

## **JOINT OPEN LETTER TO THE UNITED NATIONS**

*To the attention of:*

**Mr António Guterres, United Nations Secretary-General**

United Nations Headquarters,  
405 East 42nd Street,  
New York, NY, 10017, USA

**Ms Michelle Bachelet, United Nations High Commissioner for Human Rights**

OHCHR, Palais Wilson,  
52 Rue des Pâquis,  
CH-1201 Geneva, Switzerland

### **Re: Urgent Call for Action Ahead of the One-Year Commemoration of the “Great Return March” Protests in the Gaza Strip**

Your excellencies,

It is with grave concern that we direct this open letter to you on behalf of 19 Palestinian, regional, and international human rights organisations, civil society coalitions, and networks. In the coming days, Palestinians will mark one year since the start of the “Great Return March” protests, which began on 30 March 2018 in the occupied Gaza Strip. Palestinians will mark the culmination of one year of protests, which have called for an end to Israel’s 11-year closure of the Gaza Strip, which amounts to unlawful collective punishment and has made Gaza virtually uninhabitable, as the United Nations (UN) has repeatedly warned.<sup>1</sup> At the same time, Palestinians have been calling for an end to Israel’s prolonged occupation of the occupied Palestinian territory (OPT) at large, and for the realisation of the inalienable right of Palestinian refugees, who make up a majority of the Gaza Strip’s population, to return to their homes and property, as mandated by international law.

Throughout 51 weeks of protests, the Israeli occupying forces have systematically and deliberately resorted to lethal and other excessive force to suppress the demonstrations. Since 30 March 2018, Israeli forces, including snipers, have killed 197 Palestinians within the context of the demonstrations, including 42 children, eight persons with disabilities, three paramedics, and two journalists. In addition, over 29,000 Palestinians have been injured according to the World Health Organization,<sup>2</sup> including over 6,500 by live ammunition, of whom more than 1,200 have been left with complex limb injuries requiring multiple surgeries and long-term follow up, for which Gaza’s health sector is severely underequipped as a result of Israel’s prolonged closure.

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<sup>1</sup> UN Doc. TD/B/65(2)/3, 23 July 2018, para. 27.

<sup>2</sup> WHO, “WHO appeals for US\$ 5.3 million to respond to trauma and emergency care needs in Gaza”, 18 March 2019, available at: <http://www.emro.who.int/palestine-press-releases/2019/who-appeals-for-us-53-million-to-respond-to-trauma-and-emergency-needs-in-gaza.html>.

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Despite repeated calls for action, the Israeli occupying forces have continued to resort to lethal and other excessive force to suppress the “Great Return March”, including following the adoption, on 22 March 2019, by the UN Human Rights Council of draft resolution A/HRC/40/L.25, welcoming the recommendations of the UN Commission of Inquiry on the 2018 OPT Protests and calling upon all duty bearers and UN bodies to pursue their implementation. That same day, the Israeli occupying forces again resorted to live ammunition against unarmed civilian protesters in the Gaza Strip, resulting in the killing of two Palestinians, aged 24 and 29, during the 51st “Great Return March” protests.<sup>3</sup>

We recall that the UN Commission of Inquiry on the 2018 OPT Protests issued a call on Israel, on 18 March 2019, to revise its rules of engagement for the use of live fire and to bring them in line with international human rights law, while stressing that “[t]he one-year anniversary of the protests is less than two weeks away. We hear that crowds are going to be large at the official protest sites. The excessive use of force that took place on 30 March, 14 May and 12 October 2018 must not be repeated”.<sup>4</sup> We further note that the UN Special Procedures have stressed that: “[n]o evidence has emerged showing that ... a situation occurred during the demonstrations that would make the lethal force used legal”.<sup>5</sup> In particular, the UN Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 has issued similar warnings ahead of the one-year commemoration of the protests, in a press release dated 5 March 2019, in which he “expressed concern over possible rising levels of violence if no firm action was taken to pursue accountability and justice”.<sup>6</sup>

We also note statements by the Israeli army to the effect that they intend to deploy more troops and snipers to the Gaza fence ahead of the one-year anniversary of the protests and recall that Adalah has sent a communication to Israel’s Attorney General and Military Advocate-General, warning them against the continued use of live ammunition against protesters in the Gaza Strip, which would indicate an intention to kill and/or injure Palestinians.<sup>7</sup> **In this context, we express serious concerns that, as the one-year mark approaches, the Israeli occupying forces will once again resort to lethal and other excessive force, including live ammunition, to suppress the protests, as per their practice over the past 51 weeks.**

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<sup>3</sup> Al-Haq, “Update from the 51st Great Return March Protests: Israel Kills Two Palestinians as UN Calls for Accountability”, 23 March 2019, available at: <http://www.alhaq.org/advocacy/topics/gaza/1376-update-from-the-51st-great-return-march-protests-israel-kills-two-palestinians-as-un-calls-for-accountability>.

<sup>4</sup> UN Human Rights Council, “UN Commission urges Israel to review rules of engagement before Gaza protest anniversary”, 18 March 2019, available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24348&LangID=E>.

<sup>5</sup> OHCHR, “UN human rights experts condemn killings of Palestinians near Gaza fence by Israeli security forces”, 17 April 2018, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22950>.

<sup>6</sup> OHCHR, “Accountability needed to end excessive use of force against Palestinian protesters in Gaza, says UN expert”, 5 March 2019, available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24255&LangID=E>.

<sup>7</sup> Adalah, “Ahead of one millionth Great Return March in Gaza; Adalah demands that Israel adopt the findings of the UN Commission of Inquiry” (Arabic), 27 March 2019, available at: <https://www.adalah.org/ar/content/view/9715>.

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Within the prevailing climate of impunity, several Palestinian human rights organisations urged the UN Secretary-General and the UN High Commissioner for Human Rights to take immediate action, in an open letter dated 10 May 2018, to ensure Palestinians are protected from further Israeli assaults, ahead of the 70<sup>th</sup> commemoration of the Palestinian Nakba, as part of the “Great Return March” protests.<sup>8</sup> As the UN failed to act, once again, the Israeli occupying forces “shot at least 1,162 people with live ammunition ... marking the “highest one-day death toll in Gaza” since Israel’s 2014 military operation in Gaza.”<sup>9</sup> On 18 May 2018, after 58 Palestinians were killed by Israeli forces on 14 May, the UN Human Rights Council adopted resolution S-28/1, deciding to urgently dispatch an independent, international commission of inquiry to investigate all alleged violations and abuses of international law, notably “in the context of the military assaults on the large-scale civilian protests that began on 30 March 2018”.<sup>10</sup>

On 18 March 2019, the UN Commission of Inquiry on the 2018 OPT Protests presented its findings to the UN Human Rights Council at its 40<sup>th</sup> regular session, concluding that, with the exception of two possible incidents, there were “reasonable grounds to believe that, in all other cases, the use of live ammunition ... against demonstrators was unlawful”,<sup>11</sup> and may amount to war crimes and crimes against humanity, warranting independent investigations and demanding immediate accountability.<sup>12</sup> In addition, the chair of the UN Commission of Inquiry, Mr Santiago Cantón of Argentina, addressed “an urgent plea to Israel to immediately ensure that [its] rules of engagement ... are revised to comply with international legal standards”.<sup>13</sup>

**As large-scale civilian protests are expected to take place, once again, on and around 30 March 2019, we urge the UN to take meaningful action to prevent further unnecessary loss of life and injury by the Israeli occupying forces, which entails individual criminal responsibility and may amount to international crimes.** In this context, Israel must be strictly reminded of its obligation under international human rights law not to resort to lethal and other excessive force against Palestinians participating in the “Great Return March”, and to ensure the protection, in particular, of individuals with special protected status under international law, including children, persons with disabilities, health workers, and journalists.

Should our calls for the protection of Palestinian protesters remain unanswered, once again, the UN will have sided with impunity over accountability. It is time to implement the recommendations of the UN Commission of Inquiry on the 2018 OPT Protests and to take meaningful action to address the root causes of the “Great Return March”, reflected in Israel’s

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<sup>8</sup> Al-Haq, “Palestinian human rights groups urge UN to take action, call on IOF to refrain from using force against protesters” (10 May 2018), available at: <http://www.alhaq.org/advocacy/targets/united-nations/1231-palestinian-human-rights-groups-urge-un-to-take-action-call-on-iof-to-refrain-from-using-force-against-protesters>.

<sup>9</sup> UN Doc. A/HRC/40/CRP.2, 18 March 2019, para. 453.

<sup>10</sup> UN Doc. A/HRC/RES/S-28/1, para. 5.

<sup>11</sup> UN Doc. A/HRC/40/74, 25 February 2019, para. 94.

<sup>12</sup> UN Doc. A/HRC/40/74, 25 February 2019, paras. 114-115 and 125(a).

<sup>13</sup> Human Rights Council, “UN Commission urges Israel to review rules of engagement before Gaza protest anniversary”, 18 March 2019, available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24348&LangID=E>.

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prolonged 51-year occupation, 11-year closure of the Gaza Strip, and denial of Palestinians' inalienable rights, including the right of Palestinian refugees to return, as mandated by international law. **In light of the above, the Palestinian, regional, and international human rights organisations and civil society here undersigned urge the UN Secretary-General and the UN High Commissioner for Human Rights to:**

1. Issue a public call demanding that the Government of Israel respect the right of Palestinians to life, to freedom of expression, and of peaceful assembly, amongst other fundamental rights, and to refrain from resort to force, including lethal and other excessive force, against unarmed civilian protesters, notably in the lead up to the one-year commemoration of the “Great Return March” in the occupied Gaza Strip;
2. Call on the Israeli military to release its rules of engagement for the use of live fire in situations of mass protests, and to align these rules of engagement with international human rights law, as recommended by the UN Commission of Inquiry on the 2018 OPT Protests;
3. Strengthen the field presence of the Office of the UN High Commissioner for Human Rights and other relevant UN bodies and agencies in the OPT, particularly in the occupied Gaza Strip, pursuant to draft resolution A/HRC/40/L.25, as adopted by the UN Human Rights Council on 22 March 2019, in addition to deploying the personnel and expertise necessary to monitor and document the ongoing violations of international human rights law in the context of the large-scale civilian protests, notably in the occupied Gaza Strip in the lead up to the one-year commemoration of the “Great Return March” protests;
4. Create a follow up mechanism, with effective measures and a specified time frame, to ensure the full implementation of the recommendations contained in the report of the UN Commission of Inquiry on the 2018 OPT Protests, as adopted by the Human Rights Council in draft resolution A/HRC/40/L.25 of 22 March 2019, and in particular to bring to an immediate end Israel's unlawful 11-year closure of the Gaza Strip, which has made Gaza virtually uninhabitable for nearly two million Palestinians;
5. Highlight the obligations of relevant duty bearers and third States in fulfilling the right to health of Palestinians in the occupied Gaza Strip, including to ensure the right of injured Palestinians to access medical services and receive treatment within the Gaza Strip, in the occupied West Bank, including East Jerusalem, or abroad, while calling on UN Member States to support the healthcare system in Gaza, and on all relevant duty bearers to ensure timely and efficient coordination for the entry of medical supplies and equipment and other basic humanitarian supplies in addition to humanitarian workers into the Gaza Strip, as recommended by the UN Commission of Inquiry on the 2018 OPT Protests;
6. Take concrete steps to pursue meaningful accountability, including for State responsibility and for individual criminal responsibility of alleged perpetrators of suspected war crimes and crimes against humanity committed in the context of the “Great Return March”, and in the OPT at large, including for the UN High

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Commissioner for Human Rights to publicly refer the dossier on alleged perpetrators prepared by the UN Commission of Inquiry to the Office of the Prosecutor of the International Criminal Court (ICC) in light of her ongoing preliminary examination into the situation in Palestine since 13 June 2014, and to call for the opening of an investigation by the ICC, the only viable independent judicial body capable of ending impunity for crimes committed in the OPT and effectively deterring the commission of future crimes;

7. Urge States parties to the Geneva Conventions (1949) and/or to the Rome Statute of the International Criminal Court (1998) to carry out their duty to exercise criminal jurisdiction and arrest persons alleged to have committed, or who ordered to have committed, the international crimes described in the report of the UN Commission of Inquiry on the 2018 OPT Protests, and either to try or to extradite them, in addition to calling on UN Member States to impose individual sanctions, such as a travel bans or asset freezes, on those identified as responsible by the Commission of Inquiry, and for the UN High Commissioner for Human Rights to make the dossier on alleged perpetrators available to Governments of third States towards that end;
8. Ensure adequate support for and financing of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), to safeguard the agency's non-political mandate of guaranteeing the provision of services and protection for Palestinian refugees, including some 1.4 million Palestinians in the occupied Gaza Strip, until a just and lasting solution to their plight is achieved, in accordance with international law and relevant UN resolutions, including by urging UN Member States to ensure sufficient funding for the financing of UNRWA's essential services and programmes and, in cases where voluntary donations are insufficient, for the UN General Assembly to compel Member States to contribute to the funding of UNRWA's budget;
9. The UN Secretary-General, under Article 99 of the Charter of the United Nations (1945), to exercise his powers to bring to the attention of the UN Security Council the situation in the Gaza Strip, as potential escalations may threaten the maintenance of international peace and security, and should the Security Council fail to exercise its primary responsibility because of lack of unanimity amongst its permanent members, to encourage UN Member States to request the convening of an Emergency Special Session of the General Assembly to bring to an immediate end Israel's 11-year closure of the Gaza Strip, under a uniting for peace resolution;
10. Recommend that UN Member States seek a General Assembly resolution for an Advisory Opinion of the International Court of Justice on the illegality of Israel's prolonged 51-year occupation of the Palestinian territory; and
11. Urge the international community to address the "Great Return March" within the context of its root causes, to bring to an end Israel's unlawful closure of the Gaza Strip, with immediate effect, and prolonged occupation of the Palestinian territory at large, and to realise the inalienable rights of the Palestinian people to self-determination, including permanent sovereignty over natural resources, and the right

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of Palestinian refugees to return to their homes and property, as mandated by international law.

Being the longest unresolved question to fall under the responsibility of the UN, Palestine has also become a litmus test for the efficacy of the international system as a whole and the willingness of the international community to act in the face of serious violations of international human rights law and grave breaches of international humanitarian law, including those amounting to potential war crimes and crimes against humanity. Within this context, the undersigned Palestinian, regional, and international human rights organisations and civil society urge the UN Secretary-General and the UN High Commissioner for Human Rights to restore Palestinians' faith in the force of international justice mechanisms, to adopt effective measures to end Israel's impunity, to protect Palestinians from further assaults, and to ensure that Palestinians' rights-based demands, including those at the origin of the "Great Return March", are finally addressed and realised, in accordance with international law.

Yours sincerely,

### **The Palestinian Human Rights Organizations' Council (PHROC), comprising:**

1. Addameer Prisoner Support and Human Rights Association
2. Aldameer Association for Human Rights
3. Al-Haq – Law in the Service of Man
4. Al Mezan Center for Human Rights
5. BADIL Resource Center for Palestinian Residency and Refugee Rights
6. Hurriyat – Centre for Defense of Liberties and Civil Rights
7. Jerusalem Legal Aid and Human Rights Center (JLAC)
8. The Palestinian Center for Human Rights (PCHR)

### **Palestinian civil society, networks, and coalitions:**

9. Adaleh – The Palestinian Coalition for Economic, Social and Cultural Rights
10. Civic Coalition for Palestinian Rights in Jerusalem
11. Community Action Center (Al-Quds University)
12. The Palestinian Non-Governmental Organizations Network (PNGO)

### **Regional and international human rights organisations and civil society:**

13. Cairo Institute for Human Rights Studies
14. Center for Constitutional Rights
15. CODEPINK
16. FIDH – International Federation for Human Rights
17. Friends of Sabeel North America
18. Palestinian Youth Movement
19. The Rights Forum