

Israel's Use of Force Against Protesters in the Great March of Return

Dimitri Lascaris

September 8, 2018

The Great March of Return

- On March 30, 2018, a campaign consisting of a series of protests was launched in the Gaza Strip, near the Israeli border.
- Palestinian organizers called it the "**Great March of Return**". The protests demanded that Palestinian refugees and their descendants be allowed to return to the land they were displaced from in what is now Israel. Demonstrators are also protesting the blockade of the Gaza Strip and the moving of the United States Embassy in Israel from Tel Aviv to Jerusalem.

The Great March of Return

- According to UNRWA, the Gaza Strip is home to a population of approximately 1.9 million people, and 1.3 million of those Palestinians are refugees. When those 1.3 million refugees look across the fences separating Gaza from Israel, they do not see a foreign country. What they see, rather, is their homeland.

The Great March of Return

- The right of Palestinian refugees to return to their homeland is guaranteed to them by international law, including U.N. General Assembly Resolution 194, adopted 70 years ago
- Palestinian refugees “wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.”

Unlivable Gaza

- Quite apart from the right of refugees to return to their homeland, Israel's blockade of Gaza, and its repeated attacks on the enclave, have rendered the Gaza strip largely unlivable. This was the conclusion of a report last year issued by the United Nations.
- The report, titled "[Gaza - 10 years later](#)", says that key indicators identified in an earlier 2012 UN report, such as declining incomes, [healthcare](#), education and electricity have deteriorated yet further. The UN said that real GDP per capita in Gaza has decreased while the provision of urgently needed health services has continued to decline. The report also finds that Gaza's only water source is predicted to be "irreversibly-depleted" by 2020, unless immediate action is taken. Speaking of the report, Robert Piper, the UN Coordinator for Humanitarian Aid and Development Activities, stated "When you're down to two hours of power a day and you have 60 percent youth unemployment rates ... that unlivability threshold has been passed quite a long time ago."

Unlivable Gaza

- The Gaza strip is one of the most densely populated regions in the world. Its nearly 2 million inhabitants live in an area comprising 365 square kilometers. Winnipeg, by contrast, consists of about 464 kilometers and is home to about 709,000 inhabitants. So Winnipeg is about 27% larger than Gaza but its population is only about 37% of that of Gaza.
- Approximately one-half of Gaza's residents are children. Imagine how those children view their future, with a 60% youth unemployment rate, virtually no clean water, declining health services and declining GDP, and about two hours of power a day? Just about any child confronting such a future would be desperate to get out, and just about any parent imagining such a future for his or her children would be desperate to liberate their children from these appalling conditions.

The Right to Life and the Law of Law Enforcement

- As the U.N. Human Rights Committee wrote in its first General Comment on the right to life under the International Covenant on Civil and Political Rights: “The deprivation of life by the authorities of the State is a matter of the 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.”
- Many of the rules governing the use of force were first articulated in two instruments formulated by the United Nations (UN) Crime Congress: the **1979 Code of Conduct for Law Enforcement Officials** and [the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#) (“**UN Basic Principles**”).
- The central norms in these texts are widely regarded as binding international law. Both the European Court of Human Rights and the Inter-American Court of Human Rights have cited the UN Basic Principles as authoritative statements of international rules governing use of force in law enforcement.

The Law of Law Enforcement

Key Aspects of UN Basic Principles

- Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons....

The Law of Law Enforcement

Key Aspects of UN Basic Principles

- Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or **without any promise** of achieving the intended result.

The Law of Law Enforcement

Key Aspects of UN Basic Principles

- Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:
 - (a) Exercise restraint and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
 - (b) Minimize damage and injury, and respect and preserve human life; and
 - (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment

The Law of Law Enforcement

Key Aspects of UN Basic Principles

- Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.

The Law of Law Enforcement

Key Aspects of UN Basic Principles

- 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 grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. Intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

The Law of Law Enforcement

Key Aspects of UN Basic Principles

- Everyone may participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Thus, Governments and law enforcement agencies and officials must ensure that force and firearms may be used only in accordance with the following principles:

First, in the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.

Second, in the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary.

The Law of Law Enforcement

Necessity, Proportionality & Precaution

- **The principle of necessity:**
- Force used for the purpose of law enforcement must be necessary in the circumstances. Article 3 of the 1979 Code of Conduct stipulates that law enforcement of officials may use force ‘only when strictly necessary’. The accompanying commentary provides that any use of force by law enforcement of officials should be ‘exceptional’.
- A core element of the necessity principle is that, when some force is needed, no more than the minimum force that is reasonably necessary in the circumstances is permissible.

The Law of Law Enforcement

Necessity, Proportionality & Precaution

- **The Principle of Proportionality** 'sets a maximum on the force that might be used to achieve a specific legitimate objective'. UN Basic Principle 5 stipulates: 'Whenever the lawful use of force and rearms is unavoidable, law enforcement of officers shall ... act in proportion to the seriousness of the offence and legitimate objective to be achieved.'

The Law of Law Enforcement

Necessity, Proportionality & Precaution

- **The Principle of Precaution**: the authorities must plan law enforcement operations in a manner that minimizes the risk that law enforcement agencies will kill or injure a member of the public.

The Law of Law Enforcement

Necessity, Proportionality & Precaution

- The official commentary on Article 3 of the 1979 Code of Conduct states that: ‘Every effort should be made to exclude the use of firearms, **especially against children**. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender.’
- The Special Rapporteur on extrajudicial, summary or arbitrary executions described this as the ‘protect life’ principle, according to which ‘a life may be taken intentionally only to save another life’. He describes this as ‘the guiding star of the protection of the right to life’.

The Law of Law Enforcement

Necessity, Proportionality & Precaution

- In a key 2014 resolution, the Council noted that ‘lethal force may only be used as a last resort to protect against an imminent threat to life and ... not ... merely to disperse a gathering’. It further affirmed that ‘nothing can ever justify the indiscriminate use of lethal force against a crowd, which is unlawful under international human rights law’.

The Law of Law Enforcement

The Scope is Broad

- The law of law enforcement governs the acts of any agency exercising law enforcement powers on behalf of or within a state. Its scope of application is very broad, and applies both in peacetime and during situations of armed conflict. As the UN Basic Principles and the 1979 Code of Conduct both make clear, ‘the term “law enforcement officials” includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention’.

Great March of Return

Human Rights Watch, June 13, 2018

- “International human rights law standards on the use of force, which apply to law enforcement situations such as the Gaza protests, permit the use of live ammunition only as a last resort to prevent the imminent threat of death or serious injury. Israeli officials explicitly rejected human rights standards and argued that live ammunition was necessary to stop protesters from breaching the fences, because Hamas organized the protests so armed fighters could exploit the breaches to kill or capture soldiers or civilians. The use of live ammunition cannot be justified by automatically deeming every Palestinian who attempts to breach the fences to be an imminent threat to life, and in fact Israeli forces also shot medics, journalists, children, and others who were hundreds of meters away from the fences. In addition, because Palestinians in Gaza are entitled to protection under the Geneva Conventions as an occupied people, any wilful killing of them would constitute a war crime.”

Great March of Return

Human Rights Watch, June 13, 2018

- As noted by HRW, a senior Israeli military official told the Washington Post that the only weapons Israeli forces used were live ammunition and tear-gas, not water cannon or other measures that Israel uses in the West Bank, which the official said lacked adequate range.
- HRW further noted that, in addition to the barbed wire fence separating Gaza and Israel, the two-meter-high fencing with electronic sensors, ditches, and military watchtowers along the Gaza periphery, in 2015 the Israeli military built fences around 12 Israeli communities near Gaza with electronic sensors that detect any contact with the fence and automatically alert the military. As noted by HRW, this further undercuts the claim that the protesters posed an imminent threat.

Great March of Return



Great March of Return

Human Rights Watch, June 13, 2018

- The protesters were separated from the soldiers by the two fences and electronic sensors. Protesters reached and tore down some of the barbed wire fence on April 27, and witnesses at the May 14 protests said that some protesters had cut or damaged sections of the barbed wire fence east of Gaza City, but that none had reached the electric fence beyond it.
- According to HRW, witnesses consistently described the positioning of Israeli soldiers across the fences that separate Israel and Gaza, atop large earthen mounds overlooking the area where protesters congregated. The mounds were 10 to 30 meters apart, with 5 to 10 soldiers on each one.

Great March of Return

Human Rights Watch, June 13, 2018

- HRW reported that photographs, videos, and statements by surgeons indicate that Israeli forces fired on protesters using military assault rifles that fire bullets at high velocity. Medical journal articles, including by IDF trauma surgeons, documented that gunshot wounds from assault-rifle bullets cause severe soft tissue damage, have a high incidence of complications, and that “any delay at the scene of injury might jeopardize limb survival.”

Great March of Return

Human Rights Watch, June 13, 2018

- “The Israeli government has rejected applying human rights law applicable in law enforcement to the Great March of Return demonstrations. It claims that only international humanitarian law, applicable in fighting in armed conflicts, applies, because the protests were ‘organized, coordinated and directed by Hamas, a terrorist organization engaged in armed conflict with Israel.’ But even where the laws of armed conflict on targeting do apply, in any case where there is doubt as to a person’s civilian status, they must be presumed to be a civilian and may not be targeted.”

Great March of Return Palestinian Casualties

30/3 to 18/8/2018, Gaza Health Ministry

- total number killed: 171
- the dead include three medical personnel
- total number of those injured, including gas inhalation: 18300
- total number of children (under the age of 18 years) killed: 27
- total number of children injured: 3600
- total number of severe injuries: 423
- total number injured by live ammunition: 4508

Site of injury

- ◆ 680 head and neck
- ◆ 395 chest and back
- ◆ 440 abdomen and pelvis
- ◆ 1385 upper limbs
- ◆ 5897 Lower limbs
- ◆ 1790 Other
- There have been 69 amputations

Great March of Return – Israeli Casualties

- No Israelis were physically harmed from March 30 to May 12, then one Israeli soldier was reported as slightly wounded on May 14, the day the protests peaked, when the IDF shot dead 59 or 60 Palestinians.

Great March of Return

Al Haq Report

- In late April 2016, I interviewed, for The Real News, two researchers for the Palestinian human rights organization, Al Haq. One of those researchers, Tarek Zaqoot, was based in Gaza throughout the Great March of Return. I asked Mr. Zaqoot if he had seen evidence that the protests were organized by Hamas, and whether he had seen any of the protesters engage in acts of violence. Mr. Zaqoot answered:

“March 30th, 2018 is a national commemoration for Palestinians, in which they mark Land Day. That day, the peaceful march began, tens of thousands, all age groups, including children, women, and entire families, located within the Palestinian territory in entirely open areas, close to the border fence. These protests emerged in a spontaneous manner through popular mobilization. How did we get here? The enclosure of the Gaza Strip, eleven years of blockade, and a number of successive crises... The protesters want to express their demands, their will, and right of return, in line with United Nations Resolution 194. They consider this their inalienable right, which as of now is yet to be realized.”

Great March of Return

Al Haq Report

- Tarek Zaqoot (Al Haq): “We did not observe any armed presence within the protests. As well, the protesters posed no threat whatsoever to the Israeli occupying soldiers. They were peacefully protesting, some waving the Palestinian flag, others chanting national slogans, while some were burning tires in areas close to the border fence. Tens of protesters tried to approach the barbed wire to hang the Palestinian flag on it or to cut pieces of it. When we talk about the barbed wire, it must be noted that there is a main border fence thirty meters from the barbed wire, with Israeli soldiers positioned behind elevated sand hills at least fifty meters within the main border fence. This means there is a large distance between the protesters and the Israeli occupying forces.”

Great March of Return

Peter Larson Report

- In late April, Peter Larson, whose blog is called “Canada Talks Israel-Palestine”, stayed in Gaza for one week and visited the site of the Great March of Return. He reported that:

“We did not see any Palestinians carrying any weaponry (not even stones) but we were told that some were thrown in the direction of the Israeli soldiers. The stone throwing seemed to be nothing more than an act of defiance. None of the stones reached anywhere near the soldiers who were over a hundred metres away and protected in bunkers.”

Great March of Return

Peter Larson Report

- Peter Larson, Canada Talk Israel and Palestine (continued):

“We did not see any riot, nor any ‘armed terrorists’. Tens of thousands of demonstrators were just there, milling around. Families went together – men women and children. Nobody was ‘sent’ to the front lines. It was mostly young men showing their bravado. All the while, the Israeli soldiers were in plain sight. If Hamas had wanted to shoot one or more soldiers, it would not have been difficult to do so. It did not appear to be a Hamas show. There were no green Hamas flags nor yellow Fateh flags.”

“We heard Israeli sniper and automatic rifle fire. We saw one person fall directly in front of us and over a dozen people being carried by medical personnel to ambulances. Most of the injured did not appear to be very close to the perimeter fence. It certainly appeared to us that Israel was firing at civilians who posed no immediate threat to them.”

Great March of Return

Medical Personnel: Dr. Tarek Loubani & Musa Abuhassanin

- In his account of what happened, Dr. Loubani wrote:

“Despite our efforts to clearly identify ourselves as first responders, several of our medical team were wounded by Israeli live fire. One paramedic, Musa Abuhassanin, was killed while attempting a victim rescue under fire. One hour before he was shot in the thorax and killed, Musa was one of my rescuers when I was shot by live ammunition. I sustained a moderate injury to my left leg and a minor one to the right leg. Musa was also the paramedic who discovered and reported the failed buckle in our previous report. He had a great laugh and was a good paramedic.”

“There was so much live fire that the first responder services stood outside the protest area and only approached when needed. In general, we approached with high visibility clothing and hands up until we arrived at the incident. We did not run to patients, but we definitely ran out. We did not attempt to tourniquet or treat patients on site.”

“I was shot toward the end of the morning, and we had already run out of our first supply of tourniquets. I had just resupplied with 8 units, one of them unpacked in my pocket. We were standing well away from the main protest area. The snipers in the three sniper outposts all had clear views of us.”

“There was no fire or smoke near us. We were standing still, and I was facing in a southerly direction talking to a colleague. The snipers were situated east of us. I was wearing visible full hospital greens. There was no active shooting from the Israelis immediately before or after. There were no protesters in our immediate vicinity.”

I heard a loud bang and found myself on the ground. The bullet had entered my left proximal calf on the lateral side, exited on the medial side (moderate) and pierced my right knee superficial to the patella (minor). I yelled fuck.”

Great March of Return

Medical Personnel: Dr. Tarek Loubani



Great March of Return

Medical Personnel: Razan al-Najjar, Nurse

- On June 1, Israeli forces shot Razan al-Najjar in the chest, while the 21-year-old volunteer paramedic was wearing a white coat and treating wounded people at that day's protest. The Israeli army claimed that "no shots were deliberately or directly aimed towards her."

Great March of Return

Medical Personnel: Razan al-Najjar, Nurse



Article 20 of the Fourth Geneva Convention

“Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases shall be respected and protected.”

Great March of Return Journalists

- On April 6, Israeli forces fatally shot a journalist, Yasser Murtaja, in the abdomen between 1:30 and 2:30 in the afternoon while he was covering demonstrations east of Khan Yunis. Another journalist, Muthana al-Najar, said that Murtaja “stepped forward to film someone who was injured on the ground, he had just turned to his right when he was shot in the left side of his waist.” Al-Najar said that there was thick smoke near the fences because protesters had been burning tires, but that he had a clear view of some snipers on a hill of dirt on the opposite side of the fences. Murtaja was more than 200 meters from the fences and was wearing a vest marked “Press” when he was shot. Murtaja was holding a digital camera and had told al-Najar he was filming a documentary about the weekly demonstrations. The Israeli military has opened an internal inquiry into some specific deaths, including Murtaja’s.

Great March of Return Journalists

- The International Federation of Journalists identified nine journalists who were wounded on May 14, including photojournalist Farhan Abu Hadayed, 26, who was shot at around noon. He and two other witnesses, whom Human Rights Watch interviewed separately, said that he was about 150 meters from the fences wearing a flak jacket marked “Press” when he was shot in the leg. Abu Hadayed said that about 15 journalists had begun to follow a large group of demonstrators who were walking in the direction of the fences when “without any prior warning, and no firing of tear gas, they shot four people in the legs, and I was the fifth.”

Great March of Return Journalists



Great March of Return Children

- Defense for Children International-Palestine [reported](#) the names of six boys and a girl who were killed with live ammunition on May 14, the youngest being 13-year-old Izz al-Samak. Five were shot in the head or neck, and two in the abdomen.

Conclusion

- Today, I have discussed only a handful of shootings that have been documented by human rights groups during the GMR. As I indicated earlier, there have been thousands of other shootings during the GMR. But even this handful of instances I have discussed demonstrates that, during the Great March of Return, Israeli forces have repeatedly failed to respect the principles of necessity, proportionality and precaution. In particular, there is overwhelming evidence that IDF snipers shot unarmed protesters who posed no imminent threat of serious injury or death to any soldier or Israeli civilian.
- Unless and until the Israeli political and military leaders and soldiers who are responsible for these atrocities are held accountable, they will continue, and will only worsen.