

ISRAELI OCCUPATION ATTEMPTS TO FORCEFULLY DISPLACE PALESTINIANS IN SAINI: A WAR CRIME & A CRIME AGAINST HUMANITY



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The Arab Center for the Independence of the Judiciary and the Legal Profession (ACIJLP) warns against the ongoing attempts by the Israeli occupation forces to forcefully displace the residents of Gaza to the Egyptian land of Sinai. ACIJLP has been following up, with deep concern, the ongoing aggression against Gaza, especially with the expansion of the ground invasion of the territory, which launches from northern Gaza rushing towards the south, especially since the ground invasion was accompanied by a massive displacement of the population of northern Gaza pushing them, under bombardment, into a mass exodus to the southern regions, while continuing bombarding large areas in the south. This clearly indicates that the population was forcibly pushed to the Egyptian borders.

This occurs in the context of repeated statements indicating an existing plan of the Israeli occupation and its supporters from Western countries to forcibly displace a large portion of the population of Gaza to Sinai, while Egypt declaring more than once, at all political levels, its rejection to this plan.

ACIJLP emphasizes that the current military operations may lead to a violation of article no. 49 of the Fourth Geneva Convention regarding the Protection of civilians in war Time, which stipulates that: "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.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”.

This article affirms Israel's commitment, as an occupying state, not to forcibly transfer the population of Gaza to an occupied territory or any other country. Unless in case of extreme necessity, and for the purpose of protecting the population, the temporary transfer shall be within the borders of the occupying state, which means that forced transfer to another country is not permissible in any case.

The forcible displacement of the population of Gaza by Israeli occupying forces is a war crime in accordance with Article no. 8, 2nd Paragraph, 7th Clause of the Rome Statute: “Unlawful deportation or transfer or unlawful confinement”. It is also considered a crime against humanity according to Article no. 7, 1st paragraph, clause D: “deportation or forcible transfer of population”.

The Arab Center for the Independence of the Judiciary and the Legal Profession confirms that the current military operations taking place on the ground may push a number of Gazans to attempts of forced displacement to Sinai under the continuous aerial bombardment of the occupation forces, and the ground invasion that is advancing from north to south where the Egyptian border is, which could lead to an explosive situation that would put Egypt facing a forced population displacement of Gaza residents.

ACIJP calls on the Egyptian government to announce the countries that have asked Egypt to allow the transfer of part of the population of Gaza to Sinai, and the names of the political representatives of those countries as they are accused of a war crime and a crime against humanity.