



WE WILL RETURN

The Rights of Return, Reparation, Restitution, Compensation and Non-Repitition Remain The Key to Justice for the Palestinian people.

In the picture: Suliman Hathaleen defying Israeli military in defense of his land and people.

**An analysis of the escalating forced displacement of
Palestinian communities in the West Bank
since the genocide in Gaza.**



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In memoriam:

Suliman Hathaleen, from Um al-Kheir, Masafer Yatta, who gave his life to the fight against Israel's ethnic cleansing. After a lifetime of struggle, Israeli military injured him fatally on January 5 2022. He passed away in hospital on January 17 2022.

Ingrid Jaradat, who dedicated her life to the struggle for the Right of Return of the Palestinian refugees and justice for the Palestinian people.

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I. Introduction

In this report we have detailed the expulsion of Palestinian communities from Area C (in the illegally occupied West Bank), especially the Bedouin communities in the Jordan Valley and the South Hebron Hills, since the start of the genocide in Gaza in October 2023. Based on desk research and interviews in 59 communities, we have analysed how the displacement has dramatically increased. We also show that the means of forced displacement and transfer have qualitatively changed. Over the decades of ongoing forced displacement, which started in the West Bank in 1967 with Israel's occupation of the territory, the laws Israel's military has imposed to advance colonization and administer its apartheid regime have been the backbone of the policy. This changed especially since October 2023. The systematic and brute violence of the state-sponsored settler militias has now superseded the apartheid laws in their effectiveness. Palestinian communities had developed a strategy of delay and survival in the face of ongoing demolition orders, evacuation orders, denial of access to water, education, health care and restrictions of freedom of movement carried out by the Israeli military.

Settler violence in the West Bank began with the first settlement or settler colony being established and is continuing Israel's policy from during the Nakba, when military and Zionist militias worked hand in hand to execute the first mass expulsion of Palestinians from their homes and lands and destroyed at least 530 Palestinian villages and towns. Yet, since the beginning of 2023, Israel has been working relentlessly to further finance and arm the settler population; integrating settler militias it uses as a paramilitary force into the state structure. This has been reinforced since the start of the Israeli genocide in Gaza. The scale of the pogroms carried out by the settler militia, supported by the Israeli military, are unprecedented in scale within the occupied West Bank. They have proven far more effective and Palestinian communities are still struggling to find ways of resistance against this onslaught.

Communities report losing homes, agricultural land, and livestock—key pillars of their economic survival—while enduring harassment, brute violence and restricted access to essential resources like water and grazing lands. Testimonies illustrate the coordinated nature of these efforts, with settler militias and regular military forces working in tandem to pressure communities into abandoning their lands. Gendered violence, particularly targeting women and children, and the systematic destruction of economic infrastructure deepen the psychological and material toll on displaced Palestinians. The destruction of property, assaults on individuals and restrictions on access to resources, especially water, create intolerable living conditions for Palestinian communities. Displaced communities face fragmentation, economic hardship and report being neglected by Palestinian and international institutions.

It is important to understand Israel's policy of forced displacement within the framework of what Francesca Albanese calls "colonial erasure". She [explains](#) in her October 2024 report to the UN General Assembly how:

"Since its establishment, Israel has treated the occupied people as a hated encumbrance and threat to be eradicated, subjecting millions of Palestinians, for generations, to everyday indignities, mass killing, mass incarceration, forced displacement, racial segregation and apartheid. Advancing its goal of "Greater Israel" threatens to erase the Indigenous Palestinian population."

Israel's construction of the [apartheid Wall](#) was one of its largest projects of ethnic cleansing since the 1967 occupation. Israel's horrific genocide in Gaza, which initially aimed, and may still aim, at the mass transfer of the Palestinian population towards the Egyptian Sinai, is now, among others, aimed at [ethnically cleansing](#) the entire area north of the Netzarim Corridor of Palestinians. In December 2023, the then Defence Minister of Israel, Yoav Gallant, [predicted](#) that -

"when what the IDF did in Gaza becomes clear, that will also be projected on Judea and Samaria [West Bank]".

Under the Rome Statute of the International Criminal Court (ICC) forced displacement is a crime against humanity in itself. It is also part of the crimes of genocide, apartheid and persecution, and a war crime.

The question of forced displacement and the [rights](#) of Palestinian refugees and internally displaced to return/repatriation, restitution of property, compensation and non-repetition/satisfaction must be brought to the center of the debate and is key to any genuine effort to end Israel's crimes. Not only because it concerns the elementary rights of the majority - and an ever increasing number - of Palestinians, many of who by now have been displaced multiple times. Only by ending and punishing Israel's policy of forced displacement as the common denominator and ultimate aim of its policies can justice for the Palestinian people be achieved and international law upheld.

The efforts by the US and other states allied with Israel to impose sanctions on [individual settlers](#) or [settler organizations](#) are not wrong per se, but consciously miss the forest for the trees, and they are de facto used as a ploy to shield Israel from accountability and divert from policies that are aimed at addressing the root cause of Israel's crimes. Similarly, as we argue below, the idea that 'differentiating' between dealings with Israel and the settlement enterprise is a viable, let alone sufficient, policy to address Israel's multiple international crimes is deceptive.

The framework of the Oslo Accords that divided the West Bank into three separated territories has provided the blueprint for the subsequent ethnic cleansing. "Area C", which makes up 60% of the West Bank and was placed 'temporarily' under full Israeli control as per the agreement, became the focus of Israel's displacement policies. The building of the Apartheid Wall in 2002, roughly along the lines of Area C was another step to implement the ethnic cleansing of the West Bank and reduce the Palestinian population in the West Bank to isolated ghettos. The 2020 [Deal of the Century](#) between then-US President Donald Trump and Israel's Prime Minister Benjamin Netanyahu aimed to officialize the de facto annexation of Area C. The same "deal" also included plans to displace the

Palestinian population to isolated ghettos.

With another Trump administration on the way, Israel is already [preparing](#) for another drive towards the de jure annexation of the West Bank, or large parts of it. This inevitably means even further escalation of forced displacement.

The UN Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories has [warned](#) that -

“The multiple violations of international law by Israel in its war on Gaza; its apartheid system of injustice in the occupied West Bank, within the broader context of its decades-long occupation-cum-annexation of Palestinian and Syrian Golan territories; and its ongoing defiance of binding Security Council resolutions and orders of the International Court of Justice, gravely weaken the international rules-based system. Obligations established under international law to limit the barbarity of war and protect human rights, including the right to self-determination, are under threat by Israel’s violations and by the fact that other States are unwilling to hold Israel accountable and continue to provide it with military and other support.”

This echoes the calls by the Palestinian BDS National Committee, which leads the global BDS movement, when it [affirms](#) that:

“Strategic and principled grassroots and civil society action—from city councils, trade unions, and institutions worldwide—has never been as essential as it is today not just to end the genocide, but also to save the world from an imminent fall into a dystopian ‘might makes right’ era.”

“May this return to power of the US far-right and the daily escalation of Israeli crimes shock every person of conscience into action, into organizing unprecedented peaceful resistance to injustice, oppression, racism and fascism, from the US to Palestine, from Congo to Sudan, and everywhere in between.”

International action is an obligation, not a choice

As shown in this report, UN Human Rights experts of the Special Procedures, UN Commissions, the UN Human Rights Council, the UN General Assembly, as well as independent international law experts have already outlined the basic obligations of Third States in the face of Israel’s crimes of atrocity, crimes against humanity and war crimes. States and non-state actors have to take urgent action.

Below we are listing the core lines of action:

State obligations:

- 1. Targeted Sanctions:** Comply with obligations under international law and UN resolutions by imposing economic and diplomatic sanctions on Israel including a military and energy embargo and exclude companies involved in Israel's illegal occupation, forced displacement, apartheid and genocide. Suspend trade agreements until Israel complies fully with international law.
- 2. Ensure Human Rights Due Diligence Compliance:** Enact laws requiring businesses operating in or connected to the occupied Palestinian territories or Israel to conduct robust Human Rights Due Diligence (HRDD), aligned with the UN Guiding Principles on Business and Human Rights to ensure they end without delay, or avoid their complicity in Israel's crimes.
- 3. Investigate and Punish Private Sector Involvement:** Expedite investigations into the role and responsibility of private entities in Israel's illegal occupation, forced displacement, apartheid & genocide and, where appropriate, start prosecutions under domestic criminal law or universal jurisdictions.

Obligations of Non-state actors

- 1. Avoid/end complicity:** Private entities must implement HRDD frameworks based on the UN OHCHR [principle](#) that in cases of possible grave abuses of human rights, companies are expected to respond 'as a legal compliance issue' and to cease without delay any activity or cut financial ties, within their operations or supply chain, that could contribute directly or indirectly to ongoing crimes committed by Israel.
- 2. Enhance Transparency and Accountability:** Establish mandatory reporting mechanisms for companies to disclose their operations, investments, and partnerships related to Israel's illegal occupation and international crimes.
- 3. Support Reparative Efforts:** In addition to ending complicity, contribute to reparations by funding rebuilding efforts for displaced communities' and ensuring compensation for economic losses linked to private sector operations.

Obligations of the United Nations and International Multilateral Organizations

- 1. Promote the rights of Palestinian refugees to return, reparation, compensation and non-repetition:** Ensure the rights of Palestinian refugees are addressed centrally in reports, resolutions and policy actions as a *conditio sine qua non* for the respect of international law.
- 2. Suspension of Israel from the UN:** Israel's admission to the UN was [conditioned](#) upon the implementation of the relevant UN resolutions 181 and 194 regarding the rights of the Palestinian refugees to return and receive reparation. In light of Israel's continued denial of these rights, and the ongoing policy of forced displacement of ever more Palestinians from their homes, the breach of endless UN resolutions and ongoing international crimes, Israel [must be suspended](#) from the UN, just as apartheid South Africa was in 1974.

3. Sanctions: UN bodies and agencies are to work to ensure compliance of states with the calls for sanctions of the UN General Assembly and the UN Human Rights Council and to actively monitor this compliance. UN bodies and agencies themselves must install stringent mechanisms to ensure they do not recognize, aid or assist Israel and complicit businesses and institutions in their crimes against the Palestinian people.

4. Create and Maintain Comprehensive Registries and Databases: The United Nations is to expand the mandate of its specialized agencies, UNRWA, UNROD and the UN OHCHR's efforts to develop a database of businesses involved in Israel's settlement activity.

a. **UNRWA** is to be protected against attacks - adequately supported, including through increased funding and a UNGA vote defining a mandatory core budget for UNRWA independent of voluntary contributions - and asked by the UNGA to change its eligibility criteria to register *all* Palestinians displaced during Israel's 76 years of colonial policies of forced displacement¹ so that their claim to rights can be accounted for.

b. **UNROD** is to be mandated to expand its effort of registration from damages and losses caused by Israel's construction of the Wall to the damages and losses caused by any aspect of Israel's illegal occupation, apartheid or genocide.

c. The **UN database** is to be mandated to expand its efforts beyond involvement in Israel's settlement enterprise. In accordance with the ICJ ruling of July 18 and January 26 2024, it should include business involved with any aspect of Israel's illegal occupation, and the crimes of apartheid and genocide. Transparency of its operations has to be guaranteed. It is also to be upscaled to be able to gather at least a significant number of complicit corporations in the database. Such a resource would serve as a foundation for future reparative justice efforts and guide advocacy campaigns.

5. Ensure Reparative and Legal Accountability: States should make their domestic courts accessible to Palestinians based on universal jurisdiction. International organizations, including the International Criminal Court (ICC) and UN bodies, must prioritize the investigation of crimes against the entire Palestinian people, including complicity by private entities. They should provide legal, financial, and technical assistance to Palestinians pursuing justice in international or domestic courts. Advocacy efforts must also emphasize the need for reparative justice, with frameworks informed by registries and research on displacement-related losses.

6. Promote Global Civil Society action: International organizations should amplify solidarity campaigns, including the Boycott, Divestment, and Sanctions (BDS) movement, targeting businesses profiting from Israel's colonial apartheid regime, illegal occupation and genocide.

1. This includes: (1) Palestinian refugees under UNGA Resolution 194(III), including both registered (Palestinian Refugees registered under UNRWA criteria) and non-registered refugees; (2) Palestinian internally displaced inside the territory Israel controls since 1948 (3) Palestinians displaced within and from the West Bank, East Jerusalem, and Gaza Strip in the context of the 1967 War and falling within the scope of UNSC Resolution 237 (1967), as well as their descendants; (4) All those Palestinian, who are neither 1948 nor 1967 Palestinian refugees or internally displaced, who have been forcibly displaced by Israel over the last 76 years, and who are unable to return due to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

For more on definitions of Palestinian refugees and IDPs see:

https://www.badil.org/cached_uploads/view/2022/10/31/survey2021-eng-1667209836.pdf



II. Rapid and massive displacement

Only weeks into the genocide in Gaza, [Stop the Wall](#) and other organizations denounced Israel for using the fog of war/atrocities in Gaza to massively accelerate the ongoing policy of displacement of Palestinian communities in the West Bank; in order to ethnically cleanse the illegally occupied territory and colonize it.

Systematic investigation of the scale of displacement had so far only been undertaken by B'tselem, which has provided the first, albeit incomplete, reporting of the rapidly increasing ethnic cleansing in the West Bank.

The Palestinian **Stop the Wall** Campaign has now collected data from 59 communities. Our own field research has investigated the situation of 40 Palestinian communities, some of who have been entirely displaced, some are partially displaced and a few who are fiercely resisting displacement even now. We chose these communities because they are among the most vulnerable and heavily targeted by systematic settler violence, demolition orders, and forced displacement tactics. These areas face continuous assaults from both settler militias and the Israeli army, including checkpoints, restrictions on grazing livestock which is essential to their livelihoods and even frequent physical

attacks. These locations hold strategic significance for both Palestinians and the state of Israel, encompassing valuable land and livestock resources critical to Palestinian resilience and Israel's goals of geographic, demographic, and economic control. Displacement of these communities would result in the loss of essential resources and further fragment Palestinian society. If these communities are displaced, it will result in the loss of valuable land, water resources, and a substantial portion of livestock wealth.

Stop the Wall has incorporated data from UN OCHA and B'Tselem into its research, revealing a much higher number of completely displaced communities than previously reported.²

As much as possible, we have also collected data about the dramatic loss of livelihood, in particular the loss of cattle; which for many communities is the backbone of their income and also contributes to the overall Palestinian economy in the West Bank.

We have collected testimonies from the communities to understand the policies of expulsion that the Israeli occupation forces, together with the state-sponsored settler militias, employ in their effort of ethnic cleansing. While the strategy of forced displacement of the indigenous Palestinian communities from their land is as old as the state of Israel, since October 7, 2023, the methods applied have changed drastically and are directly related to the policies and dynamics unleashed in the genocide in Gaza.

We have also looked into the ways Palestinians in the communities and villages in the occupied West Bank have over the years developed strategies of resistance and *sumoud* (resilience) in the face of ongoing Israeli threats, harassment and dispossession in order to be able to stay on their land. Many of these tactics cannot withstand the brutal, unrestrained onslaught that commenced after October 7, 2023. Yet, communities are already developing new forms of resistance.

Forced Displacement in numbers

A total of **26** communities have been entirely erased, resulting in the displacement of **405** families, comprising **2,497** individuals. Multiple communities of **45–50** families each have been displaced, reinforcing the argument that this is part of a widespread, systematic effort to remove Palestinian communities.

Additionally, partially displaced communities now number **15**, affecting **247** families and a population of **713** individuals. All together, **652** families, representing **3,210** individuals, have been displaced from their homes.

Furthermore, **16** communities remain under imminent threat of displacement, jeopardizing the lives of **423** Palestinian families with a total population of **3,406** individuals.

This data underscores the systemic and widespread nature of Israel's efforts to forcibly remove Palestinian communities, highlighting the urgent need for action.

2. According to the latest [report](#) from B'Tselem, issued on October 19, 15 communities have already been completely displaced and 6 communities partially, with 19 communities facing intense attacks to displace them.

Completely displaced communities - North

	Name	Number of displaced families		Number of displaced individuals	
		STW	B'tselem	STW	B'tselem
01	Al-Farisiya Khamlet / Khader Community	11		70	
02	Khirbet Tana		18		135
03	Ain al-Sukhn		5		37
04	Khirbet Jaba'it		8		25
05	South of Nasiriyah		5		25
06	Birin				
07	Khirbet Um al-Jimal Cluster	16		85	
	Total families	27	36		
	Total persons			155	222
	Total families	63	Total Persons	377	

Completely displaced communities - Center

	Name	Number of displaced families		Number of displaced individuals	
		STW	B'tselem	STW	B'tselem
01	Al-Tabeel Community	30		245	
02	Ras al-Tin Community	17		87	
03	Al-Qaboun Community	30		120	
04	Ain Samia Community	6		42	
05	Khirbet Ain al-Rashash		18		85
06	Khirbet al-Tayyiba		10		47
07	Wadi al-Siq Community	35		210	
08	Bariat Hizma		2		18
09	Ras al-Ma'rajat Community	28		230	
	Total families	146	30		
	Total persons			934	150
	Total families	176	Total Persons	1084	

Completely displaced communities - South

	Name	Number of displaced families		Number of displaced individuals	
		STW	B'tselem	STW	B'tselem
01	Khirbet Naizaneh	5		35	
02	Khirbet al-Radhim	2		23	
03	Khirbet al-Atireya	2		30	
04	Khirbet al-Qanub		8		40
05	Khirbet al-Hardash	10		40	
06	Khirbet Wadi al-Mu'allaq	3		30	
07	Zanuta Village	36		250	
08	Maqtel Muslim Village	2		12	
09	Juret al-Kheil		10		40
10	Wadi Abayat		1		10
	Total families	75	91		
	Total persons			483	494
	Total families	166	Total Persons	977	

Partially displaced communities - North

	Name	Number of displaced families		Number of displaced individuals	
		STW	B'tselem	STW	B'tselem
01	Khirbet Makhoul Cluster	88			
02	Al-Hadidiya Community	101		380	
03	Umm al-Ubar Community	7		28	
04	Al-Jawba Community	6		24	
05	Ain Shibli Southern Community		3		28
06	Wadi al-Faw Community		8		40
07	Khirbet Samra Cluster	11		35	
08	Khirbet al-Hamma Cluster	2		27	
09	Al-Farisiya Nabaa / Al-Ghazal Community	3		15	
	Total families	218	11		
	Total persons			509	68
	Total families	229	Total Persons	577	

Partially displaced communities - Center

	Name	Number of displaced families		Number of displaced individuals	
		STW	B'tselem	STW	B'tselem
01	Arab al-Malihah Community	6 of 50		30	
02	Ain Samia (west of Alon Route)	6		12	
	Total families	12	Total Persons	42	

Partially displaced communities - South

	Name	Number of displaced families		Number of displaced individuals	
		STW	B'tselem	STW	B'tselem
01	Mantiqat Shi'b al-Butom				
02	Khirbet Susiya		2		18
03	Al-Jibas Community		2		19
04	Al-Jawba Community		2		13
	Total families		6		50
	Total persons				
	Total families	6	Total Persons	94	

Communities under threat of displacement - North

	Name	Number of displaced families		Number of displaced individuals	
		STW	B'tselem	STW	B'tselem
01	Khirbet Ibziq	25		125	
02	Khirbet Yarza Community	15		80	
03	Atouf Community	70		450	
04	Khirbet Ras al-Ahmar Community	20		190	
05	Hamamat al-Maleh Community	12		65	
06	Khirbet al-Maytah Complex	40		190	
07	Khirbet al-Burj Complex	15		45	
08	Ain al-Hilweh Community	13		70	
09	Al-Farisiya Hammir Community	9		60	
10	Al-Deir Community	7		60	
11	Dhraa' Awad Community	17		120	
12	Khirbet Humsa al-Farsha Cluster	10		60	
13	Humsa al-Baqia'a Community	22		160	
14	Khirbet Humsa Basaliya Cluster	13		55	
15	Qawawis	10		70	
	Total families	298	Total Persons	1800	

Communities under threat of displacement - South

	Name	Number of displaced families		Number of displaced individuals	
		STW	B'tselem	STW	B'tselem
01	Khallet al-Dab'	15			
02	Umm al-Kheir	50			90
03	Al-Jwaya	60			516
	Total families	125	Total Persons	1000	

While some of the Palestinian communities have lived for generations on the lands from which they are being expelled, many have already been displaced multiple times, starting with the mass expulsion during the Nakba of 1948. For example:

- The Palestinian community of Khirbet Um al-Jimal was displaced from Bir al-Saba' (Beersheba) in 1948 and then settled in Umm al-Jimal. After October 7, they were displaced to Tubas, Tammun, and Ein al-Bayda.
- The Palestinian community of Ras Al-Ma'rajat was displaced from Ras Al-Auja in 1968, soon after the Israeli occupation of the West Bank, under the pretext of 'military training'. They settled at Ras Al-Ma'rajat Road until 2023, when Israeli settler militias attacked and burned the entire community, and stole everything in it, including all the sheep, on which the community depended for a living.

It has been impossible so far to calculate the scale of land ethnically cleansed in the occupied West Bank since the start of the genocide in Gaza. However, the numbers are expected to be staggering. Only the residents from Khirbet Abu Falah, who now have access to only 50 dunams of rugged, non-arable land remain, lost access to some 50,000 dunams they once relied on for grazing. This makes up 0.85 percent of the entire West Bank, 1.4 percent of Area C and is as much as 13.7 percent of the Gaza Strip.



III. Displacement in the West Bank before the Gaza genocide

The ethnic cleansing that **Stop the Wall** denounces in this report is nothing new. It did not start on October 7, 2023. Yet, the brutality of Israel's onslaught on Palestinian rights has dramatically increased and also qualitatively changed since then.

Israel's policy of settler-colonialism has had to deal from its inception with the problem that Palestine was not, but had to become, a "land without a people". The Indigenous Palestinian people had to be eliminated or erased in order to create and maintain Israel's settler state and society. This is the common denominator of Israeli policies throughout its 76 years of existence.

Israel's Main Strategies of Palestinian Erasure

Over the decades Israel has used four main strategies of erasure:

1. Expulsion through brute force

Even before the establishment of Israel on Palestinian land, the [Plan Dalet](#), a blueprint for the systematic expulsion of the Palestinian communities from their land, had been prepared. It was

implemented during the 1948-53 [Nakba](#), through brutal force, massacres, threats and the physical destruction of Palestinian homes and communities. Some 80% of the Palestinian population that lived in the territory that came under Israel's control in 1948 were expelled during this period. Over 530 Palestinian towns and villages, including vibrant urban centers, were destroyed or repopulated with Jewish Israelis.

A similar wave of expulsion occurred when Israel occupied the West Bank, (including East Jerusalem), the Gaza Strip and the Syrian Golan Heights in 1967.

Beyond the waves of mass expulsion under the “fog of war,” daily oppression, dispossession, aggression and intimidation have been the tools of ethnic cleansing throughout Israel’s 76 year old colonial enterprise.

2. Apartheid and Dehumanization

As the Palestinian people remained an existing and resisting reality on its land, Israel developed a system of laws, rules and practices - a regime of apartheid - in order to ensure that the absolute majority of Palestinians would be non-existent as citizens and their repression and ongoing dispossession was formalised.

The forms taken by Israel’s version of apartheid, starting in 1948, have been amply discussed. Today, [international human rights organizations](#), the [International Court of Justice](#) and the [United Nations General Assembly](#) concur with [Palestinians](#) that Israel’s rules, laws and practices of racial discrimination amount to apartheid.

This includes systematic and structural dehumanization in discourse across the spectrum, - from school books to mainstream media, academia and political rhetoric.

3. Ghettoization and walling-in of the Palestinians still on the land

The systematic physical enclosure of Palestinian communities behind walls is probably one of the most striking elements of this system of apartheid. It goes beyond the systematic enforcement of racist laws and brutal repression by the state and physically cuts Palestinians off from their land, their families, and the rest of the world.

The physical walls have their origins in the Oslo period and are a stark reminder that “co-existence” and “peace” within the logic of Israeli discourse and ideology never meant anything other than a strategy to maintain Palestinians “peacefully” oppressed in ghettos and systematically dispossessed within the system of apartheid.

Since 1994 the Gaza Strip has been surrounded by a [barrier](#) that cuts off Palestinians there from the rest of the world. By 2019, the Israeli Defense Ministry [began](#) the final phase of construction of a 20-foot high galvanized steel fence that completely surrounds the Gaza Strip. In November 2000 Israeli Prime Minister Ehud Barak (Labour Party) approved the first project to build a “barrier” in the West Bank as well. The construction of the Wall, including land confiscation and the uprooting of

trees, began in June 2002. While policies of dispossession and displacement have been consistently imposed throughout the 76 years of the existence of the state of Israel, its apartheid Wall has been one of its largest and most visible aspects of its project of displacement and annexation.

Stop the Wall has documented the mechanisms and extent of ethnic cleansing caused by Israel's construction of the Wall in a number of reports, including '[Palestinian Towns and Villages: Between Isolation and Expulsion](#)' (2007). We mapped 98 enclaves surrounded by barbed wire, walls and control towers, with 312,810 Palestinian residents, who faced the constant threat of expulsion. The most severely impacted were 14 villages with a population of 6,314 individuals that Israel has subjected to crippling control.

4. Genocide in Gaza

The horrific genocide Israel is perpetrating in Gaza since October 7 has been in the making [since decades](#) and is beyond doubt the most brutal expression of Israel's policy of elimination and erasure of the Palestinian people. The genocide is also aimed at the ethnic cleansing of Palestinians, in the current stage at least, from the northern part of the Gaza Strip. It is the failure of the former three strategies to be effective enough, as well as the failure of the international community to stop Israel and hold it accountable before it reached the level of genocide.

Within the logic of Israel's strategy, this genocide is not necessarily confined to Gaza. The UN Special Rapporteur on Human Rights in the Occupied Palestinian Territory, Francesca Albanese, emphasizes in her latest report:

"The devastation inflicted on Gaza is now metastasizing to the West Bank, including East Jerusalem."

The Prelude to the Current Ethnic Cleansing in the Occupied West Bank

The immediate prelude to the ethnic cleansing in occupied West Bank can be summarized into three interconnected processes:

1. The isolation of Area C, in particular the Jordan Valley and the Southern Hebron Hills

In 2017, the Stop the Wall Campaign undertook an in-depth study on Israel's policies of displacement of Palestinian communities in the Jordan Valley and the South Hebron Hills, and their forms of resilience. In '[Palestinian Periphery - Home demolitions and settler colonialism in the Jordan Valley and south Hebron hills](#)' we highlighted the systematic process, deeply rooted in Israel's settler colonial project of Palestinian erasure and its core features: demolitions, denial of access to water resources, and isolation of Palestinian communities.

Road closures, checkpoints, destruction of access roads and restrictions in movement for Palestinians have been crucial in isolating communities. Israel's use of policies of dispossession, such as the declaration of closed military zones, restrictive zoning laws, and permit systems that

water and other natural resources, have been crucial displacement strategies. Israel has systematically denied them access to health care, education and other basic services. Since 2010, demolitions have surged, with thousands of structures destroyed annually.

Physical violence, sexual harassment, property damage and environmental sabotage, including the burning of crop and destruction of orchards, dumping of waste into water wells and on Palestinian fields, often perpetrated by settlers, have added to the pressure of the state-run system of displacement. The military as well as settlers have used outposts, land confiscation, and other legal pretexts to brazenly seize Palestinian land.

Israel's strategies in the Jordan Valley and South Hebron Hills, (valuable for both their resources and strategic location), have not only displaced the local Palestinian communities but also disrupted the broader Palestinian socio-economic and political fabric.

Despite all odds, Palestinian communities have developed forms of resilience to access water and basic needs. Lack of access to electricity has led to a spread in local systems of solar panels, which also often have become the target of Israeli soldiers and settlers. Palestinians have developed schemes and mechanisms to develop a 'politics of delay', - installing processes within the Israeli bureaucracy and court system that would inevitably rule against them, but delay demolitions and displacements for years or decades.

The response of international organizations has remained largely inadequate as they have generally dealt with the displacement as humanitarian crises rather than addressing the structural realities of settler colonialism. This has allowed them to maintain their own operations functioning and save their own reputation, while maintaining Israel's impunity intact, and pick up the costs for the damage caused created by Israel's crimes.

2. The development of pastoral settlements

The idea of colonial settlement of Palestine and the expulsion of its indigenous Palestinian farmers and herders from the land is as old as Zionist ideology. The kibbutzim movement organized this vision of land theft and colonization even before the creation of the state of Israel. Yet, both crop production and cattle farming in the kibbutzim system did not include free range cattle grazing. When after the occupation of the West Bank, Gaza, and the Golan Heights the first settlements were established, these also did not include free range cattle grazing .

Only in 1983, was the practice of claiming and controlling vast swaths of land by grazing made a part of the settlement project. Settlers from Susiya, who colonized the lands of Masafer Yatta, were the first to develop cattle grazing into a form of land theft. It took until the second half of the 1990s, for other settlements, including Beit Yatir, Itamar, Kfar Tapuach, Maon, Tene Omarim, and Elon Moreh, to take up the same method of land theft and ethnic cleansing.

The first pastoral settlers in the Dalia area [explain](#) how free range grazing was viewed within the framework of the racist European vision of the settlers as 'uncivilized':

“At first, people in the settlement project raised eyebrows - Grazing is only for Arabs, what do Jews have to do with raising goats and sheep?”

Muhammad Daraghme from the community of Khirbet Farisiya recognizes how the adoption of what was earlier considered an inferior activity is simply another way of appropriation, not only of the land but also an effort towards cultural erasure:

“Settlers living in the outposts began to have sheep and goats, not because they desire this sort of life of the Bedouin, but because they follow this idea of stealing the culture, the lifestyle and history of the Palestinians, the people of the land. In claiming this identity for their own, they desire to erase Palestinian history altogether.”

Currently, there are [77 settlement locations](#), where cattle grazing is the key element of land expropriation and expulsion of the Palestinian communities. Of the 77, 66 have been established over the past decade, and 46 in 2017-2021 alone. The area controlled by these pastoral settlements is close to 60,000 acres, or just under 7% of Area C.

The testimonies from Palestinian communities that have been displaced, or are under threat of displacement relay how the settlers of the pastoral colonies are, in most cases, decisive actors in their expulsion, and central elements within the settler militia who play a crucial role in the current drive of expulsion.

Montaser al-Malki from Ain Samia noticed how the pastoral settlements started to change the dynamics between the Palestinian communities and the illegal settlers some five years ago:

“The settlers used to stay within their boundaries, inside their walls, but we were in the open wilderness, and no one could command us. When the grazing settlements began to form, the settler could, upon seeing you on a nearby piece of land, call the nearby settlers, and they would bring at least five cars full of settler militias, accompanied by an Israeli police car or a settlement security guard and an Israeli army jeep. Then, you’d find more than 100 Israelis surrounding you.”

Naji Abu Alia from Dalia recounts how they are a new, more effective tool of ethnic cleansing:

“At first, the Civil Administration would notify us that our area was a military zone and that we had to evacuate. They also issued demolition orders for our properties. They would demolish our tents, seasonal homes, water tanks, and wells, but we refused to leave and kept rebuilding nearby. They seized the land after we left during the winter and turned it into grazing land for settlers, who brought their cattle there. They prevented us from retrieving anything from the land.”

3. The construction of a settler militia integrated into the state structures

Israel’s illegal settlers have always been armed, as well as protected by the Israeli military and private security. Yet, since its inauguration, the current Netanyahu government, especially Israeli Minister of National Security, Ben Gvir, and Israel’s Minister of Finance, Bezalel Smotrich, have hyper-charged the cooperation between the Israeli state, its military and the settler communities.

At the end of 2022, a new law was enacted that granted the far-right Israeli Minister of National Security, Ben Gvir, dominant powers, particularly over the policies and general principles of the Israeli police. On October 15 2023 however, new regulations came into force, which according to Ben-Gvir have ensured that an additional 400,000 settlers are armed under this law. In the first months of 2024, Ben Gvir had armed settlers with 27,000 American Colt machine guns. This type of automatic weapon is normally reserved for the Israeli army, not civilians. While the world's attention is focused on the ongoing genocide in the Gaza Strip, Ben Gvir has been accelerating his efforts to create a paramilitary army of settler militias, which is serving to intensify the pogroms in Palestinian villages and communities across the West Bank.



IV. Displacement in the West Bank during the Gaza genocide

"It's a policy—a complete policy run by the government. It extends from the far north to the far south. They didn't target one area and leave another alone. They targeted all areas. I tell you, they target us intensely, especially in areas with strategic or geographic importance, like ours, which was brutally targeted. The mountains we live on are called "Shafa Ghor," which means they overlook the entire Jordan Valley."

Montaser al-Malki, Ain Samia.

Leave or Die

Since the onset of the genocide in Gaza, the Israeli military started massacres and raids and large scale destruction inside Palestinian refugee camps across the West Bank, while outside the cities, in Area C, the attacks have also been relentless. Israeli apartheid forces and their settler militias employ the same tactics of intimidation, terror, and massacres committed during the 1948 Palestinian *Nakba* and mass expulsion of Palestinians from their lands.

Settlers launched an organized campaign of displacement and ethnic cleansing against Bedouin and pastoral Palestinian communities in Area C, giving people two options: "[Leave or Die](#)."

Montaser Al-Malki from Ain Samia explains:

"The settlers assaulted us in Ain Samia, destroyed our crops, and stole and killed our livestock. We always resisted, but after October 7th, the brutality, arrogance, and assaults reached unprecedented levels. You reach a point where it's kill or be killed, and our lives, especially the lives of our children, are precious."

Fatima Jabar from Ain al-Hilweh tells of her experience:

"I expected them to come to vandalize and hit us with sticks and stones, as we had gotten used to over the past six months, but they burned my house completely, along with all its contents. They destroyed the water tanks and stole the sheep. If we had delayed [our escape] just a little, we would have burned as well."

Ahmed Malihat from Sinjil describes the night they had to flee:

"We were displaced from the Ramon area on October 10, 2023, after a large attack by settler militias on our community around 10pm. We fled with our families and livestock but could not take anything with us –not clothes, tents, fodder, or barley–nothing at all. When we returned to retrieve our belongings, we were not allowed to, even after coordinating with the civil liaison of the occupation authorities. We were denied access to any of our possessions. It was a very frightening night. They attacked us all without distinction–young or old, men or women. Most of the attackers were settler militias. The occupation forces are slightly less brutal compared to them."

Across the West Bank communities recount the same horrific stories of settlers entering Palestinian homes, beating them, attacking them with sticks, guns, pepper spray. Settlers would continuously lurk around the homes and lands of the communities. Sometimes, they would encircle families' homes in cars or jeeps, at day and night, playing loud music, yelling, throwing objects and shining lights. Settlers would bring herds of cows into the homes of Palestinian communities, many of which were built with tent materials, to cause destruction of homes and furniture. They would also bring cows into the storage spaces containing sheep feed, causing huge losses to Palestinian families.

Total Isolation and Surveillance

After October 7, Israel has targeted Area C, isolated the [Jordan Valley](#) with 5 military checkpoints, isolated Masafer Yatta and Bedouin communities across the Southern Hebron Hills, and closed

agricultural roads with earth barriers in these areas. This suffocating blockade, was compounded on the other hand by a constant imposition of control from the settler militias and the Israeli army.

Omar Ka'abnah from Al-Qaboun explains how this isolation made withstanding the brutal attacks almost impossible:

"We changed and tried every method. For example, we used to sleep through the night, but we began sleeping in shifts to keep someone on guard. Every tactic used against us, we tried to find a way to resist. But when settler militias attack your home with clubs, sticks, gas, and thunderbolts, and beat your women and children, and the army or police patrol is just 20 meters behind them—if you try to defend your family and home, they will stop you, shoot at you, or tie you up and throw you on the ground. The settlers will then beat you while you're tied up, with sticks and their feet. It's a severe humiliation for the detainee, especially when they film it. This has become too much for people to bear. We are defenseless against an entire state. Every kind of suffering imaginable has been experienced by these communities, but sadly, there's no internet, media coverage, or even a phone signal."

The Military-Militia System

Within the Israeli policy of persecution and displacement, the cooperation of the official military and the state-sponsored, state-armed paramilitary settler militia is seamless - to the extent that settlers often come in Israeli military uniforms to perpetrate their pogroms.

Montaser al-Malki from Ain Samia points out:

"The Civil Administration, the grazing settlements, the settler militias, the Israeli police, and the Israeli army are all part of one chain aimed at displacing Palestinians. They send the settlers to harass you, and when they see you resisting and refusing to leave your land, the Israeli apartheid forces step in to protect and support the settler militias, increasing the intensity of the assaults."

This was the case with Muhammad Daraghmeh, from Khirbet Farisiya, who was first attacked by the settlers attempting to beat him and destroy his equipment. As he was able to defend his belongings that day, the military came to his land soon after, detained him and brought him to the army base, holding him for 4 hours and beating him severely. The military then dumped him on the road where he was left to call for help himself and was taken by ambulance to the hospital for care.

Jaser Al-Omari from Khirbet Abu Falah testified how the Israeli apartheid forces came to support the settler militias and arrested some of the young men from the community, blaming them for not allowing the settlers to enter the residential tents and accusing them of 'disobedience', *"because Palestinians are expected to obey the orders of the settler militias."*

He also explains a division of roles based on gender: *"The Israeli occupation army directly targets the young Palestinian men in the communities, while the settler militias target women and children. They verbally and physically assault them, focusing especially on women and children."*

Jaser recounted a specific incident, in which the settler militias assaulted a woman who has since

suffered a permanent disability, in the same community in Ain Samia.

The Lawlessness Beyond Apartheid Laws

The new modus operandi between military and settler militias has also changed the dynamics between the rule of the apartheid laws and simple, brute violence,; the latter being as calculated and strategic as the former.

The communities explain how previously the major drive of displacement was based on military orders. The Civil Administration, which until recently was the department of the Israeli military tasked with organizing the displacement of the Palestinian population through apartheid laws, played a key element in this. It would issue demolition orders for homes, schools, shacks, animal pens, water wells; it would define areas as military closed zones, permanent or temporary firing zones, natural reserves and issue evacuation orders. The military would then come to implement these orders.

Over time, Palestinians had learnt how to challenge this system, or at least to develop a policy of delay. Among others, they would challenge these orders in the courts; build movable structures for which, as soon as they were shifted to another place needed new demolition orders; build new structures during the night to ensure at sunset they were already finished and the process to obtain a demolition order became longer; and renovate caves that cannot be demolished, into homes and pens for animals. Settlers and their violence were an additional concern and form of oppression.

Now that the Civil Administration has been effectively moved to the Minister of Finance, away from direct military control, it is mainly [tasked](#) with the development of the settlement and annexation project, while its role in displacing Palestinians has effectively been taken over by the settler militias.

Today, it is not the demolition orders that inform the communities of the state's decision that they are to be expelled from their lands. It is the attacks of the settler militias that announce and execute the state's decision. Only where their violence is not sufficient, the army steps in to support them.

Amar Ismail Mustafa Awawdeh, from Khirbet Maqtel Muslim, explains this dynamic:

"Before the war, settlers from the Meitarim outpost and from the Asfar settlement constantly harassed us. These attacks, which included daily harassment, escalated significantly on October 21, 2023, when four settlers dressed as soldiers came to my home, aimed their weapons at me, forced me to sit on the ground, and began beating me and threatening to kill me if I didn't leave. They returned in the evening with around 30 soldiers, demanding again that I leave. The next day, they returned, nearly opening fire on us, but they waited until we packed our belongings and left the village."

The shift of roles within the continuum of Israeli policies is probably best expressed by the case of Khirbet Naizaneh, a village of 40 Palestinian inhabitants. They were forcibly displaced during an attack by the settler militia on November 18, 2023, and all the residents fled the village for the nearby city of Al-Dhahiriya. The suffering, the attacks, the harassment had already increased, but according to Mohammad Khaled Samamreh, doubled in intensity after October 7. The residents of Khirbet Naizaneh and the village council of Zanuta, filed a case with the Israeli Supreme Court

against their expulsion. After several months, they obtained a ruling allowing them to return to their homes. This ruling recognized that the lands of Zanuta and Naizaneh are privately owned Palestinian lands, and it was the responsibility of the Israeli army to protect the inhabitants from the settlers.

Mohammad Khaled Samamreh explains what happened then:

“We returned to the village on August 21, 2024, and there was great joy. However, upon our arrival, we found our homes destroyed. Any attempt to repair or build was forbidden. The settlers would continuously raid us, steal our livestock, and attack our sheep during grazing. Their surveillance made life impossible. We stayed in the village for about twenty days. Unfortunately, no one remained but us, about ten people with our sheep. This is what remains of Naizaneh. On September 25, 2024, the people of Naizaneh were once again displaced due to the ongoing settler violence.”

As Hussein Suleiman from Al-Khalayel summarizes:

“The Civil Administration followed the law. But now, there is no law.”

The law of apartheid, which made the erasure of the Palestinian people more arduous and time consuming, at the same time offered Israel a degree of sustainability to the process. Every rule, especially unjust and oppressive regimes, needs law and order in order to function and administer injustice durably.



V. Erasure as a strategy: Economic Devastation, Gendered Impact, and Long-Term Consequences

Economic Devastation as a Tool of Erasure

The testimonies reveal how economic dependency is weaponized to perpetuate displacement, with settlers systematically undermining Palestinian livelihoods. In Zanuta Village, settlers stole over 30% of the livestock, while families were forced to sell additional sheep due to the loss of grazing lands and rising fodder costs. For example, the community of Khirbet Abu Falah lost over 60% of their livestock after being displaced, reducing their herd from 2,500 to 1,000 heads. In Khirbet Wadi Al-Mu'allaq, residents lost access to grazing areas and were forced to sell 210 sheep out of 600 to afford fodder for the remaining animals.

The testimonies also describe settlers grazing their livestock on Palestinian land, a strategy that forces Palestinian communities to either relocate or abandon their trade entirely. This calculated destruction of economic stability deepens the cycle of displacement by stripping communities of the means to sustain themselves. The financial strain extends beyond herders, affecting entire communities reliant on pasture.

Additionally, Shamekh Abu Matawa'ah from Khirbet Farisiya notes how settlers focus primarily on stealing not valuables, but resources needed for survival such as water tanks, tents, furniture, solar panels, and cutting down and destroying agriculture and trees.

"They steal and destroy anything that is necessary for building infrastructure and creating sustained life, doing so much as digging to find buried electrical cables and ripping them out."

These actions threaten to eliminate livestock farming entirely in the region, exacerbating food insecurity and unemployment.

Gendered Impact of Displacement

Targeted harassment of women and children emerges as a deliberate strategy to break community resilience. Testimonies, such as those from Khirbet Al-Radhim and Zanuta Village, describe settlers physically attacking women and verbally harassing them to provoke retaliatory responses from men, thus creating pretexts for escalated violence or arrests.

Omar Ka'abneh from Al-Qaboun explains:

"There was an incident this year when the settler militias stormed the residential area of the community and tried to raid the tents, where women and children were staying. However, the young men from the community stood up to them and managed to prevent the raid. The Israeli military forces then came to support the settler militias and arrested some of the young men from the community, blaming them for not allowing the settlers to enter the residential tents and accusing them of 'disobedience.'"

In Khirbet Al-Atireya, settler militias assaulted a woman, leaving her permanently disabled, highlighting the long-term physical and psychological impacts of such targeted violence.

Communities often cite the psychological toll of this harassment as one of the most devastating aspects of displacement. Montaser Al-Malki explains:

"Our problem initially was with the Civil Administration – they would issue demolition orders but didn't attack our children, women, or livestock, so we could deal with it. But when 5-7 armed settlers come and shoot at you while you're grazing your sheep, you will flee and leave your livestock behind. The settlers would steal them and shoot at anyone who returned for the sheep. They stole more than 300 head of sheep. They began invading homes and tents, physically assaulting women. They stole our dignity and our money—what's left for us there?"

Settlers have gone so far as to bathe in Palestinian water tanks in full view of women and children in

Zanuta Village, deliberately challenging cultural norms and community cohesion. These actions are not random but are part of a broader tactic to erode social and familial stability, leaving communities fragmented and more vulnerable to displacement.

While men often cite the need to protect the women in the community as a reason they had to flee, women themselves have become pillars of resistance.

Sameeha al-Nawajaa' from Umm Al Jamal, was attacked, with her family, by a group of around 50 settlers, armed with weapons, sticks, and knives, inside their tent. They set the tent on fire and brutally beat her and her children. She was struck on the head and her arm broken. When her son Mohammed tried to defend her, he was beaten, and both his hands were burned, along with those of his younger sister Hanan. The settlers burnt their entire home, along with the precious memories of Sameeha's family. They stole 20 of their sheep and set fire to the farm she had built over many years.

After she recovered from her injuries in hospital, Sameeha's family returned to their land, salvaged what remained and began to restore the farm and became a symbol of steadfastness. Sameeha says:

"They may burn our homes, steal our sheep, and harm us, but they will never steal our spirit or erase our roots from this land. We will always rebuild, no matter how many times they destroy."

Sameeha's story spread beyond her village. People from neighboring communities and groups of activists visited her to offer help and plant new seeds in the scorched soil. Sameeha's daughters and sons took turns at the farm, guarding the land and caring for the remaining animals, showing that the legacy of steadfastness and resistance lives on through each generation.

Destruction of the Palestinian Meat and Dairy Sector

The loss of land and infrastructure has far-reaching implications for the economic and social fabric of displaced communities and the entire West Bank. In Khirbet Al-Qanub, the destruction of homes, wells, and livestock barns, coupled with the theft of over 200 sheep, forced families to abandon not only their property but also their primary sources of income. Similar losses in Khirbet Wadadi and Khirbet Al-Atireya, where entire villages were demolished, underscore the systematic nature of these acts.

This ongoing displacement erases livelihoods and aims to break the cultural ties to the land. If the current trajectory continues, communities predict the collapse of livestock farming in the West Bank.

Omar Ka'abnah forecasts:

"If it continues like this for two more years, there will be no livestock left in the West Bank, and you'll have to buy the meat from settlers. Don't be surprised if the price of dairy products and meat rises, and a kilo of meat costs 300 shekels instead of 90."

This would destroy not only the incomes of the Palestinian Bedouin communities, but but also dramatically inflate the price of staple food for the rest of the Palestinians in the West Bank, and exacerbate the forced dependency of the Palestinian market on Israeli products and imports, thereby increasing Israel's overall stranglehold on the Palestinian economy. Over the last year, Israel has revoked 148,000 [work permits](#), and imposed severe restrictions on movement, ensuring that the gross domestic product (GDP) of the West Bank [contracted](#) by 22.7 percent. Nearly 30 percent of businesses have closed, and 292,000 [jobs](#) have been lost.

The onslaught against the Palestinian sheep meat and dairy sector mirrors Israel's decades old policy to stifle any efforts to develop a cow meat and dairy production in the West Bank. The big winners are Israeli corporations and producers.

Social impact of displacement

The displacement disrupts educational opportunities and healthcare access, as seen in Khirbet Maqtel Muslim, where a lack of schools and clinics further marginalizes the resident families. The cumulative effect of these losses is not just economic but existential as well, as communities face the dissolution of their way of life and the psychological burden of losing their ancestral lands.

Many communities have been fragmented after having been displaced. The various families of the Palestinian community of Wadi al-Siq have been splintered, finding refuge in different villages, such as Ramoun and al-Taybe. The Bedouin communities from Ras al-Ma'rajat along the road to Jericho, moved to Sinjil, Abu Falah, and al-Taybe.

Adding to the fragmentation comes the artificial creation of conditions that are fertile ground for conflict among the farmers of the still standing villages and the Bedouin communities turned refugees. Many in the displaced communities explain how it takes a toll on all involved to keep understanding, resolve conflicts and build solidarity. Montaser Al-Malki from Ain Samia explains:

"When people are confined to one place, conflicts arise. As livestock breeders and farmers, the lack of grazing areas causes problems among us about grazing times and places. Everyone is in a very bad mental state, under immense pressure, and people start to lash out at each other."

To make things worse, the Bedouin communities from Area C turned refugees in Area B are stuck without any support. As Omar Ka'abnah describes:

"Where we are now is Area B, so European institutions don't recognize you because they only support communities in Areas C, and Area B is under the control of the Palestinian Authority, which lacks resources. Since 2022, no one from the Authority has visited us—not once."

The fragmentation imposed by the Oslo Accords, that has further divided the Palestinian population of the West Bank into those in Area A, Area B and Area C and the perpetuation by international organizations and institutions of this classification is here showing yet another devastating effect. It is overdue that the Oslo paradigm of fragmentation of the Palestinian people and appeasement of Israeli annexation, apartheid, occupation and other crimes finally comes to an end.



VI. Israel's International Crimes and Violations of International Law

“The Court has finally reaffirmed a principle that seemed unclear, even to the United Nations: Freedom from foreign military occupation, racial segregation and apartheid is absolutely non-negotiable.”

[Joint statement](#) of 38 human rights experts of the UN Special Procedures on the July 2024 Advisory Opinion of the International Court of Justice

The forced displacement of Palestinian communities in the West Bank, as documented in the testimonies, constitutes a systematic pattern of international crimes and violations of international law. These actions breach multiple legal frameworks.

Illegality of Israel's occupation

On July 19 2024, the [International Court of Justice \(ICJ\)](#) issued its landmark ruling on the questions posed by the UN General Assembly about Israel's military occupation and its legal consequences.

The Advisory Opinion on the legal consequences of Israel's construction of the Wall in the West Bank, already [confirmed](#), exactly 20 years ago, the illegality of the Wall and the settlement enterprise as a breach of the prohibition on the acquisition of territory by force and the right to self-determination of the Palestinian people and established that these violations triggered *erga omnes* - Third State responsibilities. Obligations that states simply ignored for two decades.

In its 2024 ruling, ICJ shifted the benchmark drastically when it declared that Israel's military occupation of and presence in the Gaza Strip and the West Bank, including East Jerusalem, as such was unlawful. UN Special Rapporteur on Human rights in the OPT, Francesca Albanese, summarizes the ruling in her [report](#) 'Genocide as Colonial Erasure':

"The Court recognized the violation of non-derogable norms prohibiting territorial acquisition by force, racial segregation and apartheid, and protecting the right to self-determination of the Palestinian people, concluding that the occupation constitutes an act of aggression, in all but name, deriving in part from its settler-colonial nature. It stressed the obligation to rapidly end the occupation, dismantle and evacuate the colonies, provide full reparation to Palestinian victims and allow the return of Palestinians displaced since 1967."

The ICJ ruling is a paradigm shift, insofar as it moves the achievement of Palestinian rights from one centered on 'negotiations' between oppressor and oppressed to one centered on accountability and enforcement to end the system of oppression and uphold the inalienable, internationally recognized rights of the Palestinian people.

The Right of Return, Restitution, Compensation and Reparation

The ICJ in its 2024 ruling starts the discussion on forced displacement recalling the [2004 ICJ Advisory Opinion](#), which understands the "alterations to the demographic composition of the Occupied Palestinian Territory" due to the forced "departure of Palestinian populations from certain areas" as a crucial element in Israel's violation of the Palestinian right to self-determination. It clarifies the definition of "forcible" transfer under the IV Geneva Convention as "not only when it is achieved through the use of physical force, but also when the people concerned have no choice but to leave" and underlines that states have the obligation to ensure Israel's compliance with the terms of the Convention. According to the Court, the displacement of Palestinians is also a central element in Israel's violations of the prohibition of apartheid.

The ICJ has further stated explicitly that: *"Restitution includes Israel's obligation to return the land*

and other immovable property, as well as all assets seized from any natural or legal person since its occupation started in 1967, and all cultural property and assets taken from Palestinians and Palestinian institutions, including archives and documents. It also requires the evacuation of all settlers from existing settlements and the dismantling of the parts of the wall constructed by Israel that are situated in the Occupied Palestinian Territory, as well as allowing all Palestinians displaced during the occupation to return to their original place of residence.”

The UNGA resolution of September 18, 2024 endorsing the ICJ Advisory Opinion repeated the language of the Court almost verbatim **demanding** Israel return land and property, allow Palestinians to return to their homes and pay reparation to all natural and legal persons.

In his **explanatory declaration**, the president of the ICJ, Judge Najaj Salam, points out that there *“has to be “full reparation”, including restitution and compensation, which must, according to the well-known formula of the Permanent Court of International Justice in the Chorzów Factory case, “as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed”.*

He also notes that the United Nations International Law Commission defines the injury to be repaired as including *“all damage, whether material or moral, resulting from the internationally wrongful act of the State”* and that compensation covers *“any financially assessable damage including loss of profits so far as this is established in the given case”*. He finally recalls that the Security Council affirmed after Iraq’s invasion of Kuwait the former was, under international law, *“responsible for any loss, damage and injury suffered, in respect of Kuwait and third States and their nationals and companies”*.

The UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, in its **Position Paper** on the 2024 ICJ ruling further points out that *“Reparations include restitution, compensation, satisfaction and guarantees of non-repetition.”* (emphasis added)

The right of return, reparation and restitution of Palestinians displaced by Israel has been sanctioned by international law, UN resolution 194 of 1948, voted on in the aftermath of the mass expulsion of the majority of the Palestinian people from their homes during the Nakba, and subsequent other resolutions. With Resolution 36/146C, in 1981, the UN General Assembly **recognized** that Palestinian refugees are not only entitled to their property but also to the incomes derived from that property, in conformity with the principles of justice and equity. It requested the Secretary-General to take “all appropriate steps” for the protection and administration of Palestinian property, assets and property rights in Israel, and to establish a fund for the receipt of income derived therefrom, on behalf of their rightful owners. This Resolution has been reaffirmed by the General Assembly in every annual session, but the fund has never been created and Israel insists on rejecting its implementation.

In 1978, the Committee on the exercise of the inalienable rights of the Palestinian people **reaffirmed that** *“[T]he inalienable rights of the Palestinian people to self-determination could be exercised only in Palestine. Consequently, the exercise of the individual right of the Palestinian to return to his homeland was a conditio sine qua non for the exercise by this people of its rights to self-determination, national independence and sovereignty.”*

Palestinian international law scholar Shahd Hammouri [argues](#) that displacement with the intention to make it permanent expulsion "is deemed a war crime, and can be considered a genocidal act within the meaning of the Genocide convention [according to a joint declaration of intervention by a number of states in the ICJ Gambia case.](#)"

UNRWA was established by the [United Nations General Assembly Resolution 302 \(IV\) of 8 December 1949](#) to carry out direct relief and works programmes for Palestine refugees of the Nakba. The Agency began [operations](#) on 1 May 1950, including by establishing a register of those it was to [serve](#): "Persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict". It has become the only register of Palestinian refugees today.

All other Palestinians, who have been displaced once or multiple times, including those displaced from or within the occupied West Bank, Jerusalem, and the Gaza Strip, are not registered anywhere. Neither does a register of losses and damages exist. The only existing UN register of losses and damages pertains to the [damages](#) caused by Israel's construction of the Wall.

This far-reaching 'protection gap' not only has an immediate impact on the possibility of access to adequate aid and assistance for the displaced Palestinians, but It also shields Israel from accountability, as these victims and their losses stay unaccounted for.

Crimes against Humanity

The crime of Forced Displacement

Article 7 of the [Rome Statute](#) of the International Criminal Court (ICC) defines the crime against humanity of forced displacement as "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".

The report gives ample evidence how Israel continues to commit the crime of forced displacement, which started with the mass ethnic cleansing of over 750,000 Palestinians from their homes during the Nakba (1947-1949). While in Gaza almost the entire population is temporarily displaced and the genocide is explicitly aimed at permanent ethnic cleansing, at least of the northern part of the Gaza Strip from its Palestinian population, in the West Bank, less Palestinians with less brutality have been forcibly displaced from maybe more land than what was possible in Gaza. Similar efforts of ethnic cleansing continue against Palestinian communities that are nominally citizens of Israel as well.

The crime of Apartheid

The July 2024 ruling of the ICJ has followed the reports by [Amnesty International](#), [B'Tselem](#), [UN experts](#), and [Palestinian human rights organizations](#) in acknowledging that Israel perpetrates the crime of Apartheid, when it denounced Israel for violating Art. 3 of CERD, which prohibits the crime of Apartheid.

Article 7 of the Rome Statute of the ICC defines the crime against humanity of Apartheid as inhumane acts “committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime”. The crime of Apartheid is further defined in the '1973 International Convention on the Suppression and Punishment of the Crime of Apartheid'.

Israel has imposed a system of Apartheid since its establishment on the entire Palestinian people, including refugees, as the Amnesty International report acknowledges. In the context of the occupied West Bank, the testimonies provide compelling evidence of policies amounting to Apartheid, characterized by systemic discrimination and domination of one group over another. These policies have been implemented in the West Bank since its occupation in 1967, including systematic dispossession through a myriad of racist military orders, rules and regulations enforced by the so-called Civil Administration, Israel’s court system, its corporate actors, and the growingly organized settler militia. The racist segregation is exerted through the displacement and elimination of Palestinian communities from all spaces, on which the Israeli settlers and colonies are encroaching.

The crime of Persecution

Under Article 7 of the ICC the crime against humanity of Persecution is defined as “intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity”. John Quigly [has previously argued](#) that the continued denial of the right of return may constitute the crime against humanity of Persecution.

Palestinians recount how the military-militia system operated by the state has targeted them in a sustained and systematic manner because of their identity as Palestinians indigenous to their land. They have imposed movement restrictions, blocked access to water, and systematically exposed Palestinian communities to brutal violence and the destruction of their belongings. Palestinians are being deprived of their right to life, freedom of movement, right to health, education, adequate standard of living and many more. The testimonies vividly illustrate how Palestinian communities have been systematically removed from their lands through coercive means, including violence, threats, and destruction of property. Displacement has devastated the economic and cultural rights of Palestinians, as guaranteed under the ICESCR. They describe the loss of access to grazing lands, forcing herders to sell livestock at unsustainable rates or to even abandon their livelihoods altogether. The deprivation of grazing lands, coupled with restrictions on water access and the destruction of crops, directly contravenes the right to work (Article 6), the right to an adequate standard of living (Article 11), and the right to cultural life (Article 15) under the ICESCR.

War crimes

[War crimes](#) are grave breaches of the Geneva Conventions and include the wilful killing; torture or inhuman treatment; wilfully causing great suffering or serious injury to body or health; extensive destruction or appropriation of property, not justified by military necessity; unlawful deportation or transfer; unlawful confinement. The Rome Statute also adds that “Making the civilian population or individual civilians, not taking a direct part in hostilities, the object of attack” as a further category of war

crimes and specifies “the transfer by the occupying power of parts of its own civilian population into the territory it occupies or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory” as a war crime.

The testimonies vividly illustrate how Palestinian communities have been systematically removed from their lands through coercive means, including violence, threats, and destruction of property. Settlers attacked homes, burned tents, and physically assaulted residents, leading to their forced displacement. The use of settler militias as a tool to terrorize communities, often supported by the Israeli military, demonstrates a coordinated effort to expel Palestinians, violating Article 49 of the Fourth Geneva Convention, that prohibits the forcible transfer of protected persons under occupation.

The systematic destruction of homes, water wells, and livestock barns violates Article 53 of the Fourth Geneva Convention, which prohibits the destruction of property unless absolutely necessary for military operations. Testimonies detail the destruction of agricultural infrastructure, including wells filled with debris and crops set on fire by settlers. These actions not only target physical structures but aim to obliterate the means of subsistence for entire communities, in breach of international humanitarian law.

Gendered Violence and Psychological Impact

Targeted violence against women and children, as documented in Khirbet Abu Falah and Khirbet Al-Radhim, constitutes additional violations of international law. Settler militias deliberately harass women, assault them, and subject them to degrading treatment, exploiting the cultural structure and values of Palestinian society to provoke displacement. These acts constitute cruel and degrading treatment under the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, as well as violations of international protections for women and children under the Fourth Geneva Convention.

Third State obligations

The ICJ decision of July 2024 has expanded on the issue of Third State obligations already addressed in its Advisory Opinion on the legal consequences of Israel's construction of the Wall 20 years earlier. At that time the Court **confirmed** that “all States have the additional legal obligations laid out in ILC Article 41, i.e., (1) to cooperate to bring to an end Israel's serious breaches, and (2) not to recognise as lawful the illegal situation created by Israel, nor render aid or assistance in maintaining that situation. This means that every State has not only a duty to abstain, but also a positive duty to act as required in order to perform these obligations.” The Court reconfirmed these obligations, underlining that these are binding also on international organizations, including the United Nations, and has given a number of examples as to how these obligations are to shape policies:

“The Court considers that the duty of distinguishing dealings with Israel between its own territory and the Occupied Palestinian Territory encompasses, *inter alia*, the obligation to abstain from treaty relations with Israel in all cases in which it purports to act on behalf of the Occupied Palestinian Territory or a part thereof on matters concerning the Occupied Palestinian Territory or a part of its territory; to abstain from

entering into economic or trade dealings with Israel concerning the Occupied Palestinian Territory or parts thereof which may entrench its unlawful presence in the territory; to abstain, in the establishment and maintenance of diplomatic missions in Israel, from any recognition of its illegal presence in the Occupied Palestinian Territory; and to take steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory. "

"Moreover, the Court considers that, in view of the character and importance of the rights and obligations involved, all States are under an obligation not to recognize as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory. They are also under an obligation not to render aid or assistance in maintaining the situation created by Israel's illegal presence in the Occupied Palestinian Territory. It is for all States, while respecting the Charter of the United Nations and international law, to ensure that any impediment resulting from the illegal presence of Israel in the Occupied Palestinian Territory to the exercise of the Palestinian people of its right to self-determination is brought to an end. In addition, all the States parties to the Fourth Geneva Convention have the obligation, while respecting the Charter of the United Nations and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention."

The president of the ICJ, Judge Nawaf Salam, in his explanatory declaration points out that "any unconditional financial, economic, military or technological assistance to Israel would constitute a breach of this obligation" and adds: "As our esteemed late colleague, James Crawford, wrote, it is important to note that the obligation to ensure respect is not satisfied by mere diplomatic protest, or solely by co-operating with the United Nations. Indeed, as the Court has emphasized with regard to the crime of genocide, a State's referral of a violation of obligations erga omnes to the organs of the United Nations does not relieve other States of their obligations 'to take such action as they can' to ensure respect for those obligations and prevent or punish violations thereof."

Following the ICJ's 2024 ruling, 39 Human Rights Experts of the [UN Special Procedures](#) as well as the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel ([UN Commission of Inquiry OPT/Israel](#)) have issued detailed interpretations of the legal obligations of states, while the UN General Assembly Resolution [A/ES-10/L.31](#), adopted on September 18, 2024 with 124 votes in favor, 43 abstentions and 14 against, calls for concrete action by state parties:

Declaration of 39 Human Rights Experts of the UN Special Procedures	Report of the UN Commission of Inquiry OPT/ Israel	UN General Assembly Resolution A/ES-10/L.31
Immediately review all diplomatic, political, and economic interactions with Israel to ensure they do not support or provide aid or	State engaged in such transfer or trade to Israel shall cease its transfer or trade until the State is satisfied that the goods and	Abstaining from entering into economic or trade dealings with Israel concerning the Occupied Palestinian Territory or

Declaration of 39 Human Rights Experts of the UN Special Procedures	Report of the UN Commission of Inquiry OPT/ Israel	UN General Assembly Resolution A/ES-10/L.31
<p>assistance to its unlawful presence in the occupied Palestinian territory.</p>	<p>technology subject to the transfer or trade are not contributing to maintaining the unlawful occupation or to the commission of war crimes or genocide and thereafter throughout any period when the State is not so satisfied.</p> <p>States must add conditionalities to these existing agreements so that it is clear they are distinguishing in their dealings. For any agreements that are contributing to the unlawful situation, States are under a duty to repeal or amend such agreements in line with their international legal obligations.</p>	<p>parts thereof which may entrench its unlawful presence in the Territory, including with regard to the settlements and their associated regime;</p> <p>Abstaining, in the establishment and maintenance of diplomatic missions in Israel, from any recognition of its illegal presence in the Occupied Palestinian Territory, including by refraining from the establishment of diplomatic missions in Jerusalem, pursuant to Security Council resolution 478 (1980) of 20 August</p>
<p>Abstain from recognising or take steps to reverse any recognition of any changes in the physical character or demographic composition, institutional structure or status of the occupied Palestinian territory, including in their treaty relations with Israel, and while acting as members of international organisations.</p> <p>Disseminate the Court's findings widely, ensuring that the occupied status of</p>		<p>Abstaining from treaty relations with Israel in all cases in which it purports to act on behalf of the Occupied Palestinian Territory or a part thereof on matters concerning the Occupied Palestinian Territory or a part of its territory;</p>

Declaration of 39 Human Rights Experts of the UN Special Procedures	Report of the UN Commission of Inquiry OPT/ Israel	UN General Assembly Resolution A/ES-10/L.31
<p>the West Bank including east Jerusalem and the Gaza Strip, and the illegality of Israel's presence are reflected in public documents and education systems.</p>		
<p>Impose a full arms embargo on Israel, halting all arms agreements, imports, exports and transfers, including of dual-use items that could be used against the Palestinian population under occupation.</p>	<p>States have a duty to conduct a due diligence review of all transfer and trade agreements with Israel, including but not limited to equipment, weapons, munitions, parts, components, dual use items and technology, to determine whether the goods or technology subject to the transfer or trade contribute to maintaining the unlawful occupation or are used to commit violations of international law. This includes both preexisting agreements and future transfers to Israel. States are obliged to demonstrate that any transfer or trade relating to military capability is not being used by Israel to maintain the unlawful occupation or commit violations of international law.</p> <p>This restriction on military</p>	<p>Take steps towards ceasing [...]the provision or transfer of arms, munitions and related equipment to Israel, the occupying Power, in all cases where there are reasonable grounds to suspect that they may be used in the Occupied Palestinian Territory;</p>

Declaration of 39 Human Rights Experts of the UN Special Procedures	Report of the UN Commission of Inquiry OPT/ Israel	UN General Assembly Resolution A/ES-10/L.31
	<p>related relations applies also to research and development cooperation with Israel, engaging in joint training and military exercises with Israel, and any imports from Israel that provide funding and economic support to Israel to maintain the unlawful occupation.</p>	
<p>Ban goods and services emerging from both the colonisation of occupied Palestinian territory and other unlawful activities that may be detrimental to Palestinians' rights, from entering their territory and markets, and take measures to label and permit goods and services emerging from Palestinian individuals and entities in occupied territory.</p>	<p>States must cease all financial, trade, investment and economic relations with Israel that maintain the unlawful occupation or contribute to maintaining it. States must review their trade and economic agreements with Israel that involve products and produce of the unlawful settlements. The burden is on Israel to establish that any product or produce does not originate in the settlements.</p>	<p>To take steps towards ceasing the importation of any products originating in the Israeli settlements,</p>
<p>Cancel or suspend economic relationships, trade agreements and academic relations with Israel that may contribute to its unlawful presence and apartheid regime in the occupied Palestinian territory.</p>	<p>Individual States and regional organizations, such as the European Union, must take all reasonable steps to conduct a comprehensive review of existing treaties, agreements and arrangements with Israel in order to ensure distinction in their dealings between</p>	

Declaration of 39 Human Rights Experts of the UN Special Procedures	Report of the UN Commission of Inquiry OPT/ Israel	UN General Assembly Resolution A/ES-10/L.31
	<p>Israel and the Occupied Palestinian Territory and to exclude any dealing that would support the maintenance of the unlawful occupation.</p> <p>States shall not render aid or assistance to educational, academic, research or cultural activities that support or maintain the unlawful occupation. This applies to universities and other research or cultural institutions that support the occupation or that are physically located within the Occupied Palestinian Territory.</p>	
<p>Impose sanctions, including asset freezes, on Israeli individuals, entities including businesses, corporations and financial institutions, involved in the unlawful occupation and apartheid regime as well as on any foreign or domestic entities and individuals subject to their jurisdiction that supply goods and services that may aid, assist or enable occupation and apartheid.</p>	<p>States must review their domestic laws and examine all potential accountability options, such as targeted sanctions regimes, especially sanctions with respect to human rights violations.</p> <p>State responsibility entails due diligence on the part of the State to examine private enterprises incorporated in the State and non-profit or non-governmental organizations registered in the State and their dealings with the State of Israel</p>	<p>To ensure, as States parties to the Fourth Geneva Convention, compliance with international humanitarian law as embodied in that Convention, in particular pursuant to their obligations under articles 146, 147 and 148 regarding penal sanctions and grave breaches.</p> <p>Taking steps to prevent trade or investment relations that assist in the maintenance of the illegal</p>

Declaration of 39 Human Rights Experts of the UN Special Procedures	Report of the UN Commission of Inquiry OPT/ Israel	UN General Assembly Resolution A/ES-10/L.31
	<p>and the Occupied Palestinian Territory. These entities include trading firms, manufacturing enterprises, investment funds and banks facilitating money transfers. States must require a thorough due-diligence review of these entities and ensure that they are not engaging in any business, activity or financial support that maintains the unlawful occupation or contributes to maintaining it. [...] the State must take all reasonable measures to prevent the activities, such as revoking a corporation's articles of incorporation or revoking a non-profit organization's registration in that State. States shall not give support to these organizations, for example through allowing the organization to have tax-exempt status or providing tax deductibility for donations to the organization and must ensure that financial contributions to support the unlawful occupation, including settlements and settlers, cease.</p> <p>Additionally, the UN Special Committee to Investigate Israeli Practices Affecting the</p>	<p>situation created by Israel in the Occupied Palestinian Territory, including with regard to the settlements and their associated regime.</p> <p>Take steps to ensure that their nationals, and companies and entities under their jurisdiction, as well as their authorities, do not act in any way that would entail recognition or provide aid or assistance in maintaining the situation created by Israel's illegal presence in the Occupied Palestinian Territory;</p> <p>Implement sanctions, including travel bans and asset freezes, against natural and legal persons engaged in the maintenance of Israel's unlawful presence in the Occupied Palestinian Territory, including in relation to settler violence;</p>

Declaration of 39 Human Rights Experts of the UN Special Procedures	Report of the UN Commission of Inquiry OPT/ Israel	UN General Assembly Resolution A/ES-10/L.31
	<p>Human Rights of the Palestinian People and Other Arabs of the Occupied Territories exhorts States to “<i>Hold business entities fully accountable for complicity in violations of international law, whether through their supply of arms, provision of digital products and services and/or engagement in technology transfer and facilitation (including artificial intelligence) or links to value chains (including algorithmic -based decision-making systems) that enable Israel’s ongoing onslaught in Gaza and apartheid system of injustice in the occupied West Bank, including East Jerusalem;</i>”</p>	
<p>Prevent all of their citizens who hold dual citizenship with Israel from serving in the Israeli military or other services that contribute to the occupation and apartheid regime or from buying or renting property anywhere in occupied Palestinian territory.</p>		
<p>Investigate and prosecute those subjects to their jurisdiction, who are involved in crimes in the</p>	<p>States must provide full support for all accountability processes, whether domestic, regional or international, and</p>	<p>Emphasizes the need to ensure accountability for the most serious crimes under international law</p>

Declaration of 39 Human Rights Experts of the UN Special Procedures	Report of the UN Commission of Inquiry OPT/ Israel	UN General Assembly Resolution A/ES-10/L.31
<p>occupied Palestinian territory, including dual citizens serving in Israel's military, including mercenaries or those involved in settler violence.</p>	<p>cooperate with these processes.</p> <p>National authorities must also conduct their own investigations and, where appropriate, [start] prosecutions under domestic criminal law or universal jurisdictions.</p>	<p>through appropriate, fair and independent investigations and prosecutions at the national or international level, and to ensure justice for all victims and the prevention of future crimes.</p>
<p>Make submissions to the ICC so that it investigates international crimes included in the ICJ opinion.</p>	<p>All States must fully cooperate with the International Criminal Court's investigation in the situation in the State of Palestine, regardless of whether it is a State Party to the Rome Statute. As the violations identified by the Court are of a peremptory nature which give rise to obligations erga omnes, all States have a duty to cooperate.</p>	<p>Support accountability efforts for all victims.</p>
	<p>The United Nations and international organizations are obliged to distinguish in their dealings between Israel and the Occupied Palestinian Territory and to refrain from any activity that will contribute to maintaining the occupation.</p>	<p>International organizations, including the United Nations, and regional organizations not to recognize as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory and to distinguish, in their relevant dealings, between Israel and the Occupied Palestinian Territory.</p>

Declaration of 39 Human Rights Experts of the UN Special Procedures	Report of the UN Commission of Inquiry OPT/Israel	UN General Assembly Resolution A/ES-10/L.31
		Not to recognize, or cooperate with or assist in any manner in, any measures undertaken by Israel to exploit the natural resources of the Occupied Palestinian Territory.

The 39 Human Rights Experts of the UN Special Procedures have further pointed at the obligation to:

- + Rescind legislation and policies that criminalise and penalise advocacy in support of Palestinian rights to self-determination and non-violent opposition to Israel's occupation and apartheid, including support for the Boycott, Divestment and Sanctions (BDS) movement.
- + Ensure safe and full access for independent experts and mechanisms charged with monitoring and investigating human rights violations and international crimes in the occupied Palestinian territory.

On Return, Reparation and Restitution for Displaced Palestinians:

The UN General Assembly Resolution [A/ES-10/L.31](#) “recognizes in this regard the need for the establishment of an international mechanism for reparation for all damage, loss or injury arising from the internationally wrongful acts of Israel in the Occupied Palestinian Territory, and calls for the creation by Member States, in coordination with the United Nations and its relevant bodies, of an international register of damage to serve as a record, in documentary form, of evidence and claims information on damage, loss or injury to all natural and legal persons concerned, as well as to the Palestinian people, caused by the internationally wrongful acts of Israel in the Occupied Palestinian Territory, as well as to promote and coordinate evidence-gathering and initiatives aimed at securing such reparation by Israel”.

The UN Commission of Inquiry OPT/Israel [recommends](#) that the General Assembly establish an “independent mechanism to investigate and document all claims in relation to the complex issue of reparations. This includes collecting and preserving records of Palestinian lands, assets and properties, consolidating the records from various UN agencies and other organizations in one central repository, and preserving these records for reparation and compensation claims”. It also recalls that in the case of South Africa’s occupation of Namibia, the UN Security Council established an ad hoc sub-committee to comprehensively review the non-compliance of South Africa and propose mechanisms to ensure compliance.

There seems to be no need for a new mechanism to be established:

1. **Registration of Refugees:** UNRWA has experience and the necessary structural set up to register and manage registration records of Palestinians displaced by Israel. Its capacity can be upscaled. Its mandate as per [UN General Assembly Resolution 302 \(IV\)](#) of 8 December 1949, refers to services for Palestinian refugees in general. Its [Consolidated Eligibility and Registration Instructions \(CERI\)](#) limit the criteria for Palestinians to be registered with UNRWA as a refugee to “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict”. The UN General Assembly is to request UNRWA to change the terms of its CERI to allow all Palestinians, who have been displaced by Israel during its 76 years old colonial regime of apartheid, and their descendents to register in order to be able to count on one consolidated register.

Furthermore, the UN General Assembly **must** end the geographic limitation of UNRWA’s mandate as well as the chronic budget shortage.

2. **Register of Damages:** The registration of damages for the purpose of restitution, reparation and compensation already has a precedent in the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory ([UNRoD](#)), which has developed a methodology and an initial register. It would seem only natural that with the ICJ Advisory Opinion 20 years later, which expands the scope of the illegality, the register is to be expanded in scope, staffing and budget.

It is not only more efficient but also legally and politically coherent, if not imperative, not to participate in the effort of Israel and its allies to fragment the Palestinian people, including those displaced, and the damages they have incurred into artificial categories. The process of displacement and dispossession is one, ongoing and perpetrated by the same state against the same people.

The Anti-Apartheid Mechanism

The persistence of a regime of Apartheid has been established by the July 2024 [ICJ advisory opinion](#), which found Israel in violation of the prohibition against Apartheid in Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).

For many years, Palestinian civil society, the absolute majority of which is represented in the coalition leading the global BDS movement, has been advocating for the United Nations to reinstate the mechanism to end and punish Apartheid, specifically to address Israel's Apartheid regime against Palestinian people. The revival of the UN Special Committee Against Apartheid (UNSCAA) has been a core demand of the BDS movement, particularly since 2020 and through its support to the [Global South Response](#), demanding concerted anti-apartheid action. This demand has been reiterated in the [Unified Palestinian civil society call with regards to sanctions on Israel](#) following the ICJ advisory opinion.

The UN General Assembly Resolution of September 18 requests the Secretary General to present

proposals, in consultation with the United Nations High Commissioner for Human Rights and Member States with relevant experience and expertise, for the establishment of a mechanism to address Israel's perpetration of the crime of Apartheid. The UN Committee on the Exercise of the Inalienable Rights of the Palestinian People initiated a discussion in October to explore the (re)establishment of a UN mechanism that includes the "Group of 3" and the UN Special Committee Against Apartheid (UNSCAA). Palestinian civil society has issued a detailed briefing on the [necessary elements](#) any such mechanism and a reactivated UNSCAA have to include.

On the concept of "differentiation"

Especially the European Union has been promoting a policy of "differentiation" between dealings with Israel and with Israel's illegal settlements. In 2013 it [issued](#) "Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments". This was initially a welcome, albeit late, recognition of the very existence of third state obligations, and activists continued to campaign, considering this a first attempt on the way to a more effective and principled position. That the EU and others until today maintain and promote the mantra that "differentiation" was a viable effort to comply with third state obligations in the face of Israel's manifold violations of international law and international crimes, is deceptive.

Even if it was possible to "differentiate" between Israel inside the Green Line and Israel's illegal settlements, this would only address a minor subset of obligations of Third States not to recognize, aid and assist Israel's violations of international law.

More importantly though, it completely and willfully ignores the fact that Israel has totally and irreversibly integrated the occupied West Bank, including the settlement enterprise, into the state of Israel in trade, banking and finance, governance, technology, communication, culture, academia, archeology, etc.. This has been a reality since long, with the [transfer of authority](#) over all civil matters relating to the settlement enterprise from military control to the Israeli Minister of Finance - a de jure annexation - any such distinction has no formal standing anymore. Furthermore, it also willfully ignores the fact that Israel's policy of illegal occupation, Apartheid, forced displacement and Genocide doesn't originate in the occupied Palestinian territories or the settlements but are at the center of Israel's state policy.

Obligations of non-state actors and corporations

The Palestinian BDS National Committee has recently issued [criteria for corporate complicity](#) pointing out that corporations "*are implicated in the commission of international crimes connected to Israel's unlawful occupation, racial segregation and apartheid regime - within or beyond the Palestinian territories occupied in 1967 - are all complicit and must be held accountable. Direct complicity includes military, logistical, intelligence, financial and infrastructure support. The corporations, as well as their boards of directors and executives, may face [criminal liability](#) for this complicity.*"

As Dr Irene Pietropaoli highlights, companies risk being complicit and considered as giving direct support, even if they have not directly participated in a specific international crime or benefited

from it. Continuing business-as-usual relations with the mere knowledge that the crime was going on, or there is a credible risk of its occurrence, may be sufficient to generate complicity. She warns that *“Direct support, either through participation in or the provision of essential means for the commission of the crime can translate into international criminal responsibility for the individual actors concerned.”*

Companies investing in or partnering with the Israeli government or Israeli State-owned enterprises face a particularly salient risk of aiding, abetting, facilitating, or otherwise contributing to Israel's commission of genocide or other violations of international humanitarian law. Investors and financial institutions may also face accomplice or contribution liability for international crimes committed using funds they have provided.

In the context of the West Bank, entities engaged in Israel's illegal occupation and crimes against humanity and war crimes, including forced displacement, the crime of apartheid, settlement project, resource exploitation, or the provision of security services have a heightened obligation to conduct due diligence, and have to end any complicity without delay. The Human Rights Due Diligence (HRDD) framework, as outlined in the UN Guiding Principles on Business and Human Rights, provides a critical standard for ensuring that private sector actors respect human rights in all areas of operation, including in their supply chains. HRDD requires businesses to identify, prevent, mitigate, and account for the adverse human rights impacts linked to their activities or business relationships.

The UN Office of the High Commissioner on Human Rights has [specified](#) that within the framework of the UN Guiding Principles on Business and Human Rights (UNGPs), in cases of possible gross human rights abuses companies are expected to respond ‘as a legal compliance issue’. Therefore they must cease any activity or cut financial ties that could contribute directly or indirectly to ongoing crimes committed by Israel, or cease any activity for which they cannot efficiently implement measures to prevent or address negative impacts. Heightened human rights due diligence is obligatory not only regarding their operations but also their entire supply chain.

Following Human Rights Council (HRC) [resolution 31/36](#), adopted on 24 March, 2016, the HRC established a database on business enterprises involved in activities related to the Israeli settlements in the occupied Palestinian territory, including East Jerusalem. Since then the [database](#) has been suffering from lack of transparency and inefficiency. To date, only 112 corporations are officially listed in the database and no information is given as to the reasoning and process that led to the inclusion of the companies or the exclusion of others.

Yet, this mechanism is still a useful precedent or starting point, from which to build a more encompassing and more effective monitoring mechanism.



VII. Private Sector Involvement in the Displacement

The testimonies from displaced Palestinian communities in the West Bank reveal a significant nexus between private sector actors and the mechanisms of displacement. Settler enterprises, agricultural operations, security and military related industries, financial institutions and transport and construction sectors emerge as central contributors to the process of forced evictions, destruction of livelihoods, and appropriation of land and resources.

Below we list some examples on how businesses are complicit specifically in the context of Israel's crimes in Area C and the forced displacement of the Palestinian communities there.

Land Annexation and Economic Appropriation

In multiple cases, such as in Zanuta Village and Khirbet Naizaneh, the establishment of agricultural and pastoral settlements and associated settler enterprises directly displaces Palestinian villagers. These settlements are not only used to seize land but also to convert grazing areas into private pastures for settler-owned livestock. The systematic theft of livestock from Palestinian herders, as seen in Khirbet Maqtel Muslim, underscores the economic motives underlying settler actions, which align with private agricultural interests. The testimonies highlight that settlers leveraged their control over grazing land to expand their operations while forcing Palestinians to sell livestock at unsustainable rates to cover debts or purchase costly fodder.

The testimonies emphasize the catastrophic impact on Palestinian food security and livestock-reliant economies. Displacement from grazing lands, as seen in Khirbet Abu Falah and Al-Khalayil, has forced families to sell off herds while facing rising feed costs. The destruction of agricultural infrastructure and theft of crops in Zanuta Village by settlers benefiting from private agricultural backing demonstrates the extent to which settler enterprises undermine Palestinian livelihoods.

Constitute complicity, among others:

- The export and retail of the products from the settlement enterprises (incl. shipping companies, airlines)
- The provision of equipment, fodder or other aid and assistance to the settlement enterprises (incl. fertilizers, irrigation and water management, equipment for the agricultural and pastoral sector)
- Cooperation in international fora with companies and research institutes involved in the illegal occupation and Israel's efforts to greenwash its image.

Construction/Destruction Sector

Private companies have been instrumental in creating infrastructure that facilitates Israel's illegal occupation and displacement of Palestinians. This ranges from the construction of the settlements, their industrial areas, infrastructure and road systems, to Israel's apartheid wall.

At the same time, the ongoing destruction of Palestinian homes, infrastructure and means of subsistence is being enabled by the same corporations.

Constitute complicity, among others:

- The provision of construction equipment, whether in order to build illegal settler infrastructure or to destroy Palestinian homes, communities and infrastructure.

Resource Industries

The use of water wells and tanks in Khirbet Al-Atireya and Khirbet Al-Qanub by settlers and to promote Israel's illegal settlement project reflects the role of resource exploitation in perpetuating displacement. Public and private water management systems exacerbate the deprivation faced by displaced Palestinians.

Constitute complicity, among others:

- The construction and management of the water infrastructure by Mekorot.
- The provision of technology for the illegal use of Palestinian water resources.

Militarization and Surveillance Practices

The presence of Israeli military forces and settler militias armed with sophisticated weapons and often supported by private security systems, as detailed in Khirbet Al-Radhim, highlights the intersection of private military and security companies (PMSCs) with settler militias and the Israeli official military. These entities not only fortify the settlements but actively perpetrate and facilitate the brutal assaults on Palestinian communities. Testimonies from Khirbet Maqtel Muslim and Khirbet Wadi Al-Mu'allaq describe settlers disguised as soldiers, equipped with military-grade tools, targeting Palestinians and forcing them to abandon their homes and livelihoods.

Constitute complicity, among others:

- The sale and transfer of weapons, military and dual-use technology and other forms of support with end destination Israel, whether to the Israeli military, private companies that equip PMSCs or settler militias.
- The import and distribution of products from Israel that provide funding and economic support to Israel to maintain its military capacity necessary to enforce the unlawful occupation.
- The provision of technological and other services for Israel to maintain its illegal presence in the OPT and to perpetrate its international crimes.

Finance institutions

Finance institutions, including banks and investment funds, are crucial in financing the entire operation that allows Israel's regime to perpetrate its crimes.

Constitute complicity, among others:

- Financing of the settlement enterprise, its industry and infrastructure
- Financing or insurance of the corporations operating in the settlement enterprise or otherwise involved in Israel's illegal occupation, settler-colonial apartheid and genocide.



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