



## **PRESS RELEASE**

4 August 2011

### **Israeli Navy Releases Boats Confiscated from Gaza Fishermen without Equipment and Large Motors; Fishermen Refuse to take Boats**

*Adalah and Al Mezan continue to work intensively to secure the return of the boats and equipment belonging to fishermen from the Gaza Strip following its undue confiscation by the Israeli navy. The two human rights organizations are following the cases of eight fishermen whose boats were confiscated over the past 18 months*

On 1 August 2011, after extensive correspondence, Adalah received a written response from the Israeli military prosecutor for the Israeli navy informing it that dozens of fishermen from Gaza would be permitted to go to the Karem Abu Salem (Kerem Shalom) crossing to collect small fishing boats (*hasakat*) that were confiscated from them by the Israeli navy over the course of the past 18 months. However, the military prosecutor also informed Adalah that any outboard motors over 25 horsepower on the boats had been dismantled and would not be returned to their owners, on the pretext that there was a legal prohibition against the export of such engines to Gaza.

When the fishermen arrived at the crossing to collect their boats on 2 August 2011, they were further shocked to discover that all they were given were the empty hulls of the fishing boats: in addition to larger motors, all of the fishing equipment and supplies that were onboard had been removed, in some cases worth tens of thousands of shekels. For example, on 26 April 2010, the Israeli navy raided the fishing boat of fisherman Mr. Fayyad Murtaji along the Gaza coast, arrested him and other people who were present on the boat, and impounded his vessel. The navy released the men soon afterwards but kept the fishing boat and equipment, which included fishing nets worth more than NIS 13,000 shekels, an outboard motor worth NIS 21,500, diving suits, fishing tackle, and search lighting, together worth thousands of shekels.

Furthermore, the fishermen were then required to pay the transportation fees for moving the boats from Israel to the Karem Abu Salem crossing, at a cost of between NIS 3,500 and 5,000 each. In addition, the fishermen are expected to pay for the transportation of the boats from the landlocked crossing to seaports. All the fishermen refused to take receipt of their boats and returned home without them.

The military prosecutor's response follows extensive legal correspondence between Adalah – on behalf of the fishermen and Al Mezan Center for Human Rights – and the Office of the Navy Prosecutor over the past 10 months. In the correspondence, Adalah Attorney Fatmeh El-'Ajou rejected the navy's claims that the confiscation of the boats came in response to violations of security restrictions and for sailing in a closed military zone, arguing that the boats were impounded within the maritime areas of the Gaza Strip in permitted fishing zones.

As Adalah emphasized in a letter dated 20 July 2011, the refusal to permit the import of 25-horsepower outboard motors to Gaza on the basis of the [Defense Export Control Law](#) – 2007, which prevents the export of security equipment from Israel into the Gaza Strip – was illegal in these cases, which entail the return of illegally-seized goods from the Gaza Strip and not exported goods.

The military prosecutor for the Israeli navy conditioned the return of the fishing boats on written commitments from the fishermen that they would observe “the security restrictions in the maritime zone off the coast of Gaza and the orders of the Israeli army not to violate the security restrictions,” and “forfeit their right to compensation as a result of the lengthy duration of the impounding of the fishing boats.”

Adalah further argued, in a letter dated 8 September 2010, that the impounding of the fishing boats and the conditions imposed by the Israeli navy constituted a grave violation of the rights of Gaza residents to occupation and property under both Israeli domestic law and international law.

Attorney Mervat An Nahhal of Al Mezan stated that the confiscation of the fishing boats from Gaza comes within the broader context of the Israeli maritime blockade on the Strip, which is imposed by force of arms by the Israeli navy. Fishermen are exposed to serious rights violations that tread on their dignity and undermine their ability to work, even while fishing in permitted areas. Dozens of fishermen have been killed, injured and detained, their property has been illegally seized, and many of them have been driven into poverty and unemployment. Attorney An Nahhal argued that these practices constitute grave violations of international law, and form part of the collective punishment that is imposed on Gaza. They further violate the prohibition on targeting civilians and their livelihoods in the context of Occupation and armed conflict. She further stated that Adalah and Al Mezan would continue to work together on these cases to gain justice for the fishermen.