

VOICES OF RETURN

Documenting Israel's Repression of the
Great March of Return



مركز العودة الفلسطيني
The Palestinian Return Centre

2018

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The Palestinian Return Centre (PRC) is an organisation in Special Consultative Status with the United Nations Economic and Social Council since 2015 and a member of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP) since 2003. The organisation focuses on the historical, political and legal aspects of the Palestinian Refugees. The organisation offers expert advice to various actors and agencies on the question of Palestinian Refugees within the context of the Nakba - the catastrophe following the forced displacement of Palestinians in 1948 - and serves as an information repository on other related aspects of the Palestine question and the Palestinian-Israeli conflict. It specialises in the research, analysis, and monitoring of issues pertaining to the dispersed Palestinians and their internationally recognised legal right to return.

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Picture: Israel Occupation Forces located on sand hill behind the Gaza-Israel separation fence monitoring Palestinian youth during the Great March of Return. 2018 Palestinian Return Centre

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Executive Summary

This report is based on a submission to the United Nations Commission of Inquiry on the 2018 protests that began on March 30th in the Occupied Gaza Strip. The series of demonstrations named by the organisers “Great March of Return” called on Israel to end the ongoing siege and implement their collective right of return to the lands from which they were displaced in 1948.

The demonstrations have been widely covered in the mainstream media, in particular around May 14th, when the Israeli military killed 52 Palestinians and injured over 2,400 in one single day. Yet, beneath the headlines and numbers of casualties, detailed witness accounts of the events remain underreported. This investigation seeks to fill this gap by bringing to light the voices of Palestinian protesters and victims injured during the demonstrations.

The testimonies and other information gathered in the report show in detail how Israeli soldiers shot unarmed protesters, bystanders, journalists and medical staff approximately 100-400m from the fence, constituting extrajudicial executions and deliberate maiming of civilians. Prima facie evidence and testimonies show that none of the Palestinians victims included in this report were endangering Israeli forces, who remained located on the other side of the fence.

The PRC interviewed two journalists who were both shot in their legs while wearing a “press” vest. Khalil was shot in the upper left thigh while standing approximately 200 meters away from the fence and was wounded while taking a “selfie” photo with friends. Khalil further claims that the Israeli military shot him from the back as he was not facing the barrier separating the Gaza Strip from Israel. The other journalist interviewed, Duaa, was hit by a sniper shot as she was filming another protester being treated by paramedics after being injured. Both journalists were hit with a particular type of bullet, which expands and mushrooms inside the body, that indicates the military’s intention to cause maximum harm and greater possibility to inflict life-changing injuries. Amnesty International has reported Israel’s use of US-manufactured M24 Remington sniper rifles shooting 7.62mm hunting ammunition, which have the “mushrooming” effects described by the victims we interviewed.

Jihad, a young Palestinian woman in her twenties was standing on Jakar street, a road roughly parallel to the fence separating the Gaza Strip from Israel, at approximately 100 meters from the barrier when she was first hit with hunting ammunition in her left leg below the knee. Jihad was further hit two times, in her right hand and shoulder, with regular bullets by gunshots seemingly targeting the medical staff that was attending to her.

PRC interviewed a child that lost a leg after being targeted for merely raising the Palestinian flag during one of the demonstrations. Muhannad was also tending to a fellow protester injured at the time he was shot. He was hit with hunting ammunition above the knee in the thigh which likely caused him to undergo arterial amputation.

“The bullet came in from my ear and out from my head” said Adel malek, an 18-year old who was shot while standing 300 meters from the fence near Aoude refugee camp, East of Jabalia. Another young Palestinian, Ouni, was hopeful that the peaceful demonstration will be effective as he explained *“We wanted to push for lifting the siege, unblock border crossings . . . we simply wanted to live a normal life!”* He was also seemingly shot with hunting ammunition that caused bone fragmentation in his leg, as he expressed relief at having avoided amputation.

Contrary to claims of Israeli authorities, a grassroots network of activists led the creation and organisation of this series of mass demonstrations. The report provides in-depth accounts by organisers and participants in the “Great March of Return” that details their motivations and goals for the demonstrations.

The report argues that driving the open-fire policy of the Israeli government against protesters is a longstanding criminalisation of Palestinian refugees attempting to cross the armistice lines. Palestinian refugees are criminalised by the Israeli state and media as “infiltrators” and prevented to return to the lands from which they were displaced through a series of state laws and policies. The categorisation of ‘refugees’ as ‘infiltrators’ thus provides the Israeli government the opportunity to enact legalised state violence against Palestinians attempting to return to their lands.

Israeli authorities have attempted to paint the protests as an invasion of Israel’s borders with misleading representations of the nature of the fence that separates Gaza from Israel. Israel declares that it is protecting its border from Palestinian “infiltrators” yet this claim is undermined from the fact that since its inception the state of Israel has yet to officially declare its borders.

The PRC concluded that the Israeli army’s response to Palestinians protesting against a colonial siege along the 1949 armistice line clearly violates a number of core principles of international humanitarian law. The killing and maiming of protesters, journalists, paramedics and children not engaged in any military activity amounts to a violation of the international legal principles of distinction, proportionality and of precautions in attack.

I. Introduction

1. This report is based on a PRC submission to the United Nations Commission of Inquiry (COI) on the 2018 protests in the Gaza Strip, Occupied Palestinian Territory (OPT). On 18 May 2018, the UN Human Rights Council adopted a resolution (S-28/1) in which it decided to urgently dispatch an independent, international commission of inquiry to investigate all alleged violations and abuses of international humanitarian law and international human rights law in the Occupied Palestinian Territory (OPT) in the context of the military assaults on the large-scale civilian protests that began on 30 March 2018, and to report to the Council at its fortieth session in March 2019. The Commission invited individuals, groups and organisations to submit information and documentation related to its mandate.⁽¹⁾ As the call for submission indicates, the PRC has aimed to support the work of the COI on the following points:

- Facts and circumstances regarding alleged violations and abuses;
- Identification of those responsible;
- Recommendations on accountability measures, with a view to avoiding and ending impunity and ensuring legal accountability, including individual criminal and command responsibility; and
- Recommendations on protecting civilians.

2. It is paramount for the Commission of Inquiry to take into consideration the context in which the large-scale civilian protests began on 30 March 2018. Recalling historical events are crucial to fully understand what led Palestinians to organise a series of mass demonstrations along the 1949 armistice line between the Gaza Strip and Israel. The “Gaza Strip” came into existence following the 1948 Arab-Israeli War, when Zionist militias ethnically cleansed over 750,000 indigenous Palestinians paving the way for the creation of the state of Israel. Today, 70 percent of the approximately 2 million Palestinian residents of the Gaza Strip are refugees originating from the 78 percent of historical Palestine that today constitutes the state of Israel.⁽²⁾ The Gaza Strip has been under Israeli military occupation and control since 1967. A significant shift occurred in 2007, following Hamas’ election to the Palestinian Legislative Council, when Israeli authorities intensified a policy of siege and closure on the Gaza Strip, which constitutes collective punishment of all persons in Gaza. Israel’s sea, land and air blockade, enforced with the support of the government of Egypt, is a violation of international humanitarian law. In the recent years the Gaza Strip has also faced multiple large-scale Israeli military assaults (2008/9, 2012 and 2014) causing extreme state violence against the population and enormous destruction of infrastructure. The de-development of the area is on-going and over one million Palestinians in Gaza rely on some sort of foreign humanitarian aid. For instance, in the last two decades the number of refugees in need of UNRWA’s food assistance has increased tenfold, from 80,000 in 2000 to over 1,000,000 in 2018.⁽³⁾ The Gaza Strip is also undergoing an electricity and water crisis that is severely affecting the local population.

(1) Office for the High Commission for Human Rights (OHCHR), The United Nations Commission of Inquiry on the 2018 protests in the Occupied Palestinian Territory, 2018, available at <https://www.ohchr.org/EN/HRBodies/HRC/CoIOPT/Pages/OPT.aspx>

(2) United Nations Relief and Works Agency (UNRWA), Where we work Gaza Strip, 2018, available at <https://www.unrwa.org/where-we-work/gaza-strip>

(3) UNRWA, 2015, available at <https://www.unrwa.org/newsroom/press-releases/italy-contributes-eur-218-million-food-assistance-palestine-refugees-gaza>

3. Those historical and current challenges along with the wider systematic failure of the international community to end Israel's colonisation and occupation of Palestinian lands has led Palestinians in Gaza to organise a grassroots movement to demand their legitimate rights. The failure of the Oslo Accords and the "Peace Process" to bring to an end Israel's military occupation, apartheid system and settler colonialism has been a key factor driving this recent wave of peaceful mobilisation and popular anti-colonial resistance. The series of demonstrations, which at time of writing are on going, named by the organisers "Great March of Return" called on Israel and the international community to implement their collective right of return to the lands from which they were displaced in 1948 and after. The return of refugees following conflicts is considered an international norm, affirmed in international law and the Universal Declaration of Human Rights, and the denial by Israel to allow the repatriation of Palestinian refugees it has displaced constitutes ethnic cleansing. Meanwhile the Israeli "law of return" grants every Jewish person in the world the right to settle and obtain Israeli citizenship; a right Israel continues to deny to Palestinian refugees based on racial discrimination. The Palestinians' claim to return inside what is now Israel is also notably centered on United Nations General Assembly resolution 194 (III), which stated that:

"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 equity, should be made good by the Governments or authorities responsible." ⁽⁴⁾

4. Other demands were also central motives driving the protests. Palestinians demanded for an end to the Israeli siege, called for internal reconciliation between Palestinian political factions and were adamant to show their rejection to US president Trump's decision to unilaterally declare Jerusalem as the capital of Israel.

II. Methodology

5. Between May and October 2018 the Palestinian Return Centre (PRC) conducted a total of 27 interviews with participants, witnesses and victims that took part in the 2018 large-scale demonstrations in the occupied Gaza Strip. Twenty-three interviews have been conducted by a local team of field researchers and volunteers. Owing to the restrictions on movement preventing victims and witnesses from leaving Gaza, and the restrictions on PRC to enter Gaza, the remaining 4 first-hand testimonies were collected by means of interviews conducted via Skype and telephone from PRC's office in London, United Kingdom. Samplings of 16 testimonies have been included in this report. Other information has been gathered through a variety of sources including media, official Israeli government and military sources available online. The secondary sources consist of academic articles and a range of literature published by local/international NGOs and UN agencies.
6. The Palestinian Return Centre explained the background of the investigation and purpose of the interviews, and explained to interviewees that they would not receive any monetary or other incentives for speaking with PRC. The interviewees consented to their testimony being voice recorded and for their names to be public. We also received interviewees' consent to describe their experiences after informing them that they could terminate the interview at any point. All interviews were conducted in Arabic. The interviews have been subsequently transcribed and translated into English.

(4) UNRWA, Resolution 194, 2018, available at <https://www.unrwa.org/content/resolution-194>



Palestinian child waving national flag facing Occupation soldier on sand hill located behind the Gaza-Israel separation fence. 2018 Palestinian Return Centre

III. Deliberate killing and maiming of Palestinians

7. Since the protests began on March 30 2018 Palestinians have been regularly organising mass unarmed demonstrations along the Gaza-Israel perimeter fence. The number of people attending ranged from hundreds to tens of thousands. Usually held on Fridays, protesters go near the fence and some torch tires and throw stones at Occupation troops often located on small sand hills on the other side of the fence. Tents have been erected at five locations along Gaza's eastern boundary, where the Israeli military meets the protesters with deadly fire. The Israeli military has continued to use lethal and other excessive force including live ammunition, plastic-coated bullets, tear gas and an unidentified type of nerve gas. Despite the many public statements of the organisers regarding the peaceful nature of the protests, also corroborated in the testimonies provided in this report, the Israeli army initiated repressive tactics against them using lethal force, primarily in the form of sniper attacks.⁽⁵⁾ The Israeli army deployed tanks, military vehicles and soldiers, notable among them snipers located behind the armistice line, and gave orders to shoot anyone within several hundred metres of the fence. While some protesters have engaged in some forms of action in self-defense including by burning tyres, flying incendiary kites or throwing stones and Molotov cocktails in the direction of Israeli soldiers, social media videos, as well as eyewitness testimonies gathered by the Palestinian Return Centre and human rights groups show that Israeli soldiers shot unarmed protesters, bystanders, journalists and medical staff approximately 100-400m from the fence, constituting extrajudicial executions and deliberate maiming of civilians.

(5) Institute for Palestine Studies, Gaza's Status Quo Unlikely to Change, 22 October 2018, available at <https://palestinesquare.com/2018/10/22/gazas-status-quo-unlikely-to-change/>

8. The World Health Organisation (WHO) stated that “from the 30th of March until the 6th October, 205 people have been killed. Out of the total killed, 190 people were killed by Israeli forces during the demonstrations and 15 people killed during Israeli attacks. The total figure of people injured during the conflict since 30th March stands at 22,267.”⁽⁶⁾ As of 29 September 2018, the Israeli military has killed 30 minors, and injured more than 5,300 with live fire, including 1,849 children, 424 women, 115 paramedics⁽⁷⁾ and 115 journalists.⁽⁸⁾ On the same day that the Israeli military killed a 15-year-old Palestinian and wounded 70 others, Israeli media reported that one soldier was moderately wounded due to shrapnel from a grenade thrown by a demonstrator from inside the Gaza Strip. Since March 30th one Israeli soldier has been killed by a Palestinian sniper, according to Amnesty International the incident was “outside of the context of the protests.”⁽⁹⁾

9. Prima facie evidence and testimonies show that none of the Palestinians victims included in this report were endangering Israeli Occupation Forces, who were on the other side of the fence. Commenting on the disproportionate number of Palestinian casualties and injured, Israeli human rights NGO B’Tselem concluded that:

“Such a high number of casualties is a direct outcome of the open-fire policy that Israel employs along the Gaza perimeter fence, including during demonstrations held near the fence. Although the lethal outcomes of this criminal policy are well-known, Israeli authorities refuse to change it, remaining indifferent to the lives and deaths of Palestinians. In fact, the prime minister and his government prefer to continue this hardline approach (with cabinet members arguing over the numbers – the minister of defense boasts of the many dead wounded while the minister of education demands even higher numbers). The military executes this political directive, even safeguarding it with whitewashing mechanisms that ensure that, with the exception of very rare cases, no one will be held accountable for killing Palestinians.”⁽¹⁰⁾

In addition, according to Palestinian human rights NGO Adalah “the Israeli military continues killing unarmed Palestinian civilian protesters with snipers and live fire in the Gaza Strip, with the approval of Israel’s Supreme Court.”⁽¹¹⁾ This further shows that the military’s killings and injuries in Gaza are not unintended accidents or collateral damage but are part of a calculated policy sanctioned across Israeli governmental and judicial institutions.

(6) World Health Organisation (WHO), Situation Report, occupied Palestinian Territory, Gaza 23 September - 6 October, 2018, p.1 available at http://www.emro.who.int/images/stories/palestine/documents/WHO_Health_Cluster_SitRep_23_Sep_-6_Oct_2018.pdf

(7) See Annex 1 for letter PRC received from the mother of Razan al-Najjar, the 21-year-old Palestinian medic killed by Israel during the demonstration as she was tending to the injured.

(8) Amnesty International, Six Months On: Gaza’s Great March of Return, 2018, available at <https://www.amnesty.org/en/latest/campaigns/2018/10/gaza-great-march-of-return/>

(9) *Ibid*

(10) B’Tselem, In 6 months of Gaza protests, Israeli forces fatally shoot 31 Palestinian minors, 16 October 2018, available at https://www.btslem.org/firearm/20181015_31_minors_killed_in_gaza_protests_in_6_month

(11) Adalah, the Legal Center for Arab Minority Rights in Israel, October 2000 to Gaza 2018: Israeli snipers continue killing unarmed Palestinian demonstrators with Israeli Supreme Court’s approval, 30 September 2018, available at https://www.adalah.org/en/content/view/9601?fbclid=IwAR3l4b3G8IATIU91r_iIXc-UCUjBBA7JeOVO8XH0KY-Na69-dqNzDZjWqz0

10. As well as the death toll, the number and type of injuries Palestinians suffered should be treated with concern. In August 2018, Médecins Sans Frontières (MSF) noted that the vast majority of patients they treated have been shot in the lower limbs. MSF warned of the emergence of a new demographic: those without much choice but to sit and wait to heal.⁽¹²⁾ Thousands of Palestinians have suffered extremely severe injuries, which will require very advanced medical intervention and will change their lives forever.⁽¹³⁾ “The injuries that we see are characterised by a high prevalence of open fractures – most below the knee – with massive tissue loss, which means damage to the veins and nerves as well,” says Marie-Elisabeth Ingres, MSF’s head of mission in Palestine. During the first six months of demonstrations at least 76 Palestinian demonstrators have had their lower or upper limbs amputated,⁽¹⁴⁾ revealing Israel’s military deliberate policy of causing life-changing injuries. Meanwhile, in October 2018, Al Mezan’s documentation revealed “a clear trend of Israeli soldiers shooting protesters in the upper parts of their bodies.”⁽¹⁵⁾ This may signify an Israeli military objective to increase the use of lethal force against protesters and a greater possibility to cause irreversible harm on victims.

11. In an interview with the *Journal of Palestine Studies*, Ghassan Abu Sitta, a doctor that served at the al-Awda hospital in Gaza during the 2018 Israeli attacks on the demonstrations, provides important information on the nature of the weapons injuring Palestinians during the demonstrations. He stated,

“[...] we had a lot of gas inhalation cases. And this wasn’t tear gas but nerve gas. These cases have continuous convulsions for an hour and need close monitoring and intervention in the form of anticonvulsants. [...] There were lots of cases of what we call “fragmentation bullets,” historically known as “dumdum” bullets. Fragmentation bullets were the first weapons to be banned in international law because the very point of that particular weapon is to maximize injury: a fragmentation bullet fragments into 20–25 different pieces when it hits the body. We saw lots of those.”⁽¹⁶⁾

In a testimony provided to PRC, discussed later in the report, Ahmad also witnessed the use of unidentified nerve gas that he recalls being of blue colour.⁽¹⁷⁾ In addition, all but one of the victims of Israeli fire interviewed by PRC claim that their injury resembles those caused by the “fragmentation bullets” discussed by Dr. Abu Sitta.

12. Rather than being caused by these so-called “fragmentation bullets” the injuries are likely to have been caused by sniper rifles shooting hunting ammunition. According to military experts as well as a forensic pathologist who reviewed photographs of injuries obtained by Amnesty International,

(12) Médecins Sans Frontiers (MSF), Gaza: “I’m scared for the future. Will I be able to walk again?”, 8 August 2018, available at <https://www.msf.org.uk/article/gaza-%E2%80%99Ci%E2%80%99m-scared-future-will-i-be-able-walk-again%E2%80%9D>

(13) MSF, Gaza: A long ordeal awaits hundreds of wounded from the March of Return, 8 August 2018, available at <https://www.msf.org/gaza-long-ordeal-awaits-hundreds-wounded-march-return>

(14) Palestinian Centre for Human Rights (PCHR), For Twenty-Eighth Friday of Great March of Return and Breaking Siege in Eastern Gaza Strip, Israeli Forces Kill 3 Civilians, Including Child, and Wound 171 Others, Including 14 Children, 3 Journalists and 3 Paramedics, 5 October 2018, available at <https://pchrgaza.org/en/?p=11419>

(15) Al Mezan Center for Human Rights, 305 Palestinian Protesters Wounded by the Israeli Military at Friday Demonstrations in Gaza, 19 October 2018, available at <http://www.mezan.org/en/post/23300/305+Palestinian+Protesters+Wounded+by+the+Israeli+Military+at+Friday+Demonstrations+in+Gaza>

(16) Perla Issa, Interview with Dr. Ghassan Abu Sitta ““There Is No International Community”, *Journal of Palestine Studies*, Vol. 47 No. 4, Summer 2018; p.49 DOI: 10.1525/jps.2018.47.4.46

(17) See paragraph 34

“many of the wounds observed by doctors in Gaza are consistent with those caused by high-velocity Israeli-manufactured Tavor rifles using 5.56mm military ammunition. Other wounds bear the hallmarks of US-manufactured M24 Remington sniper rifles shooting 7.62mm hunting ammunition, which expand and mushroom inside the body.”

The international human rights NGO adds that:

“The nature of these injuries shows that Israeli soldiers are using high-velocity military weapons designed to cause maximum harm to Palestinian protesters who do not pose an imminent threat to them. These apparently deliberate attempts to kill and maim are deeply disturbing, not to mention completely illegal. Some of these cases appear to amount to wilful killing, a grave breach of the Geneva Conventions and a war crime.”⁽¹⁸⁾

13. The Palestinian Return Centre collected seven first-hand testimonies from victims of Israel’s deliberate open-fire policy. Following are a sampling of testimonies PRC collected in October 2018 through its field researchers in Gaza and by means of Skype and telephone interviews.

14. **Khalil** is 36 years old and from the Rafah area of the Gaza Strip. He works as a photographer. He was shot on 6 April 2018 at around 5pm in the upper left thigh. Khalil claims he was shot while taking a “selfie” photo with his friends while standing approximately 200 meters away from the fence. He stated:

The odd thing is that we were 4 journalists who were staying with our back towards the Israelis to take a selfie that we are leaving. I was therefore standing and was not moving. So, when one of the boys was taking the picture, a bullet suddenly hit my leg, I didn’t feel it first, when the bullet hit me. I was not moving, if I was going around I could have said that the bullet hit me by accident. But I was leaving home, and we stayed to take a picture all together, and then they fired at me.

Khalil was posing no threat to Occupying forces located behind the fence, he was wearing a vest marked “press” and crucially was not facing the soldiers or causing any type of threat warranting the use of live fire.

It was a massacre; they started firing at us randomly and everywhere that day. When I was hit there wasn’t even an ambulance around. I was lying on the ground about 15 minutes. I was injured in my left leg, on my upper thigh, because the shot hit me from the back and the exit was from... I can take a photo and show you my leg, you can say that the bullet took off a part of my skin and bones.”

Following review and analysis of the injury detailed in the picture PRC received, it evidenced significant tissue loss consistent with the type of injury resulting from the use



Khalil wearing a “press” marked vest on the left posing for a picture with friends moments before being shot in the leg by an Israeli sniper. October 2018 Palestinian Return Centre

(18) *Ibid* 7

of hunting ammunition detailed by Amnesty International. The hunting ammunitions used cause injuries similar to what many on the ground have been referring to as “fragmentation bullets”. It is also visible from the picture we reviewed that the exit wound is in the front of the thigh, which is consistent with Khalil’s claim that he was shot from the back.

Out of what the health department said, it was an explosive bullet. If it was a normal bullet it would not remove a part of the leg, neither would it take a part and it would not cause serve damages. But this explosive bullet damages everything in the leg. The bullet that hit me created an exit, a massive exit wound. That is what the health department told me.

Khalil told PRC that as a result of the injury he has femoral nerve dysfunction and also suffered a stroke when he heard what had happened to his leg. Khalil believes he will have some type of brittle bones disease due to the injury which will cause him having a disability.

15. **Duaa** is 25 years old and from the Khan Younis area of the Gaza Strip. She was hit by a sniper shot at 5.45pm on Friday October 5, 2018. Since Duaa is a freelance journalist she was wearing the “press” vest for journalists when shot and was filming other protesters being treated by paramedics after being injured. At the time of injury she was standing approximately 300-350 meters away from the fence. Duaa also claims her injury resembles that caused by a “fragmentation bullet” referred in the testimony’s transcript as “fire bullet”. At the time of the interview Duaa required surgery in her leg but was waiting for an exit permit from Israel to go to the West Bank and receive the required treatment.

I was in Khan Younes, it was along the eastern borders in the city of Khan Younes. I was far away from the fence. I was standing by the ambulance, on a street called Al-Jakaar street and it was there I was hit by a fire bullet from the occupation Israeli forces. I was holding my camera and covering the march and I was wearing the journalist flak jacket. I was filming the paramedics and the young boys who was injured and killed during the protest. I was specifically in a place called Khuz’a.

The military was inside it [tent on sand hill] and I could see the sniper was aiming at me, and then the sniper fired towards me. [...] They fire these bullets at the protesters who is participating in the march. And that day, they fired towards me and I saw the sniper pointed at me.

I was wounded in my right leg; it was roughly 1 cm under my knee. The wound caused bones fracture, damage in the arteries and the veins and the bullet created a massive exit wound, it opened 12 cm of my leg. Right now, I have lost the ability to move my legs. I can’t walk at all. I can’t move my leg and neither can I feel it. I need to do a surgery to my leg and a deformity surgery.

At the moment I have a disability because I can’t move my leg and therefore I can’t walk. The doctors said that they need to do a venous, arteries and internal organs graft and bypass surgery to see if I will be able to move my leg again or not. I need also to do a deformity surgery. Right know they are working on getting me a permission to go the West Bank for the operation. If I get the permission from the Israeli government, I will be able to continue my treatment.



Duaa posing for a picture during the Great March of Return. October 2018 Palestinian Return Centre

On 24 October 2018, Duaa informed PRC that her permit request to receive treatment outside of Gaza had been denied by Israeli authorities. Duaa's case seems not an isolated incident but is consistent with other cases in which the Israeli army opens live fire on journalists filming other Palestinians who have been previously shot. The pattern of shooting at journalists in the knee area, which increases the probability of bullet fragmentation, suggests that Israeli authorities are intentionally intending to inflict life-changing injuries as well as discourage journalists from covering violations against protestors.⁽¹⁹⁾

- 16. Jihad** is 27 years old, married and from Gaza city. She has never been able to travel outside the enclave. She was hit three times from sniper fire while attending a protest in the Khuz'a area of eastern Gaza at 4pm on July 27th 2018.

I participated in the march because of the situation in Gaza, and the siege we are living under. We want the situation to get better, and we want it to get better than before. We went to the protest, we were just standing there, and I wasn't holding anything. I was just standing there and then they shot me directly in my leg and my hand. The bullet that hit my leg was an explosive bullet and the one that hit my hand was a regular bullet. I didn't do anything, and they fired straight at me. I underwent an internal fixation procedure, until today I can't walk on my leg as I did before and therefore I limp when I walk. The bullet caused bones fracture and fragmentation. The bullet created also a massive wound in my leg. The shot in my hand hit my skin, and it damaged some of the internal organ, the nerves. I can't therefore not move any of my fingers.

Jihad was standing on Jakar street, a road roughly parallel to the fence separating the Gaza Strip from, approximately 100 meters from the fence. Jihad was hit first in her left leg below the knee. When people started gathering around her to help, Israeli authorities seemingly started firing again hitting Jihad with regular bullets in her right hand and shoulder.

When I was shot in my leg, I tried to get up then they shot me on my hand, they shot me in my hand after around 2-3 minutes. They started firing towards the people who was around me, and it was the second bullet hit my shoulder. When I was shot in my leg the people started coming and so they started firing at the people around me. When I got shot the ambulance attendants and the medical crew was around the field and therefore they came fast and started helping me on place, until the ambulance came and transferred me to the hospital. When I was shot I was on the ground and I didn't feel the second shot because I passed out. I lost a lot of blood when I got shot in my leg and therefore I fainted.

Given that Jihad had fainted after the first shot, following the incident family and friends explained how the other two shots were fired at her. At time of publication PRC was not able to corroborate from other witnesses Jihad's account of the second and third sniper fire that hit her.

- 17. Muhannad**, is a 17 years old child from the Bureij refugee camp. He was shot and injured in East of Bureji camp on June 14 2018. Muhannad has had his leg amputated due to the injury sustained from being shot by an Israeli sniper. He was tending to a fellow protester injured and raising a Palestinian flag at the time he was shot. Since 1967 Israel's occupation forces have notably used Military Order 101 to repress peaceful protests and arrest Palestinians for merely raising their national flag.⁽²⁰⁾ The targeting of Muhannad for raising the Palestinian flag fits the Occupying power's military strategy to repress peaceful protests.

(19) B'Tselem, If the heart be not callous: On the unlawful shooting of unarmed demonstrators in Gaza, April 2018, available at https://www.btselem.org/publications/summaries/201804_if_the_heart_be_not_callous

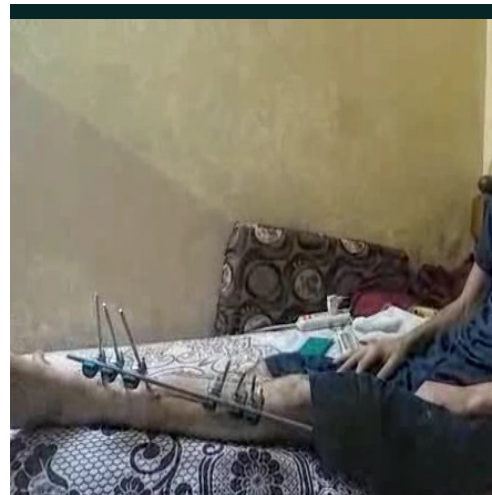
(20) Amnesty International, 50 years of Israeli Occupation: Four Outrageous Facts about Military Order 101, 25 August 2017, available at <https://www.amnesty.org/en/latest/campaigns/2017/08/50-years-of-israeli-occupation-four-outrageous-facts-about-military-order-101/>

I was unarmed. I was tending to an injured teen but was suddenly shot by the Israelis without causing a threat I just wanted to rescue the injured protester. I was shot above my knee, in the thigh. I've had my artery cut and tissues damaged. I underwent arterial amputation. All is well now. I joined the March of Return rallies and got wounded on the very first day. I'm just hopeless. I can't walk. I've become a standstill. I stand up using walking canes. I can only move using prosthesis. My entire future has become dependent on the artificial device.

I've gone almost paralyzed, my life hinges on the artificial limb. I took on to the border just to speak up for our rights that have been infringed by the Israeli occupation. The Palestinian Authority measures also messed up our lives! There are no job opportunities! We have become jobless.

- 18. Ouni**, is 25 years old from the Bureij refugee camp in the central area of Gaza. He was also shot and injured in East of Bureji camp on June 14, 2018. He worked in the field of repair services for air-conditioning, refrigeration, and washing machines. Ouni was shot while standing on Jakar road at approximately 300 meters from the fence.

We took on to the street as soon as we were updated on the launch of a peaceful march! We had no partisan interests! We took to the streets as non-violent marchers! I was standing on Jakar Road nearly some 300 meters away from the border fence. Shortly after, I was hit with fire bullet in my left leg I sustained bone fractures and bone fragmentation. The nerve was severed. So were my veins and arteries I was later taken to hospital I got a bone plate affixed to my body. Medics said my condition was critical. I was transferred to Al-Shifaa Hospital for treatment. My family talked to the doctors I underwent another operation. On the same day I was injured I underwent two surgeries to fix my arteries. Praise be to Allah! My leg was not amputated!



Picture of Ouni's leg following the injury sustained from Israeli sniper shot. 2018 Palestinian Return Centre

I had been hospitalized in Al-Shifaa for ten days. We used to be taken out of the hospital on Thursday to admit Friday's injured masses. I've had open wounds on both sides of my leg. As you can see, open wounds appear on both side. They have hit us with explosive gunshots I can no longer stand on my feet . . I've been injured since April 6, which coincides with the second Friday march. The Friday of Kaushuk, as we used to call it. I'm almost paralyzed. I can neither walk nor go out on my own. I turned into a heavy burden on my family's shoulder. Day in and day out, I spend my time going to and back from hospitals. I was once taken outside of the enclave for treatment. We wanted to push for lifting the siege, unblock border crossings . . . we simply wanted to live a normal life!

The siege is making our life unbearable! Passageways are closed off, we are denied the right to travel and medical treatment . . . the entry of goods is blocked. We are blockaded from all sides I was completely disarmed. So were the other youngsters. They stood far away from the border fence. No matter the objects a protester can carry, he cannot reach the fence. Even if he was carrying a stone or a knife.

19. **Fadi** is 25 years old from the Bureij refugee camp. He works as a hairdresser. He was shot in the pelvis during the demonstrations taking place in East of Bureji camp on June 14 2018.

We were unarmed youngsters. We did not hold weapons. We demanded our rights. Suddenly, we were targeted with randomly-discharged gunfire. I was shot in my pelvis. I was hit with an explosive cartridge in the pelvis. I was hospitalised for five days. I call on the international community to rally around the innocent protesters and children! Most of those injured got their limbs amputated! Medics without Borders have been tending to the wounded! The situation is calamitous. I urge the international community to step in and take action over the abrupt shooting of children and youngsters using internationally-prohibited ammunition.

20. **Abdelmalek** is 18 years old, from north Gaza, Beit Lahia. He was shot in the head on Thursday 25th of September 2018 at 10 pm, standing 300 meters from the fence near Aoude refugee camp, East of Jabilia and Safiya. He was treated at Al Shifa hospital but needs specialised treatment provided only in hospitals outside of Gaza and was unsure at time of testimony whether he will be able to obtain an exit permit.

The bullet came in from my ear and out from my head. I was just saying God is great and we will return, we will return. It was a sniper. They shot at me several times. They fired first on my leg and then near to my ear and the third shot hit my head. They said I was injured by live fire, it wasn't an explosive bullet. The type of the rifle was an M16. My jaw is broken, my hearing "become weaker" and the injury caused vision loss.

I can't see as good as before, I forget my words, what you say and other things. They said that they couldn't do anything more, and I will heal with time. I need an advanced hospital that can help me. They said I need a complex brain surgery because I have fragments (from the bullet) in my brain.



"Return" tents located in the proximity of the Gaza-Israel separation fence. 2018 Palestinian Return Centre

IV. Nature of the demonstrations

21. In 2011 inspired by the popular uprisings against governments taking place across the Middle East and North Africa, Palestinians organised "return marches" on Israel's borders from Jordan, Lebanon, Syria, Egypt, Gaza and the West Bank as part of a coordinated protest to demand their right of return to their homes and lands.⁽²¹⁾ Palestinians in Gaza decided to build on those previous efforts and stage a set of peaceful demonstrations. An organiser for the Great March of Return, Ahmad Abu Artema, reportedly initiated discussions about a possible mass mobilisation back in January 2018 when he wondered in a Facebook post, "what would happen if 200,000 protesters gathered near the Israel fence with Gaza Strip, and entered the lands that are [theirs]."⁽²²⁾ While largely symbolic, the action of refugees marching towards the land from which they have been displaced has been instrumental in attracting the attention of international media, policy makers and civil society to their struggle.
22. Prior to the start of the demonstrations, the Israeli government announced that it will respond to the 2018 Great March of Return as it did with previous "return marches" in 2011. According to the Israel Defense Forces (IDF), "it was treating the border with Gaza the same way it does those with Syria or Lebanon but that its methods were evolving in

(21) Matthew Cassel, *The Guardian*, Palestinians in Lebanon, at the lonely end of the Arab uprisings, 16 May 2018 <https://www.theguardian.com/commentisfree/2011/may/16/palestinian-refugees-lebanon-right-to-return>

(22) Jihad Abusalim, The Great March of Return: An Organiser's Perspective, *Journal of Palestine Studies*, Vol. 47 No. 4, Summer 2018; p.92, DOI: 10.1525/jps.2018.47.4.90

response to each Friday's protests."⁽²³⁾ In 2011, Israeli authorities killed 23 Palestinians along the ceasefire line with the Occupied Golan Heights, and injured over 300.⁽²⁴⁾ During the same period in Gaza many were shot and wounded although the protests were significantly hindered by Hamas police which stopped busses filled with demonstrators attempting to reach the main crossing point with Israel.⁽²⁵⁾

23. Contrary to the claims of Israeli authorities, a grassroots network of activists led the creation and organisation of this series of mass demonstrations. It was only subsequently that political factions, including Hamas and Fatah, decided to join the broad call to take part and support the Great March of Return. Organisers, in their quest to unite a fragmented Palestinian political landscape, in particular the Hamas-Fatah split, sought the widest participation possible from civil society, NGOs and political factions. One of the organisers, Salah Abd Alati, in an interview with PRC, stated that,

Coordination took place and formed coordinating committees that worked with civil society, factions and all parties until everyone picked up the idea and helped to achieve it. Despite great opposition from the factions that prefer armed resistance at the start for the idea, everyone was united eventually under the Palestinian flag and after that the Supreme National Authority was formed which included all the factions, civil society, youth, women and refugee committees and all the other parties.



Palestinian participants in the Great March of Return socialise in the night time. 2018 Palestinian Return Centre

(23) *The Jerusalem Post*, Seth Frantzman, Eight weeks in Gaza: What did the 'Great March of Return' accomplish? 17 May 2018, available at: <https://www.jpost.com/Arab-Israeli-Conflict/Eight-weeks-in-Gaza-What-did-the-Great-March-of-Return-accomplish-557744>

(24) *Ynet News*, Syria says 23 dead as Israel opens fire on Golan, 6 June 2011 <https://www.ynetnews.com/articles/0,7340,L-4078708,00.html>; see also BBC, Israeli forces open fire at Palestinian protesters, 16 May 2011, available at <https://www.bbc.co.uk/news/world-middle-east-13373006>

(25) *New York Times*, Ethan Bronner, Israeli Troops Fire as Marchers Breach Borders, 15 May 2011, available at <https://www.nytimes.com/2011/05/16/world/middleeast/16mideast.html>

24. Official statements from Israeli authorities seek to deny that the demonstrations were originally a civil society effort. Reported in the Israeli daily newspaper *Jerusalem Post* “The Israel Defense Forces said from the beginning that the riots in Gaza were planned and executed by Hamas.”⁽²⁶⁾ In seeking to paint peaceful demonstrations as “planned and executed by Hamas” Israeli authorities attempted to claim a priori culpability of the demonstrators by portraying them as ostensibly “violent terrorists”. Eli Hazan, ruling party Likud’s foreign affairs director, stated on Israeli TV i24NEWS that “Anyone who tries to infiltrate our borders is a legitimate target,” and that “All 30,000 are legitimate targets.”⁽²⁷⁾
25. On April 27, three weeks since the beginning of the protests, IDF spokesman Jonathan Conricus posted on the social media network *Twitter*: “Same sad abuse by terrorist #Hamas of the weakest parts in Gazan society for its hostile charade. Don’t be part of the show and don’t be fooled. This is terror, just masked. The IDF will continue to defend our people and border.”⁽²⁸⁾ Similarly Israel’s prime minister Nethanyahu posted, “The Hamas terrorist organisation declares it intends to destroy Israel and send thousands to breach the border fence in order to achieve this goal.”⁽²⁹⁾ In rejecting the Human Rights Council’s vote to establish to the COI Netanyahu further said Israel would “continue to protect its citizens and soldiers as its right to self-defense grants it.” Moreover, a statement from the Israeli Foreign Ministry said: “In complete opposition to the claims of the council, most of those killed on the Palestinian side were Hamas activists, as the leaders of the terror organisation said themselves.”⁽³⁰⁾
26. Yet numerous sources and interviews provided in this report show that the protests largely emerged from Palestinian civil society and that the injured or killed were unarmed and posed no credible threat to the security of Israeli soldiers standing behind the fence. It should be noted that merely being a member of Hamas or another political faction does not give Israeli authorities legitimacy to open live fire against unarmed protesters. Hamas’ logistical support to the protests in form of providing bus services for the protesters to reach the demonstrations also does not warrant Israel’s open-fire policy. Hamas has indeed come out in support of the Great March of Return, indicating Hamas’s endorsement of nonviolent popular resistance.⁽³¹⁾ This does not negate the fact that the protests’ roots are centred in Palestinian civil society and Hamas’ support for the protests does not legitimises Israel’s deadly force against unarmed Palestinians.
27. Claims from the US administration that “Israel has the right to defend itself” are misleading and not representative of the facts on the ground. In the context of the 2018 large-scale demonstrations in the Gaza strip, Israel cannot claim the right of self-defense - prima facie evidence shows the large majority of Palestinians were not threatening the soldiers’ security or Israeli civilians. Further, Israel is overwhelmingly the aggressor state imposing 50 years of military occupation and 11 years of siege on the Gaza Strip against non-state actors.

(26) *Ibid* 21

(27) *I24News*, Spokesman for Netanyahu’s Likud says all Gaza protesters ‘legitimate targets’, 3 April 2018, available at <https://www.i24news.tv/en/news/israel/diplomacy-defense/171392-180402-israeli-lawmaker-says-idf-will-investigate-gaza-killings-contradicting-liberman>

(28) <https://twitter.com/lcjonathan/status/989808210533126144>

(29) *Reuters*, Israeli forces kill dozens in Gaza as U.S. Embassy opens in Jerusalem, 14 May 2018, available at <https://uk.reuters.com/article/uk-israel-usa-protests-palestinians/israeli-forces-kill-dozens-in-gaza-as-u-s-embassy-opens-in-jerusalem-idUKKCN11F0ML>

(30) *Haaretz*, Nora Landau, Former Pentagon Official to Head UN Gaza Violence Probe, available at <https://www.haaretz.com/israel-news/.premium-un-taps-u-s-jurist-david-crane-to-head-gaza-violence-probe-1.6315163>

(31) *Ibid* 5

28. Driving the open-fire policy of the Israeli government is a longstanding criminalisation of Palestinian refugees attempting to cross the armistice line. Palestinian refugees are criminalized by the Israeli state as “infiltrators” through the creation of a broad definition and are prevented to return to the lands from which they were displaced through a series of state policies. This series of legislation accompanied the appropriation of land and property following the mass ethnic cleansing campaign of 1947-1949. According to professor Shalhaoub-Kevorkian “Israel has consistently used the rhetoric of national security in casting Palestinian refugees as violent and threatening offenders.”⁽³²⁾ This rhetoric is being reproduced throughout the repression of the Great March of Return. The categorisation of ‘refugees’ as ‘infiltrators’ thus provides the Israeli government the opportunity to enact legalized state violence against Palestinians attempting to return to their lands.
29. Israeli authorities have attempted to paint the protests as an invasion of Israel’s borders with misleading representations of the nature of the fence that separates Gaza from Israel. The so-called fence, which is the 1949 Gaza-Israel armistice line, is best described as a vast and intricate system of high-technology surveillance towers, barbed wire, and a one kilometre buffer zone,..”⁽³³⁾ Israel declares that it is protecting its border from Palestinian “infiltrators” however this claim is undermined from the fact that since its inception the state of Israel has yet to officially declare its borders.

(32) Nadera Shalhaoub-Kevorkian, Criminalizing Pain and the Political Work of Suffering: The Case of Palestinian ‘Infiltrators’, *Borderlands e-journal*, Volume 14 number 1, 2015, available at http://www.borderlands.net.au/vol14no1_2015/shalhaoub-kevorkian_pain.pdf

(33) *Ibid* 20



Palestinian participants in the Great March of Return socialise in the night time. 2018 Palestinian Return Centre

V. Protesters' motivations and objectives

30. Following are a sampling of interviews the Palestinian Return Centre (PRC) collected through its field researchers in Gaza throughout May 2018. The interviews sought to uncover the motivations of Palestinian protesters that took part in the Great March of Return and they illustrate the activities that took place during the demonstrations. The PRC interviewed key organisers, participants and victims of violations by Israeli authorities.

31. **Qathafi** is 45 year old married with five children and originates from the Palestinian village Yabna. His current residence is the UNRWA-administered Rafah refugee camp. He is one of the organisers of the “return camps” in East Gaza. A key action of the Great March of Return was to set up tents near the fence with Israel to invoke the memory of the original mass displacement of Palestinians in 1948. The makeshift tents symbolise the right of return of Palestinian refugees, who make up over 70 percent of Gaza’s total population.⁽³⁴⁾

We also seek through our participation to return the Palestinian cause back on the international institutions and media agenda and not to accept the agreements that attempts to settle the cause and cancel Palestinians right to return and remind the world that there is a population under occupation. As well as remind youth that the right to return will not be forgotten by encouraging them to participate in all national events that take place along the return camps, from cultural evenings, discussion rounds and reminders of the suffering by being with the elderly who witnessed the Nakba and displacement and listening to their experiences.

(34) *Ibid* 2

Moreover we aim through the return camps to return the Palestinian unity through inclusive participation away from faction's differences and focusing on the main cause and that is to end the Israeli occupation and peaceful gathering to refuse all attempts to make us accept submissive deals, latest deal of century.

- 32. Wael**, is a freelance journalist, 33 years old, married with three children and originates from the Palestinian village of Sarfand Al Amar, which was mostly destroyed and depopulated by Zionist militias during the 1948 war. He is one of the organisers of the "return camps" in Rafah.

In the last 5 past weeks we participated in multiple activities which many took part in reaching thousands of participants in all across the 5 return camps across the eastern fence along Gaza Strip. All Palestinians suffer from the displacement, so these camps have had great acceptance and participation and this is because of national motivation which were devoted in the return camps and lifting the siege.

When asked about specific plans for the protests, he stated:

There are set and contingency plans in the camps; there are logistics plans for the camps which include mapping for the places in the 5 camps and prepare them in all aspects to accommodate women and children, youth and elder's participation and provide water and sanitation services and setting up tents for women and families that had the names of the villages they were forced to flee, these are individual and family tents, in addition to setting up medical points in the camps and equipping them with what is needed for emergency interventions to preserve the lives of youth and families.

The contingency plans, for example we discovered in the first week that tents were set from a far distance that the occupation could not hear the voices of protesters, so in the 2nd week the tents were set up closer. There are activities that are receiving great interaction which enhances the steadiness and staying in the camps.

- 33. Mariam**, 35 years old, married with 3 children originally from Sarfand Al Amar, her parents were displaced during the 1948 war and she has never left Gaza Strip.

My first participation was on 1st May which was Labour's Friday. Israel whenever we come uses tear gas which causes us to suffocate. The first Friday I came with my daughters but then because of the gas I started to come alone, I say I'm willing to sacrifice my life as long as my daughters return, we don't want to continue be homeless and refugees. In the second Friday, I fell on my leg and had wounds in my leg trying to reach the fence calling the occupation to give back my land, so they started shooting at us and the youth and we tried to run away from the bullets, so I fell on my leg and in spite of this I come with my husband and we participate and we continue to until we return to our land and Israel knows nothing else but force... as you see people here are coming without any weapons.

- 34. Ahmad**, 45 years old, married with 5 children. He has never travelled outside Gaza and dreams of getting on a plane and seeing the rest of the world. Currently lives in Nuseirat refugee camp.

What also encourages me to participate is that everyone comes in the voice of Palestine, there are no flags of faction and no invitations from the factions, so the marches are Palestinian for our right of return and also to show our rejection of Trump's decision to move the US embassy and

that Jerusalem remains the Capital of Palestine at all times. Moreover, we participate because we want a country like the rest of the people, we are tired of division and siege of Gaza, we want to see the rest of our homeland, we do not want to feel like we are trapped in Gaza.

Ammunition and gas that it uses which is not clear what kind it is, this is the 1st time I see a blue gas and suffocates like this. So Israel is not just using force, it is also using weapons that are unknown, and internationally banned. I once held a gas bomb which they had thrown that had nothing written on it, not even the country of manufacture and this shows that Israel does not care about anything even if it killed all Palestinians because it has the US support and even when the UNSC have discussions, it only talks but does not implement any decision.

- 35. Arafat** is 32 years old, has 5 children and originates from Ber Sheba. His family was displaced in 1948 and settled in Rafah. He says he has never left Gaza and it's his "dream to leave and see the world outside Gaza". When asked what are his reasons for participating in the protests, he answered:

We have a land in Ber Sheba, and an honourable right and we participate to emphasise our right to return to our homes that were taken by the occupation and then we were exiled to Gaza and we participate also in order to live in dignity in our country, we want electricity and I go to tell the occupation that we want to return. I also participate to support the youth and so that there is a massive participation.

- 36. Abu Basel**, is 48 years old and his family was forcibly displaced to Gaza after the 1948 war. He sheds light some of his personal motivations to join the protests:

This is the first time that I am really encouraged to participate in national events, particularly after the Palestinian split. This movement was under one flag, with the absence of factions flags, everyone is taking part for Palestine and for the right of return and to implement the UN resolution 194 which guarantees our right to return to our Palestinian lands which we were forced to flee because of the occupation's control over it and the massacres they committed then against our parents in the our occupied villages and I believe this time, this movement will succeed in achieving part of its goals and that is to bring back the issue of Palestine back on the world's agenda.

When asked what the right of return means to him, he replied:

The right to return is security for us, to feel that you are safe and your children, that you don't fear your children's future, right of return means living in peace and it also means freedom in the homeland.

- 37. Em Adli**, resident of Khan Younis, is 38 years old and married with 7 children. She is refugee originating from the Zarnouka village, which was ethnically cleansed in 1948.

Two weeks ago we came and it was called 'gas Friday' because we got suffocated and I personally passed out because of the gas the occupation used against us. Despite this I come and am determined to participate in all the activities because it is indeed peaceful and because Israel is trying to further us away from the main goal and that is to call for our right of return; with all the force that it is using, we are determined to return and we must return even if Israel killed us, the right of return must remain and everyone must call for our right of return. Right of return is that we go back to our towns, and that we have homes there with clean air, electricity and clean water and that there is work, no occupation that is right of return.

38. Kifaya, 75 years old, is a refugee from Ber Sheba, she was forced to flee when she was a little girl, now lives in Shuka in Rafah and has never left the Gaza Strip.

When asked why Israeli authorities are using force, she replied:

Because Israel is a state that knows nothing but subjugation and deceit. It was founded on occupation and killing and because they think they will scare us with their bullets and bombs. But we say to them we are not scared, and that if our parents were forced to flee from their hometowns, then no we insist to return to them. For example the 2nd Friday, my son was shot in his leg with explosive ammunition, he had an operation and had platinum put in his leg but he is continuing to participate and coming with the youth and he wants to return to our hometowns...so whatever force Israel uses we are determined to return to our homelands and lands.

When asked about the significance of the right of return, Kifaya stated:

It means to be in your hometown, not under siege, that you have a home, a land, and we are Bedouins we like life of freedom and as far as we know we have lands there so we want to return and restore and enjoy our lands and breathe the clean air. Right of return is that there is no occupation of our land and no siege for us.

“Return” tents in the evening time. 2018 Palestinian Return Centre



VI. Conclusions and Recommendations

39. The Israeli army's response to Palestinians protesting against a colonial siege along the 1949 armistice line clearly violates a number of core principles of international humanitarian law. The killing and maiming of protesters, journalists, paramedics and children not engaged in any military activity amounts to a violation of the international legal principles of distinction, proportionality and of precautions in attack. The crimes are also a serious violation of the International Criminal Court (ICC) Rome Statute and Fourth Geneva Convention. These violations are not occurring in a vacuum but are part of the ongoing settler-colonial system of oppression the Israeli regime imposes on the Palestinian people.
40. Given the lack of effectiveness and implementation of accountability measures recommended in previous UN investigations, in particular Human Rights Council Commission of Inquiry on the 2014 Gaza Conflict and the 2009 Report of the United Nations Fact-Finding Mission on the Gaza Conflict, the Palestinian Return Centre is supporting the following recommendations. PRC supports Human Rights Watch's call for "Third countries to impose targeted sanctions against Israeli officials responsible for ongoing serious human rights violations."⁽³⁵⁾ HRW further concluded that the murder of Palestinians in Gaza were "unlawful" and "calculated" and that Israeli "officials green-light shooting of unarmed demonstrators." PRC also endorses Amnesty International's call on governments worldwide to impose a comprehensive arms embargo on Israel following the country's disproportionate response to mass demonstrations along the fence that separates the Gaza Strip from Israel.⁽³⁶⁾
41. With a view to avoiding and ending impunity, ensure accountability and protect civilians PRC recommended that the COI should take into consideration measures which strongly put pressure on the Occupying Power to terminate its military occupation, colonisation of land and imposition of an Apartheid system on Palestinians. Justice for Israeli violations should also be centred on victims' needs and demands. The Palestinian-led Boycott Divestment and Sanctions (BDS) movement has proven over the years to be most effective and peaceful tool to hold Israel accountable for its non-compliance with UN resolutions and international law. Asad Abu Sharek, a spokesperson of the Great March of Return, stated, "We want the world to impose a military embargo on Israel and the BDS [Boycott, Divestment, Sanctions] strategy. South Africa used this method, and they emerged victorious, and I think we will be no exception."⁽³⁷⁾ The Commission should call on governments to end their complicity with Israel's violations and impose sanctions until Palestinians are granted independence and liberation.

(35) Human Rights Watch, Israel: Gaza Killings Unlawful, Calculated, 3 April 2018, available at <https://www.hrw.org/news/2018/04/03/israel-gaza-killings-unlawful-calculated>

(36) Amnesty International, Israel: Arms embargo needed as military unlawfully kills and maims Gaza protesters, 27 April 2018, available at <https://www.amnesty.org/en/latest/news/2018/04/israel-arms-embargo-needed-as-military-unlawfully-kills-and-maims-gaza-protesters/>

(37) *Al Jazeera*, Gaza protests: All the latest updates, accessed on 20 October 2018, available at <https://www.aljazeera.com/news/2018/04/gaza-protest-latest-updates-180406092506561.html>

VI. Annex 1

Sabrin Al-Najjar, the mother of 21-year-old Palestinian paramedic Razan Al-Najjar who was killed on June 1st by Israeli snipers during the Great March of Return, provided a written letter to the Palestinian Return Centre with a message to the international community. At the 38th Session of the UN Human Rights Council the PRC delivered an excerpt of this letter as an oral statement during the General Debate of agenda Item 7. We are providing herein content of the letter in full.

My daughter Razan was a field paramedic who worked hard and assumed her duty devotedly. Her mission had been voluntary and humanitarian. She earned neither salaries nor rewards and did not belong to anyone except Palestine. From the very first day of the GMR protests, my daughter had left no stone unturned to help her people. She sacrificed her life and energy for her motherland -Palestine- and for her wounded brothers and sisters. The message she wanted to communicate to the world was that she believed in the right to peaceful resistance and that she, as a paramedic, enjoys international protection. She believed that her white coat was her bulletproof vest, one that is protected by international conventions, including Article 21 of the Geneva Convention which grants the protection of nurses and medical personnel at times of risk and in conflict zones.

I frequently expressed concern over her fate but every time she would tell me 'do not be scared mom! The white coat I'm wearing will save me from any harm! Saving injured civilians at the border is just part and parcel of my duty!' my daughter would say.

She would chase injured persons and help evacuating them to a field hospital set up on the eastern borders of Khan Younis province. She took it upon her shoulders to provide first aid to her injured brothers and sisters. She would treat those who were sniped by the Israeli occupation forces or hit with teargas canisters."

For God's sake, why had my daughter been so callously murdered? What sort of sin did she commit to be killed in such a ruthless manner? What on earth had she been found guilty of? My daughter did not even hurl a single stone at the occupation soldiers. She was just moving back and forth in the hunt for injured civilians. The occupation forces knew well that my daughter posed no threat to them and often called her saying 'You, the return paramedic, retrace your steps! Retrace your steps!'"

What sort of law on earth does legitimize my daughter's murder? Until this very moment I cannot believe my eyes! She always faced danger while saving the wounded; yet she did not give up her humanitarian mission. There is one truth that we should all be aware of: the return march protests have been peaceful and launched by unarmed protesters. The proof is that since March 30 no single Israeli soldier has been injured.

We will continue to rise up for our right of return to our motherland, which is a collective rather than an individual right. We, the Palestinians, have the right to live in an independent state. The Israelis say they have their own state built on our occupied land. They took away my daughter from me! I still cannot believe it!" the mother further laments.

The Israelis continue to take away the lives of journalists, medics, and paramedics! How dare they talk about human rights! How dare Israel lay claim to peace while it has been taking away the lives of the young and old people alike? Where have international legitimacy and protection laws been when my daughter was killed in cold blood? Razan was deliberately murdered. She'd committed no sin! She was just a Palestinian.

All I yearn for in case my letter is read aloud at an international platform is to help me bring Israel to court for murdering my daughter whom I always dreamt to see in a white wedding dress rather than a white shroud. I have a dream that Israel would be prosecuted for all of its crimes against civilians, especially against people who, like my daughter Razan, were killed without mercy.



مركز العودة الفلسطيني
The Palestinian Return Centre

Organisation in consultative status with
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