



**Palestinian Centre for Human Rights**

**The Internal Displacement of Palestinians in the Gaza Strip**

**Memorandum presented to the UN Special Rapporteur on the Human Rights of Internally Displaced Persons**

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## **Introduction**

1. This memorandum is presented to the UN Special Rapporteur on the Human Rights of Internally Displaced Persons, Dr. Chaloka Beyani.
2. PCHR believes that the situation which will be outlined in this memorandum in the occupied Palestinian territory (oPt) is particularly relevant to the Rapporteur's mandate, and wishes to highlight a number of issues that require attention.
3. This submission will address the internal displacement of Palestinians in the Gaza Strip as a result of Israeli actions. It is noted that these violations of international law take place in the context of many of other rights violations, including, but not limited to, attacks against civilians and civilian objects and violations of the right to shelter, food and healthcare.
4. The information provided herein is based on PCHR's documentation of human rights violations in the Gaza Strip, as well as the free legal assistance it has provided to Palestinian civilians for almost 2 decades.

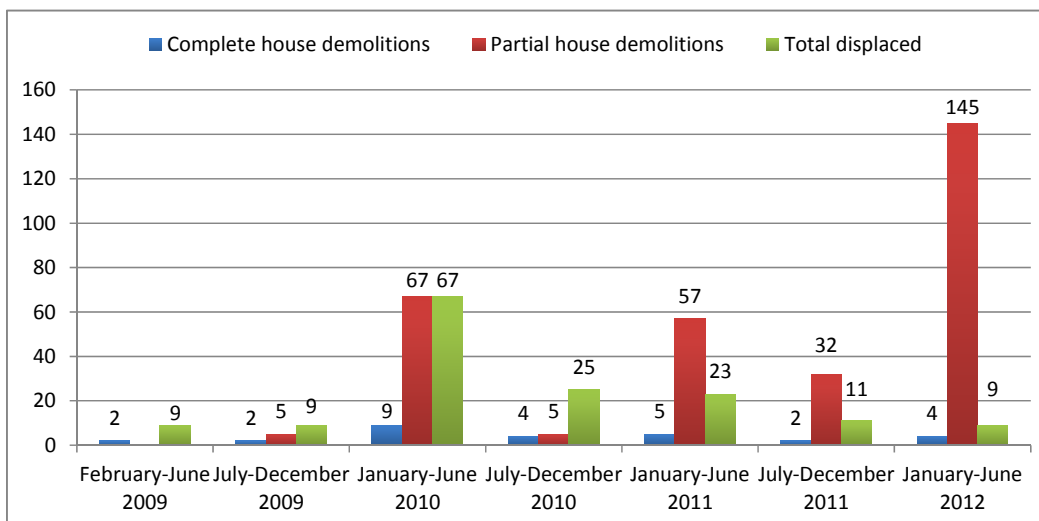
## **The Internal Displacement of Palestinians in the Gaza Strip**

5. The Special Rapporteur defines internally displaced persons as "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 border." PCHR will apply this definition in the submission.
6. The forced displacement of Palestinians, which results in internal displacement throughout the West Bank and Gaza Strip, has been carried out by Israel since the beginning of its occupation of the occupied Palestinian territory in 1967. Internal displacement in the Gaza Strip occurs primarily in the 'buffer zone'.<sup>1</sup> In this Memorandum, PCHR focuses mainly on incidences of internal displacement that occurred after 'Operation Cast Lead,' Israel's offensive on the Gaza Strip, which took place from 27 December 2008 to 18 January 2009.
7. From the end of 'Operation Cast Lead' until June 2012, 153 persons have been displaced from the 'buffer zone' of the Gaza Strip as a result of 351 attacks by Israel on civilian homes. This includes the displacement of 24 families and 83 children.

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<sup>1</sup> The 'buffer zone' was unilaterally imposed by Israel in 2007 and officially extends 300 meters into the Gaza Strip, constituting an area prohibited to Palestinians along the land and sea borders of the Gaza Strip. The precise area designated by Israel as a "buffer zone" is unknown and Israeli policy is typically enforced with live fire. In reality, the 'buffer zone' extends up to 1500 meters into the Gaza Strip. The establishment of the 'buffer zone' is illegal under both Israeli and international law.

**Table 1: Internal Displacement of Palestinians in the Gaza Strip**



8. In the Gaza Strip, forced displacement, which results in internal displacement, can be caused by tank shelling, air strikes, bulldozing and shooting by Israel's forces. The effects of these attacks include the total or partial destruction of civilian homes, as a result of bulldozing and air strikes, and the fear of being attacked, which can result from tank shelling, air strikes, bulldozing or shooting. From 'Operation Cast Lead' until the end of June 2012, Israel carried out 346 aerial bombings and 12 bulldozing incidents that resulted in the internal displacement of Gazan civilians. In addition to the damage and destruction of homes, the tank shelling and shooting incites fear in the population. From 'Operation Cast Lead' until the end of June 2012, Israel carried out 142 tank shellings and 255 shooting incidents in the 'buffer zone' of the Gaza Strip.
9. Civilians in the Gaza Strip are often attacked without warning. On occasion, Israel may distribute leaflets or make loudspeaker announcements that an area will be destroyed. However, even in cases where civilians are given advance warning, Israel's systematic attacks against civilian property in the Gaza Strip are nonetheless illegal. As per Articles 49(1), 53 and 147 of the Fourth Geneva Convention, attacks against civilians and civilian property leading to the large scale displacement of civilians is illegal. Furthermore, under Article 8(2)(a)(vii) of the Rome Statute of the International Criminal Court, the unlawful displacement of persons protected under the provisions of the relevant Geneva Convention constitutes a war crime, and the forced displacement of a civilian population constitutes a crime against humanity under Article 7(2)(d) of the Rome Statute.
10. Once a civilian home is totally or partially destroyed, families are forced to move to another part of the Gaza Strip, often because they cannot afford to rebuild their homes. In the event that they do have the financial means to rebuild, Israel's illegal closure of Gaza borders prevents the import of an adequate amount of construction material to meet the needs of the Gaza Strip. Although some construction materials enter through the tunnels, it is nonetheless difficult for families to obtain the materials they need to reconstruct their lives.

11. As stated above, civilians can also become internally displaced because they are too afraid to remain in their homes. Although it is not possible to provide statistics to show how many families become internally displaced as a result of fear, Israel's systematic attacks on civilian property, particularly in the 'buffer zone,' incite fear in the general population; these families fear that their property may be destroyed, resulting in injuries or even death. As a result, they are often forced to abandon their homes, becoming internally displaced.
12. Internally displaced persons in the Gaza Strip face living conditions that are detrimental to their health and safety. Those who become displaced, particularly in the 'buffer zone,' are often farming families and are, therefore, deprived of access to their livelihoods, frequently falling into abject poverty; alternative means of earning a living are limited in the Gaza Strip, given the high level of unemployment resulting from Israel's illegal closure and the severe restrictions on trade. Without financial means, families often end up living in shelters that do not protect them from the elements. Poor sanitation, due to the lack of running water or electricity, places them at risk of developing serious health problems. Israel is obligated under Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) to provide an adequate standard of living, with a continuous improvement in living conditions; they are also obligated under Article 12 of the ICESCR to provide the highest attainable standard of physical and mental health to all people in the Gaza Strip, which includes those internally displaced as a result of Israel's systematic attacks. They are also obligated under Article 24(1) of the Convention on the Rights of the Child to provide the highest attainable standard of health for children. It is clear that Israel is failing to meet this standard by, first, carrying out actions that result in the internal displacement of people in the Gaza Strip and then allowing internally displaced persons to live in substandard conditions.
13. While it is clear that internally displaced persons in the Gaza Strip often live in conditions that do not provide them with an adequate standard of living, there is no possibility for these individuals to change their living situation without assistance. In addition, although many families wish to return to their homes, this is not currently possible, which is a violation of the right of internally displaced persons to return to their homes under international human rights law. 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 stated that "All ... refugees and displaced persons have the right freely to return to their homes of origin under conditions of safety."
14. So long as Israel continues to systematically attack civilian property, Gaza's internally displaced persons will not be able to return to their homes. It should be noted that PCHR has filed compensation claims in Israel's Civil Court on behalf of families internally displaced in the Gaza Strip. 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. Every single one of these compensation complaints was rejected by Israel.
15. To assist the Special Rapporteur, PCHR is providing excerpts from testimonies provided to the Centre which relate to the issue of internal displacement in the Gaza Strip. All of these excerpts are taken from recent cases, in order to demonstrate that this is an ongoing problem. These excerpts were also chosen as they illustrate quite clearly the types of attacks that result in internal displacement in the Gaza Strip, as well as the effects of internal displacement.

16. The following testimony was provided by Mamoun Ahmad Dalloul (36), who lives in Tel-el-hawa with his wife and 9 children. Since December 2008, Mamoun's factory has been targeted by Israel's forces on 5 different occasions; the most recent attack was on 04 June 2012. The first attack against his factory resulted in the internal displacement of his family:

The first time my factory was destroyed was in December 2008 during Operation Cast Lead. The factory was very big and on the ground floor of our residential apartment. 3 missiles were fired from an F16 and the building was completely destroyed. In just a few minutes, we lost everything. We were suddenly homeless and I had lost my only source of a livelihood. We would stay at my parents' house for a few days then move to my brother-in-law's house and spend a few more at my brother's house. My son kept asking why we had no home. There are people who are displaced and dying. I know what it feels like to be homeless.

17. The second testimony was provided by Afaf Abu Daheer (37), whose family has been displaced for nearly 4 years. Israeli forces bulldozed and destroyed the Abu Daheer family home and farmland in Qarara, in the southern part of the Gaza Strip, during 'Operation Cast Lead,' sometime between 8-10 January 2009:

One day, we heard through a microphone announcement that everyone should vacate the area immediately because it would be targeted. We had nowhere to go, but we left and went to stay at the UNRWA school in Qarara with other families. About 2 days after the announcement, our house was bulldozed and completely destroyed. Initially, we thought that we would go back to our land and maybe find someone to help us rebuild our house, but that was not the case. We could not continue renting a house because it was too expensive, so we came here to live on the empty land. It has been very hard for all of us. My children and I all sleep in one room, on mattresses on the floor. There is a hole in one of our walls, so we sleep next to the neighbor's sheep. This is where I cook and this is where we sleep. Last time it rained, the floor was covered in water and we did not sleep. We have tried to change the nylon on the roof, but it does not help much. Right now, nobody has a job and we are barely surviving. This land is too small to begin any project. Only 2 of our children go to school now. The others stay at home to help their father with odd jobs and collecting rubble from buildings. We cannot afford to take them to school. We rely on help from the UN and anything else we can get. My husband is ill and can barely work. He gets 800 shekels to work for the government for 1 or 2 months in a year. That money only stops us from dying.



**The Abu Daheer family tent, joined to their neighbor's sheep shed.**

18. The third and final testimony was provided by Ahmed Aweda (58), who was first displaced from his house in Rafah, in the southern part of the Gaza Strip, on 8 February 2001, as a result of Israeli gunfire:

My house was right in front of an Israeli watch tower near the border. There was often shooting in that area and each time it got too dangerous, me and my family would leave and stay in a classroom at a nearby school. I still keep an artillery shell that narrowly missed my daughter's head and hit the wall. We lived in constant fear. In 2001, IOF heavily shot at the house and partially destroyed it. In September 2002, they came back and bulldozed half of it. Then, in September 2003, they shelled and bulldozed it until it was completely destroyed. There were no warnings given prior to attacks and no reason was given after the destruction. I had 8 children at that time, and we kept moving from place to place. Now I have 2 more and we are yet to be resettled. All these years, I have been displaced and life has been very hard. I just want a new home.



**House destroyed in Rafah, in March 2008.**

## **Conclusion**

19. It is clear that Israel's systematic attacks on the Gaza Strip result in the internal displacement of Gazan civilians. Attacks against civilian property are illegal under Articles 49(1), 53 and 147 of the Fourth Geneva Convention and constitute a war crime under Article 8(2)(a)(vii) of the Rome Statute of the International Criminal Court. Moreover, the forced transfer of a civilian population constitutes a crime against humanity under Article 7(2)(d) of the Rome Statute.

20. PCHR believes that this issue demands the Rapporteur's further attention, and reaffirms its willingness to cooperate fully in this regard.

## **Further Information**

21. PCHR publishes its documentation of Israel's attacks against civilians in the Gaza Strip in the form of a monthly factsheet titled "Gaza Strip: Attacks and their Consequences."<sup>2</sup> Such attacks may result in the internal displacement of Gazan civilians.

22. PCHR wishes to express its willingness to cooperate with the Rapporteur, and to provide any further information as required.

### **For further information, please contact:**

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<sup>2</sup> These factsheets can be found on [www.pchgaza.org](http://www.pchgaza.org) under Factsheets.