

Flygtningenævnets baggrundsmateriale

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Land:	Gaza-Vestbredden
Kilde:	EASO – European Asylum Support Office
Titel:	Palestine-Gaza – Information on the so-called returned marches in Gaza
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**COI QUERY**

Country of Origin/Topic	Palestine/Gaza
Question(s)	1. Information on the so-called retuned marches in Gaza: 1.1. Short background 1.2. Information on whether the participation to such marches is voluntary and on the consequences faced by persons who refuse to take parts (2018-2019) 2. Information on celebrations in memory of Yasser Arafat in Gaza and whether the participants face persecution by Hamas (2018-2019)
Date of completion	11 December 2019
Query Code	Q35
Contributing EU+ COI units (if applicable)	

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This response to a COI query has been elaborated according to the [Common EU Guidelines for Processing COI](#) and [EASO COI Report Methodology](#).

The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

The information in the response does not necessarily reflect the opinion of EASO and makes no political statement whatsoever.

The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the 11 December 2019. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE

1. Information on the so-called retuned marches in Gaza

1.1 Short background

According to the UN Human Rights Council, the Great March of Return (GMR) is ‘an organised popular action, based on legitimate legal foundations and clear humanitarian principles’.¹ Protesters are demanding the right to return to their ancestors’ homes and the end of 12-year-long Israeli blockade.²

On 7 January 2018, ‘a 34-year-old Palestinian poet and journalist posted on Facebook the idea of a non-violent march at the separation fence’.³ The Great March of Return protest, which is known as “Palestinian Land Day”, began on 30 March 2018. Between 40,000 - 50,000 Palestinians (men, women and children), took to the perimeter fence separating Gaza from Israel, in popular protest.⁴

Since then, weekly demonstrations have continued,⁵ taking place every Friday and occasionally other weekdays.⁶

To organise and oversee such marches, a Higher National Committee (HNC) and 12 subcommittees were established. According to the UN, the HNC and subcommittees are comprised by ‘all sectors of Palestinian society, including civil society, cultural and social organisations, student unions, women’s groups, eminent persons and members of clans. Representatives of several political parties including the Democratic Front for the Liberation of Palestine, Fatah, Hamas, the Popular Front for the Liberation of Palestine and Palestinian Islamic Jihad’.⁷

In its report published on March 2019, the UN Human Rights Council stated:

‘The Commission found reasonable grounds to believe that during these weekly demonstrations, the Israeli Security Forces (ISF) killed and gravely injured civilians who were neither participating directly in hostilities nor posing an imminent threat to life. Among those

¹ UN Human Rights Council, report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory, 18 March 2019, [url](#), p. 59

² Al Jazeera, Gaza’s Great March of Return Protests explained, 30 March 2019, [url](#); Al, Six months on: Gaza’s Great March of return, 22 October 2018, [url](#)

³ UN Human Rights Council, report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory, 18 March 2019, [url](#), p. 57

⁴ UNRWA, Gaza’s “Great March of return” one year on, 2019, [url](#), p. 6

⁵ UNRWA, Gaza’s “Great March of return” one year on, 2019, [url](#), p.6. In mid-November, the organisers announced the suspension of the demonstrations to avoid casualties among Palestinians following an escalation attacks by Israeli forces on Gaza. The protests resumed after 3 weeks. For more information, please see: Aljazeera, Palestinians protest at Gaza-Israel fence after 3-week pause, 6 December 2019, [url](#)

⁶ UN Human Rights Council, report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory, 18 March 2019, [url](#), p. 61

⁷ UN Human Rights Council, report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory, 18 March 2019, [url](#), p. 60

shot were children, paramedics, journalists, and persons with disabilities. 183 people were shot dead and another 6,106 were wounded with live ammunition'.⁸

According to the NGO, Medical Aid for Palestinians, the number of casualties is higher than the number reported by the UN. According to this source, from the first day of the protest, Israeli forces positioned over 100 snipers on the perimeter fence with Gaza, killing 260 Palestinians and injuring more than 29,000, as of March 2019.⁹

1.2. Information on whether the participation to such marches is voluntary and on the possible consequences faced by persons who refuse to take parts (2018-2019)

Within the timeframe to research and draft this query, it was not possible to retrieve specific information on the possible consequences faced by persons who refuse to take parts in the so-called return marches. However, the following information can be relevant for the purpose of this query.

According to the UN, the role of Hamas in supporting the GMR shifted over time and the demonstrations went through three different phases. The first phase (30 March – 14 May), appeared to be a popular event, during the second phase (mid May – early October), fewer families reportedly attended the protest and instead anger over killings and injuries drove groups of youth to engage in more violent actions. In the third phase (early October – 31 December), Hamas tried to exert more control over the protest movement.¹⁰

In a Motion for Resolution dated April 2018, the European Parliament observed that

‘Hamas has been a central figure in the organisation of the “March of Return” and there have been sermons in mosques in Gaza and messages on the social media to incite violence regarding the march.’ The source further noted that Hamas used civilians as human shields as part of their tactics to disguise ‘terrorist activity under the cover of civilian popular protests and events’¹¹

International Crisis Group (ICG) reported that ‘Hamas provided much of the infrastructure needed to ensure the longevity of the demonstrations, including publicising the protest, dates, transporting people to and from the protest sites, giving rally speeches by Hama’s leaders; and coordinating tactics to be used by the protesters’.¹²

On 30 March 2019, marking the first year anniversary of the march of return, Hamas reportedly ordered the closure of the schools to encourage participation.¹³

⁸ UN Human Rights Council, report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory, 18 March 2019, [url](#)

⁹ MAP, one-year anniversary of “Great March of Return”, MAP warns urgent international action need to protect lives, 29 March 2019, [url](#)

¹⁰ UN Human Rights Council, report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory, 18 March 2019, [url](#), p. 69-70

¹¹ European Parliament, Motion for a resolution, 17 April 2018, [url](#), p. 2

¹² ICG, Rebuilding the Gaza ceasefire, 16 November 2018, [url](#)

¹³ Reuters, Palestinians mass at Gaza border to mark protest anniversary, 30 March 2019, [url](#)

According to the Jerusalem Post, ' Hamas operatives take children in buses to protest against Israel in Gaza'.¹⁴ However, this information could not be corroborated by other consulted sources.

Articles on the media reported that 'many Gazans are beginning to question and even criticise the Hamas-led protests, a rarity in a territory where dissent is barely tolerated by the ruling Islamic militant group'.¹⁵ Although the protests have continued, reportedly, some young Gazans have refused to actively participate in the marches, questioning the logic of the march, and accusing Hamas of not doing enough to protect the young Palestinians who protest.¹⁶

2. Information on celebrations in memory of Yasser Arafat in Gaza and whether the participants face persecution by Hamas (2018-2019)

On 11 November 2019, Palestinians took the streets across Gaza and the West Bank to celebrate Yasser Arafat's 15th year of death anniversary.¹⁷

Among all sources consulted, limited information could be found on the persecution by Hamas of individuals participating in Yasser Arafat's death anniversary rally, held on 11 November 2019.

Some sources reported that, in Gaza, Hamas banned the rally organised by Fatah to commemorate Yasser Arafat's death anniversary.¹⁸

The UN observed that tensions between Fatah and Hamas escalated since the latter group took over the control of Gaza Strip in June 2007.¹⁹ Within Gaza, Hamas bears human rights obligations as the de facto authority in the exercise of Government like-functions.²⁰

For more information regarding the treatment by Hamas of people who are neither members nor supporters of Hamas, in Gaza and in the West Bank, as well as the treatment of people considering to be spies by Hamas, it is possible to consult previous EASO COI Query Responses at the following links: [url](#), [url](#).²¹

¹⁴ The Jerusalem Post, Palestinian journalist tells how Hamas brings kids to frontline to die, 25 July 2019, [url](#)

¹⁵ AP, with little to show, Gazans question mass border protest, 11 October 2019, , [url](#)

¹⁶ TheNewArab, Gaza paying tragic price for Great Return March, 21 April 2019, [url](#)

¹⁷ Rfi, Clashes as Palestinians mark 15 years since death of Yasser Arafat, 11 November 2019, [url](#)

¹⁸ Egypt Independent, clashes erupt on anniversary of Arafat's death, Palestinian killed, [url](#); Jpost, Hamas bans rally commemorate Yasser Arafat, 7 November 2019, [url](#); Aljazeera, Israeli gunfire kills Palestinian man in occupied West Bank, 11 November 2019, [url](#)

¹⁹ UN Human Rights Council, Report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory, 18 March 2019, [url](#), p. 45

²⁰ UN Human Rights Council, Report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory, 18 March 2019, [url](#), p. 18

²¹ EASO COI Query Response, Information on the treatment of people who are neither members nor supporters of Hamas, in Gaza and in the West Bank, 23 May 2018 [url](#); EASO COI Query Response, Information on persecution by Hamas in Gaza of alleged spies or persons accused of spreading rumors about Hamas in the West, including in relation to Palestinian returnees, 30 October 2019, [url](#)



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