



Israel's internal displacement of Palestinians in the Gaza Strip

Briefing Note
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- Since the beginning of its occupation of the Gaza Strip and the West Bank in 1967, Israel has carried out systematic attacks against civilians in the occupied Palestinian territory, resulting in large-scale internal displacement.
- This briefing note sets out the illegal attacks carried out by the Israeli forces against civilians in the Gaza Strip and the illegality thereof. Such actions have resulted in forced internal displacement, as defined in paragraph 2 of the Guiding Principles on Internal Displacement, which states that: "...internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border."
- In the Gaza Strip, forced displacement results from a series of policies and actions. One of these is the collective bulldozing of houses and razing of adjacent lands by the Israeli forces. The last large-scale bulldozing campaign took place during the 2008-2009 military assault on the Gaza Strip, dubbed 'Operation Cast Lead'. More than 2,500 houses were flattened with bulldozers while agricultural lands were razed. During the same military operation, approximately 5,000 airstrikes were carried out across the Gaza Strip. The bulldozing and air strikes combined caused the large-scale forced displacement of 3,100 families, comprising more than 19,000 people, of whom 9,400 were children.
- Civilian areas across the Gaza Strip are frequently targeted with air strikes and shooting by Israeli forces. Since 'Operation Cast Lead', PCHR has documented nearly 350 air strikes and 6 bulldozing incidents targeting civilian homes, leading to the total destruction of 28 houses and the partial destruction of another 311 houses. As a result, 24 families consisting of 153 people, of whom 83 children, were forcibly displaced.



- Attacks directed against civilians and their homes and livelihoods, which lead to internal displacement, are a particular concern in the northern and eastern areas of Gaza, which border Israel, and where Israel has unilaterally and illegally created a so-called 'buffer zone'.¹ In the 'buffer zone' of the Gaza Strip, internal displacement happens as a result of tank shelling, air strikes and shooting by Israel's forces, in the outcome of which is the total or partial destruction of civilian homes, as well as the incitement of fear in the civilian population. Throughout 2010, PCHR recorded 161 incidents of live fire used by Israeli forces against Palestinian civilians in the 'buffer zone'. In 2011, this number reached 63, and, from January until June 2012, PCHR has documented 31 such incidents.
- As a result of such attacks, 922 homes have been demolished in the 'buffer zone' since the beginning of the Second Intifada in September 2000 until February 2012, leading to the displacement of 1,280 families, consisting of 7,781 individuals, of whom 3,948 children. Additionally, homes and agricultural lands have been made uninhabitable due to the constant high level of threat and the frequent occurrence of attacks. 613 houses were partially destroyed in the 'buffer zone' in the same time period. Additionally, Israel carried out 142 tank shellings and 255 shooting incidents in the 'buffer zone' from 'Operation Cast Lead' until the end of June 2012. The systematic targeting of civilians living and working in the 'buffer zone' continues to lead to internal displacement.
- As part of Israel's illegal closure of the Gaza Strip, severe restrictions are placed on the amount of construction materials allowed to enter the Gaza Strip. Consequently, the rebuilding of homes, setting up of shelters, and repair of water and sanitation facilities are hampered, effectively denying internally displaced persons the right to return to their homes or to live in a safe and healthy environment while under displacement.

Illegality of Israel's forced displacement of Palestinians in the Gaza Strip

The widespread and systematic attacks carried out by the Israeli army against Palestinian civilians, resulting in internal displacement throughout the Gaza Strip, constitute war crimes, as defined by Article 8(2)(b)(i) of the Rome Statute, which prohibits the intentional targeting of civilians, and Article 8(2)(b)(ii) and (v), which

¹ The 'buffer zone' was unilaterally imposed by Israel in 2007 and officially extends 300 meters into the Gaza Strip. In reality, however, the 'buffer zone' extends up to 1,500 meters into the Gaza Strip.



forbids intentional attacks against civilian objects and towns, villages, dwellings or buildings.

- The unlawful large-scale transfer of civilians out of the border areas, which is implemented through home demolitions, tank shellings, air strikes and shootings, is a violation of Article 49(1) and Article 147 of the Fourth Geneva Convention and Article 8(2)(a)(vii) of the Rome Statute, and constitutes a war crime. It also constitutes a crime against humanity under Article 7(2)(d) of the Rome Statute, which prohibits the forced transfer of a population from a specific area.
- The ongoing bulldozing of civilian homes and razing of adjacent farming lands, neither of which constitute military targets, is contrary to Article 53 of the Fourth Geneva Convention which prohibits “[a]ny destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons” without military necessity. Additionally, under Article 147 of the Fourth Geneva Convention, “the extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly” is considered a grave breach of the Convention.
- The right of internally displaced persons to return to their former homes has been repeatedly asserted by the UN Security Council and other UN bodies. For example, in its General Recommendation XXII on Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, the UN Committee on the Elimination of Racial Discrimination (CERD) has stated: “All... refugees and displaced persons have the right freely to return to their homes of origin under conditions of safety.” Additionally, Principle 28 of the Guiding Principles on Internal Displacement affirms Israel’s duty and responsibility to “establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence...” However, Israel has failed to ensure the return of displaced persons in the Gaza Strip to their homes.
- Moreover, Israel has continued to systematically implement the illegal policy of maintaining a ‘buffer zone’ along the Gaza border and maintains the illegal closure of the Gaza Strip which results in a shortage of construction materials necessary for people to rebuild their houses and return to them. This is a serious violation of Article 59 of the



Fourth Geneva Convention, which states: “If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.” The practice also constitutes a form of collective punishment under Article 33 of the Fourth Geneva Convention.

- Internally displaced persons in the Gaza Strip often face living conditions which constitute a risk to their health, such as inadequate food, clothing, shelter, water and sanitation. According to Article 12 (1) and 11 (1) of the Covenant on Economic, Social and Cultural Rights, Israel is responsible for securing and protecting the highest attainable standard of physical and mental health as well as an adequate standard of living, including adequate food, clothing and housing, for these displaced Palestinians respectively. However, Israel fails to take appropriate steps to ensure such protection.
- Israel also continues to fail to meet its obligations under the Convention of the Rights of the Child regarding health and living standards. According to Article 24(1) of the Convention, every child has the right to enjoy the “the highest attainable standard of health”. Enduring displacement from their homes, children face health risks such as inadequate shelter and a lack of clean drinking water. Additionally, Article 27(3) obliges Israel to “in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.” Children are a particular vulnerable group within the category of internally displaced persons and, as such, the Occupying Power has a special responsibility to provide them with protection.
- The Commission on Human Rights has repeatedly recognized the need for internally displaced persons to receive property restitution. From February 2009 until June 2012 PCHR has submitted 186 compensation claims on behalf of victims whose homes were destroyed by Israeli forces. 171 of these were related to ‘Operation Cast Lead,’ and the remaining 15 relate to incidents that took place afterwards. All of these complaints have been rejected.