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MIDDLE EAST MONITOR

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"A land without a people for a people without a land" is a Zionist myth upon which Jewish settlers have occupied Palestine. The same concept has been behind the ethnic cleansing of the land who were indeed living therein, through murder, threats and forced expulsion.

The policy of collective and individual expulsion and displacement has been exercised by the Zionists against Palestinians since 1948. Zionist terror groups such as the Haganah, Irgun, Stern Gang and Palmach expelled and displaced Palestinians by committing a series of massacres, as well as destroying Palestinians villages; in 1948, around 750,000 Palestinians were driven from their cities, towns and villages into refugee camps. By doing so, the nascent Israeli state violated all international norms and conventions, as well as human rights laws, and it has continued to expel and displace Palestinians from their land ever since.

In order to examine the truth behind this Zionist policy of expulsion and displacement of the Palestinians from their land, we must look at the facts of what happened and is still happening at the hands of the Israeli occupation. It is also important to take a look at the international interpretation of displacement, noting the international treaties and UN resolutions which it violates.

International interpretation of forced expulsion According to the international interpretation, forced expulsion is the coerced movement of an individual within or outside the borders of their country. Such action is an illegal and forced action, and is considered to be a serious and blatant violation of the Fourth Geneva Convention. Article 49 of this convention rejects expulsion: "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive. The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."

Expulsion is a war crime

The Rome Statute of the International Criminal Court considered expulsion to be a war crime. Article 8 of the statute considers unlawful deportation or transfer or unlawful confinement to be a war crime, defining "deportation or forcible transfer of population" 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".

Article 7(D) of the Rome Statute also considers deportation or forcible transfer of population as a crime against humanity, explained thus: "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."

In addition to this, Article 9 of the Universal Declaration of Human Rights states clearly that, "No one shall be subjected to arbitrary arrest, detention or exile."

The International Nuremburg Tribunal was established to prosecute Nazi and Japanese war criminals for the brutal crimes they committed during the Second World War. The Sixth Article of the Tribunal Charter states that those committing crimes against peace and humanity are war criminals and will be held individual responsible for their crimes and will therefore be prosecuted and sentenced to the maximum punishment for them.

Section (B) of Article 6 addresses War Crimes, namely: "Violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity." Section (C) defines crimes against humanity as "murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated."

Hence, expulsion is an illegal and prohibited action in accordance with international law that must not be resorted to, and the law considers its exercise, under any condition or motive, to be a crime against humanity and a war crime that must be prosecuted internationally.

Expulsion violates international treaties

Expulsion is also in violation of the provisions of international treaties and agreements, as well as UN resolutions, the **most important of which** are as follows:

- Hague Convention 1907
- Charter of the Nuremburg Tribunal (London) 1945
- Universal Declaration of Human Rights 1948
- Fourth Geneva Convention 1949
- European Convention for the Protection of Human Rights 1950
- International Covenant on Civil and Political Rights 1966
- International Covenant on Economic, Social and Cultural Rights 1966
- American Convention on Human Rights 1969
- African Charter on Human and People's Rights 1979

Expulsion policy according to international community resolutions:

The international community has condemned the Israeli policy of expelling the Palestinians from their land and have considered their actions illegal. The UN Security Council has issued a number of resolutions condemning the expulsion; for example:

- Resolution 605, issued 22 December 1987, which called upon Israel to desist from its policies in the occupied territories and to respect the Fourth Geneva Convention, urging maximum restraint to contribute towards the establishment of peace in the region.
- Resolution 607, issued 5 January 1988, which called upon Israel to cease the deportations and abide by its obligations arising from the Geneva Conventions.
- Resolution 608, issued 14 January 1988, which called upon Israel to cease the deportations and ensure the safe repatriation of Palestinians back to the Palestinian territories, deciding to keep the situation under review.
- Resolution 636, issued 7 July 1989, which called upon Israel to ensure the safe and immediate return of those deported and to cease further deportations of civilians.
- Resolution 641, issued 31 August 1989, which called upon Israel to ensure the safe and immediate return of those deported and to cease further deportations of civilians, who were usually expelled to Lebanon.
- Resolution 681, issued 20 December 1990, which condemned Israel for its decision to resume the deportation of Palestinians from the occupied territories, urging the Israeli government to accept the de jure applicability of the Fourth Geneva Convention of 1949 and abide by it.
- Resolution 694, issued 24 May 1991, which condemned the deportations that were in violation of the Fourth Geneva Convention referring to the protection of civilians in times of war.
- Resolution 726, issued 6 January 1992, which deplored

the action and reiterated that Israel should refrain from deporting any more Palestinians and ensure the safe and immediate return of those deported.

 Resolution 799, issued 19 January 1992, which condemned the deportation of 415 Palestinians to south Lebanon in violation of the Fourth Geneva Convention referring to the protection of civilians in times of war.

The expulsion and emergency law of 1945

The Israeli authority adopted the policy of expulsion against the Palestinian people in accordance with the expulsion policy adopted by the British Mandate government in Palestine, which put the emergency law into place in 1945. **Regulation 112** of this law states the following:

- The High Commissioner shall have power to make an order, under his hand (hereinafter in these regulations referred to as a "Deportation Order") for the deportation of any person from Palestine. A person in respect of whom a Deportation Order has been made shall remain out of Palestine so long as the Order remains in force.
- 2. The High Commissioner shall have power to make an order under his hand (hereinafter in these regulations referred to as "an Exclusion Order") requiring any person who is out of Palestine to remain out of Palestine. A person in respect of whom an Exclusion Order has been made shall remain out of Palestine so long as the Order remains in force.
- A Deportation Order or an Exclusion Order may be made subject to such terms and conditions as the High Commissioner may think fit.
- Any person in respect of whom a Deportation Order or an Exclusion Order has been made and is in force may be arrested without warrant by any member of His Majesty's forces or any police officer.
- 5. A person in respect of whom a Deportation Order is

made shall be liable, whilst awaiting deportation and whilst being deported, to be kept in custody in such manner as the High Commissioner may by the Deportation Order or otherwise direct, and all such custody shall be lawful custody.

6. The master of a ship or a pilot of an aircraft about to call at any port or place outside Palestine shall, if so directed by the High Commissioner, receive a person in respect of whom a Deportation Order is made on board the ship or aircraft and afford him a passage to that port or place, and proper accommodation and maintenance during the passage.

Israel implemented this law whether the Palestinian deportee was within or outside the country. If they are outside, the Israeli occupation forces orders these individuals to stay outside "Palestine", and if they are inside the country, then the occupation forces order their expulsion after being arrested and forcefully transferred outside the country. These orders may be made against any number of people.

Individual expulsion operations have been exercised mainly against professional, union, social, political, educational and religious figures. Some were given show trials and some were allowed to appeal before the Supreme Court, which usually allowed the expulsion to go ahead. Others were expelled across the Jordanian, Egyptian, Lebanese or Syrian borders without trial.

The most prominent waves of expulsion suffered by the Palestinian people by the Israeli occupation include:

1948 Palestinian exodus

In 1948, the Israeli authorities expelled and displaced about 750,000 Palestinians from their cities, villages and towns and placed them in refugee camps and in the Diaspora. The first president of Israel, Chaim Weizmann, described the first expulsion operation as "a miracle cleansing of the world".

Wave of expulsion and displacement in 1967

In 1967, the Israeli authorities replayed the same scenario of 1948, displacing the Palestinians from their land to refugee camps in neighbouring countries. The number of displaced Palestinians reached 408,000 from the start of the 1967 war until 1968. Of these, 361,000 were from the West Bank and 47,000 were from the Gaza Strip.

When the Israeli authorities occupied additional Palestinian territories in 1967, they issued military orders and leaflets that violated international laws and customs, and defied the international judiciary. These included military order 290, which is in effect in Gaza, order 329 which is in effect in the West Bank, and the issuance of article 23 which gave the Israeli military leadership the authority to expel any Palestinian from Palestine, whether or not they have committed any crimes.

Wave of expulsion and displacement between 1967 and 1987

During this time, Israel took a series of measures and issued military edicts and implemented them in the West Bank, including Jerusalem, and in the Gaza Strip in order to expel more Palestinians from their land. The Israeli authorities would gather Palestinians from neighbourhoods, villages and camps, pick out the largest number of young men and arrest and expel them under the pretext of their being militants. They were able to expel over 8,000 citizens from the Gaza Strip in a single operation.

1976 expulsion of mayors

Municipal elections were held in 1976 after the occupation and in accordance with military order 644, issued in 1975, as well as order 628; supporters of the PLO were elected even though the organisation was banned at the time. This was not acceptable to the alleged democratic occupation state, and so local commissions were subject to a number of measures that began with some municipalities being removed from the running early on, such as Deir Dibwan. As for the Hebron and Halhoul municipalities, the Israeli authorities removed Mayors Fahd Al-Qawasmeh and Mohamed Milhim from the country as a punishment for being a member of a national political group affiliated with the PLO. Many Palestinian-run municipalities were dissolved in 1981 by the Israeli authorities.

Expulsion during the first Intifada

The Israeli authorities continued their policy of expelling Palestinians from the country under false pretexts, even when the first Intifada broke out in 1987. The most prominent of these expulsions include:

Expulsion to Marj al-Zuhur

On December 17, 1992, the Israeli authorities arrested 418 Hamas and Islamic Jihad members and leaders in the West Bank and Gaza Strip and expelled them to the village of Marj al-Zuhur in south Lebanon; they refused to leave the village unless they returned to Palestine. They settled in the village, despite the harsh living conditions and extreme cold. The International Committee of the Red Cross were the first to reach them and provide them with tents, blankets and basic supplies to settle there; media outlets began broadcasting their situation.

The greatest achievement of those expelled to Marj al-Zuhur was their rejection of the expulsion; they stayed on the northern border between Palestine and Lebanon until Israel allowed them to return gradually in 1993.

The number of Palestinians expelled by the Israeli authorities between 1967 and 1992 are shown in the following chart:

Year	Number expelled
1967	279
1968	396
1969	142
1970	362
1971	259
1972	91
1973	10

18
8
11
10
14
14
10
1
1
2
1
27
13
7
39
73
-
10
418

Waves of expulsion during Al-Aqsa Intifada

With the start of the Al-Aqsa Intifada in 2000, the occupation authorities resumed their expulsion policies, the most prominent of which were:

Church of Nativity expulsion

On April 2, 2002, Bethlehem was raided by Israeli occupation forces as a part of "Operation Defensive Shield". About 250 fighters, security force members and others, including children, took shelter in the Church of the Nativity believing that the Israelis would not storm the church due to its sanctity. They were wrong; they were surrounded by the Israelis who opened fire on them. Eight Palestinians were killed and the survivors were prevented from administering first aid to 30 wounded individuals until their condition had deteriorated severely. The occupation forces also cut off the water supply, electricity, food and aid from the church and those trapped were forced to eat leaves. The Christian clergy took a heroic stand and refused to leave the church and let the others die.

After 39 days of this siege, which the international community, including the Vatican, was unable to lift, on 10 May 2002, an agreement was reached and the Israeli forces expelled 39 Palestinians, 26 to Gaza and 13 to various European countries.

The agreement provided for the expulsion of the Palestinians from the West Bank for two years. Israel did not uphold the agreement and refused to allow those expelled to return to their homes, despite the fact that the agreement was signed under the auspices of the United States of America and a representative of the European Union, and with the blessing of the Vatican.

The occupation forces also refused to allow the wives who followed their expelled husbands to Gaza to return to the city of Bethlehem to visit their families, while preventing the families and relatives of those expelled from entering Gaza through the Beit Hanoun "Erez" crossing. Instead, they were forced to travel to Jordan and then Egypt in order to reach Gaza. This denied many from seeing their relatives due to their old age and inability to make such a circuitous journey.

Israeli order to expel or prosecute 70,000 Palestinians from the West Bank and Jerusalem under the pretext of illegal residence

Israeli military order number 1650, which was ratified on 13 October 2009 and came into effect on 12 April 2010, provided for the expulsion of thousands of Palestinians who do not hold a residence permit in the occupied West Bank and Jerusalem, or those who have an ID card issued in the Gaza Strip, and prosecuting such individuals on charges of "infiltration".

The racist order defines "infiltrators" as anyone entering the

West Bank illegally or anyone present in the area without possessing legal documents. It also allows the Israeli authorities to prosecute tens of thousands of Palestinians who face sentences ranging between three and seven years in prison. They can also fine the so-called infiltrator, as well as arrest and expel them, and this can apply to about 70,000 Palestinians in the occupied West Bank.

In accordance with this military order, the expulsion proceedings are swift and take no more than three days. Its text is ambiguous and general according to Israeli legal and media sources, which allows the order to apply to Palestinians in Jerusalem as well as those holding Israeli citizenship and living in the territories occupied in 1948.

Israeli newspaper Haaretz has reported that these Palestinians can be classified in three categories: first, the people of the Gaza Strip or anyone who can prove that one of their parents originates from Gaza; second, those holding Israeli identity cards and who live in the West Bank, as well as the foreigners living there; and third, the Palestinians who entered the West Bank with expired permits.

In response to this military order, Dr Ghassan Khatib, the Palestinian government spokesman, said that the Palestinian Authority considers this military order to be very dangerous as it threatens thousands of Palestinians with expulsion. He noted that the PA took clear and condemnatory positions towards it because it violates the rights of many Palestinians to live in their homeland.

"The danger of the Israeli order lies in its comprehensiveness," he said. "It is like a thick stick in the hands of the Israeli occupation and they can use it as often as they please." He also explained that there are a large number of Jerusalemites and Palestinians living with temporary permits in occupied Jerusalem, as well as several Palestinians and foreigners who are living in Jerusalem without permits due to a variety of reasons, along with the Gazans who live in the West Bank; they are all threatened by the order. The Gulf Cooperation Council General Secretariat condemned the decision made by the Israeli authorities to deport tens of thousands of Palestinians living in the West Bank. The Secretary General, Abdulrahman Al-Attiyah, said in a press statement that the decision is "another form of hostile behaviour deliberately adopted by the Israeli government to vacate the occupied Palestinian territories of its original inhabitants and applied the policy of racist expulsion." He also warned that Israel's continued adoption of such "racist" measures will lead to "intensifying the tension and violence and undermining the peace process in the region".

Al-Attiyah reiterated his demands for the international community, the UN Security Council and the Middle East Quartet to intervene "immediately and urgently" in order to stop such "unfair and arbitrary" Israeli measures and actions that are inconsistent with international law and international legitimacy.

France calls for respect of the Palestinians' freedom of residence

Foreign Ministry spokesperson Bernard Valero said that France is "very concerned" about Israel's decision to "amend the expulsion laws pertaining to Palestinians residing in the West Bank" and called for respecting their freedom to reside wherever they like.

During a press conference, Valero responded to the Israeli decision by saying, "We call on the Israeli authorities to adhere to international law and respect the freedom of the Palestinians to reside wherever they want in the West Bank and to allow them to move freely within the Palestinian territories."

Internal expulsion:

Expulsion to the Gaza Strip

The expulsion of 26 Palestinians trapped in the Church of the Nativity to the Gaza Strip is the precedent that paved the way for Israel's **policy of expelling** activists to the Gaza Strip, including the following:

- On 4 September 2002, the Israeli occupation forces expelled Kifah 'Ajjouri and his sister Intissar from Askar Refugee Camp in Nablus, exiling them to Gaza after also assassinating their brother Ali 'Ajouri, a resistance activist in the camp, in June of that year. This formed a very dangerous precedent, as it was the first time such expulsion was carried out on the basis of kinship as a reason for suspicion of committing crimes, despite Article 33 of the Fourth Geneva Convention, which states that no person may be punished for a crime they did not commit personally.
- On 18 May 2003, prisoner Mahmoud al-Saadi was expelled to the Gaza Strip after serving an "administrative" sentence in prison.
- A few days later, the Ofer Prison administration in occupied Ramallah informed two prisoners, Raghib Ratib Bader, from the village of Taluzah in Nablus and Nader Mustafa Sawafta, of Tubas in Jenin, that they would be exiled to the Gaza Strip for two years. The exile order was stopped for the first prisoner, but the second was sent across the border.
- In late May 2003, an expulsion decision was issued against three detainees in the Negev Prison, two from Hebron and another from Nablus, and they were all exiled to the Gaza Strip.
- On 14 October 2003, an order to expel 15 prisoners was issued, followed by another the following day for the expulsion of three additional prisoners. A day later, the Negev Prison administration informed detainee Samed Abdeulkareem Wahdan that he was to be expelled to

Gaza, bringing the total up to 19 "administrative" prisoners. Twelve of these prisoners were expelled to Gaza in the early hours of 5 December 2003.

- On 10 November 2003, the Israeli authorities expelled Mohammed Kamal Idris, a prisoner from Hebron, to the Gaza Strip for two years.
- On 12 November 2003, a court order was issued providing for the expulsion of the prisoner Taha Ramadan Dweik, who is also from Hebron, to the Gaza Strip for two years.
- On 23 November 2003, the Israeli occupation expelled three citizens to Gaza.
- On 31 December 2004, the Israelis expelled Mustafa Hassan Abed and he arrived in the Gaza Strip on the next day. They also deported four foreigners on the same day after arresting them for participating in a demonstration against the Apartheid Wall being built in the West Bank.

The expulsion operations continued non-stop after these incidents. Israel escalated its policy of expulsion and exile, according to researchers and specialists in prisoner affairs, until April 2012. This contributed to the large number - 240 of Palestinians expelled from the West Bank to the Gaza Strip.

Abdel Nasser Ferwana, a researcher specialising in prisoner affairs, confirmed that on 1 August 2001, the commander of Israeli forces in the West Bank signed an amendment to Military Order No. 378 (signed in 1970 and pertaining to security regulations) authorising the expulsion of Palestinians from the West Bank to the Gaza Strip. "With this, the Gaza Strip became the place of exile, or a big new prison, for residents of the West Bank," said Ferwana. Expulsions, both forced and agreed, grew in number.

In the context of the Gilad Shalit prisoner exchange deal between Hamas and Israel, which took place on 11 October 2011, the Israelis exiled 43 Palestinian prisoners beyond historic Palestine and 163 to the Gaza Strip.

There has been a **recent wave of expulsions** to the Gaza Strip, which has been described by the Israelis as a hostile entity. There have been many prisoners on hunger strike that have been released on the conditions of being expelled to Gaza:

- On 1 April 2012, Hana Al-Shalabi a prisoner from Jenin, was released as part of the prisoner exchange deal on the condition of being expelled to Gaza for three years. She started an open hunger strike a few months after her arrest and was on strike for 44 consecutive days.
- On 17 March 2013, Ayman Sharawna, a prisoner from Hebron, was exiled after being on an open hunger strike for eight and a half months, almost dying in the process.
- On 4 July 2013, Iyad Ata Abu Fnoun, from Bethlehem, was exiled for ten years, after being re-arrested on April 20, 2012 for allegedly violating the terms of his release. At the time, the occupation decided to re-sentence him to the 20 years remaining from his first sentence, as he had served 9 out of his original 29 year sentence. However, he was released and exiled to Gaza after he threatened to go on an open hunger strike.
- On 22 August 2013, prisoner Ayman Abu Dawood was exiled to Gaza after reaching an agreement to end his 40-day hunger strike in exchange for his release.

Expulsion of Jerusalemites

After the occupation of Jerusalem in 1967, the Israeli occupation forces introduced a policy of collective expulsion against the inhabitants of the Moroccan Quarter, whose homes were demolished and turned into a place of worship for Jews.

In order to limit the growth of the Palestinian population, the Israeli authorities reinstated this policy and implemented it during the month of November 2008 against the inhabitants of Sheikh Jarrah, followed by Al-Bustan neighbourhood in February 2009. These two incidents were followed by collective warnings issued against hundreds of Jerusalemite families.

In 2010, Israeli forces demolished 63 homes inside and surrounding Jerusalem and issued 1,334 demolition warnings, especially in Silwan in Jerusalem. This placed 125,000 Jerusalemites under the threat of losing their right to live in the city.

The Israeli authorities have adopted a series of policies and methods over the years aiming to Judaise Jerusalem, the essence of the conflict, by confiscating land and property, expanding and intensifying the settlement projects, Judaising the Jerusalem religious sanctities and identity, and expelling the Palestinian inhabitants.

In the context of this, several measures were taken to revoke identity cards, impose high taxes, demolish homes, fragment neighbourhood blocs, prohibit home renovations, prohibit family unification and expel the elected members of the Palestinian Legislative Council members from Jerusalem. This set a dangerous precedent as it is feared that Israel will use it in order to expel dozens of others in order to get rid of Palestinian political leaders from Jerusalem.

After the second Palestinian legislative elections were held in 2006, a decision issued by the Israeli Ministry of Interior ordered the identity cards of Jerusalemite PLC members Mohammad Abu Tir, Ahmed Atoun and Mohamed Totah, as well as Minister Khaled Abu Arafa, to be revoked. The decision also ordered their expulsion from Jerusalem after the PLC members refused to hand in their resignations to the PLC. Although the decision was ratified by the Supreme Court on 20 June 2010 it was rejected by the PLC members who insisted that they would not leave their home city. However, the Israelis arrested Mohammad Abu Tir on 20 June 2010 on grounds of his "illegal presence" in Jerusalem; this forced the other three to seek refuge in the compound of the International Committee of the Red Cross in Jerusalem.

On 26 September 2011, Israeli Special Forces arrested Ahmed

Atoun while he was in the protest tent in which he, along with Totah and Abu Arafa, were staying within the Red Cross compound. He was released two months later and expelled from Jerusalem to Ramallah, where he was re-arrested; he was held in Israeli prisons until late 2012.

On 23 January 2012, a Mista'arvim unit made up of 30 soldiers from the Israeli Defence Forces, whose members disguise themselves as Arabs, **stormed** the International Red Cross compound in Sheikh Jarrah in East Jerusalem and arrested the remaining two PLC members in the protest tent.

Israel's persecution of Jerusalemite leaders is nothing new; it is an extension of a policy adopted in 1967, which began with the expulsion of Sheik Abdel Hamid Al-Sayeh, former head of the Islamic Council in Jerusalem, to Jordan on 22 September 1967.

Conclusion

It is clear that forced expulsion and displacement has affected 66 per cent of the Palestinian population. Despite this, one finds hardly any concern about it in the context of the Camp David and Oslo agreements. Unfortunately, we find that the Israeli-Palestinian peace theory is focused on negotiating final status issues, which include the issue of the refugees who were displaced forcibly in 1948. Israel has also hindered any effort for the return of those displaced in 1967 to the occupied territory. In addition, although Israel had agreed to re-issue occupied territory residence permits to nearly a guarter of a million Palestinians from whom Israel had stripped the right to live in the occupied territories, the government ignored this completely. As for the other methods of forced displacement of the Palestinians, most importantly forced expulsion, they are absent from the context of solutions and are rarely mentioned in the discourse of Palestinian politicians. Instead, attention is focused on these issues by local and international human rights organisations who work to expose these policies and to try to compel Israel to stop.

There is no doubt that expulsion is forbidden regardless of the situation and legally constitutes the exercise of unjust policies against the Palestinians. It is also a blatant violation of international

humanitarian law, which was mainly put in place to defend the Jewish people (for example, the Nuremberg Court established to prosecute the Nazis), but Israeli Jews are now committing similar crimes; it is only fair that they are prosecuted for all their actions against the Palestinians.

The United Nations must pressure Israel, as the occupying power, to fulfil all of its legal obligations towards the civilian population. Israel must also take legal responsibility and be held accountable for the crime of forcibly expelling and transferring the Palestinian people in violation of international humanitarian law. The UN must also urge Israel to ensure the prosecution of its leaders and IDF soldiers involved in international crimes.



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