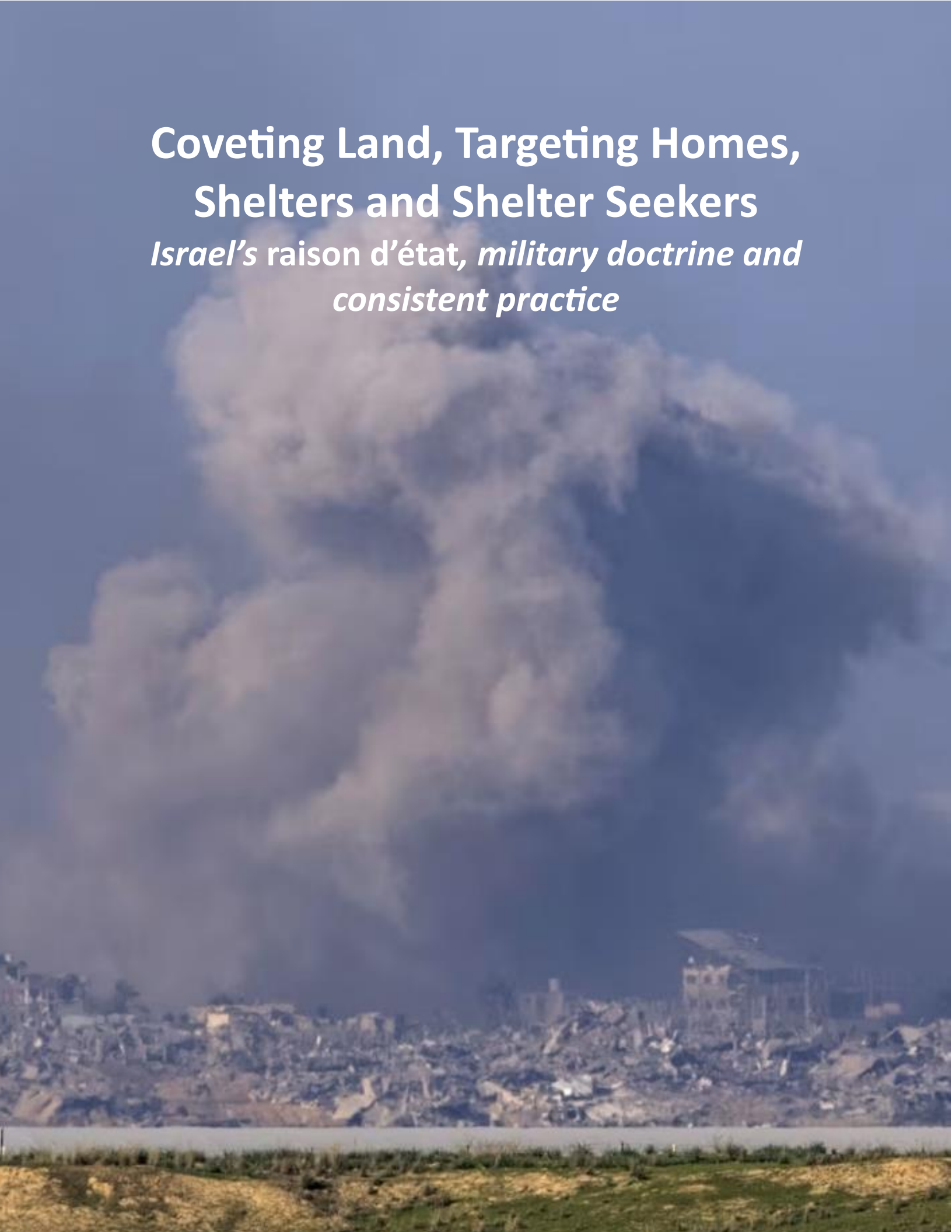


Coveting Land, Targeting Homes, Shelters and Shelter Seekers

*Israel's raison d'état, military doctrine and
consistent practice*





Housing and Land Rights Network

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Title: *Coveting Land, Targeting Homes, Shelters and Shelter Seekers: Israel's raison d'état*, military doctrine and consistent practice

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Cover photo: Smoke rises after Israeli air strikes in Gaza, as seen from southern Israel, amid the ongoing conflict between Israel and the Palestinian group Hamas, 19 December 2023. Source: Maja Hitij/Getty Images..

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Introduction

The Zionism Movement's premise to remove the Palestinian people from the land of Palestine is essential to the State of Israel's genesis and *raison d'état*. It is on this, Palestine's national Day of the Land that we witness that doctrine in its full expression through Israel's ongoing genocide in the Gaza Strip and militarized settler assaults in the West Bank. Palestinians have commemorated Land Day since the 1976 general strike against Israel's official land confiscations in the Naqab and Galilee, in which Israeli forces assassinated six protesting Palestinian youth in the villages of Sakhnin and Arrabah.

The Zionist Movement promoted 'transfer' of the Palestinian people as the intended euphemism attributing a supposed lesser evil to acts of expulsion, forced exodus, or any of the other more-violent references to describe the same acts with the effect and/or purpose of removing the Indigenous People from its land. However, such semantic subtlety was ineffective in informed circles by the time of the Zionists' proclamation of the State of Israel in 1948.

'Population transfer' already had been codified as a war crime and crime against humanity in the statutes of the post-World War II International Military Tribunals at Nuremberg and Tokyo. Its settler-colonial push and pull factors were well known to jurists at the time, and both were understood as complementary sides of the composite crime for which Nazi commanders, the likes of Alfred Jodl and Alfred Rosenberg, were eventually executed. However, that judicious outcome did not deter the Zionist militias then or now. Population transfer also remains settler-colonial Israel's *modus operandi* for acquiring and controlling Palestinian land and removing/replacing its people throughout the ensuing decades.

Being not only spinners of biblical myth, but being wholly practical, Zionist commanders had an operational side to their dream of a "land without a people" for a movement of an ideologically constructed "people without a land."¹ While the movement replicated other racialized ultra-nationalists arising in Europe of that recent time. Europe begat Jewish nationalists coveting another people's land and could only acquire such land by first depopulating one, in this case, Palestine.

World Zionist Organization/Jewish Agency (WZO/JA) Chairman Chaim Weizmann, a colonist from the Russian Empire (today's Belarus), had long promoted acquiring the land of Palestine along with a population "exchange" between the colonizer and the colonized. However, despite listing the crime in the 1945 London Conference on German crimes,² the contagious notion of 'transferring' the Indigenous Palestinians from their homeland of over 4,000 years emerged from Western potentates in at least two contemporary occasions: By the British Labour Party Executive in 1944, which resolved that "the Arabs be encouraged to move out as the Jews move in," and by U.S. President Herbert Hoover, who, in October 1945, advocated 'engineering' the transfer of Arab Palestinians to Iraq.³ Of "the Hoover Plan," the U.S. Zionist Emergency Council disingenuously stated that it "represents a *new* approach in the realization of which the Zionists would be happy to cooperate with the great powers and the Arab" (emphasis added)⁴ This was disingenuous since, by then, this WZO/JA and Jewish National Fund (JNF) plan had already been long discussed for over two decades.⁵

This retrospective focuses on the practice of targeting homes, shelters and shelter seekers as Israel's military doctrine and practice. These acts parallel Israel's complementary purposes and pursuit of perpetual war and continuous occupation of territory; however, the military objects of military combat fall outside our scope. While military conduct is governed by international humanitarian law and the laws

of war, this inquiry treats military practice outside the *jus in bello* principles of distinction, proportionality and precaution.

The Nakba, 1947–48

In what has become known as the *al-Nakba* (Arabic for ‘catastrophe’), the Zionist expulsion of Indigenous Palestinians and destruction of their habitations were to be achieved by implementing Plan D (or Plan Dalet), which refined three previous plans of conquest that called for Zionist militias, among other acts, to “target the political leadership; inciters and their financial supporters; Arabs who acted against Jews; senior Arab officers and officials [of the British Mandate]; attack Palestinian transportation; strike the sources of livelihood and vital economic targets (water wells, mills, etc.); attack clubs, coffee houses, meeting places, villages and neighborhoods likely to assist in future resistance against Zionist colonization, etc.”⁶ The preceding Plan C added the gathering of data necessary for the successful performance of these actions, which would be collected in the village files, which contained lists of leaders, activists, “potential human targets,” and the precise layout of villages.⁷

With this past as prologue, the continuum of Israel’s use of force has unfolded in this unbroken pattern, exemplified in the following cases of wanton destruction of homes, further attacking the shelter-seeking inhabitants in their shelters.

However, in order to seize Palestinian land and resources, the operations called for in Plan Dalet have crystalized into the practice that remains Israel’s military doctrine till this day. This called for complementing the JNF’s various land acquisition schemes by eliminating (and then replacing) the Indigenous People belonging to that land, ordering the following methods:

“These operations [against enemy population centers] can be divided into the following categories:

Destroying villages (by setting fire to them, by blowing them up, and by planting mines in their debris), especially those populations centers that are difficult to control continuously;

Mounting search and control operations according to the following guidelines:

- Encirclement of the villages, conducting a search inside them;
- In case of resistance, the armed forces must be wiped out and the population expelled outside the borders of the state.”⁸

While this criminal enterprise was to suit a transitional process in pursuit of depopulated Palestinian land upon which to establish the envisioned ‘Jewish state,’ it soon was galvanized into an enduring military doctrine through consistent practice through the present day. Early implementation of this doctrine was carried out in at least 16 operations of the Zionist Haganah, Palmach and Irgun militias during 1948, the first year of Israel’s proclamation as that state, punctuated by at least 34 massacres of Palestinian villages in strategic locations between December 1947 and November 1948.⁹

Amid a continuum of domicide¹⁰ across historic Palestine, Israeli forces depopulated and razed at least 531 Palestinian villages in the area that the UN General Assembly (UNGA) proposed¹¹ to be a Jewish state in Palestine.¹² This amounted to some 154–156,000 demolished Palestinian homes,¹³ among an untold number of other structures. Israeli forces imposed a closed military zone over those localities to prevent refugee return and extended martial law over the surviving Palestinian communities for the next 20 years. JNF subsequently reforested most of those former village sites, making green spaces of the crime scenes.¹⁴

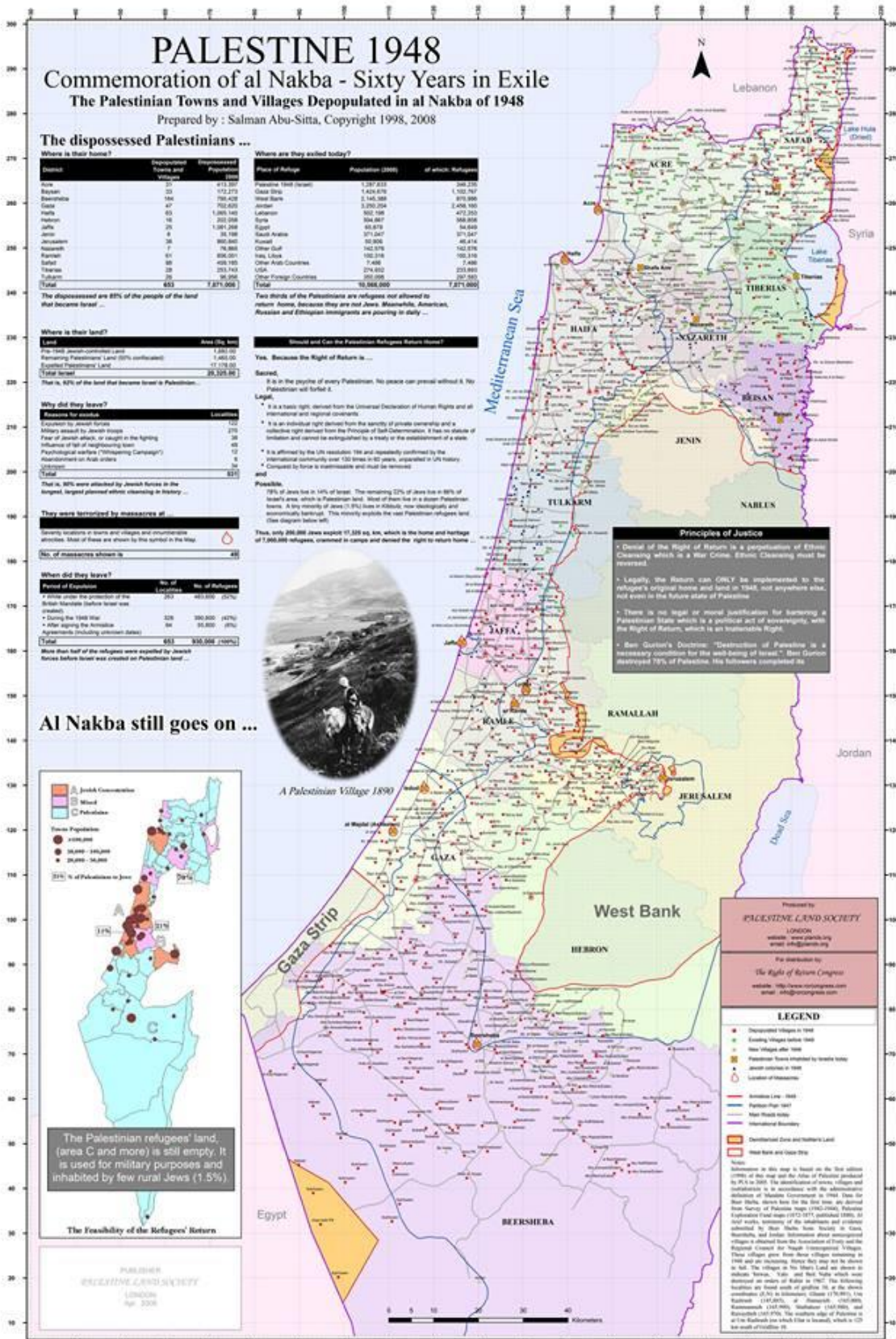


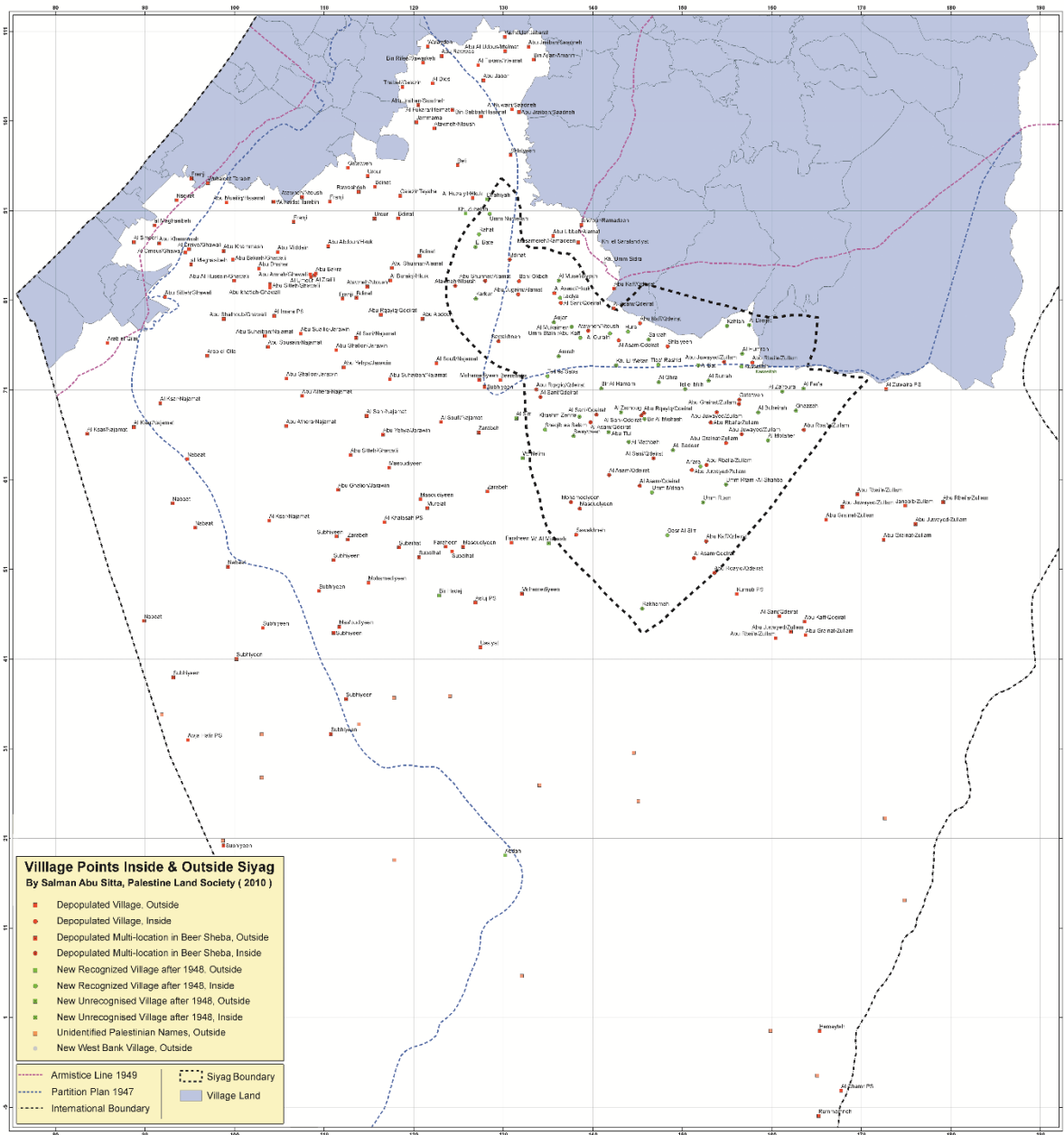
Figure 1: Infographic with map and lists of Palestinian towns and villages that Israeli forces depopulated during the Nakba and the disposition of their refugee inhabitants. Source: Salman Abu Sitta, 2008.

In January 1949, shortly after the Armistice Agreements were signed, the Government of Israel conferred one million dunums (100,000 ha) of the Palestinian refugees' land and other properties to the JNF and, in October 1950, another 1.2 million dunums (120,000 ha). At the time, a JNF spokesperson explained the tactical meaning of these land transfers as ensuring that JNF "will redeem the lands and will turn them over to the Jewish people—to the people and not the state, which in the current composition of [surviving Indigenous] population cannot be an adequate guarantor of Jewish ownership."¹⁵

This genesis of targeting Palestinian homes to acquire depopulated land set the antecedent for the complementary military tactic of extending the assault against the victimized population in flight in the latter and spirit of Plan Dalet to "expel the population outside the state." Consistent with the serious crime of population transfer as Israel's *raison d'état*, expelling the Indigenous People and replacing them with an alien population, has accompanied an ahistoric narrative, claiming the settlers' messianic 'return' to a 'promised land.' That narrative could only succeed by consolidating Plan Dalet as military doctrine. However, that strategy has formed a pattern of urban warfare, targeting the displaced population in their refuges, making the targeting of homes, shelters and shelter seekers the enduring doctrine of Israel's military wherever it operates, even across borders in neighboring states.

Palestinian Bedouin Habitation of the Naqab/Negev, 1951–53

Unlike the Bedouin in other Middle Eastern countries, the Naqab (Negev) Bedouin, part of the Palestinian people and now citizens of Israel, were almost completely sedentary when the Israeli government began implementing its own population-transfer policies.¹⁶ Thus, unlike in other countries, these programs were not aimed at settling a nomadic community, but rather at the eviction of the Bedouin from their lands and the mass transfer of that group of the indigenous Palestinian people to state planned and controlled townships. Israeli forces uprooted the remaining inhabitants from their homes and lands, and placed them under military rule in an enclosure zone (*al-siyāj*) for eighteen years that encompassed only about 10% of the Bedouins' traditional land holdings.



In 1951, Israeli military and administrative authorities immediately uprooted 11 tribes west of Bi'r Sabi' (Bersheva) and their inhabitants became landless overnight. Meanwhile, the Israeli army proceeded to depopulate and demolish 108 villages points, with the purpose of eliminating any incentive for their inhabitants to return.¹⁷ Since many of these villages were demolished outside of the context of the 1948 war of conquest, they do not always appear on maps that inventory those war-induced demolitions.

On September 1953, the Israeli army's General Headquarters (GH) ordered its Unit 101¹⁸ to drive the indigenous Bedouins out of the Naqab region and push them southward to Sinai, in Egypt. Soldiers of Israel's Unit 101 raided Bedouin camps and villages, shooting aimlessly, confiscating arms and burning the fleeing

Palestinians' tents and homes. For several days thereafter, Unit 101 pursued the escaping Bedouins until they were out of the Naqab¹⁹ where they became stateless persons in neighboring countries.

The current state policies toward the Indigenous Palestinian citizens of the Naqab share features of this legacy. The continuity of land confiscation and, especially, house demolitions remain central to Israel's population transfer and demographic policies that 'judaize' the area through the discrimination institutionalized through its Ministries of Housing and Interior, the Israel Lands Authority, as well as the parastatal institutions cited above (WZO/JA and JNF, among others).²⁰

Tagmul Attacks

Throughout the period between 1951 and October 1956 (when the Suez War erupted), Israeli combat soldiers were engaged in retaliation to resistance operations of Palestinian militiamen (*fedayi`in*) against Israeli military positions in Palestinian territories captured by Israel. The Israeli military responded by *peulot tagmul* (retaliation/retribution/reprisal operations, in Hebrew) against security and military targets, but especially and civilians and their habitat in acts of ethnic cleansing.²¹

From the Israeli army's perspective, the main purpose was of such attacks were "to kill the maximum number of Arabs."²² The reprisal operations were generally short and rarely created a situation of face-to-face combat with the enemy, resulting in very little dissent among the Israeli soldiers.²³ However, following Israel's raid on Qalqilyah, the IDF abandoned its reprisal strategy and, instead pursued full-fledged war with continuous occupation of territory.²⁴ While perpetual war and continuous occupation of territory may have been dual and complementary Israeli purposes, military objects fall outside the scope of this inquiry.

Bayt Jala, 1952

On 6 January 1952, Israeli regular forces raided Bayt Jala, a town adjacent to Bethlehem in the Jordanian-annexed West Bank (now a part of the Palestinian territories). The raid was a part of a supposed 'reprisal' operation for the rape and murder of a Jewish woman from Bayit VeGan settler colony in Jerusalem.²⁵

Israel claimed that three men from Bayt Jala were responsible for the crime²⁶; however, the UN Mixed Armistice Commission found no evidence that the crime originated from the Jordanian-controlled territory and called for an Israeli investigation. Nonetheless, Israeli soldiers planted explosives and then blown up three houses in Bayt Jala, killing seven civilian inhabitants. After the attack, the Israeli perpetrators left leaflets at the site describing the killings as a 'penalty' (جزاء) for the earlier rape and murder.

The Israeli attack left the upper floor of the first house completely destroyed. The lower part of the house, which had been built into the side of the hill, remained partially intact, with bullet holes visible in the walls and doors. The blast killed the young Palestinian couple living there. The second house had damage on one wall and was pockmarked with bullets and had shattered windows. The explosion of the third house killed a Palestinian woman and her four children, ranging in age from 6 to 14. When one of the demolition charges allegedly failed, the attackers used grenades.²⁷

The British embassy in Tel Aviv referred to the nature of the raids as “simple reprisals, designed to make Arab infiltration unpopular in the Arab villages,”²⁸ Israel later denied any military involvement in the event, which breached the standing Armistice Agreement.²⁹

al-Buraij Refugee Camp, 1953

Ariel Sharon had relentlessly asked GH to authorize more retribution acts in the face of sporadic Arab resistance incursions from Gaza and Sinai. The GH approved a nocturnal attack al-Buraij Refugee Camp in Gaza to take place on 28 August 1953. Upon entering the camp, local defenders detected Unit 101's presence. However, Sharon commanded his forces not to retreat, but to forge ahead through the camp and withdraw from the other side. Throughout their route, Sharon and his men attacked the Palestinian civilians in their homes.

The UN Truce Supervision Organization reported to the UNSC that “One of the latest and gravest incidents in the Gaza Strip has been the attack upon several houses and huts in the Arab refugee camp of Bureij on the night of 28 August.”³⁰ That camp, organized and administered by United Nations Relief and Works Agency (UNRWA), is situated about 2 km west of the demarcation line.

The attack on the Al-Bureij Refugee Camp was part of a wider campaign of Israeli attacks against Palestinian refugee camps in Gaza, where more than 200,000 Palestinians had found refuge following the Nakba. Those who tried to return to their homes (Israel called them “infiltrators”) were routinely shot on sight by Israelis or faced “retaliation” attacks. The UN Truce Chief reported to the Security Council (UNSC) on the ensuing massacre: “Bombs were thrown through the windows of huts in which the refugees were sleeping and, as they fled, they were attacked by small arms and automatic weapons.”³¹ The casualties included 20 killed, 27 seriously wounded, and 35 less-seriously wounded. Some estimates ranged from 15 to 50 fatalities.

Sharon blatantly dismissed later criticism by Unit 101 soldiers for killing innocent civilians, among them women and children. He replied: “The women are whores. They serve the Arab militiamen who infiltrate into our communities and attack the citizens of our country. If we don't act against the refugee camp, it would become a murderers' nest.”³² He was applying the Israeli military practice of *tagmul*³³ within the Israeli military doctrine of targeting homes, shelters and shelter seekers.

Qibya (Operation Shoshana), 1953

On the night of 14 October 1953, *fedayi'in* killed a Jewish settler and two of her children in their sleep when they infiltrated into the Israeli settler colony of Yahud, built on the site of the Palestinian village of al-`Abbasīyya, which the Irgun attacked and depopulated on 13 December 1947 by attacking villagers gathered in the local coffeehouse and by detonating homes. The Israeli army's high command singled out the distant West Bank village of Qibya (then under Jordanian administration) as the object of reprisal. In a *tagmul* “Operation Shoshana,” Sharon commanded Unit 101 to attack the village, capture it temporarily and cause as many casualties as possible. A paratrooper company and Unit 101 joined forces in the attack, equipped with 600 kilograms of explosives. Sharon's soldiers carried out the attack, detonated village houses, a school and a mosque without checking whether or not they were inhabited. As a result, they killed 69 people, half of them women and children who died sheltering in the detonated houses.

At dawn, the army considered the mission accomplished, and the Israeli troops returned to base.³⁴ Primary documents at the time indicate that Commander Sharon personally ordered his troops to achieve "maximal killing and damage to property." Post-operational reports record the practice of breaking into houses and "clearing" them [of personnel] with grenades and shooting.³⁵ The Israeli side incurred no casualties, but for one soldier who was slightly wounded.

The U.S. State Department and the UNSC condemned the attack.³⁶ In a radio broadcast on 19 October 1953, the mendacious Israeli Prime Minister David Ben Gurion denied that any army unit had left its base on the night of the Qibya attack, blaming the incident instead on an unnamed group of local Israeli settlers.³⁷

According to the Mixed Armistice Commission report, approved on the afternoon immediately following the operation and delivered by Major General Vagn Bennike to the UNSC, the raid at Qibya took place on the evening of 14 October 1953, at around 21:30, and was conquered with roughly half a battalion of regular Israeli soldiers. It began with a mortar barrage on the village until Israeli troops reached the outskirts of the village. The Israeli forces used Bangalore torpedoes to breach the village defenses. They laid landmines on roads to prevent Jordanian troops from joining the fight.

At the same time, the Israelis fired at least 25 mortar shells into the neighboring village of Budrus. Israeli forces acted simultaneously from three sides of the village to blow up 41 dwellings, plus the village school. They killed 42 villagers, and wounded 15. The UN observers noted that: Bullet-riddled bodies near the doorways and multiple bullet hits on the doors of the demolished houses indicated that the inhabitants had been forced to remain inside until their homes were blown up over them.³⁸

Nahalīn, 1954

At 07:00 on 29 March 1954, Israeli Unit 101 raided an Arab Legion base four kilometers inside the Jordanian-administered West Bank, at the village of Nahalīn. In that attack, Israeli forces killed five national guards, three legionnaires (in transit from the Arab Legion base to the village), one woman, and wounded 18 civilians. Some reported that Israeli forces killed 19 men, women and children. The Israelis surrounded the village from three directions and penetrated inside the village, where small patrols opened fire from automatic weapons, tossing hand grenades and blowing up seven houses, as well as the village mosque.³⁹

Attacking Homes across the Green Line

Targeting homes, shelters and shelter seekers continued through interim periods between emblematic events cited here. Israel practiced this doctrine also internally against the surviving Palestinian population living under Israel's military administration throughout 1948–1966. When the practice intensified in cross-border attacks on the Jordanian-administered West Bank is even considered to have provoked the June 1967 War.⁴⁰

Internal to Israel's 1948 territory, attacks on the homes of Palestinian citizens of Israel were more administrative than military, albeit through Israel's military administration imposed there. The attack on

shelter-seeking Palestinian refugees continued in their exile, but complementary to Israel's military doctrine, as well as its *raison d'état*.

Throughout historic Palestine, application of Israeli domestic laws has resulted in institutionalized material discrimination against Palestinians to the benefit of Jewish settlers, both Israeli citizens and others. Exclusive benefits reserved for Jews derive from the two-tiered civil status under Israel's domestic legal regime based on a "Jewish nationality," which entitles "persons of Jewish race or descent" to superior rights and privileges, particularly in land use, housing, development, immigration and access to natural resources, as affirmed in key legislation.⁴¹ Both the Goldstone Report and Concluding Observations of the UN Committee on Economic, Social and Cultural Rights have found that this material discrimination is institutionalized "through Israel's parastatal agencies (WZO/JA, JNF and their affiliates), which dominate land use, housing and development."⁴²

In September 1953, the Israeli Custodian of Absentee Properties executed a contract transferring "ownership" of all Palestinian lands under his control to the Israeli Department of Construction and Development (IDCD). The price for these properties was to be retained by IDCC as a loan. Meanwhile, the Custodian conveyed the "ownership" of Palestinian houses and commercial buildings in cities to JNF affiliate Amidar, a quasi-public Israeli company founded to implant settlers,⁴³ and thus began an unbroken pattern of systemic "race-based" segregation and dispossession to this day.⁴⁴ By 1953, those properties had been transferred at least three times, thus hampering the restitution, return and other forms of reparation to which the refugees and internally displaced persons (IDPs) remain entitled.⁴⁵

With reference to Israel's attacks on Syrian military placements on the Syrian shore of Lake Tiberius, the UNSC adopted a resolution in 1956 that:

2. *Reminds* the Government of Israel that the Council has already condemned military action in breach of the General Armistice Agreements, whether or not undertaken by way of retaliation, and has called upon Israel to take effective measures to prevent such actions;
3. *Condemns* the attack of 11 December 1955 as a flagrant violation of the cease-fire provisions of its resolution 54 (1948), of the terms of the General Armistice Agreement between Israel and Syria, and of Israel's obligations under the Charter of the United Nations;
4. *Expresses its grave concern* at the failure of the Government of Israel to comply with its obligations;⁴⁶

In 1962, the UNSC also *condemned* Israel military action in breach of the General Armistice Agreement, "whether or not undertaken by way of retaliation."⁴⁷ In 1966, the Council again "Emphasiz[ed] to Israel that actions of military reprisal cannot be tolerated and that, if they are repeated, the Security Council will have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts;⁴⁸

In another unprovoked attack that the Israeli military nonetheless acclaimed to be a reprisal operation (*peliot tagmul*), Israeli regular armed forces attacked the village of Tel al-Arba'in, 4 km inside the Jordan-administered West Bank. On the night of 29–30 April 1966, Israeli forces badly damaged or demolished by explosions some ten houses constructed of stone, of which two were two-story residences. Eye witnesses reported that, "in some places where a group of houses were close together, the destruction was so total that it was impossible to tell the exact number of houses involved"⁴⁹ The attackers also severely damaged a 3-ton civilian truck belonging to a farmer by firing an anti-tank type weapon."⁵⁰ Israeli forces also carried out a massacre at Tel al-Arba'in, killing 11 and wounding three; all were civilian farmers.⁵¹

Al-Samu`, 1966

On 13 November 1966, Israeli forces launched a cross-border attack on Samu village, in the then Jordanian-controlled West Bank. Ostensibly, Israel's massacres at Samu` was in response to a landmine explosion that killed three Israeli soldiers patrolling two days earlier near the West Bank border. The origin of the land mine was never investigated.

In the *tagmul* attack code-named Operation Shredder, an Israel force of 3,000–4,000 soldiers, backed by tanks and aircraft, occupied four hills south of al-Khalil (Hebron), penetrating eastward 6 km into Jordan in two columns. The first column headed in the direction of al-Samu` village. The other column proceeded in northeastward to Khirbat al-Markaz.⁵²

The Israelis began their assault by attacking Jinba village, setting explosive charges in houses and destroying the Jordanian police post at Khirbat al-Markaz around 06:15 AM on 13 November 1966. Personnel carriers entered al-Samu`, firing in all directions, while other troops advanced into the village and blew up houses. Israel aircraft bombed the village five times launched three rocket attacks on vehicles until the Israeli force withdrew at 09.45 AM.

At Jinba, Israeli forces destroyed 15 stone huts, damaged seven, destroyed a well and killed a camel. In al-Samu`, Israeli forces destroyed 125 houses, including two shops, a village medical clinic a six-classroom school, and over 20 vehicles. They damaged at least 23 other houses a dwelling tent, and a mosque. They also killed four cows, a goat and eight monkeys, while also wounding a camel.⁵³

Parts of the hilltop town of some 4,000 people was reduced to rubble. The explosives used by the Israelis were so powerful that houses made from huge cut stone blocks weighing fifty pounds and more were obliterated and had been hurled in every direction."⁵⁴

"People are demonstrating in many parts of my country against this Israel aggression. Because of the cold-blooded attack which lasted for four hours, people lost their homes, their belongings, their farming equipment, their food and their animals. Villagers became a prey to hunger because of Israel's vicious, merciless and inhuman beaten, that some were killed and their homes were obliterated simply because they had no arms..."⁵⁵

While the Israel army, with tanks and artillery and air cover, was killing innocent people and destroying property, eye-witnesses reported that the Israel soldiers "were celebrating all these crimes with joy and singing."⁵⁶

Israel's actions were bitterly criticized also in Israeli political and military circles, as well as by UN observers.⁵⁷ After hearing evidence,⁵⁸ the UNSC responded, deploring "the loss of life and heavy damage to property resulting from the action of the Government of Israel,"⁵⁹ and censuring Israel for "violating the United Nations Charter and the General Armistice Agreement."⁶⁰ The UNSC "[emphasized] to Israel that actions of military reprisal cannot be tolerated and that, if they are repeated, the Security Council will have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts."⁶¹ The attack on al-Samu`, the largest Israeli military operation since the 1956 Suez Crisis, is considered to have contributed to the outbreak of the June 1967 War.⁶²

The 1967 War

Whatever other pretexts for Israel's 1967 military operations resulting in the acquisition of West Bank, Jerusalem and Gaza Strip territory by force, the Israeli army was unambiguous in its purpose to expel civilian population from the acquired land. In addition to conducting chemical and concussion bombardments, Israeli forces also loaded local inhabitants on trucks and escorted them under guard to the Jordanian border. In the West bank town of Qalqīliya, for example, the Israeli army drove out many families by force after demolishing some 850 (over 42%) of the town's 2,000 homes.⁶³

After the fighting ended, the Israeli army completely destroyed three villages, inadvertently memorialized through their management by the JNF as "Canada Park," later named for the Canadian Zionist community's contributions to JNF at the behest of JNF/Canada President Bernard Bloomfield. Even some dutiful perpetrators of the population transfer operations in the "Lutrūn Salient" have questioned its moral and strategic justifications.⁶⁴

Ironically, when Canadian journalist Arthur C. Forrest asked permission to visit the three destroyed villages Yalū, Bayt Nūba and Emmaus, in 1967, Israeli military occupation authorities refused his request on grounds that "There isn't any Beit Nuba!"⁶⁵ Nevertheless, Forrest managed to travel to the devastated area. From survivors whom he asked about the destruction of these villages he learned that Israeli bulldozers demolished houses over the heads of the less-mobile elderly villagers who perished in the rubble.⁶⁶

Reportedly, many other rural and marginalized Palestinians who witnessed the expulsion of villagers in the West Bank also joined the exodus out of fear for a worse fate, the image of which has remained imbedded in their collective memories of 1947–48. Under both direct bombardment and threats of the same, 57% of those escaping or transferred across the Jordan River reported intense Israeli bombardment as their reason for flight.⁶⁷

As Israeli forces swept across the West Bank in 1967, Israeli planes dropped napalm on Palestinian refugees fleeing across the Allenby Bridge into Jordan. By that method, they also depopulated the refugee camp at Jericho, which had held some 65,000 refugees from the 1948 ethnic cleansing (Nakba). The attacks drove thousands across the Jordan River into Jordan. Survivors from the Jordanian Army testified that Israeli aircraft had napalmed whole field hospitals in the process.⁶⁸

Syrian Golan, 1967–present

It is generally estimated that Israeli forces expelled 109–120,000 Syrian Arabs from the Syria Golan Heights in 1967. Israel then destroyed their villages (134 in total). That accounts for about 20,000 demolished homes, assuming six people per family unit:

...the Israeli forces withdrew from the town of Quneitra, leaving it in ruins, after having pillaged and laid waste [to] all its structures and facilities as well as its historical monuments. It has been established beyond all doubt that these criminal acts were not the outcome of military operations, but were deliberate and premeditated. The whole town was demolished by means of explosives and the remains were leveled with bulldozers....The Council of the League invites all those who believe in human rights and oppose acts of annihilation to visit the town of Quneitra to see for themselves how Israel has destroyed all its pretensions by its destruction of

the houses of this town, in utter disregard for all human values and international norms, laws and resolutions.⁶⁹

With the WZO/JA bound by its common charter to exclude the Indigenous Syrian population, Israel's physical-planning regime systematically denies building permits to Golan's Arab households. This institutionalized material discrimination manifests in the continuous demolition of Syrian structures, while facilitating illegal settler-colony expansion.⁷⁰ Under Israeli institutions maintaining this regime, in 2016, for example, between 80 and 90 households faced "administrative" (effectively punitive) demolition of their homes.⁷¹

Incursions into Lebanon, 1970–78

Israel's first invasion of Lebanon came in 1970, resulting in the killing of some 400 Lebanese and Palestinian resisters and civilians.⁷² By August 1974, Israel had declared a policy of *preemptive* raids, which the Israeli Cabinet officially endorsed in 1979. Attacks on the Palestine Liberation Organisation bases in border villages became almost daily occurrences. In 1975, with the outbreak of the Lebanese civil war, Israel kept up its military operations mostly in South Lebanon. In March 1978, Israel invaded South Lebanon to "liquidate terrorist bases along the border." The human consequences of this invasion were tragic. The Lebanese authorities estimated that total Lebanese and Palestinian casualties were 1,168 dead, almost half of them civilians. Thousands of Lebanese had to flee their homes in the south and seek refuge in the poorest suburbs of war-torn Beirut.⁷³

On 23 July 1975, at 01:20 hours, Israeli forces crossed the southern Lebanese border near the villages of Kfar Kala and Wādi Hūra, where they demolished two houses, damaged 29, kidnapped seven persons, and wounded two.⁷⁴

In March 1978, Israel's invasion left more than 1,000 Lebanese dead, including 81 killed in al-`Abasīyya, 31 in al-Khiyām and 29, mostly children, in Kunīn. The raids dispersed 260,000 civilians from their homes.

Operation "Peace for Galilee," 1982

Israeli military commanders had long planned their 1982 invasion of Lebanon with a central purpose of eliminating the Palestine Liberation Organization from Lebanon.⁷⁵ The Israeli forces fielded 120,000 men, 1,600 tanks, 1,600 armored personnel carriers, and 600 guns. The Israeli forces advanced toward Beirut in the form of three columns: one along the coast, one in the central region and one to the east. These succeeded to forcibly evict civilians from their homes, towns and villages in the direction of Beirut, after breaking through lines of resistance on the fifth day of the invasion. Along the coast, the Israelis concentrated their strikes along a 25km band from Tyre to Na`mah, south of Beirut. They used helicopter gunships effectively in the central region, and branched out their land assault in the east through the UNIFIL zone toward the Biqa' Valley, with another branch turning westward to converge on Tyre, at the coast.

Israel's invasion in 1982 caused 19,085 deaths and left 31,915 wounded, overwhelmingly civilians. The invasion forces displaced half a million people through their ferocious attack on cities, villages, homes and civilian infrastructure. The advancing Israeli ground assaults, forcing hundreds of thousands of Lebanese civilians ahead of three Israeli military columns, all directed toward south Beirut.⁷⁶ The result was to place

those shelter seekers in the line of attack, where Beirut's southern suburbs became the principle target of the indiscriminate bombings of housing that followed.

Much of the evidence of Israeli military conduct is recorded in the international MacBride Commission report's second section. It demonstrates that the Israeli armed forces violated virtually every norm of the law of war, including the most-fundamental IHL principles of military necessity, proportionality, distinction and humanity, to the most-detailed rules governing the use of specific weapons. The themes of 'blanket bombing' of the civilian population and the 'incidental' victims of land, sea and air bombardment are extensively covered, reporting the use of implosion bombs, concussion bombs, napalm and other restricted agents against homes and entire apartment blocks.⁷⁷ According to Lebanese statistics, the Israeli offensive, particularly the intensive shelling of Beirut, caused 18,000 deaths and 30,000 injuries, mostly among civilians.

The Commission rejected on legal grounds Israel's justifications for the great number of civilian deaths. One of the most striking facts emerged when Israeli military service personnel testified that they had received no specific training and instruction on the conduct of war in civilian populated areas. At the time, this was seen as a particularly serious indictment of Israeli military training and planning, and of those who planned the attacks on Sidon, Tyre and other civilian centers.

The 1982 invasion culminated in the Israeli-supervised massacre at Sabra and Shatīla refugee camps in Beirut. The PLO forces already had withdrawn from the country, leaving Palestinian refugee civilians without institutional and military structures to support them actively or passively. While under Israeli occupation and direct supervision of Gen. Ariel Sharon and Chief of Staff Rafael Eitan, Israeli forces ensured the systematic murder of some 1,500–3,500 unarmed Palestinian and Shi'a Lebanese civilians in their homes between 16 and 18 September 1982.⁷⁸

Occupation Policy in Palestine⁷⁹

A strategic focus of the military occupation of the West bank, Jerusalem and the Gaza Strip has featured the punitive application of house demolitions. This practice generally is understood as a form of collective punishment prohibited in international humanitarian law, it is usually premised on three bases: (1) security demolitions, as retaliation for an actual or suspected act of violence against the occupation, (2) removal as a function of urban planning and (3) demolition for construction without a building permit.

In the West Bank, Israeli orders empowered the High Planning Council (HPC), operating under the (Jordanian) Minister of Planning. As of June 1967, the Military Government of Israel began administering the occupied territory by Military Orders (M.O.s), transferring planning authority to "anyone appointed by the commander,"⁸⁰ who also appoints other members of the HPC. The HPC has maintained three subcommittees for: (1) Israeli settlement, (2) (Palestinian) house demolitions and (3) local planning and development. The first of these secretive subcommittees has organized and sanctioned transfer, demolition and settler implantation activity classified as war crimes.⁸¹ The third of these, as its name indicates, oversees physical planning and development in Palestinian town and villages, and still operates in 61% of the West Bank designated Areas C during the Oslo II (1995) phase of occupation.⁸² Traditionally rural Area C, excluding East Jerusalem, is now home to at least 385,900 Israeli settlers⁸³ among approximately 300,000 Palestinians.⁸⁴

In 1971, the Israeli military commander further institutionalized discrimination and further negated the indigenous law by issuing M.O. 418. The order authorizes the Israeli HPC to “amend, cancel, or condition the validity of any plan or permit.” Formalizing an arbitrary basis of discrimination, M.O. 418 authorizes the same HPC to “exempt any person from the obligation to obtain a permit required under the Law,”⁸⁵ which privilege is bestowed on Jewish settlers to facilitate their lawless construction and colonization on Palestinian territory. Israel’s Apartheid Wall construction has imposed further punitive measures, including a Palestinian construction ban, also applied retroactively, across a swath of 60 m on either side of the Wall.

Home demolitions remain the most dramatic manifestation of Palestinian housing rights denials across the country, with Israeli occupation forces razing over 55,000 Palestinian homes in the oPt since 1967.⁸⁶ In the oPt, these fall into roughly four categories: (1) Punitive demolitions (3%), including collective punishments against families of security-offense suspects; (2) administrative demolitions in East Jerusalem and Area C for lack of a building permit, which Israeli planning authorities deny to 97% of Palestinian applicants; (3) land-clearing and military operations (about 66% of demolitions since 1967), whereby Israeli forces variously clear land, including for extrajudicial executions; and (4) undefined demolitions, mainly resulting from land-clearing operations and Palestinian depopulation.⁸⁷

Israel has concentrated on the de-Palestinianization of occupied Jerusalem, illegally annexed by Israel in 1980, for which the UNSC has repeatedly condemned Israel⁸⁸ and determined any resulting changes to the physical character, demographic composition, institutional structure and status to be illegal, null and void.⁸⁹ These crimes now particularly target Jerusalem Palestinian neighborhoods of Silwan,⁹⁰ Sheikh Jarrah, the eastern periphery areas E1 and Khan al-Ahmar/Abu Helu villages,⁹¹ as well as the Old City. Since 2017 legislation has facilitated this demographic manipulation, and hampered Palestinians’ access to justice.⁹² These settler assaults on Palestinian tenure are facilitated by biased judges,⁹³ including settler/judges, as in the case of the al-Kurd family of Sheikh Jarrah.⁹⁴

Lawfare against Palestinian Jerusalemites’ housing and land rights complement draconian restrictions on their residency status in their own capital city.⁹⁵ These old and new measures involve the separation of families,⁹⁶ despite the International Law Commission (ILC) determination that “the forcible transfer of members of a group, particularly when it involves the separation of family members, could also constitute genocide.”⁹⁷

The continuous practice of house demolitions is variously recorded, but their losses never have been quantified to demonstrate the full consequences for the victims.

South Lebanon “Demographic” Displacement, 1980s and 1990s

In consolidating its occupation in southern Lebanon, Israel made sure that no single confessional (sectarian) group comprised a majority of the population. It accomplished that through population transfers and forced segregation. One example was the corridor of towns and villages from Jazẓīn, which was largely Christian, south toward Marj`ayūn, a mixed Muslim and Christian city. Midway in the corridor is Rihan, once a Shiite Muslim town, which Israeli forces emptied of its residents, replacing them with Christians from al-Zahrāni and the Iqlīm al-Tuffah area.⁹⁸

The South Lebanese Army (SLA), which operates as Israel's surrogate in the self-proclaimed "security zone" in southern Lebanon, also continued to displace Lebanese citizens throughout the 1980s and 1990s as a function of Israel's demographic-manipulation policy. Israeli forces and the SLA also expelled Lebanese residents from the Israeli occupied zone who demonstrated, or whom they suspected of opposition to the Israeli occupation.⁹⁹

Lebanon, 1993

Amid effective Hizbullah resistance against Israel's continuing occupation of southern Lebanon, Israel assassinated Hizbullah leader `Abbās Musāwī in a February 1992 helicopter attack. However, when that targeted assassination did not reduce resistance, Israel responded to the undaunted Hizbullah in a military onslaught in the summer of 1993.

Between 25 and 31 July 1993, Israel implemented "Operation Accountability" (a.k.a. "Settling of Accounts," or the "Seven-day War"), targeting Shi'a towns and villages of south Lebanon in the heaviest attack since 1982. In that invasion, Israel ostensibly sought to flush out Hezbollah guerrillas who had carried out Katyusha rocket attacks on northern Israel. However, that operation had four broader objectives:

1. Force the Lebanese government to enter into direct confrontation with the Lebanese resistance in order to guarantee security on Israel's northern border;
2. Pressure Lebanon to sign a separate peace deal with Israel, similar to the 17 May 1983 agreement between Israel and Lebanon, which the Lebanese government cancelled a year later under Syrian pressure;¹⁰⁰
3. Demonstrate to the Lebanese government that its insistence on respecting the 1949 Armistice Agreement (between Lebanon and Israel) and the strict implementation of UN Resolution 425 were superfluous;
4. Destabilize the civil peace in Lebanon by systematically destroying homes and property, thereby forcing mass movements of the population.

After assessing that a major ground incursion would lead to significant Israeli casualties, Israeli commanders adopted an artillery and aerial bombardment plan with the aim of eradicating the threat posed by Hizbullah and Palestinian guerillas. Meanwhile, pursuing its secondary goal disrupted civilian life and forced the population to flee north with the unfulfilled intention of turning civilians against Hizbullah.

During the weeklong operation, Israel bombarded thousands of houses and buildings resulting in 300–450,000 civilians displaced from southern Lebanon toward Beirut and other areas.¹⁰¹ That wave included nearly all of the inhabitants of Tyre, one of Lebanon's major cities. Israeli forces also destroyed Lebanese infrastructure and civilian targets such as major electricity stations and bridges, and failed to take adequate measures to minimize civilian casualties, and may have used weapons inappropriate for the environment.¹⁰²

Journalists in Lebanon reported that 90% of the 80,000 inhabitants of Tyre joined the flood of refugees northward, with most casualties and destruction of civilian dwellings having taken place under Israel's intensive bombardment. Israeli artillery was "pounding shells repeatedly and devastatingly into selected houses," in response to any movement inside or outside.¹⁰³ An Israeli army spokesperson announced that "70 percent of the village of Jibshīt is totally destroyed, its inhabitants will not recognize it."

Another senior Israeli officer added that the goal was "to wipe the villages from the face of the earth."¹⁰⁴ Israeli forces killed 125 civilians and destroyed much of south Lebanon's civil infrastructure in that operation.

Qana, Lebanon, 1996

Israeli Prime Minister Shimon Peres launched "Operation Grapes of Wrath," in April 1996, repeating the Operation Accountability model of population transfer. Reportedly, some families who had evacuated during the 1993 Operation Accountability refused to repeat the ordeal, while others left and merely resented the Israelis' order to leave their homes. However breaching humanitarian obligations to protect civilians, throughout Operation Grapes of Wrath, Israeli political and military officials clearly enunciated that Lebanese civilians would bear responsibility for their own deaths if they remained in towns and villages in south Lebanon that they or their South Lebanon Army allies ordered evacuated.¹⁰⁵

The invasion of 1996 explicitly targeted civilians, according to statements at that time by Israeli Prime Minister Shimon Peres. Israeli Defense Official Yitzhak Bailey wrote in *Ha'aretz* in 1995, "Unfortunately, the only way to stop Hezbollah actions against the Israeli forces in south Lebanon is to inflict heavy blows on the passive population.... Then Hezbollah would be loathed."¹⁰⁶ Major-General Amiram Levine declared: "The residents in south Lebanon who are under the responsibility of Hezbollah will be hit harder, and the Hezbollah will be hit harder, and we will find the way to act correctly and quickly."¹⁰⁷

Evidence indicates that Israeli forces were carrying out "indiscriminate and disproportionate attacks" against civilians in what became virtual "free-fire" zones across large parts of south Lebanon. A "strong protest" came from the UN when Israeli "planes had dropped bombs in front of a clearly marked two-vehicle UN convoy transporting essential items to refugees taking shelter in and around UN positions."¹⁰⁸

On 15 April, Israeli aircraft rained down over 700 shells and 30 air-to-surface missiles and bombs in a four-hour period.¹⁰⁹ Journalists were unable to investigate the destruction in villages near Tyre "because of the intense bombing and shelling," On 16 April 16, residents who had fled nearby villages reported: "It's random shelling.... They are sparing nothing. They are hitting homes and fields and civilians." One fleeing resident testified that up to one hundred shells, bombs and rockets were landing every hour in the village of Mansūri, reporting that "about 20 big guns" were overlooking the village and "firing incredibly fast."¹¹⁰

On 18 April, an Israeli strike on a village near Nabatīyya destroyed a building, killing a woman, her seven children and a cousin. A few hours later, Israeli artillery shells hit the makeshift refugee compound at the UNIFIL post at Qana, some ten kilometers southeast of Tyre, killing over 100 displaced civilians and wounding over 100 more, all of whom had fled their homes to seek shelter in the UN compound.

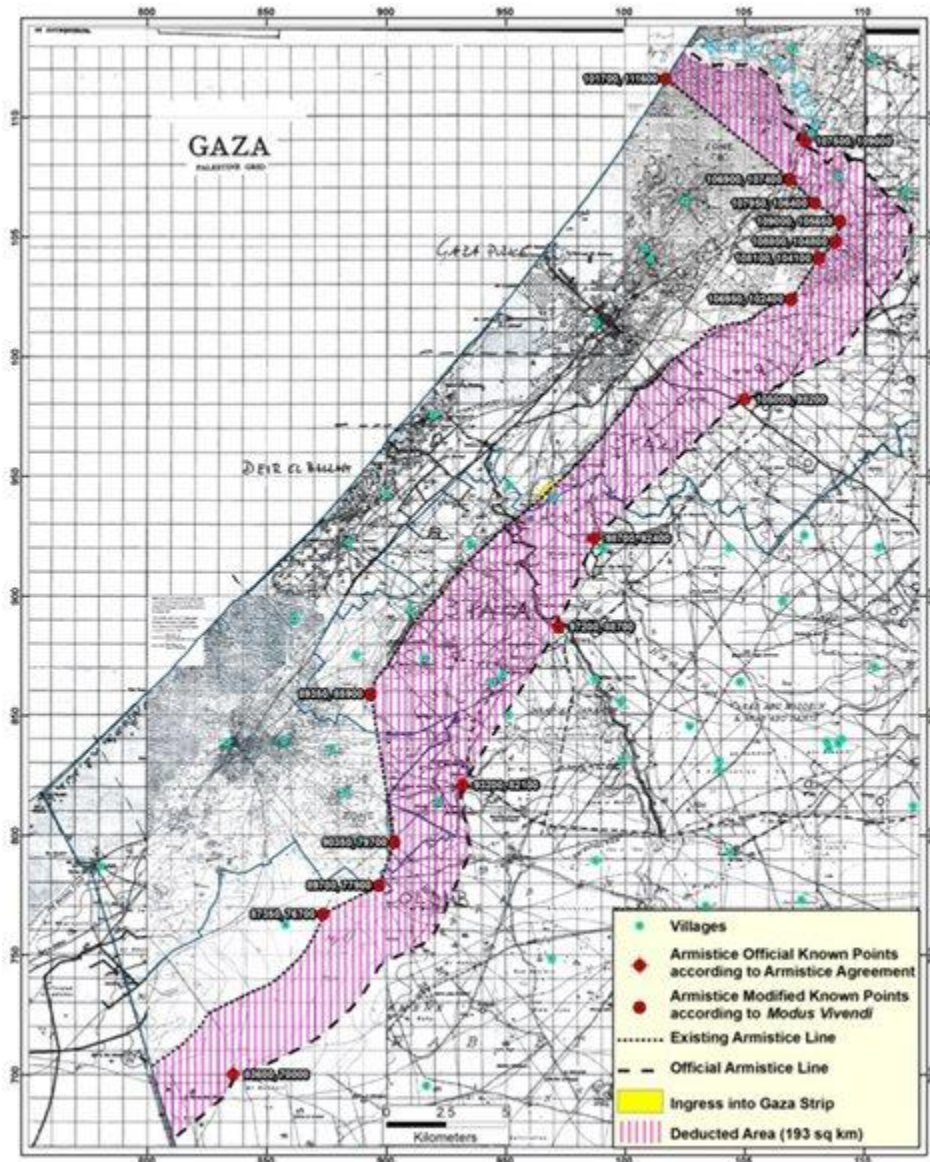
Franklin van Kappen, the UN Secretary-General's military adviser, investigated the apparently deliberate attack on the refuge and concluded: "It is unlikely that the shelling of the United Nations compound was the result of gross technical and/or procedural errors."¹¹¹ Despite the indicting conclusion, the Israeli Prime Minister Shimon Peres' responded by saying: "In my opinion, everything was done according to clear logic and in a responsible way. I am at peace."¹¹² Following the Qana massacre, one soldier told the Israeli newspaper *Kol Hair*, "The battery commander gathered us all and told us that this was war and that we had to continue firing like the great fighters that we are. Hezbollah entered a village in which there were some Arabs, but that was their problem. One more Arab, one less Arab, you know."¹¹³

Gaza Land and Natural Resources

Since the second *Intifadha* (uprising), in 2000, Israel has gradually decreased access to Palestinian land and natural resources in the Gaza Strip, including farmlands and fishing grounds along the eastern and northern borders by land and western territorial waters. These ‘access-restricted areas,’ also referred to as a ‘buffer-zone,’ are militarily enforced by incursions and use of live fire targeting residents, workers, and property.

Prior to 2000, the Israeli military unilaterally implemented an undefined ‘no-go’ zone and began leveling lands near the 1949 Armistice Line (Green Line), which severely reduced the northern and eastern lands of the Governorate of Gaza.¹¹⁴

By mid-2006, Israel was leveling Gaza lands and civilian structures between 300 and 500 meters from the Green Line and the fishing area was reduced to six nautical miles (nm), reduced from the 20 nm agreed under the 1994 Oslo Accords. Ever since, Israel further restricted the designated fishing zone to 3–6 nm. In January 2009, the Israeli military dropped leaflets informing residents not to move within 300 meters from the Green Line at the risk of being shot. In practice, Palestinians are shot at beyond 1,500 meters from the border fence.¹¹⁵



The receding Armistice line of 1949 shrinking the area of the Gaza Strip by 200 km² to its present size. Israel forced unilaterally another buffer zone reducing the area of the strip by a further 20%. Source: Salman Abu Sitta, Atlas of Palestine 1917-1966, Palestine Land Society, London, 2010.

Targeted Assassination at Home, Gaza, 2002

At approximately midnight on 22 July 2002, an Israeli fighter jet dropped a 1-ton bomb on the densely populated al-Darraj neighborhood of Gaza City. Israeli spokespersons later admitted that the main target of the attack was the family home of Salāh Shehāda, commander of the military wing of Hamas. The bomb killed Shehāda and an additional seventeen civilians, including his wife, his daughter, eight children (including a 2-month-old baby), two elderly men, and two women. In the neighborhood, the bombing

injured an additional 77 persons, completely destroyed 11 houses and damaged another 32, leaving families homeless.

The Government of Israel confirmed that it was fully aware that Shehāda's wife and daughter "[w]ere close to him during the implementation of the assassination...and there was no way out of conducting the operation despite their presence."¹¹⁶ Israel more commonly carries out extrajudicial killings against vehicles. However, the official targeted killings of "wanted persons" is particularly reckless in the targeting of homes in urban areas, which the state repeatedly has used across the occupied Palestinian territory and in Lebanon.

Targeting Homes in Gaza, 2004

According to the human rights organization Al Haq, the Israeli military totally or partially demolished an estimated 100 Palestinian homes in the Gaza Strip from 10 to 14 May 2004, leaving 1,160 Palestinians homeless. It was also reported that at least 30 Palestinians died in Israeli attacks over that period. According to field reports, Israeli forces killed 15 Palestinians in the morning of 18 May 2004, when they launched a new attack as part of the ongoing military "Operation Rainbow." According to the Palestinian Human Rights Monitor Group reported that the Israeli forces killed 56 Palestinians in the course of the week, among them were 14 children under the age 18.¹¹⁷ Israeli troops also destroyed about 100 houses in the Rafah Refugee Camp, and officials said hundreds more may be torn down. UN agencies reported that some 2,197 people have lost their homes to Israeli demolitions in the first 15 days of May.¹¹⁸

On 16 May 2004, Chief of Staff Moshe Ya'alon said that the Israeli army would widen the Philadelphi Route (along the Gaza-Egypt border) by demolishing houses in Rafah, which decision followed a High Court of Justice ruling on the same day that permitted the army to demolish Palestinian homes without granting residents a right of appeal, if this is dictated by "immediate operational necessity," or the need to protect soldiers' lives.¹¹⁹ On 14 May 2004, 13 people whose homes were destroyed had appealed to the Israeli Supreme Court to stop the demolitions in the refugee camps in the south of Rafah, and on 18 May, 45 others petitioned the Court unsuccessfully against the threat of destruction of their homes.

The former head of the Israeli army's southern command for Gaza, Colonel Yom Tov Samya, also stated that Israel's house demolitions policy was an end in itself, not a by-product of a search for tunnels or resistance fighters. In October 2003, he said "The IDF [Israeli Defense Force] has to knock down all the houses along a strip of 300 to 400 metres [wide]. It doesn't matter what the future settlement will be, this will be the border with Egypt."¹²⁰

On 19 May 2004, the UNSC adopted resolution 1544 (2004), condemning the killing of Palestinian civilians in the Rafah area, and expressing grave concern over the recent demolition of homes committed by the occupying Power in the Rafah Refugee Camp. It called upon Israel to respect its obligations under international humanitarian law, and insisting on Israel's compliance with its obligation not to undertake demolition of homes contrary to that law.¹²¹

Later in the year, on 28 September 2004, columns of Israeli tanks, bulldozers and armored personnel carriers moved into northern Gaza from their permanent bases in the nearby Nissanit settlement into the Erez Industrial Zone and Gaza's eastern Border, tearing up roads and flattening homes and crops along their way. Israeli army units established strategic positions on high ground overlooking Jabāliya, Izbat Bayt

Hanūn and Bayt Lāhiya. Israeli troops also deployed along the main road between Jabāliya Refugee Camp and Bayt Hanūn, and on the northern and eastern sides of Jabāliya Refugee Camp. Israel announced its operation “Days of Penitence” to prevent the firing of homemade Palestinian rockets into the Israeli settlement of Sderot, which had killed four Israeli citizens over preceding months.

Over the next 17 days of Operation Days of Penitence, the Israeli army remained in control of northern Gaza, with some 200 armored vehicles deployed in towns, villages and densely populated refugee camps. Those forces launched regular raids into civilian areas, firing on Palestinian targets from the air and ground, sealing off Palestinian neighborhoods and restricting movement of civilians and humanitarian/emergency relief workers. Tanks leveled large swaths of agricultural land and caused widespread damage to public and private property, including homes, schools, commercial establishments and public infrastructure. Israeli bulldozers dug deep trenches across several main roads, severing sewage, water and electricity lines. Many thousands of civilians were prevented from leaving their homes as fighting raged around them, while some 4,000 persons managed to flee their homes in the affected areas.

At the time of their redeployment on 15 October, Israeli forces killed 107 Palestinians over one-third of whom were civilians,¹²² including 27 children, and injured over 431.¹²³ Even after the Israeli government announced that the operation was ending, Israeli troops moved into the town of Bayt Hanūn and ordered people from their homes, apparently in order to carry out fresh demolitions.

The military operation's principal effect was to punish hundreds of thousands of Gaza's civilian residents for the Hamas rocket attacks, making 675 Palestinians homeless by destroying 91 homes belonging to 143 families. Over 90 percent of those affected already were refugees. The total cost of rebuilding those homes stood at around US\$2.5 million. A further 101 homes (housing 833 persons) sustained damage. The majority of homes destroyed were on the eastern edge of Jabāliya Refugee Camp, close to Block 4. This was the most intense house demolition operation in northern Gaza since the start of the al-Aqsa Intifada (2000).¹²⁴

Summer War on Lebanon, 2006

As a response to a Hizbullah raid on an Israeli border patrol, Israel’s Operation “True Promise,” began on 12 July 2006. The Israeli air and ground invasion left nearly one million Lebanese displaced until military operations ended on 14 August 2006. Of those displaced persons, an estimated 735,000 sought shelter within Lebanon, and 230,000 took refuge in neighboring Syria, Cyprus, Jordan, the Persian Gulf states and beyond. As many as one-half of the displaced were children. Of those within Lebanon, approximately 135,000 sought shelter in schools, and over 600,000 resided with host families. Within hours of the end of hostilities on 14 August, the displaced began returning in large numbers.¹²⁵

This took place in Lebanon’s special demographic context, where many people already had been displaced because of previous conflicts, and communities still were in the process of recovery and rebuilding. The numbers presented here also include secondary displacement of approximately 16,000 Palestinian refugees within Lebanon.

The available evidence indicates that the single greatest cause of civilian deaths was due to Israel’s attacks on civilian homes.¹²⁶ The air war had a greater impact on the civilian population than the Hizbullah-stifled ground invasion. Israel used air, naval and army forces simultaneously, flying some 15,500 sorties that

attacked more than 7,000 targets across Lebanon.¹²⁷ The Israeli navy conducted over 2,500 bombardments of targets within range of the Lebanese coast. The army fired tens of thousands of artillery shells and multiple launch rockets.¹²⁸

Of the 1,191 Lebanese whom the Israeli forces killed, most were civilians. Significant to the phenomenon of targeting shelters and shelter seekers, the alleged 56 massacres that Israel conducted in the July War include at least 42 cases of the demolition/destruction of homes and other shelters. (See table below.) Of the known casualties, at least 454 died in homes and other shelters that were not proved to be valid military targets. While, in those Israeli attacks, more than 280 have been recorded as injured, the true and likely much larger number remains unknown.

By that conduct, the Israeli military violated the principle of distinction between military and civilian targets, as well as the principle of proportionality, and the prohibition of indiscriminate attacks.¹²⁹ Israel's destruction of homes and other shelters, as well as the general destruction of civilian areas, including entire villages, have resulted in grim consequences for human life, housing and health, and have caused grand-scale internal and cross-border displacement.

In its cluster-bomb strikes on built-up and residential areas, Israel's maintains the position that such affected areas were the site of Hizbullah fighters seeking the cover of civilian populations to achieve immunity from treatment as a legitimate military target. In its field research at Qana, Srifa, and Tyre, Human Rights Watch (HRW) found:

No evidence that there had been Hizbullah military activity around the areas targeted by the IDF during or just prior to the attack: no spent ammunition, abandoned weapons or military equipment, trenches, or dead or wounded fighters. Moreover, even if Hizbullah had been in a populated area at the time of an attack, Israel would still be legally obliged to take all feasible precautions to avoid or minimize civilian casualties resulting from its targeting of military objects or personnel. In the cases documented in this report, however, the IDF consistently tolerated a high level of civilian casualties for questionable military gain.¹³⁰

Israel counter-accused Hizbullah of having used the civilian population as human shields in Beirut's southern and eastern suburbs and of towns and villages in southern Lebanon.¹³¹ Israel stated that, for both pragmatic and legal reasons, it had limited its military conduct in fighting Hizbullah.¹³² The Israeli military explained that its practice always involved the advice of an Israeli military expert in humanitarian law reviewing the lists of potential targets and the type of weapons used. Thus, various Israeli targeting decisions apparently operationalized the knowing and deliberate rejection of international humanitarian law (IHL) norms.

Israeli-conducted Massacres of Lebanese Civilians by Destruction of Homes and Shelters, July–August 2006					
No.	Location	Region	Date	Killed	Wounded
1	Aytarūn (1)	Bint Jubayl	12 July	11	Unknown
2	Dwayr	Nabatiyya	13 July	12	Unknown
3	Zibkīn	Tyre	13 July	12	Unknown
4	Shahūr	Tyre	13 July	7	Unknown
6	Civil Defense Building	Tyre	16 July	12	50
7	Abbasiyyah Crossroad	Tyre	16 Jul	13	Unknown
8	al-Burj al-Shamāli	Tyre	16 July	5	8
9	Aytarūn (2)	Bint Jubayl	17 July	13	Unknown
10	Shmays	Shhīm, Mount Lebanon	17 July	5	10
11	Srīfa	Tyre	night of 18–19 July	more than 35	30
12	Aynātha	Bint Jubayl	night of 18–19 July	4	5
13	Nabatiyya (1)	Nabatiyya	19 July	5	5
14	Nabi Shīt	West Biqa`	19 July	8	3
15	Tyre (2)	Tyre	19 July	20	Unknown
16	Nabatiyya (2)	Nabatiyya	25 July	7	Unknown
17	Haddātha	Bint Jubayl	28 July	6	Unknown
18	Kfar Jawz	Nabatiyya	28 July	6	Unknown
19	Dayr Kanūn Nahr	Tyre	28 July	4	Unknown
20	Yatar (2)	Bint Jubayl	28 July	4	Unknown
21	Numayriyyah	Nabatiyya	29 July	7	Unknown
22	`Ayn `Arab	Biqa` Valley	29 July	6	3
23	Yarūn	Bint Jubayl	30 July	6	Unknown
24	New Qana	Tyre	30 July	100+	at least 9
25	Hallūsiyyah	Tyre	31 July	more than 13	unknown
26	Harīs	Bint Jubayl	31 July	16	unknown
27	Luwayzah	Iqlīm Tuffāh	01 August	5	1
28	Ma`rub	Tyre	01 August	5	unknown
29	Taybah	Marj`ayūn	04 August	7	10
30	`Ayt al-Sha`ab	Bint Jubayl	04 August	10	unknown
31	Ansār	Nabatiyya	06 August	5	10
32	al-Jubbayn	Tyre	06 August	4	unknown
33	Hūla	Marj`ayūn	07 August	5	unknown
34	Ghasaniyyah	Sidon	07 August	8	unknown
35	Ghaziyah (1)	Sidon	07 August	21	30
36	Kfar Tabnīt	Nabatiyya	07 August	5	18
37	Brital (1)	Biqa` Valley	07 August	14	31
38	Shīyyah	Beirut southern suburb	07 August	20	30
39	Mashgharah	Biqa` Valley	09 August	8	unknown
40	al-Haysa	Akkār, North Lebanon	11 August	12	15
41	Ruways	southern Beirut suburb	13 August	15	unknown
42	Brital (2)	Biqa` Valley	13 August	13	22

Source: Lebanese Higher Relief Council (15 September 2006), <http://www.lebanonundersiege.gov.lb/english/F/Info/Page.asp?PageID=130>.

In its assaults on south Beirut and south of the Litani River, Israel did make extensive use of leaflets dropped from the air¹³³ and even telephone calls to warn civilians of impending attacks, as it is obliged to do, unless circumstances do not permit.¹³⁴ Certainly, that practice saved some lives. However,

contradictory and incompatible practices undermined the putative humanitarian effect of those warnings. For example, some of the leafleted warnings stated that, “[a]ny vehicle of any kind traveling south of the Litani River will be bombarded, on suspicion of transporting rockets, military equipment and terrorists.”¹³⁵ Israel, thus, formally abdicated its responsibility to distinguish between combatants and civilians. Moreover, the numerous reported cases of Israeli forces subsequently firing on fleeing civilians cast grave doubt on Israel’s claim to have met its humanitarian and human rights law obligations.¹³⁶

While warnings are required for the benefit of civilians, the civilians are not obligated to comply with them. A civilian’s failure to evacuate can be due to a combination of personal and/or environmental factors. In Israel’s July 2006 war on Lebanon, the fact that a civilian remained in place may result from the dearth of options, including those arising from the attacker’s (1) refusal to apply the principle of distinction, (2) prevention of movement and (3) denial of humanitarian access. In any case, a civilian’s decision to stay put does not diminish that noncombatant’s IHL protections.

Statements by some Israeli officials further undermine the claim of its forces’ intent to adhere to humanitarian and other binding norms. For example, well into the war in late July, then Minister of Justice Chaim Ramon reportedly asserted that, “in order to prevent casualties among Israeli soldiers battling Hizbullah militants in southern Lebanon, villages should be flattened by the Israeli air force before ground troops moved in.”¹³⁷ Israeli Defense Minister Amir Peretz explained: “We’re skipping the stage of threats and going straight to action. The goal is for this incident to end with Hizbullah so badly beaten that not a man in it does not regret having launched this incident.”¹³⁸

Beyond contradictory statements of intent, Israel’s actual breaches fall into three broad categories of crime:

- A consistent refusal to distinguish Hizbullah fighters from civilians, including civilian members of Hizbullah,¹³⁹ and targeting humanitarian activities and facilities;
- Targeting entire categories of dual-use objects as legitimate military objectives;¹⁴⁰ and
- “Reckless, perhaps even deliberately reckless, use of cluster munitions.”¹⁴¹

Principles of distinction and proportionality

One official Israeli analysis found that the attacking State premised its policy and practice upon the permissibility of targeting the whole of Hizbullah’s infrastructure, which extends well beyond military structures and defies the principle of distinction. An Israeli military source has explained that:

Targets belonging to the Hizbullah infrastructure [that] support the terrorist-operative apparatus in the Shi’ite neighborhoods of south Beirut (e.g., Dahiya) and other locations in Lebanon [include]: headquarters, offices, buildings serving Hizbullah’s various branches, leaders’ residences and the bunkers they are hiding in, as well as the organization’s “information” infrastructure (al-Manār TV) and offices of the organization’s social and financial infrastructure.”¹⁴²

In South Lebanon, the Israeli forces destroyed thousands of buildings and damaged thousands more. Israel officials have declared that their gunners targeted Lebanese buildings in the “air war” primarily on the basis that they served as launching or storage sites for rockets or other materiel, or because that they presumably housed Hizbullah fighters. However, when UN Special Rapporteurs jointly inquired during their invited mission to Israel, military officials there did not provide any indication of the military object of building, except for sample images of missile launches from buildings in south Lebanon.¹⁴³ However, as the Special Rapporteurs noted, that did not justify Israel’s destruction of many hundreds of civilian homes

and civil infrastructure across South Lebanon or in more distant areas of the country. In the absence of information confirming Israel's claims, it is not possible to consider that its actions of mass destruction meet the criteria of necessity or proportionality.

*Destruction and damage to homes and other shelters*¹⁴⁴

The consensus emerging from diverse sources sets the number of partially or completely destroyed housing units at more than 29,000.¹⁴⁵ Some 15,000 of those are completely destroyed, in addition to 60–65,000 homes variously damaged.¹⁴⁶ The concentration of housing destruction, as with other forms of deprivations, vary. Residential units destroyed in south Beirut numbered about 6,000. The southern village of Yahmūr suffered the destruction of some 250 homes.

The level of destruction varies from village to village, town to town. The village of Farshūba was particularly hard hit. While Shi'a communities were Israel's obvious targets, in the Khiyām region, for example, Israeli forces also bombed and shelled Christian villages, which locals had presumed were not going to be Israeli targets. The Israeli aggression destroyed some 30–40 villages completely.

Preliminary estimates indicated that Israeli forces severely damaged or destroyed between 15,000 and 30,000 homes (expressed as "housing units"). They completely destroyed some 60% of all homes in Bint Jubayl and Khiyām.

The district of Bint Jubayl witnessed the heaviest bombing, with around 200 multiple-use and residential buildings destroyed in Beirut's southern suburbs (*al-Dhāhiya*). The destruction rendered an additional 100 buildings uninhabitable and in need of demolition. A large proportion of the destroyed housing units also are located in the Biqa` Valley (eastern Lebanon). The combined displacement remains at 256,714 individuals. Most of these displaced persons reportedly are living with relatives and friends, resulting in increased density for all, including the host families, and placing a financial burden on hosts with limited financial and other resources.¹⁴⁷

Israeli bombing destroyed about 150 apartment buildings and damaged approximately the same number in the residential *al-Dhāhiya* (suburban) section of south Beirut, especially Harat Hurayk. Because of the preemptive evacuation of so many of the 30,000 to 60,000 persons normally housed there,¹⁴⁸ the loss of life from the Israeli bombing there was limited. However, the untold material losses of housing, service infrastructure and livelihood have been extensive.

Israel has claimed that each building that it destroyed in *al-Dhāhiya* counted as a legitimate military target. However, when given the chance to substantiate that claim during the joint mission of four UN Special Rapporteurs to Lebanon and Israel in September 2006, Israeli military officials failed to offer any substantiation of their claim.¹⁴⁹ Israeli officials had claimed that Hizbullah fired rockets from residential buildings, thus grounding their assertion that Hizbullah abused civilian objects in its military operations. The UN Special Rapporteurs found, however, that that does not serve as a dispositive justification for the destruction of hundreds of civilian houses in South Lebanon, nor other distant houses or infrastructure.¹⁵⁰ Israel still bears a burden of proof to demonstrate that its attacks on homes, affecting 130,000 households, did not violate the principles of distinction, military necessity and proportionality, as well as the prohibitions against indiscriminate attacks and illicit use of weapons of war.

In order to validate its assertion of destruction of homes and other shelters as legitimate military objects, Israel’s military would have to provide reasons for which it targeted specific houses and villages, the time lapse between Hizbullah’s alleged firing of a rocket from a house or village and the Israeli military attack on that site, and the Israeli army’s estimate of civilian presence in and around the target at the time of the strike. In the absence of such information, Israel’s widespread targeting of civilian homes remains, *prima facie*, incompatible with the minimum standards of international humanitarian law.¹⁵²

Cumulative Destruction of Private Houses/ Apartments (as of 29 September 2006)¹⁵¹	
Degree of destruction	Units
Destroyed	30,000
Major damage	30,000
Minor damage	70,000

Throughout the conflict, Israel regularly dropped leaflets across Lebanon warning the population to flee ahead of air strikes, although, in some cases, people were unable to leave their homes, notably in southern Lebanon, for reasons including the destruction of bridges and roads, or because they lacked transport or were physically unable to flee.¹⁵³ Meanwhile, as the resulting pattern shows, those who sought to flee became particular objects of Israel’s airborne bombardment of the country.

Violations as forced eviction and homelessness

Resulting from Israel’s destruction and forced displacement of civilian areas, some 970,000 internal refugees moved to alternative shelter throughout the country and beyond. An estimated 200,000 lived for 30 days sequestered in schools, with several families to each room. Seeking shelter with relatives and friends was a frequent option that affected all inhabitants, as density reportedly has reached up to 40 persons in a single-family apartment in many cases.

The resulting displacement afflicted Lebanese civilians in multiple ways: lack of shelter due to exposure to unexploded ordnance (UXOs) and the loss of employment and livelihood. Since the cessation of hostilities, an estimated 500,000 internally displaced survivors returned to their areas of residence, and an additional 150,000 individuals were reported to have returned from outside the country within two months after the war. An estimated 60–70% of those returned to their villages of origin, particularly in the areas of Tyre, Marj`ayūn, Nabatīyya, and Bint Jubayl. Many lived in their partially destroyed houses not suitable for habitation. Indeed, the war led to the total or partial destruction of around 30,000 housing units.¹⁵⁴

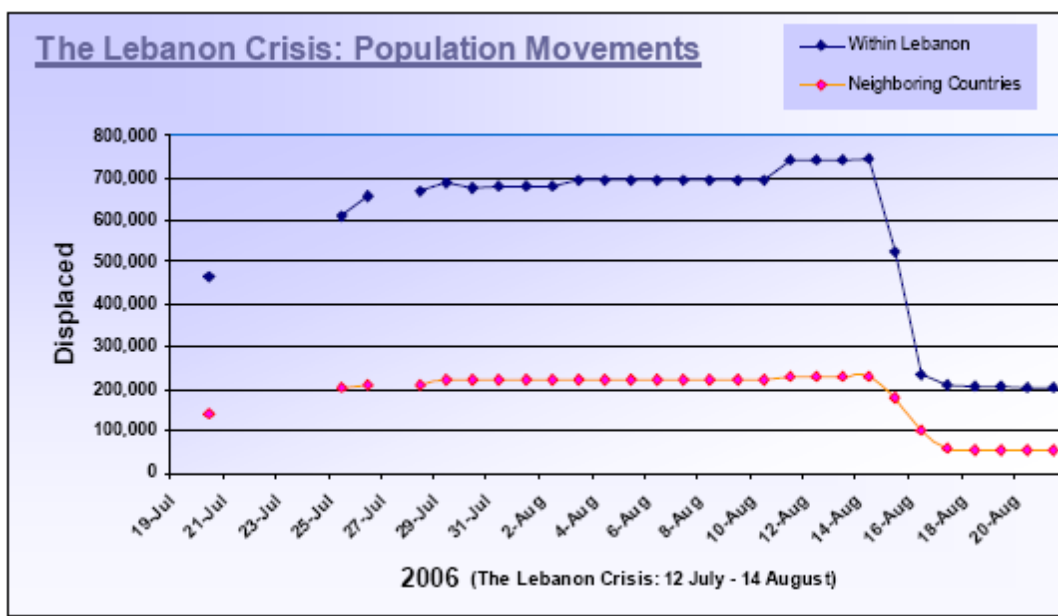
The proportion of civilian casualties on both sides of the conflict is without comparison. Israel began its assault on Lebanon by targeting homes. In the case of *al-Dhāhiya*, Hizbullah insists that it maintained no missiles or military installations of any kind in that largely destroyed quarter of Beirut. Indeed, the pattern of bombing suggests the targeting of “social infrastructure” of Hizbullah and the very communities that support—and depend on—it.¹⁵⁵

Respondents observe that no sectarian group was spared the destruction. The Israeli devastation of Lebanese infrastructure across the country is one manifestation of that fact. Significantly, the forced exodus of civilians in Marwahīn (subject of the massacre of 15 July 2006) were Sunni, not Shī`a, the acclaimed demographic subject of Israel’s invasion.

Of the reported 970,184 displaced Lebanese resulting from the conflict, some 256,714 remained displaced, and an estimated 3,000 were still without any shelter at all in September 2006.¹⁵⁶ By 31 July 2006, available statistics showed that 124,718 displaced persons had taken refuge in 761 schools around

the country.¹⁵⁷ By 9 September 2006, 27 days after the ceasefire, 255,794—approximately 26% of all displaced persons—remained homeless or unable to return to their home.¹⁵⁸

As a consequence, the *Jihād al-Bina'* organization, responsible for post-occupation and postwar reconstruction, estimated that Israeli forces had destroyed 5,000 housing units completely in *al-Dhāhiya*, and causing some level of damage to 17,000. Presently, 14,000 families are without homes in *al-Dhāhiya*, equaling over 60,000 affected persons.¹⁵⁹



Source: UN OCHA, 31 August 2006.

Targeting Lebanese Shelter Seekers¹⁶⁰

The massive forced eviction and displacement of civilians from their homes figure as prominent features of Israel’s war strategy in the July War. Tactically, Israel argues that such migration of civilians is consistent with international humanitarian law requirements to ensure civilians’ safe removal from the field of combat. By its own admission, particularly in the form of warning pamphlets (as noted above), Israel then proceeded to treat civilians in flight as “dual use” objects of attack.

The unfolding pattern of Israeli military conduct, however, manifested more than a dismissive failure to protect civilians. In notable cases repeated across the south of Lebanon and south Beirut during the July War, Israeli bombers targeted civilians in their known places of refuge.

Notably also, on 15 July 2006, villagers from Marwahīn left the area in a convoy, in part because they feared that Israeli forces would attack the area because of its proximity to a Hizbullah weapons store. Reportedly, Israeli helicopters fired two rockets at a white pickup and a passenger car in the convoy of fleeing civilians between the villages of Shama` and Biyādha, killing 21 civilians. Investigators found no evidence to suggest that Hizbullah fighters were near the civilian convoy when the Israeli military struck. The aircraft then returned to attack the UN personnel who arrived to retrieve the lifeless victims’ bodies.¹⁶¹



Figure 2: Harat Hurayk quarter of south Beirut before and after the Israeli bombings. Source: Digital Globe

In that latter attack, at 23:15, Israeli warplanes struck two clearly marked Red Cross ambulances with Red Cross flags illuminated by a spotlight mounted on the ambulance. The humanitarian vehicles were transferring three wounded Lebanese civilians from one ambulance to the other when the Israeli air force struck. A missile hit one ambulance directly, and a warplane returned a few minutes later and struck the second ambulance. The Israeli strikes wounded all six of the Red Cross workers, and further injured the three patients they were treating. One of the patients, a middle-aged man, lost his leg in the ambulance strike, while the Israeli attack also partially paralyzed his elderly mother. The third patient, a young boy, received multiple shrapnel wounds to the head.¹⁶² Although this Israeli attack did not target a home, as in so many other cases throughout the war, it nonetheless targeted a specific category of shelter seekers and, thus, constitutes a war crime based on the charge of breaching the IHL prohibition against “attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations.”¹⁶³

Qana, 2006

The most-reported case of Israeli targeting of shelter seekers is its attack at Qana, 30 July 2006. Amid increasing calls for a ceasefire,¹⁶⁴ the Israel air force attacked an already-damaged three-storey building in the small community of al-Khuraybah, near the South Lebanese village of Qana. The building collapsed, burying a large number of Lebanese refugees sheltering inside. The Israeli attack killed 28 shelter seekers, including 16 children, with 13 people reported missing.¹⁶⁵ The dead ranged in age from nine months to 75 years of age and included members of the Hashim and Shalhūb families, who had used the apartment building as a shelter. Local residents dug through the rubble by hand, searching for survivors, at least some of the bloodied bodies of women and children were wearing nightclothes. Head of Israeli Air Force Headquarters Brigadier General Amir Eshel later told journalists at the Defense Ministry in Tel Aviv that

the Israeli-bombed building had collapsed several hours after the airstrikes, and accused Hizbullah of causing the collapse.¹⁶⁶

Following a quick Israeli military investigation of the widely reported incident, on 2 August, Israeli Chief of Staff Dan Halutz summarized the unpublicized report, making no explicit claim of responsibility for the casualties. He claimed only that "the building was *adjacent* to areas from which rockets had been launched toward Israel" [emphasis added]. In his statement, he also accused Hizbullah of using "human shields."¹⁶⁷ However, according to HRW:

None of the dozens of international journalists, rescue workers and international observers who visited Qana on July 30 and 31 reported seeing any evidence of Hizbullah military presence in or around the home. Rescue workers recovered no bodies of apparent Hizbullah fighters from inside or near the building.¹⁶⁸

Israel's ambassador to the United Nations Dan Gillerman called the dead "victims of Hizbullah."¹⁶⁹ Some Israeli sources denied the very facts of the massacre, asserting that it was a mere hoax staged to elicit anti-Israeli sentiment.¹⁷⁰

On 11 August 2006, the IDF attacked a convoy of approximately 759 vehicles containing Lebanese police, army and civilians. UNIFIL has formed the convoy at the request of the Lebanese government, in order to facilitate the evacuation of its (noncombatant) troops from the Marj `Ayūn army base after Israel took over the base on 10 August. After coordinating with the Israeli army on the route the convoy was to take through the west Biqa`a Valley to Beirut, UNIFIL organized the convoy of Lebanese Joint Security Forces, Internal Security Forces and 365 civilian vehicles. At 22:00 hours that evening, the Lebanese government informed UNIFIL that the Israeli aircraft had attacked the convoy¹⁷¹ with eight to nine bombs, leaving six people dead and 32 wounded, including a Lebanese Red Cross volunteer as he was assisting a wounded person.¹⁷²

The Israeli military responded to international outrage, claiming that, while they had originally authorized the convoy movement, they subsequently denied the request, because, on 11 August 2006, they "identified suspicious movement along a route forbidden for travel..."¹⁷³ Moreover, the IDF claimed that, while they recognized that the convoy was, in fact, the UNIFIL convoy, based on UNIFIL confirmation, the departure was not authorized.

Meanwhile, in Gaza

On 12 July 2006, at approximately 02:45, Israeli war planes targeted a two-story home in a highly densely populated area of Gaza area, totally destroying the house and killing Dr. Nabīl `Abd al-Latīf Abū Slaima and eight members of his family, and injuring 37, three critically. In addition, the attack partially destroyed ten nearby houses.

Most of the injured were buried under the rubble and others were wounded with bone shrapnel flying from the bodies of the victims of the attack. Isra' Muhammad `Abd al-Ghaffār `Abbās, 3, was injured by bone shrapnel in the head. Further, Hussām Muhammad Hammād, 7, survived after he was removed from under the debris.

The Israeli army claimed that the attack was targeting Hamas members.

Operation Cast Lead, 2008–09

From the outset of Operation Cast Lead, Israeli airstrikes attacked private homes and many civilian public and private structures as a matter of course. All are prohibited targets under the laws of war, unless absolutely necessary for military purposes and/or are themselves sources of the adversary's military activity. This report addresses only those most-clearly prohibited objects classified as civilian residences and places of refuge for the civilian population trapped in the Gaza Strip under bombardment. Some of those refuges were UN facilities well known and monitored in cooperation between UN and Israeli officials through their "joint coordination map."

Much of the destruction was wanton and resulted from direct attacks on civilian objects as well as indiscriminate attacks that failed to distinguish between legitimate military targets and civilian objects. Such attacks violated fundamental norms of international humanitarian law, notably the prohibition on direct attacks on civilians and civilian objects (the principle of distinction) and the prohibition against the disproportionate use of force, as well as the ban on collective punishment.

Hundreds of civilians were killed in attacks carried out using high-precision weapons, including bombs and missiles launched from Israeli F-16s, and tank shells, as well as weapons whose use is prohibited in residential, urban and civilian-inhabited areas. The Israeli army also shot civilians, including women and children, at close range when those persons posed no threat to the lives of the Israeli soldiers. Aerial bombardments targeted and destroyed civilian homes without warning, killing and wounding scores of their inhabitants, often while they slept. Other attacks injured and killed civilians in and around their home in broad daylight by precision *Hellfire* missiles launched from helicopters and unmanned aerial vehicles (UAVs).

Israeli aircraft repeatedly and indiscriminately fired white phosphorus, a highly incendiary and restricted substance, over densely populated residential areas, killing and wounding civilians and destroying civilian property. Often the Israeli army launched white phosphorus from artillery shells in airburst mode, which widely spread the devastating consequences of the incendiary chemical weapon. Each shell spewed over a hundred felt wedges impregnated with highly incendiary substance, which rained down over houses and streets, igniting on exposure to oxygen and setting fire to people, homes and other buildings and properties.

UN Shelters

Early in the war, on 29 December 2008, Israeli military authorities targeted an area of Khan Yūnis that housed an UNRWA civil defense centre, as confirmed through Israeli telephone warnings to the local fire brigade. Although such UNRWA facilities normally would host sheltering displaced persons, the UNRWA Preparatory "A" Girls School across the street, closed for the Islamic New Year holiday, was not inhabited on that date. At about 15:30 on 29 December, an Israeli missile attack damaged the school and killed an UNRWA guard.¹⁷⁴

On 5 January 2009, the UNRWA Asma' Coeducational Elementary School in Gaza City was officially opened as a shelter and apparently was under close Israeli surveillance from the air. Like all UN facilities used as shelters, UN personnel registered and searched shelter seekers for any weapons upon their entry, ensuring that such facilities remain neutral and devoid of military use or involvement. Earlier that day, Israeli planes dropped 300,000 leaflets and deployed other means to advise residents to take shelter in the city centers. In what the UN Headquarters Board of Inquiry determined as an "egregious breach of

the inviolability of United Nations premises,” Israeli warplanes then struck the toilet bloc of the shelter, killing three male shelter seekers.¹⁷⁵

Most infamous of these attacks, due to widespread media coverage and international outcry, was the attack the following day (6 January) in which Israeli forces fired 120 mm mortar rounds at the UNRWA Jabāliya Preparatory Boys “C” School (a.k.a. al-Fakhūra School). UNRWA officials communicated the school’s GPS coordinated with the Israeli military and informed that, as of 5 January 2009, the school was functioning as a shelter for displaced persons. Israeli forces struck the building in the afternoon of 6 January, killing between 30 and 40 persons, including a 14-year-old boy outside the school compound, and injured about 50 others.¹⁷⁶

Also on that day (6 January), without warning to UNRWA’s al-Burajj Health Centre, Israeli aircraft struck the urban area in which the Centre is located. When heavy aerial bombardment destroyed a vacated four-story apartment building near the UNRWA Health Centre’s entrance, the debris and shrapnel from the explosion injured nine UNRWA Health Centre staff, caused severe injuries to three patients, one of whom consequently died, and caused damage to the building and an UNRWA vehicle.¹⁷⁷

On 15 January, Israel’s air and ground forces were attacking Gaza City in the vicinity of UNRWA Headquarters, where displaced persons had sought shelter. Shrapnel from a high explosive shell fired into the compound injured one UNRWA employee and two shelter seekers. However, that attack could have resulted in far-greater loss of life and property. The UNRWA compound there contains food and fuel stores that easily could have erupted under the accompanying incendiary wedges dropped in Israel’s phosphorous bombardment of the urban area. Only quick action by UNRWA staff to extinguish the phosphorous wedges evaded further disaster. Despite subsequent Israeli claims that Palestinian fighter had fired from the compound, the Board of Inquiry found no such evidence and determined this Israeli military behavior to be “grossly negligent [such that] amounted to recklessness.”¹⁷⁸

One of the 91 provisional UN-administered shelters reported to the Israeli military, the UNRWA Bayt Lāhia Elementary School, came under Israeli attack on 17 January 2009. The facility had been operating as a shelter for nearly two weeks by the time, when Israeli aircraft exploded two rounds of white phosphorous above the school at 06:40. Ordnance shell casing fell onto the building, crashing through the roof and killing two children, aged 5 and 7, and wounding their mother and cousin. The continuous bombardment of the school with M825A1 shells caused white phosphorous to fall on the school and on fleeing shelter seekers. In addition to the damage to the building, this attack left two dead and a total of some 13 injured.¹⁷⁹

In all these incidents, the Board of Inquiry found Israeli forces to have breached the inviolability of United Nations premises and property of the United Nations, which the military subordinated to demands of military expediency, or otherwise determined no military purpose. Therefore, the Board of Inquiry found Israel liable for damage injuries and deaths incurred.¹⁸⁰

Civilian Residences and Shelters

During the military operation, Israeli forces killed or fatally wounded a total of 1,411 persons, of whom 355 were children (under the age of 18); 110 were women and 240 were resistance fighters. In the process, Israel’s air and ground actions partially or fully destroyed 11,135 homes, 209 industrial premises, 724 commercial establishments, 650 vehicles and 6,271 dunams (627.1 hectares) of agricultural land. This

section conveys the best available information on the destruction of houses and other residential structures across the Gaza Strip during Operation Cast Lead.

The numbers of persons killed and extent of property destroyed by the Israeli occupation forces have been provided by the field investigations of Al Mezan Center for Human Rights, Palestinian Center for Human Rights, al-Dameer Association for Human Rights and other reliable local sources. Those sources differ to some degree in their numerical findings, but are consistent in their analysis that most house demolitions and destruction of residences were without military purpose or necessity. The present rendition of the facts relies primarily on Al Mezan’s statistics, but augments those with other sources as identified.

Fatalities by Location of Death	
Location of event	852
In ambulance	7
In hospital	154
At home	286
Other	112
Total	1,411

Source: Al Mezan Center for Human Rights

The high numbers of Gaza’s war victims killed in their homes constitutes the second largest category of fatalities, after those classified succumbing at the location of other military operations. However, this does not form an exact correlation between civilians dying at home and those attacked in their homes. This classification of fatalities also does not distinguish between combatants and civilians. It could be conceivable—however, not very likely—that a combatant or civilian could be wounded elsewhere and died at home. Partially evident in the relatively low proportion of fatalities taking place in hospital, as compared with other places, is attributed to the unlikelihood that many such cases would not have the mobility to be transported to hospital under the general ban on safe movement throughout the Strip.

Affected Homes by Extent of Damage/Destruction by Governorate												
Extent	Governorate											
	North Gaza		Gaza City		Dayr al-Balah		Khan Yunis		Rafah		Totals	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Complete	888	26.852	902	15.36	175	37.63	245	50.52	417	42.25	2,627	23.62
Partial	2,419	73.148	4,976	84.65	290	162.37	240	49.48	570	57.75	8,495	76.38
Totals	3,307	100	5,878	100	465	100	485	100	987	100	11,122	100

In the various aggregations of these figures, some minor discrepancies appear. However, it is generally perceived that such variations do not significantly affect the thesis that the attacks on private homes and shelters formed a major feature of the military operation.

Residents of Affected Homes by Extent of Damage/Destruction and Governorate						
Governorate	Extent of damage/destruction				Totals	
	Complete	Residents	Partial	Residents	Homes	Residents
North Gaza	888	8,023	2,419	24,286	3,307	32,309
Gaza City	902	7,810	4,980	52,583	5,882	60,393
Dayr al-Balah	175	1,280	290	2,487	465	3,767
Khan Yūnis	245	1,688	240	1,887	485	3,575
Rafah	417	3,042	570	4,155	987	7,197
Total	2,627	21,843	8,499	85,398	11,126	107,241

The consequent displacement of civilians from such attacks swelled the numbers of shelter seekers throughout the war. Those fleeing from direct attacks on their homes—apart from other well-founded fear—are enumerated in the following table.

Israeli civilian and military spokespersons have repeated their intent to destroy targets not characterized as having military objectives, or the destruction of which does not meet the requirements of military necessity. " Hamas's civilian infrastructure is a very, very sensitive target. If you want to put pressure on them, this is how," said Matti Steinberg, a former adviser to Israel's domestic security.¹⁸¹

Tactical forms of house demolition

Israeli forces pursued a variety of means to destroy housing across Gaza. These included:

1. Bombing by airstrikes,
2. Razing with military bulldozers,
3. Detonation with strategically placed explosives,
4. Burning by white phosphorous-induced fires,¹⁸² as well as
5. Damage and destruction by the vandalism of Israeli soldiers occupying confiscated homes to base military operations or surveillance.

Affected Residences by Type of Structure

Type of structure	Number	%
Villa	176	1.59
Ground floor	2,490	22.54
Rural house	373	3.37
Penthouse	1	0.009
Residential building	4,303	38.96
UNRWA housing	779	7.05
Apartment	2,921	26.45
Totals	11,043	100

Israel's use of the tactic of blowing up Palestinian homes with explosives suggests a high degree of confidence that soldiers were operating in a field free of armed resistance, tunnels, or other means for resistance fighters to be stationed. The army applied such a house-demolition method, including also through its "clearance" of wide areas upon leaving an installation zone that has become known as the "day after" procedure. These tactics required Israeli soldiers to leave their armored vehicles on foot and enter houses to place the explosive charges at cardinal points in the building's structure for remote detonation. It also indicates their confidence that the houses were not already booby-trapped.¹⁸³ When redeploying to a new area, this practice effectively meant blowing up or bulldozing entire neighborhoods in a scorched-earth policy euphemized as "the day after" procedure.¹⁸⁴

All types of housing became the target of the advancing air and ground forces. The most affected structures were ground floor (one-story) homes, apartments and other residential buildings. Refugee shelters built by UNRWA form another category of often-affected housing, which is found in the eight refugee camps throughout the Gaza Strip, hosting about 46% of the registered refugee population.¹⁸⁵

On 4 January, Israeli forces knowingly massacred some 30 Palestinians in the Zaitūn neighborhood, southeast of Gaza City, when they shelled a house where they had ordered about 110 civilians to take shelter and remain indoors. Just 24 hours after delivering their order, the Israeli army shelled the house. About half the Palestinians sheltering there were children. The Israeli army personnel then prevented medical teams from entering the area to evacuate and treat the wounded, allowing some International Committee of the Red Cross (ICRC) and the Palestinian Red Crescent Society staff eventually to approach the site on foot—without ambulances—during the three-hour lull in hostilities, three days later, to evacuate about 30 survivors, including 18 wounded.

According to the findings of an Amnesty International investigation, the vast majority of homes destroyed, more than 3,000, and damaged, some 20,000, during Operation “Cast Lead,” the Israeli army has provided no evidence to substantiate its allegations that the houses were used as combat positions, as military command centers or to manufacture or store weapons – or for any other purpose which, under certain circumstances, would have made it lawful to target them.¹⁸⁶

Contrary to repeated allegations by Israeli officials of Hamas fighters’ use of “human shields,” no evidence from any party has revealed such a practice on Hamas’ part, nor of any related evidence rendering civilian properties, especially homes, as sources of armed resistance. Similarly, no evidence has come forward to verify Israeli claims that Hamas or other Palestinian fighters directed the movement of civilians to shield military objectives from attack, that Hamas or other armed groups forced residents to stay in or around buildings used by fighters, or that resistance fighters prevented residents from leaving buildings or areas that resistance fighter had commandeered.¹⁸⁷

Displacement

The precise number of displaced persons in Gaza is unknown. However, 32 UNRWA schools across the Gaza Strip had capacity to shelter 30,000 people in their buildings and compounds, but aid officials warned that the dire security situation made it impossible to operate at full capacity.¹⁸⁸ According to Al Mezan Center for Human Rights, those seeking shelter in UN installations represented only about 10% of the total newly displaced persons in Gaza.¹⁸⁹

The Israeli invasion forces have displaced civilians violently by means of:

1. Direct house bombardment, resulting in casualties;
2. Threatened bombardment of neighbors' houses;
3. Spreading fear among residents by dropping threatening leaflets and/or otherwise ordering them to vacate their homes.

At the same time, the Israeli army cut Gaza into four parts and launched attacks on humanitarian workers; rendering humanitarian agencies unable to tend to even 10% of the displaced population.

Of those forced to seek shelter following the military damage or destruction of their home, over half were children. A relatively small percentage of the total affected families (7%) were female-headed households, but their actual number of 763 such families is significant.

Deceptive warnings

Randomly placed telephone calls with recorded messages, leaflets dropped from aircraft and radio broadcasts by the Israeli army across Gaza reportedly caused widespread panic, but offered little protection. These “warnings” instructed inhabitants to leave their homes and neighborhoods; whereas, in many such areas, residents were trapped in their homes under complete curfew and with the growing knowledge that any movement in the open could invite a direct missile or sniper attack.

Others who fled their homes were killed or injured when UN schools and other places where they had sought shelter came under Israeli attack.¹⁹⁰ Many Gazans whom Israeli occupation forces ordered to stay put in specific shelters, as in the case of above, subsequently became the target of Israeli missile fire. The putative warning system was neither effective nor ingenuous.

Following the war on Gaza in 2008–09, the Human Rights in Palestine and Other Occupied Arab Territories, Report of the United Nations Fact-Finding Mission on the Gaza Conflict (Goldstone Report) noted reported “the extent of the destruction of residential housing caused by air strikes, mortar and artillery shelling, missile strikes, the operation of bulldozers and demolition charges.”¹⁹¹ The Mission concluded that “the destruction of housing was carried out in the absence of any link to combat engagements with Palestinian armed groups or any other effective contribution to military action.”¹⁹² It found that:

The conduct of the Israeli armed forces in this respect violated the principle of distinction between civilian and military objects and amounted to the grave breach of “extensive destruction... of property, not justified by military necessity and carried out unlawfully and wantonly.” The Israeli armed forces furthermore violated the right to adequate housing of the families concerned.¹⁹³

The violations caused by the extensive destruction of shelter (the United Nations Development Programme reported 3,354 houses completely destroyed and 11,112 damaged) and the resulting displacement particularly affected children and women. The destruction of water and sanitation infrastructure (such as the destruction of the Namar wells and the attack against the water treatment plant) aggravated the pre-existing situation resulting from Israel’s occupation and blockade. Even before the military operations, the Goldstone Report noted that 80% of the water supplied in Gaza did not meet the World Health Organization’s standards for drinking water. The discharge of untreated or partially treated wastewater into the sea is a further health hazard worsened by the military operations.¹⁹⁴

Meanwhile, Israel tightened its persecution of Palestinians in the West Bank by increasing expropriations, house demolitions and demolition orders, granting more permits for homes built in settler colonies and intensifying the exploitation of the natural resources for their benefit in the West Bank.¹⁹⁵ Throughout historic Palestine, application of Israeli domestic laws has resulted in institutionalized discrimination against Palestinians in the Occupied Palestinian Territory to the benefit of Jewish settlers, both Israeli citizens and others. Exclusive benefits reserved for Jews derive from the two-tiered civil status under Israel’s domestic legal regime based on a “Jewish nationality,” which entitles “persons of Jewish race or descent” to superior rights and privileges, particularly in land use, housing, development, immigration and access to natural resources, as affirmed in key legislation.¹⁹⁶ Both the Goldstone Report and Concluding Observations of the UN Committee on Economic, Social and Cultural Rights have found that this material discrimination is institutionalized “through Israel’s parastatal agencies (WZO/JA, JNF and their affiliates), which dominate land use, housing and development.”¹⁹⁷

During the war, the IOF launched at least 300 air and sea strikes against the Gaza Strip, targeting 37 houses; 67 security and training sites; 20 workshops; 25 public and private institutions; seven mosques; and three educational institutions.¹⁹⁸

Operation Pillar of Defense, 2012

In November 2012, the IDF launched Operation Pillar of Defense (in Hebrew: *‘Amúd ‘Anán*; literally, “Pillar of Cloud”), which was an eight-day campaign in the Gaza Strip, beginning on 14 November 2012 with Israel’s assassination of Ahmad Jabari, chief of the Gaza military wing of Hamas, by an Israeli airstrike on the car he was riding in.¹⁹⁹

The operation was preceded by a period of mutual Israeli–Palestinian responsive attacks. According to the Israeli government, the operation began in response to the launch of over 100 rockets at Israel during a 24-hour period,²⁰⁰ an attack by Gaza militants on an Israeli military patrol jeep within Israeli borders and

an explosion caused by improvised explosive devices (IEDs) near Israeli soldiers on the Israeli side of a tunnel passing under the Israeli West Bank barrier.²⁰¹ Hamas fired some weapons into Rishon LeZion colony and into Beersheba, Ashdod, Ashkelon, which Palestinian towns Israeli forces ethnically cleansed and then colonized after proclamation of the State of Israel. Hamas fired rockets toward Jerusalem and hit Tel Aviv for the first time since the 1991 Gulf War.²⁰²

The Israeli government stated that the aims of the military operation were to halt rocket attacks against civilian targets originating from the Gaza Strip and to disrupt the capabilities of militant organizations.²⁰³ The Palestinians blamed the Israeli government for the upsurge in violence, particularly the IDF for its attacks on Gazan civilians in the period leading up to the operation,²⁰⁴ as well as the blockade of the Gaza Strip and the occupation of West Bank, including East Jerusalem, as the reason for rocket attacks.²⁰⁵

Both sides violated the laws of war during the fighting, which killed Palestinians (55 combatants and 103 civilians) and two Israeli soldiers.²⁰⁶ Israel attacked 97 schools, 49 mosques and churches and 15 hospitals and clinics.²⁰⁷

During the course of the operation, the IDF claimed to have struck more than 1,500 sites in the Gaza Strip, including apartment blocks.²⁰⁸ Israeli strikes killed 174 Palestinians and wounded hundreds,²⁰⁹ and displaced 350–700 families.²¹⁰ In one airstrike on the al-Dalu family home, an Israeli bomb killed ten members of the family and two neighbors.²¹¹

Operation Protective Edge, 2014

In its 2014 war on Gaza, code named “Operation Protective Edge,” Israel killed 2,251 Palestine, 65% of whom were civilians.²¹² Israeli forces destroyed 203 mosques and two churches,²¹³ 22,000 homes²¹⁴ (including 25% of the homes in Gaza City),²¹⁵ and displaced 520,000, representing 30% of Gaza's population,²¹⁶ and left the homes of 108,000 Gazans uninhabitable.²¹⁷

Yassir al-Haj (25) was at home with his brother when, at 12:30 AM, on Thursday, 10 July 2014, his parents and three sisters returned from a Ramadhan evening visit to his uncle's house nearby. He stopped to have a chat with friends in his Khan Yunis his Refugee Camp neighborhood, in the south of the Gaza Strip. The friends met and spent some 30 minutes chatting approximately 500 meters from Yasser's house, but they felt anxious over the drones hovering in the area and decided to go home.

At approximately 1:20 AM Israeli aircraft fired a missile at the approximately 100 m² single-story house belonging to Mahmud al-Haj (57) in Block J of the camp. The attack destroyed the home and instantly killed all eight residents inside, including two children, aged 12 and 17, and three women. Several adjacent houses sustained severe damage in the attack, injuring 23 other people and scattering the debris in the densely packed neighborhood.²¹⁸ Yasser was the sole surviving resident. It remains unknown why IOF launched this attack without any warning and without military objective.

On 13 July, IOF fired two heavy missiles at the houses of the al-Batsh family and killed 18 of its members without warning. Israeli warplanes fired two missiles at the house of Majid Subhi al-Batsh (50), in the al-Tuffah neighborhood, east of Gaza City. The attack destroyed the house completely, along with two adjacent houses that belong to Majid's three brothers, Nu`man and Alaa' and Issam.

The victims of that attack included six children and three women. The attack wounded another 16 civilians, three women and three children among them, four of them critically.²¹⁹

At approximately 07:30 AM on Sunday, 13 July 2014, IOF drones fired two 'warning' or 'roof knocking' missiles at the home of Ahmad al-Udat (36), in al-Maghazi Refugee Camp in the Gaza Strip's central district. Less than a minute later, an IOF jet fired a heavy missile at the house. Ahmad and his wife nonetheless managed to make it out of the house in time; however, members of his family who live in a separate house next door were not able to evacuate in time. The attack killed one woman and severely wounded two other women and a child of 14.

On Saturday, 12 July 2014, at approximately 19:30, IOF drones fired two 'warning' missiles at the three-story residence of Jum`a Khalifa (65), located in al-Nusairat Refugee Camp, housing three families of 29 persons living there. During the attack, shrapnel from the second 'warning' missile inflicted serious head and chest wounds to a 25-year-old mother, Khalwa al-Hawajri, who was preparing the Ramadhan *iftar* meal in her apartment on the top floor. She was confirmed dead at hospital shortly afterward.

Three minutes after killing Khalwa al-Hawajri, IOF war planes fired a heavy missile at the neighboring Khalifa family home, completely destroying it.

At approximately 5:30am on Sunday, 13 July 2014, IOF warplanes fired two heavy missiles at a al-Madakhat Street, which branches off from the Salah al-Din Street in the town of al-Zawaydah in the central district of the Gaza Strip. The missiles created deep holes in the street and destroyed several houses nearby.

One of the poorly constructed houses with roofs of asbestos belonged to a 60-year-old woman, Suad Abu Harb, and her family. The attack hit the street about 20 meters from the house. Rwaida Abu Hard, 35, was killed in her bed and another two women and a man were injured. A fourth child (4) from a neighboring house sustained critical injuries to the head and arm.

The damage from the missiles also threatened the health of the residents, with partial destruction of the sewage pipes in the neighborhood.²²⁰

Nur Abu Issa was born on 11 July 2014, four days after the start of Israel's Operation Protective Edge. At approximately 18:45 on Monday, 14 July 2014, an IOF drone fired on her home, injuring her nursing mother, Nada, in the chest and injured, along with six other members of the family gathered inside. No prior warning was given to the family that an attack was imminent.

The house belonging to Yusuf Abu Issa (58) had an asbestos roof. The attack inflicted severe damage to the house and caused injuries to all its residents: eight people including the 5-day baby and her mother.²²¹

On Thursday, 17 July 2014, the Shuhibar family was inside their house in the Sabra neighborhood in Gaza City when five children of the family between the ages 8 and 16 (a girl and four boys) were feeding chicken that the family keeps on the roof. At about 17:30 PM, an IOF drone operator remotely fired a missile at the children on the roof, leaving only fragments of their little bodies and the small bag of chicken food.

No members of the family are known to be affiliated with any Palestinian resistance armed groups. Wisam, the father of the 8-year-old girl, Afnan, is an employee of the police of the Palestinian Authority. Of the 12-member Shuhibar family, eight children lived in the home.²²²

Yasser al-Qassas and his wife, Summay had received relatives from al-Qassas and Siyam families, including Yasser's mother-in-law, all of whom became internally displaced from al-Zaitun area of Gaza City under Israeli occupation force (IOF) orders to evacuate. At 15:50 on 21 July 2014, an Israeli aircraft's missile struck the family and their guests in the apartment, which is located on the top floor of the family's house on the al-Thalathini Street in the al-Sabra neighborhood, south of Gaza City. Without warning, the attack wiped out ten civilians (six children, three women and one adult man) within, injuring another four. No military activities were taking place in or near the house, and none of the victims was known to be affiliated with resistance groups. No one knows why the house was attacked.²²³

On Sunday evening, at about 19:20, on 20 July 2014, Israeli aircraft bombarded an apartment belonging to the al-Hallaq family on the second floor of the Cordoba Building in Rimal neighborhood in the west part of Gaza City. The apartment was sheltering relatives who had escaped from the Gaza City's northern Shaja`iyya neighborhood. Also living in the building was the Ammar family, who were hosting friends from the Jum'aa family, who also escaped al-Shaja`iyya under indiscriminate Israeli fire by the IOF earlier that day that killed at least 59 people, only one of whom was a combatant.

Israeli aircraft fired three missiles at the apartment of Hani Muhammad al-Hallaq (29). Two missiles hit the apartment while the third fell at the entrance of the building. The attack killed eleven people and wounded three.²²⁴

IOF insisted on two particular issues: (1) that targeting civilians and civilian property is acceptable if there is any link with an alleged resistance fighter, and (2) that first alerting civilians to an impending attack, usually by firing 'roof knock' missiles onto their houses, is an effective warning method.²²⁵

The IOF directly targeted 276 houses between the start of Operation Protective Edge and 15 July. Of those hit, 265 of them were destroyed.²²⁶ As of 21 July 2014, 506 Palestinians were killed in IOF attacks, including 132 children and 64 women. Of those, 397 (i.e., 76.8%) were civilian casualties. Israeli forces killed at least 249 (49.2%) inside their houses, and killed two women with disability in an attack on a rehabilitation center.²²⁷

On 22 July 2014, the OCHA spokesperson said "There is literally no safe place for civilians in Gaza."²²⁸

Operation Guardian of the Walls, 2021

A new crisis was triggered on 6 May 2021, when the Supreme Court of Israel deliberated affirming the eviction of six Palestinian families in the East Jerusalem neighborhood of Sheikh Jarrah. However, that development was not isolated. It followed the previous year in which Israeli authorities ordered 119 Palestinian homes in East Jerusalem to be demolished, 79 of them by their owners.²²⁹ That was also the year in which the IOF dispossessed the entire hamlet of Kafr Humza, demolished the homes of 73 newly homeless inhabitants.²³⁰



Figure 3: Muhammad Sandouka, Jerusalem homeowner, at the site of his family home after Israeli occupation authorities forced him to demolish it himself. Source: Dan Balilty/The New York Times.

Israeli forces, including Israel's judiciary, had carried out the demolition of 383 Palestinian homes and livelihood-related structures in the occupied Palestinian territory since January 2021.²³¹ This pattern was on track to meet or exceed the rate of 854 demolitions in the pandemic year 2020, mostly in Jerusalem and Area C, affecting 869 Palestinians,²³² the largest numbers since 2016, when Israel demolished 418 residences rendered 1,852 West Bank Palestinians homeless, including 848 children.²³³

Ahead of a planned Jerusalem Day parade known as the Dance of Flags by far-right Jewish nationalists, Israeli police forces stormed al-Aqsa Mosque compound on 7 May, using tear gas, rubber bullets, and stun grenades. The crisis prompted protests around the world as well as official reactions from world leaders. Israel's Supreme Court ruling on the Sheikh Jarrah evictions was then delayed for 30 days.

Abu `Ubaida, the Qassam Brigades spokesperson reminded that it should be expected to see Palestinian armed response to Israel's "attacks on Palestinian civilians and houses in Jerusalem."²³⁴ He was echoing the UN Declaration on the granting of independence to colonial countries and peoples, reaffirmed with respect to Palestine,²³⁵ "the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation by all available means, including armed struggle."²³⁶

However, already on 5 May, voices in Gaza asserted the struggle of national unity, warning that they would not stand by idly in the face of Israel's military/settler and judiciary attacks on Palestinians homes and inhabitants in Jerusalem's Sheikh Jarrah neighborhood." The Qassam Brigades Commander Mohammed Deif even issued a written warning on the night of Tuesday, 4 May. "They will pay a heavy price if the

aggression against our people in the Sheikh Jarrah neighborhood does not stop immediately,” he said.²³⁷ Speaking on behalf of the Palestinian people, comprised of Christians and Muslims, he said, in its land, from Galilee to the Naqab.²³⁸

On the afternoon of 10 May, Hamas gave Israel an ultimatum to withdraw its security forces from both the al-Aqsa/Noble Sanctuary complex and Sheikh Jarrah by 18:00 PM. When the ultimatum expired without a response, both Hamas and Palestine Islamic Jihad launched rockets from the Gaza Strip into Israel. Some of those rockets hit Israeli residences and a school, killing nine civilians (six Israelis and three foreign workers) civilians.²³⁹

By the time the Israeli military famously announced its intended bombing of the Hanadi residential tower block, Israeli forces already had unleashed much destruction across the occupied Gaza Strip and the West Bank, including Jerusalem. Israel had already announced that it had attacked Islamic Jihad fighters in another residential building that may have housed “some kind of Hamas office.”²⁴⁰ After the Israeli strike on that building on 11 May, the military wing of Hamas warned that it would unleash an unprecedented barrage of rockets at Tel Aviv if Israel had continued to strike residential buildings.²⁴¹

Israel then launched airstrikes against Gaza that, by 16 May, hit some 950 targets, demolishing completely or partially 18 buildings, including four high-rise towers, 40 schools and four hospitals, while also striking al-Shati Refugee Camp²⁴² and destroying or damaging at least 19 medical facilities.²⁴³ By 17 May, Israeli airstrikes had destroyed 94 buildings in Gaza, comprising 461 housing and commercial units, including al-Jalaa Tower, which housed 60 condominiums, the offices of Associated Press, Aljazeera and other news outlets.²⁴⁴

The heavy bombardment of Gaza City tower-block homes stirred memories of Israel’s 2014 war on Gaza.²⁴⁵ However, this round of violence was unprecedented. Israel’s targeting of homes continued to the destruction of 2,000 units and partial destruction of another 15,000 homes,²⁴⁶ leaving more than 72,000 Palestinians had been internally displaced, sheltering mostly at 48 UNRWA schools in Gaza.²⁴⁷

Egypt mediated a precarious ceasefire between Israel and Hamas, which came into effect on 21 May 2021, ending 11 days of fighting with both sides claiming victory.²⁴⁸

The Genocide in Gaza, 2023–24

Israel has pursued its military doctrine of targeting homes, shelters and shelter seekers in its most ambitious form since the 1947–48 Nakba in its military/settler attacks throughout the West Bank and genocide in Gaza through 2023 and 2024.

In its retaliatory war on its occupied territory in the Gaza Strip, Israel has destroyed more than 60% of homes, 150–155 UN shelters, as well as three churches and 227 mosques.²⁴⁹ The bombings of Gazan homes and shelters have killed tens of thousands of Palestinians. As in the ongoing war in Ukraine, such domicide exceeds collateral damage in international law.²⁵⁰ Arguably, this violation has the purpose and effect of extinguishing individual and collective identity, memory and ties to homeland, effectively denying the human right to self-determination.

The retaliation on Israel’s part was for the attack by al-Qassam Brigade, the armed wing of Palestine’s Gaza Strip-based Islamic Resistance Movement (known by its Arabic acronym Hamas). The al-Qassam Brigade and other opportunistic groups breached the Israeli barrier around the Gaza Strip on 7 October 2023 and attacked

Israeli soldiers and settlers, killing many of the 1,139 Israelis who died in the course of the attacks and IDF response, and taking 240 hostages. The first 400 fatalities were among Israeli soldiers, but the remainder were residents of settler colonies located in the traditional territory of Gaza Governorate and formerly Palestinian towns depopulated by Israeli proto-Israeli Zionist forces in the period before the proclamation of the State of Israel. (See examples in “ Hamas ‘Civilian’ Targets on 7 October 2023” in Annex.)

Israel’s long history of intentional and arbitrary destruction of Palestinian homes, and the subsequent displacement of Palestinians, have been accompanied by the legalized annexation of Palestinian land²⁵¹ to harm Palestinians with the purpose of harming and—at least spatially—eliminating members of the Palestinian national, racial and ethnic group.²⁵² This pattern forms elements of the serious crime of population transfer.²⁵³

Beyond any admissible claim at self-defense,²⁵⁴ Israel’s retaliatory war on the Gaza Strip Israel has forcibly displaced 75% of Gaza’s 2.3 million people in mass exodus.²⁵⁵ Israeli forces have ordered approximately 1.5 million Palestinians in Gaza to incrementally evacuate incrementally southward into supposed ‘safe zones’ under abominable conditions in Rafah,²⁵⁶ while then subjecting them to frequent bombings.²⁵⁷ This constitutes the unbroken continuum that is Israel’s military doctrine of targeting Indigenous homes, shelters and shelter seekers. These practices are coupled with a catalog of unspeakable atrocities.

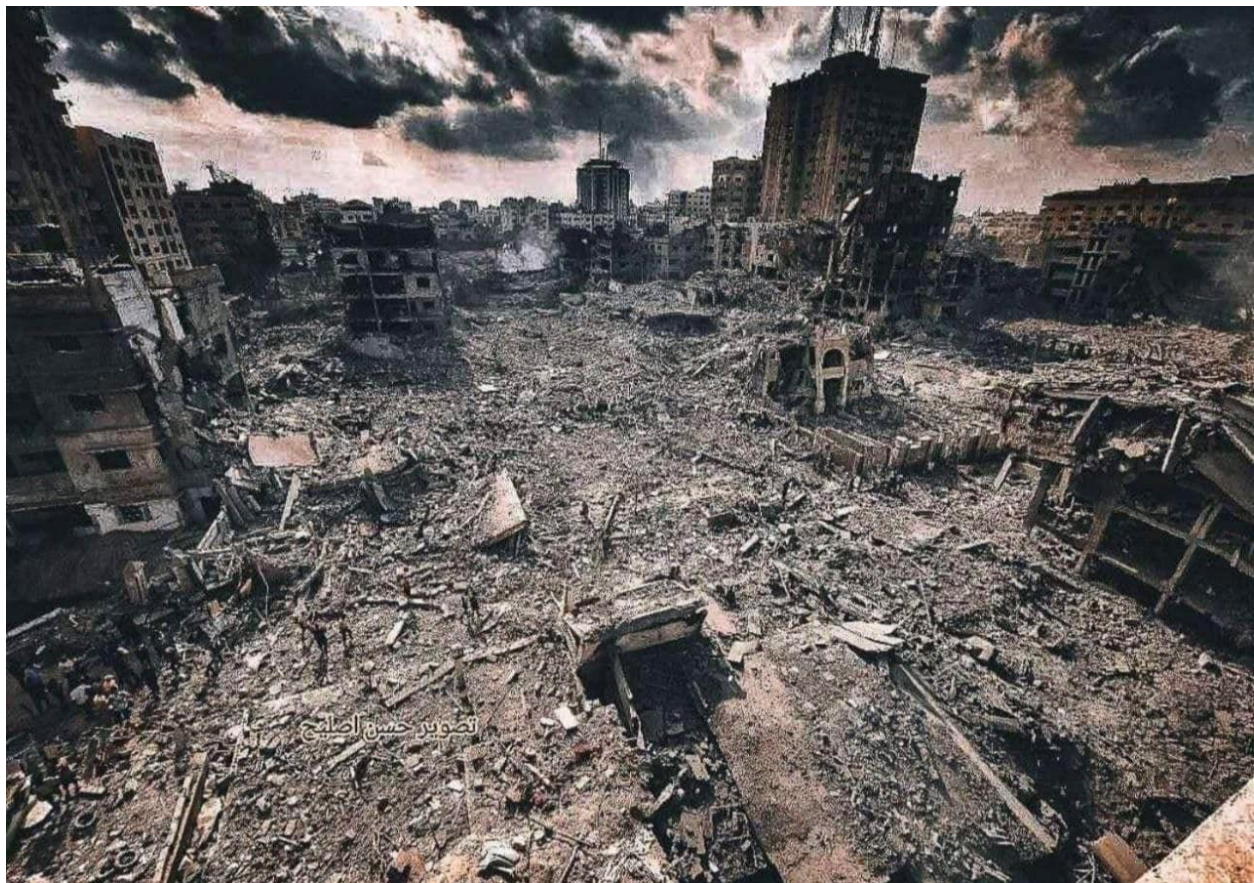


Figure 4: Central Gaza City after Israeli bombing. Source: Hasan Asleej Photography.

Israel thus has *de facto* eliminated any distinction between civilian and military objects. In the first three weeks of its war on Gaza, Israeli airstrikes and demolition teams had obliterated entire residential areas across northern Gaza.²⁵⁸ Meanwhile, neighborhoods in IOF-designated ‘safe areas’ in the south were

already being bombarded, including with 2,000-pound bombs.²⁵⁹ Already by November, Israel's obliteration of urban centers in northern Gaza is said to have exceeded that inflicted on Dresden in 1945.²⁶⁰

Israel's army began to force massive displacement of the civilian population in Gaza Strip on 12 October 2023 by ordering Palestinian civilians north of the Wadi Gaza to vacate their homes and seek shelter in the south half of the Strip. After relentlessly bombing those areas in which Gazans were sheltering, Israel forcibly displaced fully 85% of Gaza's total population of 1.9 million civilians in January 2024. At that time, UNSC delegates categorically rejected proposals by Israel that sheltering Palestinians should be resettled outside of Gaza.²⁶¹

The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator reported that shelters in Gaza were overflowing, food and water running out, the risk of famine growing by the day and the health system collapsing, adding that winter conditions are "exacerbating the struggle to survive." He described as "deplorable" that facilities critical to the survival of civilians have come under relentless Israeli attack.²⁶² As its ground operations moved southward, the IOF concentrated the surviving population in the southern Gaza town of Rafah and its environs. Correspondingly, Israel's aerial bombardments intensified in areas where Israeli forces told civilians were to relocate for their safety.

"More and more people are being crammed into an ever-smaller sliver of land, only to find yet more violence and deprivation, inadequate shelter and a near absence of the most basic services," the Coordinator continued, adding that "There is no safe place in Gaza" and dignified human life is "a near impossibility." He testified that "Even if people were able to return home, many no longer have homes to go to."²⁶³

Algeria's delegate characterized the barbaric bombardment of Gaza, targeting all signs of life, as clearly aimed at killing "the hope of returning home in the hearts and minds of Palestinians." He charged that many officials of the occupying Power seek to terminate the Palestinian question by depopulating the entire occupied territory. He rejected such planned forced displacement, insisting that "there is no place for Palestinians except on their land."²⁶⁴

The dehumanizing statements by senior Israeli officials about Palestinians along with the staggering violence in Gaza,²⁶⁵ often graphically celebrated by Israeli soldiers and shared on social media, have confirmed the intent to bring about the total or partial destruction of Palestinian life.²⁶⁶ These acts have led the International Court of Justice's ruling on the plausibility of Israel's commission of genocide in Gaza.²⁶⁷ In perpetrating that most-serious of crimes, Israel had destroyed at least 112,000 residential units within six months, razing entire residential neighborhoods.²⁶⁸ They damaged another 356,900 homes, as well as destroyed all kinds of infrastructure. The IOF destroyed at least 4,500 hectares of land. In that period, the IOF killed over 32,800 sheltering civilians.²⁶⁹

Meanwhile in the West Bank

Before and during the war on Gaza, Israel has intensified its persecution of Palestinians in the West Bank by increasing expropriations, lethal settler attacks, house demolitions and demolition orders, granting more permits for homes built in settler colonies and intensifying the exploitation of the natural resources for their benefit in the West Bank.

Well before the al-Qassam Brigade and other resistance formations carried out their 7 October 2024 attack on nearby Israeli military and settler bases in Israel, Israel's occupation forces and settlers had been carrying out rampages through Palestinian homes, villages and towns across the West Bank. These major incidents have taken place against a backdrop of escalating violence, seizing land, destroying homes and denying livelihoods to hundreds of rural Palestinians²⁷⁰ well before 2023.²⁷¹

Emblematic was a series of Israel's 'pogroms' against Huwwara village,²⁷² raids on Jenin Refugee Camp and demographic manipulation by evictions of Indigenous Jerusalemites in the Old City, Silwan and Shaikh Jarrah.²⁷³ In the case of Huwwara, the February and June 2023 assaults were ostensibly in revenge for the killing of Israeli settlers from Har Bracha and Eli, Jewish colonies in the hills around Nablus.

In February, Jewish Israeli settlers had torched some 30 homes and cars, and killed sheep in the West Bank town.²⁷⁴ on 21 June 2023, hundreds of Israeli settlers, armed and masked, attacked the Palestinian West Bank village of Turmus Ayya, setting at least 50 vehicles and 15 houses on fire. One Palestinian died and 12 others were wounded,²⁷⁵ while the Israeli army present did nothing to interrupt the violence.²⁷⁶ The following day, settlers also attacked the village of al-Lubban al-Sharqiyya destroying vehicles, damaging 10 homes, vandalizing two shops, a gas station a wheat warehouse, and electricity infrastructure.²⁷⁷

Israel's finance minister, Bezalel Smotrich, himself a settler who opposes Palestinian sovereignty, said that "Huwwara needs to be erased."²⁷⁸ Zvika Fogel, a radical Jewish Power party member of Israel's parliament, welcomed the settler violence in Huwwara, home to about 7,000 Palestinian inhabitants, stated, "A terrorist came out of Huwwara – and Huwwara was closed and burned." "This is what I want to see. That's the only way we'll achieve deterrence."²⁷⁹

In its attacks on Jenin Refugee Camp, the IOF attacked homes and infrastructure throughout the densely constructed neighborhoods on at least two occasions in 2023. In the January–February attack, IOF stated that the attack was to prevent a planned terrorist strike and arrest three wanted Islamic Jihad militants, but sparked armed clashes with Palestinian fighters in the camp, during which the Israeli army, including snipers positioned on rooftops, fired live ammunition indiscriminately on homes, windows and cars, also using anti-tank grenades, leaving behind a trail of blood and destruction.²⁸⁰ In July, the IOF forced the eviction of another 4,000 refugees, which Israeli forced already had dispossessed and displaced since 1948.²⁸¹ These attacks evoked the precedent of Israel's patterns of previous attacks on Palestinian refugee camps, not least the attacks on homes throughout Jenin Refugee Camp 20 years before.²⁸²

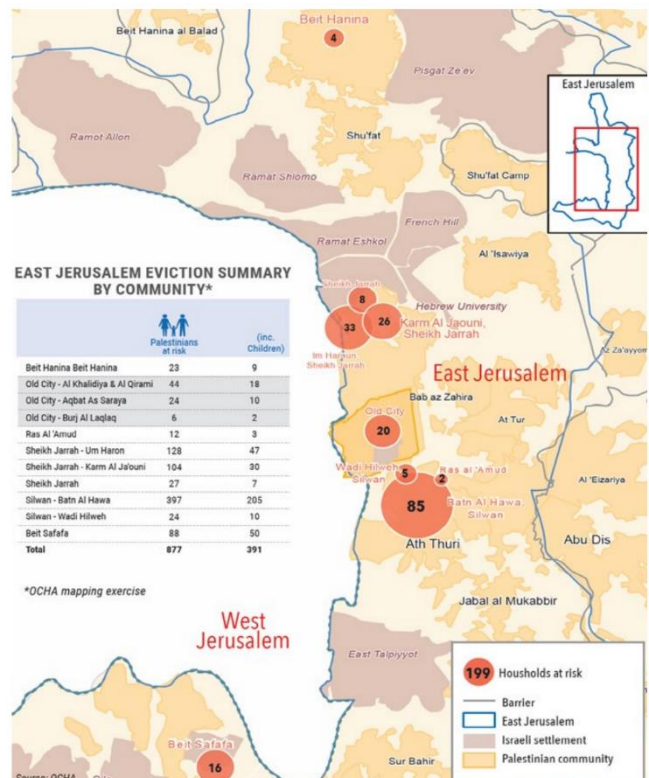


Figure 5: Palestinian households in threatened with eviction orders in Israel's occupation Jerusalem Municipality. Source: OHCHA (2019).

Conclusion

This compilation is only a snapshot, an exercise in reaction to only one of the latest in an unbroken stream of atrocities committed against the Palestinian people as a whole by targeting their homes, shelters and shelter seekers. In light of this pattern and the cases before the ICJ and the International Criminal Court (ICC), two broader issues are relevant to the jurisdiction of in investigating crimes committed in the historic Palestine since 1947 and the oPt since 1967: One is the dilemma over the temporal limits of the Courts' investigations, and the other is related to the ongoing nature of crimes defined in the Rome Statute on the International Criminal Court and applicable treaties such as the Genocide Convention.

The foregoing pattern of Israeli settler and military actions targeting civilian homes, shelters and shelter seekers forms an Israeli military doctrine that is traceable to the state's establishment and its colonial *raison d'état* of removing and replacing the Indigenous People and its *modus operandi* of population transfer. That pattern remains constant up to the time of Israel's ongoing genocide in Gaza and the multiple related violations and atrocities committed against the Palestinian People since 1947, as well as in the West Bank, including Jerusalem. In Lebanon, the pattern emerged vividly also in the Israeli invasions in 1982, 1993, 1996 and 2006, as well as Syria, since 1967. Israel's ongoing genocide in Gaza represents only the most-recent iterations of a rigidly consistent military practice in its various wars against the Indigenous Palestinians and neighboring populations.

Apparently, the civilian consequences of Israel's military policy are planned and discussed frankly among its high officials. Nearly half a century ago, Chief of Staff Mordechai Gur awakened to the fact that, since 1948, "we have been fighting against a population that lives in villages and cities."²⁸³ One of Israel's most prominent military analysts, Ze'ev Schiff, placed Gur's remarks in context, saying: "the Israeli Army has always struck civilian populations, purposely and consciously...the Army has never distinguished civilian [from military] targets...[but] purposely attacked civilian targets."²⁸⁴

The official statements that accompany these actions are revealing also. They seem to reflect a presumption that any source of brutality against the indigenous inhabitants would convert the victims into agents of the attackers' preferred outcome; namely, defeating the resistance to these abuses. In Palestine, as in Lebanon, Israeli have pursued a strategy of punishing the local population explicitly to turn it against resistance forces, whether Hamas or Hizbullah. In the Gaza Strip, Israel announced its goal to turn the local population against its own elected government.²⁸⁵ Such tactical assumptions already have proved consistently false and gratuitously destructive, particularly while the measures to serve that end apply a military doctrine that calls for attacks on civilian homes, shelters and shelter seekers.

These tactics comprise the serious crime of population transfer,²⁸⁶ the elements of which serious crime include multiple human rights violations and violations of international criminal law.²⁸⁷ These include those arising from the push factors, typically involving forced eviction as a gross violation of human rights, in particular, the human right to adequate housing.²⁸⁸ The Fourth Geneva Convention prohibits wanton destruction of housing²⁸⁹ and the "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying power, or to that of any other country, occupied or not, are prohibited, regardless of their motive."²⁹⁰ It also forbids the push factors, by any means, whereby the occupying power would "deport or transfer parts of its own civilian population into the territory it occupies."²⁹¹

The Rome Statute prohibits these acts and authorizes the ICC to prosecute population transfer as a crime against humanity committed in the form of deportation and forcible transfer,²⁹² as well as a war crime in the context of conflict and/or occupation, including wanton destruction and the implantation of settlers and settlements in occupied territory.²⁹³

The Genocide Convention codifies genocide as “any of the [below-cited] acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.”²⁹⁴ Thus, the crime of genocide comprises two interconnected elements: (1) *actus reus*: the commission of any one or more specific defined acts against a protected group, and (2) *mens rea*: the intent behind their commission.²⁹⁵

Both components must be satisfied for conduct to legally constitute genocide.²⁹⁶ The perpetrator’s intent to destroy the group in whole or in part distinguishes genocidal acts from other international crimes.²⁹⁷ Israel’s intent to do so is manifest in at least four forms of direct evidence: (1) official military doctrine in the form of Plan Dalet and its successors, (2) official statements of commanders, (3) statements and social media posts of IOF perpetrators in the field and (4) the pattern of actions. The crime of genocide gives rise to both individual and state responsibility. The Genocide Convention also emphasizes the need for individual accountability before both domestic or international courts,²⁹⁸ regardless of any official role held by the perpetrator.²⁹⁹ However, institutionalized nature of this behavior in the organs of the state makes the case to consider Israel’s targeting homes, shelters and shelter seekers as crimes of state.³⁰⁰

In response to Israel’s persistent war on the Gaza Strip, South Africa has successfully applied to the ICJ to order the occupying power to take urgent measures to prevent and punish genocide, demanding that Israel answer to the Court on its implementation of provisional measures. The UN Special Rapporteur on human rights in the oPt has reminded states of their *erga omnes* obligation that binds all state to prevent and punish genocide under both the 1948 Convention.³⁰¹ Under the Genocide Convention and customary international law, genocide cannot be justified under any circumstances, including acclaimed self-defense.³⁰² Complicity is expressly prohibited, giving rise to the extraterritorial obligations of other states.³⁰³

At least the governments of South Africa³⁰⁴ and France³⁰⁵ have recently announced procedures to domestically prosecute citizens returning from service in the IOF. Namibia has effectively accused Germany, by its support for Israel before the ICJ, of failing to learn from its horrendous history and, thereby, perpetuating genocide uninterruptedly since the beginning of the 20th century.³⁰⁶ Popular protest around the world has turned opinion against Israel’s behavior, calling for an immediate cease fire in Gaza, as well as justice for Palestinians.³⁰⁷ Significantly, the movement of anti-Zionist persons of Jewish faith has re-emerged after generations of having lived moral and ideological contradictions.³⁰⁸

In the global sphere, international law also provides for remedy and reparation to victims of these gross violations and grave breaches.³⁰⁹ The pattern of abuses for targeting homes, shelters and shelter seekers, among other such crimes, call for the full complement of entitlements owed to victims and affected persons and communities. Such a measure of justice could only be envisioned with the compliance of the international community of states with their standing obligations.

Recommendations:

Israel's pattern of domicide in the context of incremental genocide carried out by an apartheid regime³¹⁰ requires the collaborating entities—both states and non-state actors—to desist from their support of it. The extraterritorial nature of *erga omnes* obligations under international law requires all states and their governments to take effective measures to end the illegal situation. The prolonged and aggravated nature of Israel's targeting of homes, shelters and shelter seekers, the expectations of the international community of states are ground in the existing norms and instruments of international law and provided here in the form of recommendations:

Norms and Mechanisms for Action:

Needed is international cooperation for remedy and reparations for victims, with the pursuit of accountability through the adjudication of international humanitarian law (IHL) breaches, crimes and human rights violations. IHL obliges High Contracting Parties (HCPs) to investigate grave breaches of the Geneva Conventions. This obligation flows generally from common Article 1, but more specifically from other provisions of the Fourth Geneva Convention. What is required are effective measures including, but not limited to:

1. Engaging the enquiry procedure under the Convention (Article 149);
2. Dispatching an International Humanitarian Fact-Finding Commission; and
3. HCP domestic adjudication obligations, in particular, through the application of universal jurisdiction.

Universal jurisdiction is also established under relevant treaties as an obligation for states parties. The Fourth Geneva Convention, requires³¹¹ each HCP “to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches” and to bring such persons, regardless of their nationality, before its own courts.”³¹²

HCPs should implement their common Article 1 obligation based on the Fourth Geneva Convention's provisions for the appointment of a 'Protecting Power' in the oPt. This is especially called for in view of Israel's long-standing refusal to recognize the International Committee of the Red Cross (ICRC) or any HCP mechanism in this role.

The Genocide Convention requires states to try persons charged with genocide or related acts domestically, or in an international tribunal established for that purpose.³¹³ The Rome Statute also recognizes both the right and obligation of states to try suspected perpetrators of war crimes and crimes against humanity within their own territorial jurisdiction, as required, and determines that the ICC “shall be complementary to national criminal jurisdictions.”³¹⁴

Practical measures to enforce the relevant Conventions Call for states parties—individually or collectively—at least to:

- Pursue criminal investigations of grave breaches in their national courts, either to prosecute citizens engaged in aiding and abetting the relevant crimes and grave breaches and/or using universal jurisdiction, where evidence of the commission warrants;³¹⁵
- Cooperate to put an end to the blockade on Gaza;³¹⁶
- Deny recognition of the illegal blockade of the Gaza Strip and not render aid or assistance in maintaining it;
- Provide the civilian population in the Gaza Strip with goods and commodities needed to ensure conditions of life in peace and dignity;

- Demand and take consistent follow-up measures to ensure that Israel free Palestinians arbitrarily imprisoned and detained, including Palestinian human rights and IHL defenders;
- Recognize the State of Palestine's declaration of accession to the Rome Statute³¹⁷ and depositing a statement affirming applicability of the relevant Conventions, including the Fourth Geneva Convention, to Palestine regardless of Palestine's statehood status;
- Calling on all states, the UN and international aid providers to increase financial and technical assistance for organizations providing psychosocial, health, water and sanitation, housing and other vital development services to the occupied Palestinian population, especially in the Gaza Strip;
- Divest from, and impose trade and economic sanctions on Israel and other states abetting grave breaches;
- Downgrade diplomatic relations with Israel and other states abetting grave breaches;
- Freeze the assets of legal and natural persons responsible for violations and grave breaches;
- Recognize Israel's parastatal institutions (WZO/JA, JNF, United Israel Appeal and affiliates) as organs of the State of Israel³¹⁸ where they operate in the territory of other sovereign states, usually claiming private, charitable and/or tax-exempt status, and engage in population transfer, including the implantation of settlers and settlements;³¹⁹
- Apply international and, as appropriate, domestic law to sanction Israel's parastatal institutions and other organizations where they are found to engage in grave breaches of IHL and serious crimes such as population transfer, apartheid, genocide, wanton destruction and other humanitarian and criminal breaches of international law;
- Other material measures to uphold the Fourth Geneva Convention's common Article 1 obligations as endorsed by the General Assembly also include:
 - Refraining from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;
 - Refraining from acquiring any weapons or military equipment from Israel;
 - Suspending economic, financial and technological assistance to and cooperation with Israel;
 - Downgrading or severing diplomatic, trade and cultural relations with Israel³²⁰;
 - Ensuring that the specialized agencies and other international organizations conform their relations with Israel to these remedial terms³²¹;
 - Continue support for UNRWA in all fields of its operation.

In addition to these measures, states should:

- Join South Africa's genocide case against Israel and Nicaragua's case against Germany for complicity in genocide before the ICJ;
- Insist that the ICC Chief Prosecutor investigate Rome Statute crimes and issue arrest warrants for, and try alleged perpetrators;
- In the case of the ICC Prosecutor being politically compromised and/or lacking the will to pursue the perpetrators, establish a special international tribunal to prosecute responsible parties, including non-state actors engaged in the crimes and grave breaches arising from targeting homes, shelters and shelter seekers in the Middle East;
- Support efforts to quantify the costs, losses and damage incurred by victims and communities as a means toward remedy and reparations within the norms of international law.³²²

Annex 1: Hamas 'Civilian' Targets on 7 October 2023

Israeli Settler Colony	Original Palestinian Habitat	Disposition
Ashkelon	Askalan, ancient southern Palestine port and metropolis adjacent to the Palestinian town of al-Majdal.	<p>Askalan and al-Majdal were part of territory that the <i>ultra vires</i> 1947 UN plan to partition Palestine ascribed to the "Arab State in Palestine." By October 1948, the ca. 10,000 Christian and Muslim inhabitants of al-Majdal were already hosts to thousands of refugees from Israel's ethnic cleansing of surrounding Palestinian villages during the Nakba.</p> <p>Zionist Israeli forces attacked the town on 5 November 1948, leaving only 2,700 inhabitants. Israeli soldiers deported another 500 in December 1948, expelling the rest of the indigenous Palestinian population in 1950.</p>
Be'eri	Palestinian land belonging to the Jabarat tribe of Indigenous Palestinian Arab Bedouin.	<p>One of the Jewish Agency's planned "11 points in the Negev" colonization plan before the UN Partition of Palestine resolution. The colony was founded as a kibbutz on the site of a settler land grab by night on 6 October 1946 by Ha-No'ar ha-Oved (Israel Working Youth Movement). In the military operations of 1948, Zionist forces expelled the Indigenous inhabitants and land owners of the Jabarat tribe to today's West Bank, and the smaller Hanajra group to today's Gaza Strip.</p>
Kerem Shalom	Lands belonging to `Arab al-Sufiyin and Abu `Udah villages	<p>Zionist Israeli forces captured the territory during the 1948 Nakba operations in territory ascribed to the Arab State in Palestine under the <i>ultra vires</i> UN Partition Plan of 1947.</p> <p>The Kerem Shalom kibbutz was founded on the site known by Palestinians as Karam Abu Salam in 1967 by Hashomer Hatzair (lit., <i>The Young Guard</i>), a secular Labor Zionist Jewish youth movement founded in 1913 in the Kingdom of Galicia and Lodomeia, Austria-Hungary. However, the Zionist settler movement was active in at least 16 other countries. Hashomer Hatzair settlers also assigned their name of the settler group's pre-1948 Mandatory Palestine political party.</p> <p>Karem Shalom was dismantled in 1995, after members left. In 2001, the kibbutz was reestablished by another small group of Israeli settlers, including eight members of a youth movement on a year of service prior to serving in the Israeli army. Eight settler</p>

		<p>families joined the kibbutz after Israel's Operation Cast Lead, the massive 22-day military assault on the Gaza Strip that began on 28 December 2008. The kibbutz then launched a 'Zionism 2011' campaign two years later to attract new residents.</p> <p>The Karam Abu Salim/Karem Shalom crossing is the only point for transfer of goods from Israel to Gaza, which Israel uses as a principal choke point in its 16-year blockade of the Palestinian territory.</p>
Kfar Aza	Habitations of Abu Mua`aliq/Hasanat and their associated lands belonging to Naqab Bedouin Palestinians	<p>After Zionist forces occupied the Palestinian territory that the <i>ultra vires</i> UN Partition Plan ascribed to the Arab State in Palestine, Israel established a kibbutz on the stolen land in August 1951 for Jewish settlers recruited from Egypt and Morocco who underwent military training in Ein Harod, Ayelet HaShahar and later Afikim.</p>
Nahal Oz	Habitations of Abu Mua`aliq/Hasanat and their associated lands belonging to Naqab Bedouin Palestinians	<p>In 1949, Zionist/Israeli forces conquered the Palestinian territory ascribed in the <i>ultra vires</i> UN Partition Plan of 1947.</p> <p>Jewish settlers founded the kibbutz Nahal Oz in 1951 as Israel's first 'nahal' colony (combining social volunteerism, agriculture and military service). It was initially called Nahlayim Mul Aza (lit. 'Nahal soldiers across from Gaza'). In 1953, Nahal Oz claimed to be a 'civilian community.'</p>
Ofakim	<p>Khirbat Futais (Arabic: خربة فطيس), a Bedouin hamlet populated by members of al-Qadirat clan of al-Tiyaha tribe, located along Wadi Futais, a seasonal river that drains into Wadi Gaza. The hamlet consisted of several mud houses, and the Bedouin residents were engaged in growing wheat, barley and melon, as well as raising sheep and goats. The hamlet was located along the Bi'r Saba'-Gaza highway, a strategic location for Bedouin tribes whose inter-tribal clashes were a source of worry, prompting Ottomans to build a military fort nearby, the Patish (Futais) Fort.</p>	<p>By mid-July, during the 1948 Nakba Operation Anfar, Zionist forces attacked and depopulated the village, whereupon the Indigenous Palestinian Bedouin inhabitants fled to al-Muharraqa, from which the same invaders expelled them to the Gaza Strip. The Israeli army demolished the abandoned Bedouin village in September or October 1948 for reasons that were described as 'military.'</p> <p>Thereafter, Israel established Ofakim as a development colony (town) in 1955 on the site of the destroyed and depopulated Palestinian village and its land.</p>
Re'im	The land adjacent to Palestinian archaeological site of Tel Jemmeh , hosting the remains of	<p>After Zionist forces conquered the territory ascribed to the Arab State under the <i>ultra vires</i> UN Partition Plan,</p>

	<p>structures dating back to the Assyrian occupation of Palestine and the Ptolemaic Kingdom.</p>	<p>former Palmach (Jewish pre-state terrorist organization) members established the kibbutz on the site in 1949 with the provisional military name HaTzofim Vav (lit., 'F Scouts,' in Hebrew). Israeli settlers eventually gave the ironic name of 'Tel Re'im' (lit, Hill of Friends) to the captured site in memory of members of the Gar'in pre-military settler groups from the former Ottoman Empire who were killed in the Israel's 1948 War of Conquest.</p> <p>The Israeli army maintains a base near the kibbutz. Prior to the Israeli settler 'disengagement' from Gaza in 2005, the base was used as a camp for the evacuating troops. Afterwards, Re'im became the target of al-Qassam rockets fired from the Gaza Strip. In 2008, Israel troops at the nearby base at Nahal Oz requested their relocation away from the range of Hamas' mortar fire.</p>
<p>Sderot</p>	<p>Palestinian village of Najd and its surrounding lands</p>	<p>The Zionist Negev Brigade occupied and depopulated Najd village during the Nakba 'Operation Barak' on 13 May 1948. Zionist (eventually Israeli) forces incorporated Najd into a chain of settler colonies designed to block any return of Indigenous Palestinians, including expelled refugees, from Gaza.</p> <p>After conquering the territory, Israeli forces founded Sderot in 1949 (originally called Gabim Dorot), creating a transit camp in 1951 for Jewish settlers, recruited to the Zionist project primarily from Iran and Kurdistan. Israel completed permanent housing there three years later, in 1954. The settler colony now houses Israeli settlers from Romania, Morocco, Ethiopia and the former Soviet Union. Sderot reportedly also hosts some inhabitants from Gaza who notoriously became collaborators with Israel's Shin Bet (intelligence agency) in 1997.</p>
<p>Zikim</p>	<p>Hiribya, Palestinian village dating back to the Canaanite period</p>	<p>Zionist Israeli forces depopulated the Palestinian village of Hiribya in October 1948 in Operation Yoav, occupying Palestinian territory that the <i>ultra vires</i> UN Partition Plan ascribed to the Arab State in Palestine. In 1949, Israel converted the depopulated Palestinian village site into a kibbutz and military base, which Hamas attacked on 7 October 2023 "in response to Zionist massacres against civilians."</p>

Annex 2: UN Security Council Resolutions concerning Attacks on Land, Homes, Shelters and/or Shelter Seekers

SC101 <i>"Strongest possible censure of"</i> Qibya massacre, 24 November 1953
SC106 <i>"Condemns"</i> Israel for Gaza raid, 29 March 1955
SC111 <i>"Condemns"</i> Israel for raid on Syria that killed fifty-six people, 19 January 1956
SC171 <i>"Determines flagrant violations"</i> by Israel in its attack on Syria, 9 April 1962
SC228 <i>"Censures"</i> Israel for its attack on al-Samu` in the West Bank, 6 April 1962
SC228 <i>"Censures"</i> Israel for attack on Hebron area, 25 November 1966
SC248 <i>"Condemns"</i> Israel for its massive attack on al-Karama, in Jordan, 24 March 1968
SC265 <i>"Condemns"</i> Israel for air attacks on Salt in Jordan, 1 April 1969
SC270 <i>"Condemns"</i> Israel for air attacks on villages in southern Lebanon, 26 August 1969
SC280 <i>"Condemns"</i> Israeli's attacks against Lebanon, 19 May 1970
SC313 <i>"Demands"</i> that Israel stop attacks against Lebanon, 28 February 1972
SC316 <i>"Condemns"</i> Israel for repeated attacks on Lebanon, 26 June 1972
SC332 <i>"Condemns"</i> Israel's repeated attacks against Lebanon, 21 April 1973
SC347 <i>"Condemns"</i> Israeli attacks on Lebanon, 24 April 1974
SC450 <i>"Calls on"</i> Israel to stop attacking Lebanon, 14 June 1979
SC452 <i>"Calls upon</i> the Government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem," 20 July 1979
SC465 <i>"Calls upon</i> all States not to provide Israel with any assistance to be used specifically in connexion with settlements in the occupied territories; <i>Requests</i> the [Security Council] Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, to investigate the reported serious depletion of natural resources, particularly the water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation, and to keep under close scrutiny the implementation of the present resolution," 1 March 1980
SC501 <i>"Calls on"</i> Israel to stop attacks against Lebanon and withdraw its troops, 25 February 1982
SC515 <i>"Demands"</i> that Israel lift its siege of Beirut and allow food supplies to enter, 29 July 1982
SC520 <i>"Condemns"</i> Israel's attack into West Beirut, 17 September 1982
SC607 <i>"Calls upon</i> Israel to refrain from deporting any Palestinian civilians from the occupied territories; <i>Strongly requests</i> Israel...to abide by its obligations arising from the [4 th Geneva] Convention," 5 January 1988
SC608 <i>"Expressing its deep regret</i> that Israel...has, in defiance of that resolution [SC607], deported Palestinian civilians; <i>Calls upon</i> Israel to rescind the order to deport Palestinian civilians and to ensure the safe and immediate return to the occupied Palestinian territories of those already deported; <i>Requests</i> that Israel desist forthwith from deporting any other Palestinian civilians from the occupied territories," 14 January 1988
SC636 <i>"Deeply regrets</i> the continuing deportation by Israel, the occupying Power, of Palestinian civilians; <i>Calls upon</i> Israel to ensure the safe and immediate return to the occupied Palestinian territories or those deported and to desist forthwith from deporting any other Palestinian civilians," 6 July 1989

<p>SC641 “<i>Deplores</i> the continuing deportation by Israel, the occupying Power, of Palestinian civilians; <i>Calls upon</i> Israel to ensure the safe and immediate return to the occupied Palestinian territories of those deported and to desist forthwith from deporting any other Palestinian civilians,” 30 August 1989</p>
<p>SC681 “Deplores the decision by the Government of Israel...to resume the deportation of Palestinian civilians in the occupied territories,” 20 December 1990</p>
<p>SC799 “Strongly condemns the action taken by Israel, the occupying Power, to deport hundreds of Palestinian civilians, and expresses its firm opposition to any such deportation by Israel;,” 18 December 1992</p>
<p>SC726 “<i>Strongly condemns</i> the decision of Israel...to resume deportations of Palestinian civilians; <i>requests</i> Israel...to ensure the safe and immediate return to the occupied territories of all those deported,” 6 January 1992</p>
<p>SC694 “Declares that the action of the Israeli authorities of deporting four Palestinians on 18 May 1991 is in violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to all the Palestinian territories occupied by Israel since 1967, including Jerusalem; <i>Deplores</i> this action and reiterates that Israel, the occupying Power, must refrain from deporting any Palestinian civilian from the occupied territories and ensure the safe and immediate return of all those deported,” 24 May 1991</p>
<p>SC1379 “<i>Urges</i> regional and subregional organizations and arrangements to...Take steps leading to the elimination of cross-border activities deleterious to children in times of armed conflict, such as...attacks on camps and settlements of refugees and internally displaced persons,” 20 November 2001</p>
<p>SC1544 “condemning” killing, “gravely concerned” about the home demolitions, Rafah, 19 May 2004</p>
<p>SC1674 “reaffirms its condemnation in the strongest terms of...forced displacement,” 28 April 2006</p>
<p>SC1701 “Decides [to] Extend [UNIFIL] assistance to help ensure safe return of displaced persons,” 11 August 20026</p>
<p>SC2334 “Condemning all measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem, including, inter alia, the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians, in violation of international humanitarian law and relevant resolutions,” 23 December 2016</p>
<p>SC2712 “Rejecting forced displacement of the civilian population, including children, in violation of international law, including international humanitarian law and international human rights law,” 15 November 2023</p>
<p>SC2720 “<i>Reaffirms</i> the obligations of all parties under international humanitarian law, including with regard to respecting and protecting civilians and taking constant care to spare civilian objects, including such objects critical to the delivery of essential services to the civilian population, and with regard to refraining from attacking, destroying, removing or rendering useless objects that are indispensable to the survival of the civilian population” “<i>Reaffirms</i> that civilian objects, including places of refuge, including within United Nations facilities and their surroundings, are protected under international humanitarian law, and <i>rejects</i> forced displacement of the civilian population, including children, in violation of international law, including international humanitarian law and international human rights law,” 22 December 2023</p>

Endnotes:

- ¹ Shlomo Sand, transl. Yael Lotan, *The Invention of the Jewish People* (London and New York: Verso, 2009). For discussion of the Christian Restorationist origins and perpetuation of the “land without people for a people without land” claim, see Diana Muir, “A Land without a People for a People without a Land,” *Middle Eastern Quarterly*, Vol. 15, No. 2 (spring 2008), <http://www.meforum.org/article/1877>.
- ² Agreement and Charter, International Conference on Military Trials, London, 8 August 1945, *The Avalon Project*, <https://avalon.law.yale.edu/imt/jack60.asp>.
- ³ Walid Khalidi, “Plan Dalet: Master Plan for the Conquest of Palestine,” *Journal of Palestine Studies*, Vol. 18, Issue 1 (winter 1988–89), pp. 4–18, at p. 11, <https://www.tandfonline.com/doi/abs/10.2307/2537591>.
- ⁴ *Ibid.*, 12.
- ⁵ Benny Morris, *The Birth of the Palestinian Refugee Problem Revisited* (Cambridge and London: Cambridge University Press, 2004), pp. 39–64; Joseph Schechla, “Ideological roots of population transfer,” *Third World Quarterly*, Vol. 14, Issue 2 (June 1993), 239–75, <https://www.jstor.org/stable/3992567>; Shabtai Tevet, “The evolution of ‘transfer’ in Zionist Thinking” (Tel Aviv: Moshe Dayan Center for Middle East and African Studies, Shiloah Institute, Tel Aviv University, 1989).
- ⁶ Khalidi, *op. cit.*
- ⁷ Yehuda Sluzki, *The Haganah Book*, vol. 3, part 3 [in Hebrew] (Tel Aviv: IDF Publications, 1964), p. 1942, cited in Ilan Pappé, “The 1948 Ethnic Cleansing of Palestine,” *Journal of Palestine Studies*, Issue 141 (fall 2006), https://ciaotest.cc.columbia.edu/olj/jps/vol36-141/vol36-141_b.pdf.
- ⁸ Plan Dalet, 10 March 1948, in Khalidi, *op. cit.*
- ⁹ These included 24 massacres in the north (Galilee), five massacres in the central area of Palestine, and another five in the south. Salman Abu Sitta, *The Palestinian Nakba 1948* (London: Palestinian Return Centre, 1998); “Killings and massacres during the 1948 Palestine war,” *Wikipedia* (undated), https://en.wikipedia.org/wiki/Killings_and_massacres_during_the_1948_Palestine_war.
- ¹⁰ See “The Crime of ‘Domicide,’” *Land Times/أحوال الأرض*, Issue 27 (December 2022), <https://landtimes.landscape.org/newsdes.php?id=qXBk&catid=pQ==&edition=pG8=>.
- ¹¹ UNGA, Palestine plan of partition with economic union, resolution 181, 29 November 1947, <https://documents.un.org/doc/resolution/gen/nr0/038/88/pdf/nr003888.pdf?token=I9cAsRFlvbFwuMxsRi&fe=true>.
- ¹² Salman Abu Sitta, *From Refugees to Citizens at Home* (London: Palestine Land Society, 2001), “Location of Palestinian Villages,” <https://www.plands.org/en/books-reports/books/from-refugees-to-citizens-at-home/location-of-palestinian-villages>. Zochrot cites: “678 Palestinian localities destroyed by Israel during the Nakba: 220 of them had fewer than 100 inhabitants; 428 had between 100 and 3,000; 30 towns and cities had more than 3,000 Palestinian inhabitants. 22 Jewish localities that were destroyed in 1948; some were rebuilt that same year.” Eitan Bronstein Aparicio, “Mapping the Destruction,” *Zochrot* (March 2013), <https://www.zochrot.org/en/article/54783>.
- ¹³ For housing units destroyed in the Nakba, we based the estimate on the number of expelled refugees divided by 5. Using Janet Abu Lughod’s reliable figures (770–780K expelled), the resulting estimate would be 154–156K housing units, among other buildings. An absolute minimum round number would be 150,000. The Israeli Committee against Home Demolitions (ICAHN) cites 52,000 units destroyed, “Categories of Home Demolitions,” 14 March 2020, <https://icahd.org/2020/03/14/categories-of-home-demolitions/>. However, this estimate is approximately one-third of the total. Note it took the Israelis 15 years to demolish them all between the 1948 to 1967 wars.
- ¹⁴ Iruv Braverman, “Planting the Promised Landscape: Zionism, Nature, and Resistance in Israel/Palestine,” *Natural Resources Journal*, Vol. 49, No. 2 (spring 2009), pp. 317–65, <https://www.jstor.org/stable/24889569?seq=1>; Bill Skidmore, “Canadian charity hides history, destruction of Palestinian villages,” *ricochet*, 6 March 2019, <https://ricochet.media/en/2531/canadian-charity-hides-history-destruction-of-palestinian-villages?fbclid=IwAR1mj9dxN7uqRtIvqX5kRqTELD9IX7A6me6GHU1QKb7U1CEgW2eqKNK7eU>; “Greenwashing by the Jewish National Fund, Israel,” *Environmental Justice Atlas*, <https://ejatlas.org/conflict/greenwashing-by-the-jewish-national-fund-and-trees-as-a-weapon-of-dispossession-israel>; Jesse Benjamin, M.B. Levy, S. Kershner and M. Sahibzada, eds., *Jewish National Fund – Colonizing Palestine Since 1901*, International Jewish Anti-Zionist Network, *Greenwashing Apartheid: The Jewish National Fund’s Environmental Cover Up*, JNF eBook, Vol. 4 (15 May 2011), <http://www.ijan.org/wp-content/uploads/2015/10/FINAL-JNFBookVol4.pdf>.
- ¹⁵ JNF, Report to the 23rd Congress (1951), pp. 32–33 (emphasis in original), cited in Walter Lehn with Uri Davis, *The Jewish National Fund* (London and New York: Kegan Paul, 1988), p. 108.
- ¹⁶ Ghazi Falah, “Israeli State Policy toward Bedouin Sedentarization in the Negev,” *Journal of Palestine Studies*, Vol. 18, No. 2 (1989) 71 at 78–79.
- ¹⁷ Salman Abu Sitta, *Village Points Inside & Outside Siyag* [map] (London: Palestine Land Society, 2010). The figure of 108 total localities depopulated and demolished is derived from the number of depopulated localities after 1948 in Bi’r Saba’ (Beer Sheva) District outside the border of the *siyāj*.

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- ¹⁸ Unit 101 was the main Israeli military formation responsible for retaliation (*tagmul*) attacks. The unit's doctrine followed the teachings of the British army, and specifically those of Orde Wingate, a British officer with Zionist sympathies. Unit 101 relied on small experienced forces and conducted guerilla attacks on the enemy's territory. The unit was dismantled and integrated into the Paratroopers after the Qibya massacre. See Gil-li Vardi, "Pounding Their Feet': Israeli Military Culture as Reflected in Early IDF Combat History," *Journal of Strategic Studies*, Vol. 3, Issue 2 (2008), pp. 295–324, at p. 298.
- ¹⁹ "1953 Retribution Acts (Pe'ulot Tagmul)," Ariel Sharon – Life Story: A Biography, at: <http://www.ariel-sharon-life-story.com/03-Ariel-Sharon-Biography-1953-Retribution-Acts-Peulot-Tagmul.shtml>.
- ²⁰ *The Goldberg Opportunity: A Chance for Human Rights-based Statecraft in Israel* (Cairo: HIC-HLRN, 2010), <http://hlrn.org/img/publications/FFM%20Naqab%202010.pdf>.
- ²¹ Ilan Pappé, *The Ethnic Cleansing of Palestine* (London: One World, 2006), pp. 51, 258.
- ²² Eli Zeira, Dayan's Chief of Staff, cited in Vardi, *op. cit.*, pp. 300–01, f. 18.
- ²³ Shay Hazkani, "Arab Mothers Also Cry': Conformity and Dissent in Israeli Soldiers' Letters from the Suez Crisis, 1953–1957," Master of Arts in Arab Studies, Georgetown University, 28 April 2010," pp. 67, 74, 105 and 111, https://repository.library.georgetown.edu/bitstream/handle/10822/557922/Hazkani_georgetown_0076M_10811.pdf;sequence=1.
- ²⁴ Vardi, *op. cit.*, p. 299.
- ²⁵ E. H. Hutchinson, *Violent Truce - A Military Observer Looks at the Arab-Israeli Conflict 1951–1955*. (New York: Devin Adair, 1956), pp. 12–16, <https://archive.org/details/violenttrucearab006617mbp>.
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- ²⁷ Hutchinson, *op. cit.*
- ²⁸ Morris (1997), *op. cit.*
- ²⁹ Morris, *Ibid.*; Hutchinson, *op. cit.*
- ³⁰ UNSC, "Attacks on West Bank village Qibya, Gaza Bureij camp – UNTSO report (Bennike), SecCo debate, SecGen statement – Verbatim record, 27 October 1953, S/PV.630, para. 46, <https://www.un.org/unispal/document/auto-insert-176158/>.
- ³¹ UNSC, UNTSO report (Bennike), *op. cit.*
- ³² 1953 Retribution Acts (Pe'ulot Tagmul), <http://www.ariel-sharon-life-story.com/03-Ariel-Sharon-Biography-1953-Retribution-Acts-Peulot-Tagmul.shtml#top>.
- ³³ Ilan Pappé, *The Ethnic Cleansing of Palestine* (London: One World, 2006), pp. 51, 258.
- ³⁴ Benny Morris, *Israel's Border Wars, 1949–1956: Arab Infiltration, Israeli Retaliation and the Countdown to the Suez War* (Oxford and London: Oxford University Press, 1993), pp. 258–59.
- ³⁵ *Ibid.* pp. 257–76. esp. p. 249, 262.
- ³⁶ The Department of State issued a statement on 18 October 1953, expressing its "deepest sympathy for the families of those who lost their lives" in the Qibya attack as well as the conviction that those responsible "should be brought to account and that effective measures should be taken to prevent such incidents in the future" (Department of State Bulletin, 26 October 1953, p. 552). See also the tripartite communiqué of 18 October 1953; supra, pp. 1467–68. For background discussion see Report of the Security Council to the General Assembly Covering the Period from 16 July 1958 to 15 July 1954 (A/2712), pp. 6–15, and United States Participation in the United Nations: Report by the President to the Congress for the Year 1953 (Department of State publication 5459, 1954), pp. 75–77.
- ³⁷ "None deplores it more than the Government of Israel, if Innocent blood, was spilled. The Government of Israel rejects with all vigor the absurd and fantastic allegation that 600 men of the IDF took part in the action. We have carried out a searching investigation and it is clear beyond doubt that not a single army unit was absent from its base on the night of the attack on Qibya. (Statement by Prime Minister David Ben-Gurion, ISA FM 2435/5), http://www.absoluteastronomy.com/topics/Qibya_massacre.
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- ³⁹ Report of the Chief of Staff of the Truce Supervision Organization to the Secretary-General concerning the Nahilin Incident, S/3251, 25 June 1954, https://digitallibrary.un.org/record/603129/files/S_3251-EN.pdf; "Jordan Village Reported Attacked by Israelis; Ten Arabs Killed," Jewish Telegraphic Agency (30 March 1954), <https://www.jta.org/archive/jordan-village-reported-attacked-by-israelis-ten-arabs-killed>.
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- ⁴¹ UNHRC, A/HRC/12/48, *op. cit.*, para. 206.
- ⁴² *Ibid.*, para. 207.
- ⁴³ Sabri Jiryis, *The Arabs in Israel* (New York: Monthly Review Press, 1976), 77–101; Usama Halabi, "Israeli Law as a Tool of Confiscation, Planning, and Settlement Policy," *Adalah's Review*, Vol. 2 (fall 2000), pp. 7–13, at: https://www.adalah.org/uploads/Adalah_review_2_Land.pdf.

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- ⁴⁶ UNSC resolution 111, 19 January 1956, operative paras, 2–4, <https://www.un.org/unispal/document/auto-insert-182873/>.
- ⁴⁷ UNSC resolution 171, 9 April 1962, https://digitallibrary.un.org/record/112170/files/S_RES_171%281962%29-EN.pdf?ln=en.
- ⁴⁸ UNSC resolution 228, 25 November 1966, operative para. 3, https://digitallibrary.un.org/record/90503/files/S_RES_228%281966%29-EN.pdf?ln=en.
- ⁴⁹ Letter dated 27 May 1966 from the Permanent Representative of Jordan addressed to the President of the Security Council, S/7225, annex, finding 3.C, p. 3, https://digitallibrary.un.org/record/527138/files/S_7325-EN.pdf?ln=en.
- ⁵⁰ *Ibid.*, finding 3.F, p. 4.
- ⁵¹ *Ibid.*, finding 3.A–B, p. 3.
- ⁵² Para. 23.
- ⁵³ Attack on As Samu – SecCo verbatim record, 16 November 1966, <https://www.un.org/unispal/document/auto-insert-185270/>.
- ⁵⁴ Para. 30.
- ⁵⁵ Para. 32.
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Estimates of the fatalities vary from 700 (the official Israeli count) to 3,500. Robert Fisk, one of the first journalists to visit the scene, quotes unnamed Phalangist officers as saying "that 2,000 Palestinians—women as well as men—had been killed in Chatila." In a 2002 article, Fisk speaks of "1700 civilians murdered." Robert Fisk, "Elie Hobeika: ladykiller and bloodsoaked war criminal," *The Independent* (25 January 2002). The Palestinian Red Crescent put the number killed at over 2,000, as cited in Ze'ev Schiff and Ehud Ya'ari, *Israel's Lebanon War* (New York: Simon and Schuster, 1984).
The Israeli journalist Amnon Kapeliouk arrived at about 2,000 bodies disposed of after the massacre from official, and Red Cross sources and "very roughly" estimated 1,000–1,500 other victims disposed of by the Phalangists themselves. His total of 3,000–3,500 is frequently quoted. Amnon Kapeliouk, translated and edited by Khalil Jahshan, *Sabra & Chatila: Inquiry Into a Massacre* (November 1982), English edition of *Sabra et Shatila: Enquete sur un massacre* (Paris: Seuil, 1982).
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- ¹²⁷ The total number of 15,500 sorties includes 1,200 transport missions, over 1,300 reconnaissance missions, and 1,000 combat search-and-rescue missions. It is unknown how many of the 15,000 sorties actually involved delivery of ordnance.
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- ¹²⁹ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt; the Representative of the Secretary-General on human rights of internally displaced persons, Walter Kälin; and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari - Mission to Lebanon and Israel, A/HRC/2/7, 2 October 2006, <http://daccessdds.un.org/doc/UNDOC/GEN/G06/141/95/PDF/G0614195.pdf?OpenElement>, para. 34. [Hereinafter, Mission to Lebanon and Israel.]
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- ¹⁴⁷ These figures are taken from the *Rapid Preliminary Damage Assessment* (prepared by the European Commission Joint Research Centre and the European Union Satellite Centre with a view to the 31 August 2006, Stockholm Conference on Lebanon’s Early Recovery), p. 6, <http://www.lebanonundersiege.gov.lb/Documents/rapidpreliminarydamageassessment.pdf>. Buildings include residential buildings, medical facilities, industrial buildings and greenhouses. In Tyre, the only district for which disaggregated data are available, 292 of the 306 destroyed buildings were residential.
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²⁹⁰ Fourth Geneva Convention, *op. cit.*, Article 49, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-49?activeTab=undefined>.

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²⁹² “For the purpose of this Statute, ‘crime against humanity’ means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:...(d) Deportation or forcible transfer of population;...(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;...(j) The crime of apartheid; [and] (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.” Rome Statute, *op. cit.*, Article 7.

²⁹³ The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes...:

(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:...

(iii) Wilfully causing great suffering, or serious injury to body or health;

(iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;...

(vii) Unlawful deportation or transfer or unlawful confinement;...

(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;

(iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

(iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;

(v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;...

(viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;...

(xii) Declaring that no quarter will be given;

(xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;...

(xvi) Pillaging a town or place, even when taken by assault;...

(xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;...

(xxiv) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

(xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;...

(e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;...

(iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(v) Pillaging a town or place, even when taken by assault;...

(viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;...

(x) Declaring that no quarter will be given;...

(xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict..." *Ibid.*, article 8.

²⁹⁴ *Ibid.*, article II.

²⁹⁵ (a) The *actus reus*: the commission of any one or more specific acts against a protected group, namely:

- i. killing members of the group;
- ii. causing serious bodily or mental harm to members of the group;
- iii. deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- iv. imposing measures intended to prevent births within the group;
- v. forcibly transferring children of the group to another group.

(b) The *mens rea*: the intent behind the commission of one or more of the above-mentioned acts that must be established, which includes two intertwined elements:

- i. a general intention to carry out the criminal acts (*dolus generalis*), and
- ii. a specific intention to destroy the target group as such (*dolus specialis*).

Kai Ambos, "What Does 'Intent to Destroy' in Genocide Mean?" *International Review of the Red Cross*, Vol. 91, No. 876 (2009), p. 834.

²⁹⁶ ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, Judgment (2007), paras. 187–88, <https://www.icj-cij.org/sites/default/files/case-related/91/091-19960711-JUD-01-00-BI.pdf>.

²⁹⁷ The International Criminal Tribunal for the former Yugoslavia (ICTY), *Prosecutor v. Kupreskic et al.*, IT-95-16-T ICTY, Judgment, 14 January 2000, para. 636, <https://www.icty.org/x/cases/kupreskic/tjug/en/kup-tj000114e.pdf>.

²⁹⁸ Rome Statute, article 6.

²⁹⁹ Genocide Convention, *op. cit.*, article IV.

³⁰⁰ William J. Chambliss, "State-organized crime," *Criminology*, Vol. 27, No. 2 (1989), pp. 183–208, https://www.researchgate.net/publication/228039910_State-Organized_Crime-The_American_Society_of_Criminology_1988_Presidential_Address; Stanley Cohen, H. "Human Rights and Crimes of the State: The Culture of Denial," *Criminological Perspectives*, Vol 26, Issue 2 (July 1993), pp. 97–115, <https://journals.sagepub.com/doi/10.1177/000486589302600201>; Otto Triffterer, "Prosecution of States for Crimes of State," *Journal International Review of Penal Law*, Vol. 67 (1996), pp. 341–64; Jeffrey Ian Ross, ed., *Controlling State Crime* (New Brunswick, NJ: Transaction Publishers, 2nd edition, 2000); Penny Green and Tony Ward, *State Crime: Governments, Violence and Corruption* (London: Pluto Press, 2004).

³⁰¹ Convention on the Prevention and Punishment of the Crime of Genocide, UNGA resolution 260 A (III), 9 December 1948, https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf.

³⁰² William Schabas, *Genocide in International Law: The Crime of Crimes* (Cambridge and London: Cambridge University Press, 2009), p. 395; ILC, Draft report of the International Law Commission on the work of its seventy-third session, Chapter IV: Peremptory norms of general international law (*jus cogens*), A/CN.4/L.960/Add.1, 17 June 2022, conclusions 3, 17, <https://documents.un.org/doc/undoc/ltd/g22/383/60/pdf/g2238360.pdf?token=6OW00iE69mA7LDApdS&fe=true>.

³⁰³ Genocide Convention, article III.

³⁰⁴ Michelle Nel, "South Africans fighting for Israel in Gaza: what does the law say?" *The Conversation* (25 March 2024), <https://theconversation.com/south-africans-fighting-for-israel-in-gaza-what-does-the-law-say-226240>.

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³¹⁰ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Israel, CERD/C/ISR/CO/13, 9 March 2007, paras. 22, 23, 33, 34 and 35, <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=CERD/C/ISR/CO/13&Lang=E>; and CERD/C/ISR/CO/14–16, 9 March 2012, paras. 11, 15, 24–27, <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=CERD/C/ISR/CO/14-16&Lang=E>; UNHRC, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, A/HRC/4/17, 29 January 2007, p. 3, http://unispal.un.org/UNISPAL_NSF/0/B59FE224D4A4587D8525728B00697DAA; Virginia Tilley, ed.,

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³¹¹ Fourth Geneva Convention, *op. cit.*, Article 146(2).

³¹² "Report of the United Nations Fact-finding Mission on the Gaza Conflict" [UN Fact-finding Report], A/HRC/12/48, 15 September 2009, p. 514, para. 1648, <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/HRC/12/48&Lang=E>.

³¹³ Genocide Convention, *op. cit.*, Article VI: "Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction."

³¹⁴ Rome Statute, *op. cit.*, Article 1.

³¹⁵ UN Fact-finding Report, recommendation to the international community, para. 1772.

³¹⁶ Particularly in light of the draft Articles on Responsibility of States for Internationally Wrongful Acts, annex to General Assembly resolution 56/83, 12 December 2001, and corrected by document A/56/49(Vol. I)/Corr.4, in particular, articles 16, 40, 41, 46 and 48.

³¹⁷ On 21 January 2009, Government of Palestine Minister of Justice Ali al-Khashan signed a declaration under Article 12(3) of the Rome Statute, recognizing the jurisdiction of the International Criminal Court "for the purpose of identifying, prosecuting and judging the authors and accomplices of acts committed on the territory of Palestine since 1 July 2002. The ICC Registrar acknowledged receipt of the declaration in 2009/404/SA/LASS, 23 January 2009. See "Al-Haq Position Paper on Issues Arising from the Palestinian Authority's Submission of a Declaration to the Prosecutor of the International Criminal Court under Article 12(3) of the Rome Statute," (Al Haq, 14 December 2009), at: [http://www.alhaq.org/pdfs/position-paper-icc-\(14December2009\).pdf](http://www.alhaq.org/pdfs/position-paper-icc-(14December2009).pdf).

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³¹⁹ Prohibited under the Fourth Geneva Convention, *op. cit.*, Article 49, and a grave breach under Additional Protocol I (Article 85.4[a]), and codified in the Rome Statute as a crime against humanity (Article 7) and war crime (Article 8).

³²⁰ UNGA, "The situation in the Middle East," A/RES/37/123, 16 December 1982, para. A13, <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/RES/37/123&Lang=E>; and A/RES/39/146, 14 December 1984, para. B13, <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/RES/39/146&Lang=E>.

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