



Israel's Use of Explosive Bullets and Toxic Gas

Against Protesters at the Gaza Fence



30 March - 11 May
2018



Introduction

Since the beginning of the “Great March of Return” on Friday, 30 March 2018 at the Gaza separation fence, protesters faced excessive use of force by the Israeli forces stationed at the border, killing dozens of Palestinians. The Israeli response prompted major international reaction, particularly from various United Nations agencies as well as the Prosecutor of the International Criminal Court.

In this report, the Euro-Mediterranean Human Rights Monitor reviews the Israeli use of explosive bullets and poisonous gas against demonstrators, excessively causing unnecessary suffering, which contravenes the rules of International Human Rights Law and International Humanitarian Law.

The Great March of Return is a series of weekly demonstrations taking place on Fridays. Different local bodies called for peaceful protests demanding Palestinian refugees’ right of return to their homes from which they have been expelled in 1948.

Several thousands of Palestinians participated in the demonstration on a weekly basis, a large number of whom have been targeted by the Israeli forces claiming they are a security threat and a cover for activities by Hamas, the ruling party in the Gaza Strip.

The following statistics are a record of the injuries and fatalities that occurred on the Gaza fence since the demonstrations began on 30 March until 12 May 2018.

Statistics for March of Return casualties between March 30 and May 12			
49 Killed	Six Children	Two Journalists	Two PwDs
9520 Injured	Over 400 Children	200 Medical Personnel	Ten Journalists
	170 Seriously Wounded		
	24 Amputations		
Ashraf al-Qidra, a spokesman for Gaza's Health Ministry			



Evidence of Use of Explosive Bullets Against Protesters at the Gaza Fence

Several cases of IDF using explosive bullets against demonstrators have been documented by the Euro-Med's teams.

In an interview Euro-Med's team conducted at Dar Al-Shifa Hospital in Gaza City with 'Atallah Jamil al-Fayoumi, 18, he said: "On Friday, April 13, I went, along with four other friends, to the eastern Shuja'iyya neighborhood as part of the march."



Al-Fayoumi added, "at exactly 2:00 p.m., I witnessed a number of people being directly targeted by the Israeli army stationed at the fence. I ran to help the medical personnel carry the wounded to the field medical points. I managed with my friends to carry the first two, but an Israeli sniper hit me with an explosive bullet in the feet while trying to lift the third off the ground."

Al-Fayoumi's father said his son was hit by two bullets. The first one settled in his right foot, while the other pierced his left one. He explained that his son suffered severe bleeding, which forced doctors to give him more than 20 units of blood, while almost losing hope that he may survive due to a sharp drop in his blood during the first hours of injury.



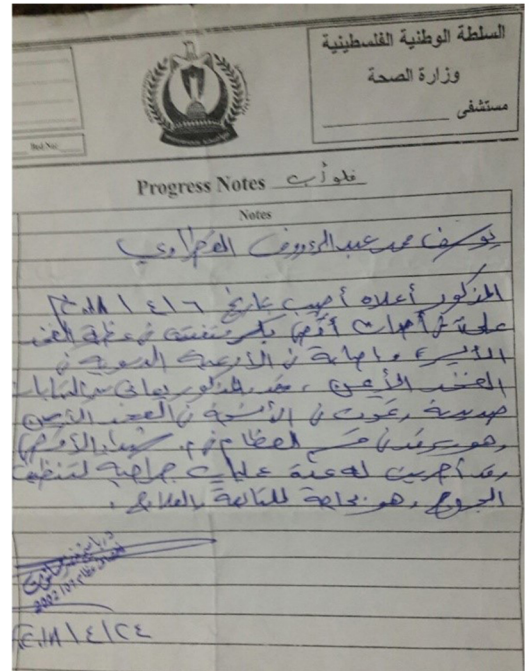
He added: “My son needed an amputation surgery for his leg. We were able to get him a transfer for treatment in Israel, as it was difficult to perform the surgery given the lack of the medical equipment available in Gaza. However, Israel refused to allow him treatment in its hospitals, citing that it has 62 photographs of him near the separation fence. Therefore, we had to perform the surgery inside Gaza, with the amputation made from above the knee. If he could travel, the doctors said, he would have been able to get an amputation from below the knee.

Kamel Arafat 'Aliwa, 33, was also shot by an explosive bullet in the foot on Friday (April 13th) east of Shuja'iyya neighborhood, leaving the back of his foot with fractured bones, according to a testimony by his brother to Euro-Med's team while he was undergoing the surgery.

'Aliwa was injured 70 meters away from snipers, while trying to raise the Palestinian flag on the separation fence. His brother said that Kamel was wounded seven days ago his with live ammunition. He said, “Because of the nature of his acute injury, my brother needed 12 units of blood in the early hours of injury as a result of severe bleeding.”

Yousef Mohammed al-Qatrawi, 17, a child from the Al-Nuseirat refugee camp in Gaza's Middle Area, was reportedly injured on April 6 while taking part in a demonstration east of Al-Bureij refugee camp.

Al-Qatrawi's family said that their son was hit by an explosive bullet in the left foot, causing the bones to fracture after falling to the ground. Israeli snipers also fired a bullet at him in the right thigh, causing him a large injury.



The family explained in their testimony to Euro-Med's team that his wound suffered complications following severe pyomyositis to the leg resulting from a strange type of bacteria. Yousef's injury was further complicated by bone fragments causing excruciating pain, his family added.





Doctors' Testimonies on Treatment of the wounded in the March

In a visit to the Dar Al-Shifa Hospital in Gaza City, Euro-Med's team was taken aback by the large number of casualties with severe injuries to the legs and/or feet, resulting in internal damage and, in several cases, causing serious and deep wounds.

The doctors at the Hospital's Emergency Room told Euro-Med's team that they treated cases they have not seen before. They reported that most of the injuries to the lower part of the body hit the area behind the knee, which is one of the most serious and most sensitive injuries, as it causes arterial and/or bone damage. When casualties with such wounds fail to make it early to the hospital, doctors are left with no choice but to amputate their damaged limbs

Dr. Iyas al-Wheidi, who works in the Orthopedic Surgery Department, said in an interview with Euro-Med's team: "We noticed that bullet splinters hit the lower limbs, cutting leg arteries and nerves. In cases where explosive bullets hit the feet, the legs were completely amputated because of the caused fractures and bone damage.

Al-Wheidi also pointed out strange symptoms as a result of inhaling gas. He said that doctors could not determine what gas was used, but that it caused long shivers, tension, screams of pain and distress for long hours.





Dr. Wissam Awadallah also of the Orthopedic Surgery Department at the Al-Shifa Hospital said that the bullets used are new for doctors in the Gaza Strip and that they have not encountered injuries with such effects in previous confrontations and attacks.

Dr. Awadallah told Euro-Med's team that the bullets used against the demonstrators cause shrapnels to damage the bones and, in some cases, to amputate the organ of the injured, as fragments broke through the tissues and nerves of the feet.

He continued, "In most of the injuries, the bullets expanded as they pierced the body part, exiting the body with an even larger hole. This is the result of the explosion caused by the bullet inside the body, leaving patients with no choice except to have their feet amputated."

The soldiers seem to have deliberately aimed at having protesters' feet amputated, given the nature and sensitivity of the knee as a point of convergence of veins, arteries and nerves connecting the foot to the leg.

As for the gas used against the demonstrators, Dr. Awadallah stated that: "For the first time we notice this type of gas in the dispersion of demonstrations. It leaves those affected with very strange symptoms, including screaming for long hours, fainting with a tremor that lasts for hours.



Dr. Ayman al-Sahbani, head of the Reception and Emergency Department at the Al-Shifa Hospital, came to the same conclusion, pointing out that the impact of gas exposure was screaming, hysteria and convulsions. This indicates that the gas bombs fired at protesters contained toxic and internationally banned substances.



In a televised interview with Palestine Today Channel on April 8, Al-Sahbani said that the bullets used by the Israeli forces resulted in severe damage and fracture to the tissues and arteries, in which case amputation is the only option.

Dr. Munther Rajab, an internal medicine specialist in Germany and head of PalMed Europe, told Euro-Med's team: "It is difficult to determine the nature of the gas used against protesters. There is no information or figures on empty gas bombs. Based on the nature of the symptoms suffered by the



injured, including irritability, shortness of breath, coughing, severe suffocation, fainting, hallucinations and severe tremors in the muscles sometimes lasting for several days, this type of gas is unidentified internationally."



Dr. Rajab added: “The risk lies in the possibility of complications and chronic damage to the respiratory system and the central nervous system of the injured, which may develop into cases of epilepsy and convulsions that are difficult to control in the future.”

“The substances used are yet unknown, but they are expected to be gases and toxins in specific doses only to paralyze and cripple the movement of the person inhaling the gas, without leading to their death,” Dr. Rajab explained, adding that “it can lead to chronic inflammation of the lungs, nervous system disorders and chronic spasms in the muscles and nerves.”

Legal Background, Israel Violates the Rules of International Law

Based on the doctors and victims’ testimonies mentioned above as well as the relevant medical reports, it is clear that the use of explosive bullets and gas bombs by Israel to disperse demonstrators on the Gaza fence exceeds its underlying objectives.

The Israeli forces did not stop at just preventing protesters from moving forward to the fence, but went beyond that, to intently harm protesters by gas bombs, causing yet-unidentifiable pain. Gas bombs, by definition, are noxious weapons whose effects are impossible to contain.

Thus, using such types of weapons against civilians who did not pose a real threat to soldiers’ lives contradicts the rules set for the use of force to disperse demonstrations.



Furthermore, such excessive and disproportionate use runs contrary to the provisions of the Additional Protocol I to the Geneva Conventions, which prohibits the use of “weapons, projectiles and substances and methods of war that are likely to cause unnecessary suffering.”

Article (32) of the Fourth Geneva Convention prohibits the Occupying Power from “taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands.” Article 147 of the same Convention stipulates that, “wilfully causing great suffering or serious injury to body or health” constitutes a grave breach of the Convention.

Article (35) of the Additional Protocol I to the Geneva Conventions, which is part of customary international humanitarian law, provides that “[i]n any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.”

In so doing, Israel has violated the principles of the International Covenant on Civil and Political Rights and the UN Basic Principles on the Use of Force and Firearms. Both set forth that, “[i]n the dispersal of assemblies [...], law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary,” ensuring that demonstrators are not at risk, and holding those responsible for extrajudicial killings accountable.



Most of the casualties resulting from explosive bullets and/or toxic gas appear to have been intentional and premeditated, according to eyewitness statements and reports by human rights groups. In such case, these acts amount to a criminal offense and fall within the jurisdiction of the International Criminal Court, which is conducting an investigation into the situation in the Palestinian Territories according to the statement made by the ICC Prosecutor to the court on April 8.

Despite signs of illegal use of weapons, unjustifiable suffering, and excessive use of force, Israeli leaders continue to insist on supporting military operations on the Gaza fence and refuse to open an investigation into the events.

Israeli Defense Minister Avigdor Lieberman said in an interview with Army Radio on April 1 that there would be no investigation into Israel's actions on the borders. Such statements make Israeli leaders, inciting against Palestinian demonstrators from day one of protests, directly responsible for and complicit in these crimes. Therefore, it is incumbent on them to call for ending this policy immediately.



Results

This report concludes the following as per the above testimonies collected by Euro-Med's team in the Palestinian Territories:

- ▣ Israeli forces used unjustifiable weapons inflicting terrible suffering against demonstrators on the Gaza fence. Such weapons include explosive bullets and toxic gas bombs. The Israeli forces also used excessive force to deter protesters.
- ▣ Israeli forces deliberately targeted large numbers of civilians. In most cases, those targeted were not a direct or indirect threat to soldiers' lives.
- ▣ It appears that there is a deliberate intention to further complicate injuries of protesters targeted at/or near the fence, hindering their ability to advance towards the fence, and leading to long-term pain and health problems that may amount to permanent disabilities.



Recommendations

- Israel should respect protesters' right to peaceful assembly. An international mission must be sent to monitor the protests along the Gaza fence as part of the Great March of Return, as well as Israeli soldiers' response to protesters, especially at the peak of demonstrations on May 14.
- There is a need to ensure the safety of protesters and to discuss with the concerned countries ways to overcome the crisis in the Gaza Strip. There must also be an urgent international meeting to save Gaza and to end the suffering of two million people living under a tight Israeli blockade imposed for nearly 12 years.
- A committee of jurists and medical experts must be formed to follow up the claims of excessive use of force by Israel and the use of live ammunition, inflicting terrible injuries. Medical experts must be allowed to test and analyze the bombs, to identify the gas used and to find antibodies. A serious and transparent investigation must be opened into the killing of Palestinian civilians at the Gaza fence, with perpetrators held to account.
- The Euro-Mediterranean Monitor for Human Rights calls on the United Nations Security Council (UNSC) to play an active role in ending the Israeli occupation of the Palestinian Territories, to end the cycle of violence that has been going on for decades, and to help fulfil Palestinian refugees' right of return to their homes, as envisaged under the United Nations General Assembly Resolution 194.



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