

Submission of BADIL Resource center for Palestinian residency and refugee rights

To the

Early warning and urgent action procedures of the Committee on the Elimination of Racial Discrimination

Unlawful killings and excessive use of force against Palestinian demonstrators in the Gaza Strip.

Over the past three weeks, the world has watched in horror as Israeli occupying forces have unleashed excessive, deadly force against unarmed Palestinian protesters, including children, who were participating in a mass demonstration near the Gaza Strip's eastern border. The protest, also known as the Great March of Return, started on 30 March and saw the mass participation of ordinary people, including women, children and the elderly. The protesters are calling for the right of return for Palestinian refugees.

Since the beginning of the demonstration, Israeli occupying forces have repeatedly opened fire on mainly unarmed protesters, killing at least 39 and injuring 1,607, including 523 children and 97 women.

Despite the expression of grave concern and call for an end to the violence by both the UN and the ICC, occupying forces continue to use live ammunition and rubber bullets against unarmed protesters, killing and wounding dozens.

The protests are occurring in the context of the closure of the Gaza Strip, imposed by Israel for 11 years in blatant violation of international law. As noted by numerous UN human rights bodies, the closure has resulted in the denial of fundamental rights of the two million Palestinians living in Gaza, and has caused enormous human suffering, including the deprivation of food, water and other basic necessities.

On 17 April, UN human rights experts expressed their "outrage over these shootings that may have resulted in unlawful killings and the incomprehensibly high number of injuries sustained." They argued that "no evidence has emerged showing that such a situation occurred during the demonstrations that would make the lethal force used legal."

The deaths and injuries by the Israeli occupying forces are in breach of international law and standards regulating the use of force, including those enshrined in the *International Covenant on Civil and Political Rights* (1966), *The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (1990), and the *Fourth Geneva Convention* (1949). In addition, the deadly use of force against demonstrators could amount to international crimes under the Rome Statute of the ICC.

The fact that such high numbers of killings and injuries were inflicted by the Israeli occupying forces against so many people who posed no threat to life or security, raises the issue of the discriminatory nature of such excessive measures. This is of particular concern, given these measures have been taken in a broader context of significant and persistent patterns of discrimination against Palestinians, as widely reported by various UN human rights bodies. Such measures have also arisen in the context of increasing hateful rhetoric, including patently discriminatory and racist statements, on the part of Israeli governmental officials and members of the army. Recently, the cheers and laughter of the Israeli soldier who shot a Palestinian protester have gone viral on the internet, feeding into an increasingly heated and tense atmosphere. The longstanding, total impunity enjoyed by members of the Israeli army for human rights violations against Palestinians, including willful killing and injuring, contribute to and reflect the lack of an adequate legislative framework for Palestinians to access any kind of meaningful procedure to seek justice.

Israel's refusal to allow dozens of injured Palestinians to obtain urgently needed medical treatment in the West Bank has resulted in irreparable harm, including multiple cases of amputations. The lives of these people have been shattered forever, although this was entirely avoidable. The fact that Israel refused to allow medical treatment to injured patients that could not possibly present any security threat is yet another indicator of unlawful and cruel discriminatory practices against Palestinians.

BADIL reiterates its strong condemnation of the use of lethal and other excessive force by Israeli forces against protesters who pose no threat. The lethal shootings of Palestinian protesters indicate a bold continuation of unlawful practices by Israeli occupying forces despite the legal consequences and international condemnation of such practices. BADIL also highlights the gravity and scale of the situation, as well as the risk of further escalation of Israel's unlawful use of force.

Israel's announcement that it will launch a probe into the recent incidents must not be seen as a substitute for an international, independent investigation. UN human rights experts have expressed concern that the purpose of the planned probe might be to avoid scrutiny from the international community and the ICC, and that it may lack the independence, impartiality and effectiveness required by the international law.

We call upon the Committee on the Elimination of Racial Discrimination:

1. To adopt every possible measure to put an end to the ongoing violations perpetrated by Israeli occupying forces against Palestinians in Gaza, and to ensure that Israel respects the fundamental human rights of Palestinians, including the right to life and the right to peaceful assembly and protest;
2. To put pressure on Israel to allow injured people to obtain necessary medical care outside Gaza;
3. To support calls for an international, impartial and independent investigation into the violence against demonstrators;
4. Finally, to adopt every possible measure to ensure that Israel ends its regime of illegal closure of the Gaza Strip.