

**Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the human rights of internally displaced persons and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967**

Ref.: AL ISR 25/2025  
(Please use this reference in your reply)

19 December 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the human rights of internally displaced persons and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 52/10, 59/12 and 1993/2A.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged intentional, widespread and systematic destruction of housing and essential civilian infrastructure, and extensive and repeated forced displacement of civilians, as part of Israel's military assault in Gaza since 7 October 2023. These acts have rendered the majority of Gaza's population homeless, drastically shrunk Palestinian residence in and control of Gaza's territory while rendering it uninhabitable, and are preventing internally displaced persons (IDPs) from returning to their homes. The operations have reportedly been characterized by intentional and indiscriminate attacks on homes and other civilian objects, not justified by military necessity, causing serious bodily and mental harm to civilians; use of weapons with wide-area effects in densely populated residential areas; use of artificial intelligence for targeting homes which have been disproportionate and indiscriminate; pillaging, burning, destruction and bulldozing of homes and civilian infrastructure including in the absence of ongoing hostilities; extensive demolition of structures to create corridors and buffer zones, thereby severely limiting the area available for IDPs; attacks on designated humanitarian zones; steps taken to prevent delivery of shelter and reconstruction as well as prevent the return of IDPs, all in the context of use of force and blockade to maintain prolonged occupation, attempt annexation and thereby commit acts of aggression. The military assault has also included multiple attacks on temporary housing, including IDP and refugee camps, on schools, medical facilities, religious and cultural sites, and other structures used by IDPs for sheltering, including in areas to which Israeli forces had ordered them to evacuate. Between October 2023 and October 2025, estimated indicate that at least 92 per cent of Gaza's housing units have been either fully destroyed or damaged; over 90 per cent of Gaza's population has been displaced; and over 86 per cent of Gaza's territory has been placed under displacement orders or within Israeli-militarized zones. Today, at least 259,000 Palestinian families, more than 1.45 million people, need emergency shelter assistance.**

According to the information received:

### *Pre-conflict housing situation in Gaza*

Prior to 7 October 2023, Gaza had endured a chronic housing crisis due to Israel's policies of prolonged occupation including blockade, border restrictions, recurrent military assaults, and decades of conflict and economic stagnation. With around 2.3 million people living in a 365 square kilometer area, Gaza is also among the most densely populated urban areas in the world.

Before 7 October 2023, Gaza's housing stock comprised approximately 472,660 units (about 77 per cent housing units in apartment blocks, 22 per cent homes, 1.4 per cent informal housing). The limited land available in Gaza, paired with Israel's restrictions on border crossings and entry of building and repair materials, including cement, concrete and iron, created major obstacles to meeting housing needs in Gaza.

### *Housing destruction in Gaza*

Israeli forces started carrying out airstrikes in Gaza in the morning hours of 7 October 2023 and intensified from 8 October onwards, after the attack by Hamas and other armed groups on kibbutzim, settlements and military installations in Israel which led to the killing of approximately 1200 Israeli civilians and soldiers, and foreign nationals, the kidnapping of 251 and the destruction of a number of homes. Israel used a variety of explosive weapons with wide-area effect in its attacks, delivered through airstrikes, tanks and artillery fire, and shelling by naval forces. On 8 October 2023, Israel formally announced the commencement of a major military operation named "Swords of Iron". Ground operations, which started on 27 October 2023, advanced from north to south with engagements in key areas in Beit Hanoun, Gaza City, Jabalya and Khan Younis and, from May 2024, Rafah. The operations also served to cut the northern part of Gaza, including Gaza City, from the south, with a buffer zone stretching from the Israeli border to the Mediterranean Sea. In August 2025, after announcing plans to seize and occupy Gaza City, Israel further intensified attacks on Gaza City and the north of Gaza. On 10 October 2025 a phased ceasefire brokered by the United States of America entered into force across Gaza. However, destruction is ongoing at the time of writing.

Several reports highlight widespread destruction across Gaza, with many areas left uninhabitable. Israel targeted directly distinguishable civilian infrastructure, such as high-rise buildings and residential apartment blocks. Often, Israeli bombardments destroyed entire apartment buildings, killing almost all the civilians therein, including in areas and on buildings in which Israel had sufficient knowledge that many civilians were present. The way in which the military campaign has been conducted suggests that the disproportionate killing of civilians and the systematic destruction of homes and other civilian infrastructure is part and parcel of the military strategy. Reportedly, the destruction of housing and civilian infrastructure was at least knowledgeably accepted, resulting *de facto* in an annihilation of the fundamental distinction between civilian objects and military objectives in armed conflict.

The use of unguided munitions and bombs with a wide margin of error, of rockets, tanks, armored bulldozers, experimental weapons such as armoured and explosive-loaded robots, coupled with target selection by artificial intelligence (AI) systems, the looting, burning and destruction of homes, including in areas under control of the Israeli forces, and the use of other weapons with wide-area effects, has led to unprecedented large-scale destruction of residential areas across Gaza. Since October 2023, the Israeli Air Force (IAF) has used a wide range of fighter aircrafts fitted with munitions with a large destructive capacity, especially when used in populated areas. They include large payload bombs (such as the US-manufactured Mark 80 series) which have been used against urban neighbourhoods where Israeli forces claimed that Hamas tunnels or command centers existed beneath civilian buildings. Self-propelled howitzers and multiple launch rocket systems have reportedly shelled dense neighbourhoods prior to ground incursions. Israeli tanks have been widely documented firing high explosive shells into residential areas during ground incursions. Drones operated manually by Israeli troops on the ground have also been reported to be used to bomb Palestinian civilians, including children, to force them out of their homes or prevent them from returning to evacuated areas. In some instances, drones have been used to broadcast eerie, distressing sounds deliberately intended to incite panic among civilians. In other cases, drones entered homes at night, hovered within rooms, filmed sleeping families, and then exited through windows.

The Israeli Defence Forces (IDF) Combat Engineering Corps, including the 8219 Commando, have played a central role in demolitions on the ground, using bulldozers, explosives and excavators. A Bellingcat investigation highlighted statements from soldiers from the 8219 Commando that suggested some demolitions were motivated by revenge for the 7 October attack. Armoured bulldozers have been used to flatten entire streets, clear paths for troops, and systematically destroy residential buildings. Notably, Caterpillar D9s, that continued to be supplied by the United States of America in 2025, have been documented to collapse houses allegedly suspected of concealing tunnels or of being used as cover by militants. In multiple cases, bulldozers have also been used to create buffer zones by razing civilian homes along roads and corridors designated by Israel for long-term military control, such as the *Netzarim* Corridor in central Gaza and the *Morag* Corridor in the south. Reports indicate that several D9 bulldozers have been converted in Israel into remote-controlled or semi-autonomous vehicles so that they can operate without a driver in “complex”, “high-risk” areas. Allegedly, civilian contractors have also been hired by the Israeli Defense Ministry, often recruited online including on Meta, to operate bulldozers, and have been documented to carry out demolitions, engineering and logistical work in Gaza. Bulldozer drivers are paid per building demolished: 2,500 shekels for the demolition of a small building, and 5,000 shekels for a large building.

AI systems such as *Gospel*, *Lavender*, and *Where’s Daddy*, relying on machine learning to distinguish between military objectives and civilian objects, have been reportedly used by the Israeli military without sufficient scrutiny, resulting in attacks causing disproportionate civilian harm. Developed by the Israeli

military surveillance agency, Unit 8200, *Lavender* has been used to identify and store over 37,000 potential targets based on their apparent links to Hamas and other Palestinian militant groups. *Lavender* assigns a probability score to individuals based on their data profiles and communication patterns, using machine learning to process mass surveillance data on Gaza's population, including information from sources like communication patterns (e.g., membership in WhatsApp groups with known militants), phone contacts, and changes in cell phone usage or addresses. Based on patterns identified from a training dataset of suspected or known Hamas and Palestinian Islamic Jihad (PIJ) operatives, *Lavender* assigned each individual a score from one to 100, indicating the likelihood of their affiliation with a militant group. Individuals who reached a certain score threshold were automatically flagged as potential targets for bombing. Attacks on targets identified by *Lavender* have been usually carried out with dumb bombs, leading to high civilian casualties. Reportedly, for every junior Hamas operative that *Lavender* marked, it was permissible to kill up to 15 or 20 civilians. For senior Hamas commanders, the Israeli army authorized the killing of more than 100 civilians in the assassination of a single commander. *Lavender* was used in conjunction with *Where's Daddy*, which tracked the targeted individuals to carry out bombings after they had entered their families' homes, often at night. According to reports based on interviews with six Israeli intelligence officers, human analysts often served as a "rubber stamp" for the machine's decisions, sometimes taking only about 20 seconds to review a target, primarily to confirm the target's gender. This minimal oversight was permitted despite an acknowledged large margin of error. *Lavender* has been used alongside *Gospel*, which recommended buildings and structures as targets rather than individuals. These systems facilitated a mass-assassination strategy, allowing the Israeli military to generate targets at a much faster rate than previously possible with human analysts alone. At least 15 armoured robots loaded with nearly 100 tons of explosives have been documented to have destroyed about 300 residential units daily in Gaza City and Jabalya. The robots were remotely detonated by Israeli soldiers, and have been reported to have indiscriminately destroyed everything around them within a 500-meter radius. It has also been reported that the Unit 8200 has been collecting recordings of millions of mobile phone calls made by Palestinians to identify military targets in both Gaza and the West Bank, as well as to justify targets after the attack. Allegedly, Unit 8200 has used a customized and segregated area within Microsoft's Azure cloud storage platform to store these recordings. In September 2025, Microsoft terminated the Israeli military's access to Azure, after an investigation revealed that Microsoft and Unit 8200 had worked together to move large volumes of sensitive intelligence material into Azure.

The number of bombs used by Israel since 7 October 2023 is extraordinary in comparison to other armed conflicts. One military expert said: "Israel is dropping in less than a week what the United States was dropping in Afghanistan in a year, in a much smaller, much more densely populated area." That the purpose was to destroy as much as possible is also reflected in some statements of Israeli forces spokespersons, who have stated that "we are focused on what causes maximum damage." To illustrate, only between 7 and 12 October 2023, the Israeli forces dropped approximately 6,000 bombs on

Gaza, destroying more than 12,600 homes across Gaza City, the Jabalya and Shati refugee camps, and other locations near the Rafah crossing with neighbouring Egypt.

The attacks on civilians and civilian objects including homes have been indiscriminate, disproportionate and widespread including through the use of weapons with wide area effects in densely populated areas. Numerous instances have been recorded by international monitors. For example, between 8 and 20 August 2025, following the Israeli security cabinet's approval of a plan to occupy Gaza City, OHCHR recorded 54 attacks on residential buildings and entire blocks in Gaza City, killing 87 Palestinians, including at least 25 children and entire families. It also recorded attacks on shelters for IDPs, including tents and schools, killing at least 14. These figures are only a portion of the actual toll due to difficulties in reporting in such dire information.

The scale of destruction in Gaza has been described as “apocalyptic”. Over 92 per cent of Gaza's entire housing stock has been either damaged or fully destroyed. The municipalities of Gaza City, Rafah City, Khan Younis City and Jabalya have been registering the largest damage.

According to the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel (CoI), the scale of damage to buildings in Gaza since 7 October 2023 is unprecedented in comparison to previous escalations in Gaza. The Commission has found that, from 7 October 2023 to 6 January 2024, an average of 743 buildings were damaged each day, in comparison to 305 buildings each day in the 2014 escalation of hostilities and 117 buildings each day in the 2008-2009 escalation of hostilities.

#### *Violations of land and housing rights through the creation of “buffer zones”*

Israel has allegedly established and later expanded a buffer zone, as well as five corridors, effectively partitioning Gaza and further reducing the territory available for Palestinians. As of 20 July 2025, Israel had acknowledged the existence of four of these corridors: *Philadelphi*, *Morag*, *Netzarim* and *Magen-Oz*. As of 7 October 2025, the five corridors, combined with an expanded border buffer zone and newly designated “security zones”, covered approximately 82 per cent of Gaza. In these areas, Palestinian habitation and civilian access were forbidden.

Israeli forces have extensively and systematically demolished homes and civilian infrastructure in the corridors and buffer zone. In the *Netzarim* corridor, demolitions affected 95 per cent of the structures, including entire neighbourhoods such as Juhra al-Dik, Al-Mughraqa and Al-Zahra. According to an assessment by UNOSAT, by December 2024 Israeli forces had expanded the *Philadelphi* corridor from approximately 1.5 square kilometers to some 19 square kilometers (or 5 per cent of Gaza); with 99 per cent of structures affected within the enclave. Reportedly, demolitions continued even after military operations ceased and the area was under complete Israeli control. UNOSAT has reported that the number of damaged structures within the buffer

zone have seen a rapid increase, from 15 to 90 per cent only between October 2023 and February 2024. Damage to agricultural land within the buffer zone increased from 5.36 per cent damaged in October 2023 to 33.13 per cent in February 2024, amounting to approximately 120 square kilometers of some of the most fertile land in Gaza and crucial for local food production. The demolitions in the buffer zones were mainly undertaken in areas under full control of Israel, where hostilities had ceased, which suggests that the destruction of housing and civilian infrastructure was integral to the execution of the military campaign in Gaza.

### *Targeting of areas designated “humanitarian zones”*

Between October 2023 and September 2025, the Israeli military issued over 150 evacuation orders directing civilians to move from certain parts of Gaza to others. The promise behind those orders was that there would be physical safety for anyone in those areas. Evacuation orders have been disseminated online, through text messages and telephone calls, or with airdropped leaflets with maps and GPS coordinates marking “safe” or “humanitarian” areas. No measures were reportedly taken to allow for the safe evacuation of children, pregnant women, older persons, the sick or injured and persons with disabilities or with other vulnerabilities. This has resulted in people living in constant fear, and many have been forced to move multiple times, a state of permanent exodus of permanent homelessness. However, even when people moved in compliance with the evacuation orders to “humanitarian zones”, often on very short and unreasonable notice, they found themselves bombed and attacked.

For example, on 13 October 2023, the Israeli forces gave around 1.1 million people in the north of Gaza a 24-hour deadline to leave their homes and move to the south, especially Rafah and Khan Younis, and subsequently designated it as a humanitarian zone. On 17 October 2023, residential buildings in both Khan Younis and Rafah were attacked. In Khan Younis, an early morning Israeli bombardment resulted in the reported deaths of over 15 members of the same family, and 21 individuals from another family. Earlier that day, in Rafah, 28 civilians were reportedly killed in Israeli airstrikes. Many of the victims had evacuated from the northern part of Gaza. On 20 October 2023, a family home in Al-Nuseirat refugee camp was struck by an airstrike in an area designated by the Israeli military on 8 October 2023 as a safe zone for residents of northern Gaza. The attack killed 28 civilians, including 12 children.

A New York Times investigation indicated that within the first six weeks of the conflict, at least 208 Mark 84 (MK84) bombs, weighing 2,000 pounds each and deemed unsuitable for use in densely populated areas due to their wide lethal radius, were fired into several areas in the southern part of Gaza following the displacement order.

On 5 December 2023, an attack in Deir al Balah led to at least 11 deaths. The day before the attack, the Israeli forces permitted civilians to travel to Deir al-Balah for humanitarian purposes. The following day, the UN Secretary General declared that “nowhere is safe in Gaza”.

On 6 May 2024, the Israeli forces significantly expanded the humanitarian zone. Concurrently, reports show that strikes on the designated humanitarian zone increased since May 2024. Between May 2024 and January 2025, reports indicate that at least 550 people were killed in 97 strikes on humanitarian zones.

On 6 May 2024, while international efforts to negotiate a ceasefire were ongoing, the Israeli military moved forward with an offensive in the eastern part of Rafah, where around 1.5 million people had taken refuge. IDPs were instructed by the Israeli military to move to the so-called “expanded humanitarian area” of Al-Mawasi, west of Khan Younis.

However, on 8 May 2024, the Israeli military bombed Al-Mawasi, killing at least 21 people. While remaining a designated humanitarian zone, Al-Mawasi has been attacked by Israel multiple times. In the deadliest attack, on 13 July 2024, 90 displaced Palestinians were killed, and 300 were injured. Between 18 March and 16 June 2025, OHCHR recorded 112 attacks on Al-Mawasi, which killed 380 people, including at least 158 women and children. Al-Mawasi covers an area of around 8.9 square kilometers, lacks basic infrastructure, such as shelter, water and sewage systems, solid waste removal, latrines, and medical facilities, and is severely overcrowded. As of June 2025, around 425,000 people lived in Al-Mawasi (a threefold increase since March of the same year), amounting to over 47,700 people per square kilometer.

The CoI has reported that evacuation routes to the “humanitarian zones” themselves were also repeatedly shelled, resulting in civilian casualties. One such incident occurred on 13 October 2023, when an evacuation convoy of vehicles heading south was struck by several projectiles on Salah Al-Din Street in Gaza City, on the main evacuation route.

The CoI has also found that, in many cases, the Israeli forces had clear knowledge of the presence of civilians within areas or buildings that were designated as safe, but nevertheless proceeded to launch their attacks.

#### *Forced displacement and attacks on shelters*

By end of June 2025, 90 per cent of the population of the Gaza, around 1.9 million people, had been displaced due to the conflict; more than half of them are children. Reportedly, Palestinians in Gaza have been displaced on average at least six times, while some were displaced up to 19 times only between October 2023 and October 2024. Many families have been compelled to live in inhumane conditions, finding shelter in makeshift tents or outdoors, with extremely limited access to essential items including food, water and sanitation, and fuel.

Between 7 October 2023 and 30 April 2025, at least 2,592 attacks were recorded at refugee or makeshift camps in Gaza, mainly occurring in the refugee camps of Al-Bureij, Jabalya and Khan Younis, resulting in damages and destructions of homes and other civilian infrastructure as well as injury and killings of Palestinians. After the breakdown of a temporary ceasefire between 19 January and 18 March 2025, destruction and displacement across Gaza further

aggravated. Between 18 March and 18 July 2025, over 737,000 people were displaced. At least 55 displacement orders were issued over this period. Reportedly, around 50 per cent of those who had returned during the ceasefire were uprooted once more after 18 March.

Since the start of the conflict, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) has converted hundreds of installations, mainly schools, into emergency shelters housing hundreds of thousands of IDPs. Over half of all UNRWA installations have been classified as Designated Emergency Shelters (DESSs), while IDPs also regularly seek shelter from active hostilities in and around UNRWA installations that have not specifically been designated as such. From 7 October 2023 until 2 December 2025, it is reported that more than 312 UNRWA installations, nearly all of them, were damaged or destroyed. At least 851 IDPs sheltering in UNRWA installations have been killed and 2,581 injured, mostly as a result of Israeli airstrikes, during the same period.

After the end of the January-March 2025 ceasefire, Israeli authorities refused to allow humanitarian organizations to bring materials for emergency shelter into Gaza until 17 August 2025, including tents, timber or tarpaulins, thus refusing the provision of emergency housing to the civilian population rendered homeless and unprotected because of housing destruction and displacement. UNOCHA reported 1.4 million people in need of emergency shelter items, and around 1.45 million people in need of essential household items by end of August 2025. On 16 August 2025, Israel started to allow the entry of limited shelter material into Gaza. Humanitarian organizations raised concerns about the risk of instrumentalization of shelter assistance to facilitate or legitimize forcible transfer.

Notably, the decision to allow shelter material into Gaza came one week after the Israeli cabinet's decision to take control of Gaza City. One month later, OHCHR recorded a significant escalation of Israeli attacks on northern Gaza, resulting in the destruction of significant numbers of residential buildings along with the systematic demolition of entire residential neighbourhoods in northern Gaza, including parts of Az Zaytoun, Ash Shujaiyeh, As Sabra, At Tuffah and Jabalya. While in some cases the Israeli military alleged that these buildings were "terror infrastructure" or were used by Palestinian armed groups, it has not provided evidence for these claims, nor any details indicating that their destruction would provide a distinct military advantage, a requirement for an object to be considered a legitimate military objective. Between 8 August and 8 September 2025 alone, OHCHR recorded 270 attacks on residential buildings in Gaza City and North Gaza, killing at least 379 Palestinians. In addition, the Office recorded 44 strikes on IDP tents in Gaza City and North Gaza, that killed at least 92 Palestinians. The actual numbers are likely to be much higher. Most attacks occurred with no prior warnings reported.

On 9 September 2025, following weeks of intensifying airstrikes and the levelling of dozens of high-rise towers and residential buildings, including the Roya Tower, one of the largest residential towers in Gaza City, Israel issued an evacuation order calling for the displacement of all residents of Gaza City

towards Al-Mawasi. Over 1 million people, many of whom had already been displaced multiple times, were forced to flee with no guarantee of safety or shelter in the south. Many chose to stay in Gaza City instead of facing displacement once again.

As of 7 October 2025, over 82 per cent of Gaza was under displacement orders or in Israeli militarized zones. The remaining areas were severely overcrowded and ill-equipped to sustain human survival.

*Severe mental, psychological and cultural harm*

It is reported that the destruction of homes and the repeated displacement have caused and will continue to cause severe and long-term mental health harm for Palestinians in Gaza, including anxiety, severe emotional distress and trauma, compounded by the continued attacks even during evacuation and the inability to return to their homes, and the uncertainty about the fate of people and family members who remain trapped under the rubble.

The conflict has further caused extensive damage to cultural and religious sites in Gaza. In some cases, Israeli attacks targeted sites that served as places of refuge for IDPs, killing hundreds of people, including women and children. As of 4 November 2025, the United Nations Educational, Scientific and Cultural Organization (UNESCO) had verified damage to 145 sites since 7 October 2023: 14 religious sites, 110 buildings of historical and/or artistic interest, 3 depositories of movable cultural property, 9 monuments, 1 museum and 8 archeological sites. Amongst those sites are the Saint Porphyrios Orthodox Church complex, the oldest church in Gaza, damaged in October 2023; the Rashad Ash-Shawwa Cultural centre, once a vital cultural hub in Gaza, home to a theatre and a major library offering art and social activities for local resident, demolished in November 2023; the Great Omari Mosque, the oldest mosque in Gaza, struck by an Israeli airstrike in December 2023 along with its library, which used to host ancient Qurans, biographies of the Prophet Muhammad, and seminal works on philosophy, medicine, and Sufi mysticism; the Pasha Palace, a medieval landmark that once served as an archeology museum, almost completely destroyed in late 2023 and early 2024; and the Samaritan Bathhouse, the only remaining active bathhouse in Gaza and the second-oldest building in Gaza after the Great Omari Mosque, bombed and bulldozed in December 2023. Reportedly, these sites constituted civilian objects at the time of attack, and a legitimate military need could not be identified.

*Systematic destruction of civilian infrastructure essential for housing adequacy*

Access to public services, including energy, electricity, water and sanitation, transportation, livelihoods, food, healthcare and education is a core element of the right to adequate housing under international law. The destruction of hospitals and healthcare facilities, water and sanitation infrastructure, food production and educational facilities, has been reported by UN agencies and raised by Special Procedures mandate holders.<sup>1</sup>

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<sup>1</sup> See for example AL ISR 13/2025 from 11 June 2025 and A/79/171.

Between 7 October 2023 and 10 September 2025, the World Health Organization (WHO) recorded 793 attacks on health facilities in Gaza. These have killed 983 persons and injured 1,635, affected 125 health facilities, and damaged 34 out of Gaza's 36 hospitals. At least 94 per cent of all hospitals in Gaza have been either damaged or destroyed. The massive amount of debris is posing serious health risks, including due to the presence of asbestos and other hazardous substances. Widespread destruction, direct violence, repeated displacement, and the loss of loved ones, homes, and belongings have dramatically aggravated mental health and psychological support needs, with increased levels of anxiety, depression, and other mental health and psychosocial problems, while the destruction of the healthcare system prevents even basic treatment of these conditions.

The conflict has led to devastating damage across the education sector, affecting all levels of education from kindergarten to university. Between 7 October 2023 and 25 February 2025, 403 of a total of 564 school buildings were directly hit and sustained damage. Of those hit, 85 schools were fully destroyed and 73 schools lost at least half of their structures. More than 57 university buildings had been completely destroyed as of 25 March 2025. As of November 2025, approximately 97 per cent of school buildings in Gaza had been damaged or destroyed. UNICEF reported that at least 658,000 children have had limited access to face-to-face learning for over two years.

As of August 2025, over 89 per cent of the assets in the water, sanitation and hygiene (WASH) sector had been either destroyed or partially damaged, effectively dismantling Gaza's capacity to supply its population with clean water. The damage includes critical facilities such as water wells, reservoirs, sewage pumping stations, and desalination units. 81 per cent of public WASH facilities and assets are within the Israeli-militarized zone or under displacement orders. 96 per cent of households have experienced water insecurity. Across all displacement sites, extremely poor environmental hygiene conditions are posing increased health risks, especially for persons belonging to vulnerable groups, including women, children, and persons with pre-existing health concerns.<sup>2</sup>

The conflict has also resulted in extensive destruction of transport infrastructure, with an unprecedented scale and concentration of debris. In July 2025, UNOSAT identified approximately 1,511 kilometers of destroyed roads, 484 kilometers of severely affected roads and 1,484 kilometers of moderately affected roads; totaling approximately 77 per cent of the total road network damaged across Gaza.

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<sup>2</sup> For more details, see the joint Allegation Letter by the Special Rapporteur on the right to safe drinking water and sanitation; the Special Rapporteur on the right to food; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the human rights of internally displaced persons; the Independent expert on the promotion of a democratic and equitable international order and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, AL ISR 13/2025, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30018>. At the time of writing, Israel has not responded to the concerns raised in this communication.

Prior to 7 October 2023, most agricultural produce in Gaza came from inside Gaza. This has no longer been possible since 7 October 2023 due to the extensive destruction of agricultural fields and the restrictions imposed on access to the fields for harvesting, deliveries and transportation, due to the lack of fuel and the collapsed infrastructure, including roads, as well as the continuing conflict. Moreover, the suitability of most of these areas for agriculture has been damaged by the presence of unexploded ordinance. Extensive destruction has impacted more than 80 per cent of agricultural infrastructure, including market facilities, irrigation systems, greenhouses, and critical food processing and distribution infrastructure. Croplands, especially those cultivating high-value products such as vegetables and strawberries, experienced up to 82 per cent damage. In the North Gaza Governorate, UNOSAT has reported that the destruction of cropland reached 94 per cent in July 2025, with dramatic impacts on the agriculture sector and food production. On 15 August 2025, with the destruction of nearly all agricultural land, harsh limitations on the entry of food into Gaza, extremely high food prices, and the lack of sufficient fuel and water to cook and medicines, an Integrated Food Security Phase Classification (IPC) analysis confirmed that over half a million people in Gaza are trapped in famine, with famine conditions projected to expand to Deir al-Balah and Khan Younis by the end of September.

Due to the armed conflict, many individuals are no longer in possession of formal housing, land and property (HLP)-related documentation, exacerbating issues related to tenure security and housing reconstruction, thereby complicating any potential claims for compensation or assistance in the future.

#### *Impacts on vulnerable groups*

While the lives of all persons living in Gaza have been impacted by the military campaign since 7 October 2023, persons belonging to vulnerable groups including women and girls, children and youths, persons with disabilities, and older persons, have suffered disproportionately.

For women and girls, the destruction of homes and health facilities, and the pressure of overcrowded displacement sites, have exacerbated gender-specific risks and vulnerabilities, increased gender-based violence (GBV), and urgent sexual health and reproductive rights needs because of minimal access to safe housing and shelter, water and sanitation, health, and non-food items. For families with elderly relatives or family members with disabilities who simply cannot move, it is women who disproportionately stay behind as caregivers and are thus at increased risk of being killed or harmed in their homes. Across displacement sites, women and girls lack access to essential hygiene products, and overcrowded areas with limited private space and safe WASH facilities expose them to gender-based violence risks.

Children in Gaza are facing unimaginable risks to their safety and well-being, with dire long-term consequences for their physical and mental health. Displacement, the destruction of homes and the breakdown of essential services have caused a sharp increase in malnutrition, interrupted vaccination and routine pediatric care, and deprived children of safe spaces and schooling. At least

17,000 children are orphaned or separated from their families. As of July 2025, over 320,000 children were at risk of acute malnutrition, with thousands suffering from severe acute malnutrition, the deadliest form of undernutrition. Children in Gaza are also facing escalating protection risks, as families are increasingly resorting to unsafe survival strategies, including child labour, begging, and the use of children to support informal transport activities, such as riding donkey carts or carrying heavy goods. The destruction of 20 child-friendly spaces and care facilities has drastically reduced the availability of safe environments for children. Concurrently, health risks are mounting, with rising numbers of respiratory illnesses among children linked to poor shelter conditions, dust, and potential asbestos exposure. Almost all children in Gaza are reportedly in need of mental health and psychosocial support. Problems include depression in children as young as five, anxiety, and suicidal thoughts.

The presence of debris severely impedes movement and exposes persons with disabilities to heightened risks during displacement. Persons with disabilities face compounded challenges due to the interruption of medication and home-based care, and the loss or destruction of assistive devices, further restricting their access to essential services and the limited lifesaving humanitarian aid available. Where shelters are not physically accessible, persons with disabilities are either trapped at home in destroyed buildings, isolated without care, or forced to live in unsafe and undignified conditions. At the same time, the percentage of persons with disabilities in Gaza has dramatically increased. As a result of continued attacks by Israeli forces, arbitrary shelling of civilian areas, and the presence of unexploded ordnances, Gaza has become home to the largest group of child amputees in modern history.

For older persons, the loss of housing has in many cases caused the disruption of familiar domestic networks that enabled them to manage chronic diseases, access essential medication, and maintain adequate nutrition. Many have been forced to leave behind their assistive devices, such as walking sticks and wheelchairs, crucial medicines, and personal belongings. Older persons who have been injured are less likely to be prioritized by overwhelmed medical teams; some displaced families have also been forced to leave elderly relatives behind. Those who lack support networks or the physical or financial means to look after themselves are also at risk of becoming isolated and dying from neglect, starvation or untreated medical conditions. Whether due to illness, disability or lack of support, they are also more likely to remain behind in areas where residents have been forcibly displaced and where active hostilities are taking place, exposing them to heightened danger.

*Statements inciting to violence, vengeance and collective punishment against the Palestinian population as an element of mass destruction of housing and attempted territorial annexation*

Senior Israeli public officials, as well as other public and media figures, have used inflammatory language in their comments on and since 7 October 2023. While some statements indicate military and political strategy, many also made statements inciting to hatred, violence, vengeance and collective punishment. Some statements systematically dehumanize all Palestinians in Gaza, and often

portray all Palestinians as Hamas militants or Hamas supporters. Many also explicitly indicate an intent to systematically destroy all housing and infrastructure in Gaza, make its territory uninhabitable and permanently displace its population while expressing an intent to replace the Palestinian population with Israeli population on the territory of Gaza.

Statements calling on Israel to exact vengeance against Hamas were made as early as 7 October 2023. At a press conference held in the early afternoon of the same day, the Israeli Prime Minister vowed to inflict “mighty vengeance” on “all of the places which Hamas is deployed, hiding and operating in, that *wicked city*, we will turn them into rubble. I say to residents of Gaza: leave now because we will operate forcefully everywhere.”<sup>3</sup>

In December 2023, a member of the Knesset stated: “Rebuilding Jewish homes in Gaza is our victory in the war. (...) The victory will be when we see the children of Israel playing in the streets of Gaza”.<sup>4</sup>

In February 2024, the Minister for Social Equality and Minister for Women’s Empowerment, made a speech in the Knesset in which she said: “I am personally proud of the ruins of Gaza, and that every baby, even 80 years from now, will tell their grandchildren what the Jews did when they murdered their families, raped them and kidnapped their citizens!”<sup>5</sup>

In March 2025, the Defense Minister warned in a video broadcast that if Hamas would not release all hostages, Gaza would face “complete destruction and devastation”.<sup>6</sup>

In May 2025, the Prime Minister said: “We keep demolishing houses; they have nowhere to return. The only logical outcome will be Gazans’ desire to emigrate outside the Strip.”

On 17 September 2025, the Finance Minister said that Gaza could turn into “a real estate bonanza”, claiming that he was talking to the United States of America about how to divide Gaza’s territory. “We have done the demolition phase, which is always the first phase of urban renewal – now we need to build,” he said.

### *Barriers to relief, return, recovery and reconstruction*

When the Israeli forces first issued evacuation orders to the north of Gaza, residents were advised to evacuate “temporarily”. However, prior to the October 2025 ceasefire, while some residents were able to return during the one-week ceasefire in November 2023, and during the ceasefire in January-March 2025, most of them were displaced again. The extensive destruction of homes, schools, hospitals, shops, roads, and agricultural land in most of Gaza, and especially the north, makes it extremely difficult for residents to return and re-

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<sup>3</sup> <https://www.gov.il/en/pages/statement-by-pm-netanyahu-7-oct-2023>

<sup>4</sup> [https://x.com/limor\\_sonhrmelh/status/1734294096175391070](https://x.com/limor_sonhrmelh/status/1734294096175391070)

<sup>5</sup> <https://x.com/golanmay/status/1759675501424042329>

<sup>6</sup> [https://x.com/Israel\\_katz/status/1902388250053861589?lang=en](https://x.com/Israel_katz/status/1902388250053861589?lang=en)

establish their lives.

The February 2025 Interim Rapid Damage and Needs Assessment (IRDNA) of the Gaza Strip, conducted jointly by the United Nations, the European Union and the World Bank, estimated that USD 53.2 billion will be required for recovery and reconstruction over the next decade, with housing being the hardest hit sector, accounting for 53 per cent of total damages, followed commerce and industry at 20 per cent. USD 20 billion will be needed in the first three years to restore essential services, rebuild infrastructure, and support economic recovery. These estimates are preliminary and not based on field assessment, and do not include the damage due to use of force since February 2025, which is still ongoing.

As of September 2025, it was estimated that the destruction of structures in Gaza had generated at least 61 million tonnes of debris. The United Nations Environment Programme (UNEP) estimated in June 2024 that it might take 15 years just to clear and dispose of the debris, and assuming availability of a reasonable level of heavy equipment which remain blocked by Israel. Yet, other studies estimate that even if military operations had ended in April 2024, and debris removal were to proceed at the pace it proceeded after the 2014 war, it would take around 30 years to clear the rubble.

In May 2024, the United Nations Development Programme (UNDP) and the United Nations Economic and Social Commission for Western Asia (ESCWA) estimated that rebuilding Gaza's homes could take until 2040. This projection represents a best-case scenario in which five times more construction materials are allowed into Gaza as compared to the situation after the earlier escalation of hostilities in 2021. If reconstruction of destroyed homes was to follow the same pattern as after the last two escalations of hostilities in 2014 and 2021, it would take approximately 80 years to rebuild the fully destroyed housing units.

Gaza's economy is not predicted to return to pre-conflict levels before the mid-2030s. Other estimates highlight that the timeline for rehabilitation may be far longer, especially considering the effects of the blockade, and the persistent cycle of destruction and displacement. For example, the United Nations Conference on Trade and Development (UNCTAD) estimated that, based on the level of destruction of May 2024, a return to the 2007-2022 growth trend would imply that it would take Gaza 350 years to restore its GDP to the level of 2022.

The enormous barriers to the recovery and reconstruction of Gaza are compounded by the ongoing occupation and control of entry of goods, services, finance and persons into Gaza by Israel. Indeed, no real recovery or rebuilding has been possible after previous rounds of war and destruction in Gaza by Israel, after 2008, or 2014 due to the control of all rebuilding materials, equipment and financial resources by Israel while the continuing occupation and security situation has made reconstruction almost impossible. This led to very slow recovery of housing after previous wars, including after the 2014 war: between 2014 and 2019, less than 1000 homes could be rebuilt in Gaza due to the border restrictions imposed by Israel for example.

Instead of addressing the real barriers to relief and reconstruction in Gaza, and acknowledging responsibility for rebuilding Gaza, the United States of America has reportedly supported plans to forcibly displace Gaza's population outside of its territory and redevelop it. On 31 August 2025, the Washington Post published a leaked prospectus of a plan to develop the "Gaza Riviera", as a string of high-tech mega cities. Named the Gaza Reconstitution, Economic Acceleration and Transformation Trust – or Great – the proposal was reportedly jointly developed by Israel and the United States of America, and would involve the forced displacement of Gaza's entire population and put its territory into a US-trusteeship for at least ten years.

On 10 October 2025, a phased ceasefire brokered by the United States of America entered into force across Gaza. The ceasefire agreement is based on the 20-point plan, released by the White House on 29 September 2025. Phase one includes the suspension of all military operations, including aerial and artillery bombardment, as well as the release of Israeli hostages in exchange for Palestinian prisoners and a partial Israeli withdrawal from the Strip. It also envisages the immediate commencement of full entry of humanitarian aid and relief, at a minimum, consistent with the 19 January 2025 failed cease fire agreement regarding humanitarian aid which had called for the entry of 60,000 caravans and 200,000 tents and equipment and machinery to clear rubble of destroyed buildings. As of October 2025, no caravans had been allowed to enter Gaza while approximately 60,000 tents have been allowed in, far less than was required and agreed to. No machinery to clear rubble has been allowed in.

As part of the ceasefire agreement, Israeli forces started to partially withdraw from parts of Gaza, while still occupying around 50 per cent of its territory around the so-called "Yellow Line". Areas beyond the Yellow Line, mainly covering the eastern part of Gaza as well as the northern and southern borders, remain inaccessible to Palestinians. The Israeli forces have been reinforcing scores of military outposts and firing at anyone approaching the line. As Israeli forces have started installing yellow concrete markers every 200 meters to delineate the area remaining under Israeli control, it appears that the line is taking a more permanent form, and risks becoming a new border that could further shrink Gaza and force over 2.2 million people to live in half of its territory.

A month after they had been ordered to leave Gaza City, tens of thousands of Palestinians began to move from camps in the south to Gaza City. A preliminary analysis by UNOSAT shows that, as of 23 September 2025, the extent of damage in Gaza City encompasses approximately 83 per cent of all structures, with an estimated 81,159 housing units damaged. Many returning families found their homes flattened and their neighbourhoods no longer recognizable, especially in areas including Jabalya, Sheikh Radwan, and Abu Iskandar. After assessing the situation and the scale of destruction, many people preferred to remain in displacement sites in the south. Those who chose to move back into Gaza City are now living in unsafe buildings that have been fully or partially damaged. Extensive destruction and the presence of massive amounts of rubble obstruct access to homes and neighbourhoods and limit the land available for setting up displacement sites.

Most people in Gaza continue to reside in a range of inadequate shelter types that fail to meet basic emergency standards, including tents, makeshift tents, and partially or heavily damaged buildings. The onset of winter and recent adverse weather conditions affecting Gaza have compounded shelter needs, with flooding, cold temperatures, and high winds making life extremely difficult for families facing their third and harshest winter since the conflict began. These conditions have led to over a dozen reported exposure deaths, particularly affecting vulnerable populations such as the young, the sick, and the elderly. The Site Management Cluster (SMC) estimates that, as of 10 November 2025, around one million people were residing in about 862 displacement sites across Gaza, noting that these figures fluctuate daily as people move in response to changing conditions. The vast majority of IDPs are in makeshift and scattered sites in Deir al Balah and Khan Younis, where severe overcrowding persists. Many of these sites were spontaneously established by displaced families along roads, in open areas, agricultural lands, or along the coast. As of 5 December 2025, over 72,000 IDPs were estimated to be living in 85 shelters managed by UNRWA staff and the surrounding areas. Currently, 116 UNRWA facilities are located within the Israeli militarized zone. According to the Shelter Cluster, at least 1.45 million people require emergency shelter items.

Coordination with Israeli authorities continues to be required for humanitarian convoy movements inside Gaza, to crossings as well as in or near other areas where Israeli forces remain deployed. The UN 2720 Mechanism, responsible for tracking aid consignments into Gaza, reports that out of 560 requests submitted for the entry of aid in October, 121 requests (24 per cent) were rejected as of 26 November 2025. The 121 rejected requests comprise 64 requests (nearly 3,000 MT of aid) that were rejected on the grounds that the organizations were not “authorized” or “approved” to bring relief items into Gaza. The majority (50 requests) concern the entry of health, shelter, and water and sanitation supplies. The Israeli authorities continue to block UNRWA from bringing humanitarian personnel and aid into Gaza. Meanwhile, pre-positioned outside Gaza, UNRWA has enough food parcels for 1.1 million people, flour for 2.1 million individuals, and shelter supplies for up to 1.3 million people.

Since the announcement of the first phase of the peace plan, 19,000 tents have entered Gaza, as well as 276,000 tarpaulins, according to the Shelter Cluster, but no caravans, timber or tools have entered due to restrictions on what Israeli authorities consider “dual-use” items. Over 63,400 tents, 803,600 tarpaulins, and 278,000 bedding kits remain stuck at the border. Without tools and equipment, people are unable to start repairs to homes and many are scared to move due to unexploded ordinance, or the fear of further airstrikes. The number of tents that has so far entered Gaza is considered wholly inadequate to meet current needs; it also does not satisfy the ceasefire agreement’s requirements, under which Israel would facilitate the entry of the necessary supplies and requirements to accommodate and shelter displaced persons who lost their homes during the war, including at least 60,000 temporary homes, caravans, and 200,000 tents.

Israeli military strikes near or east of the Yellow Line as well as areas of Gaza from which Israeli forces have withdrawn under the ceasefire agreement have been reported after the ceasefire, resulting in several casualties. In areas beyond the Yellow Line where the Israeli military remains deployed, daily detonations and destruction of residential buildings continue to be reported. Verified videos showing controlled demolitions and excavators tearing down buildings geolocated to areas behind the Yellow Line have been published to social media since the ceasefire.

Without prejudging the accuracy of the information received, we wish to express our utmost concern about Israel's continued attacks on Gaza which have reportedly led to extensive loss of civilian life, bodily and mental harm, forced displacement, massive destruction of housing and life-sustaining civilian infrastructure, cultural and religious sites, and loss of livelihoods, since 7 October 2023. In our view, these acts, which have been widespread and reportedly carried out in a systematic and intentional manner, violate international law including international human rights law, international humanitarian law and international criminal law and embody the crime of "domicide".

We remain deeply concerned that internally displaced persons (IDPs) in Gaza have allegedly been subjected to serious violations of international human rights law and international humanitarian law in the context of ongoing hostilities and repeated displacement. It is reported that civilians have been forcibly displaced multiple times due to military operations, resulting in the destruction of homes, shelters and essential civilian infrastructure. Allegations further indicate that IDPs have been exposed to indiscriminate and disproportionate attacks, severe restrictions on freedom of movement, and significant impediments to humanitarian access, adversely affecting their access to food, water, health care, adequate shelter and education. Conditions in IDP sites are reported to be overcrowded and inadequate, heightening risks of violence, exploitation, family separation and preventable deaths, particularly among women, children, older persons and persons with disabilities. These circumstances raise serious concerns regarding potential violations of the principles of distinction, proportionality and precaution, as well as the prohibition of unlawful forcible transfer and collective punishment.

#### *International law*

As the International Court of Justice (ICJ) clarified in its Advisory Opinion of 19 July 2024 on the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem,<sup>7</sup> at the outset, we wish to remind Israel that Gaza is part of the OPT and Israel remains bound by its obligations under international law as the Occupying Power. The escalation of conflict in Gaza did not occur in isolation, and must be seen in the context of decades of illegal occupation and settlement, anchored in an ideology calling for the removal of the Palestinian population from their land. The domicile in Gaza, making land uninhabitable for Palestinians during the last two years, must be seen in this context to fully appreciate that these are acts intended to prolong the occupation and lead to annexation of territory. Indeed, the ICJ clearly recognized this in its ruling, by holding

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<sup>7</sup> <https://www.icj-cij.org/index.php/node/204160>

that prolonged occupation is unlawful and amounts to *de facto* annexation.

In fact, “the Court emphasizes that the conclusion that Israel’s continued presence in the Occupied Palestinian Territory is illegal does not release it from its obligations and responsibilities under international law, particularly the law of occupation...” (para. 264.). Such acts are contrary to jus cogens norms that prohibit the acquisition of territory by force and pose a fundamental challenge to the very foundation of world order based on international law. It is due to this fundamental challenge that, on 18 September 2024, the General Assembly adopted resolution ES-10/24 demanding that Israel bring to an end without delay its unlawful presence in the OPT, which constitutes a wrongful act of a continuing character, and to do so no later than 12 months after the resolution was adopted (operative paragraph. 2). We regret to note that, while the deadline established by the General Assembly to end the occupation has passed, Israel appears to have only escalated its illegal campaign of settlement expansion across the OPT, nor withdrawn its troops from the Gaza Strip.

It further indicated that Israel must provide full reparation to Palestinians for the damage caused by its illegal presence in Occupied Palestinian Territory. This includes the obligation to return to Palestinians all land, property and assets, including cultural property and assets, seized since Israel’s occupation in 1967. In this context, we note that yet another dimension of international law is relevant regarding the allegations in this communication, specifically related to the legal responsibilities for the reconstruction of adequate housing in Gaza when hostilities cease. Under established principles of international law, Israel and other States found to be complicit in the destruction incur in responsibility to remedy the consequences of their internationally wrongful acts, an obligation that may now extend to non-State actors including businesses as well. We regret that the ceasefire agreement concluded on 10 October 2025 did not address Israel’s responsibility, nor that of other complicit States, to repair the extensive destruction inflicted on Gaza.

#### *Violations of international human rights law*

We are deeply concerned about the impact of Israel’s military offensive on the enjoyment of the right to adequate housing for Gaza’s population. We wish to highlight that adequate housing should not be equated merely with four walls and a roof over one’s head, but it should provide security of tenure, availability of services, materials, facilities and infrastructure, be affordable, habitable, accessible, in a location that allows access to services, and be culturally adequate (general comment 4 of the Committee on Economic, Social and Cultural Rights (CESCR)). In our view, the destruction of housing and life-sustaining infrastructure, paired with displacement orders which have made most of Gaza either uninhabitable or inaccessible, and subsequent displacement of most of Gaza’s population, who are now compelled to live in homelessness, violate all core elements of the right to adequate housing, and deeply undermine peoples’ security, peace and dignity.

We also wish to stress that the concept of housing goes beyond the physical structure of a home: it must be seen as a cornerstone of collective memory and social identity. When entire cities are reduced to rubble and their residents are uprooted, these vital social and cultural bonds are gravely endangered. We are therefore troubled that these actions will not only inflict immediate suffering, but also risk causing the

permanent severing of Palestinians from the places that anchor their memory, identity, and heritage.

We are concerned that the widespread and indiscriminate attacks on housing and life-sustaining infrastructure has triggered a domino effect on the enjoyment of the right to life; security of the person; food; water; sanitation; health; education; work; social security; a clean, healthy and sustainable environment; privacy, family life, and may raise concerns regarding the protection against cruel, inhuman or degrading treatment or punishment among others, and the prohibition of racial discrimination, as enshrined in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

While we recognize that, in situations of armed conflict, temporary evacuation orders may be issued to protect civilians from imminent harm, such measures must always be lawful, justifiable, necessary, and proportionate, and must respect the totality of individuals' human rights. However, we note with concern that the evacuation order by Israel have, in practice, resulted in large-scale and repeated displacement of Palestinians in Gaza. These displacement orders have effectively forced civilians into increasingly limited and overcrowded spaces. As a result, families have been separated; social and cultural ties have been disrupted; livelihoods and education have been interrupted; and reliable access to essential services, such as food, medicine, and shelter, has been severely compromised. The cumulative impact has exposed displaced individuals to acute hardship, dispossession, and heightened vulnerability to violence. We are particularly troubled that the vast majority of Gaza's population now appears to be forcibly concentrated in shrinking areas lacking basic services, undermining their dignity and disproportionately affecting persons belonging to vulnerable groups.

We are further concerned that the extensive destruction of housing and essential civilian infrastructure will have long-term and debilitating effects on groups such as women and girls, children and youth, older persons, and persons with disabilities. These actions undermine not only their right to adequate housing but also a broad range of civil, political, economic, social, and cultural rights.

Additionally, we must convey our grave concerns that the breadth of violations associated with Israel's military operations in Gaza, affecting virtually all aspects of civilian life, reflects a fundamental disregard for the right of the Palestinian people to self-determination and for the principles of equality and non-discrimination. It is deeply troubling that these principles appear to have been consistently overlooked in Gaza and throughout the occupied Palestinian territory, despite numerous authoritative pronouncements and binding decisions issued by international bodies.

#### *Violations of international humanitarian law*

We further express our grave concern that the systematic destruction of housing as witnessed in Gaza amounts to serious violations of IHL, including the Convention respecting the Laws and Customs of War on Land (Hague Convention (IV)) of 1907, the Geneva Conventions of 1949 and the Protocols Additional thereto, and the 1954

Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, as well as customary international law.

While Israel maintains that such actions are being carried out for security and military purposes, we wish to stress that Israel remains bound at all times by the principles established in international law. In particular, the principles of distinction, proportionality, necessity and precaution are cornerstones of the lawful conduct of hostilities. The facts alleged above suggest that these principles have been disregarded, and raise concern that the approach taken by Israel was to engage in indiscriminate destruction, employing massive force for that purpose, while paying insufficient regard to humanitarian consequences and to the protections established in IHL. Such acts constitute grave breaches of IHL and also represent an extremely severe breach of the prohibition on collective punishment (Geneva Convention IV, art. 33; Additional protocol I, arts. 48-51), since Israel appears to have concluded that all of Gaza's population is responsible for the Hamas-led attack on Israel on 7 October 2023.

We are particularly concerned about the continued use of weapons with wide-area effects in densely populated areas, including cities, villages and refugee camps. We note that many of the weapons reportedly used by Israel during its offensive in Gaza cannot be precisely targeted against military objectives, and have therefore resulted in widespread and indiscriminate attacks on civilians and civilian objects, prohibited by article 51(4) of the Additional Protocol I to the Geneva Conventions. The presumed existence of underground infrastructure, allegedly used by combatants, does not make it legal to use weapons with wide-area effects in residential areas, thus destroying apartment blocks, individual homes, refugee camps or tent cities. It is evident that such attacks cause disproportionate loss of civilian life and destruction of civilian objects. They are attacks carried out with the knowledge that they will kill civilians and result in the massive destruction of their homes.

Similarly, we are deeply concerned with the use of artificial intelligence-based targeting systems for selection of targets for bombing, which are *prima facie* incompatible with the due diligence requirements under international humanitarian law for distinguishing between civilian objects and military objectives and for assessing proportionality and necessity. We are troubled that largely automated systems such as *Lavender*, *Gospel* and *Where's Daddy* have been used without sufficient oversight, failing to distinguish effectively between civilians and combatants and causing disproportionate civilian harm.

We are further concerned that the systematic destruction of housing in areas that are already under control of the Israeli forces by bulldozers, controlled explosions or other means breaches article 53 of IV Geneva Convention, prohibiting the destruction of all real and personal property, including of housing, by any occupying power. Any such bulldozing and flattening of whole neighbourhoods does not appear to be justified by military necessity, and instead seem to be aimed at, or has the effects of rendering the return of civilians to these areas virtually impossible. The narrow doctrine of military necessity, which permits property destruction only where imperatively required and under very specific circumstances, cannot in our view be reconciled with the wholesale razing of civilian areas, especially when the scale of the destruction is wholly disproportionate to any legitimate military purpose.

We further wish to express our serious concern that Israel's evacuation orders as described above may point to an intent to permanently displace Gaza's population. Permanently displacing a civilian population within an occupied territory amounts to forcible transfer, a grave breach of the IV Geneva Convention, as well as a crime against humanity and a war crime under the Rome Statute.

We are further concerned about the alleged restrictions on entry of humanitarian aid into Gaza, with a full blockade enforced for 11 weeks since 2 March 2025. We would like to underscore that under article 69 of additional protocol I to the Geneva Conventions, occupying powers shall supply, without any adverse distinction, all essential supplies for the survival of the civilian population, including shelter material. While the entry of limited shelter material has been resumed in principle as part of the 10 October 2025 ceasefire agreement, we are concerned that it remains wholly insufficient to meet the rising needs, especially given the approaching winter.

#### *Violations of international criminal law*

The widespread, systematic and intentional nature of the violations also gives reason to believe that these acts may amount to crimes against humanity, war crimes or the crime of genocide, as codified in the Rome Statute. We are especially concerned about the apparent deliberate nature of the acts described above, as illustrated by various statements made by senior Israeli officials. This, coupled with the methods and scale of destruction, in our view, may serve to qualify the actions committed by Israel in Gaza since 7 October 2023 as international crimes under the Rome Statute.

Specifically, the widespread destruction of housing combined with continued, often overlapping evacuation orders preventing return or reconstruction, and the simultaneous targeting of designated humanitarian areas, may constitute crimes against humanity, covering among others the deportation or forcible transfer of a population (Rome Statute, art. 7(1)(d)), persecution (Rome Statute, art. 7(1)(h)), apartheid (Rome Statute, art. 7(1)(j)) and other inhumane acts of a similar nature and gravity (Rome Statute, art. 7(1)(k)).

We are also concerned that these actions may amount to war crimes, which may involve willfully causing great suffering or serious injury to body or health (Rome Statute, art. 8(2)(iii)), the extensive destruction of property not justified by military necessity and carried out unlawfully and wantonly (Rome Statute, art. 8(2)(a)(iv)), unlawful deportation or transfer (Rome Statute, art. 8(2)(a)(vii)), attacks on civilian objects (Rome Statute, art. 8(2)(b)(iii)), intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated (Rome Statute, art. 8(2)(b)(iv)), attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives (Rome Statute, art. 8(2)(b)(v)), and intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives (Rome Statute, art. 8(2)(b)(ix)).

We are further concerned that the methods of war and types of weapons employed by Israel since 7 October 2023, including particularly the use of unguided bombs and other heavy munitions in densely populated residential areas, as well as the use of artificial intelligence systems, leading to the systematic and widespread destruction of housing and other civilian objects with knowledge of the presence of civilians in them, may meet the threshold to qualify as the crime of genocide. Specifically, we are concerned that the actions described above have entailed: killing members of a victim group (Rome Statute, art. 6(a)), causing serious bodily or mental harm to members of the group (Rome Statute, art. 6(b)), and deliberately inflicting on a group conditions of life calculated to bring about its physical destruction in whole or in part (Rome Statute, art. 6(c)). Under the Rome Statute and the Genocide Convention, carrying out one or more of these categories of acts may qualify as genocide, when they are committed with the intent to destroy, in whole or in part, the group as such. The ICJ has also clarified in its jurisprudence that the destruction of homes and withholding sufficient living accommodation, when the time period of such deprivation is of “sufficient length or scale” to bring about the destruction of the group, may qualify as a genocidal act.<sup>8</sup> We further refer to the CoI’s report from 16 September 2025,<sup>9</sup> where it concluded that Israel has committed genocide in Gaza, having perpetrated four of the five acts that amount to genocide under international criminal law. Under the Convention on the Prevention and Punishment of the Crime of Genocide, persons committing genocide shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals (art. 4).

We also believe that the above-mentioned allegations embody the concept of domicide, defined by the Special Rapporteur on the right to adequate housing as “the deliberate destruction of homes, the rendering of homes uninhabitable or any other systematic denial of housing when such acts are carried out in violation of international law and committed as part of a widespread or systematic attack against any civilian population”,<sup>10</sup> and which is typically marked by a combination of destruction of housing and life-sustaining infrastructure, in an effort to dismantle the very fabric of civilian life and to erase the impacted peoples’ ability to rebuild or return to their homes. The Special Rapporteur has been consistently advocating for establishing domicide as an international crime of its own standing, and for housing to be afforded the same special protection as all civilian objects in international humanitarian law, such as places of worship, cultural heritage, demilitarized zones and the natural environment.

Finally, we are also deeply concerned that the acts of domicide accompanied by more territorial control of Gaza by Israel amount to the crime of aggression through further prolonged occupation of Gaza, and constitute unlawful acts that amount to annexation through use of force against territory that does not belong to Israel. Aggression, termed by the Nuremburg tribunal as “the supreme international crime” is codified in the Rome Statute (article 8 bis), which also incorporates the 1974 UN General Assembly declaration’s definition of aggression as follows: “act of aggression” means the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations” (article 8 bis(2)). Israel’s prolonged occupation which

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<sup>8</sup> ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Judgment, I.C.J. Reports 2015, p. 3, 3 February 2015, para. 161.

<sup>9</sup> A/HRC/60/CRP.3

<sup>10</sup> A/77/190

constitutes an unlawful annexation is an act of aggression under this definition. The punitive tone of much of the rhetoric coming from the leaders in Israel, which are mentioned in this communication, makes this aggressive intent clear.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on any assessment made by the Israeli forces to identify military targets. Please also clarify what measures are being taken by your Excellency's Government to ensure that attacks do not target or disproportionately damage civilian objects, including homes and essential civilian infrastructure, including schools, hospitals, and water systems, which are protected under international law.
3. Please provide further details into the weapons and targeting technologies used during Israel's military campaign in Gaza. Please also clarify how your Excellency's Government assesses whether their use complies with the principles of distinction, proportionality, necessity and precaution under the Geneva Conventions.
4. Please provide detailed clarification on the evacuation orders issued by your Excellency's Government, including:
  - How affected populations were informed, in particular how Israel ensured that the information provided was clear and accessible to all;
  - What measures were taken to ensure safe passage;
  - How humanitarian needs of displaced populations were being addressed;
  - How such orders comply with international human rights and humanitarian law.
5. Please provide updated, disaggregated data on the housing and civilian infrastructure destroyed or damaged since 7 October 2023. Please clarify how such damage is being assessed, documented, and verified.
6. Please provide information on the scope, conditions, and procedures under which humanitarian aid is currently being allowed into Gaza and the criteria used for such decisions. What mechanisms are in place to ensure

sufficiency, timeliness, and safe delivery of such aid to persons in urgent need?

7. Please indicate what mechanisms your Excellency's Government has in place, or plans to establish, to investigate allegations of unlawful destruction of housing and essential civilian infrastructure. How will accountability be ensured, and what forms of redress will be available to the victims?
8. Please explain how your Excellency's Government intends to fulfill its obligations under international law to guarantee return, restitution, or adequate compensation for Palestinians whose housing, land, and property have been destroyed or unlawfully seized.
9. Please provide information on the steps taken or envisaged by your Excellency's Government to comply with the ICJ's Advisory Opinion, and subsequent General Assembly resolution, particularly as regard to putting an end to the illegal occupation of the OPT in general, and end the blockade of Gaza in particular.
10. Please provide information on how your Excellency's Government is currently engaging, or intends to engage, with United Nations mechanisms, the ICJ, and other relevant international bodies to address concerns over the scale of destruction and displacement in Gaza.
11. Please clarify whether your Excellency's Government is collecting and preserving evidence of military operations in Gaza for purposes of accountability and compliance with international human rights, humanitarian and criminal law.
12. What steps have been taken to prevent unlawful forcible transfer of internally displaced persons and to hold persons in authority accountable for such transfers?
13. Please indicate what measures are in place to protect IDPs from attacks, violence, exploitation and other protection risks in displacement sites, particularly for women, children, older persons and persons with disabilities.
14. What steps are being taken to facilitate safe, voluntary and dignified return, resettlement or local integration of IDPs, in accordance with international law and security conditions?

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please be informed that copies of this letter will be sent to the State of Palestine and to the United States of America.

Please accept, Excellency, the assurances of our highest consideration.

Balakrishnan Rajagopal  
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Paula Gaviria  
Special Rapporteur on the human rights of internally displaced persons

Francesca Albanese  
Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant norms of international law, including international human rights law, international humanitarian law and international criminal law, which are applicable regarding the present allegations.

#### *International law*

The Human Rights Council notes in resolution 9/9 that both international human rights law and international humanitarian law apply to situations of armed conflict and provide complementary and mutually reinforcing protection. Effective measures to guarantee and monitor the realization of human rights should be taken with respect to civilian populations in situations of armed conflict and effective protection against violations of their human rights should be provided, in accordance with international human rights law and applicable international humanitarian law. Violations of these norms, including grave breaches, may constitute international crimes.

On 19 July 2024, the International Court of Justice (ICJ) issued an Advisory Opinion on the "Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem". The ICJ clarified that Gaza is an integral part of the Occupied Palestinian Territory (OPT) and that even after the disengagement since 2005, Israel remains bound by international law as the occupying Power (para. 94). The ICJ declared Israel's presence in the OPT unlawful under both *jus ad bellum* and *jus in bello* perspectives, also recognizing violations of racial segregation and apartheid prohibitions.

The ICJ also unequivocally affirmed that occupation cannot transfer or confer sovereign title to the occupying Power over the territory that it occupies, reaffirming that "the occupation of a territory is to be a temporary, *de facto* situation, whereby the occupying Power can neither claim possession nor exert its sovereignty over the territory it occupies". It is to be noted that the Court explicitly affirmed that Israel's security concerns cannot override the prohibition of the acquisition of territory by force, a peremptory norm.

The ICJ affirmed that prolonged occupation is unlawful and may amount to *de facto* annexation through use of force, which is a violation of the *jus cogens* norm of non-acquisition of territory by force. Occupation in the context of armed conflict is, by itself, not unlawful under international law as it is intended to be temporary and governed by strict rules that impose obligations on the occupying power. When such occupation becomes so prolonged that it can only be construed as *de facto* annexation, and is maintained by force, such occupation becomes an act of aggression. This is clearly intended by the definition of aggression under the 1974 UN General Assembly Resolution 3314 which defines aggression as "the use of armed force by a State against the sovereignty, territoriality or political independence of another State or in any other manner inconsistent with the Charter of the United Nations". The definition also clarifies that "State" is defined without prejudice to questions of recognition or to whether a State is a member of the United Nations" (article 1(a)). This definition of

aggression from 1974 is incorporated verbatim in the Rome Statute in its definition of the crime of aggression (article 8 bis). This leads to two conclusions: if Palestine is recognized as a State, the invasion and prolonged occupation of Palestine is an act of attempted annexation and thus an act of aggression. If Palestine is not yet considered a State or that it is not considered a full member of the UN, aggression against it is still within the definition of aggression in article 1(a) of the 1974 UN General Assembly Resolution – and therefore article 8 bis of the Rome Statute. The same conclusion is also arrived at if one considers that prolonged occupation that violates self-determination and leads to annexation of territory by force, can only be considered as “inconsistent with the Charter of the United Nations” as mentioned in the 1974 Resolution. Thus, under all plausible understandings, Israel is committing an act of aggression due to its prolonged occupation, held as illegal by the ICJ in 2024 and use of force.

The ICJ mandated Israel to terminate its occupation, dismantle all settlements, and the associated settlement regime, provide reparations to Palestinian victims, and facilitate the return of Palestinian people displaced in 1967. The ICJ observed that all States are not to render aid in maintaining the situation created by Israel’s illegal presence, and that they are to ensure that any impediment resulting from Israel’s presence in the OPT to the exercise of the Palestinian people of its right to self-determination is brought to an end. The ICJ’s Advisory Opinion further stated that “all the States parties to the Fourth Geneva Convention have the obligation (...) to ensure compliance by Israel with international humanitarian law as embodied in that Convention” (para. 279). At the same time, the ICJ provided that all States must cooperate with the modalities required by the UN General Assembly and Security Council to ensure an end to the occupation (para. 281).

The General Assembly resolution passed on 18 September 2024 established those modalities, reiterating the obligations of third States set out in the Advisory Opinion. The resolution demanded that Israel brings to an end without delay its unlawful presence in the OPT, and do so no later than 12 months from the adoption of the resolution (A/RES/ES-10/24, para. 2) (that is, by 18 September 2025); it called upon all States to, among other measures, take steps towards ceasing the provision or transfer of arms, munitions and related equipment to Israel, in all cases where there are reasonable grounds to suspect that they may be used in the OPT (para. 5(b)). It further recognized that Israel must be held accountable for any violations of international law in the OPT, including any violations of international humanitarian and international human rights law, and that it must bear the legal consequences of all its internationally wrongful acts, including by making reparation for the injury, including any damage, caused by such acts (para. 9), and called for the establishment of an international mechanism for reparation for all damage, loss or injury, and of an international register of damage to serve as a record in documentary form, of evidence and claims information on damage, loss or injury (para. 10).

It its order of 26 January 2024, the ICJ also concluded that, *prima facie*, it has jurisdiction pursuant to art. 9 of the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) and that Israel’s acts in Gaza since 7 October 2023 could amount to genocide (Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa

v. Israel))<sup>11</sup>. On that occasion, the ICJ issued six provisional measures, ordering Israel to take all measures within its power to prevent genocidal acts, including preventing and punishing incitement to genocide, ensuring aid and services reach Palestinians under siege in Gaza, and preserving evidence of crimes committed in Gaza. ICJ's Orders on provisional measures have binding effect and thus create international legal obligations for any party to whom the provisional measures are addressed (Statute of the International Court of Justice, art. 41).

The ICJ has been compelled to intervene twice further on 28 March<sup>12</sup> and 24 May 2024,<sup>13</sup> in particular, recognizing an “exceptionally grave” risk of genocide in Rafah, and requested Israel to immediately cease its military operations and unconditionally withdraw from the entirety of Gaza; to take all effective measures to ensure and facilitate the unimpeded access to Gaza of United Nations and other officials engaged in the provision of humanitarian aid and assistance to the population of Gaza, as well as fact-finding missions, internationally mandated bodies and/or officials, investigators, and journalists, in order to assess and record conditions on the ground in Gaza and enable the effective preservation and retention of evidence; and ensure that its military does not act to prevent such access, provision, preservation or retention.

The 1948 Genocide Convention, independently of the provisional measures order, creates obligations upon the state parties. As the Court clarified in its order of 26 January 2024, all the States parties to the Convention have a common interest to ensure the prevention, suppression and punishment of genocide, by committing themselves to fulfilling the obligations contained in the Convention (para. 33).

The prohibition of genocide more generally is considered a *jus cogens* norm and is one of the crimes that falls under the jurisdiction of the International Criminal Court (ICC). While the ruling on the merits of the case might take years, and the issue of whether there was complicity in or a failure to prevent genocide will depend upon that judgment, the mere issuance of provisional measures by the Court, detailing the destruction (South Africa v. Israel, paras. 46-49) and dehumanizing language (paras. 50-53) that make the risk of genocide plausible, triggers at the very least the duty to prevent since all States are now aware of the serious risk of genocide and the urgency of prevention.

In addition, general international law governs annexation of territory by force and occupation, and also give rise to State responsibility for breaches of obligations including a duty to make reparation for violations of international humanitarian law<sup>14</sup>. The destruction of Gaza by Israel, and the complicity of other States and businesses in such destruction, involve violations of specific obligations not to commit genocide, crimes against humanity or war crimes, or other norms of international law. These general principles and norms regarding State responsibility are well grounded including in the jurisprudence of the Permanent Court of International Justice<sup>15</sup>, the International

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<sup>11</sup> <https://www.icj-cij.org/node/203447>

<sup>12</sup> <https://www.icj-cij.org/node/203847>

<sup>13</sup> <https://www.icj-cij.org/node/204100>

<sup>14</sup> Rule 150, Reparation, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule150>

<sup>15</sup> Factory at Chorzow, Germany v. Poland, Judgment No 13 (Decision No) (1928) PCIJ Series A No. 17; The SS ‘Wimbledon’, United Kingdom and ors and Poland (intervening) v Germany, Intervention, Judgment, (1923) PCIJ Series A No. 1

Court of Justice<sup>16</sup> and the International Law Commission's Articles on State Responsibility<sup>17</sup> and become very relevant for reconstruction of Gaza including through reparation.

*International human rights law*

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the international human rights standards that are applicable in this case. They are enshrined, inter alia, in the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Israel on 3 October 1991.

We wish to recall Israel's obligations under the ICCPR, which continue to apply in armed conflict and wherever a State exercises its jurisdiction. In particular article 1 related to the right to self-determination; article 6 related to the right to life; article 7 related to the prevention of torture or cruel, inhuman or degrading treatment or punishment; article 9 related to the right to liberty and security of the person; article 12 of the right to liberty of movement and freedom to choose ones' residence; and article 17 on the prohibition of arbitrary or unlawful interference with privacy, family, home or correspondence.

We also wish to recall Israel's obligations under the ICESCR. In particular, article 1 related to the right to self-determination; article 11 related to the right to an adequate standard of living, including adequate housing and food, and to the continuous improvement of living conditions; article 12 related to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; article 13 related to the right to education; and article 15 related to the right to take part in cultural life.

We wish to draw your attention to common article 1 of the ICCPR and ICESCR on the right to self-determination. Resolution 45/130 on the importance of the universal realization of the rights of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights "[r]eaffirms [...] the inalienable right of the Palestinian people and all peoples under foreign occupation and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without foreign interference"; and operational paragraph 6 which "[s]trongly condemns [...] the constant and deliberate violations of the fundamental rights of the Palestinian people, as well as the expansionist activities of Israel in the Middle East, which constitutes and obstacle to the achievement of self-determination and independence by the Palestinian people and a threat to peace and stability in the region".

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<sup>16</sup> In numerous cases including Corfu Channel and Nicaragua but most relevantly affirmed in Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, ICJ GL No 131, [2004] ICJ Rep 136

<sup>17</sup> Draft Articles on Responsibility of States for Internationally Wrongful Acts, United Nations, International Law Commission, Report on the work of its fifty-third session (23 April-1 June and 2 July-10 August 2001), General Assembly, Official Records, Fifty-fifth Session, Supplement No. 10 (A/56/10), available at [International Law Commission](#)

In its general comment No. 4, the Committee on Economic, Social and Cultural Rights (CESCR) clarified that the right to adequate housing should not be interpreted in a narrow or restrictive sense by assigning to it a meaning of “merely having a roof over one’s head”, but it should rather be seen as the right to live somewhere in security, peace and dignity. The General Comment specifies that for housing to be adequate, it needs to include the following elements, among others: availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; and location. In its general comment No. 7, the CESCR has further established that forced evictions constitute prima facie violations of the right to adequate housing, especially when conducted in a manner that impacts a large number of individuals. Homelessness that results from such forced evictions/displacement is a grave violation of the ICESCR.

We further wish to draw the attention of your Excellency’s Government to CESCR’s general comment No. 26 on land and economic, social and cultural rights, which emphasizes the essential role of land in the realization of a range of rights under ICESCR. In fact, the secure and equitable access to, use of and control over land for individuals and communities can be essential to eradicate hunger and poverty and to guarantee the right to an adequate standard of living, including the right to food and to adequate housing, as housing is often built on land used for the purpose of food production. Without such access, people could be subject to displacement and forced eviction, which could violate their right to adequate housing.

We wish to bring to your Excellency’s Government attention the 2022 report (A/77/190) of the Special Rapporteur on the right to adequate housing which delves into the concept of “domicide” defined as “the deliberate destruction of homes, the rendering of homes uninhabitable or any other systematic denial of housing when such acts are carried out in violation of international law and committed as part of a widespread or systematic attack against any civilian population”. While stressing that the systematic and widespread destruction of housing and civilian infrastructure in conflict may already be prosecuted as a crime against humanity under the Rome Statute (art. 7), the Special Rapporteur called for the recognition of domicile as a standalone crime under international criminal law. He specifically argued that the home should be afforded the same special protection as all civilian objects in international humanitarian law, such as places of worship, cultural heritage, demilitarized zones and the natural environment.

We also recall the Special Rapporteur on the right to adequate housing’s report on land, where he stated that no other situation proves the relevance of territory and peoples’ free disposition of their natural wealth and resources than that of the State of Palestine. In the same report, he further called for the recognition of domicile as a distinct crime under international criminal law, and as an attempt to take land and occupy territory, which leads to violations of the right to self-determination and sovereignty (A/80/351).

We would further like to recall the 1998 Guiding Principles on Internal Displacement which establish that all authorities shall respect their obligations under international law, including human rights and humanitarian law, to prevent and avoid conditions that might lead to the displacement of persons and ensures a number of specific protections for the rights of IDPs including non-discrimination, right to

protection and assistance, protection against displacement based on policies of apartheid, “ethnic cleansing”, or similar practices aimed at/or resulting in altering the ethnic, religious, or racial composition of the affected population, and when it is used as collective punishment, and protection of a number of rights including rights to life, family and adequate standard of living.

Further, in its general comment No. 27 on freedom of movement, the Human Rights Committee clarified that restrictions to freedom of movement must be provided by law, must be necessary in a democratic society for the protection of these purposes and must be consistent with all other rights recognized in the Covenant, as well as the fundamental principles of equality and non-discrimination. Restrictive measures must conform to the principle of proportionality; they must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve the desired result; and they must be proportionate to the interest to be protected (CCPR/C/21/Rev.1/Add.9, paras. 11-14).

We would also like to highlight the UN Guiding Principles on Business and Human Rights, which were unanimously endorsed in 2011 by the Human Rights Council in its resolution (A/HRC/RES/17/31) after years of consultations with governments, civil society, human rights defenders and the business community. The guiding principles were established as the authoritative global standard for all states and companies to prevent and address the negative impacts of business activities on human rights. The guidelines are based on the recognition of:

- a. The existing obligations of States to respect, protect and fulfil human rights and fundamental freedoms;
- b. The role of business enterprises as specialised bodies or companies performing specialised functions, which must comply with all applicable laws and respect human rights;
- c. The need for appropriate and effective remedies for rights and obligations when they are violated.

Guiding principle 1 reiterates the State’s duty to “protect against human rights abuses by business enterprises on its territory and/or under its jurisdiction”. Guiding principle 2 provides that States should make clear that all companies domiciled on their territory and/or under their jurisdiction are expected to respect human rights in all their activities. In addition, guiding principle 1 reiterates that States must take appropriate measures to “prevent, investigate, punish and remedy such abuses through effective policies, laws, regulations and adjudication”. Guiding principle 3 further requires, among other things, that a State “provide effective guidance to business enterprises on how to respect human rights throughout their operations”.

The guiding principles have identified two main components to the business responsibility to respect human rights, which require that “business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; [and] (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed

to those impacts” (guiding principle 13).

Guiding principle 7 on supporting business respect for human rights in conflict affected areas provides that States should help ensure that business enterprises operating in those contexts are not involved with such abuses, including by: (a) Engaging at the earliest stage possible with business enterprises to help them identify, prevent and mitigate the human rights-related risks of their activities and business relationships; (b) Providing adequate assistance to business enterprises to assess and address the heightened risks of abuses, paying special attention to both gender-based and sexual violence; (c) Denying access to public support and services for a business enterprise that is involved with gross human rights abuses and refuses to cooperate in addressing the situation; (d) Ensuring that their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses.

#### *International humanitarian law*

While Israel remains the unlawful occupying Power, it is bound by the obligations under international humanitarian law (IHL), including as set out in the Convention respecting the Laws and Customs of War on Land (Hague Convention (IV)) of 1907, the Geneva Conventions of 1949 and the Protocols Additional thereto, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954, and customary international law throughout the OPT.

Parties to a conflict must adhere to the rules on the conduct of hostilities, including the principles of distinction, proportionality, necessity and precaution. Indiscriminate attacks are prohibited under IHL and parties to conflicts must at all times distinguish between civilians and combatants. Direct attacks against civilians are prohibited. Parties to conflicts must further do everything feasible to verify that targets are military objectives and take all precautions to avoid and minimize incidental loss of life.

The Convention respecting the Laws and Customs of War on Land (Hague Convention (IV)) establishes that it is especially forbidden to, among other things, destroy or seize the enemy’s property, unless such destruction or seizure be imperatively demanded by the necessities of war (art. 23(g)).

Article 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), similarly prohibits any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, except where such destruction is rendered absolutely necessary by military operations.

The Fourth Geneva Convention further clarifies that grave breaches of IHL shall the following acts among others, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried

out unlawfully and wantonly (art. 147).

Additional protocol I to the Geneva Convention further prohibits making the civilian population or individual civilians the object of attack (protocol I, art. 51(2)); launching an indiscriminate attack affecting the civilian population or civilian objects in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects (protocol I, art. 57(2)(iii)); making non-defended localities and demilitarized zones the object of attack; the deportation or transfer of all or part of a population; and practices of apartheid (protocol I, art. 85 (3)(d)).

If substantiated, such patterns would also represent a severe breach of the prohibition on collective punishment (Geneva Convention IV, art. 33; Additional protocol I, arts. 48-51). In this regard, we wish to remind your Excellency's Government that no protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism, pillage, and reprisals against protected persons and their property are prohibited.

We additionally wish to recall that, under article 69 of additional protocol I, occupying powers shall supply, without any adverse distinction, all essential supplies for the survival of the civilian population, including means of shelter, among others.

#### *International criminal law*

Under the Rome Statute, crimes against humanity may entail, among others, the deportation or forcible transfer of a population (Rome Statute, art. 7(1)(d)), persecution (Rome Statute, art. 7(1)(h)), apartheid (Rome Statute, art. 7(1)(j)) and other inhumane acts of a similar nature and gravity (Rome Statute, art. 7(1)(k)), when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.

We further wish to remind your Excellency's Government that, under the Rome Statute, war crimes may involve willfully causing great suffering or serious injury to body or health (Rome Statute, art. 8(2)(iii)), the extensive destruction of property not justified by military necessity and carried out unlawfully and wantonly (Rome Statute, art. 8(2)(a)(iv)), unlawful deportation or transfer (Rome Statute, art. 8(2)(a)(vii)), attacks on civilian objects (Rome Statute, art. 8(2)(b)(iii)), intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated (Rome Statute, art. 8(2)(b)(iv)), attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives (Rome Statute, art. 8(2)(b)(v)), and intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives (Rome Statute, art. 8(2)(b)(ix)), among others.

The crime of genocide may involve killing members of a victim group (Rome Statute, art. 6(a)), causing serious bodily or mental harm to members of the group

(Rome Statute, art. 6(b)), deliberately inflicting on a group conditions of life calculated to bring about its physical destruction in whole or in part (Rome Statute, art. 6(c)), with the intent to destroy, in whole or in part, the group as such. Under the Convention on the Prevention and Punishment of the Crime of Genocide, of which Israel is part, persons committing genocide shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals (art. 4).