

Forced Displacement and Transfer as an Act of Genocide in the Gaza Strip

Summary: Forced Displacement and Transfer as an Act of Genocide in the Gaza Strip,
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I. Summary of the Legal Framework

This paper is a summary of BADIL's working paper [Forced Displacement as an Act of Genocide in the Gaza Strip](#), which makes the case that Israel is committing genocide against the Palestinian population in the Gaza Strip via various means, including its policy of forced displacement and transfer.

Forced displacement and transfer, which has been a pillar of the Israeli regime, alongside colonization and apartheid, has been central to Israel's ongoing genocide in the Gaza Strip. Indeed, since the start of the genocide, 1.9 million Palestinians in Gaza have been forcibly displaced, some up to 10 times. Israel's "evacuation orders" over the majority of the Gaza Strip have crammed Palestinians into small slivers of the Strip, facing conditions of life calculated to bring about the destruction of the group, constituting an act of genocide under the Genocide Convention (GC).

The crime of genocide is dependent on **two elements**: the acts constituting the physical destruction of a group, and the intent to commit this destruction. Article 2 of the GC lists the acts as follows:

- “(a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) **Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;**
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.”

The Israeli regime, through its actions and intent, is committing genocide against the Palestinian population in the Gaza Strip via various means, including its policy of repeated and systematic forced displacement and population transfer and the subsequent conditions of life it imposes that ultimately seek the destruction of the group. Forced displacement and population transfer may be considered an act of genocide under Article 2(c) of the GC when occurring alongside other acts or conditions that would lead to the slow death of the group. Various past tribunals and jurisprudence¹ list systematic forced displacement as an example of the conditions of life intended to bring about the physical destruction of a group. They have determined that, to assess if an act falls under Art 2(c), the following factors must be considered:

- > the characteristics of the targeted group such as its **vulnerability**.
- > the **duration** of exposure experienced by the group members; and
- > the **nature** of the imposed conditions.

The Palestinian population's **vulnerability** in Gaza predates 7 October 2023, as it had endured a 17-year siege where 80 percent relied on humanitarian aid. Over 81 percent of the population in Gaza are refugees, descending from Palestinians dispossessed and displaced during and after the Nakba of 1948, with the majority of the population having been internally displaced multiple times as a result of Israel's consistent assaults on the Strip over the years. Children make up nearly half of

1 See, for example, Prosecutor v. Radovan Karadzic (Judgment in Trial Chamber) ICTY-95-5/18-T (24 March 2016) <https://www.icty.org/x/cases/karadzic/tjug/en/160324_judgement.pdf>; Prosecutor v. Zdravko Tolimir (Judgment in Appeals Chamber) ICTY-05-88/2-A (8 April 2015) <https://www.icty.org/x/cases/tolimir/acjug/en/150408_judgement.pdf>; Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Judgment, I.C.J. Reports 2015 <<https://www.icj-cij.org/sites/default/files/case-related/118/118-20150203-JUD-01-00-EN.pdf>>; Prosecutor v. Tolimir (Judgment in Trial Chamber II) ICTY-05-88/2-T (12 December 2012) <<https://www.icty.org/x/cases/tolimir/tjug/en/121212.pdf>>; Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro), Judgment, I.C.J. Reports 2007 <https://t.ly/F_XRm>.

Gaza's population, meaning that every time Israel bombards, starves, represses, and suffocates the Gaza Strip through its indiscriminate policies of collective punishment, it is assured that at least half of the victims will be children. These dire conditions place the Palestinian population in the Gaza Strip in a situation of significant vulnerability, which has been further exacerbated since the beginning of Israel's genocidal war on the Gaza Strip. Furthermore, Israel's genocide in Gaza has been **ongoing for over a year**, with the forced displacement and transfer of the Palestinian population in Gaza being constant, and with Israel's utter destruction being perpetuated in multiple areas in Gaza each and every day. Regarding the **nature** of imposed conditions, ordering the "evacuation" of 1.1 million Palestinians from the north to the south of Gaza, and concentrating more than 90 percent of the Gaza Strip's population in about 11 percent of the Gaza Strip (1.9 million in about 40 square kilometers), towards locations lacking adequate shelter, food, water, and healthcare has created a catastrophic situation that leads to physical destruction of the group, in whole or in part.

Israel's intent to commit genocide against Palestinians in the Gaza Strip via forced displacement has been clearly expressed in many statements from Israeli officials. Further, the intent to physically destroy the group in whole or in part is materialized in the direct targeting of IDPs, as Israel bombs them on "safe routes" to "safe zones", and carries out deliberate assaults on shelters and other places IDPs have sought refuge. Israel's so-called evacuation orders have not been carried out for the safety, but to contribute to the additional killing of Palestinians.

Therefore, it can be concluded that when forced displacement is accompanied by other acts such as: starvation, the failure to provide adequate medical care, and the withholding of food, water, clothing, or sanitation, and considering the factors outlined above, it may very well constitute an act of genocide.

II. Acts Accompanying the Mass Forcible Displacement in the Gaza Strip

ACT 1: THE DENIAL OF ADEQUATE SHELTER

According to Article 49 of the Fourth Geneva Convention, the occupying power must ensure that protected persons (Palestinians) are to remain within the occupied territory, and that the evacuation is temporary and Palestinians must be returned to their habitual residences as soon as hostilities cease. Furthermore, it needs to ensure that proper accommodations are provided that are clean, safe and meet their basic needs (water, food, medicine, health care), and families are not separated. Since the start of the genocide, Israel has issued “evacuation orders” on all but 11% of the Gaza Strip, prompting the mass forced displacement of Palestinians in Gaza and instructing them to head to “safe zones” that lack [adequate shelter](#) and the basic needs for survival. Over 1.9 million IDPs in Gaza have been repeatedly displaced and crammed into overcrowded shelters or makeshift shelters that cannot withstand environmental or weather conditions, enduring unsanitary and unsafe living conditions. These conditions, including lack of access to critical resources or aid and insufficient living space and ventilation, are conducive to slow death and manufactured deliberately by Israel. By forcibly displacing Palestinians without ensuring adequate shelters or providing basic necessities, Israel has created conditions that constitute an act of genocide

**Amani Abdul Aal, 30 years old,
Shati' refugee camp**

“We continued down the road on foot to the Khaled Ibn al-Walid School of the UNRWA on the Al-Ishreen Street in the An-Nuseirat refugee camp at about 6:00 pm. The school was full and overcrowded with IDPs. In the first five days, we slept in a truck that was parked in the school yard. It belonged to my brother’s father-in-law. We were almost 20 people who slept in the truck. We had a few mattresses and blankets, which were barely enough. Later, we bought some wood and nylon, erected a small makeshift tent, which had a surface area of some four square meters. It could hardly accommodate us. We experienced very difficult living conditions due to scarce and limited distribution of food assistance. We only received a few food cans from the school. We suffered from food shortages, exorbitant prices, and lack of money to provide all requirements. We used shared bathrooms in the school yard. Although thousands of IDPs were in the school, only two bathrooms were designated for women and children. We waited for hours to relieve ourselves. We stayed in the school for 40 days in harsh and cruel living conditions.”²

**Sufian Abu Salah, 43 years old,
Khan Younis**

“In addition to extreme water shortages, the Haroun ar-Rashid School shelter was overcrowded with internally displaced persons (IDPs). Men and youths slept in a school barracks. It was so cold then. At first, we didn’t have mattresses or thick

2 Amani Abdul Aal is 30 years old and used to live in Shati' refugee camp with her husband and four children. She and her family were displaced to a tent in a displacement camp, West of Rafah city. Her testimony describes the direct targeting of her house, the killing/injury of family members, the recurrent displacements, the threatening of the husband, and the description of horrible massacres. The full testimony will be published later in a separate publication.

blankets to keep us warm. During the war, we experienced difficult economic conditions and lacked an income to cover the living expenses of my family, which I provided for... This was the suffering we went through in the shelter. Women and children stayed in classrooms, each accommodating more than 50 persons. Suffering of the war was further exacerbated by the spread of pandemics and diseases. Inside the shelter, toilets were unclean due to the excessive number of IDPs.”³

ACT 2: INFLECTION OF DEADLY HEALTH CONDITIONS

Over the span of more than a year, Israel has destroyed Gaza’s healthcare system, bombing

hospitals and ambulances, and obstructing the entrance of medicine and medical equipment. Fatal health conditions are exacerbated for Palestinian IDPs due to overcrowded and inadequate shelters. There is little to no access to healthy drinking water, showers, or personal hygiene products. The spread of diseases, most of which are normally treatable, has skyrocketed due to Gaza’s crippled and overwhelmed healthcare system struggling to provide even the most basic treatment, resulting in death. There has been a rise in newborn and infant fatality due to treatable causes. Fatal health conditions are not an unforeseen consequence of mass forced displacement; rather, they are the predictable outcome of cramming the majority of Gaza’s population into the southern region and dismantling its healthcare system. As

3 Sufian Abu Salah is 43 years old and used to live in Khan Younis with his wife and four children. He and his family were displaced to an area to the east of Khan Younis near the European Gaza Hospital. His testimony describes displacement to shelter, the bombing of displacement sites, the arrest from the displacement site, the investigation and torture under interrogation, the amputation of the left foot due to torture and medical negligence, and the continued torture even after his foot was amputated. The full testimony will be published later in a separate publication.

expected, the mass displacement of Palestinians in the north, coupled with inadequate shelter and healthcare and extreme weather conditions, has led to deadly living and health conditions.

**Alaa' al-Mughrabi, 32 years old,
Jabalya refugee camp**

“At 8:00 am on 18 November 2023, some medical staff told us that, based on the IOF orders, we should evacuate the Specialized Surgery Building. We were greatly shocked by the news and patients, injured persons and companions cried out: “How can we be evacuated? Where will we receive treatment? How will we be transported? Where will we go?” Questions were raised in all rooms of the section. I paused and looked at my daughter Jannah, who was injured and in critical health condition. “How will I deal with her? How will I carry her? Where will I take her?” Following extensive discussions, some injured people and patients got down to the Shifa Hospital yard. Critical cases were put on wheelchairs, carried and moved from all floors to the yard because the lift was out of order as a result of electricity cut off. The scenes were more cruel than those of the martyrs. At this moment, I wished I could die with my daughters and didn't wait for my fate and the way I would be moved. [...] We got out in tragic conditions. The scene of the patients and injured people was so tragic.”⁴

4 Alaa' al-Mughrabi is 32 years old and used to live in Jabalya refugee camp with her husband and four children. She and her family were displaced to the west of Rafah city, near Al Attar Mosque. Her testimony describes the injury of family members, the witnessing of an Israeli colonial army raid on and besiege of the Shifa Hospital, the disappearance and loss of the father and rest of family members, but receiving the news of their martyrdom later, and the displacement through the safe passage to the south of Wadi Gaza. The full testimony will be published later in a separate publication.

**Ni'ma Odeh, 52 years old,
Az-Zaytun, Gaza**

“Many of us got infected with diseases and stomach flu due to the waste. Children also got scalp fungus because they sleep on unhealthy mattresses, which appeared to have been set for [stray] dogs and cats. In addition, we only bathe with cold water. Many times, water supply is cut off while we’re bathing so we get out with soap foam on our bodies. Hygiene items and detergents to clean rooms and toilets aren’t available in the shelter. They only gave us a broom to clean the room and distribute a roll of toilet paper to every family once a week. They don’t distribute any hygiene items for women, such as sanitary napkins. We find it difficult to access these items as they are no longer available in the market because the crossing points are shut down. Wastewater always flow into the school yard and flood the corridors and roads, increasing the transmission risk for all diseases and epidemics, particularly Hepatitis which has spread quickly throughout the school.”⁵

ACT 3: OBSTRUCTION OF HUMANITARIAN AID AND STARVATION

Alongside displacement, Palestinians in the Gaza Strip are facing a starvation campaign deliberately engineered by Israel. From the onset of the genocide and the subsequent full siege on Gaza, Israel has and continues to restrict the provision of humanitarian aid through the border crossings into Gaza, and has been conducting deliberate

5 Ni'ma Odeh is 52 years old and used to live in Az-Zaytun, Wadi al-Arayes with her husband and children. Her testimony describes the suffering caused by displacement and harsh conditions in shelters, the detention of her husband and sons, and the sexual abuse of her two sons in detention. The full testimony will be published later in a separate publication.

attacks on those searching for food and aid. Zero Palestinians in Gaza have food security, and there has been a sharp rise of deaths from malnutrition and dehydration. These conditions have been exacerbated by Israel's continued attempts to obstruct the operations of UNRWA, the primary provider of aid in Gaza, through its ongoing and repeated targeted attacks against UNRWA and its staff and premises. From the early days of the genocide, following Israel's issuance of "evacuation order", UNRWA has been unable to operate in the north of Gaza and provide aid and care to those sheltering in its facilities. Israel's campaign has reached a critical tipping point, following the Israeli Knesset's legislation of two new laws aimed at eliminating the operations of the Agency in the oPt. Furthermore, Israel aims to completely destroy both Palestinians in Gaza and the Strip's potential for life far beyond the current genocidal campaign as it deliberately targets natural resources and sources of production. Through these actions, Israel has been sentencing the displaced Palestinian population in the Gaza Strip to slow death.

**Rifqah Bustan, 32 years old,
Gaza City**

"At the end of December, living conditions and food supplies were getting worse by the day. We could not find any bread or food to satisfy the pangs of hunger. We could not stop children from screaming out of starvation. Basic commodities ran out of homes and markets. While prices were hefty, there were a few institutions that delivered aid to people in Gaza city. Flour, a basic commodity, wasn't available. Due to the lack of flour, we were forced to each animal fodder. We ground the fodder and corn and prepared food for children. All the more so, we ground the leftovers of animals so that we could survive. At that time, the price of flour was over NIS 2,000 per bag of 25 kilograms. When trucks transported flour to the Al-Kuwaiti and An-Nabulsi

roundabouts south of Gaza city, my brothers Ibrahim, Ahmed and Mahmoud went along with my cousins to secure some flour for us and the children, putting their lives at a great risk. The Israeli occupying forces (IOF) bombed and opened fire on the convoys and citizens. Many people were martyred or injured when they were getting flour. My brother Mahmoud sustained shrapnel wounds in the hand. While my brothers sometimes managed to bring in flour, they many times got back without any assistance.”⁶

**Ali Nasman, 35 years old,
Sheikh Radwan, Gaza**

“Since day one, in the midst of this violence bombing and damned war, the IOF have disrupted and cut off all basic services and essential items which we need to survive and continue to live in human conditions. They shut down all access and crossing points, denied the entry of everything, including food supplies, flour and vegetables, and cut off electricity and water supplies, and telecommunications and internet services. The IOF have attempted to isolate the Gaza Strip from the outside world and fight Gazans by all means, particularly the weapon of starvation.

In Rafah, we experienced extremely difficult and complicated conditions due to the deteriorating infrastructure and pressure caused by over 1 million IDPs who were inside a small city, which lacked many basic services and needs. Caused by the IOF policies, this situation has resulted in a decline in all sectors. We

6 Rifqah Bustan is 32 years old and used to live East of At-Tuffah neighborhood, Jabal Al Rayyes with her husband and six children. She and her family were displaced to Rafah City, Mariam Farhat School. Her testimony describes the targeting of a residential neighborhood, the arrest of family members (husband and brother), difficult living conditions, the displacement to western Rafah, and family separation due to ongoing bombardment and displacement. The full testimony will be published later in a separate publication.

found it extremely difficult to secure food and water supplies, particularly flour which exceeded US\$ 200 per bag. Water supplies were also completely cut off to the Gaza Strip as a whole, so we encountered great difficulty in providing water for drinking and domestic purposes.”⁷

ACT 4: SEPARATION OF FAMILIES

The separation of families – caused by the killing of members of the family, their deliberate separation as a result of detaining and kidnapping members of the family, and the indirect separation of family members from the chaos that results from internal displacement – threatens the social integrity, and possibly the very survival, of the entire group. As Palestinians in Gaza face (repeated) displacement, the separation of families has emerged as an accompanying act. Israeli colonial forces have routinely arrested Palestinian men by the thousands in Gaza, oftentimes along “evacuation” routes determined as “safe” by Israeli authorities. There have also been repeated reports of Israeli plans to reject the return of “military-age” men to the north of Gaza, a point which Israel has insisted upon in ceasefire negotiations. Israel’s plans will undoubtedly have a devastating impact on family life and will prevent family growth, and ultimately show that displacement in the context of Gaza does not entail a mere removal from an area, but is aimed at creating negative material consequences on the social fabric and existence of the Palestinian group. Additionally, according to UNICEF, and as of 2 February 2024, at least 17,000 Palestinian children are estimated to be unaccompanied or separated from their parents. The Israeli policy of ongoing forced displacement, the deliberate separation of families,

7 Ali Nasman is 35 and used to live in Sheikh Radwan with his wife and two children. He and his family were displaced to an area west of Khan Younis. His testimony describes multiple displacements at the beginning of the war, the direct targeting of the house, the killing of 32 persons including 19 members of his family, his sustaining of burns, difficult living conditions, and recurrent displacements. The full testimony will be published later in a separate publication.

and the conditions leading to and following displacement, lead to the reasonable expectation that the natural growth and fertility rates of the group will continue to decrease and will in turn detrimentally affect the existence and survival of the group.

**Rifqah Bustan, 32 years old,
Gaza City**

“The soldiers stormed the house, arrested the men, and left women and children. My husband Adham Ahmed Nabhan Bustan was among those arrested. My children Ibtisam and Rafiq were left together with their aunt as well as other women and children of the area’s inhabitants. [...] On 5 January 2024, my father-in-law Ahmed Bustan received a telephone call from my husband Adham, stating that he was released on the road to the Karm Abu Salem Crossing on the south-eastern border of the Rafah city in southern Gaza. He said he sought refuge in the school, where my father was. [...] On 22 February 2024, when the Israeli army allowed citizens to leave Gaza city, my six children and I went on an animal-drawn cart to An-Nabulsi junction on the Ar-Rashid Street southwest of Gaza city. We intended to cross the checkpoint, reach Rafah city, and meet with my husband after he had been released. However, on that day, I couldn’t cross the checkpoint because IOF soldiers opened fire and injured a number of IDPs. My children and I fled and got back to the As-Sabra neighborhood on foot. [...] After I crossed the checkpoint, I waited for many hours, hoping that my brother Ibrahim would get out, but he didn’t. When I asked the young men who were out of the checkpoint, they told me that most young men, including my brother Ibrahim Mohammed Nabhan Bustan (24), were arrested at An-Nabulsi checkpoint. So far, we know nothing about him or his health condition.”

Nabila Miqdad

“All internally displaced people (IDPs) hid in the classrooms. At 10:00 am, the Israeli occupying forces stormed the school and called over loudspeakers for everybody to get out to the schoolyard. They divided us into two groups, men and women. They stripped all men to the underwear, lined them up, and got them in groups of five out to the yard of the At-Taqwa Mosque near the school. They also forced us, the women and children, out to the mosque yard. When we were there, a soldier called me and said: “You with the brown garment. Stand next to the mosque door. [...] A female soldier blindfolded me, put my hands in plastic handcuffs to the front, and placed me on a military jeep together with six detained women. [...] We reached a place I knew nothing about; it was near the Anatot detention center in close proximity to Jerusalem mountains. [...] In the morning of 8 February 2024, the deputy warden reported that we would be released on that day. We were so happy to receive this news for two reasons. First, we would be relieved of the distress, suffering, and torture in prison. Second, we would get back to Gaza, see our families after an absence, and check on our children and the rest of our family members.”⁸

ACT 5: DESTRUCTION OF HOMES

As of 15 April 2024, 60-70% of all homes in Gaza, and up to 84% of homes in northern Gaza, are either fully destroyed or partly

8 Nabila Miqdad is 39 years old and used to live in An-Nasr with her husband and children. She and her family were displaced to Al-Ta’ef School in Rafah City. Her testimony describes the martyrdom of family members who returned to their homes in Gaza City, displacement to shelters, her arrest and interrogation, and the conditions in Israeli prisons. The full testimony will be published later in a separate publication.

damaged by Israel, and over 1 million people have lost their homes. Multiple studies have shown that Israel has been intentionally targeting the most densely populated and built-up areas throughout the Gaza Strip. This displacement as a result of Israeli destruction of homes has been orchestrated to endure far beyond the duration of Israel's genocidal war, subjecting IDPs to long-term conditions of physical destruction. Furthermore, mass home demolition and destruction of infrastructure and public facilities are deliberate and systematic attacks aimed at rendering the Strip unlivable beyond a ceasefire. In light of the degree of mass displacement in Gaza, the loss of homes will not only create dependency on aid for many years to come, but it will also lead to persistent challenges such as continued lack of adequate shelter, and prolonged exposure to harsh environmental conditions, contributing to the slow death of IDPs. Additionally, because Palestinians have no homes to return to, they will remain internally displaced, thus exacerbating their already dire living conditions.

**Alaa' al-Mughrabi, 32 years old,
Jabalya refugee camp.**

“On the ninth day of the war, my grandmother died, so I went to my family's house to console my mother. My husband, children and I stayed at my family's house. In the morning of 20 October 2023, my father brought in some cans of beans. When we cooked them, my mother asked to have a small dish of rice. Meantime, a powerful and violence explosion shook the whole house in the midst of a black cloud of smoke and we couldn't see one another. I felt as if the sound of the blast split my head because it was so severe. The bomb was highly explosive.

My three daughters were at house door and I didn't know their

fate. I ran down in the midst of the black smoke, which spread out quickly and looked like a black cloud that filled the place. We couldn't see one another inside the house and under the rubble, which spread out everywhere. Some parts of the house collapsed and window glass was completely shattered in the house. I hurried down and wasn't aware of my daughters' fate. I called bitterly and loud: Minnah, Rimas, Jannah (my daughters' names). "Reply to me! Tell me you're alive!"

**Shams Abu Sha'ar, 24 years old,
Jabalya refugee camp**

"On 10 October 2023, a house belonging to the Al-Assi family next to ours was bombed. The bombardment produced a dreadful sound of explosion and caused extensive destruction, instilling fear and panic among all those who were inside the building. Consequently, we were displaced to my husband's family house behind the Abu Hussein School in the Jabalya refugee camp. With a surface area of 150 square meters, the house consisted of three floors and roofed with concrete.

At 1:00 pm on 11 October 2023, I was sitting with my husband, mother-in-law, father-in-law, brothers-in-law, and cousins in the living room and having lunch. We were all in the living room and trying to assure and stay close to one another so that we could feel safe and calm and forget about the atmosphere of the war and genocide against us. Meantime, we heard the sound of a powerful and violent explosion. I couldn't see anything later. I felt that I died as I could no longer see or know anything. "Where am I? What happened?" Adjacent to ours, our neighbors' house was bombed. belonging to Salah Othman, the house comprised three stories and was roofed with concrete. At that moment, Othman's house was completely destroyed. My

husband's family 3-storey house was also toppled down and we were under the rubble. I heard voices calling and screaming under and beside me. This beautiful, peaceful family turned into a scattered heap under the rubble.”⁹

9 Shams Abu Sha'ar is 24 years old and used to live in Jabalya refugee camp with her husband. She and her family were displaced to Jeddah School in Rafah City, and her husband was martyred. Her testimony describes the targeting of a neighboring house, the killing of her husband and other family members, with their bodies recovered from under the rubble seven days later, and her displacement to western Rafah.



Israel’s policy of forced displacement in the Gaza Strip – along with accompanying acts – falls within Article 2(c) of the Genocide Convention. From the direct targeting of displaced persons on designated “escape routes”, to the deliberate destruction of homes, separation of families, and the infliction of deadly health conditions and starvation, the orchestrated actions by Israel reveal a calculated aim to physically destroy Palestinians in Gaza.

