

The situation in the Gaza Strip grows increasingly dire: violence between Palestinian factions, on-going Israeli military operations, and crushing poverty and despair. In this grim reality, there are no quick solutions for peace and prosperity. Some things are clear, however: Despite the so-called “disengagement” in August 2005 and the recent internal violence, the Gaza Strip remains subject to Israeli control. In fact, Israel has turned the Gaza Strip into the largest prison on earth, while at the same time renouncing responsibility for the lives and welfare of its residents. This publication surveys the various spheres of Israeli control in the Gaza Strip, and the implications of this control. So long as Israel retains extensive control over Gaza, it cannot disengage from its responsibility. It also documents the missile fire by Palestinians in Gaza into Israeli towns. Israelis and Palestinians all have the basic right to live in safety and dignity, and the international community has a crucial role to play in ensuring that these rights are respected.



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THE GAZA STRIP- ONE BIG PRISON



In August 2005, after dismantling all Jewish settlements in the Gaza Strip, the Israeli military withdrew its forces from the area, thus completing what has been labeled "The Disengagement".

Many people hoped that Israel's disengagement would separate Israelis from Palestinians, and create the foundations for a better future. Two years later, Israelis and Palestinians are still locked in bitter conflict.

Since disengagement, Palestinians have fired some 2800 Qassam rockets and mortar shells from the Gaza Strip into Israel, killing four Israelis and injuring hundreds more, particularly in the southern city of Sderot. Israel has responded with massive force, killing 668 Palestinians in the Gaza Strip, including 359 who took no part in the fighting. To make matters worse, internecine Palestinian violence has escalated, with 357 Palestinians killed in clashes between Fatah and Hamas that ended with a Hamas takeover of Gaza.

The Israeli government argues that the occupation of the Gaza Strip is over, and that Israel is no longer responsible for what happens there. **The reality is different:** Israel still controls key aspects of life in Gaza. The Israeli government claims that such control is vital in order to protect Israel's security.

This may be the case, but control brings with it responsibility: If Israel insists on maintaining control of Gaza, it must safeguard the rights and needs of the people there. It must minimize any harm to the civilian population.

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Palestinians try to jump over the Egyptian-Palestinian controlled border, southern Gaza Strip. Photo: Sulhaib Salem, Reuters



THE PRICE OF CONTROL

Israel must protect its citizens. But with control comes responsibility



ISRAEL CANNOT DISENGAGE FROM ITS RESPONSIBILITY

In the following pages, we explain the elements of Israeli control. Whether you call it occupation or not – **Israel's control of the Gaza Strip brings with it legal obligations** The international community – Europe in particular - has been generous in providing humanitarian assistance to Palestinians suffering the effects of poverty and violence. This assistance is commendable. However, aid without

accountability only makes the Palestinians poorer and more dependent. Alongside aid to the needy, humanitarian agencies must demand that Israel acknowledge its responsibility and remedy any wrongs it has committed. Similarly, international donors must insist that the Palestinian Authority respect international law and hold accountable all Palestinians who target Israeli civilians.

“ When a Palestinian child paints a picture of the sky, there’s always an Israeli helicopter there, too ”

Avi Dichter, former head of the Israeli General Security Service, 31 May 2005

The Israel Air Force controls the skies above Gaza. Israeli military jets

and helicopters constantly roar overhead. The Israeli army can decide at any moment to interrupt radio and television broadcasts.

There is no fence along the shoreline of the Gaza Strip, but Palestinians do not dare go out to sea without permission from the Israeli army. Anyone who tries to fish in the open water risks detention and harassment. Although there are rich reserves of fish along the coast of Gaza, tens of thousands of local fishermen remain idle. Israeli restrictions deal a harsh blow to the fishing sector, which provides a livelihood to many Gazan families. Whereas fish was once an important source of food for Gazans, today it is a luxury reserved for those who can afford to purchase fish imported from Israel.

Israel does not allow Palestinians to operate an airport or a seaport in Gaza, with severe implications for Gazans' ability to travel abroad or engage in foreign trade.

The al-Jamal family, Jabaliya refugee camp, photo: B'Tselem



NO AIR. NO WATER.

What is it like to live where war planes thunder in the skies and the sea is off limits?

ISRAEL CANNOT DISENGAGE FROM ITS RESPONSIBILITY



A fisherman on the Gaza coast, photo: Ahmad Jadallah, Reuters

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I’m bringing up three children on my own – Mohammed and Miriam are five-year old twins, and Iyad is just three. We live in the north of the Gaza Strip. The skies here are full of Israeli aircraft. The children are really scared by the planes and helicopters. The noise awakens them at night and scares them during the day. Every time an airplane passes overhead, they cling to me crying. Miriam is so scared, she wets her pants.
Farida al-Jamal, resident of Jabaliya refugee camp



The best time for fishing is between sunset and midnight. We wait to see if the soldiers will let us. Every day we try our luck. Once we could fish 20 kilometers or more from the coast. Now if we go out more than two kilometers, the army boats open fire on us and we have to go back almost to the shore. Sometimes we just give up and don’t bother to go out fishing.
Omer al-Bardawil, fisherman, resident of Rafah

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he Rafah border crossing is the gateway between Gaza and the outside world.

This crossing on the Egyptian border is the only exit from Gaza for medical treatment, study, family, or any other reason. All those entering the Gaza Strip must also pass through Rafah. In November 2005, Israel officially handed over the border crossing to the Palestinian Authority, to be run in coordination with Egypt and European monitors. In practice however, Israel can still close this border crossing at will, and frequently does. In fact, since the Hamas takeover, the crossing has been completely closed. Thousands of people are stuck in Egypt with no way to get home. Inside Gaza, the sick or those wounded in the recent fighting wait in vain to travel abroad for necessary medical treatment that Gaza hospitals do not provide.

Not only does Israel restrict travel abroad. Even travel to the West Bank is virtually impossible. The West Bank and the Gaza Strip are recognized as a single territorial unit in numerous agreements, and residents of both areas are mutually dependent in every area of life. Israel promised free and safe passage between Gaza and the West Bank. In practice, however, Israel has imposed a separation between the two areas.

Palestinians waiting for their relatives by the Rafah border crossing. Photo: Mohammed Salam, Reuters



CIVILIANS UNDER SIEGE

Israel controls all routes into and out of the Gaza Strip. No one can enter or leave without the army's permission



ISRAEL CANNOT DISENGAGE FROM ITS RESPONSIBILITY

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I want to get a BA in graphics and web design, which is unavailable in Gaza, so I registered for studies at A-Najah University in the West Bank. I contacted an Israeli attorney to get an entry permit for the West Bank. I have

still not received the permit. The first semester is almost over and I'm afraid that I'll miss the second semester too. Sometimes I feel that my future is being destroyed because I can't get a permit to enter the West Bank.

Manal Abu Tawahina, resident of Dir al-Balah, Gaza Strip

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My five-year old nephew Islam suffers from cerebral edemas, causing severe pain. In November 2006 I took him to Egypt for medical treatment. When we tried to go home, the Rafah crossing was closed. We stayed in a rented

apartment in Cairo until I ran out of money. We went back to Rafah and waited for four days, sleeping in a parking lot on the Egyptian side of the border.

During these four days we suffered from the heat and the humidity during the day and from the cold at night. I had to borrow money from strangers to buy food and water. There were no toilets or running water in the parking lot. At night we covered ourselves with the clothes we brought with us. Finally the crossing opened briefly, and we got through. We were lucky. Thousands were stuck on the Egyptian side for another six days.

Rami Abu Samrah, journalist, resident of Gaza

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Israel controls the Palestinian population registry. This means,

for example, that Israel decides whether someone is defined as a Palestinian or a foreigner, and therefore whether they can enter or leave the Gaza Strip.

Israel also has the power to veto any change of address in the population registry, and in fact refuses to register Gaza residents who move to the West Bank.

This control determines people's fate. For example, a man from Gaza who moves to the West Bank will forever be considered an "illegal resident" of the West Bank. He may marry a woman from the West Bank, get a job, build a house, and have children, but he will live in constant fear. If he is caught by Israeli soldiers, he will be expelled to the Gaza Strip – without his family, and without a job.

A foreigner who marries someone from the Gaza Strip will also not be allowed to live in Gaza. In the past, foreign spouses received temporary residency permits, but these have now expired and people (mostly women married to Palestinian men) now find themselves trapped. If they leave Gaza to visit family abroad or receive medical treatment, they will not be able to return to their husband and children in Gaza. They cannot enter Gaza through the Rafah crossing, because it is only for those with a Palestinian identity card, and they have no alternative crossing.

ISRAEL CANNOT DISENGAGE FROM ITS RESPONSIBILITY

The Nimer family, Gaza. Photo: B'Tselem



IDENTITY CRISIS

Exercising the basic right to choose where to live depends on the population registry.

Israel controls this registry



Wissam was born in Egypt. In 1995 she married Hussam, from Gaza. The couple live in Gaza and have three children, but Wissam does not have a Palestinian identity card. The couple's applications for "family unification" went unanswered and, since the beginning of the Intifada, Israel has refused to renew Wissam's visitor permits. Now Wissam's mother has cancer. If she leaves the Gaza Strip to visit her mother in Egypt, she will be unable to return to her husband and children. Israel does not permit Egyptian relatives to visit the Gaza Strip.

“ Wissam: When I married Hussam, I thought I would see my family in another month or two. That was twelve years ago. Since then, I have only seen them in photographs. I feel lonely and isolated.

Hussam: Wissam hasn't seen her mother for years. My children have never seen Grandpa and Grandma. When Wissam speaks to her mother on the phone, she is tormented. She is really scared that her mother will pass away without seeing her. Every day she prays for her mother to stay alive.

Hussam Abu 'Ajwah and Wissam Nimer, residents of Gaza



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he Karni crossing is the commercial lifeline for the Gaza Strip. It is under complete Israeli control. All imports and almost all exports pass through Karni. When the crossing is closed, or only half functioning, the tiny and dependent Gaza economy is strangled. Factories close and basic items are in short supply. Since the Hamas takeover of Gaza, Israel has kept Karni completely closed. Some 75% of Gaza factories have shut down due to a shortage of raw materials.

Even before the Hamas takeover, Israel did not live up to its promises:

• Israel promised that the Karni crossing would be fully functional by the end of 2006, and that 400 export trucks could cross each day.

• In practice, just 12 export trucks on average passed through the crossing each day in 2006.

• During the first five months of 2007, an average of 42 trucks a day passed through the crossing.

• On June 12, Israel completely closed the Karni crossing.

Clearly Israel must protect itself, and has genuine security concerns regarding Karni. Many times, however, the crossing has been closed for long periods without any specific security threat, and without providing any alternative.

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Palestinian farmers destroying produce to protest the closure of the Karni border crossing. Photo: Mohammed Salem, Reuters

AN ECONOMY IN CHAINS

Israel has complete control over imports to and exports from Gaza, bringing its economy to the brink of collapse.



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I grow vegetables and market them inside the Gaza Strip and Israel. In the past, the Karni crossing was open mainly for importing Israeli goods, but not for exporting Palestinian goods. Since Gilad Shalit was kidnapped,

the functioning of the Karni crossing has worsened; it is closed more often, and often shuts down suddenly due to security alerts or for other reasons.

I often have to wait days for the crossing to open. In the

meantime, produce goes bad or I have to sell it on the local market. During the Ramadan holiday, I tried to export twelve tons of cucumbers. The cucumbers were left at the crossing for three days. In the end they were no longer fresh and I had to market them to the West Bank.

I expected to make a profit of NIS 2,000, but in the end I lost NIS 8,000. It's reached the point where I hate to even hear the name 'Karni.'

Nahad Al-Nahal, merchant, resident of Rafah

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“It’s like a diet – the Palestinians will lose lots of weight, but they won’t die.”

Dov Weissglass, advisor to the Prime Minister, 16 February 2006

For the past year, public services in the Gaza Strip have been in a state of collapse. The Palestinian Authority could not pay salaries, purchase equipment and medicine, or provide any social assistance. Half the budget of the Palestinian Authority was held by Israel. These funds come from VAT and customs imposed on goods destined for the Gaza Strip that are imported through Israel. Since the election of the Hamas government, the funds have been withheld. Doctors, teachers, police officers, and other civil servants did not receive their salaries. The public, which needs these services, had to learn to make do without. After the recent Hamas takeover in Gaza, Israel began to transfer tax revenues to the Fatah-led government in the West Bank. Israel is obligated either to allow the Palestinian Authority to function – or to assume direct responsibility for the Palestinian population. If Israel does not transfer the tax revenues, it must provide health, education, and welfare services directly to Palestinians.



VALUE ADDED TAX

When Israel decides to withhold tax monies from the Palestinian Authority, ordinary people pay the price

ISRAEL CANNOT DISENGAGE FROM ITS RESPONSIBILITY



Samah Muhsan, a nurse at Shifa Hospital. Samah, a resident of Jabaliya refugee camp, has not received her full monthly salary since February 2006. Photo: B'Tselem

“ I have been working as an orthopedist at a hospital in the northern Gaza Strip for three years. During the first two years I received a salary of 3,800 shekels a month. This enabled me to repay 1,800 shekels a month on a loan I took out to pay for my wedding expenses, and to maintain my family of five in dignity. Since February 2006 we have not received our salaries on a regular basis. At the moment we get an advance of 1,000-1,500 shekels every two months. My life has changed completely. From someone who made

a decent living I have become dependent on charity. In October I had to take another loan just to buy warm clothes and food for my children. I pay back 500 shekels a month on the loan, and with the little that is left I have to juggle with food, rent, transportation, and the children’s needs. It just isn’t enough. I work twelve hours a day at the hospital so there is no way I can look for additional work. **Dr. Rafat Shehadeh, physician at the hospital in Beit Lahiya, resident of Gaza** **”**

The end of the Israeli ground occupation inside the Gaza Strip in August 2005 did not end the firing of Qassam rockets by Palestinian militants into Israel. The Israeli army responded forcefully from the land, sea, and air.

Passers-by in crowded areas have been hit by missiles aimed at suspected militants. Residents of densely-populated neighborhoods were killed by artillery shells – a weapon that is known to be imprecise. Palestinians spotted close to the perimeter fence, including children, have been shot dead.

During the clashes following Israeli military operations in the Gaza Strip, many civilians who had no connection to the fighting were killed.

When Israel intentionally destroyed the only power station in the Gaza Strip in June 2006, Gaza fell into darkness and life was disrupted for over three months.

Violence among Palestinian factions has also taken a heavy toll. Family members of militants from the opposing side have been targeted. Palestinian civilians and foreign journalists were abducted and, in some cases, summarily executed. Israeli soldier Gilad Shalit continues to be held illegally as a hostage.

International Humanitarian Law provides special protection for civilians in armed conflict. Targeting civilians is absolutely prohibited, even if the purpose is to protect other civilians. Even attacking military targets is prohibited if the attack will cause disproportionate harm to civilians. These rules are universal. They apply to Israel. They apply to the Palestinians. Those who break these rules bear criminal liability for their actions.

Palestinian family beside house demolished in military operation in Beit Hanoun. Photo: Khalil Hamra, AP



In the past two years*

668 Palestinians were killed in the Gaza Strip by the Israeli security forces. Over half – **359** people – were not involved in any hostilities at the time they were killed. **126** of those killed were minors. **361** were killed by missiles fired from helicopters. **39** of those killed were targeted for assassination. **99** were killed by tank fire. **18** members of one family were killed by shells that hit their home. Another **357** people have been killed in fighting between armed Palestinian groups – over **150** were killed in the Fatah-Hamas clashes in June alone. Of those killed, **90** did not take part in the fighting. During the same period, Palestinians fired some **2800** Qassam rockets and mortar shells into Israel from the Gaza Strip. **Four** Israeli civilians were killed by Qassam rockets and hundreds were injured. **Four** members of the Israeli security forces were killed in attacks originating in the Gaza Strip.

* the statistics are accurate for the period 1 September 2005-25 July 2007

A MATTER OF LIFE AND DEATH

In the past two years, 668 Palestinians were killed by Israeli security forces in the Gaza Strip
Another 357 people were killed in internal Palestinian fighting



ISRAEL CANNOT DISENGAGE FROM ITS RESPONSIBILITY

“ In September 2004, a Qassam rocket fell next to my house. I rushed outside and saw Yuval, a four year-old boy. Both his legs had been severed, and he also had stomach and head wounds. I motioned for the first ambulance that arrived to take him, and ran on to treat other wounded. Later I learned that Yuval had died. I used to be indifferent to the rockets. But once you see the destruction, how it tore that kid apart, you can't stay indifferent. Everyone says we're brave because we live here, but we have no choice. Most of those who want to leave can't afford to go anyplace else.
Eddy A'zran, 36, resident of Sderot, Israel ”

“  My father left home when I was three and I was brought up by my mother. In August 2006, in the middle of the night, the Israeli army entered our neighborhood in Rafah. When they got about 350 meters from our home we ran away. As we walked along the road, I saw planes in the sky and suddenly I felt my body shake. I woke up in the hospital thirteen days later.”

” I discovered that I had lost one of my legs and my body was covered in shrapnel. My uncle told me that my mother (43), my brother Imad (16), and my sister Kifah (14) were all killed. I felt that my life was over. I can't walk and I can't do anything by myself. I don't have any family now. I am in a wheelchair and I live with my uncle. I sit at the entrance to the house, watch the children playing, and cry. I am sorry that I survived.
Na'il Al-Natur, 13, resident of Rafah ”