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[IDF Spokesperson logo]

Israel	Defense	Forces
IDF		Spokesperson
Public	Liaison	Branch
Public	Intake	Department
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3	Sivan	5776
9	June	2016

To

Adv. Meissa Ershaid, Gisha

Re: Your Freedom of Information application to the IDF Spokesperson regarding the Gaza Strip sea space

Dear Madam;

Your application dated April 7, 2016 with respect to the matter in reference has been received by our department and has been referred to the relevant officials for a response.

Below please find the response of the IDF Spokesperson Public Intake Department to your application:

First, we note that all the distances specified in this document relate to a line running perpendicularly from the Gaza coast, unless otherwise specified.

Section 4 (a) - The farthest nautical distance all Gaza Strip residents may reach is up to 6 miles in the area running from the southern limit of Area K to the northern limit of Area M. No sea vessel (nor person) may sail farther than the permitted zone, pursuant to the directives of the Government of Israel.

The changes made to the permitted sea area over the last ten years are listed below:

- 1) On March 21, 2013, given high-trajectory weapon fire from the Gaza Strip, the Gaza fishing zone was reduced from 6 to 3 miles.
- 2) On May 21, 2013, the Gaza fishing zone was expanded from 3 to 6 miles.

- 3) On April 3, 2016, the fishing zone in the southern Gaza Strip, from the Gaza Valley parallel to the northern border of Area M, was expanded to up to 9 miles – for a period of two months, for the fishing season.

We note that during the fighting in Operation Cast Lead, Operation Pillar of Defense and Operation Protective Edge, all vessel movement in the Gaza sea space was enforced [sic].

Section 4(b) – The sea space stretching from the Gaza shoreline has been divided into three marine operations zones, as detailed in Annex A.

- 1) **Area K** – Off limits to vessels - from the border line-Hubers southwards, up to 1.5 miles, and up to 20 miles off the shoreline, as defined in Annex A below (between points K1-K2-K3-K4).
- 2) **Fishing Zone – Area L** – Fishing zone, delineated between Areas M and K, from the shoreline up to 20 miles off the shoreline into the sea, as defined in Annex A below (between points M4-K4). The size of the area open for fishing and other Palestinian activity changes occasionally subject to ministerial level decisions and military personnel recommendations.
- 3) **Area M** – Off limits to vessels. Width – from the tactical coordination line 1 mile to the north, and 20 miles off the shoreline, as defined in Annex A below (between points M1-M2-M3-M4).

Section 4 (c) – The maximum permitted nautical distance is marked by brightly colored buoys that are lit after dark (sample buoy image attached).

Section 4 (d) – It has recently been possible to expand the fishing zone for two months (the fishing season) to up to 9 miles, in the area south of the Gaza Valley estuary to the northern limit of M, subject to security needs.

Section 4 (e) – There are no restrictions on Gaza residents' access to the permitted sea zone, and no restrictions on the type of activity (fishing, sports, leisure, boating), with the exception of persons engaged in criminal and/or terrorist activity at sea.

Section 4 (f) – No vessel is permitted to sail beyond the permitted sea zone, subject to directives issued by the Government of Israel. Any other exit from Gaza is made through the land crossings, according to protocol.

Section 4 (g) – On January 3, 2009, a marine closure was imposed on the Gaza Strip shoreline, and has been imposed indiscriminately and in accordance with applicable international law ever since. During the closure one vessel entered the Gaza sea space – the Arion boat breached the marine closure on June 30, 2009. Six crew members and 15 other passengers were found onboard. The vessel was seized by naval forces and taken to the Ashdod base. All passengers and crew members were delivered to immigration authorities and released thereafter. Supplies destined to Gaza residents that were found on the boat were transferred by the DCO to



UNRWA and from there to the Gaza Strip. Ever since that incident, the IDF has enforced the marine closure and stopped vessels en route to breach the marine closure, before the breach occurred.

Section 4 (h) – The information is in the possession of a different authority and therefore, pursuant to Section 8(5) of the Freedom of Information Act 5758-1998 (hereinafter: the Act), an application must be made to the COGAT freedom of information officer.

Section 5 (a) – The agency in charge of regulation and enforcement in the Gaza sea space is the IDF – Naval Forces, and it derives its authority from the laws of war, according to which it may issue and enforce security directives.

Section 5 (b) – The IDF follows open-fire regulations that govern enforcement of fishing restrictions, and, as necessary, also the seizure of vessels and arrest of fishermen. The regulations are classified and divulging them may threaten national security. We therefore must reject your request on this matter pursuant to Section 9(a)(1) of the Act. Beyond requirement, we note that force is used against fishing vessels that breach security to the minimum extent required for their capture and preceded by an individual warning to the vessel and a demand to cease the breach (in addition to the general guidelines provided to Palestinian fishermen through the Gaza District Coordination Office (DCO) with respect to the scope of the restrictions). Only where the violation continues, and particularly when it is a “repeat violation”, do naval forces take action toward seizing the vessel.

Section 5 (c) – Shooting incidents are recorded in the operational log, as any other operational event, and the information is not collected under a different breakdown, as requested in your application. We therefore must deny your request in this section pursuant to Section 8(3) of the Act.

Section 5 (d) – the IDF does not compile this information in the manner requested in your application, with reference to the ages of persons arrested and the purpose for which sea space was used, as the navy is responsible for detainees only during their transfer from the place of arrest to ISA investigation. A relevant table is attached in Annex B.

Section 5 (e) – Enforcement of fishing restrictions and, as necessary, seizure of vessels are governed by open-fire regulations. These regulations are classified and their disclosure may threaten national security. We therefore must reject your request on this matter pursuant to Section 9(a)(1) of the Act. However, as stated above, the regulations limit use of force to the minimum extent required for capturing the vessels, preventing the fishermen from further breaches and only after an individual warning is issued to the vessel.

Section 5 (f) – We do not have the information requested in the section, with respect to persons injured at sea, as a large proportion of the incidents involving injury end in light injuries that are treated on site, and are not recorded separately. We can note that as far as we are aware, most injuries are light and treated by the forces on site. All injured parties are male and

no information is available as to what they were doing, as they went beyond the permitted fishing zone and did not stop even after being warned.

Section 5 (g) – Initial treatment for injured parties is provided by a paramedic/physician on board the naval vessel. If such treatment is insufficient, the injured party is transferred via ambulance to Barzilai Hospital in Ashkelon.

Section 5 (h) – From January 2009 to the present, there have been two incidents in which two Palestinians were killed in the Gaza sea space:

- 1) On August 27, 2009, Nadi Saleh al-Attar was hit and killed.
- 2) On September 24, 2010, Muhammad Mansour Omar Baker was hit and killed during the firing of warning shots.

Section 5 (i) – Since 2009, there have been two investigations into incidents in which persons died following shots fired by naval forces in the sea space off the Gaza shoreline:

- 1) On August 27, 2009, Nadi Saleh al-Attar was shot and killed. After receiving a query on the matter, inquiries were made with operational personnel to obtain more details with respect to the incident. After a review of all information collected, the Military Advocate General (MAG) concluded there were no grounds for suspecting an offense committed that would justify opening a criminal investigation.
- 2) On September 24, 2010, Muhammad Mansour Omar Baker was shot by naval forces. After receiving an query on the matter, inquiries were made with operational personnel to obtain more details with respect to the incident. After a review of all information collected, the MAG ordered a Military Police investigation. Upon completion of the investigation, findings were provided to the MAG Corps for review. The evidence in the investigation file did not substantiate a suspicion that the conduct of any of the unit's soldiers justified criminal or disciplinary action.

Section 5 (j) – The measures taken to reduce casualties are:

- 1) Advance notice of the permitted fishing zone Gaza residents may access, through the DCO, to prevent breaches and altercations with our forces.
- 2) Warning calls to vessels that breach the zone.
- 3) Use of non-lethal and crowd control weapons.
- 4) Following strict open-fire regulations that are more restrictive than international law.
- 5) Constant communication between the DCO and top Fishing Association officials in order to clarify directives – with the participation of the Ashdod base commander.

Section 6 (a) – Enforcement of fishing restrictions and, as necessary, seizure of vessels are governed by open-fire regulations. These regulations are classified and their disclosure may threaten national security. We therefore must reject your request on this matter pursuant to Section 9(a)(1) of the Act.

Section 6 (b) – Though the laws of naval warfare do permit confiscation of fishing vessels seized following a violation of directives and provisions issued by states, the fishing vessels and the equipment on board are returned to their owners in restitution drives initiated by the IDF, in cooperation with the Fishing Association and subject to conditions on the ground.

Section 6 (c) – Since 2009, naval forces have seized vessels as listed in Annex C. For the most part, the vessels and the attendant equipment are returned when the owners file a request enclosing an undertaking to refrain from further breaches of security restrictions, or via restitution drives carried out in coordination with the Fishing Association, either on land or at sea, all subject to the situation on the ground and the condition of the vessel.

Section 6 (d) – Enforcement of fishing restrictions and, as necessary, seizure of vessels and arrest of fishermen are governed by open-fire regulations. These regulations are classified and their disclosure may threaten national security. We therefore must reject your request on this matter pursuant to Section 9(a)(1) of the Freedom of Information Act 5758-1998. With respect to the procedures on returning vessels, we note that the IDF does not have a written protocol on this issue and vessels are returned after individual examination of each case, subject to circumstances.

Section 6 (e) – As stated in Section 6(b) above, all equipment seized on board a vessel caught in breach, which arrives at the Ashdod naval base, is labeled according to vessel seized and person detained. Inasmuch as the vessel is returned, all equipment belonging to it is included and returned to the owners, with the exception of catches (food) which are recorded and released, given lack of storing capacity. Over the last few years, several dozen vessels were returned, some after being repaired by the navy to enable sea use.

Section 6 (f) – It is not possible to provide an estimate on the requested matter, as the IDF does not assess the monetary value of the confiscated items. Processing of confiscated items is carried out as detailed above.

Section 6 (g) – The IDF does not have this information.

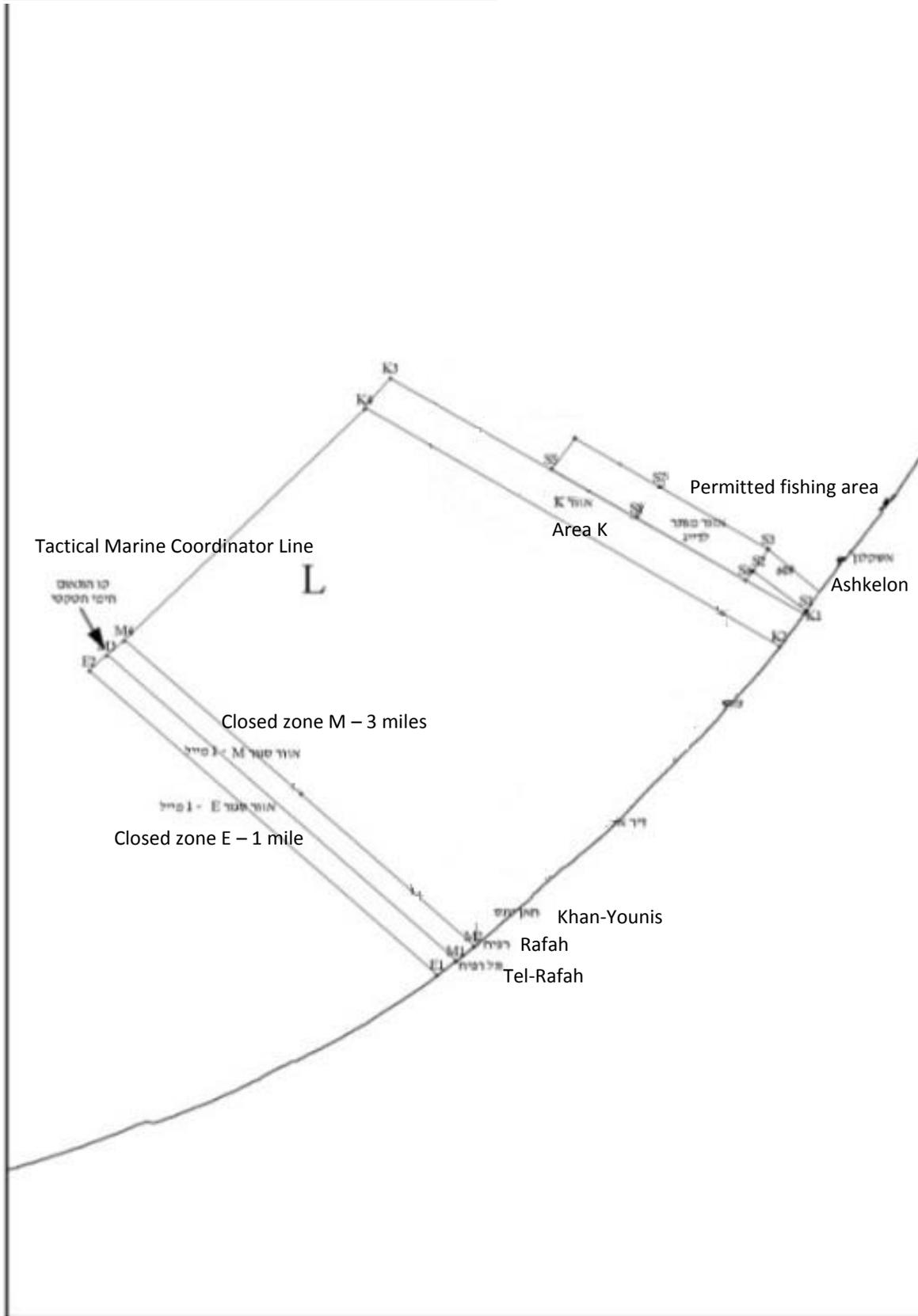
Section 6 (h) – The information is in the possession of a different authority and therefore, pursuant to Section 8(5) of the Freedom of Information Act 5758-1998 (hereinafter: the Act), an application must be made to the Ministry of Defense freedom of information officer.

FYI

Sincerely,

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Annex A: area of naval activity in the Gaza strip



Annex B: Number of detainees per month

Month \ Year												
	January	February	March	April	May	June	July	August	September	October	November	December
2009	0	0	17	12	12	12	2	4	5	0	0	5
2010	7	10	6	3	0	0	2	0	0	0	0	6
2011	12	3	2	0	0	3	2	3	10	2	17	7
2012	4	5	0	13	9	13	0	3	0	8	13	14
2013	3	6	0	0	2	2	1	6	0	0	6	0
2014	3	2	2	2	16	0	0	0	11	7	0	15
2015	8	0	6	0	2	15	8	0	0	0	8	0

Annex C: seized vessels per year

Year	2009	2010	2011	2012	2013	2014	2015
Number of seized vessels	26	14	19	35	13	27	18