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HUMAN RIGHTS SITUATION IN PALESTINE AND OTHER ARAB TERRITORIES

OCCUPIED

Written statement submitted by Badil Resource Center for Palestinian Residency and
Refugee Rights, a non-governmental organizations in special consultative status**

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[11 February 2009]

* This written statement is issued, unedited, in the language(s) received from the submitting
non-governmental organization(s).

Forced Displacement throughout the Occupied Palestinian Territory

Displacement due to the recent Israeli military attacks against Gaza

The recent indiscriminate and disproportionate Israeli military attacks against Gaza resulted in unprecedented forcible mass displacement. Although the total number of displaced Palestinians remains undetermined, Al Mezan Centre estimates that up to 90,000 were displaced during the hostilities (including up to 50,000 children),¹ out of 1.5 million Gazans, most of whom are 1948 Palestinian refugees.

At the height of hostilities, UNRWA operated 50 emergency-shelters for over 50,000 displaced persons.² Thousands of others sought refuge with family members or friends.³ Many more remained in their damaged homes.⁴ As of 2 February, three UNRWA shelters remained open hosting 388 displaced people. Although most people have left the shelters since the cease-fire, thousands remain homeless.⁵ The preliminary report of the Shelter/IDP rapid needs assessment indicates that, in surveyed localities (48 out of 61 not including refugee camps in Gaza), almost 11,000 displaced households, or over 71,000 displaced persons were staying with host families. The total number of internally displaced persons remains undetermined.⁶

The ICRC reported that “a number of areas, [...] looked like the aftermath of a strong earthquake – entire neighbourhoods were beyond recognition. Some houses had been completely levelled”.⁷ According to the rapid Shelter/NFI assessment, in surveyed localities, there are 44,306 damaged housing units, in addition to complete destruction of 4,247 residences.⁸

Israel has committed grave breaches of international humanitarian law (IHL) that amount to war crimes. That includes the extensive destruction of houses and other civilian property not justified by military necessity and carried out unlawfully and wantonly. The nature and large scope of the destruction of civilian property and displacement are also in violation of the distinction and proportionality rules, especially in area with a high civilian population density such as the Gaza Strip.

¹ OCHA, *Protection of Civilians Weekly Report: 9-15 January 2009*, 16 January 2009.

² OCHA, *Weekly Report: 16 – 20 January 2009*, 21 January 2009.

³ *Ibid.*

⁴ Minutes for Shelter/NFI/IDP Sector Meeting, 14 January 2009.

⁵ OCHA, *Protection of Civilians Weekly Report: 28 January – 3 February 2009*, 4 February 2009.

⁶ *Ibid.*

⁷ OCHA, *Situation Report on the Humanitarian Situation in the Gaza Strip – No. 14*, 19 January 2009.

⁸ Inter-Agency Rapid Shelter/NFI Assessment undertaken between 22-2 February 2009, 11 February 2009.

2009, 4 February 2009.

Furthermore, the Israeli military attacks resulted in a widespread destruction of hospitals, schools, universities, water/sewer lines, electricity generating stations greenhouses, commercial establishments, infrastructure and roads.⁹

Forced displacement, loss of livelihood and the lack of access to essential necessities, has a significant adverse affect on the enjoyment of the basic rights of the Palestinian civilians in Gaza. The situation is deteriorating further by the continued blockade imposed by Israel on the Strip, which particularly limits the humanitarian aid and commercial goods required to address the humanitarian, rehabilitation and reconstruction needs.¹⁰

Forced Displacement throughout the OPT

The current situation in Gaza should not overshadow the ongoing forcible internal displacement and dispossession induced by the Israeli Occupying Power against the Palestinians throughout the OPT, including the Wes Bank, East Jerusalem and Gaza on prohibited grounds of nationality, ethnicity, race and religion since 1967.

Apart from the present displacement in Gaza, more than 115,000 Palestinians are estimated to have been internally displaced during the last four decades.¹¹ Protracted occupation, colonisation and systematic racial discrimination are the root causes of the forcible displacement and dispossession of the indigenous Palestinian population in the OPT. **Israel's policies and practices in the OPT aim at asserting control over the maximum amount of land with a minimum number of Palestinians.**

Neither the security of the population, nor military reasons justify the forcible displacement of the Palestinian population. Individual and mass population transfer in occupied territories and arbitrary displacement are prohibited regardless of their motives under IHL and international human rights law. These acts amount to grave breaches of the Fourth Geneva Convention and customary international law, especially that they are carried out unlawfully and wantonly.

The following methods are used by the Israeli Occupying Power to attain its illegal demographic objectives:

- **Home Demolition** – Between 1967 and 2009 Israel has demolished over 24,102 houses in the OPT, including the recent events in Gaza, the West Bank and East Jerusalem.¹² A noticeable increase in demolitions and displacement in the Jerusalem district was recently reported by OCHA,¹³ which increases the pressure on Palestinians residents of Jerusalem to move into the West Bank.

⁹ OCHA, *Weekly Report, 16 – 20 January 2009*, 21 January 2009.

¹⁰ See also the statement made by John Holmes, Under Secretary-General for Humanitarian Affairs to Security Council Open Debate on Protection of Civilians in Armed Conflict, 14 January 2009.

¹¹ BADIL Resource Centre for Palestinian Residency and Refugee Rights, *Survey of Palestinian Refugees and Internally displaced Persons 2006-2007*, March 2007.

¹² See: Israeli Committee Against House Demolitions (ICAHD), *Statistics on House Demolitions (1967 – 2009)* as of 19 January 2009, and the Inter-Agency Rapid Shelter/NFI Assessment undertaken between 22-2 February 2009, 11 February 2009.

¹³ OCHA, *Weekly Report: 28 January – 3 February 2009*, 4 February 2009.

- **Land Confiscation and Colonization** – Israel occupies the entire surface of the West Bank (some 5,860 km²) and has confiscated or *de facto* annexed more than 3,350 km².¹⁴ The confiscated lands of Palestinians are turned over to the exclusive use of Jewish settlers and to building and expanding the illegal Jewish-only settlements (colonies). According to the 2008 data from the Israeli Central Bureau of Statistics, approximately 290,000 Jews live in the 120 (official) colonies and dozens of outposts established throughout the occupied West Bank over the past 41 years.¹⁵ The official statistics do not reflect the actual scope and nature of the illegal Israeli settlement activity in the OPT. More than 30 settlements and the extensive construction of buildings and infrastructure have been carried out on lands privately-owned by Palestinians in the West Bank, but are not included in the official Israeli government statistics.¹⁶
- **The Closure Regime and Separation Wall** – There is clear evidence of internal displacement as a result of lack of access to essential services because of the ‘closure regime’ and the construction of the separation Wall and its associated regime, which is making the situation of Palestinians, especially those in enclaves, untenable. Freedom of movement is systematically denied through an elaborate regime of Israeli military checkpoints and obstacles, by-pass roads and infrastructure dividing the OPT.
- **The “Quiet Transfer” Policy** – this is an additional method used by the Israel authorities to attain its demographic objectives particularly in occupied East Jerusalem, which was *illegally* annexed to Israel in 1967. According to this policy, every East Jerusalem Palestinian, living outside the city for a number of years loses their right to live in East Jerusalem, and the Israeli Ministry of Interior orders them to leave their homes contrary to IHL and International human rights law. Between 1967 and 2007, the Interior Ministry has revoked the residency status of 8,269 indigenous Palestinians in East Jerusalem.
- **Violence and Harassment by Jewish Settlers** – the systematic Jewish settler aggressive actions against Palestinians and their property, coupled with the absence of an effective response to enforce the rule of law by the relevant Israeli authorities, resulted in additional displacement of Palestinians resident mainly in areas adjacent to Israeli settlements in the West Bank.¹⁷ A total of 523 settler-related incidents were recorded between January 2007 – October 2008.¹⁸ Under IHL and International human rights law, Israel is responsible for protecting and ensuring public order and safety of the Palestinian civilians in the OPT. Nevertheless, Israel fails to assume its responsibilities. For instance, 90% of investigations into settler violence are closed without any indictment being filed.¹⁹

Thus, Israel's protracted military occupation cannot be considered an interim measure that maintains law and order in a territory following armed conflict, but rather an

¹⁴ BADIL Resource Centre, [Survey 2006-2007](#).

¹⁵ Uri Blau, “We came, we saw, we conquered”, Haaretz, 2 Feb 2009, <http://www.haaretz.com/hasen/spages/1060843.html> accessed on 6 Feb 2009.

¹⁶ *Ibid.*

¹⁷ OCHA, “Unprotected: Israel settlers violence against Palestinian civilians and their Property”, OCHA Special Focus, Dec 2008.

¹⁸ *Ibid.*

¹⁹ Yesh Din, *Law Enforcement Upon Israeli Citizens in the West Bank*, Yesh Din’s Monitoring, July 2008.

oppressive and racist regime of a colonizing power under the guise of occupation. This regime includes many of the worst features of apartheid, such as: the fragmentation of the OPT to Jewish and Palestinian areas, the construction of the Wall and its associated regime, system of separate roads, closure and permits which restricts freedom of movement on the grounds of nationality, ethnicity, race and religion.²⁰

So far, the *ad hoc* and limited international response has failed to address the root causes of displacement or to effectively prevent and respond to the ongoing forcible displacement of Palestinians, while addressing the questions of return, restitution and compensation.

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²⁰ UN Special Rapporteur, Prof. Dugard, *Human Rights Situation in Palestine and other Occupied Arab Territories* A/HRC/7/17 (January 2008).