



Al Mezan Centre for Human Rights



Brief Report on:

**On-going Displacement:
Gaza's Displaced Two Years after the War**

**Gaza
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Introduction

Two years after Israel's aggression on the Gaza Strip (Operation Cast Lead), tens of thousands of Gaza residents continue to live a life of displacement. While the United Nations (UN) agencies and international non-governmental organizations (NGOs) have had the willingness and resources to support the re-construction of the houses Israel destroyed during the war, Israel continues to restrict the entry of construction materials, denying the victims from meaningful relief and from their right to adequate housing.

Directly after the military operations ended, the UN Secretary-General, Ban Ki Moon, visited Gaza and expressed his outrage at the scenes of destruction the territory sustained due to Israeli attacks. Under-Secretary for Humanitarian Affairs, John Holmes, said that, in light of the devastation of infrastructure, "[I]t's absolutely critical that these kinds of (construction) material now be allowed into Gaza on a regular and hopefully free basis."¹ Fourteen months later, in March 2010, Mr. Moon visited Gaza again and criticized the Israeli blockade that had continued to foil the efforts to re-build Gaza.²

For the families who lost their homes due to IOF airstrikes and large-scaled demolitions during this operation, life remains difficult. Over 21,000 people have still been displaced, adding to tens of thousands of persons who were displaced before and after this offensive. Many families received assistance to repair their partially destroyed homes. Other who had the resources made the repairs on their own expense. But for these whose homes were totally demolished, the situation is more difficult, as the efforts to help them fell short of ending their displacement.

This report aims to shed light on their life conditions two years after the war and the loss of their homes. Al Mezan Centre for Human Rights selected a random sample of 30 families from its 'home demolitions' database and asked them about their conditions. In addition, Al Mezan obtained information from the shelter sector working group, whose member agencies and NGOs helped displaced people repair their homes.

Home demolitions in international law:

The "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly" is a grave breach of the Fourth Geneva Convention (Article 147) and hence a war crime. Direct attacks on civilian objects are war crimes.³

Customary international humanitarian law requires that, to be legitimate, the destruction of a civilian object must offer a definite military advantage.⁴ However,

¹ See the UN News Center at <http://www.un.org/apps/news/story.asp?NewsID=29595&Cr=Gaza&Cr1=>.

² See <http://news.bbc.co.uk/2/hi/8578611.stm>.

³ Article 8(2)(b)(ii) of the Rome Statute of the International Criminal Court.

⁴ Article 52, Additional Protocol I, and Rule 8, International Committee of the Red Cross, Customary International Humanitarian Law, Volume 1: Rules, 2005.

careful documentation indicates that the IOF destroyed at least 1,723 shelters⁵ after the end of hostilities when they had come under Israel's effective control. These shelters could not be deemed military objectives. Nor were they near any other legitimate military targets. Their destruction was therefore illegal, violating fundamental international humanitarian law principles, and amounting to war crimes.

The IOF home demolitions contravene several human rights treaties to which Israel is party including the International Covenant on Economic Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child, both of which accord the right to 'adequate housing'. In addition, the UN Committee Against Torture, reporting on Israel's compliance with the Convention Against Torture, has, since 2001, stated that home demolitions for administrative and punitive reasons constitute cruel, inhuman or degrading treatment.⁶

The illegality of the demolition of homes by the IOF makes up one side of the violation of international law. On the other side, Israel has continued to prevent any meaningful reconstruction of these homes by banning construction materials from entering the Gaza Strip. This ban comes under a regime of blockade; an unlawful collective punishment imposed on the civilian population.⁷

Displacement and Humanitarian Assistance:

Figures about the destruction and damaging of residences in Gaza during Operation Cast Lead vary. According to the UNRWA-hosted UN Shelter Cluster, at least 3,600 shelters were completely destroyed, displacing around 21,000 people including an estimated 10,500 children. A further 2,700 shelters sustained major damages. Another 52,000 shelters sustained minor damages. These are to be added to 5,670 shelters destroyed by IOF between the start of the Second Intifada (29 September 2000) and the start of Operation Cast Lead (27 December 2008). Only 1,029 were rebuilt before Israel's siege made reconstruction impossible.

The Ministry of Housing and Public Works in Gaza announced that 51,553 homes were destroyed or damaged. Of those 3,336 homes were destroyed completely and 4,021 sustained major damages.

Of these cases, Al Mezan Centre documented 11,154 homes, of which 2,631 destroyed completely.

⁵ According to Al Mezan documentation 1,307 shelters were destroyed by army bulldozers, 290 shelters were demolished after they had been temporarily occupied by Israeli troops and used as military bases, and 126 shelters were demolished by explosive devices planted in the shelter. The nature of these methods of destruction indicate strongly that Israeli forces were in effective control of the area at the time of demolition. Please see section 6.5 for further information.

⁶ UN Committee Against Torture (CAT), Concluding observations of the Committee against Torture : Israel, 23 June 2009, CAT/C/ISR/CO/4 (§33) <http://www.unhcr.org/refworld/publisher/CAT,,,4a85632b0,0.html> (accessed 7 Sept. 2009) and UN Committee Against Torture (CAT), Concluding observations of the Committee against Torture: Israel, 23 November 2001. CAT/C/XXVII/Concl.5 (§ 6J).

<http://www.unhcr.ch/tbs/doc.nsf/0/60df85db0169438ac1256b110052aac5> (accessed 7 Sept. 2009).

⁷ See <http://www.icrc.org/eng/resources/documents/film/palestine-video-140610.htm>.

Various bodies provided assistance to the families whose residences were destroyed and/or damaged. Generally, UNRWA assisted refugee families, while UNDP and other international NGOs helped non-refugee families. The Gaza Government provided assistance to all the identified families. The following table shows the number of families that received assistance from all the agencies:

Table 1: Cast Lead home demolitions, progress compared to needs⁸

Agency	# of residences by type of damage			# of families who received aid		
	<i>Totally demolished</i>	<i>Major damage</i>	<i>Minor damage</i>	<i>Totally demolished</i>	<i>Major damage</i>	<i>Minor damage</i>
Ministry of Housing & Public Works	3336	4021	44196	2508	1896	2722
UNRWA	2276	1776	46097	2125	1588	43384
UNDP	1185	1154	10802	1107	1056	6981

The figures in Table 1 give a glimpse about the situation just after the military operations ended on 18 January 2009. Tens of thousands of families left the UN and other shelters and returned to their neighborhoods, only to find their homes demolished. The table also shows that the majority of families whose residences sustained minor damages received effective and quick assistance that enabled most of them to stay in their homes. The situation for people whose residences were totally demolished or damaged beyond repair is different. While many of them received assistance, their homes have not been reconstructed yet. They used the assistance to rent apartments for some time and purchase household necessities. The quick documentation of the cases of home demolitions by human rights NGOs in Gaza; including Al Mezan, helped the humanitarian agencies provide a relatively quick first response.

According to the respondents from the sample of Al Mezan's home demolitions database, the victims received assistance from various agencies; the most important of which were the Gaza Government, UNDP, and UNRWA. Other agencies provided materials and equipment in addition to food items for the victims. Cash was provided for the families whose residences were totally destroyed or was not suitable for living.

Refugee families whose residences were totally demolished received EURO 4,000 from the Gaza Government each. UNRWA also paid each family an amount of USD 5,000 to cover for rent costs. Refugee families whose residences sustained major damages received EURO 2,000 and USD 3,000 from Gaza Government and UNRWA respectively.

⁸ The information in this table were obtained by Al Mezan from the shelter reconstruction working group in Gaza; managed by Norwegian Refugee Council (NRC). For more information please see <http://www.sheltergaza.org:8080/ussd/docs.jsp>.

Following more precise damage assessment, refugee families whose homes needed repair with a cost of up to USD 6,000 were informed that they could repair their homes and that the cost would be covered on installations according to the progress of the repairs.

As for non-refugee families, the Gaza Government paid EURO 4,000 and UNDP paid NIS 20,000 (app. USD 5,500) for families whose residences were totally demolished or demolished beyond repair. Families whose residences sustained partial and minor damages received EURO 2,000 from Gaza Government and between NIS 12,000 and NIS 19,000 from UNDP.

As these facts and Table 1 suggest, the families whose residences were totally destroyed, who have remained displaced, are the most affected category of the victims of home demolitions during Operation Cast Lead in Gaza. On one hand, they have had to live elsewhere, mostly in leased apartments, until their homes are rebuilt. With this change, families were forced outside of their familiar environment, which affects their sustainable livelihood.

The following points provide a general picture about the families whose residences were totally destroyed or damaged beyond repair two years after Operation Cast Lead. These points are based on the results of a small survey conducted by Al Mezan Centre for Human Rights with a random sample of 30 families from its 'home demolitions' database. While the results cannot be deemed exclusive, they can provide guidance for further research in the future.

- 93.3% of the families have not received assistance to re-construct their homes and; therefore, the vast majority of them are living elsewhere.
- 13.3% of the families have rebuilt their homes.
- 86.6% of the families were not able to rebuild their homes because they did not receive the assistance necessary to rebuild.
- 56.6% of the families have been renting homes or apartments. Of those, only 41.2% (23.3% of the total) receive regular assistance that covers the full cost of the rent. However, 35.3% of the families receive assistance that is not sufficient to cover the full cost of the rent.
- 33.3% of the families do not receive assistance that covers the cost of the rent.
- 10% of the families live in other houses that they own.
- 6.7% of the families live in relatives' houses with the relatives' families.
- 10% of the families live in tents.
- 30% of the families said that they were forced to move their children to new schools.
- 66.7% of the families said that the alternative houses they live in do not provide comfort and privacy for them, compared with their demolished houses.
- 86.7% of the families expressed dissatisfaction with the way the service providers have handled the home demolition problems since Operation Cast Lead.

Al Mezan also selected a second random sample of 30 families whose residences were partially damaged during Operation Cast Lead and asked them about their living conditions two years after it. The following points present the main findings of this small survey:

- 83.3% of the families reported that they are living in their own residences and did not have to move out of them permanently.
- 13.3% of the families reported that they have been renting other houses; with 3.3% (one family) reported that they received regular assistance that covers the cost of the rent; however, it does not cover the full cost.
- 3.3% (one family) has been living with relatives.
- 10% of the families reported that they had to move their children to new schools.
- 43.3% of the families reported that they did not receive financial assistance specifically to repair their residences.
- 40% of the families reported that they have not repaired their residences yet and that the reason was that they did not receive assistance to do so.
- 43.3% of the families expressed their dissatisfaction with the service providers.

Case Studies:

Case 1. Majdi Abed Rabbo, 49

Mr. Abed Rabbo is married and has five children. He had a two-story house built on an area of 250 square meters on a piece of land with the area of 500 square meters in Ezbet Abed Rabbo neighborhood, east of Jabalia. On 5 January 2009, Israeli soldiers broke into the family house and detained Majdi. They used him as a human shield in ways that endangered his life multiple times for three days.⁹ On 6 January, the fighting in the neighborhood stopped completely. However, he witnessed an Israeli armored bulldozer demolishing his house.

When he met his family, his wife told him that the Israeli army bombarded the house next door when she and the children were inside their house. After the bombardment, she decided to leave the house and seek safety, so she and the children carried white flags and went out. They walked among Israeli tanks until they reached her father's house, which is close to their house. Later, the residents of the neighborhood were allowed to evacuate it and walk towards Jabalia town.

Since their house was destroyed, Majdi and his family have had to rent. Their house was bulldozed with their furniture, clothes and other belongings inside it. The family moved into the house of Majdi's sister. *"All the time at my sister's I felt weak and embarrassed,"* he said, *"this lasted for four long months."* So, the family looked for an apartment to rent and found a small one in Ezbet Abed Rabbo neighborhood.

⁹ For details on this practice and relevant legal analysis, please consult **'Hiding Behind Civilian: April 2009 Update Report Al Mezan report on the Use of Palestinian Civilians as Human Shields'** at http://www.mezan.org/en/details.php?id=8632&ddname=crimes&id_dept=22&id2=9&p=center.

"The new place was small with two bedrooms, but it gave us more privacy," said Asmahan, Majdi's wife. That family lived there for a year, until the apartment owners asked them to leave it. They found another apartment in the same neighborhood, with three bedrooms this time.

Majdi said that his family received financial assistance, EURO 4,000 from the Ministry of Housing and NIS 20,000 from the UNDP. The family have been using the money for the rent and living expenses, as they had to re-build their lives all over. Two years after the destruction of their house, they have spent almost all the money, but without being able to rebuild their house. "It's the Israeli blockade that made us unable to even think of rebuilding; there are no construction materials our money can buy," said Majdi. The anniversary of the aggression brings bitter memories to me and my family; memories of fear and humiliation, but also of the loss of our big house," added Asmahan.

Case Study 2: Mrs. Wafaa' Awaja, 34

Mrs. Awaja is 34, married and a mother to seven children (four girls and three boys). Her son, Ibrahim, 9, was killed from Israeli fire during Operation Cast Lead. The family house, which was built on an area of 185 square meters and located in the northwest of Beit Lahiya town, was totally demolished during the same operation. Two years after these incidents, Al Mezan interviewed her and had the following update about her family's conditions.

"At about 2:30aam on 4 January 2009, we were awoken by sounds of Israeli tanks roaring near our house. I saw tanks and soldiers outside the house. The electricity was cut-off, so I lit a candle so the soldiers know there are people inside the house. I was shocked when they started to bulldoze the house while we were inside. I made sure everyone were up and we hurried to the sitting room, which was on the other side from where the bulldozing started. We then went outside the house and spent the night in the open near the tanks. One tank kept its lights on us all the time. When the day broke, the tanks moved south towards Al Atatra area. We decided to go to our neighbors, who lived in Bedouin shacks. But as we walked, we were fired at. So we walked towards our house to check on it. When we started to walk, soldiers opened fire at us again. My son, Ibrahim, was shot in his side. We ran to help him, but the soldiers fired at us a third time. I was injured in both my legs and my husband was injured in his abdomen. We sat down where we were and I hugged my children as I bled. About thirty minutes later, a group of Israeli soldiers walked towards us and when they became close, they opened fire at Ibrahim again. They shot him in the chest and the belly and then walked away from us. We stayed in the area for four days, unable to leave and go to hospital. On 7 January, we managed to leave the area on a horse-laden cart with the help of the residents. We reached Kamal Odwan hospital in Beit Lahiya. We then buried Ibrahim.

On 18 January, the Israeli army withdrew from our area and we headed to our house. We found it totally demolished. All of our furniture and clothes were torn down and we could not find our savings of money and jewelry. We moved to a piece of land owned by one of our neighbors; it had a room in it and we used it. Two weeks later, we went to a tent camp that was erected for families who lost their houses in our area. Each family was given a tent in the camp.

The Ministry of Housing gave us EURO 4,000 and UNRWA gave us NIS 18,500. We also received assistance from the Palestinian Authority after the killing of Ibrahim and the injury of my husband and me. They gave us USD 3,500.

We have been living at the tent camp. In September 2009, the committee that ran the camp abandoned it. Only nine families have stayed in it; including us. We have not been able to rebuild our house due to the lack of construction materials. On 15 October 2009, UNRWA started to build a house from mud for us. It is small, only 80 square meters, but will be our house on our land. We expect to have it finished in February 2011. We can now use three tents. The situation is very hard in the tent camp, with sandy floors and too little hygiene, and it's very cold in the winter. There is little left for us to try to rebuild our lives after the devastating loss of life and property, and having to live off aid money for two years".

Case 3. Maher I'tiwi, 42

Mr. I'tiwi is married. He lives with his wife and six sons and daughters (four children). When he had a job, he built a house for his family on a small piece of land, 120 square meters in the east of Wadi Gaza village. His family lived in relative stability until Operation Cast Lead started. At approximately 9am on 5 January 2009, a shell hit the house next door, which was owned by his uncle. His uncle's wife, Laila Abu I'tiwi, 35, and two other children, Zoheer, 6 months, and Ahmed, 6 years, were injured. The two families left with neighbors and headed south to Al Bureij refugee camp. They took refuge in an UNRWA school until the end of the military operations on 18 January 2009. When they returned to their house, they found that it was totally demolished. The family rented a small apartment in the refugee camp. It had one bedroom. They then received about USD 10,000 from the Ministry of Housing and UNRWA. Then, he started to look for a better house to rent. It was difficult to find one as all the families who lost their houses were renting. Four months later, he found a larger house with three bedrooms and rented it. Five months later, the landlord informed the family that they had to evacuate because he sold the house. Maher decided to rebuild his house, so he borrowed money from friends and relatives and bought smuggled construction materials for a very high price. He managed to build the house, but have never been able to finish it. The family is now living in their unfinished house, which has no windows or doors and roofed with tin sheets.

Conclusion:

The wide-scale demolition of homes in Gaza during represent violation of international law. Most homes were destroyed or damaged due to excessive use of force, failure to distinction between military and civilian targets, or when there was no apparent military necessity at all. Thousands of civilians were killed and injured during attacks that resulted in home demolitions. Moreover, home demolitions during Operation Cast Lead exacerbated the crisis of those families whose homes were demolished before it.

The victims of these practices still need assistance to rebuild their homes as well as their lives. It is uncertain that Gaza will not see large scale demolitions before the victims do so. Any intervention must, therefore, include rebuilding as well as

ensuring that Israel will respect civilian property during its operations in the occupied Palestinian territory; including Gaza. To this end, it is essential that Israeli commanders and soldiers who took part in home demolishing and other unlawful practices be held accountable for the violation of international law.

Al Mezan Centre for Human Rights calls on international community to:

- Ensure the protection of civilians and their property and dignity in the face of the continuing Israeli attacks on oPt.
- Ensure quicker, more effective delivery of humanitarian aid to bring the displacement crisis in Gaza to a final end without further delay.
- Double the diplomatic efforts to ensure a full lifting of the illegal Israeli blockade of Gaza; including by ensuring the free passage of construction materials.
- Support the efforts to ensure that those who were involved in violations of international law are held accountable for their actions. Steps must be taken in, among other bodies, the Human Rights Council, General Assembly and Security Council.