

**APPLICATION OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF
THE CRIME OF GENOCIDE IN THE GAZA STRIP (SOUTH AFRICA v. ISRAEL)**

**SOUTH AFRICA’S COMMENTS
ON THE REPLY BY ISRAEL TO THE QUESTION POSED BY JUDGE NOLTE AT THE END
OF THE ORAL HEARINGS HELD ON 17 AND 18 MAY 2024**

I. INTRODUCTION

1. On 10 May 2024, South Africa sought the modification and indication of provisional measures pursuant to Article 41 of the Statute of the Court, and Articles 75 and 76 of the Rules of the Court. The application was lodged in response to “the situation brought about by the Israeli assault on Rafah, and the extreme risk it poses to humanitarian supplies and basic services into Gaza, to the survival of the Palestinian medical system, and to the very survival of Palestinians in Gaza as a group” (‘10 May Request’).¹ Oral hearings were held in relation to the 10 May Request on 16 and 17 May 2024. At the conclusion of the oral hearings, Judge Nolte addressed a question to Israel in the following terms:

“Can Israel provide information about the existing humanitarian conditions in the designated evacuation zones, in particular Al-Mawasi, and how it would ensure safe passage to these zones, as well as the provision of shelter, food, water and other humanitarian aid and assistance to all evacuees that are, and can be expected to arrive, in these zones?”

2. Israel filed its Reply by 6:00 pm on Saturday 18 May 2024 (‘Israel’s Reply’), pursuant to the Court’s direction. South Africa was invited to submit any comments that it might wish to make in response to Israel’s Reply by 12:00 pm on Monday 20 May 2024. These comments are submitted in accordance with that invitation.

3. South Africa requests that both Israel’s Reply and these comments are published on the Court’s website, as is the usual practice.² Israel’s Reply purports to express information that Israel suggests has been made publicly available to Palestinian evacuees and “relevant stakeholders”³ and “various international organizations operating in the humanitarian area”⁴ as part of its efforts to “facilitate the evacuation of. . .civilian[s]”⁵ from Rafah, such that there could be no conceivable principled objection to publication. Israel’s claimed efforts, and South Africa’s comments thereon, concern obligations binding upon all parties to the Genocide Convention, as do the responses to Israel’s military operations by various United Nations bodies and international humanitarian organisations.

¹ *South Africa v. Israel, Urgent request for the modification and indication of provisional measures pursuant to article 41 of the Statute of the International Court of Justice and Articles 75 and 76 of the Rules of Court of the International Court of Justice of 10 May 2024 (Request for provisional measures of 10 May 2024)*, p. 1, para. 4.

² See, for example, *Case concerning Land and Maritime Boundary (Cameroon v. Nigeria)*, ‘Observations of the Republic of Cameroon on the responses by the Federal Republic of Nigeria to the questions put to it by Members of the Court’, <https://www.icj-cij.org/sites/default/files/case-related/94/18010.pdf>; *Whaling in the Antarctic (Australia v. Japan: New Zealand Intervening)*, ‘Written responses of New Zealand to the questions put by Judge Cançado Trindade at the end of the public sitting held on 8 July 2013 at 10 a.m.’, <https://www.icj-cij.org/node/105053>; *North Sea Continental Shelf (Federal Republic of Germany / Netherlands)*, ‘Applicant’s Answers to Questions of 27 February 1989’, <https://www.icj-cij.org/sites/default/files/case-related/76/17680.pdf>.

³ Israel’s Reply, p.1, para. 2.

⁴ Israel’s Reply, p.2, para. 5.

⁵ Israel’s Reply, p.2, para. 4.

II. STRUCTURE AND OVERVIEW

A. Structure

4. South Africa's comments are structured as follows: following the above introduction (**Section One**), and this overview (**Section Two**), **Section Three** deals with the ambit of the question posed by Judge Nolte, and South Africa's broad observations on Israel's Reply. **Section Four** describes the evacuation orders issued by Israel to Palestinians in Gaza. **Section Five** describes the conditions of life in Al Mawasi and other designated evacuation zones, and how Palestinians seeking safety there continue to be killed, wounded, starved and denied access to medical services and humanitarian aid. **Section Six** explains that there is no 'safe passage' to the designated 'evacuation zones'. **Section Seven** concludes.

5. Annexed to South Africa's comments is a report by a research agency, Forensic Architecture, entitled "*Inhumane Zones: An assessment of Israel's actions with respect to the provision of aid, shelter, safe passage, and assistance to evacuees in Gaza; response to questions raised in the ICJ on 17 May 2024*" published on 19 May 2024 with a cartographic analysis of the so-called evacuation zones as collated through open source investigations ('Annexure A').⁶

B. Overview

6. There are no 'evacuation zones'⁷ in Gaza, where humanitarian aid and assistance, including shelter, food and medical assistance, are provided. There is an area — Al Mawasi — with ever-changing boundaries, approximately the size of Heathrow airport,⁸ to which Israel has repeatedly ordered terrified, exhausted and starved Palestinians to flee. It is not a safe, humanitarian zone for the purposes of international law, including because it was declared unilaterally by Israel,⁹ and it is not a safe, humanitarian zone in fact because there is no or insufficient shelter, food, medical assistance and other humanitarian aid for Palestinians fleeing to those areas: that was the case before May 2024, and remains so thereafter. Moreover and critically, Al Mawasi cannot in any way be considered a safe, humanitarian zone, because it is profoundly unsafe: over-crowding, mountains of waste, and the lack of water and sanitation are leading to the spread of disease, while Israeli military attacks on the area, including aerial bombardment, shelling and sniping, have led to and continue to lead to serious injury and death.

7. It is South Africa's position that no amount of provision for Palestinians in Al Mawasi — or elsewhere in now devastated Gaza — could have rendered the recent orders for the mass evacuation¹⁰ of

⁶ Also publicly available at Forensic Architecture, *Inhumane Zones: An assessment of Israel's actions with respect to the provision of aid, shelter, safe passage, and assistance to evacuees in Gaza; response to questions raised in the ICJ on 17 May 2024* (19 May 2024), https://content.forensic-architecture.org/wp-content/uploads/2024/05/Inhumane-Zones-Report-Forensic-Architecture_WEBSITE.pdf.

⁷ South Africa understands the phrase "evacuation zones" in Judge Nolte's questions as referring to the areas designated by Israel as so-called "humanitarian zones" or "safe zones", i.e. the zones "evacuees ...are, and can be expected to arrive" at (and not the areas from which they are "evacuated"). In Annex A, Forensic Architecture (para 1.1.2) "refer[s] to 'evacuation zones' as areas where Palestinians were instructed to vacate or evacuate from, rather than to."

⁸ Heba Saleh, Mehul Srivastava and Jana Tauschinski, "Satellite images show Gazans forced to cram into Al-Mawasi tent city", *Financial Times* (15 May 2024), <https://www.ft.com/content/07202a13-08fd-4a27-b612-50927561b4c5>.

⁹ UN News, *Gaza: UN rights office condemns 'chaotic' Israeli mass evacuation orders* (26 January 2024), <https://news.un.org/en/story/2024/01/1145932>.

¹⁰ United Nations Office for the Coordination of Humanitarian Affairs ('UN OCHA'), *Hostilities in the Gaza Strip and Israel | Flash Update #162* (6 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-162>; UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #165* (13 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-165>; UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #166* (15 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-166>.

hundreds of thousands of Palestinians in Rafah and northern Gaza lawful. That is because — as the events of the past seven months make clear — evacuation orders and evacuation zones are being deployed in furtherance of Israel’s genocide of Palestinians in Gaza. These events include Israel’s treatment of evacuated zones as ‘kill zones’ or ‘extermination zones’,¹¹ its attacks on Palestinians attempting to flee to evacuation zones, including along routes it has specifically designated as evacuation routes,¹² and its continuing military attacks on evacuation zones themselves, killing and injuring those attempting to seek safety.¹³ In fact, Israel’s practice in relation to evacuation orders and evacuation zones stands as a prime illustration of the manner in which Israel is weaponising and abusing fundamental concepts of international humanitarian law — including necessity, distinction and proportionality — *against* Palestinians in an attempt to “camouflage” its egregiously unlawful acts in a “cloak of purported legality”.¹⁴ It illustrates how Israel’s very interpretation and application of international humanitarian law in Gaza — alongside its rules of engagement — is itself genocidal.

8. However, in any event — and as both the facts on the ground and Israel’s Reply demonstrate — no adequate provision of humanitarian aid or assistance has in fact been made nor is any such provision planned by Israel for Palestinians fleeing areas of Gaza subject to its evacuation orders. There are *no* humanitarian zones to which Palestinians can flee to be safe and secure; nor is there any evidence of ‘safe passage’. As the Commissioner-General for the United Nations Relief and Works Agencies for Palestinian Refugees in the Near East (‘UNRWA’) stated unequivocally on 18 May 2024:

“Once again, nearly half of the population of Rafah or 800,000 people are on the road, having been forced to flee since the Israeli Forces started the military operation in the area on 6 May. In response to evacuation orders demanding people to flee to so-called safe zones, people mainly went to the middle areas and Khan Younis including to destroyed buildings. Since the war in Gaza began, Palestinians have been forced to flee multiple times in search of safety that they have never found including in UNRWA shelters. When people move, they are exposed, without safe passage or protection. Every time, they are forced to leave behind the few belongings they have: mattresses, tents, cooking utensils and basic supplies that they cannot carry or pay to transport. Every time, they have to start from scratch, all over again.

The areas that people are fleeing to now do not have safe water supplies or sanitation facilities. Al-Mawassi — as one example — is a sandy 14 square kilometre agricultural land, where people are left out in the open with little to no buildings or roads. It lacks the minimal conditions to provide

¹¹ UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #57* (2 December 2023), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-57>; UN HRC, *Anatomy of a Genocide Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese* (28 March 2024), para. 78, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session55/advance-versions/a-hrc-55-73-auv.pdf>; Yaniv Kubovich, “Israel Created ‘Kill Zones’ in Gaza. Anyone Who Crosses Into Them Is Shot”, *Haaretz* (31 March 2024), <https://www.haaretz.com/israel-news/2024-03-31/ty-article-magazine/.premium/israel-created-kill-zones-in-gaza-anyone-who-crosses-into-them-is-shot/0000018e-946c-d4de-afee-f46da9ee0000>.

¹² See Annexure A, p. 24, para. 8.

¹³ See Annexure A, pp. 28-31; Forensic Architecture, *Humanitarian Violence: Israel’s Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip* (7 March 2024), https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf, pp. 57-66. See e.g. UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #159* (29 April 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-159>. See also, Hala Gorani and Briony Sowden, “NBC News investigation reveals Israel strikes on Gaza areas it said were safe”, *NBC News* (26 April 2024), <https://www.nbcnews.com/news/world/palestinians-killed-israeli-strikes-safe-zones-exclusive-nbc-report-rcna148008>; Merlyn Thomas, Shereen Sherif, Ahmed Nour and Lamees Altalebi, “Strikes on south Gaza: BBC verifies attacks in areas of ‘safety’”, *BBC* (1 November 2023), <https://www.bbc.com/news/world-middle-east-67264703>.

¹⁴ United Nations Office of the High Commissioner for Human Rights (‘UN OHCHR’), *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967: Anatomy of a Genocide* (25 March 2024), UN Doc A/HRC/55/73, <https://www.ohchr.org/en/documents/country-reports/ahrc5573-report-special-rapporteur-situation-human-rights-palestinian>.

emergency humanitarian assistance in a safe and dignified manner. Before the recent escalation, the area was home to more than 400,000 people. The place is crammed and cannot absorb more people as is also the case for Deir al Balah, in the middle areas. The claim that people in Gaza can move to “safe” or “humanitarian” zones is false. Each time, it puts the lives of civilians at serious risk. Gaza does not have any safe zones. No place is safe. No one is safe.”¹⁵

9. The evacuation orders issued by Israel during the past 14 days, in particular, have already resulted in deaths and serious physical and mental harm to Palestinians in Gaza — especially children, and the vulnerable, disabled and elderly — who are depleted, starving and at the end of their coping abilities after seven months of genocide. They will inevitably lead to more deaths and suffering without the immediate cessation of Israel’s military operations in Gaza.

III. ISRAEL’S REPLY TO JUDGE NOLTE’S QUESTION

A. What Israel was required to demonstrate

10. Judge Nolte’s question relates both to existing humanitarian conditions in the designated evacuation zones, in particular Al Mawasi, and to the way in which Israel proposes to “ensure” safe passage to these zones, as well as the provision of shelter, food, water and other humanitarian aid and assistance to all those Palestinians already in or expected to arrive in such zones. First, it required Israel to identify all purported “evacuation zones”. Second, it required Israel to furnish the Court with a detailed needs-based evacuation and humanitarian provision plan of action, based on Israel’s estimation of the number of displaced Palestinians currently in and expected to arrive in such evacuation zones, and the anticipated duration of the various evacuations, at the end of which Palestinians would be permitted to return home. Third, it required Israel to demonstrate how it would “ensure” the safety and security of Palestinians *en route* to so-called ‘evacuation zones’, as well as while there. And fourth, it required Israel to demonstrate how it is *itself* “ensuring” and intends to “ensure”¹⁶ — not merely “enable”,¹⁷ “allow” or “facilitate”¹⁸ — the “provision of shelter, food, water and other humanitarian aid and assistance”. The question is not focused on what international organisations might independently be doing to try to mitigate the catastrophic situation created by Israel in Gaza, but what Israel is itself proactively doing to ensure the protection of Palestinians.

B. Broad observations on Israel’s Reply

11. Israel’s Reply demonstrates that Israel has failed to plan effectively or at all for the evacuation of Palestinians subject to ‘evacuation orders’ to Al Mawasi or elsewhere. The high watermark of Israel’s actions are spelt out in paragraph 30 of its Reply, where it asserts that it had one meeting on 30 April 2024 with an unnamed “senior official” from the United Nations Office for the Coordination of Humanitarian Affairs (‘OCHA’) during which an “*initial* assessment of *potential* shelter locations was presented in

¹⁵ United Nations Relief and Works Agency for Palestine Refugees in the Near East (‘UNRWA’), *Once again, nearly half of the population of Rafah or 800,000 people are on the road, having been forced to flee since the Israeli Forces started the military operation in the area on 6 May* (18 May 2024), <https://www.unrwa.org/newsroom/official-statements/once-again-nearly-half-population-rafah-or-800000-people-are-road>.

¹⁶ *South Africa v. Israel, Provisional Measures, Order of 28 March 2024, Joint Declaration of Judges Xue, Brant, Gomez Robledo and Tladi*, paras. 2 and 3, referencing Articles 55 and 56 of the Fourth Geneva Convention (‘GCIV’). See also Order of 28 March 2024, para. 45, noting that Israel’s obligations to ensure the provision of aid arose from “its obligations under the Genocide Convention, and in view of the worsening conditions of life faced by Palestinians in Gaza, in particular the spread of famine and starvation”.

¹⁷ *South Africa v. Israel, Provisional Measures, Order of 26 January 2024*, p. 25, para. 86(4).

¹⁸ Israel’s Reply, paras. 4, 18, 19, 22, 24, 25, 33.

anticipation of the population evacuation from Rafah”.¹⁹ However, no minutes of the meeting are provided, no written assessment is shared with the Court, and there is no indication of whether any agreement was reached.

12. Israel’s Reply in fact makes clear that it had no plan in place to accommodate the hundreds of thousands of Palestinians ordered to flee Rafah and other areas in early May 2024 – just like it had no plan to accommodate those forced to flee as a result of previous evacuation orders. The assertion at para 25 is that Israel has “been working in cooperation with a range of international actors to establish shelter complexes in Gaza”. However, these bald, unevicenced assertions concern the future purported establishment of “shelter complexes” in Gaza, that will necessarily have been too late to accommodate 800,000 evacuees who have already fled Rafah in terror due to Israel’s military operations there.²⁰

13. In a Press Briefing held on 6 May 2024, the United States Departmental Spokesperson for the Department of State expressed concern that the United States had “*not seen a humanitarian plan that is credible and that is implementable*” in relation to Israel’s military operation in Rafah, despite having requested one from Israeli Prime Minister Netanyahu and other members of the Israeli government.²¹ The Spokesperson continued: “If you think about what it would do when you have people moving north to places where internal distribution lines are not currently set up and you’re going to have to try to re-establish those in the middle of conflict in Rafah, we think that would be very difficult, if not impossible, to do.”²² Israel’s Reply confirms that there is no such plan.

14. Despite its obligations as an occupying power and as a belligerent occupier and notwithstanding four binding provisional measures ordered by this court regarding humanitarian aid and assistance, Israel does not begin to acknowledge its own responsibility for building shelters, and providing transport and humanitarian aid and assistance, including food, aid and medical supplies “at scale” to the Palestinians in Gaza. Rather, Israel’s clear position appears to be that such responsibility falls to the international humanitarian organisations²³ whose staff Israel has killed in unprecedented numbers since October 2023.²⁴ These same organisations assert in turn that they have been unable to get any or any sufficient aid into Gaza, including to those Palestinians being forced to flee as a result of recent evacuation orders.²⁵ Even the United States, Israel’s staunchest ally has expressed grave concern — including on the very day that Judge Nolte posed his question — regarding Israel’s continuing failure to *ensure* that humanitarian supplies reach those desperately in need of them, warning: “In the past two weeks, food and fuel entering Gaza has slowed to dangerously low levels – barely 100 trucks of aid a day entered Gaza, far less than the 600 needed every day to address the threat of Famine. Much more must be done to save lives and alleviate the widespread suffering.”²⁶

¹⁹ Israel’s Reply, p. 8, para. 30.

²⁰ See para 31: “The total amount of shelter equipment [no details of what that could be, and whether it is in fact dedicated to Palestinians] that has entered Gaza until today that can be used to provide shelter to up to 1.85 million people.” See another example at para 28: “The establishment of a compound for the Rahma organisation, an Egyptian aid organisation, was also recently approved, and progress is underway as the organisation prepared the area and assembles the tents”. There is no information about when such approvals took place; how many Palestinians are expected to be sheltered; or any future plans.

²¹ Matthew Miller, Department Spokesperson, ‘Department Press Briefing ’ (6 May 2024), <https://www.state.gov/briefings/department-press-briefing-may-6-2024/>.

²² Matthew Miller, Department Spokesperson, ‘Department Press Briefing ’ (6 May 2024), <https://www.state.gov/briefings/department-press-briefing-may-6-2024/>.

²³ Israel’s Reply, pp. 6-7, para. 16, 18, 20, 24 as examples.

²⁴ UN OCHA, *Humanitarian Access Snapshot - Gaza Strip | 1-30 April 2024* (10 May 2024), <https://www.ochaopt.org/content/humanitarian-access-snapshot-gaza-strip-1-30-april-2024>.

²⁵ Phillippe Lazzarini @UNLazzarini, Tweet (6:24pm, 18 May 2024), <https://x.com/UNLazzarini/status/1791867434518860143>.

²⁶ US AID, *Assistance Arrives in Gaza Through Humanitarian Maritime Corridor* (17 May 2024), <https://www.usaid.gov/news-information/press-releases/may-17-2024-assistance-arrives-gaza-through-humanitarian-maritime-corridor>.

15. Indeed, Israel’s contempt for the lives, safety and security of Palestinians in Gaza — as well as for its own obligations, including as an occupying Power — could not be clearer from its unevidenced and vague assertion in purported demonstration of its compliance with those obligations, that “seven thousand tents” it has purchased have “entered Gaza”.²⁷ Not only would 7,000 tents be wholly insufficient to cater for the needs of the estimated 800,000 Palestinians it estimates have fled Rafah alone since 6 May 2024 — much less the estimated 1.7 million Palestinians displaced throughout Gaza — Israel does not even attempt to claim that the tents have made it to Al-Mawasi, but merely that they have made it through a border crossing into Gaza itself.

16. Israel’s Reply confirms that it remains defiantly non-compliant with the Court’s Orders of January and March 2024. Israel stated position in its report is that: “*Should the need arise*, land routes from Israel into northern Gaza can also be utilized to provide humanitarian aid to the humanitarian area”.²⁸ The Court has already itself assessed that those needs arose long before the current evacuation orders, in ordering Israel *inter alia* “to ensure, without delay, in full co-operation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance. . . as well as medical supplies and medical care to Palestinians throughout Gaza, including by increasing the capacity and number of land crossing points and maintaining them open for as long as necessary.”²⁹ Those needs plainly arose seven months ago, as soon as Israeli officials declared Israel was “imposing a complete siege on Gaza. No electricity, no food, no water, no fuel. Everything is closed”³⁰ and that “the decision to open the water to the south of the Gaza Strip, which was agreed between Prime Minister Netanyahu and President Biden, will result in pushing the civilian population to the south of the Gaza Strip and *will make it possible to tighten the general siege on Gaza in the areas of electricity, water and fuel.*”³¹ As the latter assertion makes clear, Israel’s evacuation orders are deliberately intended to worsen rather than alleviate the suffering of Palestinian civilians in Gaza, and to exacerbate rather than ameliorate their humanitarian needs.

IV. THE EVACUATION ORDERS

17. Israel’s Reply fails to even provide clear information concerning the evacuation orders that it has issued to Palestinians in Gaza since 6 May 2024, or otherwise.³² The broader context is vital to understanding the impact of the most recent evacuation orders on the beleaguered, starved and disabled population of Gaza, many of whom have already been displaced nine times over.³³

²⁷ Israel’s Reply, p. 7, para. 27.

²⁸ Israel’s Reply, p. 6, para. 17 (emphasis added).

²⁹ *South Africa v. Israel, Provisional Measures, Order of 28 March 2024*, p. 13, para. 51.

³⁰ Israel Minister of Defence Yoav Gallant, as quoted in *South Africa v. Israel, Application and Request for Provisional Measures of 29 December 2024*, pp. 61-62, paras. 101-102; See also: “Video address by Israeli army Major General Ghassan Alian”, COGAT (10 October 2023), [https://www.youtube.com/shorts/5a0EWv-o7mE](https://www.youtube.com/shorts/5a0EWv-o7mE;); Israel then-Minister of Energy Israel Katz, @Israel_Katz, Tweet (12:48 pm, 9 October 2023), https://x.com/Israel_katz/status/1711332854070640935: “I ordered to immediately cut off the water supply from Israel to Gaza. Electricity and fuel were cut off yesterday. What was will not be.”; UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #14* (20 October 2023), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-14>: “The complete siege of Gaza continues for the tenth consecutive day. The Rafah, Kerem Shalom and Erez crossings remained closed, preventing the entry of desperately needed humanitarian aid, including food, water, medicines and fuel”.

³¹ Israel then-Minister of Energy Israel Katz, @Israel_Katz, Tweet (5:08 pm, 15 October 2023), https://x.com/Israel_katz/status/1713572621994828188 (emphasis added).

³² Forensic Architecture, *Humanitarian Violence: Israel’s Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip* (7 March 2024), https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf, pp. 10-53, para 6.1. See further, for evacuation orders in May 2024, Annexure A, pp. 5-10, p. 22, para 6.5.

³³ Médecins Sans Frontières (‘MSF’), @MSF, Tweet (12:26 pm, 9 April 2024), <https://twitter.com/MSF/status/1777644121382961549>.

A. The position as at 6 May 2024

18. Over the course of the last seven months, Israel has issued successive “evacuation orders”, herding Palestinians into ever-shrinking slivers of land. The first such order, issued on 13 October 2023, demanded that 1.1 million Palestinians in the North of Gaza, including Gaza City, move to the South of Gaza within a 24-hour window.³⁴ The International Committee of the Red Cross (‘ICRC’) denounced the evacuation order “trigger[ing] catastrophic humanitarian consequences”, asserting that “[t]he instructions issued by the Israeli authorities for the population of Gaza City . . . are not compatible with international humanitarian law.”³⁵ Numerous Palestinians were targeted and killed as they fled along the purported ‘safe route’ out of the North, as proposed by Israel, including on the very day the safe route was identified, when an estimated seventy civilians were reportedly killed in a direct strike on an aid convoy.³⁶

19. After multiple, similar successive orders, on 1 December 2023, Israel published an online map dividing Gaza into 623 numbered blocks,³⁷ any of which could be subject to evacuation orders at any time. On the same day, it dropped leaflets urging Palestinians to leave areas in the South to which those in the North had previously been told to flee — an area constituting approximately 30 per cent of Gaza,³⁸ and including Khan Younis and refugee camps in the middle of Gaza. Further orders were issued subsequently, including on 8 December 2023, directing Palestinians to evacuate to the west of Gaza City. This constituted the beginning of the ‘second phase’ of displacement.³⁹

20. On 22 and 23 January 2024, Israeli forces attacked Al Mawasi, including a strike on Al Mawasi School, killing 10 Palestinians, and a strike on tents of internally displaced people in Al Mawasi,⁴⁰ with the area “under heavy attack”,⁴¹ including by Israeli tanks.⁴² This commenced a ‘third phase’ of mass displacement, expelling Palestinians from so-called ‘safe zones’.⁴³ On 29 January 2024, the western part of

³⁴ Israeli Defence Forces, @IDF, Tweet (6:50am, October 13, 2023), <https://twitter.com/IDF/status/1712707301369434398>; UN OHCHR, *Israel must rescind evacuation order for northern Gaza and comply with international law: UN expert* (13 October 2023), <https://www.ohchr.org/en/press-releases/2023/10/israel-must-rescind-evacuation-order-northern-gaza-and-comply-international>.

³⁵ International Committee of the Red Cross (‘ICRC’), *Israel and the occupied territories: Evacuation order of Gaza triggers catastrophic humanitarian consequences* (13 October 2023), <https://www.icrc.org/en/document/israel-and-occupied-territories-evacuation-order-of-gaza-triggers-catastrophic-humanitarian-consequences>.

³⁶ Forensic Architecture, *Humanitarian Violence: Israel’s Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip* (7 March 2024), https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf, p. 66.

³⁷ Israel Defence Force (‘IDF’), *The IDF publishes a list of block numbers to guide Gaza residents in evacuating the targeted areas* (1 December 2023), <https://www.idf.il/152678/>.

³⁸ UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #61* (6 December 2023), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-61>.

³⁹ Forensic Architecture, *Humanitarian Violence: Israel’s Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip* (7 March 2024), https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf, pp. 17-18.

⁴⁰ UN OHCHR, *OPT: Khan Younis escalation poses a risk of possible spillover into Rafah* (24 January 2024), <https://reliefweb.int/report/occupied-palestinian-territory/un-human-rights-office-opt-khan-younis-escalation-poses-risk-possible-spillover-rafah-enar>.

⁴¹ UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #102* (25 January 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-102>.

⁴² Forensic Architecture, *Humanitarian Violence: Israel’s Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip* (7 March 2024), https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf, para 21.2.3.3-4.

⁴³ Forensic Architecture, *Humanitarian Violence: Israel’s Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip* (7 March 2024), https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf, p. 5.

Gaza City was ordered to evacuate southwards.⁴⁴ On 20 February 2024, Zaytoun neighbourhood of Gaza City was ordered to evacuate south, towards the ‘humanitarian zone’ of Al Mawasi; however, within *hours*, Al Mawasi was itself attacked again, including a building operated by Médecins Sans Frontières.⁴⁵

21. As summed up by the United Nations Secretary-General: “the people of Gaza are being told to move like human pinballs — ricocheting between ever-smaller slivers of the south, without any of the basics for survival.”⁴⁶ As of 1 May 2024, approximately 75 *per cent* of Palestinians (1.7 million people) — approximately half of them children — were internally displaced in Gaza,⁴⁷ “arbitrarily driven from their homes” pursuant to Israeli evacuation notices, not once, but “*multiple times* with no regard for their rights to life, dignity, liberty and security”.⁴⁸ This context is critical to understanding the May 2024 orders, and Israel’s Reply.

B. The orders of the last 14 days

22. Since 6 May 2024, the Israeli Military has issued five further evacuation orders in Rafah and northern Gaza⁴⁹ (the fourth phase of evacuations): two in Rafah, on 6 and 11 May,⁵⁰ and three in the North.⁵¹ By 18 May 2024, nearly half the then population of Rafah — nearly 800,000 people — had been displaced from Rafah,⁵² and 100,000 people had been displaced in northern Gaza.

23. Israel explains in its Reply that citizens have been “encouraged to evacuate” to the expanded Al Mawasi area “for their protection”.⁵³ However, as set out above, there is no protection or safety within this designated evacuation zone. New arrivals to Al Mawasi are met with sprawling, cramped encampments with no running water, a handful of inadequate field hospitals and the accelerating spread of disease, in rising temperatures sometimes reaching above 40C.⁵⁴ As stated by a Médecins Sans Frontières representative in Gaza on 15 May 2024, in response to the question “Will Al-Mawasi and whatever existing infrastructure is here be able to handle the sudden influx of more internally displaced people?”, “[t]he answer is clearly no . . . the infrastructure is non-existent, there’s no access to water, there’s no latrines. It is already a disaster.”⁵⁵

⁴⁴ Forensic Architecture, *Humanitarian Violence: Israel’s Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip* (7 March 2024), https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf, pp. 43-44, 47.

⁴⁵ MSF, *MSF strongly condemns Israeli attack on MSF shelter in Al-Mawasi which kills two and injures six* (21 February 2024), <https://www.msf.org/msf-strongly-condemns-deadly-israeli-attack-msf-shelter-gaza>.

⁴⁶ UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #63* (8 December 2023), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-63>.

⁴⁷ UN OCHA, *Hostilities in the Gaza Strip and Israel - reported impact | Day 208* (1 May 2024) <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-208>.

⁴⁸ OHCHR, *Gaza: Israel’s dehumanisation of displaced persons must end, says UN expert* (6 March 2024) <https://www.ohchr.org/en/press-releases/2024/03/gaza-israels-dehumanisation-displaced-persons-must-end-says-un-expert>.

⁴⁹ UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #166* (15 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-166>.

⁵⁰ UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #162* (6 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-162>; UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #165* (13 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-165>.

⁵¹ UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #166* (15 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-166>.

⁵² UN, *Gaza: Nearly 800,000 now displaced from Rafah* (18 May 2024), <https://news.un.org/en/story/2024/05/1149951>.

⁵³ Israel’s Reply, p. 2, para. 5.

⁵⁴ Heba Saleh, Mehul Srivastava and Jana Tauschinski, “Satellite images show Gazans forced to cram into Al-Mawasi tent city”, *Financial Times* (15 May 2024), <https://www.ft.com/content/07202a13-08fd-4a27-b612-50927561b4c5>.

⁵⁵ Heba Saleh, Mehul Srivastava and Jana Tauschinski, “Satellite images show Gazans forced to cram into Al-Mawasi tent city”, *Financial Times* (15 May 2024), <https://www.ft.com/content/07202a13-08fd-4a27-b612-50927561b4c5>.

C. The evacuation orders are themselves a part of Israel's genocidal campaign against Palestinians in Gaza

24. There are no “safe zones” in Gaza. As a matter of law,⁵⁶ all zones declared by Israel have been declared unilaterally,⁵⁷ and are consequently not recognised by the United Nations.⁵⁸ The “safe zones” as Israel has announced have unclear, constantly changing boundaries,⁵⁹ and themselves are constantly under Israeli military attack.⁶⁰

25. Moreover, Israel has induced such displacement under conditions that not only violate international humanitarian law but are properly characterised as genocidal as they “deliberately inflict[] . . . conditions of life calculated to bring about . . . physical destruction”⁶¹ and cause “serious bodily or mental harm”.⁶² The United Nations Guiding Principles on Internally Displaced Persons requires that “[a]t the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: (a) Essential food and potable water; (b) Basic shelter and housing; (c) Appropriate clothing; and (d) Essential medical services and sanitation”.⁶³ As these observations demonstrate, Israel has failed to guarantee even the basic minimum conditions of life in Al Mawasi and the broader currently designated “extended humanitarian area”, in violation of the above

⁵⁶ See, GCIV, Annex I: Draft agreement relating to hospital and safety zones and localities. See, for an example of such an agreement, Agreement Relating to the Establishment of a Protected Zone around the Hospital of Osijek, between the Socialist Federal Republic of Yugoslavia and Croatia, 27 December 1991, <https://www.peaceagreements.org/viewmasterdocument/1880>.

⁵⁷ Israeli military, *IDF Calls Residents of Gaza to Evacuate to Humanitarian Area in Al-Mawasi, Where International Humanitarian Aid Will Be Provided* (18 October 2023), <https://www.idf.il/en/mini-sites/idf-press-releases-regarding-the-hamas-israel-war/october-23-pr/idf-calls-residents-of-gaza-to-evacuate-to-humanitarian-area-in-al-mawasi-where-international-humanitarian-aid-will-be-provided/>; Israel Foreign Ministry, @IsraelMFA, Tweet (6:37 am, January 31, 2024), <https://twitter.com/IsraelMFA/status/1752551551070032211>; Israeli military, *IDF Demands Military Activities within the Nasser Hospital Complex Cease Immediately* (14 February 2024), <https://www.idf.il/en/mini-sites/idf-press-releases-regarding-the-hamas-israel-war/february-24-pr/idf-demands-military-activities-within-the-nasser-hospital-complex-cease-immediately>; Israeli Ministry of Foreign Affairs, *PM Netanyahu's remarks at the start of the Cabinet Meeting* (30 October 2023), <https://www.gov.il/en/departments/news/pm-netanyahu-s-remarks-at-the-start-of-the-cabinet-meeting-30-oct-2023>.

⁵⁸ Inter-Agency Standing Committee, *Statement by Principals of the Inter-Agency Standing Committee, Humanitarian chiefs will not take part in unilateral proposals to create “safe zones” in Gaza* (16 November 2023), <https://interagencystandingcommittee.org/about-inter-agency-standing-committee/statement-principals-inter-agency-standing-committee-humanitarian-chiefs-will-not-take-part>; UN OCHA, *Martin Griffiths, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator* (15 November 2023), <https://reliefweb.int/report/occupied-palestinian-territory/martin-griffiths-under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-full-transcript-press-encounter-15-november-2023-geneva>; UN OHCHR, *Israel must rescind evacuation order for northern Gaza and comply with international law: UN expert* (13 October 2023), <https://www.ohchr.org/en/press-releases/2023/10/israel-must-rescind-evacuation-order-northern-gaza-and-comply-international>.

⁵⁹ OHCHR, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Anatomy of a Genocide*, (25 March 2024) <https://www.un.org/unispal/wp-content/uploads/2024/03/a-hrc-55-73-auv.pdf> p. 9, para. 37, p. 14, para. 55, p. 19-22, paras. 76-86.

⁶⁰ Forensic Architecture, *Humanitarian Violence: Israel's Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip* (7 March 2024), https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf; Al-Haq, Al Mezan, PCHR, *No Safe Place: Despite ‘Evacuation Order’, Israel Continues to Carpet-Bomb Gaza From North To South* (18 October 2023), <https://www.alhaq.org/advocacy/21927.html>; “NBC News investigation reveals Israel strikes on Gaza areas it said were safe”, NBC News (26 April 2024), <https://www.nbcnews.com/news/world/palestinians-killed-israeli-strikes-safe-zones-exclusive-nbc-report-rcna148008>; UN OCHA, *UN relief chief: ‘No place safe’ for civilians in southern Gaza* (7 December 2023), <https://www.unocha.org/news/un-relief-chief-no-place-safe-civilians-southern-gaza>; Palestinian Centre for Human Rights – PCHR @pchrgaza, Tweet (1:39 pm, 11 March 2024), <https://x.com/pchrgaza/status/1767183600565268611>.

⁶¹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, I.C.J Reports 2007, p. 123, para. 190.

⁶² See ICTY, Trial Chamber, *Prosecutor v Krstic*, Case No. IT-98-33-T, Judgment (2 August 2001), para. 509.

⁶³ Guiding Principles on Internal Displacement, UN Doc E/CN.4/1998/53/Add.2 (17 April 1998), <https://undocs.org/E/CN.4/1998/53/Add.2>, Principle 18.

principles and of Israel’s responsibilities as the Occupying Power in Gaza to ensure the provision of basic services and humanitarian aid to Palestinian civilians.⁶⁴

26. The treatment by Israel of those remaining in areas subject to evacuation is critical to understanding their actual and intended operation. Notwithstanding their continued protection under international humanitarian law,⁶⁵ those left behind in the evacuated areas — often the most vulnerable including the elderly, pregnant women, and the disabled⁶⁶ — are treated as legitimate military targets.⁶⁷ They include numerous Palestinians shot dead while waving white flags,⁶⁸ or massacred in hospitals where they attempted to seek treatment or sanctuary,⁶⁹ with evacuation orders and “safe zones” themselves used as a tool to achieve genocide.⁷⁰

V. CONDITIONS OF LIFE WITHIN THE DESIGNATED EVACUATION ZONES, INCLUDING AL MAWASI

27. Despite its long-threatened assault on Rafah, Israel’s Reply provides no evidence of any plan for the provision “at scale” or “urgently” of humanitarian services and basic necessities of life in the “designated evacuation zone” in Al Mawasi or elsewhere.

28. Given the scale of the evacuation “informal displacement camps have emerged” in Deir Al Balah and Nuseirat Refugee Camp, which lack “infrastructure and basic services needed to support people’s access to food, water and health care”.⁷¹ Families have no other option but to set up makeshift shelters on the rubble of destroyed buildings, others have moved into empty UNRWA schools,⁷² as they flee the

⁶⁴ UNSC resolution 2720, *The situation in the Middle East, including the Palestinian question*, S/RES/2720 (22 December 2023), [http://www.undocs.org/en/S/RES/2720\(2023\)](http://www.undocs.org/en/S/RES/2720(2023)).

⁶⁵ ICRC, *Evacuation order of Gaza triggers catastrophic humanitarian consequences* (14 October 2023), <https://blogs.icrc.org/ir/en/2023/10/evacuation-order-of-gaza-triggers-catastrophic-humanitarian-consequences/>.

⁶⁶ UN News, *Global Perspective Human Stories, Gaza: Forcing patients to flee hospitals a ‘death sentence’ warns WHO* (14 October 2023), <https://news.un.org/en/story/2023/10/1142347>.

⁶⁷ UN HRC, *Anatomy of a Genocide Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese* (28 March 2024), <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session55/advance-versions/a-hrc-55-73-auv.pdf>, p. 20, para. 78; “Testimony: This is how IDF soldiers shoot anyone who enters the ‘extermination areas’ in the Gaza Strip”, *Haaretz* (31 March 2024), <https://www.haaretz.co.il/news/politics/2024-03-31/ty-article-magazine/.premium/0000018e-9035-d9a4-a7bf-dc7d839e0000>, translation at “Israel Created ‘Kill Zones’ in Gaza. Anyone Who Crosses Into Them Is Shot”, *Haaretz* (31 March 2024), <https://www.haaretz.com/israel-news/2024-03-31/ty-article-magazine/.premium/israel-created-kill-zones-ingaza-anyone-who-crosses-into-them-is-shot/0000018e-946c-d4de-afce-f46da9ee0000>; “Israeli soldier speaks out on war in Gaza”, *Channel 4 News* (23 April 2024), <https://www.youtube.com/watch?v=Aa-VDAjL8vM> [5:05].

⁶⁸ “She was fleeing with her grandson, who was holding a white flag. Then she was shot”, *CNN* (26 January 2024), <https://edition.cnn.com/2024/01/26/middleeast/hala-khreis-white-flag-shooting-gaza-cmd-intl/index.html#>; UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #103* (26 January 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-103>; “Moment innocent civilian brandishing white flag in Gaza ‘safe zone’ is shot dead in the street”, *ITVX* (25 January 2024), <https://www.itv.com/news/2024-01-23/moment-civilian-brandishing-white-flag-in-gaza-safe-zone-is-shot-dead>.

⁶⁹ UN News, *Global Perspective Human Stories, Mass graves in Gaza show victims’ hands were tied, says UN rights office* (23 April 2024), <https://news.un.org/en/story/2024/04/1148876>; “Almost 400 bodies have been found in mass grave in Gaza hospital, says Palestinian Civil Defense”, *CNN* (25 April 2024), <https://edition.cnn.com/2024/04/25/middleeast/gaza-400-bodies-mass-grave-hospital-intl/index.html>. See also UN HRC, *Anatomy of a Genocide Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese* (28 March 2024), <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session55/advance-versions/a-hrc-55-73-auv.pdf>, pp. 16-17, para. 62.

⁷⁰ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, I.C.J Reports 2007, p. 123, para. 190.

⁷¹ UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #164* (10 May 2024), <https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-164>.

⁷² UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #164* (10 May 2024), <https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-164>.

shelling in Rafah.⁷³ Tents are erected in any available space — “in cemeteries, on beaches, on sidewalks, in hospital courtyards” — crammed right up to the shoreline of the Deir Al Balah beach.⁷⁴ Civilians are “already exhausted, malnourished, and facing numerous traumatic events — are now facing increased death, injury, and displacement among the ruins of their communities”.⁷⁵ Children continue to be wounded in airstrikes on designated “humanitarian zones” in Deir Al Balah, which “remain unsafe”.⁷⁶

29. United Nations shelter cluster partners report a “dire shortage of tents” and it is clear that no provision or planning has been made to house the hundreds of thousands of traumatised, exhausted displaced Palestinians arriving there. In effect Al Mawasi is little more than a sand dune, “where people are left out in the open with little to no buildings or roads. It lacks the minimal conditions to provide emergency humanitarian assistance in a safe and dignified manner.”⁷⁷ The displaced are in “dire living conditions” suffering an “extreme lack of clean water and sanitation facilities,” subjected to “horrific and dehumanising conditions”⁷⁸ The prevention of fuel to medical facilities in Al Mawasi and across the Gaza Strip “poses a critical threat, particularly endangering patients”, with “life-saving services hanging in the balance”.⁷⁹

30. As Israel tightens the siege of Gaza, closing the Rafah crossing and disabling the Kerem Shalom (Karem Abu Salem) crossing, “no aid entered from southern crossings” and the World Food Programme’s main warehouse is now “inaccessible”, with the situation becoming “unsustainable”.⁸⁰ By 15 May, the United Nations ran out of tents and food to supply the hundreds and thousands of displaced in the southern Gaza Strip.⁸¹ No provision has been made by Israel to provide even the most basic humanitarian services to those evacuating, let alone the provision of those services “at scale”.⁸²

31. The evacuation orders issued by Israel, the Occupying Power without ensuring that the displaced have basic access to food, safe water and humanitarian assistance, are a “flagrant violation” of Israel’s

⁷³ UN, Global Perspective Human Stories, *Journey into the unknown: Thousands of Gazan families flee Rafah* (7 May 2024), <https://news.un.org/en/story/2024/05/1149456>.

⁷⁴ PassBlue, @pass_blue, Tweet (3:08 pm, 8 May 2024), https://x.com/pass_blue/status/1788209322159222957; Louise Wateridge @UNWateridge, Tweet (9:03 am, 18 May 2024), <https://x.com/UNWateridge/status/1791741373936242778>.

⁷⁵ UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #167* (17 May 2024),

<https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-167-arhe>.

⁷⁶ Save the Children, *GAZA: Families Fleeing Rafah Say They Are Being ‘Killed Slowly’ As Forced To Move Again* (14 May 2024), <https://www.savethechildren.net/news/gaza-families-fleeing-rafah-say-they-are-being-killed-slowly-forced-move-again>;

UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #166* (15 May 2024),

<https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-166-enhe>.

⁷⁷ Philippe Lazzarini @UNLazzarini, Tweet (5:24 pm, 18 May 2024), <https://x.com/UNLazzarini/status/1791867434518860143>.

⁷⁸ Save the Children, *GAZA: Families Fleeing Rafah Say They Are Being ‘Killed Slowly’ As Forced To Move Again* (14 May 2024), <https://www.savethechildren.net/news/gaza-families-fleeing-rafah-say-they-are-being-killed-slowly-forced-move-again>;

“UN says it has no more food or tents for nearly 2m people in Gaza”, *The Guardian* (15 May 2024),

<https://www.theguardian.com/world/article/2024/may/15/un-says-it-has-no-more-food-or-tents-for-nearly-2m-people-in-gaza>.

⁷⁹ UNRWA, *UNRWA Situation Report #107 On The Situation In The Gaza Strip And The West Bank, Including East Jerusalem* (14 May 2024), <https://www.unrwa.org/resources/reports/unrwa-situation-report-107-situation-gaza-strip-and-west-bank-including-east-jerusalem>;

Forensic Architecture, @ForensicArchi, Tweet (6:50 pm, 14 May 2024),

<https://x.com/ForensicArchi/status/1790439607667986532>.

⁸⁰ United Nations, The United Nations Office at Geneva, *Gaza: 80,000 displaced from Rafah as Israeli bombardment intensifies, say UN aid teams* (9 May 2024), <https://www.ungeneva.org/en/news-media/news/2024/05/93264/gaza-80000-displaced-rafah-israeli-bombardment-intensifies-say-un-aid>;

World Food Programme, *Gaza updates: WFP responds to hunger crisis as Rafah incursion cuts access to warehouse* (17 May 2024), <https://www.wfp.org/stories/gaza-updates-wfp-responds-hunger-crisis-rafah-incursion-cuts-access-warehouse>.

⁸¹ “UN says it has no more food or tents for nearly 2m people in Gaza”, *The Guardian* (15 May 2024),

<https://www.theguardian.com/world/article/2024/may/15/un-says-it-has-no-more-food-or-tents-for-nearly-2m-people-in-gaza>.

⁸² “Gaza: Starving children and adults dying the ‘size of a skeleton’, says World Food Programme boss”, *Sky News* (16 May 2024), <https://news.sky.com/story/gaza-starving-children-and-adults-dying-the-size-of-a-skeleton-says-world-food-programme-boss-13137414?dcmp=snt-sf-twitter>.

obligations under international humanitarian law.⁸³ They are also part and parcel of Israel's ongoing genocide of the Palestinian people. These facts are further elaborated below.

A. Palestinians continue to be killed and wounded in designated evacuation zones

32. There is no place for safe refuge from the Israeli army for Palestinians in Gaza. All the evidence on the ground contradicts Israel's assertion that it is "committed to minimizing harm to civilians".⁸⁴ Palestinian civilians in Al Mawasi have been and continue to be killed by Israeli force,⁸⁵ including disabled Palestinians,⁸⁶ and children killed while sheltering in tents,⁸⁷ or foraging for food.⁸⁸ Humanitarian aid workers have also been attacked and killed, including Medicines Sans Frontières staff killed in a house in Al Mawasi, despite their coordinates having been supplied to the Israeli army.⁸⁹ This is consistent with a pattern of conduct, where Israel has repeatedly ordered Palestinians to evacuate to areas that were already largely destroyed, only to then target them again in the areas to which they fled.⁹⁰

33. Rafah provides a cogent example. Despite being dubbed the "safest" area in Gaza⁹¹ prior to May 2024, and despite Israel having specifically directed Palestinians to flee to Rafah, Israel continued to attack the area repeatedly,⁹² with attacks killing ten children at a time.⁹³ Many attacks were conducted at night when civilians — including displaced families from other areas in Gaza — were likely to be, and were, asleep.⁹⁴ Some of the most infamous killings by Israel during the course of Israel's military operations to date have been in Rafah, while it was purportedly a safe zone. They included the massacre of the Hassouna

⁸³ UN OHCHR, *Israel's Rafah invasion must stop now, say UN experts* (10 May 2024), <https://www.ohchr.org/en/press-releases/2024/05/israels-rafah-invasion-must-stop-now-say-un-experts>.

⁸⁴ Israel's Reply, para 1.

⁸⁵ MSF, *MSF strongly condemns Israeli attack on MSF shelter in Al-Mawasi which kills two and injures six* (21 February 2024), <https://www.msf.org/msf-strongly-condemns-deadly-israeli-attack-msf-shelter-gaza>; Annexure A, p. 28; Forensic Architecture, *Humanitarian Violence: Israel's Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip* (7 March 2024), https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf, pp. 57-65; Palestinian Centre for Human Rights ('PCHR'), Al Mezan Center for Human Rights ('Al Mezan') and Al-Haq, *Israeli Occupying Forces' Targeted Killing of Palestinians Displaced in Tents in al-Mawasi Khan Younis Perpetuates Crime of Genocide* (10 March 2024), <https://pchr.org/en/israeli-occupying-forces-targeted-killing-of-palestinians-displaced-in-tents-in-al-mawasi-khan-younis-perpetuates-crime-of-genocide/>.

⁸⁶ Palestinian Centre for Human Rights, "There is no safe place in Gaza" (4 May 2024), https://www.youtube.com/watch?v=X6_ugDRXXu0.

⁸⁷ UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #148* (29 March 2024), <https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-148>.

⁸⁸ UNICEF Ireland, @unicefireland, Tweet (8:51 pm, 1 May 2024), <https://x.com/unicefireland/status/1785758866103222625>.

⁸⁹ Medicines sans Frontières, *Gaza: Israeli forces attack MSF shelter in Al-Mawasi* (21 February 2024), <https://www.doctorswithoutborders.org/latest/gaza-israeli-forces-attack-msf-shelter-al-mawasi>.

⁹⁰ Forensic Architecture, *Humanitarian Violence* (7 March 2024), https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf, p. 5, 42, 45, 75; "NBC News investigation reveals Israel strikes on Gaza areas it said were safe", *NBC News* (26 April 2024) <https://www.nbcnews.com/news/world/palestinians-killed-israeli-strikes-safe-zones-exclusive-nbc-report-rcna148008>;

Palestinian Centre for Human Rights, *Affidavit of Ramez Shaqoura* (1 March 2024), <https://pchr.org/en/affidavit-of-ramez-shaqoura/>.

⁹¹ Amnesty International, *Israel/OPT: New Evidence of Unlawful Israeli Attacks in Gaza Causing Mass Civilian Casualties Amid Real Risk of Genocide* (12 February 2024), <https://www.amnesty.org/en/latest/news/2024/02/israel-opt-new-evidence-of-unlawful-israeli-attacks-in-gaza-causing-mass-civilian-casualties-amid-real-risk-of-genocide/>.

⁹² "Israeli Airstrikes Kill More than 100 in Rafah as International Alarm Mounts over Anticipated Ground Offensive", *CNN* (12 February 2024), <https://edition.cnn.com/2024/02/12/middleeast/israel-airstrikes-rafah-ground-offensive-looms-intl-hnk/index.html>.

⁹³ Al-Haq, Al Mezan, PCHR, *Deadly Assault on Rafah and Imminent Forced Expulsion of Palestinians from Gaza in Continuing Nakba, Requires Urgent International Intervention* (12 February 2024), <https://www.mezan.org/en/post/46377/Deadly-Assault-on-Rafah-and-Imminent-Forced-Expulsion-of-Palestinians-from-Gaza-in-Continuing-Nakba,-Requires-Urgent-International-Intervention>.

⁹⁴ Amnesty International, *Israel/OPT: New Evidence of Unlawful Israeli Attacks in Gaza Causing Mass Civilian Casualties Amid Real Risk of Genocide* (12 February 2024), <https://www.amnesty.org/en/latest/news/2024/02/israel-opt-new-evidence-of-unlawful-israeli-attacks-in-gaza-causing-mass-civilian-casualties-amid-real-risk-of-genocide/>.

family on 11 February 2024, including seven year old twins Suzan and Sidra;⁹⁵ Sidra's lifeless, dismembered body was left hanging from the building in which her family had sought refuge.

B. Food and water

34. Israel's response to the Court makes clear that Israel is not itself providing food and water to the people it has forcibly displaced. International organisations have been forced in Israel's absence to distribute food based on people's needs in the Gaza Strip.⁹⁶ Yet, since the escalation of military activity in Rafah and for five days "virtually no humanitarian aid",⁹⁷ including food and fuel, entered Gaza despite the "soaring needs" of the people.⁹⁸ Even now, only a limited amount of supplies are entering Gaza,⁹⁹ which remain insufficient to address soaring needs,¹⁰⁰ with humanitarian agencies indicating that they are "scraping the bottom of the barrel."¹⁰¹ The United Nations World Food Programme warns that its food and fuel stocks will "run out in a matter of days".¹⁰² UNRWA's position is that "the humanitarian community does not have any more supplies to give out, including food and other basic items".¹⁰³ The mass displacement of people to "unsafe areas like Al Mawasi and Deir al Balah"¹⁰⁴ has also resulted in a "significant setback" in aid agencies being able to provide food because systems for "clearance and distribution of aid" have to be rebuilt elsewhere – "from scratch".¹⁰⁵

35. While Israel refers in its Reply to "food storage warehouses" run by international organisations,¹⁰⁶ those same international organisations explain that they cannot access those warehouses due to Israel's ongoing military activities, and its failure to ensure the safety of aid workers.¹⁰⁷ This means that an estimated 3,000 metric tons of food in warehouses have become inaccessible.¹⁰⁸ Notably, the United Nations World Food Programme records that it has "not been able to access [its] warehouse in Rafah for more than a week."¹⁰⁹ In these circumstances, it is startling that Israel should indicate that "[t]he need to coordinate the movement of international organizations towards the humanitarian area has not yet risen,

⁹⁵ "Palestinian ambassador to UK says eight relatives killed in Israeli strikes in Rafah", *The Guardian* (16 February 2024), <https://www.theguardian.com/world/2024/feb/16/palestinian-ambassador-to-uk-says-eight-relatives-killed-in-israeli-strikes-in-rafah>.

⁹⁶ *Israel Report of 18 May 2024* p. 7, para. 27.

⁹⁷ UNICEF, *As Rafah needs rise, humanitarian response is forced to 'scrape the bottom of the barrel'* (10 May 2024), <https://www.unicef.org/press-releases/rafah-needs-rise-humanitarian-response-forced-scrape-bottom-barrel>;

⁹⁸ Georgios Petropoulos @georgiospetrop2, Tweet (8:25 pm, 17 May 2024) <https://x.com/ochoapt/status/1791535591751856246>.

⁹⁹ UN WFP, *Gaza updates: WFP responds to hunger crisis as Rafah incursion cuts access to warehouse* (17 May 2024), <https://www.wfp.org/stories/gaza-updates-wfp-responds-hunger-crisis-rafah-incursion-cuts-access-warehouse>.

¹⁰⁰ UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #167* (17 May 2024), <https://www.ochoapt.org/content/hostilities-gaza-strip-and-israel-flash-update-167>.

¹⁰¹ UNICEF, *As Rafah needs rise, humanitarian response forced to 'scrape the bottom of the barrel'* (10 May 2024), <https://www.unicef.org/press-releases/rafah-needs-rise-humanitarian-response-forced-scrape-bottom-barrel>.

¹⁰² UN WFP, *Gaza updates: WFP responds to hunger crisis as Rafah incursion cuts access to warehouse* (17 May 2024), <https://www.wfp.org/stories/gaza-updates-wfp-responds-hunger-crisis-rafah-incursion-cuts-access-warehouse>.

¹⁰³ UNRWA, *Once again, nearly half of the population of Rafah or 800,000 people are on the road, having been forced to flee since the Israeli Forces started the military operation in the area on 6 May* (18 May 2024),

<https://www.unrwa.org/newsroom/official-statements/once-again-nearly-half-population-rafah-or-800000-people-are-road>.

¹⁰⁴ UNICEF, *Statement by UNICEF Regional Director for the Middle East and North Africa, Adele Khodr, on intensifying hostilities in Rafah and North Gaza* (15 May 2024), <https://www.unicef.org/turkiye/en/press-releases/statement-unicef-regional-director-middle-east-and-north-africa-adele-khodr>.

¹⁰⁵ UN WFP, *Gaza updates: WFP responds to hunger crisis as Rafah incursion cuts access to warehouse* (17 May 2024), <https://www.wfp.org/stories/gaza-updates-wfp-responds-hunger-crisis-rafah-incursion-cuts-access-warehouse>.

¹⁰⁶ Israel's Reply, p. 6, para 20.

¹⁰⁷ UN News, *Gaza: As exodus from Rafah continues, UN urges reopening of aid lines* (10 May 2024), <https://news.un.org/en/story/2024/05/1149591>.

¹⁰⁸ UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash update # 167* (17 May 2024), <https://www.ochoapt.org/content/hostilities-gaza-strip-and-israel-flash-update-167>.

¹⁰⁹ WFP, *Gaza updates: WFP responds to hunger crisis as Rafah incursion cuts access to warehouse* (17 May 2024), <https://www.wfp.org/stories/gaza-updates-wfp-responds-hunger-crisis-rafah-incursion-cuts-access-warehouse>.

due to the distance of the area from the ground operations. Israel is prepared to coordinate the movement of aid workers and convoys to and from warehouses to the humanitarian area if circumstances so require.”¹¹⁰ Even as the World Food Programme speaks of running out of food, and given the well-documented routine killing and attacks on aid workers and aid convoys,¹¹¹ Israel persists in denying that the “*circumstances ... require*” it to do anything further.

36. As of 16 May 2024, 11 bakeries in southern Gaza have ceased operating due to the ongoing hostilities, as well as crippling fuel and supply shortages.¹¹² In relation to Israel’s claim that there are “four private sector bakeries” operating in “the humanitarian area”,¹¹³ the evidence of the United Nations Food Security Cluster is that there are currently only five bakeries operational in *all* of Gaza, including four in Gaza City and one in Deir Al Balah, whose continuous operation hangs on by a thread as they operate at reduced capacity and are at risk of running out of fuel and supplies.¹¹⁴

37. There is almost no drinking water available. The three main water pipelines from Israel are only partially operational, and 83% of groundwater wells are not operating,¹¹⁵ including due to a lack of fuel.¹¹⁶ Aid workers at Al Mawasi have described the conditions as “horrific and dehumanising” with limited food and “*filthy and scarce water*” and “no sanitation”.¹¹⁷ There is no infrastructure inside the camps and limited supplies — including food and water — getting in.¹¹⁸ UNRWA explained on 17 May that there is “a severe lack of sufficient infrastructure including water” — displaced Palestinians with no running water collect and carry water supplied from water tankards — “*it is not feasible to support tens of thousands of displaced people there*”.¹¹⁹ As United Nations experts have warned: “The so-called ‘expanded humanitarian area’ of Al Mawasi . . . is already without sufficient food, water, medicine, hygiene products, electricity, shelter and access to education for children; it cannot cope with a population influx.”¹²⁰

C. Shelter and sanitation

¹¹⁰ Israel’s Reply, p. 6, para. 20.

¹¹¹ On 5 April the UN Secretary-General put the number of aid workers killed at 196: UN, *Secretary-General’s press encounter on Gaza* (5 April 2024), <https://www.un.org/sg/en/content/sg/speeches/2024-04-05/secretary-generals-press-encounter-gaza>; UN OHCHR, *Attacks on the humanitarian aid distribution system* (22 March 2024), <https://reliefweb.int/report/occupied-palestinian-territory/un-human-rights-office-opt-attacks-humanitarian-aid-distribution-system-enar>; Human Rights Watch (‘HRW’), *Gaza: Israelis Attacking Known Aid Worker Locations* (14 May 2024), <https://www.hrw.org/news/2024/05/14/gaza-israelis-attacking-known-aid-worker-locations>.

¹¹² UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash update # 167* (17 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-167>.

¹¹³ Israel’s Reply, para 21.

¹¹⁴ UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash update # 167* (17 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-167>.

¹¹⁵ UN OCHA, *Hostilities in the Gaza Strip and Israel – reported impact | 224* (17 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-224>.

¹¹⁶ UNICEF, *As Rafah needs rise, humanitarian response is forced to ‘scape the bottom of the barrel’* (10 May 2024), <https://www.unicef.org/press-releases/rafah-needs-rise-humanitarian-response-forced-scrape-bottom-barrel>; UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash update # 167* (17 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-167>.

¹¹⁷ Malak Tantesh and Jason Burke “No water, food, health care, toilet’: Desperation deepens in Gaza’s camps.”, *The Guardian* (15 May 2024), <https://www.theguardian.com/world/article/2024/may/15/no-water-food-health-care-toilet-desperation-deepens-in-gazas-camps>.

¹¹⁸ Malak Tantesh and Jason Burke, “No water, food, health care, toilet’: Desperation deepens in Gaza’s camps.”, *The Guardian* (15 May 2024), <https://www.theguardian.com/world/article/2024/may/15/no-water-food-health-care-toilet-desperation-deepens-in-gazas-camps>.

¹¹⁹ UN News, *UN pledges to stand with Gazans in Rafah; Guterres says ceasefire opportunity ‘cannot be missed’* (6 May 2024), <https://news.un.org/en/story/2024/05/1149366>; UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash update # 167* (17 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-167>.

¹²⁰ UN OHCHR, *Israel’s Rafah invasion must stop now, say UN experts* (10 May 2024), <https://www.ohchr.org/en/press-releases/2024/05/israels-rafah-invasion-must-stop-now-say-un-experts>.

38. At para 29 of its Report, Israel asserts that the “UN typically sets up shelters independently”, but fails to quantify their number, capacity or sufficiency in meeting the extreme need. It also fails to demonstrate “coordination” with the United Nation in this regard, as required by this Court’s 28 March Order.¹²¹ Moreover, its description of the “majority of these shelters” as being “actually various UN facilities, such as warehouses or schools, repurposed as shelters” indicates that what it is referring to are long-established United Nations shelters in Gaza, rather than shelters set up specifically to deal with the influx of persons displaced as a result of its May 2024 evacuation orders. Many of those shelters have already been damaged or destroyed.¹²² Notably, UNRWA estimates that 171 of its facilities have been attacked and damaged to date, resulting in the killing of an estimated 430 Palestinians and the wounding of 1,442 others,¹²³ despite coordinates having been shared with Israel.¹²⁴ Such shelters are plainly and incontrovertibly *not* safe.

39. United Nations bodies have repeatedly warned “for months that Al Mawasi is not a safe option,”¹²⁵ and that they do not have “sufficient tents, bedding and other necessary supplies in the areas to which the population was now moving”.¹²⁶ Al Mawasi itself is “a narrow strip of beach on the coast that lacks basic infrastructure — like toilets and running water — needed to sustain a population.”¹²⁷ It is “overcrowded”, “overstretched”, “devoid of vital services”,¹²⁸ lacking “safety” and “vital services,”¹²⁹ with living conditions described as “unimaginable”.¹³⁰ It lacks the capacity to “house the number of people currently seeking refuge in Rafah.”¹³¹

40. A UNICEF spokesperson provided an eyewitness account of this “so-called ‘humanitarian zone’” on 9 May 2024, describing the road to Al Mawasi as jammed with cars, buses, and donkey carts, loaded with whatever possessions people have.¹³² He describes shelters as being tightly packed and along Al Mawasi’s sand dunes, making it difficult to “step between the mass of tents and tarpaulins”.¹³³ There is a lack of proper sanitation facilities, drinking water and shelter so people are “making improvised toilets by

¹²¹ See also UN Web TV, *Slovakia, Oman, Occupied Palestinian Territory & other topics - Daily Press Briefing* (15 May 2024), <https://webtv.un.org/en/asset/k1n/k1nmrju7mp> [20:00].

¹²² Annexure A, pp. 14-15, paras. 6.2-6.3. See, e.g., UNRWA, @UNRWA, Tweet (3:11 pm, 11 May 2024), <https://x.com/UNRWA/status/1789282267791028316>.

¹²³ UNRWA, *UNRWA Situation Report #107 on the situation in the Gaza Strip and the West Bank, including East Jerusalem* (15 May 2024), <https://www.unrwa.org/resources/reports/unrwa-situation-report-107-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

¹²⁴ UNRWA, *At Least One UNRWA Staff Killed When Israeli Forces Hit UNRWA Centre Used for Food and Lifesaving Supplies* (13 March 2024), <https://www.unrwa.org/newsroom/official-statements/least-one-unrwa-staff-killed-when-israeli-forces-hit-unrwa-centre-used>.

¹²⁵ UNICEF, *Statement by UNICEF Executive Director Catherine Russel on military operations and border closures in Rafah. Gaza* (14 May 2024), <https://www.unicef.cn/en/press-releases/statement-unicef-executive-director-catherine-russell-military-operations-and-border>.

¹²⁶ UN Geneva Press Briefing, *Situation in the occupied Palestinian territory* (10 May 2024), <https://www.ungeneva.org/en/news-media/press-briefing/2024/05/un-geneva-press-briefing-1>.

¹²⁷ UNICEF, *Statement by UNICEF Executive Director Catherine Russel on military operations and border closures in Rafah. Gaza* (14 May 2024), <https://www.unicef.cn/en/press-releases/statement-unicef-executive-director-catherine-russell-military-operations-and-border>.

¹²⁸ Norwegian Refugee Council, *Rafah: An Israeli military offensive will lead to mass atrocities* (6 May 2024), <https://www.nrc.no/news/2024/may/rafah-an-israeli-military-offensive-will-lead-to-mass-atrocities/>.

¹²⁹ Norwegian Refugee Council, *Rafah: An Israeli military offensive will lead to mass atrocities* (6 May 2024), <https://www.nrc.no/news/2024/may/rafah-an-israeli-military-offensive-will-lead-to-mass-atrocities/>.

¹³⁰ Norwegian Refugee Council @NRC_Norway, X, (1:23 pm, 10 May 2024) https://x.com/NRC_Norway/status/1788892730661220843.

¹³¹ Norwegian Refugee Council, *Rafah: An Israeli military offensive will lead to mass atrocities* (6 May 2024), <https://www.nrc.no/news/2024/may/rafah-an-israeli-military-offensive-will-lead-to-mass-atrocities/>.

¹³² UNICEF, *As Rafah needs rise, humanitarian response forced to ‘scrape the bottom of the barrel’* (10 May 2024), <https://www.unicef.org/turkiye/en/press-releases/rafah-needs-rise-humanitarian-response-forced-scrape-bottom-barrel>.

¹³³ UNICEF, *As Rafah needs rise, humanitarian response forced to ‘scrape the bottom of the barrel’* (10 May 2024), <https://www.unicef.org/turkiye/en/press-releases/rafah-needs-rise-humanitarian-response-forced-scrape-bottom-barrel>

digging holes in the ground around groups of tents.” People are at increased risk of disease, infections, malnutrition, dehydration and other protection and health concerns.¹³⁴ Israel’s Reply in no way addresses these concerns, and places no evidence of any existing plan before the Court to show how these conditions would be alleviated or that they were even considered by Israel before issuing the May evacuation Orders.

D. Medical assistance

41. The Director-General of the World Health Organisation explained yesterday on 19 May 2024 that “[e]vacuation orders, intensified bombardment, and no passage for aid across Gaza continue to put civilian lives and health at grave risk”. That is in significant part because the “[e]ntry of emergency medical teams and medical supplies through the Rafah border crossing into Gaza has been blocked since 6 May”, and “[i]nside the Strip, supplies of essential medicines and fuel are very low, and movement is limited due to security constraints.”¹³⁵

42. Israel’s Reply devotes only one paragraph to “healthcare”. It does not refer to the utter decimation of Gaza’s healthcare system by Israel’s military, but refers to “field hospitals” on which Palestinians in Gaza are now forced to rely. However, as the United Nations and international humanitarian organisations have repeatedly made clear, Al Mawasi, Israel’s designated “humanitarian zone” itself has no proper medical infrastructure. The “field hospitals” to which Israel makes reference, such as that run by the International Medical Corps (‘IMC’),¹³⁶ are made up of tents and shipping containers. The IMC “field hospital” has witnessed the number of daily visits to its emergency department *triple* from approximately 110 to 300 patients since the evacuation orders were issued. A trauma doctor at the IMC field hospital describes the situation in Al Mawasi as follows: “The immense number of trauma cases, the lack of resources, the interrupted supply chain . . . It’s something that I’ve never seen” and is “far more catastrophic” than other war zones.¹³⁷ MSF has made clear that given *inter alia* the “overwhelming medical needs”, these field hospitals “can in no way replace a functional health system.”¹³⁸

E. Humanitarian access

43. The only way to get basic services and lifesaving humanitarian aid to Al Mawasi and the “extended humanitarian zone” whatever its contours (for which Israel provides no detail), is through land routes: including, crucially, the safe distribution of aid *from* the border crossings *to* Al Mawasi and other such zones. Despite this, and despite Gaza being plunged into “unprecedented levels of humanitarian need”,¹³⁹ since 6 May 2024 the Israeli military has continued to retain control over and close the Rafah crossing, with no aid passing through.¹⁴⁰ Israel claims that it “continues to facilitate” coordination of aid convoys with the United Nations for those convoys that require coordination, particularly when passing through areas with

¹³⁴ UNICEF, As Rafah needs rise, humanitarian response forced to ‘scrape the bottom of the barrel’ (10 May 2024), <https://www.unicef.org/turkiye/en/press-releases/rafah-needs-rise-humanitarian-response-forced-scrape-bottom-barrel>

¹³⁵ Tedros Adhanom Ghebreyesus, @DrTedros, Tweet (2:26pm, 19 May 2024), <https://x.com/DrTedros/status/1792170043129610604>.

¹³⁶ Health Cluster, *Gaza Strip: Emergency Medical Teams Coordination Cell* (18 May 2024), <https://response.reliefweb.int/palestine/health>.

¹³⁷ “‘Our supplies will not last,’ warns doctor at trauma center” *Arab News* (16 May 2024) <https://arab.news/ry9a3>.

¹³⁸ Médecins Sans Frontières (‘MSF’), *Another hospital in Gaza forced to close amid intensified Israeli offensive in Rafah* (14 May 2024), <https://www.msf.org/another-hospital-gaza-forced-close-amid-intensified-israeli-offensive-rafah>.

¹³⁹ Director-General of the World Health Organization, Tedros Adhanom Ghebreyesus, @DrTedros, Tweet (5:23 pm, 6 May 2024), <https://twitter.com/DrTedros/status/1787518675836195224>.

¹⁴⁰ UNRWA, Gaza Dashboard (Supply and dispatch) (20 May 2024), <http://gazadashboard.unrwa.org>. This dashboard, created by UNRWA, serves as a comprehensive tool designed to provide an overview of the material entry process through Rafah and Kerem Shalom crossings. It offers details into the progress of supplies and dispatched items, as well as vital manifest details associated with them.

active fighting¹⁴¹ – but the fact that the Rafah crossing, one of the main “arteries” of aid into Gaza, remains entirely sealed off belies that claim. Moreover, the credibility of Israel’s assurances that it continues to facilitate coordination and will continue to do so is belied by a pattern of systematic attacks on aid workers, including UN personnel, even those who have in fact coordinated with Israel to deliver aid in the past seven months.¹⁴²

44. Additionally, Israel has continued to obstruct safe, predictable and logistically viable access to the Kerem Shalom (Karem Abu Salem) crossing,¹⁴³ denying the entry of aid trucks for twelve out of the past fourteen days – allowing in a mere *six* trucks on 11 May 2024 (the day after South Africa’s request for additional/modified provisional measures), and 27 trucks on 15 May 2024 (the day before South Africa’s oral argument).¹⁴⁴ As at 19 May 2024, Kerem Shalom is also the only crossing that is notionally available for the entry and exit of people — but there is no safe access *to* the crossing from within Gaza.¹⁴⁵ As a result, access by the United Nations to Rafah has been denied;¹⁴⁶ humanitarian aid workers and emergency surgical staff have been denied entry and exit,¹⁴⁷ and critical medical facilities will soon become inaccessible or inoperable.¹⁴⁸

45. As to safe routes for the supply of humanitarian aid and assistance, Israel’s claims about roads being available for use by aid organisations “without prior organisation with the IDF” (para 16), that it “facilitates the movement of UN organisations and NGOs that does require coordination” (para 18), that international organisations operating in the Gaza strip “distribute the food based on their evaluation of the population’s needs” (para 19), are unsupported and unevicenced. They are contradicted by the evidence of the United Nations that its access to Rafah has been denied;¹⁴⁹ and the evidence that humanitarian aid workers and

¹⁴¹ Israel’s reply, p. 6, paras 15, 18.

¹⁴² See, UN OHCHR, *Attacks on the humanitarian aid distribution system* (22 March 2024), <https://reliefweb.int/report/occupied-palestinian-territory/un-human-rights-office-opt-attacks-humanitarian-aid-distribution-system-enar>; On 5 April the UN Secretary-General put the number of aid workers killed at 196. UN, *Secretary-General’s press encounter on Gaza* (5 April 2024), <https://www.un.org/sg/en/content/sg/speeches/2024-04-05/secretary-generals-press-encounter-gaza>; Forensic Architecture, *Attacks on Aid in Gaza: Preliminary Findings* (26 April 2024), <https://forensic-architecture.org/investigation/attacks-on-aid-in-gaza-preliminary-findings>; Annexure A, pp. 32-33, para 10, figures 25-26.

¹⁴³ UN OCHA, *Hostilities in the Gaza Strip and Israel - reported impact | Day 224* (17 May 2024) <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-224>.

¹⁴⁴ UNRWA, *Gaza Dashboard* (18 May 2024), <http://gazadashboard.unrwa.org>; UN OCHA, *Hostilities in the Gaza Strip and Israel - reported impact | Day 224* (17 May 2024) <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-224>.

¹⁴⁵ UN OCHA, *Hostilities in the Gaza Strip and Israel - reported impact | Day 224* (17 May 2024) <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-224>.

¹⁴⁶ UN Web TV, *Geneva Press Briefing: OCHA, UNICEF, OHCHR, WHO, UN WOMEN* (7 May 2024), <https://webtv.un.org/en/asset/k1g/k1g9eajpmk> [2:17].

¹⁴⁷ Hope, *Evacuation Orders in Rafah Threaten Safety and Health Care for 1.4 Million* (6 May 2024), <https://reliefweb.int/report/occupied-palestinian-territory/evacuation-orders-rafah-threaten-safety-and-health-care-14-million>. Samy Magdy, Melanie Lidman and Lee Keath, “Israel seizes Gaza’s vital Rafah crossing, but the US says it isn’t the full invasion many fear”, *Associated Press* (8 May 2024) <https://apnews.com/article/israel-palestinians-gaza-hamas-war-05-07-2024-113bf4ee5dad87dc5c003d76ed2785bf>.

¹⁴⁸ UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #163* (8 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-163>.

¹⁴⁹ UN Web TV, *Geneva Press Briefing: OCHA, UNICEF, OHCHR, WHO, UN WOMEN* (7 May 2024), <https://webtv.un.org/en/asset/k1g/k1g9eajpmk> [2:17].

emergency surgical staff have been denied entry and exit.¹⁵⁰ They are also at odds with repeated — fatal — attacks by Israel on food and other humanitarian convoys.¹⁵¹

46. Israel’s vague assertion in its Reply at para 25 that it is “facilitating the entry of fuel”¹⁵² is incompatible with the assessment of the WFP the day before Israel’s Reply that “food and fuel stocks will run out in a matter of days”.¹⁵³ It appears that there have been no regular fuel imports into Gaza with sporadic deliveries meeting a fraction of the need.¹⁵⁴ United Nations and humanitarian organisations’ have repeatedly made clear that “fuel shortage remain[s] a critical issue” (UNICEF)¹⁵⁵; that “urgent action to increase fuel supply into Gaza is imperative”¹⁵⁶ and that the man-made fuel shortages have led to “urgent rationing and difficult choices” (UNRWA);¹⁵⁷ that “the continued prevention by the occupation of fuel entry threatens the complete collapse of the healthcare system, and shutdown of the remaining hospitals if fuel is not provided for power generators, ambulances, water desalination stations, and sewage networks” (Palestinian Red Crescent Society);¹⁵⁸ and that “no one should be surprised if, because of a lack of fuel, we have to shut things down” (Office of the Spokesperson of the United Nations Secretary General).¹⁵⁹ As asserted by the United Nations Secretary General, even if it were possible for aid to get into these crossings, “[d]istribution is almost impossible without regular fuel imports . . . Without a consistent fuel supply, everything stops: trucks, hospitals, generators for hospitals and systems critical to the water, sanitation and hygiene response — such as for desalination and sewage pumping”.¹⁶⁰

47. In its Reply, Israel claims — without any supporting evidence, plan or timeline — that the temporary pier constructed to bring in maritime aid “is expected to enable the delivery of approximately 2.2 million food portions per day” (para 14) and that movement within the “humanitarian area” does not require prior coordination.¹⁶¹ However, reportedly “Washington is facing the same challenges that have beset the United Nations and aid groups for months when it comes to distributing assistance” including “a

¹⁵⁰ Hope, *Evacuation Orders in Rafah Threaten Safety and Health Care for 1.4 Million* (6 May 2024), <https://reliefweb.int/report/occupied-palestinian-territory/evacuation-orders-rafah-threaten-safety-and-health-care-14-million>. Samy Magdy, Melanie Lidman and Lee Keath, “Israel seizes Gaza’s vital Rafah crossing, but the US says it isn’t the full invasion many fear”, *Associated Press* (8 May 2024) <https://apnews.com/article/israel-palestinians-gaza-hamas-war-05-07-2024-113bf4ee5dad87de5c003d76ed2785bf>; Sarah El Deeb, “They were treating waves of wounded in Gaza. Then an Israeli assault trapped the foreign doctors”, *Associated Press* (18 May 2024), <https://apnews.com/article/gaza-foreign-doctors-trapped-israel-hamas-b826803dfb08362d1e76de3ce3bdbf8c>.

¹⁵¹ UN OHCHR, UN experts condemn ‘flour massacre’, urge Israel to end campaign of starvation in Gaza, (5 March 2024) <https://www.ohchr.org/en/press-releases/2024/03/un-experts-condemn-flour-massacre-urge-israel-end-campaign-starvation-gaza>; Human Rights Watch, *Gaza: Israelis Attacking Known Aid Worker Locations*, (14 May 2024) <https://www.hrw.org/news/2024/05/14/gaza-israelis-attacking-known-aid-worker-locations>.

¹⁵² Israel’s reply, p. 7, para 25.

¹⁵³ UN WFP, *Gaza updates: WFP responds to hunger crisis as Rafah incursion cuts access to warehouse* (17 May 2024), <https://www.wfp.org/stories/gaza-updates-wfp-responds-hunger-crisis-rafah-incursion-cuts-access-warehouse>.

¹⁵⁴ UNRWA, *Gaza Dashboard (Fuel)* (19 May 2024), <http://gazadashboard.unrwa.org>.

¹⁵⁵ UNICEF, *Statement by UNICEF Regional Director for the Middle East and North Africa, Adele Khodr, on intensifying hostilities in Rafah and North Gaza* (14 May 2024), <https://www.unicef.org/mena/press-releases/statement-unicef-regional-director-middle-east-and-north-africa-adele-khodr>.

¹⁵⁶ Health Cluster at UNRWA, *UNRWA Situation Report #107 on the situation in the Gaza Strip and the West Bank, including East Jerusalem* (14 May 2024), <https://www.unrwa.org/resources/reports/unrwa-situation-report-107-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

¹⁵⁷ *Ibid.*

¹⁵⁸ Palestine Red Crescent Society (*PRCS*), *Statement| Continued closure of Gaza border crossings threatens imminent humanitarian and health disaster in the Gaza Strip* (14 May 2024), <https://www.palestinercs.org/en/Article/11899/Statement-Continued-closure-of-Gaza-border-crossings-threatens-imminent-humanitarian-and-health-disaster-in-the-Gaza-Strip>.

¹⁵⁹ UN Meetings Coverage and Press Releases, *Daily Press Briefing by the Office of the Spokesperson for the Secretary-General* (13 May 2024), <https://press.un.org/en/2024/db240513.doc.htm>.

¹⁶⁰ UN News, *Daily Press Briefing by the Office of the Spokesperson for the Secretary-General* (16 May 2024) <https://press.un.org/en/2024/db240516.doc.htm>.

¹⁶¹ Israel’s reply, p. 5, para 14.

dire shortage of fuel”.¹⁶² Finally, in addition to the closure and logistical unviability of border crossings in Gaza, where aid trucks have sought to enter Gaza through the West Bank, Israeli extremist settlers have blocked trucks, torched them, and destroyed their supplies, seemingly without any repercussions from the Israeli authorities¹⁶³ — with protesters blocking aid trucks *literally* while South Africa was delivering its oral submissions before the Court on 16 May 2024.¹⁶⁴

VI. THERE IS NO SAFE PASSAGE TO THE DESIGNATED EVACUATION ZONES

A. The “safe passages” are not safe

48. As of 18 May 2024, almost 900,000 Palestinians had been displaced pursuant to Israel’s five new evacuation orders for Rafah and neighbourhoods in Northern Gaza, including 800,000 Palestinians displaced from Rafah.¹⁶⁵ Palestinians in Rafah were ordered to evacuate “immediately”. Many do not even have a change of clothes, having fled in just in the clothes they are wearing.¹⁶⁶ No provision has been made for the evacuation of critically ill patients from hospitals in Rafah — Rafah crossing itself being completely closed preventing medical evacuations from the territory.¹⁶⁷ Within hours of issuance of the evacuation orders, Israeli airstrikes targeted Jabalia and Rafah city.¹⁶⁸

49. Israel states in its Reply that a “specific route is recommended to the population in order to help protect the civilians as they evacuate to the humanitarian area”,¹⁶⁹ (para 8) and asserts that it helps efforts to mitigate the risk in travelling. However, the UN has confirmed that “[p]eople were moving north and northwest, where they had been told to go, but there were no safe routes out of Rafah, or safe destinations in Gaza”.¹⁷⁰

50. No safe passage was demarcated on the map which accompanied Israel’s evacuation order of 6 May 2024; rather an arbitrary bowed arrow superimposed across blocks of the map pointed to an “expanded humane area”.¹⁷¹ The arrow directs Palestinians from Rafah to the heavily demolished city center of Khan Younis. In a chaotic exodus from Rafah, “exhausted, terrified” people “jammed” the coastal roads to Al Mawasi, “with cars, motorbikes and donkey carts laden with their belongings”.¹⁷² No provision has been

¹⁶² “US anchors aid pier to Gaza, now comes tough distribution job” *Reuters* (17 May 2024)

<https://www.reuters.com/world/middle-east/us-aid-pier-gaza-floats-into-wartime-reality-2024-05-16/>.

¹⁶³ “Israeli protesters block aid trucks destined for Gaza” *BBC News*, (14 May 2024)

<https://www.bbc.com/news/articles/cg300jek94zo>.

¹⁶⁴ Quds News Network, @QudsNen, Tweet (5:52 pm, 16 May 2024) <https://x.com/qudsnen/status/1791134616276832481>.

¹⁶⁵ UN OCHA, *Today’s top news: Occupied Palestinian Territory, Ukraine, Haiti* (17 May 2024),

<https://www.unocha.org/news/todays-top-news-occupied-palestinian-territory-ukraine-haiti-4>; Philippe Lazzarini

@UNLazzarini, Tweet (5:24 pm, 18 May 2024), <https://x.com/UNLazzarini/status/1791867434518860143>.

¹⁶⁶ UN News, Global Perspective Human Stories, ‘Brand new words’ needed to describe Gaza devastation, *UN humanitarian says* (18 May 2024), <https://news.un.org/en/interview/2024/05/1149946>.

¹⁶⁷ Medicines Sans Frontières, *Another hospital in Gaza forced to close amid intensified Israeli offensive in Rafah* (14 May 2024), <https://www.msf.org/another-hospital-gaza-forced-close-amid-intensified-israeli-offensive-rafah>; MAP UK, *Medical Aid for Palestinians (MAP) Update on the hospital situation in Gaza: 13 May 2024, 12:40* (13 May 2024), <https://reliefweb.int/report/occupied-palestinian-territory/medical-aid-palestinians-map-update-hospital-situation-gaza-13-may-2024-1240>.

¹⁶⁸ Al-Haq, Al Mezan, PCHR, *Gaza Field Update: 8-11 May 2024* (14 May 2024), <https://www.alhaq.org/advocacy/23041.html>;

UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #165* (13 May 2024),

<https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-165>.

¹⁶⁹ Israel’s Reply, p.4, para 8.

¹⁷⁰ UN Geneva, Press Briefing (17 May 2024), <https://www.ungeneva.org/en/news-media/press-briefing/2024/05/un-geneva-press-briefing-3> (cf paras. 8-13)

¹⁷¹ Avichay Adraee, Facebook (6:51 am, 6 May 2024),

https://www.facebook.com/story.php?story_fbid=1001342388024035&.

¹⁷² UN Global Perspective Human Stories, *Gaza: As exodus from Rafah continues, UN urges reopening of aid lines* (10 May 2024), <https://news.un.org/en/story/2024/05/1149591>.

made for their orderly evacuation, no transport has been provided. Instead, Palestinians are “stream[ing]” out of Rafah in “desperate scenes”.¹⁷³

51. There is no safe passage or protection for those who move.¹⁷⁴ Israel asserts at para 9 of its Reply that the humanitarian routes are identified on the IDF’s operational system used by ground forces, as well as by the Air Force and Navy. It claims that “[t]his identification allows all IDF personnel to be aware of the location of humanitarian routes and to take into account the presence of civilians there. Restricted fire areas (‘RFAs’) are another tool that is commonly used by the IDF”. However, these operational systems have repeatedly failed to protect Palestinians. Rather, ‘safe routes’ are “systematically and perfidiously targeted by bombardment, shelling and sniper fire, becoming ‘death corridors’” for Palestinians.¹⁷⁵ As specifically warned by UNICEF with regard to the recent Rafah evacuation orders in particular: the “potential evacuation corridors [are] likely mined or littered with unexploded ordnance”.¹⁷⁶ There is no safe place in Gaza: Palestinians and aid workers alike continue to be targeted, attacked and killed while travelling along the very routes that Israel has designated as safe,¹⁷⁷ with fleeing Palestinians often also shot at,¹⁷⁸ detained,¹⁷⁹ mistreated and beaten at checkpoints,¹⁸⁰ or ‘disappeared’ into Israel,¹⁸¹ where they are

¹⁷³ UN Global Perspective Human Stories, *Gaza: As exodus from Rafah continues, UN urges reopening of aid lines* (10 May 2024), <https://news.un.org/en/story/2024/05/1149591>.

¹⁷⁴ Philippe Lazzarini @UNLazzarini, Tweet (6:24 pm, 18 May 2024), <https://x.com/UNLazzarini/status/1791867434518860143>.

¹⁷⁵ UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967: Anatomy of a Genocide* (25 March 2024), UN Doc A/HRC/55/73, <https://www.ohchr.org/en/documents/country-reports/ahrc5573-report-special-rapporteur-situation-human-rights-palestinian>, pp. 20-21, para. 81.

¹⁷⁶ UNICEF, *There is ‘nowhere safe to go’ for the 600,000 children of Rafah, warns UNICEF* (6 May 2024), <https://www.unicef.org.uk/press-releases/there-is-nowhere-safe-to-go-for-the-600000-children-of-rafah-warns-unicef/>. See also UN OCHA, *Khan Younis following the withdrawal of Israeli troops* (11 April 2024), <https://www.ochaopt.org/content/khan-younis-following-withdrawal-israeli-troops>.

¹⁷⁷ UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967: Anatomy of a Genocide* (25 March 2024), UN Doc A/HRC/55/73, <https://www.ohchr.org/en/documents/country-reports/ahrc5573-report-special-rapporteur-situation-human-rights-palestinian>, p. 7, para. 24, pp. 20-21, para. 81; UN OHCHR, *Israel/oPt: UN experts appalled by reported human rights violations against Palestinian women and girls* (19 February 2024), <https://www.ohchr.org/en/press-releases/2024/02/israelopt-un-experts-appalled-reported-human-rights-violations-against>. See also HRW, *Gaza: Israelis Attacking Known Aid Worker Locations* (14 May 2024), <https://www.hrw.org/news/2024/05/14/gaza-israelis-attacking-known-aid-worker-locations>.

¹⁷⁸ UN OCHA, *Humanitarian Access Snapshot - Gaza Strip | 1-30 April 2024* (10 May 2024), <https://www.ochaopt.org/content/humanitarian-access-snapshot-gaza-strip-1-30-april-2024>; UN Humanitarian, @UNOCHA, Tweet (8:20 pm, 21 March 2024), <https://x.com/UNOCHA/status/1770893276213579831>.

¹⁷⁹ UNRWA, *Detention and alleged ill-treatment of detainees from Gaza during Israel-Hamas War* (16 April 2024), https://www.unrwa.org/sites/default/files/content/resources/summary_on_detention_and_alleged_ill-treatmentupdated.pdf; Al-Haq, Addameer, PCHR, Al Mezan, WCLAC, *Joint Urgent Appeal: Arbitrary Arrests, Enforced Disappearance, Inhumane Treatment, and Torture of Palestinians by the Israeli Occupying Forces* (21 March 2024), https://www.alhaq.org/cached_uploads/download/2024/04/17/240321-joint-urgent-appeal-on-torture-final-1713368023.pdf; Forensic Architecture, *Humanitarian Violence: Israel’s Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip* (7 March 2024), https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf, p. 7, para. 4.10, p. 13, para. 6.1.1.1.8, p. 64, para. 6.2.2.13.1; UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #154* (17 April 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-154>.

¹⁸⁰ UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967: Anatomy of a Genocide* (25 March 2024), UN Doc A/HRC/55/73, <https://www.ohchr.org/en/documents/country-reports/ahrc5573-report-special-rapporteur-situation-human-rights-palestinian>, pp. 21, para. 81.

¹⁸¹ UN OHCHR, *Israel/oPt: UN experts appalled by reported human rights violations against Palestinian women and girls* (19 February 2024), <https://www.ohchr.org/en/press-releases/2024/02/israelopt-un-experts-appalled-reported-human-rights-violations-against>; ICRC, *Israel and the occupied territories: Key Facts and Figures from 7 October 2023 to 30 April 2024* (8 May 2024), <https://www.icrc.org/en/document/israel-and-occupied-territories-key-facts-and-figures-7-october-2023-31-april-2024>; “Strapped down, blindfolded, held in diapers: Israeli whistleblowers detail abuse of Palestinians in shadowy detention center”, *CNN* (11 May 2024), <https://edition.cnn.com/2024/05/10/middleeast/israel-sde-teiman-detention-whistleblowers-intl-cmd/index.html>.

subjected to extreme ill-treatment and torture,¹⁸² leading to reportedly routine limb amputations,¹⁸³ or indeed killed.¹⁸⁴ Notably, the silence of Israel’s Reply on the availability of assistance to the vulnerable including the sick and infirm, children, orphans and elderly people — both in terms of provision for their evacuation and their assistance in “evacuation areas” — reflects an “utter[] disregard” for their wellbeing, needs and lives over the course of the past seven months.¹⁸⁵

B. Palestinians in Gaza are in no condition to evacuate again

52. Seven months of bombardment and repeated displacement¹⁸⁶ means that the Palestinian population are not in a condition to evacuate once more. They are experiencing “starvation, disease, and trauma”,¹⁸⁷ with “very little to eat, hardly any access to medical care, little shelter, and nowhere safe to go”.¹⁸⁸ Hundreds of thousands of children “who are now cramped into Rafah are injured, sick, malnourished, traumatized, or living with disabilities . . . Many have been displaced multiple times, and have lost homes, parents and loved ones”,¹⁸⁹ while “[f]amilies are hanging on psychologically and physically by a thread”.¹⁹⁰ The “injured, the elderly, people with disabilities, and unaccompanied children”, “can’t flee Rafah”.¹⁹¹ Accordingly, many Palestinians are unable — physically and mentally — to evacuate at all, especially to distant, overcrowded ‘evacuation zones’.

53. Transport to other areas in Gaza is expensive due to the lack of fuel, and, for those able to afford it, working ATMs are scarce.¹⁹² According to a UN humanitarian who had worked on the ground, “Everything has become absolutely unaffordable . . . eggs were being sold for \$3 each, which is unthinkable for someone who has no salary and has lost all access to their bank accounts”.¹⁹³ Most of the starving population are now

¹⁸² Al-Haq, Addameer, PCHR, Al Mezan, WCLAC, *Joint Urgent Appeal: Arbitrary Arrests, Enforced Disappearance, Inhumane Treatment, and Torture of Palestinians by the Israeli Occupying Forces* (21 March 2024), https://www.alhaq.org/cached_uploads/download/2024/04/17/240321-joint-urgent-appeal-on-torture-final-1713368023.pdf, pp. 13-25; “Strapped down, blindfolded, held in diapers: Israeli whistleblowers detail abuse of Palestinians in shadowy detention center”, *CMN* (11 May 2024), <https://edition.cnn.com/2024/05/10/middleeast/israel-sde-teiman-detention-whistleblowers-intl-cmd/index.html>.

¹⁸³ “Report: Israeli doctor says detained Palestinians are undergoing ‘routine’ amputations for handcuff injuries”, *CNN* (6 April 2024), <https://edition.cnn.com/2024/04/06/middleeast/doctor-israel-hospital-conditions-intl/index.html#>.

¹⁸⁴ UN OHCHR, *UN expert horrified by death of Gazan orthopedic surgeon in Israeli detention* (16 May 2024), <https://www.ohchr.org/en/press-releases/2024/05/un-expert-horrified-death-gazan-orthopedic-surgeon-israeli-detention>; Al-Haq, Addameer, PCHR, Al Mezan, WCLAC, *Joint Urgent Appeal: Arbitrary Arrests, Enforced Disappearance, Inhumane Treatment, and Torture of Palestinians by the Israeli Occupying Forces* (21 March 2024), https://www.alhaq.org/cached_uploads/download/2024/04/17/240321-joint-urgent-appeal-on-torture-final-1713368023.pdf, pp. 41-42.

¹⁸⁵ UNICEF, *When a nightmare becomes the reality* (7 May 2024), <https://www.unicef.org/press-releases/when-nightmare-becomes-reality>.

¹⁸⁶ UN OHCHR, *Gaza: Israel’s dehumanisation of displaced persons must end, says UN expert* (6 March 2024), <https://www.ohchr.org/en/press-releases/2024/03/gaza-israels-dehumanisation-displaced-persons-must-end-says-un-expert>.

¹⁸⁷ Action Against Hunger, *Action Against Hunger remains in Rafah and warns that a ground offensive will cause more death and hunger in Gaza* (6 May 2024), <https://www.accioncontraelhambre.org/en/action-against-hunger-remains-rafah-and-warns-ground-offensive-will-cause-more-death-and-hunger-gaza>.

¹⁸⁸ UN OCHA, *Secretary-General’s press encounter on Gaza* (30 April 2024), <https://www.ochaopt.org/content/secretary-generals-press-encounter-gaza-0>.

¹⁸⁹ UNICEF, *There is ‘nowhere safe to go’ for the 600,000 children of Rafah, warns UNICEF* (6 May 2024), <https://www.unicef.org/press-releases/there-nowhere-safe-go-600000-children-rafah-warns-unicef>.

¹⁹⁰ UN News, *Uncertainty in Gaza amplified by closure of key border crossings* (7 May 2024), <https://news.un.org/en/story/2024/05/1149401>.

¹⁹¹ Mercy Corps, *Catastrophe Imminent for 1.5 Million Gazans as Rafah Evacuation Orders Begin* (6 May 2024), <https://netherlands.mercycorps.org/press-room/releases/rafah-evacuation-order>.

¹⁹² “Criminal gangs, profiteers thrive in Gaza as cash shortage worsens misery”, *Reuters* (14 May 2024), <https://www.reuters.com/world/middle-east/criminal-gangs-profiteers-thrive-gaza-cash-shortage-worsens-misery-2024-05-14/>;

“Cash shortage in Gaza: banks have been bombed and power cut to ATMs”, *NPR* (14 May 2024), <https://www.npr.org/2024/04/08/1243347168/cash-shortage-in-gaza-banks-have-been-bombed-and-power-cut-to-atms>.

¹⁹³ UN News, *‘Brand new words’ needed to describe Gaza devastation, UN humanitarian says* (18 May 2024), <https://news.un.org/en/interview/2024/05/1149946>.

carrying their belongings walking the long distances on foot,¹⁹⁴ in circumstances where Israel has failed to ensure any means of transport for them.

VII. CONCLUSION

54. Israel's response to Judge Nolte demonstrates its ongoing failure to ensure the safety and security of Palestinians in Gaza in violation of its obligations under the Genocide Convention and in breach of this Court's previous Orders. Its Reply can provide no comfort at all to the Court, or any shield against South Africa's urgent request of 10 May 2024 for further or modified provisional measures to protect the rights in issue in these proceedings, including the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts.

¹⁹⁴ Islamic Relief, *Chaos and panic in Rafah as malnourished infants, people in wheelchairs and injured patients among those ordered to leave* (11 May 2024), <https://islamic-relief.org/news/chaos-and-panic-in-rafah-as-malnourished-infants-people-in-wheelchairs-and-injured-patients-among-those-ordered-to-leave/>; "Israel's army tells Palestinians to evacuate parts of Rafah", *NPR* (6 May 2024), <https://www.npr.org/2024/05/06/1249298738/israel-palestinians-evacuate-rafah>.

Forensic Architecture is a multidisciplinary research group based at Goldsmiths, University of London, that uses architectural techniques and technologies to investigate cases of state violence and violations of human rights around the world.

Goldsmiths, University of London
8 Lewisham Way
London SE14 6NW
United Kingdom

forensic-architecture.org

Inhumane Zones: An assessment of Israel's actions with respect to the provision of aid, shelter, safe passage, and assistance to evacuees in Gaza; response to questions raised in the ICJ on 17 May 2024

Report by Forensic Architecture
19 May 2024

Contact info@forensic-architecture.org

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1. Background

- 1.1. In the 17 May ICJ hearing, Judge Georg Nolte asked the following question to the Israeli legal team:
 - 1.1.1. *'Can Israel provide information about the existing humanitarian conditions in the designated evacuation zones, in particular Al-Mawasi, and how it would ensure safe passage to these zones, as well as the provision of shelter, food, water and other humanitarian aid and assistance to all evacuees that are, and can be expected to arrive, in these zones?'*
 - 1.1.2. NB: In his question, the judge incorrectly referred to the area of al-Mawasi as an 'evacuation zone'. Rather, it has been designated by the Israeli military as a 'humanitarian zone', where civilians who obeyed their orders to evacuate from other parts of Gaza were assured safety. In this report we refer to 'evacuation zones' as areas where Palestinians were instructed to vacate or evacuate from, rather than to.

2. Scope

- 2.1. Forensic Architecture (FA) investigated and assessed Israel's actions in relation to its humanitarian responsibilities – the creation of 'humanitarian zones' with adequate provisions for shelter, sustenance, and medical aid, and the facilitation of safe passage to them – since 6 May, when its long-threatened invasion of the city of Rafah and the surrounding areas began. We have assessed these actions in view of the patterns of Israeli military conduct since 7 October 2023.

3. Questions examined

- 3.1. Have the 'humanitarian zones' (areas to which the Israeli military ordered Palestinians relocate for their safety), including the expanded al-Mawasi 'humanitarian zone' designated by Israel on 6 May, been defined and communicated in a clear and consistent manner?
- 3.2. Does essential infrastructure for the provision of shelter, food, water, and medical care in the newly designated al-Mawasi 'humanitarian zone' exist? Are other places to which Israel instructs civilians to evacuate capable of supporting evacuees?
- 3.3. Are the routes to the expanded al-Mawasi 'humanitarian zone' that were communicated on 6 May safe?
- 3.4. Have the designated 'humanitarian corridors to safe areas' or 'evacuation routes', which Israel urged civilian evacuees to use for travel, been protected and exempt from military attacks by Israel?
- 3.5. Have areas across Gaza which were designated 'safe' for evacuees by the Israeli military in its evacuation orders to the civilian population been protected and exempt from military attacks by the Israeli military since October 2023?
- 3.6. Has Israel ensured the provision of essential shelter and sustenance to civilians and has it ensured the safe access to and distribution of aid within Gaza during its military campaign?

4. Summary of findings

- 4.1. On 6 May, the expanded al-Mawasi 'humanitarian zone' was unequipped to accommodate evacuees from Rafah. The area was unable to support the hundreds of thousands that were arriving there from Rafah already, and certainly could not support the further 1.5 million Palestinians that were estimated to have been in Rafah in the weeks prior to the Israeli military's assault on the city. The reasons for this assessment are as follows:
 - 4.1.1. At the time the Israeli designation of the expanded 'humanitarian zone' was announced on 6 May, all but two hospitals in the newly defined 'humanitarian zone' were out of service due to the Israeli assault¹. The two functioning hospitals in this area, Shuhada al-Aqsa and al-Amal are importantly overcapacity and with drastically reduced function, respectively.
 - 4.1.2. 67 out of 92 schools have been damaged or destroyed.
 - 4.1.3. 3 out of 19 drinking water facilities, including stations and wells, have been visibly damaged or destroyed. A lack of fuel and electricity also makes the water stations that remain unreliable.
 - 4.1.4. 12 out of 24 community centres are damaged or destroyed, reducing the sheltering capacity of the 'humanitarian zone' significantly.
- 4.2. Israel has not provided clear or consistent information about designated 'humanitarian zones'.
 - 4.2.1. Israel has published at least five contradictory boundaries of the al-Mawasi 'humanitarian zone' since October 2023.
 - 4.2.2. Israel has repeatedly attacked evacuation routes which it explicitly designated 'humanitarian corridors' for safe passage since 13 October 2023, on which date the Israeli military issued an order for the entire population of the Gaza Strip north of Wadi Gaza (around 1.1 million Palestinians) to evacuate into southern Gaza within 24 hours.
- 4.3. Since 6 May, Israel has not provided a specific and clear safe route for evacuees from Rafah to travel to its designated 'humanitarian zone' around al-Mawasi.
- 4.4. Israel has repeatedly bombed, shelled, and invaded areas that it had previously designated as safe 'humanitarian zones'. Israel has also repeatedly displaced Palestinians from sites where it previously directed them to seek refuge and shelter.
- 4.5. Israel has restricted necessary levels of aid from entering Gaza and has systematically targeted aid and aid infrastructure within Gaza.

¹ Our analysis of hospitals' status is limited to existing hospital buildings and does not include field hospitals established since October 2023.

Findings

5. Have the ‘humanitarian zones’, including the al-Mawasi ‘humanitarian zone’ expanded on 6 May, been defined and communicated in a clear and consistent manner?

- 5.1. On 6 May 2024, the Israeli military issued an evacuation order instructing ‘residents and displaced people in eastern Rafah’ to move to what it referred to as an ‘expanded humanitarian zone’ in al-Mawasi (see Figure 1).



Figure 1. Evacuation order on 6 May 2024 instructing Palestinians in the eastern part of the Rafah municipality to evacuate to an ‘expanded humanitarian area’. The arrow on the map points to the city centre of Khan Younis, included within this expanded zone, which suffered extensive destruction following the Israeli ground invasion in January. The map does not provide a ‘safe route’.



Figure 2. An illustration of a map published in Arabic on 6 May by the Israeli military showing the expansion of the al-Mawasi 'humanitarian zone'. The red area represents what the Israeli military purportedly designated to be the previous boundary of the 'humanitarian zone'; however, the boundary marked on this map was never previously declared, nor is it consistent with any previously declared boundaries for the area. The blue area represents the 'expanded humanitarian area' around al-Mawasi as of 6 May. It includes large parts of central Khan Younis.

- 5.2. The map attached to the order (see Figure 1) described significantly different boundaries for the al-Mawasi 'humanitarian zone' to all those previously published (see Figure 3). This discrepancy is very likely to lead to confusion among Palestinian civilians as to the correct, current boundaries of the 'humanitarian zone'.²

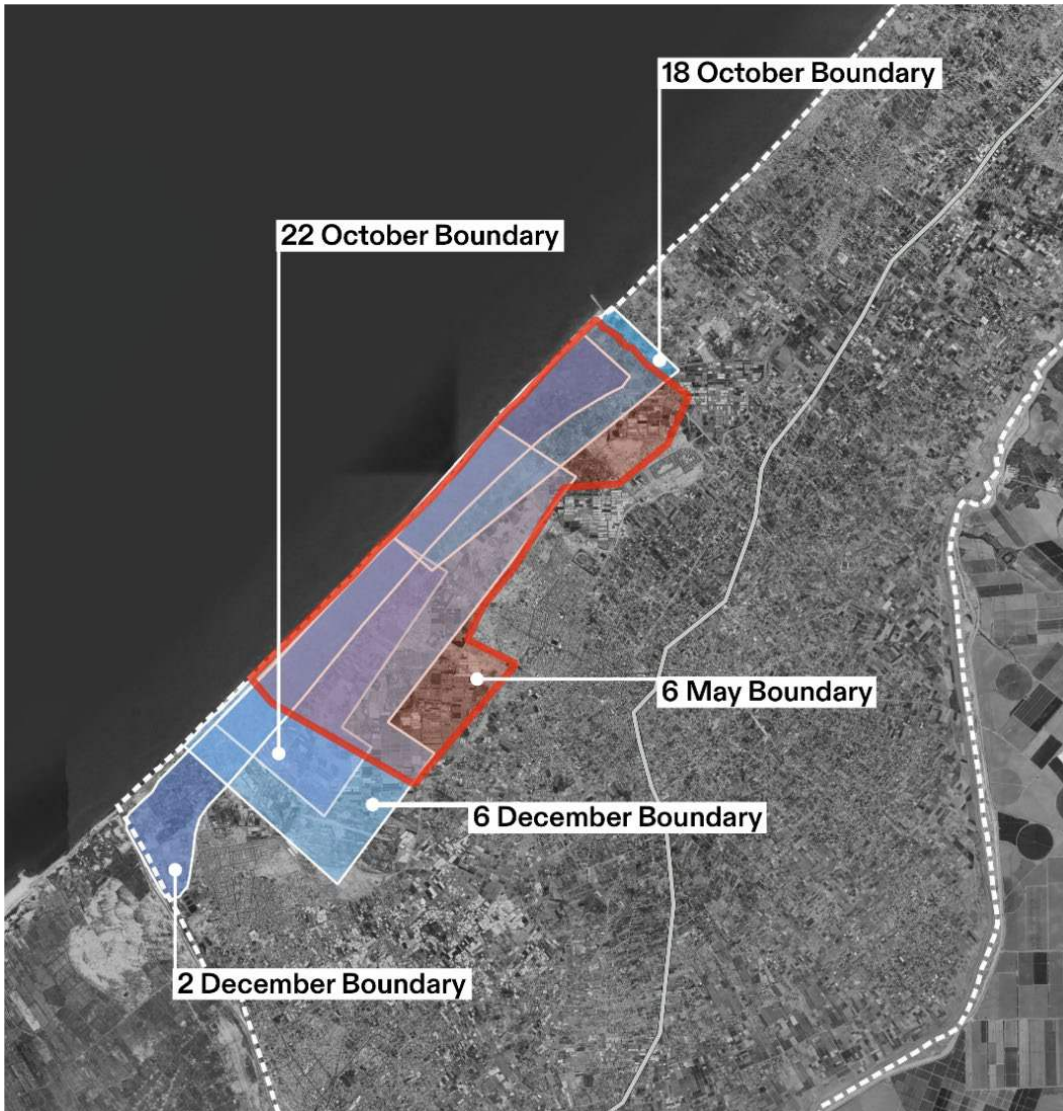


Figure 3. The boundary of the previous 'humanitarian zone' in al-Mawasi (in red), as shown in maps published by Israel on 6 May, is not consistent with any of the previous boundaries for the al-Mawasi 'humanitarian zone' published between October and December 2023. See Appendix for an explanation of the changing boundaries of the al-Mawasi zone published by the Israeli military.

² See Section '6.2.1 - Boundaries of 'safe zones': Elastic, unclear and inconsistent' in FA's report titled 'Humanitarian Violence': <https://tinyurl.com/23s8wumd>

- 5.3. The new 'humanitarian zone' declared on 6 May excludes areas that had previously been declared part of the al-Mawasi 'humanitarian zone.' Satellite imagery from April shows that the area excluded from the 6 May borders of the 'humanitarian zone' contains many displaced people (see Figure 4).³
- 5.4. Satellite image analysis reveals that Palestinian civilians, apparently unaware that the boundary had been changed, evacuated to this now-excluded area between 30 April and 15 May, after the Israeli ground invasion of Rafah commenced (see Figure 5).
- 5.4.1. The establishment of new tent camps within the now-excluded area suggests that displaced Palestinians were still relying on maps referring to the previous boundaries, evidencing the confusing nature of the orders. What Israel refers to as the 'expanded humanitarian area' has, in at least one critical location, contracted rather than expanded ('excluded area' in Figure 4).

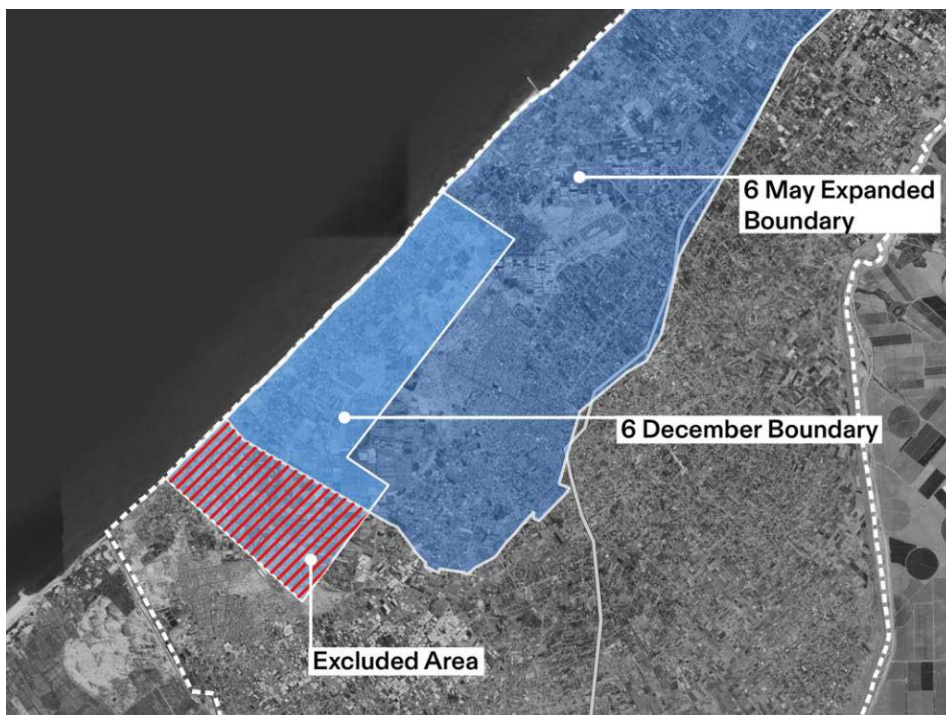


Figure 4. The 'expanded humanitarian area' as published on 6 May excludes an area that was declared safe according to a map published on 6 December 2023. Satellite imagery from 15 May suggests evacuees continued to seek safety in that area after 6 May, indicating that the recent exclusion of this area may not have been widely understood. Furthermore, satellite imagery suggests the total number of civilians in this area seems to have grown (see Figure 5).

³ See our satellite imagery analysis of the excluded area's existing camps here: <https://x.com/ForensicArchi/status/1790439607667986532>.

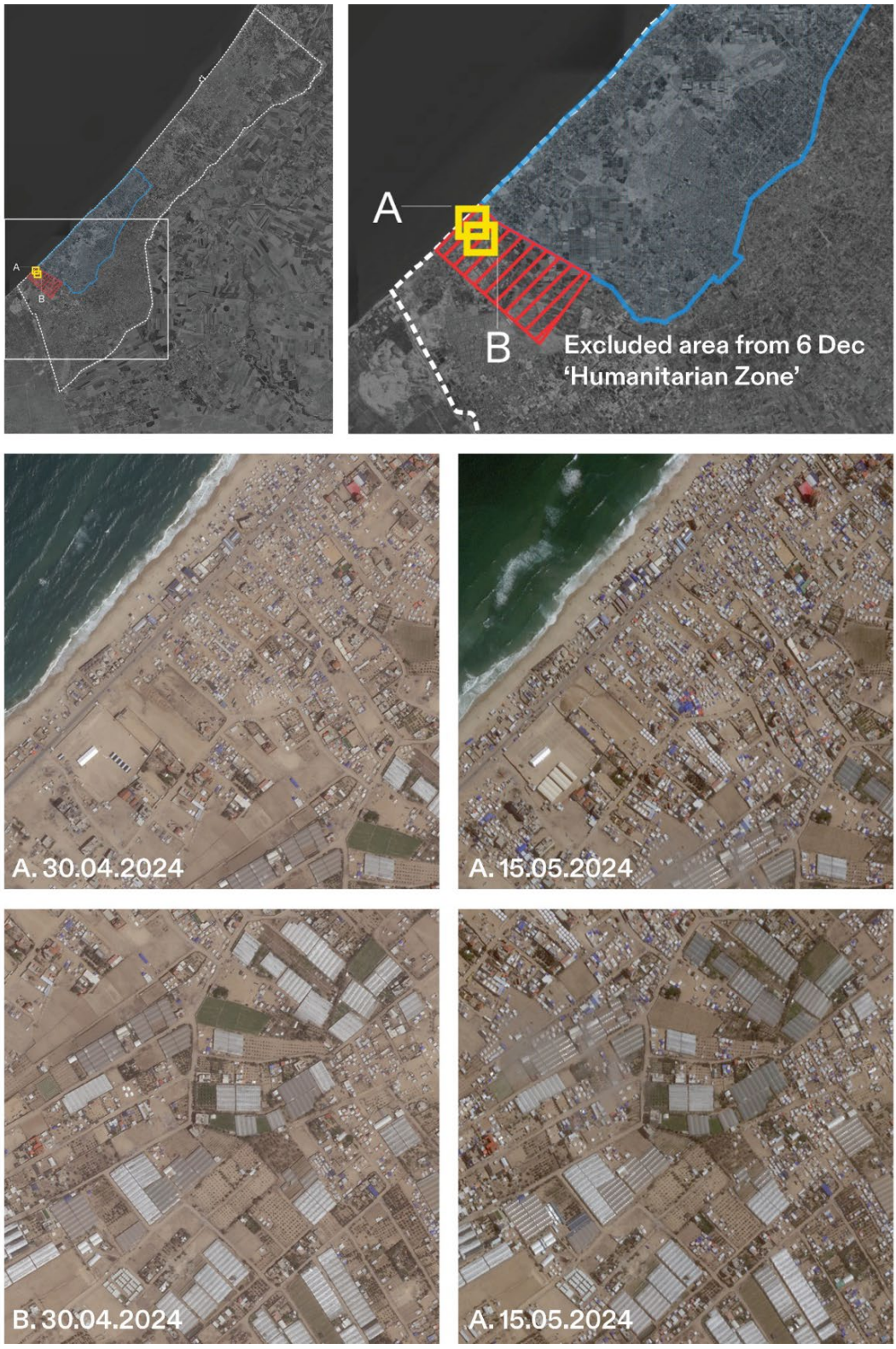


Figure 5. Satellite images from 30 April and 15 May 2024 show an increase in Palestinians taking shelter in an area that was included in the previous borders of the al-Mawasi 'humanitarian zone', but was excluded, without explanation, from the new 'expanded humanitarian area' in a map published by the Israeli military on 6 May.

5.5. The size and borders of this ‘area’ or ‘zone’ have been rendered larger in publications in which Israel’s military makes claims regarding the alleged use of this ‘humanitarian zone’ by Palestinian armed groups. In contrast, when Palestinians have been instructed to take refuge in the ‘humanitarian zone’ of al-Mawasi, its boundaries are more restricted. The boundary thus appears to fluctuate to support Israeli narratives about its humanitarian and military measures, rather than to establish a consistent refuge area for civilians (see Figure 6).



Figure 6. Our analysis suggests that the size and boundaries of the ‘humanitarian zone’ in al-Mawasi have fluctuated according to the context in which it is being represented by the Israeli military. The boundary published on 22 October 2023 marks the border of the zone as it was conveyed as part of an evacuation order instructing Palestinians to head to that area. The boundary published on 6 December marked a significantly larger boundary for the same zone (see Appendix for chronology of the al-Mawasi ‘humanitarian zone’ boundary).

6. Does essential infrastructure for the provision of shelter, food, water, and medical care in the newly designated 'humanitarian zone' in al-Mawasi exist? Are other places into which Israel instructs civilians to evacuate capable of supporting evacuees?

6.1. Hospitals⁴

- 6.1.1. The Israeli military is forcibly displacing approximately 1.5 million people from Rafah, an area with some of the last functioning medical facilities in Gaza, to a supposed 'humanitarian zone' in which repeated Israeli attacks have rendered nearly all medical infrastructure non-functional.
- 6.1.2. While the expanded 'humanitarian zone' includes the location of major hospitals in southern Gaza like Nasser and al-Amal in Khan Younis, both hospitals were damaged and forced out of service following violent Israeli military raids in February and March 2024.⁵
- 6.1.3. Moreover, the Israeli military reportedly forced al-Khair Hospital, the only hospital within the previously declared boundaries of the 'humanitarian zone' in al-Mawasi, out of service in January 2024 (see Figure 7).
- 6.1.4. The two hospitals with any functionality within the expanded 6 May 'humanitarian zone', Shuhada al-Aqsa and al-Amal hospitals, are overcapacity and working at partial function, respectively.
- 6.1.4.1. Shuhada al-Aqsa, the main hospital in Deir al-Balah, was reportedly attacked on 10 January 2024⁶. While the hospital is still functioning, it does not have the capacity to service the increasing numbers of displaced persons in the area⁷. On 22 April, the UN reported that the hospital "is so overwhelmed with trauma patients that it no longer provides maternity care."⁸
- 6.1.4.2. On 4 May 2024, the Palestinian Red Crescent Society (PRCS) announced that al-Amal Hospital restored part of functionality after it was pushed out of service following the extensive destruction it sustained following the Israeli invasion.⁹ While additional functionality was restored on 12 May¹⁰, the hospital was operating in a limited capacity on 6 May when the Israeli military announced the expansion of the 'humanitarian zone'.

⁴ Our analysis of hospitals' status is limited to existing hospital buildings and does not include field hospitals established since October 2023.

⁵ February: <https://www.bbc.com/news/world-middle-east-68536243>;

March: <https://www.youtube.com/watch?v=qJ-bvHAHqD4>

⁶ <https://www.aljazeera.com/gallery/2024/1/10/photos-al-aqsa-martyrs-hospital>

⁷ <https://www.msf.org/last-medics-providing-healthcare-amidst-death-and-destruction-gaza>

⁸ <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-156>

⁹ https://x.com/palestinercs/status/1786775337390461027?s=46&t=xpoTpRvOrlg_JYpMkN4hXw

¹⁰ <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-165>

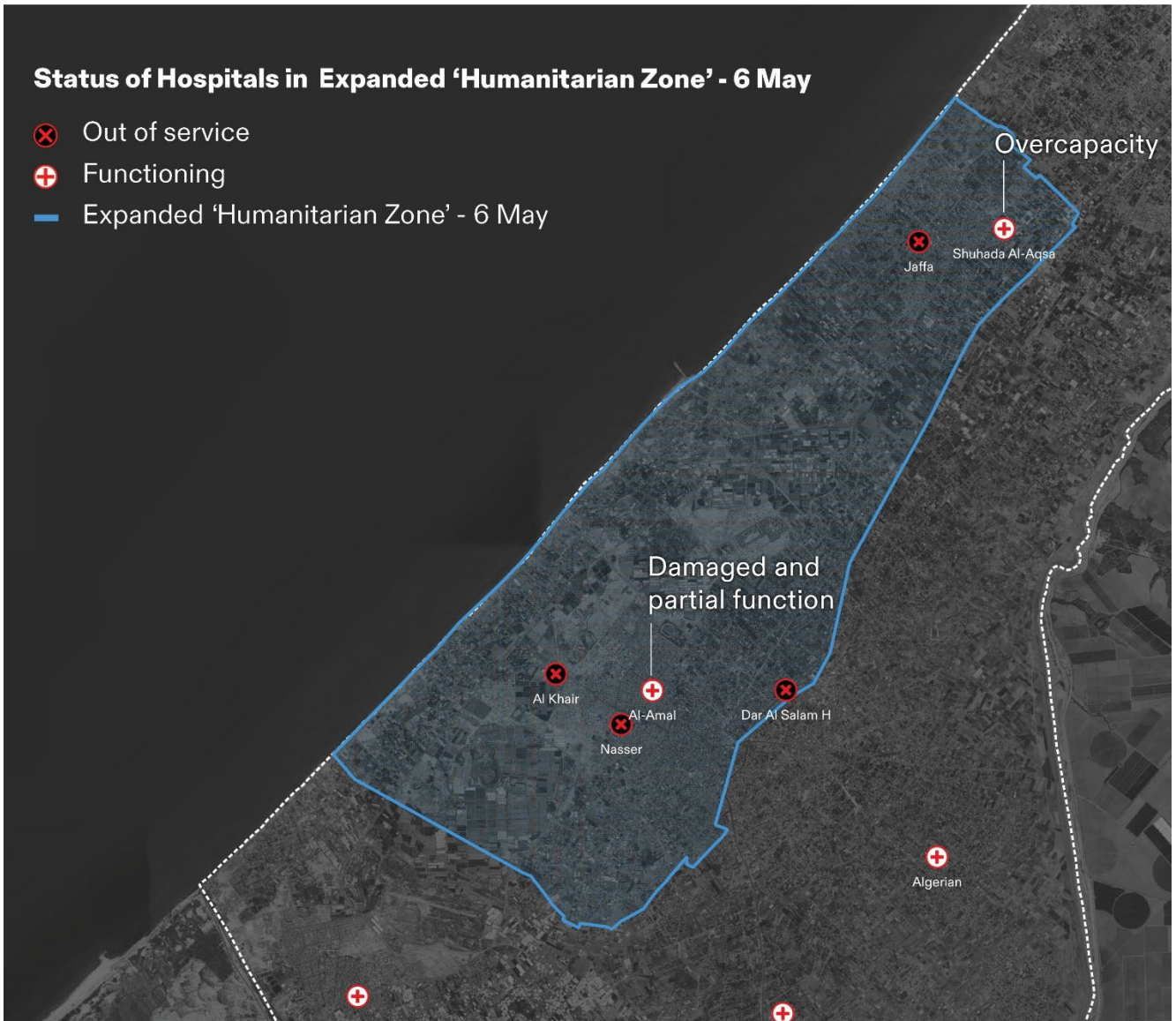


Figure 7. Map marking the location of the hospitals within the expanded 'humanitarian zone' and their status as of 6 May. Three out of five hospitals, including Nasser, the largest in southern Gaza, were out of service within this area when the 6 May 'humanitarian zone' was published.

6.1.5. On the following page is satellite image analysis of three hospitals within the newly designated 'expanded humanitarian area', al-Amal Hospital (partial function), Nasser Hospital (out of service), and Dar al-Salam Hospital (out of service).

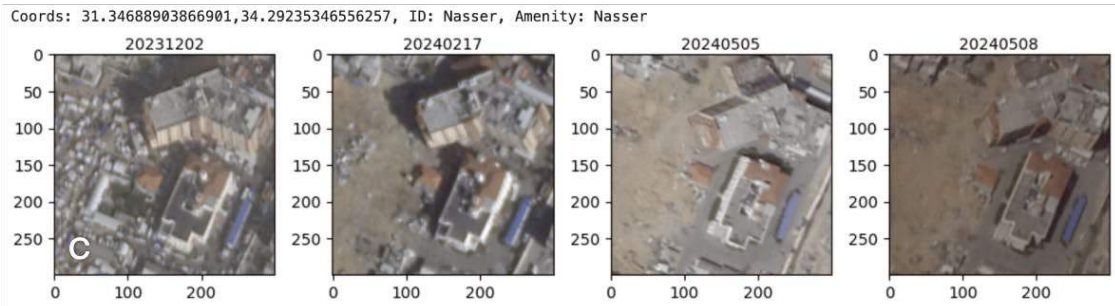
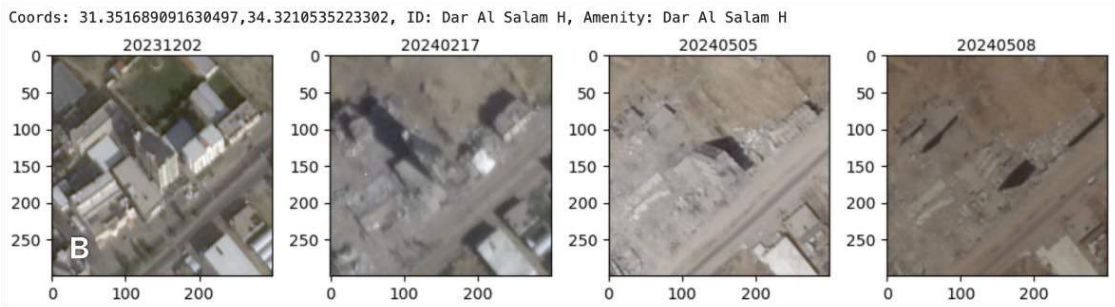
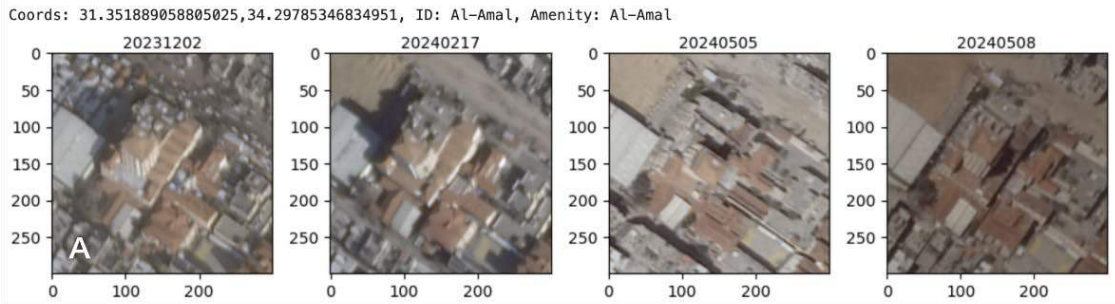


Figure 8. A) al-Amal Hospital: Tents are largely removed by February 2024 and its grounds remain empty as of 8 May; B) Dar Al-Salam Hospital: Shut down on 1 November 2023 because of airstrikes and lack of fuel. The hospital was bombed on 16 December; C) Nasser Hospital: People are seen fleeing the hospital grounds and tents were removed by April 2024.

6.2. Schools

6.2.1. 67 out of 92 of schools within the 'humanitarian zone' as defined on 6 May are damaged or destroyed. Schools have in the past been used for shelter and the distribution of aid. As large buildings with multiple separate spaces and an open yard, they are essential for serving a large community of evacuees and their destruction significantly reduces this area's capacity to host evacuees.

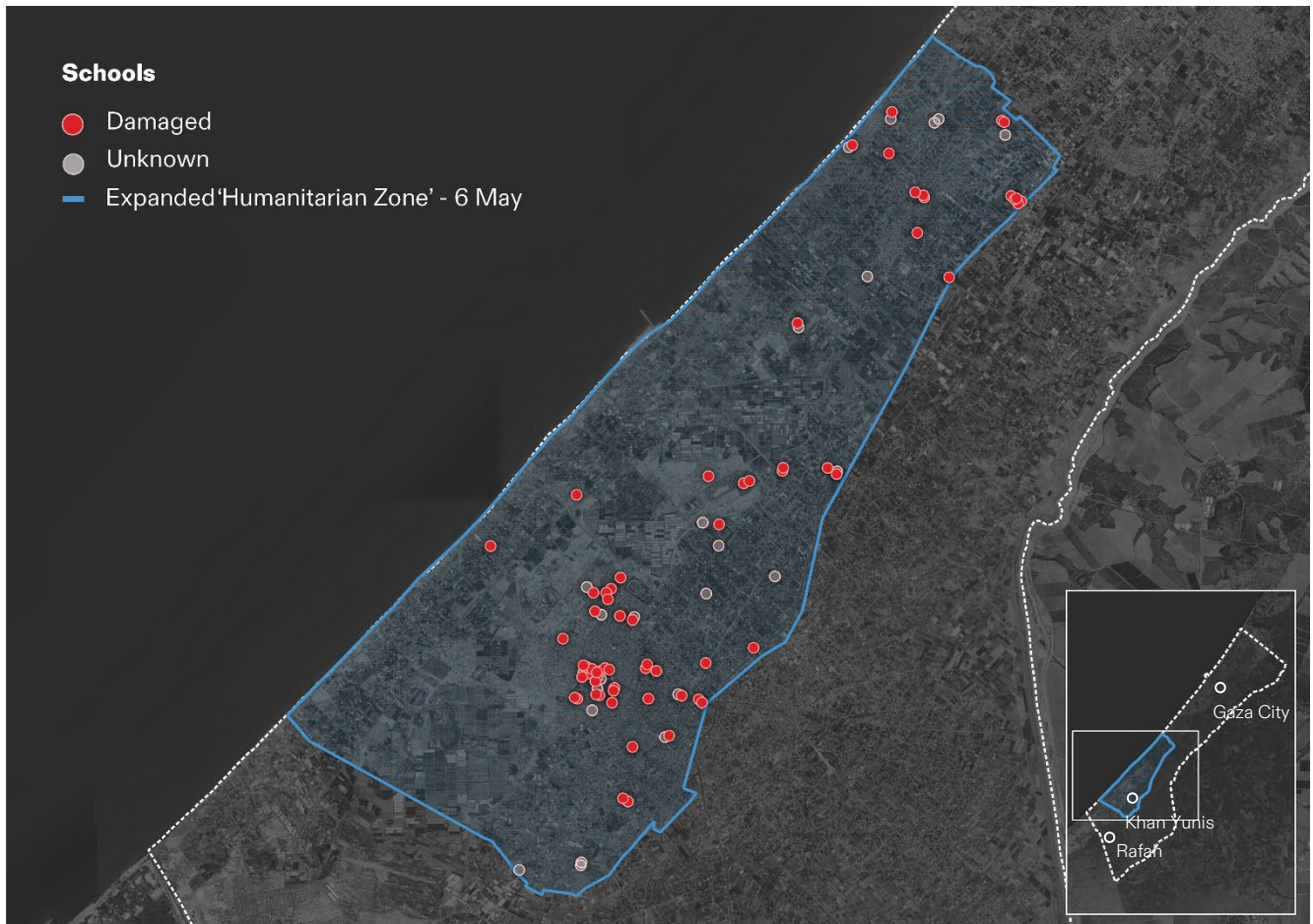


Figure 9. Map showing the location of schools within the expanded 6 May 'humanitarian zone', as well as their status. Most schools within this area have been damaged as a result of Israeli attacks. (Data from UNICEF, 25 April)

6.3. Essential services

- 6.3.1. Essential infrastructure and civic buildings within the 'humanitarian zone' as defined on 6 May, including drinking water stations and community centres, have been destroyed or damaged. The damage to so many of these facilities makes it clear that the area is unsuitable for evacuees.
- 6.3.2. To assess the status of the essential services within the 6 May 'humanitarian zone' boundary, we analysed historical satellite imagery of the area within that boundary, recording instances of visible damage. Figure 11 demonstrates the methodology behind that analysis.

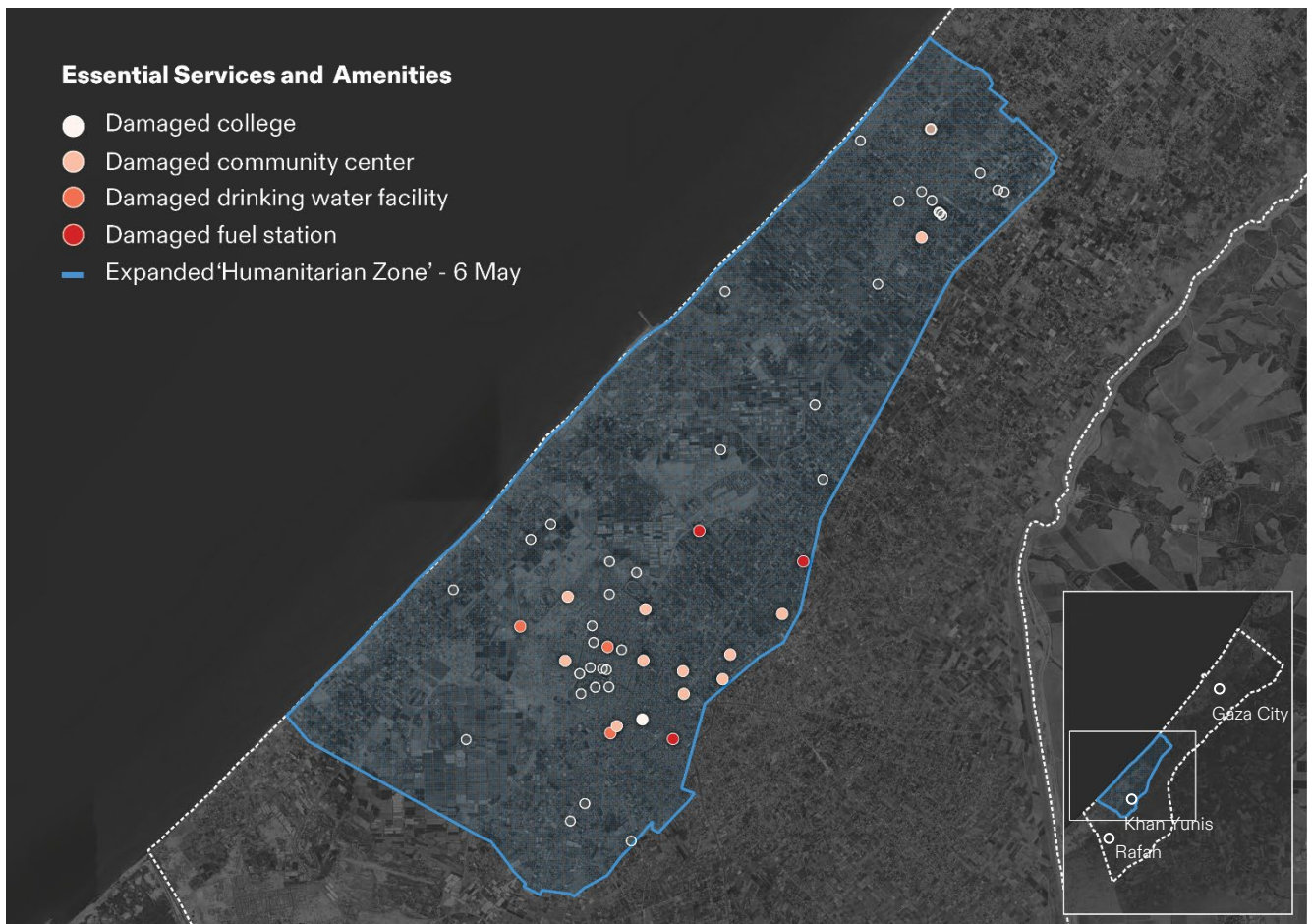
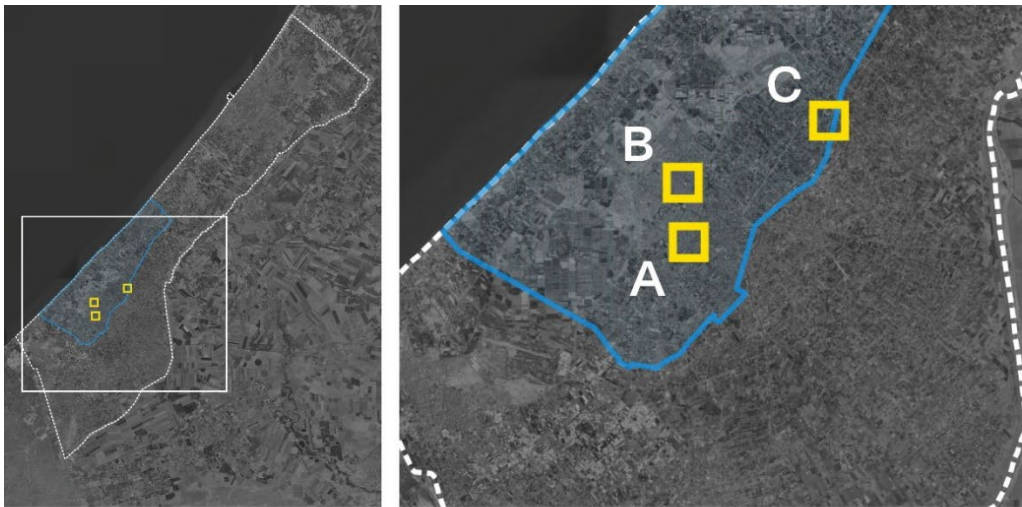
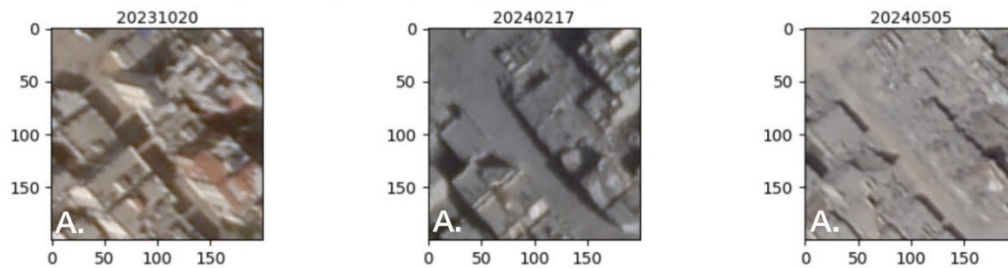


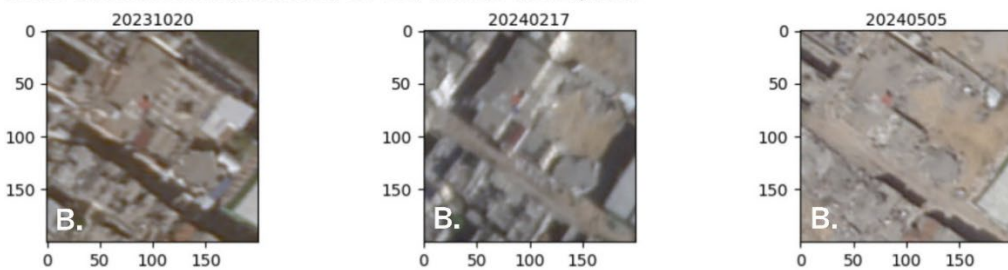
Figure 10. Map marking the locations of essential services and which of those are damaged within the expanded 'humanitarian zone'.



Coords: 31.34088699999999,34.2977548, ID: 60, Amenity: community_centre



Coords: 31.35232630000001,34.2963897, ID: 285, Amenity: drinking_water



Coords: 31.364300300000007,34.3294188, ID: 116, Amenity: fuel

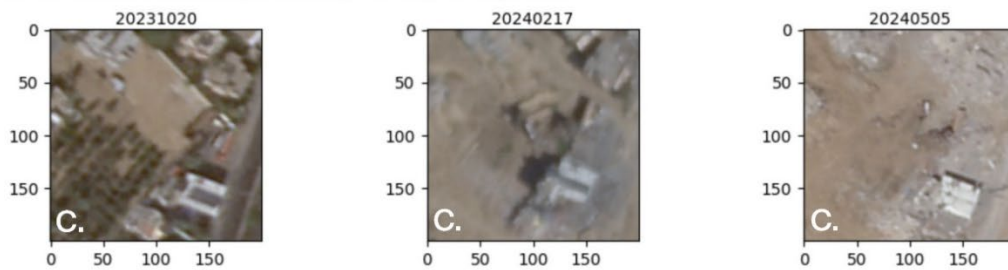


Figure 11. Method for assessing damage using a series of satellite images. Please note the date format (YYYYDDMM) above each thumbnail image. A. Odeh and Abu Yunis Petroleum Station. Damage is first detected on 17 February 2024 and further major damage on 5 May; B. Al-Rahma Mosque water desalination plant. Damage is first detected on 17 February and further major damage on 5 May; C. Al Baraem Development Association. Damage is first detected on 17 February and further major damage on 5 May.

6.4. Expanding the 'humanitarian zone' in al-Mawasi to an area that is heavily destroyed

6.4.1. The expanded 'humanitarian area' around al-Mawasi, which was declared on 6 May, includes parts of western and central Khan Younis. Our analysis shows that this part of the supposedly safe area has been heavily targeted by bombing and shelling, and many buildings within it are damaged or destroyed. An urban landscape populated by significantly damaged buildings is dangerous and cannot provide safe or adequate shelter to civilians.

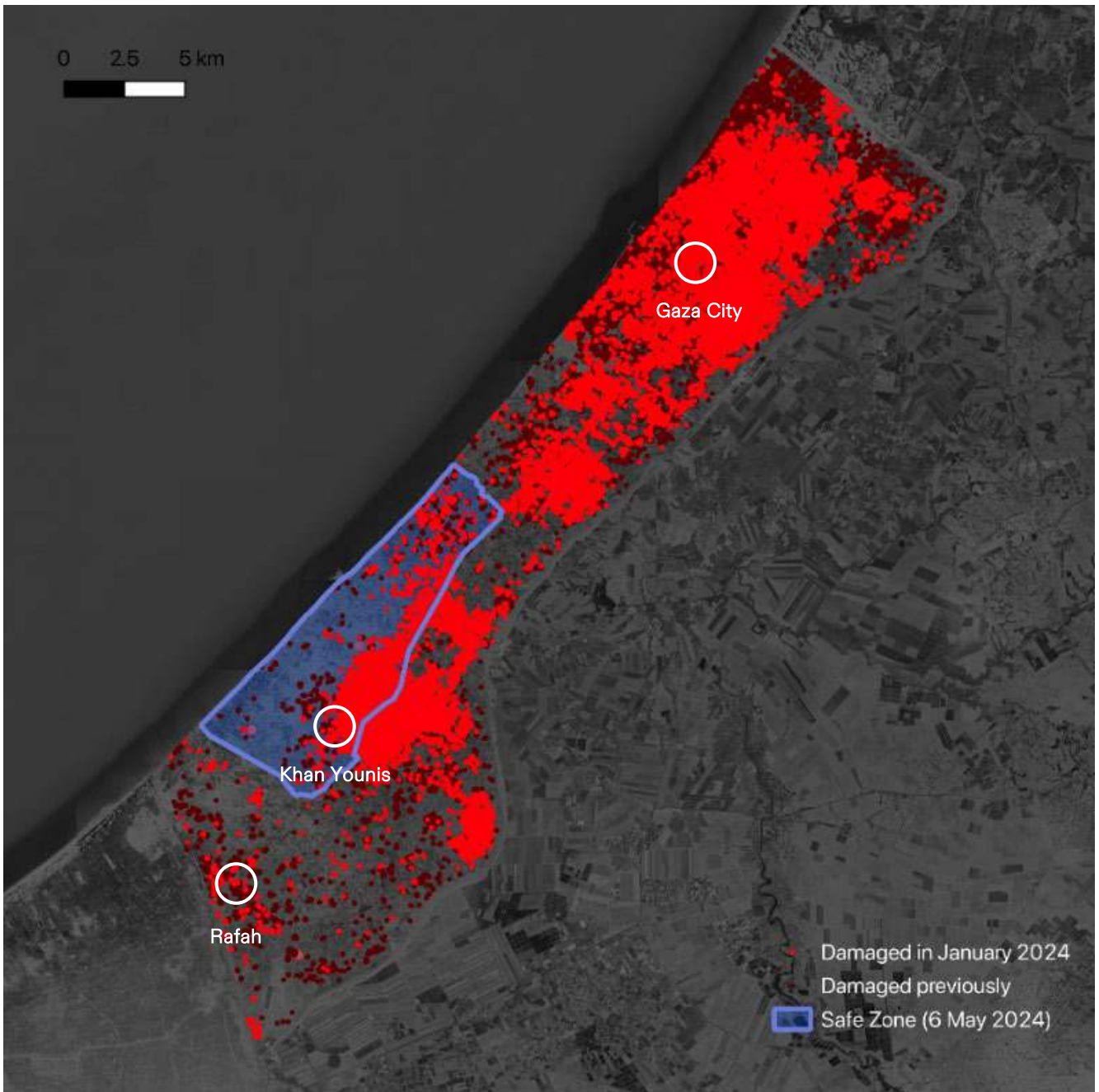


Figure 12. Satellite image of the 'expanded humanitarian area' around al-Mawasi includes parts of Khan Younis that were heavily destroyed in January 2024, according to data published by UNOSAT.

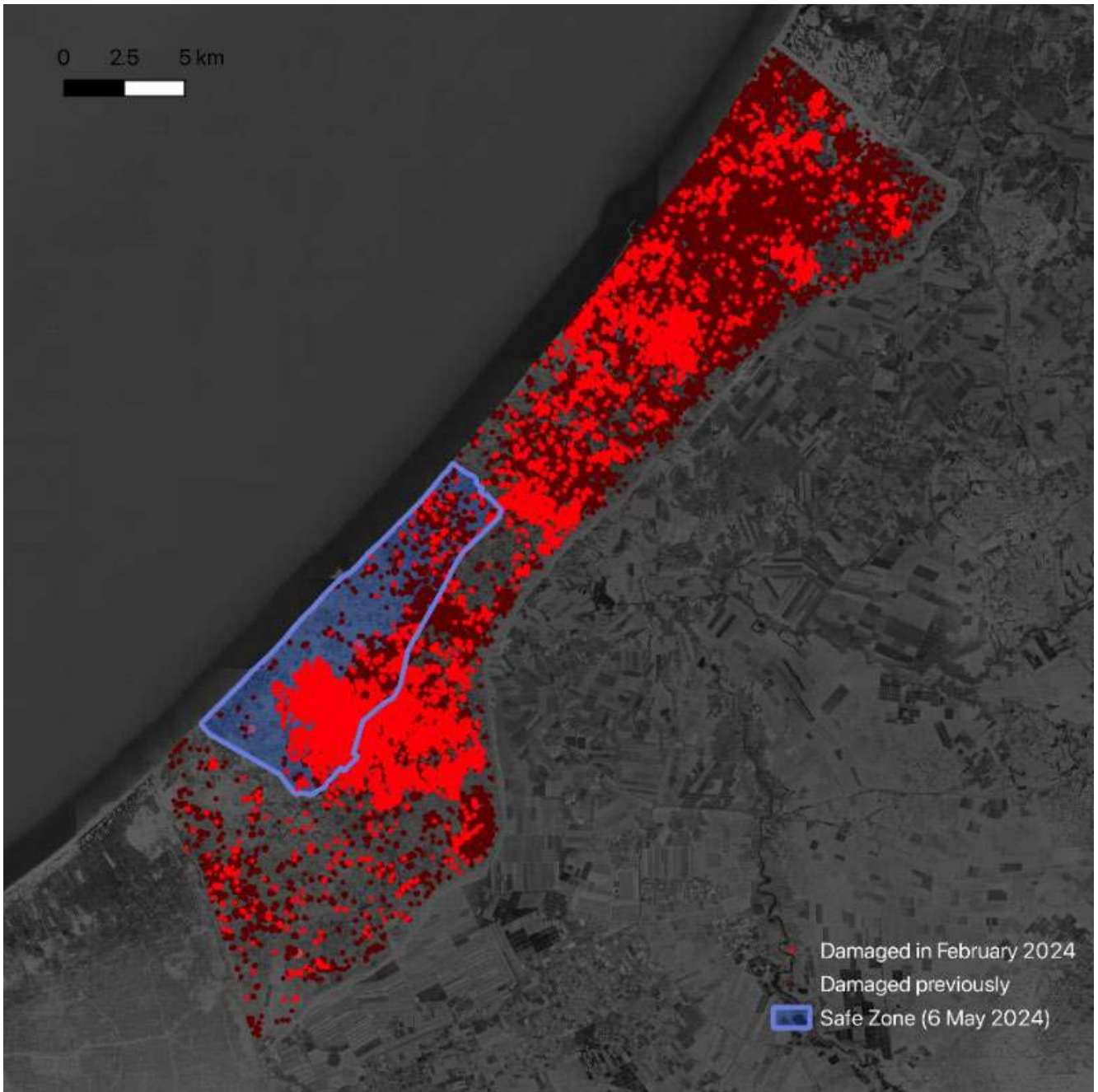


Figure 13. A map indicating the damage inflicted in February alone. Much of this damage falls within the Israeli designated 'humanitarian zone' of 6 May. (Based on data published by UNOSAT.)

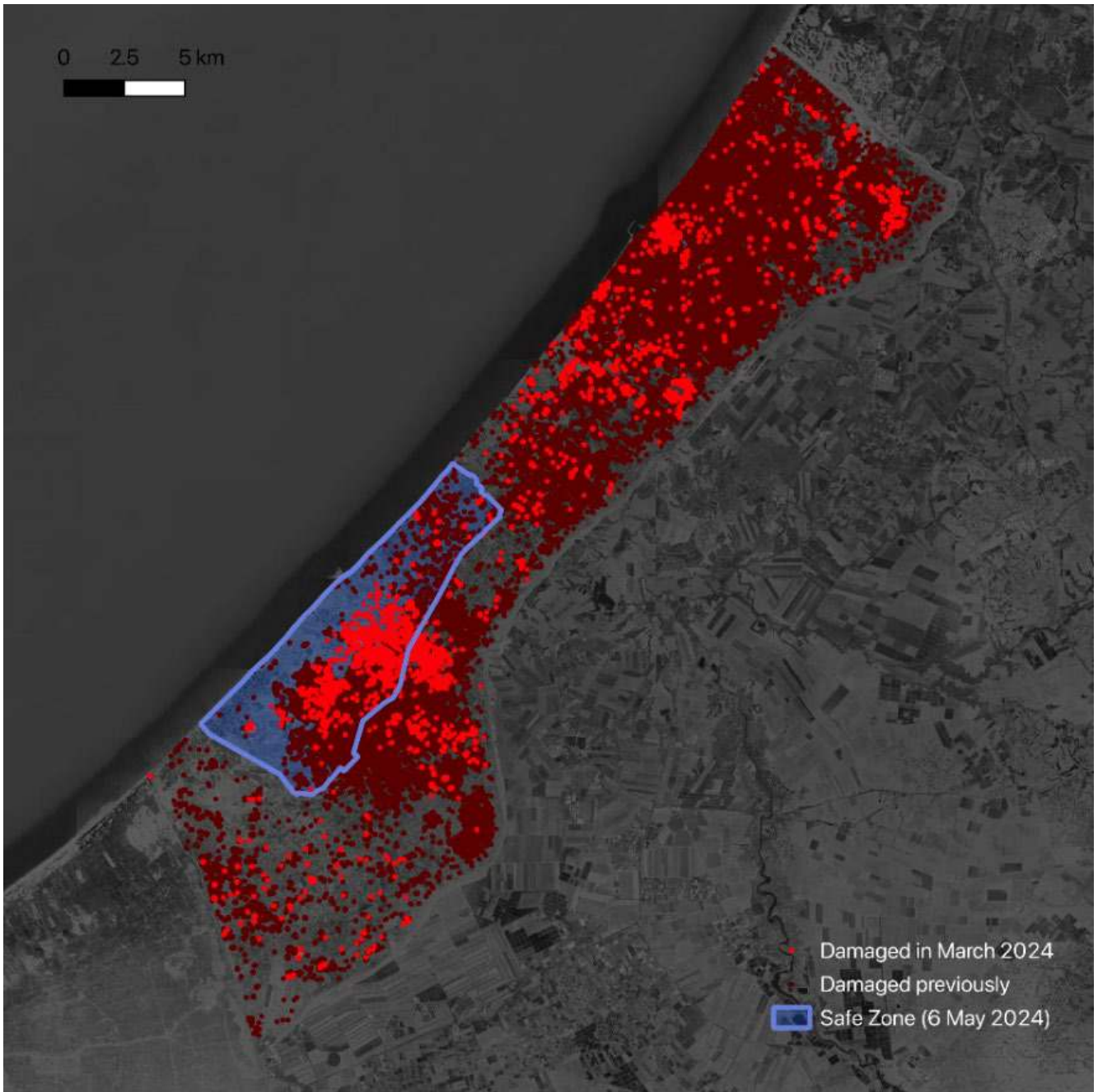


Figure 14. Damage in March 2024 indicates continued Israeli attacks on buildings and urban infrastructure within what is now the expanded 'humanitarian zone'. (Based on data published by UNOSAT.)

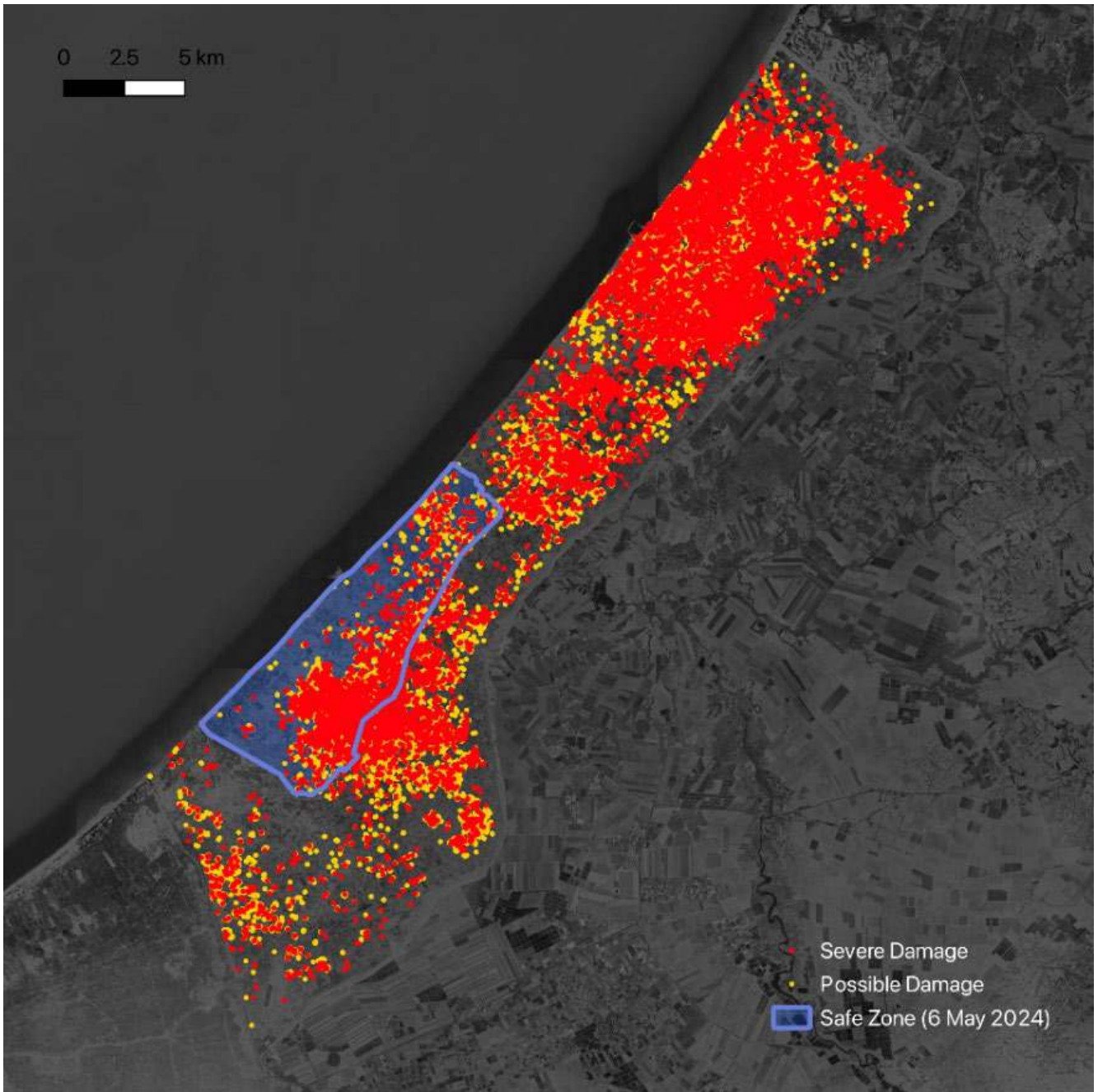


Figure 15. This annotated satellite image shows the extent of destroyed and damaged structures between October 2023 and March 2024 within the area designated as the expanded 'humanitarian zone'. (Based on data published by UNOSAT.)

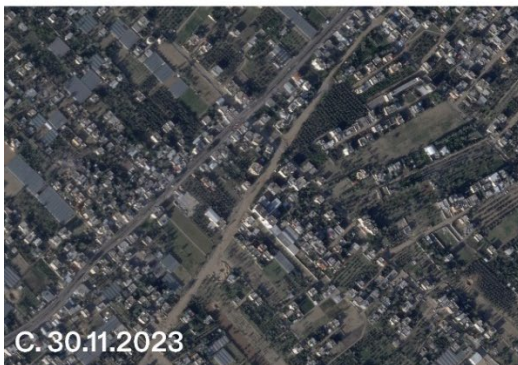


Figure 16. Satellite imagery analysis of the 6 May expanded 'humanitarian zone' shows extensive damage resulting from Israeli attacks, rendering these areas uninhabitable even by tent structures due to the ruins and uneven ground there.

6.5. Evacuation Orders to areas that are already destroyed (the case of Jabalia)

- 6.5.1. The Israeli military has repeatedly ordered Palestinians to evacuate to areas that are already largely destroyed.¹¹ For instance, on 11 May 2024, Palestinian neighbourhoods of Jabalia in northern Gaza were instructed to evacuate to the western part of Gaza City.¹²
- 6.5.2. UN data shows that there was a significant level of destruction in western Gaza City at the time of this order (see Figure 17 and Figure 18), including the area of al-Shifa hospital which was heavily damaged by Israeli military activity between 18 March 2024 and 1 April 2024.
- 6.5.3. In addition to this evacuation order, three more orders were issued, on 14 May,¹³ 15 May,¹⁴ and 18 May 2024¹⁵, instructing Palestinians in additional neighbourhoods in northern Gaza to head towards the same destroyed area of western Gaza City where the main hospital was heavily damaged and forced out of service (see Figure 18).



Figure 17. An evacuation order published on 11 May instructing Palestinians in Jabalia and surrounding areas to evacuate to a heavily destroyed part of western Gaza City.

¹¹ See 'Section 6.1.4.6. 'Evacuation' orders to destroyed areas' in FA's report titled 'Humanitarian Violence': https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf

¹² <https://twitter.com/AvichayAdraee/status/1789171670105636971/photo/1>

¹³ <https://x.com/AvichayAdraee/status/1790391505045033042>

¹⁴ <https://x.com/AvichayAdraee/status/1790711897941049590>

¹⁵ <https://x.com/AvichayAdraee/status/1791870827484328420>

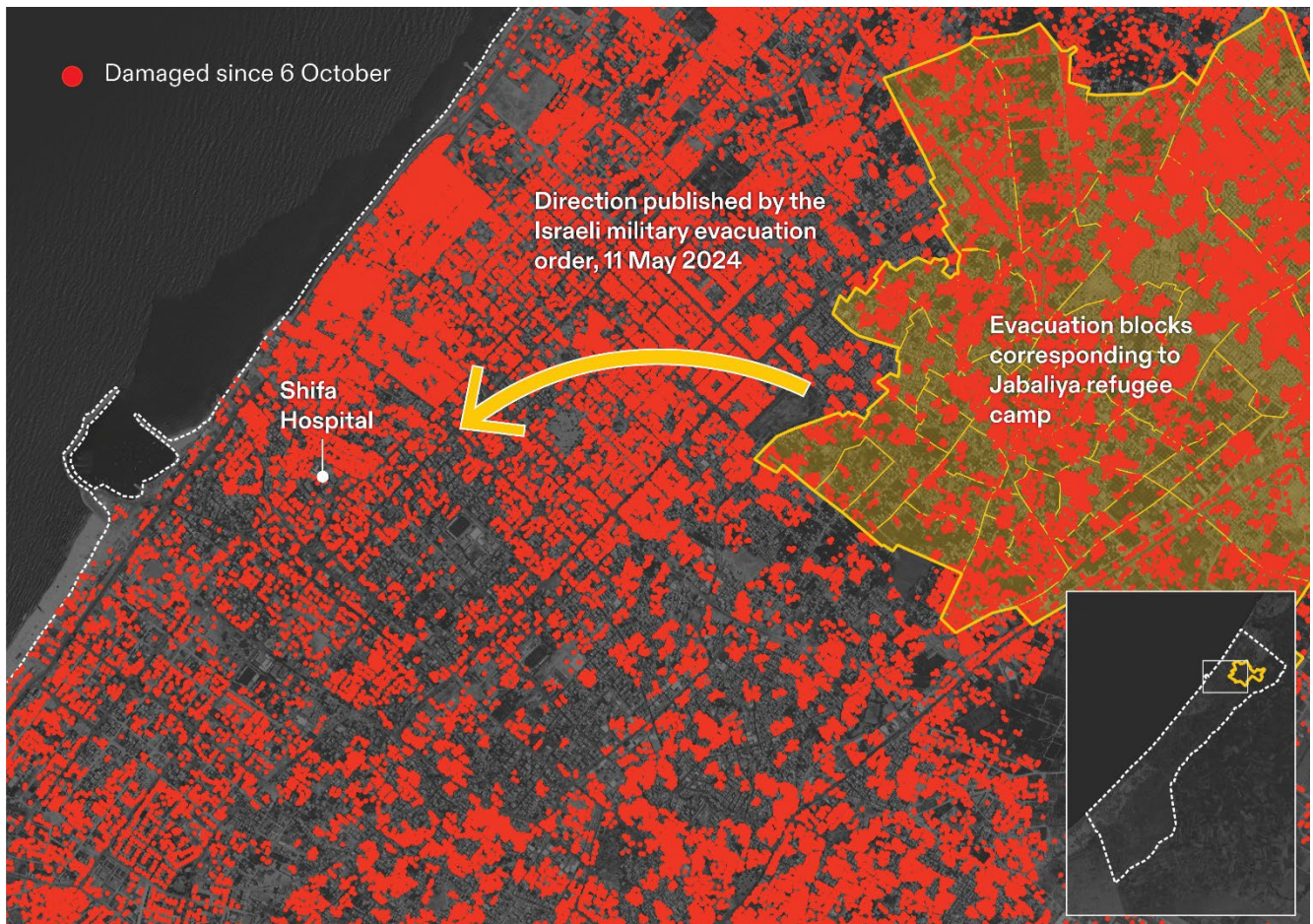


Figure 18. On 11 May, inhabitants of the Jabalia area (highlighted in yellow) were ordered by Israel to evacuate to unspecified ‘shelters’ in the western part of Gaza City. As this image illustrates, the entire western part of Gaza City is largely destroyed or damaged, making the area unsafe and shelters for evacuees nearly impossible to find. Furthermore, the main hospital in this area, al-Shifa, was heavily damaged and pushed out of service following the second Israeli invasion of the hospital between 18 March and 1 April.

7. Are the routes to the designated ‘humanitarian zone’ around al-Mawasi communicated on 6 May safe?

- 7.1. Exacerbating the problem noted above, in their 6 May evacuation order, the Israeli military did not provide any indication of safe routes that could be used to reach the ‘expanded humanitarian area’ (see Figure 1). Rather, the map associated with this evacuation order includes only a broad arrow directing Palestinians from Rafah to the heavily demolished city centre of Khan Younis.

8. Have the designated ‘humanitarian corridors to safe areas’ or ‘evacuation routes’ that Israel urged civilian evacuees to use for travel been protected and exempt from military attacks by Israel?

- 8.1. Since October 2023, the Israeli military has imposed evacuation orders on civilians in Gaza in the form of airdropped leaflets, or digitally, through Arabic-language social media channels.
- 8.2. Following the Israeli military’s 13 October evacuation order instructing the entire population of northern Gaza to move south of Wadi Gaza, the Israeli military’s Arabic-language spokesperson posted a diagram on Facebook¹⁶ displaying an evacuation route along Salah-al-Din Street, located centrally along the spine of the Gaza Strip. On 14 October, another Facebook post¹⁷ showed an additional evacuation route along Al-Rashid Street, located on the coast of Gaza.
- 8.3. Salah-al-Din and Al-Rashid Streets are essential for the movement and evacuation of civilians within Gaza, able to accommodate a high transit volume. Along these widely communicated evacuation routes, which were repeatedly referred to by Israeli officials as ‘humanitarian corridors’ (see Figure 19), the Israeli military has repeatedly targeted civilians evacuating and seeking refuge via these routes (see Figure 20).



Figure 19. Israeli military diagrams showing evacuation routes along Salah-al-Din Street and Al-Rashid Street.

¹⁶ <https://www.facebook.com/photo/?fbid=655000310074000&set=pb.100066921098856.-2207520000>

¹⁷ <https://www.facebook.com/photo/?fbid=655329013374463&set=pb.100066921098856.-2207520000>



Figure 20. Documented Israeli attacks along evacuation routes. Each attack (marked A to D) was on a road explicitly designated by the Israeli military as an evacuation route. These cases are non-exhaustive and only represent a sample of attacks on civilians using Israeli-designated evacuation routes.

Case Studies

8.4. Incident A. 13 October, Salah-al-Din

- 8.4.1. On 13 October 2023, 70 people were killed as a convoy of vehicles was targeted by the Israeli military while evacuating northern Gaza, following an evacuation order. Reports state the vehicles were travelling along Salah-al-Din Street.¹⁸
- 8.4.2. An Israeli military diagram, published the same day, showed a designated evacuation route from the intersection of Salah-al-Din and Al Quds, near Jabalia in northern Gaza, to the Salah-al-Din and Al-Matahen intersection, north of Khan Younis (see Figure 21).¹⁹
- 8.4.3. The convoy was targeted while travelling south along Salah-al-Din Street, following the Israeli instructions to use the evacuation route they designated safe for passage.

8.5. Incident D. 4 December, Salah-al-Din

- 8.5.1. On 4 December the Israeli military declared parts of Salah-al-Din Street blocked for 'safe passage' and instructed Palestinians to travel by way of an east-west road near Deir al-Balah called al-Shuhada towards a 'safe route' on al-Rashid Street (see Figure 21).
- 8.5.2. On the same day, Palestinian photographer Motaz Azaiza recorded a video of a Palestinian woman and child running from Israeli tank fire close to the intersection of al-Shuhada Street (declared safe) and Salah-al-Din Street.²⁰
- 8.5.3. Cross-referencing this location with an evacuation diagram [published](#) on 4 December shows that the civilians targeted in the video were only 770 m away from the intersection of Salah-al-Din and the declared 'safe route' on al-Shuhada Street, and 2.6 km away from the part of Salah-al-Din Street declared 'unsafe'.²¹
- 8.5.4. The evacuation routes intermittently change, especially along Salah-al-Din and al-Rashid streets generally referred to as 'safe routes', causing confusion for those evacuating. Nonetheless, at the time of this incident the civilians were located 770m from a sanctioned evacuation route at an intersection along Salah-al-Din.

¹⁸ <https://x.com/ragipsoylu/status/1712944592021045668>

¹⁹ <https://www.facebook.com/photo/?fbid=655000310074000&set=pb.100066921098856.-2207520000>

²⁰ <https://www.instagram.com/p/C0bYiS3sl09/>

²¹ <https://www.facebook.com/photo.php?fbid=681686344072063&set=pb.100066921098856.-2207520000&type=3>



Figure 21. (Left) Location of attack A marked on a map published by the Israeli military on the same day of the attack identifying the part of Salah-al-Din Street where civilians were attacked as 'safe'. (Right) Location of attack D marked on a map published by the Israeli military on the same day of the attack declaring a 'safe route' through al-Shuhada and al-Rashid streets and marking parts of Salah-al-Din Street to be 'unsafe'. On 4 December 2023, civilians were targeted only 770 m away from the 'safe route' and 2.6 km away from the part of Salah-al-Din Street declared 'unsafe'.

Further Incidents

8.5.5. Incident B

On 3 November 2023, a car driving south along al-Rashid Street was targeted by the Israeli military near the Wadi Gaza Bridge. A social media [video](#) shows several dead bodies along the established evacuation route.²²

8.5.6. Incident C

On 10 November, people evacuating south along Salah-al-Din Street were [reportedly](#) targeted by the Israeli military, leaving at least 17 dead and dozens injured.²³

- 8.6. This pattern of repeated attacks on routes designated safe by the Israeli military, and widely understood as such by the civilian population in Gaza, demonstrates that these routes are unreliable and that anyone evacuating to a designated 'humanitarian zone' along such a corridor is not safe.

²² <https://www.instagram.com/p/CzMXiHpNtLs/?hl=en>

²³ <https://x.com/PalastineEye/status/1722982508038349050>

9. Have areas across Gaza which were designated 'safe' for evacuees by the Israeli military in its evacuation orders to the civilian population been protected and exempt from military attacks by the Israeli military since October 2023?

9.1. Attacks and invasion inside the al-Mawasi 'humanitarian zone', January 2024

- 9.1.1. The Israeli military fatally shot a Palestinian civilian walking with a man holding a white flag inside the al-Mawasi 'humanitarian zone' on 22 January 2024. This killing, which was [captured on video](#) by a cameraman for British television, was further analysed by the investigative agency Earshot, which verified the location of the Israeli tanks from which this civilian was targeted.²⁴
- 9.1.2. This killing took place as civilians who had followed Israeli orders to evacuate from their homes to makeshift camps in the al-Mawasi 'humanitarian zone' were forced to flee from invading Israeli troops. This incursion subsequently forced the evacuation of displaced Palestinians taking shelter at al-Aqsa University, located inside the 'humanitarian zone'.²⁵

²⁴ ITV news footage of the incident: <https://www.youtube.com/watch?v=PGdyXRHS2lg&t=50s>
Earshot investigation on the 22 January killing of a Palestinian civilian in al-Mawasi:
<https://earshot.ngo/investigations/targeting-of-civilians-in-khan-yunis>

²⁵ See Section '6.1.1.3 Phase 3: Forceful Evacuation of the 'Safe Zones' (22 January 2024 - Ongoing)' and Figure 19 in FA's report titled 'Humanitarian Violence': https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf



Figure 22. A) The location of a civilian who was shot and killed on camera while walking with a man holding a white flag within the al-Mawasi 'humanitarian zone' on 22 January 2024. B) The position of Israeli tanks on 22 January inside the 'humanitarian zone' in al-Mawasi.

9.2. Bombing of Deir al-Balah while designated a ‘humanitarian zone’

9.2.1. Our analysis indicates the supposedly ‘safe area’ in Deir al-Balah²⁶ that Israel directed evacuees to shelter in was repeatedly targeted after that announcement, with tens of thousands of evacuees in it. The amount of destruction within this area does not appear to be less than in the area around it, indicating there is no restriction on the application of military force within such designated safe areas.

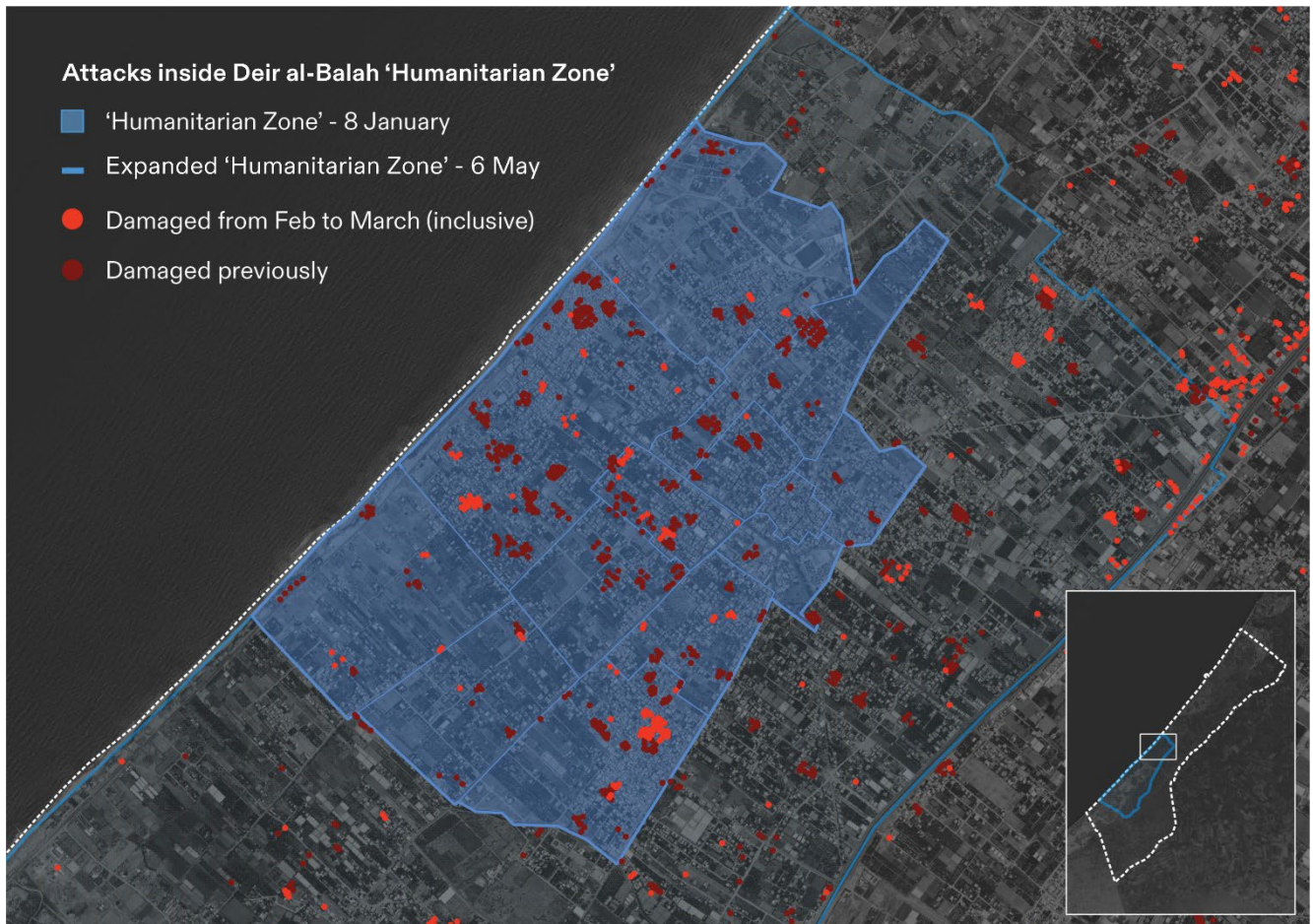


Figure 23. Damage incurred in February and March 2024, during the same period the Israeli military urged civilians to seek safety in the highlighted area. This image indicates that even after the International Court of Justice (ICJ) ordered Israel on 26 January 2024 to ‘take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip’, Israel has continued to target buildings within areas that it has itself designated safe for evacuees.

²⁶ On multiple occasions, the Israeli military referred to Deir al-Balah in general as a ‘safe’ area. On 8 January 2024, Palestinian photographer Motaz Azaiza, who was based in Deir al-Balah at the time, published a photo of an Israeli air-dropped leaflet instructing Palestinians to evacuate towards the blocks in Deir al-Balah shown in Figure 24 and Figure 25: <https://x.com/azaizamotaz9/status/1744373263222894632>

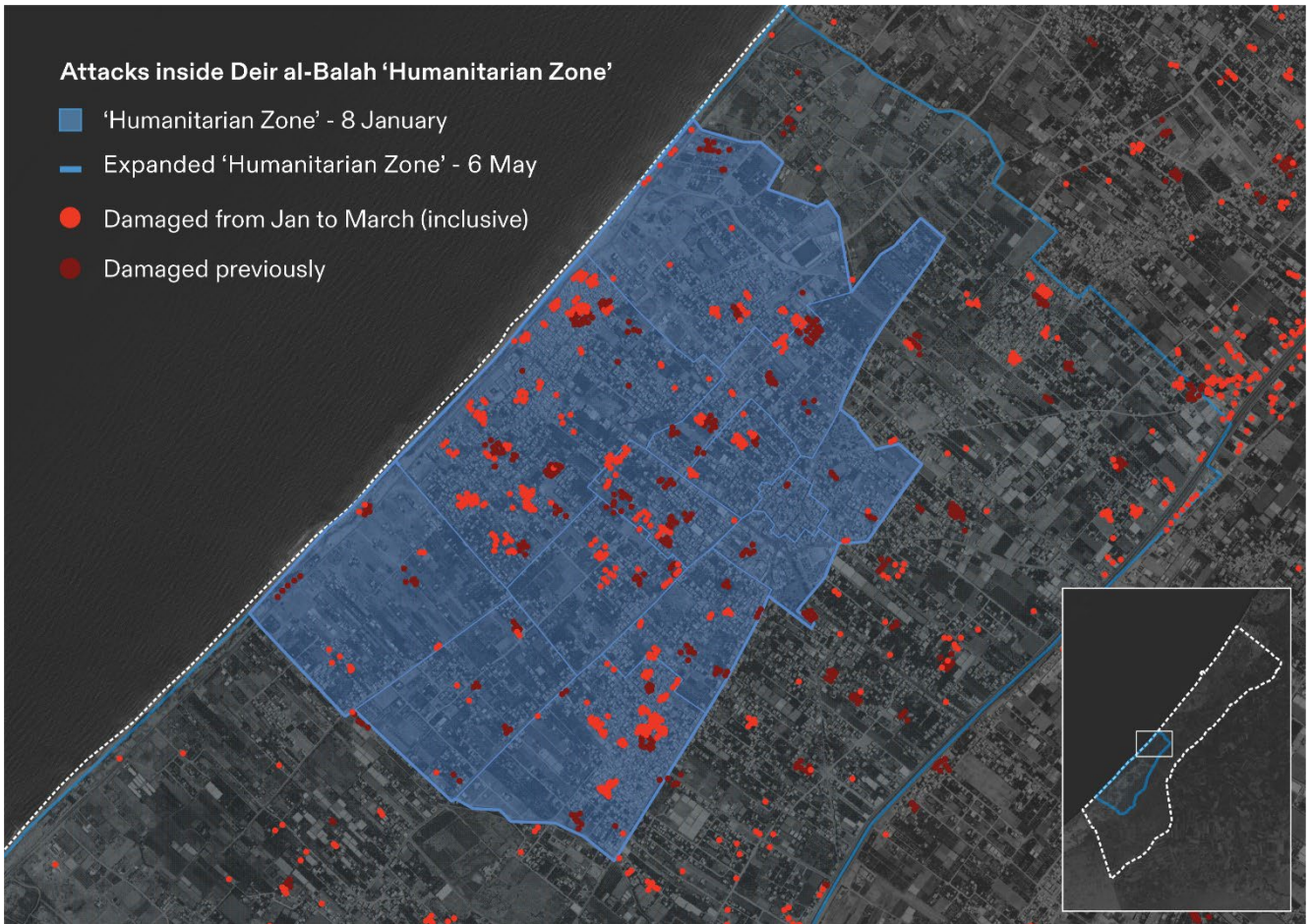


Figure 24. Damage between January and the end of March 2024 within the Israeli designated 'humanitarian zone' of Deir al-Balah. This image indicates that Israel repeatedly targeted this 'humanitarian zone' since it was declared as such on 8 January 2024.

10. Has Israel ensured the provision of essential shelter and sustenance within Gaza and ensured the safe distribution of and access to aid within Gaza since the beginning of their invasion?

10.1. Our analysis of reported data identifies at least 80 separate attacks by Israel on aid in Gaza since January. The frequency and widespread nature of these attacks suggests that Israel is systematically targeting aid.²⁷ The reported attacks we mapped include attacks on civilians seeking aid, attacks on aid convoys, attacks on aid personnel, and attacks on aid infrastructure (including aid warehouses).

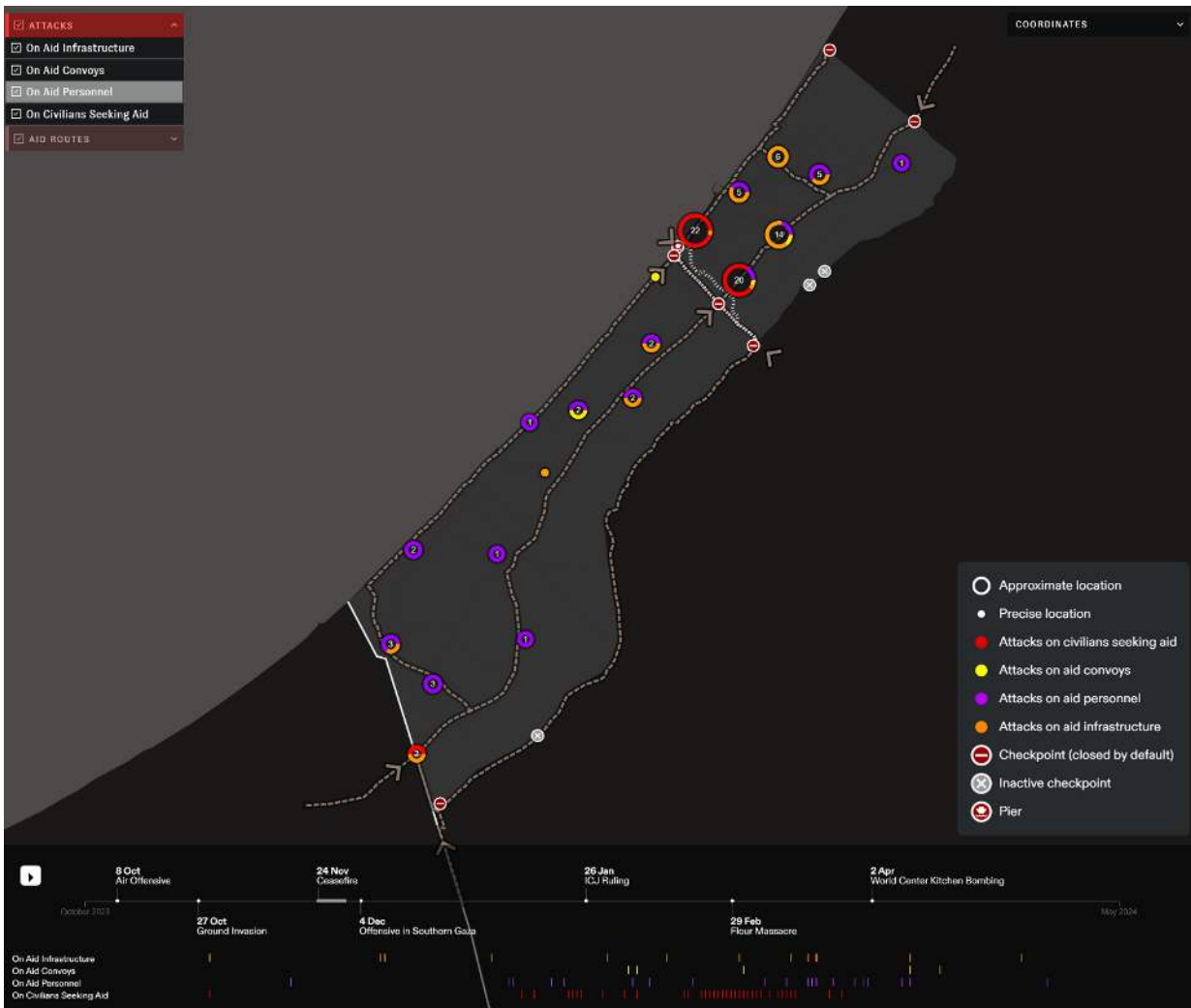


Figure 25. An image from Forensic Architecture's 'Attacks on Aid in Gaza' interactive map platform showing documented attacks on aid in Gaza by Israel.

²⁷ This work was published on 15 May 2024 on the social media website X.

<https://x.com/ForensicArchi/status/1790796901123559572>

The interactive map platform can be accessed through a desktop using this link: <https://t.co/wfwdHp6y62>

The full data set, containing coordinates, details of the incidents, and sources for the incidents is based on open-source information and is available in full upon request.

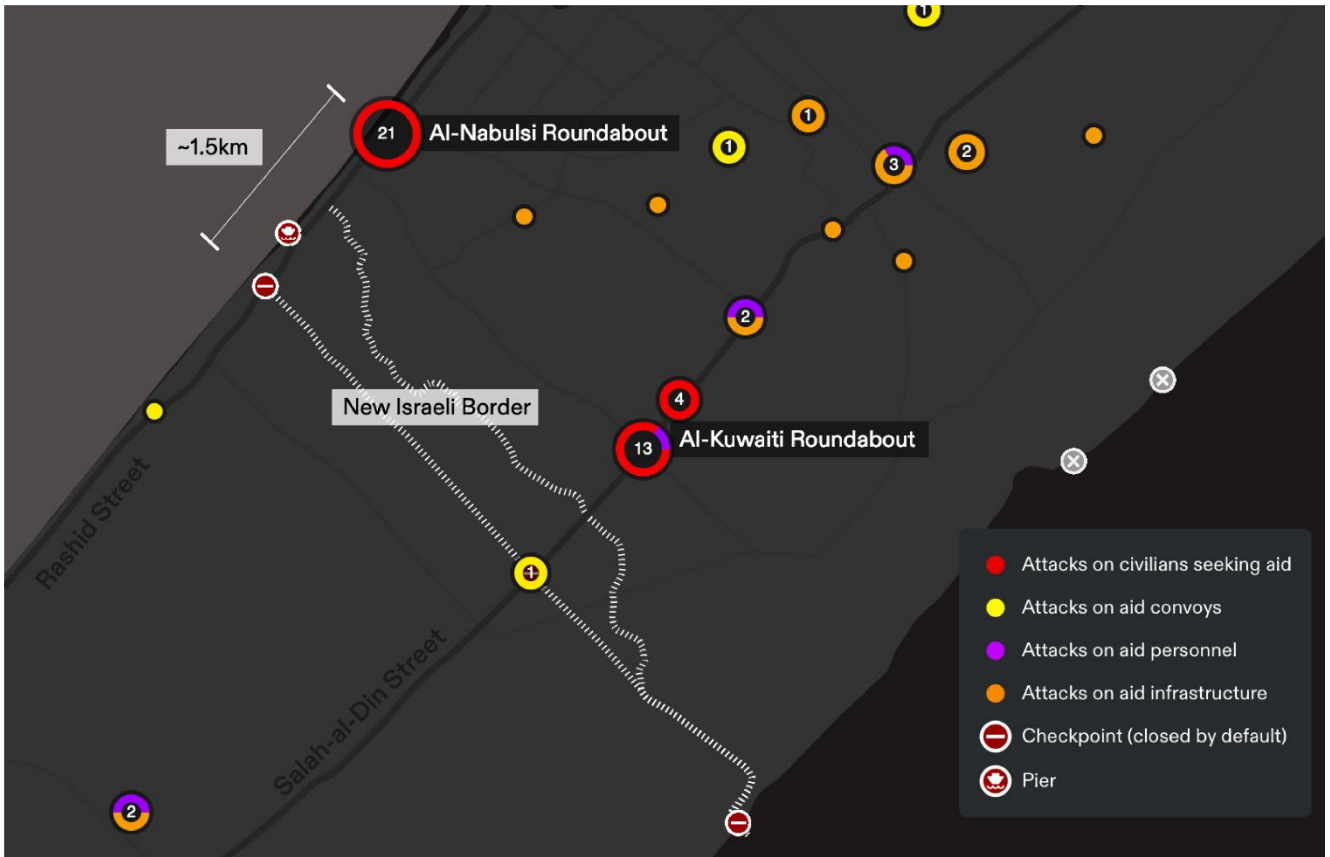


Figure 26. Reports indicate there have been at least 37 attacks on civilians seeking aid, all near the Israeli-controlled checkpoints on Salah-al-Din Street and al-Rashid Street, which are repeatedly referred to by Israeli officials as 'humanitarian corridors' (see 8.3).

11. About Forensic Architecture

Forensic Architecture is a research agency, based at Goldsmiths, University of London, investigating human rights violations including environmental destruction and violence committed by states, police forces, militaries, and corporations. FA has published over 100 investigations into cases of human rights violations worldwide including in Pakistan, Indonesia, Myanmar, Guatemala, Mexico, Chile, Brazil, the US, UK, Germany, Turkey, Ukraine and Greece. FA is directed by Professor Eyal Weizman, and has worked with international NGOs such as Amnesty International, Human Rights Watch, Doctors without Borders, the ICRC, and the UN.

Our investigations employ pioneering techniques in spatial and architectural analysis, open-source investigation, digital modelling, and immersive technologies, as well as documentary research, situated interviews, and academic collaboration. Findings from our investigations have been presented in national and international courtrooms, parliamentary inquiries, and exhibitions at some of the world's leading cultural institutions and in international media, as well as in citizen's tribunals and community assemblies.

FA's case files have been submitted as evidence in national legal processes across the world, including in Israeli courts. The agency's findings have also been submitted or presented in international jurisdictions including the European Court of Human Rights and the UN General Assembly, and in national courtrooms, parliamentary inquiries, and truth commissions around the world.

FA has been recognised for its work in the field of journalism with a Peabody Award for Digital and Interactive Storytelling (2021), the European Cultural Foundation (ECF) Princess Margriet Award for Culture (2018), and a Peabody-Facebook Futures of Media Award for Interactive Storytelling (2017). FA director Eyal Weizman is a life fellow of the British Academy and recipient of an MBE for 'services to architecture'. He was a member of the Technology Advisory Board of the International Criminal Court in The Hague.

12. Appendix



Figure 27. The boundary of the 'humanitarian zone' in al-Mawasi as declared by the Israeli military on 18 October 2023.



Figure 28. The boundary of the ‘humanitarian zone’ in al-Mawasi as shown in an Israeli military evacuation order²⁸ published on 22 October 2023. The same boundary was published in multiple evacuation orders.²⁹

²⁸ On maps intended for Palestinians in Gaza, the delineated boundary of Al-Mawasi is accompanied by text at the bottom stating "توضيحي رسم" which translates to ‘illustrative drawing’ or ‘explanatory diagram’ in English.

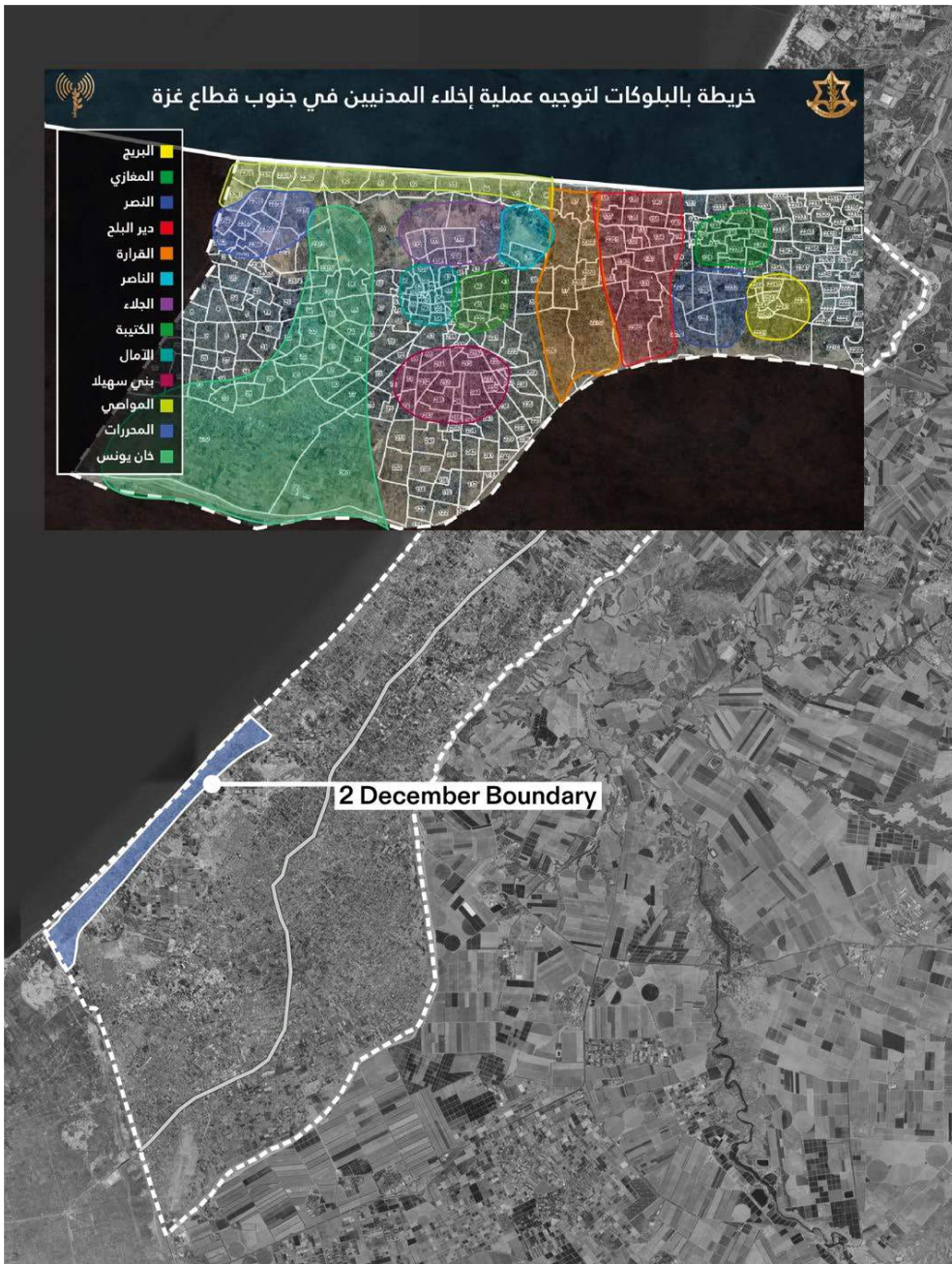


Figure 29. The boundary of the al-Mawasi area as shown on a neighbourhood-based map published by the Israeli military on 2 December 2023.³⁰

²⁹ <https://www.facebook.com/photo/?fbid=896287658529509&set=a.306770754147872>

<https://www.facebook.com/photo/?fbid=900127288145546&set=a.306770754147872>

<https://www.facebook.com/photo/?fbid=901282458030029&set=a.306770754147872>

³⁰ <https://arabic.cnn.com/middle-east/article/2023/12/02/israel-military-gaza-blocks-maps>



Figure 30. The boundary of the ‘humanitarian zone’ in al-Mawasi as defined in a map published³¹ by the Israeli military and dated 6 December 2023. Here the Israeli military published a version of the al-Mawasi ‘humanitarian zone’ boundary that was notably larger than any previously published in order to support their claim that Palestinian armed resistance had fired rockets from this zone.

³¹ <https://idfanc.activetrail.biz/ANC07122023045086>

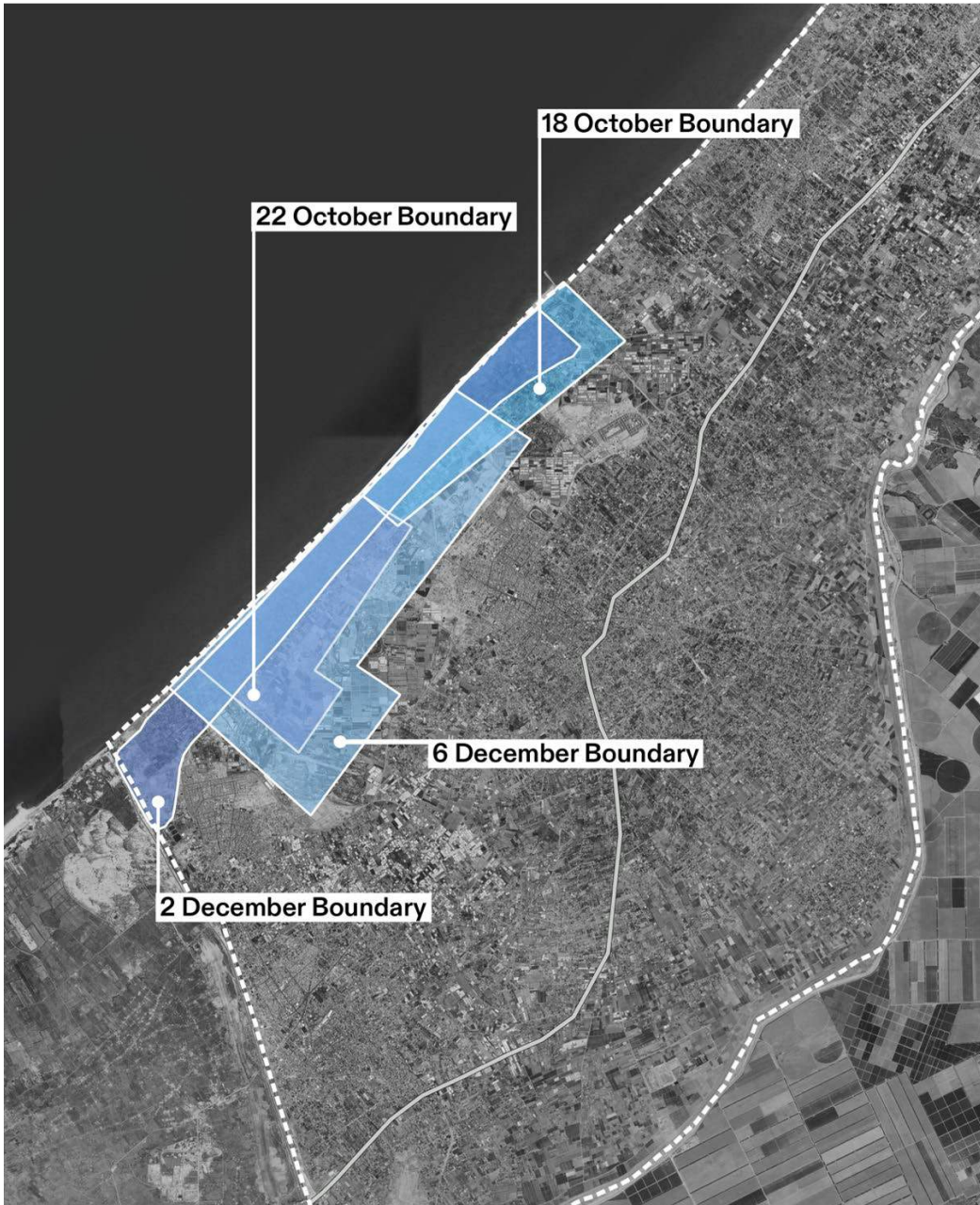


Figure 31. A map showing the overlap of the different versions of the 'humanitarian zone' in al-Mawasi as published by the Israeli military between October and December 2023. The ambiguity surrounding the boundaries of areas declared 'safe' in Gaza is also evident in the cases of the 'safe zones' in Rafah and Deir Al-Balah³².

³² See Section '6.2.1 Boundaries of 'safe zones': Elastic, unclear and inconsistent' in FA's report titled 'Humanitarian Violence': https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf