

Gaza Access and Movement: 2018 Summary

In the last year alone, numerous events took place in Gaza, and in the region more broadly, that contributed to a significant deterioration in the economic and humanitarian situation in the Strip. Israel tightened restrictions on movement and imposed punitive closures; reconciliation attempts between Hamas and the Palestinian Authority faltered, causing the PA to carry out further economic sanctions and withdraw staff from Kerem Shalom and Rafah crossings; the United States cut funding to UNRWA and USAID; and hundreds were killed and thousands injured by Israeli forces in the Great March of Return protests, straining an already depleted health sector. The unemployment rate rose to 52% in 2018, one of the highest rates globally, and reached nearly 70% among young people. Combined, these events resulted in a pervasive sense of hopelessness, evidenced by [reported rising rates of suicide](#) and attempts [at emigration](#).

In light of worsening living conditions, pressure on Israel and Egypt to stabilize the situation led to some changes in policy and practice. Travel for individuals in certain categories increased via Erez Crossing compared to 2017 and Rafah Crossing, between Gaza and Egypt, which had been mostly closed since 2014, was opened in May and operated five days per week, if not more, through the end of the year. Salah a-Din gate, near Rafah, began operating for entrance of goods to Gaza in February. Overall, sweeping and indiscriminate restrictions on travel and on movement of goods between Gaza and the West Bank and Israel remained in place throughout 2018, and movement via Egypt remained limited. Criteria for travel of people via Israel remained circumscribed to mostly humanitarian cases and despite some improvement on 2017, rates of movement and access remained a fraction of pre-2007 levels.

Highlights

- **Movement of people:** In 2018, Israel continued to restrict movement of people between Gaza, Israel and the West Bank to “exceptional humanitarian cases, with an emphasis on urgent medical cases” and despite some improvement on 2017 rates of travel, appeared to be interpreting its already stringent criteria even more narrowly and blocking people on unspecified “security grounds,” obstructing travel for families, professionals, access to medical care and for other reasons. Travel via Rafah improved significantly, yet still fell short of early 2013 rates.
- **Movement of goods:** In February 2018, goods began entering Gaza in a limited manner via Salah a-Din gate on the Gaza-Egypt border. Kerem Shalom, the Israeli-controlled goods crossing, operated for entrance and exit of goods from the Strip, but was closed on numerous occasions as a punitive measure and in some instances also due to damage caused to the crossing during protests. About 80% of outgoing truckloads from Gaza carried agricultural produce. Overall, the number of trucks exiting the Strip in 2018 was almost on par with the number from 2017, and represents a 22% increase from 2016, but as with movement of people, was still only a small fraction of pre-2007 quantities.
- **Punitive actions following rocket fire and other incidents:** Throughout the year, Israel’s Minister of Defense ordered Kerem Shalom Crossing closed or open only to limited entry of goods on five occasions, including for a period of five weeks from July 10 – August 14. Erez Crossing was also closed or heavily restricted on seven occasions, in addition to holiday closures.
- **Access restricted areas on land and at sea:** The access restricted areas in Gaza were the site of the

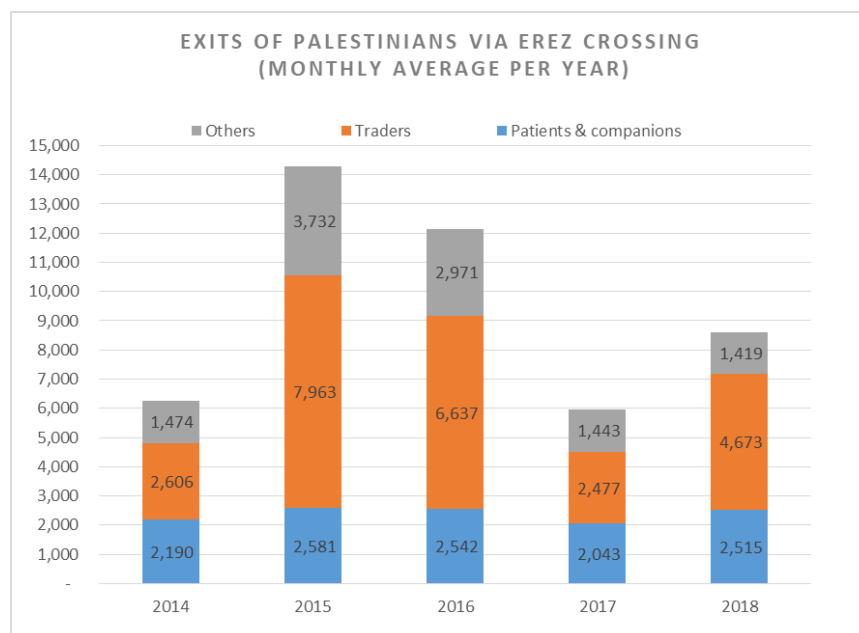
weekly Great March of Return protests, and as during other periods, lethal force was used to enforce restrictions on access to the area, even when no imminent threat to life was present. The permitted fishing zone was expanded and contracted repeatedly throughout the year, revealing again the arbitrary nature of these and other restrictions.

Movement of people

Erez Crossing

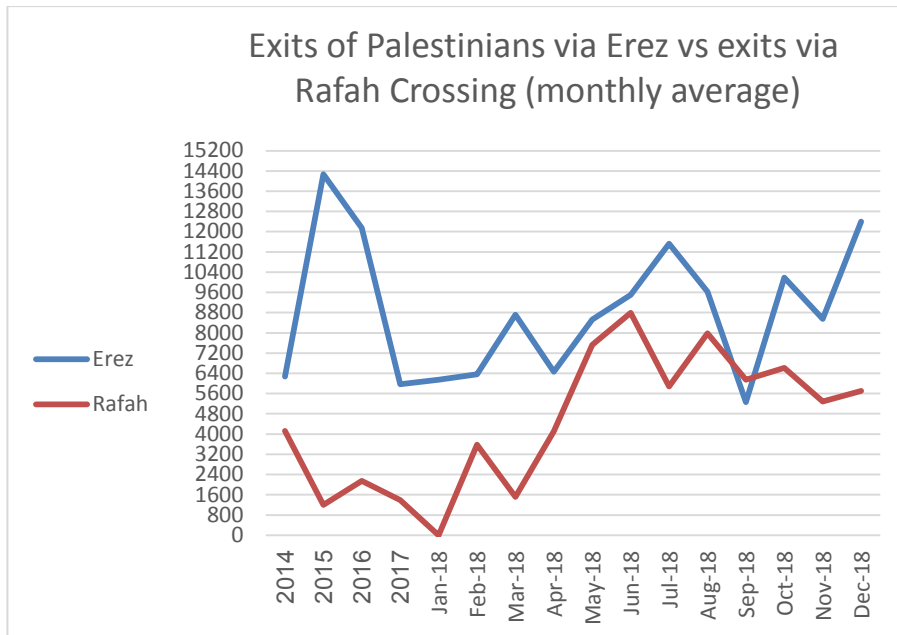
In 2018, the monthly average number of exits of Palestinians from Gaza through Erez Crossing was 8,606, an increase of 44% compared to the monthly average of 5,763 exits in 2017. The increase was mostly due to an increase in the number of trader, or merchant, exits. In March 2018, the army granted about 1,500 additional permits to Gaza traders, increasing the number of valid trader permits from 501 in early February to 1,995 at the beginning of March. The monthly average number of valid trader permits between March and December 2018 stood at 1,917 permits, compared to 844 permits during the equivalent period in 2017. For comparison, however, at the end of 2015, there were 3,600 valid trader permits.

The average number of monthly exits in 2018 was still 29% less than in 2016 and 40% less than in 2015. Despite the increase in movement of traders, or merchants, businesspeople and manufacturers from various sectors in the Gaza Strip [pointed to](#) the lack of exit permits for traders and unspecified security blocks on travel as the main problems hindering economic development in the Strip.



Rafah Crossing

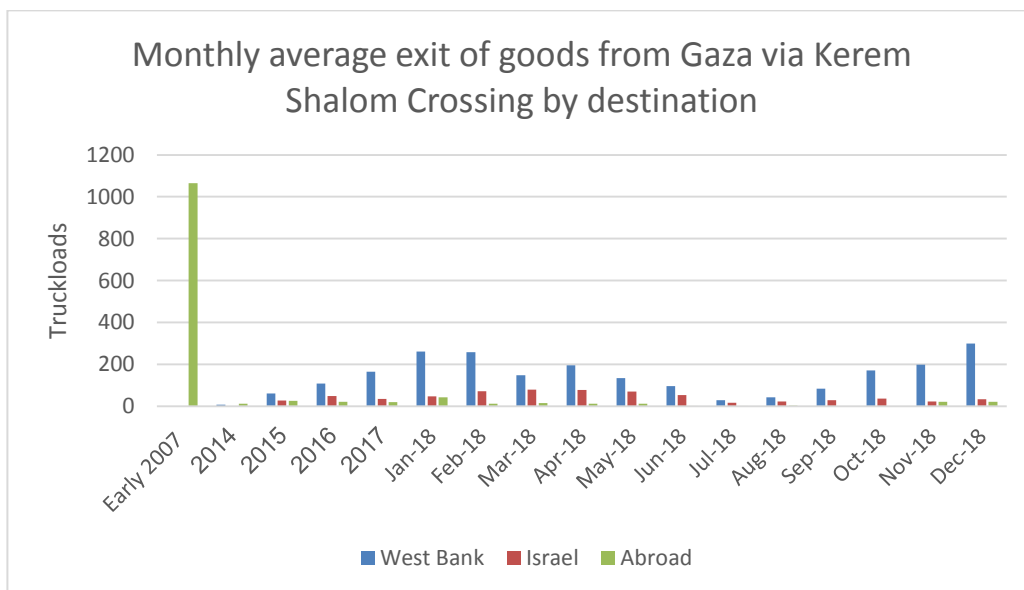
In 2018, Rafah Crossing between Gaza and Egypt operated on 180 days for the exit of people from Gaza to Egypt and on 203 days for entry from Egypt into the Gaza Strip. The monthly average number of crossings to and from Gaza through Rafah was 8,163, compared to a monthly average of over 40,000 crossings in the first half of 2013.



Movement of goods

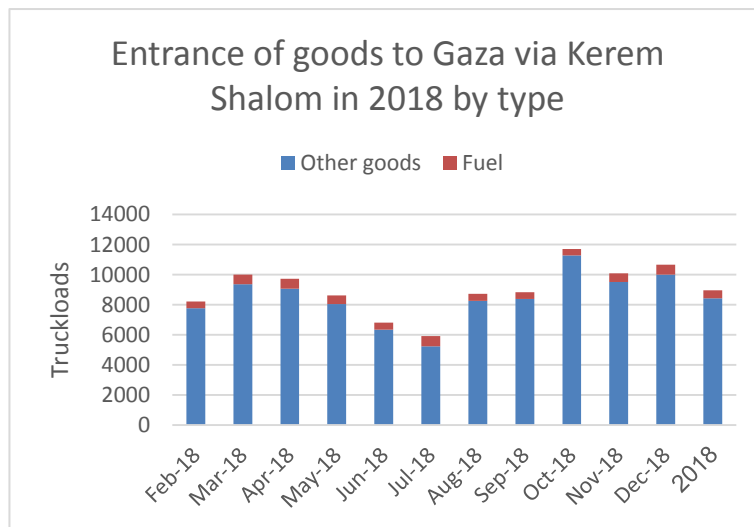
Exit of goods

In 2018, 2,607 truckloads of goods exited Gaza for the West Bank, Israel and abroad, averaging 217 truckloads per month. This figure is almost identical to the number of truckloads that exited Gaza in 2017 (2,620), but only about one-fifth of what exited (to all destinations) before the closure was tightened in June 2007.



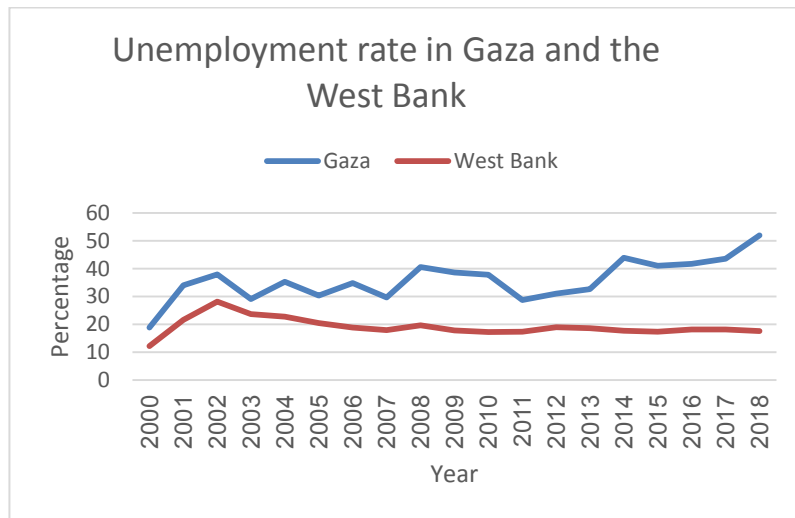
Entry of goods

In 2018, a monthly average of 8,970 truckloads of goods entered the Gaza Strip through Kerem Shalom crossing compared to a monthly average of 10,499 truckloads in 2017, a decrease of 15%. The overall decline in the total was due to decreases in the entry of building materials and fuel. Goods began entering Gaza from Egypt through Salah a-Din gate in February 2018. An average of 635 truckloads of goods entered per month from February through December and the crossing operated about 10 days per month.



Punitive actions following rocket fire and other incidents

Israel closed Kerem Shalom Crossing on five occasions in 2018 in response to protests, and the launching of rockets and incendiary kites from Gaza into Israel (see our updates [here](#), [here](#), [here](#) and [here](#)), including extended and severe restrictions from July 10 – August 27. Erez Crossing was also closed for exit from Gaza, or heavily restricted, on seven occasions (see our updates [here](#), [here](#) and [here](#)). Statements by Israeli officials seemed to indicate that on the majority of these days, the operation of the crossings was disrupted in response to protests, fires caused by kites or rocket launches but not due to a clear security need, raising questions about the military necessity of the closures and the subsequent harm caused to civilians and to the economy.



Access restricted areas on land and at sea

Contrary to the illusion held by many that Israel's presence in the Gaza Strip ended with the implementation of the Disengagement Plan in 2005, to this day Israel continues to exercise [control](#) over nearly every aspect of life in Gaza, including through its control over movement and access. Importantly, it continues to enforce [restrictions on access](#) to areas deep inside the Strip and in Gaza's territorial waters, commonly referred to as the "Access Restricted Areas" (ARAs). On land, Israel calls the area to which it controls entrance the "buffer zone." The area runs along the entire length of the fence separating Gaza from Israel at a distance of 300 meters into the Strip. The buffer zone garnered a lot of attention in 2018, as it was the main site of the weekly Great March of Return protests. The "fishing zone" Israel permits at sea is just a fraction of Gaza's actual territorial waters. In both of these areas, Israel employs violent enforcement measures, including use of live fire, against what it perceives as breaches of its directives, resulting in the death and injury of Palestinian residents of Gaza.

The permitted fishing zone off of Gaza saw a number of reductions and expansions last year, including two expansions, once in the spring and once in the fall (on [April 10](#) and August 15), and three punitive reductions in response to the protests (on [July 10](#), October 6 and October 17). These repeated expansions and reductions harm Gaza's already struggling fishing industry. The frequent changes do not allow fishermen to know with confidence and consistency the size of the permitted fishing zone.

Legal cases of note in 2018

Denial of medical access to relatives of Hamas members

On August 26, a [petition](#) (Hebrew) filed by Gisha together with Al Mezan, Adalah, and Physicians for Human Rights Israel was [accepted](#) unanimously by the Supreme Court, which ordered Israel to allow five medical patients from Gaza to travel via Israel in order to reach medical treatment unavailable in the Strip. The justices also ruled that the Israeli Security Cabinet's 2017 decision to deny Gaza patients access to medical treatment as a means of leverage over Hamas was ineffective and illegal.

The petition was submitted on July 29 on behalf of seven critically ill women from Gaza in need of urgent

medical treatment at Palestinian hospitals Augusta Victoria and Al Makassed in East Jerusalem. Israel had denied their applications for exit permits on the grounds that they were “first-degree relatives of Hamas members.” The state argued before the High Court that the permit refusals reflected a decision made by Israel’s Security Cabinet in January 2017 which orders “several operative measures to serve as leverage over Hamas with respect to returning captured and missing persons.” The state confirmed that the patients themselves did not pose any threat to Israel’s security. After the petition was filed, Israel admitted that it had mistakenly identified two of the seven patients as “relatives of Hamas members” and would allow them to reach medical treatment, which had already been greatly delayed. One of the two petitioners was in such grave condition that she opted to forgo the bureaucratic process of re-submitting her application for an exit permit from Israel.

Gisha’s attorneys argued in court that the decision to deny the petitioners, most of whom have cancer, passage through Israel was illegal, and effectively constituted a punitive death sentence for reasons entirely out of their control. They clarified that Israel was not being asked to subsidize the medical treatment, but simply to comply with its responsibilities toward Gaza residents given Israel’s ongoing control over the crossings. By virtue of its control, Israel is obligated to enable medical patients to enter Israel in order to access necessary medical treatment, an obligation which Israel only fulfills in the cases of severe and exceptional medical conditions. The justices ruled that Israel’s decision to impose a sweeping prohibition on exit of Gaza residents in need of urgent medical treatment to serve as leverage over Hamas is invalid, stands in violation of fundamental human rights, and moreover, does not promote Israel’s objective of returning captured and missing persons.

Punitive closure of Kerem Shalom Crossing

On August 9, Gisha [petitioned](#) (Hebrew) the High Court along with the Association for Civil Rights in Israel, HaMoked, Al Mezan, Adalah, and Physicians for Human Rights Israel, demanding that the court instruct the state to immediately reverse all restrictions imposed by Israel on the movement of goods through Kerem Shalom Crossing, the main lifeline for the two million people living in the Gaza Strip, about half of whom are children.

The sanctions at Kerem Shalom, implemented on [July 10](#), led to shortages in basic commodities and inflicted immeasurable damage on industrial activity, businesses and factories, which are struggling as it is to engage in economic activity under the severe constraints of the closure tightened by Israel in 2007. Thousands of jobs were lost in the farming, textile, furniture and construction sectors in Gaza, sending a ripple effect through other sectors, and greatly exacerbating the rate of unemployment, which had reached 53.7% even before the crossing’s operations were reduced in July. The petition was submitted along with affidavits by farmers and businesspeople, demonstrating the severe scope of the damage caused to Gaza’s economy.

Israel openly stated that its actions were [punitive measures](#) against Gaza’s civilian population, intended to mount pressure on Hamas in response to incendiary kites and balloons being launched from Gaza. Israel reopened the crossing on August 14, only five days after we submitted our petition.

Processing times for permit applications

In April, Gisha submitted a [petition](#) (Hebrew), along with Physicians for Human Rights Israel and HaMoked, demanding that Israel amend its draconian [directive](#) on processing times for permit applications by Gaza residents. We [argued](#) that the timeframes the state has granted itself to respond to permit applications are grossly unreasonable, and showed that the directive infringes systematically on residents’ ability to fulfill basic needs, let alone to exercise their fundamental human rights.

According to the directive, an application submitted to Israel by a medical patient must be processed within 23 business days, regardless of when the patient has an appointment scheduled. Every permit granted is for single use only, making matters extremely difficult for patients with chronic illnesses who require a series of treatments. An application to visit a relative who is severely ill, or to attend a first degree relative's wedding in the West Bank or Israel, must be processed within 50 business days, while travel for study abroad must be processed in 70 business days.

The directive blocks Gaza residents from reaching appointments for medical treatment unavailable in the Strip or academic scholarships in universities abroad; it prevents people from attending work meetings and conferences, and denies them the possibility of visiting first-degree relatives at risk of death, among other things. We [asked](#) the court to review these issues as a matter of principle, but the court [refused](#) to consider the petition on a principled basis, noting that it preferred to discuss each of Israel's criteria for movement separately. The court rejected our subsequent request to amend the petition to examine individual criteria for movement in the context of different cases. In practice, the court's decision allows Israel to evade its legal obligations towards the residents of the Gaza Strip.