



**ACCESS
RESTRICTED AREAS
IN GAZA:
CIVILIANS AT RISK**

NOVEMBER 2016



WHAT ARE THE ACCESS RESTRICTED AREAS (ARA) IN GAZA?

Gaza is a 41 km long and from 6 to 12 km wide territory with an estimated population of 2 million persons ⁽¹⁾, living under blockade since 2007.

The Access Restricted Areas (ARA) are no-go zones within the Gazan territory, enforced by Israeli Security Forces (ISF) along the border fence and at sea and justified by citing security concerns. Practically, it means that Israeli soldiers are permanently posted along the fence or at sea and they can shoot in the ARA, where thousands of farmers and fishermen yet still need to go and work there since their livelihood and that of their families depend on it. Thus 178 000 Palestinians (9% of Gaza population) are directly affected by ARA on land and at sea ⁽²⁾.

The limits of the ARA defined by the government of Israel have no clear or consistent definition and vary according to the period; Palestinians are informed of new limits in the zone by leaflets dropped by airplanes and released military statements. On land, farmers reported being able to access land up to 300 meters from the fence. But fairly safe access seems only possible during daylight hours (from around 7.00 to 15.00) and incidents have been recorded as far as 1,5 km from the fence from INGOs and Human Rights associations such as Al Mezan center for Human Rights and the Palestinian Center for Human Rights. On the sea side, the buffer zone usually starts beyond 6 nautical miles, but incidents have also been reported at less than 6 nautical miles from the coast. In April 2016, it was extended up to 9 nautical miles for a 2 months' period but incidents - including a shooting resulting in a casualty - happened only 3 nautical miles from the shore.

However, it must be reminded that none of these limits are legally valid. According to the Oslo agreement, Fishermen were allowed to sail up to 20 nautical miles from the coast with the exception of 2 no go zones along its boundaries with Israel and Egypt (one mile in the south and 1,5 miles in the North). On land, it was agreed no new construction was permitted within 100 meters and there were strict building restrictions applied to the next 500 m. Palestinian police was to patrol the area to prevent infiltrations.



MÉDECINS DU MONDE IN THE ARA

For 3 years, Médecins du Monde France (MdM) has been working on preparing community members to cope with emergency situations through providing Basic Life Support (BLS) courses.

This aims at strengthening their resilience, as they are the first responders in daily emergencies such as shooting incident or in crisis, and enable them to practice personal safety, cardiopulmonary resuscitation, preliminary care for bleedings and fractures, psychosocial first aid, etc. Trainings are conducted by community members who have been previously strengthened by MdM team to convey and answer needs in the most concrete and adapted way.

Since 2015, MdM has been extending its intervention by working with local Community-Based Organizations such as the Union of Agricultural Work Committees (UAWC ⁽⁴⁾) and The Agricultural Development Association (PARC ⁽⁵⁾) for emergency response through a referral system. MdM has established this mechanism in collaboration with other local and international organizations to ensure a comprehensive and appropriate response to victims of shooting and to restore normal life conditions. As an immediate support, MdM provides direct cash assistance to the most affected victims to temporarily alleviate the loss of income of injured persons. To ensure more long-term sustainable livelihoods and psychosocial support, victims are then orientated through the referral to service providers in charge of delivering the most adapted assistance based on identified needs.

Meanwhile, data are systematically collected and incidents documented to raise awareness about this issue and develop advocacy activities targeting international stakeholders. This activity is key while there is no harmonized, comprehensive and systematic reporting of the shooting in the ARA by international agencies or Civil Society Organizations. According to our testimonies ⁽⁶⁾, shootings happen almost on a daily basis. But these data regarding only cases of casualties among fishermen and farmers, which cannot be considered as a complete picture of what is happening in the area since they rely on information received by MdM social workers.

SINCE 2014, MÉDECINS DU MONDE FRANCE (MDM-F) IS WORKING ALONGSIDE GAZANS FARMERS AND FISHERMEN IN THE ACCESS RESTRICTED AREAS, WHERE SHOOTINGS FROM ISRAELI SECURITY FORCES (ISF) REGULARLY PUT LIFE OF CIVILIANS AT RISK AND CONTINUOUSLY INFRINGE HUMAN RIGHTS AND INTERNATIONAL LAW.

From January to October 2016, MdM and its partners were informed of 24 cases of injuries of civilians in the ARA. Out of this, it was established that within one case only the victim was 150 meters away from the fence and therefore within limits where he was putting his life at risk.

4 civilians have been victims of indirect shooting/ incidents related to the situation:

- One farmer was injured due to Explosive Remnants of War (ERWs)
- Two farmers were injured by Israeli Security Forces shelling (They received shrapnel while they were irrigating and harvesting crops)
- One fisherman while trying to avoid being shot from the Israeli forces was injured due to a solid iron piece fell down on his right leg and broke it. He will not be able to work for a month

20 civilians, including a child, were injured due to direct shooting by Israeli soldiers

From the testimonies MdM collected (7), it appears that:

- Civilians do not benefit from any clear measure to protect them and they feel anyone can be targeted (men, women, children...)
- There is no clear or consistent definition of the ARA. They are not clearly marked on the ground and incidents have happened even beyond the officially prohibited areas
- Despite the risks, the farmers and fishermen will keep working in the ARA since their livelihood depends on it
- The economic impacts of injuries, arrests, detention, and confiscation of materials are of particular concerns for the beneficiaries who, most of the time, were already in a vulnerable situation.

JANUARY 27 TH	Three fishermen were shot and injured; the first one was injured in his knees, the second one was injured in his leg and thigh and the third one was injured in his leg
FEBRUARY 3 RD	One fisherman shot at sea and severely injured and transferred to an Israeli hospital before being sent back to Gaza
FEBRUARY 28 TH	One farmer shot in his right leg while he was working on his land and transferred to hospital
FEBRUARY 29 TH	Two fishermen were shot and injured; one fisherman was injured in his right thigh and the other one was injured in his back
MARCH 18 TH	One shepherd shot in his left leg while grazing goats
APRIL 11 TH	One child shot in his right hand while being with his sister and his cousin grazing sheep
APRIL 19 TH	One fisherman shot and injured in his face near Rafah and he is in moderate condition
MAY 22 ND	Three fishermen shot and injured; the first one was injured in his left leg, the second one was injured in his left knee and the third one was injured in his both knees
MAY 31 ST	One fisherman shot in his right leg, taken to an Israeli hospital and released on the same day
JUNE 8 TH	One fisherman shot in his left hand, taken for investigation and released on the same day
JUNE 9 TH	One fisherman shot in his abdomen with some contusions
AUGUST 27 TH	Two fishermen shot and injured; one in his head and the other in his right hand
SEPTEMBER 8 TH	One farmer shot in his finger that was amputated later and his hand is broken. He will not be able to work for few months.
SEPTEMBER 19 TH	One fisherman shot in his abdomen and due to his injury, he will not be able to work for months.

TESTIMONY: ALI ⁽⁸⁾

"I'm 23, I started fishing when I was 15, maybe even 13. My father is a fisherman, that's something you do from one generation to another.

I owned a boat, before, but last January I was attacked by the Israelis and it was burnt. I was lucky, I didn't get any serious injury then. I was with my uncle, he has been hurt on his leg and now he has a problem with his nervous system, affecting his movements. But this first time I managed to reach the beach safely. The problem is that I didn't have the money to repair my boat so I started to work as a casual worker.

Last February, I was fishing with my brother, we were at sea working on our nets, when he told me he could hear shootings. I thought everything was ok but then we saw their quick ships coming at us and then I thought something bad was going to happen, we were going to be shot or detained, that the boat was going to be confiscated or damaged and it was a rented boat, we could not afford it.

I was afraid, I wanted to escape. My brother wanted to stop here but I was scared and I was thinking that we had to move and go back to the beach and so we started moving. But the Israelis came after us, calling us to stop, and they started to shoot rubber bullets at us and I received several of them in the legs and the head and the back. I was starting to feel dizzy, there was rough waves, it was not possible to go faster. I wanted to protect the engine of the boat because I was afraid they will destroy it, and it was not our boat, we didn't have the money to repay it.

The Israelis arrived and their boat pushed me against the motor and from then I became unconscious. I know I was transferred to an Israeli hospital, I stayed intensive care for 8 days. My throat had been crushed on the engine, it was serious, I needed surgery.

After two weeks they sent me back to Gaza with a package of medicine for 10 days. There was no charge, no investigation. In any case, I could not talk, my vocal chords were so damaged then.

Now I'm here, at home, in this room. I can't do anything. I can't work for 8 months. I can't eat anything solid. I feel useless. My family needs me to work and I can't. We received some cash assistance, some medical support from NGO, but how long is it going to last? I lost 12 kilos, I stay in bed, I can't sleep properly because I am coughing all the time and I am so afraid I will never get back to a normal life...

As soon as I can, I will go back fishing. My father says it is the most dignifying occupation. The problem is access. Before the blockade, our economic situation was very good. We need more access."





CONCLUSION

Shootings of civilians continue to have a strong impact on both physical and mental health of victims and their relatives in a context where the supply chain of essential medicines and medical services experiment chronic shortages. This situation reinforces also the overall vulnerability of local communities and their global well-being by depriving families from tangible income. This happens while Gaza has reached to the highest unemployment rate in the world at 43% (more than 60% for the youth unemployment ⁽⁹⁾).

Moreover, according to international law, the use of lethal force has to respect the principles of distinction, proportionality and military necessity. Israeli Security Forces need therefore to make a distinction between civilians and combatants. According to the 1977 Protocol Additional to the Geneva Convention of 12 August 1949, in case of doubt, the person in question must be considered as a civilian.

The damages suffered by communities working in the ARA are tremendous while the targeting of unarmed fishermen and farmers remains illegal. The threat civilian populations pose to Israeli soldiers and Israeli population when they work in the ARA is unclear. Military technology is sophisticated enough to give soldiers a clear view of the activities of civilians in the ARA and avoid hurting them.

SHOOTINGS OF CIVILIANS CONTINUE TO HAVE A STRONG IMPACT ON BOTH PHYSICAL AND MENTAL HEALTH OF VICTIMS AND THEIR RELATIVES IN A CONTEXT WHERE THE SUPPLY CHAIN OF ESSENTIAL MEDICINES AND MEDICAL SERVICES EXPERIMENT CHRONIC SHORTAGES.

NO LEGAL REMEDY

Theoretically, victims of the Israeli Security Forces could submit complaints through a military investigation system. However, in practice, there is virtually no accountability for soldiers causing Gazan civilians' casualties in the ARA today:

- **The legal fees are unaffordable for the victims**
- **The courts are located in Israel whereas permits to exit Gaza are extremely restricted**
- **The judge will require ample evidence (notably witness) from the victims and on the other hand consider that a mere suspicion of danger by a soldier justify a shooting**

According to human rights organizations working in Gaza ⁽¹⁰⁾, civilian victims of shooting are therefore reluctant to go to court to assert their rights and get compensation since they have no hope in the legal system. In May 2016, after a decade of efforts, the Israeli NGO B'Tselem decided to stop referring complaints to the military law enforcement system considering there was "no longer any point in pursuing justice and defending human rights by working with a system whose real function is measured by its ability to continue to successfully cover up unlawful acts and protect perpetrators ⁽¹¹⁾."

RECOMMENDATIONS

The international community should:

- Systematically monitor cases of shooting in the ARA and undertake protection and advocacy activities to protect civilians in the area
- Ensure humanitarian needs of the victims are met, especially when they are in need of treatments and/or prevented to work.

Third States should:

Pressure the government of Israel to:

- Immediately stop using of lethal force against civilians in the ARA
- Take concrete measures to ensure the Israeli Security Forces differentiate between civilians and combatants and do not harm civilians
- Ensure soldiers are held accountable for all violations in the ARA, facilitating independent investigations and removing procedural and substantive barriers to Palestinians civilians in accessing courts in Israel
- Engage in a plan to lift the blockade and the ARA that both constitute collective punishments illegal under international law.

Notes

(1) <http://www.aljazeera.com/news/2016/10/besieged-gaza-hits-population-milestone-161015090540126.html>

(2) https://www.ochaopt.org/documents/ocha_opt_special_focus_2010_08_19_english.pdf

(3) 1 nautical mile is equal to 1852 meters.

(4) The Union of Agricultural Work Committees (UAWC) is an independent and non-profit Palestinian organization to empower farmers and fishermen and enhance their resilience and rights.

(5) Agricultural Development Association (PARC) is a national association working alongside Palestinians farmers on agricultural development and social justice

(6) In August and September 2015, MdM conducted 4 focus groups with 38 farmers and fishermen from North Gaza, East Khan Yunis, Gaza, Joher Aldeik "Wadi Gaza"

(7) See also MdM briefing: Protection in Gaza: the case of the shootings in the Access Restricted Area (ARA), November 2015

(8) Name has been changed. This testimony has been collected as part of MdM, UAWC and PARC work with victims of shootings in the ARA

(9) Source: World Bank, Economic Monitoring Report to the Ad Hoc Liaison Committee, May 27 2015

(10) See for eg. the Palestinian Center for Human Rights (PCHR) - <http://pchrghaza.org/en/>

(11) http://www.btselem.org/press_releases/20160525_occupations_fig_leaf



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