



## AL-HAQ JOINT SPECIAL PROCEDURES COMMUNICATION

**Date:** 5 April 2018

**Title:** “Israeli Occupying Forces Use Excessive, Intentional, and Lethal Force to Suppress Peaceful Palestinian Protests in the Gaza Strip”

**To the attention of:**

- The United Nations Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967, Mr. Michael Lynk;
- The United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Ms. Agnes Callamard;
- The United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Ms. Annalisa Ciampi; and
- The United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. David Kaye.

**Dear Mr. Lynk, Ms. Callamard, Ms. Ciampi, and Mr. Kaye,**

On Friday, 30 March 2018, thousands of Palestinians began the “Great Return March” in the Gaza Strip, marking the 42<sup>nd</sup> Land Day by peacefully marching towards the border areas in protest of Israel’s 11-year prolonged closure of the Gaza Strip, which amounts to unlawful collective punishment,<sup>1</sup> and Israel’s continued denial of the right of Palestinian refugees to return. In response, the Israeli Occupying Forces had extensively prepared for and deployed additional forces and equipment in the area, including snipers, drones, bulldozers, and attack dogs, and issued explicit orders to use live fire against Palestinian protesters.<sup>2</sup>

<sup>1</sup> *Geneva Convention relative to the protection of civilian persons in time of war* (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287 (Fourth Geneva Convention), Article 33.

<sup>2</sup> See Michael Bachner, “IDF Chief: 100 Snipers Authorized to Use Live Fire During Gaza March” (Times of Israel, 28 March 2018), available at: <https://www.timesofisrael.com/idf-chief-100-snipers-authorized-to-use-live-fire-during-gaza-march/>; see also Judah Ari Gross, “With Extra Troops,



As a result of Israel's excessive and intentional use of force, including lethal force, against protected Palestinians in the Gaza Strip, 1,416 Palestinian protesters were injured and 18 Palestinians killed following Friday's demonstrations. Among the 18 killed, 12 Palestinians were killed during the protests, including: **Muhammad Kamal Al-Najjar**, 25; **Bader Fayege Al-Sabbagh**, 19; **Abd Al-Fattah Bahgat Abd Al-Nabi**, 19; **Ahmad Ibrahim Odeh**, 19; **Mahmoud Sa'di Rahmi**, 33; **Muhammad Nai'm Abu Amro**, 26; **Jihad Ahmad Farina**, 34; **Jihad Zuheir Abu Jamous**, 29; **Abd Al-Qader Mardi Al-Hawajri**, 42; **Naji Abdallah Abu Hajir**, 25; **Amin Mahmoud Mu'ammam**, 25; and **Ibrahim Salah Abu Sha'ar**, 20.

In addition, the Israeli Occupying Forces fired two artillery shells at two Palestinian farmers who had been harvesting parsley since 2:00 am on Friday, 30 March 2018, in an agricultural field some two kilometres from the border fence, east of Al-Qarara, killing **Omar Waheed Samour**, 26, and injuring the other farmer. Also on 30 March 2018, **Musab Zuheir Al-Saloul**, 23, and **Muhammad Muhareb Al-Rabaya'**, 22, two members of the Al-Qassam Brigades were killed close to the border area, away from the protests. Their bodies are still being withheld by the Israeli Occupying Forces.

In a separate incident, **Sari Waleed Abu Odeh**, 27, and **Hamdan Ismail Abu 'Amsha**, 23, were killed by artillery shells shot at them by the Israeli Occupying Forces, while they were located some 300 metres from the border, in the northern Gaza Strip, as they attempted to assist an injured youth. Finally, **Fares Mahmood Al-Raqab**, 26, who was injured during Friday's protests, succumbed to his wounds on 2 April 2018, bringing the total of Palestinians killed as a result of Israel's escalations in the Gaza Strip on Friday, 30 March, to 18 individuals.<sup>3</sup>

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Snipers, Drones, Israel Braces for Land Day Border Protest" (Times of Israel, 26 March 2018), available at: <https://www.timesofisrael.com/with-extra-troops-snipers-drones-israel-braces-for-land-day-border-protest/>.

<sup>3</sup> For more information, see 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:



During Friday’s peaceful march, the Israeli Occupying Forces deliberately shot civilian protesters in the head, stomach, neck, and face, despite them posing no imminent threat to the lives of fully armed Israeli soldiers stationed behind the border fence. This demonstration of intentional and excessive use of force, including lethal force, against peaceful Palestinian protesters in the Gaza Strip is in breach of Israel’s obligations, as Occupying Power, under international human rights law and international humanitarian law applicable in the Occupied Palestinian Territory. The conduct of the Israeli Occupying Forces on 30 March 2018 violates the right to life of the Palestinians killed in the Gaza Strip and their right to freedom of peaceful assembly and expression.<sup>4</sup>

Primarily, Israel continues to deny Palestinians their inalienable right to self-determination, which includes the realisation of the right of Palestinian refugees to return to their homes and villages of origin.<sup>5</sup> The “Great Return March” is expected to continue for the next six weeks, leading up to the 70<sup>th</sup> commemoration of the Nakba, marked on 15 May 2018. Since its launch on Friday, 30 March, escalations have continued in the Gaza Strip and, on 3 April, **Ahmad Omar Arafah**, 25, was further killed by the Israeli Occupying Forces in Al-Breij Refugee Camp, a result of Israel’s continued use of excessive, including lethal, force against protected Palestinian civilians. At the time of writing, Al-Haq is aware of two further Palestinians who on 5 April 2018 have succumbed to injuries sustained during the ongoing escalations of the past week. The documentation of these cases is ongoing.

As the protected Palestinian population in the Gaza Strip continues to protest Israel’s prolonged occupation of the Palestinian Territory and over a decade of closure of the Gaza Strip, legitimately demanding the realisation of their inalienable

<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>.

<sup>4</sup> *International Covenant on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), Articles 6, 19, and 21.

<sup>5</sup> United Nations General Assembly Resolution 194 of 1948; United Nations Security Council Resolution 237 of 1967.



rights, Israel must be called upon to respect, protect, and fulfil its obligations with regards to the right of peaceful assembly and protection from arbitrary deprivation of life. In light of the above, **Al-Haq calls on the relevant United Nations special procedure mandates to issue an urgent press release to:**

- Condemn the Israeli Occupying Forces' premeditated conduct on Friday, 30 March 2018, in the Gaza Strip that led to the killing of 18 Palestinians and the injury of over a thousand protesters, as a violation of Israel's obligations under international law;
- Call on Israel to immediately conduct independent, impartial, prompt, thorough, effective, credible, and transparent investigations into the incidents of excessive use of force, including lethal force, against Palestinians in the Gaza Strip, and the Occupied Palestinian Territory at large, and to ensure perpetrators are held accountable for the killings;
- Recommend that the United Nations Human Rights Council establish a commission of inquiry into the killings committed on and since 30 March 2018 in the Gaza Strip, as part of Israel's continued attacks against protected Palestinian civilians and its imposed closure;
- Call on Israel to abide by its obligations under international human rights law and international humanitarian law in the Gaza Strip, and the Occupied Palestinian Territory at large, especially in relation to the right to life, the prohibition on collective punishment, the right to freedom of opinion and expression, and the right of peaceful assembly;
- Call on the Israeli occupying authorities to return the bodies of Musab Zuheir Al-Saloul and Muhammad Muhareb Al-Rabaya', killed on 30 March 2018, to their families for a dignified burial, in line with human rights and humanitarian law standards, and to immediately cease its practice of withholding the bodies of Palestinians killed, including by returning the bodies of Palestinians that Israel continues to withhold;
- Call on Israel to immediately lift its blockade and prolonged closure of the Gaza Strip, amounting to collective punishment in violation of international humanitarian law;



- Reaffirm the inalienable right of the Palestinian people to self-determination, which requires Israel to bring to an end its fifty-year occupation of the Palestinian Territory and to ensure the realisation of the right of Palestinian refugees to return to their homes and villages of origin;
- Urge the Israeli occupying authorities to strictly abide by their obligations under international law to avoid further escalations in the Gaza Strip, and the rest of the Occupied Palestinian Territory.

Finally, Al-Haq calls upon the relevant United Nations special procedure mandates to take all measures at their disposal to obtain clarifications from Israel in relation to the conduct of its occupying forces in the Gaza Strip on and since Friday, 30 March 2018, to investigate the incidents of excessive use of force in question, and to report on them to the United Nations Human Rights Council and the United Nations General Assembly.

I thank you for your continued support and engagement and remain at your disposal should you need any further information.

Yours sincerely,

Shawan Jabarin

**General Director**

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