

Israeli human rights groups condemn Sharon government's Gaza policies

Rick Kelly
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Two prominent Israeli human rights organisations, B'tselem and HaMoked, issued a report March 29 that provided a detailed critique of the Sharon government's ongoing oppression of the Palestinian population in Gaza. The 98-page document, titled "One Big Prison: freedom of movement to and from the Gaza Strip on the eve of the disengagement plan," noted that there has been no significant improvement in the living conditions of Gaza residents despite the partial cessation of hostilities between the Israeli army and Palestinian militant groups.

The report also critically examined Israel's claim that its status as an occupying power in Gaza will end with the pending withdrawal of settlers and military installations within the territory. B'tselem and HaMoked pointed to a number of legal experts' opinions, as well as precedents in international law, which made clear that Israel will remain an occupying power after the completion of the "unilateral disengagement" plan in Gaza, and will still have all the humanitarian and legal obligations that accompany this status.

Since the eruption of the second Intifada in 2000, Israel has effectively barricaded the 1.3 million residents of Gaza behind the territory's restricted borders. "[Israeli] restrictions strangled Gaza, essentially turning the area into one big prison," the human rights report stated. "It would not be an exaggeration to say that it is easier for a resident of Israel or the West Bank to visit a parent or child who is in prison than it is to visit them in the Gaza Strip."

Gaza is separated from Israel by a tightly controlled separation barrier that straddles the entire border. Israeli forces also patrol the occupied territory's boundary with Egypt and control its air and sea borders. The Likud-led government of Ariel Sharon has repeatedly insisted that its clampdown on freedom of movement is driven by the need to prevent terrorist attacks, but B'tselem and HaMoked noted that the arbitrary and indiscriminate restrictions amount to a form of collective punishment that is contrary to international law.

Gaza is one of the most densely populated areas on the earth, with approximately 4,700 people per square kilometre. This compares to a density of 305 people per square kilometre within Israel. Sixty percent of the population are refugees, and almost every family has relatives residing in the West Bank, Egypt, or Israel.

The Sharon government's policies have meant that travel between Gaza and the West Bank has declined by 98 percent since 2000. "Freedom of movement became a rarely-granted privilege,"

the report noted. Israel very rarely makes allowances for family celebrations and meetings for religious holidays, weddings, funerals or other occasions. Any Palestinian who attempts to secure a rare travel permit faces queues and delays that can last for days or weeks, and risks interrogation from Israeli security forces.

The "One Big Prison" report also described the blatantly discriminatory Israeli family reunion policy. It is now impossible for any resident of Gaza to secure authorisation to permanently rejoin his or her family in Israel or East Jerusalem. In July 2003, the Israeli Knesset passed a new law abolishing all family reunion procedures for these cases.

This measure has nothing to do with security concerns, as the human rights report explained. "The actual purpose of this law is to prevent an increase in the Arab population in Israel and to preserve the Jewish character of the state. This demographic and racist consideration renders the prohibition patently unacceptable and illegal."

Israel's punitive and illegal crackdown on travel from Gaza has affected every sphere of life in the occupied territory. Tertiary education is now all but impossible for residents, and what little medical infrastructure was developed in the 1990s has been shattered, leaving many Gazans dependent on frequently inaccessible medical treatment in Israel and Egypt.

The travel restrictions have directly led to numerous preventable deaths. In one instance, seven Palestinians who were permitted to go to Egypt for medical treatment were subsequently refused re-entry into Gaza. After the men died while waiting at a checkpoint, Israel refused to allow their bodies into Gaza, and they had to be buried in Egypt.

The authors of "One Big Prison" also highlighted the severe economic costs of Israel's lockdown in Gaza. The impoverished Palestinian economy was largely dependent on the wages of labourers and unskilled employees working in Israel. The Sharon government has, however, sharply curtailed this source of revenue, in line with his disengagement plan, within which Palestinian labour in Israel is to be completely eliminated by 2008.

As a consequence, the official unemployment rate currently stands at 35 percent, and 77 percent of the population live in poverty. Almost one quarter of those living in Gaza are so impoverished that they live below subsistence level—that is, they cannot afford to purchase sufficient foodstuffs containing the minimum level of calories required for survival.

The Sharon government's plan to remove almost 9,000 Zionist

settlers and Israel's military installations from within Gaza by the end of July will not result in any significant alleviation of the humanitarian and economic crisis in the territory.

The central goal of Sharon's "unilateral disengagement" plan is to consolidate and expand the massive Zionist settlements in the West Bank and East Jerusalem, which together house about 450,000 Israelis. The withdrawal from Gaza serves as an effective diversion for these measures.

In addition, the Sharon government hopes that disengagement will nullify its status as an occupying power in Gaza. If this is successful, Israel will no longer bear any legal responsibility for the security and humanitarian situation in the territory.

As B'tselem and HaMoked noted, "All the human rights violations discussed in this report are likely to continue, and perhaps even worsen, after disengagement, unless Israel recognises its responsibility for the human rights to which Gazans are entitled."

It must be stressed that even as an acknowledged occupying power Israel, has paid scant regard to questions of international law with regard to its treatment of the Palestinians. The Zionist state has consistently ignored and defied numerous United Nations resolutions, and other legal rulings, that have condemned the occupation and Israel's repression of the Palestinian people.

Certain aspects of international law, under the Geneva Conventions and the Hague Regulations, have, however, been recognised by Israeli courts. Large sections of the Israeli political establishment, particularly within Sharon's Likud Party, view any suggestion of Israeli responsibility for the Palestinians as anathema.

Israel's status as an occupying power also obliges it to facilitate the movement and work of international humanitarian and monitoring agencies, such as the Red Cross and the United Nations' Relief Works Agency. Hostility towards these organisations is pervasive among Israeli right-wing organisations, which view any humanitarian work conducted in the occupied territories as "pro-Palestinian."

A nominal end to the occupation in Gaza would, in terms of international law, leave the territory a foreign country in relation to Israel. This would completely alter the legal framework within which the Israeli military could operate within the area. In Israel, it has been suggested that if Gaza were to be designated a foreign country, Israel could suppress any manifestation of Palestinian resistance by invoking the principle of self-defence against a hostile power, thereby granting its armed forces even greater freedom of action against the local population.

The B'tselem and HaMoked report backed up the numerous legal experts who have concluded that disengagement will not end Israel's status as occupying power under international law. The removal of the settlements will not alter the ability of Gazans to travel to and from the territory. Israel will also retain sole control over Gaza's airspace and territorial waters. The Sharon government has also emphasised that it maintains the right to take what it describes as "preventive measures and responsive acts using force against threats emanating from the Gaza Strip."

As the report stated, "Contrary to Israel's position, according to international law, the creation and continuation of belligerent

occupation does not depend on the state's decision to maintain and operate a mechanism for administering the lives of the population, but only on its *military control* of the territory" (original emphasis).

This legal principle was entrenched during the Nuremberg prosecutions of Nazi war criminals after World War II. Nazi crimes in Yugoslavia and Greece, including those committed in areas nominally held by resistance fighters, were found to have taken place under German occupation. The tribunals ruled that these areas were occupied because of the tenuousness of the resistance's control—Nazi forces could seize the territory at any time if they chose to commit sufficient forces, and so under the law they retained *de facto* control.

There is an incomparable disparity in the balance of forces between the Germans and partisans in the Balkans in the early 1940s, and between the Israelis and Palestinians in Gaza today. While the Nazi forces were harried by a determined resistance movement that controlled large swathes of Yugoslavia and received arms from the allied powers, the Israeli forces are merely retreating to the outskirts of a tiny territory populated by terrorised and defenceless Palestinians.

Israel's claim that its status as occupying power will end with the completion of disengagement is, in short, entirely groundless.

Questions of international law, however, have never deterred successive Israeli governments from enacting whatever measures are deemed necessary for the successful maintenance and expansion of the Zionist state.

The only critical question for the Sharon government is that of securing the approval of the Bush administration. In January, Geoffrey Aronson issued a research paper, "Issues Arising from Implementation of Disengagement and the End of Israeli Occupation in the Gaza Strip," for Canada's International Development Research Centre. He referred to an unnamed Israeli national security official who acknowledged that discussions with the US on Gaza's future legal status had taken place. "We expect US acknowledgement [of our position]," the official declared.

This expectation is certainly justified—the US has already endorsed all of Israel's repressive and punitive measures against the Palestinian people, including assassinations, military incursions in the occupied territories, and the rapid expansion of the settlements in East Jerusalem and the West Bank.

An acknowledgement of full Israeli withdrawal would be a further provocation against the Palestinian people, and could only be issued in defiance of international opinion. But there have been indications that the Bush administration is preparing just such a move. "We can come up with a legal justification that Gaza is unoccupied," Aronson quoted an unnamed US official.

Such a move would again demonstrate the full complicity of the Bush administration in all the crimes inflicted upon the Palestinian people by the Israeli state.



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