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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization 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.

[26 May 2024]

* Issued as received, in the language of submission only.



Perpetuating the Nakba: Ongoing Forced Displacement in Gaza

For sixty-seven years, Palestinians have suffered from the effects of the Nakba, which is considered the largest forced displacement in history. In 1948, Palestinians were forced to leave their homes due to the massacres committed by the occupying forces, leading to hundreds of thousands seeking refuge in neighboring countries or relocating to other areas within their homeland. This occurred amidst the silence of the international community and its failure to implement its resolutions, particularly Resolution 194, which affirms the right of refugees to return to their original homes, recover their properties, and receive compensation in accordance with international law and principles of justice. Israel continues to perpetuate the Nakba by pursuing policies that cause forced displacement, including the forcible transfer of populations, which constitutes a grave violation of international law.

This report addresses the repeated forcible displacement of civilian populations in the Gaza Strip since the beginning of the aggression, explaining that it was carried out systematically and widely. Statements from occupation leaders and evidence of large-scale killings and targeting of civilian objects support this claim. The aggression resulted in the destruction of about 70% of residential neighborhoods, hospitals, health centers, bakeries, and water wells, aiming to force residents of northern and central Gaza to move southward, specifically to Rafah.

According to statistical indicators from UN agencies, international, regional, and local independent organizations, as well as the Palestinian Central Bureau of Statistics, the number of people subjected to forcible transfer (forced displacement) since the beginning of the aggression on Gaza on October 7, 2023, ranges between 1.7 million and 2 million Palestinians. Indicators of forced displacement vary with the repeated instances of forced displacement during the aggression on the Strip. The UN Office for the Coordination of Humanitarian Affairs estimates the number of forcibly displaced persons in the Strip to be 1.7 million Palestinians,(1) while the UN Relief and Works Agency for Palestine Refugees (UNRWA) estimates the number to be 1.7 million displaced persons.(2) The Palestinian Central Bureau of Statistics reports that the number of forcibly displaced persons has reached 2 million Palestinians.(3)

The forcible displacement of civilian populations in the Gaza Strip has been systematic and widespread, intensifying since the start of the ground assault by the Israeli army on the Strip. With the intense bombing and thousands of tons of explosives targeting entire residential neighborhoods, approximately 70% of these neighborhoods were turned into rubble. The Israeli army instructed residents of the Strip to move to Wadi Gaza, and during the displacement, civilians faced numerous military attacks, resulting in large numbers of civilian deaths. Many were arrested at military checkpoints and subjected to maltreatment. This prompted the United Nations to state that there is no safe area in the entire Gaza Strip.

Lynn Hastings, the UN Coordinator for Humanitarian Affairs in the Occupied Palestinian Territory, stated in a press release on the UN website dated October 26, 2023, at the beginning of the ground assault on the besieged Gaza Strip, that the Israeli army continues to inform people in Gaza City that those who remain in their homes will be at risk.(4) She added that when evacuation routes are bombed and people in the north and south find themselves trapped in hostilities, and when the essentials for survival are lacking, with no guarantees of return, people are left with impossible choices. There is no safe place in Gaza.(5)

The UN Special Rapporteur on the human rights of internally displaced persons, Paula Gaviria Betancur, stated in a press release on the UN website dated March 6, 2024, that Israeli evacuation orders did not make Gaza's residents safer.(6) On the contrary, these orders were used to forcibly relocate civilian populations and detain them in uninhabitable conditions. It is impossible to envision any permanent solution for their displacement due to the systematic destruction by Israel of civilian infrastructure, including homes, hospitals, schools, markets, and places of worship, in addition to the immense psychological toll the conflict has inflicted on Gaza's residents.(7)

The massive numbers of forcibly displaced individuals are now crowded into the city of Rafah in southern Gaza, near the border with Egypt, living in conditions devoid of basic necessities. Rafah spans only 16 square kilometers, and given the number of forcibly displaced people, approximately 27,000 people are now living per square kilometer in Rafah. The hospitals still operating in and around Rafah include Abu Youssef Al-Najjar Hospital, the only hospital in the city, the European Gaza Hospital located between Gaza and Rafah, Tal Al-Sultan Maternity Hospital, and the small Kuwaiti Hospital.(8)

Today, according to UN data, Rafah is the most densely populated city in the world, with displaced people living in dire conditions inside thousands of tents spread across the city.(9) This is exacerbated by the intense bombing and thousands of tons of explosives dropped by the Israeli army on Gaza, the extensive destruction of housing units and infrastructure, and the difficulty of movement under heavy air, land, and sea bombardment targeting every part of Gaza.

The displaced were bombed multiple times during their displacement, faced a lack of transportation, and were deprived of fuel and electricity during the aggression, alongside extrajudicial arrests and other gross human rights violations committed by the Israeli army against the displaced during repeated forcible displacement.

The crime of forcible displacement is classified as a grave violation of international humanitarian law, particularly the Fourth Geneva Convention of 1949. Article 49 of the convention explicitly prohibits the forcible transfer or deportation of protected persons from occupied territories to the territory of the occupying power or to any other country, occupied or not, regardless of the motive. Article 147 of the convention lists forcible transfer as a grave breach. Additionally, Article 85 of Protocol I to the Geneva Conventions, concerning the protection of victims of international armed conflicts, considers forcible transfer a war crime. The Rome Statute of the International Criminal Court defines forcible transfer as "the forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law." Thus, the crime of forcible transfer occurs when civilians are physically forced to move from areas where they are lawfully present or when conditions are created that compel them to move, contrary to international law. The Rome Statute considers forcible transfer a crime against humanity (Article 7(1)(d)) and a war crime (Article 8(2)(a)(vii)). No security or military justifications can legitimize the forced displacement of most civilians in Gaza, especially given the repeated targeting, arbitrary detention, and mistreatment of civilians during displacement operations. The United Nations has repeatedly confirmed that there is no safe area in Gaza.

Recommendations:

- The international community must effectively ensure the provision of international protection for Palestinian refugees, including their legal right to return to their original homes and their right to self-determination.
- The international community should take all necessary measures to compel Israel to fulfill its obligations under international human rights law and international humanitarian law, demanding that it cease policies and practices that harm the Palestinian people. In this context, it is worth reminding the international community that forcible transfer of populations constitutes a grave breach of international humanitarian law. Therefore, states are obliged not only to refrain from recognizing the outcomes of Israel's policies but also not to provide any assistance that perpetuates the current situation. The international community must work to halt these policies, ensure they are not repeated, and redress the harm done to the victims. Support for efforts to activate international accountability and justice mechanisms, including backing the work of the United Nations Commission of Inquiry and the International Criminal Court, is essential.
- Strengthen international efforts to provide comprehensive humanitarian aid and protection for Palestinian refugees and displaced persons according to international law standards, specifically for those trapped in Gaza, with a particular focus on vulnerable groups such as women, children, and persons with disabilities.

- (1) The official website of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) at the following link : <https://www.ochaopt.org/>
- (2) The official website of the relief and Works Agency for Palestine refugees (UNRWA) at the following link : <https://tinyurl.com/4sesyypn>
- (3) The official website of the Palestinian Central Bureau of statistics on the electronic link : <https://www.pcbs.gov.ps/>
- (4) United Nations: there is no safe place in Gaza, published on the UN website at the link: <https://news.un.org/ar/story/2023/10/1125342>
- (5) United Nations: there is no safe place in Gaza, published on the UN website at the link: <https://news.un.org/ar/story/2023/10/1125342>
- (6) Statement of the UN rapporteur on the human rights of Internally Displaced Persons on the link: <https://news.un.org/ar/story/2024/03/1129002>
- (7) Statement of the UN rapporteur on the human rights of Internally Displaced Persons on the link: <https://news.un.org/ar/story/2024/03/1129002>
- (8) The city of Rafah.. A geographical spot where displaced people from the war in Gaza were crammed, the official website of Al Jazeera is at the link: <https://www.aljazeera.net/encyclopedia/2014/12/7/%D8%B1%D9%81%D8%AD%D9%81%D9%84%D8%B3%D8%B7%D9%8A%D9%86>
- (9) The official website of the United Nations on the electronic link: <https://news.un.org/ar/story/2024/02/1128537>