



Euro-Mid Observer
المركز الأوروبي لمراقبة حقوق الإنسان

Euro-Mid Observer for Human Rights
Report

Israeli Human Rights Violations Targeting Palestinian Fishermen in the Gaza Strip

July 2012

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The Board of Directors of the Euro-Mid Observer for Human Rights expresses its profound thanks to all those who contributed to this report, particularly:

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Executive Summary

In this report, Euro-Mid Observer for Human Rights documents the ongoing harassment of Gaza fishermen by the Israeli military, preventing them from plying their trade freely and safely even within the arbitrary three-nautical-mile limit imposed by Israel.

According to the Universal Declaration of Human Rights and its supporting covenants, every individual has the right to life, equality before the law, freedom of expression and employment. These rights may be revoked only in cases of urgent security emergencies, and even then must be legally and objectively determined.

However, Euro-Mid and other human rights organizations have observed, and recorded through eyewitness testimonies, that from January 2011 through April 2012, Israeli Authorities deliberately prevented Gazan fishermen from practicing their profession freely and safely in their own port. In addition to being

prevented from sailing, Palestinian fishermen are frequently subjected to degrading and inhumane treatment, such as forced immersion while naked in harsh weather conditions, confiscation of their fishing boats and equipment, and arbitrary detentions with grueling interrogations.

Many Gazan fishermen who are freed following detention report being pressured to provide “intelligence” against co-workers and neighbors under threat of harm to their relatives. Some report being tortured when they refuse to collaborate.

This report details these violations of law and human rights, as well as documents the negative effects on the fishing sector, and thus on the overall Gazan economy – including escalating poverty and unemployment.

Although Israel announced its unilateral disengagement from the Gaza Strip in 2005, it was not a total withdrawal. Rather, it was merely a redeployment of its troops and military vehicles along its border with the Strip. This situation is illustrated by Israel’s total control over the Gazan shoreline.

Euro-Mid Observer for Human Rights concludes its report with an appeal to the international community and human rights institutions around the world to take action to restore the right of Palestinian fishermen in the Gaza Strip to work freely and safely, holding Israel accountable for violating the international conventions of which it is a signatory.

In addition, Euro-Mid invites international donors to establish projects capable of empowering the fishing industry in Gaza, thus reducing poverty and unemployment.

Amaní Senwar
Executive Director



Introduction

The right to work freely and safely is a basic human need of every person. The Universal Declaration of Human Rights, passed without dissension in 1948, stipulated in Article 23(1) that “everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.” This principle was confirmed later in many supporting conventions and agreements.

Field studies of the conditions under which Gazan fishermen are forced to work, including the collection of many eyewitness testimonies, document that successive Israeli governments have turned a blind eye to a number of principles, accords and international conventions with their continuing breaches of the right of Palestinian fishermen in the Gaza Strip to earn a living. Palestinian fishermen are constantly harassed by Israeli gunboats, which prevent them from practicing their trade in waters that are internationally recognized as sovereign. They often are shot at and arbitrarily arrested, and Israeli forces frequently confiscate their boats and other personal belongings. The impact of these atrocities is magnified due to the high population density of the Gaza Strip, which is considered one of the most crowded territories in the world. Given Gaza’s status as a coastal territory, the fishing industry should be an engine of self-sufficiency and trade. However, that potential is being nipped in the bud.

The period between 1967 -1978 was the golden age of the fishing industry in the Gaza Strip. At that time, the yield of Gazan fishermen reached its peak -- approximately 60 tons of fish every day, since they were free to sail into the deep water 10-15 miles from their shore, where larger fish and sardines thrive. (International law and the 1994 Oslo Accords dictate that Palestinians should be able to fish in their own waters 20 nautical miles from their shore.) This, however, came to an end when the Israeli authorities began using military force to curtail maritime activity, first imposing a 12-nautical-mile limit in 2002, reducing it to six in 2006 and three in 2009. Thus, the Israeli withdrawal of its settlers from Gaza in 2005 was actually not the “disengagement” the government labeled it.

The Israeli government’s stated justification was to put a halt to arms smuggling, but the impact has instead been destruction of an industry that once provided a necessary source of protein and employed about 45,000 Palestinians. In 2011, the cumulative catch was only 500 tons and the number of employed fishermen was an estimated 4,400 – 90% of whom are classified as poor or very poor by the International Committee of the Red Cross. Yet, they must support more than 70,000 relatives.

In return for trying to make a living to support their families, Israeli gunboats frequently attack Gazan fishermen when they venture beyond three miles from the port. For instance, the Israeli navy detained more than 70 fishermen during 2007 under this pretext.

Legal Status of the Mediterranean Waters and the Right to Fish

This report documents the legal status of the eastern shore of the Mediterranean Sea, known locally as the Gaza Shore, as set out in relevant United Nations conventions.

Gazan Territorial Waters and Israeli Control

The eastern coastline of the Mediterranean is considered an integral part of the Gaza Strip according to international law.

As stipulated by the second article of the United Nations Convention on the Law of the Sea:

“The sovereignty of a coastal state extends beyond its land territory and internal waters... to an adjacent belt of sea.”

The third article of the same convention states:

“Every state has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles.”

Therefore, most of the 120 coastal nations claim sovereignty over waters extending for 12 nautical miles from their shores.

This sovereignty normally extends to the air space over the territorial sea as well as to its bed and subsoil. A coastal state is, therefore, entitled to limit ac-

cess to its territorial sea and the fish that populated it the country's residents.

The legal status of the Gaza shore was delineated in the agreements between the Israeli government and the PLO executed as part of the Oslo Accords. The 40-km Gaza shore was divided into three zones:

Zone M, extending 20 nautical miles from the Gaza Shore in the south, with a width of one nautical mile from the Egyptian territorial waters.

Zone K, extending up to 20 nautical miles from the Gaza Shore in the north, with a width of 1.5 nautical miles to the south.

The Israeli government and the PLO agreed that both the M and K zones would be closed to all activity except those of the Israeli navy.

Zone L, which lies between the two other zones and is open to Palestinian fishermen with permits from the Palestinian Authority, up to 20 nautical miles out. Activities related to recreation and other economic enterprises also are permitted in this zone.

Despite these agreements, activity by Palestinians in Zone L was limited by Israeli authorities to 12 nautical miles shortly after eruption of the Second Intifada. It was reduced again to six miles after the abduction of the Israeli soldier Gilad Shalit. Fishing in Gazan waters was completely forbidden when Israel launched Operation Cast Lead in 2008. At the end of the war

On Gaza, Palestinian fishermen were permitted in the waters again, but this time, only up to three nautical miles – well short of the richest shoals of fish 10 nautical miles out.

At the same time, Israeli authorities extended the area of the no-go zones (M & K), with the intent of further narrowing the permissible zone (L), in clear violation of Article 11 of the Oslo Accords.

The conventions of the UN Security Council -- particularly 242, 338, 1397 and 1515 -- all state that the occupied Palestinian territories include the West Bank, East Jerusalem and the Gaza Strip, within the 1967 borders. According to international law and conventions, this sovereignty should extend to both interior waters (lakes and rivers) and the sea, up to 20 nautical miles from the shore – a freedom acknowledged in the Oslo agreements. These provisions allow Palestinians to control their own territorial seas, and thus fishing, sailing and shipping.

However, Israel has instead unilaterally and illegally placed a chain of yellow buoys just three miles out from the Gaza shore, with the apparent goal of institutionalizing its illegal restrictions. Under the provisions of the Hague conventions, a territory is considered occupied when “it is actually placed under the authority of the hostile army.” Since it cannot control its own industries, including the use of its waters, the Gaza Strip is clearly still an occupied territory.

The commission that was created by the General As-

sembly of the United Nations in 2011 to investigate Israeli practices against the Palestinians' human rights concluded in its third and fourth report that the Israeli siege imposed on Gaza turns a blind eye to several aspects of Gazans' life, such as education, health, housing, employment and human development. Further, it stressed that Israel's oppressive policies are a form of collective punishment of civilians. The commission called on Israel to "change its policies in a way that conforms with the signed the Oslo Accords, i.e extending the permissible zone back to 20 nautical miles" (paragraph 75).

Likewise, the report of the UN Gaza Fact Finding Mission on the Gaza Conflict, commonly known as the Goldstone report, stated that the continuing Israeli infringement into the Palestinian territorial waters has "worsened the Gazan economy via limiting the fishing zone."



Illegal Israeli Practices

Israeli policies and practices violate a number of international conventions and treaties to which Israel is a signatory.

In addition to its restrictions on sea traffic, Israel enforces a number of policies against the Palestinians' right to live and work with dignity. The serious harassment that Palestinian fishermen endured during the period covered in this report (January 2011-April 2012) constitutes war crimes as defined in the conventions of international human rights law, particularly the Fourth Geneva Convention. The Israeli harassment against Palestinian fishermen is clearly a form of collective punishment that thwarts civilians from making a living, while humiliating them in front of their families.

Israeli harassment violates a number of international laws and conventions:

Right of Palestinian Fishermen to Work and Benefit from Sea Resources

International Covenant on Economic, Social and Cultural Rights (Article 1.2 and 6.1): "All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence."..."The states that are

parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.”

Universal Declaration of Human Rights (Article 23.1): “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.”

Fourth Geneva Convention (Article 52): “All measures aiming at creating unemployment and restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited.”

Universal Declaration on Social Progress and Development (Article 6): “Social development requires the assurance to everyone of the right to work and the free choice of employment.” Article 10 cites the importance of “The assurance at all levels of the right to work and the right of everyone to form trade unions and workers’ associations and to bargain collectively; promotion of full productive employment and elimination of unemployment and under-employment; establishment of equitable and favorable conditions of work for all, including the improvement of health and safety conditions.”

Right to Life, Liberty and Security of Person

Universal Declaration for Human Rights (Article 3):

“Everyone has the right to life, liberty and security of person.”

International Covenant on Civil and Political Rights (Article 6): “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

European Convention on Human Rights (Article 5): “Everyone has the right to liberty and security of person. No one shall be deprived of his liberty...”

Charter of Fundamental Rights of the European Union: “Everyone has the right to liberty and security of person.”

Protection from Arbitrary Arrest

Universal Declaration of Human Rights (Article 9) and the Fourth Geneva Convention (Article 42): “No one shall be subjected to arbitrary arrest, detention or exile.”

International Covenant on Civil and Political Right (Article 9): “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”

Protection of Personal Property

Universal Declaration for Human Rights (Article 17.2): “No one shall be arbitrarily deprived of his property.”
Fourth Geneva Convention (Article 53): “Any destruc-

tion by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.”

Thus, international human rights law dictates that the right of Palestinians to work freely and safely, free from fear of arbitrary arrest and confiscation of personal property, must be guaranteed by Israel as an occupying power. Without the preservation of these rights, other basic human needs protected by the International Covenant on Economic Social and Cultural Rights -- including “the right of everyone to an adequate standard of living” (Article 11) and “the right of protection and assistance of the family” (Article 10) - cannot be met.

Supporting Statistics, Incident Reports and Testimony

Euro-Mid collected a number of incidents and testimonies documenting Israeli violations between January 2011 and the end of April 2012.

Statistics

In the past 16 months, there has been a significant increase in Israeli violations of the human rights of Palestinian fishermen. Euro-Mid has documented approximately 150 such incidents from Jan. 1, 2011 to April 30, 2012. The violations included injuries, detentions, shootings, confiscation of boats and intentional damage to fishing equipment.

During this period, 58 incidents were documented in which Israeli gunboats shot at Palestinian fishermen. The Israeli navy detained approximately 60 fishermen, including 9 children, and 12 were injured by machine gun fire from Israeli gunboats. The Israeli navy seized more than 13 fishing boats, and intentionally damaged fishing nets and other equipment.

Even when no physical damage occurs, the emotional impact is just as destructive. The Israeli military uses water hoses to sink Palestinian fishermen's boats, phosphorus lights to disperse fish shoals and stun grenades to simply terrify.

The tactics used by the Israeli government to "contain" Palestinian fishermen in Gaza fall into these categories:

Limiting the Permissible Fishing Zone without Issuing a Formal Statement:

A no-go zone was imposed on the Gaza territorial waters as far back as 2002. However, in 2009, in the aftermath of Operation Cast Lead, the Israeli government reduced it still further to three nautical. Palestinians were not informed of this sudden change – that is, until fishermen became the subject of Israeli target practice.

Laying Down a Line of Buoys in the Gazan Waters

The Israeli navy, ramping up the psychological harassment, recently laid down a line of giant red buoys at the three-mile mark. Israel warned Palestinians against crossing the line by distributing leaflets threatening to shoot, detain and confiscate the boat and equipment of any fisherman who crosses that limit.

Damaging and Confiscating Fishing Equipment without Giving Compensations:

When engines, fishing nets or entire boats are confiscated, they often cannot be replaced due to the blockade imposed by Israel on many imports. Thus, many Gazan fishermen have been forced to abandon their trade, while others scrape by using old, abandoned equipment.

Incidents & Testimony

Testimony

Mahmoud M. Murad, 27-year-old Gazan fisherman:
“On Sunday morning (Dec. 88, 2011), I went fishing within the three nautical mile limit. At 10 (a.m.), an Israeli gunboat neared, started firing at our boat and ordered us to stop. Immediately, we stopped. Then, an Israeli Navy commander ordered us on his megaphone to strip naked, jump into the waters and swim over to the gunboat.

“I was with a kinsman of mine named Hussan. He jumped into the water and swam over to them without hesitation; however I could not because I suffer from a chronic kidney disease. The Israelis shot my left leg with a rubber bullet and I fell down. Then, the gunboat advanced towards me, and the Israelis (boarded my boat and) detained me and took me to (the Israeli port of Ashdod).

“My wounded left leg was treated at Tel Hashom-



er Hospital. The physicians put a cast on my leg and said it needed surgery. I asked them to treat my other



knee, which was swollen, but they refused. On the 21st of December (2011), I was released and was forced to walk through Erez crossing - 3 km -- with my two injured legs in order to reach the Palestinian side. When I finally reached the other side, the Palestinian forces aided me and brought me a car that took me home.

“I was without my boat, cellphone and fishing equipment. The Israeli navy confiscated them. When I asked for my belongings back, telling them how badly I needed them to do my work, Israeli intelligence officers told me by phone that I had to consult an advocate.” But he didn’t because of his Poor financial conditions.

Muhammed K. Abu Omeera, 19 years old, detained on Jan. 11, 2011, along with his brother, 17, and two friends

(15 and 16) while fishing on a private boat within the three-mile zone. This is the testimony of Muhammed's father:

“On that Tuesday morning, my sons Muhmmed and Mahmoud were on board along with the other two children, Saher and Osama. Then, a gunboat came near and started shooting at them so heavily that it damaged their engine. Their boat immediately stopped moving, so the Israeli gunboat advanced closer towards my sons and ordered them to strip naked and jump into the waters in the cold weather. They did and were taken to Ashdod port and interrogated. They were asked to provide intelligence in return for being released. If they didn't provide information (on their friends and family), they were told their home would be demolished and I would be assassinated. However, they refused to be blackmailed.”

The boys were released, but the Israeli navy confiscated their boat and fishing equipment.

Incidents

In the 16 months between January 2011 and the end of April 2012, Euro-Mid Observer for Human Rights documented approximately 150 breaches of the fishermen's rights. These include:

Breach Type	Number	Examples
<p>Detention while fishing (all within 3 miles)</p>	60	<ul style="list-style-type: none"> - 29-4-2012: Ashraf, Ahmed, Amjad Ismael Al Shurafi and Yasser and Muhammed AlShurafi in front of Gaza City Beach. - 24-4-2012: Nader Yusuf Abu Samaan and his young brother, Hassan in front of Al Sudaneya Beach. - 15-4-2012: Salah Meqdad, his son Ahmed, and Ali Al Akhsham. - 14-2-2012: Jamal Sultan and his son Fadel in front of Beit Lahia Beach. - 7-1-2012: Rani, Tariq, Jad, Mahmoud Baker. - 18-12-2011: Hassan and Mahmoud Murad, and Emad and the younger Anas Syman. - 29-11-2011: Khalid Abu Sher, Raed, Osama, Nehad, Muhammed and Jamal Alhesi; Adham Alhabeel, Saleem and Moamen Alsadeq; and Ramy Faraj Abu Auda.

Injuries	12	<ul style="list-style-type: none"> - 1-1-2012: 4 fishermen shot by Israeli gunboats in northern Gaza. - 15-8-2011: Yaseen Zayed shot with live ammunition while on board his boat in northern Gaza. - 16-12-2011: Zaki Froosh shot with bullets and parts of shells opposite of the Sudanian shore.
Confiscations of boats & equipment	13	<ul style="list-style-type: none"> - 29,24,15-4-2012: Boats and fishing equipment. - 14-2-2012: 2 boats, 10 fishing nets and a canoe. - 7-1-2012: 1 boat. - 18-12-2011: 2 boats and fishing nets. - 29-11-2011: 2 boats.
Damage to engines and equipment	7	<ul style="list-style-type: none"> - 14-4-2012: Partial damage of boat engine. - 13-4-2012: Destruction of boat engine. - 14-2-2012: Destruction of fishing canoe. - 21-6-2011: Destruction of 2 boats and 2 engines.
Firing	58	<ul style="list-style-type: none"> - 2012: 14 incidents; 9 in April alone. - 2011: 44 incidents.

Conclusion

This report of Euro-Mid Observer for Human Rights documents the Israeli violations of Palestinian fishermen's rights in the Gaza Strip. Although Israel unilaterally announced its disengagement from the Gaza Strip in 2005, it continues to maintain exclusive control over the Gaza shore by limiting the permissible fishing zone, in contravention of international conventions and agreements.

It is clear that Israel's withdrawal of settlers was a mere propaganda ploy designed to mislead the international community, paving the way for Israel to distance itself from its legal responsibilities as an occupying power, while its forces violate the rights of and commit atrocities against the Gazan population.

This report also documents that Israel violates the right of Palestinian fishermen to exercise their trade freely and safely, through physical attacks, detentions and confiscation of their boats and equipment. The incidents and testimony outlined in this report show that Israeli practices have a serious impact on the fishing industry, and meet the criteria in international law for "arbitrary and collective punishment."

The United Nations and other relevant institutions must pressure Israel to abide by the conventions of international human rights law and the agreements signed by the Israeli authorities and the Palestinian Authority. This must include permitting Palestinian fishermen to sail and fish freely and safely within their territorial waters.

If Israel claims the right to protect itself by imposing restrictions on the movement of Palestinian fishermen, such restrictions should be for urgent, specific and legal security needs for a specific period of time.

When violations by Israel occur, it must be held to account - including return of confiscated equipment and compensation of fishermen for their losses.

Euro-Mid also appeals to donor countries to help develop the fishing industry in the Gaza Strip to counteract the impact of poverty and unemployment.

Finally, the Euro-Mid Observer for Human Rights calls on international governments and other bodies to demand that Israel lift its siege on the poverty-stricken enclave of Gaza, and to guarantee the implementation of the Fourth Geneva Conventions of 1949 so that the borders will immediately and permanently open to people and goods.



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