



24 May 2018

## Human Rights Now Strongly Protests the Recent Killing of Palestinian Civilians along the Gaza-Israeli border

Human Rights Now, a Tokyo-based human rights NGO, expresses grave concern over the recent killings of Palestinian demonstrators by Israel Defense Forces (IDF) along the Gaza border. Israeli authorities must abide by their international obligations under international human rights law and humanitarian law and should immediately end the excessive use of force against Palestinian protesters, hold authorities using excessive force accountable, offer redress to victims, and prevent future occurrences of excessive force.

### 1. More than 100 Palestinians Killed by the IDF along the Gaza-Israeli Border Since March

On 30 March 2018, Palestinians began a series of mass demonstrations protesting the decision to relocate the US Embassy in Israel to Jerusalem and the long-term blockade of Gaza. Demonstrators were met with grossly disproportionate force by the IDF in the weeks that followed, in some cases with live ammunition.<sup>1</sup> The mass demonstrations of May 14 reportedly involved around 40,000 Palestinian demonstrators and led to at least 60 Palestinian demonstrators reportedly killed by the IDF.<sup>2</sup> Altogether, the Office of the High Commissioner for Human Rights reported that 112 Palestinians have been killed and more than 12,000 injured since March 30.<sup>3</sup>

### 2. Disproportionate Use of Force by the IDF

According to the BBC, "Israeli officials said soldiers would be permitted under certain rules to fire live ammunition at anyone attempting to damage the border fence," and possibly even against people coming within 100m of it.<sup>4</sup> Palestinian health officials also reported that Israeli forces have used mostly gunfire, in addition to tear gas and rubber bullets.<sup>5</sup>

### 3. Violations and Inconsistencies with International Law and Principles

The use of disproportionate lethal force by IDF soldiers against demonstrators would, if verified, contravene Israel's ICCPR duties to respect their rights to life, peaceful assembly, association, and expression. Furthermore,

1 UNSC Press Release, "Security Council Members Condemn Killing of Palestinian Civilians in Clashes at Israel-Gaza Border after Peaceful Protest Turned Violent", 30 March 2018, SC/13273, <https://www.un.org/press/en/2018/sc13273.doc.htm>.

2 Reuters, "Israeli forces kill two Palestinians near border as Gaza buries dead", 15 May 2018, <https://www.reuters.com/article/us-israeli-palestinians/gazans-bury-dead-after-bloodiest-day-of-israel-border-protests-idUSKCN1IG1A7>.

3 OHCHR, "Press briefing notes on Gaza, Burundi and Myanmar", 15 May 2018, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23086&LangID=E>; OHCHR, "Special Session of the Human Rights Council on the deteriorating human rights situation in the Occupied Palestinian Territory, including East Jerusalem – Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein" ("Special Session"), 18 May 2018, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23100&LangID=E>.

4 BBC, "Did Israel use excessive force at Gaza protests?", 17 May 2018, <http://www.bbc.com/news/world-middle-east-44124556>.

5 Reuters, "Israeli forces kill 16 Palestinians in Gaza border protests: Gaza medics", 30 March 2018, <https://www.reuters.com/article/us-israel-palestinians-protests/israeli-forces-kill-16-palestinians-in-gaza-border-protests-gaza-medics-idUSKBN1H60AV>.

the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials hold that officials should “act in proportion to the seriousness of the offence” and “minimize damage and injury.”<sup>6</sup> IDF soldiers using deadly force to respond to demonstrators using limited, non-lethal force would be disproportionate and in contravention of these principles. In a May 18 statement, the High Commissioner for human rights also stated that “[k]illings resulting from the unlawful use of force by an occupying power may also constitute ‘wilful killings’ – a grave breach of the Fourth Geneva Convention,” referring to article 147.<sup>7</sup>

#### 4. Calls for Accountability

The Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Michael Lynk, condemned Israel’s excessive use of force towards largely unarmed demonstrators and called for “true accountability” to those who ordered or allowed the excessive use of force.<sup>8</sup> The Human Rights Council voted on 18 May 2018 to dispatch an “independent, international commission of inquiry” to investigate what it called “military assaults” on Palestinian protesters.<sup>9</sup> The Prosecutor of the ICC further stated on 8 April 2018 that her office was watching the situation closely, that the Palestine situation is under preliminary examination by the ICC, and that violence against civilians, such as is prevailing in Gaza, could constitute crimes under the Rome Statute of the ICC.<sup>10</sup> Allegations of disproportional use of lethal force by the IDF must be investigated, offending persons must be held accountable, and victims must receive redress from the Israeli government.

#### 5. Recommendations

HRN expresses deep concern over the serious human rights violations against the Palestinian people and the excessively lethal response by Israeli authorities to the recent demonstrations along the Gaza-Israeli border.

HRN calls on the Israeli government to:

- Respect the fundamental human rights to life and peaceful protest of Palestinian demonstrators;
- Launch an independent and effective investigation into all incidents resulting in death or injuries of Palestinian protesters and, in cases of excessive use of force, bring those responsible to justice;
- Effectively investigate and repeal any rules of engagement which permit the use of lethal force against persons not posing imminent danger;
- Cease all violations of international criminal law, international human rights, and humanitarian law against Palestinian people and take measures to prevent future violations.

HRN further requests the international community to:

- Support efforts for justice and accountability for perpetrators of human rights abuses against Palestinians, especially by the IDF;
- Actively work towards a political solution for Palestine in accordance with international law.

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6 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 7 Sept.1990, Arts. 4 and 5, <http://www.ohchr.org/Documents/ProfessionalInterest/firearms.pdf>.

7 OHCHR, “Special Session”, *supra*, note 3.

8 OHCHR, “UN human rights expert condemns horrific violence in Gaza”, 15 May 2018, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23087&LangID=E>.

9 HRC Resolution S-28/1, A/HRC/RES/S-28/1, 18 May 2018, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/SpecialSession/Session28/A\\_HRC\\_RES\\_S-28\\_1.docx](http://www.ohchr.org/Documents/HRBodies/HRCouncil/SpecialSession/Session28/A_HRC_RES_S-28_1.docx).

10 ICC, “Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, regarding the worsening situation in Gaza”, 8 April 2018, <https://www.icc-cpi.int/Pages/item.aspx?name=180408-otp-stat>.