

**HUMAN RIGHTS WATCH**

## **Israel: Threatened Sanctions on Gaza Violate Laws of War**

### ***Rocket Attacks Cannot Justify Collective Punishment***

(New York, September 20, 2007) – Israel’s threat to impose additional sanctions on the Gaza Strip would constitute unlawful collective punishment of Gaza’s civilian population, Human Rights Watch said today. The Israeli government has proposed further reducing supplies of fuel and electricity to the Gaza Strip and increasing its restrictions on the movement of goods and people in and out of the territory.

On Wednesday, the Israeli security cabinet unanimously decided to place “additional sanctions . . . on the Hamas regime in order to restrict the passage of various goods to the Gaza Strip and reduce the supply of fuel and electricity.” The government statement said this was in response to continued rocket fire into the Israeli town of Sderot and other communities by Palestinian armed groups. Israeli Defense Minister Ehud Barak said that “the objective is to weaken Hamas.”

“Palestinian armed groups are clearly violating the laws of war by firing rockets deliberately or indiscriminately at Israeli civilians,” said Sarah Leah Whitson, Middle East director at Human Rights Watch. “Israel has the responsibility to protect its citizens, but not by collectively punishing the people of Gaza, which seriously violates the laws of war.”

Cutting off fuel and electricity would violate Israel’s duty as an occupying power to safeguard the health and welfare of the occupied population, and it would also intensify the existing humanitarian crisis there, Human Rights Watch said.

Israel remains an occupying power in the Gaza Strip even though it withdrew its military forces and illegal civilian settlers in August and September 2005, because it continues to exercise effective day-to-day control over most aspects of life in Gaza. Israel fully controls Gaza’s airspace, sea space, and land borders. Since the September 2005 withdrawal, Israel has sharply limited the movement of goods and people into and out of Gaza. Since June 2007, when fighting between Hamas and Fatah left Hamas in control inside the Gaza Strip, Israel has allowed no exports and has limited imports to certain humanitarian supplies, effectively shutting down Gaza’s economy.

Under the Fourth Geneva Convention, an occupying power is obligated to ensure the provision of food and medical supplies to the civilian population to the fullest extent possible. In contemporary societies, power and fuel are closely intertwined with access to food and health care, and cutting off these would doubtlessly have a serious impact on the health and well-being of the civilian population.

Israeli officials Wednesday stated that the sanctions would take into account “both the humanitarian aspects relevant to the Gaza Strip and the intention to avoid a humanitarian crisis” and would be implemented “after Israeli authorities have examined the legal and humanitarian consequences.”

“As a result of Israel’s closure policies already in place, Gaza has long been in humanitarian crisis,” Whitson said. “It stretches the imagination that any honest legal review of the proposed additional restrictions would

allow them to go forward.”

Collective punishment is expressly forbidden under international humanitarian law. According to this principle, persons cannot be punished for offenses that they have not personally committed. In its authoritative commentary on Article 33 of the Fourth Geneva Convention, the International Committee of the Red Cross has clarified that the prohibition on collective punishment does not just refer to criminal penalties, “but penalties of any kind inflicted on persons or entire groups of persons, in defiance of the most elementary principles of humanity, for acts that these persons have not committed.”

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