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# TRIGGER-HAPPY

ISRAEL'S USE OF EXCESSIVE FORCE IN  
THE WEST BANK

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Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

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*Cover photo:* Palestinian protester Mustafa Tamimi was killed after being hit in the head by a tear gas canister fired at close range by an Israeli soldier from a military jeep, December 2011. © Haim Schwarczenberg

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# 1. INTRODUCTION

**“Out of nowhere many soldiers jumped out and ambushed Samir. They shot him first in the leg, yet he managed to run away towards the village. But how far can an injured child run? Twenty, maybe 30, metres? They could have easily arrested him, especially when he was injured, but instead they shot him in the back with live ammunition... To me this is premeditated murder.”**

Malek Murrar, 16, interviewed on 20 September 2013 at the site where he had witnessed his friend Samir Awad being shot earlier in the year.

Samir Awad was just 16 years old when Israeli soldiers shot and killed him in January 2013 as he fled from the place where a number of Israeli soldiers ambushed a group of Palestinian children who were protesting against the construction of Israel's fence/wall, which cuts across the village of Bodrus, near Ramallah in the Occupied Palestinian Territories (OPT), where they lived. Eyewitnesses attested that Samir Awad and the other children were posing no serious threat to the soldiers who fired at them, or to others. Yet, more than one year later, the Israeli authorities have failed to ensure any accountability for his death or for their soldiers' use of live fire against Samir Awad and the other children.

The circumstances of the killing of Samir Awad were reminiscent of other killings of Palestinians during demonstrations against Israel's continued military occupation in the West Bank that have occurred in recent years. According to Amnesty International's research, he was among the first of at least 22 Palestinian civilians to be killed by Israeli forces in the occupied West Bank in 2013, four of whom were children. Thousands of other Palestinians were wounded by Israeli forces in the same year.

Recent years have seen a mounting toll of deaths and injuries of Palestinians as a result of shooting or other violence by Israeli soldiers outside the context of armed conflict. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), 27 Palestinians were



*Nariman Tamimi suffering effects of tear gas fired by Israeli forces at a protest in Nabi Saleh in May 2013. © Haim Schwarczenberg*

killed in 2013 by Israeli forces (25 by live ammunition and two by rubber-coated metal bullets). This was 1.5 times the number of those killed in 2011 and 2012 combined; 10 were killed in 2011 (eight by live ammunition, one by a tear gas canister and one following tear gas inhalation) and another eight in 2012 (all by live ammunition), a total of 18.

The shooting of Samir Awad followed a familiar

pattern in which groups of Palestinians, usually comprising mostly children and young adults, gather to protest against Israeli occupation, as well as the policies and practices that underpin it, including the creation and expansion of illegal settlements, land seizures, closures, arrests and detentions and other violations of the rights of Palestinians. Often, these groups resort to low-level violence, throwing stones and rocks at Israeli soldiers but without posing any serious risk to them due to the distance and the heavily protected nature of their positions. In return, Israeli soldiers use a wide variety of measures against the protesters; these include less-lethal means such as various chemical irritants (commonly called tear gas), pepper spray, stun grenades (sound bombs), maloderants (foul-smelling “skunk water”) and hand-held batons, but on frequent occasions Israeli forces have also resorted to lethal means and have fired rubber-coated metal bullets and live firearms ammunition at protesters, causing deaths and injuries. In some cases, they have also killed or injured demonstrators by firing tear gas directly at them from close range or by using tear gas in enclosed spaces causing asphyxiation. Often, the force used by Israeli forces against protesters seems to be unnecessary, arbitrary and abusive.

### THE OCCUPIED PALESTINIAN TERRITORIES

The area comprising the OPT is made up of the West Bank, including East Jerusalem, and the Gaza Strip – areas that Israel occupied in 1967 and has continued to control during the more than four decades since then. In 1994 the Oslo Accords agreed between Israel and the Palestine Liberation Organization (PLO) led to the establishment of the Palestinian Authority (PA), with limited jurisdiction over parts of the West Bank, excluding East Jerusalem, and the Gaza Strip. The establishment of the PA and the admission of Palestine as a non-member observer state at the UN General Assembly in 2012 did not change the status of the OPT under international law; they remained territories under Israeli military occupation. Israel retains effective control over them, including their population, their natural resources and, with the exception of Gaza’s short southern border with Egypt, their land and sea borders and airspace.

Both the Israeli army and the police, including the Border Police, have authority to police

Palestinian public assemblies, including protests, in the West Bank; in East Jerusalem, however, only the police exercise such authority. The police, but not the army, have policing powers in relation to Israeli settlers.

Within the West Bank, the Oslo Accords gave the PA jurisdiction over civil affairs (such as health, education and internal security) in approximately 40 per cent of the land area, comprising some 230 separate enclaves each surrounded by other areas of the West Bank that remain under full Israeli military administration. Only in these areas do the PA security forces have authority to, among things, police demonstrations.

The PA also exercised similar, limited powers in the densely populated Gaza Strip until June 2007, when escalating armed clashes between security forces and armed groups loyal to the two main Palestinian political parties, Fatah and Hamas, culminated in Hamas seizing control of PA institutions in the Gaza Strip. Since then, Hamas has acted as the de facto government of Gaza while Fatah remains the dominant party comprising the PA government in the West Bank.<sup>1</sup>

All three authorities – Israel, the PA and the Hamas de facto administration in Gaza – have responsibilities to respect international human rights law and international humanitarian law, while Israel also has specific obligations under international humanitarian law relevant to its status as an occupying power, in particular towards Palestinian civilians in the OPT who are “protected persons” under the Fourth Geneva Convention.

In recent years, the West Bank has seen continuing protests against the prolonged Israeli occupation and the repressive policies, practices and outcomes to which it has given rise, including the ever-expanding unlawful Israeli settlements established within the occupied West Bank, the 800km-long fence/wall built mostly on Palestinian land, forcible house demolitions, Israeli military checkpoints, roads reserved for use by Israeli settlers from which Palestinians are excluded, and other restrictions on the movement of Palestinians in the OPT. More than a dozen Palestinian villages and communities in the West Bank that are most directly affected either by the location of the fence/wall and/or by the location of Jewish-only settlements built on Palestinian lands hold weekly demonstrations to protest against Israeli policies and their impact; they include the villages of Nabi Saleh, Bil'in, Ni'lin and Kufr Qadum, and urban centres such as Hebron and East Jerusalem. Protests are also held against the imprisonment and detention of thousands of Palestinian activists and their treatment in Israeli prisons and in response to other developments such as Israeli military strikes in Gaza and the killing or injury of Palestinians in protests or during arrest raids.

The right to peaceful protest is of particular importance for Palestinians in the OPT, as they have no opportunity to influence the policy of the occupying power through voting or other such means. To an extent, exercising the right to protest in full view of well-armed Israeli troops, despite the evident dangers that this presents, has also become a mark of defiance by Palestinians, especially youth, against the continuing occupation and its daily humiliations. In villages such as Nabi Saleh, where demonstrations are held on a weekly basis, the repressive response of Israeli forces may amount to collective punishment. Israeli forces frequently declare Nabi Saleh a closed military zone, block access roads into it, and use excessive force against protesters and bystanders and damage residents' property. Israeli

forces have used tear gas against homes, sometimes injuring people inside – mainly by the asphyxiating effects of tear gas – and have deliberately damaged property such as residents' water storage tanks located on rooftops. Israeli forces have also frequently attacked medics seeking to assist people wounded, human rights defenders and journalists who are present to monitor their behaviour or report on protests, including by firing tear gas canisters and rubber-coated metal bullets at them. The approach appears intended to intimidate people into not attending the protests.

Some protests are organized by local activists and community groups and are held regularly, often at a set time each week, while others develop spontaneously in response to actions such as Israeli army incursions into Palestinian communities in the West Bank, raids on Palestinian homes leading to arrests or the deaths of Palestinian prisoners held by Israel. When these happen, protesters have tended to gather near the main points of regular friction between Palestinians and the army, such as the military towers and checkpoints that Israel maintains near the Qalandia, Aida, Fawwar, Aroub and other refugee camps for Palestinians displaced by Israel in 1948.

Both types of protests frequently begin peacefully but descend into violence when a minority of the protesters, often younger ones, start throwing stones in the direction of Israeli soldiers either at their own initiative or in response to aggressive actions by the Israeli forces. Even when catapults are used, in practice such stone-throwing poses little or no serious risk to Israeli soldiers, who are generally too far away for the stone-throwers to have any chance of hitting them and are well protected, and has no more than an irritant value. Often, the stone-throwers are seeking to hit inanimate targets – such as the fence/wall, which is up to around eight metres high, or the military observation towers that overlook it and local Palestinian villages, or Israeli military vehicles – that stand as the most tangible symbols of continuing Israeli military occupation. Yet, as the cases documented in this report show, Israeli forces frequently respond to such stone-throwing protests using grossly excessive force, including the use of live fire against protesters, causing unnecessary – and unlawful – deaths and injuries. On occasions, the army has claimed that protesters used petrol bombs but if such cases did occur they were departures from the norm, and even then may have posed little risk to Israeli soldiers due to the distance from which they were thrown. Reports alleging the use of firearms by protesters are rare; on two occasions in 2013 the army alleged that Israeli soldiers had come under fire from Palestinians in the context of protests but without disclosing whether any soldiers were injured as a result.<sup>2</sup>

The army has also used excessive force against Palestinians protesting against or responding to violence by Israeli settlers, such as in Qusra, Burin, Silwad and other villages. At times, Israeli soldiers have stood by and allowed settlers to attack Palestinians and/or their property or have added to the violence by using excessive force against Palestinians who responded to such settler attacks. As a result of this and the complete lack of effective investigations into settler violence against Palestinians, many settlers appear to believe they can attack Palestinians and their property without fearing that the Israeli authorities will stop them or that they will face justice for the crimes they commit. In practice, settlers who commit such attacks do so with near total impunity.

Israeli forces have a long record of using excessive force against Palestinian demonstrators in the West Bank. Since the beginning of the first Intifada<sup>3</sup> in 1987, Amnesty International and other local and international human rights organizations have documented a pattern of

excessive force by the Israeli army and Border Police against Palestinian civilians, including men, women and children, which has resulted in hundreds of deaths and the wounding of thousands more.<sup>4</sup> Israeli forces perpetrating these human rights violations have enjoyed widespread impunity.

#### **RESTRICTIONS ON THE RIGHT TO FREEDOM OF ASSEMBLY AND EXPRESSION**

The Israeli military authorities govern the occupied West Bank, including the areas under PA administration but excluding East Jerusalem, using a regime of military orders that have the force of law. They have issued more than 1,600 such military orders since the occupation began in 1967. Israel annexed East Jerusalem after it seized the OPT in 1967, in contravention of international law, which prohibits the annexation of territory by an occupying force, and East Jerusalem continues to be recognized as an occupied territory under international law. Since annexing it, however, Israel applies its own civil law to East Jerusalem and accords Palestinians who reside there the status of residents of the State of Israel.

Military Order 101 “Regarding the Prohibition of Acts of Incitement and Hostile Propaganda”,<sup>5</sup> issued by the Israeli army commander in the West Bank region on 27 August 1967, has remained in force since that time and is a key instrument regulating the right of Palestinians in the West Bank to demonstrate. It prohibits all gatherings of 10 or more persons “for a political purpose or for a matter that could be interpreted as political” or even “to discuss such a topic” unless they have received authorization in advance under a permit issued by the Israeli military commander in the area. Anyone breaching the order faces imprisonment for up to 10 years and/or a hefty fine.

Military Order 1651 (Order Regarding Security Provisions, Consolidated Version)<sup>6</sup> also contains many articles which allow the security forces to stifle freedom of expression including Article 318, which allows for the imposition of a closed military zone, thereby declaring a certain area off limits for certain periods of time. This order is many times used to deny the right to peacefully demonstrate, or as a pretext to use violence to disperse demonstrators.

The implementation of these orders violates Israel’s obligation, under the International Covenant on Civil and Political Rights (ICCPR), to respect and uphold the rights to freedom of expression and peaceful assembly.

Israel has no written constitution and the rights to freedom of expression and assembly are not codified in its Basic Laws. Through case law, the Israeli Supreme Court has emphasized the constitutional nature of the rights to freedom of expression and assembly, allowing assemblies of up to 50 people to be held without obtaining a police permit, but it has also afforded the police power to restrict these rights if their exercise threatens or endangers national security or public order. This is only applicable to Israel and occupied East Jerusalem.

Since April 2011, Israel has adopted a policy on military investigations that requires the Military Advocate General (MAG) Corps to instruct the Military Police to investigate every case in which a Palestinian in the West Bank who is not taking part in hostilities is killed by Israeli

forces. This is a step in the right direction, but it falls far short of what is required by international human rights standards. These require that government authorities conduct prompt, independent, impartial, thorough, effective, and transparent investigations into all such deaths; the current Israeli system is neither independent nor impartial.<sup>7</sup>

Since the policy came into force, Israeli forces have killed at least 35 Palestinian civilians in the West Bank outside situations of armed conflict. The Military Police Criminal Investigation Division (MPCID) has opened investigations into 24 Palestinians killed in 20 different incidents. Only one of these investigations has led to an Israeli soldier being prosecuted and convicted of wrongfully causing the death of a Palestinian. Three investigations were closed without indictments being filed, five were closed but their findings not announced yet, and 11 investigations remain open. Up to now, the new policy on investigations appears not to have had any real impact in denting, let alone breaking, the long-standing pattern of impunity for Israeli soldiers and Border Police who kill or maim civilians in the West Bank through the use of excessive force.

This report shows how Israeli forces have repeatedly violated their obligations under international human rights law by using excessive force to stifle dissent and freedom of expression, resulting in a pattern of unlawful killings and injuries to civilians, including children, and have been permitted to do so with virtual impunity due, in no small part, to the authorities' failure to conduct thorough, impartial and independent investigations. Such arbitrary and abusive use of force contravenes policing standards that protect the right to life and other human rights and they also violate international humanitarian law applicable in territories under foreign military occupation, including the West Bank. In some cases that Amnesty International has examined and documents below, it appears that Palestinians killed by Israeli soldiers were victims of wilful killings; if so, such killings would amount to war crimes.

This pattern of killings and injuries of civilians needs urgently to be addressed and remedied. Towards this end, Amnesty International is calling on the government of Israel to open independent, impartial, transparent and prompt investigations into all reports of Palestinian civilians killed or seriously injured by the actions of Israeli forces in the OPT. Where sufficient admissible evidence exists, they should prosecute Israeli personnel responsible for unlawful killings or injuries according to fair trial standards. As a first step towards bringing Israeli accountability mechanisms closer to international standards, they should implement all the recommendations of the Israeli-appointed Public Commission to Examine the Maritime Incident of 31 May 2010 (known as the Turkel Commission) concerning investigations conducted by the Israel Defense Forces (IDF), as published in the Commission's second report of February 2013.

## ABOUT THIS REPORT

This report focuses on the use of excessive force by Israeli forces in the West Bank since the beginning of 2011. In doing so, it details cases of killings and injuries by Israeli forces of Palestinian civilians in the context of protests in the West Bank against Israel's continuing military occupation of the Palestinian territories, illegal Israeli settlements and the fence/wall, as well as Israel's treatment of Palestinian prisoners and detainees and violence against Palestinians by Israeli settlers. Israel's policy of settling its civilians on occupied land violates the Fourth Geneva Convention and is considered a war crime according to the statute

of the International Criminal Court. The International Court of Justice has concluded that construction of the fence/wall inside the occupied West Bank, including in and around East Jerusalem, violates international human rights and humanitarian law.

The report also includes one case from 2009 in which a Palestinian peaceful protester was killed following the use of excessive force by Israeli forces and for which no one has been held accountable. It does not include cases of killings or injuries in other contexts such as search-and-arrest operations. The report also does not cover Israel's use of excessive force against Palestinians protesters in the Gaza Strip, such as in the "buffer zone" bordering Israel.

Amnesty International has reported elsewhere on events in the West Bank and beyond involving the use of excessive force, including lethal, force by Israeli forces earlier in 2011 – such as the shooting of protesters who gathered on 15 May 2011 to mark the Nakba (catastrophe) anniversary of Israel's dispossession of Palestinians in 1948 and the killing and wounding of demonstrators who sought to cross from Syria into the Israeli-occupied Golan Heights on 5 June 2011.<sup>8</sup> Amnesty International does not address these matters in this particular report.

During the last two years, Amnesty International has documented elsewhere the use of excessive force by the PA in areas under its control in the West Bank,<sup>9</sup> by the de facto Hamas administration in the Gaza Strip<sup>10</sup> and by Israeli forces inside Israel.<sup>11</sup>

Amnesty International conducted much of the research on which this report is based during visits to the West Bank in July 2012, March 2013, June 2013, September 2013 and December 2013. In investigating the alleged abuses by Israeli forces Amnesty International researchers observed demonstrations, interviewed wounded protesters and bystanders, victims' relatives, eyewitnesses, medical workers, local human rights activists, lawyers, journalists and others and inspected locations in which protesters had been killed or injured. They also obtained corroborative documentation including medical reports and video film footage, and received valuable assistance from Israeli and Palestinian organizations, including Al-Haq, B'Tselem, Yesh Din, Addameer, Breaking the Silence, the Human Rights Clinic at Al-Quds University and Physicians for Human Rights-Israel (PHR-Israel), and from local human rights activists and defenders in Nabi Saleh, Hebron and other areas of the West Bank, as well as from Human Rights Watch and UN agencies.

Amnesty International requested meetings with the Central Command of the IDF and with the office of the MAG in order to seek information on specific cases and to discuss its concerns but neither agreed to meet Amnesty International. Amnesty International has also sent two letters to the Military Advocate General copying other authorities to request information about investigations into the cases included in this report, but no response was received at the time of writing in February 2014. It did, however, receive a reply from the Israeli army which was sent to Amnesty International Israel in response to a letter concerning the use of excessive force in the village of Nabi Saleh. The full names of some individuals interviewed or featured in this report have been withheld at their request out of concern for their or their families' safety.

## 2. KILLINGS AND INJURIES DUE TO THE USE OF LIVE AMMUNITION

**“I demand that the Minister of Defence himself is put on trial as well as all those who give the orders to shoot and kill kids. It is not only the soldier who should go on trial. The soldier does not take the decision by himself. There are orders and there must be some kind of way to prevent this from happening again and again.”**

Ahmad Amarin, whose 15-year-old son, Saleh, was shot dead by an Israeli soldier on 18 January 2013.

At least 41 Palestinians were killed as a result of the shooting of live ammunition by Israeli soldiers between January 2011 and December 2013, while hundreds of others were injured, some seriously, according to data from the UN Office for the Coordination of Humanitarian Affairs (OCHA). Twenty-five Palestinians were killed in 2013 by live ammunition, a figure more than 1.5 times the number of those killed in 2011 and 2012 combined; eight were killed in 2011 and another eight in 2012, a total of 16. Those killed included both protesters and bystanders and at least four children. Amnesty International presents in this chapter details it has documented regarding 14 of the cases of killings and seven of the cases of injuries.

The UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials stipulate that the intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life in self-defence or defence of others against the imminent threat of death or serious injury, and only when less extreme means are insufficient to achieve these objectives.<sup>12</sup> However, in all of the cases of killings described below, Israeli forces opened fire with live ammunition on Palestinians who, the available evidence indicates, were posing no imminent threat to the lives of the soldiers or others. Although some of the victims were engaged in stone-throwing, the circumstances of all their deaths point to them having been victims of unlawful killings, including – in some cases – possible wilful killings.

The high incidence of killings and wounding of Palestinians by Israeli soldiers in the West Bank has inevitably prompted questions as to the content of the “rules of engagement” that the Israeli military authorities issue to their soldiers and Border Police to advise and instruct them as to when and in what circumstances they may resort to force, including lethal force, and what actions, if any, they must take beforehand – for example to issue warnings – and

following any resort to lethal force. The Israeli authorities, however, consider these rules classified information and have declined to make them public, citing security reasons.<sup>13</sup> It remains unclear, therefore, to what extent the rules comply with relevant international standards, notably the UN Basic Principles on the Use of Force and Firearms.

In a rare departure, some details of the rules of engagement issued to soldiers and Border Police were disclosed in a recent Military District Court judgement. This concerned the killing of Odai Darwish, 21, on 12 January 2013 as he sought to cross the wall/fence to seek employment in Israel. On 18 March 2013 the court convicted the soldier who shot him of “causing death by negligence... by carrying out firing against the rules of engagement” after a plea bargain.<sup>14</sup> The soldier, whose identity was not revealed, was sentenced to 12 months’ imprisonment, five months of which were suspended, and demoted from staff sergeant to sergeant. In delivering its verdict, the court incorporated extracts of a document entitled *Operation Directorate, Operation Division Rules of Engagement 8 Directive “rules of engagement for soldiers in Judea and Samaria and the Seam Zone – Uniform Directive September 2011”*, which was in force at the time of the shooting of Odai Darwish. This directive set out rules to be followed by all army soldiers deployed in the West Bank and in the zone around the fence/wall. These specify that soldiers must avoid and refrain from harming “non-combatant” Palestinian civilians, particularly women and children, and instruct soldiers that they must use their weapons only as a last resort; the directive states that the “necessity of firing” is to be examined at every stage, and, as far as possible, directly by the commander who is in charge or according to his order. The directive sets out a three-stage procedure in relation to “suspect apprehension”, according to which a soldier seeking to apprehend a suspect must first shout to him or her in Arabic, then may fire one or more warning shots in the air if the suspect fails to yield, and finally may shoot directly at the suspect if the suspect continues to resist, in which eventuality the soldier must take aim with the intention to hit the suspect below the knee. According to the rules, the soldier is not to shoot if he is unable to see the suspect’s legs or is unable to shoot with accuracy at the suspect’s legs without severely injuring or killing the suspect. This directive contradicts the UN Basic Principles on the Use of Force and Firearms, which require that law enforcement officials must not use firearms against persons resisting authority unless to prevent the perpetration of a particularly serious crime involving grave threat to life and only when less extreme means are insufficient to achieve that objective,<sup>15</sup>

The “suspect” can be any Palestinian citizen who appears to be engaged in any form of activity that is considered unlawful under Israeli military orders applicable to the West Bank and the area around the fence/wall; this includes leading or participating in demonstrations, and approaching or attempting to cross the area around the fence/wall. According to the directive, soldiers must follow the three-stage “suspect apprehension” procedure even when the individual to be apprehended is identified as a dangerous criminal suspect. The introduction to the directive, parts of which were also cited in the military court judgement relating to the death of Odai Darwish, makes clear that the rules of engagement, in practice, allow soldiers “a large extent of discretion” based on their understanding of “the threat he is dealing with”. However, it specifically prohibits the use of firearms, in all cases, against individuals who have been identified as “innocent” persons posing no threat to Israel forces: “At any time of the day or night, it is prohibited to open fire at or to carry out a suspect apprehension procedure of a person who has been identified as an innocent person who is

not threatening our forces.”

Earlier, the Israeli human rights organization B'Tselem publicized details of some of the official rules and procedures issued to Israeli soldiers and Border Police for use during crowd control operations in a report that it published in December 2012.<sup>16</sup> The Israeli army, however, denied their authenticity, while asserting that the army “exerts tremendous effort in trying to minimize harm done” to protesters including rock throwers and “places great emphasis on making sure senior commanders are present during” demonstrations and protests. An army spokesperson said that soldiers received instructions that were regularly updated and passed down from army headquarters to the field, where they were adapted for the use of soldiers there in order to ensure that they “understand what is permitted with regards to the use of force and the use of riot control measures.” According to the army spokesperson, soldiers were instructed that live fire was “only allowed under very specific operational circumstances”, including to “negate an actual or immediate threat to life, as the last option in the procedure for stopping a suspect, as well as in certain circumstances to contend with the threat to life posed during violent riots.”

The information available regarding the rules of engagement issued to Israeli soldiers and Border Police involved in crowd control operations points to some serious problems, with some provisions appearing to contravene the UN Basic Principles on the Use of Force and Firearms and other international human rights law and standards. According to the UN Basic Principles, the intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life. However, the few details that have been disclosed about the rules of engagement, notably in the recent military court judgement arising from the killing of Odai Darwish, indicate that Israeli soldiers are permitted by their superiors to resort to live ammunition gunfire in circumstances when their lives are not at imminent risk – for example, against a suspect who fails to surrender when ordered to do so, albeit with the intention of wounding and not killing the suspect. This is a lower threshold than that permitted under the Basic Principles. In practice, however, as the cases described below illustrate, Israeli soldiers engaged in policing and crowd control operations in the West Bank have repeatedly used live fire against Palestinian protesters and others in circumstances that not only violate international law but also appear to contravene the Israeli army's own code of conduct, and have been allowed to do so with impunity.

## 2.1 KILLINGS

**Samir Awad**, 16, sat a school exam on the morning of 15 January 2013 but did not live to hear the results. Later that morning, at around 10.30am, Israeli soldiers fired three bullets into him, killing him. One bullet struck his left leg, a second penetrated his left shoulder and exited through the right side of his chest, and a third struck him in the back of the head, exiting through his forehead. Samir Awad was not armed or posing any threat to anyone at the time of his death. After finishing the last exam of the term, he and a group of his schoolmates decided to go towards the fence/wall which is located about 200 metres away from their school in the village of Bodrus, near Ramallah. The fence/wall separates the village from its farmlands and acts as a serious barrier to the freedom of movement of local people; it has been the focus of frequent, regular protests by villagers since 2003.

It appears that Samir Awad and his friends wished to stage their own protest against the fence/wall on 15 January. In doing so, Samir Awad entered the area between the two parallel

fences that form part of the separation barrier. With another boy, he first passed through a gap in the barbed wire between the path on which he and his friends had been walking and the first fence, but they were then ambushed by several Israeli soldiers. Samir Awad's companion managed to make his escape but Samir Awad was caught between the two fences, one of which was electrified. The soldiers shouted at Samir Awad and then fired warning shots in the air, but he continued to elude them and climbed over the fence through which he had entered, despite being shot in the leg by one of the soldiers. Then, as he continued to try and run away, the soldiers fired further shots, fatally wounding him. The soldiers sought to give him first aid but allowed local people who came out from Bodrus to carry Samir Awad away. They took him to Ramallah Hospital, where he was pronounced dead 40 minutes after arrival.

One of the boys who accompanied Samir Awad as they walked home from school told Amnesty International what he witnessed after Samir Awad and his friend entered the area between the two fences:

*Four soldiers jumped out of the ditches along the way of the wall... and yelled at Samir to stop while shooting in the air. Samir freaked out and, instead of coming towards us, went to the other side and was trapped further inside. He was running around, and the others escaped outside. He was the only one there.*

*Samir tried to climb the fence but one of the soldiers shot him. He fell, and then got up again and started running. Two soldiers ran up to him to try to catch him but Samir managed to escape. The two other soldiers stood next to the opening and so Samir could not go back from there, and while he was running away from them, about 10 steps away, a soldier threw a sound bomb at him, and then the same soldier who shot him the first time shot him again.<sup>17</sup>*

The boy who had accompanied Samir Awad when they entered the area between the two fences told Amnesty International that he had been fortunate to escape unhurt:

*I was inside at the time but close to the opening and managed to leave before the soldiers reached me or the place of the opening. They shot a lot; there were bullets hitting the rocks near us. I was running away and could not see the shooting of Samir, but saw when he was killed. They were shooting at us, directly targeting us while we were running away.<sup>18</sup>*

Another friend of Samir Awad who also witnessed the shooting told Amnesty international:

*We finished the science exam and went down to the area of the wall, as we usually do. I walked along with Samir and other boys but stayed a bit back when Samir and another boy entered the area between the two fences. When the boy left and as Samir was there on his own, many soldiers jumped out of their places of hiding. Two were in the area between the two fences where Samir was; they tried to capture him, and then shot him in the leg. Samir was able to jump over the fence and run towards us, but, after he was out of the area of the fences, he fell. When he got up again, they shot and killed him.<sup>19</sup>*

A fourth witness who spoke to Amnesty International also corroborated the accounts of the other witnesses.

Following the shooting, the Israeli *Haaretz* newspaper reported a statement by military spokesperson Captain Eytan Buchman that soldiers had opened fire at protesters after some cut through a section of the “barrier fence”; the spokesperson said that troops had “initiated standard rules of engagement, which included live fire”. He said too that an investigation had been ordered following the shooting.<sup>20</sup> The Israeli online news network *Ynet News* published a similar report, citing an army Spokesperson’s Office statement that “An army force securing the fence” had “carried out the procedure for arresting suspects, which included gunfire” in response to an “infiltration attempt”.<sup>21</sup>

An initial investigation conducted by the army at the operational level reportedly concluded that the soldier who shot Samir Awad had contravened official regulations on the use of live fire. The MAG Corps announced that it had opened an investigation on the day of the shooting, but one year on its findings have still to be revealed and no soldier is known to have faced prosecution or disciplinary sanctions as a result of Samir Awad’s death. On 13 May 2013, the MAG Corps was reported to have returned the case file to the Military Police with an instruction that they carry out further inquiries.<sup>22</sup>

The fact that Samir Awad, a child who was posing no threat to life, was shot and killed as he attempted to flee, is deeply disturbing. It is difficult to see how the soldiers involved could reasonably have perceived him as posing an imminent threat to life. The information available to Amnesty International suggests that Samir Awad was shot twice in the back and that he was killed unlawfully. This killing may even constitute an extrajudicial execution and war crime of wilful killing, a grave breach of the Fourth Geneva Convention, by which Israel must abide as the occupying power. At the very least, such a serious incident must be independently, impartially and thoroughly investigated in accordance with international standards, and the findings should be promptly disclosed.

Four months after the death by shooting of Samir Awad, Israeli soldiers carried out an early morning raid on the Awad family home in Bodrus and detained Abed al-Rahim Awad, Samir Awad’s elder brother. They reportedly used stun grenades and pepper spray and also beat members of the family who tried to intercede as they dragged Abed al-Rahim Awad away.<sup>23</sup> They took him first to Hadassah hospital in Jerusalem with his arms and legs shackled before taking him away for detention and interrogation. In January 2014, he was still held awaiting trial before a military court on charges of participating in protests and throwing stones at soldiers.

Ahmad Awad, 45, Samir Awad’s father, told Amnesty International:

*After the occupation army killed my son, they had not had enough, and they came to terrorize me and my whole family. That day when they raided the house and arrested Abed al-Rahim, we were all sleeping in the house. I was woken by the sound of a blast, which was them blowing the door of the house open. I suddenly found soldiers in my bedroom. My son was sleeping on the third floor of the house; some soldiers went up and threw him down the stairs. He was badly wounded, and bleeding, but they kept kicking him. I said that he needed an ambulance. They did not listen, and when I called one,*

*they did not allow it to come. They stayed from 2am until 4.30am in the house. They were punishing us. I wanted to drink water, and when my daughter brought me a glass a soldier took it and threw it away. They sprayed us with gas in the house. I was sprayed with pepper spray on my face and the pain remained for 10 days. They broke one of my wife's arms, as well as one of my daughter's, who also received a big wound in the head and needed 10 stitches. They dragged my son on the floor like a dog, and did not even allow him to wear shoes. They broke many windows and threw 14 sound grenades inside the house; we counted them all the next morning.*

*After about an hour of this extreme violence, an officer from the intelligence came into the house. He identified himself as 'Captain Elias'. When he arrived the soldiers started behaving and none of them said or did anything. He then asked me which soldier was causing the trouble in the house; he said to point him out so he could punish him. I told him that you never punish any soldiers for crimes they commit. A soldier killed my son, and nothing happened to him; he is still running free, not in prison.<sup>24</sup>*

**Saleh Amarin**, 15, died on 23 January 2013, five days after he was struck in the head by a bullet fired by an Israeli soldier during a protest at Aida refugee camp, Bethlehem. At the time – around 4.20pm on 18 January – he was approaching the nine-metre-high security wall, reportedly holding a catapult when a soldier shot him from a range of about 65-75 metres. The bullet hit Saleh Amarin in the forehead penetrating a few centimetres inside



*Saleh Amarin, 15, died on 23 January 2013, six days after being struck in the head with a bullet fired by an Israeli soldier during a protest. © Private*

after it had disintegrated. Even if he had intended to throw, or in fact had succeeded in throwing, a stone, he would have posed no threat to the lives of the Israeli soldiers who were inside a fortified military base with observation towers.

Almost two hours earlier, according to eyewitnesses, soldiers had emerged from their base and passed through the large metal gate in the wall to fire tear gas and rubber-coated bullets at children and young men who had gathered in the street, to which some of the Palestinians had responded by

throwing stones at or towards the soldiers. During this time Saleh Amarin arrived in Aida refugee camp; he had intended to play football in the playground close to Lajee Center around which the small protest was taking place. Around 4pm, the soldiers withdrew into their base and went up the watchtowers and began firing live ammunition in the direction of the refugee camp while youths continued, but with much lower frequency, to throw stones in the direction of the wall. Saleh Amarin was with a few other children and young men standing behind a short wall next to the Lajee Center, which was sheltering them from the shooting. When Saleh Amarin stepped into the street, apparently to throw rocks using a

catapult, a soldier shot at him and the bullet hit him in the head.

Following the shooting, the army stated:

*Around 30 Palestinians threw stones and explosives at Israeli security personnel in the area. A preliminary army investigation revealed that during the riot the security personnel fired upon a Palestinian that approached the force while slinging stones. The Palestinian was hit and was evacuated by the Palestinian Red Crescent Society to a nearby hospital.<sup>25</sup>*

The statement made no reference to any soldier having sustained injuries and it seems clear that none did. They were too distant and well protected for Saleh Amarin and other protesters to pose any serious threat to them.

Eyewitnesses also dispute the statement's allegation that Palestinians threw explosives as well as stones, and contend that if the stone-throwing did constitute a "riot" it was one that the Israeli soldiers directly provoked by their initial aggression. Ahed Amira, one of those present, told Amnesty International:

*The soldiers came out without any reason and they started shooting tear gas and rubber-coated metal bullets at the youths. When they started shooting, more youths came.<sup>26</sup>*

S. A., 19, another witness, told Amnesty International:

*There was no throwing of rocks when the soldiers came out of their base through the gate; that was about 2pm. We were just a bunch of guys standing around the corner. When they saw us they started firing tear gas at us. We ran away from the gas but when it went away we came back and went onto the main street and we started throwing rocks. Then the army started pulling back, trying to draw us closer.<sup>27</sup>*

Journalist Mohammad Walid al-Azzah, was finishing off some work at the Lajee Center in Aida refugee camp, before leaving to attend a friend's wedding, when the altercation that led to Saleh Amarin's killing began. He told Amnesty International:

*The area surrounding the centre was very quiet and then at around 2.30 or 3pm I saw around 10 army soldiers come out of the gate and start shooting tear gas and rubber-coated metal bullets at the kids who were playing around on the street and in the surrounding area. This is very common behaviour from the army. We are used to it. The kids started throwing rocks and more kids joined them. Then the soldiers disappeared back into their camp. This was around 4pm. It is when I had to leave the centre for the wedding.<sup>28</sup>*

He said that the situation appeared to have become calm by the time that he departed, so he was shocked to receive a phone message with the news that a child had been shot when he arrived at his friend's wedding.

S. A. said he was standing only metres away from Saleh Amarin when the 15-year-old was shot as he and others continued to throw stones towards the wall and the metal gate through

which the soldiers had withdrawn into their military base, but without posing any serious threat as the stones fell short:

*There was no soldier in sight, and then they started shooting live fire from the small openings in the wall. They fired around 30 rounds. We stopped rock throwing and we were hiding away. Then right when Saleh stepped on the main street he was hit... I was only two metres or so away from him. There was a sound of one bullet fired, and Saleh fell on his knees, and fell onto his side. We carried him and took him to the ambulance.*

G. W., 13, another eyewitness, said he had been watching from the vantage point of the Key Sculpture, located close to the Lajee Center and the wall, when he saw the soldiers withdraw through the gate in the security wall. He told Amnesty International:

*They went back in and went up the sniper towers. But when I was standing there near the Key there was nothing much happening. Then I heard a single gunshot and I saw Saleh Amarin fall. Then I saw young men run towards him and try to carry him. He fell out of their hands the first time, then they got a grip of him and took him away.<sup>29</sup>*

Saleh Amarin was taken first to al-Hussein Hospital in Bethlehem but then moved immediately to the Bethlehem Arab Society for Rehabilitation hospital, where scans were conducted, and thereafter to Hadassah Hospital in Jerusalem, where he died five days after his shooting.

Four days later, according to the army, the MPCID opened an investigation into his death. At the time of writing, one year later, its findings have yet to be disclosed. On 3 October 2013 the MAG Corps responded to an inquiry from B'Tselem stating that the investigation into Saleh Amarin's death was still continuing.

Ahmad Amarin, 45, told Amnesty International of his family's grief at the death of their only son, who had been a good student at school and a promising footballer tipped for future success.<sup>30</sup> On the day of his death, he said, his son had left home intending to play football near the Lajee Center and, when he heard an ambulance as he arrived back from his work, he had not been concerned. "It never occurred to me that it was my child that ambulance was going for," he told Amnesty International. He saw people running; "someone told me that my son was injured," he said. However, when he got to al-Hussein Hospital, Saleh Amarin was already in the coma from which he never recovered.

Ahmad Amarin submitted a formal complaint to the Israeli authorities through B'Tselem and they then called him to say that the Military Police wished to obtain his son's body in order to carry out an autopsy. "But I refused and said they should rely on the hospital reports which make it clear what happened," he told Amnesty International. He expressed his bitterness at the death of his only son:

*I demand that the Minister of Defence himself is put on trial as well as all those who give the orders to shoot and kill kids. It is not only the soldier who should go on trial. The soldier does not take the decision by himself. There are orders and there must be some kind of way to prevent this from happening again and again.*

Adding to his grief, he lost his job, where he was formerly employed as a manager of sanitation workers at the Bitar Elit settlement, as the Israeli authorities refused to renew his work permit when it lapsed several days after Saleh Amarin's death, cancelling it for unspecified "security reasons".

**Lubna Hanash**, 21, and her relative **Suad Ji'ara**, were walking along a path leading out of the Palestine Agricultural College near Hebron at around 1.30pm on 23 January 2013 when an Israeli soldier fired what Suad Ji'ara remembers as four shots in their direction from a distance of about 100 metres. They had just visited the college, where no students were present that day because of a strike; they were not participating in a protest or posing a threat to anyone or anything. Lubna Hanash, who lived in Bethlehem, was in her second year as a law student at al-Quds University and appeared to have a bright future before her until the moment when one bullet struck the left side of her face. It penetrated her skull, ending her life. She was rushed to al-Ahli Hospital in Hebron but died within an hour. Suad Ji'ara was also hit. She had turned and begun running back towards the college when she saw the Israeli soldier pointing his gun at them. She was shot in her left hand, causing her continuing disability. At first, she thought Lubna Hanash must have escaped unhurt and only learnt of her death later that day. The two women were shot by one of two Israeli soldiers who stopped and got out of their car as they drove along the road known as Route 60 when a small group of Palestinian youths reportedly threw stones at it. The youths ran off into areas beside the road. The soldiers fired the shots that killed Lubna Hanash and injured Suad Ji'ara, although the two women were alone and standing 100 metres away and had played no part in the original incident.

Following the incident, the Israeli army said that the shooting had occurred after a car in which a senior officer and his driver were travelling came under attack from youths who threw stones and a petrol bomb. In accordance with normal procedures, however, the MPCID opened an investigation, whose outcome – at the time of writing, a year later – has yet to be disclosed. On 3 October 2013, the MAG Corps informed B'Tselem that the investigation had still to be completed.

Suad Ji'ara told Amnesty International:

*There was a strike at the college and there were no students there. We were walking there all alone. As we were walking on the pathway leading to the southern gate I saw a soldier, wearing green, standing in the street, looking in our direction and pointing his gun around, and a white car next to him. He was around 100 metres from us. I felt the danger and I held Lubna's hand and tried to run towards the college away from the street. Then I heard four gunshots. I lost Lubna's hand and did not look at her. I continued running, and I was injured. I was injured in the left hand, the bullet penetrated through. There was absolutely no one where we were standing or around us and certainly not any kids throwing rocks.<sup>31</sup>*

In February, 2013, Suad Ji'ara was called to give evidence to the MPCID investigation that was opened following the fatal shooting of Lubna Hanash. She arrived as instructed but was kept waiting for an hour before being called into a room in which three Israelis were present: one female and one male officer who questioned her for some 45 minutes and then obtained a signed testimony from her, and a soldier on guard holding a gun. She found it "a scary

experience... the gun in the room was very intimidating.”

Local human rights defenders who visited on the same day the place where Lubna Hanash was fatally shot questioned, the Israeli authorities’ assertion that a petrol bomb, as well as stones, had been thrown at the two soldiers. They told Amnesty International that they had conducted a detailed inspection but could see no traces of a petrol bomb having been thrown.<sup>32</sup>

Even if the Israeli soldiers had been responding to an actual threat, the fact that their actions killed one bystander and wounded another suggests that they fired recklessly. It is a tragic example of why policing standards emphasize that firearms should only be used as a last resort and that intentional lethal force should not be used except where it is strictly unavoidable to protect life.

**Mahmoud Adel Fares al-Titi**, 22, was a media and journalism student at Al-Quds Open University in Hebron at the time of his death on 12 March 2013. According to eyewitnesses, he was filming a clash between several Israeli soldiers and a group of young Palestinians in the centre of Fawwar refugee camp, south of Hebron, when he was hit, apparently in the neck, by a bullet fired by one of the soldiers. The bullet then disintegrated, shattering his jaw. Local people rushed him to hospital but he was unconscious on arrival and within half an hour doctors pronounced him dead.

Mahmoud al-Titi appears to have been caught up in violence that developed spontaneously when Israeli soldiers in jeeps drove into Fawwar refugee camp on the evening of 12 March as hundreds of Palestinians, mostly young men and boys, gathered to watch a televised football match between leading European teams Barcelona and AC Milan. The incursion set off a bout of stone-throwing by some of the Palestinians who were present, and the incident escalated when one of the Israeli vehicles, a heavily armoured jeep containing a number of soldiers, broke down outside the Fawwar Popular Restaurant in the middle of the refugee camp. At first, the soldiers remained inside the vehicle, but when some stone-throwing protesters approached, they fired from within the vehicle and continued to fire as they got out of the vehicle injuring **Mahmoud Shudafan** in the back. The soldiers stationed themselves in the restaurant and began to fire recklessly into the street, killing Mahmoud al-Titi.

Mahmoud’s brother, Faris al-Titi, who was in the main street at the time, told Amnesty International:

*At around 9.15pm, I was injured on my right arm by army fire. I was standing behind the jeep that broke down on the main street; I was about 50 metres from it.*

*Four military jeeps had driven through... then this long jeep came and stood near the restaurant, it was dripping oil and it broke down, so the clashes began. The young men were throwing stones, then the soldiers came down from the jeep and shot...<sup>33</sup>*

Jihad Muhammad Ahmad Abu Rabi’, the owner of a computer parts shop who witnessed the shooting of Mahmoud al-Titi, told Amnesty International:

*We went out of the café to see what was happening. Mahmoud was with us in the café. He was studying journalism and photography was his hobby. He had a mobile or a camera with him. He started filming the jeep.*

*Then two soldiers came out of the jeep and stood on top of the stairs of Fawwar Popular Restaurant. Mahmoud al-Titi stood on the corner of a street joining the main street and was filming the broken-down jeep. The two soldiers on the stairs of the restaurant shot him without warning.*

*We took him in a private car to hospital because the army did not provide any assistance for him. Mahmoud's phone or camera used in the filming disappeared.<sup>34</sup>*

A distraught Adil Faris al-Titi, Mahmoud's father, told Amnesty International:

*When I arrived there I saw the army, three vehicles, one big transporter of soldiers and two Hummer vehicles. They were firing [weapons]... All the young people were in cafés watching the football match between AC Milan and Barcelona.*

*I asked where Mahmoud was... After about 10 minutes a number of youths arrived from the main street. They said that Mahmoud had been hit in the face with a rubber-coated bullet.<sup>35</sup>*

Adil Faris al-Titi rushed to Abu al-Hassan Hospital in the town of Yata, near Hebron, as soon as the army had withdrawn from the camp, but his son had died. He said the doctors told him that a live bullet had struck him in the face. Friends who had been present when Mahmoud was shot told his father that he had been filming the army's actions at the time.

Mahmoud al-Shudafan, who was injured during the shooting, spoke to Amnesty International from his hospital bed:

*There was rock throwing and the stores began to close their doors. One jeep stopped.... Then there was shooting, so I started running away, and I got hit in my back.<sup>36</sup>*

The chief surgeon at Hebron Public Hospital told Amnesty International delegates that a live bullet had penetrated Mahmoud al-Shudafan's back and then split, penetrating his pelvic area and seriously injuring him.

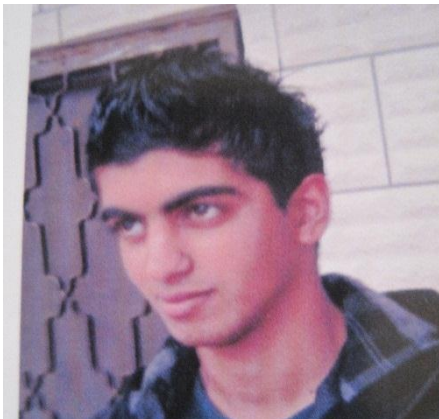
Mahmoud al-Titi's death occurred within weeks of at least six other killings of Palestinians by Israeli forces in January 2013 as they participated in demonstrations, five in the West Bank and one in the Gaza Strip.<sup>37</sup>

Following the death, the MPCID opened an investigation but as of January 2014 the Israeli authorities had yet to disclose its findings.

**Naji Balbesi**, 19, and **Amer Nassar**, 18, were shot and killed by Israeli soldiers on the night of 3-4 April 2013 when they and two other residents of Anabta, Tulkarm, approached the Einav military checkpoint, about three kilometres outside the town. At the time, many protests were being held across the West Bank in response to the death of Maysara Abu Hamdiah, 64, a Palestinian prisoner who was serving a life sentence in an Israeli prison and had contracted cancer and other ailments. Israeli soldiers in the observation and guard tower at the checkpoint were alerted to the approach of the four young men and set an ambush, which they sprung when the young men arrived and began to stone the checkpoint, and one reportedly sought to throw a petrol bomb. The soldiers opened fire with live ammunition and then gave chase as the four young men tried to flee. According to witnesses, including medics, the soldiers shot Amer Nassar twice with live bullets as he ran; he was pronounced dead by the time a Palestinian Red Crescent Society ambulance arrived to pick him up and transport his body to Thabet Hospital in Tulkarm. There, a medical examination revealed that one



*Naji Balbesi, 19, killed after being shot by Israeli soldiers in April 2013. © Private*



*Amer Nassar, 18, killed after being shot by Israeli soldiers in April 2013. © Private*

bullet had hit him in the chest, breaking one of his ribs, and another bullet had hit him in his left wrist.

T. K., a medic from Anabta who was the first to arrive at the scene of the shooting, told Amnesty International:

*I took my medic vest and took a car along with two others and went to the checkpoint... When we arrived near the checkpoint we found the road closed by the army. We got out of the car but the soldiers prevented us from going forward. One soldier pushed me and I yelled at him. He eventually agreed to take me to where the body was. The body of Amer Nassar was in the middle*

*of the road about 150 metres away from the checkpoint. There was a rock beside him but nothing else around. I saw that there was blood from his mouth, nose, and ears, I shone my torch at him; I knew he was dead. I told the soldier that the boy was dead. He nodded, and so I called the ambulance and told them there was a martyr. I then called*

*the mayor and his deputy to inform them.*<sup>38</sup>

**Fadi Abu Asal**, one of the three other young men accompanying Amer Nassar, was hit by a bullet in the arm moments after Amer Nassar was shot and fell, but he continued to run from the scene and managed to evade arrest. Local people took him to a hospital later. He told a journalist that he and Naji Balbesi had run away together initially as they fled the soldiers' ambush but that they became separated when Naji Balbesi headed towards a leather factory about 500 metres from the Einav checkpoint, at which point he did not appear to have been injured.<sup>39</sup> Meanwhile, the fourth member of the group, Di'aa Nassar, took cover behind some bricks opposite the military observation tower, where soldiers subsequently arrested him.

When the medic from Anabta and his colleagues collected Amer Nassar's body, a soldier at the scene told him that soldiers had arrested one man who was not injured, that another had been wounded but had run away, and "that they shot another person". Several hours then elapsed before the soldiers again summoned the medic, this time to collect the body of Naji Balbesi. The medic told Amnesty International:

*When we arrived near the checkpoint we found only two soldiers on the street. They stopped us with a torch and asked us to come down and follow them. We walked behind them and reached the place where Naji's body was, behind the leather factory. He was lying on his back and beside him was a pair of used medic's gloves. There was also mud on his face. I think he was dragged to the location where we found him. His hands were up and behind his head were two cigarette packs. I felt his body. It was ice cold and very stiff. His shirt was ripped and drenched in blood. I saw the exit wound of the bullet in his chest. The soldiers left. It was about 4pm. We went back and got a stretcher and then went to carry the body to the ambulance. On the way I informed the PA security forces and the municipality that Naji was found dead and was now at the hospital.*<sup>40</sup>

The medical team took Naji Balbesi's body to Thabet Hospital, where a medical examination revealed that he had been shot with a bullet that entered his back to the right of his spine and exited through the right side of his chest after breaking one of his ribs.

Following the killings, the Israeli *Jerusalem Post* newspaper reported an army statement that soldiers had "opened fire after they felt their lives were in danger" after "a guard station was attacked with firebombs".<sup>41</sup> The *Haaretz* newspaper provided a more detailed account, citing the finding of "an initial army investigation" that the army unit commander from the Haredi Nahal Brigade at the "fortified guard post" had "decided to set up an ambush outside the fortification" after he received 30 minutes' advance notice that four Palestinians were approaching from the direction of Anabta. The commander and his men, according to this report, had given chase to the four young Palestinians and opened fire at them with live ammunition and rubber-coated metal bullets, killing two and wounding a third, in the mistaken belief that the four had fired live shots at them. The commander had pursued the four after one of them "threw an incendiary device" and "at a certain point felt his life was in danger, at which time he opened live fire." As Naji Balbesi was found to have been shot in the back, *Haaretz* reported: "The army is now investigating whether the rules of engagement were maintained."<sup>42</sup>

Although the "initial army investigation" cited by *Haaretz* must have been undertaken within

24 hours of the deaths, a MPCID investigation is reported to have been opened only on 7 April 2013. In contrast to the speed of the initial investigation, the findings of the MPCID investigation had yet to be disclosed in January 2014, more than nine months after the killings. The MAG Corps reportedly informed B'Tselem on 3 October 2013 that the killings remained "under investigation" but no other information has been forthcoming. It is not known whether the army unit commander who was present at the killings has been suspended from active duty pending the conclusion of the investigation.

The circumstances of the killing of Amer Nassar and Naji Balbesi remain unclear. There is no indication that the soldiers who ambushed the four Palestinians identified themselves and issued a warning before opening fire. It should have been possible to arrest the young Palestinians without anyone getting killed. The death of Naji Balbesi, who was shot in the back, and whose body was unaccounted for until several hours after the incident is especially troubling. Such use of lethal force was excessive and Naji Balbesi was almost certainly the victim of an unlawful killing, and possibly an extrajudicial execution or a wilful killing.

Fadi Abu Asal, who was the last person to see Naji Balbesi prior to his death apart from the soldier or soldiers who shot him, told *Haaretz* shortly after the killing:

*He was scared; he ran the other way and disappeared. I didn't see him getting hit. My concern is that he was shot while fleeing or that he was caught and shot, meaning that he was executed. There is no other way to explain why he disappeared and why his body was only discovered in the morning.*<sup>43</sup>



*Mu'taz Sharawnah, 19, was killed after being shot by an Israeli soldier on 2 July 2013 while returning home from a wedding. © Private*

**Mu'taz Sharawnah**, 19, and his nephew Baha' Sharawnah, 24, were walking home to Dura, Hebron, after attending a wedding in Tarousa, about three kilometres away, when Mu'taz Sharawnah was shot and killed by an Israeli soldier at about 1.30am on 2 July 2013. According to an army statement, his killing occurred "during a security operation in Dura" in which Israeli soldiers came under attack from Palestinians throwing rocks, to which they responded initially with "riot dispersal means" but then resorted to live ammunition gunfire when one or more Palestinians tried to climb onto a military vehicle. According to Baha' Sharawnah, however, Mu'taz Sharawnah was shot after the two of them walked past two Israeli military vehicles parked by Dura's main mosque and were confronted by a soldier who got out of one of the vehicles, aimed his gun at them and fired two shots from a distance of about three

metres, one of which fatally wounded Mu'taz Sharawnah in the back. He told Amnesty International that he then ran off and hid in a ditch for about 30 minutes until soldiers

discovered him when his phone rang and arrested him.<sup>44</sup> Local human rights defenders told Amnesty International that Mu'taz Sharawnah was shot after he and his nephew started throwing stones at the two parked military vehicles but then ran away as one soldier got out of the vehicle to shoot. An autopsy revealed that Mu'taz Sharawnah was killed by a bullet that entered the left side of his back and severed vital organs, including his spinal cord.

Following the killing, the army said it had opened an investigation; at the time of writing in February 2014, however, the Israeli authorities had yet to disclose any findings.

Even if Mu'taz Sharawnah did engage in stone-throwing at Israeli troops and military vehicles it should have been possible for the Israeli soldiers present to seize and arrest him rather than resort to the use of live ammunition gunfire and shoot him in his back. Such use of lethal force was excessive and Mu'taz Sharawnah was almost certainly the victim of an unlawful killing, and possibly an extrajudicial execution or a wilful killing.

**Majd Lahlouh**, 21, and **Karim Abu Sbeih**, 17, were both shot with live ammunition in the early hours of 20 August 2013, when Israeli soldiers and Border Police raided Jenin refugee camp in order to arrest Bassam al-Sadi, a senior member of the Palestinian armed group Islamic Jihad, who had been freed three months before after two years of detention without trial in Israel. The raid led to clashes between Israeli soldiers and Palestinian boys and young men, some of whom threw stones and reportedly at least one petrol bomb, causing damage to a military jeep. According to reports, at least one witness also saw a masked man appear and fire several shots at Israeli soldiers from a distance of around 50 metres, apparently without hitting any of them. One group of boys and young men threw stones at soldiers from a nearby rooftop. Israeli forces, which included army and Border Police, initially responded by firing



*Karim Abu Sbeih, 17, died in August 2013, 11 days after being shot by Israeli forces. © Private*

tear gas but then resorted to live ammunition when the stone-throwing persisted. Two of those on the rooftop, Karim Abu Sbeih and Ala Jamal Abu Jabal, 20, were shot by army soldiers. They both sustained serious abdominal wounds, and were evacuated to hospital by the Palestinian Red Crescent Society. Karim Abu Sbeih's injury proved fatal; he

died in hospital in Nablus 11 days later.

Majd Lahlouh was shot a short time after the other two. It appears that he was using a catapult to throw stones at soldiers when a soldier shot him in the chest using live ammunition. Following the shootings, *Ynet News* reported an army statement that, as soldiers searched the home of the person they intended to arrest, “residents opened fire at the soldiers and hurled Molotov cocktails in their direction” during clashes that continued for several hours. The report said that two Israeli soldiers were “lightly injured” during the incident.<sup>45</sup>



*Majd Lahlouh, 21, was killed on 20 August 2013 after he was shot by Israeli forces. © Private*

As of the writing of this report in February 2014, no investigation had been announced by the Israeli authorities. In responses to queries from B'Tselem concerning the lack of an investigation into the killing of two civilians, the MAG Corps said on 29 September 2013 that the incident was classified as occurring in a combat situation and that the policy implemented in April 2011 did not necessarily apply to it. On 14 November the MAG Corps informed B'Tselem that still no investigation had been opened.

The available evidence points to Karim Abu Sbeih and Majd Lahlouh having been shot and killed while they were throwing stones at Israeli soldiers; however, those soldiers were well armed and well protected, as indicated by the Israeli authorities' own acknowledgement that only two soldiers received light injuries despite the clashes with Palestinian residents lasting for several hours. The operation to carry out the arrest would have been planned in advance, and the likelihood that some residents would resist should have been anticipated by the army, so facilitating their ability to minimize the likelihood of bloodshed. The use of live ammunition gunfire in such circumstances appears, at the least, to have been excessive, and possibly resulted in the unlawful killing of two Palestinians.

**Jihad Aslan, 20, Yunes Jahjouh, 22, and Rubin Abd al-Rahman Zayed, 34,** all died after they were shot with live ammunition on 26 August 2013 during an early morning raid that Israeli soldiers and Border Police conducted on Qalandia refugee camp and which began at around 5am. The soldiers and Border Police raided the home of Yusef al-Khatib, who Israeli authorities say was wanted, without initially finding him,<sup>46</sup> and clashes quickly developed as Palestinian residents, mostly boys and young men, came onto the streets to protest against the military operation. Some Palestinians jeered and threw stones; Israel forces fired tear gas and rubber-coated metal bullets in an effort to disperse them, then called in reinforcements who arrived in some 10 military vehicles at around 6.30am. As Palestinians threw stones and other objects, including furniture and other household items, Israeli forces began to use live ammunition as well as tear gas and rubber-coated bullets and shot two young Palestinians as they threw stones from nearby rooftops. One bullet hit Yunes Jahjouh in the chest, exiting through his back; it appeared to have been fired by a soldier about 20 metres away. It proved fatal. Jihad Aslan was hit in the back by a bullet apparently fired by a soldier about 30 metres from him. He too was killed.

Rubin Abd al-Rahman Zayed was also shot dead by an Israeli soldier, but, in contrast to the cases of Jihad Aslan and Yunes Jahjouh, this happened reportedly as he sought to avoid the area of the clashes and hurry to his place of work. He was an employee of United Nations Relief and Works Agency (UNRWA).<sup>47</sup> His father, Abd al-Rahman Hussein Zayed, 74, said that his son, who lived next door, had visited him that morning as usual and then had set off to walk to his office with a friend who had come to meet him. He told Amnesty International:

*We knew at that time that there was trouble in the camp, but we did not know if it had ended or not. It is also a very regular occurrence. My son was going to work like on any other day, clashes or no clashes. We thought that the army had left by this time. Also, this is what we are used to.*

*I received news from neighbours and kids that he was injured. They said he was hit in his leg. I went immediately to the hospital. I arrived and found him dead.<sup>48</sup>*

In fact, according to Palestine Medical Complex hospital records, Rubin Abd al-Rahman Zayed had been struck in the chest by a bullet that exited through his back. He arrived at the hospital at 7.37am, brought in by a Palestine Red Crescent Society ambulance, but lacked any sign of life.

Mohammad Abd al-Nabi, 23, told Amnesty International that he met Rubin Abd al-Rahman Zayed, whom he knew, in the street and shortly after witnessed his killing:

*I went out to my daytime work at 6.30 in the morning. I work in Bir Nabala and have to go out through the main gate of the camp crossing through the main street. I heard the sound of shooting when I went out of my house. I did not know which direction it was coming from. I met with Rubin on the [Ma'ayneh] intersection of roads, where we both needed to take the same side road towards the main road to get to work. I know Rubin because I work with his brother during my night work at the carpenter's. So we spoke that morning. We remained hidden near the intersection until the sound of shooting stopped for some time and we gathered that it was safe to continue moving. Also, people were saying that the army was out [of the camp] because the kids were now on their way to schools. This is usually the time when the army withdraws from the camp. That was around 7am. Rubin walked in front of me. He was maybe 20 metres away from me, when suddenly soldiers appeared. They were close to the main road and shot. I immediately dived on the ground. I saw two or three soldiers who appeared suddenly, I saw their faces were covered. They shot towards us. Rubin fell on his back when he was hit by a bullet in his chest. He did not have anything in his hands.<sup>49</sup>*

A number of other Palestinians who were wounded by Israeli gunfire also appear to have been taking no part in the protests against the Israeli incursion into the camp. One, **Mohammad Abed Yousef Badran**, 20, told Amnesty International that he left home at about 6.20am to walk to his work at a cement factory, avoiding the area of clashes:

*I looked towards the centre of the camp and saw smoke rising, so I decided to*



*Mohammad Abed Yousef Badran, 20, was shot in the stomach by Israeli forces while on his way to work on 26 August. © Amnesty International*

*take another route through the camp to get to work to avoid trouble. While I was walking people kept warning me that there were soldiers around. Then I saw the soldiers on the main road and I saw the rock throwing. I could not leave the camp as I needed to pass through the main street where the soldiers were. At about 6.40 I headed up there to see what was happening and I found around 15-20 soldiers on the ground and about four or five jeeps. I could hear the sound of shooting, but it was not very heavy. Then, there was a heavy barrage of fire. I got nervous and ran away and I found myself stuck in a small alleyway. I saw my neighbour trying to make a run to where I was standing and as he got near he fell down. His name is Mohammad Ghazawi. He is a young boy. When he fell I went to pull him up and I suddenly felt something very warm in the area of my ribs on the right. I lost consciousness soon after feeling that sensation and I woke up to find myself*

*in the hospital.*<sup>50</sup>

Mohammad Abed Yousef Badran was taken to Palestine Medical Complex hospital in Ramallah, where he was found to have sustained a wound to the stomach. Doctors extracted the bullet.

Following the incident, the army's Spokesperson's Unit said:

*During an overnight operation for the arrest of a suspect in Qalandia, a riot involving hundreds of Palestinians who attacked the security forces erupted. Early details suggest that an army force supporting the troops was trying to rescue them and that fire was opened at the assailants when the situation became life threatening.*<sup>51</sup>

The army said an initial investigation had found that soldiers opened fire, killing three Palestinians, because they felt, although no shots were fired at them, that their lives were being threatened,<sup>52</sup> and released aerial video footage of parts of the incident.<sup>53</sup> The army claimed that soldiers had entered Qalandia in order to arrest someone who was "a leading member of the Tanzim [a faction of the Palestinian Fatah movement], an arms dealer and an organizer of disturbances in the area" and that reinforcements were sent in after Palestinians youths began throwing rocks. Soldiers had then "fired live rounds at the disturbances' chief

instigators" after the protesters failed to heed warning shots and were seen to be "posing a threat" to soldiers, killing three Palestinians and wounding 15 others. The army said that one soldier sustained light injuries and was treated on the scene. In a statement to the *Jerusalem Post*, an army spokesperson alleged that Palestinians fired at the Israel forces' vehicles and that four bullet holes in vehicles were later discovered.<sup>54</sup> The Israeli army has not made public any evidence to support such claims.

Although the army stated that Palestinians were posing a danger to Israeli soldiers' lives when the latter opened fire, the fact that one soldier only was lightly injured in the incident inevitably raises the question whether the Israeli soldiers who used live ammunition gunfire against the Palestinians protesters acted proportionately or resorted to the use of lethal force when this was not justified.

As regards the killing of Rubin Abd al-Rahman Zayed and the wounding of Mohammad Abed Yousef Badran the available evidence suggests even more strongly that they were shot by soldiers when they were unarmed, uninvolved in the protests and posing no real or supposed threat. This suggests the manner in which the soldiers had used their firearms was at least reckless.

According to B'Tselem, the organization was informed by the army on 28 August 2013 that a MPCID investigation had been launched.

**Ahmad Tazazah**, 20, was shot and killed in Qabatiya, near Jenin, when Israeli soldiers opened fire at Palestinian protesters on 31 October 2013. He was working in the town's vegetable market when Israeli soldiers in several military vehicles passed by after conducting an arrest raid nearby and clashed with a group of about 12 Palestinian youths who threw stones at their vehicles. Some of the soldiers stopped, stepped out of their vehicles and commenced shooting at the youths using live ammunition. According to film footage obtained by B'Tselem, it appears that Ahmad Tazazah was not participating in the protest but was a bystander at work in the market when he was hit in the chest by a bullet that entered between his second and third ribs and exited through his back. He was rushed to the Jenin government hospital but found to be dead on arrival. Twelve days after the fatal shooting, on 11 November 2013, an army spokesperson informed B'Tselem that the MPCID had opened a "limited investigation" into the incident. The findings of this investigation had not been disclosed by January 2014.

**Wajih al-Ramahi**, 15, died at around 4.30pm on the afternoon of 9 December 2013 after he was shot in the back by an Israeli soldier close to the Jalazun refugee camp in Ramallah. Prior to the shooting, he had been playing football with other children at the school in the camp run by the UNRWA. He was shot from a distance of around 200 metres during a clash between several Israeli soldiers and Palestinian young men and children who threw rocks at them as they moved through the area between the school and the Israeli Beit El settlement. It is unclear whether Wajih al-Ramahi was participating in the stone-throwing when he was shot; even if he was, however, the use of live gunfire against him was clearly excessive and he appears to have been the victim of an unlawful killing. The bullet that killed him is reported to have struck him in the back, suggesting that he was taking no offensive action against the Israeli soldiers at the time he was shot and that he is unlikely, to say the least, to have been posing a serious or imminent risk to the lives of the soldiers. After the shooting, he

was taken to the Palestinian Medical Complex in Ramallah where he was pronounced dead shortly after arrival. Six days after his death, the MAG Corps informed B'Tselem that the MPCID had commenced an investigation, but no indication of its findings were available by February 2014.

## 2.2 INJURIES

In addition to those killed, at least 261 Palestinians, at least 67 of whom were children, were shot and seriously injured by live ammunition fired by Israeli soldiers in the West Bank between January 2011 and December 2013, according to OCHA data.

The UN Basic Principles of the Use of Force and Firearms require that all governments and law enforcement agencies establish effective reporting and review procedures for all incidents involving death and injury resulting from the use of force and firearms, and ensure that an effective review process is available and that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death and serious injury or other grave consequences, a detailed report must be sent promptly to the competent authorities responsible for administrative review and judicial control.<sup>55</sup> Persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial process.<sup>56</sup>

Unlike killings of unarmed Palestinian civilians in the West Bank, all of which must be investigated by the MPCID acting under the direction of the MAG Corps, following a change of Israeli policy implemented in April 2011, the MPCID do not investigate shootings of unarmed Palestinian civilians which result in non-fatal injuries, even serious injuries, unless the MAG Corps receives a formal complaint within 60 days of the shooting.

In many cases, Palestinians who receive injuries decline to submit formal complaints because they lack confidence in the investigation process, fear that submitting a complaint could lead the Israeli authorities to take retaliatory action against them (particularly if they were participating in illegal protests or stone-throwing at the time that they received their injury) or for other reasons. Palestinians who do wish to submit formal complaints also face serious obstacles; in particular, the offices of the MAG Corps at which such complaints can be received are hard for West Bank Palestinians to access as they are located either within Israel or within Israeli military bases located in the West Bank, which many Palestinians are afraid to approach. Consequently, Palestinian civilians who do submit complaints do so either through a lawyer, which can be costly, or through local human rights organizations, whose capacity to keep track of a large number of complaint cases is limited.

In several of the cases described below, unarmed Palestinian civilians sustained serious injuries as a result of being shot with live ammunition or other weapons by Israeli soldiers in circumstances which have not been investigated. Some were left with permanent or long-lasting disabilities. However, in all cases they have had no access to either justice or reparation.

**Mohammad Sa'id Ali Hassan Badan**, a 17-year-old student, sustained permanent injuries on 19 November 2012. He told Amnesty International that on that day he and around 500 other



*Mohammad Sa'id Ali Hassan Badan, 17, was disabled after being shot by Israeli soldiers after a demonstration on 19 November 2012. © Amnesty International*

students from Tuqu' boys' school started a protest against the Israeli military operation in Gaza, Operation "Pillar of Defense", at the time. The boys' sense of anger was further exacerbated that day after the death of a man from the village who had become ill while in Israeli detention.

*When I arrived, the clashes had already been taking place. The guys were on the sides of the road next to the school and the army on the ground in front of them with military jeeps in the back. There was about 100-150 metres between the guys, the rock-throwers and the army.*

*When I arrived tear gas was fired, and sound bombs were also thrown. The army targeted the kids with tear gas directly. They were shooting [the canisters] straight at us. At that time I was further away from the guys, standing to the back. And then the army pulled back. It was about 8am, and they fired tear gas while doing that. The*

*situation cooled down a little bit and the army was very far away, so we went down a little and stood to watch and see what the army was about to do.*

*Suddenly I felt sharp pain. A bullet had hit me from my left side. I heard the sound of two shots. One of them hit me.<sup>57</sup>*

Mohammad was taken to a hospital in Hebron where he was treated in intensive care for damage caused to his abdomen and bladder. He is now forced to use a wheelchair and cannot eat solids because of the injuries he sustained.

A video of the incident taken by a photographer working for the Palestinian Ma'an News Agency, shows soldiers initially responding to students who were throwing stones by firing tear gas and then withdrawing. Then, one of two soldiers standing on higher ground a short distance away is seen suddenly firing two live rounds of ammunition at the students; neither he nor other soldiers' lives appear to be under threat at the time of his firing. Immediately after the shots, the second soldier is seen running to his colleague and pushing him away.<sup>58</sup>

Mohammad Sa'id Ali Hassan Badan reported the incident to Israeli police in Etzion, but was frustrated by the approach taken by officers to whom he presented his testimony. He told Amnesty International:

*I was sent to the Israeli office, and I stayed there in interrogation until 6pm. When I had to enter the interrogation room... my grandfather had to pick me up from the wheelchair and put me on a chair in the room. There the interrogator did not allow my grandfather to enter and, when I was inside, he immediately accused me of throwing rocks, and what was supposed to be me giving testimony turned into an interrogation, and he accused me of throwing rocks and asked me to name other people I knew who threw rocks.<sup>59</sup>*

To date, to Amnesty International's knowledge, the soldier who shot and injured Mohammad Sa'id Ali Hassan Badan has not faced punishment or any disciplinary action.

Another Palestinian who suffered serious injuries was **Wasim Nidal Suliman Es'eed**, 25, an internet café manager and political activist. He told Amnesty International that he had participated each day in protests in Hebron against the Israeli military offensive in Gaza, Operation "Pillar of Defense", after it began on 14 November 2012, until he was shot and wounded on the fifth day of the eight-day conflict:

*On 19 November, the protest started in the morning, and as with all protests, it started peacefully. I joined at noon. At that time there was a lot of tear gas being fired as well as rubber-coated metal bullets and other metal bullets. I was alone and joined the protest, and took part in throwing rocks at the army which was firing weapons.*

*At around 4.30pm, I was behind the petrol station, and the army had started firing live bullets. I had run away from tear gas and I was shot at with live bullets.<sup>60</sup>*

As he tried to flee, he received a bullet wound to one leg and a second to the body. As a result, his bladder and intestines were damaged and he required treatment in intensive care in hospital.

Three months later, his brother **Wisam Nidal Suliman Es'eed**, an unemployed 17-year-old, was also injured when he joined in a protest with other Palestinians on 22 February 2013 to demand that Israel soldiers allow them access to a road in Hebron, Shuhada Street, which the army permits only Jewish settlers to use. He told Amnesty International that he was hurt at around 8.30pm as Israeli soldiers clashed with Palestinian protesters throwing stones:

*I was hiding behind a tree... I got scared that they were targeting me, and I knew they were firing live bullets, so I made a run for it. Just as I left my position a bullet hit me... Then as I was running another bullet hit my right foot, near the outer ankle. I was also hit with rubber bullets in my waist.<sup>61</sup>*

He said that the soldier who he believes was responsible for firing at him as he ran away did so from a distance of about 50 metres.

Amnesty International is not aware of any Israeli investigations into the separate incidents in which the two brothers were shot and injured by Israeli soldiers. Neither of the brothers complained to the Israeli authorities after they were shot and wounded; both told Amnesty International that they had no faith in the Israeli military justice system.

**Atta Mohammad Atta Musa Sabbah Sharaka**, 12, was seriously injured and rendered semi-paralysed when an Israeli soldier shot him with live ammunition on 20 May 2013 near his school in Jalazun refugee camp close to Ramallah. The day before in the school, one of his friends had thrown Atta's school bag over the school wall, towards the nearby Israeli settlement of Beit El, and into an area used by Israeli soldiers. He had been afraid of retrieving it but sought to do so the next day, after going into a shop and purchasing a soft drink. Then, as he walked along, he was shot. He told Amnesty International:

*I did not hear the bullet. There were other kids around; they were playing. There was no rock throwing. I saw the soldier after I got hit. I fell on the ground and then I saw more soldiers. I yelled for help so the kids came but they could not carry me. They called a young man and he took me. He put me in a car and took me to the al-Mustaqbal Hospital, but they transferred me immediately to Ramallah Hospital.<sup>62</sup>*

Atta Mohammad Atta Musa Sabbah Sharaka spent more than three months in hospital, and described his shooting to B'Tselem and other human rights organizations. No investigation into his shooting is known to have been opened by the MPCID. When Amnesty International interviewed him in September 2013, he said he had not been contacted by either the Israeli police or army.



*Soldiers watching while Israeli settlers attack Palestinians and their property in Qusra village, February 2013. © Private*

#### **SETTLER VIOLENCE AND EXCESSIVE FORCE BY THE ARMY**

Hundreds of Palestinians have been wounded during attacks by armed Jewish settlers on Palestinian homes, orchards and other property in recent years, sometimes in the presence of Israeli army soldiers who either stood by and failed to intervene or actively assisted the settlers. According to OCHA, 480 Palestinians, including 110 children, were injured as a result of settler violence in the West Bank between January 2011 and December 2013. In Qusra village, south of Nablus, for example, the village council has documented cases of settlers from Esh Kodesh and other nearby unlawful settlements and outposts carrying out dozens of violent attacks on the village and its inhabitants in recent years. According to OCHA, 14 Palestinians, including two children, were injured in settler attacks in the village between January 2011 and December 2013. These included attacks in which settlers carried guns and used live fire against Palestinians who sought to resist them.

On 10 January 2013, **Ammar Masamir**, 19, was shot when he and four of his cousins tried to prevent settlers from Esh Kodesh and other surrounding settlements from uprooting and destroying trees in Palestinian-owned orchards in Qusra. He told Amnesty International:

*As soon as I arrived I was hit by a bullet before I was able to do anything. There were maybe 30 metres between me and the settler who shot me... There were no soldiers when I arrived. When the bullet hit me... I fell, and the guys were not able to take me at first because there was a lot of shooting. I was hit in the upper right thigh from the front... My cousin and other guys eventually made it to me and carried me away towards the village centre.<sup>63</sup>*

Other villagers who were present when Ammar Masamir was shot said dozens of Israeli soldiers arrived soon after but failed to take any action against the settlers, although they were the aggressors; instead, the soldiers fired tear gas and rubber-coated bullets at the Palestinian villagers who had gathered to resist the settler violence.

The settler who shot and wounded Ammar Masamir did so with impunity. The Israeli authorities are not known to have carried out any investigation or taken any steps to identify him and bring him to justice.

The Qusra villagers have submitted dozens of complaints about settler attacks to the Israeli police, but without effective response, according to Abd al-Atheem Wadi, the head of the village council. He told Amnesty International:

*The attacks are imposed on us, and they do not stop. We do not demonstrate through marches or sit-ins, we go out to protect ourselves and our village. When an attack takes place, calls are made for people to go out and defend our fellow villagers, especially those on the margins of the village close to the settlements. We usually find the army on the hilltops watching while the settlers ravage through. When we start protesting, the army deals us a very heavy hand.<sup>64</sup>*

On 23 September 2011, Israeli soldiers shot dead Issam Badran, 37, during a protest by Qusra residents against settler attacks on Palestinian-owned land in the village. The MPCID opened an investigation following the killing but closed it on 5 February 2013 without revealing the findings or filing an indictment.

## 3.KILLINGS AND INJURIES RESULTING FROM OTHER WEAPONS

**“I want the army officer who shot the gas canister directly at me... to be tried.”**

We'am Burhum, 17, who was injured in the head from a tear gas canister fired by Israeli forces during a demonstration on 27 April 2012 in Kufr Qadum.

Several Palestinians have died in recent years and others have sustained serious injuries due



*Wa'em Burhum, 17, in March 2013. He suffered a serious head injury, after a tear gas canister fired by Israeli forces at close range hit him during a demonstration in Kufr Qadum in April 2012. © Amnesty International*

to the apparent misuse by Israeli forces of lethal force other than live firearms ammunition. The weapons used have included rubber-coated metal bullets, and “less lethal” means of crowd control, such as tear gas. In 2013, one demonstrator and one bystander were killed from rubber-coated metal bullets fired by Israeli forces. In December 2011, one Palestinian protester died as a result of being struck on the head by a tear gas canister that an Israeli soldier fired towards him at close range.

According to OCHA, at least 8,000 Palestinians were injured due to Israeli forces using weapons other than live ammunition between January 2011 and December 2013: of these at least 2,637 sustained injuries as a result of being hit with rubber-coated bullets; 503 were injured by being hit by tear gas canisters; 3,897 suffered injury due to tear gas inhalation and 90 due to the impact of a stun grenades; 680 received injuries due to physical assaults; and 35 were injured by shrapnel. At least 1,522 of those injured were children, according to the

OCHA data.

Amnesty International presents in this chapter details it has documented regarding three of the cases of killings and 11 of the cases of injuries.



*Bassem Tamimi, a human rights defender, holding rubber-coated bullets fired by Israeli forces after demonstrations in his village, Nabi Saleh. © Amnesty International*

Amnesty International considers the firing of rubber-coated metal bullets to be a type of lethal force and this should be prohibited unless fully consistent with the special provisions regarding lethal force with firearms set out in the UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials. Thus, if it is strictly unavoidable to protect life in self-defence or defence of others, fully trained firearms officers under proper regulation, monitoring and control may be permitted to use lethal force to the minimum extent necessary against the imminent threat of death or serious injury, but only when less extreme means are insufficient to achieve this objective.<sup>65</sup>

On 2 September 2003, an official Israeli commission of inquiry, the "Commission of Inquiry into the Clashes between the Trenches' Security and Israeli Citizens in October 2000", headed by Supreme Court Justice Theodore Or, also concluded that rubber-coated metal bullets are lethal weapons and recommended that they are

not used by security forces for policing demonstrations.<sup>66</sup> On 30 July 2013, two Israeli human rights organizations, the Association for Civil Rights in Israel (ACRI) and B'Tselem, called on the Israeli authorities to stop the use of rubber-coated metal bullets when policing demonstrations the OPT.<sup>67</sup> Yet despite the evident lethal danger of using rubber-coated metal bullets in policing demonstrations, and the repeated calls on the Israeli authorities to stop this practice, Israeli forces continue to fire rubber-coated metal bullets against protesters in the West Bank. Two Palestinian protesters were killed in the West Bank in 2013, and many others were injured, from Israeli forces' firing of rubber-coated metal bullets.

According to B'Tselem, the army's January 2012 open-fire regulations, as well as police orders, acknowledge the lethal potential of rubber-coated metal bullets but only restrict, rather than prohibit, their use. The regulations reportedly set a minimum firing range of 50 to 60 metres and require the soldier opening fire to do so from a stationary position and when there is clear visibility, and then to aim only at the legs of individuals who are identified as posing a risk to security forces or others. The regulations reportedly prohibit the use of the rubber-coated metal bullets against women and children in all circumstances. Since 2003, the Israeli government has prohibited the use of rubber-coated metal bullets within Israel and against Israelis unless they are posing an imminent danger to the security forces.<sup>68</sup>

Regarding the use of chemical irritants, according to B'Tselem, the Israeli police "Procedure on the Employment of Means for Maintaining Public Order" restricts the use of tear gas to

the purpose of dispersing “serious disturbances that endanger public safety”. In addition, the army’s January 2012 open-fire regulations prohibit firing tear gas indoors and in densely populated areas, hence the use of tear-gas launchers that fire salvos of grenades are also prohibited under such circumstances. The regulations also prohibit the firing of aluminium tear-gas canisters directly at demonstrators, according to B’Tselem.<sup>69</sup>

Neither the army nor other Israeli authorities have confirmed B’Tselem’s account of the army’s January 2012 open fire regulations or directly disclosed details of the regulations. The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials state that law enforcement authorities should “develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms”, including so-called “non-lethal incapacitating weapons for use in appropriate situations” but that their use should be carefully evaluated and restrained so as not to cause death or injury to persons through the use of arbitrary, abusive or excessive force. The Basic Principles also require that law enforcement officials are equipped with shields, helmets, bullet-proof vests and bullet-proof means of transportation, in order to decrease the need to use weapons of any kind.<sup>70</sup> In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials are required to avoid the use of force or, where that is not practicable, to restrict such force to the minimum extent necessary. Officials have a positive obligation to facilitate peaceful assemblies and actively protect those participating in them.<sup>71</sup>

“Less lethal” projectiles and their launchers are used by Israeli forces in the OPT for policing protests and these have resulted in serious injuries and even death. Israeli authorities officially designates such weapons as “non-lethal”, but, whether the projectiles are made from metal, plastic, foam, fabric, or a mixture of materials, these weapons tend to share a number of dangerous features. At close range, many “less lethal” projectiles can “kill or seriously injure”,<sup>72</sup> and unburned propellant may cause serious burns. Medical studies have shown the increased risk of death or serious injury if projectiles hit the head and upper body region. Even if penetration does not occur, other “significant injuries”, including “contusions to the heart and lung”, can occur.<sup>73</sup> Furthermore, some evidence suggests that women face a greater injury risk from rubber projectiles than men, particularly to the skull, eyes, brain, lungs, liver, and spleen, with children and teenagers also facing heightened risk.<sup>74</sup> One study suggested that, in order to avoid serious injuries to the chest of a female, the speed of rubber projectiles fired from launchers should be “well below” that of many such weapon systems that are already on the market.<sup>75</sup>

Moreover, the likelihood of projectiles causing unwarranted injuries is increased by the general inaccuracy and unreliability of most weapons currently on the market. A joint study by the Applied Research Laboratory, Pennsylvania State University and the Los Angeles Sherriff’s Department of a range of kinetic impact projectiles found that, in over half of cases, the dispersion at a range of 23 metres was more than 45 centimetres, that is, more than the width of the average man across the front and back.<sup>76</sup> This level of inaccuracy significantly increases the risk of hitting uninvolved individuals, or hitting the intended target in areas likely to cause death or serious injury. Such concerns are exacerbated if cartridge rounds contain multiple projectiles as independent studies have shown these types to be “particularly inaccurate”.<sup>77</sup> Issues around inaccuracy and unreliability can be further exacerbated by “skip firing” the rounds (bouncing or ricocheting rounds off the ground,

instead of shooting at individuals directly). Whilst this does not significantly reduce the velocity of the rounds, it does make the trajectory of the rounds even more unpredictable,<sup>78</sup> presenting additional dangers to officers and especially the general public.

Thus, the launching of “less lethal” projectiles or baton rounds made purely from rubber or plastic can result in deaths and serious injuries, and their deployment and use by law enforcement officials should be very strictly regulated in a manner similar to that of firearms. Such projectiles should never be fired or launched unless strictly necessary by fully trained firearms officers subject to effective regulation, monitoring and control in order to avoid the use of lethal force so as to protect life in self-defence or defence of others against the imminent threat of death or serious injury, and then only used in a manner likely to decrease the risk of unnecessary harm when less extreme means are insufficient to achieve this objective. Similarly, the firing or launching of chemical irritant cartridges and grenades deployed to disperse a crowd should never be aimed and fired directly at any individual in the crowd.

Furthermore, before using lethal or “less lethal” projectiles, law enforcement officials should be required to identify themselves as such and give a clear warning of their intent to use such weapons, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident. A system of monitoring reporting should be activated whenever law enforcement officials use such weapons in the performance of their duties.

Where hand-held batons are used, regular training and strict rules of use for law enforcement officers are also crucial in order to minimize unintentional injuries. This is particularly important because certain areas of the body are especially vulnerable to injury from baton strikes. Blows applied to the head, neck and throat, spine, lower back, and solar plexus could result in “significant injury with bruising and rupture of internal organs, including the heart, liver, spleen, or kidneys or a head injury”, whilst blows to bones and joints, including knees and ankles, can result in dislocation and fractures, as well as soft tissue injuries.<sup>79</sup>

### 3.1 KILLINGS

**Mahmoud Awad**, 26, died in hospital in Jerusalem on 28 November 2013 from wounds he received on 1 March 2013 when he was shot in the head by a rubber-coated metal bullet fired by an Israeli soldier during a demonstration near Qalandia military checkpoint.

Mahmoud Awad was at his uncle's restaurant, helping with its construction, when a clash developed at around 1pm between soldiers at a nearby army checkpoint and several dozen Palestinian protesters. The latter threw stones towards the soldiers who fired tear gas and rubber-coated metal bullets at them. This continued for over three hours. At about 4.15pm, Mahmoud Awad was standing on the rooftop of his uncle's restaurant with another person when he was struck in the back of the head by a rubber-coated bullet fired by an Israeli soldier. It is unclear whether he was simply observing the events as a bystander at the time of his shooting or participating in the stone-throwing or other protest action. An ambulance took him to the Palestine Medical Complex in Ramallah, from where he was transferred to Hadassah Hospital in Jerusalem. He died there almost nine months to the day after he



*Muhammad Asfur, 22, died on 7 March 2013 two weeks after he was hit in the head by a rubber-coated metal bullet fired by Israeli forces. © Private*

sustained his fatal injury. MAG Corps informed B'Tselem on 14 November 2013 that an investigation had been launched.<sup>80</sup>

**Muhammad Asfur**, 22, died in hospital on 7 March, 2013, two weeks after he was hit in the head by a rubber-coated metal bullet fired by an Israeli soldier during a protest in Aboud village, near Ramallah, where he lived.

Eyewitnesses to the shooting acknowledge that Muhammad Asfur was with a group of young men who were throwing stones in the direction of the soldiers

seeking to quell the protest, who were around 30-40 metres away when the fatal shot was fired. The protest had been called to express solidarity with Palestinian prisoners held by Israel, some of whom were on hunger strike, and took place following midday prayers. Marching Palestinian demonstrators were met by Israeli forces that entered the village and began to shoot tear gas and rubber-coated metal bullets at protesters. In response Palestinians began to throw stones at the Israeli forces, who continued to fire tear gas and rubber-coated metal bullets; it was one of the latter that hit Muhammad Asfur. No soldiers were hurt as a result of the stone-throwing – at least a subsequent army report of the incident, as cited by the *Jerusalem Post*, included no reference to any soldiers sustaining injuries.

Muti' Tayseer Mohammad Hussein, a plumber aged 25, told Amnesty International that he was present and only a few metres away from Muhammad Asfur when the latter sustained the wound that caused his death, although he did not realize initially that Muhammad Asfur had been shot:

*There were around seven soldiers standing around the electricity pole maybe 40 metres away from where Muhammad was standing. I was maybe five to seven metres away from Muhammad and could see him and the soldiers clearly. We, including Muhammad, were throwing rocks at them and they were firing tear gas and rubber-coated metal bullets. At some point there was a sound grenade also thrown in our direction. While they were firing rubber-coated metal bullets I saw Muhammad fall down, but I thought he was hiding. We were trying to run back and I saw that Muhammad did not move after he dropped, so I went with others to see him and found him wounded and bleeding from the head. I ran down to the house close to us and grabbed the keys of the owners' car and we took Muhammad in the car to the hospital in Salfit. There were no ambulances in the village at the time.<sup>81</sup>*

Muhammad Asfur's father, Samih Hussein Saleh Asfur, 54, a language teacher, received a

phone call alerting him to his son's injury and hurried to the hospital in Salfit, where he found him conscious. He told Amnesty International that his first impression was that his son was not dangerously injured but after doctors carried out scans the awful truth emerged:

*The doctors said that the bullet was still in his head and that we needed to take him to Rafidia [hospital in Nablus] to operate on him and remove it. They said it had reached the brain. During this time, Muhammad was getting worse and he started throwing up. In Rafidia, he entered the operation room immediately and when he came out [after an operation that lasted four and a half hours] he was unconscious.<sup>82</sup>*

After several days, doctors and the family arranged for Muhammad Asfur to be transferred to Tel Aviv Sourasky Medical Center, although it took several days for his relatives to obtain the necessary Israeli entry permits to enable them to visit him there. When they did so, they found him fevered and unconscious, as he remained until his death on 7 March. His father said he saw the bullet that doctors removed from Muhammad Asfur's head at Rafidia Hospital, describing it as "a metal marble coated with a thin layer of rubber".

Muhammad Asfur was not the only victim of shooting by Israeli soldiers during the 22 February protest in Aboud.

**Nijm al-Din Mahmoud Abed al-Majid**, 31, told Amnesty International that he had been present alongside Muhammad Asfur but did not see him being shot as by that time he had gone further into the village hoping to avoid the Israeli soldiers. However, as he stood in the main street he saw two soldiers coming towards him, one on each side of the street, one of whom shot him from about 30 metres away as he was about to turn and run.

*When they shot at me I was facing them. I was looking at them to see what they were doing but I was not carrying anything at all in my hands... It was a rubber-coated metal bullet with a screw tip. It hit the inside of my left knee. I saw it because it hit my leg and bounced off. The soldiers then picked up pace so that they could arrest me but I was yelling and some guys came to my help immediately and carried me away.<sup>83</sup>*

He required surgery and spent 13 days in hospital recovering from his wound.

On 8 March, the day after Muhammad Asfur's death, the *Jerusalem Post* reported that, according to the army, soldiers had "responded with riot dispersal means" on 22 February to a "violent and illegal demonstration" by scores of Palestinians who had thrown stones at security personnel.<sup>84</sup> The army said it had been unaware that Muhammad Asfur had been wounded until several days after his shooting, and had opened an investigation following his death. At the time of writing in February 2014 almost twelve months after the fatal shooting of Muhammad Asfur, the Israeli authorities have yet to disclose the findings of that investigation or the outcome of a complaint submitted by B'Tselem or any indication when the findings will be available. In the meantime, the family of Muhammad Asfur, who was in his fourth year as a physical education student at al-Quds University in Abu Dis, are left to grieve their loss and to question how and why it could be that a soldier could shoot their son when he was posing no serious threat to anyone's life or safety.

**Mustafa Tamimi**, 28, was killed by a tear gas canister fired at close range from an Israeli military jeep that hit him in the face on 9 December 2011 during a protest in Nabi Saleh. On



*Mustafa Tamimi, 28, after being hit in the face with a tear gas canister fired by an Israeli soldier from a military jeep at close range, December 2011. He died from his injuries the following day. © Haim Schwarczenberg*

that day Nabi Saleh residents were holding their weekly demonstration to protest the Israeli military occupation and illegal settlements. The peaceful demonstration was met with excessive use of force by Israeli forces. As the demonstration dispersed, a few young men began to throw stones. While an armoured military vehicle was moving away from the village, Mustafa Tamimi threw stones at it but his action was posing no serious threat to the lives of any soldiers or of others when a soldier fired a 40mm tear gas canister from a launcher through the open door in the rear of the army vehicle and hit Mustafa Tamimi, who was no more than a few metres away, directly in the face. The injury caused severe bleeding and Mustafa Tamimi was moved to Beilinson Hospital in Israel where he died the next day. The incident was captured by a sequence of photographs that show the moment of the shooting.<sup>85</sup>

After B'Tselem submitted a complaint to MPCID, an investigation was opened, only to be closed two years after on 5 December 2013 without an indictment being filed against the soldier who shot and killed Mustafa Tamimi. The MAG Corps said that a MPCID investigation collected testimonies from soldiers, examined photographs and video documentation of the incident, and received an "expert opinion" to reach the following conclusion:

*The shooting of the canister was done in accordance with the relevant rules and regulations, and did not involve any offence. As a result, the MAG decided to close the case without any disciplinary or criminal consequences to the IDF personnel involved.*<sup>86</sup>

The investigation did not seek testimonies from Palestinians, including witnesses. The MAG Corps said that “violent riots, which included throwing stones at MPCID investigators, repeatedly impeded the ability to perform a reconstruction at the scene of the incident.”

The unlawful killing of Mustafa Tamimi and the military investigations that followed show just how much members of the Israeli forces are allowed to commit crimes with absolute impunity. The lack of acknowledgement from the MAG Corps of any wrongdoing in the killing of Mustafa Tamimi sends a clear message to all Israeli forces who participate in policing demonstrations in the West Bank that they are free to misuse weapons causing deaths and injuries without being held to account.

**Bassem Abu Rahmeh**, 30, was killed by a high velocity tear gas canister fired by an Israeli soldier from close range that hit him in the chest on 17 April 2009. He was participating in a weekly peaceful protest against the fence/wall that divides the village of Bil'in from much of its agricultural lands. He was unarmed and posing no threat to soldiers or others when he was hit, as shown by video footage taken at the time. The Israeli military announced an investigation into his death in July 2010, more than a year after it occurred, following pressure from local human rights organizations. The MAG Corps closed the investigation in July 2013 citing lack of evidence.<sup>87</sup>

**Jawaher Abu Rahmeh**, 36, one of Bassem Abu Rameh's sisters, died on 1 January 2011 apparently as a result of inhaling tear gas that Israeli soldiers fired at demonstrators in Bil'in village.<sup>88</sup> A year later, the Israeli authorities announced an investigation into her death, following pressure from Israeli human rights groups, but they have yet to disclose its outcome.

**Mo'ayad Ghazawneh**, 35, died on 15 March 2013 apparently as a result of inhaling tear gas that Israeli soldiers fired during a protest near Qalandia on 22 February 2013. He worked as a taxi driver and was in his car when Israeli forces fired large quantities of tear gas at and around his car. He was moved to the Palestine Medical Complex in Ramallah where he remained until he died.

**Sa'id Jasir Ali**, 85, died on 2 January 2014 after inhaling tear gas that Israeli forces fired at his home in Kufr Qadum the previous day during a demonstration in the village. Amnesty International does not have further information on this case.

#### **USE OF EXCESSIVE FORCE AMOUNTING TO COLLECTIVE PUNISHMENT**

Israeli soldiers and Border Police frequently use excessive force against Palestinians and others who participate in the protests that are held on a weekly basis in villages most directly affected by the erection of the fence/wall and the presence of Jewish-only settlements in the West Bank, together with the road and other closures and the restrictions on their movement and other rights that are the daily experience of life for Palestinians living under Israeli military occupation.

In the village of Nabi Saleh, near Ramallah, for example, Israeli forces have repeatedly used both “less lethal” means, such as toxic chemical irritants (tear gas), stun grenades (sound bombs), pepper spray, maloderant (skunk) water canon spray, and hand-held batons against

largely peaceful demonstrators, and, on some occasions, lethal force, such as the gunfire of live ammunition and rubber-coated metal bullets. Their actions have, in recent years, caused the deaths of two protesters – Mustafa Tamimi, in December 2011, and Rushdie Tamimi, in November 2011 – and the wounding of hundreds of others.

The army's response to the protests also frequently impacts villagers who are uninvolved in the protests and seeking to pursue their everyday activities. According to local people, the army often fires large quantities of tear gas into residential areas of the village, causing people breathing difficulties and putting them at risk of suffocation, and, sometimes, house fires. Local residents also complain that they and children in the village face constant risks of serious injury and death due to Israeli forces' use of lethal force including rubber-coated metal bullets and live ammunition, and they point to extensive damage to vital water supplies due to bullets puncturing water tanks in the village. On several occasions Israeli forces have fired "skunk water" at homes, causing damage and leaving families with a sickening smell that remains for days afterwards. Firing tear gas at, or using "skunk water" on, Palestinian homes, cannot be justified as a "security measure" under any circumstances, and water tanks should never be targeted.

The Israeli authorities also frequently declare the area a closed military zone, particularly during demonstrations, and close roads into and out of the village, requiring residents and visitors to enter and leave the village via military checkpoints, where many complain that they are harassed by Israeli soldiers. The army maintains a military gate and a guarded watchtower overlooking the entrance to the village.

In response to a letter sent by Amnesty International Israel to the Israeli Defence Minister to express concern over the use of excessive force in Nabi Saleh sent in December 2013, the Israeli army responded on 20 January 2014 claiming that protests in Nabi Saleh are illegal since they do not have permission according to Military Order 101 and that the army has an obligation to disperse it. In the letter, the Israeli army said that according to an order from the military commander, which is valid for six months, but which can be renewed indefinitely, the village of Nabi Saleh is declared a closed military zone every Friday from 8am and until 7pm. The letter did not indicate specific dates.

The army frequently arrests local political activists and human rights defenders, and conducts night raids in the village, many times arresting children accused mostly of stone-throwing at Israeli troops.

The combined impact of the army's repressive and restrictive policies and practices in Nabi Saleh and other villages near illegal settlements or along the fence/wall appears to amount to collective punishment, whereby the population as a whole is penalized, including those who play no active part in the weekly demonstrations and other protests against Israeli rule. Collective punishment of the population of an occupied territory is prohibited under international humanitarian law, and when imposed constitutes a grave breach of that law. It is also a serious violation of international human rights law.

### 3.2 INJURIES TO PROTESTERS AND BYSTANDERS



*Osama Rami Yousef Hassan, 15, in March 2013. He was hit in the eye by a rubber-coated metal bullet fired by Israeli forces in February 2013. © Amnesty International*

**Osama Rami Yousef Hassan, 15,** sustained an injury to one eye when he was hit by a rubber-coated metal bullet fired by an Israeli soldier after Jewish settlers attacked Palestinian homes in Qusra village on 23 February 2013, leading to clashes when local people resisted the attack. He told Amnesty International that the Israeli soldiers who came in response to the violence took the side of the settlers and fired tear gas at the Palestinians, some of whom were throwing stones.<sup>89</sup> As the 15-year-old picked up some rocks to throw at the soldiers, one took aim at him and fired. The rubber-coated bullet did not hit him directly but ricocheted off a tree and a fence

before part of it struck him, causing him to fall to the ground. Local people took him to hospital. Osama Hassan had to miss school and stay at home for several months due to his injury, which caused serious damage to his eye.

Amnesty International is not aware of any investigation launched by the Israeli authorities into the injury of Osama Rami Yousef Hassan.

**Imad Abu Shamsiyeh, 43,** told Amnesty International that he and his 13-year-old son lost consciousness after inhaling tear gas that Israeli soldiers fired at peaceful protesters on 1 March 2013 in Hebron. They were demonstrating against the closure of Shuhada Street, a main thoroughfare, to Palestinians, and its reservation for exclusive use by Jewish settlers. He said:

*The protest began at about 12.30pm after the Friday midday prayers were over. We started walking from the mosque towards Shuhada Street. I had my son Awni with me, and we were peaceful, only walking with signs and singing slogans. There were a lot of soldiers around, and when we got close to them we lifted our arms up and some of us even lifted our shirts to show that we were peaceful. All of a sudden, when we were about 700 metres away from our entrance to [Shuhada] Street, the army started firing stun grenades at us and then immediately after they started firing a lot of tear gas. Some of us sat on the ground to stress that we were peaceful. But it was unbearable with the tear gas and the stun grenades, so I took my son and started walking back, but the soldiers who were on rooftops were also firing tear gas. I have never seen this quantity in my life. I was blinded and I lost consciousness and fell on the ground. I woke up in a car and found my son with me. He had also lost consciousness.*

*I always participate in protests calling for the opening of Shuhada Street. I myself suffer from this closure a lot. I can never reach my house by car and I always have to pass by checkpoints to reach or leave my house. I also see this as a demonstration to protest against the system of apartheid in Hebron, which favours the few right-wing settlers over us Palestinians and which allows them to carry out violent attacks against us freely. I have suffered a long time from settler attacks; I was even attacked by a settler when I was back from the protest that day.<sup>90</sup>*

**Mustafa Walid Saleh al-Absi**, 15, was hit in the face by a tear gas canister at around 2.30-3pm on 8 March 2013 while he was shopping in the Bab al-Zawiya area of Hebron, near where a protest was taking place. He told Amnesty International:

*After I bought some vegetables I stopped to watch what was happening. It was a protest in solidarity with [Palestinian] prisoners [held in Israel]. The army was shooting rubber-coated metal bullets and tear gas. I was standing far from the [protesters] and about 15 metres from the soldiers. Suddenly a tear gas canister... hit my shoulder and then my jaw ... When I woke up I found myself in the hospital. They told me that I had to undergo an operation to reconstruct my jaw because it was shattered.<sup>91</sup>*

Amnesty International is not aware of any investigation launched by the Israeli authorities into the injury of Mustafa Walid Saleh al-Absi.

**We'am Walid Kamel Burhum**, 17, told Amnesty International that he sustained serious head injuries when an Israeli soldier fired a tear gas canister directly at him from close range during a demonstration on 27 April 2012 in Kufr Qadum, a village in the northern West Bank:

*There was a demonstration against the closing of the road and the settlements near our village after midday prayer [on Friday]... We gathered at the start of the demonstration near the mosque and started walking... Eight soldiers came out from hidden positions from both sides of the road, four on each side. They were about 10-15 metres away from where I was. One of the soldiers who came out from the left side of the road got down on one knee and pointed the tear gas canister launcher directly at me and fired. The aluminium canister hit me directly on the left side of my head.<sup>92</sup>*

We'am Burhum was rushed to hospital and required an emergency operation. He was later transferred to a Jordanian hospital for specialized treatment. He was unable to speak for three months due to his injuries.

We'am Burhum submitted a complaint to MPCID through B'Tselem and was then summoned to give a testimony in Ma'ale Adumim police station. He was frustrated by his treatment and said that Israeli investigators were more interested in questioning him about the presence and identity of Palestinian stone-throwers at the time that he was wounded than about the actions of the Border Police officer who fired the tear gas canister that struck him:

*Instead of asking about what happened to me and my situation they asked about the guys who throw rocks and interrogated me about my participation in the demonstration...*

*I want accountability. I want the officer who shot the gas canister directly at me – he was from the Border Police, but I did not see his face because he was wearing a helmet and a mask – I want him to be tried.”<sup>93</sup>*

He said he was not aware of any disciplinary action or other sanctions by the Israeli authorities against the Border Police officer who caused his injury.

In other cases, Israeli soldiers and police have injured Palestinians by beating them with batons or setting dogs on them when dispersing demonstrations. For example, on 13 January 2013, Israeli police allegedly resorted to unnecessary and excessive force, including beating and kicking, to disperse some 130 Palestinians who had gathered at a protest camp opposite the Israeli settlement of Ma’ale Adumim, east of Jerusalem, to peacefully express their opposition to settlements. One protester, who preferred to remain anonymous, told Amnesty International the next day:

*I feel my body is one large bruise. They beat me hard... We did not resist the eviction, but we did not co-operate either. The soldiers began to remove us one by one. They kicked us to separate us... I was repeatedly kicked so hard on my left leg that I felt it had broken. Three soldiers dragged me away, and when I was out of the journalists’ sight they started beating me with their elbows and kicking me on the back and then threw me on some rocks. Two of the soldiers kicked me while I was on the ground.”<sup>94</sup>*

**Hazem Abu Hilal**, 29, told Amnesty International that several Israeli soldiers surrounded him, beat him with their guns and kicked him at a peaceful protest march in the village of Hizma, near a checkpoint north of East Jerusalem, on the afternoon of 9 March 2013. He said soldiers, including some in anti-riot gear, attacked the protesters by firing sound bombs and tear gas and beating them. They used a megaphone to tell them the demonstration was illegal and order them to disperse. He said:

*We tried to talk to them and explain what we were doing ... but they were yelling through the megaphone that we should leave the place and that it was an illegal protest that should immediately disperse. They announced this after the beating and the sound bombs. They hit me with rifle butts on my stomach and back. At one point I was surrounded by five soldiers who were all beating me with their guns and kicking me with their legs. They fired over 20 sound bombs and violently attacked girls. One girl holding a sign with a slogan against apartheid was hit hard.”<sup>95</sup>*

Amnesty International is not aware of any complaints by Palestinians demonstrators being submitted or any investigation being opened by the Israeli authorities into the incident.

**Abed al-Rahim Barbar**, 14, told Amnesty International that he was singled out for assault by police and soldiers when he participated in a demonstration on 28 February, 2013, in Jerusalem's Old City:



*Abed al-Rahim Barbar, 14, assaulted by Israeli forces when participating in a demonstration in February 2013. © Amnesty International*

*I was holding a Fatah flag and I saw a policeman point me out to other officers. I was worried they wanted to arrest me so I left the group but then two policemen started chasing after me so I ran away but I was caught by two soldiers. One of them held me and the other hit me with his rifle on my forehead so I lost consciousness. Some people came and put water on me so I woke up.<sup>96</sup>*

Amnesty International is not aware of any investigation that was opened by the Israeli authorities into the incident.

**Bilal Fathi Abd al-Halim Jum'a**, 24, was beaten on his head with stones when he attended a peaceful protest on 1 March 2013 in Kufr Qadum, according to a member of the village council, who told Amnesty International that he witnessed what occurred:

*Bilal Jum'a, along with a group of people from the village, went on a peaceful march in protest at the closure of the road which gives the population access to the main road to Nablus. When they found themselves facing a large group of the army, the demonstrators were surprised when the army fired tear gas and smoke bombs without warning. The smoke bombs separated the army from the marchers. We saw the army withdraw about 100 metres back.*

*We then were surprised by about 12 soldiers who were hiding and came to attack the demonstration. They started beating Bilal with stones on his head.<sup>97</sup>*

Amnesty International is not aware of any investigation by the Israeli authorities into the incident.



*Bilal Jum'a being beaten by a soldier in a peaceful protest in Kufr Qadum, March 2013. © Private*

**M. D.**, 17, was still in a hospital bed in Ramallah when he told Amnesty International how he had been injured on the afternoon of 8 March 2013 during a demonstration near the Israeli military checkpoint close to Shu'fat refugee camp.

He had joined in stone-throwing with about 30 other young Palestinians but became cornered between the main body of Israeli soldiers and plain-clothes members of the Border Police – referred to by many Palestinians as the *musta'ribin*<sup>98</sup> – who had arrived to assist them:

*I was trapped; the army was in front of me, about 15 metres away, and the musta'ribin were behind me, around five metres away. It was already night-time and I was very scared... I had space to run away, so I did... but the army had followed me and... as I was climbing on a fence, they fired two sound bombs at me which hit me directly.*

*I fell but my leg was trapped on the wire... My leg was broken, maybe from the bombs... I was crying from pain. After I was sure there were no soldiers around me, I called my father and told him where I was.<sup>99</sup>*

Amnesty International is not aware of any complaints submitted by the victim or any investigation that was opened by the Israeli authorities.

**Ahmad Shakir Mahmoud Shatiwi**, 22, a Palestinian police officer, told Amnesty International that Israeli soldiers set a dog on him in Kufr Qadum as he participated in a peaceful protest march from Kufr Qadum towards the Kadumim settlement on 16 March 2013:

*At the end of the village we found a large group of the army. We were not carrying any weapons or even stones.*

*They set a dog on me. Why? The dog grabbed my left foot. When I hit it, it grabbed my right hand... The dog dragged me while the army was watching. The soldier in charge of the dog did not make any attempt to rescue me.*<sup>100</sup>

According to *Haaretz*, following this incident the army opened an investigation after which it decided to stop the use of dogs in policing demonstrations.<sup>101</sup> Amnesty International is not aware of any criminal investigation being opened by the Israeli authorities into this incident.

**Muhammad Amin al-Bayed**, 50, told Amnesty International that he suffered a broken jaw when an Israeli soldier fired a tear gas canister directly at him from close range on 22 March, 2013. At the time, he was participating in a protest called by the Hebron Defense Committee to demand the opening of the road running between Hebron and Fawwar refugee camp for use by Palestinians who, due to its closure, are required to make a seven-kilometre diversion. As he and others gathered after Friday prayers, and began demonstrating more than 100 metres away from the military gate closing the road, he saw three Israeli soldiers standing about 25 metres away. He said:

*[One of them] pointed his launcher towards us and fired. The tear gas canister hit me straight in the face, in the right side. There was no warning or anything. He just shot straight at me.*<sup>102</sup>

A Palestinian Red Crescent Society ambulance transferred Muhammad al-Bayed to Al-Ahli Hospital in Hebron. The tear gas canister had broken his jaw bone and torn nerves in his face, and caused significant blood loss. He remained at the hospital for five days and subsequently filed a complaint with the Israeli authorities through B'Tselem. However, when the Israeli District Coordination Office (DCO) asked him to attend to discuss his complaint, he was afraid and refused to do so. He requested to submit his information through the PA police but this was not accepted and he heard no more.

#### DECADES OF TEAR GAS MISUSE

Various types of toxic chemical irritants, commonly known as tear gas, and their delivery systems or launchers are used by law enforcement agencies in many countries as a means of riot control to disperse violent gatherings that pose a threat to law and order. Toxic chemical irritants are often described as “non-lethal” but in fact can have lethal effects so are better described as “less lethal” weapons. Serious and unwarranted injuries can also result from the use of toxic chemical irritants. The irritants rapidly produce “disabling physical effects” through sensory irritation of the eyes and upper respiratory tract which are supposed to

usually disappear within a relatively short time. Physical effects of chemical irritants can include tearing of the eyes, breathing difficulties, coughing, choking sensations, chemical burns, vomiting, suffocation, severe allergic reaction and blistering of the skin depending on the chemical mixtures and concentrations.

Thus, toxic chemical irritants should not be used in very high concentrations. Such weapons can have indiscriminate effects when sprayed or fired in canisters over a wide area and can cause panic leading to stampeding so should not be used where people are confined in an area. There are certain contexts in which such weapons should never be used. These include as a means of dispersing a peaceful assembly, where there are older people, children or others who may have difficulty in moving away to avoid the chemicals, or in confined spaces including buildings, vehicles and sports stadiums where exits and ventilation points are restricted.

Such weapons should only ever be used in extreme circumstances when it is strictly unavoidable in order to protect life in self-defence or defence of others against the imminent threat of death or serious injury and only when less extreme means are insufficient to achieve these objectives and, moreover, only to the minimum extent necessary by fully trained firearms officers under strict regulation, monitoring and control. Furthermore, if chemical irritant cartridges and grenades are deployed to disperse participants in a crowd who are posing an imminent risk of serious injury the chemical irritant projectiles should never be launched in a manner likely to increase the risk of unnecessary harm to individuals. In any case, such weapons should not be designed or used in any ways that can cause serious or unwarranted injuries or death (such as when cartridges are fired from too close range, or directly aimed at people or if inhalation of chemical mixtures would cause serious burns or life-threatening suffocation). When used inappropriately, including in enclosed areas or on unarmed protesters who are simply exercising their rights to freedom of expression and assembly, deploying tear gas can constitute a serious human rights violation.

Amnesty International and other human rights organizations have documented and advocated against the Israeli forces' widespread and persistent misuse of tear gas in a manner that violates human rights. According to Amnesty International's research, Israeli forces have continuously and consistently misused tear gas in deliberate and reckless ways leading to the killing, injuring, and damaging of property in the OPT since 1988. In particular, Israeli forces have used tear gas excessively against protesters, many times in closed areas and close to residential homes; they have fired the tear gas from close distance and frequently in a manner that, as evidence shows, directly targets Palestinians and/or their properties with arbitrary uses of force.

According to official trade data, many of the chemical irritants, tear gas cartridges and grenades (canisters) and launching devices used for tear gas deployments have been supplied to Israel from the USA with US government approval. Many examples of spent cartridge cases and grenades fired by the IDF and collected in the field bear US manufacturers' markings. For example, US suppliers provided Israel with 40mm aluminium tear gas canisters, launched from a weapon singly or from a six-round launcher.<sup>103</sup> Israeli forces have frequently fired such canisters in excess and many times directly at protesters and/or their properties. The Israeli forces' misuse of such weapons has resulted in deaths, serious injuries and damage to property. Mustafa Tamimi was killed when a US type of canister was fired at his

head by a member of the Israeli forces from a close distance. Another type of 40mm long-range tear gas canister supplied from the USA<sup>104</sup> was reportedly what struck and killed Bassem Abu Rahmeh in 2009 (see case above). Tristan Anderson, a US solidarity activist, was critically injured in the head when a similar type of canister was fired by a member of the Israeli forces at his head. According to *Haaretz*, this type of long-range ammunition was banned from use and stocks removed after it led to the death of Bassem Abu Rahmeh. The newspaper reported that its use was documented again in July 2010 in Nabi Saleh, also leading to injuries.

The USA has also reportedly supplied a multi-shot weapon system to fire tear gas grenades that is usually mounted on Israeli military vehicles, and which has been used by Israeli forces to fire excessive amounts of tear gas in closed residential areas. In addition, the US has apparently supplied Israeli forces with stun grenades and other projectiles.<sup>105</sup>

To fire tear gas canisters Israeli forces have used a 40mm launcher mounted on assault rifles, which has reportedly been supplied by a US-based company.<sup>106</sup>

### 3.3 INJURIES TO JOURNALISTS, HUMAN RIGHTS DEFENDERS AND MEDICS

Journalists, human rights activists and medics present to report on the protests, document abuses or treat the wounded have also been injured on many occasions as a result of Israeli soldiers' use of excessive force. In some cases, they appear to have been directly targeted.

#### JOURNALISTS

Amnesty International has documented the following cases of journalists who have been injured.

**Mohammad al-Azzah**, 23, a freelance journalist and photographer, was shot in the face with a rubber-coated metal bullet by an Israeli soldier after he had been photographing troops firing at Palestinian youths throwing stones on the evening of 8 April 2013. He told Amnesty International that soldiers and Border Police had seen him taking photographs from the balcony of the Lajee Center in Aida refugee camp as they fired at the refugee camp, from where children and youths were throwing stones.

*It was clear to the Border Police that I was taking pictures. After a few minutes, army soldiers came down from the gate. There were eight or 10 of them. They had guns with live ammunition and tear gas launchers, and they started firing towards the camp. They passed by me and saw me taking pictures. Then one soldier came back to me and told me to go home. I said that I was only taking pictures; I was doing no harm or posing any danger. The commander came and took the soldier away. The commander... was talking to the soldiers and pointing at me. He also made phone calls. I got a little bit worried and went inside, but I kept the door open and continued to take pictures. The commander, who was 10 metres away from me, was still pointing at me and making calls. Then I saw him shooting rubber bullets, one bullet at a time, sniping, towards the camp. He would shoot a bullet every one to three minutes.*

*It was about 7.20pm, getting dark, but I continued to take pictures, especially of the commander, and the four soldiers around him now, who were always laughing. The*

*commander called one of the soldiers. I decided to stop photographing and go home. I closed the window, then came back to close the door, and one soldier shot directly at me. I saw the shot leave his gun... The bullet hit me in the right of the face and penetrated inside. I screamed, and my colleague, who was also working late, came running to me. He took me down the stairs and called an ambulance and then tried to call someone to get a car. When he opened the door to take me out, the soldiers shot at the door. He yelled at the soldiers that they had killed me, and then decided to take me through. We ran out of the building and continued for 150 metres. Then a neighbour came and took me to al-Hussein hospital.<sup>107</sup>*

Mohammad al-Azzah was quickly transferred to the Arab Society for Rehabilitation hospital in Bethlehem and had the first of two operations an hour after his arrival. Doctors removed a "cylinder rubber-coated metal bullet" that was lodged in his face and undertook reconstructive surgery. He spent 17 days in hospital. The day after he went home, Israeli soldiers raided his house. He told Amnesty International:

*They blew up the door of my house and entered by force and got everyone out of the house. They were looking for me, but I was at my uncle's house. They asked about me and my mother said that I was still at the hospital. They searched the house and then left after they gave my father and brother summons to go to an interview with the Shabak.<sup>108</sup>*

*I stayed for two months sleeping in places of relatives and friends, but not going home. I was not scared of arrest, because I knew I had not done anything, but I was still suffering from the injury and needed treatment. After two months I decided to go home for one night, and that is when they came to arrest me. It was about 1am.*

*This time they searched all the houses of our family: my grandfather's house, my uncle's house, and everyone around. They beat my uncle and my cousins. One uncle, who is a US citizen, was trying to tell them that he is a US citizen, but they also beat him hard. After an hour of searching they found me, they took me in my shorts, and dragged me to the military base next to Rachel's Tomb.*

*They found me in the bedroom, and they beat me, including on my injury, when they found me. They beat me with their hands and rifle butts. They handcuffed me to the back with plastic bands and dragged me violently to the military base. They beat me on the way while I was also blindfolded.*

*In the military base they stopped the beating and took off the blindfold. They took me to Etzion and a doctor came to see me and I told him about my injury. I spent two days there and then I was transferred to Ofer where I was interrogated. They asked me about my work, the pictures I take, the people I take pictures of. They asked for the pictures I had taken but I refused to hand them over.*

*I was done with the questioning in Ofer at around 8pm. I thought they were taking me back to Atzion but they took me to a hospital [Sha'arei Tzedek] in Jerusalem. I waited there until 12am. I was cuffed with metal chains on my hands and legs. A doctor examined me and then they took me back to Ofer. I was put in a small cell, three metres*

*by three metres, with a small toilet and cameras inside.*

*The next day I was presented to court, with charges that had to do with incitement. The military judge ruled that I was innocent. The military prosecution appealed but the judge agreed to let me go with 1,500 shekels bail.*

Mohammad al-Azzah said he had instructed a lawyer to initiate a civil court action for damages against the soldier who shot and injured him. As far as Amnesty International is aware, the Israeli authorities have not investigated the shooting of Mohammad al-Azzah or taken any measures against the soldier who shot him.

**Mu'ath Mishal**, 28, is a cameraman for the Turkish news agency, Anadolu Agency. He told Amnesty International that he is assigned to cover demonstrations in the West Bank including the weekly ones in villages such as Nabi Saleh and Kufr Qadum, and is frequently targeted with violence by Israeli forces. In recent incidents, he said that he had been hit with a rubber-coated metal bullet while reporting on the demonstration in Nabi Saleh on 27 December 2013 and that, a few days later, a tear gas canister was fired directly at his face and missed him by a very short distance. The incidents were captured on his camera.<sup>109</sup> He told Amnesty international:

*I was covering the demonstration in Nabi Saleh on 27 December which celebrating Christmas. As always I wear a protective vest with 'Press' written on it, and I am of course always holding a camera. At one point the 'skunk water' truck came into the village and began spraying the houses, at the windows, and the cars. Some women from the village tried to stop the 'skunk water' truck by standing in front of it. At one point I was filming an activist protesting and a soldier shot a barrel of rubber-coated metal bullets at her leg from a very short distance. I was standing just a few metres away, and one bullet hit me under my left knee, and another hit my colleague Abbas Momani in the leg. I was given treatment by medics on the spot.*

*The second time, I was targeted directly with a tear gas canister, and it is captured on my camera. The canister missed my face by just a few millimetres. That was in Kufr Qadum, and I was covering the funeral of a man who was killed by tear gas while he was inside his home. The residents of the village went on a demonstration after the funeral. About 4-4.30 pm I was positioned in a place away from the protesters. I was holding my camera and I was wearing my protective press vest; it was very clear that I was a journalist. There were a number of soldiers who were 20 to 25 metres away from me. One of them stepped out; he was holding a tear gas launcher and, as you can see in the video, he pointed at me and the other journalists who were standing in that spot and shot directly towards my head. The canister just missed me and I ran away.<sup>110</sup>*

Amnesty International is not aware of any investigation being opened by the Israeli authorities into the incident.

In addition to the cases documented by Amnesty International, incidents in which journalists reporting on demonstrations in the West Bank have been injured by Israeli soldiers, including cases in which they appear to have been specifically targeted, have been reported by a

number of groups that advocate for the freedom and protection of press.

In late October 2013, the International Federation of Journalists (IFJ) condemned what it described as “the deliberate targeting of Palestinian journalists by Israeli troops” as they sought to report on clashes between soldiers and protesters, including on 22 October 2013 in Bil'in, where Israeli soldiers attacked **Ayser Barghouti** and **Amjad Shuman**, two Wattan TV journalists, with rubber-coated bullets and sound grenades.<sup>111</sup> One rubber-coated bullet struck Amjad Shuman in the head; he was rushed to the Palestine Medical Complex in Ramallah for treatment and survived.

Another international NGO, the Committee to Protect Journalists, expressed concern in December 2013 that “Israeli forces continued sporadic attacks on Palestinian journalists covering anti-settlement demonstrations in the West Bank and East Jerusalem”. As well as citing attacks on 8 April 2013, when Israeli forces

shot journalist Mohammad al-Azzah in the face with a rubber-coated metal bullet in Aida refugee camp (see case above), it referred to a case in which Israeli forces fired rubber-coated metal bullets and threw stun grenades at journalists reporting on a protest at Qalandia checkpoint on 29 November 2013.<sup>112</sup>

In the first half of 2013, the Ramallah-based Palestinian Centre for Development and Media Freedom (MADA) said it had documented 43 cases in which Israeli forces were alleged to have attacked journalists in the OPT.<sup>113</sup> In one case, a soldier shot photojournalist **Jihad al-Qadi** with live ammunition as he took pictures at a demonstration beside the Ofer military complex in Ramallah on 1 March.<sup>114</sup> Jihad al-Qadi was struck in the chest by the bullet, which then exited through his back, causing him serious injury. MADA also reported that two journalists working for Palestine TV, **Ahmad Shawar** and **Bashar Nazzal**, were reported to have been kicked and assaulted by Israeli soldiers who arrested them on 21 June 2013 as they were covering the weekly demonstration against Israeli occupation held in Kufr Qadum village near Nablus.<sup>115</sup> Both



*Israeli army spray residential area in Nabi Saleh with "skunk" water, March 2013. © Haim Schwarczenberg*

journalists were later released on bail. In addition, MADA reported that Israeli soldiers attacked journalists who were present to report on a demonstration in East Jerusalem on 24 September 2013, beating some of them with batons, spraying them with “skunk water” and damaging their equipment.<sup>116</sup>

The Tel Aviv-based Foreign Press Association (FPA), which assists international journalists covering events in Israel and the OPT, has also repeatedly complained to the Israeli authorities about “inappropriate” violence by Israeli soldiers against journalists during

demonstrations in the West Bank, and about the failure of the authorities to investigate specific cases that the FPA has brought to their attention. The FPA reported a number of attacks by soldiers on journalists in 2013, including physical assaults such as at Bab al-Shams protest camp in Jerusalem on 15 January; the throwing of stun grenades at reporters, such as at Hizma near Jerusalem on 9 March and at a demonstration near Qalandia on 30 March; the firing of a tear gas canister directly at a female journalist on 4 July at a demonstration near Ramallah, causing her to sustain burns to her legs; and an incident on 29 November, when Israeli soldiers attacked a group of photojournalists – clearly identifiable by their press vests – from behind, using stun grenades, as they left the site of a demonstration near Qalandia military checkpoint, and a rubber-coated bullet fired by an Israeli soldier hit the camera of one of the photojournalists.<sup>117</sup>

#### **REPEATED ATTACKS ON AL-QUDS UNIVERSITY STUDENTS AND STAFF**

Students and staff at the Abu Dis campus of al-Quds University, a higher education institution in the West Bank, have come under repeated attack by Israeli forces using tear gas and rubber-coated metal bullets. Israeli forces in military vehicles make frequent incursions to the area of the university to conduct search-and-arrest operations, or for the construction of the fence/wall, and on one occasion for the demolition of a house,<sup>118</sup> or as a form of harassment leading to clashes with local youths and others who throw stones at them or in their direction, and to which they respond generally by firing tear gas and rubber-coated bullets.

According to the Human Rights Clinic at al-Quds University, Israeli forces made at least 12 incursions into and around the university campus during the period from 2 September 2013, when the first term of the academic year started, to 31 December 2013, frequently firing tear gas and rubber-coated bullets at students and staff while they were in the university. During this period 420 students and staff received medical treatment from the Palestinian Red Crescent Society for injuries they sustained as a result of the Israeli forces' actions; 408 required treatment for asphyxiation from tear gas and 12 for injuries from rubber-coated metal bullets.

An Amnesty International researcher witnessed one such incursion on the afternoon of 22 September 2013, during which four Israeli soldiers emerged from a military vehicle and began firing rubber-coated bullets into the university campus, apparently unprovoked. Within a few minutes, a group of young people gathered and began to throw stones towards the soldiers, who continued to fire rubber-coated bullets and also fired tear gas including at bystanders who were not participating in the rock throwing. One soldier threw a sound grenade while others fired rubber-coated metal bullets.

A more recent attack took place on 22 January 2014, when Israeli forces fired tear gas and rubber-coated metal bullets into the university before entering the campus and continuing to shoot at students and staff injuring many and damaging university property. According to the Palestinian Red Crescent Society, medical care was given to 430 students and staff on site and in nearby clinics; 410 of the injured were treated for the asphyxiating effect of tear gas and the 20 others for injuries from rubber-coated metal bullets.

## HUMAN RIGHTS DEFENDERS

Israeli forces have regularly injured Palestinian activists who carry out video and other documentation during demonstrations and report on abuses. This pattern of apparently targeted abuse is common in villages such as Nabi Saleh where there are weekly peaceful demonstrations.

**Manal Tamimi**, 40, is a member of the Popular Struggle Coordination Committee and works to promote human rights in villages where weekly demonstrations against the Israeli military occupation are held. She is also active in her village of Nabi Saleh and involved in reporting about the weekly demonstrations there. She said that on 27 December 2013 she was shot with four rubber-coated metal bullets in her legs by a Border Police officer standing at a distance of about one metre from her.



*Manal Tamimi standing in front of Israeli forces during a weekly protest in May 2013. © Tamimi Press*

She told Amnesty International:

*We organized a small and short demonstration that day because we were worried that the army violence would ruin the celebrations we were preparing to receive Sa'id Tamimi, who we were expecting Israel to release very shortly. We did a small peaceful demonstration in the spirit of Christmas; children were dressed up in Santa Claus hats and masks. They immediately started firing fire tear gas canisters at us – they fired a lot of tear gas – and at one point vehicles with tear gas launchers, which can fire more than 60 at a*

*time, entered and fired in between the houses. I went to Sa'id Tamimi's house to help his mother, along with others from the village, with preparations, at that point two Border Police jeeps and the 'skunk water' truck drove into the village and came straight towards us. The 'skunk water' truck started spraying the houses around it, specifically targeting the house of Bassem and Nariman Tamimi and that of Sa'id. The truck sprayed people on the street directly. I saw it targeted Orsolla Tamimi, who was lifted into the air and thrown on the ground by the power of the water. She was severely bruised.*

*The 'skunk water' truck was followed by two Border Police jeeps with soldiers on the ground as well who were firing tear gas all around, pushing people around, and throwing sound grenades. Nariman and I went out to them to protest this arbitrary and extreme violence. We were also worried that they would fire tear gas towards Sa'id's house; his old mother was inside and she would have suffocated.*

*We approached two soldiers who were standing next to their jeep and at the moment when I got close to them, maybe just a metre away, one of the soldiers fired a bunch of*



*Bilal Tamimi being assaulted by a member of the Israeli forces at a protest in Nabi Saleh in May 2013. © Tamimi Press*

*rubber-coated metal bullets that came out from a barrel mounted on his gun. Four hit me, two in my left knee and another two on my right ankle. Others bounced off and hit others, including two journalists.*

*I fell and Nariman helped me. I was taken away and given first aid. I was then taken to the hospital in Ramallah in an ambulance where I received more treatment. I was lucky to be wearing leather boots that day. My ankle injury is not very*

*bad, but my knee was really damaged and it is very painful. I went home that night.”<sup>119</sup>*

**Bilal Tamimi**, 47, is Manal's husband and a member of the Popular Resistance Committee in Nabi Saleh; he carries out video documentation during every demonstration. Although he wears a distinguishable vest and is obviously carrying a camera Israeli forces frequently attack him using stun grenades, and sometimes tear gas or rubber-coated metal bullets. He told Amnesty International that on the day his wife was injured he was physically assaulted and Israeli forces threw sound grenades directly at him a number of times:

*I was injured on 10 May when a soldier fired a rubber-coated metal bullet directly at me. A week later, I was directly targeted with a tear gas canister fired by Israeli forces; I escaped a direct hit but was severely affected by the chemicals. Throughout 2013 I was physically assaulted a number of times – I think at least three. They always try to beat me and take or destroy my camera. One time I was sprayed with pepper spray.<sup>120</sup>*

Bilal and Manal told Amnesty International that they and their children had been attacked numerous times since the weekly demonstration began to take place in the village in 2009. They told Amnesty international that their house had been hit at least 10 times with tear gas canisters or “skunk water”, many times damaging the water tanks and causing water to leak out of them or breaking solar water heating panels.

Manal Tamimi said:

*Many times they fired tear gas into the houses. One time they fired 60 something canisters at the house; that was in 2011... When this happens, everyone in the house gets affected, and it is really bad for the children; we once brought specialized psychiatrists to work with them.*

She said that Israeli forces raided her family's house four times between 2011 and 2012. She told Amnesty International what she witnessed on 12 January 2011:

*A large number of Israeli soldiers raided the house at around 2am. A few of them entered inside and demanded the ID cards of my children and that they be woken up so that they could take pictures of them. Then they went to other houses and did the same.*

*On 10 June 2011 they raided the house and arrested my son Osama; he was 14 at the time. He was kept for a few hours and then released without charge. On 26 February 2012, around 15 soldiers raided the house and demanded that we wake up the children. They then ordered us to remain in the kitchen and they searched the house and then left. The last time was on 9 April 2012, when again a number of soldiers raided and searched the house at night.<sup>121</sup>*

On 22 April 2011, Manal and Bilal's son Mohammad, 14, was injured when a tear gas canister hit him directly in the waist. He suffered from internal bleeding and damage to the liver and kidney. Manal Tamimi recalls:

*The scariest moment for me was when Mohammad was in a very critical condition. I was scared I had lost him, but thank God he got his good health back.<sup>122</sup>*

Manal and Bilal have never submitted complaints regarding the violations they face. Manal said:

*Look at what happened in the case of Mustafa Tamimi. They killed him and no one was held accountable. We do not trust a justice system that is found in the same military occupation that inflicts all this injustice.*

Other human rights defenders in other areas where weekly or regular protests are held face the same pattern of abuse. Recently, on 27 November **Abu Ahmad**, a B'Tselem volunteer who carries out video documentation of violations by Israeli forces in his village of Beit Ummar, near Hebron, was hit in the chest by a tear gas canister fired by Israeli forces. He was shot while he was recording Israeli forces firing tear gas at protesters in the village; the incident was captured on his video camera. Amnesty International has examined the footage, which appears to indicate that Abu Ahmad was directly targeted with the tear gas canister.<sup>123</sup>

B'Tselem sent the footage to the MAG Corps and requested an investigation into the shooting. Amnesty International is not aware of any response received by B'Tselem from the MAG Corps or that the latter ordered any investigation into the incident.

Earlier in the year, on 19 July 2013, B'Tselem spokesperson **Sarit Michaeli** was injured in the leg from a rubber bullet shot at her by a Border Policeman from a range of around 20 metres while she was filming a demonstration in Nabi Salah. Sarit Michaeli was evacuated to hospital, where she required surgery.

B'Tselem sent documentation of the shooting and the injury to the Israeli Border Police. According to *+972 Magazine*, a Border Police spokesperson said that the documentation was sent to the relevant authorities for further examination.<sup>124</sup> Amnesty International is not aware of any investigation being ordered by the Israeli authorities.

## MEDICS

Amnesty International has documented the following case of a medic injured in demonstrations.

**Murad al-Aroui**, 18, an Al-Quds University law student who works as a volunteer medic, told Amnesty International that he was shot in the leg with a foam-tipped bullet fired by an Israeli soldier on 21 February 2013 when he went to the assistance of a blind girl during a demonstration near the Ofer military complex near Ramallah in the occupied West Bank.<sup>125</sup> He told Amnesty International:

*At around 1pm, I was keeping an eye on a group of girls who were walking slowly, marching while singing slogans about the army. There was a blind girl among the group. [The army] fired dozens of tear gas bombs and all the area was filled with gas. The girls ran away and the blind girl was trapped... so I ran to her.*

*The army had moved forward and [soldiers] were firing rubber bullets and live bullets right next to me. I could hear the firing very close. Then, while we were still on the ground someone pulled me up violently. I looked and saw a soldier; he yelled at me but I couldn't understand what he was saying. I was trying to tell him that I was a medic, which was apparent from my vest.*

*The same soldier took a few steps back and called me over. When I looked he was pointing his gun at me and then he shot at me. It was a foam-tipped bullet and it hit my right knee.*

Amnesty International is not aware of any investigation being opened by the Israeli authorities into the incident.

According to PHR-Israel, medics are frequently targeted by Israeli forces during demonstrations and are sometimes prevented from carrying out their duties. PHR-Israel documented eight cases where Israeli forces targeted medics and injured them and one case where medics were prevented from providing medical assistance to injured protesters during demonstrations in East Jerusalem between April and December 2013. PHR-Israel submitted two complaints regarding the injury of medics but have not received a response from the Israeli authorities.

## 4. IMPUNITY

UN agencies, local and international human rights groups and others have documented a pattern of war crimes and other serious violations of international law – both international humanitarian law and international human rights law – committed by Israeli military and security forces since they occupied the West Bank, including East Jerusalem, and the Gaza Strip in 1967. Throughout this 47-year period, however, the Israeli authorities have signally failed to carry out independent investigations that meet international standards into alleged crimes, including war crimes, committed by soldiers against Palestinians and their properties. Moreover, Palestinians affected by the apparently arbitrary or abusive use of force and firearms or their legal representatives have been denied meaningful access to an independent process, including judicial process, contrary to UN standards of law enforcement. This failure to conduct independent and effective investigations and take corrective action has undermined the rule of law and denied justice to the victims. Furthermore, extending impunity to the perpetrators has served to encourage further abuses.

Amnesty International is not aware of any case in which an Israeli army soldier or member of another security force has been convicted of wilfully causing the death of a Palestinian in the OPT since the first Intifada in 1987. Indeed, soldiers and other security force personnel have rarely been prosecuted at all in connection with the killings of Palestinians in the OPT, although many appear to have amounted to unlawful killings, and convictions have been even rarer. When they have occurred, soldiers have been convicted of manslaughter or of lesser offences.

According to the Israeli human rights organization Yesh Din, from September 2000 until June 2013 only 16 MPCID investigations into killings of Palestinian civilians by Israeli forces in the OPT led to indictments; 21 soldiers were indicted for killing 18 Palestinians and one person of British nationality. Out of the 21 soldiers, military courts convicted seven for offences relating to the killing of five of the Palestinians and the British national. Four soldiers were convicted of negligent manslaughter, one soldier was convicted of manslaughter (in the case of the British national) and another was convicted of negligence. None of the convicted soldiers was discharged from the army and all served very short prison sentences ranging from 30 days to seven months. Another two soldiers were convicted in military courts of offences relating to the obstruction of justice in cases related to the killing of Palestinian civilians.<sup>126</sup>

As reported above, on 18 March 2013 the MAG Corps announced that a military court had convicted an unnamed army staff sergeant on a charge of “causing death by negligence” in connection with the shooting to death of Odai Darwish on 12 January 2013. A Palestinian, Odai Darwish died after a soldier shot him with live ammunition as he attempted to make his way towards Israel to find work through a gap in the fence/wall at Dura, near Hebron. The prosecution followed a MPCID investigation that was opened on the day of the shooting and the trial involved a plea bargain, in which the soldier agreed to plead guilty to the charge of negligent homicide rather than the charge of manslaughter, which he might otherwise have expected to face. The unnamed soldier received a strikingly lenient sentence considering that his action had led directly to the loss of another man's life; he received a prison term of one

year, five months of which were suspended, and he was demoted but allowed to remain in the army with the rank of sergeant.

The high degree of impunity afforded to Israeli soldiers is mirrored by the Israeli authorities' failure to ensure that Israeli settlers who are responsible for attacking Palestinians and their property and Israeli and international human rights monitors, are held to account in criminal prosecutions. There has been a rising incidence of violence by Israeli settlers against Palestinians in recent years, including physical attacks and the destruction of olive trees and other means of livelihood. Sometimes, these have occurred within full view of Israeli soldiers and police, who have taken no action to protect Palestinians or their property, or to arrest the settlers responsible. In some cases, soldiers are alleged to have intervened to assist settlers when their actions have been forcibly resisted by Palestinians.

#### 4.1 FLAWED INVESTIGATIONS

The deficiencies of the Israeli system for investigating alleged violations by their forces and determining whether or not prosecutions are merited have been analysed and documented in the reports of several organizations.<sup>127</sup>

In essence, the Israeli military conducts two types of inquiries: "operational debriefings" or "command investigations", which are conducted internally by military officers within their units under the army's chain of command, and criminal investigations, which are undertaken by the MPCID. The main aim of "operational debriefings" is to assess what occurred in a particular incident, primarily in order that the military command structure can assess specific military operations and identify lessons to be learnt for the future. MPCID investigations, by contrast, are primarily criminal investigations intended to determine whether an offence has been committed and, if so, whether anyone should face prosecution. The MPCID investigates many different alleged crimes involving military personnel, in both Israel and the OPT, such as alleged drugs offences, property theft unlawful use of firearms or other acts of violence, as well as alleged human rights violations, such as shootings of Palestinian protesters in the West Bank. Only some six per cent of the more than 35,000 investigations conducted by the MPCID between 2000 and 2010 concerned alleged offences committed against Palestinians in the OPT.<sup>128</sup>

Years ago, the army routinely opened a criminal investigation whenever it received a notice or complaint that a Palestinian civilian had been killed by its forces in the OPT, including throughout the first Intifada (1987-91).<sup>129</sup> Following the outbreak of the second Intifada in 2000, however, this practice was discontinued. On the advice of the MAG, who contended that the army was engaged in an "armed conflict short of war" in the OPT, the military authorities changed their policy and made criminal investigations into alleged offences committed by soldiers during military operations (other than offences such as looting) conditional on the findings of a preliminary "inquiry" conducted by the MAG Corps using information provided mostly through operational debriefings within army units.<sup>130</sup> Consequently, killings of Palestinian civilians by Israeli soldiers in the OPT would only be made the subject of a criminal investigation if the internal operational debriefing pointed towards the likelihood that one or more soldiers had committed a crime.

This system then prevailed until the Israeli High Court ruled In April 2011, in response to a

petition that two Israeli human rights organizations had submitted more than seven years earlier, that this was inadequate. Following the court ruling, the MAG said that, in future, the MPCID would initiate criminal investigations into all cases in which Palestinian civilians were killed by the army in the West Bank, other than those which involved "clear elements of combat".<sup>131</sup> The change did not apply to cases of Palestinian civilians killed by Israeli forces in the Gaza Strip, nor did it alter the army's general characterization of the situation in the OPT as one of armed conflict, or the argument that the army put forward that international law does not require automatic investigations into the deaths of civilians when an armed conflict prevails.<sup>132</sup>

Operational debriefings are clearly inadequate and unsatisfactory as a basis for assessing potential criminal liability as they are usually carried out by military unit commanders who cannot be considered independent and who lack the necessary training and expertise in international human rights and humanitarian law. They are essentially internal inquiries, undertaken within the military chain of command. They do not involve the collection of evidence from victims or witnesses to alleged crimes or violations by Israeli forces but draw conclusions based on information received from soldiers within the military unit involved in the incident under investigation, opening the possibility that soldiers may conspire together to co-ordinate their accounts or destroy or conceal physical or other evidence. The findings of operational debriefings are not made public or even communicated to the victims of the alleged violations concerned, and no information obtained through the process of operational debriefing may be used in any subsequent prosecution. Once completed, the findings of operational debriefings are passed to the MAG Corps. This is the "inquiry" stage during which the MAG Corps decides whether or not to institute a criminal investigation. There is no time limit for this stage and, in practice, it frequently takes more than one year to complete,<sup>133</sup> consequently causing a prolonged delay which is likely to hamper the criminal investigation process and reduce the prospects of obtaining a criminal conviction. When the MAG Corps decides against opening a criminal investigation, it does not communicate detailed reasons for its decision to the individuals or families of victims of alleged violations by Israeli forces or to the human rights organizations who submitted their complaints.

If the MAG Corps does determine that a criminal investigation is warranted, this is carried out by the MPCID, which also cannot be considered independent as it operates under the authority of the MAG, a serving military officer. MPCID investigations are frequently long and drawn out and it may be months or even years after the incident under investigation before they are completed. Often, even when investigating alleged violations against Palestinians by Israeli soldiers in the West Bank, MPCID investigators fail to collect evidence from victims and their families and Palestinian witnesses, visit and examine the scene of the incident or conduct searches of the military bases of the soldiers involved, preferring to rely on the military unit in question to submit documents and other information.<sup>134</sup>

Once an investigation is complete, it is transmitted to the Military Advocate for Operational Affairs (MAOA), a unit within the MAG Corps that was created in 2007. This unit has the responsibility to review the investigation and its findings and decide the next steps: it can decide to close the case; determine that further investigation is required; order that particular soldiers are subjected to disciplinary measures; recommend that the military prosecution issue an indictment against one or more soldiers. This decision-making process also may take many months to complete; the MAOA does not provide any detailed explanation or reasons for its decision to the individuals or organizations that submitted the original complaint.<sup>135</sup>

All of the issues described above apply to army investigations of alleged violations throughout the OPT, but there are additional difficulties for investigations relating to alleged violations in Gaza.<sup>136</sup>

## 4.2 THE TURKEL COMMISSION

Major changes to Israel's system for investigating alleged violations by its military and security forces were proposed in February 2013 by the commission of inquiry that the government established following an Israeli military raid in the Mediterranean in May 2010 which caused the deaths of nine Turkish civilians, prompting wide international criticism and a serious rift in relations between Israel and Turkey. The deaths occurred when Israeli troops boarded a Turkish ship that formed part of a flotilla of vessels taking humanitarian assistance to Gaza in defiance of Israel's blockade, and prevented the ships from continuing to their planned destination. In the aftermath of the incident, the Israeli government sought successfully to deflect pressure for an international investigation by convening a domestic investigation, the Public Commission to Examine the Maritime Incident of 31 May 2010. The government appointed a retired Supreme Court Judge, Jacob Turkel, to head the Commission (which consequently became known generally as the Turkel Commission). The government mandated the Commission to investigate and report on two main issues: the legality of the Israeli forces' armed intervention to prevent the flotilla breaking the Gaza blockade and the adequacy of Israel's system for investigating allegations of war crimes or other breaches of international law by its own military and security forces. The Commission subsequently issued two reports: the first addressed the legality of the Israeli action on 31 May 2010 while the second, a report of more than one thousand pages published on 6 February 2013, focused on the question of whether Israel's legal mechanisms for examining and investigating complaints and allegations of violations of international humanitarian law complied with relevant international standards and Israel's obligations under international law.

While declaring that Israel's investigative system was generally in conformity with relevant international standards, the Turkel Commission's second report listed 18 separate measures that it recommended the government should take to improve the system and make it more robust. These included recommendations that legislation should be enacted "to impose direct criminal liability on military commanders and civilian superiors for offenses committed by their subordinates" and to reinforce and safeguard the authority of the (civilian) Attorney General over the MAG, although the latter would continue to be appointed by the Minister of Defence. As well, the Commission called for the army's Supreme Command Orders to require field commanders to comply with a prescribed Reporting Procedure following any incident involving a death or injury caused by the action of Israeli forces, including the seizure of "all exhibits and documents that may assist the examination and investigation" and their storage and preservation "for proper examination at a later date." It also called for speedier assessment and decision-making as to whether an incident merits investigation, declaring that operational debriefings are inadequate as a basis on which to make such determinations, and said that the MAG should not have to consult the commanding officer responsible before ordering an investigation, and that it should "state the reasons" whenever it ruled against an investigation. The Commission recommended too that the MAG should set a time limit, in consultation with the Attorney General, for concluding an investigation and deciding whether to adopt legal or disciplinary measures or close the case, and should "implement a strict

documentation procedure for all examination and investigation actions carried out... and for all decisions made, especially in cases involving investigations of alleged violations of the laws of armed conflict."

The government said in response to the Turkel Commission's second report that it would give careful consideration to its recommendations. One year on, however, it is unclear to what extent, if at all, the Israeli authorities have implemented any of the 18 recommendations and whether this has led to improvements in the process for investigating allegations of serious human rights violations or breaches of the laws of armed conflict by Israeli forces in the OPT. Amnesty International has seen no evidence of any improvement and is concerned that even full implementation of the Turkel recommendations would be insufficient to guarantee prompt, thorough, impartial and independent investigations, as international standards demand. Without such investigations, full accountability will be impossible to achieve and victims whose rights have been violated will continue to be denied justice.

## 5. ISRAEL'S OBLIGATIONS UNDER INTERNATIONAL LAW

Several bodies of international law apply to Israel's conduct in the West Bank, including East Jerusalem:

- International humanitarian law, specifically the law of occupation, which includes rules imposing obligations on any power occupying a territory.
- International human rights law, which applies to all states and their armed forces and other agents, including in territories they occupy. It includes treaties guaranteeing civil and political rights, and economic, social, and cultural rights. A fundamental principle of international human rights law is that victims of serious human rights violations have the right to remedies, including justice, truth and reparations.
- International criminal law, which establishes individual criminal responsibility for certain violations and abuses of international human rights law and international humanitarian law, such as war crimes, crimes against humanity and genocide, as well as torture, extrajudicial executions and enforced disappearance.

### 5.1 INTERNATIONAL HUMANITARIAN LAW AND THE LAW OF OCCUPATION

Although there is currently no armed conflict in the West Bank, certain provisions of international humanitarian law apply because this territory is subject to belligerent occupation, a status which resulted from an international armed conflict (the June 1967 War). As the occupying power in the West Bank and the Gaza Strip, Israel has obligations under international humanitarian law applicable to belligerent occupation, including:

- Specific provisions of the Hague Convention (IV) respecting the Laws and Customs of War on Land, and its annexed Regulations respecting the Laws and Customs of War on Land, of 18 October 1907 (Hague Regulations).
- Convention IV relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention).
- Customary rules of international humanitarian law applicable to belligerent occupation, including the fundamental guarantees protecting persons in the power of a party to a conflict, detailed in Article 75 of Additional Protocol I.

Despite having ratified the Geneva Conventions, the Israeli government has argued that the Fourth Geneva Convention is not applicable in the OPT on the basis that the territories in question are “disputed” rather than occupied.<sup>137</sup> The Israeli authorities have stated previously that Israel “voluntarily” observes the “humanitarian provisions” of the Geneva Conventions, without enumerating which provisions Israel considers “humanitarian”. However, all relevant bodies,

including the High Contracting Parties to the Geneva Conventions, the UN Security Council and General Assembly, and the International Court of Justice, have reaffirmed on numerous occasions the full de jure applicability of the Fourth Geneva Convention to the OPT.<sup>138</sup> Amnesty International has long called on Israel to recognize the de jure applicability of the Fourth Geneva Convention to the OPT and comply fully with all its provisions.

The Fourth Geneva Convention imposes obligations on an occupying power in relation to the inhabitants of the occupied territory, all of whom are “protected persons” entitled to special protection and humane treatment at all times. The Convention prohibits the occupying power from committing acts including wilful killings, torture and other cruel, inhuman or degrading treatment, which are considered grave breaches of the convention under Article 147, or war crimes. The occupying power is responsible for the welfare of the population under its control, which means that it must ensure that public order and safety are maintained “while respecting, unless absolutely prevented, the laws in force in the country” (Hague Regulations, Article 43).

The occupying power may take certain measures of control or security that are “necessary as a result of the war” (Article 27, Fourth Geneva Convention). However, the International Committee of the Red Cross (ICRC) has emphasized that “regulations concerning occupation... are based on the idea of the personal freedom of civilians remaining in general unimpaired... What is essential is that the measures of constraint they adopt should not affect the fundamental rights of the persons concerned... those rights must be respected even when measures of constraint are justified.”<sup>139</sup>

The Fourth Geneva Convention specifically prohibits collective punishment. Its Article 33 provides:

*No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.*

As explained in the authoritative commentary of the ICRC:

*This paragraph then lays a prohibition on collective penalties... penalties of any kind inflicted on persons or entire groups of persons, in defiance of the most elementary principles of humanity, for acts that these persons have not committed.*<sup>140</sup>

## 5.2 INTERNATIONAL HUMAN RIGHTS LAW

Israel's actions in the OPT are bound by its obligations under the international human rights treaties that it has ratified, as well as customary rules of international human rights law. Treaties ratified by Israel include: the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and the Convention on the Rights of the Child (CRC). Although Israel has argued that its obligations under the international human rights treaties it has ratified are not applicable in the OPT, this position has been rejected by all the UN bodies monitoring adherence to these treaties and by the International Court of Justice.<sup>141</sup> Specific treaty bodies have also clarified that the treaty provisions apply extraterritorially in general; for example, the UN Human Rights Committee has stated, with respect to the ICCPR, that “a State party must respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that State Party, even if not situated within the territory of the State Party.”<sup>142</sup>

### 5.3 THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY

The Universal Declaration of Human Rights (UDHR) guarantees the rights to freedom of opinion and expression (Article 19) and freedom of peaceful assembly and association (Article 20). These rights are also codified in Articles 19 and 21 of the ICCPR. Article 21 stipulates that no restrictions may be placed on the right to peaceful assembly “other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.”

The UN Special Rapporteur on the right to freedom of peaceful assembly and of association has emphasized that officials have a positive obligation to facilitate peaceful assemblies and actively protect those participating in them, including from “agents provocateurs and counter-demonstrators, who aim at disrupting or dispersing such assemblies... [including] those belonging to the State apparatus or working on its behalf.” Officials also have an obligation not to unduly interfere with the right to peaceful assembly, and the exercise of this right “should not be subject to previous authorization by the authorities... but at the most to a prior notification procedure, whose rationale is to allow State authorities to facilitate the exercise of the right to freedom of peaceful assembly.” Finally, human rights defenders – including members of civil society organizations, journalists, bloggers, and representatives of national human rights institutions – must be allowed to operate freely during public assemblies and demonstrations.<sup>143</sup>

Military Order 101 “Regarding the Prohibition of Acts of Incitement and Hostile Propaganda” (the Order), issued by the IDF Commander in the West Bank region on 27 August 1967, prohibits all gatherings of 10 or more persons “for a political purpose or for a matter that could be interpreted as political” or even to “to discuss such a topic” unless they have received authorization in advance under a permit issued by the Israeli military commander in the area. Anyone breaching the order faces imprisonment for up to 10 years and/or a hefty fine. This Order, which remains in force, is clearly contrary to Israel's obligation to respect and ensure the right to freedom of peaceful assembly. In addition, some provisions of Military Order 1651, which can be used to arbitrarily restrict the right to peaceful assembly or to punish peaceful demonstrators are also in breach of Israel's obligations under international law.

### 5.4 POLICING PROTESTS AND THE RIGHT TO LIFE

Even when a restriction on the right to protest is justifiable under international law, the policing of demonstrations (whether or not they have been prohibited) must be carried out in accordance with international standards, which prohibit the use of force by law enforcement officials unless strictly necessary and to the extent required for the performance of their duty, and prohibit the use of firearms except when their use is strictly unavoidable in order to protect life.

The policing of assemblies (including those that are not completely peaceful or are regarded by a government as illegal) must respect human rights, in particular the rights to life, liberty and security of the person, and the right to be free from torture or other ill-treatment.

Under the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, police may use force only when strictly necessary and only to the extent required for the performance of their duty. Firearms should not be used except to defend people against the imminent threat of death or serious injury or to prevent a grave threat to life, and only when less extreme means are insufficient. Intentional lethal force should not be used except when strictly unavoidable in order to protect life (Principle 9). Force should never be used to punish the presumed or alleged non-compliance with an order, nor against those who are simply participating in the assembly. Law enforcement officials should be clearly identifiable when policing demonstrations, which means they should be uniformed and wearing clearly visible name or number tags.

International standards require that firearms may only be used as a last resort – when strictly necessary for army or police to protect themselves or others against the imminent threat of death or serious injury. The intentional lethal use of firearms is only permissible if strictly unavoidable in order to protect life. The use of firearms, ammunition, or any other means or method likely to cause unwarranted injury or to present unwarranted risk should be prohibited (Principle 11 (c)). Before using firearms, police should always identify themselves as such and issue a clear warning of their use – with sufficient time for the warning to be observed, “unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident” (Principle 10).

Any arbitrary or abusive use of force by security forces must be punished as a criminal offence. The authorities have a duty to conduct prompt, thorough, independent and impartial investigations into killings by security forces and bring the perpetrators to justice. In addition, they must impartially uphold the right to peaceful assembly and to protect protesters from any violent attack on them possible. In some cases, disciplinary measures may be an appropriate means of holding police or security personnel responsible for the unnecessary or excessive use of force accountable; however, arbitrary or abusive use of force must be punished as a criminal offence (Principle 7). Furthermore, the Basic Principles emphasize that superior officers should be held responsible if they give unlawful orders (for example, orders to use force against peaceful demonstrators), or if they knew, or should have known, that law enforcement officials under their command were using force unlawfully and failed to take all measures within their power to prevent, suppress, or report such abuse (Principle 24). Allegations of killings by law enforcement officials must be investigated independently, promptly and thoroughly, in a manner that conforms to the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. These principles specify that complainants and witnesses (and their families) should be protected from violence or any other forms of intimidation.

Article 6(1) of the ICCPR states that “Every human being has the inherent right to life... No one shall be arbitrarily deprived of his life.” Killings that result from unnecessary or excessive use of force by state agents constitute arbitrary deprivation of the right to life. For example, using lethal force against a protester who is not posing an imminent threat of death or serious injury constitutes arbitrary deprivation of life. Unlawful and deliberate killings carried out by order of government officials or with their complicity or acquiescence amount to extrajudicial executions; they are prohibited at all times and constitute crimes under international law.<sup>144</sup>

The authorities have a duty to conduct prompt, thorough, independent and impartial investigations into all possible unlawful killings by security forces and to bring the perpetrators of any such killings to justice.<sup>145</sup>

## 5.5 INTERNATIONAL CRIMINAL LAW

Individuals, including military personnel and law enforcement officers, can be held criminally responsible for certain violations of international human rights law and international humanitarian law.

Under the principle of universal jurisdiction, all states have an obligation to investigate and, where enough admissible evidence is gathered, prosecute crimes under international law, including genocide, crimes against humanity, war crimes, torture, extrajudicial executions and enforced disappearances.

Grave breaches of the Geneva Conventions and Additional Protocol I and most other serious violations of international humanitarian law are war crimes. Definitions of these crimes are included in the Rome Statute of the International Criminal Court. The list of war crimes in Article 8 of the Rome Statute basically reflected customary international law at the time of its adoption, although they are not complete and a number of important war crimes are not included.

Grave breaches of the Fourth Geneva Convention are listed in Article 147. Among the grave breaches relevant to this report are wilful killings of protected persons and wilfully causing great suffering or serious injury to protected persons.

Article 86(1) of Additional Protocol I requires the following:

*High Contracting Parties and the Parties to the conflict shall repress grave breaches and parties to the conflict shall repress grave breaches, and take measures necessary to suppress all other breaches of the [1949 Geneva] Conventions or of this Protocol which result from a failure to act when under a duty to do so.*

Military commanders and civilian superiors can be held responsible for the acts of their subordinates. Article 86(2) of Additional Protocol I, which imposes a single standard for military commanders and civilian superiors, reflects customary international law. It states:

*The fact that a breach of the [1949 Geneva] Conventions or of this Protocol was committed by a subordinate does not absolve his superiors from penal or disciplinary responsibility, as the case may be, if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach.*

## 6. CONCLUSIONS AND RECOMMENDATIONS

Israeli soldiers have repeatedly committed serious human rights and humanitarian law violations, including unlawful killings, in response to Palestinian opposition and protests in the West Bank, including East Jerusalem. The cases documented in this report represent only a minority of the cases that have occurred over recent years and which follow a general pattern, in which Israeli forces use excessive, often lethal, force against Palestinians who pose no threat to their lives or the lives of others. Soldiers are permitted to do so effectively with impunity – inasmuch as the official system established to investigate alleged human rights violations or other abuses by Israeli soldiers is neither independent nor impartial. This creates a situation of absolute absence of justice and the growing environment of impunity which the Israeli army and police enjoy. As the occupying power in the West Bank, including East Jerusalem, Israel is responsible for the welfare of the inhabitants of the occupied territories, all of whom are protected persons. It must respect and protect the rights of Palestinians. Instead, Israeli forces routinely violate their obligations under international human rights law and the law of occupation by unlawfully killing and injuring civilians, including children, who are posing no threat to their lives or those of others. This has carried on for decades with the full knowledge of the Israeli government and military command.

Authorities appear unwilling to send a strong signal to their forces that serious violations of the rights of Palestinians are not acceptable and will no longer be tolerated. They should do so – by ensuring that all alleged violations of the rights of Palestinians by Israeli forces are investigated promptly, thoroughly and independently, and that those responsible for committing unlawful killings or other violations are brought to justice according to the standards set by international law and, if found guilty, receive punishments commensurate with the gravity of the crimes. As long as Israeli soldiers and police are not held to account for abusing their powers and committing such serious abuses, the pattern of unlawful killings of protesters will continue, and Palestinians will be denied their right to peaceful protest without fear of injury or death.

Accordingly, Amnesty International calls on the **Israeli authorities** to do the following:

- Rescind Military Order 101 and relevant articles in Military Order 1651 and fully respect the right of Palestinians in the West Bank to freedom of expression and peaceful assembly.
- Ensure that the Israeli army, Border Police and other security forces policing demonstrations or performing other law enforcement duties at all times comply fully with the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The UN Code of Conduct stipulates that in the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.<sup>146</sup> The term “law enforcement official” includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention. In countries where police powers are exercised by military authorities, whether uniformed or not, or by state security

forces, the definition of law enforcement officials includes officers of such services.<sup>147</sup>

■ Ensure that law enforcement officials apply non-violent means before resorting to the use of force (including use of handcuffs or other restraints), which should be used only if non-violent means have proven to be, or are likely not to be, effective.<sup>148</sup> If the use of force is unavoidable, they must always exercise restraint in its use.<sup>149</sup> The use of any force by law enforcement should be strictly limited to those situations where it is absolutely necessary and strictly proportional to the legitimate aim pursued and to minimize damage and injury. In any use of force, the police must at all times respect human rights, including the right to life and the prohibition of torture and other ill-treatment. The risk of injury and death should therefore always be minimized.<sup>150</sup> In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.<sup>151</sup> All governments must ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.<sup>152</sup>

■ Prohibit the firing of live ammunition and rubber/plastic-coated metal bullets unless it is strictly unavoidable for fully trained firearms officers under effective regulation, monitoring and control to use lethal means of force to the minimum extent necessary to protect life in self-defence or defence of others against the imminent threat of death or serious injury, and only when less extreme means are insufficient to achieve this objective.

■ Prohibit the discharge of “less lethal” projectiles or baton rounds, such as those made purely from rubber or plastic, unless the projectiles are sufficiently accurate not to cause unwarranted injury and, as an alternative to the use of lethal force, it is strictly necessary for fully trained firearms officers who are subject to effective regulation, monitoring and control to discharge such projectiles in order to protect life in self-defence or defence of others against the imminent threat of death or serious injury – and only permit the discharge of such projectiles in a manner likely to decrease the risk of unnecessary harm when less extreme means are insufficient to achieve this objective.

■ Prohibit the deployment and use of toxic chemical irritants likely to increase the risk of unnecessary harm or unwarranted injury and death to persons, such as firing a metal cartridge of irritant directly at an individual, using toxic chemicals in very high concentrations, using irritants in a manner likely to have indiscriminate effects such as when sprayed or fired over a wide area or into drinking water or food, launching such chemicals at or near people who are in confined spaces where exits and ventilation points are restricted, or launching the irritants near elderly people, children or others who may have difficulty in moving away to avoid the dangerous effects of toxic chemicals.

■ Establish strict rules and training for the use of hand-held batons by law enforcement officers in order to minimize the use of force and to prevent unwarranted injuries, including the prohibition of baton blows aimed at a person's head, neck and throat, spine, lower back, solar plexus, knees and ankles.

■ Establish a transparent system open to public scrutiny including an independent body of medical, scientific, and judicial experts to review and report on the safe development and dangers of non-lethal incapacitating weapons and “less lethal” weapons in order to establish

effective regulations and appropriate specialist capacity for the lawful deployment and use of such weapons in appropriate situations by fully trained and accountable law enforcement officials, with a view to increasingly restraining the application of means capable of causing death or injury, as well as arbitrary, abusive and excessive force.

- Ensure that all officers required to carry out law enforcement duties are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions and receive continuous and thorough professional human rights based training. Their continued fitness to perform these functions should be subject to periodic review.
- Sign, ratify and strictly implement the Arms Trade Treaty without delay giving particular attention to implementing measures for the strict control of all imports, exports, transits, transshipments and brokering of all types of conventional arms and additional measures to prevent diversion and illicit trafficking of conventional arms. Pending the Treaty's entry into force, state authorities should declare that they will apply provisionally Article 6 and Article 7 (as provided for in Article 23 on Provisional Application), prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law.
- Initiate a review of policing of demonstrations without delay to ensure that, in the future, the practices of Israel's security forces in policing demonstrations are consistent with international human rights standards especially the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the recommendations above. Such measures should include the issuing of unequivocal orders and rules of engagement for policing demonstrations as a situation of law enforcement as opposed to a situation of military imperative, conducting training of forces, and ensuring accountability inside the army, Border Police and other security forces through appropriate disciplinary procedures.
- Publicly disclose all existing use of force regulations and any other rules relevant to policing demonstrations in the West Bank, including East Jerusalem.
- Review existing legislation to ensure that all war crimes and serious human rights violations are crimes under national law.
- Conduct independent, impartial and prompt investigations into all reports of Palestinian civilians killed or seriously injured by the actions of Israeli forces in the OPT. Where sufficient admissible evidence exists, prosecute Israeli personnel responsible for unlawful killings or injuries according to fair trial standards. As a first step towards bringing Israeli accountability mechanisms closer to international standards, implement all the recommendations of the Israeli-appointed Public Commission to Examine the Maritime Incident of 31 May 2010 (known as the Turkel Commission) concerning investigations conducted by the IDF, as published in the Commission's second report of February 2013.
- Provide all victims of crimes under international law committed by Israeli forces in the OPT with full reparations, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Financial compensation and other forms of reparation should be appropriate and proportional to the gravity of the violation, the harm suffered and the

circumstances of the case. Facilitate access for Palestinians in the OPT to all judicial proceedings, including those which are initiated in Israel.

- Ensure that Israeli forces protect Palestinian civilians and their property against violence by Israeli settlers by instructing them to arrest Israeli settlers who assault Palestinians or destroy their property, by carrying out prompt, detailed and thorough investigations of complaints of settler violence submitted to them, and by deploying patrols to protect Palestinian schoolchildren and other civilians in areas where there is a danger of settler violence.
- Invite the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Israel and the OPT.

Amnesty International calls on the **PA** and the **PLO** (on behalf of the State of Palestine) to do the following:

- Sign and ratify, without reservations, international human rights treaties including the Rome Statute of the International Criminal Court, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), and international humanitarian law treaties including the Geneva Conventions.
- Ensure that the bodies of individuals who have been killed by security forces in the West Bank receive autopsies.

Amnesty International calls on the authorities of the **United States of America (USA)**, **European Union (EU)**, **EU member states** and **other countries** to do the following:

- Suspend transfers to Israel of munitions, weapons, and related equipment including crowd control weapons and devices, training and techniques until substantive steps have been taken by Israel to achieve accountability for previous violations and effective mechanisms are in place to ensure that items will not be used to commit or facilitate serious violations of international human rights law or international humanitarian law. The suspension should include all indirect exports via other countries, the transfer of military components and technologies, and any brokering, financial or logistical activities that would facilitate such transfers. This recommendation is particularly relevant to the USA, as the largest foreign source of supply of weapons, munitions, police equipment and military aid to Israel.
- States should ensure that any co-operation with Israel in the areas of law enforcement, security and justice does not contribute to the commission of human rights violations or violations of international humanitarian law.
- Sign, ratify and strictly implement the Arms Trade Treaty without delay giving particular attention to implementing measures for the strict control of all imports, exports, transits, trans-shipments and brokering of all types of conventional arms and additional measures to prevent diversion and illicit trafficking of conventional arms including lethal and “less lethal”

weapons and munitions. Pending the Treaty's entry into force, state authorities should declare that they will apply provisionally Article 6 and Article 7 (as provided for in Article 23 on Provisional Application), prohibiting the transfer of conventional arms that would be used to commit or facilitate serious violations of international human rights law or international humanitarian law.

- Exercise their obligations under the principle of universal jurisdiction to conduct prompt, thorough, independent and impartial criminal investigations of anyone suspected of crimes under international law. If there is sufficient admissible evidence, states should prosecute the suspect or extradite him or her to another state willing and able to do so in fair proceedings which do not result in the imposition of the death penalty, or surrender him or her to an international criminal court which has jurisdiction. In addition to being obliged to exercise universal jurisdiction for grave breaches of the Geneva Conventions and of Additional Protocol I, as well as over torture, enforced disappearance and extrajudicial executions states are permitted to exercise universal jurisdiction for all other crimes under international law.

- Urge the State of Palestine, represented at the UN by the Palestine Liberation Organization, to sign and ratify international human rights and humanitarian treaties without reservations, including the Rome Statute of the International Criminal Court. Oppose any type of sanctions or pressure seeking to prevent the PA from signing or ratifying any international treaties. Ensure that the threat of withholding assistance essential to fulfilling the human rights of Palestinians in the Occupied Palestinian Territories is never used as a bargaining tool to further political goals, such as obstructing access to international justice through the International Criminal Court.

## ENDNOTES

<sup>1</sup> See Amnesty International, *Occupied Palestinian Territories: Torn apart by factional strife* (Index: MDE 21/020/2007), October 2007 ([www.amnesty.org/en/library/info/MDE21/020/2007/en](http://www.amnesty.org/en/library/info/MDE21/020/2007/en)).

<sup>2</sup> An Israeli army spokesperson claimed that forces were shot at by Palestinians during protests in two separate incidents in 2013: on 20 August 2013 in Jenin refugee camp when two Palestinian civilians were killed by Israeli fire, and on 26 August in Qalandia refugee camp when three Palestinian civilians were killed by Israeli fire. No member of the Israeli forces was announced to have been injured by the alleged shootings.

<sup>3</sup> A popular uprising by Palestinians in the OPT against Israeli military occupation.

<sup>4</sup> See Amnesty International reports, *Israel/Occupied Territories and the Palestinian Authority: Five years after the Oslo Agreement: Human rights sacrificed for security* (Index: MDE 02/004/1998), 31 August 1998 (<http://www.amnesty.org/en/library/info/MDE02/004/1998/en>); *Israel and the Occupied Territories: Excessive use of lethal force* (Index: MDE 15/041/2000), 18 October 2000 (<http://www.amnesty.org/en/library/info/MDE15/041/2000/en>); *Israel and the Occupied Territories: State assassinations and other unlawful killings* (Index: MDE 15/005/2001), 21 February 2001 (<http://www.amnesty.org/en/library/info/MDE15/005/2001/en>); *Israel and the Occupied Territories: Broken lives - a year of intifada* (Index: MDE 15/083/2001), 13 November 2001 (<http://www.amnesty.org/en/library/info/MDE15/083/2001/en>); *Israel and the Occupied Territories and the Palestinian Authority: Killing the future: Children in the line of fire* (Index: MDE 02/005/2002), 29 September 2002 (<http://www.amnesty.org/en/library/info/MDE15/147/2002/en>); *Israel and the Occupied Territories: Israel must put an immediate end to the policy and practice of assassinations* (Index: MDE 15/056/2003), 3 July 2003 (<http://www.amnesty.org/en/library/info/MDE15/056/2003/en>); and *Israel and the Occupied Palestinian Territories: Enduring occupation. Palestinians under siege in the West Bank* (Index: MDE 15/033/2007), 4 June 2007 (<http://www.amnesty.org/en/library/info/MDE15/033/2007/en>).

<sup>5</sup> The text of the military order can be found here:  
[http://www.btselem.org/download/19670827\\_order\\_regarding\\_prohibition\\_of\\_incitement\\_and\\_hostile\\_propaganda.pdf](http://www.btselem.org/download/19670827_order_regarding_prohibition_of_incitement_and_hostile_propaganda.pdf)

<sup>6</sup> No Legal Frontiers, *Order regarding Security Provisions [Consolidated Version] (Judea and Samaria)* (No. 1651), 5770-2009 (<http://nolegalfrontiers.org/military-orders/mil01?lang=en>).

<sup>7</sup> For more information on Israeli military investigations see: Amnesty International, *Israel/Occupied Palestinian Territories: Amnesty International's updated assessment of Israeli and Palestinian investigations into the Gaza conflict* (Index: MDE 15/018/2011), 18 March 2011 (<http://www.amnesty.org/en/libraryinfo/MDE15/018/2011>).

<sup>8</sup> See Amnesty International, *Israeli military's killing of Nakba protesters must be investigated* (Index: MDE 15/025/2011), 16 May 2011 (<http://www.amnesty.org/en/library/info/MDE15/025/2011/en>).

<sup>9</sup> See Amnesty International, *Palestinian Authority: 'Shut up we are the police': Use of excessive force by Palestinian Authority in the Occupied West Bank* (Index: MDE 21/006/2013), 23 September 2013 (<http://www.amnesty.org/en/library/info/MDE21/006/2013/en>).

<sup>10</sup> See Amnesty International, *Land Day protests: stop excessive force against demonstrators* (Index: MDE 15/037/2012), March 2012 (<http://www.amnesty.org/en/for-media/press-releases/land-day-protests-stop-excessive-force-against-demonstrators-2012-03-30>); and *Hamas authorities must guarantee safety of human rights activist*, January 2012 (<http://www.amnesty.org/en/news/hamas-authorities-must-investigate-attacks-human-rights-defender-gaza-2012-01-18-0>).

<sup>11</sup> See Amnesty International, *Israel must not use excessive force against 'Day of Rage' Negev protestors tomorrow*, 31 July 2013 (<http://www.amnesty.org/en/news/israel-protect-citizens-rights-protest-peacefully-against-forced-evictions-2013-07-31>); and *Israel: Demolition of Bedouin homes in the Negev desert must end immediately*, 18 July 2013 (<http://www.amnesty.org/en/news/israel-demolitions-bedouin-homes-negev-desert-must-end-immediately-2013-07-18>).

<sup>12</sup> UN Basic Principles, Special Provision 9.

<sup>13</sup> See, for example, B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December 2012 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>14</sup> Military Court District, Home Front District, *The Military Prosecution vs. Staff Sergeant MM*, 18 March 2013 verdict in the case of the killing of Odai Darwish. See (in Hebrew): ([http://www.takdin.co.il/search/%D7%A2%D7%95%D7%A8%D7%A3%20%D7%9E%D7%97%D7%95%D7%96%D7%99%2037%2013%20%D7%94%D7%AA%D7%95%D7%91%D7%A2%20%D7%94%D7%A6%D7%91%D7%90%D7%99%20%D7%A0%20%D7%A1%D7%9E%20%D7%A8%20%D7%9E%20%D7%9E\\_hd\\_4275456.html](http://www.takdin.co.il/search/%D7%A2%D7%95%D7%A8%D7%A3%20%D7%9E%D7%97%D7%95%D7%96%D7%99%2037%2013%20%D7%94%D7%AA%D7%95%D7%91%D7%A2%20%D7%94%D7%A6%D7%91%D7%90%D7%99%20%D7%A0%20%D7%A1%D7%9E%20%D7%A8%20%D7%9E%20%D7%9E_hd_4275456.html)).

<sup>15</sup> UN Basic Principles, Special Provisions 9, 10 and 11.

<sup>16</sup> B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December 2012 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>17</sup> Interviewed by Amnesty International on 10 March 2013 in Bodrus; name withheld by Amnesty International for reasons of security and his age.

<sup>18</sup> Interviewed by Amnesty International on 10 March 2013 in Bodrus; name withheld by Amnesty International on account of his age.

<sup>19</sup> Interviewed by Amnesty International on 20 September 2013 in Bodrus; name withheld by Amnesty International on account of his age.

<sup>20</sup> Haaretz, *IDF kills teenager in West Bank, fourth Palestinian death in a week*, 15 January 2013 (<http://www.haaretz.com/news/diplomacy-defense/idf-kills-teenager-in-west-bank-fourth-palestinian-death-in-a-week-1.494135>).

<sup>21</sup> Ynet News, *West Bank: Palestinian youth killed in clash with IDF*, 15 January 2013 (<http://www.ynetnews.com/articles/0,7340,L-4332719,00.html>).

<sup>22</sup> B'Tselem, *B'Tselem inquiry: No justification for shooting and killing Samir 'Awad, 16. Budrus, 15 Jan 2013*, 21 February 2013 ([http://www.btselem.org/firearm/20130221\\_killing\\_of\\_samir\\_awad\\_budrus](http://www.btselem.org/firearm/20130221_killing_of_samir_awad_budrus)).

<sup>23</sup> +972 Magazine, *Soldiers beat family members, damage home while arresting Palestinian teen*, 28 May 2013 (<http://972mag.com/soldiers-beat-family-members-damage-home-while-arresting-palestinian-teen/72309/>); and +972 Magazine, *IDF releases video clip from violent arrest of Budrus teen*, 30 May 2013 (<http://972mag.com/Army-releases-clip-from-violent-budrus-arrest/72499>).

<sup>24</sup> Interviewed by Amnesty International on 20 September 2013 in Bodrus.

<sup>25</sup> *Jerusalem Post*, *IDF shoots, injures 2 Palestinians in W. Bank, Gaza*, 18 January 2013 (<http://www.jpost.com/Defense/IDF-shoots-injures-2-Palestinians-in-W-Bank-Gaza>).

<sup>26</sup> Interviewed by Amnesty International on 13 March 2013 in Aida refugee camp.

<sup>27</sup> Interviewed by Amnesty International on 13 March 2013 in Aida refugee camp.

<sup>28</sup> Interviewed by Amnesty International on 13 March 2013 in Aida refugee camp.

<sup>29</sup> Interviewed by Amnesty International on 10 September 2013 in Aida refugee camp.

<sup>30</sup> Interviewed by Amnesty International on 10 September 2013 in Azza refugee camp.

<sup>31</sup> Interviewed by Amnesty International on 10 September 2013 in Aida refugee camp.

<sup>32</sup> Interviewed by Amnesty International on 10 September 2013 in Hebron.

<sup>33</sup> Interviewed by Amnesty International on 17 March 2013 in Fawwar refugee camp.

<sup>34</sup> Interviewed by Amnesty International on 17 March 2013 in Fawwar refugee camp.

<sup>35</sup> Interviewed by Amnesty International on 17 March 2013 in Fawwar refugee camp.

<sup>36</sup> Interviewed by Amnesty International on 17 March 2013 in Hebron.

<sup>37</sup> Al-Haq, *Six Palestinians Killed by Israeli Military in January*, 31 January 2013 (<http://www.alhaq.org/documentation/weekly-focuses/669-six-palestinians-killed-by-israeli-military-in-january>).

<sup>38</sup> Interviewed by Amnesty International on 12 September 2013 in Anabta.

<sup>39</sup> The Electronic Intifada, *Witness accounts of two Tulkarem teens' killings contradict Israel's version*, 10 April 2013 (<http://electronicintifada.net/content/witness-accounts-two-tulkarem-teens-killings-contradict-israels-version/12357>).

<sup>40</sup> Interviewed by Amnesty International on 12 September 2013 in Anabta.

<sup>41</sup> *Jerusalem Post, Palestinian killed, another hurt by IDF fire in West Bank*, 4 April 2013 (<http://www.jpost.com/Diplomacy-and-Politics/Palestinian-killed-another-hurt-by-IDF-fire-in-West-Bank-308589>).

<sup>42</sup> *Haaretz, IDF probe into death of two Palestinians in West Bank: No shots fired at army post*, 5 April 2013 (<http://www.haaretz.com/news/diplomacy-defense/idf-probe-into-death-of-two-palestinians-in-west-bank-no-shots-fired-at-army-post.premium-1.513582>).

<sup>43</sup> *Haaretz, IDF probe into death of two Palestinians in West Bank: No shots fired at army post*, 5 April 2013 (<http://www.haaretz.com/news/diplomacy-defense/idf-probe-into-death-of-two-palestinians-in-west-bank-no-shots-fired-at-army-post.premium-1.513582>).

<sup>44</sup> Interviewed by Amnesty International on 21 September 2013 in Dura.

<sup>45</sup> *Ynet News, Palestinian killed, 2 IDF soldiers hurt during Jenin clashes*, 20 August 2013 (<http://www.ynetnews.com/articles/0,7340,L-4419944,00.html>).

<sup>46</sup> He was arrested at around 7am while sheltering at a neighbour's house.

<sup>47</sup> The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

<sup>48</sup> Interviewed by Amnesty International on 9 September 2013 in Qalandia refugee camp.

<sup>49</sup> Interviewed by Amnesty International on 9 September 2013 in Qalandia refugee camp.

<sup>50</sup> Interviewed by Amnesty International on 9 September 2013 in Qalandia refugee camp.

<sup>51</sup> *Ynet Net, 3 Palestinians killed in Qalandiya*, 26 August 2013 (<http://www.ynetnews.com/articles/0,7340,L-4422259,00.htm>).

<sup>52</sup> *Ynet News, IDF on Qalandiya: Soldiers fired after feeling threatened*, 26 August 2013 (<http://www.ynetnews.com/articles/0,7340,L-4422487,00.html>).

<sup>53</sup> *Ynet News, UNRWA: One employee was killed in Qalandiya clashes*, 26 August 2013 (<http://www.ynetnews.com/articles/0,7340,L-4422568,00.html>).

<sup>54</sup> *Jerusalem Post, 3 Palestinians killed as IDF, Border Police come under attack making arrest in Kalandya*, 26 August 2013 (<http://www.jpost.com/Defense/Report-2-Palestinians-killed-by-Israeli-security-forces-in-Kalandya-324261>).

<sup>55</sup> UN Basic Principles, General Provision 6, Special Provision 11 and Reporting and Review Procedures 22.

<sup>56</sup> UN Basic Principles, Reporting and Review Procedures 23.

<sup>57</sup> Interviewed by Amnesty International on 13 March 2013 in Tuqu'.

<sup>58</sup> B'Tselem video, *Soldier fires at stone-throwing teens who posed no threat, injuring one: Tuqu'*, November 2012 ([http://www.btselem.org/firearms/20130106\\_muhammad\\_al\\_badan\\_injured\\_by\\_live\\_ammunition](http://www.btselem.org/firearms/20130106_muhammad_al_badan_injured_by_live_ammunition)).

B'Tselem makes clear that it does not have complete footage of the incident.

<sup>59</sup> Interviewed by Amnesty International on 12 March in Tuqu'.

<sup>60</sup> Interviewed by Amnesty International on 12 March 2013 in Hebron.

<sup>61</sup> Interviewed by Amnesty International on 12 March 2012 in Hebron.

<sup>62</sup> Interviewed by Amnesty International on 16 September 2013 in Jalazun refugee camp.

<sup>63</sup> Interviewed by Amnesty International on 16 March 2013 in Qusra.

<sup>64</sup> Interviewed by Amnesty International on 16 March 2013 in Qusra.

<sup>65</sup> See UN Basic Principles, Special Provisions 9, 10 and 11, as well as safeguards set out in other parts of the Basic Principles.

<sup>66</sup> For an official summary of the report of the *Commission of Inquiry into the Clashes between the Trenches' Security and Israeli Citizens in October 2000* see:  
<http://adalah.org/features/commission/orreport-en.pdf>

<sup>67</sup> Association for Civil Rights in Israel, *Stop Firing Rubber Bullets at West Bank Protesters*, ACRI and B'Tselem Urge Israel, 2 August 2013 (<http://www.acri.org.il/en/2013/08/02/acri-btselem-rubber-bullets>).

<sup>68</sup> B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, pp 7-20, January 2013 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>69</sup> B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, January 2013, pp 22-23 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>70</sup> UN Basic Principles, General Provision 2, 3 and 4.

<sup>71</sup> UN Basic Principles, Policing Unlawful Assemblies, 12, 13 and 14.

<sup>72</sup> Amnesty International, *The Pain Merchants: Security equipment and its use in torture and other ill-treatment* (Index: ACT 40/008/2003), p. 27. Amnesty International is grateful to the Omega Research Foundation for contributing this and other joint reports on the subject of law enforcement technologies and human rights, as well as for drawing attention to the scientific studies in notes 114 to 121.

<sup>73</sup> Rezende-Neto, J; Silva, F; Porto, L; Teixeira, L; Rizoli, H, "Penetrating injury to the chest by an attenuated energy projectile: a case report and literature review of thoracic injuries caused by 'less-lethal munitions'", *World Journal of Emergency Surgery* 2009, 4:26.

<sup>74</sup> 'Wani, M; Sultan, A; Wani, M; Malik, M; Baba, M; Masrat, N, "Pattern of injuries due to rubber bullets in a conflict zone", *The Internet Journal of Orthopedic Surgery*" (2010) Volume 17, Number 2.

<sup>75</sup> Joao Rezende-Neto, Fabriccio D F Silva, Leonardo B O Porto, Luiz C Teixeira, Homer Tien, Sandro B Rizoli, "Penetrating injury to the chest by an attenuated energy projectile: a case report and literature

review of thoracic injuries caused by 'less lethal' munitions", World Journal of Emergency Surgery 2009, 4:26.

<sup>76</sup> The Applied Research Laboratory, The Pennsylvania State University and the Los Angeles Sheriff's Department, *The Attribute Based Evaluation of Less than Lethal, Extended Range, Impact Munitions* (2001).

<sup>77</sup> Home Office Scientific Development branch, Less Lethal Technologies Review of Commercially Available and Near-Market Products for the Association of Chief Police Officers Publication No. 49/08 (2008), p. 10. In addition, see Los Angeles Sheriff's Department (LASD) and Penn State University's Applied Research Laboratory, *The Attribute-Based Evaluation (ABE) of Less-Than-Lethal, Extended-Range, Impact Munitions* (2001). This found that rounds with small pellets had a "large range of dispersions", with pellets dispersing over an area of 45 inches (1.1 metres) at a range of 21 feet and had large variations in their imparted momentum. Another article found that "single-projectile munitions are... inherently more accurate than their multiple-projectile cousins and thus provide officers with the capacity to direct their shots to specific localized areas of a subject's body". Klinger, D, "Impact munitions: a discussion of key information", *Policing: An International Journal of Police Strategies & Management*, Volume 30, No. 3, 2007, p. 389.

<sup>78</sup> Home Office Scientific Development branch (2008), op. cit., p. 10.

<sup>79</sup> Stark, M, *Clinical Forensic Medicine: A Physician's Guide*, p. 198. Note that this focuses mainly on batons in use in the UK and USA.

<sup>80</sup> B'Tselem, *Follow Up: Military Police and MAG Corps investigations of civilian Palestinian fatalities in West Bank since new policy imposed*, updated on 30 December 2013 ([http://www.btselem.org/accountability/military\\_police\\_investigations\\_followup](http://www.btselem.org/accountability/military_police_investigations_followup)).

<sup>81</sup> Interviewed by Amnesty International on 13 September 2013 in Aboud.

<sup>82</sup> Interviewed by Amnesty International on 13 September 2013 in Aboud.

<sup>83</sup> Interviewed by Amnesty International on 16 March 2013 in Aboud.

<sup>84</sup> *Jerusalem Post*, *Palestinians clash with IDF at funeral of activist*, 8 March 2013 (<http://www.jpost.com/Middle-East/Palestinians-clash-with-IDF-at-funeral-of-activist>).

<sup>85</sup> B'Tselem, *Soldier kills Palestinian demonstrator Mustafa Tamimi, 28, by shooting tear-gas canister at him*, 11 December 2011 ([http://www.btselem.org/firearms/20111209\\_killing\\_of\\_mustafa\\_tamimi](http://www.btselem.org/firearms/20111209_killing_of_mustafa_tamimi)).

<sup>86</sup> Israeli Military Advocate General (MAG) Corps statement on the closing of the investigation into the killing of Mustafa Tamimi, 8 December 2013 (<http://www.law.idf.il/163-6459-en/Patzar.aspx?pos=5>).

<sup>87</sup> Yesh Din, *MAG closes file in 2009 killing of Bassem Abu Rahmeh*, 12 September 2013 (<http://www.yesh-din.org/infoitem.asp?infocatid=443>).

<sup>88</sup> BBC, *Palestinian dies after inhaling gas at W Bank protest*, 1 January 2011 (<http://www.bbc.co.uk/news/world-middle-east-12103825>).

<sup>89</sup> Interviewed by Amnesty International on 16 March 2013 in Qusra.

<sup>90</sup> Interviewed by Amnesty International on 12 March 2013 in Hebron.

<sup>91</sup> Interviewed by Amnesty International on 12 March 2013 in Hebron.

<sup>92</sup> Interviewed by Amnesty International on 15 March 2013 in Kufr Qadum.

<sup>93</sup> Interviewed by Amnesty International on 15 March 2013 in Kufr Qadum.

<sup>94</sup> Interviewed by Amnesty International on 13 January via Skype.

<sup>95</sup> Interviewed by Amnesty International on 9 March 2013 in Ramallah.

<sup>96</sup> Interviewed by Amnesty International on 15 March 2013 in East Jerusalem.

<sup>97</sup> Interviewed by Amnesty International on 15 March 2013 in Kufr Qadum.

<sup>98</sup> *Musta'ribin* means "people disguised as Arabs" and is used by Palestinians to refer to members of undercover police units since this unit operates by blending in with protesters to carry out arrests.

<sup>99</sup> Interviewed by Amnesty International on 9 March 2013 in the Palestine Medical Complex in Ramallah.

<sup>100</sup> Interviewed by Amnesty International on 15 March 2013 in Kufr Qadum. For more information on this case, including video documentation see B'Tselem, *The military must stop unacceptable practice of unleashing dogs against civilians*, 29 March 2012 ([http://www.btselem.org/beatings\\_and\\_abuse/20120329\\_army\\_use\\_of\\_dogs](http://www.btselem.org/beatings_and_abuse/20120329_army_use_of_dogs)).

<sup>101</sup> Haaretz, *IDF to reduce use of dogs against protesters*, 15 December 2012 (<http://www.haaretz.com/news/diplomacy-defense/idf-to-reduce-use-of-dogs-against-protesters.premium-1.436537>). For more information on the use of dogs by Israeli forces policing demonstrations see: B'Tselem, *Following B'Tselem Documentation: Israeli army decides to stop using dogs to disperse West Bank demonstrations*, 18 June 2012 ([http://www.btselem.org/beatings\\_and\\_abuse/20120618\\_military\\_use\\_of\\_dogs](http://www.btselem.org/beatings_and_abuse/20120618_military_use_of_dogs)).

<sup>102</sup> Interviewed by Amnesty International on 10 September 2013 in Hebron.

<sup>103</sup> See B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December 2012, p. 9 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>104</sup> See B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December 2012, p. 14 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>105</sup> See B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December 2012, p. 13 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>106</sup> See B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December

2012, pp 11-12 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>107</sup> Interviewed by Amnesty International on 10 September in Aida refugee camp.

<sup>108</sup> Israel Security Agency, also known as Shabak and Shin Bet.

<sup>109</sup> Andalou Agency video, (<http://www.frequency.com/video/85/141425405>).

<sup>110</sup> Interviewed by Amnesty International by phone on 13 January 2014.

<sup>111</sup> Ifex, *Attack against Palestinian journalists shows Israeli soldiers' disregard for their safety*, 24 October 2013 ([http://www.ifex.org/israel/2013/10/24/deliberate\\_attack\\_against\\_journalists](http://www.ifex.org/israel/2013/10/24/deliberate_attack_against_journalists)).

<sup>112</sup> Committee to Protect Journalists, *Israel and the Occupied Palestinian Territory: Attacks on the Press*, 14 February 2013 <http://cpj.org/2013/02/attacks-on-the-press-in-2012-israel-and-the-occupied-palestinian-territory.php>).

<sup>113</sup> Palestinian Centre for Development and Media Freedom (MADA), *Media Freedoms Status in Palestine Semi Annual Report of 2013* ([http://www.madacenter.org/report.php?lang=1&id=1320&category\\_id=14&year](http://www.madacenter.org/report.php?lang=1&id=1320&category_id=14&year))

<sup>114</sup> Palestinian Centre for Development and Media Freedom (MADA), *Targeting of photographer Al-Qadi by the occupation is another crime against journalists* (in Arabic), 2 March 2013 ([http://www.madacenter.org/report.php?lang=2&id=1275&category\\_id=6&year](http://www.madacenter.org/report.php?lang=2&id=1275&category_id=6&year)).

<sup>115</sup> Wattan, *In video: The occupation forces attack a demonstration and Palestinian TV crew in Qufr Kadoum* (in Arabic), 21 June 2013 (<http://www.wattan.tv/ar/news/35631.html>).

<sup>116</sup> Ifex, *Security forces beat journalists at protest decrying Israel's storming of Al-Aqsa mosque*, 25 September ([http://www.ifex.org/israel/2013/09/25/mada\\_the\\_israeli\\_occupation/](http://www.ifex.org/israel/2013/09/25/mada_the_israeli_occupation/)).

<sup>117</sup> The Foreign Press Association, *Statements 2013*, 16 January 2013 (<http://www.fpa.org.il/?categoryId=73840>).

<sup>118</sup> Ma'an News, *Clashes in Abu Dis following Israeli house demolition*, 22 October 2013 (<http://www.maannews.net/eng/ViewDetails.aspx?ID=640000>).

<sup>119</sup> Interviewed by Amnesty International by phone on 13 January 2014.

<sup>120</sup> Interviewed by Amnesty International by phone on 13 January 2014.

<sup>121</sup> Interviewed by Amnesty International by phone on 13 January 2014.

<sup>122</sup> Interviewed by Amnesty International by phone on 13 January 2014.

<sup>123</sup> B'Tselem video, *Officer fires tear gas canister at B'Tselem videographer*, 2013, December 2013 ([http://www.btselem.org/video/20131203/beit\\_ummar](http://www.btselem.org/video/20131203/beit_ummar)).

<sup>124</sup> +972 Magazine, *Watch: Israeli forces shoot B'Tselem spokesperson during West Bank protest*, 20

July 2013 (<http://972mag.com/btselem-spokesperson-injured-at-west-bank-protest-soldier-knowingly-shot-in-my-direction/76172/>).

<sup>125</sup> Interviewed by Amnesty International on 9 March 2013 in Ramallah.

<sup>126</sup> Yesh Din, *Updated statistics on investigations, convictions, and penalization following the death of Palestinians*, August 27 2013 (<http://yesh-din.org/infoitem.asp?infocatid=435>).

<sup>127</sup> Palestinian Centre for Human Rights (PCHR), *An Illusion of Justice*, March 2013 (<http://www.pchrgaza.org/files/2013/An%20illusion%20of%20Justice.pdf>); and PCHR, *Genuinely Unwilling: An Update, The Failure of Israel's Investigative and Judicial System to Comply with the Requirements of International Law, with particular regard to the Crimes Committed during the Offensive on the Gaza Strip*, August 2010 (<http://www.pchrgaza.org/files/2010/Genuinely%20Unwilling%20-%20An%20Update.pdf>); PCHR, *Genuinely Unwilling: Israel's Investigations into Violations of International Law including Crimes Committed during the Offensive on the Gaza Strip, 27 December 2008 – 18 January 2009*, February 2010 (<http://www.pchrgaza.org/files/2010/israeli-inve.-%20english.pdf>); Al-Mezan, *Legal Brief: Israel's Evasion of Accountability for Grave International Crimes*, July 2012 ([http://www.mezan.org/en/details.php?id=14708&ddname=IOF&id\\_dept=22&id2=9&p=center](http://www.mezan.org/en/details.php?id=14708&ddname=IOF&id_dept=22&id2=9&p=center)); and Yesh Din, *Alleged Investigation: The failure of investigations into offenses committed by IDF soldiers against Palestinians*, 7 December 2011 (<http://www.yesh-din.org/infoitem.asp?infocatid=166>); Yesh Din, *Exceptions: Prosecution of IDF soldiers during and after the Second Intifada, 2000-2007*, 25 December 2008 (<http://www.yesh-din.org/infoitem.asp?infocatid=11>); and B'Tselem, *Void of Responsibility*, September 2010 ([http://www.btselem.org/publications/summaries/201009\\_void\\_of\\_responsibility](http://www.btselem.org/publications/summaries/201009_void_of_responsibility)).

<sup>128</sup> Yesh Din, *Alleged Investigation: The failure of investigations into offenses committed by IDF soldiers against Palestinians*, 7 December 2011 (<http://www.yesh-din.org/infoitem.asp?infocatid=166>).

<sup>129</sup> This did not lead to prosecutions of army personnel in the vast majority of cases, including some cases documented by human rights organizations and alleged to be serious violations of international law. See: B'Tselem, *Void of Responsibility*, September 2010, pp 11-13.

<sup>130</sup> B'Tselem, *Void of Responsibility*, September 2010, pp 11-13 and pp 13-15; Yesh Din, *Alleged Investigation*, pp 9, 23-24.

<sup>131</sup> B'Tselem and the Association for Civil Rights in Israel (ACRI), *Change in military investigation policy welcome, but it must not be contingent on the security situation*, 6 April 2011 (<http://www.btselem.org/press-release/6-april-11-change-military-investigation-policy-welcome-it-must-not-be-contingent-secu>).

<sup>132</sup> B'Tselem, *Military Police investigations regarding the deaths of Palestinians*, updated on 16 August 2012 ([http://www.btselem.org/accountability/investigation\\_of\\_complaints](http://www.btselem.org/accountability/investigation_of_complaints)). Amnesty International disagrees with the army's characterization of the situation in the occupied West Bank as an armed conflict; and even during armed conflict, military forces have a clear duty to investigate all civilian deaths under international humanitarian law. Amnesty International is nevertheless following the Israeli military investigations into several cases in which Palestinian civilians in the West Bank were killed by Israeli forces.

<sup>133</sup> Yesh Din, *Alleged Investigation*, pp 36-38. See pp 32-36 for more information regarding basing the "inquiry" process on operational debriefings; see also B'Tselem, *Void of Responsibility*, pp 42-45.

<sup>134</sup> Yesh Din, *Alleged Investigation*, pp 77-81.

<sup>135</sup> Yesh Din, *Alleged Investigation*, pp 86-87; B'Tselem, *Void of Responsibility*, pp 47-48.

<sup>136</sup> Israeli investigations into alleged war crimes and other violations of international law during Operation "Cast Lead" in 2008-2009 were widely criticized internationally and among Palestinians on the grounds that they were neither independent nor impartial, and so failed to ensure either that those responsible for serious crimes were held to account or that the victims of crimes received justice. The investigations were carried out under the auspices of the MAG, a legally trained serving military officer of the Israeli army, and his staff, and using a system of operational debriefings by field commanders. See Amnesty International, *Israel/Gaza: Operation 'Cast Lead': 22 days of death and destruction* (Index: MDE 15/015/2009), July 2009 (<http://www.amnesty.org/en/library/info/MDE15/015/2009>); and *Israel/Occupied Palestinian Territories: Amnesty International's updated assessment of Israeli and Palestinian investigations into the Gaza conflict* (Index: MDE 15/018/2011), 18 March 2013 (<http://www.amnesty.org/en/library/info/MDE15/018/2011>).

<sup>137</sup> See Israel Ministry of Foreign Affairs, *Disputed Territories: Forgotten Facts About the West Bank and Gaza Strip*, 1 February 2003 (<http://mfa.gov.il/MFA/MFA-Archive/2003/Pages/DISPUTED%20TERRITORIES-%20Forgotten%20Facts%20About%20the%20We.aspx>). Basically, Israel has argued that the Fourth Geneva Convention only applies to the sovereign territory of a High Contracting Party, and that as Jordan and Egypt never had legal sovereignty over the West Bank and Gaza Strip, these areas should not be considered as occupied territories under international law. This contention has never been accepted by any international bodies.

<sup>138</sup> See, for example *Declaration of the Conference of High Contracting Parties to the Fourth Geneva Convention*, 5 December 2001, para. 3 (<http://www.icrc.org/eng/resources/documents/misc/5f1djp.htm>); International Court of Justice Advisory Opinion, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 9 July 2004, para. 101 ([www.icj-cij.org/homepage/index.php](http://www.icj-cij.org/homepage/index.php)); and International Court of Justice Advisory Opinion, 9 July 2004 (<http://www.icj-cij.org/docket/files/131/1671.pdf>); and UN General Assembly Resolution 67/119 (A/Res/67/19), adopted on 18 December 2012 ([http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/67/119](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/67/119)).

<sup>139</sup> International Committee of the Red Cross (ICRC), *Commentary - Art. 27. Part III: Status and treatment of protected persons #Section I: Provisions common to the territories of the parties to the conflict and to occupied territories* *Commentary to Article 27 of the Fourth Geneva Convention* (<http://www.icrc.org/ihl.nsf/COM/380-600032?OpenDocument>).

<sup>140</sup> ICRC, *Commentary - Art. 33. Part III: Status and treatment of protected persons #Section I: Provisions common to the territories of the parties to the conflict and to occupied territories*, p. 225, (<http://www.icrc.org/ihl/com/380-600038>).

<sup>141</sup> For examples see *Concluding Observations of the Human Rights Committee, Israel*, 3 September 2010, CCPR/C/ISR/CO/3, para. 5

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(<http://unispal.un.org/UNISPAL.NSF/0/51410EBD25FCE78F85257770007194A8>): and *Concluding Observations of the Committee against Torture, Israel*, CAT/C/ISR/4, 23 June 2009, para. 11 (<http://unispal.un.org/UNISPAL.NSF/0/DBE3C94863A888938525763300544555>); and *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel*, E/C.12/ISR/CO/3, 16 December 2011, para. 8 ([http://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww2.ohchr.org%2Fenglish%2Fbodies%2Fcescr%2Fdocs%2Fco%2FE-C-12-ISR-CO-3\\_en.doc](http://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww2.ohchr.org%2Fenglish%2Fbodies%2Fcescr%2Fdocs%2Fco%2FE-C-12-ISR-CO-3_en.doc)); and ICJ Advisory Opinion, 9 July 2004, paras 111-113.

<sup>142</sup> Human Rights Committee, General Comment 31 [80] *Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, CCPR/C/21/Rev.1/Add.13m, 25 May 2004, para. 10 (<http://www.unhchr.ch/tbs/doc.nsf/0/58f5d4646e861359c1256ff600533f5f>).

<sup>143</sup> UN Special Representative of the UN Secretary-General on the situation of human rights defenders, A/62/225, 13 August 2007, para. 91.

<sup>144</sup> UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principle 1, 1989 (<http://www.unrol.org/doc.aspx?d=2243>); and UN Human Rights Committee, *General Comment No 31 on the nature of the General Legal Obligation Imposed on States Parties to the Covenant*, CCPR/C/21/Rev.1/Add.13, 16 May 2004, para. 18 (<http://tb.ohchr.org/default.aspx?Symbol=CCPR/C/21/Rev.1/Add.13>).

<sup>145</sup> UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principle 9.

<sup>146</sup> UN Code of Conduct for Law Enforcement Officials, UN General Assembly resolution 34/169, UN Doc. A/34/46 (1979), Article 2.

<sup>147</sup> UN Code of Conduct, Article 1.

<sup>148</sup> UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, UN Doc. A/CONF.144/28/Rev.1 at 112 (1990), General Provision 4.

<sup>149</sup> UN Basic Principles, General Provision 5.

<sup>150</sup> UN Basic Principles, General Provisions 5, 6, 7 and 8, and Special Provisions 9, 10, 11, 12, 13, 14, 15 and 16.

<sup>151</sup> UN Code of Conduct, Article 3.

<sup>152</sup> UN Code of Conduct, General Provision 7.



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## TRIGGER-HAPPY

### ISRAEL'S USE OF EXCESSIVE FORCE IN THE WEST BANK

Israeli forces have repeatedly violated their obligations under international human rights law by using excessive force to stifle dissent and freedom of expression, resulting in a pattern of unlawful killings and injuries to civilians, including children, and have been permitted to do so with virtual impunity due, in no small part, to the authorities' failure to conduct thorough, impartial and independent investigations.

This report focuses on the use of excessive force by Israeli forces in the West Bank since the beginning of 2011. In doing so, it details cases of killings and injuries by Israeli forces of Palestinian civilians in the context of protests in the West Bank against Israel's continuing military occupation of the Palestinian territories, illegal Israeli settlements and the fence/wall, as well as Israel's treatment of Palestinian prisoners and detainees and violence against Palestinians by Israeli settlers. In some of the cases that Amnesty International has examined and documented, it appears that Palestinians killed by Israeli soldiers were victims of wilful killings; if so, such killings would amount to war crimes.

Amnesty International is calling on the government of Israel to open independent, impartial, transparent and prompt investigations into all reports of Palestinian civilians killed or seriously injured by the actions of Israeli forces in the Occupied Palestinian Territories. As a first step towards bringing Israeli accountability mechanisms closer to international standards, they should implement all the recommendations of the Israeli-appointed Public Commission to Examine the Maritime Incident of 31 May 2010 (known as the Turkel Commission) published in 2013.

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