

The Gaza Disengagement and the Prospect of Further Human Rights Violations

By Ilan Pappé*

There is an amazing gap between the global discourse on the Gaza Disengagement Plan of the Sharon government and the local realities on the ground. Whereas the Israeli pullout is being portrayed in international public fora as an historic decision, which offers a rare opportunity for peace in the area, local observers – especially in Palestine – warn that the plan is not likely to advance the peace process; in fact, it is seen as a deliberate attempt by the Israelis to obstruct any future progress towards an acceptable solution.

This imbalance between representation and reality makes it difficult to assess and discuss the significance of the Gaza withdrawal from a human-rights perspective. The attempt here will be to weigh the potential positive outcomes of the Israeli withdrawal against the potential negative repercussions for human rights in Israel and Palestine.

There is a consensus among mainstream Israeli and Palestinian literati and pundits that the disengagement from Gaza is no more than a redeployment of Israeli forces and is not intended to change the status quo or bring an end to the occupation. This article is based on the same premise. Theoretically, and in itself, this realization does not preclude a potential improvement in the lives and rights of the people living in the 1967 Occupied Palestinian Territories (OPTs). For instance, the removal of the provocative settlements from the Gaza Strip and from a small area in the north of the West Bank could improve the quality of life of many Palestinians. The settlers violated Palestinian rights directly through their daily violence and brutality, and indirectly by inviting heavy and oppressive military invasions into the OPTs either to protect them, or to retaliate in their name. The withdrawal could thus remove this despicable aspect from the lives of some Palestinians in the areas to be evacuated.

Moreover, regardless of its real motives, the move could advance the Palestinian right to self-determination. This is a position argued by the Islamic forces in the OPTs, which see the pullout as the defeat of the occupying army, and there is indeed more than a modicum of truth in this representation.

However, for these two positive aspects to materialize as a new reality, the withdrawal must mean a genuine Israeli detachment from the lives of the Palestinians in the Gaza Strip and northern parts of the West Bank. Unfortunately, there is very little evidence to suggest that this will in fact be the outcome of the disengagement. The first omen is the Israeli insistence that there will be no further territorial concessions. While this position is not always stated openly, it was spelled out clearly by Dov Weissglas, Ariel Sharon's senior aide, in an interview with *Ha'aretz* on 8 October 2004, in which he stated, "The disengagement is actually formaldehyde. It supplies the amount of formaldehyde that's necessary so that there will not be a political process with the Palestinians." Other senior Israeli officials, including the Prime Minister himself, declared that the disengagement is a national trauma; by which they mean that no Israeli government is ever going to attempt such a move again. Furthermore, the Israelis have minimized, as far as possible, any cooperation with the Palestinian Authority on the withdrawal in order to avoid creating any domestic impression that the pullout is part of a peace dialogue, and not, as they wish to portray it, the redeployment of forces.

These declarations fit well with the overall strategy of the Sharon government – which enjoys broad support among the Israeli Jewish electorate. The aim is to create a Greater Israel, which includes almost half of the West Bank, but which excludes the Gaza Strip and purely Palestinian areas in the West Bank (these latter areas are spread intermittently between

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Jewish settlement blocs and lack territorial contiguity). These Palestinian enclaves in the West Bank, together with the Gaza Strip, can become autonomous areas and can even, at a later stage, be called a state.

Thus, the wider context for analyzing the impact of the Disengagement Plan on human rights is Israel's overall strategic thinking. This Israeli vision of the future will affect human rights in the OPTs, and inside Israel, in more ways than one. However, before these possible influences can be presented here, one has to consider the probable Palestinian reaction to such a strategy. What can one expect from the Palestinian leadership, different Palestinian groups and the Palestinian public in general to do, once it transpires that the pullout from Gaza is the end of, rather than a station in, the peace process? At the very least, one can expect a similar level of resistance to that currently being attempted by the various Palestinian forces in their desperate struggle against the status quo (although one can even envisage far worse scenarios). Let us assume, for the sake of argument, that the frustration in the Palestinian areas will not result in actions that exceed the known patterns of attacks against the army and settlers from both the Gaza Strip and the West Bank. This means that a low-key second Intifada is likely to continue, despite the discourse of peace accompanying the withdrawal. If we append this probable Palestinian conduct to the overall Israeli strategy, we have a more complete picture, which should enable us to analyze more closely the possible impact of the disengagement on human rights in the OPTs.

Three senior Israelis – the Prime Minister, the Minister of Defense and Eival Giladi, the Director of the Strategic Coordination Staff in the Prime Minister's Office – have already explained what the Israeli retaliation would be against such a Palestinian reaction. Giladi told the printed and electronic press that, "Israel will act in a very resolute manner in order to prevent terror attacks and militant fire while the disengagement is being implemented ... and if pinpoint response proves insufficient, we may have to use weaponry that causes collateral damage, including helicopters and planes, with mounting danger to surrounding people" (*Ha'aretz*, 22 June 2005). A month later, Tawfiq abu Husa, spokesperson for the Palestinian Ministry of the Interior, notified the Israelis that the Ministry could not secure a peaceful pullout (www.walla.co.il, 30 July 2005). Even without this declaration, it was clear that shots would be fired during and after the pullout.

Giladi, who is quite often in the shadow, made several additional and rare public appearances for the sake of repeating the same message, extending the threat to the period after the evacuation. It seems as if he were preparing local public opinion for massive destruction to be inflicted by Israel on Gaza during and after the pullout. The Israeli army needs such a show of force, which could lead to gross violations of human rights, precisely because the Islamic groups portray the withdrawal as a defeat for Israel. The same sense of defeat in the summer of 2000 in Lebanon, led then-IDF Chief of the General Staff Shaul Mofaz to demand a brutal show of force against the Palestinians when the second Intifada broke out. In his present capacity as Minister of Defense, Mofaz harbors the same ideas. This continuity is described well in a new book, *Boomerang*, written by the journalists Ofer Shelah and Raviv Druker. The former served as an officer in Mofaz's battalion during his army service and has a good personal connection with the Minister. According to the book, in order to 'rehabilitate' the loss of 'Arab respect' for the army, back in 2000 and 2001 Mofaz foiled any serious attempt made by the Palestinians and moderate Israelis to end the military escalation of the second Intifada.

The book shows that the Disengagement Plan was concocted by Ariel Sharon, after learning that then-state prosecutor Edna Arbel was about to indict him on corruption charges. The army went along with the plan, although most of Mofaz's colleagues rejected it. The army's position is quite puzzling. All of its senior officers said openly and in internal debates that a unilateral withdrawal would be a disaster. Eventually, however, all, to a man, came out in its favor. Why did the IDF agree to a plan it thought was disastrous? According to the book,

because it bent to heavy political pressure from a Prime Minister who was convinced he would be prosecuted for his political and financial corruption. Indeed, the army chiefs continue to argue that after the withdrawal there is likely to be more fire directed from the Strip at Jewish towns within pre-1967 Israel. The army will have to show after the withdrawal that the deterrence capability it believes Israel will have lost by unilaterally withdrawing can be restored. In the case of the OPTs, this means one thing only: the systematic abuse of human rights through the excessive employment of gunships, F-16s and other weaponry that will inflict 'collateral damage.'

The likelihood that the disengagement will not end the occupation, but rather perpetuate it, is in itself bad news for the future human and civil rights of the Palestinians. The possibility of brutal Israeli actions leading to massive killing within the Gaza Strip is also troubling, to say the least. Moreover, the Israeli insistence on disconnecting the Strip from any land contact to the east, north and south, and on continuing to blockade it from the sea to the west, raises genuine concerns about the economic standard of living and social welfare of its more than 1.4 million Palestinian residents.

It is quite likely, then, that Palestinians will pay for the 'national trauma,' in order that both the 'nation' and the army can feel healed after the crisis is over. However, far more important is the possible sense of success that will descend on the Israeli policy-making apparatus, should the withdrawal be implemented relatively smoothly. It would be considered a victory for 'unilateralism,' which is now the mantra of the consensual political center in the country. 'Unilateralism' means that the Palestinians, wherever they are – inside Israel, in the refugee camps, in the Diaspora or in the OPTs – have no say in the future of Palestine and Israel. Hence, laws can be passed to prevent Palestinian marital partners from different sides of the Green Line from living together in Israel, with total disregard to the wishes of the Palestinians themselves (in July 2005, 59 members of Knesset voted to extend this law, with minor amendments, whilst only 13 voted against it, although in fact more than 100 out of 120 Israeli members of Knesset support this racist legislation). In addition, Israeli security arrangements in the form of the wall and other defensive means can be decided upon regardless of any concern for what the Israeli Supreme Court euphemistically calls "the comfort of the Palestinians." By now it has been well documented that these means have caused the transfer of people, the loss of their livelihood and their imprisonment between huge walls and army lookout towers.

After the withdrawal, which is portrayed domestically as a national trauma not to be repeated, and to the world at large as the bravest peace plan ever proposed to the Palestinians, 'unilateralism' is in danger of becoming sacrosanct. In terms of human rights, this means that in the aftermath of the disengagement the Israeli agencies dealing with the Palestinians under their control will pursue the same callous policies described above with even less regard to Palestinian opinion or rights. Against the mood and discourse of 'significant concessions' – as with the talk of 'the most generous offer' in the summer of 2000 – the Israeli authorities will have no scruples in determining, with brutal force, who the Palestinians can marry, where they can live and work, when they can go out or for how long they have to stay imprisoned in their homes before curfews and closures are lifted. Worse, the army will be able to continue its policies of shooting and killing without any inhibitions.

Within Israel itself, the pullout also raises serious questions about the state of human and civil rights. The anti-pullout opposition has claimed that the Sharon government is guilty of violating basic human and civil rights, both in the way in which it legislated the decision to implement the withdrawal and in which it silenced civil disobedience against it. On a certain level, some of the principal allegations of the settlers and their supporters are correct. Several of their basic rights as citizens – such as freedom of speech and protest – were curbed. Their eviction, on the other hand, cannot be regarded as a violation of human rights, as they are being removed from an area in which they settled illegally.

However, the government and its agencies' overall treatment of the protest movement serves to highlight a different aspect of human and civil rights in Israel: the wide gap between the ways in which Palestinian and Jewish citizens of Israel engaged in protests against the government are dealt with. Some of the actions undertaken by the protestors were identical to those undertaken during the protest demonstrations held by Palestinian citizens of Israel throughout the country in October 2000: unauthorized demonstrations, the blockading of roads and highways, throwing stones at the security forces, etc. Although the settlers and their supporters have been engaging in such activities for several months, the police have responded almost entirely through non-violent means resulting in almost no injuries. Detainees have been held for relatively short periods of time. In October 2000, 13 unarmed Palestinian citizens of Israel were shot dead in clashes with the Israeli security forces. Hundreds of others were wounded and arrested, and dozens were criminally indicted and received lengthy prison sentences. The most bewildering official statement in this context was that given by former Prime Minister, Ehud Barak on the current protests, in which he condoned the settlers' blockading of highways. In October 2000 he ordered snipers to fire live bullets at Palestinians doing the same in Wadi 'Ara.

The discrimination evident in the means of dealing with these two cases is a portentous omen for the future. It suggests not only that Israel will attempt to evade withdrawal from any further occupied land and avoid conducting genuine peace negotiations with the Palestinians, but also that it will maintain the current regime of segregation and discrimination within Israel, allowing extreme right wingers to perpetuate Israeli intransigence and preventing Palestinian and non-Zionist political groups in Israel from enjoying their basic rights to freedom of expression and political participation.

In short, the Disengagement Plan is a step toward consolidating an Israeli regime of discrimination inside the state, as well as the policies of occupation, colonization, and, potentially, massive killing in the OPTs. The regrettable misconception of the move in the international media will allow the Israeli government to continue to pursue its plans. As in the past, it remains the duty of the civil societies in the West to expose this distorted picture and to exert pressure on their governments to demand a total Israeli withdrawal from all of the territories it occupied in 1967 and the introduction of international peace-keeping forces in their place. These developments would bring relief to those living under occupation, after enduring almost 40 years of the systematic abuse of their human and civil rights. International protection should be provided for the Palestinians until all the outstanding problems – the refugee issue, the question of Jerusalem and the future political structure for both peoples – are resolved through peaceful dialogue.

A report by human rights organization B'Tselem examining suspected violations of International Humanitarian Law by both Israel and Palestinian armed groups during Operation Pillar of Defense in the Gaza Strip and Israel, between November 14-21, 2012. The report includes nine case studies. Date uploaded. In June 2007, after Hamas seized control of the Gaza Strip, Israel further tightened its control of the crossings and rarely allowed Palestinians to enter or leave Gaza, or to import or export goods. Three months after the Hamas takeover, in response to the continued firing of Qassam rockets at Israel, Israel's security cabinet declared the Gaza Strip a hostile entity and adopted collective punitive measures, including cutting back the electricity and fuel supply to Gaza. I. GAZA: Prior to and the Aftermath of the Israeli Military Operations in December 2008. a. Gaza prior to Israel's military offensive on December 27, 2008. It is imperative to take a step back and look at the situation in the Gaza Strip prior to Israel's 22 day military offensive which began on December 27, 2008. Now that the smoke has temporarily settled from Gaza's skies, local and international human rights organizations began reporting about the utter devastation that took place throughout the course of Israel's 22 day assault. According to statistics by the Gaza-based Palestinian Centre for Human Rights, at least 1,285 Palestinians were killed, of which 895 were civilians, including 280 children and 111 women. According to the "Disengagement Plan", the Israel maintains a right of self-defence, both preventive and reactive, including where necessary the use of force, in respect of threats emanating from the Gaza Strip.[2] Such a reservation presupposes a surveillance network and high-readiness military assets, which make the idea of a virtual occupation quite credible.[3] The same "Disengagement Plan" rules that. Israel continues to maintain complete control over the air and sea space of the Gaza Strip. Further, it cited the ICTY decision in the part in which it stressed that "in the hands" of a hostile army or an occupying power is being understood not in its physical sense, but in the broader sense of being "in the power" of a hostile army. [6].