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NGO in Consultative Status with the Economic and Social Council of the United Nations



AL - HAQ

Excessive Use of Force and Killing of Palestinian Persons with Psychosocial, Intellectual or Developmental Disabilities by the Israeli Occupying Forces in 2018

Submission to the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Dr. Agnes Callamard, in Response to a Call for Input on the Use of Lethal Force by Law Enforcement Officials on Persons with Psychosocial, Intellectual or Developmental Disabilities

Submitted by:

Al-Haq, Law in the Service of Man
NGO in Special Consultative Status
with the United Nations Economic and Social Council



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I. Introduction

1. Persons with disabilities constitute one of the most vulnerable groups amongst the protected Palestinian population in the Occupied Palestinian Territory (OPT). According to the Palestinian Central Bureau of Statistics (PCBS), as of 2017, persons with disabilities constituted 5.8 per cent of the Palestinian population in the OPT.¹ In 2011, a study issued by PCBS and the Palestinian Ministry of Social Affairs (today ‘Ministry of Social Development’) showed that disability in the OPT ranges between visual, hearing, mobility, memory and concentration, communication, slow-learning, and psychological disabilities.² Mobility was categorised among the most common form of disability in Palestine in 2011,³ whereas 27.2 per cent of persons with disabilities in the OPT had mental and psychological disabilities, and 33.6 per cent had communication disabilities.⁴

2. Persons with disabilities in the OPT suffer the impacts of a neglectful societal environment for their basic needs, coupled with the damaging and sometimes fatal repercussions of a prolonged occupation that has lasted over five decades, severely depriving Palestinians, including persons with disabilities, from their basic human rights, including their right to life, dignity, and security of person, and impeding their access to basic services. Israel’s prolonged occupation, exemplified in the systematic targeting of Palestinian civilians, has disproportionately affected the lives of persons with disabilities in the OPT.⁵

¹ Figure excluding occupied East Jerusalem. See Palestinian Central Bureau of Statistics, ‘First Results of the General Population, Housing and Establishments Census’, 2017, available in Arabic at: <http://www.pcbs.gov.ps/Downloads/book2364.pdf>, pp. 16.

² According to the Palestinian Central Bureau of Statistics and the Palestinian Ministry of Social Affairs, “a person is considered disabled when the person suffers extreme hardship or cannot at all”. See Palestinian Ministry of Social Affairs and Palestinian Central Bureau of Statistics, ‘Survey of Persons with Disabilities, 2011, Main Results Report’, 2011, available in Arabic at: <http://www.pcbs.gov.ps/Portals/PCBS/Downloads/book1812.pdf>, pp. 9.

³ Palestinian Central Bureau of Statistics, ‘Press Release, On The Occasion of International Disables Day’, 12 March 2014, available at: <http://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=1271>

⁴ Ibid.

⁵ See for example: UN Office for the Coordination of Humanitarian Affairs, ‘Gaza: People with Disabilities Disproportionately Affected by the Energy and Salary Crisis’, 11 October 2017, available at:



3. Over the years, the Israeli Occupying Forces (IOF) and other agents of the State of Israel, as Occupying Power, have deliberately used excessive and lethal force against protected Palestinian civilians in a disproportionate and indiscriminate manner.⁶ This systemic practice and policy have been used against Palestinians across the OPT for decades, and have affected, amongst others, persons with disabilities, including persons with psychosocial, intellectual or developmental disabilities, leading to fatal and terminal consequences.

4. In targeting Palestinian civilians, regardless of their age, gender, or other status, the IOF has repeatedly demonstrated deliberate use of live ammunition, and other forms of lethal force, along with a shoot-to-kill policy.⁷ Over the years, the IOF has also carried out wilful killings of Palestinians in varying contexts.⁸ As demonstrated throughout this submission, such acts and policies have also extended to persons with disabilities in the OPT, including persons with psychosocial and intellectual disabilities.

5. Accordingly, Al-Haq provides this submission, indicating cases in which the IOF has resorted to excessive force and lethal force against Palestinian persons with psychosocial, intellectual or developmental disabilities across the OPT throughout the year 2018, resulting in their killing. This submission to the United Nations (UN) Special

<https://www.ochaopt.org/content/gaza-people-disabilities-disproportionately-affected-energy-and-salary-crisis>

⁶ See for example: Al-Haq, 'Increase in Palestinians Killed by Israeli Occupation Forces in July 2017', 16 August 2017, available at: <http://www.alhaq.org/advocacy/topics/right-to-life-and-body-integrity/1134-increase-in-palestinians-killed-by-israeli-occupation-forces-in-july-2017>; Al-Haq, 'A Demonstration of Power: Israel's Excessive Use of Force Resulting in the Killing of Non-Violent Palestinian Protestors and Demonstrators during 2014 and 2015', 7 May 2016, available at:

<http://www.alhaq.org/advocacy/topics/right-to-life-and-body-integrity/1043-a-demonstration-of-power-israels-excessive-use-of-force-resulting-in-the-killing-of-non-violent-palestinian-protestors-and-demonstrators-during-2014-and-2015> (hereinafter Al-Haq, A Demonstration of Power).

⁷ See for example: Al-Haq, 'The Killing of Mahmoud Badran: The IOF's Excessive Use of Force and Shoot to Kill Policy', 23 June 2016, available at: <http://www.alhaq.org/advocacy/topics/right-to-life-and-body-integrity/1055-the-killing-of-mahmoud-badran-the-iofs-excessive-use-of-force-and-shoot-to-kill-policy>

⁸ See for example: Al-Haq, 'Evidence of Wilful Killing at Al-Nakba Day Protest', 24 May 2014, available at: <http://www.alhaq.org/documentation/weekly-focuses/806-evidence-of-wilful-killing-at-al-nakba-day-protest>; <http://www.alhaq.org/documentation/weekly-focuses/1213-gaza-documenting-wilful-killings-and-injuries-during-the-great-return-march>; <http://www.alhaq.org/advocacy/topics/right-to-life-and-body-integrity/387-wilful-killing-of-umar-qawasmii>



Rapporteur on extrajudicial, summary or arbitrary executions (hereinafter the ‘Special Rapporteur’) comes in response to a call for input issued by the Special Rapporteur ahead of her upcoming report on the use of lethal force by law enforcement officials on persons with psychosocial, intellectual or developmental disabilities.⁹

6. It should be noted that in addition to excessive use of lethal force against Palestinian persons with disabilities, over the years, Al-Haq has monitored and documented other incidents where persons with disabilities have been denied basic rights and access to services, ranging from arbitrary detentions and arrests to denial of access to healthcare. For example, in June 2013, the IOF raided Al-‘Aroub Refugee Camp in the Hebron Governorate and arrested Adam Hilmi Abu Ghazi, 30 years old at the time, from his home. Adam, who has intellectual disabilities, was physically beaten and abused by Israeli soldiers before he was detained overnight at an Israeli military unit. During the incident, Adam was dragged out of his apartment and beaten all over his body with batons.¹⁰ In another instance, in December 2017, nine-year-old Dalal Theeb Lolah, a special needs child and resident of ‘Awarta, south of Nablus city, who was diagnosed with cerebral atrophy at the age of three, died as she was denied timely access to medical assistance due to Israel’s restrictions on movement by virtue of checkpoints and road closures established by the occupying authorities across the OPT.¹¹

II. Legal Framework: International Law, Israeli Policy and Practice

A. Persons with Disabilities in Situations of Armed Conflict and Occupation

7. Persons with disabilities are protected by international law during situations of armed conflict and belligerent occupation, including under international humanitarian

⁹ OHCHR, ‘Call for Input: Report on the Use of Lethal Force by Law Enforcement Officials on Persons with Psychosocial, Intellectual or Developmental Disabilities’, available at: <https://www.ohchr.org/Documents/Issues/Executions/PoliceUseForceMentalDisability.pdf>

¹⁰ Al-Haq, ‘Israeli Soldiers Arbitrarily Arrest Palestinian with Intellectual Disability’, 28 June 2013, available at: <http://www.alhaq.org/documentation/weekly-focuses/718-israeli-soldiers-arbitrarily-arrest-palestinian-with-intellectual-disabilities>

¹¹ Al-Haq Affidavit No. 935/2017; See also Al-Haq, ‘Palestinian Children: Relentlessly Targeted by Israel’s Occupation’, 6 January 2018, available at: <http://www.alhaq.org/documentation/weekly-focuses/1167-palestinian-children-relentlessly-targeted-by-israels-occupation>



law and international human rights law. The State of Israel ratified the Convention on the Rights of Persons with Disabilities (CRPD) in September 2012, which applies extraterritorially to the OPT.¹² Article 11 of the CRPD requires the State party, in this case, Israel, as Occupying Power, to take:

“[A]ll necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict.”¹³

8. International law establishes and requires specific measures to be taken to ensure the protection of persons with disabilities in situations of conflict and occupation, including access to healthcare and rehabilitation services, as well as humanitarian relief and assistance.¹⁴ Although no specific provisions prohibit the targeting of persons with disabilities under the laws of armed conflict, international humanitarian law nonetheless establishes that the targeting of civilians is prohibited:

“[T]he prohibition of adverse distinction applies across all cases when persons are in the power of a party to a conflict or where they are under the territorial control of a party to a conflict.”¹⁵

9. In particular, international humanitarian law prohibits direct attacks,¹⁶ indiscriminate attacks,¹⁷ and disproportionate attacks¹⁸ against civilians and other protected persons, with the aim, ultimately, to provide protection for civilian persons, including those with disabilities, in such contexts. Notably, customary international humanitarian law provides that “adverse distinction in the application of international humanitarian law based on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth *or other status, or any other*

¹² It should be noted that the State of Palestine ratified the Convention on the Rights of Persons with Disabilities in 2014.

¹³ Convention on the Rights of Persons with Disabilities, 2006, (hereinafter CRPD), Article 11.

¹⁴ ICRC, ‘How Law Protects Persons with Disabilities in Armed Conflict’, 13 December 2017, available at: <https://www.icrc.org/en/document/how-law-protects-persons-disabilities-armed-conflict>, (hereinafter ICRC, How Law Protects Persons with Disabilities).

¹⁵ ICRC, How Law Protects Persons with Disabilities, pp. 2.

¹⁶ ICRC, Customary International Humanitarian Law, Rule 1.

¹⁷ ICRC, Customary International Humanitarian Law, Rules 11-13.

¹⁸ ICRC, Customary International Humanitarian Law, Rule 14.



similar criteria is prohibited (emphasis added)”,¹⁹ also extending to discrimination on the basis of disability.

B. Occupation and the Application of the Law Enforcement Paradigm

10. By virtue of its military occupation of the Palestinian territory since 1967, Israel, as Occupying Power, continues to exercise effective control over the occupied West Bank, including East Jerusalem, and the Gaza Strip.²⁰ Accordingly, international human rights law and international humanitarian law are applicable to the OPT,²¹ both of which are relevant to discussions pertaining to the use of force and lethal force by Israeli forces, and other agents of the State of Israel, such as private military and security companies, against protected Palestinians.²²

11. The use of firearms in the OPT and the actions of the Israeli military, or of other forces and agents of the State, are subject to the provisions of international humanitarian law by virtue of Israel’s ongoing occupation. While international humanitarian law may allow Israeli forces to use fire, even during non-life-threatening situations, they must protect civilians who do not take an active part in hostilities.²³

12. However, in instances that do not meet the threshold of hostilities regulated by international humanitarian law, including those related to the suppression of protests or the use of lethal force against unarmed civilians in other contexts throughout the OPT,

¹⁹ ICRC, Customary International Humanitarian Law, Rule 88.

²⁰ The requisite of effective control requires military presence and the substitution of authority. The Hague Convention IV Respecting the Laws and Customs of Wars on Land (1907), (hereinafter the Hague Regulations), Article 42.

²¹ See for example Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion), 2004, paras 101-106 and 127-130; UN Human Rights Committee, Concluding Observations on the fourth periodic report of Israel, 21 November 2014, CCPR/C/ISR/CO/4, (hereinafter Human Rights Committee, Concluding Observations Israel, 2014), para. 5; UN Human Rights Committee, General Comment 31, Nature of the General Legal Obligation Imposed on States Parties to the Covenant (26 May 2004), UN Doc. CCPR/C/21/Rev.1/Add.13.

²² “Both the conduct of hostilities and law enforcement paradigms can be relevant in an armed conflict situation.” ICRC, ‘the Use of Force in Armed Conflicts – Interplay between the Conduct of Hostilities and Law Enforcement Paradigms’, 2012, available at: <https://shop.icrc.org/e-books/international-humanitarian-law-ebook/the-use-of-force-in-armed-conflicts-expert-meeting.html>, (hereinafter ICRC, Interplay between the Conduct of Hostilities and Law Enforcement Paradigms), pp. 10.

²³ ICRC, Interplay between the Conduct of Hostilities and Law Enforcement Paradigms, pp. 8-9.



the IOF exercises policing functions regulated by the law enforcement paradigm, stemming for the Occupying Power's obligation to administer the occupied territory.²⁴

13. In fact, “most of the tasks performed by the Israeli security forces in the Occupied Territories are policing activities, which include dispersing demonstrations, making arrests, enforcing travel restrictions, conducting body frisks, home searches, and more.”²⁵ In such cases, Israeli forces, including soldiers, border police, or special forces, act as law enforcement personnel whose conduct is strictly regulated by norms of international law.

14. The law enforcement paradigm is governed by international human rights law, including State obligations stemming from Israel being a State Party to the International Covenant on Civil and Political Rights (ICCPR) the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the CRPD, amongst other core human rights treaties, the applicability of which extends to the OPT.²⁶

15. Under international human rights law, the use of force by State agents is justified only when absolutely necessary in self-defence or in the defence of others against imminent threat of death or serious injury.²⁷ Notably, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials establish that:

“Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving great

²⁴ “In the context of armed conflicts taking place in two or more States, the majority of experts held that the extraterritorial applicability of human rights law cannot be questioned in situations where there is effective control over the territory (e.g. occupation).” ICRC, *Interplay between the Conduct of Hostilities and Law Enforcement Paradigms*, pp. 10; *See also* Report of the Expert Meeting on the Right to Life in Armed Conflicts and Situations of Occupation, University Centre for International Humanitarian Law (Geneva, 1-2 September 2005).

²⁵ B'Tselem, ‘Open Fire Policy’, 11 November 2017, available at: <https://www.btselem.org/firearms>

²⁶ *See* Human Rights Committee, *Concluding Observations Israel*, 2014, para. 5; UN Committee on Economic, Social and Cultural Rights, *Concluding Observations of the Committee on Economic, Social and Cultural Rights*, 16 December 2011, E/C.12/ISR/CO/3, para. 8.

²⁷ ICRC, *Interplay between the Conduct of Hostilities and Law Enforcement Paradigms*, pp. 8.



threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape...²⁸

16. In addition, the UN Code of Conduct for Law Enforcement Officials provides that:

“... law enforcement officials may be authorized to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders ...”²⁹

17. Critically, lethal force may only be used as a last resort, and when other available means prove ineffective in order to protect life.³⁰ When using force and lethal force within the law enforcement paradigm, “the life of the individual posing an imminent threat himself is to be taken into account,” which requires using the most minimal amount of force.³¹ The use of firearms “is considered an extreme measure”, requiring that “every effort should be made to exclude the use of firearms,” and to ensure that their use is “reasonably necessary,”³² in accordance with the principles of necessity and proportionality.³³

C. The Right to Life

18. The inherent right to life is recognised as “the supreme right from which no derogation is permitted even in situations of armed conflict”,³⁴ and is constitutive of customary international law, enshrined in Article 3 of the Universal Declaration of

²⁸ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eight UN Congress on the Prevention of Crime and the Treatment of Offenders and welcomed by UNGA Res. 45/166, 18 December 1990, Principle 9 (hereinafter UN Basic Principles on the Use of Force).

²⁹ UN Code of Conduct for Law Enforcement Officials, adopted by UNGA Res. 34/169, 17 December 1979, commentary to Article 3 (hereinafter UN Code of Conduct for Law Enforcement Officials).

³⁰ UN Basic Principles on the Use of Force, Principles 4 and 9.

³¹ ICRC, Interplay between the Conduct of Hostilities and Law Enforcement Paradigms, pp. 8.

³² UN Code of Conduct for Law Enforcement Officials, Article 3.

³³ ICRC, Interplay between the Conduct of Hostilities and Law Enforcement Paradigms, pp. 8.

³⁴ UN Human Rights Committee, General Comment No. 36 (2018) on Article 6 of the International Covenant on Civil and Political Rights, on the right to life, UN Doc. CCPR/C/GC/36, 30 October 2018, (hereinafter Human Rights Committee, General Comment No. 36 (2018)), para. 2.



Human Rights (UDHR), in Article 6(1) of the ICCPR,³⁵ and in Articles 1 and 10 of the CRDP, which Israel is under an obligation to respect, protect, and fulfil in the OPT, as Occupying Power.

19. The protection of the right to life by law requires States parties to protect against any measures, carried out by both state agents and other members of society.³⁶ Accordingly, States parties are expected to “take all necessary measures intended to prevent arbitrary deprivations of life by their law enforcement officials, including soldiers charged with law enforcement missions. These measures include appropriate legislation controlling the use of lethal force by law enforcement officials, procedures designed to ensure that law enforcement actions are adequately planned in a manner consistent with the need to minimize the risk they pose to human life...”³⁷

20. Under international human rights law, the UN Human Rights Committee has considered that persons with psychosocial, intellectual or developmental disabilities are “entitled to specific measures of protection so as to ensure their effective enjoyment of the right to life on equal basis with others. Such measures of protection shall include..., and specific measures designed to prevent unwarranted use of force by law enforcement agents against persons with disabilities.”³⁸

21. Nonetheless, agents of the State of Israel, including Israeli military officers, police, and private security personnel, often resort to excessive force and lethal force

³⁵ “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” International Covenant on Civil and Political Rights, adopted 16 December 1966, entered into force 23 March 1976, (hereinafter ICCPR), Article 6(1).

³⁶ UN Human Rights Council, Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Christof Heyns, 23 May 2011, UN Doc. A/HRC/17/28, para. 44.

³⁷ Human Rights Committee, General Comment No. 36 (2018), para. 13. *See also* “State parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces. The deprivation of life by the authorities of the State is a matter of utmost gravity. Therefore, the law must strictly control and limit the circumstances in which a person may be deprived of his life by such authorities.” UN Human Rights Committee, CCPR General Comment No. 6: Article 6 (Right to Life), 30 April 1982, para. 3.

³⁸ Human Rights Committee, General Comment No. 36 (2018), para. 24.



against unarmed Palestinian civilians in various contexts, including during the policing of peaceful assemblies, and during alleged attacks or other incidents.³⁹

22. In 2018, 303 Palestinians were killed throughout the OPT, including 60 children, and ten persons with disabilities, of whom five were persons with psychosocial and intellectual disabilities. These cases signal Israel's widespread and systemic disregard for Palestinian life, and include conduct, which may amount to wilful killings, a grave breach under Article 147 of the Fourth Geneva Convention, and a war crime under Article 8(2)(a)(i) of the Rome Statute of the International Criminal Court.⁴⁰

23. Despite the large number of killings of Palestinians by the IOF and other agents of the State, Israel fails to carry out prompt, impartial, independent, effective, and transparent investigations into these incidents, which undermines accountability and results in the prevailing climate of impunity, enjoyed by the Israeli occupying authorities and personnel, and Israel's biased judicial system.⁴¹

D. Israel's Rules of Engagement for the Use of Live Fire

24. Israel continues to refuse to make public its rules of engagement for the use of live fire. Nonetheless, given the policy and practice on the ground, it is evident that the use of force and lethal force against Palestinian civilians is not in line with the standards set forth under international law. Naturally, there are also no legislation or public policies available on the interrelation between Israeli soldiers and other law enforcement officials, the use of force and lethal force, and Palestinian civilians with psychosocial, intellectual or developmental disabilities in the OPT.

³⁹ It should be noted that other attacks include those that are carried out by Israeli settlers, with the conscience and under the protection of the State of Israel, against Palestinian civilians. *See for example:* UN Human Rights Office of the High Commissioner, 'Press Briefing Note on Israel/Occupied Palestinian Territory', 29 January 2019, available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24124&LangID=E>

⁴⁰ *See more on wilful killing at:* Al-Haq, A Demonstration of Power, pp. 31-35.

⁴¹ Al-Haq, 'Impunity Prevails Once Again: Israeli Court Sentences IOF Killer of Nadim Nuwwara to Nine Months Imprisonment', 26 April 2018, available at:

<http://www.alhaq.org/advocacy/targets/accountability/81-general/1221-impunity-prevails-once-again-israeli-court-sentences-iof-killer-of-nadim-nuwwara-sentenced-to-nine-months-imprisonment> ; *See also* para. 39 – 41 of this submission.



25. Notably, since the beginning of the Great Return March protests in late March 2018 in the occupied Gaza Strip, Israeli soldiers have been permitted to fire live ammunition against those who approach or attempt to damage the fence separating the Gaza Strip from the Green Line.⁴² This has included public statements made by the Israeli security cabinet to “gradually implement a zero tolerance policy” and a “more aggressive response” to these protests.⁴³ The policy of the Israeli Government has translated into the intentional targeting of Palestinian protesters with live fire by Israeli soldiers,⁴⁴ resulting in the killing of 180 protesters,⁴⁵ including three persons with psychosocial and intellectual disabilities, and the injury of more than 24,000 since the beginning of the protests in late March 2018.⁴⁶ It should be noted that throughout the Great Return March protests, Israel has deliberately injured and maimed Palestinian civilians, targeting specific body parts with the intention of causing permanent injury and amputations.⁴⁷

⁴² David M. Halbfinger, ‘300 Meters in Gaza: Snipers, Burning Tires and a Contested Fence’, New York Times, 15 May 2018, available at: <https://www.nytimes.com/interactive/2018/04/13/world/middleeast/gaza-fence-aerial.html>; See also UN Human Rights Council, Written Statement Submitted by Human Rights Now, a non-governmental organisation in special consultative status, 25 May 2018, A/HRC/38/NGO/X, available at: http://hrn.or.jp/wpHN/wp-content/uploads/2018/05/3210_A_HRC_38_NGO_Sub_En.pdf, pp. 3.

⁴³ Breaking Israel News, ‘Security Cabinet Green Lights IDF Stepping Up Reprisal Attacks for Gaza Terrorism’, 19 October 2018, available at: <https://www.breakingisraelnews.com/115427/green-lights-idf-reprisal-gaza-terrorism/>

⁴⁴ Al-Haq, ‘30 March: 15 Palestinians Killed, More than a Thousand Injured, as IOF Violently Suppress Palestinian Protestors in the Gaza Strip’, 31 March 2018, available at: <http://www.alhaq.org/advocacy/topics/gaza/1206-30-march-15-palestinians-killed-more-than-a-thousand-injured-as-iof-violently-suppress-palestinian-protestors-in-the-gaza-strip>; See also Yesh Din, ‘HCJ Petition: Revoke Rules of Engagement Permitting Live Fire at Non-Dangerous Demonstrators near Gaza Fence’, 15 April 2018, available at: <https://www.yesh-din.org/en/hcj-petition-revoke-rules-engagement-permitting-live-fire-non-dangerous-demonstrators-near-gaza-fence/>

⁴⁵ Figure according to Al-Haq Monitoring and Documentation Department as of 20 January 2019.

⁴⁶ UN Office for the Coordination of Humanitarian Affairs, ‘More Casualties Sustained during the ‘Great March of Return’ in Gaza’, 16 November 2018, available at: <https://www.ochaopt.org/content/more-casualties-sustained-during-great-march-return-gaza>

⁴⁷ Al-Haq, ‘Israel Deliberately Injures and Maims Palestinian Civilians, Prevents Evacuation of Wounded, and Denies Access to Vital Healthcare Facilities Outside the Gaza Strip’, 18 April 2018, available at: <http://www.alhaq.org/documentation/weekly-focuses/1215-israel-deliberately-injures-and-maims-palestinian-civilians-prevents-evacuation-of-wounded-and-denies-access-to-vital-healthcare-facilities-outside-the-gaza-strip>



26. Israeli forces have also redefined and expanded the meaning of “life threatening” events to include situations such as: stone-throwing, tire-burning during protests, and fear of damaging separation barriers (e.g., the fence in Gaza and the Annexation Wall in the West Bank).⁴⁸ Moreover, in September 2015, the Israeli security cabinet approved new rules of engagement for its forces aimed at easing the use of 0.22 live round bullets from Ruger rifles against Palestinian stone-throwers, primarily targeted at Palestinians in the West Bank, including East Jerusalem.⁴⁹

III. Five Palestinians with Psychosocial, Intellectual, and Developmental Disabilities Killed by the IOF in 2018

27. In 2018, the IOF killed ten Palestinian persons with disabilities in varying contexts, including during peaceful protests.⁵⁰ Of the ten killed as a result of the IOF’s use of direct live fire, five had psychosocial and intellectual disabilities: Muhammad Subhi ‘Anbar, Karam Muhammad Fayyad, Ghanem Ibrahim Sharab, Muhammad Hussam Habali, and Hussein Fathi Al-Ruqub.

A. Killings during Peaceful Protests

28. As Occupying Power, Israel must guarantee the human rights of protected persons within its jurisdiction, including the fundamental right to life and the right of peaceful assembly. The right of peaceful assembly and association is enshrined in Article 21 of the ICCPR. Law enforcement officials are subject to regulations and standards set forth under international law, which require them to respect, protect, and fulfil the rights of Palestinians under their jurisdiction, especially their fundamental right to life. Meanwhile, as mentioned earlier, Article 11 of the CRPD provides that

⁴⁸ B’Tselem, ‘Open-fire Regulations and Rules of International Humanitarian Law’, January 2011, available at: <http://www.btselem.org/firearms>

⁴⁹ Peter Beaumont, ‘Israel Relaxes Live-Fire Rules against Palestinian Stone-Throwers’, The Guardian, 25 September 2015, available at: <https://www.theguardian.com/world/2015/sep/25/israel-live-ammunition-measures>

⁵⁰ It is worth noting that 94 Palestinians have become with permanent physical disabilities due to the amputation of their limbs, resulting from the excessive use of force. See Palestinian Center for Human Rights, ‘On International Day of Persons with Disabilities; their Economic and Social Conditions Continue to Deteriorate’, 3 December 2018, available at: <https://pchgaza.org/en/?p=11722>



States should take measures to ensure protection and safety of persons with disabilities in situations of risk and armed conflict.

29. The Basic Principles on the Use of Firearms by Law Enforcement Officials recognise the right to participate in peaceful assemblies, in accordance with principles of international law, and recall the limited situations in which firearms can be used by Government and law enforcement officials.⁵¹ Notably, in dispersing assemblies that are not violent, law enforcement officials should only resort to force to the “minimum extent necessary.”⁵² In such instances, law enforcement officials “may use firearms only when less dangerous means are not practicable.”⁵³

30. The following two cases demonstrate the IOF’s practice during the Great Return March protests along the Gaza fence, which have resulted in the killing of eight physically disabled persons and three persons with intellectual and psychosocial disabilities throughout 2018.

⁵¹ UN Basic Principles on the Use of Force, Principle 12.

⁵² UN Basic Principles on the Use of Force, Principle 13.

⁵³ UN Basic Principles on the Use of Force, Principle 14.

B. The killing of Karam Muhammad Fayyad, Khan Younis



Karam Muhammad Fayyad, photo on file with Al-Haq, December 2018.

31. Karam Muhammad Fayyad, 26, a resident of Khan Younis Refugee Camp, was killed on 28 December 2018. According to the Palestinian Ministry of Health, Karam is registered as a person with an intellectual disability. His case file was first opened at the Khan Younis Psychiatric Clinic on 25 November 1997, when he was five years old.⁵⁴ Karam lived with his family, consisting of six brothers and five sisters, four of whom suffer mental illnesses and disabilities.

32. On 28 December 2018, at approximately 4:00 pm, the IOF shot Karam in the head with a live bullet during the Great Return March protests near the fence in Khuza'a, Khan Younis. At the time, Karam was standing amongst the crowd of protesters, approximately 150 to 200 metres away from the fence. Karam was transferred to the Gaza European Hospital where he was pronounced dead at around

⁵⁴ Medical report issued by the Palestinian Ministry of Health on 6 March 2017 for Karam Muhammad Fayyad. Medical report on file with Al-Haq.



6:00 pm of the same day. According to the volunteer paramedic who first saw Karam following his injury:

“... when I arrived at the location, he [Karam] was on his back lying on the ground, bleeding heavily from his head. He was not moving. There were several young men surrounding him, yelling “martyr!” I started providing him with first aid... it seemed like he had sustained a bullet in the right side of his head. I pressed on the wound in an attempt to stop the bleeding. The youth then carried him to an ambulance, yelling “martyr, martyr!” ... at approximately 6:00 pm, I enquired from my colleague at the Gaza European Hospital about the condition of the man who was shot in the head [Karam], and who informed me that he was pronounced dead at 6:00 pm.”⁵⁵

C. The killing of Ghanem Ibrahim Shurrab, Khan Younis

33. On 19 October 2018, Ghanem Ibrahim Shurrab, 44, was shot during the Great Return March protests in the Gaza Strip, near Khuza’a, east of Khan Younis, and died as a result of his injuries on 5 November 2018.

34. Ghanem was a resident of Khan Younis. In June 1997, Ghanem was diagnosed with a psychosocial and intellectual disability, according to the Palestine Red Crescent Society’s Rehabilitation Centre in Al-Amal City in Khan Younis.⁵⁶

35. On the day he was injured by the IOF, Ghanem was transferred to the Gaza European Hospital where he received medical treatment until he was pronounced dead on 19 October 2018. Ghanem was injured with a live explosive bullet in the left foot, causing severe bleeding and the rupture of arteries. As a result of his injury, Ghanem suffered health complications, primarily vascular toxicity, leading to his death.⁵⁷

⁵⁵ Al-Haq Affidavit No. A164/2018, given by Muhammad Nasser Abu Daqqa on 30 December 2018.

⁵⁶ Medical report issued by the Palestine Red Crescent Society on 4 April 2010 for Ghanem Ibrahim Shurrab. Medical report on file with Al-Haq.

⁵⁷ Al-Haq killing form for Ghanem Ibrahim Shurrab No. 624/2018.



D. The Killing of Hussein Fathi Al-Ruqub, Khan Younis

36. On 5 October 2018, at approximately 5:40 pm, Hussein Fathi Al-Ruqub, 19 years old then, was shot with a live bullet in the stomach by the IOF, resulting in his death on that evening. Hussein was shot during the 28th week of the Great Return March protests, along the Gaza fence, in Khuza'a, east of Khan Younis.

37. On that day, Hussein was in the area collecting empty bottles, about 70 metres away from the fence, leaving him about 100 metres away from the IOF at the time he was shot. When he was shot, Hussein was first taken to one of the medical points near the fence, where they tried to resuscitate him. Hussein was then transferred to Nasser Governmental Medical Complex, where he was pronounced dead at approximately 8:45 pm of the same day.

38. According to medical reports, Hussein had suffered congenital abnormality and cerebral atrophy since birth. Hussein also had cognitive and linguistic disabilities.⁵⁸

39. Since the beginning of Israel's violent repression of protests along the Gaza fence in March 2018, there have been repeated calls by Palestinians and international bodies for independent and transparent investigations into the killings and into Israel's excessive use of force.⁵⁹ Despite the few cases of reported investigations into two incidents of killings,⁶⁰ no genuine and sufficient steps have been taken in this regard by the Israeli occupying authorities.

⁵⁸ Medical report issued by the Palestine Red Crescent Society in Al-Amal Rehabilitation Centre, on 18 October 2018. On file with Al-Haq.

⁵⁹ See for example: UN Meetings Coverage and Press Releases, 'Secretary-General Deeply Concerned about Deadly Clashes along Israel-Gaza Border, Calls for Independent Investigation, Restraint to Prevent More Casualties', 30 March 2018, available at: <https://www.un.org/press/en/2018/sgsm18967.doc.htm>; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22924>

⁶⁰ See Yaniv Kubovich, 'Israeli Army Opens Criminal Investigation into Killing of Gaza Medic', Haaretz, 29 October 2018, available at: <https://www.haaretz.com/israel-news/israeli-army-opens-criminal-investigation-into-killing-of-gaza-medic-1.6609021>; Yaniv Kubovich, 'Israeli Military Opens Criminal Probe into Border Killings of Two Gaza Teens', Haaretz, 21 August 2018, available at: <https://www.haaretz.com/israel-news/israeli-army-opens-criminal-probe-into-killings-of-two-gaza-teens-1.6407332>



40. In addition, the Israeli military has claimed that “none of the incidents [of killings during the Great Return March protests] involved violations of open-fire orders and therefore there are no grounds for referring any of these cases to the Military Police for further investigation.”⁶¹ According to the Israeli investigation team, the protesters were not intentionally targeted and instead died due to “operational mishaps”, while the shootings were considered to have been carried out in accordance with Israel’s open-fire regulations.

41. In light of Israel’s continued failure to carry out independent and effective investigations into incidents of killings and excessive use of force against Palestinians during protests, the UN Human Rights Council adopted a resolution on 18 May 2018 to dispatch an independent, international commission of inquiry to investigate human rights violations in the context of large-scale civilian protests in the OPT that began on 30 March 2018, and are ongoing as of the time of writing.⁶²

E. Shoot-to-Kill Policy and Unlawful Killings

42. Since October 2015, Al-Haq has documented a significant increase in the number of Palestinian civilians who have been shot and killed unlawfully by the IOF, often under the pretext or suspicion of carrying out alleged attacks.⁶³ In most of these incidents, the IOF could have resorted to other less lethal means to control the situation, neutralize the suspect, and avoid killing them. The following two cases illustrate Israel’s shoot-to-kill policy and unlawful killings, disproportionately targeting the Palestinian civilian population, including persons with intellectual and developmental disabilities.

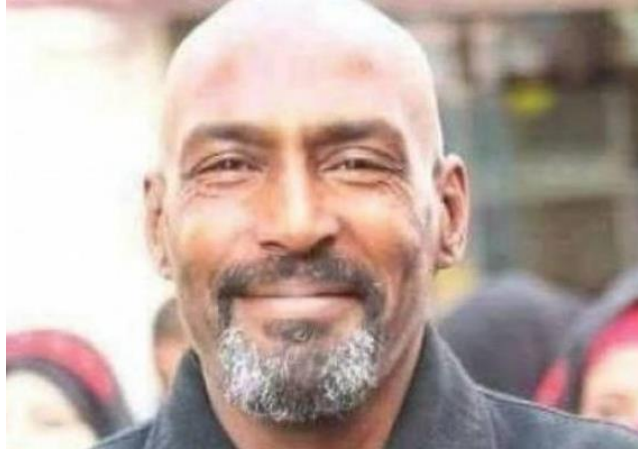
⁶¹ Yaniv Kubovich, ‘Israeli Army Probe Set to Conclude: No Violation of Open-fire Orders During Deadly Gaza Border Protests’, Haaretz, 26 July 2018, available at: <https://www.haaretz.com/israel-news/premium-idf-probe-set-to-conclude-open-fire-orders-followed-at-gaza-protests-1.6316272>

⁶² UN Human Rights Council, ‘Human Rights Council Concludes Special Session on the Deteriorating Human Rights Situation in the Occupied Palestinian Territory’, 18 May, 2018, available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23107&LangID=E>

⁶³ See for example: Al-Haq, ‘Al-Haq Field Investigations: The Killing of Muhammad ‘Amasha and Anas Taha’, 25 August 2015, available at: <http://www.alhaq.org/documentation/weekly-focuses/1037-the-killing-of-al-sharif-and-al-qasrawi-in-hebron>; <http://www.alhaq.org/documentation/weekly-focuses/954-al-haq-field-investigations-the-killing-of-muhammad-amasha-and-anas-taha>

F. The killing of Muhammad Subhi ‘Anbar, Toulkarem

43. Muhammad Subhi ‘Anbar, 46, a resident of Toulkarem Refugee Camp, died on 8 April 2018, as a result of an injury he sustained by the IOF on 2 April 2018. According to medical reports, Muhammad had suffered acute depression and been receiving treatment at a psychiatric clinic since 2004, with his condition deteriorating to “hallucinations, delusions and disorganised behaviour that impair his relations... become irritable, impulsive...”⁶⁴



Muhammad Subhi ‘Anbar, photo on file with Al-Haq, April 2018.

44. On the day he was shot, Muhammad had walked towards Jabara checkpoint, south of Toulkarem city, which is administered by a private Israeli security company that carries out searches and traffic control. Palestinians are prohibited from crossing the abovementioned checkpoint on foot, while they are forced to use vehicles and have the necessary documentation and permits in order to cross it. Muhammad was near one of the cement blocks at the checkpoint, approximately 40 to 50 metres away from Israeli security agents and about 60 metres away from the military watchtower, when an Israeli security agent yelled at him, warning him not to come any closer. Shortly afterwards, a

⁶⁴ Palestinian Ministry of Health – Mental Health Committee Centre in Toulkarem, Medical Report issued to Muhammad Subhi ‘Anbar, No. 2822, on 4 April 2018, available on file with Al-Haq. Other medical reports for Muhammad Subhi ‘Anbar are also available on file with Al-Haq.



bullet was fired towards Muhammad, when he was about 50 or 60 metres away from them. Muhammad was injured and fell to the ground.

45. After about ten minutes, Israeli military forces and an ambulance arrived at the scene. Muhammad was transferred to Ma'ir Hospital in Kfar Saba in Israel. He had sustained serious injuries in the lower stomach, below the umbilicus, having been shot with a bullet that fragmented in his body. The bullet caused his spleen to split and resulted in the destruction of several major arteries, including the artery connected to his left leg, leading to its amputation on Wednesday, 4 April 2018.

46. Muhammad remained in the same hospital, in a coma, where he received medical treatment until he was pronounced dead on 8 April 2018 at approximately 5:00 am. Following his death, Muhammad's body was withheld by the Israeli authorities until 13 July 2018, when his body was released to the family in a white plastic cover, completely frozen and unfit for a dignified burial.⁶⁵

47. Al-Haq recalls that in 2018, the Israeli occupying authorities withheld the bodies of 31 Palestinians killed by Israeli forces, 21 of whom remain withheld until today. Between October 2015 and late December 2018, the Israeli authorities withheld the bodies of 192 Palestinians, 22 of whom remain in Israeli custody as of this moment. Israel's policy of withholding the bodies of Palestinians who have been killed violates Israel's obligations as Occupying Power and amounts to unlawful collective punishment, prohibited by the provisions of the 1907 Hague Regulations, the 1949 Geneva Conventions, and Additional Protocol I of 1977. Such policy and practice further amounts to torture and ill-treatment, as considered by the UN Committee against Torture,⁶⁶ and obstructs investigations into the circumstances of the killings, including the collection of information, which could be attained by carrying out autopsies.⁶⁷

⁶⁵ Al-Haq field report.

⁶⁶ UN Committee against Torture, Concluding observations on the fifth periodic report of Israel, UN Doc. CAT/C/ISR/CO/5, 3 June 2016, paras. 42-43.

⁶⁷ For more details on the withholding of Palestinian bodies, see Al-Haq, 'Newly Adopted Law to Withhold the Bodies of Palestinians Killed Breaches International Law, Must be Repealed', 14 March 2018, available at: <http://www.alhaq.org/advocacy/topics/right-to-life-and-body-integrity/1197-newly-adopted-law-to-withhold-the-bodies-of-palestinians-killed-breaches-international-law-must-be-repealed>; See also on Israel's persistent policy of collective punishment: Al-Haq, 'Special Focus: Collective



48. It should be noted that an autopsy was carried out on Muhammad's body on 10 April 2018. The autopsy revealed that the cause of death was rupture of the intestines and arteries, and blood poisoning.⁶⁸

G. The killing of Muhammad Hussam Habali, Toulkarem⁶⁹

49. Muhammad Hussam Habali, 22, a resident of Toulkarem Refugee Camp, was born with a mental disability, causing him difficulties to recognize his surroundings and to identify threats and risk consequences.⁷⁰ Muhammad used to work at a coffee shop on Yaffa Street in Toulkarem city. On Tuesday, 4 December 2018, the IOF shot Muhammad with a live bullet in the head, from a distance of approximately 80 metres, killing him immediately.

Punishment against the Barghouthi Family', 30 January 2019, available at:

<http://www.alhaq.org/documentation/weekly-focuses/1349-special-focus-collective-punishment-against-the-barghouthi-family>

⁶⁸ Raya Media Network, 'Revealed Results from the Autopsy of the Martyr Muhammad Anbar', 10 April 2018, available in Arabic at: <https://www.raya.ps/news/1039907.html>

⁶⁹ Al-Haq, 'Israeli Occupying Forces Wilfully Kill 22-year-old Palestinian with Mental Disability in Toulkarem', 15 December 2018, available at: <http://www.alhaq.org/documentation/weekly-focuses/1336-israeli-occupying-forces-wilfully-kill-22-year-old-palestinian-with-mental-disability-in-toulkarem>

⁷⁰ Muhammad's membership card at the General Union of Persons with Disability (GUWPD), available on file with Al-Haq.



Muhammad Hussam Habali, photo on file with Al-Haq, December 2018.

50. The video footage⁷¹ of the incident, released by the Israeli human rights organisation B'Tselem, clearly shows that Muhammad posed no threat to the lives of the Israeli soldiers at the time he was shot and killed.

51. On that day, at around 1:30 am, an IOF unit, consisting of approximately 60 soldiers on foot, carried out a military incursion into Tulkarem city, northwest of the West Bank. The IOF had raided the city through the Israeli Sana'ouz checkpoint, west of the city, under the pretext that they were searching for a suspect who had carried out an attack in an Israeli industrial settlement on 7 October 2018.⁷²

52. During the night-time raid, the soldiers searched Palestinian homes and property in the city's Yaffa Street. At around 2:00 am, the IOF moved further towards the western part of Yaffa Street. Palestinian youth, standing at the eastern part of the street,

⁷¹ B'Tselem, 'New Video From Additional Angles Proves: Israeli Soldiers' Fatal Shooting of Muhammad Habali Unjustified and Illegal', 11 December 2018, available at:

https://www.btselem.org/press_releases/20181211_killing_of_muhammad_habali_in_tulkarm
(hereinafter B'Tselem, Israeli Soldiers' Fatal Shooting of Muhammad Habali Unjustified and Illegal).

⁷² On 13 December 2018, the suspect, Ashraf Waleed Na'ulah, 23, was killed by the IOF following a military raid on 'Askar Refugee Camp in Nablus City. See Ma'an News Agency, 'Shooting Attack Near Illegal Settlement Leaves 2 Israelis Dead', 7 October 2018, available at:

<http://www.maannews.com/Content.aspx?id=781363>



confronted the Israeli soldiers by throwing stones, to which the IOF responded by shooting tear gas canisters and live bullets. At that time, Muhammad, was also present amongst the youth in the area where confrontations were taking place.

53. At about 2:30 am, the youth stopped throwing stones, given the rising danger as a result of the short distance between them and the soldiers, as well as the soldiers' use of tear gas canisters and live bullets against them. Once the confrontations ceased, the IOF resumed their searches in the area. At the time, Muhammad was seen headed towards the western side of Yaffa Street, when he was shot behind his left ear in the head by the IOF,⁷³ killing him on the spot, at about 2:50 am.⁷⁴

54. Muhammad was about 80 metres away from the IOF when he was shot, on the eastern side of Yaffa Street, near the Café where he used to work. It should be noted that the streets were well lit and that the vision was clear, and no confrontations were taking place at the time of the shooting, as recorded on surveillance camera footage.

55. Two minutes after the shooting, Palestinian youth transferred Muhammad's body in a private car to the emergency room at the Toulkarem Public Hospital (Martyr Thabet Thabet Hospital). There, doctors performed cardiopulmonary resuscitation on Muhammad to no avail, as Muhammad had already been killed.

56. The hospital's medical report into Muhammad's death confirms that he was shot with a live bullet, which penetrated his head from the rear side of his left ear, exploding and causing erosion and severe bleeding in the brain and head. Muhammad's body was examined by a forensic pathologist in the presence of the Toulkarem Public Prosecutor, shortly after the killing took place.⁷⁵

57. The IOF visited the site where Muhammad was killed to carry out "investigations" at around 2:00 am the following day. The IOF unit interrogated people

⁷³ The incident of killing Muhammad was filmed by one of the restaurants' cameras (Al-Sabbah restaurant) in the Café's area. Footage available at: <https://www.youtube.com/watch?v=HjzfPgVtzWm>.

⁷⁴ Al-Haq Affidavit No. A779/2018, given by Hasan Yousef Teeni, Muhammad's uncle, a resident of Shweikeh, Toulkarem Governorate, on 5 December 2018.

⁷⁵ Al-Haq Field Report on the Killing of Muhammad Habali, 6 December 2018.



at the site, then raided Al-Sabbah Restaurant, in front of which Muhammad was shot, also interrogating the owner and a restaurant employee about Muhammad's killing.

58. Despite reported military police investigations into Muhammad's killing, the system "does not investigate incidents in which soldiers have killed Palestinians with the aim of uncovering the truth. Its goal is not to bring to account the chain of command responsible for such incidents, or to prevent similar instances from recurring. On the contrary: the system's success is not measured by its ability to protect victims, but rather in its ability to defend those who have hurt them unjustifiably and for no reason."⁷⁶

IV. Conclusion and Recommendations

59. Israel systematically disregards Palestinians' human rights, including their inherent right to life, by means of employing excessive and lethal force against them, including in instances where they do not pose imminent threat to the lives of Israeli soldiers or others at the scene. Often, it is Israeli soldiers and other agents of the State who target and carry out unnecessary, indiscriminate, and disproportionate attacks against Palestinians. The cases of Muhammad Subhi 'Anbar, Karam Muhammad Fayyad, Ghanem Ibrahim Shurrab, Muhammad Hussam Habali, and Hussein Fathi Al-Ruqub, as highlighted above, are explicit examples of Israel's persistent violations of its obligations under international humanitarian law and international human rights law towards the protected Palestinian population, including persons with psychosocial, intellectual or developmental disabilities.

60. More strikingly, Israel rarely carries out genuine or impartial investigations into cases of killings involving Palestinians, thus fostering a prevailing culture of impunity. In 2016, 79 per cent of the complaints received by the Israeli Military Advocate General Corps with regards to cases of Israeli soldiers' offenses against Palestinians were closed, without the opening of a criminal investigation.⁷⁷ In the case that an investigation is carried out and an Israeli soldier is brought before the Israeli judicial

⁷⁶ B'Tselem, Israeli Soldiers' Fatal Shooting of Muhammad Habali Unjustified and Illegal.

⁷⁷ Yesh Din, 'Data Sheet: Law Enforcement on Israeli Soldiers Suspected of Harming Palestinians', March 2018, available at: <https://www.yesh-din.org/en/march-2018-data-sheet-law-enforcement-against-idf-soldiers-suspected-of-harming-palestinians-2016-summary/>



system, they often receive reduced sentences, even when having committed a crime, such as that of wilful killing.⁷⁸ Nonetheless, according to the UN Basic Principles, arbitrary or abusive use of force must be investigated independently and thoroughly and punished by Governments as a criminal offence by law.⁷⁹

61. In light of the above, and in order to ensure “best practices” to prevent and decrease fatalities amongst persons with disabilities, including persons with psychosocial, intellectual or developmental disabilities, in the OPT, especially those vulnerable to the IOF’s excessive use of force and lethal force within the law enforcement paradigm, Al-Haq provides the following recommendations to the Special Rapporteur:

- i. Request the State of Israel to immediately open genuine and impartial investigations into the killings of Muhammad Subhi ‘Anbar, Karam Muhammad Fayyad, Ghanem Ibrahim Shurrah, Muhammad Hussam Habali, and Hussein Fathi Al-Ruqub, and to make the results of these investigations publicly available;
- ii. Urge the State of Israel to publish its rules of engagement on the use of live fire, and to regulate the use of lethal force, resorting to live fire only when strictly necessary against Palestinian civilians, including persons with disabilities, and as a last resort, in response to imminent threat of death or serious injury. In particular, Al-Haq recommends the Special Rapporteur to call on the State of Israel to release their rules of engagement within the context of the Great Return March in the Gaza Strip and in the context of protests across the OPT;
- iii. Urge the State of Israel and its forces to effectively investigate and repeal any rules of engagement that permit the use of lethal force against persons not posing imminent danger, including persons with disabilities;

⁷⁸ Al-Haq, ‘Impunity Prevails Once Again: Israeli Court Sentences IOF Killer of Nadim Nuwwara to Nine Months Imprisonment’, 26 April 2018, available at: <http://www.alhaq.org/advocacy/targets/accountability/81-general/1221-impunity-prevails-once-again-israeli-court-sentences-iof-killer-of-nadim-nuwwara-sentenced-to-nine-months-imprisonment> and <http://www.alhaq.org/advocacy/topics/right-to-life-and-body-integrity/1233-impunity-for-extrajudicial-killing-israeli-soldier-and-killer-of-abdel-fattah-al-sharif-released-after-mere-9-months-in-prison>

⁷⁹ UN Basic Principles on the Use of Force, Provisions 7 and 22.



- iv. Urge the State of Israel and its armed forces and other agents of the State to respect international human rights law and international humanitarian law on the principles of distinction, proportionality, and necessity;
- v. Urge the State of Israel and its relevant institutions to carry out genuine, impartial, independent, effective, transparent, and public investigations into cases of killings carried out by Israeli soldiers, police, and other agents of the State, in accordance with its obligations to respect, protect, and fulfil the right to life in the OPT;
- vi. Call on the international community, comprising States and the UN, to provide protection for the occupied Palestinian population, including persons with disabilities, and to bring to an end Israel's systematic violations, including those impeding Palestinians' inherent right to life;
- vii. Call on third States to ensure accountability for perpetrators of serious violations and grave breaches of international law in the OPT, such as those highlighted above, including by supporting the work of the Office of the Prosecutor of the International Criminal Court in its preliminary examination into the situation in Palestine;
- viii. Take a public position, condemning the ongoing excessive use of force and lethal force against Palestinians, including persons with disabilities, systemically carried out by the Israeli forces during peaceful protests, or in other contexts.