

# Factsheet: Displacement in the “Buffer Zone” Three Years after Operation Cast Lead



## Al Mezan Center for Human Rights

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### What Is the “Buffer Zone”?

The Buffer Zone is a military no-go zone imposed by Israel, starting at the border fence between Israel and the Gaza Strip and extending a substantial distance into Gazan territory. “Buffer zone,” or sometimes “access-restricted areas,” are terms generally used by Israel to describe the band of Gazan territory to which Palestinian access is effectively denied. (The term “Buffer Zone” is used throughout this factsheet for simplicity’s sake.) Israel treats this border area, which contains much of Gaza’s most valuable arable land, as a free-fire zone, meaning any Gazan resident entering the zone is at risk of death or injury. It also regularly sends troops, including armoured columns, into the border areas to keep the lands razed of any built-up structures or agricultural activity. Despite the mortal threat associated with entering the Buffer Zone, its actual width and area are unclear. In May 2009, Israeli Occupation Force (IOF) aircraft dropped leaflets on Gaza warning residents not to move within 300 metres of the border fence, or risk being shot at. In reality, however, Palestinians have been shot up to two kilometres from the border fence, and houses and buildings have been demolished at a distance greater than 300 metres from the border.<sup>1</sup>

### The Creation of the Buffer Zone

As part of the Gaza-Jericho Agreement (1994) and Oslo II (1995), Israel and the Palestine Liberation Organisation agreed to a delimiting line within the Gaza Strip. The agreements stipulate that “[t]here will be a security perimeter along the Delimiting Line inside the Gaza Strip.”<sup>2</sup> The security perimeter was to be patrolled by the Palestinian police.<sup>3</sup> Structures

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<sup>1</sup> Save the Children – UK, “Research Report: Life on the Edge – The struggle to survive and the impact of forced displacement in high risk areas of the occupied Palestinian territory,” October 2009, [online](#) (PDF).

<sup>2</sup> See Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, Annex I: Protocol Concerning Redeployment and Security Arrangements, Art. VI (“Security Arrangements in the Gaza Strip”), available [online](#), and Gaza-Jericho Agreement, Annex I: Protocol Concerning Withdrawal of Israeli Military Forces and Security Arrangements, Article IV (“Security Arrangements in the Gaza Strip”), available [online](#), for the full texts of these articles.

<sup>3</sup> *Ibid.*

existing with 100 meters of the border were not to be demolished. Certain limitations on new building in the area were provided for, but building continued to be allowed.<sup>4</sup>

After the outbreak of the Second Intifada in 2000, Israel enforced a 150-metre no-go zone on the eastern side of the Gaza Strip, effectively marking the beginning of the Israeli-imposed Buffer Zone.<sup>5</sup> The systematic demolition of homes and other structures (including all agricultural infrastructure) to clear areas near the border fence also began at the start of the Second Intifada in a way that caused serious violations of international humanitarian law<sup>6</sup> and human rights law.

After the unilateral Israeli disengagement from the Gaza Strip in the summer of 2005, the IOF again warned Palestinians (e.g., on 11 September 2005) to keep a distance of 150 metres from the border fence.<sup>7</sup> However, even at that time areas up to 500 metres inside Gaza were effectively made part of the Buffer Zone.<sup>8</sup> Demolition of homes and other buildings next to the border intensified after the disengagement. At the end of December 2005 the IOF declared areas in the north of the Gaza Strip, including the evacuated settlement areas, to be a no-go zone. 250 Palestinians from the village of As-Siafa, in the northwest corner of the Gaza Strip, and another 4,750 residents from surrounding villages were affected.<sup>9</sup> The Buffer Zone in this area now extends to 1.5 kilometres from the border fence.<sup>10</sup>

Clearing of the Buffer Zone was effectively finalised during Operation Cast Lead (27 December 2008 – 18 January 2009). However, it was not until May 2009 that the IOF dropped leaflets on Gaza warning residents not to enter within 300 metres of the border fence, or risk being fired at. Research conducted by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) found that, even before Operation Cast Lead had finalised clearance of the area and led to an official declaration of the Buffer Zone, there were access restrictions up to 300 metres from the separation fence in most areas along Gaza's borders.<sup>11</sup> Warning leaflets were again dropped by Israeli air forces on 7 January 2010<sup>12</sup> and in March 2011, and the IOF has also reiterated its warnings to OCHA.<sup>13</sup>

As noted above, in reality the no-go zone is not limited to the 300-metre zone officially declared; people's lives are at risk up to two kilometres from the border fence in some parts of the Gaza Strip. The IOF carries out ground incursions up to 1.5 kilometres inside Gaza several times a week to raze land and demolish buildings (though the area within 300 metres of the border has largely remained levelled since 2006-07).<sup>14</sup> The area is rigorously monitored by IOF soldiers 24 hours a day.<sup>15</sup>

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<sup>4</sup> *Ibid.*

<sup>5</sup> Save the Children – UK, "Fact Sheet: Gaza Buffer Zone," October 2009, [online](#) (PDF); OCHA, *Humanitarian Update*, November – December 2005 ("Special Focus: The Gaza Strip after disengagement"), [online](#) (PDF).

<sup>6</sup> For recent legal analysis on the Buffer Zone, consult Diakonia, "Within Range: An Analysis of the Legality of the Land 'Buffer Zone' in the Gaza Strip," August 2011, [online](#) (PDF).

<sup>7</sup> OCHA, *Humanitarian Update*.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> OCHA and WFP, "Between the Fence and a Hard Place," p. 8.

<sup>11</sup> *Ibid.*

<sup>12</sup> Al Mezan news brief, "IOF Drops Warning Leaflets on Gaza Strip Districts," 7 January 2010, [online](#).

<sup>13</sup> OCHA, "Easing the Blockade: Assessing the humanitarian impact on the population of the Gaza Strip," March 2011, [online](#) (PDF). See also Al Mezan news brief, "IOF Drops Warning Leaflets on Gaza Strip Districts," 17 March 2011, [online](#).

<sup>14</sup> OCHA and WFP, "Between the Fence and a Hard Place."

<sup>15</sup> *Ibid.*

## Demolitions in Areas Close to the Border since 2000

The textbox below provides estimates about cases of home demolitions or damage in the Buffer Zone since 2000. Al Mezan estimates that at least 10,000 Gazan residents were permanently displaced in these demolitions. It is to be noted that displacement and destruction associated with the imposition of the Buffer Zone began long before Operation Cast Lead, and in fact dates back to 2000. In other words, the Buffer Zone and the associated regime of violence and displacement have been in place for more than a decade.

Research conducted by Save the Children – UK in 2009 found that up to 70 per cent of households living near the Buffer Zone had been displaced at least once since 2000, due principally to home demolition or to fears for personal safety.<sup>16</sup> 50 per cent of uprooted respondents reported that house demolition was the cause of their displacement; 28 per cent reported concerns for personal security as the cause.<sup>17</sup> The same study found that 50 per cent of households had lost their source of income since 2000 and that 42 per cent of this group had been forced to move by the loss of livelihood.<sup>18</sup>

### In Brief

The Buffer Zone now covers **62,616 dunams of land** (one dunam = 1,000 m<sup>2</sup>), or **17 per cent of Gaza's total land area and 35 per cent of its agricultural land.**<sup>19</sup>

**113,000 people, or 7.5 per cent of the population** have been affected by the imposition of the Buffer Zone.<sup>20</sup>

Since the end of Operation Cast Lead in January 2009, **51 Palestinians have been killed, including 11 children, and a further 237, including 49 children, have been injured** in the Buffer Zone.<sup>21</sup>

Since 2005 the IOF has destroyed the following structures in the Buffer Zone: **305 water wells, 197 chicken farms, 377 sheep farms, three mosques, three schools, and six factories.** According to UN estimates current up to August 2010, **996 houses have been totally destroyed, and 371 partially destroyed.**<sup>22</sup>

<sup>16</sup> Save the Children – UK, “Fact Sheet: Gaza Buffer Zone.”

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> OCHA, “Between the Fence and a Hard Place.”

<sup>20</sup> Diakonia, “Within Range: An Analysis of the Legality of the Land ‘Buffer Zone’ in the Gaza Strip,” August 2011, [online](#) (PDF).

<sup>21</sup> Al Mezan database figures.

<sup>22</sup> OCHA and WFP, “Between the Fence and a Hard Place.”

## Accounts from Victims in the Buffer Zone

The following are narrative accounts of attacks in the Buffer Zone documented by Al Mezan. As the first case below (the Al Hamidi family's story) illustrates, families have been displaced and homes destroyed in the Buffer Zone for years—the phenomenon predates Operation Cast Lead.

**Narrative No. 1 – Case of the Al Hamidi Family (Edited Affidavit):** [My name is] Hanan Hasan Salman Al Hamidi. I am 28 years old, married, and have a family of five. . . . [My extended family's home] consists of three floors and is located east of Deir Al Balah towards [the village of] Kuz Abu Hamam. Our house is about 350 metres' distance from the separation fence [on the border]. Four families live in it.

At approximately 8:00 pm on Tuesday 4 November 2008, while I was on the second floor of the house, I heard the sound of gunfire outside, then a voice over loudspeakers ordering those of us inside the house to come out. I knew then that the gunfire was from Israeli occupation soldiers. I went down to the ground floor of the house, which is the basement, where my family members gathered. . . . I was with my mother and sister Sherihan, age 18, my brothers' wives Samar and Hanin, and my nephew Ahmed. After a short while we decided to go to one of the neighbors' houses. I opened the door on the north side of the house. My mother stepped out, accompanied by my nephew Ahmed, and as I followed several steps behind them I heard the sound of firing and realized that they were aiming at us and that I had been hit in my right side by a piece of shrapnel. I went back to the house again and saw my sister-in-law Hanin running up the outside stairway to the second floor, while [it seemed] my mother had managed to leave the house since she did not return. I called Hanin's cellphone and asked her to come down to the ground floor. As she came down and opened the door we heard the sound of heavy firing. She came in screaming and I saw blood running from her hand. Hanin laid on the ground and I tied off her wound with a strip of cloth. Right after I had finished treating her the electricity was cut off and there was the sound of continuous firing, then the sound of tanks. Then I felt very afraid.

We remained waiting until 11:00 that night, when the cellphone in Hanin's hand rang. . . . It was her brother on the phone calling to reassure her. She told him they had to send an ambulance, but he informed her that the ambulance couldn't reach the area because the occupation soldiers had prohibited it. In the meantime, I felt the house shaking and I realized they were attacking in force. I looked towards the east side [of the house] and saw a large bulldozer. It hit the house from the east side with its lights shining. Then I was very afraid and knew that we were in danger, so I decided to leave the house with my sister and mother and brothers' wives. At first Hanin refused because she couldn't move, but I convinced her that the house would be destroyed on top of us if we didn't leave. I held Hanin in my arms and clutched a white scrap of cloth and we went out of the house, heading in the direction of the field beside our home to the east. We weren't able to take anything out of the house. When we were 100 metres away from the house I heard firing. We threw ourselves on the ground out of fear and shouted at the top of our voices "We're women, we're women!"

One of the Israeli occupation soldiers approached us. . . . He ordered me to lift my clothing, a *jilbab* [long robe], and to strike my body with my hands, then made me stand aside and commanded the other girls to do the same. I told the soldier that my sister-in-law's hand was injured and he ordered me to lift the cloth around it. Some blood came out and he

called for a doctor, who wrapped her hand in a bandage. Then he commanded us to accompany him, first south and then east, and during this time I was watching as the big bulldozer demolished our house. One of the soldiers led my sister-in-law Samar aside while the other occupation soldiers, about five of them, continued leading me eastwards towards the separation fence. I heard my sister-in-law Hanin ask me for some shoes, as she was without any, so I gave her mine. The walking continued and I was in pain from the thorns and stones alongside the fence.

[The women were taken, cuffed and blindfolded, to the Israeli side of the border for interrogation. The affiant Hanan Al Hamidi was interrogated by five Israelis in both military and civilian garb. During the interrogations an Israeli official threatened that she would be held for two years and not see her children if she did not give a confession that there was a tunnel underneath her family's home. Hanin and her relatives were held overnight, during which time Hanin was in the constant custody of Israeli soldiers and was not allowed to sleep.]

[. . .] At roughly 5:00 in the afternoon they released us near the Erez crossing. My sister and my sister-in-law Samar and I went to my grandfather's house in Al Maghazi camp after my mother told me that the occupation forces had completely destroyed our house and that nothing was left from it, we hadn't been able to save any of its contents. Meanwhile my sister-in-law Hanin stayed in the hospital until the afternoon of Thursday 6 November 2008, and then was admitted to Shuhadaa Al Aqsa hospital in the city of Deir Al Balah.

**Narrative No. 2 – Case of Abu Sharab Family (Edited Affidavit):** My name is Hatem 'Eid Sulaiman Abu Sharab. I am 36, married, and have five children. I am currently unemployed. My house is located on the Al Jour lands, in the Bteen Khdeer area east of Al Bureij refugee camp, in the east of Middle Gaza district. It is about 650 metres away from the eastern separation fence. The house consists of two bedrooms, a kitchen, a bathroom, a living room, and an asbestos roof. It is about 90 square metres, built on a 280-square metre piece of land. To the west is the house of my brother, Mohammed, age 50. Mohammed has two wives, and six daughters and five sons. To the east of my house is the house of my other brother, Ahmed, age 31. He is married and has three children. His house is roofed with concrete and is about 90 square metres.

At around 3:10 pm on Saturday 26 February 2011, while I was working at An-Nuseirat refugee camp, I received a phone call from my brother Ahmed. He told me that the Israeli Occupation Forces had told him to evacuate our houses as they were about to attack them. He said I should go and evacuate my wife and children. I rushed home on a horse-drawn cart owned by my brother Mohammed.

[After I got there], my wife and children and the family of my brother Ahmed rode [away from the houses] on the cart. The family of my brother Mohammed was not at home. My brother Ahmed stayed near the houses while I drove the cart westwards. I dropped Ahmed's wife and children off at her family's house, which is about 800 metres away from our house. I continued on my way to drop off my wife and children at my wife's family's house in An-Nuseirat refugee camp.

While I was travelling to my wife's family's home, I heard the sound of two explosions. I felt the ground shaking. I knew at that moment that the Israeli forces had attacked my house. Then I received a phone call from my brother Ahmed telling me that our houses had

been attacked and were completely destroyed. I quickly dropped off my wife and children and returned to my brothers.

I saw two big holes, one about four metres deep, in the spots where my house and my brother Ahmed's house had stood. I could not identify [what was left of] my house and Ahmed's house as it had all become scattered stones and rubble. I saw that Mohammed's house had also been partially destroyed. Its walls were cracked and the doors and windows were shattered.

I don't know why the Israeli forces attacked my home. We had been living in this area for a long time and there had never been any harm caused to the Israeli forces from our houses. I did not even manage to get my clothes from the house. Now I live with my family in a tin-roofed room on a piece of land owned by my cousin. I don't have the money to rent another house. My brother Mohammed and his family live in two tin-roofed rooms on the same piece of land. He cannot live in his damaged house. He is afraid for his family to return to the damaged house after it is repaired.

**Narrative No. 3 – Case of Abu Is'ayid Family (Summary of Al Mezan Documentation Based on Field Visits, Medical Reports, and Interviews and Affidavits Collected from Victims, Family Witnesses, and Medical Personnel):** The Abu Is'ayid family owns a plot of roughly 26 dunams abutting the Gaza-Israel border. There are several residential structures built on the land, centred around the two-story family home located some 300 metres from the border fence. Jaber Abu Is'ayid and his immediate family live on the ground floor; his son Naser Abu Is'ayid lives with his wife and children on the second story. The house has been attacked twice by Israeli artillery over the past two years.

In the first attack, on 13 July 2010, three Israeli shells were fired at the house in the evening, killing Naser's first wife, Ne'ma Yousif Abu Is'ayid (née An-Nabaheen), age 32, and injuring three other members of the extended family—two women and the family's grandfather, aged 64.

The second attack took place on the night of 28 April 2011, around 9:00 pm, as various members of the extended family were relaxing in the house and under a shade roof in the yard. Without warning, more than five artillery shells slammed into the house and the immediate vicinity. Four family members were injured, including a woman injured by shrapnel and two young children, one wounded by debris from the attack and the other by shrapnel to the belly and neck. Ambulances attempting to reach the wounded were delayed for more than half an hour waiting for permission from the IOF to evacuate the wounded. (Palestinian ambulances are not allowed to enter areas within 1,000 metres of the border fence without prior coordination between Israeli authorities and the International Committee of the Red Cross.) The top floor of the main family house—the home of Naser and his second wife and children—was completely destroyed. The ground floor suffered partial damages. Al Mezan fieldworkers investigated this attack in depth. There was absolutely no evidence of Palestinian military movement or any other unusual activity in the area at the time of the shelling. Residents of the area accustomed to listen to Hebrew radio news stated that the IOF announced that it had attacked the house by mistake, though Al Mezan could not independently verify this claim.

## Legal Analysis

The Buffer Zone is both a pillar of Israel's continued occupation of the Gaza Strip and a manifestation of the illegality of its occupation policy. *Contra* Israel's claim that the occupation of Gaza ended with the withdrawal of its illegal settlements and its permanent military presence in the Strip in autumn 2005, the existence of military occupation under international law hinges on the reality of effective control over a territory. Though Israel has abandoned the costly internal administration of Gaza to Palestinian actors, it continues to exercise a nearly comprehensive degree of external control over Gaza, first and foremost through its closure of Gaza's airspace and maritime access and its retention of absolute power over all Gaza's land borders save for the Rafah passenger terminal in the south. Furthermore, it has not in point of fact ceded authority over Gaza's internal landmass, as it continues to exercise effective control over some 17% of Gazan territory in the form of the Buffer Zone. Residents of the Strip are denied access to this valuable swath of land, and IOF military force continues to be the only real writ of authority in the area, where it carries out military incursions at will.<sup>23</sup>

The character of the IOF's enforcement of the Buffer Zone is also a testament to the enduring illegality of the conduct of the occupation. The fundamental principle of international humanitarian law is the necessity of distinction between civilians and combatants. The latter may legitimately be targeted in situations of armed conflict, with due observation of the principles of military necessity and proportionality, but civilians are in all cases to be spared the violence of war to the maximal extent possible. Israel's treatment of the Buffer Zone as a free-fire area, in which Palestinians are fired upon without any concern for their civilian or combatant status, is *prima facie*—indeed, patently—in violation of this bedrock principle of international law. The same holds true of Israel's continuous operations to demolish homes and raze lands along the border regardless of their civilian status.

Al Mezan also notes that the pattern of Israeli conduct in the Buffer Zone involves multiple child rights violations of concern to the United Nations under Security Council Resolution 1612.<sup>24</sup> (Al Mezan reports on violations taking place in Gaza as a partner to the UNICEF-led working group for monitoring violations of child rights in the occupied Palestinian territories and Israel. This working group is part of the global child rights monitoring regime established by Resolution 1612.<sup>25</sup>) Among the grave violations of child rights covered by the working group, IOF military actions in the Buffer Zone have entailed: killing and injury; arrest and detention; ill-treatment; attacks on schools and hospitals; displacement; and denial of humanitarian access.<sup>26</sup>

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<sup>23</sup> The reality has been noted by conservative Israeli legal scholars, e.g., Yoram Dinstein, who observes that, given Israel's matrix of external control and the "Israeli military incursions into various parts of the Gaza Strip (as well as air and naval strikes) [which] have occurred relentlessly" since 2005, "it should be palpable that the occupation cannot be viewed as over." Yoram Dinstein, *The International Law of Belligerent Occupation* (Cambridge: Cambridge University Press, 2009), pp. 279, 278, ¶¶ 670, 668.

<sup>24</sup> United Nations Security Council Resolution 1612, 26 July 2005, UN doc. S/RES/1612.

<sup>25</sup> See *ibid.*, ¶¶ 2–3.

<sup>26</sup> Instances of or figures for children suffering most of these violations appear above. For an example of detention and ill-treatment of a minor in the Buffer Zone, see Al Mezan press release no. 93/2009, "IOF Arrest, Abuse 8 Palestinians, including Child: Al Mezan Calls for Protecting Civilians, Ensuring Accountability for Human Rights Violations," 20 November 2009, [online](#) (reporting case of 16-year-old rubble collector who was arrested and beaten with rifle butts while attempting to work along the border). In a recent and particularly egregious case of injury of a child in the Buffer Zone, Mohammed Salman As-Swerki, 17, was shot as he was collecting scrap about 600 meters from the separation fence along the eastern border. He was shot while

## Recommendations

All demolitions of homes and other privately- or publicly-owned civilian structures must end immediately. All intentional or indiscriminate targeting of civilians living in or otherwise entering the Buffer Zone must also cease. Those displaced because of house demolitions to date must be given access without obstacle to full legal redress, including accountability for perpetrators of crimes under international law. Victims must have equal and effective access to legal remedies, including reparation and compensation. All displaced persons should be given assistance and protection to return to their lands and rebuild their homes and livelihoods. The United Nations, including the Security Council, must take urgent action to ensure an end to abuses and accountability for perpetrators, in particular with respect to the grave violations of children's rights that the Security Council has expressed an intention to address, including by military sanctions if necessary.<sup>27</sup>

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running westward, i.e., further into Gaza, after hearing Israeli gunfire. (Details from Al Mezan field investigation).

<sup>27</sup> See Security Council Resolution 1612, ¶ 9, proposing “targeted and graduated measures, such as, inter alia, a ban on the export and supply of small arms and light weapons and of other military equipment and on military assistance” against violators of children's rights.