

# OCHA

## occupied Palestinian territory

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# humanitarian UPDATE

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### GAZA CLOSURE

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#### Overview

Since 11 May, the Israeli security services have completely closed off the Gaza Strip to all staff of United Nations organisations, NGOs and other humanitarian and development agencies. International staff members are trapped inside Gaza with no ability to leave. There has been no indication from the Government of Israel as to when they will be permitted to exit through the Erez Crossing. Similarly, no foreign staff are able to enter Gaza.

Over the course of one week, from 5 May onwards, there has been a progressive denial of entry and exit to International NGOs, UN staff and the International Committee of the Red Cross (ICRC) to the point where the only individuals who can move back and forth are diplomatic passport holders and journalists.

The current situation culminates four weeks of increasingly severe movement restrictions into and out of Gaza, as well internally, that have severely crippled international relief efforts to 1.2 million Palestinians.

If these restrictions persist, the consequences are clear: UN agencies will be severely restricted in the services they can provide in Gaza, including food aid to more than a million people – most of them children. The World Food Programme (WFP), for example, is currently operating on only 31 % of its normal capacity, a limitation that is directly threatening the daily food intake for nearly 300,000 of the most vulnerable Palestinians in the Gaza Strip.

The economy in Gaza is devastated after over two years of sustained external and periodic internal closure. The World Bank estimates that 75% of the population now lives below the poverty line in contrast to the West Bank where it stands at 50%. Low incomes have directly affected the nutritional status with well documented increases in chronic nutritional deficiencies.

The arrival of US Secretary of State Colin Powell, on 11 May raised the hope that access issues would be resolved, as one of the key aspects of the Road Map was the anticipation that the Gol would ease the freedom of movement in the occupied territories, thus allowing Palestinians the ability to reach their places of work in Israel.

But less than 4 hours after Colin Powell's meeting with Prime Minister Sharon on Sunday 11 May, in which these measures were reiterated by Prime Minister Sharon, entry into the Gaza strip was shut down completely on the grounds of security. Since then international staff have been unable to move either in or out.

As an occupying power under the Fourth Geneva Convention, Israel is not meeting its international obligations – to facilitate humanitarian assistance into the marginalised communities of the West Bank and Gaza.

Israel is further obliged under its agreement with UNRWA (the Comay-Micheltmore Agreement signed in 1967) for UNRWA to continue its humanitarian operations in the occupied territories. As a quid pro quo, Israel agreed to facilitate UNRWA's operations to the best of its ability including the ability of UNRWA international staff to move "in, out and within Israel" and the West Bank and Gaza Strip.

It is not clear why Israel has felt the need to impose such extensive restrictions. There has been no formal explanation, no time limits on when staff might be free to move from Gaza and no interlocutors have been made available from the government. The only explanations are general statements about the need to confront security threats – implying that the UN and international NGOs are somehow part of this threat.

The United Nations organisations recognise and understand Israel's legitimate security concerns. In turn, it is to be hoped that Israel will recognise its humanitarian obligations, particularly in facilitating the relief and developmental activities undertaken by the UN and NGOs.

If these measures continue, the implication is that Israel as the occupying power under international law is prepared to take full responsibility for the 1.2 million people of the Gaza Strip. Until now the international community has been meeting Israel's obligations but a transferral of responsibility back to Israel is where these policies are heading.

## **Chronology of closure Erez border crossing**

### **16 April**

Gaza Strip closed internally and externally to Palestinians

### **26 April**

First reports of new security procedures at Erez

### **30 April**

Suicide bombing in Tel Aviv bar

### **1 May**

International staff experience delays of up to 7 hours at Erez

### **5 May**

First denial of access to international staff member

### **8 May**

Introduction of disclaimer by IDF  
Erez opening hours reduced to 0800 to 2000

### **9 May**

No entry for international NGO staff with tourist visas or work visas

### **11 May**

Total denial of access for all internationals with the exception of diplomatic passport holders

### **16 May**

Closure remains

## House Demolitions

House demolitions by the IDF continue apace in Gaza. From September 2000 to 31 March 2003, over 8,500 persons in Gaza have been made homeless as a result of demolition activity, with 80% of the destruction occurring in Rafah and Khan Younis. There has been a marked increase in demolitions since the beginning of this year with an average of 74 houses demolished per month until April 2003, against 30 houses per month until December 2002. On 13 May 2003 alone, the IDF destroyed 27 houses in Khan Yunis making homeless a further 290 persons.

Typically, demolitions take place in the early hours of the morning with the entry of large numbers of tanks, APCs and bulldozers often backed up by helicopters into densely populated areas such as Rafah and Khan Younis and more recently Beit Hanoun next to the Erez Crossing. In recent operations the IDF has relied more on explosives to destroy property where in the past it primarily used bulldozers. The effect of explosives is more arbitrary and indiscriminate, resulting in collateral damage and destruction to adjacent property which is not necessarily the target.

The IDF, via Defence Minister Mofaz, has justified such actions on the grounds that by targeting the homes of wanted militants and the families of suicide bombers it will act as a deterrent to future Palestinian attacks against Israeli forces and citizens.

In response to the firing of Qassam rockets in the direction of the southern Israeli town of Sederot on 13 and 14 May, (whereby no casualties were reported) dozens of tanks and APCs entered Beit Hanoun in the early hours of 15 May killing five Palestinians including a twelve year old boy who was left bleeding from his head for three hours because troops prevented paramedics from reaching the scene, according to Palestinian doctors.

## Tightening of the Closure

The closure pattern began on the Passover holiday on 16 April. On that day, the Gol announced that Erez would be closed to the 14,000 Palestinians currently working inside Israel while foreign passport holders would continue to enter and exit via Erez. The closure was applied both inside and outside of Gaza (Gaza being divided into three sections, achieved by blocking the Coastal Road south of Gaza City), denying all access to the central sector of Gaza.

The Abu Houli checkpoint to the south of Deir El Balah in central Gaza was simultaneously closed, blocking the passage of persons or supplies between the centre and the southern cities of Rafah and Khan Younis. International agencies were not immune to these internal closures and services were disrupted for the period of closure which was strictly enforced for 5 days and arbitrarily enforced for an additional 4 days.

The first sign of problems for international staff entering Gaza became apparent on 26 April when NGOs reported long delays at Erez that were attributed to technical problems with the computers of security services. Four days later, on 30 April, a suicide bombing at 'Mike's Place' in Tel Aviv, killed 3 people and wounded 35 others. The two suicide bombers, travelling on British passports, had recently visited Gaza. Almost immediately, international

### International Humanitarian Law

Article 33 of the Fourth Geneva Convention states that:

**Art. 33.** *"No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited."*

staff members providing humanitarian assistance to the Gaza Strip were subjected to severe checks, interrogations and strip-searching at Erez border crossing. Delays of between two and nine hours were reported irrespective of whether staff had a history of working in Gaza. Contrary to earlier practices all staff entering and exiting Gaza were having their details phoned through to the General Security Services (GSS) in Tel Aviv. Delays were blamed on an insufficient number of staff at the GSS to process all the applications.

Over the course of the week, on the basis of information obtained by OCHA and UNRWA, the average delay for the first entry for international staff was 2.30 hours. It is important to emphasise that this is an average as the approach by the IDF throughout has been arbitrary. Some individuals have been delayed for over 6 hours while one British passport holder cleared Erez in 15 minutes. Such inconsistencies made planning impossible and indeed numerous visits were cancelled during this first week on account of the uncertainty prevailing at Erez.

### IDF Disclaimer

The access situation deteriorated significantly from 8 May when the IDF announced that all foreign nationals entering Gaza would be required to sign a waiver absolving the Israeli army from any responsibility if they were killed or wounded. In addition, the IDF attached the following conditions for all nationals entering through Erez:

- the Military Installation Area adjacent to the Egyptian border is “strictly out of bounds”;
- interference or obstruction of Israeli security personnel in the performance of their duties is a criminal offence;
- areas adjacent to the Perimeter Fence, Israeli settlements, lateral roads serving Israeli civilians and IDF positions are Closed Military Zones and are strictly out of bounds.

Failing to abide by these conditions, foreign nationals were threatened of arrest and / or expulsion from Gaza and / or the territory of the State of Israel.

Notwithstanding the legality of such a document, it is clear that signing up to such a set of conditions places significant constraints on the ability of international organisations to fulfil their humanitarian obligations. Effectively, if NGO or UN staff avoid areas in proximity to the Perimeter Fence, settlements and internal bypass roads, they will rarely leave their offices in Gaza City. The pervasive division of Gaza and more significantly the West Bank by this infrastructure means that such conditions are unrealistic for international organisations to have the ability to reach thousands of beneficiaries residing in close proximity to these ‘closed areas’.

By Friday 9 May a further set of security rules had been set in place by the IDF for those entering and exiting Gaza:

- those holding B2 tourist visas - which is the majority of INGOs who have been denied B1 working visas since September 2002, will not be allowed into Gaza;
- those wishing to enter Gaza with B2 visas should coordinate in advance with the IDF Liaison at Erez (NB a direct contradiction of the above point).

On 11 May the terms and conditions for entering and exiting Gaza tightened further. No agencies, regardless of whether or not they possessed work visas, would be allowed to enter Gaza with the only exemptions being those who possess a diplomatic passport. These rules work in both directions with INGO and UN staff unable to depart Gaza. There is no indication from the Gol as to when access in either direction will be realised.

## Humanitarian Assistance

The disruption this continuing uncertainty poses is incalculable. For a heavily closed society such as Gaza that has become dependent upon food aid throughout the last two years, it is imperative that an agency such as WFP is able to fulfil its mandate. The fact that the principle crossing points for food supplies and general commodities at Karni/Muntar and Sufa/ Qararah were directly affected by the closures instigated from 16 April meant that the ability of WFP to reach its beneficiaries was dramatically reduced for the month of April.

During this month, WFP had allocated a total of 3,233 MT of basic food commodities via its implementing agencies for a targeted 293,000 beneficiaries. By the end of the month, 766 MT were distributed to approximately 75,000 beneficiaries thus meaning that **only 25 % of the targeted population had been reached**. During the last week in April, UNRWA and WFP were able to use the Sufa crossing during three days to bring in some highly needed food supplies. Other than that, no alternative route was offered by the Gol.

The effects of this prolonged closure go beyond the direct humanitarian implications on the ground, not least because it appears to be specifically aimed at international staff. Those who remain in Gaza are in effect trapped against their will and have no idea when they will be allowed to leave.

Already the UNA International Service (UNAIS) and Medecins du Monde (F) have announced they are suspending their project activities because of the inability of their staff to reach beneficiaries on account of the prevailing conditions.

International agencies witnessing the progressive closure of Gaza by the Gol over the last month have been dismayed by the severity of its implementation and the complete absence of dialogue with recognised interlocutors. Little rationale is given by the Gol for such a closure and indeed there is no willingness on the part of the authorities to indicate for how long this policy will remain in place or what efforts are to be made to bring the closures to an end. Meanwhile those most in need are being deprived of the basic essential services that the international agencies seek to offer.