



Prof. Walter Kälin  
Representative of the UN SG  
on the human rights of internally displaced persons  
Special Procedures Division  
c/o OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland

February 18, 2009

Dear Prof. Walter Kälin,

**Re: Forced Internal Displacement throughout  
the Occupied Palestinian Territory**

In light of the UN Human Rights Council Resolution S-9 (2009), we wish to provide you with information pertaining to the nature and the scope of forced internal displacement of the Palestinian populations *throughout* the Occupied Palestinian Territory (OPT). The current situation in the Gaza Strip should not overshadow the ongoing forcible internal displacement and dispossession induced by the Israeli Occupying Power against the Palestinian population in the West Bank, East Jerusalem and the Gaza Strip since 1967.

**I. Displacement due to the recent Israeli military attacks against the Gaza Strip**

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

At the height of hostilities, UNRWA operated 50 emergency-shelters for over 50,000 displaced persons.<sup>2</sup> Thousands of others sought refuge with family members or friends.<sup>3</sup> Many more remained in their damaged homes.<sup>4</sup> As of 2 February, three UNRWA shelters remained open hosting 388 displaced people. Although most people have left the shelters since the cease-fire, thousands remain homeless.<sup>5</sup> The preliminary report of the Shelter/IDP rapid needs assessment indicates that, in surveyed localities (48 out of 61

---

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

<sup>2</sup> OCHA, *Weekly Report: 16 – 20 January 2009*, 21 January 2009.

<sup>3</sup> *Ibid.*

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

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

not including refugee camps in the Gaza Strip), almost 11,000 displaced households, or over 71,000 displaced persons were staying with host families. The total number of internally displaced persons remains undetermined.<sup>6</sup>

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

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

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

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

## **II. Forced Displacement throughout the OPT**

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

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

---

<sup>6</sup> *Ibid.*

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

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

<sup>9</sup> OCHA, *Weekly Report, 16 – 20 January 2009*, 21 January 2009.

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

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

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

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

1. **Home Demolition** – Between 1967 and 2009 Israel has demolished over 24,102 houses in the OPT, including the recent events in the Gaza Strip, the West Bank and East Jerusalem.<sup>12</sup> A noticeable increase in demolitions and displacement in the Jerusalem district was recently reported by OCHA,<sup>13</sup> which increases the pressure on Palestinians residents of Jerusalem to move into the West Bank.
2. **Land Confiscation and Colonization** – Israel occupies the entire surface of the West Bank (some 5,860 km<sup>2</sup>) and has confiscated or *de facto* annexed more than 3,350 km<sup>2</sup>.<sup>14</sup> The confiscated lands owned by Palestinians are allocated to the exclusive use of Jewish settlers and to building and expanding the illegal Jewish-only settlements (colonies). According to the 2008 data from the Israeli Central Bureau of Statistics, approximately 290,000 Jews live in the 120 (official) colonies and dozens of outposts established throughout the occupied West Bank over the past 41 years.<sup>15</sup> The official statistics do not reflect the actual scope and nature of the illegal Israeli settlement activity in the OPT. More than 30 settlements and the extensive construction of buildings and infrastructure have been carried out on lands privately-owned by Palestinians in the West Bank, but are not included in the official Israeli government statistics.<sup>16</sup>
3. **The Closure Regime and Separation Wall** – There is clear evidence of internal displacement as a result of lack of access to essential services because of the ‘closure regime’ and the construction of the separation Wall and its associated regime, which is making the situation of Palestinians, especially those in enclaves, untenable. Freedom of movement is systematically denied through an elaborate regime of Israeli military checkpoints and obstacles, by-pass roads and infrastructure dividing the OPT.
4. **Violence and Harassment by Jewish Settlers** – The Palestinian civilians are subject to acts of (Jewish) community violence, inflicting on them great physical and mental suffering amounting to torture and/or cruel, inhuman and degrading treatment or punishment. The systematic Jewish settler harassment and aggressive actions against the Palestinians and their property, coupled with the absence of an

---

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

<sup>13</sup> OCHA, *Weekly Report: 28 January – 3 February 2009*, 4 February 2009.

<sup>14</sup> BADIL Resource Centre, *Survey 2006-2007*.

<sup>15</sup> Uri Blau, “We came, we saw, we conquered,” *Haaretz*, 2 Feb 2009,

<http://www.haaretz.com/hasen/spages/1060843.html> accessed on 6 Feb 2009.

<sup>16</sup> *Ibid.*

effective response to enforce the rule of law by the relevant Israeli authorities, resulted in additional displacement of Palestinians resident mainly in areas adjacent to Israeli settlements in the West Bank.<sup>17</sup> A total of 523 settler-related incidents were recorded between January 2007 – October 2008.<sup>18</sup>

Under international humanitarian and human rights law Israel has a positive obligation to prevent *non-state actors* (in this context the Jewish settlers) from displacing the Palestinian population, to carry out proper criminal investigation and to grant effective remedy. Nevertheless, Israel fails to assume its responsibilities. Thus, for instance, 90% of investigations into settler violence are closed without any indictment being filed, failing by this to protect Palestinian residents and enforce the law against the Jewish settlers.<sup>19</sup> The inaction by IDF and Israel law-enforcement officials, which fail to provide adequate protection against the racially motivated attacks against the Palestinian population, is an indicator that these attacks are committed with Israel's consent or acquiescence, and constitute a violation of Article 16 of Convention Against Torture and Other Cruel, Inhuman or degrading Treatment or Punishment.<sup>20</sup>

5. **The “Quiet Transfer” Policy** – this is an additional method used by the Israel authorities to attain its demographic objectives particularly in occupied East Jerusalem, which was *illegally* annexed to Israel in 1967. According to this policy, every East Jerusalem Palestinian, living outside the city for a number of years loses their right to live in East Jerusalem, and the Israeli Ministry of Interior orders them to leave their homes contrary to international humanitarian and human rights law. Between 1967 and 2007, the Interior Ministry has revoked the residency status of 8,269 indigenous Palestinians in East Jerusalem.
6. **Areas at Risk** – Palestinian communities at imminent risk live in occupied East Jerusalem, where the State of Israel segregates and discriminates against Palestinians under the guise of development planning.<sup>21</sup> At imminent risk are also rural areas of the West Bank (Area C), mainly in the closed areas between the Wall and the Green Line, in enclaves east of the Wall, in western Bethlehem, the Jordan Valley and south of Hebron. Also at risk is the centre of the town of Hebron (H2).

**Thus, Israel's protracted military occupation cannot be considered an interim measure that maintains law and order in a territory following armed conflict, but rather an oppressive and racist regime of a colonizing power under the guise of**

---

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

<sup>18</sup> OCHA, “*Unprotected: Israel settlers violence against Palestinian civilians and their Property*”, OCHA Special Focus, Dec 2008.

<sup>19</sup> Yesh Din – Volunteers for Human Rights, *Law Enforcement Upon Israeli Citizens in the West Bank, Yesh Din's Monitoring*, July 2008.

<sup>20</sup> *Dzemajl v. Yugoslavia*, Communication No.161/2000, U.N. Doc. CAT/C/29/D/161/2000(2002); also Concluding Observations on the initial report of Slovakia, CAT A/56/44 (2001), para.104; Concluding Observations on the second periodic report of the Czech Republic, CAT A/56/44 (2001) para.113.

<sup>21</sup> The Outline Plan Jerusalem 2000 (2004, 2006) outlines measures, including special segregation, in order to preserve a 70:30 percent ratio of Jewish vs. Palestinian population (the so-called “demographic balance”) in line with previous government decisions. See the UPR Submissions of Civic Coalition to Defend Palestinian Rights in Jerusalem (CCDPRJ) and al-Haq for more details on Israel's policies and practices in occupied East Jerusalem (July 2008).

occupation. This regime includes many of the worst features of apartheid, such as: the fragmentation of the OPT to Jewish and Palestinian areas, the construction of the Wall and its associated regime, system of separate roads, closure and permits which restricts freedom of movement on the grounds of nationality, ethnicity, race and religion.<sup>22</sup>

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

In light of these concerns, we wish to call upon you and your office to address the question of forcible internal displacement *throughout* the OPT, and respectfully ask you to urge the UN HRC to:

1. Scrutinize Israel's policies and practices of forced displacement and dispossession of Palestinians which render the two-state solution to the protracted conflict unfeasible.
2. Address Israel's regime of institutionalized racial discrimination, which is a root cause of the displacement and dispossession of Palestinians the OPT.
3. Call upon States to undertake effective measures, including boycotts, divestment and sanctions, which can bring Israel into compliance with its obligations under international law to:
  - a. End its military occupation;
  - b. Revoke and annul its discriminatory laws, policies and practices against the Palestinians;
  - c. Ensure just and effective reparation of the Palestinian victims, including return, restitution, compensation and rehabilitation.

Should you have any questions or require further information please do not hesitate to contact us.

Sincerely yours,

Badil Resource Centre

---

<sup>22</sup> UN Special Rapporteur, Prof. Dugard, *Human Rights Situation in Palestine and other Occupied Arab Territories A/HRC/7/17* (January 2008).