



Palestinian Centre for Human rights

# SUFFERING IN ISOLATION



*A report  
on life  
under  
occupation  
in the  
Mawasi  
areas  
in the  
Gaza Strip*

## **Palestinian Centre for Human rights**

Consultative status with the ECOSOC of the United Nations

### **Member of:**

Affiliate of the international Commission of Jurists - Geneva

The International Federation for Human Rights - Paris

the Euro-Mediterranean Human Rights Network - Copenhagen

**Series Study  
(32)**

## **Palestinian Centre for Human Rights**

The Centre is an independent Palestinian human rights organization based in Gaza City. The Centre enjoys Consultative Status with the ECOSOC of the United Nation. It is an affiliate of the International Commission of Jurists-Geneva, the International Federation for Human Rights (FIDH) and the Euro-Mediterranean Human Rights Network. It is a recipient of the 1996 French Republic Award on Human Rights and the 2002 Bruno Kreisky Award for Outstanding Achievements in the Area of Human Rights. The Centre was established in 1995 by a group of Palestinian lawyers and human rights activists in order to:

- Protect human rights and promote the rule of law in accordance with international standards.
- Create and develop democratic institutions and an active civil society, while promoting democratic culture within Palestinian society.
- Support all the efforts aimed at enabling the Palestinian people to exercise its inalienable rights in regard to self-determination and independence in accordance with international Law and UN resolutions.

The work of the Centre is conducted through documentation and investigation of human rights violations, provision of legal aid and counseling for both individuals and groups, and preparation of research articles relevant to such issues as the human rights situation and the rule of law. The Centre also provides comments on Palestinian Draft Laws and urges the adoption of legislation that incorporates international human rights standards and basic democratic principles. To achieve its goals, the Centre has recruited a committed staff of well-known human rights lawyers and activists.

### **The Philosophy of the Centre's Work**

The Centre determined after a thorough legal assessment of the peace accords signed by the PLO and the Israeli government that the occupation would continue both physically and legally. According to these agreements Israel has redeployed its forces inside the West Bank and the Gaza Strip, while Israeli settlements and military installations maintain their presence in Palestinian territory. The major legal aspects of the Israeli occupation remain in place. Israeli military orders that safeguard Israeli control over the Palestinian people and their land remain valid in accordance with the peace agreement. The Israeli military court is still functioning and to this day thousands of Palestinians languish in Israeli prisons. The essential elements of the Palestinian issue remain unresolved -- the right to self-determination, the right

to an independent Palestinian state with its capital in Jerusalem, the right of return for Palestinian refugees, and the right to remove illegal Israeli settlements from the Occupied Territories. All of these constitute basic unfulfilled rights of the Palestinian people. In light of this wide-ranging disregard for Palestinian rights, the Centre concludes it must continue its work to protect Palestinian human rights from ongoing violations by the Israeli government and courts.

The peace accords and the major political changes resulting from the agreement, including the establishment of the Palestinian National Authority in part of the Occupied Territories, has led to a vital and active role for the Centre in protecting civil and political rights and in promoting the development of democratic institutions, an active civil society, and a democratic legal system in Palestine.

### **Work Units of the Centre**

The Centre is composed of specialised working units which carry out their activities in an autonomous but integrated manner.

#### ***Field Work Unit***

The field work is considered the basic activity of the Centre. Well-trained field workers located in different areas of the Gaza Strip obtain accurate and documented legal information on human rights violations in the Gaza Strip. They gather information in the field from victims and witnesses of human rights violations. The information is received by the co-ordinator of the unit and other researchers to verify accuracy. Through the field workers' presence in the field the Centre has been able to maintain close contacts with the community. In this way, the community is able to influence the work of the Centre and the Centre is able to meet the community's interests and demands.

#### ***Legal Unit***

This unit is composed primarily of a team of lawyers who give free legal aid and counselling to individuals and groups. The unit also carries out legal intervention with concerned bodies and makes legal representations before courts in cases that involve broad principles of human rights that affect not just the individual before the court but the community as a whole. Furthermore, the unit attempts to support the independence of the judiciary and the rule of law.

#### ***Democratic Development Unit***

This unit specialises in the promotion of democracy and the promotion of civil society and the rule of law. The unit's team carries out research and organises

workshops and seminars to discuss issues on human rights and democracy. The unit's team also prepares comments on draft laws prepared by the Palestinian Authority in an effort to influence the decision-making process and the adoption of democratic laws. The unit has been also involved in providing training on human rights and democracy for youth groups.

### ***Economic and Social Rights Unit***

This unit seeks to ensure the importance of economic and social rights through research and study. Such work is particularly important because it tends to be neglected, to some extent, by other human rights organisations. To achieve its goals the unit conducts studies, workshops, and seminars that focus attention on economic and social rights in the West Bank and Gaza Strip. The unit seeks to develop recommendations and standards for each of these rights to be fulfilled in the Palestinian situation. Moreover, the unit reviews and assesses the legislation and draft laws pertaining to these rights adopted by the Palestinian Authority in an effort to secure legislation that is in harmony with international standards. The unit further seeks to provide an informative training base for governmental and non-governmental personnel who are empowered to set plans and implement programs and policies relevant to these rights. The goal of such training is to help bring economic and social rights into alignment with the standards accepted internationally and to ensure the maximum degree of implementation of these rights.

### ***Woman Rights Unit***

This Unit was established as a pilot project in May of 1997 for one year, renewable upon assessment of its accomplishments. The initial project was established after a thorough and comprehensive study of the conditions of Palestinian women and the work of women's institutions in the Gaza Strip. The Unit aims to provide legal aid for women and women's organisations. Intervention on behalf of women in *Shari'a* courts is included in its mandate. The Unit further aims to raise awareness of women's rights established by international human rights conventions and to raise the awareness of Palestinian women in regard to their rights under local law. Finally, the Unit is carrying out studies on Palestinian women and the law, while supporting the amendment of local laws inconsistent with women's rights.

### ***The Training Unit***

The Training Unit is a main instrument in PCHR's work in disseminating and developing a human rights culture, and promoting democratic concepts in the local community with all its various segments. The Unit organizes and holds training courses and workshops in order to develop theoretical knowledge and

provide professional skills that can contribute to a real change in the behavior of the society, which in turn can promote respect for, and protection of human rights and participation in community building. The target groups of the training courses and workshops are particularly the youth, including university students, activists of political parties, lawyers, media, union members, and other civil society groups.

### ***The Library***

The Centre has established a specialised legal library in subjects related to local and international law, human rights, and democracy. The library includes books and periodicals in both Arabic and English and includes all Palestinian laws and Israeli military orders. Documents pertaining to laws of neighbouring Arab countries are also available. Furthermore, the library includes a variety of books and periodicals detailing the Palestinian question and the Arab-Israeli conflict. The library is open for the free use of researchers, academics, and students.

### ***Funding of the Centre***

The Centre is funded by the generous contributions of a number of international non-governmental organizations in the fields of human rights, democracy, and social justice and a number of Governments which has friendly relationships with the Palestinian people. The funding organizations include:

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The Palestinian Centre for Human Rights is an independent legal body dedicated to the protection of human rights, the promotion of the rule of law, and the upholding of democratic principles in the Occupied Territories. Most of the Centre's activities and interests concentrate on the Gaza Strip due to the restriction on movement between the West Bank and Gaza Strip imposed by the Israeli government and its military apparatus.

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### ***The Palestinian Centre for Human Rights***

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

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

1. The 1996 French Republic Award on Human Rights; and
2. The 2002 Bruno Kreisky Award for Outstanding Achievements in the Area of Human Rights.

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

### ***International Commission of Jurists***

The International Commission of Jurists (ICJ), headquartered in Geneva, is a non-governmental organisation in consultative status with the United Nations Economic and Social Council, UNESCO, and the Council of Europe and the OAU. Founded in 1952, its task is to defend the Rule of Law throughout the world and to work towards the full observance of the provisions in the Universal Declaration of Human Rights. It is composed of 30 distinguished jurists from around the globe and has 75 national sections and affiliated organisations.

### ***Federation Internationale des Ligues des Droits de l'Homme***

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

### ***Euro-Mediterranean Human Rights Network***

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

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## **PREFACE**

This report was written with the aim of documenting the humanitarian and human rights situation in the Mawasi, the largest so called Yellow Area in the Gaza Strip, between 29 September 2000 and 31 May 2003. The report is based on extensive research and fieldwork and on the cooperation of many organizations that have helped PCHR gain a more accurate picture of civilian life in the area. However, work on this report has also faced major obstacles. Many Mawasi residents interviewed requested that their names or photographs not be included and many declined to be interviewed for fear of reprisals from the Israeli soldiers and the settlers in the area. Additionally, the immense difficulties faced by both Palestinians and internationals when attempting to enter and exit the Mawasi, due to the almost complete closure of the sole entry point into the area, have severely impeded access to information. For many years, the Palestinian civilian population has been subjected to ongoing violations of basic human rights and restrictions imposed by the Israeli military, thus making documentation of events in the Mawasi increasingly difficult. Despite these obstacles, PCHR believes that the report contains a largely accurate documentation of the human rights situation in the Mawasi area during the current Intifada. PCHR sincerely hopes that this report will contribute to raising awareness in the international community about the ongoing deterioration in the humanitarian and human rights situation in the Mawasi area.

The Mawasi area was chosen as the focus of this report for three major reasons. Firstly, the Mawasi is illustrative of the apartheid system of control and other policies that have been imposed by Israeli forces throughout the Occupied Palestinian Territories (OPTs) for the maintenance and expansion on the ongoing illegal occupation of the Gaza Strip and West Bank, including East Jerusalem. In addition, although the Mawasi is a particularly vulnerable area; the lack of access to the area has meant that little information has been published about the deteriorating situation of Palestinians in the Mawasi. PCHR published a report about human rights violations in the Yellow Areas in 1998, with special emphasis on the Mawasi Yellow Area. However, the situation has deteriorated dramatically since that time, and this report seeks to provide more updated information pertaining to this area and also to present a

more general assessment of both the humanitarian and human rights situation in the Mawasi and the impact of the settlements on Palestinians in the area. Thirdly, the current Intifada, which started in September 2000, has been characterized by a dramatic escalation in violence against Palestinian civilians residing in the Mawasi, and by a major deterioration in the humanitarian situation of Palestinians in the area. PCHR asserts that this increasingly desperate situation necessitates documentation and public reporting. This situation further demands the immediate and effective intervention of the international community to ensure that the Palestinians of the Mawasi are able to enjoy their basic human rights and freedoms.

## **INTRODUCTION**

The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, the so called Oslo II Agreement, (the Agreement) was signed in Washington D.C. on September 28, 1995. It was the third step in a long process designed to bring about a lasting settlement to the on-going Israeli-Palestinian conflict. It superseded prior agreements signed in Oslo, on September 13, 1993, and the Cairo Interim Agreement signed on May 4, 1994 and was designed to be implemented in stages and to be completed with Final Status agreements by 5 May 1999.

This agreement laid down the framework, both in terms of authority and geography, within which Israeli and Palestinian co-operation and individual activities were to be defined and guided. Geographical elements and issues relating to authority and security are detailed in the attached map no.1. Within these different 'Areas' certain responsibilities are delegated to either the Palestinian or Israeli forces and some are shared. This report focuses on those areas within the Gaza Strip known as the Yellow areas that are under full Israeli security control, but under Palestinian civil jurisdiction. The report will focus specifically on the Mawasi which is the largest Yellow Area within the Gaza Strip. While its life and activities were agreed upon and defined by the Agreement, almost all of those freedoms and rights have now been curtailed and a situation has come into existence wherein the most basic human rights as guaranteed in international human rights and humanitarian law are routinely and consistently violated.

The primary legislation regulating Israel's relationship with the OPTs is the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August, 1949, to which Israel is a High Contracting Party. The Convention sets out in express detail Israel's obligations as an Occupying Power, including in respect of the protected persons (Palestinians civilians) within the territory it occupies. It is important to note that Israel is also bound by the provisions of the international human rights law to which it is a State party, in all of the territories under its effective control. Thus, Israel is bound to provide the human rights protections to the Palestinian population of the OPTs afforded under amongst others, the International Covenant on Civil and

Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child. However, for the purposes of this report, the Fourth Geneva Convention will form the basic legal framework for the discussion of the rights of the Palestinian Mawasi residents and the obligations of the State of Israel.

The report specifically concentrates on human rights violations perpetrated by the Israeli military since September 28, 2000 and the impact of the Israeli military and settler presence and activities on the lives of Palestinian residents of the Mawasi. The almost total closure and isolation of the area has rendered normal life for the Palestinian citizens of the Mawasi impossible and has directly precipitated a humanitarian crisis. The report also assesses the response of local and international bodies to the needs of the Palestinian residents of the Mawasi, noting with grave concern the failure of the international community, specifically the High Contracting Parties to the Fourth Geneva Convention, to take effective measures to ensure Israel's respect of international law, particularly the Convention.

The report discusses the Palestinian-Israeli agreement's classification of the Yellow Areas and specifically the status of the Mawasi area. It then describes the impact of the illegal Israeli settlements in the area and how the extensive closure and matrix of control, created by Israel and justified on so-called security grounds, is affecting every aspect of the daily life of Palestinian citizens of the Mawasi. The study focuses on the impact this closure has had on economic activity, health, education, on the work of international aid agencies and details the ongoing violence perpetrated against Palestinian civilians and humanitarian personnel. The report deals with the period between September 29, 2000 and 31 May, 2003.

The study is based on the archives of PCHR's Field Work Unit, as well as specific field research conducted in the area. It also refers to other reports and press releases as well as meetings held with Palestinian government bodies and organizations, international organizations and Palestinian citizens living in the Mawasi. PCHR acknowledges that due to the difficulties in accessing the area, and in recording events occurring in the Mawasi, this report does not necessarily include all Israeli violations committed in the area since the

beginning of the current Intifada. However, all incidents recorded by PCHR as occurring in the Mawasi are listed in Annex 1. Annex 2 provides a brief summary of the situation in the other Yellow Areas in the Gaza Strip and details about the settlements in the Gaza Strip are listed in Annex 3. Map 1 in Annex 4 is a general map of the Gaza Strip which identifies the placement of checkpoints, military camps, sewage treatment plants and other specific locations in the Mawasi area. Map 2 in Annex 5 shows the geographical outline of the Gaza Strip according to the Agreement, while map 3 in Annex 6 shows the fishing areas specified under the Oslo Agreement.

### **The Agreement**

This section will provide a brief explanation of how the Oslo Agreement set out the structure of the OPTs, with particular reference to the Gaza Strip. It will also deal with how the Agreement defined the activities permitted within the Gaza Strip, with particular reference to the Yellow Areas and the Mawasi<sup>1</sup>.

It is important to note that throughout the entire process, the Oslo Agreement was to be applied by both the Israeli and Palestinian authorities “with due regard to internationally-accepted norms of human rights and the rule of law, and shall be guided by the need to protect the public, respect human dignity and avoid harassment.”<sup>2</sup> The second part of the report will address this issue in more depth.

### **The ‘Yellow Areas’<sup>3</sup>**

As per the Oslo Agreement, the Gaza Strip is delineated by an unbroken green line<sup>4</sup> and partitioned into:

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<sup>1</sup> To read the full text of the Agreement refer to [www.us-israel.org/jsource/Peace/interimtoc.html](http://www.us-israel.org/jsource/Peace/interimtoc.html)

<sup>2</sup> Article X1.1 of Annex 1

<sup>3</sup> The Yellow Areas are delineated by a broken red line and shaded in yellow in Annex 5, map no.2

<sup>4</sup> See Annex 5, map no.2

1. those areas which fall under the jurisdiction of the Palestinian Authority as laid out within the Agreement,
2. those areas where authority in security matters is to be shared, and
3. those areas where security matters fall entirely within the jurisdiction of the Israeli forces.

Without derogating from Palestinian authority, responsibility was to be shared as follows: the Israeli authorities would have the overriding responsibility and powers for security, and the Palestinian Authority would have the responsibility and powers for civil affairs, subject to the Agreement. In addition, with regard to the Yellow Areas, cooperation and coordination in security matters, including Joint Patrols, would be implemented.<sup>5</sup> While the Palestinian side was to have responsibility and powers for public order for Palestinians in the Mawasi area, Israel retained the responsibility and powers for internal security. Accordingly, the area was to be treated as Area B throughout the interim period in accordance with the provisions of paragraph 3 of Article V of Annex 1.

### **The Mawasi Area**

The Mawasi is a strip of land approximately 12 km long and 1 km wide, located in the southwest of the Gaza Strip along the Mediterranean coast, from the north of Deir El-Baleh to the Egyptian border in the south. The total area amounts to approximately 11,000 dunums<sup>6</sup>, which is 3% of the Gaza Strip and 70% of the Yellow Areas. The Mawasi has two distinct areas of administration; the Khan Younis Mawasi and the Rafah Mawasi. Located to the west of the towns of Khan Younis and Rafah, the Mawasi is the most fertile part of the Gaza Strip. It is partly due to its agricultural importance to both the Palestinians and the settlements, which operate large agricultural projects, that it was put under the special security and civil affairs arrangements in accordance with the Agreement.

Prior to the current Intifada, the Mawasi was regarded as one of the most beautiful areas of the Gaza Strip, with its beach, sand dunes and palm trees. It

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<sup>5</sup> Article VI.IV of Annex I

<sup>6</sup> One dunum equals 1000 square meters.



was a rich agricultural area providing the surrounding towns with guava, dates, figs, tomatoes, peppers, eggplants, beans, cucumbers and sweet potatoes. It was also a recreational area for the people of Khan Younis and Rafah with coffee shops dotted along the beachfront and many people owned summer residences in the area.

### ***The Status of the Mawasi under the Agreement***

Certain freedoms for the Palestinians were laid down in the Agreement. For the purpose of exercising Palestinian public order, the Palestinian uniformed civil police were to be able to enter the Mawasi area after coordination and confirmation of their movements through the relevant District Coordination Office (DCO) of the Israeli military.<sup>7</sup>

The routes through which free movement to and from the Mawasi was permitted were specified and permitted activities within the area were strictly defined. For example, access for Palestinians to the Mawasi area, as defined in map no.2, was permitted via the following three roads: from Rafah via Tel El Sultan; from Khan Younis via El Bahr road; and when travelling from Deir El Baleh, along the beach to the Mawasi.

The Mawasi Beach area was categorized as follows: notwithstanding Israeli authority over the Gush Katif settlement area, the Palestinian Authority would operate sections of the Mawasi beach extending eastwards up to the coastal road, totalling 5 kilometres including the Rafah and Khan Younis wharves. Israel notified the Palestinian Authority of the locations of these sections, which were to be used for the following purposes:

1. sport and recreation, including boat hire facilities
2. operating food establishments
3. enlarging the wharves
4. expanding the facilities for fishermen, such as offices, warehouses and cold storage facilities
5. hotel facilities.<sup>8</sup>

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<sup>7</sup> Article VI.IV.c of Annex I

<sup>8</sup> Article VI.V.c.II of Annex 1

As defined in the Agreement, the civil structure of the Mawasi was to be well ordered and Palestinian Authority offices were proposed for each wharf, to grant business licenses, collect fees and taxes, set and enforce public health standards and develop and manage the tourist sector. The Agreement expressly stated that: “there will not be any construction by Israelis of new sites along the beach.”<sup>9</sup>

The security arrangements concerning planning, building and zoning in the area were laid out as follows. Within the Yellow Areas building or installations may be built according to the following conditions: 1) one building or installation may be built on each plot, the size of which shall not be less than 25 dunums and; 2) such buildings or installation should not exceed two floors and should not exceed 180 square meters pr. floor<sup>10</sup>.

Congruent to and within the Mawasi Yellow Area, there exist a large number of Israeli settlements. The settlements situated within the Yellow Areas of the Gaza Strip were recorded, in accordance with the Declaration of Principles (DOP), as the Gush Katif and Erez settlement areas. These, as well as the other settlements in the Gaza Strip are delineated by a blue line in attached map no.2.<sup>11</sup> These areas fall under Israeli authority, both in matters of security and civil affairs. It is primarily due to the Gush Katif settlement block that the Mawasi area was singled out for the special security arrangements as it encompasses and surrounds the majority of the settlements in the area. The main settlement of Neve Dekalim, where the Gush Katif central administration is based, is located just to the west of the city of Khan Younis and falls within the Mawasi Yellow Area.

### **The Fourth Geneva Convention**

The Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 1949, (the Convention) is applicable to all of the territories

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<sup>9</sup> Article VI of Annex 1

<sup>10</sup> Article XII of Annex 1

<sup>11</sup> Article VI.III of Annex I

occupied by the Israeli military since 1967. The Convention remains directly applicable for so long as the Occupying Power maintains governmental and administrative control of the territory occupied<sup>12</sup>. Article 47 of the Convention expressly affirms the ongoing applicability of the Convention to protected persons in occupied territory irrespective of any agreements between the Occupying Power and the authorities of the occupied territory, nor by the partial or total annexation of the occupied territory. Thus, the agreements signed between Israel and the PLO (Palestine Liberation Organisation) do not alter the legal status of the Gaza Strip and West Bank, including East Jerusalem, or the applicability of the Convention. Palestinian civilians in the OPTs remain protected persons as defined in article 4 of the Convention, *"Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the Conflict or Occupying Power of which they are not nationals."* This status and the overall ongoing applicability of the Convention has been repeatedly reaffirmed by the High Contracting Parties to the Convention, with the exclusion of the State of Israel, most recently in the statement of the High Contracting Parties issued following their meeting on 5 December 2001.

Furthermore, since the beginning of the current Intifada, Israel has repeatedly demonstrated that it maintains effective direct control over and throughout the OPTs. The repeated and prolonged military incursions into Palestinian towns, villages and refugee camps and the ongoing closures, both external and internal, and curfews imposed throughout the OPTs clearly evidence the day-to-day control of the Israeli military over all of the OPTs. This control has further necessarily included much of those functions which Israel had previously transferred to the Palestinian Authority, including law enforcement, since the Israeli military attacks have specifically eradicated the elements necessary for a functioning Palestinian Authority, or future state of Palestine. Palestinian ministries; security services; police; coastguard; and infrastructure, including major roads, Gaza seaport, and Gaza international airport; have all been systematically targeted and destroyed by the Israeli military since September 2000. The remaining elements of the Palestinian Authority created

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<sup>12</sup> Article 6 of the Fourth Geneva Convention. Also Pictet's Commentary on article 6.

in the Agreements, have almost ceased to function. The areas previously declared under Palestinian Authority control, have been returned to de facto full Israeli military control.

The Palestinian residents of the Mawasi are thus civilians with protected status as defined under article 4 of the Convention, and as such, Israel continues to be solely responsible for the welfare of the residents of the Mawasi, including as set out in article 27.

#### Article 27 Obligations

Under article 27 of the Convention, as the Occupying Power, the State of Israel has an absolute obligation to ensure that "*Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, their manners and customs. They shall at all times be treated humanely, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.*" Article 27 of the Fourth Geneva Convention contains the basic premise upon which the Geneva Conventions are founded; the respect for the human person. This article imposes legal obligations on Israel to ensure the humane treatment of each protected person within the territory under their effective control. This obligation is absolute and applicable in "*all circumstances*". It cannot be derogated from in any circumstances. As will be detailed later, some of the services necessary to guarantee the humane treatment of protected persons can be provided by humanitarian organizations. However, Israel remains the sole agent responsible for the welfare of the protected persons – Palestinian civilians.

Article 27 is to be understood in its widest sense to include, "*the prohibition of acts impairing individual life or health*"<sup>13</sup>, to include the rights to enjoy a family life, to enjoy freedom of movement, and to be treated humanely. The requirement of humane treatment is "*general and absolute in character*"<sup>14</sup>.

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<sup>13</sup> Pictet, J., *Commentary, Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War*, ICRC Geneva, 1958, p.201-203.

<sup>14</sup> *Ibid.*

These obligations are further clarified in respect of protected persons in occupied territory in articles 50, which provides for the rights of children under occupation; 55, which details the obligation to ensure food and medical supplies for the population; 56 which details the duty to ensure hygiene and public health; 59 which provides for relief services where necessary and provides for free passage for relief consignments. This report will seek to comment on Israel's fulfilment of these obligations in respect of the Palestinian civilian population in the Mawasi.

## **CURRENT SITUATION IN THE MAWASI**

### ***Khan Younis Mawasi***

#### **Geography**

The Khan Younis Mawasi is the larger of the two Mawasi areas. It comprises 8776 dunums, 8000 of which are cultivated<sup>15</sup>.

#### **Population and Demography**

The Khan Younis Mawasi is inhabited by 760 Palestinian families comprising a total of approximately 5300 persons within three communities. 220 of the families are Palestinian refugees who fled to the area in 1948<sup>16</sup>.

#### **Al-Malalha**

This community is located to the north of the beach road coming from Khan Younis in the direction of the major road along the sea. All of the inhabitants are Bedouin refugees who fled to Gaza in 1948, mostly from the Beersheva area in Israel.

#### **Tal Jenan**

This community is located to the south of the beach road. Housing is a mixture of older and modern buildings.

#### **Tal Ridan**

This community is located on the northern edge of the Khan Younis Mawasi.

#### **Economic Activities**

The Mawasi is mainly an agricultural area, and the people of the Khan Younis Mawasi depend on agriculture as their primary source of income. Guava is the most important crop, and potatoes, sweet potatoes, onions, olives and dates are also cultivated. Most vegetables are grown in green houses, permitting up to 3 or 4 harvests a year. The area also has a small livestock sector, mostly sheep

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<sup>15</sup> Figures provided by the Ministry of Agriculture in Khan Younis.

<sup>16</sup> Population figures for both Khan Younis and Rafah Mawasi provided by UNRWA.

(2000) and cattle (40), as well as honey farms and a nursery for vegetable seeds, producing 350,000 seeds a year<sup>17</sup>.

However, since the beginning of the current Intifada in September 2000, the agricultural production has been reduced by approximately 90%<sup>18</sup>. This is due in large part to the Israeli military closure policy, which has been consistently tightened since the beginning of the Intifada. Furthermore, a considerable portion of the Mawasi land is no longer used due to its proximity to the Israeli settlements and the subsequent de facto prohibition on access to these areas, including for cultivation, enforced by the Israeli military through sniper-fire, arrest or detention. A more detailed description of the impact of the current Intifada on the agriculture of the Mawasi, can be found in the section “The impact of the Israeli ‘security’ measures on agriculture”.

Fishing, which is the second major source of income, has also faced significant obstacles since the beginning of the current Intifada. Indeed, fishing in the area has been prohibited since April 2002, when the Israeli army closed off access to the beach and the sea (for further details see the section “The impact of the Israeli ‘security’ measures on fishing”).

### **Public Services and Infrastructure**

Provision of public services and infrastructure, such as electricity, water, sewage and roads are the responsibility of the municipality of Khan Younis. However, as detailed below, the provision of these services has been severely disrupted by the continuous Israeli military closure of the Mawasi area.

#### Gas

The amount of gas for cooking and heating allowed into the area is subject to the decision of the soldiers posted at the Tuffah checkpoint, which is currently the sole entry point into the area. Thus there have been very limited amounts of gas permitted into the Mawasi; between February 15 and November 16, 2002, no gas was permitted into the Mawasi, including for domestic use. During that period, people were forced to use small kerosene stoves for cooking and baking.

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<sup>17</sup> Figures and information provided by the Ministry of Agriculture in Khan Younis.

<sup>18</sup> According to figures obtained from the Ministry of Agriculture in Khan Younis.

### Electricity

The electricity supply in the Mawasi is severely limited, available only for around 5-6 hours each night. The only source of electricity for Palestinian residents is a temporary generator. In 1993-94, four people in the Palestinian part of the Mawasi were connected to the private Israeli electricity company network that supplies electricity for the settlements in the Mawasi area, as they needed electricity in order to grow flowers that were then exported as Israeli products to foreign markets.

After the signing of the Oslo agreement, the municipality tried to connect the whole Mawasi area to the network provided to the settlements, but the company rejected this initiative. The only solution found was to provide electricity through a generator. This project was implemented in 1997. The generator however only works from 17.00hrs -24.00 hrs and not all of the population is connected. Some houses are simply too far away (approximately 4 km) to be connected to the generator<sup>19</sup>.

At the beginning of the current Intifada, the European Union attempted to establish an electricity supply project. This project, however, is yet to be implemented due to the continuous closure.

### Water

There is one private well in the Khan Younis Mawasi that provides the whole area with water. However, it is a private well, which is not under the supervision of the municipality. Furthermore, the water is mostly used for irrigation of the fields and is therefore often polluted with fertilizer. In 1999, a project was started, funded by a local NGO, to provide the area with a fresh, new water well and a network to distribute water within the Mawasi. The drilling work began in mid 2000 but was halted by the Israeli military at the outbreak of the Intifada in September 2000.

### Sewage

There is no sewage system in the Khan Younis Mawasi. Prior to the current Intifada the community relied on a septic tank, which was serviced by the

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<sup>19</sup> All information about public services has been gathered from the Khan Younis municipality.



municipality. However, after the outbreak of the Intifada in September 2000, servicing was made impossible by the Israeli military closures. As a result, sewage is now thrown onto the streets and runs into the aquifer, polluting the groundwater.

### Roads

Most of the Khan Younis Mawasi is connected by a network of dirt road. In contrast, asphalt roads have been built to connect the Israeli settlements and Palestinians are prohibited from using these roads. The only roads permitted for use by both the Israeli settlers and Palestinians is the road leading from the Tuffah checkpoint into the area, and the road along the beach.

### Schools

The Khan Younis Mawasi School (“Jerar al-Qedwa”), was established in 1998 with approximately 700 pupils enrolled in first to tenth grade. In the autumn of 2001, grades eleven and twelve were added and the school now has 1175 registered students. “Jerar al-Qedwa” has 28 classrooms within the school building, as well as 6 classrooms in tents outside the school provided in 2001 by the ICRC to meet space requirements. There are 42 teachers at the school, 22 of whom live in Khan Younis. These teachers must pass through the Tuffah checkpoint on a daily basis and therefore face many difficulties and delays reaching the school. The school is run by the Palestinian Authority and takes an annual fee of NIS 40 from each student. However, many families cannot pay due to a lack of income. Due to the ban on the movement of goods, the school has no petrol to run its generator, which is the only source of electricity.<sup>20</sup>

### Medical Services

There is one very basic clinic in the Khan Younis Mawasi, which was established in 1996 to treat members of the Palestinian police. However, it has been expanded into a general clinic, serving the entire population. It is staffed by one doctor and one nurse and is open between 8 a.m. and 1 p.m. For after-hours treatment, the sick or injured must go to the staff nurses house<sup>21</sup>. The area

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<sup>20</sup> Information about the school was gathered from Ahaly El Mawasi Association and the school’s headmaster.

<sup>21</sup> Information gathered from Ahaly El Mawasi Association.

also had another small clinic, run by the Palestinian Red Crescent Society (PRCS), however it was forced to close in January 2001, due to the continuous siege imposed on the area.

PRCS operates one ambulance in the area, which is stationed in the Khan Younis Mawasi area but services the entire Mawasi area. The ambulance began its service on May 9, 2002.

#### Shops

The Khan Younis Mawasi area has 4 shops, but no market. The shopkeepers are permitted to travel to Khan Younis once a week, on Saturdays, to stock up on foodstuffs and other basic commodities for the entire community. Other individuals are not permitted to bring food or other products into the Mawasi area.

#### ***Rafah Mawasi***

#### **Geography**

The Rafah Mawasi area is approximately 2200 dunums, most of which is cultivated.

#### **Population and Demography**

The area is inhabited by 430 Palestinian families (approximately 3000 people) in three communities. 230 families are Palestinian refugees from 1948.

#### The Swedish village

This community is located in the southwest of the Gaza Strip, to the west of the Rafiah Yam settlement near the Egyptian border, and is officially part of the Rafah refugee camp. All of the inhabitants in this community are refugees originally from the Ashdod area. Fishing is the major source of income, while others also rely on small-scale agriculture.

#### Shalalfa community

This community is located north of the road from Rafah toward the sea. The main source of income is agriculture and fishing.

### Nada community

This community is located to the south of the road from Rafah, adjacent to the Rafiah Yam settlement. The inhabitants also normally earn their living from agriculture and fishing.

### **Economic Activities**

Like the Khan Younis Mawasi, the main economic activity in the Rafah Mawasi is agriculture. Potatoes, sweet potatoes, onions and guavas are the primary crops. As in the Khan Younis Mawasi, many farmers have found themselves obliged to leave their fields because of their proximity to Israeli settlements, and the de facto prohibition on access to these areas imposed by the Israeli military through sniper-fire, arrest or detentions. They have also been affected by the extensive closure of the area from the rest of the Gaza Strip, the West Bank and foreign markets.

Fishing, the other major economic activity, has also faced similar difficulties, although the closure hasn't been as strict as in the Khan Younis Mawasi. Fishermen in Rafah are still permitted to fish, but they are regularly subjected to arbitrary closures and restrictions on access to the sea, as well as harassment and damage to equipment (further details are provided in the section "The impact of the Israeli 'security' measures on fishing").

### **Public Services and Infrastructure**

Prior to the current Intifada, the Rafah municipality provided garbage collection, sewage and water services for the Rafah Mawasi area. Due to the Israeli military closures these services are no longer possible. Electricity is provided by a semi-private company<sup>22</sup>.

### Gas

Gas supplies are subject to arbitrary restrictions by the Israeli military and gas is often not available for short periods. For example, there was no domestic gas

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<sup>22</sup> Information about public services in the Rafah Mawasi is provided by the Rafah municipality.

between February 15 and November 16, 2002, following restrictions imposed on the entry of gas canisters by the Israeli military into the Mawasi area.

#### Electricity

The Rafah Mawasi has electricity for a maximum period of 4 hours every evening, from 16.00hrs to 24.00hrs, provided by a generator run by a semi-private company.

#### Water

The water in the Rafah Mawasi is sourced from a local well. It pumps 40 cubic meters per hour, but can only operate for 5 hours a day because of the restricted electricity supply. The pump is run by a diesel engine but there are difficulties obtaining sufficient diesel to fuel the engine, as well as equipment and tools to maintain it, due to the closure of the Tel Sultan checkpoint and restrictions on entry of all goods through the Tuffah checkpoint. Simple maintenance of the generator is carried out by a local operator living within the Mawasi area. In September 2002, the well did not function for 3 weeks, until UNRWA was able to assist coordination of the maintenance work.

#### Sewage

There is no sewage system in the Rafah Mawasi, but there are a number of septic tanks in which residents of the area can deposit their waste. However, due to the Israeli military closures, the municipality is not permitted access to empty the tanks and as a consequence, the residents deposit their wastewater in the street. Next to the Swedish village, near the border with Egypt, a pipe pumps filtered and chlorinated sewage water from the city of Rafah directly into the sea; this access point regularly overflows, depositing sewage on the beach.

#### Roads

Most roads in the Rafah Mawasi are dirt roads. The only asphalt road runs along the beach, which is also used by the settlers. The beach road has four military checkpoints cutting the road from Deir El Baleh in the north to the Egyptian border in the south, into five sections. As detailed later in this report, passage through these checkpoints is subject to arbitrary closures and the Israeli soldiers at the checkpoints frequently hinder and harass Palestinians. PCHR

has received a number of reports regarding ill-treatment, including physical abuse by Israeli soldiers at the checkpoints (further details are available in the section on "Violence Against Palestinians").

### Schools

The school in the Rafah Mawasi was established in March 2002 with the help of the UNDP and the governor of Rafah. It consists of 18 porta-cabins, 2 of which are unfurnished. The school has 455 students aged 6 to 14, in grades one to nine and has 14 teachers, but requires a further nine in order to provide adequate classes for each grade. The school has no water, gas or electricity<sup>23</sup>.

### Medical services

There is a small clinic consisting of four rooms with two beds/stretchers. It is staffed by one doctor and one nurse and lacks all but the most basic equipment. The only service the clinic is able to provide is the distribution of basic medicines. Electricity is only available for 2 hours a day and there is no refrigeration for large amounts of perishable medicine. Médecins Sans Frontières and the International Committee of the Red Cross occasionally provide medicine but it is not sufficient to cover the needs of the community<sup>24</sup>.

The Red Crescent ambulance based in the Khan Younis Mawasi, also services the Rafah Mawasi.

### Shops

There are 2 shops in the Rafah Mawasi and no market. The shopkeepers are allowed to pass through the checkpoint once a week to go to Khan Younis to purchase foodstuffs and other basic commodities.

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<sup>23</sup> This information is provided by Ahaly El Mawasi Association as well as from a visit to the school.

<sup>24</sup> Information gathered from a visit to the clinic and conversation with the clinic doctor.

## THE SETTLEMENTS

As this report will seek to demonstrate, the existence, maintenance and expansion of the Jewish settlements is the primary factor in the ongoing deterioration in the human rights and humanitarian situation of the Palestinian residents of the Mawasi. There are 19 Jewish settlements in the Gaza Strip, the majority of which are located in the Gush Katif settlement block. All Jewish settlements located in the OPTs constitute a grave breach of the Fourth Geneva Convention, namely a war crime, as clarified in the first Additional Protocol to the Geneva Conventions, which expressly states that "*...the following shall be regarded as grave breaches...the transfer by the Occupying Power of parts of its own civilian population into the territory it occupies, in violation of article 49 of the Fourth Geneva Convention...*"<sup>25</sup>. The illegality of the settlements has been repeatedly reaffirmed by the international community, including through UN resolutions and statements issued, individually and collectively by the High Contracting Parties to the Geneva Conventions<sup>26</sup>. However, despite this clear understanding of the status of the settlements, they have been allowed to remain. Furthermore, the settlements have continued to expand, and new settlements are being established throughout the OPTs.

Measures employed in the furtherance of the Israeli government's settlement program have systematically violated the fundamental freedoms of Palestinians, individually and collectively, throughout the OPTs. For the Mawasi residents, these measures have crippled the economy, eliminated social and political life, effectively imprisoned the entire Palestinian community and created a humanitarian crisis, whilst denying effective relief and humanitarian assistance.

Israeli settlers began to settle in the southern Gaza Strip from the late 1970s. Since that time the number of settlements in the locality has continued to increase and the area of territory under the control of these settlements has continued to expand. The settlers were largely attracted to this area by the high

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<sup>25</sup> Protocol Additional I to the Geneva Conventions of 12 August 1949, article 85 (4) (a). Also see articles 49 and 147 of the Fourth Geneva Convention.

<sup>26</sup> See statement issued following the 5 December 2001 meeting of the High Contracting Parties in Geneva.

quality of the soil and its beach location. At that time, most of this land was planted with trees and used as grazing area by Palestinian shepherds. The settlers cleared the area, built green houses and established large agricultural projects, as well as a number of industrial factories. The Oslo agreement and its division of the area into different zones of Israeli, Palestinian and joint control, increased the segregation between settlers and Palestinians and encouraged the settlers to appropriate more land for their own expansion. Citing the 'security' of the settlers, the Israeli army set up large numbers of military outposts and checkpoints and cleared large pieces of land to act as “buffer zones” between the settlements and the Palestinian communities and towns. As detailed below, in fact, not only the population of the Mawasi, which lies to the west of the settlements, but also the population of the whole area to the east of the settlements, including the cities and refugee camps of Khan Younis and Rafah, are affected by the large security zones created around the settlements and the roads connecting them with Israel. As the settlements grew in number and territory, the area was developed into one territorial block, where the single settlements came to be considered as parts of a whole. In order to illustrate the apartheid system separating Israeli settlers from the Palestinian citizens of the Mawasi, this section will provide a brief comparative analysis of the settler and Palestinian communities in this area. This section will also highlight the process of ongoing territorial expansion of the Israeli settlements in this area and the gradual process of expulsion of the Palestinian population.

### ***Characteristics of the Two Populations***

#### **Israeli Settlers**

Today there are 14 settlements in the Mawasi area - eight in the Khan Younis Mawasi and six in the Rafah Mawasi – with around 3850 settlers (over 5000 in the total Gaza Strip) according to their own estimates<sup>27</sup>. However, during a number of visits made by PCHR's researchers to the settlement block, they did not see evidence of such a large number of inhabitants; in particular, many

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<sup>27</sup> Information about the settlements including names, locations, dates of establishment, estimated populations and area in dunums is to be found in Annex 3. The figures were provided by the settlers in Gush Katif. According to figures provided by Peace Now, settlements in the Gaza Strip have continued to expand in population.

properties stood empty. While many of the first settlers in the Mawasi area came from the Jewish settlements established in Sinai (Egypt) after being evacuated from the area following the Camp David peace agreement with Egypt in 1979, many of the new settlers now come from France and India. Many settlers also choose to move to the region from other parts of Israel for ideological and economic reasons<sup>28</sup>.

### **Palestinians**

There are approximately 8200 Palestinians currently living in the Mawasi area. Many previous Mawasi residents have moved from the area to neighbouring Khan Younis and Rafah, or elsewhere in the Gaza Strip; often as a result of the increasing difficulties imposed on the Mawasi community. Around 50% of the current population are refugees who were forced to flee to the area from Israel in 1948. The remaining 50% has lived in the area for generations. The Palestinian population is Muslim and is a relatively traditional community.

### ***Standard of Living***

There is a huge disparity in the standard of living between the two population groups living in the Mawasi area - the illegal Israeli settlers and the Palestinian civilians. As the following will show, the Israeli settlers enjoy a very high standard of living, in many respects considerably better than that of many Israelis within Israel. In contrast, normal, functioning social, economic and political life for the Palestinian residents remains impossible due to the Israeli settler and military presence. The previously low standard of living continues to deteriorate, and a humanitarian crisis is rapidly developing.

### **Israeli Settlers**

The settlers typically live in villa-style white houses with red tiled roofs, surrounded by lawns, flowers and hedges. The residential areas bear a strong resemblance to American and European middle class neighbourhoods with well-maintained, well-lit, paved streets. The settlers have easy access to schools, supermarkets and shopping areas as well as the other settlements in the area, via wide, well-maintained asphalt roads. In addition to a broad range of

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<sup>28</sup> Conversations with settlers during a PCHR field visit to Gush Katif in February 2003.



shopping facilities, a number of pizzerias and a small restaurant, the settlements have a number of religious schools, cultural centres, a beach front hotel, a tourist resort with a swimming pool, as well as a Jewish history museum and a children's zoo. The settlers run large agricultural projects as well as commercial factories which produce juice, paper goods, air-conditioner parts, cosmetics, and a large plant and flowers nursery. They have also specialized in growing kosher (food prepared in accordance with Jewish dietary laws) leafy vegetables, as well as organic vegetables and fruits mainly for export to European markets<sup>29</sup>. Encouraged and assisted by significant state subsidies<sup>30</sup>, the settlements have flourished and succeeded in establishing a Jewish community on Palestinian land in the area.



A Jewish religious school (Yeshiva), constructed in the shape of the Star of David in the settlement of Neve Dekalim, inside the Mawasi area

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<sup>29</sup> Information provided during conversations with representatives of the Gush Katif Municipality during a visit to the settlement block in February 2003.

<sup>30</sup> Specific information regarding state subsidies to settlers in the Gaza Strip is not readily available. However, it is generally accepted that these subsidies include tax benefits, greater investment in welfare services, cheap loans and rents for land and properties. According to information published by Peace Now approximately US\$500 million was invested by the State in the settlements in 2001, in tax breaks and supplements and other non-military related investments. In particular housing in settlements received more than twice the government investment in housing in Israel. See "Peace Now: Almost half a billion dollars for Jewish settlers in 2001", Agence France Presse, January 23, 2003.

### **Palestinians**

Many Palestinians in the Mawasi area live in low-level concrete houses with asbestos roofing. However, most of the refugees and the poorer section of the population live in small shacks made from materials such as wood or plastic. As mentioned previously, there is no sewage system and water and electricity are only available for a limited number of hours per day. Many houses have neither running water nor electricity. The Palestinian communities are connected by dirt roads that are often flooded during the rainy season and therefore impossible to use. In areas where large roads have been built for the settlers, Palestinians are restricted to smaller, less well kept tracks that run alongside the settler road. For further details on the standard of living of the Palestinians in the Mawasi, refer to the section “The current situation in the Mawasi”.

### ***Natural Resources***

Another area that clearly illustrates the inequality and subjugation of the Palestinian civilians is the use of and access to natural resources, including land, water and electricity.

### **Land**

There are approximately 1.2 million Palestinians in the Gaza Strip and approximately 5000 Israeli settlers. Although the settlers constitute only 0.5% of the total population, currently at least 42% of the land in the Gaza Strip is under Israeli military control and thereby reserved for the sole use and benefit of settlers; as detailed later, increasing amounts of Palestinian land in the Gaza Strip are being brought under the de facto control of the Israeli military and settlers. In the Mawasi area, there are approximately 3900 settlers, compared to 8200 Palestinians, thereby constituting 32% of the total population. Despite this, the Israeli settlers have access to more than three and a half times as much land as the Palestinians per capita; approximately 4.8 dunums per settler compared to 1.34 dunums per Palestinian. It is important to reiterate that all the territory now effectively controlled by the Israeli military and the settlers has

been illegally expropriated in an ongoing process since the first settlers came to the area in the late 1970s.

### **Water**

Access to water also differs greatly between Israeli settlers and Palestinians. Palestinians are forbidden to dig new wells; this does not apply to Israeli settlers. Preferential access and services for Israeli settlers has resulted in an annual per capita consumption of water among settlers in the Gaza Strip of 1000 cubic meters compared to 172 cubic meters per Palestinian<sup>31</sup>. In addition, due to Israeli government subsidies, water is available to settlers at a quarter of the price that Palestinians in the Gaza Strip pay, despite the enormous income disparities.

### **Electricity**

Access to electricity is also highly inequitable. Israeli settlers have unlimited 24-hour access to electricity provided by a private Israeli company. However, the company refuses to connect the Palestinian residents of the Mawasi to the network. Some Palestinians in the area have now been connected to a generator, but it only operates for a maximum of 4 hours in the evening due to the limited amounts of fuel allowed into the area by the Israeli military. Some Palestinians have no access to electricity as they live too far away from the generator; the Palestinian schools and clinics in the area have no electricity supply.

### ***Destruction of the Environment***

The presence of Israeli settlers and expansion of areas under Israeli control through land-leveling in the Mawasi has been disastrous for the environment. However, in addition, further damage to the natural environment of Palestinian areas has resulted from dumping of chemical and sewage waste by the settlements.

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<sup>31</sup> Water consumption figures for the Mawasi area alone were not available. However, given the continuous restrictions on access to water in the Mawasi, it is possible to assume that the per capita consumption level in the Mawasi would be lower than the Gaza Strip average.

### **Toxic waste**

The most significant illustration of the negative impact that the Israeli settlers have had on the environment of the Mawasi, has been the disposal of toxic waste produced inside Israel or the settlements<sup>32</sup>. The first such incident in the Mawasi area occurred in March 1998, when 28 barrels each containing 220 litres of hazardous waste were discovered while a Palestinian was unloading the barrels from an Israeli settler's vehicle. The toxic waste (organic mixtures of trichloroethylene) contained in the barrels is normally disposed of at the Ramat Hovav facility in the Negev. After prolonged negotiations with the Israeli authorities, the barrels were finally removed and transferred to Ramat Hovav for safe disposal. However, the Palestinian Authority was made to pay the cost of US\$2000 per barrel to have them relocated to Ramat Hovav.

In another incident in September 2000, a 5000 square meter, 35 meter deep hole containing 50,000 tons of hazardous waste was discovered in the Mawasi area. When contacted to address the issue, the Israeli Liaison office stated that the toxic waste had been found on settlement land and therefore fell under their jurisdiction. However, no agreement was reached and the Israeli authorities refused to remove the chemical waste, which has been left to leak into the aquifer in the Mawasi. This is particularly critical in an area where the ground water level is no more than 3 meters below the surface.

### **Sewage Treatment and Garbage Disposal**

Of further concern is the existence of 4 sewage treatment plants that treat wastewater from the settlements, which are located in Palestinian designated areas. In addition to the dump for the settlements' refuse, these sewage plants present huge environmental and health problems for the Palestinians living nearby<sup>33</sup>. The garbage and sewage dumped in the areas inhabited by Palestinians is the cause of air, soil and water pollution and directly impacts on the health of the Palestinian residents.

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<sup>32</sup> All information in this section stems from the report "Israeli Environmental Violations in the West Bank and Gaza Governorates" published by the Palestinian National Authority Ministry of Environmental Affairs (MENA) in July 1999, as well as a meeting with the Palestinian Minister of Environmental Affairs.

<sup>33</sup> Both sewage plants and the garbage dump are marked in map no.1, Annex 4.

### *Legal Systems*

In an institutionalized example of the apartheid system operated and maintained by Israel in the OPTs in the maintenance and expansion of the ongoing illegal occupation, Israel operates two entirely separate legal systems; one for Israelis residing in the OPTs and one for Palestinians. Israelis who commit crimes in the OPTs are subject to the jurisdiction of the civil court system inside Israel, whereas Palestinians from the OPTs are subject to the Israeli military court system. The Israeli military court system has been criticized by human rights organizations around the world for consistently failing to meet even basic international standards on the rights to a fair trial, including access to legal counsel, rules of evidence, right to appeal and standards of independence and impartiality. The Israeli military court system has subjected thousands of Palestinians to penal sanctions, including long periods of detention without permitting access to appropriate legal defence, using evidence that remains undisclosed to the defence and often using confessions obtained under torture. Appeals procedures are rarely effective as frequently the facts of the case are not re-considered and sometimes the same military commander effectively reviews a decision that he had previously handed down.

Further evidencing this entirely discriminatory approach to "justice", despite the relatively developed nature of the judiciary inside Israel, thorough and appropriate investigation and prosecution of crimes committed by settlers is rare. In the few instances where an investigation is actually conducted and a settler is found guilty, the penalties are minimal and disproportionate to the crime committed. In one of the starkest examples of this discriminatory two-tier justice system, on 21 January 2001, a Jewish settler was sentenced to six months community service and a 70,000NIS fine for beating a Palestinian child to death. On the same day in an Israeli military court a 17-year-old Palestinian girl was sentenced to six and a half years prison term for the attempting stabbing of a Jewish settler<sup>34</sup>. Israeli soldiers accused of perpetrating crimes in the OPTs are also rarely subject to proper investigation and prosecution. Despite the ongoing violations of human rights in the OPTs perpetrated by

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<sup>34</sup> See LAW's press release on 22 January 2001 at [www.lawsociety.org](http://www.lawsociety.org)

Israeli forces, few soldiers have been investigated; even for cases involving the killing of a Palestinian civilian. As a legal aid agency, PCHR has submitted hundreds of legal complaints regarding killings and injuries to Palestinian civilians and destruction of civilian property, to the Israeli military prosecutor, the Israeli military legal advisor and to the Compensation Officer of the Israeli Ministry of Defence. However, PCHR does not consider that an effective or thorough investigation was conducted in any case in which it has submitted a complaint. PCHR is not aware of any case in which the Israeli military or authorities have provided full and effective reparation, in accordance with international standards, to Palestinian victims of human rights violations perpetrated by the Israeli military or settlers in the Gaza Strip. More specifically, PCHR has submitted 9 legal complaints to the Israeli military authorities in respect of violations perpetrated by settlers against Palestinians in the Mawasi. None of these cases has resulted in a full and impartial investigation, or prosecution or appropriate sanctioning of any individual found responsible<sup>35</sup>.

This ongoing failure to hold Israeli settlers and soldiers accountable for crimes committed against Palestinians, including civilians, in the OPTs, has created a culture of impunity, particularly amongst the settler community. This is clearly evident in the actions and behaviour of the settlers in the Gush Katif towards Palestinians, as detailed later in this report. This culture of impunity for a range of crimes that include the killing of Palestinian civilians and wanton damage and destruction of property, only serves to encourage an escalation in the violence.

### ***Settlement Expansion***

Territorial expansion by Israel has been a gradual but ongoing process throughout the OPTs. As Miloon Kothari, the UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, states Israel has a "*...long record of depopulation and demographic*

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<sup>35</sup> More recently, a female IDF soldier was indicted by the IDF Southern Command Military court on charges relating to an incident at the Tuffah checkpoint. Further details are available in the section of this report on "Violence against Palestinians".

*manipulation by way of expulsion, destruction of homes and villages, and implantation of settlers prior to and since its establishment as a State*<sup>36</sup>. In particular, the settlements and settlement infrastructure in the OPTs continues to expand; more territory continues to be expropriated from Palestinians, to establish new settlements, to expand existing settlements, and to expand settlement infrastructure. Land continues to be expropriated illegally from Palestinians through various processes, such as the large scale land razing and confiscation (also discussed in the section on agriculture) and house and property demolitions.

In the Gaza Strip, Palestinian agricultural land located adjacent to settlements or settlement roads is often razed by the Israeli military, using bulldozers and heavy military vehicles to flatten crops, uproot trees and demolish agricultural buildings. The Israeli military often cite various reasons for these operations, including claims that foliage in the area provides cover for Palestinian gunmen seeking to attack the settlements. These areas of land are then gradually incorporated into the settlements, either by the establishment of fences around the property or, more often, by the de facto incorporation of the land into the settlement's existing territory by denying the Palestinian owners or workers access to the land. This prohibition on access is largely enforced by the threat of sniper-fire, arrest or detention of those Palestinians who approach the land, including the land owners.

In the West Bank, expansion of the settlement programme with regards both existing and new settlements, generally involves the establishment of first temporary housing structures (tents, caravans, water towers etc) on newly confiscated/leveled land, and then gradual establishment of permanent communities and their necessary infrastructure. In the Gaza Strip, the processes are slightly different; the settlement programme in the Gaza Strip also includes expansion of existing settlements, including agricultural lands,

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<sup>36</sup> UN doc E/CN.4/2003/5/Add.1, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Mr. Miloon Kothari. 12 June 2002, para.9.

<sup>3</sup> For more detailed information on dispossession of Palestinians living in the West Bank and East Jerusalem, please see reports submitted to this Committee by West Bank NGOs.

establishment of new properties inside existing settlements, and even establishment of new settlements (within the Mawasi area as detailed later). However, more commonly Israeli territorial expansion in the Gaza Strip involves de facto incorporation of land within the boundaries of existing settlements (either fenced in or closed off by use of sniper fire) for the purpose of so-called "buffer zones". The incorporation of these lands then increases the distance between the settlers' buildings, and the Palestinians. Few new properties have been built on this land; instead it is used as a "buffer zone", between the two communities, but controlled by settlers and the Israeli military. Thus, the areas controlled by the Israeli military, including through snipers positioned in towers inside the settlements, can extend to up to 2 kilometres from the settlement itself. This procedure is also followed to distance Palestinian areas from settler roads. Attempts to access these areas, or even proximity to edge of these areas, is responded to by sniper fire. A number of Palestinians have been shot and killed in these areas in the Gaza Strip.

Further typifying settlement expansion in the Gaza Strip is the establishment of permanent infrastructure, including roads and bridges. The establishment of and investment in permanent settlement infrastructure, such as that detailed below, indicates a long-term plan of permanent territorial expansion in the Gaza Strip. In one such example, for the last three years, the Israeli military has pursued a large-scale land-clearing operation in the central Gaza Strip to the east of the Gush Katif settlement block. This operation has cleared at least 326 dunums of prime Palestinian agricultural land, and several homes, to facilitate the construction of a motor-way bridge enabling settlers residing in Gush Katif, to travel to Israel without having to cross the main Palestinian road. It is also important to note that, according to information submitted by the state to the Israeli High Court in response to a petition by Palestinian landowners<sup>37</sup>, this bridge, which serves the Gush Katif settlers, was allegedly intended to provide secure access for the settlers but also to ease the situation for Palestinians whose passage along this main road was severely restricted by an

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<sup>37</sup> Case Number: 3081/01 (Abu Houli v. State of Israel). PCHR represented two relatives of the Abu Houli family whose land had been confiscated in the Abu Houli area in central Gaza, south of Deir el Balah. PCHR's lawyers submitted a petition to the Israeli High Court. The above comments were taken from the State response to the petition.



Israeli military checkpoint placed to secure settlers passage across the road. The planned bridge was to be used by the settlers instead of the road crossing. The State asserted that once the bridge was completed, the checkpoint on the Palestinian road would become unnecessary and could be dismantled. However, as the land clearing process continued, the checkpoint was expanded to include armoured military positions and traffic lights. Despite the completion of the bridge in Autumn 2002, the checkpoint remains, and continues to be used to severely restrict passage of Palestinians between the north and south of the Gaza Strip. The removal of any security reasoning for the checkpoint, according to the State's own argument, appears to indicate that the real purpose of the checkpoint, which is the largest and most disruptive checkpoint within the Gaza Strip, is punitive.

More specifically, in the Mawasi area, settlement expansion has included the de facto confiscation of Palestinian agricultural lands, establishment of new settlements, and expansion of the internal settlers' road system. According to limited information received by PCHR, at least 439 dunums of Palestinian agricultural land in the Mawasi has been leveled and then been incorporated into the settlements by either fencing it in, or denying access for Palestinians through sniper-fire or arrest. Some of this land has also been used in the construction of new internal roads for settlers, including a 1km road along the beach in the Khan Younis Mawasi on which construction began in March 2002 (see Annex 1 for further details).

In an incident detailed later in the section on Violence Against Palestinians, a new settlement has been established inside the Khan Younis Mawasi on property confiscated from the Khan Younis Municipality. Ten beach front cabins were being rented to Subhi Malahi el Qidra by the municipality but he was forcibly evicted by the settlers, supported by the Israeli military, on 20 November 2000. According to reports, the settlers confiscated a further two cabins and then surrounded a total of 12 properties with barbed wire. Two days later, two checkpoints were established to control access to the new settlement. In January 2001, settlers also set fire to a number of beach front properties in the same area, including 6 restaurants owned by Palestinians. As detailed in the section on the fishing industry, there is also concern amongst the Palestinian residents that the Israeli military and settlers are intending to annex the Khan Younis Mawasi harbour to the settlements. Palestinian fishermen, including

those with special Israeli-issued permits, have been denied access to this harbour since April 2002. Many have reported being told by Israeli soldiers that they will be permitted to continue fishing if they remove their equipment and transfer their base from the Khan Younis Mawasi harbour to the Rafah Mawasi coast. This ongoing expropriation of Palestinian lands for the purposes of territorial expansion is in direct and flagrant contravention of Israel's obligations under international law. The annexationist goals of the occupation are a fundamental element of its basic illegality. The use of force for territorial gain is illegal as clarified in UN resolution 242 and stands as a *jus cogens* principle of international law<sup>38</sup>.

As stated clearly in the Fourth Geneva Convention, the Occupying Power, Israel, is prohibited from transferring parts of its own population into the territory it occupies. It is also bound by a general principle not to significantly alter the territory occupied. The use of illegal measures in the maintenance and expansion of the prolonged occupation further confirms the illegality of the occupation itself; PCHR has consistently documented and published information pertaining to the wide-ranging violations of international human rights and humanitarian law perpetrated by the Israeli military against the Palestinian civilian population and their property. Perhaps, the most evident examples of unlawful policies used in the maintenance of the occupation are house demolitions, land confiscation, and the closure policy. Referring specifically to the Mawasi area, this report details the use of these methods as violations of fundamental human rights and also, as above, in reference to the ongoing territorial expansion by the Israeli military and settlers in this particular area of the Gaza Strip.

The maintenance and expansion of the illegal occupation, specifically through the establishment, maintenance and expansion of the settlements and infrastructure in this area have been facilitated by a range of unlawful policies imposed on the Mawasi residents that have rendered any semblance of normal life impossible. The following section will detail the nature and use of the closure policy, the matrix of control.

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<sup>38</sup> See Brownlie, I, *Principles of Public International Law*, 5<sup>th</sup> Edition, Oxford University Press, p. 126.

## **THE MATRIX OF CONTROL**

In general, the life of the Palestinians in the Mawasi is determined by what can be described as a matrix of control. It consists of various processes by which the Israeli military have sought to control almost all aspects of the lives of the Palestinian residents in the Mawasi. Israeli authorities cite various reasons for the justification of these measures of control, such as the 'security' of the settlers and the Israeli military in the area. These measures of control are largely based around restrictions on the freedom of movement of Palestinians entering and exiting, as well as moving around within, the Mawasi area. These restrictions are also applied, with equally disastrous effect, to the movement of goods. These gradual and long-term efforts to hinder the normal functions and development of this Palestinian community make life so unbearable that the Palestinians are encouraged to leave the area, thereby facilitating the gradual expansion of the settlements over the entire territory of the Mawasi and the future permanent territorial expansion of the state of Israel.

The five most important methods of control are: 1) the registration of every resident of the Mawasi with a special magnetic card and number 2) the closure of roads and checkpoints leading in and out of the area, 3) the creation of permanent or temporary checkpoints in various locations inside the Mawasi, 4) curfews and 5) the age limit requirement for Palestinian residents of the Mawasi entering the area. Although this policy of restricted movement of people and goods in the Mawasi area also existed prior to the current Intifada, it has been consistently tightened since September 2000.

### **Numbers and Magnetic Cards**

All Palestinian residents of the West Bank and Gaza Strip are required to hold an identification card (ID card) issued by the Israeli authorities detailing their personal information including the ID number registered with the Israeli authorities, Palestinian identity, age, address etc. The ID cards are to be carried at all times, as Israeli soldiers, border police and other security services demand presentation of the card at checkpoints and during random spot checks. Palestinian residents in the Mawasi area are of course required to carry an ID

card at all times. However, as part of the matrix of control, Israeli authorities have imposed an additional set of regulations for ID cards that only apply to residents of the Mawasi.

From 23 to 25 July 2001, the Israeli military conducted a population count in the Mawasi and issued each Palestinian resident with a special number to be written on their existing ID card. No prior notification of this procedure was given and therefore not all the residents were present in the Mawasi during these three days. The new numbers issued are required for re-entry into the Mawasi through the checkpoint into the area. Those registered Mawasi residents who were not present in the area at the time of the census, or those who for other reasons were not assigned a special number, were thereafter denied entry. For these Palestinians, there is no clear process through which to apply for the new number that would facilitate their access to the Mawasi.

This process has affected a number of Mawasi residents. In one example, the wife of Salah Saleh Mohammed al-Astal, was denied re-entry to the Mawasi when she attempted to return home after giving birth at a hospital in Khan Younis. In his statement to PCHR on April 22, 2002 Salah Saleh stated:

“Since the beginning of April, the Israeli army has completely blocked all the roads leading to the area. My wife and I haven’t been able to go back into the Mawasi since I took her to the hospital in Khan Younis at the end of March to give birth. Our two children aged 6 and 2½ have stayed with an uncle for 20 days. My wife was not even let back in when the IDF allowed a special entrance for women into the area on April 12, because they said her ID card was not numbered.”

On 20 May 2002, the Israeli military declared the Mawasi a closed military area. On the following day, it provided all of the registered residents of the Mawasi, specifically those who had been provided with the special number in July 2001, with a new magnetic card that was to be carried in addition to the normal ID card carried by all Palestinians in the West Bank and Gaza Strip. These magnetic cards are identical to the ones required by Palestinians seeking to work in Israel. However, the magnetic cards carried by the Palestinian residents of the Mawasi do not permit entry into Israel; they are mandatory for the specific purpose of exiting, re-entering and moving within the Mawasi area.

Palestinians, who were not issued with a magnetic card, including registered residents of the Mawasi, cannot enter the area.

### **Movement Restrictions**

Since the beginning of October 2000, shortly after the outbreak of the current Intifada, the Israeli military have imposed a continuous siege on the Mawasi. Israeli forces have closed two out of the three roads, which according to the Oslo Agreement should guarantee freedom of movement for Palestinians in and out of the area. In November 2000, the road from Deir El Baleh along the beach into the Mawasi was closed, and on October 1, 2002 the road from Rafah to the Mawasi through the Tel Sultan checkpoint was also closed completely. The Israeli military also regularly closes roads inside the Mawasi area; on January 15, 2001 Israeli soldiers closed more than 20 internal branch roads with concrete blocks, preventing access for Palestinians to their land or other areas of the Mawasi. To date, the only road that provides access to and from the Mawasi is the Khan Younis-El Bahr road through the Tuffah checkpoint.



The Tuffah checkpoint situated at the edge of the Khan Younis refugee camp. This is currently the sole access point into the Mawasi area. Men, women and children are forced to wait here for hours or even days at a time.

### Opening Times

The access through this single checkpoint, however, is severely limited, as a result of the sporadic opening hours and changing conditions of entry. Opening hours are subject to frequent, arbitrary changes, without prior notification from the Israeli forces. Often the checkpoint is completely closed for several days or weeks at a time, blocking all access to and from the Mawasi area. According to residents of the area, the checkpoint is closed for approximately 80% of the time. Standard opening hours are from 09.00 -16.00 in the winter and 07.00-19.00 in the summer. However, generally the checkpoint has only been open to certain people subject to strict conditions for only a few hours each day. People who approach the checkpoint after these hours, especially from the outside, are routinely fired upon by the Israeli soldiers stationed at the checkpoint. Many people who live in the Mawasi have been prevented from returning to their homes in the area after medical or family visits in Khan Younis, because of the closure of the Tuffah checkpoint. The closure of the checkpoint is arbitrary and no prior notice has been given of a decision to close the checkpoint, or to change opening hours.

### Conditions of Entry

Conditions of entry, as dictated by the Israeli soldiers at the checkpoint, are related to age, gender and identification requirements. The conditions change frequently and again no prior notice or any appropriate explanation of the reasons for the changes is provided. During this Intifada, in addition to the identification document system of restrictions, the Israeli military began to impose conditions of entry relating to age and gender on Palestinians wishing to cross the Tuffah checkpoint. The age limit differs for women and men, and is subject to arbitrary and spontaneous changes. According to residents, from January 10, 2001, all Palestinian registered residents of the Mawasi (including those holding the full identification documentation) under the age of 30 years, were prohibited from crossing the checkpoint into the Mawasi. In March 2002 the minimum age for men was raised to 40 years of age. Later that year, the minimum entry age was raised to 45 for men and 35 for women. Since the beginning of the imposition of these age and gender-related conditions of entry, all persons below the specified ages, irrespective of possession of the magnetic cards, special identification numbers and standard ID card, have been denied

entry to the Mawasi. Confirmation of these conditions was obtained verbally by PCHR international field researchers from Israeli soldiers stationed at the checkpoint. Written confirmation of these conditions was requested but denied.

Palestinian Mawasi residents report that conditions for exiting the Mawasi are not as rigorous or arbitrary, although they are not permitted to exit after dark. As discussed above, re-entry into the Mawasi, however, is subject to increasingly restrictive conditions, including for those who have possess the required documentation. The following statement given to PCHR on October 20, 2002 by Suleiman Mohammed Zare' al-Astal, 65 years old, illustrates the extent of the closures:

"I live with my six-member family in a 120-square-meter, asbestos-roofed house in the Mawasi area. I am farmer. I have a 15-donum area of agricultural land planted with guavas and palms. We live in the area despite all the suffering and restrictions we are forced to endure at the checkpoints. Since Israeli military issued magnetic cards and prohibited the entry of young people into the area, my sons: Tariq, 17, Isma'il, 22, Nafez, 25, and Ibrahim, 23, have not been able to come back home, so they have lived in a house we own in Khan Younis. My wife Mahzhia al-Astal, 55, my daughter 'Azza, 18, and I have remained in the area. Approximately one month ago, my daughter suffered from a spasm. Her mother was forced to go with her to hospital in Khan Younis. After she received medical treatment, they wanted to come back home, but Israeli soldiers at the checkpoint denied them passage, claiming my daughter was younger than the current age minimum required for re-entry. My wife told me that they repeatedly went to the checkpoint, but Israeli soldiers denied them passage. As a long time passed and they did not come back, I decided to go to Khan Younis to see them. On October 5, 2002 I went to the Tuffah checkpoint to cross to Khan Younis. One day after I left the area, I was informed that Israeli military had closed the checkpoint and imposed a curfew on the area. Since then, I have tried, almost daily, to come back home to work my land, especially as this time is the season of guavas and palms, and I have some birds and animals that need care. Although Israeli military lifted the curfew, they have maintained the closure of the checkpoint, preventing us from entering the area."

Throughout the current Intifada, the Tuffah checkpoint has expanded significantly, including the installation of electronic checking equipment, construction of a new gate area, the extension of the Israeli military bunker, the use of concrete blocks to establish a larger barrier across the road, and the expansion, including gradual movement further into Palestinian territory, of the wall on either side of the checkpoint surrounding the settlement area.

On May 10, 2001, Faiz Mohammed Ahmad Shat, a board member of the Mawasi People's Society confirmed that Israeli soldiers stationed at the Mawasi border had established concrete bunkers in which they used a computer to check the identities of people entering the Mawasi. Three weeks later, on June 1, 2001 the Israeli military established a new military roadblock, a yellow gate approximately 70 meters away from the Tuffah checkpoint itself. Palestinians were forced to wait there until soldiers called through loudspeakers for them to move forward down towards the checking area. In addition, only groups of a minimum of 5 people were permitted to cross. By June 2002 the expansion of this checkpoint has transformed it into what is effectively an equipped, fully protected border crossing with a large-scale round-the-clock military post. The wall fencing in the settlement at the checkpoint continues to be expanded in height, and continues to be moved gradually forward to incorporate more Palestinian territory. A significant number of Palestinian homes that were located at the edge of the Khan Younis refugee camp only a few meters from the checkpoint position have been destroyed by the Israeli military over the course of this Intifada.<sup>39</sup> Other properties in this area are also subject to regular shooting by Israeli forces positioned at the checkpoint, including sniper and tank fire. Families residing in these properties have been forced to move from their homes due to the regular and arbitrary nature of this shooting. Palestinian homes opposite the Tuffah checkpoint which have not been demolished by the Israeli military are pockmarked with holes and other damage from Israeli artillery.

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<sup>39</sup> According to information compiled by PCHR, since the beginning of the current Intifada, approximately 310 homes have been completely destroyed in Khan Younis and 120 of these were located directly adjacent to the Tuffah checkpoint.



The ongoing expansion of this checkpoint and its facilities indicate the intended permanent nature of these control mechanisms. They also evidence the gradual process of expropriating further Palestinian territory located around the edge of the Neve Dekalim settlement and the military installation at the Tuffah checkpoint for incorporation into the settlement block.



The yellow iron-gate at the Tuffah checkpoint prevents cars from driving down to the checkpoint, without prior permission from the soldiers.

### **Internal Checkpoints**

As early as 1991, during the first Intifada, two checkpoints were established inside the Mawasi on the beach road in the Tel Ridan area, on either side of the Palm Beach Hotel. On November 22, 2000 another two checkpoints were established on the beach road, this time in the Tel Jinan area, one on each side of the settlement of Kfar Yam, increasing the total number of checkpoints on the beach road to four. On December 14, 2001, an additional fixed checkpoint was established on the only main road leading from the central road running through the Mawasi to the beach road, thereby forcing Palestinians to take alternative and longer routes to gain access to the beach and their farm lands in

the area. In October 2002 another semi-permanent checkpoint was established restricting access to the makeshift harbour used by Palestinian fishermen in the Rafah Mawasi<sup>40</sup>.

In addition to these permanent checkpoints, Israeli soldiers set up temporary checkpoints in different places inside the Mawasi area, on a daily basis. These temporary checkpoints consist of a parked Israeli military jeep stationed in the middle of the road from where soldiers from the jeep then prevent all Palestinians from freely accessing areas beyond the checkpoint. Palestinian residents report that soldiers at these checkpoints regularly harass and abuse Palestinians, often denying them any access along roads. These temporary checkpoints are arbitrary; no prior notification is given of the intended location, of the intended duration or of the conditions of passage.



One of the many fixed checkpoints inside the Mawasi area. The houses in the background are inhabited by Palestinians.

## **Curfews**

As a further means of internal control over the Palestinian population of the Mawasi the Israeli military regularly impose a total curfew on the area. This

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<sup>40</sup> All of these checkpoints are marked on map no.1 in Annex 4.

curfew applies only to the Palestinian inhabitants in the area. These total curfews ensure that Palestinians are unable to leave their homes at all, often for days or weeks at a time. Again, little or no prior warning of the curfews or their intended duration is provided to the Palestinian residents subjected to these measures. The curfews are generally enforced by Israeli snipers who fire live ammunition, without first resorting to less lethal means of control and without any immediate and direct threat posed to the lives of the soldiers.

This matrix of control has been gradually and continuously expanded throughout the current Intifada. It is important to remember that these restrictions have been applied in an entirely discriminatory as well as arbitrary manner. Israeli settlers residing in the area are not subject to the identification documentation system, nor are they subject to the regular closures, to checks at the permanent and temporary checkpoints, to personal searches, nor to the curfews regularly imposed inside the Mawasi. As detailed later in this report, these measures imposed on the Palestinian residents are also often accompanied by harassment, by verbal or physical abuse or threats, or damage to property and possessions by Israeli soldiers and settlers.

### **Unlawful Transfers**

In the latest development in this matrix of control imposed by the Israeli military on Palestinian residents of the Mawasi, in May 2003 a Palestinian resident was forcibly transferred out of the Mawasi under an Israeli military order. This is the first such case of an unlawful transfer of a Mawasi resident and PCHR is concerned that this reflects a new trend in Israeli actions. This case must be considered in the context of the Israeli gradual removal, by various means, of Palestinians residing in the Mawasi. As detailed throughout this report, Mawasi residents have been subjected to ongoing military policies and practices which have served to render normal life impossible. These measures include ongoing extreme external and internal closures which prevent access into and out of the Mawasi for people, food, water and medical supplies and services; levelling and appropriation of Palestinian agricultural lands; physical and verbal abuse of Palestinian residents by both Israeli military personnel and settlers; attacks on Palestinian property by settlers, in view of/cooperation with the Israeli military. In rendering normal life impossible

through these measures, the Israeli military and settlers are effectively encouraging 'voluntary' transfer of Palestinians out of the Mawasi. This case raises serious concerns that the Israeli military intends to employ a more direct approach to removing the Palestinian population from the area.

Megbil Shurab is a Palestinian resident of the Mawasi, whose residence is registered with the Israeli authorities (including through the standard Palestinian ID card, and the special magnetic card and special ID numbers provided to Mawasi residents only as detailed previously in this report).

On 13 May 2003, Israeli soldiers came to his family home in the Mawasi and handed Shurab a military order issued by Major General Doron Almoge, GOC of the Southern Command, informing him that he, together with his family and all his possessions must leave the area within 24 hours. The order provided 7 days for appeal.

PCHR submitted a complaint to the Israeli military Legal Advisor on 14 May 2003 and also a petition to the Israeli High Court requesting the cancellation of this military order.

The military order was reviewed by a Military Appeals Committee on 15 May 2003 in Erez, in the northern Gaza Strip. The Committee of three Israeli military personnel was personally appointed by Major General Doron Almoge, the Commander who had originally issued the order. On 19 May 2003, the Committee rejected the appeal to cancel the military order.

PCHR then submitted a request for appeal to the Israeli High Court. On 21 May 2003, the Israeli High Court rejected the appeal. Shurab, his wife and 9 children, together with their possessions, left their home in the Mawasi on 21 May 2003 in accordance with the order. They are currently staying at the home of their eldest daughter in Khan Younis.

The military order expires on 13 November 2003. Shurab has never been arrested or detained, nor, to his knowledge, investigated by the Israeli authorities. The military order was issued based on information received by the Israeli military Southern Command from the Israeli General Security Services (GSS). This information was reviewed by both the Military Appeals

Committee and the Israeli High Court. The defense was consistently denied access to this information throughout both appeals. In its final judgment, the Israeli High Court stated that it did not have a right to comment on the nature of the "security" measure imposed by the Israeli military on Shurab and his family.

There are a number of elements which render this military order illegal. In particular, PCHR does not consider that Shurab had access to an appeals process which conforms to international standards on impartiality, and competency. The appointment of the Military Appeals Committee members by the Maj. Gen. Almoge who had issued the original order ensures that the Committee cannot be considered an independent and impartial body. In addition, at no time was the defense permitted access to the information submitted by the GSS on which the Military Appeals Committee and the High Court based its decisions to reject the appeal, and which formed the basis of the decision to issue the original military order.

PCHR considers this to be an unlawful transfer in violation of international humanitarian and human rights law, in particular of article 49 of the Fourth Geneva Convention which expressly prohibits the transfer of protected persons within Occupied Territory. Article 147 of the Convention further provides that such unlawful transfers of protected persons constitute grave breaches of the Convention. Additional Protocol I to the Geneva Conventions further clarifies such transfers as a war crime.

This is not the first instance of unlawful transfer of Palestinians by the Israeli military. Several other cases of such unlawful transfer and deportation have been documented by PCHR during this Intifada<sup>41</sup>.

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<sup>41</sup> On 4 September 2002, the Israeli military transferred Kifah and Intisar Ajouri from the West Bank to the Gaza Strip. The two are the brother and sister of Ali Ajouri who was alleged by Israeli to have been involved in attacks against Israeli targets. Ali Ajouri was extra-judicially executed by the Israeli military in August 2002 and the Ajouris family home was demolished in July 2002. Kifah and Intisar Ajouri were transferred following a period of detention by Israel, under a revised military order which provided for a period of "assigned residence" to the Gaza Strip. The two have been order to remain in the Gaza Strip for a period of two years. The procedures followed in this case are similar to those followed in the case against Megbil

The following sections will discuss the impact of this matrix of control, specifically the closures, on the two main economic activities; fishing and agriculture; on education and health; and on the work of international and local humanitarian aid agencies in the area.

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Shurab, particularly in respect of the denial of a right to an effective appeal. For further information on this case, please refer to PCHR's position paper on Unlawful Transfers available at [www.pchrgaza.org](http://www.pchrgaza.org). PCHR has also documented another unlawful transfer of a Palestinian from the West Bank to the Gaza Strip; in May 2003, Mahmoud al-Saffouri, resident of Jenin, was transferred from Israeli detention to the Gaza Strip under a military order issued by Israeli commanders in the West Bank. He has been subjected to a period of "assigned residence" of two years.

## **THE IMPACT OF ISRAELI "SECURITY" MEASURES ON AGRICULTURE**

Being one of the most fertile land areas in the Gaza Strip, the Mawasi area is an important agricultural area for the whole region. Agriculture is the primary source of income for the Palestinian residents of the Mawasi and, in addition, many Palestinians living outside the area, mainly in the cities and refugee camps of Khan Younis and Rafah, own agricultural land inside the Mawasi from which they also earn a significant income. Thus, the increasingly strict closure of the Mawasi by the Israeli military since the beginning of the current Intifada has had a devastating impact, not only on the residents of the Mawasi itself, but also on the wider Palestinian community in the southern Gaza Strip. Before the Intifada, the daily population of the Mawasi rose to approximately 15000, while only around 8200 Palestinians are registered as residing in the area. Following the additional provision of the special identification number and magnetic card for the residents of the Mawasi, non-resident farmers who own land in the Mawasi have been completely banned from entering the area.

Since the beginning of the current Intifada, the agricultural productivity of the Mawasi has been reduced by approximately 90%. There are four major reasons for this dramatic reduction: the shortage of resources and equipment required for cultivation; halting of export of crops for trade; land razing; and the destruction of agricultural equipment. Collectively, these four factors have directly precipitated the collapse of the agricultural sector in the Mawasi, thereby almost eliminating the primary source of income in the area.

### **Lack of Equipment and Materials**

The closure and restrictions on entry of goods into the Mawasi have rendered it impossible to bring necessary agricultural or building materials into the area, including fertilizer, spare parts for agricultural machines, fuel for engines and material for building and maintaining green houses, such as nylon and tubes for irrigation systems. The ban, which has been imposed and strictly enforced since February 8, 2001, means that no maintenance or reparation of damaged or old equipment is possible. Also no new construction of green houses, cattle and

sheep barns or other agricultural facilities is possible. Therefore, the destruction of and damage to agricultural equipment and green houses carried out by settlers (as detailed in a later section) and the Israeli military has not been repaired. The ban on bringing fertilizer into the area – justified by its potential use as a component in the manufacture of explosives – also limits agricultural productivity.

### **Restrictions on Export of Produce**

Prior to the beginning of the current Intifada in September 2000, the farmers of the Mawasi exported their agricultural products to domestic and international markets: to local markets in Gaza, the West Bank, Israel and to some neighbouring Arab states. Given the current situation, substantial exports are no longer possible, even to domestic Gazan markets and consequently income from agricultural sources has dropped dramatically.

Since December 2000, Mawasi farmers have been effectively prevented from exporting large amounts of their crops from the area for trade. All produce must be transported out of the Mawasi through the Tuffah checkpoint. However, passage of goods through this checkpoint is routinely subjected to severe delays and total bans on movement of goods, including fresh produce. Produce exports are sometimes completely spoiled due to the lengthy delays at the Mawasi side of the checkpoint. Since February 8, 2001 Palestinian vehicles have not been permitted to cross the Tuffah checkpoint. To transport goods out of the Mawasi area, the trucks are unloaded on the Mawasi side of the checkpoint and the goods must then be carried across the checkpoint on foot, to be loaded onto trucks on the other side. This process is lengthy and subject to arbitrary and unnecessary delays by the Israeli soldiers at the checkpoint. These restrictions clearly place major limitations on the export of agricultural produce from the Mawasi.

As detailed earlier, the agricultural sector is the primary source of income for the Palestinians in the Mawasi. Therefore, the restrictions on the export and marketing of agricultural products have resulted in a dramatic loss of income for farmers, and the consequent increase in poverty amongst the majority of the population in the Mawasi. The lack of money creates a slow down or halt in



production, as farmers cannot afford the expenses linked to agricultural production, thereby creating a cycle of poverty.



A car loaded with vegetables leaving the Tuffah checkpoint.

The main agricultural export crop of the Mawasi is guava. To illustrate the impact of the movement restrictions on export and production, the following figures show the amount of guava exported from the Mawasi area from 1999 to 2002<sup>42</sup>.

Export of guava<sup>43</sup>:

• **1999**

To Jordan :	1350 tons
To the West Bank :	525 tons
To Israel :	235 tons

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<sup>42</sup> Figures provided by the Ministry of Agriculture in Khan Younis.

<sup>43</sup> The figures for guava exports were the only separate figures available for the Mawasi area. The data for other produce is included in the totals for the Gaza Strip.

- **2000**

To Jordan :	350 tons
To the West Bank :	31 tons
To Israel :	15 tons

- **2001**

To Jordan :	20 tons
To the West Bank :	337 tons
To Israel :	0 tons

- **2002**

To Jordan :	0 tons
To the West Bank :	8 tons
To Israel :	0 tons

Losses in general agricultural production have also increased dramatically during the current Intifada. The following figures show the percentage losses for primary crops in the Mawasi in 2001 and 2002<sup>44</sup>.

**2001**

Production loss:

85% of guava production  
 60% of date production  
 70% of vegetable production

**2002**

Production loss:

99% of guava production  
 80% of date production  
 60% of vegetable production

The estimated total losses in agricultural production for the Palestinian community in the Mawasi amounts to 90% of the pre-Intifada production, as stated by both the Ministry of Agriculture and verified by the farmers of the Mawasi. The following statement given to the PCHR on December 10, 2002 by

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<sup>44</sup> Figures provided by the Ahaly El Mawasi Association.

a Mawasi farmer illustrates the impact of the Israeli settlements on the agricultural sector in the Mawasi:

“In November 2000, settlers came to my land and burnt my greenhouses. Each one of them was one dunum in area and used to produce 8 tons of cucumbers, which would give me US\$3000 when sold on the market. If they were exported to Europe maybe more - around US\$5000. Now I can no longer work in my greenhouses, but I have a family of eight to feed. I get some help from UNRWA, some flour, oil and sugar, but it means we don't eat as well as before. My cucumbers used to be exported to Jordan, Saudi Arabia, all over. But now the Israelis destroyed it all.”

### **Land-Levelling**

The issue of land razing is another primary factor in the collapse of agriculture in the Mawasi. The policy of land razing has been practiced by the Israeli military throughout the OPTs, including in the Mawasi, for many years. However, this policy has been escalated since the beginning of the current Intifada in September 2000. Israeli soldiers or settlers backed by the army, level areas of Palestinian land by flattening crops and uprooting trees, using heavy military vehicles, including bulldozers. These military operations routinely take place without prior notification, without an opportunity to appeal, and without any form of compensation for losses. Once the land has been levelled, it then becomes inaccessible to the Palestinian owners, either through the establishment of a fence around the property or, more commonly, by the de facto prohibition on access enforced by the Israeli military or settlers using the threat of gunfire, arrest or detention against those who approach the land. Since the beginning of the current Intifada, there have been three major Israeli military land-razing operations in the Mawasi, two in the Khan Younis Mawasi and one in the Rafah Mawasi<sup>45</sup>.

From 15 to 30 January 2001, more than 150 Israeli settlers supported by Israeli military conducted several attacks on the Mawasi. During this 15 day period,

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<sup>45</sup> For a list of all such incidents documented by PCHR see Annex 1.

they razed a total of 520 dunums of Palestinian agricultural land in the Khan Younis Mawasi.

In the period from March 8 to 13, 2002 the Israeli military razed a total of 162 dunums of Palestinian agricultural land in the Khan Younis Mawasi, destroying a large number of palm, olive, guava, citrus and avocado trees.

On May 14, 2002 the Israeli military razed a 60 dunum area of agricultural land in the Rafah Mawasi, owned by the family of Ibrahim Mohammed Ibrahim Zo'rob, uprooting 300 olive trees.

The total area of agricultural land razed in these three incidents amounts to 740 dunums<sup>46</sup>.

### **Destruction of Agricultural Property and Equipment**

Land razing operations by the Israeli military also invariably include the destruction of agricultural equipment and property. The three incidents mentioned above also involved the destruction of significant amounts of civilian property including agricultural equipment.

During the attack on January 15, 2001 150 armed settlers who attacked the area set fire to several houses, a cattle barn, 26 greenhouses and six beach front coffee shops. The settlers fired their guns in the air intimidating local residents and forcing them to remain in their homes and preventing any attempt to save burning property. During the January 15 attack, which lasted one and a half hours, the settlers also destroyed 30 water wells, several water pumps and irrigation systems, as well as storage rooms for agricultural tools. In addition the settlers set fire to a truck loaded with vegetables owned by Yousef Abd El-Karim Hafez Al-Najar and beat his wife when she tried to extinguish the fire. Similar attacks continued for a period of fifteen days until January 30. PCHR submitted a written legal complaint to the Israeli authorities (specifically the Military Prosecutor, the Israeli Ministry of Defence Compensation Officer and the Israeli military Legal Advisor) on February 10, 2001. In a response

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<sup>46</sup> One dunum equals 1000 square meters.

received on March 3, 2001 it was stated that an investigation had been opened into the incidents of January 15 2001. However, to date, despite repeated requests by PCHR for information pertaining to this investigation, no further information has been received. (For more details of the incidents of January 15 to 30, 2001 see Annex 1).

In the incidents mentioned previously, that occurred between March 8 and 13, 2002, the Israeli military inflicted widespread damage to irrigation networks and water pools, in addition to land razing activities.

During the incident which occurred on May 14, 2002, the Israeli military also destroyed a 50 square meter storage facility and two water pumps.



A water pump belonging to a Palestinian farmer after it was destroyed by Israeli settlers.

Israeli military and settler activities have thus crippled the Mawasi agricultural sector, impoverishing Mawasi residents and the wider community in Khan Younis and Rafah who are dependent on income from land inside the Mawasi.

## **THE IMPACT OF ISRAELI "SECURITY" MEASURES ON FISHING**

Fishing is the second major source of income for Palestinians in the Mawasi. However, the fishing industry has also been subject to severe restrictions imposed by the Israeli military and settlers since 2000, precipitating a serious decline in fishing production. The Mawasi is the main access point to the 12-km stretch of beach along the southern Gaza Strip. Consequently, the Mawasi provides access for fishermen from the Mawasi and from Khan Younis and Rafah. The total number of Palestinian fishermen using this stretch of coastline prior to the beginning of the current Intifada was approximately 1100. The external closure of the Mawasi, as detailed earlier in the report, has had devastating consequences for fishermen who live outside the Mawasi. Internal closures, curfews and other restrictions have also seriously impacted on the ability of the Mawasi fishermen to earn a living.

The four major difficulties faced by the fishing industry during the Intifada are: the lack of access to the sea; restrictions on export of fish; attacks on fishermen; and the destruction of fishing equipment. The restrictions imposed by the Israeli military have rendered the continuation of work in this industry almost impossible. Again, as a major source of income for the Mawasi and neighbouring Palestinian communities, the effective collapse of the Palestinian fishing industry in this region has resulted in an increase in poverty in the Mawasi and Palestinian communities in Khan Younis and Rafah. The following statement given by a Palestinian fisherman to PCHR clearly demonstrates the impact on the industry and local communities:

“Since I was a young boy, my father took me to fish. I have never had any other job, neither in Israel nor in the settlements or any other place. I like the sea and the fish, and felt good about my job. My father was the head of the fishermen and now I have taken over his position. Our job as fishermen has always been difficult, as we have to deal with harsh seas and weather conditions. However, now our main problem is the Israelis. I tell my sons to study, and not to become fishermen. We are facing too many problems now, with difficult weather conditions that can lead to the deaths of fishermen and now also with the

Israelis who shoot at us. When I was a child, I sometimes saw some of the fishermen cry. At the time I didn't understand why, but now I have begun to understand. Once I was sent to Cyprus to attend a fishing course. When they saw my fishing skills they asked me to stay and become a trainer. But not for anything in the world, not even for money, would I leave my job as a fisherman in Gaza.”

### **Access Restrictions**

Lack of access to the sea is perhaps the primary factor in the collapse of the fishing industry in the Mawasi. There are several aspects to the closures affecting the fishing industry: the closure of the checkpoints to non-Mawasi resident fishermen and those who were not provided with the special ID number and magnetic card; the regular total closure of the sea; and internal closures, curfews and other restrictions on movement.

#### External and Internal Checkpoints

Checkpoints have presented the most significant obstacle to fishermen from outside the Mawasi area from accessing their place of work. Previous sections of this report have detailed the increasing restrictions on access to the Mawasi, including for previously registered residents. All persons who were not provided with the new ID number and magnetic card and who do not fulfil the additional age and gender criteria have no access to the Mawasi. In addition to these general restrictions, additional measures were also taken to specifically control the access of fishermen. During the first year of the current Intifada, the Palestinian Ministry of Agriculture together with the Palestinian naval police began a system of issuing fishing permits. In the second year of the Intifada, the Israeli authorities took over this responsibility and provided the fishing permits with additional serial numbers, enabling them to determine those who were allowed into the area to fish and those who were not. Later the Israeli authorities issued additional magnetic cards specifically for permitting access to fishermen. With each new condition of access and measure of control that the Israeli military has imposed, the number of Palestinian fishermen permitted to access the sea to fish has been further reduced. As a result, increasing numbers of fishermen have been denied access to the sea and therefore their place of

work. In April 2002, the Israeli military closed the Tuffah checkpoint leading into the Khan Younis Mawasi, to all Palestinian fishermen residing outside the Mawasi. Consequently, since this time access has been denied to all Palestinian fishermen residing outside of the Mawasi area. The following statement was given to the PCHR on November 18, 2002 by a Palestinian fisherman from Khan Younis:

“Since April 2002, access to the beach has been completely closed for fishermen. Those of us who live in Khan Younis can not even go into the Mawasi in order to take care of our boats. The only way to keep updated about the condition of our boats is by talking by telephone to people who live inside. The major problems are that as the nets have not been used, they have been left exposed to the sun and wind and the boat motors have not been maintained for more than six months. Now because of the winter storms, most of us are also worried for our boats.”

#### Sea Closures and Other Restrictions

Further restrictions have been imposed for the Palestinian fishermen living inside the Mawasi. From November 10, 2000, Israeli military have imposed regular marine sieges on the southern coast of the Gaza Strip, thus preventing fishermen from accessing the beach and sea. At times when access to the sea was permitted, other restrictions have been imposed that severely obstruct the fishermen’s work. According to the Oslo Agreement, Palestinian fishermen have the right to sail in Area “L”- an area that extends up to 20 nautical miles out at sea, as delineated on attached map no. 3. However, this area has since been decreased to 6 nautical miles by the Israeli military, therefore greatly reducing the permitted fishing area. In addition, Israeli forces have created a marine security zone of two square nautical miles off the Rafah coast, near the Egyptian border. Palestinian fishermen are prevented from approaching or fishing in this zone further encroaching on the permitted fishing area. Such a major reduction in the permitted fishing area has lead to over-fishing, resulting in reduced fish stocks. This has in turn resulted in smaller catches and a decrease in the fishermen’s income.

The Israeli forces have regularly closed access to the sea for Palestinian fishermen for periods which can last for several days or weeks at a time. In the



longest such closure, Israeli forces closed the Mawasi coast from April 2002, until it was partially lifted for the Rafah coast on October 23, 2002. Palestinian fishermen have since been allowed to fish within specified fishing hours (5am to 5pm) in the permitted area, providing they can supply the Israeli forces with the correct documentation. The fishermen voiced their opposition to the time restrictions and were accordingly granted permission to fish at night, on the condition that they not return to shore until morning. Upon their return, Israeli soldiers again check their boats, ID cards and permits.

However, to date, the closure on the Khan Younis beach and sea remains in place. Fishermen from Khan Younis were reportedly told by Israeli forces at the Tuffah checkpoint that they would be permitted to continue fishing, providing that they move their location to the Rafah fishing harbour. The Khan Younis fishermen have rejected this proposal as the road closures elsewhere in the southern Gaza Strip make the journey from Khan Younis to Rafah very difficult, time-consuming and often dangerous. There is also concern amongst the Khan Younis fishermen that this proposal would facilitate the annexation of the harbour in the Khan Younis Mawasi by Israeli forces, possibly for the purposes of establishing a new settlement.

Israeli military continue to impose regular closures on the entire coastal area of the Gaza Strip, including the Mawasi. These closures are sometimes imposed during Israeli national holidays or following attacks against Israeli targets. Most periods of closure are arbitrary and the most recent closure enforced along the Gaza coast lasted as for one week from 16 April 2003.

### **Restrictions on Export of Fish**

The closure of the checkpoint and the prohibition on vehicles entering and exiting the area has also severely limited the export of fish. The ban on Palestinian vehicles crossing the Tuffah checkpoint means that Palestinian fishermen from the Mawasi are forced to carry their fish across the checkpoint on foot, to be loaded onto trucks on the other side. Again, this process is lengthy and subject to often arbitrary and unnecessary delays by the Israeli military at the checkpoint. Delays in passing through the checkpoint obviously impact on the quality of the fish, thereby decreasing the value. Fish exports

from the Mawasi have often been entirely spoiled due to long delays at the Mawasi side of the checkpoint.

The estimated losses of production for the fishermen in the Khan Younis Mawasi, are illustrated in the following figures<sup>47</sup>:

Production:

<i>Pre- Intifada</i>	<i>2001</i>	<i>2002</i>
300-400 tons per year	77.5 tons	58 tons (before April closure)

The estimated total losses of production in the Mawasi are 80% of the pre-Intifada production levels and continue to increase.

The closure has also meant that Palestinian fishermen have been prohibited from bringing some fishing equipment and fuel for their boats into the area.

**Attacks on Fishermen**

Attacks by Israeli forces on Palestinian fishermen while working in the Mawasi area have also increased during the current Intifada.

- *Harassment and Arrests*

Israeli gunboats patrolling the Gaza coast regularly chase and harass Palestinian fishing boats, regardless of whether they are keeping within the stipulated fishing limits, or exceeding the areas. In an incident on March 26, 2001 Israeli soldiers at a military location on the Egyptian border, near the Swedish Village in the Mawasi area of Rafah, forced two Palestinian fishermen out of the sea claiming that they had sailed beyond the fishing limit of 20 nautical miles. Fishermen Ziad Abed Miqtad, 25, and Khalil Abed Miqtad, 20, were using balloons to fish, as boats were prohibited by the Israeli naval force. The two fishermen were taken in an Israeli military vehicle to Rafiah Yam settlement, where they were detained for 2 hours before being released.

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<sup>47</sup> Figures for the Rafah Mawasi were not available.

In addition, since the beginning of the current Intifada, PCHR has documented the arrest or detention of at least 8 Palestinian fishermen while fishing in the Mawasi area. According to the testimony of a Khan Younis fisherman, at the beginning of the Intifada the fishermen often stayed in their boats for a whole week without returning home to Khan Younis because the closure of the area made it impossible to go back and forth to their homes. They reported that Israeli soldiers often physically and verbally abused them, beat them, or apprehended them for questioning at one of the settlements. The fishermen also reported that Israeli forces often used dogs to search their boats, which was highly insulting to many of the fishermen.

- *Shootings*

Israeli military attacks have also included shooting at Palestinian fishermen while out on their boats. Since the beginning of the current Intifada, PCHR has documented two separate incidents when Israeli forces have opening fire at Palestinian fishermen from the Mawasi while they were working.

In the first incident on December 6, 2000 the Israeli military opened fire on a Palestinian fishing boat, wounding one fisherman. The incident took place at approximately 20:00hrs when four Palestinian fishing boats were sailing in an area opposite the coast of Rafah within the permitted fishing zone. A Palestinian fisherman reported that four Israeli gunboats approached the group of Palestinian boats and without warning opened fire on one of the smaller vessels from a distance of approximately 100 metres. One Palestinian fisherman, Jamil Kalmal al-Nada, 18, from the Rafah Mawasi, was hit with several live bullets in the right leg and the left thigh.

In the second incident, at approximately 16:00hrs on March 20, 2001, Israeli naval troops opened fire on approximately 50 Palestinian fishing boats sailing close to the Rafah shoreline. Ayman Khalil al-Bardawil, 29, from the Mawasi area of Rafah, was wounded by a live bullet in the leg. Palestinian fishermen took al-Bardawil to shore, where he was evacuated to hospital by a civilian car. The car's passage was obstructed by Israeli soldiers at the Tel Sultan roadblock between Rafah and the Mawasi area for approximately two hours, before it was

allowed to travel on to the hospital. The car eventually arrived at the hospital at approximately 18:30hrs.

### **Destruction to and Confiscation of Equipment**

The Israeli military have also regularly confiscated or damaged equipment belonging to Palestinian fishermen. Most commonly, the Israeli soldiers have cut nets and confiscated boat motors and fishing permits.

On June 18, 2001 at approximately 04:00hrs, Israeli naval troops stopped one of a number of Palestinian fishing boats that were fishing in the permitted area off the Rafah coast. They confiscated the fishing licenses of two Palestinian fishermen:

1. Mohammed Khalil al-Najjar, 53
2. 'Abdullah Khalil al-Najjar, 35

In another incident on the morning of January 12, 2002 a number of Israeli gunboats and military vehicles seized control of the fishing harbour in Rafah. They confiscated the motors of Palestinian fishing boats and Israeli bulldozers destroyed fishing equipment stored in the harbour. According to local fishermen, a total of 32 motors have been confiscated in at least three separate incidents since the beginning of the current Intifada.

## **THE IMPACT OF ISRAEL "SECURITY" MEASURES ON EDUCATION**

The Fourth Geneva Convention makes explicit reference to ensuring the provision of education to children under occupation. Article 50, which provides specific guarantees for children and their rights, also provides that the Occupation Power shall "*facilitate the proper working of all institutions devoted to the care and education of children*". Pictet's Commentary further clarifies that this provision includes an obligation "*not only to avoid interfering with their activities, but also to support them actively and even encourage them if the responsible authorities of the country fail in their duty...when their resources are inadequate, the Occupying Power must ensure, by mutual agreement with the local authorities that the persons concerned receive food, medical supplies and anything else necessary to enable them to carry out their task [emphasis added]."* Israel's obligations regarding the provision of education to Palestinian children are clear. However, as this section will demonstrate, the matrix of control implemented by the Israeli military on the Mawasi has directly contributed to a major disruption to, and deterioration of the quality of the educational services available to children living in the Mawasi.

### **Education in the Mawasi**

The educational situation has deteriorated dramatically throughout the duration of the current Intifada. At the beginning of the Intifada, the only school in the area was the Khan Younis Mawasi primary school. Secondary school students, as well as all students from the Rafah Mawasi, attended schools outside the Mawasi area. As the access through the checkpoint became increasingly difficult during the first year of the Intifada, the Jerar al-Qedwa school in Khan Younis Mawasi was expanded to also include secondary school students. A new school was established in the Rafah Mawasi, consisting only of a number of temporary porta-cabins for the primary school students. However, the two schools have faced increasing problems due to the ongoing restrictions on movement of people and goods into and out of the Mawasi. The three major difficulties faced by the educational sector have been: the restrictions on access

for students into the area; the restrictions on access for teachers into the area; and the restrictions of access for educational materials, equipment and other supplies.

### **Lack of Access for Students**

#### Khan Younis Mawasi

The Khan Younis Mawasi has had its own school since 1998. Until the autumn of 2001 however, the school only taught primary school students and the secondary school students attended schools in the town of Khan Younis. When trying to cross the Tuffah checkpoint in order to reach the schools, students trying to access the secondary school have encountered many problems, restrictions and even dangers. In November 2000, secondary students were permitted to go to school in the morning, but not to return back before late at night, as the checkpoint was closed for a period during the day time. The regular total closure of the Tuffah checkpoint prevented access for pupils attending schools outside the Mawasi, often for days at a time. After continuous access problems for these pupils, a decision was taken to expand the existing school in the Khan Younis Mawasi to include secondary students. However, this did not solve the problem. 7 students who attend a special scientific secondary school in Khan Younis still had to cross the checkpoint on a daily basis and they regularly encountered problems returning back to the Mawasi after school finished at 12:00 and often had to wait at the checkpoint until 17:00 to be allowed to return home. Sometimes the pupils would even be asked by the soldiers to go home through the Tel al-Sultan checkpoint in Rafah, involving a 30 km detour. Since October 5, 2002 these students have been continually denied access across the checkpoint to their school.



Tents are used as classrooms in the Jerar el-Qedwa school in the Khan Younis Mawasi.

Students attending the primary school inside the Mawasi also encountered major disruptions to their education and the school was forced to close several times by the Israeli military. Students were also subject to harassment by Israeli soldiers and settlers on their way to the school. As a student from the Mawasi told PCHR on December 10, 2002:

“One month ago, when I was on my way to school, I was stopped by a group of soldiers. They first asked me my name and where I was going. I told them I was going to school, so they asked me what we learn at school, and if we learned to throw stones. I told them no. I was afraid of them, as I thought they might take me away with them.”

#### *University students*

Prior to the current Intifada, 60 students from the Khan Younis Mawasi area travelled to university in Khan Younis and Gaza City. Following the ongoing severe problems crossing the checkpoint since the beginning of the current

Intifada, most students have been forced to discontinue their university education after missing too many classes.

### Rafah Mawasi

The educational situation in the Rafah Mawasi has differed from that in the Khan Younis Mawasi, which established its own school in March 2002. Before that date, all students attended schools in Rafah. They were regularly subjected to long delays at the checkpoint on their way to school. This journey is dangerous and some pupils have been subject to attacks and harassment by the Israeli soldiers and settlers. For example, at approximately noon on December 10, 2000, Israeli troops positioned at Tel Sultan checkpoint between Rafah and the Mawasi fired a sound bomb at a number of Mawasi resident students, who were on their way home from their schools in Rafah. Safa' Ibrahim Abu Shallouf, 10 years old, was injured in the face.

In response to the increasing dangers the children faced on their journey to school in Rafah, a decision was taken to build a school within the Rafah Mawasi. As building material is prohibited from being brought into the area, a compromise had to be reached with the Israeli military. With financial help from the United Nations Development Program (UNDP) and the governor of Rafah, 18 porta-cabins were installed and now function as classrooms. However, 16 of the cabins are furnished only with very basic equipment and two have no tables or desks at all. In addition, there is no electricity or water at the school. Without these basics requirements, the school does not constitute an adequate or safe facility for the students.





These blue porta-cabins are used as classrooms for the primary school in the Rafah Mawasi

#### *University Students*

There are 42 university students in the Rafah Mawasi, who have faced the same problems reaching their universities as their fellow-students from the Khan Younis Mawasi. As they have been unable to reach their universities since September 2001, most of them have been forced to discontinue their studies.

#### **Examinations**

The enforcement of curfews in the area has also created specific problems for students taking the national primary and secondary exams. On May 18, 2002 the Mawasi was under curfew when final school exams at Palestinian public schools were scheduled to commence. This meant that around 2000 children were unable to take their exams. After negotiations, the children were allowed to go to school providing they followed a specific timetable – leaving in the morning between 06:00 and 08:00 and returning between 13:00 and 14:00.

Consequently, around 95% of the children were able to get to school. The remaining 5%, however, were unable to go, as the Israeli forces did not permit cars to transport them from their area of residence to their school 5 km away, and they were not allowed to walk because of the Israeli imposed curfew. The Israeli forces in the Rafah Mawasi area took similar measures, allowing students to go to their exams if they adhered to a specific timetable. Although the Israeli authorities stated that they had granted the students permission to attend school, Israeli forces announced through loudspeakers that the curfew was ongoing. The Palestinian Ministry of Education was therefore forced to postpone the exams until May 21, 2002.

The closure of the checkpoint has also prevented students from going to national final exams, taking place in Khan Younis and Rafah. On June 17, 2002 the Palestinian Ministry of Education was forced to open an emergency examination committee in Jerar al-Qedwa school in the Mawasi, after Israeli soldiers prevented 24 students of the General Certificate of Education (Tawjihi) from reaching the examination halls in Khan Younis and Rafah. The students waited the whole morning at the Tuffah checkpoint but soldiers refused permission for the male students to cross, allowing only female students to pass through the checkpoint. The exam papers were brought to the Palestinian emergency committee in the area by a representative of the International Committee of the Red Cross (ICRC). However, the exams could not begin on time as students were further delayed by two internal Israeli military checkpoints.

### **Lack of Access for Teachers**

#### Khan Younis Mawasi

The school in the Khan Younis Mawasi is largely staffed by teachers who live in Khan Younis or other areas in the south of the Gaza Strip; 22 out of a total 42 teachers at the Jerar al-Qedwa school do not live in the Mawasi. These teachers regularly face difficulties accessing the area to go to work. On many occasions the teachers have been denied access across the checkpoint, either because of curfews imposed on the Mawasi or because of the closure of the checkpoint. From November 20, 2000 the school in Khan Younis Mawasi was

closed for a period of two weeks, as the teachers from Khan Younis were prevented from entering the area. The teachers have also been subject to shooting on their way to work; on December 4, 2000 soldiers at the Tuffah checkpoint opened fire at a group of teachers while they were waiting at the checkpoint to be allowed into the area to reach the school.

Teachers working in the Mawasi face the daily uncertainty of whether they will be allowed to enter the area and go to work. In the first week of April 2002, the soldiers at the Tuffah checkpoint denied teachers access to the area. The following week they allowed them in, under certain conditions; the teachers had to gather at the checkpoint at 07:00 hrs and wait, often for several hours, until the Israeli soldiers called them forward; they were then subject to personal searches; and their ID cards were checked on the computer. In an incident on May 10, 2001 six teachers, among them head teacher Suleiman Abdullah Ali Mustafa, were subjected to personal searches by Israeli soldiers when they arrived at the Tuffah checkpoint on their way to work. However, after the searches had been completed, the teachers were then still denied entry into the Mawasi. After negotiating with the soldiers, the head teacher was allowed to pass through the checkpoint, but the other five were denied entry. The school was forced to cancel classes due to the absence of the teachers.

In a statement given to PCHR on December 2, 2002 the headmaster of the Jerar al-Qedwa school stated:

“Since October 5, 2002 I have been completely unable to go to work in the Mawasi. Between the start of the school year on September 1, and October 5, there were also 15 days when I wasn’t allowed to enter either, although I have official permission to go to work in the Mawasi as well as a pink magnetic card that shows I am a teacher in the Mawasi school. The magnetic card was given to me by the Israeli military on September 10, 2002 just after the beginning of the new school year. On September 8, soldiers at the Tuffah checkpoint asked me about my personal data. Two days later, they gave me the new magnetic card, with a picture of me they apparently had.”

### Rafah Mawasi

The situation in the Rafah Mawasi has been slightly different, as all of the 14 teachers live in the Mawasi itself, and therefore do not face the same obstacles

created by the external checkpoint. They are, however, subject to internal restrictions on movement, including curfews.

Both schools have staff shortages, particularly in respect of specialized teachers, who can teach subjects such as science, English and cooking. These shortages are largely the result of the restrictions on entry to the area of non-Mawasi residents. In an attempt to overcome these staff shortages, the Khan Younis Mawasi school has hired young volunteers from inside the Mawasi; however these volunteers are not trained or qualified and therefore the teaching standards are relatively low. The Rafah school faces the same problems of staffing. At the end of November 2002, UNRWA provided the school with five new UNWRA-paid teachers from the Mawasi. However, the school still has a lack of teachers qualified to teach certain subjects, including English. A pupil at the Khan Younis Mawasi school gave the following statement to PCHR:

“We don’t have teachers and we are 58 students in my class. I can’t concentrate and catch what the teacher says, because there are so many of us. We learn mathematics, history, Arabic and also some English, but the teachers are not specialized teachers. They only teach general things.”

### **Educational Materials**

The ban on entry of goods into the Mawasi has severely impacted on the availability and quality of educational materials and equipment in both schools in the Mawasi. The ban on the entry of goods applies to school furniture, school books, educational maps, overhead projectors, computers and other educational material, as well as construction materials necessary to build a proper school in the Rafah Mawasi and to expand the Khan Younis Mawasi school. In an attempt to provide assistance to the Khan Younis Mawasi school, the ICRC has provided 6 canvas tents that have been set up as temporary class rooms. However, space is still scarce and each class has approximately 60 pupils. In the Rafah Mawasi school two of the porta-cabin classrooms are unfurnished. The lack of electricity in both schools restricts the use of some equipment, such as overhead projectors and computers. Schoolbooks are also scarce and the existing ones are out of date or in a poor state.



The furniture in the school in the Rafah Mawasi is very basic. Two of the classrooms do not have any furniture.

### **Lost School Days**

Movement restrictions on children and teachers in the Mawasi have resulted in a substantial loss of school days, either because of the enforcement of curfews in the area, internal roadblocks, or because teachers have been prevented from accessing the school from outside. The following figures detail the loss of school days in each school year since the beginning of the current Intifada in the Jerar al-Qedwa school. It should be noted that the school was a primary school during the first year and a half of the Intifada, and consequently the figures do not reflect the total number of schooldays lost for the total number of students in Khan Younis Mawasi. Such figures are not available as the students attending schools in Khan Younis during the first period of the Intifada attended a number of different schools, making it difficult to accurately collate the numbers of days lost.

***Jerar al-Qedwa school, Khan Younis Mawasi***

- *School year 2000/01*

Curfew:	7 days
Teachers unable to reach school:	20 days
TOTAL:	<u>27 days</u>

- *School year 2001/02*

Curfew:	13 days
Teachers unable to reach school:	17 days
TOTAL:	<u>30 days</u>

- *School year 2002/03 (first 3 months)*

Curfew:	10 days
Teachers unable to reach school:	41 days
TOTAL:	<u>51 days</u>

***Rafah Mawasi***

Until March 2002, all pupils in the Rafah Mawasi went to school in the town of Rafah, making it impossible to gather data about the exact number of missed school days. From March when the new school was established, only the 67 secondary students from the Rafah Mawasi area continued to go to school in Rafah. Since October 5 2002, those students have been entirely prevented from getting to their schools because of the complete closure of the Tel al-Sultan checkpoint. This closure means that if they wanted to reach their school they would have to take a 30 km detour - through the Tuffah checkpoint in Khan Younis Mawasi and through additional checkpoints on the road between Khan Younis and Rafah.

The impact of the closure on access to, and quality of, education in the Mawasi has been critical. Students have been either subjected to long delays in accessing schools inside and outside the Mawasi, or have been denied access completely. Teachers from inside and, more specifically, outside the Mawasi, have faced similar delays and denials of access to school. This has resulted in an increasing number of lost school days. In addition, both teachers and pupils have been regularly subjected to harassment and abuse at the checkpoints on their way to and from school. Furthermore, the lack of basic facilities, including adequate space, educational material and equipment, electricity and water has made it difficult to maintain an adequate standard of education for these Palestinian children. Education has thus been consistently and severely disrupted since the beginning of the current Intifada in 2000. The headmaster of Jerar el-Qedwa school in the Khan Younis Mawasi summarized the situation to PCHR:

“Whether the school is open or not doesn’t really make a difference as there are no teachers, or not enough teachers, and no books. Some people have been talking about closing the school altogether as the educational standard is unacceptable. We have asked many organizations, both local and foreign to help us, but none have been able to help.”

## **THE IMPACT OF ISRAEL "SECURITY" MEASURES ON HEALTH**

The Fourth Geneva Convention is based on the principle of humane treatment, which includes the right to adequate health and medical services and supplies. Article 55 and 56 of the Convention refer specifically to the obligations placed on the Occupying Power to ensure the provision of adequate medical care to persons under occupation. This includes access to services, provision of adequate supplies and equipment and emergency, regular and preventive treatment. It also includes mental as well as physical health. Article 56 articulates the Occupying Power's obligation to ensure that medical staff are able to carry out their duties and article 50 emphasises the importance of medical care for children. As this section will detail, the Israeli military have consistently flouted these obligations by denying access to medical staff and patients in and out of the Mawasi, as well as denying access to incoming medical supplies for the Mawasi area. These ongoing restrictions have directly precipitated a serious deterioration in the collective and individual mental and physical health of this community, particularly the health of the children in the Mawasi area.

### **Health in the Mawasi**

The health services and by extension, the general health of the population, has deteriorated significantly following the closure and isolation of the Mawasi area. Medical equipment and supplies have been almost entirely prevented from entering the area, and as a result, the two small clinics in the Mawasi can only provide a prescription service, distributing limited amounts of basic medicine. There is no equipment available to conduct routine medical check ups, surgical operations or provide child-birth services. Palestinian residents are therefore forced to cross the checkpoint to reach hospitals in Khan Younis or Rafah for more advanced medical treatment. However, it has become increasingly difficult for those needing medical assistance to gain permission to exit the Mawasi, and even more difficult to re-enter. Consequently, the two clinics being forced to admit an increasing number of patients requiring treatment that they are unequipped for and unable to provide. Many types of basic medicines,



such as penicillin, are not available inside the Mawasi. The clinics do not have electricity to power refrigerators that are necessary for storing most medicines.

Attempting to travel to hospitals outside the Mawasi is extremely difficult and generally involves harassment, long delays and the patient's return is often obstructed by Israeli forces at the checkpoint for days or even weeks.

Children are particularly vulnerable to the deteriorating access to health services and supplies. The lack of refrigerated storage has meant a lack of specific medicines and the immunization shots needed to prevent or treat childhood diseases; at least 50 children did not receive basic immunization during 2002. Because of the restrictions on the entry of goods, there is a limit on the amounts of milk available for infants and young children. At the time of writing, for each child, one kilo of dried milk has to last for two months.

The restrictions on the entry of foodstuffs have had a negative impact on the health of the population in this area, particularly children and infants, pregnant women, the elderly and the chronically ill. Since October 2002, no one (apart from shop keepers) has been permitted to bring food, milk or medicine across the checkpoint. However, the owners of the six shops are permitted to leave the Mawasi once a week, to purchase basic commodities. As a result, the entire Palestinian population of the area are totally dependent on the food and basic commodities sold at the six shops located in the Mawasi, whose stock is in turn subject to restrictions at the Tuffah checkpoint. The lack of sufficient, nutritious foods has a long term affect on general health conditions of the population.

### **Delay of Medical Emergencies**

The closure of the checkpoints and the presence of various internal checkpoints and roadblocks have restricted access for the sick and wounded to hospitals in Khan Younis and Rafah. On a number of occasions, patients including infants have died before or upon arrival at hospital because of delays or obstruction to their passage at checkpoints. In some instances, ambulances have been prevented from crossing the checkpoint to evacuate the sick or deceased from the Mawasi. The current Intifada has also seen a rising number of cases in which attempts to coordinate with the Israeli military in order to facilitate the

passage of a patient have been refused because the patient due to be taken out of the Mawasi was under 50 years old.

In one incident on January 15, 2001, Israeli soldiers at the Tuffah checkpoint denied the entry of ICRC ambulances and cars into the area to evacuate Palestinians injured after settlers, accompanied by Israeli soldiers, had attacked Palestinians and their property in the Mawasi. In response to increasing restrictions, the Palestinian Red Crescent Society (PRCS) provided the Mawasi with its own ambulance in May 2001.

In another case on May 10, 2001 Kifah Khaled Abed Rabbu Zo'rub, 17 years, was pronounced dead upon arrival at the Nasser hospital in Khan Younis. He had been waiting at several checkpoints for a total of three hours. The following testimony was given to the PCHR by a relative:

“At approximately 6pm on Thursday May 10, 2001 while I was in my extended family's ‘meeting hall’ in the Mawasi area, my cousin Khaled Zo'rub came and informed us, that his son Kifah, 17 years, was very sick and must be evacuated to hospital as soon as possible. Some members of the family and I went out towards Khaled's house and helped him in putting Kifah in a civilian car. Kifah's father drove the car and I travelled in another car owned by my cousin Mohammed Marzouq Zorub. We all travelled on the coastal road until we reached an Israeli military checkpoint adjacent to Kfar Yam settlement. Israeli soldiers ordered us to stop. We informed them that we had a very sick person who must be evacuated to hospital as soon as possible. The soldiers checked our ID cards and allowed us to pass. We proceeded until we reached another Israeli military checkpoint located north of Kfar Yam settlement, approximately 700 meters away from the first checkpoint. It was located on the crossroads leading to the Tuffah checkpoint. The junction was blocked with barbed wire. Israeli soldiers ordered us to stop and we again told them that there was a sick person who needs to be evacuated to hospital. They checked our ID cards and nearly half an hour later, they allowed us to pass, after they had removed the barbed wire. When we were about 50 meters away from the Tuffah checkpoint, we stopped in the taxi area. Immediately we heard an Israeli soldier from inside the checkpoint, which is surrounded by cement blocks and sand sacks and covered by green camouflage. The soldier was shouting: “Go

back to the Mawasi”. We said to him: “We want to go to hospital”. He shouted again “Go back to the Mawasi”. Kifah’s father and his uncle got out of the car. I also got out and helped them carry Kifah in order for the soldiers to see him. However, the soldier shouted again: “Go back to the Mawasi”. We told him that the patient would die, and the soldier replied: “I will make you die with him”. We got into the cars again. Ten minutes later, we travelled back to the checkpoint north of Kfar Yam settlement and informed the soldiers there that soldiers at the Tuffah checkpoint denied us passage. We asked the soldiers to call the Tuffah checkpoint to persuade the soldiers there allow us to pass to go to hospital. The soldiers replied that they had no power over the Tuffah checkpoint and that the soldiers at the Tuffah checkpoint had higher ranks. They ordered us to wait until the border guard forces came, as they ranked higher than the soldiers stationed at the Tuffah checkpoint and may allow us to cross. While we were waiting I called the ambulance, which arrived at 8.30 p.m. Kifah was in the arms of his father who cried that his son had died. Kifah stopped moving while the soldiers at the checkpoint and in a military jeep looked on. We moved Kifah from the car to the ambulance. Kifah’s father and his uncle accompanied him in the ambulance, while the others and I were ordered by Israeli soldiers to return home. The ambulance travelled towards the Tuffah checkpoint. At approximately 9 p.m. I phoned my cousin Khader to ask him about Kifah. He replied that doctors had tried to resuscitate him upon arrival but he was dead.”

According to medical sources at Nasser hospital, Kifah was dead on arrival at hospital at approximately 9pm on May 10, 2001. According to the same sources his death was natural and there were no indications that he had been physically harmed. The deceased had come to hospital for medical treatment a month earlier and again four days before his death. On the last visit he had complained of abdomen pains. In his statement, the ambulance driver who evacuated the victim from the Mawasi area to Nasser hospital said that the ambulance was stopped by Israeli soldiers at the Tuffah checkpoint for around 10 minutes. On the way back to the Mawasi area soldiers at the Tuffah checkpoint stopped the ambulance and searched the vehicle for half an hour using dogs.

Despite the statement given by hospital sources that there were no signs on his body that he had been physically harmed, a week prior to his death on May 2, 2001, Kifah had been severely beaten by soldiers at a checkpoint inside the Mawasi. His cousin Arafat Khader Abed Rabbu Zo'rub gave the following statement to PCHR about the incident:

“At approximately 1pm on Wednesday May 2, 2001 I arrived with my cousin Kifah Khaled Abed Rabbu Zorub, 17, at the Tuffah checkpoint, west of Khan Younis refugee camp, on our way back from Khan Younis. We were returning to our homes in Tel Jinan in the Mawasi. We waited for half an hour at the checkpoint. Israeli soldiers then allowed us to pass after we were checked by a metal detector, and had our ID-cards checked on their computer. After we crossed the checkpoint we took a taxi and travelled towards our home. We arrived at an Israeli military checkpoint erected near Kfar Yam settlement on the coastal road. Four Israeli soldiers who were at the checkpoint stopped us and ordered us all to get out of the car. They checked our ID-cards and two soldiers searched the car, while the other two pointed their guns at us. They ordered Kifah and me to get our belongings out of the car. Then they gave the driver his ID-card back and ordered him to leave the area. He told them that he wanted to wait for the passengers, but again they ordered him to leave. The driver got into the car and left the area. Israeli soldiers ordered Kifah and me to stand near the checkpoint. Nearly half an hour later, one of the soldiers fetched two dogs from Kfar Yam settlement, adjacent to the checkpoint. The dogs started smelling the foodstuff we had in our bags. One of the dogs came close to Kifah's foot and Kifah kicked it. The dog attacked him and bit his trousers. Immediately a soldier intervened and took the dog away. The soldier hit Kifah in the abdomen and on his head with his gun and kicked him, while another soldier was pointing his gun at him. I begged the soldier to stop beating Kifah and explained to him, that it is forbidden in our religion to have dogs smell our food. The soldier beat me with the gun on the chest and kicked my legs and abdomen. He said: “It is forbidden for you, but we eat with dogs”. Two minutes later he stopped beating me, but the other soldier continued to beat Kifah for nearly 15 minutes. They then ordered us to stand approximately 10 meters from the checkpoint under the sun. We stood there for nearly 90 minutes. Then an Israeli soldier came and gave us our ID-cards and ordered us to leave. We moved towards our homes located approximately 1 km south of the checkpoint

on foot. On the way home, Kifah told me that he had pain in the head and abdomen. When we were approximately 100 meters away from our houses, Kifah told me that he was extremely tired. He asked me to sit under a tree. We sat there for nearly 15 minutes before we went back to our homes.”

In another incident on November 21, 2001 Sami Salim Basala, 50 years, from the Mawasi area in Rafah, was pronounced dead upon arrival at hospital. He had been suffering from severe pains in the chest. Although he was badly in need of medical care, Israeli soldiers at Tel Sultan checkpoint, which separates the Mawasi area from Rafah, obstructed his access to hospital for 3 hours. He was dead on arrival at the hospital. Unimpeded travel between the Mawasi area and Rafah should take around 10 minutes.

On May 5, 2001 Samira Fouzy Mousa Zo’rub who was in labour, went with her husband in an ambulance to the Tuffah checkpoint in order to go to Nasser hospital in Khan Younis. Israeli soldiers obstructed the passage of the ambulance for 8 hours. During this time, Samira’s suffered complications and the baby died at birth in hospital. In her testimony to PCHR Samira said:

“I usually give birth in the seventh month of pregnancy. In April 2001, I went to the private clinic of my obstetrician whose name is Issam Subhi Zo’rub. He checked the foetus and informed me that things were going well. He also told me that I should expect to give birth in ten days. My contractions began at approximately 9pm on May 5 2001, while I was at home in the Khan Younis Mawasi. I asked my husband, Mahmoud Shihda Mousa Zo’rub, to take me to hospital. Due to the siege imposed on the Mawasi area and the difficulties of movement at night, my husband asked me if I could wait until the morning. I told him that I was suffering from severe pains, so I could not wait. After an hour-long discussion with my husband and his mother, my husband left and went to the house of the al-Najar family approximately 1km away, adjacent to Kfar Yam settlement. Four hours later he returned with a car. He told me that Israeli soldiers at a military checkpoint adjacent to Kfar Yam settlement had held him for four hours before they allowed him to go to the house of the driver from the al-Najar family, although he had told them that I was in labour. I got into the car, while my husband and my sister in law Inshirah Massa’ud Zo’rub accompanied me. We travelled towards the north on the coastal road, south of

Kfar Yam. Israeli soldiers at a military checkpoint in the area ordered the driver to stop and ordered us to get out of the car. Everyone got out while I remained in the car, and told the soldiers that I was in labour and therefore could not get out. The soldiers searched the car using a dog. 15 minutes later they allowed us to cross the checkpoint. Israeli soldiers at another military checkpoint located approximately 700 meters away from the first one again ordered the driver to stop and for us to get out of the car. The soldiers searched the car, and 15 minutes later they allowed us to pass. We then travelled towards the Tuffah checkpoint and stopped approximately 70 meters away from the checkpoint, waiting for the Israeli soldiers to allow us to pass. 10 minutes later an Israeli soldier pointed to the driver to move forward. When we arrived at the checkpoint the driver told the soldiers that I was in labour, but the soldiers ordered him to turn the car off, and ordered us to get out of the car. Everyone got out of the car while I remained inside and told the soldiers that I was not able to get out of the car. Three Israeli soldiers searched the car using a dog. Around 15 minutes later, they allowed us to pass through an outlet closed with cement blocks. The driver told the soldiers that the road was closed, and the car could not pass. The soldiers answered, that he could get out of the car and remove the cement blocks. He told them that they were too heavy. Almost 10 minutes later, after a discussion between the driver and the Israeli soldiers, who were laughing, they allowed us to cross through another outlet adjacent to the blocked one. The soldiers told the driver that they were not responsible for any shooting we may be subjected to by the Palestinian side. We then drove to Nasser hospital, which is approximately 1 km away from the Tuffah checkpoint. Doctors treated me for a vaginal haemorrhage. Two hours later I gave birth to a baby boy who was exhausted and had difficulties breathing. He was moved to a nursing room where he died one hour later. I remained in the hospital for three days.”

### **Births at Checkpoints**

During the Intifada, a number of women from the Mawasi were forced to give birth at the Tuffah checkpoint, after having been subjected to long delays or denied access through the checkpoint to hospital by Israeli soldiers.

On November 19, 2000 a pregnant woman from the Mawasi gave birth on a cart after the soldiers at the Tuffah checkpoint prevented her from being transported to hospital by an ambulance.

In another incident on February 9, 2002 Slam Hatem al-Tai from the Khan Younis Mawasi gave birth at the Tuffah checkpoint, after Israeli soldiers prevented an ambulance from entering the area to evacuate her to hospital for more than two hours. The soldiers allowed the ambulance to evacuate her only after the child was born.

Again on March 14, 2002 Nura Hassan al-Laham, 20, from the Khan Younis Mawasi gave birth inside an ambulance because of delayed access through the checkpoint.

## **THE IMPACT OF ISRAEL "SECURITY" MEASURES ON HUMANITARIAN AGENCIES**

The worsening humanitarian situation created in the Mawasi as a result of the extensive restrictions imposed by the Israeli military necessitates immediate humanitarian intervention. Since the Israeli government and military have been unwilling to provide such assistance, it has fallen on international and domestic humanitarian agencies to provide humanitarian services and supplies to the community. However, since the beginning of the current Intifada, internationally recognized humanitarian organizations have been consistently denied access to the Mawasi area, or subjected to restrictions and delays. The restrictions imposed on humanitarian agencies seeking to provide humanitarian services in the Mawasi have continued to increase throughout the current Intifada. The following section summarizes the services of four humanitarian agencies, namely Médecins Sans Frontières, the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA), the International Committee of the Red Cross (ICRC) and the Palestinian Red Crescent Society (PRCS). It also outlines the difficulties these organizations have faced in providing humanitarian relief and assistance to the people of the Mawasi.

### **Humanitarian Organisations**

Humanitarian organizations, domestic, regional and international, have provided humanitarian services to Palestinian civilians throughout the OPTs for many years. These organizations have included UN agencies (represented mainly by UNRWA), the International Committee of the Red Cross, the Red Crescent, Save the Children, World Vision, Oxfam International, as well as smaller Palestinian humanitarian organizations. Most of these agencies, international or Palestinian, have been subjected to restrictions, denials of access and even attacks on humanitarian staff, vehicles and other equipment, by the Israeli military throughout the OPTs. The Fourth Geneva Convention prescribes rules regarding humanitarian organizations, their services, duties and the duties of the Parties to the conflict (including the Occupying Power) in respect of these organizations in many of its provisions. In article 10, the Convention recognizes certain types of organizations. The International



Committee of the Red Cross is of course, the primary humanitarian organization dealt with in this and the other three Conventions. This article also refers more generally to "*any other impartial humanitarian organization*". As further clarified in Pictet's Commentary, those organizations must be humanitarian; concerned with the condition of human beings irrespective of military, political, or other identities. The organizations must also be impartial. However, they are not required to be international, nor is it required to be neutral<sup>48</sup>. The Commentary further details the types of activities which these organizations are authorized to conduct. Activities may include, "*1. representations, interventions, suggestions and practical measures affecting the protection afforded under the Convention; 2. the sending and distribution of relief (foodstuffs, clothing and medicaments), in short, anything which can contribute to the humane treatment provided for under article 27; 3. the sending of medical and other staff.*"<sup>49</sup>

The Commentary further notes that these services/activities need not necessarily be equally provided to all sides in a conflict, rather they should be provided for according to needs and urgency.

Article 30 sets out obligations of the Parties to the conflict to provide services and relief to the protected persons. As the Commentary on the Fourth Geneva Convention further details in reference to article 30, "*The Convention requires the Parties to the conflict to grant all facilities to ...relief organizations. That means that it will not be enough merely to authorize them to carry out their work; their task must be facilitated and promoted. It is the duty of the authorities to take all necessary steps to allow approved organizations to take rapid and effective action wherever they are asked to give assistance. Among examples of such measures can be mentioned the provision of facilities for delegates to move about and carry on correspondence, to have free access to all places where protected persons are living, transport facilities, and facilities for distributing relief, etc.*"

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<sup>48</sup> Pictet, J., *Commentary, IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War*, ICRC, Geneva, 1958, p. 97.

<sup>49</sup> *Ibid.*

Article 61 expressly details the obligation of the Occupying Power, Israel, to facilitate the "*rapid distribution of these consignments*".

However, it must be noted that irrespective of the presence and services of humanitarian organizations, the primary agent responsible for the welfare of the protected persons, including provision of relief, is the Occupying Power; as article 60 specifically affirms "*Relief consignments shall in no way relieve the Occupying Power of any of its responsibilities under Articles 55, 56, and 59*".

Israel's obligations in facilitating the various humanitarian agencies and their work are clear. The following sections will each detail the restrictions imposed on four humanitarian agencies in the performance of their work in the Mawasi by the Israeli military.

### **UNRWA**

The United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNWRA) has provided the population of the Mawasi area with three services since the outbreak of the current Intifada, namely *relief, health and a sanitation and special environmental health program*. However, the agency has faced various restrictions, and found it increasingly difficult and often dangerous to continue its work in the Mawasi.

### Services

#### *Relief*

During the Intifada, food assistance has been distributed to refugee and non-refugee families. UNWRA trucks laden with food parcels and distribution teams have entered the area several times to distribute food. UNWRA also distributed one-time cash assistance of US\$300 to 100 of the most needy refugee families in the Mawasi.

#### *Health*

UNWRA medical teams including an ambulance, a doctor, a nurse and a midwife, together with medical supplies have visited the area to treat patients and dispense medicines. These visits are usually conducted every 6-8 weeks.

### *Sanitation and Special Environmental Health Program*

A garbage removal truck enters the area regularly to remove garbage from the Swedish Village (part of the Rafah refugee camp). In addition there are five sanitation workers for the area – four on a job creation program and one on a permanent basis – who provide an insect and rodent control service as well as the daily cleaning of the Swedish Village.

### Difficulties

The difficulties UNRWA faces in its work in this area are mainly due to the restrictions on movement of their local and international staff and goods. Visits of local and international UNRWA staff to the Mawasi must be coordinated first with the Israeli military. However, even after receiving permission for the visit from the Israeli military, UNRWA staff and convoys have been forced to wait several hours at the Tuffah and Tel Sultan checkpoints before being allowed entry to the area. On several occasions, UNRWA relief, medical and sanitation teams were denied entry to the area by the Israeli soldiers stationed at the checkpoints, despite prior coordination with the Israeli military local command.

Since March 2002, no approval for relief team visits has been given. Now, refugee families must collect their food assistance from the Khan Younis UNRWA distribution centre after crossing the Tuffah checkpoint on foot.

### **International Committee of the Red Cross (ICRC)**

The International Committee of the Red Cross provides the Mawasi area with several services, the most important ones being the *delivery of medicine* to the clinics and *coordination of movement of people*. They have faced the same restrictions on movement into and within the Mawasi as other aid agencies.

### Services

#### *Delivery of medicine*

Prior to and during the current Intifada, the ICRC attempted to provide a monthly delivery service of basic medicines to the clinics in the Mawasi.

### *Coordination of movement of people*

Another of the main tasks of the ICRC has been to help to coordinate the movement of people in and out of the area. When an initial coordination between the Palestinian residents and the Israeli military fails, the ICRC is often asked by Mawasi residents to intervene to assist the coordination. The ICRC has tried to help, often with very varying rates of success. The ICRC has also tried to assist in the allocation of special numbers for the people who were not present in the area when the Israeli military allocated the special identification numbers and magnetic cards. People who were not present on the day of census have subsequently been denied entry to the area. The ICRC made a list of the Palestinian residents of the Mawasi who had not received a number and presented it to the Israeli military requesting that the remaining residents of the Mawasi also be allocated a special identification number. To date, the ICRC has received no response from the Israeli authorities.

### *Other tasks*

The ICRC also provided the school in the Mawasi with tents to serve as extra classrooms and have assisted families whose homes have been demolished.

### Difficulties

The ICRC has mainly faced the same obstacles and problems in their work as other aid agencies. Most difficulties have been created by the restrictions on movement and the restricted access to the area. The monthly medical delivery has been regularly obstructed for several hours, despite prior coordination with the Israeli military. In some instances, the Israeli soldiers refused to allow the medicine to be transported into the Mawasi.

### **Médecins Sans Frontières (MSF)**

Médecins Sans Frontières have been working in Palestine for the past 9-10 years. They run two programs, one in Jenin and one in the Gaza Strip. The Gaza Strip program has operated for the past 2½ years. The Gaza Strip programme is staffed by one doctor, two psychologists, one field worker and a social worker. Staff members work on 6 month contracts and are then replaced.

There is however, a certain overlap of staff that permits a continuation of the work. The program implemented in the Gaza Strip offers a combination of medical consultation, medicine delivery and psychological counselling.

### Services

When MSF first began its work in the Mawasi in March 2002, there was a significant lack of medicine in the clinics, due to the closure imposed on the area. MSF however, was also prevented from carrying out their work because of this closure, and it was not until seven months later at the end of October 2002, when a new team arrived, that the work in that area resumed. The team doctor went to the Mawasi with two bags of medicine that he distributed in the area while conducting basic medical consultations. These consultations continued to be carried out on a weekly basis, when the doctor was permitted by the Israeli soldiers at the checkpoint to enter the area. After conducting a general assessment of the health situation in the area, MSF's doctor consulted with the Palestinian Ministry of Health in order to make changes in their medicine provision lists. The need for medicine for the treatment of parasites was given a high priority, as this is one of the biggest health problems in the area.

The psychological part of the program began at the beginning of December 2002. Families identified as requiring psychological assistance by the doctor at the Mawasi clinic as well as the MSF doctor, are then visited by a psychologist who provides weekly consultations.

### Difficulties

Like most other aid agencies the difficulties faced by MSF, are the lack of access to the area as well as restrictions on the freedom of movement within the Mawasi. On one occasion, the team was made to wait for 4½ hours by the Israeli soldiers before being allowed to cross the Tuffah checkpoint, despite prior coordination with the Israeli military local command. MSF teams have only been allowed to drive their cars through the checkpoint on three occasions. When inside the area, the MSF team is also often stopped and checked at temporary military checkpoints, delaying their work, making effective working

hours shorter and thus reducing the number of patients which they are able to visit. These restrictions are particularly problematic as the number of families in need of their services continues to increase. Many of the psychological problems found among people in the Mawasi area are severe and date back to before the current Intifada. Most result from, or are aggravated by, the continuous closure of the area, the restrictions on normal social activities, the daily violence and harassment they are subjected to by the Israeli military and settlers in the area, and also the deteriorating humanitarian situation.

### **Palestinian Red Crescent Society (PRCS)**

The services of national Red Cross and Red Crescent societies are specifically addressed in article 63 of the Fourth Geneva Convention which expressly stipulates that the national societies should "*be able to pursue their activities in accordance with Red Cross principles*". The Red Crescent Society runs a number of hospitals and other medical facilities in the Gaza Strip. Their work in the Mawasi area has also primarily been in the medical field, *running a clinic* in the Mawasi and more recently also an *ambulance service*.

#### Services

##### *Clinic*

The PRCS ran a clinic in the Mawasi until the Israeli military closures in the area made it impossible to continue the work after January 2001. The clinic, which was open in the afternoon, was staffed by a nurse from Khan Younis, and offered basic medical services. This clinic has remained closed since January 2001.

##### *Ambulance service*

Following a series of incidents where ambulances were prevented from entering the area to evacuate wounded, sick or dead people from the Mawasi, the PRCS stationed an ambulance inside the Mawasi, that could ease the transportation of sick and wounded people at least up to the checkpoint, where the patient would then have to be transferred to another ambulance waiting on the other side.

### Difficulties

Due to the continuous siege in the area and the consequent difficulties in accessing the area both for the Khan Younis staff nurse and medical equipment, the clinic was forced to close. The ambulance now servicing the area, also often faces major difficulties particularly due to the obstruction of its passage at different checkpoints inside the Mawasi. In addition, on January 31, 2002 the ambulance was damaged by an Israeli military Armored Personal Carrier (APC). Ambulance driver Muhammed ‘Ali Abu ‘Oda and ambulance officer Suhail Muhammed Hassouna gave the following statement:

“At approximately 12am when we were on our way back towards the Rafah Mawasi clinic, we were stopped by an Israeli DCO vehicle. Soldiers issued us with instructions about our work during the curfew imposed on the Mawasi area and how to evacuate patients to clinics in the area. During this conversation, an Israeli APC hit the back door of the ambulance. The Israeli Liaison Officer took the number of the ambulance and the insurance license and my name and ID card number. He also took the number of the Israeli military vehicle. All of this happened only after the driver of the Israeli military vehicle confessed his mistake.”

Clearly, each of these four humanitarian organizations has been subjected to unnecessary and arbitrary restrictions on their access to the Mawasi and the Palestinian residents in the area. In some instances, staff of humanitarian organizations operating in the Mawasi have been verbally or physically abused. These restrictions and abuse reflect a general disregard by the Israeli military throughout the OPTs for the principles of humanitarian work, for the protections afforded to humanitarian workers and for the rights of the Palestinian civilian population which these organizations are seeking to assist. Indeed, since the beginning of the current Intifada, medical and other humanitarian staff and vehicles have been subjected to attack by Israeli forces throughout the OPTs and at least 18 have been killed.

The restrictions and treatment of staff of organizations seeking to provide humanitarian relief to the Palestinian civilian population in the Mawasi, and

more generally in the OPTs, are in direct contravention of Israel's obligations with respect to maintaining humane treatment for protected persons in territory under its effective control, and its specific obligations as detailed in the beginning of this section, with respect to facilitating the work and activities of humanitarian organizations.



## **VIOLENCE AGAINST PALESTINIAN CIVILIANS**

In addition to the impact the Israeli military and settler policies and activities has had on all aspects of Palestinian life in the Mawasi, there has also been an ongoing rise in cases of violence against Palestinian civilians in the area committed either by settlers or Israeli soldiers. Incidents of violence, beatings, humiliation, arrests and detentions, as well as seizure and demolition of houses have continued throughout the current Intifada. Such deliberate incidents of humiliation and physical and verbal abuse are in direct contravention of Israel's obligations to ensure the humane treatment, at all times and in all circumstances, of Palestinian civilians. The Fourth Geneva Convention is premised on a general prohibition on acts contrary to the principle of humane treatment and various provisions of the Convention prohibit specific acts against the civilian population; these acts, "*any measure of such a character as to cause the physical or extermination of protected persons...*"<sup>50</sup> necessarily include torture, beatings, humiliation. The Convention also prohibits the destruction of civilian property not justified by military necessity<sup>51</sup> and expressly prohibits the use of collective punishment or reprisals. Article 33 specifically states that "*Collective penalties and likewise all measures of intimidation or of terrorism are prohibited...reprisals against protected persons and their property are prohibited.*" A culture of impunity for such acts has also grown throughout the current Intifada, as few if any settlers or Israeli soldiers have been held to account for attacks on Palestinian civilians and their property in the Mawasi area. This section provides information pertaining to the wide-ranging acts of violence perpetrated against the Palestinian civilian population inside the Mawasi by both settlers and Israeli soldiers.

### **Attacks by Settlers**

Mawasi residents have regularly reported attacks by settlers; physical and verbal attacks, including using vehicles; harassment; attacks on crops, homes, and businesses. Such attacks have become routine particularly since the

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<sup>50</sup> Article 32.

<sup>51</sup> Article 53.

beginning of the current Intifada. These attacks are often witnessed by, or even assisted by Israeli soldiers in the area.

#### Attacks on Palestinian Workers in the Settlements

Many Palestinians from the Mawasi continue to be employed in agricultural or manufacturing businesses inside the settlements. However, a number of these workers have been subjected to violent physical and verbal attacks. On August 21, 2000 two settlers, identified as Eyal and Erez, from the Gadit settlement stopped their car next to land worked by Palestinians and beckoned Aymad Abdallah Abu Yousef and Majed Rawhi al-Dush to come towards their car. The settlers then forced them into the car. When they reached a deserted area, Eyal started to beat them while Erez aimed a small handgun at them. The beating continued for approximately 30 minutes. Afterwards the two settlers confiscated Aymad and Majed's Israeli work permits (a magnetic card) and their permits to work in the settlement. Then they chased them out of the settlement. The two Palestinian workers went to the Nasser hospital in Khan Younis for treatment and later filed a complaint with the Israeli DCO requesting an investigation into the incident.

In another incident on April 12, 2001 Ahmad Atiya Abu Sahmul, 26, a father of three from Khan Younis, was working in one of the green houses in the Gan Orr settlement where he has worked since 1999. At around 8.30am a settler approached him and tried to tie his hands behind his back. There were three other settlers with him, one of whom has been identified as Anabi Metel. Two of the settlers had pistols and electric batons. They hit Ahmad with the electric batons on the chest and he fell to the ground due to the electric shock. Then the settlers started to beat him and one put an electric cable around his throat to choke him. He tried to stop them but couldn't. The settlers tried to force him into a white GMC car to take him away, but he resisted. One settler then asked another to shoot Ahmad in the head. The settler refused but continued to beat Ahmad. Ahmad lost consciousness. He later woke up in the Nasser hospital in Khan Younis. A friend told him that the settlers had left him, and his employer had come to the place together with other workers. They had called the police and an ambulance came and evacuated him. The ambulance however had to go

through the Tel Sultan checkpoint as the Tuffah checkpoint was closed. The settlers had inflicted severe bruising to his neck, chest and hands.

### Seizure of Property

The confiscation or destruction of land and other property has been ongoing since the beginning of the Intifada, as detailed previously in this report. This confiscation of land and property has also included the forcible seizure of Palestinian property by settlers inside the Mawasi. In one example, in October 2000, a group of settlers protected by the Israeli military forcibly expelled Jamal Riziq Salim Al-Farah and his family from a cabin comprised of three rooms rented from the Khan Younis municipality. Al-Farah lived there with his family. After he was expelled settlers seized the cabin and its furniture, while the Israeli army denied him access to his home. On April 29, 2001 PCHR submitted a complaint to the Israeli military legal adviser. No response has yet been received.

In another incident on November 20, 2000 Israeli forces and a group of settlers seized 12 cabins located on the beach, owned by the Khan Younis municipality. Subhi Malahi el-Qidra, who had rented the buildings since 1974, gave the following statement to PCHR:

“I was woken up at 2am by some soldiers who told me to come out. They told me that I was not allowed to stay in the cabins anymore, because the place was not mine. I said to them that they were my cabins as I paid rent to the municipality of Khan Younis, and they replied that some settlers had taken over three of the cabins, which was the reason I had to leave. I asked the soldiers what they were doing here, as the settlers were taking the cabins from me. The soldiers didn't answer and left. I went back to sleep. After 15 minutes, fifteen settlers came to my door and told me to leave. I refused so they told me that if I didn't leave the area, they would kill me. I said to them that I am an old, sick man who lives alone, and it was not good for them to kill me. They gave me until 7am to get out, by which time they would come back. After half an hour, seven soldiers came back and again told me to leave the area. They demanded to see my ID card, took it and left. After half an hour they came back and gave me my ID card back. I went back to sleep. At 7am twenty settlers came and

told me they would kill me if I did not leave the area. They started to throw my belongings out of the cabin, landing approximately 50 meters away. They also brought a generator to the area. I left the cabin but remained in the area where they had thrown my belongings.”

At 1pm, the settlers placed barbed wire around the 10 cabins rented by Subhi Malahi el-Qidra as well as another two cabins rented by Jamal Al-Farah and Mansour Al-Bayouk and later installed water tanks. The total area taken over by the settlers was approximately 60 dunums. On November 22 soldiers set up two checkpoints around this new settlement and ten days later the settlers set up a porta-cabin in the area. On December 2, 2000 PCHR submitted a complaint on behalf of the Khan Younis Municipality to the Israeli military legal adviser. A negative response was received on April 22, 2001.

### **Attacks by Israeli Soldiers**

Attacks by Israeli soldiers on the Palestinian residents of the Mawasi have continued to increase in both number and severity since the beginning of the current Intifada. In addition to cooperating with Israeli settlers during property seizures, and the large-scale land-leveling operations detailed in previous sections of this report, individual attacks on Palestinian civilians by Israeli soldiers have included physical abuse, verbal attacks, harassment, and even attacks using military vehicles<sup>52</sup>.

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<sup>52</sup> In one example, on May 5, 2001 Jumaa Ayoub Salim Shubair, 42, sustained a fracture in his right leg when he was run over by an Israeli military jeep. In his testimony to PCHR Shubair said:

“At approximately 11.30am on May 5, I was riding a horse cart from Khan Younis to Rafah accompanied by my relative Mahmoud Khader Shubair. When I arrived at al-Atatra area approximately 100 meters north of an Israeli settlement, an Israeli military jeep came to the area from the settlement and ran into me while I was on the cart. I felt severe pain in my leg. I started crying but Israeli soldiers did not pay attention and did not offer me any help. They left the area towards the settlement. My relative Mahmoud rode the cart and stopped a passing car, which evacuated me to the Nasser hospital in Khan Younis. After being checked by doctors I was told that I had three fractures in my leg and that I would have to undergo surgery.”

### Incidents at checkpoints

Perhaps the greatest number of reports received by PCHR regarding attacks on Palestinian civilians by Israeli soldiers involve incidents at checkpoints, both the Tuffah checkpoint in the Khan Younis Mawasi and at internal checkpoints. In particular humiliation and verbal harassments of Palestinians attempting to pass through checkpoints are common.

### *Humiliation and Harassment*

In one example, on November 4, 2000 a Mawasi resident witnessed the humiliation of a taxi driver and three passengers travelling inside the Mawasi, by members of the Israeli border police. He submitted the following statement to PCHR:

“At approximately 9am I saw the Israeli border police stopping a Palestinian taxi with four passengers. This was at the sea road junction in the Mawasi area. The men travelling in the car were:

1. Issam Al-Nahhal
2. Salim Basala
3. Adnan Shalouf

The driver was:

Ra'ed al-Fayoumi

“The Israeli soldiers stopped my car behind Fayoumi’s car. Then they moved towards Fayoumi’s car and ordered the three young men, the woman and the driver out. They searched the car for nearly half an hour. The Israeli soldiers then ordered the driver and the three young men to take their clothes off, excluding their underwear. They also ordered them to run in front of the jeep of the border police towards the Swedish Village, approximately 300 meters back and forth. When they were returned to the same spot they were permitted to get dressed, but they were not allowed to get into the car. The driver continued on towards Rafah with only the woman passenger. The Israeli soldiers then came

to my car. I got out and they searched it for nearly 20 minutes. Then I got back into my car and travelled towards the Tel al-Sultan neighbourhood in Rafah.”

In another such incident on November 13, 2000 Fadhil Mahmoud Mahmoud ‘Aashour, 26 years, a father of four and a taxi driver from the Mawasi area was forced to take his clothes off in front of five soldiers who also searched his car. In his statement to PCHR ‘Aashour said:

“At approximately 4.30pm, on Monday November 13 2000, I was in my car with ‘Adel Ibrahim Al-Nada near a Palestinian naval force centre. An Israeli border police military vehicle stopped me. A member of the patrol asked me to turn the car off, take the keys out and to get out of the car. Then he ordered me to open the doors of the car. All the soldiers got out of the military vehicle. There were five in total. Three of them searched the car thoroughly. The search lasted for nearly half an hour. Then one of the soldiers ordered me to take my clothes off. In the beginning I refused, but then I took my jacket off, then my shirt and then my t-shirt. The Israeli soldiers checked all the clothes I had taken off. When I was about to take the trousers off, an Israeli soldier said: “No, that’s enough”. Another soldier checked my hands and then insulted me. He used very bad words, which I would never say. While ‘Adel and I were searched people were passing near us. We were in a very difficult position, as I was almost naked. I wished I were dead. The search lasted for 20 minutes during which ‘Adel telephoned an Israeli settler for whom he bought an amount of barley. Soon the settler came to take the barley. There was a conversation between ‘Adel and the settler. Then the settler left the area. I put my clothes on and got into the car accompanied by ‘Adel and we travelled towards the Tel al-Sultan neighbourhood in Rafah.”

Harassment of Palestinian civilians by the Israeli soldiers stationed at the Tuffah checkpoint has often included arbitrary denial of access and verbal abuse; on May 12, 2002 Salah el-Astal submitted the following statement to PCHR regarding arbitrary denial of access at Tuffah:

“On May 10, 2002 my 1½ year old child Halla, had a fever. So I went to the checkpoint with her and told the soldiers that I wanted to go to Khan Younis in order to buy medicine for her. At that time, only people of more than 40 years

of age were allowed to cross the checkpoint. I left my ID card with the soldiers at the checkpoint and told them that I would be back in 2 minutes, as I only wanted to go and buy medicine from the pharmacy. I went to the pharmacy in the Khan Younis refugee camp, which is only 500 meters from the checkpoint, and bought the medicine. After 10 minutes I came back, but only two other people were waiting at the checkpoint. After 5 minutes, another two people arrived and we went down to the checkpoint together, as soldiers have imposed a rule that only groups of more than five people are allowed to approach the checkpoint. The soldiers I had dealt with 10 minutes before were still at the checkpoint and quickly allowed the four other people through. They said to me: "You said to us, it would only take you two minutes, now 10 minutes have passed. You must go back to Khan Younis." I said to the soldiers that I didn't have any house in Khan Younis as my house and wife and children are in the Mawasi. The soldier said to me: "If you don't have a house in Khan Younis you can stay in a hotel". The soldier was around 20-22 years old, and spoke only broken Arabic. I continued to try and convince him to let me back to my home in the Mawasi, but the soldier said it wasn't his problem. Meanwhile, another soldier arrived from the military camp near the checkpoint. He loaded his gun, pointed it at me and said: "If you don't go now, I'll kill you." So, I returned back to Khan Younis. The next day I returned to the checkpoint at 11am with my daughter to try to re-enter the Mawasi, but the soldiers again denied me entry. At 1pm I called my wife and asked her to come to the checkpoint from inside the Mawasi. At approximately 2pm she arrived with two of my other children and crossed the checkpoint to Khan Younis. At 3pm the Israeli soldiers closed the checkpoint and imposed a curfew in the area. I went with my wife and children to stay with relatives in Khan Younis."

Also on May 12, 2002 Yousra El-Astal, 37, left the Mawasi with her 7½ month old baby to go to a clinic in Khan Younis for an immunization appointment. She crossed the checkpoint at 10am and returned at 1.30pm after visiting the clinic. When she arrived at the checkpoint, there were many people waiting, including women, children and elderly men. A soldier said through a loudspeaker, that the people would have to go back to Khan Younis as the checkpoint was closed and he cursed them. The soldiers said that if the people did not go back to Khan Younis that they would be shot. After half an hour the soldiers started to shoot, so El-Astal went back to Khan Younis. She came

back daily for a period of more than two weeks, but the soldiers continued to deny her re-entry. Her statement was taken on May 28, at which time she still had not been permitted to return to her home. She is now staying in Khan Younis with her children, while her husband is remains in the Mawasi area.

### *Beatings*

At approximately 13:00hrs, on April 23, 2001, Adnan Muhamed Mijemar, 18, from the Khan Younis refugee camp, was going to the Mawasi to work on his family farm, when he was subjected to a random beating by soldiers at the Tuffah checkpoint. In an attack that lasted for 5 hours, they beat him with their hands and guns, inflicting injuries all over his body. Then they took him to the military camp near the checkpoint and beat him for another 5 hours. He was blindfolded and had his hands tied behind his back. Then a police jeep came and took him to the police station in the settlement of Neve Dekalim. The police questioned him about a small knife they had found in his possession. He stayed in the police station until 10am, the next morning. They then took him to the checkpoint and told him to return home.

A number of incidents reported to PCHR have included the beating of Palestinian children; on June 13, 2001 Nadia Na'im Mohammed al-'Aqqad was taking her three children aged 4 to 9, for a family visit in the Mawasi. At the Tuffah checkpoint, her three children were severely beaten by soldiers with a piece of electric cable. She gave the following statement to PCHR on June 14, 2001:

"At approximately 19:30 on 13 June 2001, I arrived at the Tuffah checkpoint, west of Khan Younis refugee camp, to enter the Mawasi area in order to visit my aunt. I was accompanied by my three children, Mohammed Khalil Mahmoud al-'Aqqad, 9, Mahmoud Khalil Mahmoud al-'Aqqad, 6 and Khaled Khalil Mahmoud al-'Aqqad, 4. When I crossed the Tuffah checkpoint, I saw four Israeli soldiers behind the cement blocks at the north of the checkpoint. They could not be seen from the direction of the camp. One of the soldiers was sitting on a chair. Another of the soldiers, who had an electric cable in his hand pointed to me to come to him. My children and I moved towards him and when we approached, he started to beat my son Mahmoud with the wire, on his neck, while other soldiers surrounded us. Mahmoud cried and I shouted and asked the



soldiers to let him go. My sons, Mohammed and Khaled were also crying. Mohammed attempted to escape, but the soldier caught his hand and started beating him too. He also beat Khaled. He beat my three children for about four minutes while they were crying. I also cried and tried to save my children and get them out of the hands of the soldier who kept beating them with the electric cable. I was terrified and shocked. I thought they would kill my children and me. Then, an old man and an old woman came from the direction of Khan Younis refugee camp. They approached the checkpoint on their way to the Mawasi. When the Israeli soldiers saw them, they stopped beating the children. One of the soldier shouted to us: "Go!" and another soldier shouted: "Go away!" Then, I took my children, who were crying from the pain, and walked towards the Khan Younis refugee camp. Approximately 700 meters away from the checkpoint, I stopped a car and travelled back to my home in Khan Younis. I told my mother-in-law about what happened. She used cold compresses to ease the pain of the children's wounds. There were swollen red and blue marks all over their bodies. At night, Khaled complained of pains in the abdomen, while Mohammed suffered from a fever. I collapsed. We all slept and in the morning I took my children to a ministry of health clinic near al-Mahatta area, which is close to our house. The doctor asked me what had happened and I told him. He asked me to go to the Red Crescent Society hospital or Nasser hospital to receive medical treatment there, so we went to the Amal Red Crescent Society hospital. My children were moved into the surgery department. There were still signs of severe beating on their bodies and they are still receiving medical care in the Amal Hospital."

### *Shootings*

As mentioned earlier in this report, soldiers stationed at the Tuffah checkpoint have regularly opened fire, in circumstances in which no threat was posed to the soldiers, on Palestinians approaching the checkpoint for passage back into the Mawasi. In one incident on October 31, 2002 Hamda Mohammed Suleiman Abu Madhia, 36, a housewife and mother of six from the Mawasi was waiting at the Tuffah checkpoint in order to return home after a medical visit in Khan Younis. Israeli soldiers opened fire without warning or provocation and she was shot in the foot. In her testimony to PCHR she stated:

"I live with my husband and my six children, the eldest of whom is 11 years and the youngest 2 years, in the Mawasi area in Khan Yunis. At approximately 09:00 on Wednesday, October 30 2002, I left the Mawasi area through the Tuffah checkpoint to receive medical treatment in an UNRWA clinic in the Khan Younis refugee camp, as I was experiencing head pains. I wanted to make sure I received medical care quickly in order to be able to come back home. When I went back to the Tuffah checkpoint at approximately 11:30, I was surprised by the presence of dozens of people, including women and children, who were waiting. It was clear that the Israeli soldiers would not allow them to cross the checkpoint. I waited in vain until 17:00, hoping that the checkpoint would be reopened, but as it remained closed, I was forced to go back to Khan Younis. Like many others, I was hosted for the night by a family in the Khan Younis refugee camp. On Thursday morning, October 31 2002, I left the house and thanked the family that hosted me. When others and I arrived at the site of the Palestinian National Security Force, located before the Tuffah checkpoint, security men asked us not to move towards the checkpoint to avoid being fired at by Israeli soldiers, as it was too early. I waited until 07:00 and then went down to the checkpoint together with a group of other people trying to get into the Mawasi. Only a few were allowed to cross the checkpoint. A number of women rushed to cross the checkpoint. Israeli soldiers then fired live ammunition at us, while we were waiting at the iron-gate that prevents cars from driving down to the checkpoint. Suddenly, I felt something hit my foot. I fell to the ground and noticed that my foot was bleeding. I cried that I was wounded. People took me in a civilian car to Nasser hospital, where I was told that I was wounded in the foot by shrapnel from live bullets. I was moved to the surgery ward at the hospital, where I am still receiving medical care. I am very worried for my family in the Mawasi."

#### *Other Incidents*

In an unprecedented incident, in February 2003, a Palestinian woman who was attempting to re-enter the Mawasi was forced, at gunpoint, to drink a toxic liquid used for the maintenance of boats. In a statement made to PCHR, Fatima Mohammed Ahmed al-Najjar described the incident:

"At approximately 09:00 on Monday, 10 February 2003, the day before Eid (an Islamic religious occasion) I left al-Mawasi area to go shopping and to visit my

son. Two hours later, I went to al-Tuffah checkpoint, west of Khan Yunis refugee camp, to get home. I and dozens of other people waited there until 16:00, when we went towards an Israeli military observation tower. Israeli female soldiers told us that the entry of foodstuffs was prevented, so I got rid of all foodstuffs and kept a bottle of a liquid used for boat maintenance, which my son bought for his father who is a fisherman. When I entered the checking room, two Israeli female soldiers checked me and my belongings. One of them asked me about the bottle and I told her about it and its use. I also told her that the material was known and we had bought it into the area more than once before. However, the soldiers thought the bottle was suspicious. I told her that I would throw it away or send it back, but she refused. She ordered me to drink the liquid. I told her that the liquid was poisonous and also that I was fasting. She insisted but I again refused to drink the liquid. The two soldiers held me and pointed their guns to my head. One of them forced me to drink some of it. The liquid caused severe pain to my mouth, stomach and throat. Then, the soldiers took me out of the room. Some Palestinian workers took me in a civilian car to Nasser Hospital in Khan Yunis, where doctors cleaned my stomach. I received medical care at the hospital for two days. Then, I was moved to the European Gaza Hospital to continue medical treatment."

#### House Searches and Arrests

The Israeli military have also conducted a number of house raids and arrested and detained a number of Palestinian residents of the Mawasi. On May 1, 2001 Israeli soldiers entered the Tel Jenan area of the Mawasi and conducted searches in some of the houses. During their operation they arrested and beat Sayed Sabril il-Najar, 17 years old. Soldiers also raided the houses of Fayeg Abd el-Hal il-Najar, Walid Hamada il-Najar and Sabri il-Sayed il-Najar. The soldiers stayed on the roofs of the houses for approximately three hours before they left. While the soldiers were searching the houses, approximately 150 settlers were demonstrating near the Tel Jenan area, shouting anti-Palestinian slogans such as "we don't want Arabs here".

At midnight on November 22, 2001 agents of the Israeli security service Shin Bet, entered the house of Muhammad Sayed il-Najar and searched the premises. They then arrested him and took him to jail, where he stayed for 18 days. On

November 23, 2001 Ibrahim Abdallah il-Najar, 28, was stopped at the Tuffah checkpoint, where he was arrested, blindfolded, handcuffed and taken into detention.

### **Impunity**

Clearly, there has been a long history of attacks on Palestinian residents of the Mawasi and their property by both settlers and Israeli soldiers. In particular these attacks have continued to increase since the beginning of the current Intifada. However, as discussed briefly throughout this report, attacks on Palestinian civilians by Israeli settlers and soldiers have been generally afforded impunity. A culture of impunity has continued to grow further encouraging such incidents. The attack on Fatima Al-Najjar evidences a confidence amongst Israeli soldiers, in particular, that they will not be held accountable for their acts.

Since the beginning of the current Intifada in September 2000, PCHR, as a legal aid agency, has submitted a number of complaints regarding attacks by settlers and Israeli soldiers on Palestinian civilians, including in the Mawasi. However, PCHR considers that in no case have the Israeli military authorities conducted a full and fair investigation into the incident, and PCHR has no information to suggest that in the cases in which it has submitted a legal complaint, no Israeli soldier or settler has been subjected to appropriate sanctions for the incident.

In the case of Fatima al-Najjar, in which PCHR's services were not requested, the Israeli military authorities appear to have taken the rare step of indicting individuals responsible for the incident. According to recent media reports, a female soldier has been indicted by the Military Court of the Southern Command on charges of illegal use of a firearm, aggravated assault and obstruction of justice. The soldier has been in detention since May 2003 pending the outcome of her trial<sup>53</sup>.

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<sup>53</sup> See Gideon Alon and Amos Harel, "Soldier charged with making Palestinian woman drink poison", Haaretz newspaper, 23 June 2003.

PCHR welcomes this development but it is clear that such procedures are extremely rare. Indeed, in a recent meeting of the Israeli Knesset Law Committee the Military Attorney General, Menachem Finkelstein, stated that since the beginning of the current Intifada, 6 indictments had been issued against Israeli soldiers in cases of shooting resulting in the deaths of Palestinians. According to PCHR's records, at least 918 Palestinian civilians have been killed by Israeli settlers and soldiers in the Gaza Strip alone since September 2000. The statement of the Military Attorney General serves to clearly illustrate the ongoing failure to bring the perpetrators of human rights violations to justice in accordance with international standards.

This impunity for actions of the Israeli settlers and soldiers throughout the Occupied Palestinian Territories further includes a denial of victims' rights to compensation. In all complaints submitted by PCHR to the Israeli military authorities (all complaints are forward simultaneously to the Israeli military legal advisor, to the Israeli military prosecutor and to the Compensation Officer at the Israeli Ministry of Defence), PCHR has submitted a request for an investigation and for compensation where appropriate. Again, PCHR is not aware of any case in which the victim of human rights violations perpetrated by the Israeli military and settlers has received effective reparation, specifically compensation. The prohibitive costs of making claims for compensation in Israeli courts present serious obstacles for victims seeking reparation<sup>54</sup>. Recent amendments made to the Israeli Law of Civil Damages, 1952, further restrict the right to compensation through the imposition of a strict time limit for submission of claims<sup>55</sup>.

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<sup>54</sup> Currently, claimants for damages must pay court fees of between US\$150-250 per case, and a bail or deposit to the court of 2.5-3% of the total amount being claimed. In addition, Palestinian lawyers from the West Bank and Gaza Strip have no access to Israeli courts and thus Israeli lawyers must be retained to represent the Palestinian claimant in court. Few Israeli lawyers work pro bono on such cases. Israeli legal fees can amount to 12% of the amount being claimed.

<sup>55</sup> All claims for incidents occurring before 1 August 2002 must be received before 1 August 2004, after which the right to claim will be waived. All incidents occurring after 1 August 2002 must be received within two years of the date of the incident, after which the right to claim will be waived.

## **CONCLUSION**

Throughout this report, PCHR has attempted to document and analyze the impact of the human rights violations in the Yellow Areas in the Gaza Strip, specifically the Mawasi area. PCHR believes that the documentation contained in this report clearly illustrates the devastating impact of the ongoing illegal Israeli occupation, including the settlement programme, on this particular part of the Gaza Strip.

The situation in the Mawasi, which worsened significantly following the Oslo Agreement, has deteriorated even further since the outbreak of the current Intifada. In the period covered by this report, the few allowances and powers afforded to the Palestinians in this area under the Oslo Agreement have been systematically eroded and effectively abolished by Israel. Information provided in this report demonstrates the manner in which every aspect of the daily life of the Palestinian residents of the Mawasi has been restricted by the presence of illegal Israeli settlers, and the priority given to their so-called security by the Israeli military. The creation of a matrix of control has imposed severe restrictions on the life of the Palestinian population in the area, resulting in devastating humanitarian consequences. To illustrate the impact of this matrix of control, the report has given an extensive picture of how the primary industries, agricultural and fishing, have been entirely dismantled by razing and confiscation of land, destruction and confiscation of equipment, arbitrary closures and curfews. Severe restrictions on movement of people and goods have also completely shattered the educational and health sector, and has almost entirely prevented the provision of effective humanitarian relief by local and international humanitarian agencies. The complete isolation of the Mawasi area from the rest of the already isolated Gaza Strip in addition to the increasing violence carried out by Israeli settlers and soldiers against Palestinian civilians and their property has made the living conditions in the area unbearable thereby encouraging people to leave the area.

These policies of dispossession and expulsion have facilitated gradual territorial expansion and de facto annexation of Palestinian land in the area. The introduction of a policy of unlawful forcible transfer of Palestinians out of the area, as detailed previously in this report, would further serve these

annexationist aims. In these respects, the Israeli government and military activities in the Mawasi area, reflect the policies and practices employed throughout the OPTs. These policies of apartheid segregation, settlement expansion, closure and curfew, dispossession of lands and homes through home demolition and land-leveling can be seen throughout the Gaza Strip and West Bank including East Jerusalem.

These policies and practices are entirely inconsistent with Israel's legal obligations under international humanitarian and human rights law. The Israeli military, security services, other state and non-state agents continue to perpetrate widespread and systematic violations of international humanitarian and human rights law, including war crimes, in the OPTs. However, as repeatedly stated by PCHR, the state of Israel has been consistently afforded impunity by the international community for its actions against Palestinian civilians and their property. As within Israel, such impunity for violations encourages further violations. This total failure to hold Israel accountable also stands in contradiction of the legal obligations of other states, specifically the High Contracting Parties to the Fourth Geneva Convention, to ensure the protection of Palestinian civilians. In particular, article 1 of the Fourth Geneva Convention obligates the High Contracting Parties to *"ensure respect...in all circumstances"* for the Convention. Article 146 further obligates the High Contracting Parties to *"search for persons alleged to have committed, or to have ordered to be committed, ...grave breaches, and shall bring such persons , regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a prima facie case."*

Israel's failure to protect Palestinian civilians is clear but impunity for Israeli actions against Palestinian civilians, including those residing in the Mawasi, continues on the domestic and international levels. PCHR asserts that irrespective of political initiatives or diplomatic dialogue, the victims of human rights violations, including war crimes, perpetrated by the Israeli military, security services and settlers, should be afforded effective reparation, including investigations conducted in accordance with international standards on impartiality and thoroughness, prosecution including appropriate sanctions, and appropriate compensation.

## **ANNEX 1**

### **List of PCHR Documented Violations in the Mawasi Area**

- October 16, 2000

Israeli military bulldozers swept an 80-donum area of land to the north of the settlement of Neve Dekalim adjacent to the road between Khan Younis and the Mawasi. On October 18, 2000, this land was fenced with barbwire and annexed to Neve Dekalim.

- November 27, 2000

A group of settlers, under the protection of Israeli soldiers swept a 40-donum area of agricultural land in the Khan Younis Mawasi, to the west of the settlement of Neve Dekalim, adjacent to the road between Khan Younis and the sea from the southern side.

- December 2, 2000

The Israeli military closed six branch roads connecting the Mawasi and its farms with the coastal road in Khan Younis, with barbed wire and cement blocks, preventing farmers from accessing their land.

- December 11, 2000

A group of settlers, under the protection of the Israeli military, swept a 7-dunum area of wooded land, owned by Hafezh Abdel-A'al Al-Najjar, in the Mawasi area.

- January 11, 2001

At approximately 23:00, Israeli soldiers positioned at the Tuffah roadblock fired four artillery shells, as well as heavy and medium bullets at Palestinian houses in the west of the refugee camp of Khan Yunis. The attack lasted until 1:30 the following day. PCHR's field officer in Khan Yunis reported that two artillery shells hit a 175-square-meter, asbestos-roofed house, in which 11 people live, owned by Abdullah Ali Abu Akker. As a result, the roof of his children's bedroom was completely destroyed, and his son Ahmed, 18, was



wounded with shrapnel. He was evacuated to Al-Amal medical centre, a Palestinian Red Crescent Society hospital in Khan Yunis.

- January 14, 2001

Israeli soldiers searched Palestinian houses in the Khan Younis Mawasi. They arrested Sabri Sayed Abdullah Al-Najjar, 40 years old. The soldiers were heavily deployed in the area, preventing Palestinian citizens from leaving their houses. They closed the two roads connecting the Mawasi with Rafah and Khan Yunis (Tal Al-Sultan roadblock in Rafah and the Tuffah roadblock in Khan Yunis), as well as all of the back roads.

- January 15, 2001

Dozens of settlers from the Gush Katif settlement block entered the Mawasi and attacked the properties of Palestinian citizens on the seashore and throughout the Mawasi area. According to eyewitnesses, settlers started to attack the area at approximately 12:30, under the protection of the Israeli military. They attacked Palestinian civilian facilities, houses, and agricultural land. Eyewitnesses added that settlers shot at Palestinian houses, set fire to three houses and some greenhouses, and destroyed irrigation networks on agricultural land. They also set fire to some restaurants and cafés located on the seashore. Israeli soldiers only intervened to put an end to the attack after two hours. The following lists property damage incurred:

- They burned a 300-square-meter house owned by Sayed Abdullah Al-Najjar.
- They burned a 150-square-meter house, in which five people live, owned by Ibrahim Yusef El-Lahham.
- They burned a 300-square-meter house, in which 12 people live, owned by Awwad Khamis Al-Najjar.
- They set fire to a commercial store of agricultural tools, owned Rafiq Abdel-Razeq El-Majaydeh. Palestinian citizens put the fire out.
- They destroyed an irrigation network and a water pump on a tract of agricultural land, opposite to the entrance of Neve Dekalim settlement, owned by children of Abdel-Rahaman Al-Farra. PCHR's field officer in Khan Yunis reported that attacking this tract of land was the starting point of the attacks launched by settlers.

- They destroyed an irrigation network on agricultural land owned by Sabri Al-Najjar.
- They burned a restaurant on the seashore owned by Rae'd Riadh El-Mayouk.
- They burned a restaurant on the seashore owned by Abdullah El-Desouqi.
- They burned a restaurant on the seashore owned by Mohammed Saleh El-Lahham.
- They burned a restaurant on the seashore owned by Tariq Mustafa El-Majaydeh.
- They burned a restaurant on the seashore owned by Ibrahim Omar El-Majaydeh.
- They burned a restaurant on the seashore owned by A'dnan Hassan Sha'at.
- They burned two greenhouses on a two-dunum area of agricultural land owned by Samir Joma'a Al-Najjar.
- They broke the windshield of a Mercedes automobile owned by Hamada Abdel-A'al Al-Najjar.

In the evening of the same day, at approximately 18:00, about 500 settlers gathered at the entrance of Neve Dekalim settlement and then dispersed into the Mawasi area. They continued their attacks on the properties of Palestinian citizens, under the protection of the Israeli military. These attacks, which lasted until 2:00 the following day, included:

- Razing a three-dunum area of agricultural land planted with guavas and a greenhouse planted with vegetables owned by Ibrahim El-Shae'r.
- Razing six greenhouses on a 6.5-dunum area of agricultural land owned by Salim Abdel-Mo'ti El-Salqawi.
- Razing a two-dunum area of agricultural land planted with guavas and palms owned by Khalil Abdel-Shafouq El-A'badleh.
- Razing a two-dunum area of agricultural land planted with guavas and demolishing three stores and a part of a bird farm, owned by Hhassan El-A'badleh.
- Burning two greenhouses planted with vegetables owned by Mohammed Mohammed El-Zeq.
- Partially burning two greenhouses planted with vegetables owned by E'id Zourob.

- Destroying a greenhouse planted with vegetables owned by E'zzat Tafiq El-Astal.
- Burning and destroying a room and a water pump owned by Saqer El-Agha.
- Demolishing a room, destroying a well and a water pump, and razing a one-dunum area of agricultural land planted with guavas, owned by Mohammed Omar El-Astal.
- Attempting to burn Al-A'qqad mosque. Settlers set fire to an umbrella adjacent to it, but Palestinian citizens put the fire out.

- January 16, 2001

Israeli soldiers established a 700m long sand barrier from the Al-Berka area in Deir El Baleh to the coastal road, separating the Mawasi completely from Deir El Baleh. They also established several observation points along the barrier.

A group of settlers protected by Israeli soldiers and border police, razed a 15 dunum area of agricultural land planted with guavas and vegetables, and expropriated 8 dunums of land adjacent to a petrol station and a bar in the Israeli settlement of Neve Dekalim. The land was owned by Ahmed A'ish Mohammed Shair. On October 7, 2001 PCHR submitted a complaint to the Israeli military legal adviser, the military prosecution and the compensation officer of the Israeli Ministry of Defence. On November 14, 2001 we received a response from the compensation officer refusing compensation.

- January 17, 2001

Israeli soldiers reopened checkpoints into the Rafah and Khan Younis Mawasis, under tight restrictions, including the forced registration of ID numbers of persons crossing the checkpoints.

- February 8, 2001

The Israeli military ordered 22 Palestinian families to leave their houses in the Khan Younis Mawasi area, in what was seen as the initial phase in a larger plan to destroy the houses and level areas of agricultural lands in the area of Tel Ridan, adjacent to the Gush Katif settlement block. It was clear that the Israeli military intended to expel Palestinian residents of the area in order to

expropriate the land for Israeli settlements. PCHR lawyers representing the Palestinian citizens initiated the legal procedures with the Israeli forces legal advisor demanding a halt to their actions. Although the houses were not demolished after the notice expired on February 11, 2001 the area continues to be threatened by Israeli forces.

- February 15, 2001

Throughout the morning, Israeli soldiers reinforced their presence to the west of Khan Younis refugee camp. 4 tanks were seen entering military sites in the vicinity of the Tuffah roadblock. Those tanks were added to five stationary military sites surrounding the Khan Yunis refugee camp from the north, the northwest and the southwest. They also established a new 20meter-long observation tower near the Tuffah roadblock. This tower is believed to be equipped with hi-tech equipment and weaponry that can be controlled from the base of the tower. On Tuesday, February 20, 2001, the Israeli military established another similar observation tower near a military site to the west of Al-Amal neighbourhood.

- March 19, 2001

At approximately 17:00, Israeli soldiers beat Samir Ali Siam, 18, from Rafah, inflicting head injuries and bruises all over his body. Siam was evacuated to Al-Joneina hospital in Rafah for treatment. PCHR's field officer in Rafah reported that Siam was trying to assist an elderly Palestinian woman from the Rafah Mawasi through the Tel el Sultan roadblock. However, Israeli soldiers ordered him to leave the area. They beat him when he did not leave the area immediately.

- March 20, 2001

At approximately 16:00 local time, Israeli naval forces opened fire on Palestinian boats sailing near the Rafah coastline. Ayman Khalil El-Bardawil, 29, from the Rafah Mawasi, was wounded with a live bullet in the leg during the attack. Approximately 50 Palestinian fishing boats were sailing less than 100m away from the Rafah seashore, when Israeli soldiers on a military vessel opened fire on them for no apparent reason. El-Bardawil was evacuated to hospital by a civilian car, which was obstructed by Israeli soldiers positioned at

Tal Al-Sultan roadblock for approximately two hours, before it was allowed to travel to Al-Joneina hospital. The car finally arrived at hospital at approximately 18:30hrs.

- March 22, 2001

At approximately 07:00hrs, the Israeli military began to raze an area of 25 dunums of wooded land in the Rafah Mawasi area. PCHR's field officer in Rafah reported that the activity continued until the evening.

- March 26, 2001

At approximately 13:00 local time, Israeli soldiers arrested two Palestinian fishermen from the Rafah Mawasi, and released them two hours later. They were: Ziad 'Abed Meqdad, 25, and Khalil 'Abed Meqdad, 20. They were sailing in their rubber boat at Rafah seashore, when Israeli soldiers forced them to return to the shore and arrested them. Israeli soldiers claimed that they had exceeded the 200-meter-limit in which fishing is allowed.

- April 12, 2001

At approximately 8:30, four settlers attacked Ahmed 'Atteya Mohammed Abu Sahloul, 26, from Khan Yunis, while he was working in a greenhouse in Gan Or settlement in the Rafah Mawasi. In his testimony to PCHR, Abu Sahloul said that he was violently beaten by settlers who tried to suffocate him. He lost consciousness and awoke later at Nasser hospital in Khan Younis. He later learned from his colleagues that Israeli soldiers had handed him to a Palestinian ambulance near Tel Al-Sultan roadblock in the Rafah Mawasi, which took him to Al-Joneina hospital in Rafah and from there to Nasser hospital in Khan Yunis.

- April 30, 2001

At 12 noon Israeli military bulldozers razed 4 dunum of agricultural land, planted with guava, olive and palm trees owned by Salah Abd il-Shafuk il-Abadla. During the operation, they also broke the main water pipe that provides the entire middle area of the Gaza Strip with water. The water from the pipe flooded a 20 dunum area of land planted with vegetables.

- May 1, 2001

At approximately 9:00, a number of Israeli soldiers stopped Mohammed Dhiab El-‘Aqqad, 17, from the Khan Younis Mawasi, when he was on his way to his family’s farm in the Mawasi area. They beat him, inflicting severe bruising on his body. He was then evacuated to Nasser hospital in Khan Yunis for treatment.

At approximately 18:00, Israeli soldiers raided several Palestinian houses in Tal Jenan area in the Khan Younis Mawasi. They searched the houses and severely beat Sayed Sabri Al-Najjar, 17.

- May 10, 2001

Kifah Khaled Zo’rob, 17, from the Khan Younis Mawasi, died after Israeli soldiers obstructed his evacuation to hospital for more than two hours, although they were informed that Zo’rob was in a critical condition. At approximately 18:00hrs, his family took him in a civilian car from their house in the Khan Younis Mawasi. For several days, he had suffered from pains in the abdomen and nausea. At a military roadblock at the coastal road near Kfar Yam settlement, inside the Mawasi, Israeli soldiers stopped the car, but they allowed it to pass after they checked the occupants and were informed about the health condition of the patient. Nevertheless, Israeli soldiers positioned at another roadblock, approximately 700m away, obstructed the passage of the car for half an hour, although they were informed about the ill-health of the patient. The car proceeded towards the Tuffah roadblock. A relative of the patient, who accompanied him to hospital, said that Israeli soldiers prevented them from crossing the roadblock and ordered them to go back to the Mawasi area. When the soldiers were informed about the condition of the patient, one of them shouted: “go back or you will die with him”.

Approximately 10 minutes later, they travelled back to the previous roadblock near Kfar Yam settlement. They informed the Israeli soldiers about what had happened at the Tuffah checkpoint. The soldiers said that they had no authority over soldiers stationed at other roadblocks and asked them to wait for the arrival of a senior officer. In his testimony to PCHR, the eyewitness added that they waited until 20:30hrs during which time they called a Palestinian ambulance which arrived at the other side of the Tuffah checkpoint. The family eventually transferred the patient to the ambulance, but he later died.

- May 20, 2001

At approximately 23:00, Israeli soldiers raided houses in El-Nada in the Rafah Mawasi. PCHR's field officer in Rafah reported that they arrested 11 Palestinian civilians and took them to a military site near Tel Al-Sultan checkpoint. All of them were released between 02:00 and 04:00 hrs the following day.

- May 24, 2001

In Rafah, at approximately 17:30, Israeli soldiers killed 'Alla 'Aadel El-Bouji, 15, from Rafah, and injured two other children. PCHR's investigations found that Israeli soldiers using guns fitted with silencers, fired at a number of Palestinian children who were demonstrating in Tel Al-Sultan neighbourhood in the west of Rafah. The children were demonstrating approximately 200m to the east of a settlement road near Slav settlement in the Mawasi area when a number of Israeli soldiers got out of military jeeps and opened fire on the children. The children did not pose any threat to the lives of the Israeli soldiers. 'Alla' El-Bouji was critically wounded with a live bullet in the heart. He was pronounced dead at Al-Joneina hospital in Rafah, where he was taken for emergency surgery. The two children wounded were:

Ahmed Ibrahim Shaqaleih, 13, wounded in the left elbow with a live bullet;  
Rami Haidar El-Bouji, 15, wounded in the right elbow with shrapnel from live bullets.

- May 29, 2001

Israeli forces closed the Tuffah checkpoint after a Palestinian blew himself up and another threw hand grenades at the soldiers. It was re-opened after two days. After this incident the soldiers imposed a new rule that Palestinians had to approach the checkpoint in groups of 5 (the previous rule was 2). They also installed a new iron gate to prevent cars from driving down to the checkpoint.

- July 24, 2001

At 07:00, approximately 30 settlers from Gush Katif settlement block attacked Palestinian farms in Tal Jinan, part of the Mawasi area. Mustafa Suleiman Zo'rob informed PCHR's field officer in Khan Yunis that settlers attacked his orange orchard, uprooting 60 trees and destroying a water pump and an

irrigation network. Zo'rob tried to stop them, but they attacked and chased him.

- September 7, 2001

At approximately 16:00, Israeli soldiers, positioned at the Tuffah roadblock, opened fire on Palestinian houses in the west of Khan Yunis refugee camp. Fatima Mohammed Teilakh, 52, was injured by shrapnel from a live bullet in the left leg, while she was on her way from Khan Yunis back to her house in the Mawasi area.

- September 10, 2001

Meanwhile, the Israeli military was razing areas of agricultural land in Tal Ridan in the Khan Younis Mawasi. PCHR's field officer in Khan Yunis reported that the Israeli military razed:

- 1-donum area of agricultural land planted with guavas, owned by 'Ali Mousa El-Astal
- 1-donum area of agricultural land planted with guavas and palms, owned by Hussein Mohammed El-Ast

- September 26, 2001

Settlers from Tel Ridan settlement under the full protection of Israeli soldiers uprooted dozens of trees in the Khan Younis Mawasi. They also destroyed water pumps and irrigation networks. Israeli soldiers razed large areas of Palestinian agricultural land near the settlement, establishing a buffer-zone between the settlement and Palestinian areas.

- October 3, 2001

Israeli soldiers, positioned at a military location in the Rafah Mawasi, opened fire on Palestinian houses in Tal Al-Sultan neighbourhood, west of Rafah. A 15-year-old Palestinian civilian, Salim 'Ali Abu El-'Sa'id, was injured by a live bullet in the right thigh, while he was near his family's house. He was evacuated to Al-Joneina Hospital in Rafah.



- October 12, 2001

At approximately 09:00, Israeli soldiers positioned at a military location at the entrance to the Mawasi area, opened fire on Palestinian houses in Tel Al-Sultan neighbourhood. Four Palestinian civilians, including a woman, a child, and an old man, were wounded:

1. Mahmoud Hassan 'Abdullah, 9, wounded by shrapnel in the testicles;
2. Mohammed Yousef 'Affifi, 80, wounded by shrapnel in the neck;
3. Sana' Dhiab Matar, 39, wounded by shrapnel in the head; and
4. Sa'di Mahmoud Zo'rob, 23, wounded by shrapnel in the back.

- October 15, 2001

At approximately 20:30, Israeli soldiers at a military location at the entrance of the road leading to the Rafah Mawasi, opened fire on Palestinian houses in the Tel Al-Sultan neighbourhood. Yasser Ziad El-Derbi, 23, was injured by shrapnel in the chest while he was near his house.

- October 17, 2001

At approximately 21:00, Israeli soldiers, positioned at the entrance to the Mawasi area, west of Rafah, opened fire on Palestinian houses in the nearby Tel Al-Sultan neighbourhood. Bassam Sa'id Swei'ed, 40, was wounded by a live bullet in the right arm.

- October 18, 2001

At approximately 16:30, Israeli soldiers, positioned in Jewish settlements established on Palestinian land in the Mawasi area, shelled Tel Al-Sultan neighbourhood with no apparent reason. Two artillery shells hit a wall on the roof of Mohammed Joudeh's house, but no casualties were reported.

- October 21, 2001

At approximately 20:00, Israeli soldiers positioned at a military location at the road leading to the Mawasi, opened fire on Palestinian houses in Tel Al-Sultan neighbourhood in the west of Rafah. Nida' Younis Subeh, 12, was wounded by a live bullet in the chest while inside her family's house. She was evacuated to Al-Joneina Hospital.

- November 10, 2001

At approximately 23:00, the Israeli military razed areas of Palestinian agricultural land in the Khan Younis Mawasi. The razing lasted up to 09:00 on the following day, during which:

- They razed a 2-donum area of agricultural land planted with olives, on which a greenhouse planted with vegetables stood, owned by Saleh Mohammed El-Lahham.
- They razed a 500-square-meter area of agricultural land planted with guavas, owned by Bassam Hassan El-Lahham.
- They razed a 500-square-meter area of agricultural land planted with guavas, owned by 'Abdel-Halim Khalil El-Majyda.
- They destroyed 300 bricks and uprooted some olive trees owned by Yahia Mustafa El-Lahham.

- November 21, 2001

Sami Salim Basala, 50, from the Rafah Mawasi was suffering from severe pains in the chest and his condition was deteriorating. Although he was badly in need of medical care, Israeli soldiers at Tel Al-Sultan roadblock obstructed his access to hospital for a long period of time. Consequently, he died before arriving at hospital. Unimpeded travel between the Mawasi and Rafah normally takes around 10 minutes.

- January 3, 2002

At approximately 21:20, Israeli soldiers in the vicinity of Israeli settlements in the Rafah Mawasi opened fire on Palestinian houses in Tel Al-Sultan neighbourhood with no apparent provocation. A number of houses were severely damaged.

- March 8, 2002

The Israeli military imposed a curfew on Palestinians living in the Mawasi. Farmers and fishermen were not able to go to their work. PCHR was informed by residents of the area that there was a shortage of food and medical services. During the curfew, settlers, supported by Israeli soldiers, razed large areas of Palestinian agricultural land surrounding the road separating between the area

and the settlements. The following table shows some of the areas of agricultural land that were razed:

<i>Owner</i>	Area in dunums	Plantation	Other damage
Ibrahim Hamza al-Farra	27	Potatoes, guavas and citrus	An irrigation network was destroyed
Sabri al-Sayed al-Najjar	15	Potatoes	An irrigation network was destroyed
Sa'id Hafezh al-Agha	25	Potatoes and guavas	An irrigation network was destroyed
'Omran al-Lahham	5	Olives and guavas	---
Ahmed Mustafa al-Majaidi	4	Guavas, palms, olives, lemons and potatoes	An irrigation network was destroyed
Maher Ahmed al-Majaidi	4	Potatoes	---
Amin and Ayman Yousef al-Majaidi	10	Potatoes	---
Tamim Yahia al-Majaidi	2	Potatoes	---
'abdel-Rahim Khalil al-Majaidi	1	Potatoes	---
'Abdullah Naji al-Majaidi	2	Potatoes and guavas	---
'Abdel-Hai Hussein al-Majaidi	4	Potatoes and guavas	---
'Omar 'Abdel-Raziq al-Majaidi	4	Potatoes and guavas	---
'abdel-Rahman 'Abdel-Majid al-Majaidi	3	Olives and potatoes	---
Rafiq 'Abdel-Raziq al-Majaidi	3	Olives and potatoes	---
Tawfiq 'Abdel-Raziq al-Majaidi	3	Guavas and potatoes	---
Mustafa Qassem al-Astal	5	Guavas	---
Khalil Radwan al-Majaidi	2	Guavas	---
Mohammed and 'Abdel-Hamid Sa'id al-Majaidi	4	Guavas, olives and avocados	---
Mohammed Ahmed Sha'at	2	Guavas and olives	---

The heirs of 'Ali al-Lahham	2	Potatoes and palms	---
'Oleyan Mohammed al-Lahham	2	Potatoes and palms	---

March 15, 2002

The Israeli military razed more areas of Palestinian agricultural land in the Khan Younis Mawasi. They also maintained a curfew on the area and started to establish a new road near the seashore. The road is 1km long and 8m wide and is established on land where areas of agricultural land were razed. Following are details of these areas of land:

Owner	Area in dunums	Plantation	Other damage
Mohammed 'Eid Zo'rob	1.5	Potatoes	An irrigation network was destroyed
Mohammed Yahia al-Farra	5	Potatoes, guavas and citrus	An irrigation network was destroyed
Mustafa Kamel al-Farra	6	Guavas and potatoes	An irrigation network was destroyed
Khaled Husni al-Agha	2	Palms	An irrigation network was destroyed
Bassam Hassan al-Lahham	2	Olives	An irrigation network was destroyed
Riadh Hassan al-Lahham	4	Olives	An irrigation network was destroyed
Mohammed Fayez al-Najjar	1	Olives	---
Bassam Mohammed Abu Nemer	1	Olives and guavas	---
Karam Mohammed Gannan	1	Olives and guavas	An irrigation network was destroyed
Mohammed Ahmed Sha'at	1	Palms and guavas	An irrigation network was destroyed
'Alla' Fahmi al-Agha	5	Guavas	---

Mustafa Qassem al-Astal	5	Guavas	An irrigation network was destroyed
Suleiman Sa'id al-Majaidi	2	Guavas, olives, mangos and avocados	An irrigation network was destroyed
Hidar Yousef Khudair	1	Potatoes	An irrigation network was destroyed
Mohammed Isma'il Khaled	2	Olives	---
'Abdel-'Azziz Yousef al-Agha	2	Olives	----

- March 19, 2002

At approximately 10:00, Israeli soldiers at the Tuffah checkpoint opened fire at Palestinian civilians who were waiting to be allowed entry into the Mawasi area. Mohammed 'Omar al-Majaidi, 27, was wounded by shrapnel in the face and hand.

- March 29, 2002

At approximately 16:00, Israeli soldiers at a military location at the entrance to the Rafah Mawasi opened fire at Palestinian houses in Tel al-Sultan neighbourhood, reportedly when no risk was posed to the soldiers. Two Palestinian children were wounded:

Mohammed Ahmed Joudeh, 15, wounded by shrapnel in the face  
 Kayed 'Abdul'alim al-Hams, 16, wounded by shrapnel in the head.

- April 29, 2002

At approximately 19:00, Israeli soldiers at a military location at the entrance to the Rafah Mawasi, opened fire at Palestinian houses in Tel al-Sultan neighbourhood. Wisam Abdul Hafezh al-Derbi, 10, was wounded by a live bullet in the face while inside his home.

- May 1, 2002

At approximately 01:30, Israeli soldiers in a military location at the entrance to the Rafah Mawasi opened fire at Tel al-Sultan neighbourhood. A Palestinian

civilian, ‘Abed Rabbu Mohammed Abu al-‘Ouf, 17, was seriously wounded by several live bullets in the pelvis and right arm.

- May 14, 2002

At approximately 22:00, the Israeli military razed a 60-donum area of Palestinian agricultural land owned by the heirs of Ibrahim Mohammed Ibrahim Zo’rob in al-Mawasi area in Rafah. They uprooted 300 olive trees and demolished a 50-square meter resort and two water pumps.

- May 15, 2002

At approximately 09:00, Israeli soldiers at Tal al-Sultan checkpoint, opened fire at Palestinian civilians who were on their way to their homes in the Rafah Mawasi. Three women were wounded:

1. Fatima ‘Oudeh ‘Eid Shalluf, 35, wounded by a live bullet in the right arm;
2. Farida Hubeish Ghayadh Shalluf, 35, wounded by shrapnel from a live bullet in the neck; and
3. Widad Ibrahim al-Bardawil, 43, wounded by shrapnel from a live bullet in the left thigh.

- June 4, 2002

Israeli forces started digging a trench, 2 meters deep and 4 meters wide, along the area between Khan Younis and the Mawasi area in Deir El Balah.

- June 17, 2002

Israeli soldiers prevented students of al-Mawasi area from attending the Tawjihi (end of secondary school) exams in Rafah and Khan Yunis. After the ICRC and the Palestinian liaison made efforts to solve the problem, the Israeli military allowed students to have their exams in a school inside the area.

- June 27- July 03, 2002

The Israeli military summoned 200 Palestinian civilians, between the ages of 18-35, living in the Khan Younis Mawasi and threatened to cancel their magnetic cards, which allow them to pass into the area, if they did not consent to provide information to them.

- July 18, 2002

At approximately 01:00, Israeli soldiers, reinforced with heavy military vehicles and dogs, raided Palestinian houses and farms in the Khan Younis Mawasi. They searched the area and arrested Sami Tarraf Fayez al-Astal, 35, a farmer from Khan Yunis farming an area of agricultural land owned by Salah al-Agha, a resident of the area. According to the residents of the area, al-Astal is known to have mental health problems.

- October 7-15, 2002

The Israeli military imposed a curfew on the Khan Younis Mawasi, disrupting all daily activities. The Israeli military also raided the school and arrested a member of staff.

- October 31, 2002

At approximately 09:00, Israeli soldiers in a military location near the Tuffah checkpoint, opened fire at dozens of Palestinian civilians who were waiting at the checkpoint to get home. Hamda Mohammed Suleiman Abu Madhia, 36, was wounded by a live bullet in her foot. She had left the Mawasi area the previous day to receive medical treatment in Khan Younis, but she was not able to get home the same day because the Israeli military had closed the Tuffah checkpoint.

- November 9, 2002

Israeli forces reopened the Tuffah checkpoint allowing only Palestinian civilians over 40 to leave or enter the area.

- November 18, 2002

Israeli soldiers prevented 17 Palestinian students living in the northern Mawasi area from crossing the Israeli military checkpoint separating the Mawasi area from Deir al-Balah. Education in the only school in the Mawasi area has been disrupted as the Israeli military have prevented 21 teachers living outside the area from entering the area since the beginning of October. At approximately 12:00, the Israeli military closed the Tuffah checkpoint. Hundreds of people were not able to get home and were forced to spend the night at houses of their

relatives and friends. The checkpoint was reopened the following morning, but only to those over 40 and other strict conditions imposed by Israeli soldiers.

- November 30, 2002

At approximately 20:30, Israeli soldiers in a tank positioned near an Israeli military location at the entrance of the Rafah Mawasi opened fire at Palestinian houses in Tel al-Sultan neighbourhood. Two Palestinian civilians were wounded:

1. Khalil Ibrahim Baroud, 29, wounded by shrapnel in the right leg;
2. Rami Hassan Abu Sulaima, 25, wounded by shrapnel in the left thigh.

At approximately 20:00, Israeli soldiers positioned between the Mawasi area in Deir al-Balah and the Khan Younis Mawasi fired at two Palestinian boys who attempted to enter the Khan Younis Mawasi through an Israeli military buffer zone. The two were wounded and arrested by Israeli soldiers:

1. Mustafa Nassim Mustafa al-Astal, 17, evacuated to an Israeli hospital; and
2. 'Ali Bashir 'Abdul Karim al-Astal, 16, wounded by a live bullet in the right shoulder.

- December 17, 2002

Israeli soldiers at the Tuffah checkpoint denied entry to the only ambulance that serves the Mawasi area. The ambulance had exited the area towards Khan Younis for maintenance, but Israeli soldiers did not allow it to re-enter the area.

- December 29, 2002

At approximately 12:30, Israeli soldiers at a military checkpoint at the entrance of the Rafah Mawasi opened fire at local and international participants in a sit-in organized by residents of the area. The aim of the sit-in was to call on the Israelis to allow residents of the Mawasi to go back to the area through the checkpoint, which has been closed since 6 November 2002. Twenty members of the International Solidarity Movement participated in the sit-in, which took place approximately 200m away from the Israeli military checkpoint. Tamer Nasser al-Din Sa'di Ziara, 20, a cameraman of the Associated Press, was wounded by a live bullet in the head. PCHR's field worker in Rafah reported



that Ziara was wearing a suit that had the press badge and that there had been no clashes in the area.

- January 22, 2003

Israeli forces denied access to a medical delegation of the Palestinian Red Crescent Society and Sawa Centre for Development to the Khan Younis Mawasi to organize a free medical treatment day in an attempt to ease the humanitarian crisis of Palestinian civilians living in the area.

- January 28, 2003

Israeli soldiers at a military location at the entrance of the Rafah Mawasi opened fire at the housing project in Tal al-Sultan neighbourhood. Two Palestinian civilians were wounded while inside their houses:

Mohammed 'Ali Abu al-Khair, 60, wounded by shrapnel in the left leg

'Ali Ahmed Abu 'Armana, 63, wounded by shrapnel in the left leg.

- February 1, 2003

At approximately 09:30, Israeli soldiers in a military location near the Tuffah checkpoint, fired at Ayman Kamel Radwan al-Astal, 40. He was wounded by 2 live bullets in the left leg. PCHR's field worker in Khan Younis reported that al-Astal suffers from mental health problems and that he was not carrying any weapon. The Israeli soldiers left him bleeding for approximately 90 minutes without offering him medical aid. Later, the Palestinian liaison officer was able to coordinate his evacuation to hospital.

- February 10, 2003

Israeli soldiers at the Tuffah checkpoint forced a Palestinian woman, Fatima Mohammed Ahmed al-Najjar, to drink cleaning fluid used for the maintenance of boats, while she was trying to cross the checkpoint to return to her home in the Rafah Mawasi. As a result, she suffered from pains and infections in the throat and lungs

- February 25, 2003

At approximately 17:00hrs, Israeli soldiers in a military location at the entrance of the Rafah Mawasi shelled the Tel al-Sultan neighbourhood for no apparent

reason. A number of artillery shells damaged several houses. An artillery shell fell onto al-Nuzha Street, approximately 500m away from the source of fire. The shell exploded near some children and young men who were near the house of Khalil Abu 'Elwan. The owner's son, Ahmed, was killed by shrapnel. In addition 9 civilians, including 4 children, were wounded:

1. Mohammed Rateb Abu 'Asaker, 15, wounded by shrapnel in the left foot;
2. Dhiaa' Saleh al-Hanadi, 20, wounded by shrapnel in the left thigh;
3. Yasser Mohammed Dhaif, 18, wounded by shrapnel in the pelvis;
4. Mohammed Ahmed Matar, 15, wounded by shrapnel in the right arm;
5. Jihad Hami al-'Aaidi, 13, wounded by shrapnel in the left leg;
6. Ibrahim 'Ouda Barhoum, 20, wounded by shrapnel in the left leg;
7. Ma'ath Joma'a Abu 'Asaker, 8, wounded by shrapnel in the left foot;
8. Yousef Fathi Saleh, 24, wounded by shrapnel in the left shoulder; and
9. Hiam Ahmed al-Khatib, 30, wounded by shrapnel in the right knee.

- March 9, 2003

At approximately 19:45, Israeli soldiers in a military location at the entrance of the Rafah Mawasi opened fire at the Tal al-Sultan neighbourhood. A Palestinian civilian, Salah Ibrahim Abu al-'Einain, 33, was seriously wounded by a live bullet in the left leg, while he was inside his house, approximately 400m away from the source of fire. Approximately 10 minutes later, an ambulance arrived at the area to evacuate him to hospital, but Israeli forces opened fire at the area again. A paramedic, Mahmoud Ibrahim al-Qerem, 45, from Khan Yunis, was injured in the left hand by shrapnel from live bullets that hit a wall near the ambulance. Abu al-'Einain reached hospital by walking from house to house to avoid the Israeli gunfire.

- March 16, 2003

At approximately 19:00, Israeli soldiers in a military location at the entrance of the Rafah Mawasi opened fire at Tal al-Sultan neighbourhood. A Palestinian civilian, Ahmed Ahmed Mahmoud al-Najjar, 45, was seriously wounded by three live bullets in the chest, the back and the left knee, while he was sitting near his house, approximately 400m away from the source of fire. He was evacuated to hospital, but died later. The Israeli gunfire continued until 20:00, wounding two other Palestinian civilians:

'Abdul Nasser Fathi Abu 'Armana, 32, wounded by shrapnel in the head  
Mohammed Jamal Dukhan, 38, wounded by a live bullet in the left leg

- March 27, 2003

At approximately 19:45, Israeli soldiers north of the Tuffah checkpoint opened fire at Khan Yunis refugee camp. The following three Palestinian civilians were wounded:

Mahmoud 'Ali Abu 'Obaida, 23, seriously wounded by a live bullet in the head;  
Mahdi Fu'ad al-Hamami, 20, wounded by a live bullet in the right foot; and  
Ibrahim Yousef Abu Mukhaimar, 21, wounded by a live bullet in the right arm.

- April 12, 2003

Israeli soldiers at the Tuffah checkpoint fired at Na'im Hassan al-Agha, 65, wounding him with 5 live bullets in the thighs. Al-Agha told PCHR's field worker in Khan Younis that at approximately 06:30 he travelled from Khan Yunis towards the Tuffah checkpoint, on his way home to the Mawasi. When he was approximately 70m away from the checkpoint, Israeli soldiers in a military location near the checkpoint fired at him. He fell to the ground, but the soldiers did not offer him any medical aid. Twenty minutes later, a Palestinian ambulance arrived at the area and evacuated him to hospital.

- May 8, 2003

At approximately 01:30, Israeli soldiers at the Tuffah checkpoint opened fire at a Palestinian civilian who was near the checkpoint. He was wounded by several live bullets throughout the body. He bled to death as Israeli soldiers did not offer him any medical aid. The Israeli liaison forces then contacted their Palestinian counterparts about the incident. Soon after, a Palestinian Red Crescent Society ambulance moved towards the area. According to the medical personnel, they found the body of a young man who was wearing a white robe, approximately 30m away from the Israeli military checkpoint. There were no weapons located near the body. Israeli soldiers took the body from the medical personnel and it was delivered back to the medical personnel again at approximately 06:30. Approximately 6 hours later, the victim was identified as Mohammed 'Ata Hafez, 18, from Gizan al-Najjar area in the south of Khan Yunis. According to his family, he was known to have mental health problems.

- May 13, 2003

On 13 May 2003, Megbil Shurab, a Palestinian farmer from al-Mawasi area of Khan Yunis, received a military order that gave him 24 hours to leave, effectively expelling him from the area. The order also gave Shurab 7 days to appeal against the decision to expel him from the area for 6 months. PCHR submitted appeals to the Israeli military legal advisor and the Israeli military appeal court to revoke the order and ensure Shurab's right to remain in his place of residence. On Wednesday, 21 May 2003, the Israeli High Court approved the Israeli military order and rejected an appeal submitted by PCHR against the order.

## **ANNEX 2**

### **The Situation in Other Yellow Areas within the Gaza Strip**

#### The Al-Sayafa Yellow Area<sup>56</sup>

##### *Background:*

This area is located to the north and west of the village of Beit Lahia, in the northern Gaza Strip, surrounding the settlements of Eli Sinai and Dugit. On January 1, 1964, the Nasser Agricultural Project was established through the purchase of 3,980 dunums from the Egyptian Governorate in Al Sayafa. The land was predominantly sand dunes and grassy areas. The area was divided up into 100 sections of between 20-40 dunums, each with a well or water pump. A great deal of time and capital was invested in the agricultural development of the area.

However, at the beginning of the current Intifada, most of the agricultural infrastructure was destroyed with over 500 green houses demolished and up to 29 wells completely destroyed. At the time of writing there are only 600 dunums of land and 8 wells still in use. The area is comprised of both public and private agricultural lands and there are 4 established settlements in this northern area of the Gaza Strip.

##### *Population:*

Before the current Intifada there were 42 Palestinian families of between 160-180 people. However, today only about 80 remain inside the yellow area. Since the beginning of the Intifada, most have opted to rent accommodation in nearby villages or in Gaza City. The population is divided into three types; Bedouin, villagers living inside the yellow area and villagers living outside.

##### *Geographical Size and Economic Activities:*

There are 600 dunums of agricultural land, agriculture being the only economic activity. There is no fishing. Access to the beach is strictly forbidden by the

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<sup>56</sup> All information used in this section was provided by a community leader of the Al-Sayafa area.

Israeli military. Goods are transported by donkey and cart and only one tractor is allowed into the area.

*Access to Public Services:*

The most far-reaching restriction imposed by the Israeli military forces is the regular and comprehensive restriction on freedom of movement within and around the Yellow Area, which violates Article 13 of the Universal Declaration of Human Rights. No motorized vehicles are allowed inside the area except for one tractor. There is no access to the beach, as a 300m exclusion zone created by artificial sand barriers and patrolled by armed patrols and guard towers has been erected. This restriction on movement has led to great difficulties in transporting the sick and wounded to hospitals in and around Gaza City. It has also led to restricted and insecure access to education for the children who still reside in the area.

There is only one checkpoint in and out of the area. It is open from 06.30-08.00hrs and 12.00-13.00hrs. There are no safe routes to and from the area. There are no municipal services, no clinics, no public water system, no electricity system and no sewage system. Water comes from the wells, electricity from privately owned generators, the fuel for which can only be brought in by hand-carried cans.

Access to medical facilities is restricted though there is an unofficial liaison arrangement with Israeli forces for coordinating transport to hospitals in Gaza City. Over the last two years, since the beginning of the current Intifada, UNWRA has made three or four trips delivering humanitarian supplies of flour and oil and the MSF have also visited, though on the whole, access for international humanitarian organizations is highly restricted and channelled through the District Coordination Office. Since the beginning of December 2001, complete curfews have been in operation after dark.

There are no schools or kindergartens in the area. The nearest school is 3.5 km away in La'tatra on the way to Beit Lahia and the children have to travel long, dangerous routes to reach the school. The children are forced to wake up extremely early in the morning and walk several kilometres to the school via a dirt track, which weaves its way through the security zone and past the

armoured vehicles, which patrol the area. Their movement is also restricted by arbitrary curfews and further restrictions on access in and out of the area. These restrictions violate article 26 of the Universal Declaration of Human Rights and many of the families who previously resided in the area have chosen to leave and live elsewhere in order for their children to have proper access to schools. The last two years have seen an escalation in the demolition of homes and razing of agricultural land. Over the last six months, Israeli forces have been erecting a fence on land which was once controlled by the Al-Seyfa Nasser Agricultural project. This security fence has led to the razing of more land along its length to provide a security zone, between 220m and 500m wide. The Palestinian inhabitants have access through a guarded gate into the area. The Israeli settlers have their own, private road leading into Israel.

#### The Abu Meddein Yellow Area

This area is located in the middle of Gaza, to the west of Netzarim settlement and borders the sea. The total area is estimated to be around 350 dunums and is comprised of agricultural lands planted with grape vines. Due to the proximity to the Netzarim settlement, the only resident of the area is a seventy-year old woman<sup>57</sup>. The settlement has a security fence and a cleared security zone, which is patrolled by tanks and armoured personnel carriers. There is an Israeli by-pass road, which links the settlement to Israel through the Green Line border zone. On account of this, the main north-south road is cut in two and all Palestinian traffic travelling to the north or to south is channelled along the coast road.

#### The Deir El Baleh Yellow Area

This area is located in Deir El Baleh to the east of the Kfar Darom settlement and is composed of agricultural land which lies between the settlement and its agricultural green houses.

#### The Tal Zorub Yellow Area

This is located to the south of Rafah along the border with Egypt, in close proximity to an Israeli military installation. The land is composed of public land farmed by Palestinian citizens.

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<sup>57</sup> UNOCHA survey report October 2002

The Hai Al-Salam Yellow Area

This is located to the south of Rafah along the border with Egypt and to the east of Tel Zorub.

The Rafah Border Crossing Yellow Area

This area is located near the border with Egypt and is at the southeast edge of the Gaza Strip.



## **ANNEX 3<sup>58</sup>**

### **Settlement Figures**

<b>Settlement</b>	<b>Established</b>	<b>Location</b>	<b>Population</b>	<b>Area in dunums</b>
Alei Sinai	1983	Beit Lahia	250	478
Bedolah	1986	Rafah	200	1456
Bnei Atzmon	1979	Rafah	450	1500
Dugit	1990	Beit Lahia	100	180
Gadid	1982	Khan Younis	200	1470
Gan Or	1983	Khan Younis	150	1692
Ganei Tal	1979	Khan Younis	400	2193
Katif	1986	Khan Younis	150	2050
Kfar Darom	1990	Deir El-Baleh	200	317
Kfar Yam	1984	Khan Younis	10	NA
Morag	1987	Rafah	100	1229
Netzarim	1984	Gaza City	170	2200
Netzer Hazani	1977	Khan Younis	450	2050

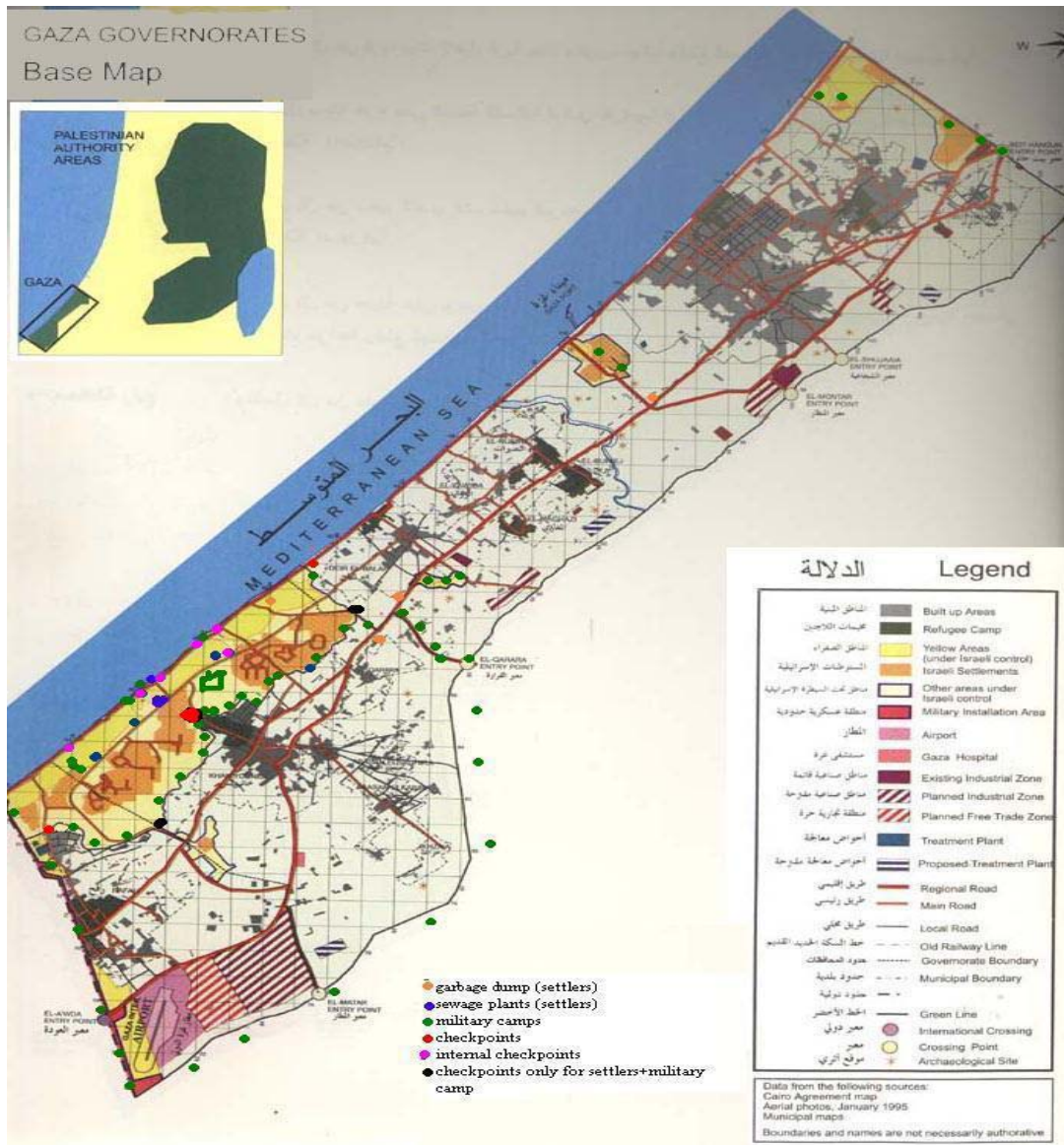
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<sup>58</sup>These 1998 figures were obtained from settlers in Gush Katif. Updated information was not readily available and these figures are impossible to verify as due to the ongoing expansion of some settlements, officials will not provide accurate information that can confirm this practice. Despite our repeated requests for updated information, we were not provided with the figures.

Neve Dekalim	1983	Khan Younis	1440	1943
Nissanit	1984	Beit Lahia	500	1620
Peat Sadeh	1989	Rafah	100	1518
Rafiah Yam	1986	Rafah	150	568
Slav	1993	Rafah	NA	NA
Tel Katifa	1992	Khan Younis	2	176
<b>TOTAL</b>			<b>5012</b>	<b>22640</b>

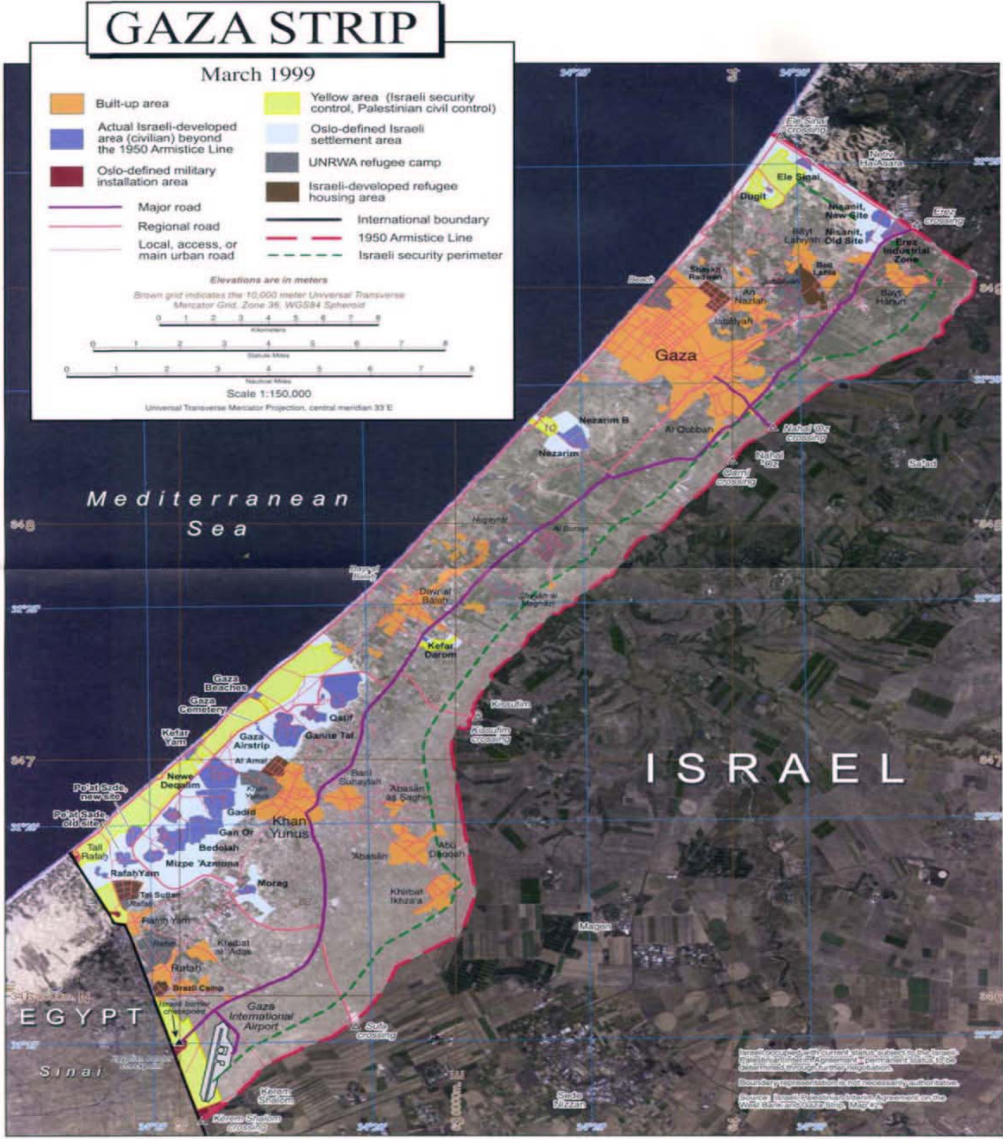
# ANNEX 4

Map 1



# ANNEX 5

Map 2



# ANNEX 6

## Map 3

### AGREEMENT ON THE GAZA STRIP AND THE JERICHO AREA

