

HUMAN RIGHTS WATCH

Joint Letter to President Bush on the Situation in Gaza

May 12, 2008

President George W. Bush
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Bush,

We are writing to you on the occasion of your forthcoming visit to Israel to urge you to exercise your influence to reverse Israel's closure policy towards the Gaza Strip and to disassociate the United States from that policy. Israel's comprehensive restrictions on the movement of goods and people, including fuel and other civilian necessities, have produced a devastated economy and a severe humanitarian crisis there. These restrictions constitute collective punishment against the civilian population, a serious violation of international humanitarian law.

Following Hamas's takeover of power in Gaza in June 2007, Israel implemented a more comprehensive closure of Gaza's borders. In October 2007, it began reducing shipments of gasoline, diesel, and other fuels. Israel's stated intention has been to pressure Hamas and other Palestinian armed groups to end their rocket attacks against Israel.

Human Rights Watch, Gisha, and Physicians for Human Rights—Israel unreservedly condemn the Palestinian rocket and other attacks against Israeli civilians, such as the mortar attack that killed a civilian in Kfar Aza on May 9, which violate the international legal prohibition against attacks that deliberately target or indiscriminately harm civilians. However, unlawful attacks by one side to a conflict do not permit unlawful actions – in this case collective punishment – by the other.

The Israeli policy's impact on the ability of armed groups in Gaza to carry out their attacks is highly debatable, and some Israeli military officials have openly questioned its effectiveness. What is clear is that Gaza's civilian population is suffering from a closure policy that has crippled Gaza's economy and paralyzed its most basic services.

Israel's legal obligations are heightened by its continued effective occupation of the Gaza Strip. Israel withdrew its military forces from Gaza in September 2005, yet it still maintains effective control over the territory via its control of Gaza's land borders, airspace, territorial waters, tax collection, and population registry. Furthermore, Israel is the major source of electricity and, because Gaza residents are not permitted to obtain fuel except via Israel, Israel is the sole source of fuel needed for transportation and the functioning of water, sewage and sanitation, and health facilities. Israeli military forces can and regularly do re-enter Gaza at will.

As the occupying power in Gaza, Israel is prohibited from attacking, destroying, or withholding objects that are essential to the survival of the civilian population. Such acts violate Israel's duty to safeguard the health

and welfare of the population under occupation. Under the Fourth Geneva Convention of 1949, which governs the treatment of civilians in wartime and under military occupation, Israel is obliged to protect the rights of Palestinians to freedom of movement, to secure access to health care and education, and to lead normal lives.

In contravention of these obligations, Israel's stranglehold on supplies of fuel, power, and other necessities into the Gaza Strip has had a grave impact on essential services and infrastructure, such as Gaza's hospitals, water-pumping stations, and sewage-treatment facilities. These cuts have crippled transportation, both public and private. We are aware that during the month of April attacks by armed Palestinian groups on border crossings as well as a strike of fuel distributors and demonstrations preventing collection of fuel transferred from Israel aggravated the impact of the fuel shortages, but the main cause of the shortages is Israel's drastic restrictions on the amounts of fuel allowed into Gaza.

The UN Relief and Works Agency for Palestine refugees has now had to interrupt its food aid distribution to some 650,000 Gaza residents on two occasions, between April 24-28, 2008 and on May 5, 2008, because it did not have enough fuel for its fleet of vehicles.

Israel's fuel restrictions as well as restrictions on the import of spare parts for water treatment facilities have interrupted treatment since January 2008, forcing the Gaza Coastal Municipality Water Utility to dump 10-40 million liters of raw sewage into the sea on a daily basis. At present Israel also prevents all entrance to and exit from Gaza, except for a small number of what it considers to be humanitarian cases. Palestinians seeking to leave or enter whether for work, medical care, or studies are prevented from doing so. Israel has arbitrarily blocked, delayed, and harassed residents of Gaza with emergency medical needs from accessing treatment outside of the Gaza Strip. According to the World Health Organization, at least 32 people who were denied exit permits have died since October 2007.

The cumulative effect of the closure has been to erode the economy "in a manner that is difficult to reverse," in the words of the World Bank. In March it reported that the restrictions have led to the suspension of 95 percent of Gaza's manufacturing operations.

Mr. President, we understand that Israel's punitive measures are ostensibly directed at the Hamas de facto government in Gaza as well as other armed groups, but these measures have caused grave harm to the 1.5 million civilians who reside there. As a strong ally of Israel, you are in a unique position to urge Israel to cease the unlawful closure it has imposed on the Gaza Strip. We urge you in the strongest terms to make clear that the United States cannot support or in any way be party to such a clear violation of international humanitarian law.

Yours sincerely,

/s/

Joe Stork

Deputy Director

Middle East and North Africa division

Human Rights Watch

/s/