



Access Restricted Areas in the Gaza Strip

Quick Facts:

- Since the 21 November 2012 ceasefire agreement, at least 8 Palestinian civilians have been killed in the ARA and another 120 were injured.
- Between June 2007 and July 2013, 127 Palestinian civilians have been killed and 761 civilians have been injured in the ARA on land.
- The ARA on land has rendered 35% of the total agricultural land in Gaza off-limits for cultivation.
- Fishing restrictions at sea have rendered 95% of Gaza fishermen dependent on international aid.
- An estimated 180,000 Palestinians, 12 percent of the total Gaza population, are directly affected by the enforcement of the ARA at land and sea.

Key messages

- The devastating seven-year blockade on the Gaza Strip is exacerbated by Israel's sweeping and at times deadly access restrictions to key agricultural and fishing areas.
- The lack of a clear definition on the enforcement of access restrictions at land and sea has resulted in serious protection and humanitarian concerns. Incursions, leveling operations and shooting incidents continue despite the 21 November 2012 ceasefire agreement.
- Israel argues that the access restrictions are necessary to target Qassam rocket launchers, which are a legitimate military objective. However, Israel still has to abide by the principles of distinction, proportionality and military necessity when using lethal force. The displacement and damage that farming communities in Gaza have suffered are arguably disproportionate with the threat that Israel faces considering the wholesale destruction of agricultural land, wells, and roads.
- With due regard to Israel's legitimate security concerns, Palestinians forcibly displaced from the Access Restricted Areas (ARA) must be able to safely return, access their lands and receive adequate compensation for destruction caused by demolitions or land-leveling.
- In accordance with its international humanitarian law obligations, Israel must limit live ammunition to situations of self-defense or the defense of others, particularly when less serious and non-lethal alternatives may be sufficient, and effective warning must be provided.
- As the UN reported in 2012, the Gaza Strip may become uninhabitable by 2020 if immediate action is not taken to improve existing

infrastructure. Currently, access restrictions obstruct the development of three wastewater treatment plants and maintenance of electricity power lines.

Background and definition of the ARA

Since 2007, Israel has imposed a blockade on the Gaza Strip which has caused a severe de-development of the Palestinian economy and social, educational, and health conditions. Prior to and then in parallel to the blockade, Israel also increased restrictions on access to farmlands and fishing areas of the Gaza Strip, exacerbating the already deteriorating economic and humanitarian situation in Gaza.

In response to the Second Intifada in 2000, the Israeli military unilaterally implemented an undefined "no-go" zone inside the Gaza Strip and began leveling lands near the border fence, particularly near Rafah. By mid-2006, Israel was leveling lands 300 to 500 meters from the fence. It also reduced fishing areas to six nautical miles (nm) from the 20nm agreed under the Oslo Accords in 1994. These land and sea areas became known as the "ARA." In late 2008, Israel further reduced the fishing zone to 3nm and expanded the no-go zone inside Gaza as far as 1,000-1,500 meters from the fence. In January 2009, the Israeli military dropped leaflets informing residents to avoid areas within 300 meters from the fence. However, in practice live ammunition has been used to prevent persons from accessing up to 1,000 and 1,500 meters.

Following the November 2012 escalation in hostilities and as part of the Egyptian-brokered ceasefire agreement between Hamas and Israel, the restrictions on land were reportedly reduced to between 100 and 300 meters and the maritime limit increased to a mere 6nm. However, the frequency of Israeli enforcement incidents actually increased following the ceasefire. For two months in 2013, Israel further reduced the fishing limit to 3nm in response to rockets fired from Gaza towards Israel, an act of collective punishment since there has not been any discernible link between rocket fire from land and fishing access.

Impact of restrictions on land

- Between June 2007 and July 2013, 127 Palestinian civilians have been killed, and 761 injured by Israeli forces enforcing the ARA on land.
- Between 2006 and 2012, an estimated 25 square kilometers of cultivated land in the ARA were leveled by Israeli forces.
- Until 2012, access restrictions on approximately 35 per cent of all agricultural land in Gaza have resulted in a loss of agricultural produce valued at 50.2 million USD per year.

- Farmers are heavily indebted and suffer from a sharp decline in the quality and quantity of food they are able to cultivate and consume. Land leveling operations and the use of live ammunition against farmers up to 1,500m from the fence are at the root cause of this food shortage. Farmers also suffer obstacles in accessing health services.
- There are currently 13 schools located within 1,500 metres of the fence that cater to 4,800 students. Seven of these schools are within the “high-risk” area ranging from 500m to 1,000m of the fence and have had classes interrupted by gunfire and classrooms damaged. Students and staff have been left traumatized and feeling insecure both within the school and on their way to and from it.

Impact of restrictions at sea

- Between 1997 and 30 November 2013, there have been 522 documented Israeli shooting incidents against fishermen at sea, resulting in nine civilian deaths, 47 injuries and 422 detentions.
- In the 12 month period following the November 2012 ceasefire, Israel opened fire at Palestinian fishermen 147 times, injuring nine and detaining 40, in addition to confiscating 21 items of fishermen’s property.
- In incidents of detention, fishermen are often shot at with live ammunition, frequently causing damage to their boat and its motor, and are forced to strip naked and swim towards Israeli patrol boats. Some detained fishermen had crossed the permitted limit either inadvertently or while seeking new sources of fish, while others arrested had not even crossed the imposed limit. Fishermen are almost never charged and claim they are interrogated by Israeli officers and asked to become collaborators with Israel, in contravention of IHL.
- As a result of these restrictions and losses to their livelihoods at least 95 per cent of Gaza fishermen are recipients of international aid. Though fishing once was one of the few stable professions in Gaza, fishermen now live in desperate conditions, often unable to afford supplies, furniture and higher education for their children, especially girls, or basic repairs for their homes.
- Access to food is a pressing concern for fishing families. They can no longer afford to eat meat or fish every day, limiting their consumption to once per week, which marks a radical shift from the past.

Lack of accountability and compensation

Victims of human rights violations within the ARA must be granted access to Israeli courts to pursue effective remedy in criminal and civil claims. Existing criminal investigations into alleged violations of international law lack independence and impartiality. Criminal complaints filed before the Israeli Military Advocate General (MAG) rarely receive a response and even when they do the results are not public and the investigation is not conducted by an independent body.

The pursuit of any civil compensation claims before Israeli courts on behalf of Palestinian claimants is also severely restricted due to legal barriers. Procedural obstacles include a burdensome and strict statute of limitations, substantial financial guarantees and the inability of claimants and witnesses from Gaza to appear before Israeli courts due to Israeli travel prohibitions.

Furthermore, Amendment No. 8 to the Israeli Civil Torts Law (Liability of the State), issued in 2012, exempts Israel from liability for any injury to “foreign residents” during “combat action”. This law has been retroactively applied to 2000 onwards. In the ARA, Amendment No. 8 may apply even to incidents that occur when there are no active hostilities in the area and where there is no immediate security risk posed by the victims. To date, there have been no criminal prosecutions into the killing or injury of fishermen or farmers by Israeli forces, and nearly every civil claim has been dismissed on procedural grounds and without compensation to the victims.

Key recommendations

To the Israeli government:

- Lift the blockade on the Gaza Strip and the access restrictions at land and sea, both of which are collective punishment of the Palestinian civilian population in Gaza.
- Immediately cease use of lethal force against civilians as a first measure of enforcement of the ARA and publicize rules of engagement for enforcing the ARA on both land and sea.
- With due regard to Israel’s legitimate security concerns, Palestinian civilians residing or using services in the ARA must be guaranteed protection, access to education, adequate housing, health care, water, and basic infrastructure.
- As the Occupying Power, take measures to prevent forced displacement from the ARA. For those displaced from the ARA, allow for their safe return, access to their land, and adequate compensation for destruction caused by Israeli demolitions and land leveling.
- Immediately cease arbitrary detention, interrogation and harassment of fishermen in Gaza territorial waters, including policies of confiscation and destruction of boats and fishing equipment.
- Ensure legal accountability for all violations resulting from its enforcement of the ARA, including criminal and civil remedies. Facilitate and support the conduct of independent investigations and remove all procedural and substantive barriers to Palestinian civilians from Gaza in accessing Israeli courts.

To the International Community:

- The international community, by virtue of its members’ third state responsibility to respect and ensure the respect of the Geneva Conventions, should pressure Israel to comply with its legal obligations, including bringing an end to the collective punishment of the civilian population.
- Work towards ending the Israeli access restrictions on land and sea.
- Mitigate the risks and effects of displacement, including by providing farmers and fishermen with long-term cash-for-works schemes to assist with their unpredictable income and high debt.
- Continue to undertake efforts to build civilian infrastructure in the ARA, such as water and sanitation projects and schools and education facilities.
- Improve monitoring of displacement from the ARA and include protection and advocacy interventions rather than focus solely on shelter concerns.

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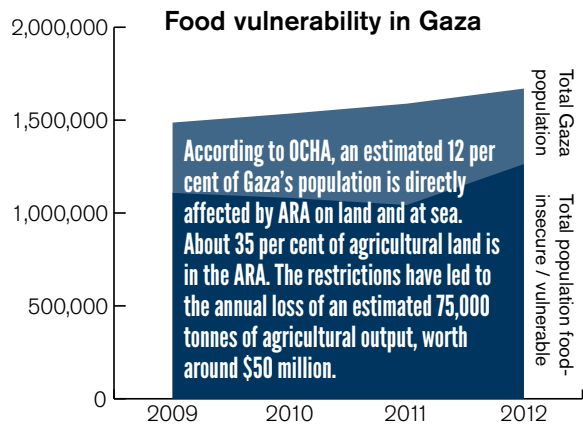
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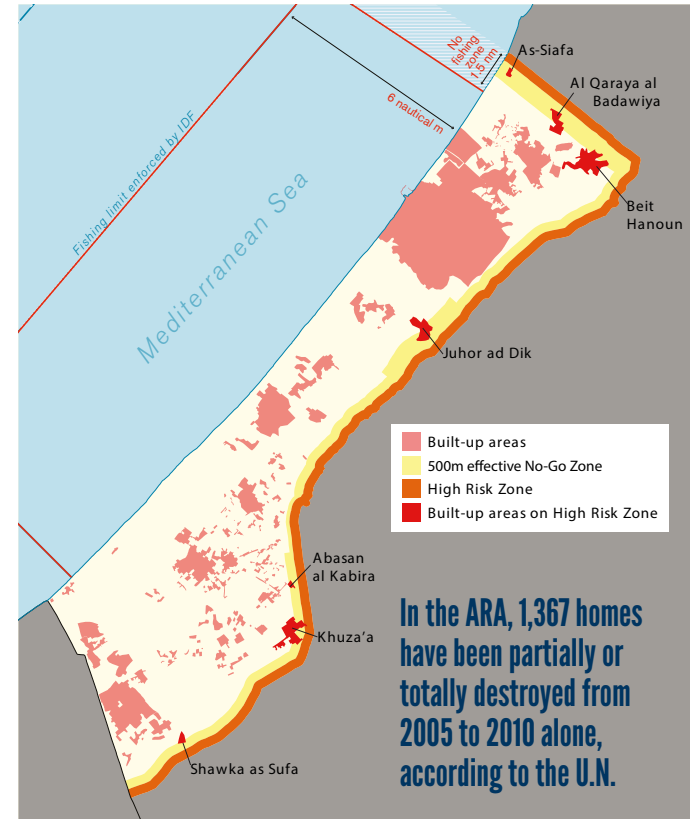
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“ My family owns 400 dunams of land, about 300m from the fence. Since 2000 it became difficult to reach the land because of Israeli military activity. The last time I visited the land was in 2001. Israeli soldiers shouted at us to leave the area and not to come back. They shot into the air to scare us off. We stopped going after that. By 2002, all of our land had been levelled and the whole area was unrecognisable. ”

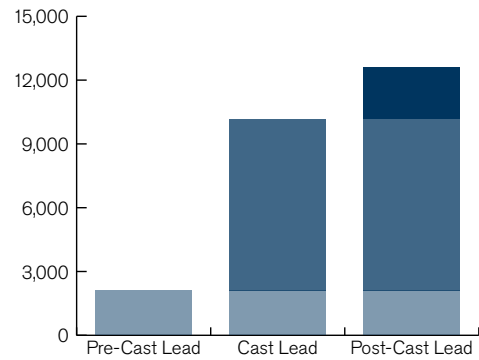
Mahmoud Sami Naim, 21 years old, in Bait Hanoun

Map of Access Restricted Areas on the Gaza Strip



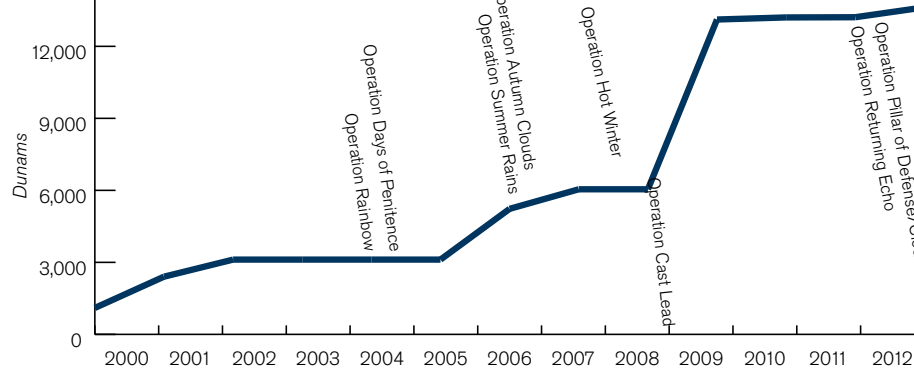
Source: UN OCHA

Individuals still displaced in Gaza



Source: Shelter Gaza

Land levelled in the ARA



“ The overall closure of Gaza is also a big problem. The cost of fertiliser has gone up 400%. Before 2006, I spent about \$150 to fertilise one dunam for a whole year. Now I pay \$600. This is because Israel has banned the import of fertiliser so we depend on the tunnel economy to get it and there is less supply than demand. ”

Ayman Subuh, at a strawberry farm near Beit Lahiya



“ Sadly I don't think the situation will get better. I don't see any real difference since the ceasefire. Even though I love to fish, I would like to get a better job because I don't make enough money. I would also not like to marry a fisherman. They don't make enough to keep a family. ”

Madline Kullab, 19 years old, in Gaza Port



Access-Restricted-Areas cover 17% of the Gaza Strip, which is equivalent to Alaska compared to the U.S.A.