelligence. If they refuse, they are often returned to Gaza.

## Water & Sanitation



Sewage is discharged into the Mediterranean Sea at Wadi Gaza. Photo: Medical Aid for Palestinians.



## Introduction

The fresh water supplies of the Gaza Strip are being constantly decimated due to over-pumping of the underground aquifer. As a result of inadequate technology, only a fraction of Gaza's drinking water is actually safe for drinking. Both groundwater and the saltwater of the Mediterranean are being polluted because there are insufficient facilities for sewage disposal; these facilities also require machines and spare parts which Israel will not allow into the Gaza Strip. The combined fresh water and sanitation crises can mean not only an immediate health crisis for Gaza's population, but also an environmental disaster in the long run.

Individuals' right to water is protected under both international human rights and humanitarian law. Under IHL, an Occupying Power is responsible for all aspects of public order and civil life. First, codified in Article 43 of the Hague Regulations, this requirement places a specific obligation on the Occupying Power with respect to, *inter alia*, the maintenance and provision of infrastructure, health, education, quality of life, shelter, and public works (including sewage treatment, power, and water). The Occupying Power is also under an obligation – to the fullest extent of the means available – to ensure food and medical supplies, and to maintain public health and hygiene.

The human right to water is recognized as indispensable to a life of human dignity and as a prerequisite for the realization of other human rights. Significantly, adequate sanitation is recognized as primary cause of water contamination and disease linked to water, and so is an indispensable component of the right to water. Under IHRL, water must be safe, available, and accessible. States are under an obligation to refrain from interfering – directly or indirectly – with the enjoyment of the right to water.

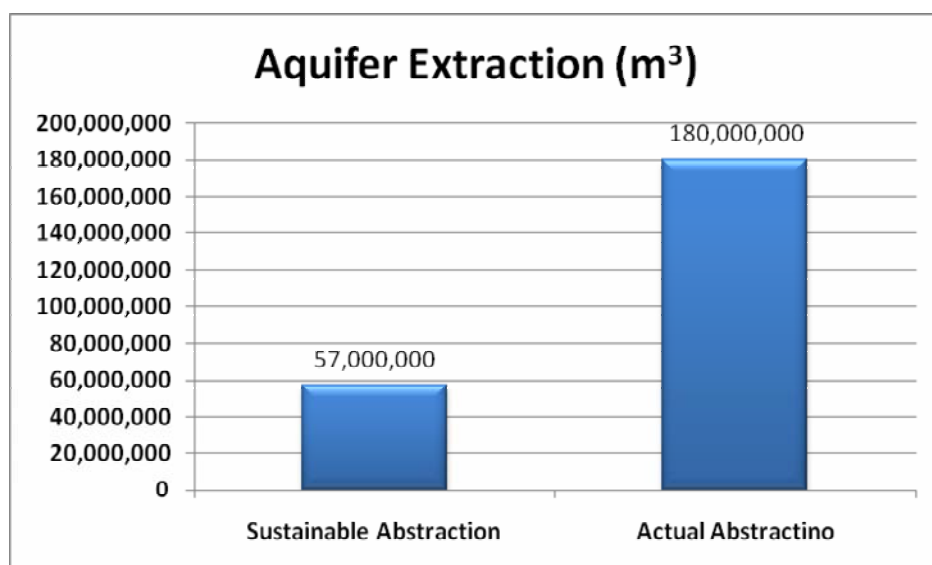
## The Water Crisis in Gaza

The Coastal Aquifer below the Gaza Strip is being overabstracted at 180 million m<sup>3</sup> per year, resulting in long-term damage to water sources.<sup>14</sup> It is estimated that the safe abstraction rate is 57 million m<sup>3</sup> per year. Because of this over abstraction, sea water is infiltrating the ground water. Because of this and due to other pollutant factors, only **10%** of Gaza's drinking water meets drinking standards; unsafe water has high levels of chloride and nitrate, associated with birth defects.

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<sup>14</sup> WASH Cluster Factsheet, September, 2009,

[http://www.ochaopt.org/cluster/admin/output/files/ocha\\_opt\\_wash\\_cluster\\_fact\\_sheet\\_20090903\\_english.pdf](http://www.ochaopt.org/cluster/admin/output/files/ocha_opt_wash_cluster_fact_sheet_20090903_english.pdf)



## Destruction to the Sector Caused by the Israeli Offensive

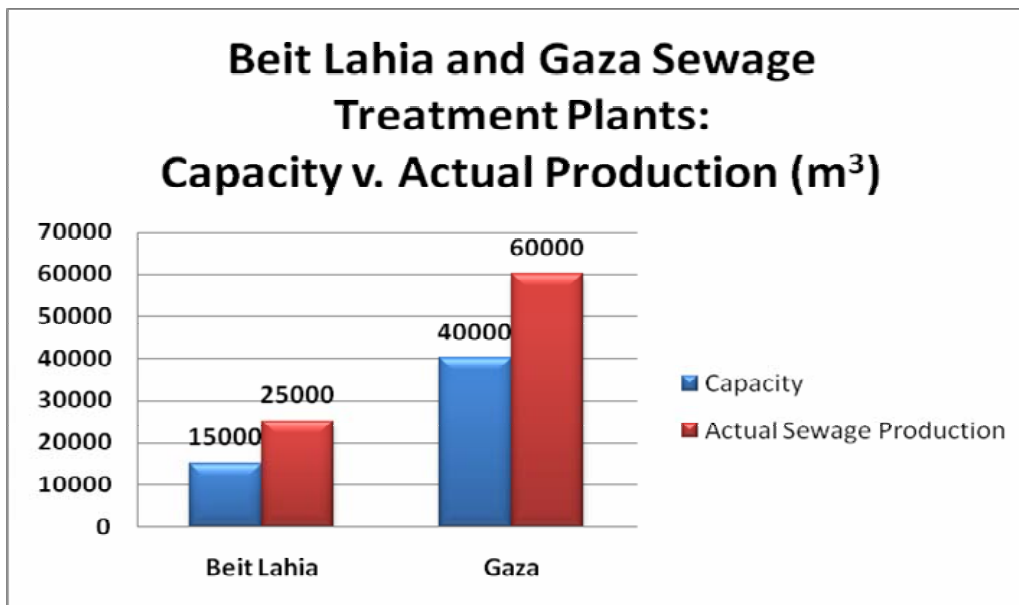
Total direct losses incurred to the water and sanitation sector are estimated at **USD 5,971,690**. During the offensive, **3** water wells were completely destroyed and **10** partially damaged in North Gaza. Damage was also caused to the water and sanitation sector in Jabalia refugee camp, and south Gaza. An approximate 10,000 Palestinians displaced by the attacks still have no access to water networks one year after the war.<sup>15</sup>

Sometime between 3 and 10 January 2009, Israeli occupation forces targeted the northernmost wall of sewage lagoon No. 3 at al-Sheikh Ejlin treatment plant. This strike caused a massive outflow of more than 200,000m<sup>3</sup> of raw sewage which travelled a distance of 1.2 kilometres and damaged 5.5 hectares of land. The Goldstone Report concluded that this was a premeditated and deliberate attack on a civilian object. PCHR note that this attack constitutes a war crime.

## Sewage and Pollution

An average of **85.3%** of the population of the Gaza Strip are connected to the public sewage network. In Khan Younis, however, only 38.4% are connected to the public network and 60.4% of the population of Khan Younis depends on cesspits. Of the four waste water plants in Gaza, two are operating significantly above capacity. The excess untreated sewage from these plants is pumped directly into the sea, at a rate of approximately **80,000m<sup>3</sup>** per day (approximately 40,000m<sup>3</sup> of partially treated water, 40,000m<sup>3</sup> of untreated water), severely polluting the waters off the coast of Gaza and posing health risks.

<sup>15</sup> PCHR interview with Monther Shoblak, Director General of the Coastal Municipalities Water Utility,



The sewage reservoir in Beit Lahia contains 4 million m<sup>3</sup> of waste water; if it collapses – as is potentially imminent due to damage to the sand barrier walls – approximately 15,000 residents will be harmed, and vast areas of arable land destroyed. The grave danger the reservoir's current condition poses is illustrated by a past tragic incident: On 27 March 2007, the reservoir collapsed partially, killing 5 residents, and displacing 2,000.

Repairs and upgrades are urgently needed throughout the Water and Sanitation sector. As the power supply in Gaza is not reliable, the Coastal Municipalities Water Utility has had to rely increasingly on standby systems such as generators; yet spare parts for generators cannot be brought into Gaza, obstructing proper maintenance. The Israeli closure does not allow necessary items such as electromechanical spare parts, pumps, construction materials, or forklifts to be imported, not only lowering the standard of living and endangering future generations, but potentially causing a massive environmental issue and endangering thousands of residents.