



AL-HAQ

HOW TO HIDE A GENOCIDE

The Role of Evacuation Orders and Safe Zones in Israel's Genocidal Campaign in Gaza





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Design	Hamza Dado
Publisher	Al-Haq - © All Rights Reserved - 2024

This report addresses the period from 7 October 2023 to 17 November 2024.

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Dedication:

The authors and editors dedicate this report to Palestinians in Gaza that continue to document, livestream, and share their experience of Israel's genocide. Using every means and method available to them, Palestinian men, women and children across the Gaza Strip persist in unearthing Israeli crimes and reporting on their daily commission. Trapped, displaced, starving and under constant bombardment, Gaza's population has shown the world the true, horrific extent of Israel's genocidal, settler-colonial ambitions.

The genocide in Gaza represents the deadliest conflict for aid workers, UN personnel, and journalists alike. With this report, we also pay respect to their tireless pursuit of justice, dignity and humanity when faced with Israel's widespread and systematic commission of inhumane acts.



Acknowledgments:

In a situation of ongoing genocide, finding reliable, impartial, and up-to-date information on events on the ground is crucial to any legal analysis and subsequent determinations. We would like to thank Al-Haq's field researchers in Gaza, Mohammad Abu Rahma and Tareq Zaqqoot, who risk their lives to continue to provide recorded testimonies and evidence of Israel's crimes in Gaza. We would also like to thank the UN Office for the Coordination of Humanitarian Affairs (OCHA) for their routine updates on the humanitarian situation and dire impact of Israel's genocidal violence on Gaza's population, infrastructure, and services. Without this treasure-trove of information, many of the findings in the present report would be unsubstantiated. Similarly, we would like to thank the work of UN Special Rapporteur Francesca Albanese for both of her reports on events since 7 October 2023, as well as other UN Special Rapporteurs and officials that have appropriately labelled Israel's conduct as genocide and thereby offer further support to the conclusions herein.

We would also like to thank Forensic Architecture for its work recording and mapping Israel's ever-changing "safe zones", as well as Al-Haq's Forensic Architecture Investigation Unit and field researchers for gathering testimony and evidence on evacuation orders and the targeting of Palestinians while fleeing or sheltering in the "safe zones" to which they have been forcibly displaced.

We thank Hamza Dado for the design and Shawan Jabarin, General Director of Al-Haq, for supporting the research and publication process.

Contents

Executive Summary	1
1. Introduction	7
2. “Safe zones” in International Law	9
2.1 Protected areas under international Humanitarian Law	11
2.1.1 Hospital and Safety Zones and Localities	11
2.1.2 Neutralised Zones	12
2.1.3 Demilitarised Zones	13
2.2 Administration of and conditions in protected zones	15
2.3 “Safe zones” in Gaza	18
2.3.1 Israel’s unilateral establishment of “safe zones”	18
2.3.2 Israel’s failure to ensure proper administration of the unlawfully established “safe zones”	20
2.3.3 Israel’s violation of its unilaterally established “humanitarian” or “safe” corridors	23
3. The Illegality of Israel’s Evacuation Orders	27
3.1 The basis for the evacuation orders renders them unlawful	27
3.1.1 The justification of “imperative military reasons” does not apply to Israel’s manifestly unlawful acts	27
3.1.2 The evacuation orders only further endanger the “security of the population” in Gaza	28
3.2 The form and content of the evacuation orders exposes the IOF’s intent to destroy Palestinian life	39
3.3 Evacuation orders as psychological warfare	48
3.3.1 Practice	51
3.3.2 War Crime of Spreading Terror	55
3.3.3 Prolonged Exposure to Israeli Terror	58
3.4 Evacuations as a guise for forcible transfer	60

4. Forcible Transfer as a Means to Commit Genocide	64
4.1 Killing members of the group	65
4.1.1 Targeted while evacuating	65
4.1.2 Targeted in a “safe zone”	69
4.2 Inflicting serious bodily or mental harm on members of the group	77
4.2.1 Mental harm	78
4.2.2 Physical harm	93
4.3 Creating conditions of life calculated to bring about the destruction of the group	97
4.4 Forced displacement as evidence of genocidal intent	100
5. North Gaza: The Final Stage of a Genocide Within a Genocide	106
5.1 Evacuation amidst a siege	107
5.2 Creation of an environment calculated to destroy	113
5.2.1 Israel’s implementation of the ‘General’s Plan’	119
5.3 Displacement as death postponed	124
6. Conclusion	129
7. Recommendations	131



Executive Summary:

Since the very first week of its genocide, Israel has methodically cleared vast stretches of the Gaza Strip of its inhabitants through its unlawful issuance of evacuation orders. Israel presents these evacuation orders to the public as proof of its efforts to minimise civilian casualties and to support its alleged compliance with fundamental principles of international humanitarian law (IHL). However, they achieve the direct opposite. Over 90 percent of Gaza's population (including the elderly, disabled, sick, injured, and expectant and breastfeeding mothers) has been forcibly displaced from their homes and temporary shelters, the majority of them multiple times, to alleged "safe zones". Contrary to their label, these zones are anything but safe. With insufficient space, shelter, sanitation facilities, food or water sources, and medical care, these "safe zones" are intentionally designed to ensure the destruction of all life sheltering there. What's more, the "safe zones" — despite their unilateral establishment by Israel — are routinely targeted by Israeli Occupying Forces (IOF) by air, land and sea. Crowded together with nowhere to flee, Palestinians in Gaza are either killed by Israeli strikes, severely physically and mentally injured by the IOF's physical and psychological warfare, or subject to a slow death as a result of starvation, dehydration, a complete lack of crucial medical care, or the rampant spread of infectious diseases in the densely populated, unsanitary zones.

The present report provides an in-depth analysis of Israel's practice of issuing evacuation orders, forcibly transferring the Palestinian population of Gaza to shrinking "safe zones", and treating the areas under evacuation orders as extermination zones in which all remaining life is destroyed. Through an examination of the applicable law governing evacuation orders in conflict situations and of protected zones, followed by a subsequent comparison of these requirements with Israel's practices in Gaza, the true, genocidal intent behind these *prima facie* humanitarian measures is revealed.

Based on Israel's continued invocation of the term "safe zone" for areas it designates as offering civilians protection from active hostilities, despite being devoid of all necessary conditions for life and still subject to ground incursions and aerial bombardment, the report begins by examining what is meant by the term in international law. Upon finding that the term "safe zone" has only ever



been employed in relation to areas designated as such by a United Nations (UN) Security Council resolution, of which there are none in Gaza, the focus shifts to examining any relevant IHL provisions which may provide a legal basis for Israel's identification of areas it claims to be safe from attack and capable of ensuring the security of the civilian population sheltering therein. Common to each of the protected areas under IHL discussed, is the requirement that they are agreed upon and consented to by all parties to the conflict. This fundamental dual requirement creates their distinct protective benefit as it increases the likelihood that their neutral and exclusively demilitarised character will be respected, thereby allowing civilians to rely on the enhanced protection they offer. Therefore, Israel's unilaterally designated "safe zones" in Gaza, where no agreement from Palestinian armed groups has been sought or secured, do not enjoy any protected status and consequently cannot be portrayed as Israel meeting its obligations under IHL.

As the report goes on to show, aside from not being legally recognised as a protected zone, the delineation, administration and conditions of Gaza's "safe zones" go as far as contradicting relevant IHL and international human rights law (IHRL) provisions. The geographical boundaries of the zones have been both ambiguous and ever-changing, leaving displaced Palestinians in Gaza in a state of confusion and terror as they try to ascertain whether their current location remains within the parameters of these shrinking spaces. Even more concerning is Israel's manifest failure to provide for the basic needs of the displaced population. For a protected zone to function effectively, the provision of adequate food, water, shelter, healthcare and sanitation facilities must be secured. Moreover, as the Occupying Power, this is Israel's legal obligation. Humanitarian actors need to be able to reach the protected population, in this case Palestinians in Gaza, in order to



ensure their basic human rights are upheld and respected and to provide any necessary humanitarian aid. Yet, despite Israel's contention that "safe zones" are designed to minimise the impact on civilians, humanitarian aid has been routinely blocked from reaching the forcibly displaced Palestinians who have instead been grouped together to slowly die from famine, disease, and other entirely preventable causes. Beyond the "safe zones" imposing conditions of life calculated to destroy displaced Palestinians in Gaza, Israel repeatedly breaches its own public promise of protection by targeting women, children and men both as they flee (pursuant to Israeli evacuation orders) and while they try to survive the inhumane zones to which they have been forced to relocate to. In support of this finding, the report references multiple incidents of targeted attacks — on both Palestinians and aid workers — on the "humanitarian" or "safe" corridors Israel purports to have established.

Having detailed the various ways in which Israel's "safe zones" have no legal authority and in fact are established and administered in direct contravention of international law, the report turns to the illegality of Israel's repeated issuance of evacuation orders. The two grounds upon which evacuation orders can be issued are for "imperative military reasons" and the security of the population. The former is strictly governed by the fundamental principles of proportionality, precaution and distinction and is reserved for exceptional, urgent situations, and therefore cannot be justifiably invoked as a basis for displacing almost the entire population and more than 80 percent of Gaza's territory. The latter equally does not apply since the security of



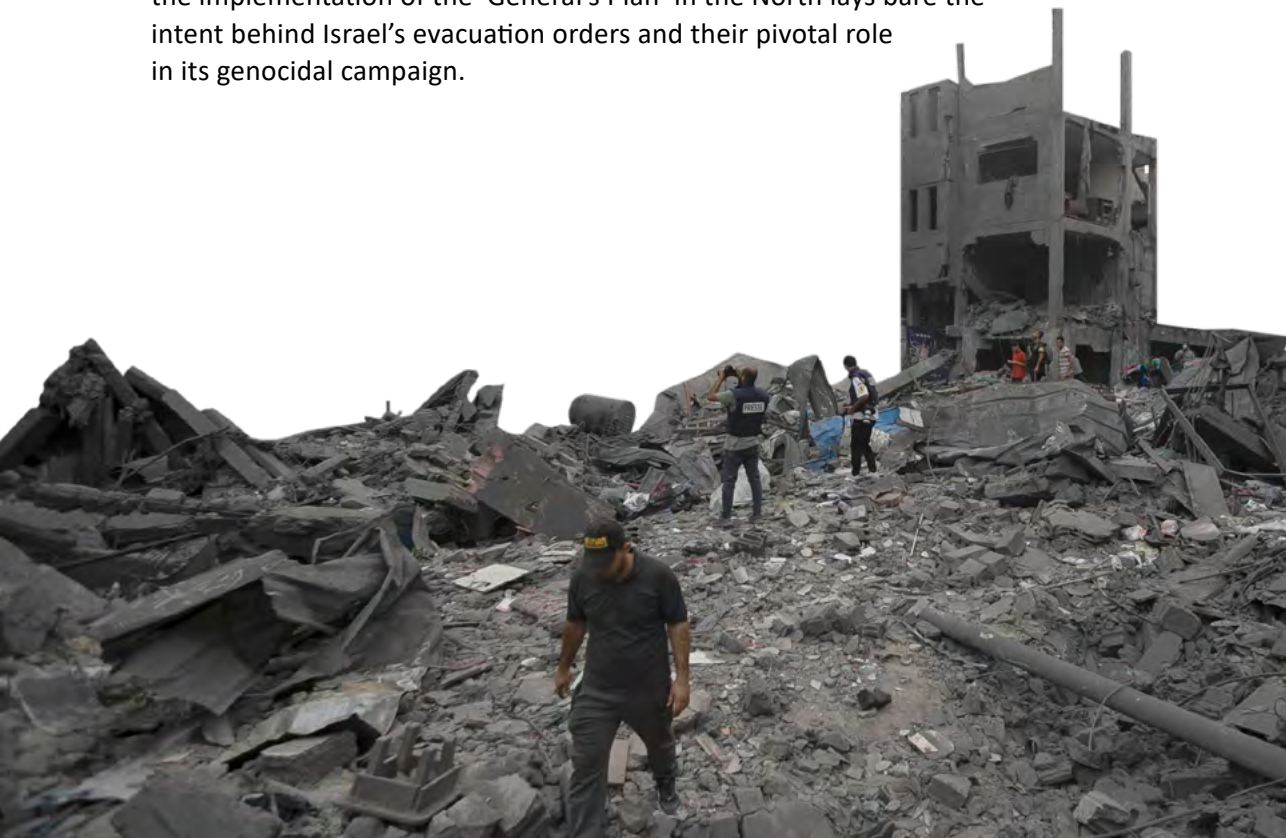


the population is only further endangered by their displacement to areas where there is a complete lack of all essential services and means of survival. Instead, the rapid forced displacement of Gaza's population, which is carried out pursuant to confusing and inconsistent orders that reveal Israel's ulterior intent to destroy Palestinian life, only heightens the suffering of civilians further exacerbates humanitarian needs. Even if both grounds for the issuance of an evacuation order were met, and the orders themselves constituted an effective advance warning under international law, IHL makes clear that displacement can only be temporary and displaced persons must be able to return voluntarily and in safety to their place of habitual residence as soon as the causes of their displacement have ceased to exist. Yet, in Gaza, over 87 percent of housing units have been damaged or destroyed meaning they have no homes left to go to. As explained in the report, these various factors offer strong support to the conclusion that — counter to its oft-touted claim that it takes all necessary measures to protect the civilian population by evacuating certain areas — Israel is committing the war crime and crime against humanity of forcible transfer.

With the illegality of Israel's evacuation orders and so-called "safe zones" firmly established, the report continues with an in-depth analysis of the manner in which the mass forcible transfer of Palestinians contributes to — and even accelerates — the genocidal acts of killing, causing serious bodily and mental harm, and the creation of conditions of life calculated to destroy. At the time of publication, over 45,000 Palestinians in Gaza have been killed. This shocking figure does not include the tens of thousands still trapped under the rubble that now covers the whole of Gaza. Well over 100,000 children, women and men have been physically injured — over a quarter of which are life-changing injuries — and the entire population, already suffering both generational and personal trauma from previous Israeli onslaughts, has been victimised by Israel's psychological warfare. Israel has stripped the entire population of the mere idea of a future, with their whole world destroyed before their eyes. The IOF has intentionally carried out evacuations in a manner designed to inflict severe, lasting mental harm. As highlighted in the report, there are striking parallels between the genocide of Palestinians in Gaza and that of Bosnian Muslims. In particular, IOF tactics of repeatedly displacing the population and separating men and boys from their families, leaving remaining family members with no information on their fate or whereabouts, are identical to those of Serb forces in Bosnia and Herzegovina between 1992 and 1995. Hopeless, starving, and

exhausted, all but 10 percent of Gaza's population has been condensed into tiny slivers of barren land now dotted with craters from Israel's continuous use of heavy weapons — deployed with the intent to cause maximum casualties in the densely populated “safe zones” in which they land. Even without being subject to violent ground incursions and constant aerial bombardment, the Palestinians forcibly displaced into “safe zones” are barely holding on to life amidst total deprivation and disease.

Although forcible transfer in and of itself does not constitute a genocidal act, the forcible displacement and transfer of a population, or part of it, may contribute towards its physical destruction, in whole or in part. In a similar vein, the devastating impact of forcible transfer — as showcased in Gaza — can be legally considered as evidence of genocidal intent. As outlined in the report, jurisprudence of both the ICJ and the *ad hoc* international criminal tribunals has confirmed that forced displacement in the context of a genocide amounts to a manifestation of the *dolus specialis* of genocide. Prior to concluding, the report sheds a spotlight on events in North Gaza since October 2024 which further attest to this fact. Representing the completion of a genocide within a genocide, the implementation of the ‘General’s Plan’ in the North lays bare the intent behind Israel’s evacuation orders and their pivotal role in its genocidal campaign.





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1. Introduction

Since the beginning of its genocidal campaign in Gaza, Israel has attempted to shield itself from accusations of genocide, war crimes, and crimes against humanity by presenting its evacuation orders and establishment of alleged “safe zones” as measures intended to protect the civilian population. Over 90 percent of Gaza’s population has now been displaced to effectively one last patch of land in Al-Mawasi.¹ Despite an abundance of evidence to the contrary, many members of the international community continue to accept Israel’s claims that, on the basis of these measures, it is fulfilling its obligations under International Humanitarian Law (IHL), without considering: the manner in which they are carried out; Israel’s subsequent conduct in relation to areas under an evacuation order and “safe zones”; the careful creation of the unliveable conditions; or how they facilitate the genocide of Palestinians in Gaza. An intricate examination of these factors is crucial to understanding the true intent behind Israel’s use of humanitarian terminology and the central role evacuation orders and “safe zones” play in its genocide in Gaza.

The present report seeks to highlight how Israel’s use of humanitarian language has influenced the narrative of its ongoing genocide, while providing a cover under which it can fulfil its genocidal intent with greater efficiency. To achieve this, it is important to first outline the legal regime underpinning “safe zones” and protected areas. This will then be contrasted with “safe zones” in Gaza. This juxtaposition serves to show that Israel has manifestly failed to meet any of the legal requirements for their establishment and how conditions in the zones actually further endanger the displaced population. From here, focus will switch to Israel’s evacuation orders and why they are inherently unlawful. Based on their illegal nature, the report finds that evacuation orders function as a genocidal tool and amount to the war crime and crime against humanity of forcible transfer. The ways in which the mass forcible transfer of Palestinians, pursuant to Israel’s evacuation orders, facilitate and fuel the genocide in Gaza will then be delved into. The ensuing analysis draws heavily from international jurisprudence to support the finding that the forced evacuation of civilians to “safe zones” in which

1 UN OCHA, “Reported impact snapshot | Gaza Strip” (12 November 2024) <<https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-12-november-2024>>.



survival is impossible forms part of the genocidal acts of killing, inflicting serious bodily or mental harm, and creating conditions of life calculated to bring about the destruction of Palestinians in Gaza. The report also draws attention to how Israel's alleged protection measures in fact provide further evidence of its genocidal intent. Finally, before concluding, the report will present the forced displacement and ongoing massacres in North Gaza as both a clear embodiment of the report's prior findings in practice, but also as a culmination of Israel's genocide against Palestinians in this area.

2. “Safe zones” in International Law

Throughout its ongoing assault on Gaza, Israel has been continuously invoking the establishment of so-called “safe zones”. The rhetorical use of the term is central to the false narrative that Israel is seeking to protect or minimise harm to Palestinian civilians. The concept of “safe zones” in the context of armed conflict and occupation, does not exist in any international treaty. The term has only ever been adopted in United Nations (UN) Security Council resolutions, which may unilaterally impose such zones in conflict situations. There are no UN Security Council resolutions establishing such zones in Gaza.

The Security Council first created and applied the concept of imposed safe zones in 1993 through UN Security Council Resolution 819, which established Srebrenica and surrounding areas in Bosnia and Herzegovina as a protected safe zone. However, despite the aim of prohibiting military activities in the area and facilitating the delivery of humanitarian aid, the subsequent genocide at Srebrenica showcased the risks of establishing such zones without sufficient military protection and securing the agreement of all parties to the conflict.² It has now been argued that parties are unlikely to refrain from hostilities in a safe zone that is imposed non-consensually by foreign military powers. For example, all prior safe zones established with UN involvement are viewed as having failed to ensure the long-term and comprehensive protection of the civilian population as they suffered from continued, and sometimes heightened, large-scale attacks against civilians.³

Notwithstanding the lack of a UN Security Council resolution providing the required legal basis for their establishment, and the manifest failure of “safe zones” to protect the population in practice, Israel has applied the term to the areas it has

2 Michael N. Scmitt, “Ukraine Symposium – Protected Zones in International Humanitarian Law” *Lieber Institute* (24 August 2022) <<https://lieber.westpoint.edu/protected-zones-international-humanitarian-law/>>.

3 Harriet Macey, “Safe zones”: A protective alternative to flight or a tool of refugee containment? Clarifying the international legal framework governing access to refugee protection against the backdrop of “safe zones” in conflict affected contexts” (2022) 104(919) *International Review of the Red Cross* 1455, 1459; Mélanie Jacques, *Armed Conflict and Displacement: The Protection of Refugees and Displaced Persons under International Humanitarian Law* (Cambridge University Press 2012) 240-241; Phil Orchard, “Revisiting Humanitarian Safe Areas for Civilian Protection” (2014) 20(1) *Global Governance*, 60; Rutger Birnie and Jennifer Welsh, “Displacement, Protection and Responsibility: A Case for Safe Areas” (2018) 10(3) *Global Responsibility to Protect*, 337.



Figure 1: Al Maghazi refugee camp, central Gaza Strip, (5 November 2023).
Photographer: Mohammed Zaanoun.

forcibly displaced almost all of Gaza's 2.1 million inhabitants to.⁴ The intentional use of humanitarian language directly contributes to the false narrative that Israel is taking measures to protect civilians, when in fact it amounts to forced transfer as both a war crime and crime against humanity.⁵

4 UN OCHA, "Reported impact snapshot | Gaza Strip" (12 November 2024) <<https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-12-november-2024>>.

5 Rome Statute, Art. 8(2)(b)(viii) and Art. 7(1)(d).

2.1 Protected areas under International Humanitarian Law

Safe or protected zones are not new in the context of armed conflict, and though often referred to in different terms, the concept generally refers to designated areas that aim to provide increased physical and humanitarian protection to the displaced population in an ongoing armed conflict.⁶ The Geneva Conventions of 1949 and the Additional Protocols of 1977 provide for non-defended localities; hospital zones and localities; hospital and safety zones and localities; neutralised zones; and demilitarised zones.⁷

In the present circumstances, “hospital and safety zones and localities” and “neutralised zones” appear the most relevant. At the outset, it is worthy of note that the relevant provisions concern the zones themselves,⁸ meaning the people present therein enjoy the additional protection they provide, while still enjoying protection from hostilities arising from their civilian or *hors de combat* status under IHL — which applies regardless of their location.

2.1.1 Hospital and Safety Zones and Localities

Article 14 of the Fourth Geneva Convention codifies hospital and safety zones and localities, the objective of which is to protect wounded, sick, and aged persons, children under fifteen, expectant mothers and mothers of children under seven from the effects of war; i.e., persons incapable of contributing to the war and deserving of additional protection.⁹ However, given the principle of distinction and IHL’s framework of protection regarding civilians, other categories of civilians, in addition to those specifically listed, may still find shelter there. Hospital and safety zones and localities may be created after the outbreak of hostilities by any

6 Wilson Chun Hei Chau, “Creating Refuge in Hell: The Coming of Age of Safe Areas for the Protection of Civilians in Armed Conflict” (2012) 18 *Auckland University Law Review*, 192; Phil Orchard, “Revisiting Humanitarian Safe Areas for Civilian Protection” (2014) 20(1) *Global Governance*, 55; Harriet Macey, “‘Safe zones’: A protective alternative to flight or a tool of refugee containment? Clarifying the international legal framework governing access to refugee protection against the backdrop of ‘safe zones’ in conflict affected contexts” (2022) 104(919) *International Review of the Red Cross*, 1455.

7 Medecins Sans Frontieres, “The Practical Guide to Humanitarian Law - Protected Areas and Zones” <<https://guide-humanitarian-law.org/content/article/3/protected-areas-and-zones/>>.

8 Emmanuela-Chiara Gillard, “‘Safe areas’: The international legal framework” (2017) 99(906) *International Review of the Red Cross* 1075.

9 ICRC, ‘Commentary of 1958, Article 14 - Hospital and safety zones and localities’ <<https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-14/commentary/1958>>.



party to the conflict, including by the Occupying Power in occupied areas. Article 14 refers to agreements on the 'mutual recognition' of these zones, though the International Committee of the Red Cross (ICRC) 1958 Commentary clarifies that they "will not, strictly speaking, have any legal existence, or enjoy protection under the Convention, until such time as they have been recognized by the adverse Party . . . An agreement recognizing the zones is thus a *sine qua non* of their legal existence from the international point of view."¹⁰ Many warring states have availed of this provision and successfully established written agreements on the establishment of such zones, for example, during Bangladesh's war of independence, the so-called 'Red Cross Box' during the war in the South Atlantic and the conflicts in Cambodia, Chad, Cyprus, Nicaragua, Lebanon, Sri Lanka and the former Yugoslavia.¹¹

2.1.2 Neutralised Zones

In contrast, neutralised zones may be established in regions where fighting is taking place in order to shelter persons, without distinction, from the effects of war.¹² These include wounded and sick combatants or non-combatants, and civilian persons who take no part in hostilities and who perform no work of a military character while they reside in the zones.¹³ Parties to the conflict, or neutral States and humanitarian organisations, may take the initiative to create a neutralised zone through direct or indirect methods, respectively.¹⁴ The parties to the conflict must come to an understanding on essential points relating to the delimitation, administration, food supply, and supervision of the zone, and the beginning and duration of its period of neutralisation.¹⁵ Once these elements

¹⁰ *Ibid.*

¹¹ ICRC, 'Rule 35. Hospital and Safety Zones and Neutralized Zones' <<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule35>> fn 6.

¹² Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War 1949, Art.15

¹³ *Ibid.*

¹⁴ The 'direct method' is the most suitable in an emergency situation, and military authorities may take the necessary protective measures without recourse to the rules of diplomatic procedure. The 'indirect method' consists of diplomatic negotiations through a third party. See Convention (IV) relative to the Protection of Civilian Persons in Time of War (Geneva, 12 August 1949): Commentary of 1958, ICRC, 'Article 15 – Neutralized zones' <<https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-15/commentary/1958>>.

¹⁵ In order to avoid subsequent disputes which might inhibit the effectiveness of the neutralized zone, these elements should be addressed in detail. See ICRC, 'Commentary of 1958, Article 15 – Neutralized zones' <<https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-15/commentary/1958>>.

have been decided upon, a written agreement must be concluded and signed by representatives of the parties to the conflict.¹⁶ However, the ICRC's Commentary on Article 15 stipulates that in cases of emergency, a verbal agreement may also be admissible.¹⁷ Unlike hospital and safety zones, which are meant to be far removed from military operations, neutralised zones are intended for areas in which military operations are taking place.¹⁸

2.1.3 Demilitarised Zones

While less applicable in the present situation, if demilitarised zones were to also be considered, they too require an express agreement, either verbal or written, between the parties to the conflict or through an intermediary of a protecting power or an impartial humanitarian organisation.¹⁹ To be qualified as 'demilitarised', a zone must be free from all combatants, as well as mobile weapons and mobile military equipment, and no hostile use shall be made of fixed military installations or establishments.²⁰ Furthermore, no acts of hostility shall be committed by the authorities or by the population and any activity linked to the military effort must have ceased.²¹ Once established, the area must be clearly marked and no one party to the conflict may unilaterally revoke the status of a demilitarised zone, unless one of the parties to the conflict fails to respect the conditions thereof. In such cases, the other party is released from its obligations under the initial agreement and the zone loses its protected status but continues to enjoy the protection provided by the other provisions of humanitarian law.²²

The requirement of an express agreement and the consent of all parties to the conflict for the establishment of humanitarian zones may thus be viewed as

16 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War 1949, Art.15

17 ICRC, 'Commentary of 1958, Article 15 – Neutralized zones' <<https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-15/commentary/1958>>.

18 ICRC, 'Rule 35. Hospital and Safety Zones and Neutralized Zones' <<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule35>>.

19 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) 1977, Art. 60(2).

20 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) 1977, Art. 60(3).

21 *Ibid*; see also Medecins Sans Frontieres, 'The Practical Guide to Humanitarian Law - Protected Areas and Zones' <<https://guide-humanitarian-law.org/content/article/3/protected-areas-and-zones/>>.

22 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) 1977, Art. 60(7).



creating their distinct protective benefit as it increases the likelihood that their neutral and exclusively demilitarised character will be respected, thereby allowing civilians to rely on the enhanced protection they offer. Hence, if the agreement of the parties is not secured, the zone does not enjoy a protected status under IHL.

2.2 Administration of and conditions in protected zones

In terms of the administration and standards in protected zones, a holistic approach which takes into consideration complementary and mutually reinforcing fields of international law requires an examination of international human rights law, the Guiding Principles on Internal Displacement, and international refugee law.²³ International human rights law establishes parameters for safe zones and safe corridors – a zone can only be safe if certain human rights are ensured to those within it, including: the right to life; the right to an adequate standard of living; the right to be free from torture and cruel, inhuman or degrading treatment; and the right to the highest attainable standards of health.²⁴ The Guiding Principles on Internal Displacement “reflect and are consistent with international human rights law and international humanitarian law”,²⁵ and set out minimum standards that apply to internally displaced persons (IDPs). Although the principles therein are non-binding, they uphold general human rights and humanitarian principles that are binding upon signatories to the relevant international instruments.

The Refugee Convention of 1951, which imposes positive obligations on its States Parties, predicates refugee status on people being unable to avail themselves of the protection of their country of nationality.²⁶ In light of protected or safe zones representing places to which potential refugees could find temporary shelter instead of fleeing abroad, and as places to which refugees abroad might return, they must by analogy meet the criteria for an internal flight or protection alternative.²⁷ This means, *inter alia*, that people must be able to “lead a relatively

23 Geoff Gilbert and Anna Magdalena, “Policy Brief 5 - Creating safe zones and safe corridors in conflict situations: Providing protection at home or preventing the search for asylum?” (UNSW 2017) *Kaldor Centre for International Refugee Law*, <https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Policy_brief_Creating_safe_zones_and_safe_corridors.pdf>.

24 *Ibid*, p. 5.

25 UN Economic and Social Council, “Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39, Addendum, Guiding Principles on Internal Displacement” (1998) UN Doc E/CN.4/1998/53/Add.2.

26 Convention relating to the Status of Refugees 1951, Art. 1A(2).

27 Geoff Gilbert and Anna Magdalena “Policy Brief 5 - Creating safe zones and safe corridors in conflict situations: Providing protection at home or preventing the search for asylum?” (UNSW 2017) *Kaldor Centre for International Refugee Law* <https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Policy_brief_Creating_safe_zones_and_safe_corridors.pdf> 4.



normal life without facing undue hardship”.²⁸ At this juncture, it is worthy of note that approximately 74 percent of Gaza’s population were classified as refugees before 7 October 2023.²⁹ Although Palestinian refugees are covered by the parallel legal regime established by General Assembly resolution 302 (IV), which created United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and its mandate to provide “direct relief and works programmes” to Palestine refugees, in order to “prevent conditions of starvation and distress . . . and to further conditions of peace and stability”, any cessation of its ability to assist and protect Palestinian refugees triggers the responsibility of the UN High Commissioner for Refugees (UNHCR).³⁰ With incessant attacks on UNRWA’s staff, facilities and ability to operate,³¹ which have made carrying out its mandate nigh-on impossible, the Refugee Convention has never been more relevant to Palestinians in Gaza. The continued functioning of UNRWA is an imperative safeguard of the right of Palestinian refugees in Gaza to return to their homes from which they were displaced in 1948.

Although these mutually reinforcing fields of law help determine the relevant standards that must be upheld, considering Palestinians in Gaza have been forcibly displaced to “safe zones” unilaterally established by Israel, the Occupying Power, it is the provisions of IHL that are the most relevant. Article 49 of the Fourth Geneva Convention, which prohibits the forced movement of civilians, requires the Occupying Power to ensure that “proper accommodation is provided to receive the protected persons, that the removals are affected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.”³² The requirement of satisfactory conditions is also enshrined in Rule 131 of customary IHL, which states:

28 Lord Bingham, citing UNHCR “Guidelines on International Protection: ‘Internal Flight or Relocation Alternative’ within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees”, see *Januzi v Secretary of State for the Home Department* [2006] UKHL 5 [20].

29 UNRWA, “UNRWA in Gaza, Key Statistics” <<https://www.unrwa.org/gaza-emergency>>.

30 The Cairo Review, “UNRWA After October 7: Building a Comprehensive Response Framework for Palestinian Refugees” (Spring 2024) <<https://www.thecairoreview.com/essays/unrwa-after-october-7-building-a-comprehensive-response-framework-for-palestinian-refugees/>>.

31 See UN Meetings Coverage and Press Releases, “Dismantling UNRWA — Gazans’ Lifeline — Would Breed ‘Resentment and Hatred’”, Fourth Committee Speakers Warn, Urging Israel to Cease Attempts to Do So” (15 November 2024) <<https://press.un.org/en/2024/gaspd825.doc.htm>>.

32 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War 1949, Art. 49.

[I]n case of displacement in the context of an international or a non-international armed conflict, all possible measures must be taken in order that the civilians concerned are received under satisfactory conditions of shelter, hygiene, health, safety, and nutrition and that members of the same family are not separated.³³

While this has yet to be elaborated upon in the jurisprudence of international courts and tribunals, Principle 8 of the Guiding Principles on Internal Displacement requires that the life, dignity, liberty and security of those affected is not adversely affected. This entails sufficient access to Water, Sanitation, and Hygiene (WASH) facilities, which includes safely managed drinking water and handwashing facilities, as well as soaps, detergents, and other products necessary for adequate personal hygiene and to ensure general cleanliness.³⁴ This is crucial to prevent infectious diseases that spread through unsafe water, improperly disposed human waste, and poor hygiene practices which have a profound effect on high rates of infant mortality, malnutrition and chronic illness in the general population.³⁵ Also of paramount importance is ensuring the availability of nutrient-rich food for the displaced population to prevent malnourishment, as vitamin and mineral deficiencies and poor quality diets weaken the immune system leaving individuals at risk of succumbing to other diseases. The provision of proper shelter capable of offering protection from harsh weather conditions, with sufficient space and security, is also a necessity when ensuring the safety and well-being of IDPs.

Finally, recalling that displaced persons should be able to live a “relatively normal life without facing undue hardship”,³⁶ the provision of basic services and infrastructure — such as field hospitals, clinics, education centres, and communal spaces, including kitchens and prayer rooms — are fundamental to ensuring the physical health of the population through early detection and management of deficiencies, illnesses, and diseases as well as maintaining mental health standards in deeply stressful and traumatic environments. As will be discussed below, to uphold these criteria, full and unimpeded access for humanitarian workers and aid distributors is critical.

33 ICRC, ‘Rule 131 - Treatment of Displaced Persons’ <[34 UN Water, ‘WASH – Water, Sanitation and Hygiene’ \(UN Water\) <\[35 *Ibid.*\]\(https://www.unwater.org/water-facts/wash-water-sanitation-and-hygiene.>.</p></div><div data-bbox=\)](https://ihl-databases.icrc.org/en/customary-ihl/v1/rule131#:~:text=This%20rule%20is%20additional%20to,provided%20for%20in%20Chapter%2032.>.</p></div><div data-bbox=)

36 Lord Bingham, citing UNHCR, “Guidelines on International Protection: ‘Internal Flight or Relocation Alternative’ within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees”, see *Januzi v Secretary of State for the Home Department* [2006] UKHL 5 [20].



2.3 “Safe zones” in Gaza

Having detailed the legal frameworks which underpin protected zones, it is now possible to contrast these requirements with the reality on the ground in Gaza.

2.3.1 Israel’s unilateral establishment of “safe zones”

As explained above, zones established by one party may provide enhanced protection in practice only if and when they have been recognized by all parties to the conflict.³⁷ Since 7 October 2023, there has been no attempt by Israel to reach an agreement with Palestinian armed groups on the alleged “safe zones” it purports to have established. This crucial fact led Martin Griffiths, UN Emergency Relief Coordinator, to stress that “the UN cannot be part of a unilateral proposal to push hundreds of thousands of desperate civilians in Gaza into so-called safe zones.”³⁸

The failure to engage with Palestinian armed groups and agree on the terms of their creation means they are not legally recognised. On this basis alone, they do not qualify as protected zones under IHL capable of providing enhanced protection to the individuals therein. However, in the present scenario it is not Palestinian armed groups that are taking advantage of said lack of agreement. Rather, Israel is both establishing and subsequently violating the “safe” zones it has delineated, which quickly become overcrowded with forcibly displaced Palestinians.³⁹

Not only has there been no engagement with Palestinian armed groups to agree on the designation of humanitarian zones, the geographical boundaries of the zones have been both ambiguous and ever-changing. For example, the boundaries of the Al-Mawasi “safe zone” have been modified at least 6 times

37 See Emmanuela-Chiara Gillard, “‘Safe areas’: The international legal framework” (2017) 99(906) *International Review of the Red Cross* 1075.

38 UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #34” (9 November 2023) <<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-34>>.

39 Al-Haq, Al Mezan Center for Human Rights (Al Mezan), and the Palestinian Centre for Human Rights (PCHR), ‘Deadly Assault on Rafah and Imminent Forced Expulsion of Palestinians from Gaza in Continuing Nakba, Requires Urgent International Intervention’ (12 February 2024) <<https://www.alhaq.org/advocacy/22659.html>>; Prime Minister of Israel on X (9 February 2024) <<https://twitter.com/IsraeliPM/status/1755979954448150530>>; Al-Haq, Al Mezan, and PCHR, “Palestinian human rights organisations demand an end to Israel’s deliberate attacks on internally displaced persons” (5 January 2024) <<https://www.alhaq.org/advocacy/22484.html>>; Al-Haq, Al Mezan and PCHR, “Israeli occupying forces’ killing of displaced persons in displacement tents in Al-Mawasi area in Khan Yunis is a confirmation of the crime of genocide” (10 March 2024) <<https://t.ly/718LE>> [in Arabic].

since October 2023.⁴⁰ Other former “safe zones” such as Rafah, Deir al-Balah, and Khan Younis have been further fragmented into areas, nearly each of which has been subsequently evacuated, leaving displaced persons in a state of confusion and terror as they try to ascertain whether their current location remains within the parameters of these shrinking spaces.⁴¹

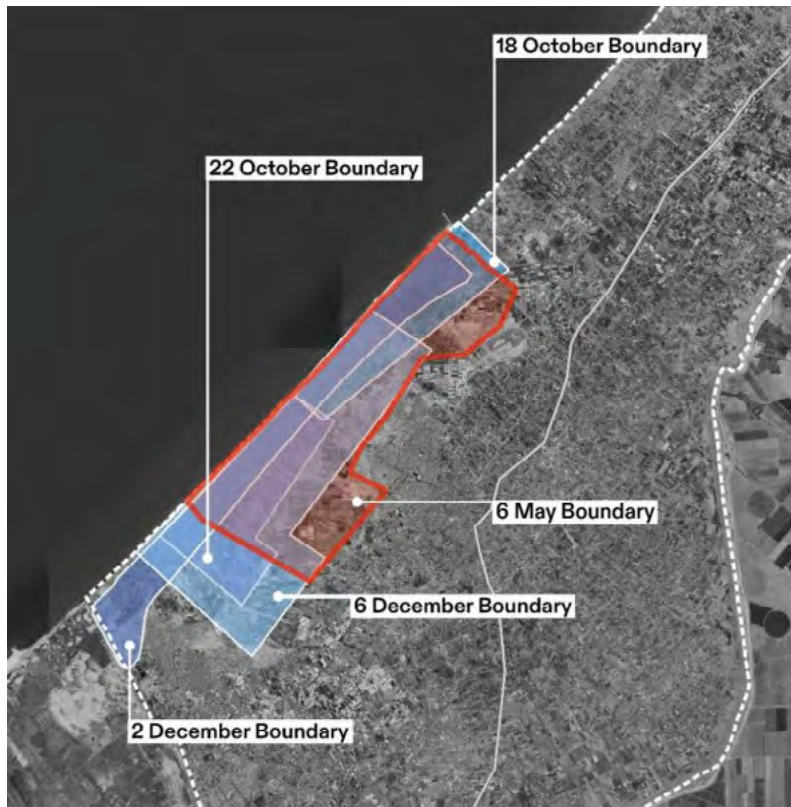


Figure 2: Shifting boundaries of Al-Mawasi “safe zone”.⁴²

- 40 Forensic Architecture, “Inhumane Zones: An assessment of Israel’s actions with respect to the provision of aid, shelter, safe passage, and assistance to evacuees in Gaza; response to questions raised in the ICJ on 17 May 2024” (19 May 2024) <https://content.forensic-architecture.org/wp-content/uploads/2024/05/Inhumane-Zones-Report-Forensic-Architecture_WEBSITE.pdf> 7; Al Jazeera, “How Israel is shrinking Gaza’s ‘safe zones’” (25 July 2024) <<https://www.aljazeera.com/news/2024/7/25/how-israel-is-shrinking-gazas-safe-zones>>.
- 41 Al Jazeera, “How Israel is shrinking Gaza’s ‘safe zones’” (25 July 2024) <<https://www.aljazeera.com/news/2024/7/25/how-israel-is-shrinking-gazas-safe-zones>>.
- 42 Forensic Architecture, “Inhumane Zones: An assessment of Israel’s actions with respect to the provision of aid, shelter, safe passage, and assistance to evacuees in Gaza; response to questions raised in the ICJ on 17 May 2024” (19 May 2024) <https://content.forensic-architecture.org/wp-content/uploads/2024/05/Inhumane-Zones-Report-Forensic-Architecture_WEBSITE.pdf>.

2.3.2 Israel's failure to ensure proper administration of the unlawfully established "safe zones"



Figure 3: East of Khan Yunis (26 November 2023). Photographer: Mohammed Zaanoun.

As regards to the administration of the zones and the standards therein, the manifest failure to provide for the basic needs of displaced Gazans constitutes an intentional, overt attack on the civilian population. Rather than receiving protection and care, displaced Palestinians are plunged into deeper states of despair as they attempt to find food, water, shelter, and healthcare in intensely overcrowded spaces. Across Gaza, average water availability has fallen to between two and nine litres per person, per day, whereas the minimum should be 15 litres.⁴³ Chronic water scarcity and the "total inability to manage waste and sewage" have led to the rapid spread of disease across Gaza,⁴⁴ but especially in densely populated "safe zones". Plastic tents have been erected on every available patch

43 UN Palestine, "Gazans need polio vaccines amid 'deathly cycle' of hunger, heat and disease, say UN aid agencies" (31 July 2024) <<https://palestine.un.org/en/275357-gazans-need-polio-vaccines-amid-%E2%80%98deathly-cycle%E2%80%99-hunger-heat-and-disease-say-un-aid-agencies>>.

44 UNRWA has recorded 40,000 cases of Hepatitis A since October 2023 and the Health Cluster is preparing for the worst-case scenario of a polio outbreak. See UN OCHA, 'Humanitarian Situation Update #199 | Gaza Strip' (2 August 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-199-gaza-strip>>.

of land, including on the overcrowded streets.⁴⁵ However, even tents — which provide little to no protection from the cold or scorching summer heat — are hard to come by. After a visit to Gaza, Muhannad Hadi, UN Humanitarian Coordinator for the OPT, explained how “[p]eople try to sew together some plastic sheets to give themselves some cover through the nights”.⁴⁶

For a protected zone to function effectively and provide any acceptable degree of protection to the displaced population, humanitarian actors need to be able to reach the individuals in question in order to ensure their basic human rights are respected.⁴⁷ Yet, despite Israel’s contention that their unilaterally designated “safe zones” are designed to minimise the impact on civilians, humanitarian aid has been routinely blocked from reaching the people seeking the protection promised.⁴⁸ None of the land crossings into Gaza — “the most effective, viable way to deliver assistance” — have been fully functional since 7 October 2023.⁴⁹ Since the Israeli major ground incursion into Rafah in early May, the situation has only worsened. Israeli citizens have routinely obstructed the delivery of life-saving aid without any resistance and even with the complicity of Israel’s law enforcement bodies.⁵⁰ The Israeli government’s total control over access to the territory, which continues to deny entry to trucks carrying much-needed humanitarian supplies, has led to a “steep rise in malnutrition among children and pregnant and breastfeeding women in the Gaza strip”.⁵¹ The Integrated Food Security Phase Classification (IPC)

45 MSF, “Evacuation orders and forced displacement jeopardise people’s health in Gaza” (21 February 2024) <<https://www.msf.org/evacuation-orders-and-forced-displacement-jeopardise-peoples-health-gaza>>.

46 UN Palestine, ‘UN Official: There are two million sad stories in Gaza’ (18 July 2024) <<https://palestine.un.org/en/274347-un-official-there-are-two-million-sad-stories-gaza>>.

47 Geoff Gilbert and Anna Magdalena ‘Policy Brief 5 - Creating safe zones and safe corridors in conflict situations: Providing protection at home or preventing the search for asylum?’ (UNSW 2017) Kaldor Centre for International Refugee Law <https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Policy_brief_Creating_safe_zones_and_safe_corridors.pdf> 9.

48 Forensic Architecture, “Inhumane Zones: An assessment of Israel’s actions with respect to the provision of aid, shelter, safe passage, and assistance to evacuees in Gaza; response to questions raised in the ICJ on 17 May 2024” (19 May 2024) <https://content.forensic-architecture.org/wp-content/uploads/2024/05/Inhumane-Zones-Report-Forensic-Architecture_WEBSITE.pdf> 6-10.

49 Doctors of the World, *Gaza Humanitarian Snapshot* (15 July 2024) <<https://uploads.doctorsoftheworld.org/2024/07/17145024/gaza-humanitarian-snapshot.pdf>>

50 See “Israeli protesters block aid convoy headed to Gaza” *Reuters* (13 May 2024) <<https://www.reuters.com/world/middle-east/israeli-protesters-block-aid-convoy-headed-gaza-2024-05-13/>>; “Israel’s pledge to guard an aid route into Gaza falls flat as lawlessness blocks distribution” *AP News* (21 June 2024) <<https://apnews.com/article/gaza-rafah-crime-hamas-israel-988f2919d00339ded5a18f26feafda6f>>.

51 WHO, “Children’s lives threatened by rising malnutrition in the Gaza Strip” (19 February 2024) <<https://www.who.int/news/item/19-02-2024-children-s-lives-threatened-by-rising-malnutrition-in-the-gaza-strip>>.

report on Gaza paints a stark picture of ongoing hunger, finding that 96 percent of the population (some 2.15 million people) is facing acute food insecurity at crisis level or higher (IPC Category 3+), with almost half a million people in catastrophic conditions (IPC Category 5).⁵² This has fuelled the spread of disease, as immune systems are weakened due to vitamin and mineral deficiencies and starvation.



Figure 4: Rafah (23 December 2023). Photographer: Mohammed Zaanoun.

As will be discussed in more detail below,⁵³ instead of providing for the people it has forcibly displaced, Palestinians present in Israel's "safe zones" have effectively been grouped together to die from either hunger and disease or as a result of Israel's targeted attack on the areas from air, land, and sea.⁵⁴

52 IPC, "IPC Global Initiative - Special Brief" (10 July 2024) <https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Jun_Sept2024_Special_Brief.pdf> 1; WFP, "WFP response to new IPC Food Security Assessment on Gaza" (25 June 2024) <[https://www.wfp.org/news/wfp-response-new-ipc-food-security-assessment-gaza#:~:text=The%20Integrated%20Food%20Security%20Phase,conditions%20\(IPC%20Category%205\).>](https://www.wfp.org/news/wfp-response-new-ipc-food-security-assessment-gaza#:~:text=The%20Integrated%20Food%20Security%20Phase,conditions%20(IPC%20Category%205).>).

53 See Section 4.3 on "conditions of life" *infra*.

54 This was recently confirmed by the World Food Programme, which stated that the "latest reports confirm Gaza's precipitous slide into hunger and disease. Food and safe water have become incredibly scarce and diseases are rife, compromising women and children's nutrition and immunity and resulting in a surge of acute malnutrition. People are already dying from hunger-related causes", see WFP 'UN Food Agency pauses deliveries to the North of Gaza' (20 February 2024) <<https://www.wfp.org/news/un-food-agency-pauses-deliveries-north-gaza#:~:text=The%20latest%20reports%20confirm%20Gaza's,dying%20from%20hunger%2Drelated%20causes.>>.

2.3.3 Israel's violation of its unilaterally established "humanitarian" or "safe" corridors

While not expressly defined in IHL, "humanitarian corridors", "safe passages", or "safe corridors" are created by an agreement between the parties to the armed conflict to allow for the safe movement of people and aid. That being said, civilians, whether there is a declared safe passage or not, must be protected against the dangers of hostilities.⁵⁵ Therefore, establishing designated routes is merely intended to offer further assurance of this protection. They have most recently been established in Syria and Ukraine, with the help of the ICRC and the United Nations.⁵⁶ In contrast, the few routes prescribed by Israel for civilians to relocate from northern Gaza to areas south of Wadi Gaza have also been referred to as "humanitarian corridors", but have been unilaterally established without any involvement of the UN or any humanitarian organisations.⁵⁷

Just as with its alleged "safe zones", Israel both created and subsequently breached their own promise of protection. In the initial months of the conflict, Palestinians fleeing the north pursuant to Israel's evacuation orders were instructed to move south along Gaza's main traffic artery, Salah Al Din road, at specific times. During this period, there were numerous reports of Israeli sniper fire and shelling along the route,⁵⁸ as well as other forms of violence by the Israeli military against evacuating Palestinian civilians, including inhuman and degrading treatment, arbitrary arrests, unlawful detention, and killings.⁵⁹ In early 2024, Palestinians

55 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), Art. 51(1); ICRC 'How humanitarian corridors work to help people in conflict zones' (3 June 2022) <<https://www.icrc.org/en/document/how-humanitarian-corridors-work#:~:text=Humanitarian%20corridors%20or%20safe%20passages,the%20wounded%2C%20sick%20or%20dead>>.

56 ICRC, "How humanitarian corridors work to help people in conflict zones" (3 June 2022) <<https://www.icrc.org/en/document/how-humanitarian-corridors-work#:~:text=Humanitarian%20corridors%20or%20safe%20passages,the%20wounded%2C%20sick%20or%20dead>>.

57 Action Against Hunger, HI, MDM, Save the Children, Oxfam, Refugees International, Norwegian Refugee Council, Nobel Women's Initiative, "Pauses, Corridors, and Safe Zones in Gaza: Rhetoric vs. Reality" (22 November 2023) <<https://reliefweb.int/report/occupied-palestinian-territory/pauses-corridors-and-safe-zones-gaza-rhetoric-vs-reality>>.

58 *Ibid.*

59 UN OCHA, "Hostilities in the Gaza Strip and Israel | Flash Update #40" (15 November 2023), <<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-40>>; UN OCHA, "Today's top news: Occupied Palestinian Territory, South Sudan, Somalia, Ukraine" (9 November 2023) <<https://www.unocha.org/news/todays-top-newsoccupied-palestinian-territory-south-sudan-somalia-ukraine>>.



were instructed to use Al Rasheed road (commonly referred to as the 'coastal road') when relocating.⁶⁰ Just like on Salah Al Din road, Palestinians were directly fired upon leading to mass casualties.⁶¹ In an infamous incident now referred to as the 'Flour Massacre', over 112 Palestinians were killed on Al Rasheed road while gathering around humanitarian aid trucks.⁶² This is despite this coastal road being designated by Israel as a passage for humanitarian convoys,⁶³ which undoubtedly implies it should be safe from attack by the Israel Occupying Forces (IOF).

Even after coordinating with the Israeli military, humanitarian actors are targeted and murdered. On 18 November, a *Medecins Sans Frontières* (MSF) convoy of five cars (all clearly identified by MSF logos) left the organisation's premises near Al-Shifa hospital, headed to southern Gaza in search of safety. Since 11 November, MSF staff and their families had been trapped by ongoing fighting around them.⁶⁴ For the entire week, MSF engaged with Israeli authorities to organise their safe evacuation. The convoy followed the itinerary indicated by the Israeli army and travelled along Salah Al-Din Street, along with other civilians trying to leave the area.⁶⁵ The convoy reached the last checkpoint near Wadi Gaza, which was overcrowded due to extensive screening of Palestinians by Israeli forces. Despite the prior authorisation from the Israeli authorities, the convoy was not allowed to cross the checkpoint and after waiting for hours they informed a colleague at the MSF Jerusalem office to inform Israeli authorities that they would turn back.

60 See افياخاي ادراعي (@AvichayAdraee) on X (18 March 2024) <<https://x.com/AvichayAdraee/status/1769613852021231856>>.

61 For just a few examples, see UN OCHA, "Hostilities in the Gaza Strip and Israel | Flash Update #153" (15 April 2024) <<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-153>>; UN OCHA, "Hostilities in the Gaza Strip and Israel | Flash Update #127" (27 February 2024) <<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-128>>; For further detail on the incidents on Al Rasheed road referred to in update #127, see Euro-Med Human Rights Monitor, "Israel turns 'safe' corridor to Gaza's south into trap to kill hungry, forcibly displaced Palestinians" (25 February 2024) <<https://euromedmonitor.org/en/article/6185/Israel-turns-%E2%80%98safe%E2%80%99-corridor-to-Gaza%E2%80%99s-south-into-trap-to-kill-hungry,-forcibly-displaced-Palestinians>>.

62 UN OCHA, "Hostilities in the Gaza Strip and Israel | Flash Update #130" (1 March 2024) <<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-130>>.

63 UN OCHA, *Gaza Humanitarian Access 1 – 30 April 2024* (OCHA OPT) <<https://www.ochaopt.org/sites/default/files/Humanitarian%20access-April-2024.pdf>> 3.

64 MSF, "MSF convoy attacked in Gaza: all elements point to Israeli army responsibility" (1 December 2023) <<https://www.msf.org/msf-convoy-attacked-gaza-all-elements-point-israeli-army-responsibility>>; MSF, "Gaza: MSF condemns deadly attack on convoy transporting staff and family members" (18 November 2023) <<https://www.msf.org/gaza-msf-condemns-deliberate-attack-convoy-transporting-staff-resulting-one-death-and-one-injury>>

65 *Ibid.*



Figure 5: Salah al-Din Road (9 November 2023). Photographer: Mohammed Zaanoun.

On their return, the convoy was attacked in Al-Wahida Street near the MSF office by tanks and snipers positioned on top of the surrounding building.⁶⁶ Two of the MSF cars were deliberately hit, killing a nurse who volunteered with MSF teams and injuring the family member of another, who later died from his wound, while others sustained injuries.⁶⁷ Just two days later, aware that the MSF buildings were filled with staff and their families who had been unable to evacuate, an Israeli bulldozer, tanks and tracked vehicles came and opened fire on the clinic, as well as MSF vehicles and cars — two of which were also crushed by the bulldozer. This continued for several days.⁶⁸

Another prime example of Israel's attacks on the "humanitarian" or "safe" corridors it purports to have established can be found in the three separate

66 *Ibid.*

67 *Ibid.*

68 MSF, 'MSF convoy attacked in Gaza: all elements point to Israeli army responsibility' (1 December 2023) <<https://www.msf.org/msf-convoy-attacked-gaza-all-elements-point-israeli-army-responsibility>>



attacks on a World Food Kitchen convoy travelling in the “deconflicted zone” along the coastal road.⁶⁹ Two armoured cars and an unarmoured vehicle were hit in multiple precision strikes,⁷⁰ and all seven aid workers *en route* were killed.⁷¹ Events such as these have led UNRWA Commissioner General, Philippe Lazzarini to rightly state that “[w]hen people move, they are exposed, without safe passage or protection”,⁷² regardless of whether they are following instructions or have even received explicit permission.

69 World Central Kitchen, “7 WCK Members killed in Gaza” (2 April 2024) <<https://wck.org/news/gaza-team-update>>.

70 CNN, “Israeli attack that killed aid workers consistent with multiple precision strikes, analysis shows” (3 April 2024) <<https://edition.cnn.com/2024/04/03/middleeast/world-central-kitchen-strike-analysis-intl/index.html>>

71 UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #149” (3 April 2024) <<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-149>>

72 Philippe Lazzarini (@UNLazzarini) on X (18 May 2024) <<https://x.com/UNLazzarini/status/1791867434518860143>>.

3. The Illegality of Israel's Evacuation Orders

3.1 The basis for the evacuation orders renders them unlawful

3.1.1 The justification of "imperative military reasons" does not apply to Israel's manifestly unlawful acts

While Article 49 of the Fourth Geneva Convention expressly states that individual or mass forcible transfers are prohibited, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. The ICRC defines evacuation as "the necessary movement of persons — both within the combat zone, and from the combat zone towards territory controlled by a Party to the conflict",⁷³ with the aim of protecting persons from the effects of ongoing hostilities.⁷⁴ Evacuations are only permitted in exceptional circumstances under strict and precise conditions,⁷⁵ and may never be used as a combat strategy or for practical efficiency in attaining a military objective.⁷⁶ Displacement of the civilian population cannot be ordered "for reasons related to the conflict",⁷⁷ a principle which, like protected zones, applies to both international and internal conflicts.⁷⁸ Notwithstanding their displacement, which can only be temporary in nature,⁷⁹ the civilian population continues to enjoy all existing humanitarian guarantees, such as access to food, spiritual assistance, medical care, hygiene facilities,⁸⁰ and crucially, a right to return.

73 ICRC, "Evacuation" <https://casebook.icrc.org/a_to_z/glossary/evacuation> ; See also Medecins Sans Frontieres, "The Practical Guide to Humanitarian Law - Military Necessity" <<https://guide-humanitarian-law.org/content/article/3/militarynecessity/#:~:text=The%20principle%20of%20military%20necessity,aims%20of%20the%20armed%20conflict>>.

74 ICRC, "Evacuation" <https://casebook.icrc.org/a_to_z/glossary/evacuation>.

75 Medecins Sans Frontieres, "The Practical Guide to Humanitarian Law - Population displacement" <<https://guide-humanitarian-law.org/content/article/3/population-displacement/>>.

76 Medecins Sans Frontieres, "The Practical Guide to Humanitarian Law – Evacuation" <<https://guide-humanitarian-law.org/content/article/3/evacuation-1/#:~:text=These%20conditions%20must%20be%20interpreted,in%20attaining%20a%20military%20objective>>.

77 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War 1949, Art. 49; Rule 129 of Customary International Humanitarian Law.

78 ICRC, "Evacuation" <https://casebook.icrc.org/a_to_z/glossary/evacuation>.

79 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War 1949, Art. 49.

80 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War 1949, Arts. 55-58.



Figure 6: Salah al-Din Road (9 November 2023). Photographer: Mohammed Zaanoun.

In its 1958 Commentary on Article 49, the ICRC briefly elaborates on the justification of “imperative military reasons”. It is said to require “overriding military considerations”, rather than a simple military advantage.⁸¹ In order to amount to “imperative”, an ordinary understanding of the term inevitably requires the overriding military considerations to be accompanied by a sense of urgency that differentiates it from mere military necessity. For there to be a military imperative, “the operation threatened must be one whose frustration would threaten the entire military objective in the conflict”.⁸² In other words, it must be the only option. In this vein, the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Court (ICC) have found that the qualifier “imperative” reduces to a minimum cases in which

81 Al-Haq, Al Mezan and PCHR, “URGENT: Israel’s Evacuation Order to 1.1 Million Palestinians in Gaza is Direct Forcible Transfer, Urgent Intervention is Needed” (13 October 2023) <<https://www.alhaq.org/advocacy/21896.html>>.

82 Human Rights Watch, “*Hopeless, Starving, and Besieged*” *Israel’s Forced Displacement of Palestinians in Gaza* (November 2024) <https://www.hrw.org/sites/default/files/media_2024/11/gaza_displacement1124web.pdf>.

displacement may be ordered,⁸³ but otherwise subsuming “imperative military reasons” in the principle of military necessity.⁸⁴ The principle of military necessity “permits measures which are actually necessary to accomplish a legitimate military purpose and are not otherwise prohibited by international humanitarian law”.⁸⁵ Of note, military necessity neither justifies nor authorises acts prohibited by IHL and must always be weighed against the expected civilian casualties and damage resulting from and preceding such an attack through a meticulous assessment of the circumstances.⁸⁶ Just like military necessity, the justification of “imperative military reasons” is also bound by the principle of proportionality. This means that even if “imperative military reasons” require the evacuation of large areas, the effects of the evacuation orders must not be disproportionate to the military advantage sought. This means they must not cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.⁸⁷

Aside from the narrow scope of situations which may permit the evacuation of an area, Article 58 of Additional Protocol I requires the Parties to the conflict “to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives” as a precautionary measure intended to protect civilians against the effects of attacks. Article 57 also requires Parties to the conflict to avoid locating military objectives “within or near” densely populated areas⁸⁸ and to take “all feasible precautions in the choice of means

83 *Prosecutor v. Bosco Ntaganda* (Judgment) ICC-01/04-02/06-2359 (8 July 2019), para. 98: “The Chamber is of the view that the qualification ‘imperative’ is subsumed in the general concept of military necessity as defined by the Chamber. That notwithstanding, the Chamber considers that the explicit addition of the qualifier ‘imperative’ in the Statute aims to emphasise that the instances in which a lawful displacement may be ordered are limited”.

84 *See Prosecutor v. Bosco Ntaganda* (Judgment) ICC-01/04-02/06-2359 (8 July 2019), para. 98; *Prosecutor v. Radislav Krstic* (Judgment) IT-98-33-T (2 August 2001), paras. 524-527.

85 ICRC, ‘Military Necessity’ <https://casebook.icrc.org/a_to_z/glossary/military-necessity>.

86 *Ibid.*

87 The principle of proportionality prohibits acts against military objectives which are “expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated”, meaning the means and methods of warfare must not be disproportionate to the military advantage sought. *See* ICRC, ‘Proportionality’ <https://casebook.icrc.org/a_to_z/glossary/proportionality> ; ICRC, ‘Rule 14 - Proportionality in Attack’ <<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule14>>.

88 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), Art. 58(b).



and methods of attack with a view to avoiding, and in any event to minimising, incidental loss of civilian life, injury to civilians and damage to civilian objects”.⁸⁹ What’s more, Parties to the conflict must “do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection”, and provide effective advance warning of attacks which may affect the civilian population.⁹⁰

Each of these requirements has been blatantly ignored by the Israeli military. Israel’s evacuation orders are disproportionate, violate the principles of distinction and precaution, and are clearly not carried out for the security of the occupied population or for any real or perceived “imperative military reasons”. In one of the first evacuation orders issued on 13 October 2023, the entirety of ‘northern Gaza’ — an area comprising of approximately 1.1 million people, over 700,000 of which resided in Gaza City —⁹¹ was ordered to evacuate their homes within 24 hours and head south of Wadi Gaza.⁹² Viewing the entire area of northern Gaza, including Gaza City, as one military objective and proceeding to carpet bomb entire neighbourhoods amounts to a manifest violation of the principle of distinction and a massively disproportionate attack that could legally never be outweighed by any allegedly “imperative” reasons.⁹³ In the largest evacuation order since, on 2 July 2024, already displaced persons in a 117 kilometre area — amounting to a third of Gaza — were ordered to evacuate.⁹⁴ This affected nearly 250,000 people.⁹⁵ From 22 to 30 July, a further 250,000 Palestinians were

89 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) 1977, Art. 57(2)(a)(ii).

90 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) 1977, Arts. 57(2)(a)(i) and 57(2)(c).

91 The Palestinian Central Bureau of Statistics, *Estimated Population in Palestine Mid-Year by Governorate, 1997-2021* <Estimated Population in Palestine Mid-Year by Governorate, 1997-2021>.

92 Israeli Defence Forces (@IDF) on X (13 October 2023), <<https://twitter.com/IDF/status/1712707301369434398>> ; UN OHCHR ‘Israel must rescind evacuation order for northern Gaza and comply with international law: UN expert’ (13 October 2023) <<https://www.ohchr.org/en/press-releases/2023/10/israel-must-rescind-evacuation-order-northern-gaza-and-comply-international>>.

93 ‘Rule 12 - Definition of Indiscriminate Attacks’ CIHL; Al-Haq, Al Mezan and PCHR, “URGENT: Israel’s Evacuation Order to 1.1 million Palestinians in Gaza is Direct Forcible Transfer, Urgent Intervention is Needed” (13 October 2023) <<https://www.alhaq.org/advocacy/21896.html>>.

94 UN Meetings Coverage and Press Releases, ‘Daily Press Briefing by the Office of the Spokesperson for the Secretary-General’ (2 July 2024) <<https://press.un.org/en/2024/db240702.doc.htm>>.

95 *Ibid.*



Figure 7: Al-Shati refugee camp, Gaza city, (29 October 2023).
Photographer: Mohammed Zaanoun.

ordered to evacuate.⁹⁶ Between 22 and 25 July alone, about 182,000 people were displaced from central and eastern Khan Younis to the Al Mawasi area.⁹⁷ However, thousands remain stranded. These include people with reduced mobility, the elderly, persons sick or injured, and the family members supporting them. Despite the presence of civilians throughout the area, the IOF continue to adopt the same *modus operandi* that they have followed since 7 October: to ignore its obligations under international law and level entire cities to the ground, regardless of the presence of civilian men, women, and children.

96 UN Meetings Coverage and Press Releases, 'Daily Press Briefing by the Office of the Spokesperson for the Secretary-General' (30 July 2024) <<https://press.un.org/en/2024/db240730.doc.htm>>.

97 UN OCHA, 'Humanitarian Situation Update #196 | Gaza Strip' (26 July 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-196-gaza-strip>>.

3.1.2 The evacuation orders only further endanger the “security of the population” in Gaza



Figure 8: Deir Al-Balah (July 2024).⁹⁸

As a result of the IOF's incessant issuance of evacuation orders, over 90 percent of Gaza's population has now been internally displaced.⁹⁹ Aside from violating fundamental principles of IHL and amounting to the war crime and crime against humanity of forcible transfer, as will be substantiated below,¹⁰⁰ almost the entire population has been forced into tiny patches of land where there is a complete lack of adequate shelter, hygiene, health, safety and nutrition. Recalling that evacuations can only be ordered for the security of the population or for imperative military reasons, which must be proportionate to the perceived risks to the civilian population, it is important to highlight the Office for the Coordination of Humanitarian Affairs (OCHA) finding that these mass evacuations only heighten

98 UNRWA, “UNRWA Situation Report #121 on the situation in the Gaza Strip and the West Bank, including East Jerusalem” (16 July 2024) <<https://www.unrwa.org/resources/reports/unrwa-situation-report-121-situation-gaza-strip-and-west-bank-including-east-jerusalem>>.

99 UN OCHA, “Reported impact snapshot | Gaza Strip” (21 August 2024) <<https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-21-august-2024>>.

100 See section 3.4 on “Evacuations as a Guise for Forcible Transfer” *infra*.

the suffering of civilians and further exacerbate humanitarian needs.¹⁰¹ The Spokesman for the UN Secretary General has stressed that “[p]eople are left with the impossible choice of having to relocate — some most likely for the second or even the third time, to areas that have barely any spaces or services, or staying in areas where they know heavy fighting will take place”.¹⁰² In response to renewed evacuation orders for Gaza city on 10 July, OCHA again warned that such instructions will only “fuel mass suffering for Palestinian families, many of whom have been displaced again and again”.¹⁰³

Moreover, coordinating any kind of adequate humanitarian response is almost impossible as the humanitarian community constantly has to reset their aid operations.¹⁰⁴ Delivering aid in Gaza is already an immensely challenging task, as Israel’s siege, direct targeting, and methods of obstructing deliveries have crippled humanitarian operations in Gaza. After her second deployment to Gaza, Yasmina Guerda of OCHA, described delivering aid as “a daily puzzle across the board” that has left malnourished children without the lifesaving help they need.¹⁰⁵ With “daily fighting, the insufficiency of absolutely everything you need, the regular attacks on our storage facilities, the pile of administrative impediments, bad internet, weak phone networks, destroyed roads” and “hours waiting at checkpoints, coordinating, compromising a way through”,¹⁰⁶ barely a drop of life-saving aid is eventually received. Since May, only a tenth of more than 300 requests to COGAT, the Israeli military authority dealing with aid related to Gaza, to issue permits to individual drivers of aid trucks were granted, and any coordination with it has been laborious and time consuming with many of the requests ultimately turned out. For instance, in October 2024, Israeli authorities directly denied or impeded 58 percent of aid movements.¹⁰⁷ UN experts have also highlighted how Israel’s

101 UN Meetings Coverage and Press Releases, “Daily Press Briefing by the Office of the Spokesperson for the Secretary-General” (2 July 2024) <<https://press.un.org/en/2024/db240702.doc.htm>>.

102 *Ibid.*

103 UN OCHA, “Today’s top news: Occupied Palestinian Territory, Hurricane Beryl, Ukraine” (10 July 2024) <<https://www.unocha.org/news/todays-top-news-occupied-palestinian-territory-hurricane-beryl-ukraine>>.

104 *Ibid.*

105 UN Palestine, “New famine alert for Gaza where families go days without food” (27 June 2024) <<https://palestine.un.org/en/272568-new-famine-alert-gaza-where-families-go-days-without-food>>.

106 UN Palestine, “New famine alert for Gaza where families go days without food” (27 June 2024) <<https://palestine.un.org/en/272568-new-famine-alert-gaza-where-families-go-days-without-food>>.

107 “Aid to Gaza falls to lowest level in 11 months despite US ultimatum to Israel” *The Guardian* (11 November) <<https://www.theguardian.com/world/2024/nov/11/aid-gaza-trucks-food-lowest-level-year-despite-us-ultimatum>>.

intentional and targeted starvation campaign against the Palestinian people is a form of genocidal violence and has resulted in famine across all of Gaza.¹⁰⁸ The conditions in “safe zones” to which Palestinians are forced to evacuate are no exception, and in fact pose additional risks due to how densely populated such areas have become.



Figure 9: Rafah (22 December 2023).¹⁰⁹

The few remaining sites to which people are forcibly displaced are without adequate latrines, water points, drainage, or shelter, but humanitarian agencies are unable to improve conditions with no fuel and other supplies coming in.¹¹⁰ The lack of access to clean water, hygiene kits, and sanitation facilities continues to pose major health risks and drives a surge in sickness and disease. By July, UN OCHA reported there were over 990,000 cases of acute respiratory infections, 577,000 cases of diarrheal illnesses, 107,000 cases of acute jaundice syndrome,

108 UN OHCHR, “UN experts declare famine has spread throughout Gaza strip” (9 July 2024) <<https://www.ohchr.org/en/press-releases/2024/07/un-experts-declare-famine-has-spread-throughout-gaza-strip>>; UN Palestine, “New famine alert for Gaza where families go days without food” (27 June 2024) <<https://palestine.un.org/en/272568-new-famine-alert-gaza-where-families-go-days-without-food>>; These warnings have been made since the first month of the war, see Oxfam, “Starvation as weapon of war being used against Gaza civilians – Oxfam” (25 October 2023) <<https://www.oxfam.org/en/press-releases/starvation-weapon-war-being-used-against-gaza-civilians-oxfam>>.

109 UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #76” (22 December 2023) <<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-76>>.

110 UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #163” (8 May 2024) <<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-163>>.

and skin infections.¹¹¹ 40,000 cases of hepatitis A were reported between October 2023 and August 2024, compared to only 85 in the same period before Israel began its genocidal war on Gaza.¹¹² On August 16, the Palestinian Ministry of Health confirmed the first case of polio in an unvaccinated 10-month old child in Gaza in 25 years.¹¹³ The World Health Organisation (WHO) confirmed via genomic sequencing that the girl's infection was linked to the poliovirus type 2 variant, detected in environmental samples collected in June from Gaza wastewater.¹¹⁴ These unprecedented health issues are compounded by the extremely poor living conditions in the vastly overcrowded "safe zones", where every last inch of space is occupied making the rapid transmission of disease unavoidable as well as massively increasing the challenges for healthcare providers to respond effectively.¹¹⁵

Beyond the adverse impact evacuations and repeated mass displacement has on the mental and physical health of Gazans, the societal ramifications are immense. Women have reported how extreme overcrowding in "safe zones" can lead to tensions within communities, as the breakdown in public order and safety due to the desperation of the people therein are fuelling an increase in sexual and gender-based violence.¹¹⁶ Since Israel has dismantled the local capacity to ensure the security and wellbeing of the population while at the same time plunging the entire Gaza Strip into a state of terror and fear, there has been a clear spike in family disputes and cases of extortion.¹¹⁷ In the fight for space and resources, there has been a breakdown in social order in Gaza, with

111 UN OCHA, "Gaza Humanitarian Response Update | 8-21 July 2024" <[112 UN News, "Gaza: 'Frightening increase' in Hepatitis A cases" \(2 August 2024\) <<https://news.un.org/en/story/2024/08/1152791>>.](https://www.unocha.org/publications/report/occupied-palestinian-territory/gaza-humanitarian-response-update-8-21-july-2024#:~:text=The%20lack%20of%20access%20to,107%2C000%20cases)%20and%20skin%20infections.>.</p>
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113 Tedros Adhanom Ghebreyesus (@DrTedros) on X (23 August 2024) <<https://x.com/DrTedros/status/1826744716492443652>>; UN News, "Gaza: First polio case confirmed in war-shattered enclave" (23 August 2024) <<https://news.un.org/en/story/2024/08/1153486>>.

114 UN News, "Gaza: First polio case confirmed in war-shattered enclave" (23 August 2024) <<https://news.un.org/en/story/2024/08/1153486>>.

115 UN OCHA, "Gaza Humanitarian Response Update | 8-21 July 2024" (21 July 2024) <<https://www.ochaopt.org/content/gaza-humanitarian-response-update-8-21-july-2024>>.

116 UN News Global Perspective Human Stories, "UN humanitarian warn against Israeli evacuation orders in Gaza City" (10 July 2024) <<https://news.un.org/en/story/2024/07/1151956>>.

117 UN OHCHR, "Renewed wave of deadly Israeli strikes on Gaza must stop – UN Human Rights Office" (19 July 2024) <<https://www.ohchr.org/en/press-briefing-notes/2024/07/renewed-wave-deadly-israeli-strikes-gaza-must-stop-un-human-rights>>.

lootings and random shootings reported.¹¹⁸ As expressed by representatives of the UN Office of the High Commissioner for Human Rights (OHCHR), “the creation of these conditions has led to the predictable and entirely foreseeable unravelling of the fabric of society in Gaza, setting people against one another in a fight for survival and tearing communities apart.”¹¹⁹



Figure 10: Rafah (28 December 2023). Photographer: Mohammed Zaanoun.

Considering that evacuation orders are only permitted for security of the occupied population or for imperative military reasons,¹²⁰ it is evidently clear that

118 *Ibid.*

119 *Ibid.*

120 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War 1949, Art. 49.

the evacuation orders are unlawful. They were neither issued for the security of the population nor for imperative military reasons. The orders only further expose the Palestinians in Gaza to the effects of hostilities. Palestinians are forced to seek refuge in shrinking areas devoid of any facilities, supplies, and basic requirements for survival. Humanitarian operations are at the brink of collapse as they struggle to provide services to the forever-shifting “safe zones”, making it increasingly challenging for Palestinians to access critical care and resources. Israel has not just failed to ensure, “to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated”¹²¹ — it has actively obstructed all humanitarian efforts geared towards providing Palestinians with critically-needed assistance. The alternative justification of “imperative military reasons” is equally inapplicable in the current context. In view of the IOF priding itself on its “groundbreaking technologies and tactics”¹²² and extensive training,¹²³ the alleged inability to carry out a military operation without evacuating 89 percent of the entire territory is truly incredible.¹²⁴ Instead, one must consider the context in which Israel’s genocidal statements, acts, and policies against which the evacuation orders are being issued. The Israeli Prime Minister, President, various Ministers and high-ranking military officials have unequivocally and repeatedly expressed their intent to eliminate Palestinians, who they liken to “human animals”,¹²⁵ who represent the “children of darkness”¹²⁶ and “barbarism”.¹²⁷ Mindful of this context, evacuating all but 11 percent of the Palestinian population can only be interpreted as a clear and direct attempt to eliminate Palestinian life from Gaza.

121 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War 1949, Art. 49.

122 IDF, “Our Mission & Our Values” <<https://www.idf.il/en/mini-sites/our-mission-our-values/>>.

123 IDF, “Training and Preparation” <<https://www.idf.il/en/mini-sites/training-and-preparation/>>.

124 UN OCHA, “Humanitarian Situation Update #209 | Gaza Strip” (26 August 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-209-gaza-strip>>.

125 Statement by Yoav Gallant (9 October 2023) <<https://www.youtube.com/watch?v=1nxvS9VY-t0>>.

126 Israel Ministry of Foreign Affairs, Press Release: Excerpt from PM Netanyahu’s remarks at the opening of the Winter Assembly of the 25th Knesset’s Second Session (16 October 2023) <<https://www.gov.il/en/departments/news/excerpt-from-pmnetanyahu-s-remarks-at-the-opening-of-the-knesset-s-winter-assembly-16-oct-2023>>.

127 Israel Ministry of Foreign Affairs, Christmas message from PM Netanyahu (24 December 2023) <<https://www.gov.il/en/departments/news/christmas-message-from-pm-netanyahu-24-dec-2023>>.



For argument's sake, if we ignore the countless expressions of genocidal intent and innumerable mass atrocities Israel has committed to uphold the argument that the IOF's evacuation orders have a potential legal justification, their issuance is still unlawful. Evacuations are only permitted in exceptional circumstances under strict and precise conditions,¹²⁸ and must abide by the principle of proportionality. No imperative military reason or advantage would suffice to outweigh the dangers posed by the mass displacement of over 1.9 million people to areas that lack absolutely everything needed to sustain life.¹²⁹ Each time Palestinians in Gaza are forcibly displaced to another "safe zone", their security and wellbeing is subject to even greater threat.

128 Medecins Sans Frontieres, "The Practical Guide to Humanitarian Law - Population displacement" <<https://guide-humanitarian-law.org/content/article/3/population-displacement/>>.

129 UN OCHA, "Reported impact snapshot | Gaza Strip" (12 November 2024) <<https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-12-november-2024>>.

3.2 The form and content of the evacuation orders exposes the IOF's intent to destroy Palestinian life

Due to Israel's total and effective control over the Gaza Strip, the Palestinian population residing therein are classified as 'protected persons' under IHL.¹³⁰ As the Occupying Power, Israel is responsible for the treatment accorded to them and their protection against acts of violence or threats thereof which must be upheld without any adverse distinction based on race, religion, or political opinion.¹³¹ Notwithstanding the enhanced protection accorded to Palestinian civilians, the IOF's evacuation orders show a clear disregard for protecting the lives of Gaza's inhabitants. Just as the designated "safe zones" fail to satisfy the requirements of IHL, both in terms of their establishment and their administration, the evacuation orders breach IHL due to their form and content.

State practice has established the need to give advanced warning as a long-standing rule in customary IHL, applicable in both international and non-international armed conflicts. It was first codified in the Hague Regulations of 1907 and is restated in Article 57(2)(c) of Additional Protocol I,¹³² to which no relevant reservations have been made.¹³³ Pursuant to the principle of distinction, interpretation of the rule indicates that warnings must only be given of attacks which may affect the civilian population.¹³⁴ While there is no precise formulation on what amounts to "effective" warning, different criteria have been developed. These include: the timing of the warning; its content, in particular, the clarity and specificity of the message; the method by which it is issued; whether it reaches the intended recipients; and the possibility for civilians to escape the danger and evacuate safely.¹³⁵ Lastly, the effectiveness of the warning ought to be assessed from the perspective of the

130 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War 1949, Arts. 4, 27; ICJ, *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion (19 July 2024), para. 102.

131 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War 1949, Arts. 27, 29.

132 Article 19, Article 16, and Article 33 of the Lieber Code of 1863, the Brussels Declaration of 1874 and the Oxford Manual of 1880, respectively, recognised this rule. See ICRC, 'Rule 20 - Advance Warning' <<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule20#title-1>>.

133 'Rule 20 - Advance Warning' (ICRC) <<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule20#title-1>>.

134 *Ibid.*

135 Sara Benabbass and Marten Zwanenburg, "The Interaction Between the Obligation to Warn and Other Rules of IHL" (2023) 1 (31) *Journal of International Humanitarian Legal Studies*, 8.



civilian population which may be affected by the attack.¹³⁶

Since the commencement of its genocidal war on Gaza, Israel has routinely imposed widespread blackouts and conditions leading to poor access and connectivity to communications services. Internet and telecommunications blackouts have occurred on 27, 28, 29, 30 October 2023; 1, 5, 6, 12, 16, 17, 25 November; 4, 5, 14, 15, 16, 17, 20, 21, 26, 27 December; 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24 January 2024;¹³⁷ 5,¹³⁸ 12 March;¹³⁹ 25 April;¹⁴⁰ 12,¹⁴¹ 25 May;¹⁴² and 8 September.¹⁴³ However, the true extent of telecommunications disruptions is likely far higher since the circumstances in Gaza make monitoring and reporting of connectivity issues immensely challenging. Uncoincidentally, these have coincided with particularly heavy bombardment and have only enhanced fear among the civilian population who cannot contact their loved ones during or in the aftermath of the onslaught. Any evacuation order issued online or containing a QR code published during these dates are outright ineffective and incapable of warning the civilian population, as the orders are not accessible to the intended recipients.¹⁴⁴ Services are currently functioning significantly below pre- 7 October

136 *Ibid*; ICRC “International Humanitarian Law and the challenges of contemporary armed conflicts” (31 October 2011) 8; Pnina S Baruch and Noam Neuman, “Warning Civilians Prior to Attack under International Law: Theory and Practice” (2011) 87 *International Law Studies* 359, 377.

137 Forensic Architecture, “Humanitarian Violence: Israel’s Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip” (7 March 2024) <https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf> 27.

138 NetBlocks (@netblocks) on X (5 March 2024) <<https://twitter.com/netblocks/status/1765124695236722895>>.

139 NetBlocks (@netblocks) on X (12 March 2024) <<https://twitter.com/netblocks/status/1767600014568603908>>.

140 NetBlocks (@netblocks) on X (25 April 2024) <<https://twitter.com/netblocks/status/1783458412660949327>>.

141 NetBlocks (@netblocks) on X (12 May 2024) <<https://twitter.com/netblocks/status/1789694491235877135>>.

142 NetBlocks (@netblocks) on X (25 May 2024) <<https://twitter.com/netblocks/status/1794411072503591087>>.

143 NetBlocks (@netblocks) on X (8 September 2024) <<https://x.com/netblocks/status/1832839481059090655>>.

144 For example, on 28 October 2023 the @IDF Twitter account published a video message in English delivered by Rear Admiral Daniel Hagari, the head of the IDF Spokesperson’s Unit: “Attention citizens of Gaza. Listen carefully. This is an urgent military advisory from the [IDF]. For your immediate safety, we urge all the residents of northern Gaza and Gaza City to temporarily relocate south”; Between the 4 and 9 of November 2023 the @Israel Defense Forces @IDF, X (4:48 pm, November 4, 2023), <<https://x.com/IDF/status/1720845609958043910>>; Israel Defense Forces @IDF, X (12:39 pm, November 6, 2023), <<https://x.com/IDF/status/1721507526162678159>>;

فيخاي ادري @AvichayAdraee, X (8:47 am, November 7, 2023), <<https://x.com/AvichayAdraee/status/1721811637932261412?s=20>>; Israel Defense Forces @IDF, X (9:13 am, November 7, 2023), <<https://x.com/IDF/status/1721818032069128599>>; Israel Defense Forces @IDF, X (8:53 am, November 8, 2023) <<https://x.com/IDF/status/1722175608082313591>>; COGAT @cogatonline, X (12:33 pm, November 8, 2023) <<https://x.com/cogatonline/status/1722230867878375640>>; Israel Defense Forces @IDF, X (8:16 am, November 9, 2023), <<https://x.com/IDF/status/1722528700728557638>>; Israel Defense Forces @IDF, X (12:22 pm, November 9, 2023), <<https://x.com/IDF/status/1722590390761517208>>

levels, and outages will likely continue in an unpredictable manner. This represents a major challenge and continues to hinder the effectiveness of the IOF's online and digital communication efforts, which they are aware of. During electricity shortages and communications blackouts, those who have technological devices capable of accessing the notices are likely out of battery, have no signal to receive messages and calls, or are simply unable to load the sites in light of the low-functioning services and population density. Consequently, choosing to issue evacuation orders via social media or phone calls and messages showcases the ulterior motive of the IOF — to claim they are fulfilling their obligations under IHL, while in the same moment continuing to target a trapped population unaware of where to flee to next.

Of equal concern is the online, or sometimes printed, maps of Gaza which supposedly outline areas that must be evacuated and where to relocate to. As explained in Section 6.1.3 of Forensic Architecture's report, the evacuation grid presented by the IOF as an 'interactive humanitarian tool' failed to consistently update to reflect new evacuation orders.¹⁴⁵ This was discovered when using a stable, United Kingdom internet connection — unlike the interrupted and low level of internet connectivity experienced by Palestinians in Gaza. Hence, those who somehow manage to access the evacuation grid are viewing a source that is outdated and no longer indicative of current evacuation orders. Therefore, they could be displaced to an area that is no longer considered as "safe" by the IOF.¹⁴⁶ Not only does the online grid fail to reflect recent developments, it now exists alongside various other evacuation maps that differ substantially and provide often contradictory information. Some adopt a neighbourhood-based logic, some are heavily magnified to the extent that it is unclear which area of Gaza is being depicted. This lack of clarity is exacerbated by different orientations of the map which create further confusion, in addition to numerous incidents of mistaken place-names which make it almost impossible to decipher which area is designated for evacuation.¹⁴⁷

145 Forensic Architecture, "Humanitarian Violence: Israel's Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip" (7 March 2024) <https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf> 29-37.

146 *Ibid.*

147 *Ibid.*

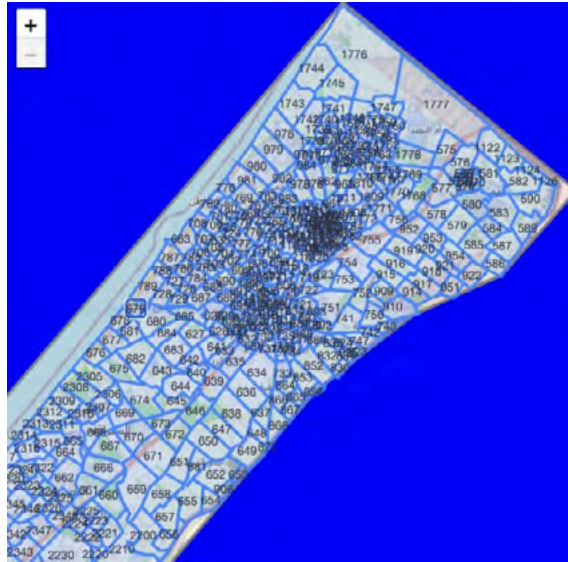


Figure 11: The evacuation grid, labelled as an “interactive map” showing instructions to evacuate, published by the IOF on 1 December 2023.¹⁴⁸

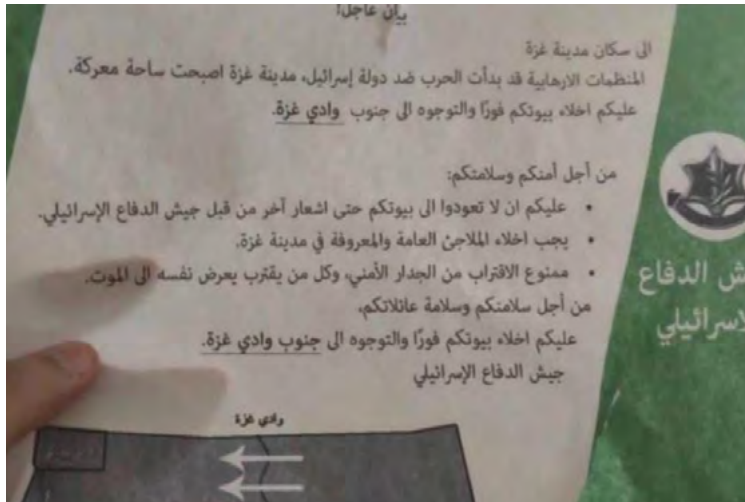


Figure 12: A leaflet dropped by the IOF shows an order to move south past an unnamed boundary to an unnamed location.¹⁴⁹

148 Forensic Architecture, ‘Humanitarian Violence: Israel’s Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip, 7 March 2024: <https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf>.

149 Forensic Architecture, “Humanitarian Violence: Israel’s Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip” (7 March 2024) <https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf>.

Determining an appropriate course of action in a situation of either no access to instructions or access to multiple sources each of which contains different instructions, in a context of extreme stress and consistent danger is naturally unbelievably challenging.¹⁵⁰ The UN Human Rights Office has repeatedly raised concerns that the IOFs evacuation orders are confusing, often instructing people to relocate to areas where IOF military operations are ongoing.¹⁵¹ Thus, whether they be leaflets dropped over the territory or information disseminated online, the clarity and specificity of the message therein is neither understandable, logical, coherent nor reliable. The complex and erroneous content continuously issued by the IOF can only be viewed as measures meant to satisfy the demands of the international community while simultaneously crowding Palestinians together so that their relentless attacks against the civilian population cause even greater numbers of casualties.

The remaining criteria for “effective” warnings put forward in academia, namely the possibility for civilians to escape the danger and evacuate safely and the timeliness of the order, also fails to be fulfilled in the present circumstances. Upon the IOF’s warning on 13 October for all residents in northern Gaza Strip to flee south of Wadi Gaza within a 24-hour window,¹⁵² the ICRC warned that this order — which impacted approximately 36 percent of the territory — was not compatible with international law.¹⁵³ At this point, hospitals were already severely overcrowded and struggling to cope with the influx of patients with severe injuries that required extensive, prolonged care.¹⁵⁴ This led the World Health Organization to warn that it “could be tantamount to a death sentence”

150 See Section 4.2.1 on “Mental Harm” and Section 4.2.2 on “Evacuation Orders as Psychological Warfare” *infra*.

151 UN Palestine, “OHCHR: Palestinians have nowhere left to shelter” (10 July 2024) <<https://palestine.un.org/en/273674-ohchr-palestinians-have-nowhere-left-shelter>>.

152 Israeli Defence Forces (@IDF) on X (13 October 2023) <<https://twitter.com/IDF/status/1712707301369434398>>; UN OHCHR, “Israel must rescind evacuation order for northern Gaza and comply with international law: UN expert” (13 October 2023) <<https://www.ohchr.org/en/press-releases/2023/10/israel-must-rescind-evacuation-order-northern-gaza-and-comply-international>>; Al-Haq, Al Mezan, and PCHR “URGENT: Israel’s Evacuation Order to 1.1 Million Palestinians in Gaza is Direct Forcible Transfer, Urgent Intervention is Needed” (13 October 2023) <<https://www.alhaq.org/advocacy/21896.html>>.

153 ICRC, “Israel and the occupied territories: Evacuation order of Gaza triggers catastrophic humanitarian consequences” (13 October 2023) <<https://www.icrc.org/en/document/israel-and-occupied-territories-evacuation-order-of-gaza-triggers-catastrophic-humanitarian-consequences>>.

154 WHO, “WHO pleads for immediate reversal of Gaza evacuation in order to protect health and reduce suffering” (13 October 2023) <<https://www.who.int/news/item/13-10-2023-who-pleads-for-immediate-reversal-of-gaza-evacuation-order-to-protect-health-and-reduce-suffering>>.



for patients.¹⁵⁵ Despite these strong words of condemnation, Israel proceeded to issue the same evacuation order in the days following.

Evacuation orders that are, in reality, impossible to abide by, continue to be issued by Israel. In July 2024, the IOF issued numerous evacuation orders instructing already-displaced Palestinians to leave Khan Younis.¹⁵⁶ In at least one instance, a barrage of attacks came less than an hour after an evacuation order.¹⁵⁷ One resident described the mass displacement of Palestinians from the city as being “like doomsday”, saying “[p]eople are fleeing under fire, many are dead and wounded on the roads”.¹⁵⁸ Around 400,000 people were living in the targeted areas, and testimonies from those displaced showed they were not given time to get out of harm’s way before the Israeli strikes began.¹⁵⁹ This example is sadly not an exception, but the norm. In recounting her experiences after her second deployment to Gaza, Yasmina Guerda, stated:

You have 10 to 15 minutes to leave your building because it’s going to be bombed. Your kids are sleeping in the room next door . . . You have to make split-second decisions to decide what to pack, what’s essential. How do you define what’s essential? Birth certificates, IDs, baby formula . . . it’s a story I heard time and again by people who fled Gaza City, Jabalia, Khan Younis, Deir Al-Balah and now of course Rafah.¹⁶⁰

155 *Ibid.*

156 *For example, see:*

Israel Defense Forces @IDF, X (6:14 am, July 27, 2024), <<https://x.com/IDF/status/1817066004310069587>>; Israel Defense Forces @IDF, X (7:36 am, July 22, 2024), <<https://x.com/IDF/status/1815274704648679820>>; فيخاي ادريعي @AvichayAdraee, X (4:03 pm, July 1, 2024), <<https://x.com/AvichayAdraee/status/1807792175859536181>>.

157 “Israel follows up evacuation order with air strikes on Gaza ‘safe zone’” *Al Jazeera* (22 July 2024) <<https://www.aljazeera.com/news/2024/7/22/israel-follows-up-evacuation-order-with-air-strikes-on-gaza-safe-zone>>; UN OCHA, “Humanitarian Situation Update #196 | Gaza Strip” (26 July 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-196-gaza-strip>>.

158 “Israel sends tanks back into Khan Younis area, 70 killed after new evacuation order” *Reuters* (22 July 2024) <<https://www.reuters.com/world/middle-east/israel-orders-evacuation-part-gazas-khan-younis-after-renewed-rocket-fire-2024-07-22/>>.

159 *Ibid.*

160 UN Palestine, “New famine alert for Gaza where families go days without food” (27 June 2024) <<https://palestine.un.org/en/272568-new-famine-alert-gaza-where-families-go-days-without-food>>.



Figure 13: Al Maghazi refugee camp, central Gaza Strip (5 November 2023).
Photographer: Mohammed Zaanoun.

Between 19 and 24 August 2024, five new evacuation orders were issued by the Israeli military — the largest number in a single week since 7 October.¹⁶¹ By posting the evacuation orders online and allegedly giving advance warning, the Israeli military purports to have fulfilled its obligations under IHL. However, reports from the ground paint a very different picture. Joyce Msuya, Acting Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, informed the UN Security Council — “The evacuation orders appear to defy the requirements of international humanitarian law”.¹⁶² Instead of informing Palestinians in the affected area of the evacuation order in an accessible and easily comprehensible format, leaving sufficient time for displaced persons to gather their family together and pack what little remains of their lives, the IOF post the order via social media (which many cannot access) after it reportedly had already begun its military

161 UN OCHA, “Humanitarian Situation Update #209 | Gaza Strip” (26 August 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-209-gaza-strip>>.

162 UN OCHA, “Gaza: Acting UN relief chief warns Security Council of ‘unconscionable human suffering’” (29 August 2024) <<https://www.unocha.org/news/gaza-acting-un-relief-chief-warns-security-council-unconscionable-human-suffering>>.



operation in the area.¹⁶³ Displaced civilians are not even aware they are no longer in a “safe zone” before having to dodge Israeli tanks and soldiers and flee under heavy fire. This is not an oversight by the Israeli military, since the evacuation orders are not posted for the benefit of Gaza’s inhabitants. Rather, they are a tick box exercise designed only to be seen by the international community, so as to provide support to Israel’s claim that the IOF abides by international law.

It is crucial to note that for persons with disabilities, each evacuation order is tantamount to a death sentence. Due to physical impairment, opportunities to flee and take part in successive evacuations are even more limited. The vast destruction of housing and civil infrastructure, and the resultant rubble, has curtailed any possibility of movement that is essential to escape and seek protection as one cannot navigate through the wasteland without substantial assistance. A 14-year-old girl with cerebral palsy, a refugee in Eastern Rafah, who had lost her assistive devices, including a wheelchair, during military attacks cried out in desperation, “Mama, it’s over. Leave me here, and you run away” as the family was evacuating pursuant to Israel’s unlawful order.¹⁶⁴ She was carried from North to South Gaza. However, many are not as fortunate.¹⁶⁵ The absence of advance warning and information in accessible formats about relocation and the destruction of communication networks has rendered evacuation impossible for people with audio-visual impairments. Mr. Y. M., a visually impaired advocate for the rights of persons with disabilities, was killed at home on 7 December 2023, leaving behind four children aged two, three, eight and ten. He did not receive evacuation information in a timely or accessible format, nor did he or his relatives benefit from any specific accessible passages, accommodation and shelters where he could have found protection and escaped the heavy airstrikes.¹⁶⁶

163 See Bisan Owda (@wizard_bisan1) on Instagram (23 August 2024) <<https://www.instagram.com/p/C--gnLIM6gS/>>; UN News, Global Perspective Human Stories, “In Gaza, evacuation orders threaten to uproot UN’s aid hub once again” (27 August 2024) <<https://news.un.org/en/story/2024/08/1153611>>;

164 UN OHCHR, “Gaza: Palestinians with disabilities fear being killed first, says UN committee” (27 May 2024) <<https://www.ohchr.org/en/press-releases/2024/05/gaza-palestinians-disabilities-fear-being-killed-first-says-un-committee>>; UNFPA, “The devastating impact of mass evacuation orders in Gaza on women and girls” <<https://palestine.unfpa.org/en/news/devastating-impact-mass-evacuation-orders-gaza-women-and-girls>>.

165 There are over 17,000 unaccompanied or separated children in Gaza. See UN OCHA, “Reported impact snapshot | Gaza Strip” (28 August 2024) <<https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-28-august-2024>>.

166 UN OHCHR, “Palestinians with disabilities subject to unbearable consequences of the ongoing hostilities and violence in the OPT” (27 May 2024) <<https://www.ohchr.org/en/statements/2024/05/palestinians-disabilities-subject-unbearable-consequences-ongoing-hostilities>>.



Figure 14: Salah al-Din Road (9 November 2023). Photographer: Mohammed Zaanoun.

Having examined each of the relevant criteria to determine whether “advance warning” has been given, one can definitively conclude that how orders are issued, the content of the order itself, and the time it allows for the evacuation are each inconsistent with an intent to protect Palestinians in Gaza. Instead, they create further fear, panic and distress as people attempt to understand or obtain information on where to evacuate next, all the while knowing they will be targeted wherever they move to.



3.3 Evacuation orders as psychological warfare

Conduct constituting unlawful attacks on civilians may also constitute the war crime of terror, where the intent to spread fear among civilians exists. As is clear from the present analysis, the Evacuation Orders, however communicated, are a demand on Palestinians to move or to be killed or subject to severe violence, manifested in innumerable ways. Utilised on a relentless basis, within an area subjected to widespread and systematic violence and criminality on the part of Israeli forces, the Evacuation Order serves as a notification for terror and a declaration of criminality, and has both the intent and effect of spreading severe fear and terror throughout the civilian population. The evidence demonstrates that those Palestinian civilians with the capacity to even seek to comply with the directives of any given Evacuation Order are subjected to ongoing and serious psychological harm even as they remain liable to be subjected to unlawful attacks and acts of criminal violence of the Israeli military.

The issuance of evacuation orders, for the purpose of the forcible transfer of Gaza's civilian population and the destruction of their physical and social communities, has been a core element of Israel's genocidal campaign. For Gaza's civilian population, which has no avenue of escape from the Israeli military, and for whom there is no safe place, Evacuation Orders, accompanied by military onslaught from sea, air, and ground, have been the source of continuous torment and terror. The terror inherent in the notification of an Evacuation Order is not merely a consequence of Israeli military activity but an essential and inherent element of unlawful conduct. The record demonstrates that the threat and use of unlawful violence against Palestinian civilians, as a means of forcing their transfer for replacement by Israelis was a central aspect of the Nakba during initial large-scale dispossession and expulsion of the Palestinian people from Mandate Palestine during 1947-9.

The Zionists' large-scale expulsion of Palestinians from Mandate Palestine was carried out under the so-called Plan D (*Dalet* in Hebrew), which was decided upon on 10 March 1948. The plan provided clear operational orders and called for the systematic and total expulsion of the Palestinian people from the areas allocated to the Jewish state in the United Nations partition plan.¹⁶⁷ Zionist militias carried out massacres as "warnings" to nearby towns of what to expect

167 John Reynolds, "Anti-Colonial Legalities: Paradigms, Tactics & Strategy" (2015) 18 *Palestine Yearbook of International Law* 8, 15.

in the case of resistance to the expulsion campaign to follow.¹⁶⁸ The violence that was employed in the case of Plan Dalet was largely aimed at civilians,¹⁶⁹ and over a span of six months, Zionist militias destroyed 531 Palestinian villages and 11 urban neighbourhoods and expelled approximately 800,000 of the indigenous population, rendering 80 percent of the Palestinian people refugees or internally displaced within their own country.¹⁷⁰ Zionist militias and the Israeli military carried out over 70 massacres, killing more than 15,000 Palestinians, between 1947 and 1949.¹⁷¹

To facilitate mass expulsion, Zionist militias employed several tactics to spread fear among Palestinians and terrorise them into mass exodus, including the probable deliberate inflation of the number of victims of Zionist massacres, the use of loudspeakers in villages about to be targeted to warn the people of the terrible consequences to befall them should they fail to leave voluntarily, or to broadcast terrifying noises to frighten the population,¹⁷² and the use of Jewish radio stations to carry out an incessant and strident psychological warfare against the Palestinian civilian population.¹⁷³ Ilan Pappé notes how:

Menachem Begin, the leader of the Irgun [one of the Zionist militias], described the effect the spreading of such rumours had on the Palestinians in The Revolt, 'Arabs throughout the country, induced to believe wild tales of "Irgun butchery" were seized with limitless panic and started to flee for their lives. This mass flight soon developed into a maddened, uncontrolled stampede. Of the almost 800,000 who lived on the present territory of the State of Israel, only some 165,000 are still there. The political and economic significance of this development can hardly be overestimated.¹⁷⁴

168 BADIL, *Massacres and the Nakba* (2000), <<https://www.badil.org/publications/al-majdal/issues/items/489.html>>

169 Haifa Rashed and Damien Short, "Genocide and settler colonialism: can a Lemkin-inspired genocide perspective aid our understanding of the Palestinian situation?" (2012) 16(8) *The International Journal of Human Rights* 1142-1169, 1153.

170 Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oneworld, 2007), xiii.

171 Palestinian Central Bureau of Statistics, "Dr. Ola Awad, reviews the conditions of the Palestinian people via statistical figures and findings, on the 72nd Annual Commemoration of the Palestinian Nakba" (13 May 2020), <<https://www.pcbs.gov.ps/site/512/default.aspx?lang=en&ItemID=3734>>; Rania Muhareb, "The Nakba 70 Years On: Israel's Failure to Erase Palestinian Collective Memory" *Al-Haq* (15 May 2018) <<https://www.alhaq.org/advocacy/6215.html>>.

172 Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oneworld, 2007) 90-92, fn. 8, Chapter 5.

173 Walid Khalidi, "Plan Dalet: Master Plan for the Conquest of Palestine" (Autumn 1988), 18 *Journal of Palestine Studies* 6.

174 Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oneworld, 2007), fn. 8 of Chapter 5.



Similar patterns and policies are inherent in the ongoing genocidal assault on the Palestinians of Gaza, as they are forcibly transferred, first from their homes, and subsequently, and repeatedly, from any place or space in which they might seek refuge. In the first weeks of the current assault, Avi Dichter, Israeli Minister of Agriculture and Rural Development, when asked about whether the displacement of Palestinians from the north to the south of the strip is one of the “psychological goals of the operation? Is this a strategic event? Is it temporary?”, he responded that this is the Nakba of Gaza of 2023. Israeli Heritage Minister, Amichai Eliyahu, having considered the use of nuclear weapons against the Palestinians of Gaza, suggested as an alternative option: “The second way is to work out what’s important to them, what scares them, what deters them.”¹⁷⁵

Such insights into the philosophy of those overseeing Israel’s genocidal assault on Gaza evidences the inherent role which spreading terror within and across the Palestinian civilian population, already collectively categorised as mere human shields,¹⁷⁶ has served on the part of Israel’s military. The Evacuation Orders have been a consistent tool for spreading terror in the genocidal assault on Gaza, with media reports quoting the Israeli occupation forces as stating that since October 2023:

[O]ver two million evacuation notifications have been distributed, more than 12 million flyers have been dropped, over 100,000 phone calls made and over 800,000 voice messages sent for evacuations.¹⁷⁷

175 “PM warns ministers to pipe down after comments on new ‘Nakba’ and nuking Gaza” Times of Israel (12 November 2023) <<https://www.timesofisrael.com/pm-warns-ministers-to-pipe-down-after-comments-on-new-nakba-and-nuking-gaza/>>.

176 UN HRC, *Anatomy of a genocide Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, Francesca Albanese, A/HRC/55/73 (1 July 2024), p. 15, para. 55, <[https://documents.un.org/doc/undoc/gen/g24/046/11/pdf/g2404611.pdf](https://documents.un.org/doc/undoc/gen/g24/046/11/pdf/g2404611.pdf?)>.

177 Olive Enokido-Lineham and Ben van der Merwe, “Teenager describes forced separation from family as Israel evacuates 90% of North Gaza” SkyNews (5 November 2024) <<https://news.sky.com/story/teenager-describes-forced-separation-from-family-as-israel-evacuates-90-of-north-gaza-13246122>>.

3.3.1 Practice

Israeli evacuation orders have manifested in the form of air-dropped leaflets, social media posts, phone calls, text messages, and drones with loud speakers. They demand that civilians leave their homes or shelters, and move along specified routes and roads prescribed by the IOF for Palestinians for 'safe relocation'.¹⁷⁸ To encourage Palestinians to move southward from northern Gaza to southern parts of Gaza, the IOF has at times, yet not always, indicated a timeframe of few hours (3-4 hours), during which the IOF purports that they will not carry out any operations along the specified 'safety route'.¹⁷⁹

Israel's evacuation orders have resulted in the transfer and displacement of nearly two million Palestinians to the southern parts of Gaza. Palestinians have been shot at, killed, wounded, arrested, tortured, treated in a degrading manner, and forcibly disappeared by Israeli military forces as they were leaving their homes and shelters and relocating to southern areas of the Strip along roads, corridors and zones unilaterally declared 'safe'.¹⁸⁰

By way of example, on 13 October 2023, Israel air-dropped leaflets ordering the evacuation of over one million Palestinians in northern Gaza to the southern districts of the Strip,¹⁸¹ while continuing to relentlessly carpet-bomb the entire Gaza Strip by air, land and sea, including the southern districts, where most Palestinians have sought shelter.¹⁸² On the same day, and as Palestinians were forcibly moving to the south through Salah Al-Din street — the same 'safe routes' indicated for evacuation by Israel — the Israeli military attacked civilians with

178 See Forensic Architecture, *Humanitarian Violence: Israel's Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip* (7 March 2024) <https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf>; Forensic Architecture, *Humanitarian Violence* (Interactive Platform) <<https://humanitarian-violence.forensic-architecture.org/displacement>>

179 See for example Israel Defense Forces on X (15 October 2023) <<https://twitter.com/IDF/status/1713453410534543518>>; Avichay Adraee on X (9 December 2023, in Arabic) <<https://twitter.com/AvichayAdraee/status/1733406029721845852>>.

180 Forensic Architecture, *Humanitarian Violence: Israel's Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip* (7 March 2024) <https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf> p. 7.

181 Israel Defense Forces on X (13 October 2023) <<https://twitter.com/IDF/status/1712825819691716748>>.

182 Al-Haq, Al Mezan, PCHR, "No Safe Place: Despite 'Evacuation Order', Israel Continues to Carpet-Bomb Gaza From North To South" (18 October 2023) <<https://www.alhaq.org/advocacy/21927.html>>.

airstrikes, killing 70 Palestinians and injuring 150 others.¹⁸³

While initially, it may have been that Evacuation Orders constituted a prohibited form of perfidy, on a massive and unprecedented form and scale, Evacuation Orders were quickly recognised as mere harbingers of unlawful attack:

The time limit on the evacuation, the geographic scope of the order, and the circumstances surrounding the application of such an order do not render the order either feasible or effective. Ordering 1.1 million civilians to evacuate the entire northern parts of the Gaza Strip in 24 hours, and to move under continuous Israeli strikes, through the rubble and destroyed road networks and infrastructure, and sometimes without any means of transportation, is unfeasible, unrealistic, and warns of an unprecedented catastrophe.¹⁸⁴

The killing or wounding of Palestinians by way of inviting their confidence, through Evacuation Order, that they shall not be made object of attack as they evacuate their homes, and then betraying this confidence by attacking them, leading to their killing or wounding, could amount to perfidy, a prohibited act under international humanitarian law, and a war crime under the Rome Statute.¹⁸⁵

On Saturday, 21 October 2023, Israeli warplanes dropped threatening leaflets in Gaza's northernmost districts. The leaflets said: "An urgent warning to the residents of the Gaza Strip. Your presence in the north of Wadi Gaza puts your lives at risk. Those who choose not to evacuate from the North of the Strip to south of Wadi Gaza, could potentially be identified as accomplices in a terrorist organization."¹⁸⁶ Additionally, several Israeli military leaflets included the phrase in Arabic "وقد أعذر من أنذر",¹⁸⁷ which translates to "you have been warned" — threatening of a future negative treatment or event inflicted upon those who do not comply, and intending exemption from responsibility per this "warning".

183 Al-Haq, Al Mezan, PCHR, "URGENT: Israel's Evacuation Order to 1.1 million Palestinians in Gaza is Direct Forcible Transfer, Urgent Intervention is Needed" (13 October 2023) <<https://www.alhaq.org/advocacy/21896.html>>.

184 Ibid.

185 ICRC, International Humanitarian Law Databases, Art. 37 <<https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-37>>; Statute of the International Criminal Court, Art. 8(2)(b).

186 Al-Haq, Al Mezan, PCHR, "Initial reporting on the ongoing Israeli retaliatory attacks on Gaza (Reporting Period, 7-28 October 2023)" (12 November 2023) <<https://www.alhaq.org/advocacy/22044.html>>.

187 Al Mezan on X (3 January 2024) <<https://twitter.com/AlMezanCenter/status/1742489583244149100>>.

Acts of violence repeatedly committed by the Israeli military, coupled with Israeli officials' statements, indicate the form of 'negative treatment' that could be inflicted upon those who do not evacuate. This includes widespread and systematic violence, mass killings, indiscriminate and disproportionate targeting of civilians and civilian objects, detention, torture and ill-treatment of civilians. These evacuation orders aim to set Palestinians in a state of fear and terror to induce their displacement.

Evacuation Orders have continued to be employed by the Israeli military to forcibly displace Palestinian civilians across the Gaza Strip in line with its unlawful objectives. In August 2024 UNRWA reported on the situation of Yahya Halas, a displaced person from the Shujaiya neighbourhood east of Gaza City:

"This displacement from Deir Al-Balah is our fourteenth . . . We were displaced from Shujaiya to the city of al-Zahraa to Rafah then to Khan Younis twice and to Deir Al-Balah three times. How long will this continue?" He said being displaced is "not just about carrying a bag". "Displacement is like the soul leaving the body," Mr. Halas said. "We have children and women. We have belongings and food. Where will we go when all the displaced people go west?"¹⁸⁸

Also in August 2024, BBC News reported that Médecins Sans Frontières (MSF) had warned that the latest evacuation order in Deir al-Balah also affected areas close to al-Aqsa hospital, the town's main medical facility:

Dr Anas Ibrahim, an emergency physician at the hospital, told BBC Arabic's Gaza Today programme on Monday that the situation there was "indescribable". "As the evacuation news spread, patients with fractures and wounds all began to evacuate the hospital for fear of being exposed to an offensive," he said. "Feelings of terror, fear and panic have overwhelmed all people at the hospital. Everyone is afraid now . . . everyone is waiting to see what will happen."¹⁸⁹

188 Daniel Johnson and Ziad Taleb, "Gaza: Latest evacuation orders leave civilians dangerously close to frontline" *UN News* (21 August 2024) <<https://news.un.org/en/story/2024/08/1153406>>.

189 David Gritten, "UN says Gaza aid operation paused due to evacuation orders" *BBCNews* (26 August 2024) <<https://www.bbc.com/news/articles/cr40d32zqz4o>>



During October 2024, with the implementation of the Generals Plan, aimed at total ethnic cleansing of the north of Gaza, further Evacuation Orders were issued:

“It is getting tougher every day. The fear and the conditions are unspeakable,” said Badr Alzaharna, 25, from Gaza City.¹⁹⁰

“We have been hit from the air and the ground, non-stop for a week, they want us to leave, they want to punish us for refusing to leave our homes,” said Marwa, 26, who left with her family to a school in Gaza City.¹⁹¹

Media reports indicate the continuing failure of Evacuation Orders to provide accurate information for civilians, further contributing to foreseeable and inevitable sense of extreme fear and terror:

Since the start of October [2024], our analysis found the IDF's Arabic spokesperson has posted three evacuation maps for northern Gaza — on 7, 8 and 12 October. Two of the maps, posted on 7 and 8 October, show the same area, covering the majority of North Gaza governorate. The third map, posted on 12 October, covers the neighbourhood of Jabalia. Sky News compared these maps with UN maps of Gaza's official administrative boundaries. It is possible that the IDF has issued more evacuation orders in the period we analysed using maps and other methods which were not posted online. Our analysis is based on the information they have posted on their social media accounts. Of the three maps we found, only one of them details the time period in which civilians were safe to travel on the given route. The other two do not provide a length of the evacuation order or an expiry date.¹⁹²

190 Bethan McKernan, “‘The fear is unspeakable’: airstrikes on northern Gaza leave hundreds of thousands with nowhere to go” *The Guardian* (12 Oct 2024) <<https://www.theguardian.com/world/2024/oct/12/northern-gaza-airstrikes-fighting-jabalia-evacuation>>.

191 Nidal Al-Mughrabi, “Israel steps up pressure in north Gaza amid fears of siege and displacement” *Reuters* (14 October 2024) <<https://www.reuters.com/world/middle-east/israel-steps-up-military-pressure-north-gaza-amid-fears-siege-displacement-2024-10-14/>>.

192 Olive Enokido-Lineham and Ben van der Merwe, “Teenager describes forced separation from family as Israel evacuates 90% of North Gaza” *SkyNews* (5 November 2024) <<https://news.sky.com/story/teenager-describes-forced-separation-from-family-as-israel-evacuates-90-of-north-gaza-13246122>>.

3.3.2 War Crime of Spreading Terror

The primary purpose of the Evacuation Orders is to spread terror among the civilian population, so as to facilitate their forcible displacement within the context of Israel's genocidal campaign. It is evident that Israel has been utilising terror against Palestinians through evacuation orders, compounded by additional unlawful attacks and acts of criminal violence, whereby the threat of imminent and inevitable violence, detention, family dispersal, and enforced disappearances, forces permanent transfer. Another aim is to fuel a level of psychological oppression that Palestinians are forced to decide between remaining and being killed, or attempting to move only to be killed in transit, and for the entire process to be subsequently repeated should they survive this episode.

Article 33 of the Fourth Geneva Convention provides that "all measures of intimidation or of terrorism are prohibited", while Article 51(2) of Additional Protocol I prohibits "acts or threats of violence the primary purpose of which is to spread terror among the civilian population". Rule 2 of the ICRC's Customary International Humanitarian Law Study confirms that "acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited".¹⁹³

The essence of the Evacuation Order is that civilians, in the context of a genocidal assault, are, with minimal if any notice, and in the knowledge that passage will be unsafe and liable to unlawful Israeli attack, ordered by the Occupying Power to leave their home/shelter or to remain and be declared a military target liable to unlawful military attack. That such conduct constitutes the war crime of acts or threats of violence the primary purpose of which is to spread terror among the civilian population is clear. In the *Prosecutor v Galic* judgment at the ICTY, the Tribunal held that customary international law imposed individual criminal liability for violations of the provision at Article 51(2).¹⁹⁴ The ICTY confirmed that the war crime constitutes acts or threats of violence directed at civilians not participating in hostilities,¹⁹⁵ and falls within the general prohibition of attacks against civilians.¹⁹⁶ Indeed, the same set of circumstances can also infer that perpetrators wilfully made civilians the object of acts or threats of violence, and, at the same time, that such acts or threats of violence were committed

193 *Prosecutor v Galic*, No. IT-98-29-A, Judgement (30 November 2006) para. 90.

194 *Prosecutor v Galic*, No. IT-98-29-A, Judgement (30 November 2006) para. 98.

195 *Prosecutor v Milosevic*, IT-98-29/1-A Judgement (2009) para 57.

196 *Prosecutor v Galic*, No. IT-98-29-A, Judgement (30 November 2006) para. 102.



with the primary purpose of spreading terror among the civilian population.¹⁹⁷

Regarding the gravity threshold for 'terror', terror was understood at the ICTY as constituting 'extreme fear'.¹⁹⁸ The Appeals Chamber in *Milosevic* approved the Trial Chamber's finding concerning "evidence of actual terrorisation", which evidence had included that civilians:

[F]elt constantly afraid in Sarajevo as a result of the sniping and shelling. People risked their lives every time they ventured out. It was dangerous to collect food and water . . . they lived under "the constant threat of death";¹⁹⁹ people in Sarajevo knew that they could be shot at any moment and that shells could land anywhere.²⁰⁰

The Appeals Chamber then concluded that in the circumstances of the case, such psychological impact on the population of Sarajevo satisfied the required gravity threshold for the war crime.²⁰¹ In *Galic*, the Appeals Chamber had noted that this crime:

"is not a case in which an explosive device was planted outside of an ongoing military attack but rather a case of "extensive trauma and psychological damage" being caused by "attacks which were designed to keep the inhabitants in a constant state of terror". Such extensive trauma and psychological damage form part of the acts or threats of violence."²⁰²

Acts or threats of violence constitutive of the crime of terror are not limited to direct attacks against civilians or threats thereof, but may include indiscriminate or disproportionate attacks thereof.²⁰³ Acts of sniping and shelling on the civilian population and on individual civilians not taking a direct part in hostilities undoubtedly fall within the scope of "acts of violence" contemplated under the definition of the crime of acts or threats of violence the primary purpose of which is

197 *Prosecutor v Mladic*, No. MICT-13-56-A, Judgement (8 June 2021) para. 313.

198 *Ibid.*, para. 315.

199 *Prosecutor v. Dragomir Milosevic*, (Trial Judgment) IT-98-29/1-T 12 (December 2007) para. 742.

200 *Ibid.*, para 743.

201 *Prosecutor v Milosevic*, No. IT-98-29/1-A, Judgement (12 November 2009) para. 35.

202 *Prosecutor v Galic*, No. IT-98-29-A, Judgement (30 November 2006) para. 102.

203 *Prosecutor v Galic*, No. IT-98-29-A, Judgement (30 November 2006) para 102 + *Prosecutor v. Milosevic*, No. IT-98-29/1-T, Judgment (12 December 2007) para. 877.

to spread terror among the civilian population.²⁰⁴ The nature of the acts of violence or threats thereof “constitutive of the crime of terror can vary”, the Appeals Chamber in *Galic*, for example, observed that during the drafting of Additional Protocol I “many States referred to ‘propaganda’ as a possible method of terror”.²⁰⁵ ICTY jurisprudence required that the victims suffered “grave consequences resulting from the acts or threats of violence; such grave consequences include, but are not limited to death or serious injury to body or health”.²⁰⁶

The war crime of terror is an aggravated, more serious form of unlawful attack on civilians, requiring the additional mental element of the “primary purpose of spreading terror.”²⁰⁷ Such terror must be distinguished from the fear that accompanies acts of legitimate warfare, hence the need for to consider the circumstances of each particular armed conflict in determining whether perpetrators intended to “spread terror among a civilian population.”²⁰⁸ The intent to spread terror can be inferred ‘from the circumstances of the acts or threats, that is from their nature, manner, timing, and duration.’²⁰⁹ Other purposes of the unlawful acts or threats may coexist simultaneously with the purpose of spreading terror among the civilian population, provided that the intent to spread terror among the civilian population was principal among the aims.²¹⁰

204 *Prosecutor v Galic*, No. IT-98-29-A, Judgement (30 November 2006) para. 106.

205 *Prosecutor v Galic*, No. IT-98-29-A, Judgement (30 November 2006) fn 317.

206 *Prosecutor v Milosevic*, IT-98-29/1-A Judgement (2009) para 33.

207 *Prosecutor v. Milosevic*, No. IT-98-29/1-T, Judgment (12 December 2007) para. 882.

208 *Prosecutor v. Milosevic*, No. IT-98-29/1-T, Judgment (12 December 2007) at para. 878

209 *Prosecutor v Galic*, No. IT-98-29-A, Judgement (30 November 2006) at para. 104

210 *Prosecutor v Prlic et al*, No. IT-04-74-A, Judgement (29 November 2017) at para. 424



3.3.3 Prolonged Exposure to Israeli Terror

For the Palestinian civilian population of Gaza, subject to a prolonged and unlawful closure, within the context of a prolonged and unlawful occupation, a core tool in Israel's ongoing genocidal campaign has been the spreading of terror inherent in the application of the Evacuation Orders. As demonstrated, such Orders dictate to civilians that unless they move from their present locations, they will be regarded by the Israeli military as having chosen to be categorised as military targets. This is a false choice, designed so as to provide the perpetrators of genocide with a form of cloak of legitimacy for their criminal conduct.

In observing the context within which *Galic* was convicted of the war crime of spreading terror among the civilian population, the ICTY Appeals Chamber recorded that:

Not only was the civilian population starved and deprived of its opportunity to leave the city for fourteen months, it was also subjected during that period to conditions which would inevitably instil extreme fear and create insecurity by virtue of the incessant sniping and shelling of the city. The inability to escape from this trap of horror for any extended period of time unavoidably weakened the besieged population's will to resist, and worse, it left deep and irremovable mental scars on that population as a whole.²¹¹

Israel's continuous employment of Evacuation Orders, communicated by phone, text, leaflet, or rumour, alongside and in combination with unlawful air, ground, and sea based military assaults on the civilians of Gaza, constitutes both an act and a threat of violence which perpetuates extensive trauma and psychological damage. The threat is inherent in the false choice that to not leave one's location means targeting, while the act lies in the knowledge that unlawful and indiscriminate attacks are impending, whether in the location detailed in the Order or on the routes to exit such location, and invariably everywhere else in Gaza also. As such there is no escape from the trap of horror that Israel has concocted to wreak genocidal havoc on a civilian population.

The primary purpose of the Evacuation Order is to spread terror among civilians in order to facilitate Israel's military assault and to crush the spirit of the Palestinians.

211 *Prosecutor v Galic*, No. IT-98-29-A, Judgement (30 November 2006) para 910.



The grave consequences resulting from the act and threat of violence inherent in Evacuation Orders include severe psychological damage. The continuous and repeated nature, manner, timing, and duration of Evacuation Orders, and their presaging of additional and further unlawful attacks against the civilian population clearly satisfy all elements constitutive of the customary war crime of acts or threats of violence the primary purpose of which is to spread terror among the civilian population.

3.4 Evacuations as a guise for forcible transfer

As the Occupying Power, Israel has the duty to prevent and avoid conditions that lead to forced displacement, and to not forcibly transfer or deport the civilian population from occupied territory. It also must ensure Palestinians' right to stay in and return to their homes in safety and dignity, and not to apply pressure for Palestinians to flee Gaza.²¹² Despite these binding legal obligations, Israel is committing the crime against humanity and war crime of forcible transfer in the course of carrying out its genocide in Gaza.



Figure 15: Palestinians fleeing to the southern Gaza Strip on Salah al-Din Road, Bureij (10 November 2023).

Under the Rome Statute of the International Criminal Court (ICC), “the deportation or transfer [by the Occupying Power] of all or parts of the population of the occupied territory within or outside this territory” constitutes a war crime.²¹³ Notwithstanding the legally binding nature of this provision, also enshrined in Article 49 of the Fourth Geneva Convention, State practice establishes an exception to the prohibition of displacement in cases where the security of the civilians involved or imperative military reasons require the evacuation for as long

212 UN OHCHR, “Six-month update report on the human rights situation in Gaza: 1 November 2023 to 30 April 2024” (8 November 2024) <<https://www.ohchr.org/sites/default/files/documents/countries/opt/20241106-Gaza-Update-Report-OPT.pdf>> paras. 54, 55.

213 Rome Statute, Art. 8(2)(b)(viii).

as the conditions warranting it exist.²¹⁴ This exception is also found in the second paragraph of Article 49. However, as the previous section has shown, the security of civilians has only been put further at risk by Israel's unlawful evacuation orders which displace Palestinian children, women, and men — including the injured, sick, disabled and elderly — to overcrowded zones that are completely incapable of meeting the basic needs of the population. In addition, and as will be discussed in more detail below,²¹⁵ after their designation as a “safe zone” the IOF proceeds to routinely target these areas and attacks and detains Palestinians attempting to flee in some hope of protection.

Regarding the existence of imperative military reasons,²¹⁶ the cases in which this may be invoked are extremely limited. There must be urgent, overriding military considerations which justify the evacuation of an area, and these must be weighed against the expected civilian casualties and damage resulting from and preceding such an attack through a detailed proportionality assessment. Furthermore, imperative military reasons do not authorise any breaches of IHL. Needless to say, attacks on densely populated areas and the systematic destruction of all necessary infrastructure and means for survival would clearly be disproportionate to any imperative military reason — whether real or perceived — and amount to a grave violation of IHL. Placing around 80 percent of the Gaza Strip under evacuation orders²¹⁷ and violently forcing the population therein to relocate to areas devoid of all necessary resources and means of survival clearly cannot be justified on this ground.

Even if all pre-conditions were met, IHL makes clear that displacement can only be temporary, and displaced persons must be able to return voluntarily and in safety to their place of habitual residence as soon as the causes of their displacement have ceased to exist.²¹⁸ However, the IOF has repeatedly ordered hundreds of thousands of Palestinians to leave areas that it had previously declared were

214 ICRC, ‘Rule 129 - The Act of Displacement’ <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule129#Fn_39A00E49_00024>.

215 See Section 4.1 on “Killing members of the group infra.

216 See Section 3.1 on “The basis for the evacuation orders renders them unlawful” above.

217 UN News, Global Perspective Human Stories, “Gaza: New evacuation order affects more than 2,000 in Khan Younis” (3 December 2024), <https://news.un.org/en/story/2024/12/1157736> ;UN OCHA, “Reported impact snapshot | Gaza Strip” (12 November 2024) <<https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-12-november-2024>>.

218 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War 1949, Art. 49.



safe to return to — in both northern and southern Gaza.²¹⁹ Moreover, those that attempt to return are prevented by lethal force.²²⁰ Even more damning is the near-complete erasure of their “habitual residence[s]”. As the Special Rapporteur on Internally Displaced Persons, Ms. Paula Gaviria Bentacur, pointed out, “Gaza’s housing and civilian infrastructure have been razed to the ground, frustrating any realistic prospects for displaced Gazans to return home, repeating a long history of mass forced displacement of Palestinians by Israel”.²²¹ Already in December 2023, Gaviria Bentacur recognised that “[a]s evacuation orders and military operations continue to expand and civilians are subjected to relentless attacks on a daily basis, the only logical conclusion is that Israel’s military operation in Gaza aims to deport the majority of the civilian population *en masse*”.²²² With 87 percent of housing units across the Gaza Strip now destroyed,²²³ even if Palestinians were allowed to return to their homes, they have no homes to go to.

The mass displacement of Palestinians in Gaza also constitutes the crime against humanity of forcible transfer. Listed in Article 7(1)(d) of the Rome Statute, “deportation or forcible transfer of population” involves the forced displacement of the persons concerned “by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law”.²²⁴ As explained in the ICC Elements of Crimes, “forcible” is not restricted to physical force, but may include “threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or persons or another person, or by taking advantage of a coercive environment”.²²⁵ Palestinians in Gaza face all of such acts, as Israel’s widespread and systematic attack against the civilian population continues

219 “Israeli snipers accused of attacking fleeing civilians in Gaza” *Al Jazeera* (11 July 2024) <<https://www.aljazeera.com/news/2024/7/11/israeli-snipers-accused-of-attacking-fleeing-civilians-in-gaza>>.

220 For example, on 14 April at least one Palestinian woman was reportedly killed, and 23 others injured, by gunfire when a group of Palestinians were hit on Al Rashid Road while attempting to return to northern Gaza. See UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #153” (15 April 2024) <<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-153>>.

221 UN OHCHR, “Israel working to expel civilian population of Gaza, UN expert warns” (22 December 2023) <<https://www.ohchr.org/en/press-releases/2023/12/israel-working-expel-civilian-population-gaza-un-expert-warns>>.

222 Ibid.

223 UN OCHA, “Reported impact snapshot | Gaza Strip” (12 November 2024) <<https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-12-november-2024>>.

224 Rome Statute, Art. 7(2)(d).

225 ICC Elements of Crimes, Art. 7(1)(d)(1), fn 12.

unabated. Highlighted throughout this report are the means by which the IOF has displaced nearly the entire indigenous population of Gaza. Attacking from air, land, and sea, targeting all critical infrastructure necessary for their survival, and systematically denying the entry and distribution of life-saving aid, Israel has effectively and methodically forced Palestinians into increasingly smaller patches of land labelled “safe” or “humanitarian” zones which it then routinely attacks. Israel then presents this entire process to the international community as a fulfilment of its duties under IHL.

**4.****Forcible Transfer as a Means to Commit Genocide**

In addition to its classification as a crime against humanity under Article 7(1)(d) of the Rome Statute of the International Criminal Court and a war crime under Article 8(2)(b)(viii), forcible transfer or displacement is also a highly relevant factor in the context of a genocide.

The connection between forced displacement and genocide is twofold. First, while forcible transfer in itself does not constitute a genocidal act, the forcible displacement and transfer of a population, or part of it, could constitute an additional means towards its physical destruction, in whole or in part, thereby evidencing the genocidal intent. Second, when forced displacement or transfer is carried out in circumstances calculated to bring about the physical destruction of the group it may constitute part of a genocidal act. In other words, when forced transfer or displacement occurs in parallel to or for the purpose of acts listed in Article II of the Genocide Convention. This has been affirmed by the International Criminal Tribunal for Former Yugoslavia (ICTY) on numerous occasions, as will be discussed below, and by the International Court of Justice (ICJ) in *Bosnia and Herzegovina v. Serbia and Montenegro*²²⁶ and *Croatia v. Serbia*.²²⁷

The following analysis will examine the pivotal role of forcible displacement and transfer in the commission of the genocidal acts of killing, inflicting serious bodily or mental harm, and creating conditions of life calculated to bring about the destruction of Palestinians in Gaza. Given Israel's creation of inhumane and untenable conditions of life in the "safe zones" to which Palestinians are forcibly transferred, particular attention will now be paid to the acts of killing and inflicting serious harm.

226 *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, ICJ Reports 2007, para. 190.

227 *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, Judgment, ICJ Reports 2015, para. 163.

4.1 Killing members of the group

4.1.1 Targeted while evacuating

That Israel has systematically targeted civilians since 7 October is beyond debate. Almost half of Gaza's population are under 18 years old,²²⁸ and in just over four months the number of children killed in Gaza amounted to four years of wars around the world combined.²²⁹ Over 43,500 Palestinians have been killed since 7 October 2023²³⁰ — more than two percent of Gaza's population. However, the role played by evacuation orders, and pursuant forced displacement, in the killing of Palestinians demands further attention.



Figure 16: Jabalya (7 December 2023).²³¹

Palestinian civilians are not only killed in the “safe zones” they have been forcibly displaced to, they are even killed *en route* — leading UNRWA's Commissioner-General, Philippe Lazzarini, to stress: “[w]hen people move, they are exposed, without safe passage or protection”.²³² There are countless incidents of forcibly

228 The Palestinian Central Bureau of Statistics, “H.E. Dr. Awad, highlights the Palestinian children's situation on the occasion of the Palestinian Child Day” (5 April 2023) <<https://www.pcbs.gov.ps/site/512/default.aspx?lang=en&ItemID=4484>>.

229 UNRWA, “Gaza: Number of children killed higher than from four years of world conflict” (13 March 2024) <<https://news.un.org/en/story/2024/03/1147512>>; Philippe Lazzarini on X (12 March 2024) <<https://twitter.com/UNLazzarini/status/1767618985397272831?s=20>>.

230 UN OCHA, “Reported impact snapshot | Gaza Strip” (12 November 2024) <<https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-12-november-2024>>.

231 UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #67” (12 December 2023) <<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-67>>.

232 Philippe Lazzarini (@UNLazzarini) on X (18 May 2024) <<https://twitter.com/UNLazzarini/status/1791867434518860143>>.



displaced civilians killed while seeking safety and security for themselves and their families. Upon ordering the entire population of northern Gaza to flee to the south of Wadi Gaza, the IOF positioned snipers along the designated route to target the population as they evacuated.²³³ This is supported by the testimony of countless Palestinians in Gaza²³⁴ “We saw death in every colour on Salah al-Din Street,” said Mahmoud al-Madhoun,²³⁵ referring to the main arterial road that connects the north with the south. “We saw burned-out cars and dead bodies on the road, with dogs eating away at their flesh,” he said. “We couldn’t even dignify them by covering them up with blankets . . . These are not ‘safe corridors’, these are ‘deception corridors’ . . . They humiliate us, take us away, or shoot at us.”²³⁶ This is corroborated by Ahmad al-Ruweishi, among others, who said he was shot by Israeli soldiers while pushing his elderly mother in her wheelchair.²³⁷ According to many who made the journey south via Salah al Din street, the IOF shot at anyone who looked behind or stopped to pick up something on the ground.²³⁸ Yara, a sixteen year old girl, spoke about how “[u]pon reaching Salah al-Din street, we encountered tanks and occupation soldiers who shouted at us. Some even laughed”.²³⁹ When her ID card fell out of her hand, Yara described what happened next: “I bent down to pick it up, and the Israeli soldiers started shooting at my feet. They told me that I was prohibited from picking up anything on the ground.”²⁴⁰

233 See Forensic Architecture, “Humanitarian Violence: Israel’s Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip” (7 March 2024) <https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf> 57-64. For further examples, see UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #9” (15 October 2023) <<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-9>>; UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #10” (16 October 2023) <<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flashupdate-10>>; UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #24” (30 October 2023) <<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-24>>; UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #25” (31 October 2023) <<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flashupdate-25>>.

234 See Forensic Architecture, “Humanitarian Violence: Israel’s Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip” (7 March 2024) <https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf> 62-64.

235 “‘Saw death in every colour’: Palestinians fleeing north Gaza recount horror” *Al Jazeera* (19 November 2023) <<https://www.aljazeera.com/gallery/2023/11/19/saw-death-in-every-colour-palestinians-fleeing-north-gaza-recount-horror>>.

236 *Ibid.*

237 *Ibid.*

238 *Ibid.*

239 “‘Soldiers started shooting at my feet’: Palestinians describe fleeing northern Gaza” *The Guardian* (26 November 2023) <<https://www.theguardian.com/world/2023/nov/26/palestinians-describe-fleeing-northern-gaza>>.

240 *Ibid.*

Following a later round of evacuation orders affecting Gaza City, there were again multiple reports of civilians targeted and killed while evacuating. One man told Al Jazeera he was sitting near Yarmouk stadium when he saw an Israeli sniper shoot a man on a bicycle carrying canned food. “The sniper shot him directly,” he said. “We were unable to move his body. Even the paramedics were unable to access the street. They couldn’t retrieve or evacuate the body of this person.”²⁴¹ Ambulance staff forced to turn back reportedly told the man that they had been warned that anyone approaching the deceased would be shot.²⁴² This is consistent with the account of a woman who told Al Jazeera she wanted to pass through Yarmouk stadium but was told there were bodies of Palestinians in the streets who were shot by Israeli snipers.²⁴³ Maysa Juma Qaisi al-Ajili, lost her four children in a direct hit during their displacement from Khan Younis recounted her experience to Al-Haq:

I did not want to leave my home, but because of the intensity of the bombardment around us, and the scarcity of food and water, we decided to evacuate our home on 6 January 2024 at around 11:00 AM carrying our mattresses and coverings. As we were leaving and walking on foot, two drone strikes were fired at us directly. As a result, my children had dispersed in several directions and were killed immediately. It all happened in a split of a second. There was no one else around us. In order to protect their bodies, I looked for a shelter and dragged my children’s bodies for about 10 metres as I was bleeding to hide and protect them from stray dogs and animals. I held Saleh first, then Obaida, then Aseel, then Ameera . . . My children remained there for 18 days, until my brother managed to go get them and bring them to me in a donkey cart to be able to bury them . . . We were holding our mattresses and a chicken, [the IOF] definitely saw that and saw my children and know who we are [we are civilians]. *We were walking and tired, there was no one around us, they targeted us twice. This is not fair, this is unjust.*²⁴⁴

241 “Israeli snipers accused of attacking fleeing civilians in Gaza” *Al Jazeera* (11 July 2024) <<https://www.aljazeera.com/news/2024/7/11/israeli-snipers-accused-of-attacking-fleeing-civilians-in-gaza>>.

242 *Ibid.*

243 *Ibid.*

244 Al-Haq, Testimony of Maysa Juma Qaisi al-Ajili, 37, recorded on 25 February 2024 (in Arabic) <<https://vimeo.com/1043126272/a44f7ad17e?share=copy>> .



Ajith Sunghay, the Head of the UN Human Rights Office for the Occupied Palestinian Territory, provided his own account of the horrors witnessed on a trip to Gaza, noting that the “picture there is even worse”. He explained:

People are on the move from north to south, again, although they are making the journey knowing it is fraught with danger. I saw a motorbike and trailer loaded with personal possessions smouldering on the road. There was no body. But it was clear no one could have survived the strike. On the same road, I saw a bloodied donkey cart also laden with personal belongings. It too was abandoned.²⁴⁵

Constant heavy bombardment and attacks on civilians caused many Palestinians to simply turn back, where they also face indiscriminate bombing but are at least closer to home. UNRWA Officer Louise Wateridge, after a mission trip to Gaza City described the situation as “apocalyptic” to UN News, reporting how some families are trying to journey to the south but have trouble crossing checkpoints, while others remain in the north “since they believe they will meet their death despite their location”.²⁴⁶ For those with disabilities, the elderly, and the sick or injured, relocating is not even an option.²⁴⁷ The thousands that remain in cities throughout Gaza are effectively trapped as the fear and risks of evacuating prevent them from relocating. A mother of four who remained in Gaza city explained:

If we weren't afraid of getting shot at, we would go south now. We want to escape the hunger and the reality we live in. We decided to stay near my father and mother the first time we were displaced from our home, but we never imagined the situation would get to this.²⁴⁸

245 UN OHCHR, “Observations from Gaza by Head of UN Human Rights office for the Occupied Palestinian Territory Ajith Sunghay” (19 July 2024) <<https://www.ohchr.org/en/statements/2024/07/observations-gaza-head-un-human-rights-office-occupied-palestinian-territory>>.

246 UN News, Global Perspective Human Stories, “UN humanitarian report severe displacement and critical needs in Gaza City” (12 July 2024) <<https://news.un.org/en/story/2024/07/1152071>>.

247 Action Against Hunger, HI, MDM, Save the Children, Oxfam, Refugees International, Norwegian Refugee Council, Nobel Women's Initiative, “Pauses, Corridors, and Safe Zones in Gaza: Rhetoric vs. Reality” (22 November 2023) <<https://reliefweb.int/report/occupied-palestinian-territory/pauses-corridors-and-safe-zones-gaza-rhetoric-vs-reality>>.

248 Gisha, “Testimony from Gaza” (16 April 2024) <<https://gisha.org/en/testimony-from-gaza-city-eng/#:~:text=The%20sense%20of%20helplessness%20is, had%20no%20milk%20to%20drink>>.

4.1.2 Targeted in a “safe zone”

Even if one survives the journey to a designated “safe zone”, safety remains elusive. Rather than fulfil the guarantee of protection, Israel’s use of “safe zones” seems to serve only one purpose: destroying Palestinians with more ease and efficiency. This led UN experts, shortly after the anniversary of Israel’s genocidal assault on Gaza, to state:

Nearly all those surviving are displaced, trapped in ever-shrinking parts of the tiny territory, corralled into crowded camps and shelters with nowhere to flee. *Constant bombing has turned humanitarian zones into killing fields.*²⁴⁹

The words “[n]owhere is safe. Everywhere is a potential killing zone”²⁵⁰ have been so often repeated in reference to Israel’s genocidal war that they almost lose all meaning. Yet for Palestinians in Gaza, their weight is unbearable. From the issuance of its first unlawful evacuation order, Israel has continued to bomb Gaza indiscriminately. In its Update Report, the UN OHCHR shared that its monitoring of the situation in Gaza indicated that the “safe zones” where the IDF ordered Palestinians “continued to be hit by Israeli strikes, causing fatalities and destruction of residential buildings, and the further displacement of those who had sought safety and shelter”.²⁵¹ To illustrate the deliberate and unrelenting nature of attacks on unilaterally declared “safe zones”, one need only examine the series of strikes on Al-Mawasi.

According to Forensic Architecture,²⁵² the area in Al-Mawasi now sheltering hundreds of thousands of Palestinians — many of whom had been residing in the cities of Rafah and Khan Younis after being displaced from the northern and middle areas — has been subject to ten Israeli attacks between 6 May, when

249 UN OHCHR, “The international order is breaking down in Gaza’: UN experts mark one year of genocidal attacks on Palestinians” (11 October 2024) <<https://www.ohchr.org/en/statements/2024/10/international-order-breaking-down-gaza-un-experts-mark-one-year-genocidal>>.

250 António Guterres (@antonioguterres) on X (15 July 2024) <<https://x.com/antonioguterres/status/1812940447867674757>>.

251 UN OHCHR, “UPDATE REPORT Six-month update report on the human rights situation in Gaza: 1 November 2023 to 30 April 2024” (8 November 2024) <<https://www.ohchr.org/sites/default/files/documents/countries/opt/20241106-Gaza-Update-Report-OPT.pdf>> para. 50.

252 A research group which employs cutting-edge techniques in spatial analysis and digital modelling to reconstruct incidents of state violence and human rights violations and conducts open-source investigations.

Israeli officials reaffirmed its designation as a humanitarian zone and further delineated the area, and 16 July.²⁵³ Strikes on a desert region with essentially no infrastructure or bunkers in which to take refuge, packed with displaced people, inevitably have devastating consequences. A doctor present in Al-Mawasi during an attack on 26 June targeting al-Shakush and the regional park areas explains:

These areas are full of displaced people, encampments of tents, pergola tents, and temporary shelters. People are living on top of each other . . . The tanks entered, without warning, running over a few tents and opening fire indiscriminately. I saw people fleeing in terror. Some managed to grab a few of their personal belongings, while others left with nothing — running for their lives.

Many lay flat on the ground away from the gunfire. Others took refuge in any available shelter, while some sat in the street, waiting for what seemed like an endless nightmare to end . . . This relentless process of chasing, persecuting, and hunting people from place to place, akin to monsters hunting prey, is beyond my comprehension.²⁵⁴

On 13 July 2024, the IOF directly hit a food kitchen, a water point, as well as tents of forcibly displaced Palestinians.²⁵⁵ At least 90 people were killed, half of whom were women and children.²⁵⁶ Three members from the Palestinian Civil Defense team were also targeted and killed when they arrived at the scene to assist the wounded and put out the fires ignited by Israeli bombs which were burning Palestinians alive.²⁵⁷ Displaced people sheltering in the area called the attack a “horrific massacre”, adding that their tents were torn down by the force of the strike and bodies and body parts strewn on the ground.²⁵⁸ Medical Aid for Palestinians (MAP) published a video of men and boys even digging by hand

253 Forensic Architecture (@ForensicArchi) on X (16 July 2024)
<<https://x.com/ForensicArchi/status/1813262372066234455>>.

254 “Gaza’s ‘safe zone’ of horror” *Al Jazeera* (8 July 2024) <<https://www.aljazeera.com/opinions/2024/7/8/gaza-safe-zone-of-horror>>

255 UN OCHA, “Humanitarian Situation Update #191 | Gaza Strip” (15 July 2024)
<<https://www.ochaopt.org/content/humanitarian-situation-update-191-gaza-strip>>

256 *Ibid.*

257 *Ibid.*

258 “We’ve a funeral every 15 minutes’: Aftermath of Israeli ‘massacre’ in Gaza” *Al Jazeera* (15 July 2024)
<<https://www.ochaopt.org/content/humanitarian-situation-update-191-gaza-strip>>.

to recover those buried in the sand following the Israeli attack.²⁵⁹ Mohammed Aghaalkurdi, a member of MAP working at Nasser Hospital (which received around 134 severely injured patients from the horrific incident),²⁶⁰ was left struggling for words:

I don't know what to say, the situation is a tragedy. I am not exaggerating, we have a funeral every 15 minutes leaving the hospital. This has been ongoing since the incident. One by one, people are getting killed.²⁶¹

The Israeli military claimed that the strikes were targeting a single structure, despite an area dense with displaced Palestinians lying less than 50 metres from the supposed target. The impact of launching a strike in such close proximity to civilians is compounded by the reported use of multiple 2,000 pound bombs which cause a lethal fragmentation radius of up to 365 metres.²⁶² Forensic Architecture has also since revealed that around 100m from the site of the first strike, another Israeli strike targeting rescue workers led to further casualties, visible in footage from the ground.²⁶³ Yet, this is just one of many incidents of the IOF using heavy-bombs and other highly destructive weapons in alleged "safe zones". Less than a month prior, on 21 June, the ICRC stated that "heavy-calibre projectiles landed within meters" of its office in the Al-Mawasi area of Rafah, "which is surrounded by hundreds of displaced civilians living in tents".²⁶⁴ As a result, there was an influx of mass casualties into the nearby Red Cross Field Hospital, with the ICRC office also sustaining damage.²⁶⁵

259 Medical Aid for Palestinians (@MedicalAidPal) on X (13 July 2024) <<https://mobile.x.com/MedicalAidPal/status/1812191449250767001>>.

260 UN OCHA, "Humanitarian Situation Update #191 | Gaza Strip" (15 July 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-191-gaza-strip>>.

261 Medical Aid for Palestinians (@MedicalAidPal) on X (13 July 2024) <<https://mobile.x.com/MedicalAidPal/status/1812191452983890295>>.

262 Forensic Architecture (@ForensicArchi) on X (16 July 2024) <<https://x.com/ForensicArchi/status/1813262376529240582>>; Maps Air Museum, *Mark 84 Bomb* <<https://mapsairmuseum.org/wp-content/uploads/2024/02/Mark-84-Bomb.pdf>>.

263 Forensic Architecture (@ForensicArchi) on X (16 July 2024) <<https://x.com/ForensicArchi/status/1813262376529240582>>.

264 ICRC in Israel & OT (@ICRC_ilot) on X (21 June 2024) <https://x.com/ICRC_ilot/status/1804248789647028667>; UN OCHA, "Humanitarian Situation Update #182 | Gaza Strip" (24 June 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-182-gaza-strip>>.

265 *Ibid.*

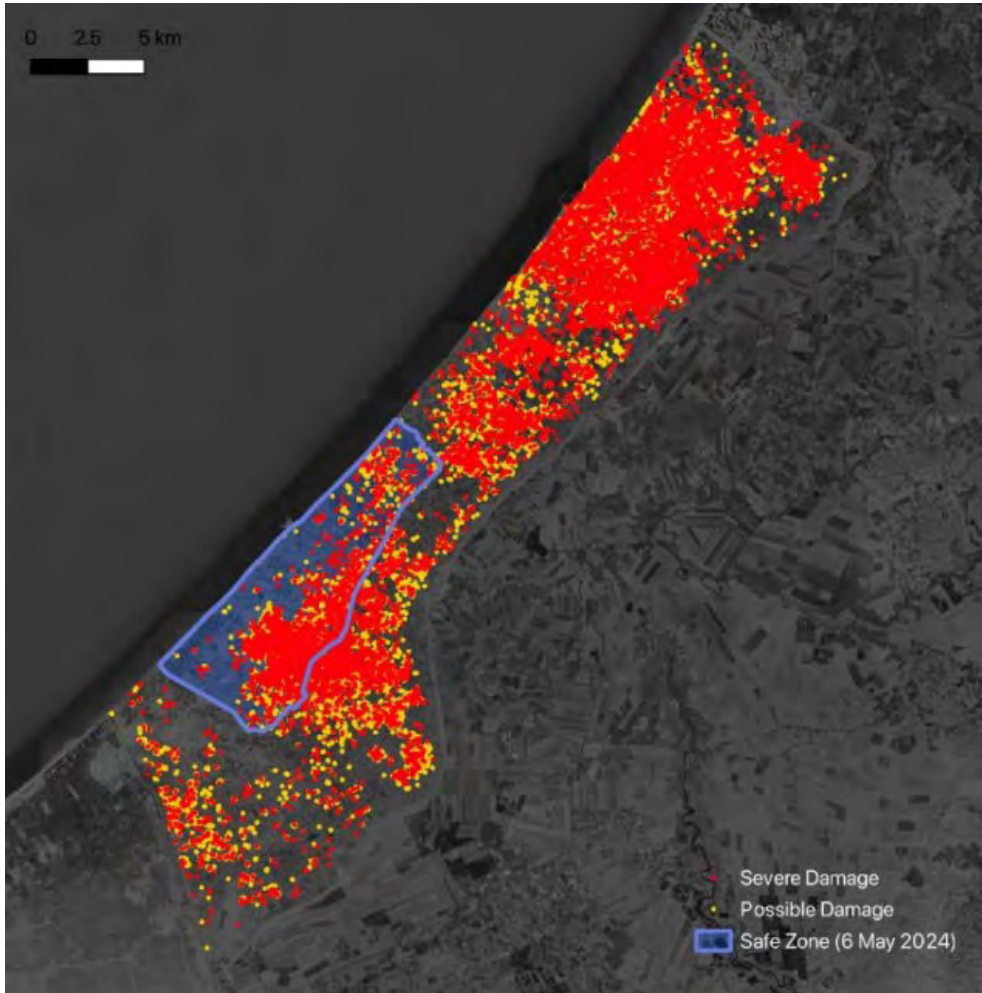


Figure 17: Map of severe damage to Palestinian infrastructure in Gaza²⁶⁶

Israel's awareness of the impact of deploying heavy bombs in densely populated areas is irrefutable. Based on their extensive use,²⁶⁷ the only reasonable inference

266 Forensic Architecture, "Inhumane Zones: An assessment of Israel's actions with respect to the provision of aid, shelter, safe passage, and assistance to evacuees in Gaza; response to questions raised in the ICJ on 17 May 2024" (19 May 2024) <https://content.forensic-architecture.org/wp-content/uploads/2024/05/Inhumane-Zones-Report-Forensic-Architecture_WEBSITE.pdf>.

267 UN OHCHR, "UN report: Israeli use of heavy bombs in Gaza raises serious concerns under the laws of war" (19 June 2024) <<https://www.ohchr.org/en/press-releases/2024/06/un-report-israeli-use-heavy-bombs-gaza-raises-serious-concerns-under-laws>>.

is that Israel intended to cause maximum casualties and slaughter all civilians in the vicinity. The OHCHR shares the same view and has identified Israel's acts as demonstrating "a pattern of willful violation" of international humanitarian law through causing disproportionate harm to civilians and damage to civilian infrastructure, especially in light of the IOF having forcibly displaced Palestinians to these same areas.²⁶⁸ However, beyond breaching humanitarian provisions, it evinces an ulterior and more prominent intent to destroy Palestinian life.

The constant displacement to and subsequent targeting of "safe zones" is no coincidence. Israel has full knowledge of their classification and the dense population therein, as they themselves have both unilaterally designated the areas and issued the evacuation orders. The only reasonable interpretation of Israel's conduct is a clear and unequivocal intent to destroy Palestinians and eliminate them from their homeland. By shrinking the available areas in which Palestinians may reside, they are effectively condensing civilian populations into increasingly smaller patches of land where their unlawful use of heavy weapons and other lethal equipment will have maximum impact.

Al-Mawasi is just one of many "safe zones" which has been subjected to repeated attacks after Palestinians have been forcibly displaced there. The Alhaddad family were displaced to a so-called "safe zone" in An Nuseirat refugee camp, Deir Al-Balah, described as "an ever-shrinking area, where 'safety' exists only in death, and where we have nothing left and nowhere to go but the sky".²⁶⁹ On 8 June, one of the most deadly days of the genocide, Heba Alhaddad and her family were at the "epicentre of seismic trauma"²⁷⁰ in which a thousand Palestinians were killed or severely injured during a rescue operation of four Israeli hostages.²⁷¹ Giving her account of what should be an infamous massacre, but which has been celebrated by Israel as a massive success,²⁷² Heba explained:

268 UN News, Global Perspective Human Stories, "Gaza: Guterres 'shocked and saddened' by deadly strikes on Al-Mawasi, as WHO and partners aid medical response" (13 July 2024) <<https://news.un.org/en/story/2024/07/1152081>>.

269 "On Surviving a Massacre in One of Gaza's 'Safe Zones'" *The Nation* (5 August 2024) <<https://www.thenation.com/article/world/surviving-nuseirat-massacre-gaza/>>.

270 UN Relief Chief (@UNReliefChief) on X (9 June 2024) <<https://x.com/UNReliefChief/status/1799628590323003821>>.

271 UN OCHA, "Humanitarian Situation Update #177 | Gaza Strip" (10 June 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-177-gaza-strip>>.

272 Israel Defense Forces (@IDF) on X (8 June 2024) <<https://x.com/IDF/status/1799411485342568644>>



At first, we didn't fully understand what was happening, until local radio broadcasts began relaying the news of a massive Israeli military operation. We didn't even try to hide because there was literally nowhere to seek shelter from the bombs; it is not an exaggeration to say that there is no safe place in Gaza.

So we waited, and we prayed.

Every 10 minutes, Israeli soldiers fired their machine guns at homes and on nearby streets, accompanied by nonstop artillery shelling, naval fire, and bombings from F-16 aircraft . . . tanks advanced from Al-Rashid Street, bulldozing what remained of already annihilated streets that were once the heart of Central Gaza's shopping district.

After four agonizing hours, the assault ended.²⁷³

Despite the area being classified as a "safe zone", no one was ordered to evacuate prior to the large-scale attack from air, land and sea. Instead, civilians were treated as mere cannon-fodder. The UN Human Rights Office in Palestine has said it is "appalled" by the IOF issuing evacuation orders to residents of Gaza city, many of whom have been forcibly displaced multiple times, to relocate to areas where IOF military operations are ongoing and where civilians continue to be killed and injured.²⁷⁴ It highlighted how on 7 July, the IOF issued an order to civilians in areas of central parts of Gaza City, including At Tuffah and Ad Daraj, to immediately evacuate to the west of Gaza City. While issuing this evacuation order, they intensified their strikes in the south and west of Gaza City, "targeting the very areas where they had instructed people to move to".²⁷⁵ Providing proof of the course of events by mapping the evacuation order and subsequent strikes, Forensic Architecture posted:

Israeli "evacuation orders" continue to be instruments of terror [and] displacement. Palestinians in Gaza's old city [and] at Ahli hospital were ordered to evacuate west, only to be attacked there

273 "On Surviving a Massacre in One of Gaza's 'Safe Zones'" *The Nation* (5 August 2024) <<https://www.thenation.com/article/world/surviving-nuseirat-massacre-gaza/>>.

274 UN Palestine, "OHCHR: Palestinians have nowhere left to shelter" (10 July 2024) <<https://palestine.un.org/en/273674-ohchr-palestinians-have-nowhere-left-shelter>>.

275 *Ibid.*

[and] receive another evacuation order under 24hr later, to a 'safe area' that doesn't exist.²⁷⁶

This fine-tuned formula for targeting Palestinians in Gaza with deadly strikes has been applied again and again. In the aftermath of a strike in Deir Al Balah on 7 August, which destroyed two homes and multiple tents sheltering displaced people, one resident told Al Jazeera:

Most of the people here have been displaced numerous times — from Rafah, Khan Younis and central Gaza — now they're all crammed into Deir el-Balah . . . The Israelis claim it is a safe zone. Why are they shelling the area now? This is all false propaganda.²⁷⁷

Exasperated by the unprecedented destruction in Gaza and the deliberate targeting of "safe zones" and alleged "humanitarian corridors", UNRWA Commissioner-General Philippe Lazzarini has rightly stated:

The claim that people in Gaza can move to "safe" or "humanitarian" zones is false. Each time, it puts the lives of civilians at serious risk. Gaza does not have any safe zones. No place is safe. No one is safe.

276 Forensic Architecture (@ForensicArchi) on X (8 July 2024)
<<https://x.com/ForensicArchi/status/1810382319527895423>>.

277 "Israel issues new evacuation orders as 'safe areas' of Gaza under attack" *Al Jazeera* (7 August 2024) <<https://www.aljazeera.com/news/2024/8/7/israel-issues-new-evacuation-orders-as-safe-areas-of-gaza-under-attack>>.



Figure 18: Attack on UNRWA school sheltering hundreds of displaced Palestinians in Nuseirat (11 September 2024).²⁷⁸

As it stands, nearly two million people in Gaza are displaced. Having moved to “safe” areas upon the instruction of the Israeli military, the overwhelming majority will be repeatedly forced to pack up what little belongings they have left and continue their search for the safety which keeps evading them. Each time, they must make the harrowing choice to “stay amid active hostilities or risk fleeing to areas still subject to attack with hardly any space or services”, knowing that nowhere is safe — “not the roads, not shelters, not hospitals, not the unilaterally declared so-called humanitarian zones”.²⁷⁹ Nowhere they will ever move will be protected from attack, as they themselves are the target.

278 UNRWA, “UNRWA Situation Report #136 on the situation in the Gaza Strip and the West Bank, including East Jerusalem” (13 September 2024) <<https://www.unrwa.org/resources/reports/unrwa-situation-report-136-situation-gaza-strip-and-west-bank-including-east>>.

279 UN OHCHR, “Renewed wave of deadly Israeli strikes on Gaza must stop – UN Human Rights Office” (19 July 2024) <<https://www.ohchr.org/en/press-briefing-notes/2024/07/renewed-wave-deadly-israeli-strikes-gaza-must-stop-un-human-rights>>.

4.2 Inflicting serious bodily or mental harm on members of the group

The Genocide Convention does not specify what exactly constitutes “serious bodily or mental harm”. The International Law Commission considers that “the bodily or mental harm inflicted on members of a group must be of such a serious nature as to threaten its destruction in whole or in part.”²⁸⁰ However, defining the parameters of this genocidal act has largely been the task of international courts and criminal tribunals. In this regard, the *ad hoc* tribunals for the former Yugoslavia and Rwanda have been instrumental. Regarding physical harm, the Trial Chamber of the International Criminal Tribunal for Rwanda (ICTR) held in *Kayishema and Ruzindana* that bodily harm refers to harm that seriously injures the health, causes disfigurement or causes any serious injury to the external, internal organs or senses.²⁸¹ While the Tribunals’ case law specified that the harm need not be permanent or irremediable,²⁸² it must result “in a grave and long-term disadvantage to a person’s ability to lead a normal and constructive life.”²⁸³ This can be caused by experiences of torture, inhuman or degrading treatment,²⁸⁴ sexual violence,²⁸⁵ persecution,²⁸⁶ deportation,²⁸⁷ or other conditions “designed to cause victims’ degradation and deprivation of their rights, and to suppress them and cause inhumane suffering and torture”.²⁸⁸ With respect to mental harm, the ICTR established in *Semanza* that “more than minor or temporary impairment of mental faculties” is required to amount to the necessary level of severity.²⁸⁹

280 See Report of the International Law Commission on the Work of its Forty-Eighth Session 6 May – 26 July 1996, UN GAOR International Law Commission, 51st Sess., Supp. No. 10, UN Doc. A/51/10 (1996), p. 91.

281 *Prosecutor v. Clément Kayishema and Obed Ruzindana* (Judgement), ICTR-95-1-T (21 May 1999), para. 109.

282 *Prosecutor v. Clément Kayishema and Obed Ruzindana* (Judgement), ICTR-95-1-T (21 May 1999), para. 108; *Prosecutor v. Jean-Paul Akayesu* (Judgment) ICTR-96-4-T (2 September 1998), para. 502; *Prosecutor v. Radislav Krstic* (Judgement) IT-98-33-T (2 August 2001), para. 513.

283 *Prosecutor v. Radislav Krstic* (Judgment) IT-98-33-T (2 August 2001), para. 513; *Prosecutor v. Krajišnik* (Judgment) IT-00-39-T (27 September 2006), para. 862.

284 *Prosecutor v. Akayesu* (Judgment) ICTR-96-4-T (2 September 1998), para. 503.

285 *Prosecutor v. Akayesu* (Judgment) ICTR-96-4-T (2 September 1998), para. 731; *Prosecutor v. Stakic* (Judgment) IT-97-24-T (31 July 2003), para. 516.

286 *Prosecutor v. Akayesu* (Judgment) ICTR-96-4-T (2 September 1998), para. 503; *A-G Israel v. Eichmann* (1968), para. 199.

287 *Prosecutor v. Radislav Krstic* (Judgement) IT-98-33-T (2 August 2001), para. 513.

288 William Schabas, *Genocide in International Law: The Crime of Crimes* (Cambridge University Press, 2009) p.182. See also UN HRC, “Anatomy of a Genocide: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese” (26 March 2024) UN Doc. A/HRC/55/73, paras. 27, 86.

289 *Prosecutor v. Laurent Semanza* (Judgment) ICTR-97-20-T (15 May 2003), para. 321.



4.2.1 Mental harm

The ICTY, dealing specifically with the crime of forcible transfer, has found that it may constitute the underlying act that causes serious bodily or mental harm. In *Popovic*, the Trial Chamber noted that the threshold would more likely be met if the forcible transfer “operation was attended by such circumstances as to lead to the death of the whole or part of the displaced population”.²⁹⁰ The Trial Chamber supported its reasoning with reference to the ruling in *Blagojević and Jokić*, which addresses in detail the impact of forced transfer on the displaced population. This case highly relevant to the present analysis, as the forcible transfer of Bosnian Muslims from their homes is similar in many ways to the repeated forced displacement of over 1.9 million Palestinians in Gaza.²⁹¹

The forced transfer of the Bosnian Muslim population in the wake of a five-day offensive after which they began to flee their homes leaving their possessions behind. They were fired upon as they moved from Srebrenica town to Potočari in search of refuge.²⁹² Upon arrival in Potočari, the Bosnian Muslim population found UNPROFOR and DutchBat unable to provide the assistance they needed as months of having its supply convoys searched or blocked meant the organisations did not have adequate supplies of food, medicine or even water for the thousands of displaced people, nor did it have adequate shelter for the countless people needing a place to sleep and enjoy protection from the weather.²⁹³ When attacks soon began on Potočari, the already displaced population was forced to flee once again. These facts alone led the Trial Chamber to rule:

[T]he level of mental anguish suffered by the women, children and elderly people who were forcibly displaced from their homes - in such a manner as to traumatise them and prevent them from ever returning - obliged to abandon their property and their belongings as well as their traditions and more in general their relationship with the territory they were living on, does constitute serious mental harm.²⁹⁴

290 *Prosecutor v. Vujadin Popovic et al.* (Judgment) IT-05-88-T (10 June 2010), para. 813.

291 UN OCHA, “Reported impact snapshot | Gaza Strip” (12 November 2024) <<https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-12-november-2024>>.

292 *Prosecutor v. Blagojević and Jokić* (Judgment) IT-02-60-T (17 January 2005), para. 650.

293 *Ibid.*

294 *Ibid.*, para. 652.

In addition to the manner in which the displacement of Bosnian Muslims was carried out, throughout the stages of forcible transfer men were separated from their families. The psychological impact of this was noted in both *Blagojevic and Jovic* and *Krstic*. In each case, the Trial Chamber found that Bosnian Serb forces also satisfied the *actus reus* of causing serious bodily or mental harm, as defined in Article II (b) of the Genocide Convention, to the men that were to be executed, and to those “who were separated from them in respect of their forced displacement and the loss suffered by survivors among them”.²⁹⁵ The suffering of the forcibly displaced women, children and elderly whose loved ones were violently detained is highlighted by the Trial Chamber in *Blagojevic and Jovic*, which found — based on ample evidence — that this reached the threshold of serious mental harm constituting a genocidal act for the purposes of Article 4 of the ICTY Statute.²⁹⁶ In its judgment, the Trial Chamber explained that not only was the experience of being separated from family extremely traumatic, but that the terrible consequences it had on their lives, including the pain of having no information on the fate or whereabouts of the individuals taken, caused lasting and severe anguish.²⁹⁷ In fact, evidence of family members being separated supported the Chamber’s ultimate finding that the perpetrators intended that the forcible transfer, and the way it was carried out, would cause serious mental harm to the victims’.²⁹⁸

The parallels between the forcible transfer and genocide of Bosnian Muslims and that of Palestinians in Gaza is striking. Shortly after the IOF launched its ground operations in the Gaza Strip, towards the end of October 2023, reports of Palestinians being detained in northern Gaza began to emerge.²⁹⁹ Starting on 12 November, UNRWA began recording the detention of Palestinian civilians inside its facilities. On 16 December, the UN OHCHR stated it received “numerous reports of mass detentions, ill-treatment and enforced disappearance of possibly thousands of Palestinian men and boys, and a number of women and

295 *Prosecutor v. Radislav Krstic* (Judgement) IT-98-33-T (2 August 2001), paras. 426, 427, 543; *Prosecutor v. Blagojević and Jokić* (Judgment) IT-02-60-T (17 January 2005), paras. 644-654.

296 *Prosecutor v. Blagojević and Jokić* (Judgment) IT-02-60-T (17 January 2005), para. 652.

297 *Ibid*, para. 653.

298 *Ibid*, para. 654.

299 UNRWA, “Detention and alleged ill-treatment of detainees from Gaza during Israel-Hamas War” (April 2024) <https://www.unrwa.org/sites/default/files/content/resources/summary_on_detention_and_alleged_ill-treatmentupdated.pdf>.



girls” at the hands of the IOF.³⁰⁰ Detentions have now been reported across the entirety of the Gaza Strip.³⁰¹ Of those detained — which include UNRWA staff that had been providing life-saving assistance to displaced Palestinians — many were taken into custody while sheltering in UN facilities (protected under IHL), schools, hospitals,³⁰² and residential buildings, or at checkpoints during the forced displacement of large numbers of Palestinians from north to south Gaza, pursuant to IOF evacuation orders.³⁰³

While the exact number of those held is difficult to ascertain, OHCHR estimates that the IDF has taken thousands of Palestinians into custody since November.³⁰⁴ By late May, roughly 4,000 detainees from Gaza had spent up to three months in limbo at Sde Teiman, a notorious detention centre in the Negev desert.³⁰⁵ Grave and mounting allegations of torture, rape, sexual abuse, starvation and other forms of inhuman and degrading treatment against Palestinian detainees,³⁰⁶ were reported by site commanders to *The New York Times*.³⁰⁷

300 *Ibid.*

301 See UN OHCHR, “Thematic Report Detention in the context of the escalation of hostilities in Gaza (October 2023-June 2024)” (31 July 2024) <<https://www.ohchr.org/sites/default/files/documents/countries/opt/20240731-Thematic-report-Detention-context-Gaza-hostilities.pdf>>.

302 The forced evacuation of Al Shifa hospital on 17-18 November 2023 and Kamal Adwan hospital around 12 December 2023 coincided with the detention of patients and medical workers from both facilities. See UNRWA, “Detention and alleged ill-treatment of detainees from Gaza during Israel-Hamas War” (April 2024) <https://www.unrwa.org/sites/default/files/content/resources/summary_on_detention_and_alleged_ill-treatmentupdated.pdf> fn. 3.

303 UN OHCHR, “Thematic Report Detention in the context of the escalation of hostilities in Gaza (October 2023-June 2024)” (31 July 2024) <<https://www.ohchr.org/sites/default/files/documents/countries/opt/20240731-Thematic-report-Detention-context-Gaza-hostilities.pdf>> 4.

304 *Ibid.*

305 The real figure of Palestinian detainees is likely much higher, as tracking the situation and number of detainees has become increasingly challenging amidst the total chaos Israel has created as it proceeds with its genocidal campaign.

306 UN OHCHR, “Israel’s escalating use of torture against Palestinians in custody a preventable crime against humanity: UN experts” (5 August 2024) <<https://www.ohchr.org/en/press-releases/2024/08/israels-escalating-use-torture-against-palestinians-custody-preventable>>; UN News, Global Perspective Human Stories, “Israel: Amid reports of torture inside jails, rights experts call for end to impunity” (5 August 2024) <<https://news.un.org/en/story/2024/08/1152831>>; B’Tselem, “Welcome to Hell” (August 2024) <https://www.btselem.org/sites/default/files/publications/202408_welcome_to_hell_eng.pdf>; Amnesty International, “Israel: Palestinians from Gaza held in secret detention describe torture - new testimonies” (18 July 2024) <<https://www.amnesty.org.uk/press-releases/israel-palestinians-gaza-held-secret-detention-describe-torture-new-testimonies>>; “We Served on Israel’s Sde Teiman Base. Here’s What We Did to Gazans Detained There” *Haaretz* (16 August 2024) <<https://www.haaretz.com/israel-news/2024-08-16/ty-article-magazine/.highlight/we-served-on-israels-sde-teiman-base-heres-what-we-did-to-gazans-detainees/00000191-5591-d60d-a59b-ff994cb40000>>.

307 “Inside the base where Israel has detained thousands of Gazans” *The New York Times* (6 June 2024) <<https://www.nytimes.com/2024/06/06/world/middleeast/israel-gaza-detention-base.html>>.

Israel has used the Unlawful Combatants Law — amended in December 2023 to grant the Israeli military with even more expansive, sweeping powers to detain anyone from Gaza that they suspect of engagement in hostilities against Israel or posing a threat to state security for indefinitely renewable periods without having to produce evidence to substantiate the claims³⁰⁸ — as the basis for detaining Palestinians without charge.³⁰⁹ This allows Palestinian civilians to be held at Sde Teiman and various other detention facilities in Israel without any information on the reasons for their detention and in horrific, degrading conditions without the ability to plead their cases to a judge for up to 75 days. Detainees are also denied access to lawyers for up to 90 days and their location is withheld from their families, rights groups, as well as from the International Committee of the Red Cross,³¹⁰ in total contravention of their fundamental human rights.

In most cases, men and adolescent boys are detained, after being separated from their families. They are subsequently forced to strip down to their underwear before being handcuffed, beaten, harassed, humiliated, exposed to harsh weather, and denied basic necessities.³¹¹ Proof of these practices and policies has been available since late last year, when photos and videos of detainees stripped of everything but their underwear and kneeling outside in the winter cold were circulated over the media.³¹² However, women, including a woman over 80 years of age with Alzheimer's disease, and girls without any apparent link to armed groups, have also been separated from their families and held incommunicado.³¹³ These tactics of humiliation and psychological warfare are designed to inflict

308 Library of Congress, "Israel: Parliament Adopts Law Expanding Authority to Detain Unlawful Combatants During Wartime or Significant Military Action" <<https://www.loc.gov/item/global-legal-monitor/2024-01-24/israel-parliament-adopts-law-expanding-authority-to-detain-unlawful-combatants-during-wartime-or-significant-military-action/>>; Amnesty International, "Israel must end mass incommunicado detention and torture of Palestinians from Gaza" (18 July 2024) <<https://www.amnesty.org/en/latest/news/2024/07/israel-must-end-mass-incommunicado-detention-and-torture-of-palestinians-from-gaza/>>.

309 *Ibid.*

310 *Ibid.*

311 UNRWA also documented at least one occasion where males sheltering in an UNRWA installation were forced to strip naked and were detained while naked, see UN OHCHR, "Thematic Report Detention in the context of the escalation of hostilities in Gaza (October 2023-June 2024)" (31 July 2024) <<https://www.ohchr.org/sites/default/files/documents/countries/opt/20240731-Thematic-report-Detention-context-Gaza-hostilities.pdf>> 4.

312 "Palestinians detained by Israel in Gaza blindfolded, stripped to underwear" *Al Jazeera* (8 December 2023) <<https://www.aljazeera.com/news/2023/12/8/video-photos-appear-to-show-detainees-stripped-to-underwear-in-gaza>>.

313 UN OHCHR, "Thematic Report Detention in the context of the escalation of hostilities in Gaza (October 2023-June 2024)" (31 July 2024) <<https://www.ohchr.org/sites/default/files/documents/countries/opt/20240731-Thematic-report-Detention-context-Gaza-hostilities.pdf>> 4.



serious mental harm and break the minds and souls of the Palestinian people. Needless to say, they are strictly prohibited by international law.³¹⁴

Ajith Sunghay, Head of the UN Human Rights Office for the OPT, after returning from a trip to Gaza recounted the experience of one elderly woman, who fled from Gaza City on 11 July, whose husband was detained by the IOF at a checkpoint on his way to Deir Al Balah. She has no idea about his fate or whereabouts.³¹⁵ Others shared similar stories.³¹⁶ Tamer Osama Salem al-Hafi, a doctor and head of the orthopaedic department at the Indonesian Hospital, was wounded by a bullet from a quadcopter in his right leg while assisting an injured person near his home. He was subsequently arrested at Netzarim checkpoint during his displacement with his family from the north to the south, despite having undergone a platinum installation operation 24 hours earlier. While in detention, and despite his serious injury, Tamer was tortured and beaten before being released. His health condition rapidly deteriorated as a result; he entered a coma in intensive care, suffered a stroke, and lost sight in his right eye. He has now been immobile for several months.³¹⁷ The al-Samouni family were walking on the Salah al-Din road, as ordered by the IOF, trying not to fixate on the bodies of dead Palestinians on the ground when they reached a newly erected Israeli checkpoint:

Before the family could pass through the turnstiles, the soldiers ordered Abdullah al-Samouni, 24, to step to the side of the road, in a trench hidden from view. His younger brother Hamam, 16, started calling for Abdullah, visibly distraught. The soldiers ordered Hamam to join his brother.

314 Outrages upon personal dignity, in particular humiliating and degrading treatment, is a war crime under Article 8 (2)(b)(xxi) of the Rome Statute. Article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 16 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prohibits inhumane or degrading treatment or punishment which do not amount to torture as defined in Article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

315 UN OHCHR, "Observations from Gaza by Head of UN Human Rights office for the Occupied Palestinian Territory Ajith Sunghay" (19 July 2024) <<https://www.ohchr.org/en/statements/2024/07/observations-gaza-head-un-human-rights-office-occupied-palestinian-territory>>.

316 See Al-Haq, Testimony of Hanan Fuad Muhammad al-Namnam, 26, recorded on 5 March 2024 (in Arabic) <<https://vimeo.com/1043127641/e56db27eee?share=copy>>. Hanan Fuad Muhammad al-Namnam's husband and his brother were detained at Netzarim military checkpoint during his displacement with the family, and are still detained in an Israeli prison (as of the time of the video testimony).

317 Al-Haq, Testimony of Tamer Osama Salem al-Hafi, <<https://vimeo.com/953837666/d4310e8e2e>>.

The oldest brother, Faraj, a farmer and father of six, shouted at the soldiers, asking them where they were taking Abdullah and Hamam. His protest resulted in the soldiers commanding him to join his brothers.

The rest of the family, stunned, made their way through the turnstiles.³¹⁸

Israel's genocidal war and policies of forcible transfer and detention without charge or merit directly resulted in an estimated 17,000 unaccompanied and separated children (UASC) in Gaza by May alone.³¹⁹ However, due to the difficulties in monitoring the situation given the constant insecurity, multiple displacements and the operational access issues for organisations and services that work with children, the figure could be higher. The policy of separating boys and men has continued well into the thirteenth month of the war. Families have been separated and men and boys are being taken away "by the truckload" in North Gaza,³²⁰ with an inter-cluster mission to schools in Gaza City hosting IDPs on 19 October 2024 recording a "significant number of family separation cases".³²¹ This is consistent with the findings of WHO and partners, who witnessed a "stream of thousands of women and children walking and limping towards Gaza City, carrying their few belongings" after their forcible transfer from the North, but noted that "[t]here were very few adolescent boys".³²² The team also saw men being screened at checkpoints.³²³

Like the ICTY Trial Chamber, the Global Protection Cluster (a network of NGOs, international organisations and UN agencies) has noted how the separation of children from their family members, or children who are sole survivors of incidents,

318 "Death corridor": The al-Samounis recall terror of 'safe passage' in Gaza" *Al Jazeera* (3 December 2023) <<https://www.aljazeera.com/news/2023/12/3/death-corridor-the-al-samounis-recall-terror-of-safe-passage-in-gaza>>

319 Global Protection Cluster, *Protection Analysis Update: The Systematic Destruction of the Fabric of Life* (May 2024) <https://www.globalprotectioncluster.org/sites/default/files/2024-05/gaza_pau_final_05.24.pdf> 9

320 UN OCHA, "Statement on North Gaza by Joyce Msuya, Acting Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator" (26 October 2024) <<https://www.ochaopt.org/content/acting-un-relief-chief-disregard-humanity-must-stop-north-gaza>>.

321 UN OCHA, "Humanitarian Situation Update #231 | Gaza Strip" (22 October 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-231-gaza-strip>>.

322 UN Office at Geneva Newsroom, "UN Geneva Press Briefing - 25 October 2024" (25 October 2024) <<https://www.unognewsroom.org/story/en/2397/un-geneva-press-briefing-25-october-2024-2/0/WjnegYbwZ1>>.

323 *Ibid.*



creates catastrophic trauma for children.³²⁴ Separation from family members is a highly distressing event that has lasting harmful impacts on child development, and children who are separated are sometimes unable to find extended family members³²⁵ — if any have managed to survive. Given the lack of resources and assistance available within Gaza, these children are at risk of neglect, exploitation, starvation and disease.

Recalling the jurisprudence of international criminal tribunals, which has established that instances of family separation while forcibly displaced constitutes “serious mental harm”, it is clear that Israel’s evacuation orders and policy of detaining Palestinians across Gaza — including the brutal manner in which they are carried out — is intended to destroy the population by inflicting lasting and severe mental suffering on the victims and their families. However, the similarities between the forcible transfer of Palestinians in Gaza and that of Bosnian Muslims by Serb forces extend beyond the separation of (mostly) men and boys from their families. Just as Bosnian Muslims were forced to leave their possessions behind and flee their homes under fire, Palestinians in Gaza have been subjected to the very same conditions. In many cases, Palestinians in Gaza have had to leave their homes or shelters in the midst of hostilities as Israel gives little to no notice of a planned attack.³²⁶ For those who survive the relentless bomb blasts, drone attacks, heavy artillery shelling, and gunfire, staying alive has meant moving from place to place with whatever basic items they manage to gather together before evacuating.

Aya Hammad, 23, was at home in the Sabra area of Gaza City in early November when her father and two sisters received calls from the IDF, instructing them to evacuate: “We didn’t have the luxury of contemplating the supplies we might need . . . We carried only our identity documents and a small bag containing a single piece of clothing to mitigate the harshness of the impending winter cold.”³²⁷ The situation has only worsened since then. Since 6 May 2024, well over

324 Global Protection Cluster, *Protection Analysis Update: The Systematic Destruction of the Fabric of Life* (May 2024) <https://www.globalprotectioncluster.org/sites/default/files/2024-05/gaza_pau_final_05.24.pdf> 9

325 *Ibid.*

326 See Section 3.3 above on “The form and content of the evacuation orders exposes the IOF’s intent to destroy Palestinian life”.

327 “Soldiers started shooting at my feet’: Palestinians describe fleeing northern Gaza” *The Guardian* (26 November 2023) <<https://www.theguardian.com/world/2023/nov/26/palestinians-describe-fleeing-northern-gaza>>.

one million people,³²⁸ the vast majority of whom have already been displaced multiple times, have been forced to leave Rafah — a city whose population had increased fivefold, to some 1.5 million people³²⁹ — Khan Younis, Deir Al-Balah, Gaza City, and even parts of Al-Mawasi. In the midst of this second wave of evacuation orders, UNRWA's Commissioner-General Lazzarini highlighted the “havoc and panic” created by the directives,³³⁰ as people need to make split-second decisions on what is essential to pack.³³¹ Nour Mahdi said she took only her house keys, the deed to her apartment to prove ownership and a photo album of her seven children. The album later got ruined in the rain, and she ended up only using it as kindling for a fire to cook with. Omar Fayad, who only kept a picture of his daughter and one of himself when he was 10 years old, explained that after multiple moves, “each place worse than the other”, he wishes he had never left his home. “It would've been better for me if I stayed in my house there and died,” the 57-year-old said, longing for his home in Beit Hanoun in north Gaza.³³² As a forcibly displaced Palestinian man, recorded by UNRWA, tearfully recounts: “These are all our memories, our entire lives . . . Now it's all gone; everything has turned into ashes.”³³³

Since the ground invasion of Rafah, Palestinian civilians have essentially not stopped moving. Kamil, an MSF emergency nurse, and Haider, an MSF watchman, were part of a team treating severely injured patients at Al-Shifa hospital in Gaza City during the bombardments between October and November 2023. Between them, they have now been displaced over 18 times. Haider describes how “[w]e were constantly in fear, but we had no

328 By 15 May, 800,000 people from Rafah and a further 100,000 from Khan Younis had already been displaced. This does not even account for subsequent evacuation orders in the months since, or the number of times each person has been displaced. See UNICEF, “UNICEF in the State of Palestine Escalation Humanitarian Situation Report No. 25” (22 May 2024) <<https://www.unicef.org/sop/reports/unicef-state-palestine-escalation-humanitarian-situation-report-no25>>.

329 UN Palestine, “War crimes fears over Israeli ground invasion of Rafah” (7 February 2023) <<https://palestine.un.org/en/259913-war-crimes-fears-over-israeli-ground-invasion-rafah>>.

330 UN Meetings Coverage and Press Releases, “Daily Press Briefing by the Office of the Spokesperson for the Secretary-General” (29 July 2024) <<https://press.un.org/en/2024/db240729.doc.htm>>.

331 UN Palestine, “New famine alert for Gaza where families go days without food” (27 June 2024) <<https://palestine.un.org/en/272568-new-famine-alert-gaza-where-families-go-days-without-food>>.

332 “House keys carry symbolic weight for Gaza families repeatedly displaced by war” *AP News* (9 July 2024) <<https://apnews.com/article/gaza-displacement-israel-war-900c4bacf70080249ea8e62f818c410f>>.

333 Quoted in UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #70” (15 December 2023) <<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-70>>.



other options” so they kept relocating, despite the incessant bombings and attacks across the South and Middle areas.³³⁴ Nine out of ten people have now been forcibly displaced at least once, with most having suffered through several evacuation orders³³⁵ — and some being displaced as many as 12 times in eight months.³³⁶ Such is the severity of the situation that UN Secretary-General Antonio Guterres has said that “[j]ust when we thought it couldn’t get any worse in Gaza — somehow, appallingly, civilians are being pushed into ever deeper circles of hell” as they “keep being forced to move like human pinballs across a landscape of destruction and death”.³³⁷ Andrea De Domenico, the head of OCHA for the OPT, has likened the continuous mass displacement of Palestinians to “pawns in a board game’ — forced from one location to the next, to the next [and] to the next, irrespective of our ability of support[ing] them and irrespective of the availability of services wherever they land.”³³⁸ This comparison clearly paints an accurate picture, as journalist Hind Khoudary similarly describes how Palestinians across Gaza “feel like the Israelis are playing a chess game with them, moving them from one place to another, and no place is safe”.³³⁹ Those interviewed by Al-Haq expressed the very same, stating: “They told us this area is safe, but it is not, they bombed it . . . we do not know where to go . . . we have been displaced many times”.³⁴⁰ A man, in the course of evacuating, explained: “We’ve been displaced from Gaza to Deir Al-Balah to Khan Younis to Rafah, to Al-Mawasi and back to Rafah again, we’re leaving now but do not know where to go. There is no place to go to. Everywhere is overcrowded. Safe places are being attacked.”³⁴¹

334 MSF, “No end in sight: The repeated trauma of displacement for people in Gaza” (10 July 2024) <<https://www.msf.org/no-end-sight-repeated-trauma-displacement-people-gaza>>.

335 UN Palestine, “9 out of 10 people in Gaza have been displaced at least once” (4 July 2024) <<https://palestine.un.org/en/273224-9-out-10-people-gaza-have-been-displaced-least-once>>.

336 MSF, “In Gaza, ‘everything is missing, even the idea of a future’” (20 June 2024) <<https://www.doctorswithoutborders.org/latest/gaza-everything-missing-even-idea-future>>.

337 UN, Meetings Coverage and Press Releases, “As Civilians in Gaza Are Pushed into ‘Ever Deeper Circles of Hell’, Donors Must Act Now to Protect UN Palestine Refugee Agency, Secretary-General Urges Pledging Conference” (12 July 2024) <<https://press.un.org/en/2024/sgsm22306.doc.htm>>.

338 UN News, Global Perspective Human Stories, “Gaza ‘split in two’ as civilians, humanitarians reset lives, aid efforts” (3 July 2024) <<https://news.un.org/en/story/2024/07/1151751>>.

339 “Israel follows up evacuation order with air strikes on Gaza ‘safe zone’” *Al Jazeera* (22 July 2024) <<https://www.aljazeera.com/news/2024/7/22/israel-follows-up-evacuation-order-with-air-strikes-on-gaza-safe-zone>>.

340 Al-Haq, Multiple Interviews with Palestinians on 28 May 2024 (no names provided) (in Arabic) <<https://vimeo.com/1043129148/40e0ec4291?share=copy>>.

341 *Ibid.*

The immense sense of hopelessness Israel has purposely created, and its lasting adverse mental effects, are unimaginable. One can only begin to consider a reality in which you face attacks from air, land and sea, multiple forced displacements, starvation, disease and dehydration for over ten months, yet are again being ordered to evacuate. However, this is the reality of every Palestinian man, woman and child in Gaza. Hassan Morajea, Norwegian Refugee Council's (NRC) regional access advisor, has expressed how:

People are living in a constant state of unpredictability, not knowing what is going to come next, be it more displacements, more relocations, or a regional escalation. All those worries are adding a level of emotional and psychological stress to the hardship already faced by people because of the lack of food and water, and the inability to provide shelter for their families.³⁴²

Two days after Israel dropped multiple heavy bombs on a "safe zone" where over a million people had been told to relocate to, turning a sandy stretch of land along the coast into charred wasteland littered with burning cars and mangled bodies, displaced survivors said they had no idea where they should go next.³⁴³ Aya Mohammad, a young street vendor, spoke with Reuters via text about her experience:

Those moments as the ground shook underneath my feet and the dust and sand rose to the sky and I saw dismembered bodies — was like nothing I have seen in my life . . . Where to go is what everybody asks, and no one has the answer.³⁴⁴

Speaking with journalists after her second deployment to Gaza, OCHA's Yasmine Guerda remarked "[a] direct observation on the ground every day is that there are no safe centimetres left in Gaza. There is nowhere you can be and be certain

342 Norwegian Refugee Council, 'On-the-record update #7 on situation in Gaza, Palestine' (6 August 2024) <<https://www.nrc.no/news/2024/august/on-the-record-update-7-on-situation-in-gaza-palestine/>>.

343 "Israel launches new Gaza strikes after weekend attack kills scores in safe zone" *Reuters* (15 July 2024) <<https://www.reuters.com/world/middle-east/israel-launches-new-gaza-strikes-after-weekend-attack-kills-scores-safe-zone-2024-07-15/>>

344 *Ibid.*

that there isn't going to be an attack on you that night".³⁴⁵ As Amparo Villasmil, a psychologist with MSF, explains:

When we say that there is no safe place in Gaza today, we are not just talking about the shelling. *There isn't even a safe place in people's minds.* They live in a state of constant alert. They can't sleep, they think that at any moment they are going to die; that if they fall asleep, they won't be able to react quickly and run away, or protect their family.³⁴⁶

Everyone in Gaza is tired. Davide Musardo, another psychologist with MSF who has attempted to help Palestinians address the various mental health symptoms they face while trying to survive a never-ending nightmare, recalls seeing people break down when receiving news of another evacuation order, saying "I won't move my tent any more, I might as well die."³⁴⁷ Strikingly, Musardo goes on to note how his patients all have expressionless faces; "faces that illustrate loss, sadness, and depression".³⁴⁸ The faces "of people who have lost everything".³⁴⁹

Even prior to Israel's current genocidal assault on Gaza, Palestinians across the Gaza Strip suffered severe trauma from prior attacks. As Save the Children reports "[n]o child in Gaza has known life outside of interminable cyclical violence and a life-limiting land, air and sea blockade imposed by the Government of Israel".³⁵⁰ Every child has "repeatedly experienced or witnessed traumatic events and an evisceration of their most fundamental human rights" which have taken a devastating and compounding toll on their mental health and psychosocial wellbeing, even before the latest escalation.³⁵¹ Prior to 7 October 2023, 80 percent of Palestinian children experienced higher levels of emotional distress, demonstrating bedwetting (79 percent) and reactive mutism (59 percent),

345 UN Palestine, "New famine alert for Gaza where families go days without food" (27 June 2024) <<https://palestine.un.org/en/272568-new-famine-alert-gaza-where-families-go-days-without-food>>.

346 MSF, "'We dread nightfall': Voices from Gaza" (2 January 2024) <<https://www.doctorswithoutborders.org/latest/we-dread-nightfall-stories-gaza>>.

347 MSF, "In Gaza, 'everything is missing, even the idea of a future'" (20 June 2024) <<https://www.doctorswithoutborders.org/latest/gaza-everything-missing-even-idea-future>>.

348 *Ibid.*

349 *Ibid.*

350 Save the Children, *Trapped and Scarred: The Compounding Mental Harm Inflicted on Palestinian Children in Gaza* (2024) <<https://resourcecentre.savethechildren.net/pdf/Trapped-and-Scarred-Final-1-1.pdf>> 2.

351 Save the Children, "Trapped and Scarred: The Compounding Mental Harm Inflicted on Palestinian Children in Gaza" (2024) <<https://resourcecentre.savethechildren.net/pdf/Trapped-and-Scarred-Final-1-1.pdf>> 2.

engaging in self-harm (59 percent), and having suicidal thoughts (55 percent).³⁵² By 2020, already half of Gaza's children had post-traumatic stress disorder (PTSD) from witnessing shelling, having their homes destroyed, or being physically injured in previous Israeli aggressions.³⁵³ Just last year, the UN Security Council passed Resolution 2712, in which it expressed its "deep concern that the disruption of access to education has a dramatic impact on children, and that conflict has lifelong effects on their physical and mental health".³⁵⁴

Although an entire lifetime living under illegal occupation has left no child in Gaza mentally unscathed, all parents, caregivers and partners consulted by Save the Children reported that this escalation is unlike any that came before. Participants attributed this to "the intensity, duration and conduct of hostilities; the widespread, systematic and repeated displacement; the lack of access to essentials necessary for survival; and the decimation of public services".³⁵⁵ After just five months, Save the Children reported that Israel's genocidal war had caused "relentless mental harm to children in Gaza", with parents and caregivers telling the organisation that "*children's capacity to even imagine a future without war has virtually disappeared*".³⁵⁶ All fundamental tenets of childhood, such as a stable routine or the opportunity to learn and play, have been destroyed. Children have lost their homes, their friends — and for thousands, all their family. They are repeatedly displaced and have no safe place or sense of security capable of providing some much-needed comfort as they try to withstand methods and means of war designed to destroy everything and everyone.

Children are exposed to extremely traumatic episodes on a daily basis.³⁵⁷ Due to the environment Israel has carefully curated, children are experiencing

352 *Ibid.*

353 B El-Khodary, M Samara, C Askew, 'Traumatic Events and PTSD Among Palestinian Children and Adolescents: The Effect of Demographic and Socioeconomic Factors' (2020) 11:4 *Front Psychiatry* <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7137754/>>.

354 UN Security Council Resolution 2712, The situation in the Middle East, including the Palestinian Question (15 November 2023) S/RES/2712.

355 Save the Children, "Trapped and Scarred: The Compounding Mental Harm Inflicted on Palestinian Children in Gaza" (2024) <<https://resourcecentre.savethechildren.net/pdf/Trapped-and-Scarred-Final-1-1.pdf>> 2.

356 Save the Children, "'Complete psychological destruction': Children in Gaza have suffered "relentless mental harm" during five months of war – Save the Children" (12 March 2024) <<https://www.savethechildren.net/news/complete-psychological-destruction-children-gaza-have-suffered-relentless-mental-harm-during>>.

357 Save the Children, "Children's mental health in Gaza pushed beyond breaking point after nearly a month of siege and bombardment" (7 November 2023) <<https://www.savethechildren.org.uk/news/media-centre/press-releases/childrens-mental-health-in-gaza-deteriorates-one-month-on->>>.



a whole host of signs and symptoms of trauma including anxiety, fear, worry about their safety and that of their loved ones, nightmares and disturbing memories, insomnia, bottling up emotions and withdrawing from loved ones.³⁵⁸ An Emergency Coordinator for MSF, interviewed on her return from five weeks in Gaza, described:

[I]t's even worse in reality than it looks. It's — the amount of suffering is just something . . . incomparable. It's really unbearable. I'm speechless when I try and think of the future of these children. It's generations of children who will be handicapped, who will be traumatised. The very *children in our mental health program are telling us that they would rather die than continue living in Gaza now.*³⁵⁹

The extreme psychological toll of Israel's evacuation orders and unrelenting massacre of Palestinians in Gaza has also manifested in hair loss for some children,³⁶⁰ as a result of the body being in a constant state of fight-or-flight — except there is nowhere to flee to.

Children are disproportionately affected by current events, as the threshold at which children suffer long term damage is lower and their capacity to recover or cope with such unimaginable trauma is lesser than that of an adult.³⁶¹ Nevertheless, the toll that Israel's settler-colonial, apartheid regime has taken on Palestinian adults is also immeasurable. Repeated exposure to “conflict and violence, including witnessing and experiencing housing demolition, combined with Israel's siege of Gaza since 2007” is directly associated with “high levels of

358 Save the Children, “Children's mental health in Gaza pushed beyond breaking point after nearly a month of siege and bombardment” (7 November 2023) <<https://www.savethechildren.org.uk/news/media-centre/press-releases/childrens-mental-health-in-gaza-deteriorates-one-month-on->>.

359 NPR, “An aid worker describes the ‘unbearable’ suffering of wounded children in Gaza” (26 December 2023) <<https://www.npr.org/2023/12/26/1221743518/an-aid-worker-describes-the-unbearable-suffering-of-woundedchildren-in-gaza#:~:text=Palestinian%20health%20officials%20say%20in,trying%20to%20care%20for%20children>>.

360 “Palestinian girl describes losing her hair over war trauma” *Al Jazeera* (23 August 2024) <<https://www.aljazeera.com/program/newsfeed/2024/8/23/palestinian-girl-describes-losing-her-hair-over-war-trauma>>.

361 Save the Children, “Trapped and Scarred: The Compounding Mental Harm Inflicted on Palestinian Children in Gaza” (2024) <<https://resourcecentre.savethechildren.net/pdf/Trapped-and-Scarred-Final-1-1.pdf/>> 17.

psychological distress among Palestinians”.³⁶² A study conducted by the World Bank in November 2022 found that 71 percent of the adult Palestinian population screened positive for depression, compared to 50 percent of Palestinians in the occupied West Bank.³⁶³ Since 7 October, Palestinian adults in Gaza have been plunged to new depths of despair and hopelessness. As UN Special Rapporteur on the OPT recognised in March, “[t]he survivors will carry an indelible trauma, having witnessed so much death, and experienced destruction, homelessness, emotional and material loss, endless humiliation and fear”.³⁶⁴ Having to flee at a moment’s notice amidst the chaos of war, without telecommunications and electricity; navigating through streets lined with rubble, corpses, and injured civilians; dodging bombs and bullets in search of refuge; witnessing the systematic destruction of former homes or neighbourhoods; processing their separation from family members, with no information on their fate; stripped naked, blindfolded and subject to cruel, inhuman and degrading treatment; all while fighting starvation and disease, has pushed Palestinians in Gaza beyond their physical and mental limits. The emotional distress caused by each of these experiences has left parents and caregivers increasingly unable to cope.³⁶⁵ Further, the support, services and tools they need to care for themselves and their families are increasingly out of reach, if not non-existent. This is taking a very real toll on Palestinians throughout the Gaza Strip, as evidenced by accounts of women committing suicide as a result of their desperate living conditions.³⁶⁶

Finally, the role of generational trauma for Palestinians cannot be overlooked. The traumatic, life-changing events that this group has experienced pre-date the creation of the State of Israel, yet have continued unabated since the Nakba of

362 A Faddoul, G Shannon, K Ashgar, Y Boukari, J Smith and A Neilson, “The health dimensions of violence in Palestine: a call to prevent genocide” *The Lancet* (18 December 2023) <[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(23\)02751-4/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(23)02751-4/fulltext)>.

363 World Bank Group, International Security and Development Center, Zentrum Überleben, Palestinian Central Bureau of Statistics, *Mental Health in the West Bank and Gaza* (22 November 2022) <<https://documents1.worldbank.org/curated/en/099153502102330181/pdf/P17925303fca130e30936d016a378b6a1e9.pdf>> 7.

364 UN HRC, “Anatomy of a Genocide: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese” (26 March 2024) UN Doc. A/HRC/55/73, para. 27.

365 Save the Children, ““Complete psychological destruction”: Children in Gaza have suffered “relentless mental harm” during five months of war – Save the Children’ (12 March 2024) <<https://www.savethechildren.net/news/complete-psychological-destruction-children-gaza-have-suffered-relentless-mental-harm-during>>.

366 UN OHCHR, “Observations from Gaza by Head of UN Human Rights office for the Occupied Palestinian Territory Ajith Sunghay” (19 July 2024) <<https://www.ohchr.org/en/statements/2024/07/observations-gaza-head-un-human-rights-office-occupied-palestinian-territory>>.



1948. According to Dr Samah Jabr, chair of the mental health unit, at the Palestinian Ministry of Health the trauma experienced by Palestinians in Gaza does not even fit into categorizations of PTSD:

Trauma in Palestine is collective and continuous. PTSD is when your mind is stuck in a traumatic loop. In Palestine, the loop is reality. The threat is still there. Hypervigilance, avoidance — these symptoms of PTSD are unhelpful to the soldier who went home, but for Palestinians, they can save your life. We see this more as 'chronic' traumatic stress disorder.³⁶⁷

The trauma is ongoing, relentless and compounding day by day. Though already dealing with the weight of historical, intergenerational and collective trauma, Palestinians are now being forced to survive in a landscape of total devastation. Israel's acts since 7 October are unparalleled — both in terms of the physical destruction it has wrought on Palestinians and in the extent of mental harm inflicted. A clear-cut case of genocide, Israel's attack on Gaza seeks to destroy the minds, bodies, lives, and culture of Palestinians in the Gaza Strip. Deprived of every source of happiness, stability or hope, Israel's conduct can only be classified as a calculated effort to inflict psychological devastation upon Gaza's population. They have stripped the entire population of any sense of safety, while at the same time forcing them to consistently relocate to "safe zones" — the conditions of each being worse than the last — where they know they will be targeted, just like they will be targeted if they stay. Either option means death, and deciding kills the mind.

367 Bethan McKernan, "'Chronic traumatic stress disorder': the Palestinian psychiatrist challenging western definitions of trauma" *The Guardian* (14 April 2024), <<https://www.theguardian.com/world/2024/apr/14/mental-health-palestine-children#>>; See also "Where Olive Trees Weep" (2024) <<https://whereolivetreesweep.com/>> Gabor Maté, a Jewish Holocaust survivor and renowned author, speaker, and physician — specialising in stress, trauma, addiction, and childhood development — has vocalised the semblance between his own experience as a child in Hungary and that of Palestinian children: "Palestinians have been oppressed and suppressed and murdered and controlled and dispossessed for decades. That's just the truth. There's no post-traumatic stress disorder here, because the trauma is never post".

4.2.2 Physical harm

While the discussion thus far has analysed how Israel's evacuation orders and the manner in which it carries out its forcible transfer inflicts serious mental harm clearly intended to destroy Palestinians in Gaza, Israel equally intends to destroy Palestinian life through the infliction of serious bodily harm. In fact, the links between the forced transfer of Palestinians to "safe zones" and the infliction of serious physical harm are arguably even more obvious. With over 90 percent of the population internally displaced pursuant to orders issued by the IOF — which it claims are intended to protect the civilian population — it is difficult to comprehend how there are over 103,000 reported injuries.³⁶⁸ In September 2024, the World Health Organization reported that more than 22,500 people — a quarter of those wounded in Gaza at the time — have life-changing injuries, requiring rehabilitation services "now and for years to come".³⁶⁹ These include severe limb injuries, amputations, spinal cord trauma, traumatic brain injuries and major burns. The only reasonable, and proven, conclusion is that Palestinians continue to be targeted while evacuating and present in "safe zones".

Attacks on Palestinian civilians while *en route* to or residing in a "safe zone", which obviously result in mass casualties due to the extensive overcrowding therein, have been discussed throughout this report. However, the gravity of Israel's conduct and the support this provides to a finding of genocidal intent cannot be overstated. After Israel's military operation, carried out without warning on 10 June, to release four hostages, which in turn caused around one thousand Palestinians casualties, Yasmina Guerda described going to the field hospital and finding children who had lost limbs "staring in the void, *too shellshocked to produce a sound or a tear*".³⁷⁰ Some 698 displaced Palestinians were injured during this single attack. In response to the news, UN humanitarian relief chief, Martin Griffiths, highlighted the scenes in Gaza's health centres that are sadly now familiar:

368 UN OCHA, "Reported impact snapshot | Gaza Strip" (12 November 2024) <<https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-12-november-2024>>.

369 UN News, Global Perspective Human Stories, "Over 22,500 have suffered 'life-changing injuries' in Gaza: WHO" (12 September 2024) <<https://news.un.org/en/story/2024/09/1154241>>.

370 UN Palestine, "New famine alert for Gaza where families go days without food" (27 June 2024) <<https://palestine.un.org/en/272568-new-famine-alert-gaza-where-families-go-days-without-food>>.

The images of death and devastation following Israel's military operation there prove that each day this war continues, it only grows more horrific. Seeing shrouded bodies on the ground, we are reminded that nowhere is safe in Gaza. Seeing bloodied patients being treated on hospital floors, we are reminded that health care in Gaza is hanging by a thread.³⁷¹

For those who survived the bombing of their neighbourhood by getting away on time, Ms. Guerda notes "it's only the beginning of the nightmare."³⁷² As previously outlined in section 4.1.2 above, Israel's devastating 13 July attack on Al-Mawasi, still labelled as a "safe zone" by Israel, injured more than 300 displaced persons. Those that arrived on the scene to mitigate the damage and assist the wounded were targeted, and three members of Palestinian Civil Defense (PCD) teams were killed.³⁷³ Of the approximately 300 injured, at least 254 were seriously wounded.³⁷⁴ 134 were admitted to Nasser hospital, and despite WHO staff and two emergency medical teams being present to treat the injured and the dispatch of 50 foldable beds and 50 stretchers to the facility it became unable to accept new patients as of the afternoon of 13 July.³⁷⁵ After visiting the Nasser Medical Complex, Scott Anderson (Deputy Humanitarian Coordinator and Director of UNRWA Affairs in Gaza) recounted the "horrific scenes" he witnessed at the hospital:

With not enough beds, hygiene equipment, sheeting, or scrubs, many patients were treated on the ground without disinfectants. Ventilation systems were switched off due to a lack of electricity and fuel, and the *air was filled with the smell of blood. I saw toddlers who are double amputees, children paralyzed and unable to receive treatment, and others separated from their parents . . .* Parents told me in despair that they had moved into the 'so-called humanitarian zone' in the hope that their children would be safe there.³⁷⁶

371 UN OCHA, "Humanitarian Situation Update #177 | Gaza Strip" (10 June 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-177-gaza-strip>>.

372 UN Palestine, "New famine alert for Gaza where families go days without food" (27 June 2024) <<https://palestine.un.org/en/272568-new-famine-alert-gaza-where-families-go-days-without-food>>.

373 UN OCHA, "Humanitarian Situation Update #191 | Gaza Strip" (15 July 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-191-gaza-strip>>.

374 *Ibid.*

375 *Ibid.*; Tedros Adhanom Ghebreyesus (@DrTedros) on X (13 July 2024) <<https://x.com/DrTedros/status/1812171427656712564>>.

376 UN OCHA, "Statement by Scott Anderson, Deputy Humanitarian Coordinator and Director of UNRWA Affairs in Gaza" (14 July 2024) <<https://www.ochaopt.org/content/statement-scott-anderson-deputy-humanitarian-coordinator-and-director-unrwa-affairs-gaza>>.

MAP's Mohammed Aghaalkurdi also described his experience of the attack and its aftermath:

I was driving south going to Nasser Hospital when a massive explosion happened before my eyes, unleashing a relentless cloud of dark smoke. The scene upon arrival at the hospital was beyond comprehension. Ambulances streamed in relentlessly for over two hours. The emergency department overflowed with patients on beds, floors, and corridors. Blood stained the ground. The smell of burnt flesh was overwhelming. The cries of women and children pierced the air.³⁷⁷

Senior Communications Officer for UNRWA, Louise Wateridge, tweeted a harrowing video of the scene, where workers were mopping up pools of blood with water alone.³⁷⁸ The following day, while Al Nasser hospital was still reeling from the influx of seriously injured patients from Al-Mawasi, the UNRWA An Nuseirat Elementary Co-educational "B"&"D" school (also known as Abu Oreiban school) was hit, injuring around 80 displaced persons seeking shelter therein.³⁷⁹ Without time for the staff to rest, another flow of patients filled the already packed facility.³⁸⁰

This cycle has continued unabated, as Israel persists in targeting evacuees and the densely populated "safe zones" it has forcibly transferred them to. Dozens of men, women, children, including persons with disabilities and illnesses, the elderly, and pregnant and breastfeeding women, are seriously injured every day. Even more minor injuries from which one could usually expect to make a swift recovery are leaving permanent damage, changing the victims' lives forever. Due to Israel's unrelenting blockade, obstruction of humanitarian aid, and targeting of medical personnel and humanitarian actors, health centres and staff cannot provide proper treatment.³⁸¹ With vastly insufficient supplies of fuel, electricity, running water, surgical equipment, bandages, anaesthetic,

377 Medical Aid for Palestinians (@MedicalAidPal) on X (20 July 2024) <<https://mobile.x.com/MedicalAidPal/status/1814580023916933439>>.

378 Louise Wateridge (@UNWateridge) on X (13 July 2024) <<https://x.com/UNWateridge/status/1812167573401714870>>.

379 UN OCHA, "Humanitarian Situation Update #191 | Gaza Strip" (15 July 2024), <<https://www.unocha.org/publications/report/occupied-palestinian-territory/humanitarian-situation-update-191-gaza-strip-enarhe>>.

380 *Ibid.*

381 Doctors of the World, "Israeli obstructions to aid and attacks on humanitarian workers" (8 October 2024) <<https://www.doctorsoftheworld.org.uk/news/israeli-obstructions-to-aid-and-attacks-on-humanitarian-workers/>>



pain relief, antibiotics, disinfectants, wheelchairs, or even available hospital beds where patients can recuperate, injuries that are normally easy to treat are left to rot, fester and spread.³⁸² In an attempt to halt infections that have already begun to take hold, medical staff are all-too-often forced to carry out amputations that never should have been required.³⁸³ Every day, ten children are losing either one leg or two³⁸⁴— an average that does not include children who have lost arms or hands, or adult amputees.

382 Medecins Sans Frontiere, “Obstacles to essential supplies deepen Gaza’s catastrophic humanitarian and medical situation” (29 November 2024) <<https://www.msf.org/obstacles-essential-supplies-deepen-catastrophic-humanitarian-and-medical-situation-gaza>>; UN OCHA, “Humanitarian Situation Update #243 Gaza Strip” (3 December 2024) <<https://reliefweb.int/report/occupied-palestinian-territory/humanitarian-situation-update-243-gaza-strip-enar>>; UNICEF, “Facing life in the Gaza Strip with a new disability” (21 December 2023) <<https://www.unicef.org/sop/stories/facing-life-gaza-strip-new-disability>>; WHO, “WHO analysis highlights vast unmet rehabilitation needs in Gaza” (12 September 2024) <<https://www.who.int/news/item/12-09-2024-who-analysis-highlights-vast-unmet-rehabilitation-needs-in-gaza>>; Liat Kozma and Lee Mordechai, “A war on hospitals is a war on civilians: Israel’s fatal blow to health in Gaza” +972 (1 November 2024), <<https://www.972mag.com/health-system-gaza-hospitals-fatal-blow/>>

383 UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #152” (12 April 2024) <<https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-152>>.

384 UN Media, ‘Geneva / Gaza UNRWA Lazzarini’ (25 June 2024) <<https://media.un.org/unifeed/en/asset/d322/d3225657>>.

4.3 Creating conditions of life calculated to bring about the destruction of the group

The potential for crimes of forced displacement to constitute genocide has been acknowledged by the International Court of Justice (ICJ), which stated that if carried out with the necessary specific intent they may be characterised as “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”.³⁸⁵ The ICTR has adopted a similar view regarding the crime of deportation.³⁸⁶ This is largely foreseeable when one considers that groups, expelled from their homes and forcibly displaced to areas that lack essential resources, would be exposed to conditions that make their physical destruction almost inevitable. Based on this reasoning, it is irrelevant if the group crosses a border or stays within the territory of the State. Subsequently, forced displacement may also fall within the scope Article II(c) of the Genocide Convention or Article 6(c) of the Rome Statute.

While what exactly is considered as indispensable for survival has been the subject of debate, any assessment of a violation of Article II(c) and Article 6(c) ought to consider: the length of time a group was subject to the imposed conditions; denial of access to adequate medical care; the imposition of a subsistence diet; the involuntary lack of proper housing, clothing, or hygiene; and the imposition of excessive work or physical exertion on a protected group.³⁸⁷ Each of these prototypical examples of qualifying conduct are featured in the so-called “humanitarian zones” to which Palestinians in Gaza are forced to flee to.

The administration of “safe zones”, or lack thereof, and conditions therein have been discussed extensively throughout this report,³⁸⁸ so they need not be repeated here. However, it is also important to note that 15 UN Special Rapporteurs and 21 members of UN Working Groups have agreed that the level of destruction that had already taken place by mid-November 2023 of “housing units, as well

385 *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, ICJ Reports 2007, p. 43.

386 *Prosecutor v Akayesu* (Judgment) ICTR-96-4-T (2 September 2002), para. 506; *Prosecutor v Rutanganda* (Judgment) ICTR96-3-T (6 December 1999) para. 51; and *Prosecutor v Musema* (Judgment) ICTR-96-13-A (17 January 2000).

387 Adi Radhakrishnan, “An Inherent Right to Health: Reviving Article II(c) of the Genocide Convention” (2020) 52:1 *Columbia Human Rights Law Review* 82, 112.

388 See Chapter 2 above on “Safe Zones in International Law”.

as hospitals, schools, mosques, bakeries, water pipes, sewage and electricity networks . . . threatens to make the continuation of Palestinian life in Gaza impossible".³⁸⁹ By March 2024, UN Special Rapporteur on the human rights of IDPs, Paula Gaviria Betancur found that "Israel's evacuation orders have not made the people of Gaza safer; on the contrary, they have been used to forcibly transfer and confine the civilian population in unlivable conditions."³⁹⁰ In the same month, UN Special Rapporteur on the OPT, Francesca Albanese, issued her first report — aptly titled 'Anatomy of a Genocide' — on Israel's conduct in Gaza since 7 October 2023, in which she identified the commission of the same three genocidal acts discussed in the present report.³⁹¹ On the first anniversary of Israel's genocidal assault on Gaza, 16 Special Rapporteurs, two Independent Experts and four UN Working Groups published a statement which highlighted that the promise made by Israeli leaders to destroy Gaza had been fulfilled:

The Strip is now a wasteland of rubble and human remains, where survivors — men and women, children and the elderly — struggle to hold on to life amid deprivation and disease.³⁹²

This was reinforced by the UN OHCHR's Update Report published in November 2024, which found that the levels of death and injury in Gaza since 7 October 2023 are likely much higher than reported, in part due to:

[R]epeated massive displacement of people, both further to evacuation orders and as a result of the fighting itself, increasing exposure to death from illness and disease with people living in cramped and unsanitary conditions without access to essential services.³⁹³

389 OHCHR, "Gaza: UN experts call on international community to prevent genocide against the Palestinian people" (16 November 2023) <<https://www.ohchr.org/en/press-releases/2023/11/gaza-un-experts-call-international-community-prevent-genocide-against>>.

390 Paula Gaviria Betancur, UN Special Rapporteur on the human rights of internally displaced persons, "Gaza: Israel's dehumanisation of displaced persons must end, says UN expert" (UN, 4 March 2024) <<https://www.un.org/unispal/document/gaza-israels-dehumanisation-must-end-says-unohchr-6mar24/>>.

391 UN HRC, "Anatomy of a Genocide: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese" (26 March 2024) UN Doc. A/UN/55/73.

392 UN OHCHR, 'The international order is breaking down in Gaza': UN experts mark one year of genocidal attacks on Palestinians' (11 October 2024) <<https://www.ohchr.org/en/statements/2024/10/international-order-breaking-down-gaza-un-experts-mark-one-year-genocidal>>

393 UN OHCHR, *UPDATE REPORT Six-month update report on the human rights situation in Gaza: 1 November 2023 to 30 April 2024* (8 November 2024) <<https://www.ohchr.org/sites/default/files/documents/countries/opt/20241106-Gaza-Update-Report-OPT.pdf>> para. 10

Furthermore, as mentioned above,³⁹⁴ in addition to pushing Palestinians into uninhabitable, densely populated areas subject to constant attack, repeated forced displacements serve the additional purpose of exacerbating humanitarian needs by severely compromising the ability of humanitarian workers to reach people in need or provide any semblance of adequate services to a desperate population as they must constantly adapt, relocate, and change their operations.³⁹⁵ Thus, one can safely conclude that Israel's genocidal tactic of repeatedly displacing the population, thereby forcing humanitarian operations to reset their operations every few days or weeks, while simultaneously obstructing the delivery and distribution of aid and bombarding the entirety of the Gaza Strip — with a particular focus on unilaterally designated “safe zones”, “humanitarian corridors” and critical infrastructure — has directly led to their intended aim of destroying all Palestinian life and means of survival in Gaza.

394 See Section 3.2 above on “The evacuation orders only further endanger the ‘security of the population’ in Gaza”.

395 See UNGA, ‘Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories’ (20 September 2024) UN Doc. A/79/363 <<https://documents.un.org/doc/undoc/gen/n24/271/19/pdf/n2427119.pdf>> para. 9

4.4 Forced displacement as evidence of genocidal intent

The specific intent (*dolus specialis*) to destroy a group, in whole or in part, is what differentiates genocide from other international crimes. When determining the *dolus specialis* for genocide, international courts and tribunals have opted for a restrictive approach that requires the intent to destroy, in whole or in part, to be the only reasonable inference from the acts committed. As illustrated by UN Special Rapporteur on the OPT, Francesca Albanese, in her latest report:

[A] wider lens is required to identify the intent to destroy a group in whole or in part as such . . . Accordingly, the historical and sociopolitical context in which genocide occurs is key to identifying how intent forms, and then materializes also through these other acts.³⁹⁶

Recognising that indications of genocidal intent are “rarely overt”,³⁹⁷ jurisprudence shows it is permissible to infer the existence of genocidal intent based on “all of the evidence taken together” or a pattern of conduct, as long as this inference is the only reasonable interpretation.³⁹⁸ Furthermore, acts other than the five listed in the Genocide Convention may be relevant evidence of genocidal intent.³⁹⁹ Factors relevant to this analysis include the general context, the commission of acts systematically directed against the same group, the scale of the atrocities, the repetition of destructive and discriminatory acts, and statements made by the perpetrator evincing their intent.⁴⁰⁰ As Special Rapporteur Albanese highlights, international jurisprudence has largely focussed on acts which target the “very foundation of the group”, such as the imposition of living conditions leading to “slow death” and “the destruction of

396 UNGA, “Genocide as colonial erasure: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese” (1 October 2024) UN Doc. A/79/384, para. 43.

397 *Prosecutor v. Zdravko Tolimir* (Judgment) IT-05-88/2-T (12 December 2012), para. 745.

398 *Ibid*; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, Judgment, ICJ Reports 2015, para. 148; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, ICJ Reports 2007, para. 373; *See also Prosecutor v. Milomir Stakic* (Appeal Judgment) IT-97-24-A (22 March 2006), para. 55.

399 *Prosecutor v. Zdravko Tolimir* (Judgment) IT-05- 88/2-T (12 December 2012), para. 740.

400 *Ibid*, para. 745.

the spirit, of the will to live, and of life itself”.⁴⁰¹ This means intent is assessed “holistically and in totality”.⁴⁰²

The relevance of forced transfer or displacement to this analysis was explicitly acknowledged by the ICJ in *Croatia v. Serbia*. Here, the Court found that the forced displacement of a population, when combined with other elements (in particular with the commission of acts prohibited by Article II), may contribute to the proof of genocidal intent.⁴⁰³ A similar, yet more vehement approach was taken by the ICTY’s Trial Chamber in *Blagojević and Jokić*, where the forced displacement of women, children and the elderly was held to be a “manifestation of the specific intent” to rid the Srebrenica enclave of the Bosnian Muslim population.⁴⁰⁴ The majority of the *Krstić* Appeals Chamber adopted the same view when ruling that forcible transfer could be an “additional means by which to ensure the physical destruction of the Bosnian Muslim community in Srebrenica” as the transfer “eliminated even the residual possibility that the Muslim community in the area could reconstitute itself”.⁴⁰⁵

Hence, displacement has often been viewed as a critical step in achieving the ultimate objective of eliminating the local and indigenous population from an area.⁴⁰⁶ Just 20 percent of Gaza’s territory is not under an evacuation order, leading to the forced displacement of over 90 percent of the population,⁴⁰⁷ though the

401 UNGA, “Genocide as colonial erasure: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese” (1 October 2024) UN Doc. A/79/384, para. 44; See also *Prosecutor v. Goran Jelisić* (Appeal Judgment) IT-95-10-A (5 July 2001), para. 47; see *Prosecutor v. Athanase Seromba* (Appeal Judgment) ICTR-2001-66-A (12 March 2008), para. 176; *Prosecutor v. Siméon Nchamihigo*, (Judgment and Sentence), ICTR-01-63-T (12 November 2008), para. 331; Israel, District Court of Jerusalem, *Attorney General v. Eichmann* (Judgment) 40/61 (1968), para. 183; *Prosecutor v. Radovan Karadžić and Ratko Mladić* (Rule 61 Review of the Indictments) IT-95- 5-R61; IT-95-18-R61 (11 July 1996), paras. 94 –95; *Prosecutor v. Zdravko Tolimir*, (Judgment) IT-05- 88/2-T (12 December 2012), para. 740; *Prosecutor v. Jean-Paul Akayesu* (Judgment) ICTR-96-4-T (2 September 1998), para. 732.

402 UNGA, “Genocide as colonial erasure: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese” (1 October 2024) UN Doc. A/79/384, para. 44.

403 *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, Judgment, ICJ Reports 2015, para. 478.

404 *Prosecutor v. Blagojević and Jokić* (Judgment) IT-02-60-T (17 January 2005), para. 675.

405 *Prosecutor v. Radislav Krstić* (Judgement) IT-98-33-A (19 April 2004), para. 31, referencing *Prosecutor v. Radislav Krstić* (Judgement) IT-98-33-T (2 August 2001), para. 595.

406 *Prosecutor v. Blagojević and Jokić* (Judgment) IT-02-60-T (17 January 2005), para. 650.

407 UN OCHA, “Reported impact snapshot | Gaza Strip” (12 November 2024) <<https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-12-november-2024>>.



actual proportion may be larger when the number of Palestinians killed, missing under the rubble or those who have died in ways which officials have not recorded are subtracted from the population estimates.

Beyond removing almost the entire civilian population from the majority of the Gaza Strip, Israel is making it uninhabitable for future generations of Palestinians. By February 2024, over 25,000 tons of explosives — equivalent to two nuclear bombs — had been dropped on Gaza, causing massive destruction and the collapse of water and sanitation systems, agricultural devastation, and toxic pollution.⁴⁰⁸ In May 2024, based on the reported casualties and damage up to that point, the UN Development Programme (UNDP) found that “[t]he level of destruction in Gaza, including schools, hospitals and other health and WASH facilities, is such that the required assistance to rebuild public infrastructure and resume basic social services would be on a scale not seen since 1948”.⁴⁰⁹ As a result of the systemic destruction of housing and critical infrastructure, the report foresees:

[E]xtensive and potentially protracted displacement and homelessness, depletion and contamination of natural resources, and devastation of economic and essential services infrastructure, including WASH, education and health facilities, with little prospects for recovery in the absence of a functioning economy, institutional capacities and ability to trade.⁴¹⁰

The immense loss of human and institutional capacities, famine and malnutrition, lost education, decimated health services, inadequate hygiene and sanitation, forced displacement and poor housing conditions created by Israel's genocidal assault had already set human development back by more than two decades by the 1st of May 2024.⁴¹¹ If reconstruction is to follow the same pattern as the response to the last two escalations in Gaza, it will take over 80 years to restore

408 UNGA, “Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories” (20 September 2024) UN Doc. A/79/363 <<https://documents.un.org/doc/undoc/gen/n24/271/19/pdf/n2427119.pdf>> para. 34.

409 UNDP, “Gaza war: expected socioeconomic impacts on the State of Palestine: Update | May 2024” (2 May 2024) <https://www.undp.org/sites/g/files/zskgke326/files/2024-05/2400257e-gaza_war-_expected_socioeconomic_impacts-pb.pdf> 16.

410 *Ibid.*

411 UNDP, “Gaza war: expected socioeconomic impacts on the State of Palestine: Update | May 2024” (2 May 2024) <https://www.undp.org/sites/g/files/zskgke326/files/2024-05/2400257e-gaza_war-_expected_socioeconomic_impacts-pb.pdf> 16.



Figure 19: Destruction in Al-Shati refugee camp, Gaza Strip (29 October 2023).
Photographer: Mohammed Zaanoun.

just the fully destroyed housing units.⁴¹² In an optimistic scenario where there is a five-fold increase of construction materials allowed into Gaza, it would take until at least 2040.⁴¹³ Moreover, the UN Development Programme projected the poverty rate in Gaza to surge from 38.8 percent to 60.7 percent by the ninth month of the war, which has already passed. In numerical terms, this is an increase of nearly two million people living in poverty.⁴¹⁴

Aside from systemic poverty and decimated infrastructure, the environmental toll of Israel's total war on Gaza cannot be understated. Prior to 7 October, Gaza's environment had been severely degraded by Israel's blockade and long history of aggression against the occupied Palestinian people.⁴¹⁵ Land and soil degradation have devastated Gaza's agrarian society, which was already in a

412 *Ibid*, p. 6.

413 *Ibid*.

414 *Ibid*, p. 4.

415 *Ibid*, pp. 6, 12-18.



chokehold from 17 years of Israeli blockade depriving the region of essential farming inputs.⁴¹⁶ With a long history of being subject to intensive bombing by the IOF, heavy metal contamination has persisted for decades and has led to elevated levels of lead, nickel, chromium, copper, and manganese.⁴¹⁷ Levels of these toxic metals are expected to skyrocket as a direct consequence of Israel's genocidal war, which is unprecedented in terms of its length and ferocity. Soil quality and output is worsened by air contaminated with poisonous chemicals such as white phosphorus and other heavy explosives which decrease the productivity of agricultural land, as well as harming existing plants.⁴¹⁸ There is also a significant likelihood of unexploded ordnance — which amounts to 10 percent of the ammunition fired —⁴¹⁹ posing major hazards across Gaza, including farmland areas.⁴²⁰ UN mine action experts have already warned that even when current hostilities end, the risk remains “lethally high” for civilians in Gaza “from unexploded weapons and contaminated rubble throughout the devastated enclave”,⁴²¹ which could take 15 years to clear.⁴²² Therefore, in addition to the thousands of lives that have already been lost, and the many more children, women and men that have been maimed and mentally and physically injured, the risk of future “lost generations” is imminent.

416 Greenpeace, “Scorched-earth: making Gaza uninhabitable for generations to come” (11 July 2024) <<https://www.greenpeace.org/aotearoa/story/scorched-earth-making-gaza-uninhabitable-for-generations-to-come/>>.

417 UNEP, *Environmental impact of the conflict in Gaza Preliminary assessment of environmental impacts* (February 2024) <https://wedocs.unep.org/bitstream/handle/20.500.11822/45739/environmental_impact_conflict_Gaza.pdf?sequence=3&isAllowed=y> 40.

418 Greenpeace, “Scorched-earth: making Gaza uninhabitable for generations to come” (11 July 2024) <<https://www.greenpeace.org/aotearoa/story/scorched-earth-making-gaza-uninhabitable-for-generations-to-come/>>; see also Antoine Kallab and Leila Rossa Mouawad, *The Socio-Environmental Impact of White Phosphorus Ammunition in Southern Lebanon: Analysis and Risk Mitigation Strategies* (American University of Beirut - Nature Conservation Center, November 2023) <<https://www.aub.edu.lb/natureconservation/Documents/Brief%20WP%20English.pdf>>.

419 UN News, Global Perspective Human Stories, “|Gaza’s unexploded ordnance could take 14 years to clear” (26 April 2024) <<https://news.un.org/en/story/2024/04/1149051>>.

420 UNEP, *Environmental impact of the conflict in Gaza Preliminary assessment of environmental impacts* (February 2024) <https://wedocs.unep.org/bitstream/handle/20.500.11822/45739/environmental_impact_conflict_Gaza.pdf?sequence=3&isAllowed=y> 35.

421 UN News, Global Perspective Human Stories, “Unexploded ordnance leaves dark legacy for Gaza, warn mine action experts” (6 May 2024) <<https://news.un.org/en/story/2024/05/1149391>>.

422 UNRWA (@UNRWA) on X (15 July 2024) <<https://x.com/UNRWA/status/1812815626723086584>>.



In view of Israel's conduct, its overt statements of intent to commit genocide,⁴²³ the scale of death and destruction they have wrought on the Palestinian people, and the deprivation of all means of survival, the unprecedented mass forcible transfer we are witnessing can only be indicative of an intent to destroy Palestinian life in the enclave. Over and above eliminating Gaza's current population, Israel seeks to make the enclave uninhabitable for future generations of Palestinians seeking to reconstitute themselves in the Gaza Strip.

423 For an extensive list of such statements, see *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Application instituting proceedings and request for the indication of provisional measures (29 December 2023) <<https://www.icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf>> pp. 59-67.



5.

North Gaza: The Final Stage of a Genocide Within a Genocide

Since the beginning of its genocide against Palestinians in Gaza, Israel has taken measures to empty the area north of Wadi Gaza. This began as early as 13 October 2023, when Israel issued its first wave of evacuation orders demanding the over 1.1 million people in the area to move south of within 24 hours.⁴²⁴ From this point on, the north of Gaza was deprived of food, fuel, medical resources and humanitarian assistance more than any other area of the Strip.⁴²⁵ However, starting on 1 October 2024 when Israel imposed a complete siege and soon after ordered all civilians residing therein to evacuate immediately, the situation has deteriorated beyond imagination. The subsequent offensive that ensued, and continues to the time of writing, has been labelled as an “intensified, extreme and accelerated version of the horrors of the past year”.⁴²⁶ Even by the standards of Israel’s unprecedented conduct over the last 13 months, the situation in northern Gaza is catastrophic. It not only represents a culmination of Israel’s year-long genocide, but showcases the specific intent to destroy which underlies Israeli evacuation orders and the manner in which they, and the forcible transfer of Palestinians, contribute to the genocidal acts of: killing; causing serious bodily and mental harm; and the imposition of conditions of life calculated to bring about the destruction of Palestinians in Gaza.

424 Israeli Defence Forces, @IDF, Tweet (6:50am, October 13, 2023), <<https://twitter.com/IDF/status/1712707301369434398>> ; UN OHCHR, “Israel must rescind evacuation order for northern Gaza and comply with international law: UN expert” (13 October 2023) <<https://www.ohchr.org/en/press-releases/2023/10/israel-must-rescind-evacuation-order-northern-gaza-and-comply-international>>.

425 For example, see UN News, Global Perspective Human Stories, “Recurring denials hamper aid delivery to north Gaza” (11 January 2024) <<https://news.un.org/en/story/2024/01/1145422>>; “Guterres says ‘massive supply’ of aid needed in north Gaza” *Al Jazeera* (25 March 2024) <https://www.youtube.com/watch?v=xcJU3Cftuws&ab_channel=AlJazeeraEnglish>; “Israel says 322 aid trucks entered Gaza, yet the north remains deprived: AJE correspondent” *Al Jazeera* (8 April 2024) <https://www.youtube.com/watch?v=jeWAMRU3FNg&ab_channel=AlJazeeraEnglish>.

426 UN OCHA, “Conditions in Gaza ‘unfit for human survival,’ acting UN relief chief tells Security Council” (13 November 2024) <<https://www.ochaopt.org/content/conditions-gaza-unfit-human-survival-acting-un-relief-chief-tells-security-council>>.

5.1 Evacuation amidst a siege

Out of 98 coordinated aid movements in October 2024 aimed at providing humanitarian assistance to northern Gaza from the southern part of the Strip via Al Rasheed checkpoint, only 11 percent were facilitated by the Israeli authorities. Overall, out of 183 coordinated movements to and within northern Gaza, 102 were denied or impeded. As UN OCHA reports, in comparison with September, denials of movements across Gaza have risen by over 100 percent while facilitation of movements has decreased by 21 percent, and refusal of movements to northern Gaza via Al Rasheed checkpoint have increased by 115 percent.⁴²⁷ Between 1 and 21 October 2024, a staggering six percent (only four out of 70) of coordinated aid movements that aimed to provide humanitarian assistance in northern Gaza via Al Rasheed checkpoint were facilitated by Israeli authorities.⁴²⁸

The severe restrictions on aid, designed to employ starvation and total deprivation as a means of both eradicating the population therein or, as an alternative, forcing them to relocate to areas where they would face only marginally better conditions while still being under attack meant that by 15 October 2024, no food aid had entered northern Gaza since the very beginning of the month.⁴²⁹ This led the World Health Organization to warn “people have run out of ways to cope, food systems have collapsed, and the risk of famine is real”.⁴³⁰ Although the Erez crossing reopened on 14 October, WFP reported that delays at holding points and multiple inspections have limited the quantity of aid entering the Strip, and the supplies managing to cross into northern Gaza have only been allowed to reach Gaza city, as opposed to being channelled to the besieged areas of North Gaza governorate.⁴³¹ As a consequence, daily food distribution shrunk by nearly 25 percent in October

427 UN OCHA, “Humanitarian Situation Update #235 | Gaza Strip” (5 November 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-235-gaza-strip>>.

428 UN OCHA, “Humanitarian Situation Update #231 | Gaza Strip” (22 October 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-231-gaza-strip>>.

429 UN OCHA, “Ms. Joyce Msuya, Acting Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator - Briefing to the Security Council on the humanitarian situation in Gaza, 16 October 2024” (16 October 2024) <<https://www.unocha.org/publications/report/occupied-palestinian-territory/ms-joyce-msuya-acting-under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-briefing-security-council-humanitarian-situation-gaza-16-october-2024>>.

430 UN OCHA, “Humanitarian Situation Update #229 | Gaza Strip” (15 October 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-229-gaza-strip>>; see also António Guterres (@antonioguterres) on X (17 October 2024) <<https://x.com/antonioguterres/status/1846919011818524932>>.

431 UN OCHA, “Humanitarian Situation Update #235 | Gaza Strip” (5 November 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-235-gaza-strip>>.

2024, as compared to the previous month. Joyce Msuya, Acting Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, has rightly noted “[t]hese are not logistical problems — they can be solved with the right political will”.⁴³² Unsurprisingly, however, the situation remains unchanged. So far in November 2024, Israel has either denied or impeded every attempt by the UN to access besieged areas of North Gaza governorate with food and health missions to support tens of thousands of people remaining there.⁴³³



Figure 20: Palestinians displaced from north Gaza toward the south, as ambulances head toward northern Gaza.⁴³⁴

This is the backdrop against which the Israeli military issued its most recent wave of evacuation orders. Between 5 and 7 October 2024, the IOF ordered all

432 UN OCHA, “Conditions in Gaza ‘unfit for human survival,’ acting UN relief chief tells Security Council” (13 November 2024) <<https://www.ochaopt.org/content/conditions-gaza-unfit-human-survival-acting-un-relief-chief-tells-security-council>>.

433 UN OCHA, “Humanitarian Situation Update #237 | Gaza Strip” (12 November 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-237-gaza-strip>>.

434 UNRWA, “UNRWA Situation Report #41 on the situation in the Gaza Strip and the West Bank, including East Jerusalem” (28 November 2023) <<https://www.unrwa.org/resources/reports/unrwa-situation-report-41-situation-gaza-strip-and-west-bank-including-east-jerusalem>>.

residents in northern Deir al Balah, North Gaza and Gaza governorates to relocate to the “safe zone” of Al-Mawasi where over one million Palestinians are already living in inhumane conditions, without basic services and subject to constant bombardment.⁴³⁵ These orders affect over 400,000 people in North Gaza alone.

On 6 October 2024, the Israeli military announced that it had commenced its military operation the night before in Jabalya with heavy fighting reported in the area.⁴³⁶ This means that on the very same day that Israel ordered the entirety of North Gaza to flee, it began shelling the area. Already on the morning of 6 October, the IOF had re-positioned troops from Rafah to North Gaza, encircling Jabalya and trapping its residents, placing civilians in danger, further cutting them off from access to essentials of life, and making it impossible for them to abide by the evacuation orders its own army had issued.⁴³⁷ UN OHCHR reported, on 7 October, that in the past 48 hours, intense Israeli strikes from land and sea were taking place around Beit Lahia and Jabalya, including Jabalya Refugee Camp “hitting houses and other residential buildings as well as a sports club sheltering internally displaced persons, killing dozens of Palestinians, including children and a journalist reporting from Jabalya Refugee Camp”. As highlighted in Section 3.1,⁴³⁸ the lack of any effective or advance warning and the clear inability to abide by the IOF’s instructions makes the evacuation orders unlawful.⁴³⁹ Over and above their illegality, Israel’s use of humanitarian language and rhetoric of alleged precautionary measures taken to protect the population act as a defence against allegations of genocide, war crimes, and crimes against humanity while at the same time allowing it to fulfil its genocidal intent for all the world to see.

435 UN OCHA, “Humanitarian Situation Update #227 | Gaza Strip” (8 October 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-227-gaza-strip>>; UN OHCHR, “UN Human Rights Office - OPT: The situation in North Gaza” (7 October 2024) <https://reliefweb.int/report/occupied-palestinian-territory/un-human-rights-office-opt-situation-north-gaza?utm_source=rw-subscriptions&utm_medium=email&utm_campaign=country_updates_180>; MSF, “Gaza: Humanitarian catastrophe will worsen as people from north forced to evacuate” (9 October 2024) <<https://msf.org.uk/article/gaza-humanitarian-catastrophe-will-worsen-people-north-forced-evacuate>>.

436 UN OCHA, “Humanitarian Situation Update #227 | Gaza Strip” (8 October 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-227-gaza-strip>>.

437 UN OHCHR, “UN Human Rights Office - OPT: The situation in North Gaza” (7 October 2024) <https://reliefweb.int/report/occupied-palestinian-territory/un-human-rights-office-opt-situation-north-gaza?utm_source=rw-subscriptions&utm_medium=email&utm_campaign=country_updates_180>.

438 See Section 3.1 on “The basis for the evacuation orders renders them unlawful”.

439 See Section 3.3 on “The form and content of the evacuation orders exposes the IOF’s intent to destroy Palestinian life” and Chapter 4, “Forcible Transfer as a Means to Commit Genocide”.



A year exactly after Israel launched its genocidal campaign in Gaza, the Israeli-designated area for civilians to relocate to amounted to just 15 percent of the Gaza Strip, while the total area covered by evacuation orders (excluding those that have been revoked) constituted about 84 percent of the territory. Notwithstanding the vast swathes of territory already rendered uninhabitable — either through the IOF's levelling of entire cities or its treatment of evacuation zones as killing fields — the Israeli army marked the anniversary by issuing three new evacuation orders on 7, 9 and 12 October 2024.⁴⁴⁰ Those attempting to comply with Israel's instructions were, again,⁴⁴¹ directly fired upon. One example of this practice, which has accompanied evacuation orders since the date they were first issued,⁴⁴² can be found in an incident on 10 October, when eight Palestinians were killed and others injured when they were shot at from the air while attempting to evacuate from Jabalya refugee camp through Abu Sharakh roundabout.⁴⁴³ Concurrent to strikes on escape routes,⁴⁴⁴ Israel continued its siege of northern Gaza and its ground incursions, which were also accompanied by heavy aerial bombardment, into Jabalya refugee camp. This had immediate, devastating consequences. On 11 October, at about 9:00 PM, 22 Palestinians, including women and children, were killed and 90 others injured when several houses in a residential block were hit in Jabalya Al Balad.⁴⁴⁵ Less than 24 hours later, nine Palestinians were killed and others injured when a house was hit in Al Yafawi Street.⁴⁴⁶

Since Israel began the final stage of its genocide, UN OHCHR has recorded at least 17 reported incidents which resulted in more than ten fatalities up to 12 November 2024. At least 12 of these led to more than 20 fatalities, including at least three resulting in more than 80 fatalities. There were at least 100 more incidents that

440 UN OCHA, "Civilians in northern Gaza cut off from supplies and services critical for survival" (13 October 2024) <<https://www.ochaopt.org/content/civilians-northern-gaza-cut-supplies-and-services-critical-survival>>.

441 See Section 4.1 on "Killing members of the group" and Section 2.3.3 on "Israel's violation of its unilaterally established "humanitarian" or "safe" corridors".

442 *Ibid.*

443 UN OCHA, "Humanitarian Situation Update #229 | Gaza Strip" (15 October 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-229-gaza-strip>>.

444 See UN OHCHR, "ASG Brands Kehris warns Security Council of catastrophic human rights situation for civilians in Gaza" (12 November 2024) <<https://www.ohchr.org/en/statements-and-speeches/2024/11/asg-brands-kehris-warns-security-council-catastrophic-human-rights-situation-gaza>>.

445 UN OCHA, "Humanitarian Situation Update #229 | Gaza Strip" (15 October 2024) <<https://www.unocha.org/publications/report/occupied-palestinian-territory/humanitarian-situation-update-229-gaza-strip-enarhe>>

446 *Ibid.*

resulted in a smaller number of fatalities.⁴⁴⁷ The majority of the incidents were strikes on residential buildings where entire families were sheltering. This fact, combined with the pattern and frequency of the attacks, has led the UN OHCHR to conclude that Israel is systematically targeting locations “known or which should have been known as sheltering significant numbers of civilians”.⁴⁴⁸ Furthermore, the mass victimisation caused is indicative of Israel continuing its practice of targeting densely populated, residential areas using heavy weapons with a wide lethal radius.⁴⁴⁹ In particular, attacks on schools (which are known to shelter large numbers of IDPs) have increased exponentially since the beginning of October 2024. A total of 64 attacks against schools were documented in October. At least 25 of these took place in northern Gaza, with an estimated 128 people killed as a result — the majority of them children.⁴⁵⁰ According to UNICEF, attacks during October 2024, which averaged at two per day, represent 28 percent of the overall number of attacks on schools recorded since October 2023.⁴⁵¹

On 11 November 2024, Israel intensified its ground incursion in Beit Hanoun with accounts that Israeli forces ordered the evacuation of hundreds of civilians from the area.⁴⁵² On 7 November, the Israeli military issued orders for parts

447 UN OHCHR, “Grave human rights and humanitarian situation in North Gaza amidst Israeli military strikes” (12 November 2024) <<https://reliefweb.int/report/occupied-palestinian-territory/grave-human-rights-and-humanitarian-situation-north-gaza-amidst-israeli-military-strikes>>.

448 UN OHCHR, “ASG Brands Kehris warns Security Council of catastrophic human rights situation for civilians in Gaza” (12 November 2024) <<https://www.ohchr.org/en/statements-and-speeches/2024/11/asg-brands-kehtris-warns-security-council-catastrophic-human-rights-situation-gaza>>; UN OHCHR, “Grave human rights and humanitarian situation in North Gaza amidst Israeli military strikes” (12 November 2024) <<https://reliefweb.int/report/occupied-palestinian-territory/grave-human-rights-and-humanitarian-situation-north-gaza-amidst-israeli-military-strikes>>.

449 UN OHCHR, “Grave human rights and humanitarian situation in North Gaza amidst Israeli military strikes” (12 November 2024) <<https://reliefweb.int/report/occupied-palestinian-territory/grave-human-rights-and-humanitarian-situation-north-gaza-amidst-israeli-military-strikes>>; UN OHCHR, “ASG Brands Kehris warns Security Council of catastrophic human rights situation for civilians in Gaza” (12 November 2024) <<https://www.ohchr.org/en/statements-and-speeches/2024/11/asg-brands-kehtris-warns-security-council-catastrophic-human-rights-situation-gaza>>.

450 UN OCHA, “Humanitarian Situation Update #237 | Gaza Strip” (12 November 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-237-gaza-strip>>.

451 *Ibid*; see also UNICEF, “Statement by UNICEF Executive Director Catherine Russell on a deadly weekend of attacks in North Gaza” (2 November 2024) <<https://www.unicef.org/press-releases/statement-unicef-executive-director-catherine-russell-deadly-weekend-attacks-north>>.

452 UN OCHA, “Humanitarian Situation Update #237 | Gaza Strip” (12 November 2024), <<https://www.unocha.org/publications/report/occupied-palestinian-territory/humanitarian-situation-update-237-gaza-strip-enar>>

of Gaza city and North Gaza.⁴⁵³ Initial estimates indicate that the order affects 61,000 people and three medical points, four bakeries and kitchens, 18 water trucking points, 14 IDP sites, and a warehouse.⁴⁵⁴

Figures published on 12 November, indicate that between 100,000 and 130,000 people have now been forcibly displaced from North Gaza.⁴⁵⁵ While the IOF has demanded that all civilians leave the area, whether Palestinians are displaced (to other inhumane zones where their destruction is inevitable) or killed (either directly or as a result of Israel's creation of inhumane conditions calculated to destroy life) clearly is of little importance, as the ultimate goal remains the same. To erase all Palestinian life from the area.



Figure 21: Palestinians rapidly trying to evacuate Jabalya 24 October 2024.⁴⁵⁶

453 *Ibid.*

454 *Ibid.*

455 *Ibid.*

456 UN OCHA, "Humanitarian Situation Update #233 | Gaza Strip" (29 October 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-233-gaza-strip>>.

5.2 Creation of an environment calculated to destroy

The genocidal methods used to achieve this goal are just as clear as Israel's intent. Orders issued between 5 and 15 October 2024 covered 19 percent of the Gaza Strip and applied to critical service facilities, including 16 health facilities, tens of WASH facilities, 28 schools sheltering IDPs, and one bakery.⁴⁵⁷

Attacks on hospitals and health infrastructure, a key characteristic of Israel's genocidal warfare, have also continued unabated and offer further support to its clear intent to eliminate all life and means of survival for Palestinians in the North. After two weeks of Israel increasing its pressure on health care facilities to evacuate, on 18 and 19 October 2024 Israeli strikes reportedly impacted all three remaining hospitals in the North Gaza governorate.⁴⁵⁸ Al Awda and Indonesian hospitals were directly hit — attacks described as “deepening an already alarming humanitarian crisis in northern Gaza”.⁴⁵⁹ The top floors and front yard of Indonesian Hospital, which hosted more than 40 trauma and chronically ill patients as well as medical staff, were hit and the facility suffered a total power outage.⁴⁶⁰ Two critical patients subsequently died due to a lack of electricity and supplies. The boundary walls of the Indonesian Hospital were demolished, and the building itself was damaged by a fire at a nearby school.⁴⁶¹

On 24 October 2024, the World Health Organization, alongside OCHA, UNMAS, CADUS and the Palestine Red Cross Society (PRCS) managed to reach Kamal Adwan hospital, delivering 10,000 litres of fuel, 180 blood units, medicines to cover the needs of 5,000 patients as well as trauma surgery and alcohol supplies for 1,600

457 UN OCHA, “Humanitarian Situation Update #229 | Gaza Strip” (15 October 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-229-gaza-strip>>.

458 UN OCHA, “Humanitarian Situation Update #231 | Gaza Strip” (22 October 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-231-gaza-strip>>.

459 UN OHCHR, “Grave human rights and humanitarian situation in North Gaza amidst Israeli military strikes” (12 November 2024) <<https://reliefweb.int/report/occupied-palestinian-territory/grave-human-rights-and-humanitarian-situation-north-gaza-amidst-israeli-military-strikes>>.

460 UN OCHA, “Humanitarian Situation Update #231 | Gaza Strip” (22 October 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-231-gaza-strip>>.

461 UN Office at Geneva Newsroom, “UN Geneva Press Briefing - 25 October 2024” (25 October 2024) <<https://www.unognewsroom.org/story/en/2397/un-geneva-press-briefing-25-october-2024-2/0/WjnegYbwZ1>>.



interventions.⁴⁶² Just hours later, the IOF began a siege of the hospital,⁴⁶³ ignoring the presence of more than 200 patients and “hundreds of people in every corner of the hospital seeking shelter”.⁴⁶⁴ During the siege and raid of Kamal Adwan hospital, Israeli soldiers entered the building and injured at least four hospital staff. Three ambulances, a transport vehicle and the solar panel electricity generation system were destroyed on 25 and 26 October.⁴⁶⁵ Of the hospital's 70-member team, 44 male staff members were detained by the Israeli military, 30 of whom remain in custody, and others were forced to move southward.⁴⁶⁶ Two PCD staff were also detained.⁴⁶⁷ By 29 October, there were just two doctors left at the facility. Still, the IOF did not stop there. On 31 October and 3 November Kamal Adwan Hospital, at this point the last functioning medical facility in besieged North Gaza, was targeted by Israel.⁴⁶⁸ The third floor of the hospital was directly hit on both occasions. The first attack ignited a fire that affected the medicine warehouse, destroying some of the supplies delivered by the World Health Organization and damaging the desalination station for the haemodialysis department. Four medical staff were injured while trying to manually extinguish the fire due to the lack of resources. The second reported attack injured six patients, all of whom were children, and damaged water tanks.⁴⁶⁹ Not coincidentally, the attack took place shortly after a World Health Organization-led mission (conducted jointly with OCHA, UNMAS and OHCHR amid heavy bombardment) managed to deliver 20,000 litres of fuel, as well as medical and surgical supplies, 150 blood units and

462 UN News, Global Perspective Human Stories, “WHO concerned following raid on North Gaza hospital” (25 October 2024) <<https://news.un.org/en/story/2024/10/1156126>>

463 UN OCHA, “Humanitarian Situation Update #233 | Gaza Strip” (29 October 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-233-gaza-strip>>.

464 UN Office at Geneva Newsroom, “UN Geneva Press Briefing - 25 October 2024” (25 October 2024) <<https://www.unognewsroom.org/story/en/2397/un-geneva-press-briefing-25-october-2024-2/0/WjnegYbwZ1>>.

465 UN OCHA, “Humanitarian Situation Update #233 | Gaza Strip” (29 October 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-233-gaza-strip>>.

466 *Ibid.*; Tedros Adhanom Ghebreyesus (@DrTedros) on X (29 October 2024) <<https://x.com/DrTedros/status/1850185021400691126>>; MSF, “Protection must be guaranteed for MSF doctor and medical staff detained by Israeli forces” (31 October 2024) <<https://www.msf.org/protection-must-be-guaranteed-msf-doctor-and-medical-staff-detained-israeli-forces>>.

467 UN OCHA, “Humanitarian Situation Update #233 | Gaza Strip” (29 October 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-233-gaza-strip>>.

468 “Israel's new tactics in north Gaza stoke fears of ethnic cleansing campaign” *Al Jazeera* (8 November 2024) <<https://www.aljazeera.com/news/2024/11/8/what-is-the-israeli-army-doing-in-gazas-north>>.

469 UN OCHA, “Humanitarian Situation Update #235 | Gaza Strip” (5 November 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-235-gaza-strip>>.

60 boxes of dry food and water to Kamal Adwan.⁴⁷⁰ In the words of the World Health Organization Director-General:

Following intense fighting, a siege and a raid, Kamal Adwan hospital has been reduced from a hospital helping hundreds of patients with dozens of health workers, to a shell of itself.⁴⁷¹

The same can be said for every hospital in North Gaza. Describing the current situation, Senior Emergency Officer at UNRWA, Louise Wateridge notes:

In #Gaza there's a different definition for "hospital"

Today at Shifa, doctors scramble in a temporary facility next to the destroyed "hospital". Everything reeks of blood A child hit in a strike nearby is rushed into a makeshift "ICU". No medicine. No disinfectant. No humanity.⁴⁷²

The devastation wrought by Israel's genocidal campaign is felt by all sectors of society, but nowhere is comparable to the scenes witnessed north of Wadi Gaza. Wateridge has observed:

Across northern #Gaza, there is no way of telling where the destruction starts or ends. No matter from what direction you enter #Gaza City, homes, hospitals, schools, health clinics, mosques, apartments, restaurants — all completely flattened. An entire society now a graveyard.⁴⁷³

This echoes the words of 15 UN and humanitarian organisations, who in a recent statement described the situation unfolding in North Gaza as "apocalyptic",⁴⁷⁴ and the view Secretary-General António Guterres who has unequivocally labelled the

470 *Ibid.*

471 WHO, "WHO Director-General's opening remarks at the media briefing – 1 November 2024" (1 November 2024) <<https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing---1-november-2024>>.

472 Louise Wateridge (@UNWateridge) on X (3 November 2024) <<https://x.com/UNWateridge/status/1853107376850694221>>.

473 Louise Wateridge (@UNWateridge) on X (6 November 2024) <<https://x.com/UNWateridge/status/1854242727480934704>>.

474 Inter-Agency Standing Committee, 'Statement by Principals of the Inter-Agency Standing Committee - Stop the assault on Palestinians in Gaza and on those trying to help them' (1 November 2024) <<https://interagencystandingcommittee.org/inter-agency-standing-committee/statement-principals-inter-agency-standing-committee-stop-assault-palestinians-gaza-and-those-trying>>.



humanitarian situation in North Gaza as “the worst we have seen since this horrific nightmare began”.⁴⁷⁵ Hundreds of Palestinians are killed within a matter of days, the whole population is denied basic aid and supplies essential for life, while also attempting to find some refuge from constant bombardment.⁴⁷⁶ “People suffering under the ongoing Israeli siege in North Gaza are rapidly exhausting all available means for their survival.”⁴⁷⁷ Those that have been able to escape the genocidal violence have even resorted to living in restrooms due to a lack of space.⁴⁷⁸ An UNRWA school in Gaza City, that in September was empty, is now packed with displaced Palestinians forced to return there because of the Israeli-imposed siege and military operations in the North. Discussing the conditions at the school, UNRWA’s Wateridge has said:

[T]here aren’t many words left to describe just how appalling the conditions are . . . there is sewage streaming down the walls of the school buildings because the toilets have been damaged and destroyed. Just next door, the building has been so badly damaged UNRWA had told the families not to shelter in this building because at any moment it could collapse. And yet, families are sheltering here because there is simply nowhere else for them to go. The situation is that desperate that they are forced to shelter in a building, with their families, with their children, that may collapse any moment because its the only option that they have. There is no hope left in northern Gaza, people are fleeing for their lives, they are running from bombs, they are running from strikes, they are running from military operations only to shelter in buildings that may collapse tomorrow. Only to shelter in facilities where disease is spreading. This school is the reality of 13 months of non-stop bombing, non-stop strikes on people’s homes, on hospitals, on schools, on places where they are sheltering.⁴⁷⁹

475 António Guterres (@antonioguterres) on X (24 October 2024) <<https://x.com/UNRWA/status/1854546854555300303>>.

476 See Inter-Agency Standing Committee, “Statement by Principals of the Inter-Agency Standing Committee - Stop the assault on Palestinians in Gaza and on those trying to help them” (1 November 2024) <<https://interagencystandingcommittee.org/inter-agency-standing-committee-statement-principals-inter-agency-standing-committee-stop-assault-palestinians-gaza-and-those-trying>>.

477 António Guterres (@antonioguterres) on X (23 October 2024) <<https://x.com/antonioguterres/statement-by-principals-of-the-inter-agency-standing-committee-stop-the-assault-on-palestinians-in-gaza-and-on-those-trying-to-help-them/1849185247121846418>>.

478 UN OCHA, “Humanitarian Situation Update #231 | Gaza Strip” (22 October 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-231-gaza-strip>>.

479 UNRWA (@UNRWA) on X (7 November 2024), <<https://x.com/UNRWA/status/1854546854555300303>>.

The severe lack of shelter and non-food items (NFIs) is disproportionately affecting women and children, who comprise about 70 percent of people residing in some IDP sites, and elderly persons and persons with disabilities or special needs lack various types of assistive devices that make their survival nigh-on impossible.⁴⁸⁰ Facilities also lack lighting, contributing to increased risks of gender-based violence. To make matters worse, on 25 October the Palestinian Civil Defence announced that it has been forced to halt operations in North Gaza, rendering the area without life-saving civil defence services, including firefighting, search and rescue, and emergency medical assistance.⁴⁸¹ First responders have been attacked and routinely thwarted in their attempts to reach emergency situations and carry out rescue operations for civilians trapped under the rubble.⁴⁸²

Israel's practice of denying the entry and distribution of the vast majority of aid into North Gaza, along with its demolition and evacuation of water wells, bakeries, kitchens and other humanitarian operations is compounded by its destruction of more than 50 dunums (five hectares) of agriculture land and agriculture assets, including fields planted with eggplants, oranges, peppers and other vegetables just a couple of weeks prior to Israel's commencement of the final stage of its genocide in North Gaza.⁴⁸³ The token amount of aid eventually allowed to enter North Gaza, and only after 15 October, is vastly incommensurate with the extensive needs of the population. Moreover, the IOF targets the very areas in which the essential aid is distributed. Beit Hanoun (now besieged for more than a month) finally received food and water in its shelters on 12 November. The following day, the Israeli military forcibly transferred people from those same areas.⁴⁸⁴ Acts such

480 UN OCHA, "Humanitarian Situation Update #231 | Gaza Strip" (22 October 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-231-gaza-strip>>.

481 UN OCHA, "Humanitarian Situation Update #233 | Gaza Strip" (29 October 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-233-gaza-strip>>.

482 Inter-Agency Standing Committee, "Statement by Principals of the Inter-Agency Standing Committee - Stop the assault on Palestinians in Gaza and on those trying to help them" (1 November 2024) <<https://interagencystandingcommittee.org/inter-agency-standing-committee/statement-principals-inter-agency-standing-committee-stop-assault-palestinians-gaza-and-those-trying>>; UN OCHA, "Statement on North Gaza by Joyce Msuya, Acting Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator" (26 October 2024) <<https://www.ochaopt.org/content/acting-un-relief-chief-disregard-humanity-must-stop-north-gaza>>.

483 UN OCHA, "Humanitarian Situation Update #224 | Gaza Strip" (30 September 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-224-gaza-strip>>.

484 UN OCHA, "Conditions in Gaza 'unfit for human survival,' acting UN relief chief tells Security Council" (13 November 2024) <<https://www.ochaopt.org/content/conditions-gaza-unfit-human-survival-acting-un-relief-chief-tells-security-council>>.



as these, clearly intending to strip Palestinians of all hope and chance of survival, have caused Joyce Msuya, Acting Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, to explain to the UN Security Council that “[t]he daily cruelty we see in Gaza seems to have no limits”.⁴⁸⁵

The calculated combination of withholding food aid, forcing the closure of bakeries and kitchens that were only supplying Palestinians in the North with a fraction of what the food intake they need to survive, and targeting all existing means of food production or distribution has officially caused a man-made famine in the area. On 12 November 2024, after finding an imminent and substantial likelihood of famine occurring in areas within North Gaza on 8 November due to the worst-case scenario the Famine Review Committee (FRC) had warned about already unfolding, the FRC stated that famine thresholds may have already been crossed in North Gaza.⁴⁸⁶ It additionally found that “it can now be assumed that starvation, malnutrition, and excess mortality due to malnutrition and disease, are rapidly increasing”.⁴⁸⁷

The combination of the aforementioned factors has created conditions in which “[t]he entire population of North Gaza is at risk of dying”.⁴⁸⁸ Such is the extent of the situation that a senior UNRWA official has stated “I couldn’t possibly tell you . . . how many ways people in Gaza can be killed right now”.⁴⁸⁹ People in North Gaza are now caught between a fear of attack and ultimate starvation and the knowledge that if they leave their homes, they will still be subject to constant shelling and bombardment, and denied their right of return.

485 UN OCHA, “Conditions in Gaza ‘unfit for human survival,’ acting UN relief chief tells Security Council” (13 November 2024) <<https://www.ochaopt.org/content/conditions-gaza-unfit-human-survival-acting-un-relief-chief-tells-security-council>>.

486 UN OCHA, “Humanitarian Situation Update #237 | Gaza Strip” (12 November 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-237-gaza-strip>>.

487 *Ibid.*

488 UN OCHA, “Statement on North Gaza by Joyce Msuya, Acting Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator” (26 October 2024) <<https://www.ochaopt.org/content/acting-un-relief-chief-disregard-humanity-must-stop-north-gaza>>.

489 UNRWA (@unrwa) on X (9 November 2024) <<https://x.com/UNRWA/status/1855236644154019903>>.

5.2.1 Israel's implementation of the 'General's Plan'

In April 2024, retired National Security Adviser General Giora Eiland drafted an outline plan that would eliminate the entire population of North Gaza. This would be framed as a necessary step in its fight to eradicate Hamas in the region. Under its terms, Palestinians in the area would be given one week to flee before being considered enemy combatants. From that point on, the North would be placed under siege with all access to the isolated area cut off.⁴⁹⁰ Allegedly, this would serve to pressure Hamas to release the remaining Israeli captives.⁴⁹¹ However, it would also provide Israel with total control over northern Gaza, effectively dividing the Gaza Strip.⁴⁹²

While much of Israel's conduct aligns with a policy of forced displacement — which is the practical effect of implementing the 'General's Plan' — events in North Gaza since the beginning of October 2024 fit squarely into the structure and steps outlined in General Eiland's proposal. In fact, the IOF's military operations have been even more extreme. Instead of allocating a week for residents to flee to safety, the Israeli military did not even allow the 400,000 Palestinians affected time to flee, issuing evacuation orders just 24 hours before it began its heavy aerial bombardment and ground incursion.⁴⁹³ Israel's military has already expressly stated that it will not allow Palestinians from North Gaza who have evacuated to return to their homes: "No one is returning to the northern area. There is no return to the north, and there will not be".⁴⁹⁴ IOF Brigadier General

490 "Netanyahu tells lawmakers he's considering 'Generals' Plan' to lay siege to northern Gaza" *Times of Israel* (22 September 2024) <https://www.timesofisrael.com/liveblog_entry/netanyahu-tells-lawmakers-hes-considering-generals-plan-to-lay-siege-to-northern-gaza/>.

491 The supposed rationale behind this is General Eiland's view that "[w]hat matters to Sinwar is land and dignity, and with this maneuver, you take away both land and dignity." See "Netanyahu tells lawmakers he's considering 'Generals' Plan' to lay siege to northern Gaza" *Times of Israel* (22 September 2024) <https://www.timesofisrael.com/liveblog_entry/netanyahu-tells-lawmakers-hes-considering-generals-plan-to-lay-siege-to-northern-gaza/>.

492 See "Israel's new tactics in north Gaza stoke fears of ethnic cleansing campaign" *Al Jazeera* (8 November 2024) <<https://www.aljazeera.com/news/2024/11/8/what-is-the-israeli-army-doing-in-gazas-north>>.

493 See Section 5.1 above on "Evacuation amidst a siege".

494 "Palestinians will not be allowed to return to homes in northern Gaza, says IDF" *The Guardian* (6 November 2024) <<https://www.theguardian.com/world/2024/nov/06/palestinians-will-not-be-allowed-to-return-to-homes-in-northern-gaza-says-idf>>; "'There Will Be No Return': Israeli Army Says It Will Not Allow Residents to Return to North Gaza" *Haaretz* (8 November 2024) <<https://www.haaretz.com/israel-news/2024-11-08/ty-article/there-will-be-no-return-idf-says-it-wont-allow-residents-to-return-to-northern-gaza/00000193-0c79-d49a-a993-4cfd67f90000>>.



Itzik Cohen told Israeli reporters that since troops had been forced to enter some areas twice, such as Jabaliya camp, “there is no intention of allowing the residents of the northern Gaza Strip to return to their homes”, adding that humanitarian aid would be allowed to “regularly” enter the south of the territory but not the north, since there are “*no more civilians left*”.⁴⁹⁵

Israel’s intent to have complete authority over the Gaza Strip, and the North specifically, is based on a range of factors that are independent from, and unrelated to, its alleged need to ensure its “security”. For example, North Gaza is close to key Israeli locations, such as the port of Ashkelon, which lies just 10 kilometres from Gaza. Control over the northern Gaza coast would also allow it to exploit the Gaza Marine gas field and develop gas drilling infrastructure that would enable the illegal appropriation of Palestine’s natural resources. This is clearly an interest of Israel’s, as it already gave preliminary approval for its development in June 2023.⁴⁹⁶ Yet, central to its desire to exercise full sovereignty over Gaza is Israel’s imperialist, Zionist ideology. At the core of its settler-colonial enterprise is a determination to eradicate all Palestinian presence from Historic Palestine. Since its creation, it has worked towards this goal. Israel has increasingly violated Palestine’s territorial integrity and restricted the Palestinian people’s right to self-determination through the entrenchment of discriminatory, oppressive policies.⁴⁹⁷ Maintaining Jewish demographic superiority in large swathes of the territory between the Jordan River and the Mediterranean Sea, including through forced displacement is a central element of Israel’s apartheid regime, aimed at maintaining the domination of Israeli Jews over Palestinians.⁴⁹⁸

Therefore, it comes as no surprise that the IOF already began preparations enabling it to exercise extended control over northern Gaza long before the “General’s

495 “A few thousand remained in the northern Gaza Strip. The IDF says: “Not related to the generals’ plan” *Kan* (5 November 2024), <<https://www.kan.org.il/content/kan-news/defense/820691/>>; “Israel expands offensive in northern Gaza with new ground operation, says civilians won’t be allowed back” *CBS News* (7 November 2024) <<https://www.cbsnews.com/news/israel-amas-war-gaza-offensive-beit-lahiya-idf-says-civilians-not-allowed-back/>>.

496 “Israel gives nod to Gaza Marine gas development, wants security assurances” *Reuters* (18 June 2023) <<https://www.reuters.com/business/energy/israel-gives-nod-gaza-marine-gas-development-wants-security-assurances-2023-06-18/>>; See also, Al-Haq, “Israeli Gas Exploration Licenses in Palestine’s Maritime Areas Are Illegal and Violate International Law” (8 February 2024), <<https://www.alhaq.org/advocacy/22619.html>>

497 See, Al-Haq et al, “Israeli Apartheid: Tool of Zionist Settler Colonialism” (29 November 2022), <<https://www.alhaq.org/publications/20940.html>>.

498 HRW, “North Gaza: Between Death and Displacement” (18 October 2024) <<https://www.hrw.org/news/2024/10/18/north-gaza-between-death-and-displacement>>.

Plan” was fully implemented. In November last year, it started construction on the ‘Netzarim Corridor’.⁴⁹⁹ The stretch of land, named after the illegal settlement of Netzarim that existed in Gaza before Israel’s military withdrawal in 2005, extending for 6 kilometres from Israel directly through Gaza to the Mediterranean Sea. In so doing, it has separated North Gaza from its central and southern Gaza. The corridor provides the Israeli army with significant logistical and tactical advantages, allowing it to resupply its forces stationed in Gaza City and central Gaza, as well as controlling the flow of humanitarian aid and even the population entering North Gaza.⁵⁰⁰ Also, its foretelling name, along with Prime Minister Netanyahu’s declaration that under any truce agreement there would be no Israeli withdrawal from the Philadelphi and Netzarim corridors,⁵⁰¹ indicate the Netzarim Corridor’s central role in maintaining Israel’s permanent presence in Gaza. Its ultimate function, which is to assist in emptying Gaza and consolidating Israeli control in the territory, is reaffirmed by reports in October 2024 — shortly after the IOF began its siege of North Gaza — that Israel intends to expand the Netzarim Corridor to reinforce the separation between the north and south of the Gaza Strip.⁵⁰²

These measures are accompanied by open calls from Israeli government officials to resettle Gaza.⁵⁰³ On 21 October 2024, when the siege of North Gaza was entering its third week, hundreds of right-wing Israelis congregated in a military zone near Gaza’s border to celebrate the Jewish festival of Sukkot by calling to erect settlements inside the besieged enclave.⁵⁰⁴ Noam Toeg, a 35-year-old from Givatayim who introduced himself as a spokesman for the “New Gaza” movement,

499 UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #33” (8 November 2023) <<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-33>>.

500 See “The Israeli ‘General’s Plan’ for northern Gaza is unlikely to succeed” *Al Jazeera* (16 October 2024) <<https://www.aljazeera.com/opinions/2024/10/16/the-israeli-generals-plan-for-northern-gaza-is-unlikely-to-succeed>>.

501 “War on Gaza: Why is Israel insisting on controlling the Philadelphi and Netzarim corridors?” Middle East Eye (23 August 2024) <<https://www.middleeasteye.net/explainers/what-are-philadelphi-netzarim-corridors-why-do-they-matter>>.

502 NRC, “Northern Gaza: Aid organisations warn of dramatic escalation of humanitarian catastrophe following further mass forced displacement of civilians” (9 October 2024) <<https://www.nrc.no/news/2024/october/northern-gaza-aid-organisations-warn-of-dramatic-escalation-of-humanitarian-catastrophe-following-further-mass-forced-displacement-of-civilians/>>.

503 See HRW, “North Gaza: Between Death and Displacement” (18 October 2024) <<https://www.hrw.org/news/2024/10/18/north-gaza-between-death-and-displacement>>.

504 “‘Copy-paste the West Bank to Gaza’: Hundreds join Gaza resettlement event” +972 Magazine (22 October 2024) <<https://www.972mag.com/gaza-israeli-resettlement-event-sukkot/>>.



told +972 Magazine:

The solution is for us to settle there instead of our enemies, Hamas and their supporters . . . Everything else that has been tried in the last 80 years has failed. It is already happening: as of today, almost all the residents of northern Gaza are gone.

We are the next stage of the Generals' Plan . . . Settlements will bring security for the long term.⁵⁰⁵

Shlomo Ahronson, a 54-year-old from the notoriously violent West Bank settlement of Yitzhar who previously lived in Israel's Netzarim settlement in Gaza, confidently stated:

When [the Israeli authorities] expelled us from there, it was clear to us that one day we would return, because it is God's will . . . Ultimately, [Gaza] is part of Judah's inheritance . . . In the end, the Arabs, whose sole purpose is to destroy the State of Israel, are not supposed to be inside the State of Israel.⁵⁰⁶

In one workshop, a guide with a military rifle slung across his back handed out maps of Gaza, and explained that annexing Gaza would add another 40 kilometres to Israel's coastline, stating "that's no small part of the State of Israel, and it's in our hands — we just need to take it."⁵⁰⁷

At the gathering, there were stands representing Netanyahu's Likud party and National Security Minister Itamar Ben Gvir's Otzma Yehudit party, as well as one run by Bentzi Gopstein, the leader of the extremist group Lehava. Yet, this was not even the biggest event of the past year promoting the resettlement of Gaza. In January, a major convention was held in Jerusalem — attended by 11 government ministers and 15 Knesset members⁵⁰⁸ — to promote plans to expel Palestinians from Gaza and rebuild settlements therein.⁵⁰⁹ The very next

505 *Ibid.*

506 *Ibid.*

507 *Ibid.*

508 "Turning Zeitoun into Shivat Zion: Israeli summit envisions Gaza resettlement" +972 Magazine (30 January 2024) <<https://www.972mag.com/israeli-summit-gaza-resettlement-transfer/>>

509 See "Israeli settlers hold conference on resettlement in Gaza" Reuters (28 January 2024) <<https://www.reuters.com/world/middle-east/israeli-settlers-hold-conference-resettlement-gaza-2024-01-28/>>.

month, dozens of far-right Israeli settlers gathered at Erez crossing to rally for Gaza's resettlement before breaking through an Israeli military checkpoint and crossing into Gazan territory.⁵¹⁰ To date, no action has been taken against this unlawful act. In May, thousands gathered once again for a march in the city of Sderot to demand the same.⁵¹¹

These calls, the dissemination of maps of Gaza showing future Israeli cities and settlements — all carried out with government support — when taken in conjunction with the countless genocidal statements made by Israeli officials and its overt and aggravated implementation of the 'General's Plan' provide a concrete foundation to the finding that Israel is completing its genocide of Palestinians in North Gaza.

510 "Far-right activists break into Gaza, try to reestablish Israeli settlement" *Times of Israel* (29 February 2024) <<https://www.timesofisrael.com/far-right-activists-break-into-gaza-try-to-reestablish-israeli-settlement/>>.

511 "Protesters call for Jewish settlement of Gaza during Sderot march" *The Jerusalem Post* (14 May 2024) <<https://www.jpost.com/israel-hamas-war/article-801140>>.

5.3 Displacement as death postponed

As discussed, the manner in which the Israeli military is conducting hostilities in North Gaza — including the attacks on shelters, the siege and other restrictions on the entry and distribution of the necessities of life, reported attacks on those fleeing, and the inability of Palestinians to return — evince a clear intent to permanently “empty North Gaza of its civilian Palestinian population by death or forcible transfer.”⁵¹² The wave of lethal evacuation orders, accompanied by airstrikes and a vicious ground offensive, has turned the North “into a lifeless desert, while aggravating the situation in the south.”⁵¹³ This is notwithstanding UN officials’ demand that civilians must “not be forced to choose between displacement and starvation” and instead should have a safe place to go, with shelter, food, medicine and water.⁵¹⁴

Although the devastation and deprivation intentionally wrought by Israel’s military operations in North Gaza are “making the conditions of life untenable for the Palestinian population there”,⁵¹⁵ the safety and conditions of areas to which they have been forcibly transferred offer little hope for their survival.

Israel’s minimal expansion of the so-called “humanitarian” or “safe” zone in Al-Mawasi is irrelevant when additional swathes of land are placed under evacuation orders.⁵¹⁶ MSF project coordinator in Gaza has warned that “[a]ccess to water, healthcare, and safety is already almost non-existent, and the thought of more people fitting into this space is impossible to imagine”.⁵¹⁷ Palestinians are suffering from skin diseases and respiratory infections because of the dire conditions. UNRWA’s Senior Emergency Officer reported the same, asking:

512 UN OCHA, “Statement by Muhannad Hadi, Humanitarian Coordinator for the Occupied Palestinian Territory” (19 October 2024) <<https://www.ochaopt.org/content/attacks-hospitals-northern-gaza>>.

513 MSF, “Gaza: Humanitarian catastrophe will worsen as people from north forced to evacuate” (9 October 2024) <<https://msf.org.uk/article/gaza-humanitarian-catastrophe-will-worsen-people-north-forced-evacuate>>.

514 UN OCHA, “Civilians in northern Gaza cut off from supplies and services critical for survival” (13 October 2024) <<https://www.ochaopt.org/content/civilians-northern-gaza-cut-supplies-and-services-critical-survival>>.

515 António Guterres (@antonioguterres) on X (27 October 2024) <<https://x.com/antonioguterres/status/1850560526964982166>>; see also UN, ‘Statement attributable to the Spokesperson for the Secretary-General – on North Gaza’ (27 October 2024) <<https://www.un.org/sg/en/content/sg/statement/2024-10-27/statement-attributable-the-spokesperson-for-the-secretary-general-%E2%80%93-north-gaza>>.

516 MSF, “Gaza: Humanitarian catastrophe will worsen as people from north forced to evacuate” (9 October 2024) <<https://msf.org.uk/article/gaza-humanitarian-catastrophe-will-worsen-people-north-forced-evacuate>>

517 *Ibid.*

What is there [in the south] for families to leave for? Disease is spreading; there is limited food; thousands of families are crammed on top of each other in horrendous shelter conditions. At this point, the reality is 2.2 million people are exhausted from 13 months of displacement, and trapped within pockets of the Gaza Strip, prevented from fleeing to any real safety.⁵¹⁸

Displaced Palestinians have an average space of 1.5 square meters per person in shelters, far below the minimum emergency indicator of 3.5 square meters per person. Nearly 1.5 million people are in need of emergency shelter and essential household items. A further one million people are at risk of sanitation-related threats, including from solid waste, sewage, and human waste. Health conditions continue to deteriorate across Gaza, with nine in 10 children under the age of five affected by one or more infectious diseases,⁵¹⁹ and 25 percent of women experiencing skin conditions and other health issues.⁵²⁰ Over 11,000 cases of acute respiratory infections were reported in the space of just one week in early November 2024, and the World Health Organization has warned that cases of acute jaundice syndrome and bloody diarrhoea also continue to rise.⁵²¹ The dire conditions faced by pregnant and breastfeeding women (PBW) are especially concerning, and the United Nations Population Fund (UNFPA) has reported a recent rise in premature births and maternal deaths and an estimated 155,000 PBW are deprived of access to pre-natal and postnatal care.⁵²²

The situation is rapidly worsening with the approach of winter and the cold temperatures that people will be exposed to, which increase the risk of

518 "Israel's new tactics in north Gaza stoke fears of ethnic cleansing campaign" *Al Jazeera* (8 November 2024) <<https://www.aljazeera.com/news/2024/11/8/what-is-the-israeli-army-doing-in-gazas-north>>.

519 WHO, "WHO Director-General's remarks at Meeting of the United Nations Security Council on the situation of the health system in Gaza - 6 November 2024" (6 November 2024) <<https://www.who.int/director-general/speeches/detail/who-director-general-s-remarks-at-meeting-of-the-united-nations-security-council-on-the-situation-of-the-health-system-in-gaza---6-november-2024>>.

520 UNFPA, "Palestine Situation Report #11 – November 2024" <<https://www.unfpa.org/resources/palestine-situation-report-11-november-2024>>.

521 UN OCHA, "Reported impact snapshot | Gaza Strip" (12 November 2024) <<https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-12-november-2024>>.

522 UN OCHA, "Humanitarian Situation Update #237 | Gaza Strip" (12 November 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-237-gaza-strip>>.



respiratory and other diseases.⁵²³ With the rainy season now well underway, the dire situation is rapidly deteriorating as ongoing challenges faced by humanitarian actors in accessing all parts of the enclave, but especially the North, have impeded implementation of the 'Winterization Plan'.⁵²⁴ The plan requires conditions in shelters to be enhanced to protect people from the cold and flooding, warm clothing and blankets to be distributed, the installation of temporary drainage systems and heating materials and the provision of "winter-proof baby-friendly tents" for breastfeeding and the provision of nutrition services.⁵²⁵ None of this can be accomplished without unimpeded access to humanitarian actors, yet Israel has only heightened its restrictions on the entry of aid and operations of humanitarian workers.

Statistics released by COGAT, show that only 25,155 tonnes of food aid entered Gaza in October 2024, less than in any full month since December 2023.⁵²⁶ Just 57 trucks a day were allowed to cross into Gaza on average — far short of the 350 trucks a day demanded by the US and the 600 a day that aid agencies say are necessary to meet basic needs.⁵²⁷ Approximately 1.7 million people, or 80 percent of the population, did not receive their monthly food rations across Gaza, and the number of cooked meals distributed daily shrunk by 25 percent compared with late September.⁵²⁸ September also saw the lowest volume of commercial and humanitarian supplies entering Gaza since at least March 2024, with a drop in dietary diversity of children aged 6-23 months and pregnant and breastfeeding women across Gaza.⁵²⁹

523 WHO, "WHO Director-General's remarks at Meeting of the United Nations Security Council on the situation of the health system in Gaza - 6 November 2024" (6 November 2024) <<https://www.who.int/director-general/speeches/detail/who-director-general-s-remarks-at-meeting-of-the-united-nations-security-council-on-the-situation-of-the-health-system-in-gaza---6-november-2024>>; MSF, "Gaza: Humanitarian catastrophe will worsen as people from north forced to evacuate" (9 October 2024) <<https://msf.org.uk/article/gaza-humanitarian-catastrophe-will-worsen-people-north-forced-evacuate>>.

524 UN OCHA, "Humanitarian Situation Update #224 | Gaza Strip" (30 September 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-224-gaza-strip>>

525 *Ibid.*

526 COGAT (@cogatonline) on X (31 October 2024) <<https://x.com/cogatonline/status/1851981436808507527>>.

527 "Aid to Gaza falls to lowest level in 11 months despite US ultimatum to Israel" *The Guardian* (11 November 2024) <<https://www.theguardian.com/world/2024/nov/11/aid-gaza-trucks-food-lowest-level-year-despite-us-ultimatum>>.

528 UN OCHA, "Humanitarian Situation Update #235 | Gaza Strip" (5 November 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-235-gaza-strip>>.

529 UN OCHA, "Humanitarian Situation Update #227 | Gaza Strip" (8 October 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-227-gaza-strip>>.

The minimal aid entering Gaza is sure to lead to further loss of life, since Palestinians have no other food sources to rely on. In Gaza, 68 percent of cropland, 52 percent of agricultural wells, and 44 percent of greenhouse areas are damaged. 70 percent of the fishing fleet is destroyed. 95 percent of Gaza's cattle have died, and just one percent of birds remain alive.⁵³⁰ The combination of a collapsed local food system and a blockade have catapulted 91 percent of the population into high levels of acute food insecurity. Some 11,000 pregnant women are suffering hunger and malnutrition, putting not just their lives at risk, but also the lives of their newborn babies at risk.⁵³¹ The latest FAO/WFP Hunger Hotspots report, issued on 31 October, places the Gaza Strip among the five "highest alert" territories in terms of catastrophic food insecurity conditions, with the situation in Gaza considered as "the most intense", according to the WFP Chief Economist, Arif Husain.⁵³²

In addition to Palestinians in North Gaza being forcibly transferred to areas in which they will suffer a "slow death", they continue to be targeted with lethal strikes in the areas they were forced to relocate to. On 13 October, the IOF struck tents near al Aqsa hospital, in an area where people from the North were told to relocate. At least four people were burned to death. Scores of others, mainly women and children, suffered severe burns that medical facilities do not have the resources to treat. Just hours earlier, another strike on a school turned shelter in Nuseirat killed more than 20 people and injured dozens of others. These events warranted the Acting Under-Secretary-General to issue a statement in which she recognised the reality that "there seems to be no end to the horrors that Palestinians in Gaza are forced to endure".⁵³³ Another notable incident took place on 2 November, around midnight, when 12 Palestinian men, including a journalist, were killed after Israel struck a four-storey residential building sheltering IDPs from the North in An Nuseirat refugee camp. The Director of Al Awda Hospital in An Nuseirat, reported 42 fatalities and 150 injured patients were received by the afternoon.⁵³⁴

530 UN OCHA, "Reported impact snapshot | Gaza Strip" (12 November 2024) <<https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-12-november-2024>>.

531 UN News, Global Perspective Human Stories, "Security Council meets on north Gaza as 'supplies for survival' run out" (16 October 2024) <<https://news.un.org/en/story/2024/10/1155776>>.

532 FAO, "Protecting livelihoods and lives in Gaza" (28 October 2024) <<https://www.fao.org/newsroom/story/protecting-livelihoods-and-lives-in-gaza/en>>.

533 UN OCHA, "Statement on Gaza by Joyce Msuya, Acting Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator" (14 October 2024) <<https://www.ochaopt.org/content/statement-gaza-joyce-msuya-acting-under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator>>.

534 UN OCHA, "Humanitarian Situation Update #235 | Gaza Strip" (5 November 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-235-gaza-strip>>.



This pattern of targeting displaced Palestinians while evacuating and bombarding the “safe zones” to which they have been directed has been witnessed since Israel issued its first unlawful evacuation order on 13 October 2023. It is a policy that has been implemented and upheld by Israel throughout its assault on Gaza, which reveals the true purpose of the dozens of evacuation orders it has issued.

6. Conclusion

Since October 2023, over 67 evacuation orders have been issued by Israel covering 88 percent of Gaza's territory. Only five of these orders — all in southern Gaza — have been subsequently rescinded.⁵³⁵ Gaza's towns and cities have been flattened, the once busy streets are now filled with rubble and human remains. Those that have managed to survive thus far are either trapped in areas under siege and heavy bombardment or forced into shrinking "safe zones" designed to destroy the population. Every day, children, women and men from all walks of life must decide whether to stay in an evacuation zone where their death is guaranteed or flee so their death is postponed to a later date. Maybe tomorrow, maybe next week, or perhaps in a month or two. Either way, their life will be cut short.

Functioning as a genocidal tool, Israel's evacuation orders and alleged "safe zones" have served a dual purpose: they have enabled the ethnic cleansing of large swaths of Gaza's territory and the mass forcible transfer of its population, while at the same time helping Israel conceal its military strategy with humanitarian language. Israel's repeated targeting of densely populated "safe zones" with "powerful weaponry with inherently indiscriminate impacts, resulting in a colossal death toll and destruction of life-sustaining infrastructure"⁵³⁶ eliminate any ability to claim that emptying almost the entirety of Gaza's territory was necessary for the security of the population or for imperative military reasons. Moreover, the vastly disproportionate and adverse effects it has had on Gaza's population dispenses Israel of the ability to legally make such a claim.

In a press briefing on 1 August 2024, UN OCHA, Head of Office in the Occupied Palestinian Territory (OPT), Andrea de Domenico stated he had witnessed over the past 300 days "the absolute physical and psychological exhaustion of an entire population" and the creation of an environment in which the people of Gaza "have

535 UN OCHA, "Humanitarian Situation Update #237 | Gaza Strip" (12 November 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-237-gaza-strip>>.

536 OHCHR, "Gaza: UN experts call on international community to prevent genocide against the Palestinian people" (16 November 2023) <<https://www.ohchr.org/en/press-releases/2023/11/gaza-un-experts-call-international-community-prevent-genocide-against>>



been deprived of the mere thinking of what tomorrow could bring for them”.⁵³⁷

Everything is missing, even the idea of a future. For people, the greatest anguish is not of today — the bombs, the fighting, and the mourning — but of the aftermath. There is little confidence about peace and reconstruction.⁵³⁸

We cannot allow ourselves to become immune to this horror. Nor can events in North Gaza be viewed as merely another “military operation”. Never before has the world been able to witness the total destruction of a place, its people, and its future. Never before has the international community been as idle in the face of a rogue State that has made its intent to destroy a population manifestly clear through its words, acts, and policies. And never before has the international multilateral system been at greater risk of collapse. To repeat the words of UN Secretary-General António Guterres, this truly is “a moral stain on us all”.⁵³⁹

537 UN OCHA, “Humanitarian Situation Update #200 | Gaza Strip” (5 August 2024) <<https://www.ochaopt.org/content/humanitarian-situation-update-200-gaza-strip>>; UN Web TV, ‘Humanitarian situation in Gaza - Press Conference’ (1 August 2024) <<https://webtv.un.org/en/asset/k1v/k1vy6b3zmm>>

538 MSF, “In Gaza, ‘everything is missing, even the idea of a future’” (20 June 2024) <<https://www.doctorswithoutborders.org/latest/gaza-everything-missing-even-idea-future>>.

539 UN, Meetings Coverage and Press Releases, “Humanitarian Situation in Gaza ‘a Moral Stain on Us All’ Secretary-General Tells Security Council, Stressing International Law Must Be Respected by All” (17 July 2024) <<https://press.un.org/en/2024/sgsm22310.doc.htm>>

7. Recommendations

1. All States Parties to the Rome Statute of the International Criminal Court ICC must comply with the obligation, *inter alia*, to cooperate in arresting Prime Minister Netanyahu and former Minister of Defence Gallant, calling in particular on European States because of their location and military and economic relations with Israel and the potential travel of Israeli officials therein. Hence, all States must close off their land, air, and sea for the transit of Netanyahu and Gallant, share information on their whereabouts, arrest the perpetrators and facilitate their transfer to the Hague;
2. All States Parties must request the Office of the Prosecutor to continue to investigate all those most responsible for the genocide against Palestinians in Gaza and submit requests for the issuance of arrest warrants for other high-level Israeli officials and military commanders, such as Minister for National Security Itamar Ben-Gvir and newly-appointed Minister of Defence Israel Katz, along with all members of Israel's war cabinet, amongst others.
3. All States Parties should request that the arrest warrants for Netanyahu and Gallant be amended so the charges include the genocidal acts of killing, inflicting serious bodily or mental harm, and creating conditions of life calculated to destroy Palestinians in Gaza. These charges must also feature in future requests for arrest warrants, in addition to forcible transfer as a war crime and crime against humanity, crimes underpinning the settlements, and international crimes in the Occupied Palestinian Territory since 13 June 2014.
4. Civil society organisations, NGOs, and States Parties to the Rome Statute must work collectively to protect the Office of the Prosecutor, the ICC, lawyers representing Palestinian victims, and NGOs working with the Court, from attack and to counter any sanctions against the ICC;
5. The international community as a whole must support the ICC financially, to secure the viability of the Situation in Palestine, amongst others and



- ensure the continued investigation of international crimes in the OPT, and the progression of cases in the Situation in the State of Palestine long term. We recommend that States Parties increase their financial contributions to the Court with immediate effect, to anchor what is supposed to be an independent and impartial institution from attack;
6. All Parties to the Geneva Conventions of 1949 and the Convention on the Prevention and Punishment of the Crime of Genocide must investigate and prosecute nationals or those present on their territory, in line with their *erga omnes* obligations under Common Article 1;
 7. Third States must use all legal avenues available to them to bring a swift and immediate end to Israel's genocide in Gaza, and settler-colonial agenda in the OPT generally. This includes intervening in South Africa's case at the ICJ, which involves requests for Provisional Measures to prevent Israel's continuing, worsening and aggravated acts of genocide, and implementing the ICJ's Advisory Opinion in July 2024 on the illegality of Israel's occupation of and presence in the OPT;
 8. All States must sever economic relations with Israel as long as it maintains its unlawful occupation of Palestinian territory. The European Union as a bloc should also immediately suspend its Association Agreement with Israel;
 9. All States must impose a comprehensive two-way arms embargo and economic sanctions on Israel to avoid potential complicity and contributing in any way to the serious violations of international law for which Netanyahu and Gallant have been indicted by the ICC and for which the ICJ has found Israel to be plausibly committing. This requires the severance of all economic, financial and trade relations with Israel;
 10. The international community must continue to ensure UNRWA is defended and financially supported against Israel's rhetorical, legal, and physical attacks. The sanctions outlined above must not be removed until Israel stops its attacks against the Agency, which is the backbone of all humanitarian response in Gaza;
 11. The gridlock of the UN Security Council, caused by the existence of a veto power for five permanent members that do not reflect new political

realities and inhibit multilateralism, has allowed these horrors to unfold for over 14 months. Palestinians life in Gaza is hanging by a thread, as overwhelmingly passed UN General Assembly resolutions demanding a ceasefire continue to go ignored. The international community ought to renew, and louden, its calls for a reformed Security Council in which the veto power is abolished;

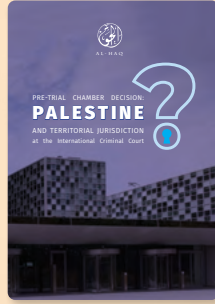
12. Corporations, business entities and financial institutions must divest from Israeli institutions, companies, and organisations complicit in maintaining the unlawful occupation, and genocidal settler colonial apartheid regime;
13. States must take immediate and concrete action to bring an end to Israel's genocide in Gaza and dismantle the settler colonial apartheid regime on both sides of the Green Line, ensuring the realisation of the right of the Palestinian people to self- determination and return to their homes in Palestine.

A stack of several books is shown against a light beige background. The top book is open, with its pages fanned out in a semi-circle. The text "READ ALSO ..." is printed in a bold, dark red font across the spine of the second book from the top.

READ ALSO ...



Q & A: United Nations Relief and Works Agency for Palestine Refugees in the Near East - UNRWA



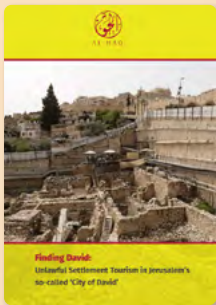
After the Pre-Trial Chamber Decision: Palestine and Territorial Jurisdiction at the ICC



Cultural Apartheid: Israel's Erasure of Palestinian Heritage in Gaza



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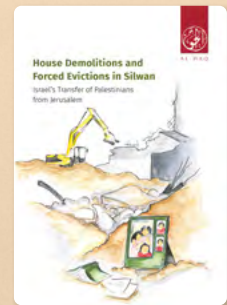
Finding David: Unlawful Settlement Tourism in Jerusalem's so-called 'City of David'



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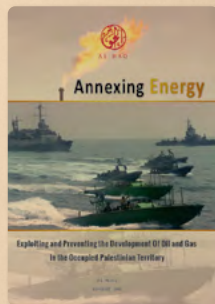
Atarot Settlement: The Industrial Key in Israel's Plan to Permanently Erase Palestine



House Demolitions and Forced Evictions in Silwan



Beita: A Model of Steadfast Resistance Defying Israeli Colonisation



Annexing Energy: Exploiting and Preventing the Development of Oil and Gas in the O.P.T



Arguments Raised in Amici Curiae Submissions in the Situation in the State of Palestine Before the ICC



Questions and Answers: Israel's De Facto Annexation of Palestinian Territory

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AL - HAQ

About Al-Haq

Al-Haq is an independent Palestinian non-governmental human rights organisation based in Ramallah in the Occupied Palestinian Territory (OPT). Established in 1979 to protect and promote human rights and the rule of law in the OPT, the organisation has special consultative status with the United Nations Economic and Social Council.

Al-Haq documents violations of the individual and collective rights of Palestinians in the OPT, irrespective of the identity of the perpetrator, and seeks to end such breaches by way of advocacy before national and international mechanisms and by holding the violators accountable. Al-Haq conducts research; prepares reports, studies and interventions on the breaches of international human rights and humanitarian law in the OPT; and undertakes advocacy before local, regional and international bodies. Al-Haq also cooperates with Palestinian civil society organisations and governmental institutions in order to ensure that international human rights standards are reflected in Palestinian law and policies. Al-Haq has a specialised international law library for the use of its staff and the local community.

Al-Haq is the West Bank affiliate of the International Commission of Jurists - Geneva, and is a member of the Euro-Mediterranean Human Rights Network (EMHRN), the World Organisation Against Torture (OMCT), the International Federation for Human Rights (FIDH), Habitat International Coalition (HIC), ESCR-Net - The International Network for Economic, Social and Cultural Rights, the Palestinian Human Rights Organizations Council (PHROC), and the Palestinian NGO Network (PNGO). In 2018, Al-Haq was a co-recipient of the French Republic Human Rights Award, whereas in 2019, Al-Haq was the recipient of the Human Rights and Business Award. In 2020, Al-Haq received the Gwynne Skinner Human Rights Award presented by the International Corporate Accountability Roundtable (ICAR) for its outstanding work in the field of corporate accountability. Al-Haq was awarded the prestigious Bruno Kreisky Prize and the MESA Academic Freedom Award in 2022.

