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ISRAEL AND THE OCCUPIED TERRITORIES EXCESSIVE USE OF LETHAL FORCE

OCTOBER 2000

SUMMARY

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Since 29 September 2000 more than 100 Palestinians, including 27 children, have been killed by the Israeli security forces in demonstrations in Israel and the Occupied Territories. On 4 October Amnesty International sent two delegates to the area to investigate the use of force by Israeli security forces in the light of international standards on the use of force and firearms by law enforcement officials. Based on its investigations, including on-site visits to areas of demonstrations, Amnesty International is concerned that in policing demonstrations since 29 September 2000 Israeli security forces repeatedly resorted to excessive use of lethal force in circumstances in which neither their lives nor the lives of others were in imminent danger resulting in unlawful killings. The organization is also concerned that access of the wounded to medical assistance was impeded in a number of cases.

Amnesty International concluded that the Israeli security forces tended to use military methods to police the demonstrations rather than policing methods involving the protection of human lives. Often security forces initially responded by throwing CS gas (teargas) but within a matter of minutes were shooting lethal weaponry - rubber or plastic-coated metal bullets and live ammunition.

The security forces consistently breached international human rights standards and Israeli rules of engagement, which allow use of firearms only when life is in imminent danger. Weapons used were potentially lethal, suitable for combat situations, not for policing violent demonstrations. Many were killed by rubber-coated metal bullets, which are lethal, especially when shot from closer than the permitted minimum range of 40 meters.

Security forces are required by international standards to ensure that assistance and medical aid are provided to any injured person at the earliest possible moment. However, on some occasions Israeli security forces impeded access to medical assistance; sometimes ambulances and medical personnel were targeted.

Investigations into the circumstances of killings have not been carried out by either Israel or the Palestinian Authority. The Israeli security forces have apparently failed to make

reports on each death caused by firearms of law enforcement officers, as they are bound to do under international standards. According to media reports, the Israeli Government intends to appoint a judge to investigate clashes between police and Palestinians which took place in the Galilee in northern Israel after 29 September. As of 17 October, Amnesty International could obtain no information indicating that this inquiry mechanism had been established. The PA has also failed to investigate deaths. Each killing of a Palestinian in the area under the jurisdiction of the PA should have been fully investigated both by forensic studies at the scene of the crime, by questioning witnesses and by an autopsy. On no occasion have such investigations apparently been carried out.

Amnesty International is calling for the establishment of an independent international investigation, composed of criminal justice and other experts known for their impartiality and integrity to investigate all killings and other serious human rights abuses that took place since 29 September 2000 in circumstances indicating that they were carried out contrary to international law and standards in Israel, the Occupied Territories including the areas under the jurisdiction of the PA, and south Lebanon.

In its report Amnesty International reminds Israel and the Palestinian Authority that the upholding of the rule of law and protection of human life and safety should be of paramount importance. Amnesty International is calling on the Israeli Government to take immediate action to ensure that the Israeli security forces comply with international standards governing the conduct of law enforcement officials and the use of force and firearms, and thereby respect and protect the right to life.

This report deals only with the excessive use of force by Israeli security forces. Amnesty International has publicly expressed its concern about other serious human rights abuses which have occurred since 29 September in Israel and the Occupied Territories, including the areas of under the jurisdiction of the Palestinian Authority (PA), since 29 September. It will continue its fact-finding in a forthcoming visit to the area.

KEYWORDS: USE OF EXCESSIVE FORCE1 / UNLAWFUL USE OF FIREARMS1 /
DEMONSTRATIONS / MILITARY / INDISCRIMINATE KILLINGS / DENIAL OF
MEDICAL CARE / IMPUNITY / MISSIONS / RECOMMENDED ACTIONS

This report summarizes a 14-page document : ISRAEL AND THE OCCUPIED TERRITORIES EXCESSIVE LETHAL FORCE (AI Index: MDE 15/41/00) issued by Amnesty International in OCTOBER 2000. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: <http://www.amnesty.org/news/emailnws.htm>

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Public

amnesty international

**ISRAEL AND THE
OCCUPIED
TERRITORIES**

Excessive use of lethal force



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**Sami Fathi Abu Jazzar, 11 years old, shot by Israeli soldiers and declared brain dead
on 10 October 2000**

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ISRAEL AND THE OCCUPIED TERRITORIES

Excessive use of lethal force

INTRODUCTION

Since 29 September 2000 more than 100 Palestinians, including 27 children, were killed by the Israeli security forces. The impunity for those who commit human rights violations and the lack of investigations into so many deaths at the hands of the security forces has led to a breakdown in the rule of law.

In response to concern at repeated reports of Israeli security forces using excessive lethal force in the policing of demonstrations by Palestinians, on 4 October Amnesty International sent two delegates to Israel and the Occupied Territories to investigate the use of force by Israeli security forces in the light of international standards on the use of force and firearms by law enforcement officials.

This report deals only with the excessive use of force by Israeli security forces. Amnesty International has drawn attention to other serious human rights abuses which have occurred in Israel and the Occupied Territories, including the areas under the jurisdiction of the Palestinian Authority (PA), and will continue its fact-finding in a forthcoming visit to the area.¹

In accordance with international standards, law enforcement officials shall use firearms only if other means remain ineffective, or without any promise of achieving the intended result. Firearms may be used against people, after appropriate warnings are given, only to prevent death or serious injury where less extreme means are insufficient to achieve these objectives. In doing so law enforcement officials must respect and preserve life and minimize injury and damage. The standards underscore that law enforcement officials may resort to the intentional lethal use of firearms *only* when strictly unavoidable to protect life.

The organization's delegates, an Amnesty International staff member and Dr Stephen Males, a former senior police officer from the United Kingdom and a specialist in sensitive public order policing, visited several of the areas where lethal force had been used: in Jerusalem; in the north of Israel (Amnesty International delegates visited Nazareth, Arrabeh and Sakhnin); in the West Bank (delegates visited Ramallah and Nablus) and in the Gaza Strip (delegates visited Netzarim Junction, Khan Yunis and Rafah). Delegates received information

¹ Amnesty International's news releases are available in English at <http://www.amnesty.org> and in Arabic at <http://www.amnesty-arabic.org/index.htm>.

from Palestinian, Israeli and international human rights organizations in attempting to monitor as wide an area as possible.

In Jerusalem and within Israel protestors participating in demonstrations from 29 September threw stones; delegates received no information that firearms had been used by protestors in these demonstrations. In the West Bank and Gaza Strip, although most of the demonstrations involved stone-throwing protests, on a number of occasions firearms were used against Israeli security forces by members of the PA's security forces or others.

Based on its investigations, including on-site visits to areas of demonstrations, Amnesty International is concerned that in policing demonstrations since 29 September 2000 Israeli security forces have repeatedly resorted to excessive use of lethal force in circumstances in which neither the lives of the security forces nor others were in imminent danger, resulting in unlawful killings. The organization is also concerned that the security forces have impeded access of the wounded to medical assistance in a number of cases.

Amnesty International is calling for the establishment of an independent international investigation, composed of criminal justice and other experts known for their impartiality and integrity to investigate all killings and other serious human rights abuses that took place since 29 September 2000 in circumstances indicating that they were carried out contrary to international law and standards in Israel, the Occupied Territories including the areas under the jurisdiction of the PA, and south Lebanon.

September/October 2000 is not the first time when excessive use of lethal force by the Israeli security forces has claimed Palestinian lives: protesters and bystanders, including many children, died during the 1987-93 *intifada*, in September-October 1996, in May 2000, and on many other occasions.

The organization believes that these practices have continued, among other reasons, because of the lack of any investigation by the Israeli Government into the circumstances surrounding past cases of excessive use of force and the failure to bring the perpetrators to justice and bring about a change of practice in the use of force by the security forces in the wake of such killings in order to meet international human rights standards.

Amnesty International therefore calls on the Israeli Government to initiate a review of policing of demonstrations without delay to ensure that in the future, the practices of its security forces are consistent with international standards and thereby respect and protect the right to life.

BACKGROUND

On 29 September at least five people died in Jerusalem after being shot by Israeli security forces and more than 200 were wounded after stones were thrown over the Western Wall after Friday prayers at the al-Aqsa Mosque. The demonstrations which followed were in protest at these killings, and became even more widespread after television viewers saw the prolonged agony ending in the death of a 12-year-old boy, Muhammad al-Dura, shot at Netzarim Junction on 30 September in the Gaza Strip by Israeli security forces, while his father tried to protect him.

In the following days, demonstrations, which often developed into violent clashes between Palestinians and Israeli security forces, took place - sometimes daily - in cities and villages in the West Bank and the Gaza Strip. Demonstrations also took place in Arab towns and villages within Israel. At least 11 Arabs were killed in Israel and hundreds of others were wounded. On some occasions in the West Bank and Gaza members of the Palestinian security forces or others fired on the Israeli security forces. Palestinians and Israelis have also both been the victims of serious human rights abuses, including killings, by private individuals. On 12 October an angry Palestinian crowd killed two Israeli reservists in the custody of the Palestinian police; this was followed by reprisal bombings on PA facilities in various Palestinian towns in the West Bank and Gaza Strip which injured about 30 people.

International standards and the Israel Defence Forces' open fire regulations

International standards for law enforcement officials state that the role of law enforcement officers, including the armed services when they take on law enforcement duties, is to protect and respect the human rights of all people and protect and preserve life:

"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" Article 2 of the Code of Conduct for Law Enforcement Officials (Code of Conduct). These rights include the right to life.

"Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty." Article 3 of the Code of Conduct. The commentary on this article clarifies that the use of firearms is considered as an extreme measure. It also states specifically: "Every effort should be made to exclude the use of firearms, especially against children."

"Law enforcement officials shall not use firearms against persons except in self-defence or in defence of others against the imminent threat of death or serious injury...and only when less extreme means are insufficient to achieve these objectives." Article 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic Principles).

"The intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life." (Principle 9 of the Basic Principles)

*"Whenever the lawful use of firearms is unavoidable law enforcement officials shall ...
(b) minimize damage and injury, and respect and preserve human life;
(c) ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment." (Principle 5 of the Basic Principles)*

"...In cases of death and serious injury a detailed report shall be sent promptly to the competent authorities responsible for administrative review and judicial control." (Principle 22 of the Basic Principles)

Israeli regulations for the use of firearms laid out in the Israel Defence Forces' (IDF) Orders for Opening Fire in Judea and Samaria (i.e. the West Bank) state:

A soldier will use a weapon, in the event of immediate danger to life, his own or that of others, and when it is impossible to effectively defend oneself from the assailant other than by the use of a weapon.

The firing is intended to hit the assailant alone, in the measure necessary for preventing the danger.

No shooting should be done except while the danger still exists.

In the same document the section "Methods for dispersing riots" stresses the need for soldiers first to employ non-lethal means for dispersing rioters:

The regulations state that in order to disperse a riot there must first be a call to the rioters to disperse.

If the riot does not end within a reasonable period of time, it is permitted to employ means for dispersing demonstrations according to the following stages:

- 1) Means such as: tear gas, water jets, blasting cap, stun grenades.*
- 2) Warning shots in the air.*
- 3) Firing rubber ammunition [codes RRNM and Roma GG, RM].*

The passage from one stage to the next will be done, only if the previous stage did not lead to the ending of the violent riot. A stage may be skipped, if certain means are not at the disposal of the force, or if they are not applicable in the circumstances of the event.

The use of means for dispersing the riot, and the passage from one stage to the next, will be done according to the orders of the commander.

If the use of all other methods including rubber bullets fails to disperse the riot, then plastic bullets may be used. But first *"there must be an attempt to end the riot or the stone-throwing, by other means for dispersing demonstrations"*.

Demonstrations: the pattern

Although in the clashes caused by riots the differences in policing between Israel and East Jerusalem, which has been annexed by Israel, on the one hand and the Occupied Territories on the other are great the methods used in suppressing the demonstrations did not vary widely.

Within Israel and annexed East Jerusalem, the delegates received no information that Palestinians used firearms, so there was no serious danger to life to the well-equipped Israeli security forces. Although some demonstrators within Israel did try, apparently unsuccessfully, to make petrol bombs, their use was rarely reported; in any case petrol bombs, like stones, pose no great threat to a police force well-equipped and trained for riot control. As regards policing rules, an IDF spokesperson told Amnesty International delegates that the command role in policing any demonstrations within Israel would be played by the police, although the army and border police might be called on to assist them. On the other hand, within the Occupied Territories, the IDF has a law enforcement role. However, whether the command role was played, as in Israel, by the police or, as in the Occupied Territories, by the army, the methods used in facing the demonstrators were similar and strongly tended to be military methods rather than policing methods aiming to control and defuse violent demonstrations.

Within the Occupied Territories the process begun by the Oslo peace process has left a maze of jurisdictions. In the West Bank Area A, a small proportion of the land containing 98% of the population, is under full control of the PA for both security and civilian affairs. In Area B, composed of a number of villages, the PA is responsible for civil affairs while Israel has overriding responsibility for security, and in Area C Israel has full control. Often the connecting roads are under Israeli control and the areas on the side of the road are part of Area B under Palestinian control.

FINDINGS

In policing the recent demonstrations, the Israeli security forces have tended to use military methods rather than policing methods involving the protection of human lives.

The demonstrations and disturbances throughout Israel and the Occupied Territories followed a distinctive, almost ritual, pattern. Crowds of Palestinians gathered, often spontaneously after funerals or to protest against killings of Palestinians by Israeli security forces the previous day. Some demonstrations were organized by groups who issued calls to

action or called children out of schools. A protest was held or a march was organized to a "symbolic location". In the West Bank and Gaza Strip the symbolic location was usually a checkpoint of Israeli soldiers or the route to an Israeli settlement; in Israel it was sometimes the land belonging to the Palestinian community in the past has been confiscated by the Israeli authorities. Some demonstrations involved hundreds or even thousands of people: they were rarely organized or controlled as they built up and moved, either by their own marshals nor (in the areas of the PA) by the Palestinian police. Usually, but by no means always, demonstrators outnumbered the security forces. There was usually a core of demonstrators, perhaps 50 or more, who were prepared to throw stones and move to the front in confrontation with the security forces.

Confrontation with the security services frequently appears to have been sought by both the demonstrators and the security forces themselves, who are aware of the symbolic locations (or "flashpoints" as they are termed by the IDF) and are often waiting in force for the demonstrators at the point. When the demonstrators, who frequently include a large proportion of children and youth (under 18 years of age) saw the Israeli security forces, normally present in large numbers in force, they normally threw stones and, on occasion, petrol bombs. The Israeli security services were almost invariably well-defended, located at a distance from demonstrators in good cover, in blockhouses, behind wire or well-protected by riot shields, and the stones had little effect. Certainly, stones - or even petrol bombs - cannot be said to have endangered the lives of Israeli security services in any of the instances examined by Amnesty International. Nevertheless though the security forces may have begun by throwing CS gas (teargas) a very rapid escalation took place and within minutes security forces were shooting lethal weaponry - rubber or plastic-coated metal bullets and live ammunition. Serious casualties are inevitable. As Dr Males commented: "These are good tactics if one wants to wipe out an enemy, they are not policing".

Some of the Palestinians killed were members of Palestinian security forces armed with firearms and shooting at the Israeli security forces. However, the majority of people killed were taking part in demonstrations where stones were the only weapon used. In many cases there was no damage to property or immediate life-threatening risk to security forces or residents. Demonstrators were sometimes ambushed in isolated locations on roads outside the towns. In most instances anger has only boiled over at the appearance of the security forces and the violence has been directed at them. Sometimes the security forces did not arrive at the symbolic location at which the demonstration was being held and the crowd dispersed after a demonstration without incident. In other cases Israeli security services may have been justified in protecting lives but could have employed a variety of non-lethal tactics to halt the demonstration physically with little danger to either side. The use of lethal force involving considerable shooting, injury and death, rather than the use of non-lethal force, was clearly a considered choice.

A soldier at one of the many Israeli checkpoints which controls movement into and out of an area under the PA's jurisdiction, told the delegates "We are at war, you know". This assessment of the situation was repeated by the IDF spokesperson; when Amnesty International delegates asked him why incidents involving deaths were not being investigated he said: "This is a warfare situation". Later, when asked why the IDF could not have reduced the casualties the IDF spokesperson said: "We could have made ten times more casualties".

Governments and law enforcement agencies 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. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons. For the same purpose, it should also be possible for law enforcement officials to be equipped with self-defensive equipment such as shields, helmets, bullet-proof vests and bullet-proof means of transportation, in order to decrease the need to use weapons of any kind." Principle 2 of the Basic Principles

.....
"Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result." Principle 4 of the Basic Principles.

"Where it is the police duty to protect the public, a demonstration that results in minor injury to the public, and regrettable as it might be, some minor or in some circumstances more serious injury to police, might well be considered a great success. The police in those circumstances may be proud that they have prevented more serious injury or death, and the public, whatever their origin, grateful to them for the risks they have taken to preserve the peace. A military commander wishes to minimise risk to his troops and maximise injury to the enemy. A police commander wishes to preserve the peace and protect public lives and property, and knows that to do so will involve taking risks which endanger police personnel." Dr Stephen Males

International human rights standards and Israeli rules of engagement allowing use of firearms only when life is in imminent danger have been consistently breached.

According to information gathered by Amnesty International, it appears that there has been widespread breach of security forces' own regulations for dispersing demonstrations. A wide variety of non-lethal means of dispersal were readily available but were not apparently used.

It appears to be accepted by the security forces that rubber-coated metal bullets and firearms will be used in dispersing all demonstrations. This was accepted and justified by the IDF, in talks with Amnesty International, on the basis that on all occasions lives were in danger.

Indications of discharge of a multitude of weapons were found at most locations visited by Amnesty International delegates including large numbers of shell cases, CS canisters, rubber-coated metal rounds and live rounds. At individual points where security force units had reportedly been seen by witnesses firing on demonstrators, searches revealed dozens of spent rounds. In visiting many points near to the demonstration location it was clear that hundreds of rounds must have been fired. Recovery of bullets and rubber-coated metal rounds, live and expended ammunition of varied calibre from the scene of the demonstrations and embedded in surrounding homes indicated widespread use of potentially lethal force. Damage to walls and penetration of property adjacent to the demonstration indicated a lack of control and direction of fire, if not deliberate shooting at random.

A large proportion of those injured and killed included children usually present and often among those throwing stones during demonstrations. Bystanders, people within their homes and ambulance personnel were also killed. Many persons were apparently killed by poorly targeted lethal fire; others, as the case studies below indicate, appear, on many occasions, to have been deliberately targeted. In many of the locations where children were killed there was no imminent danger to life nor reasonable expectation of future danger.

Weapons used were potentially lethal, suitable for combat situations, not for policing violent demonstrations.

"Crowd control weaponry is different from that required by the army in combat situations. The use of automatic fire, rifle and other highly penetrative rounds, or bullets which travel and kill over long distances are less appropriate in public disorder situations. Sometimes the use of such weapons leads to an unintended person being killed. This may be as a result of inaccurately or poorly targeted fire, use of highly penetrative or high velocity rounds killing people at a distance beyond those targeted, or indeed in their homes beyond the disturbance. The delegation found ample evidence of the impact of rounds beyond the area of the disturbance, upon dwelling houses and other unconnected buildings, and of penetration of those buildings causing damage, injury and trauma to the occupants." Dr Males.

Rubber-coated metal bullets, which are frequently used in Israel for crowd control, are also lethal, especially when shot, as frequently happens, from closer than the minimum range of 40 meters permitted under regulations in both Israel and the Occupied Territories. Examination in the Maqased Hospital in Jerusalem of the data from recent demonstrations showed that half the fatalities had been caused by rubber-coated metal bullets. These projectiles are not simple rubber or plastic but consist of a metal core coated, in the case of spherical projectiles, with a very thin layer of rubber and, in the case of cylindrical

projectiles, with a slightly thicker coating. The external diameter of the spheres and cylindrical projectiles is about 17mm and the cylinders are about 18mm long. The coating of rubber is about 3mm thick, less in the case of the spherical ammunition examined. The size of the core is therefore greater than that used in lethal shotgun ammunition such as a 00 buckshot, more akin to the solid slug. Whereas weight and the velocity is likely to be less and the accuracy less, the penetrative power and disruption by impact and shock to the bodily tissue at and surrounding the point of impact and the penetration capability is considerable and likely to kill at close range.

Delegates did not receive any information indicating that larger, cylindrical baton rounds or the smaller rubber or plastic spherical rounds were used by the Israeli security forces. These projectiles suffer from poor accuracy, but they are less likely to cause fatality used in close conflict situations while retaining the ability to disperse demonstrators.

The Israeli security forces' ability to police violent demonstrations without the use of firearms is indicated in their policing of violent demonstrations by Jewish groups. For example, violent demonstrations by Ultra-Orthodox Jews in Jerusalem in July and August 1999 were policed without resort to firearms. Although demonstrators have complained in some cases of excessive force in the use of batons in dispersing violent demonstrations, no demonstration organized by a Jewish group has ever been fired on, even by rubber bullets.

On some occasions Israeli and Palestinian security forces have impeded access to medical assistance; sometimes ambulances and medical personnel have been targeted.

When security forces fear that there is a risk to members of the public, due to accident or public disorder, it is their duty to try to ensure adequate medical facilities are available to protect life and reduce the risk of harm to the public. On a number of occasions victims were unable to access medical help due to Israeli security forces' deployment and restrictions upon movement; in some cases delays caused by security forces led to a deterioration in the condition of those injured, sometimes critically. Security forces are required to ensure that assistance and medical aid are provided to any injured person at the earliest possible moment.

One wounded Israeli member of the border police died on 1 October after the PA failed to ensure his medical evacuation from Joseph's Tomb in Nablus.

The Israeli security forces have apparently even targeted people helping to remove the wounded. Bassam al-Bilbaysi, an ambulance driver working for the Palestinian Red Crescent Society, died after Israeli troops shot him in the chest on 30 September at Netzarim junction in the Gaza Strip in an ambulance. At the time Bassam al-Bilbaysi and his colleague were reportedly trying to approach Muhammad al-Dura, aged 12, and his father Jamal al-

Dura, who both had gunshot wounds; they had been fired on by Israeli soldiers. Muhammad al-Dura died from his injuries.

Investigations into the circumstances of killings have not been carried out

The Israeli security forces have apparently failed to make reports on each death caused by firearms of law enforcement officers, as they are bound to do under international standards. According to Israeli media reports, the Israeli Government intends to appoint a judge to investigate clashes between police and Palestinians which took place in the Galilee in northern Israel after 29 September. The terms of reference of this inquiry are not clear. As of 17 October, Amnesty International could obtain no information indicating that this inquiry mechanism had been established. In any event it is apparent that killings by security forces which have taken place in the Occupied Territories will not be investigated during any such inquiry. In a meeting on 11 October between Amnesty International delegates and a spokesperson for the IDF, which is primarily responsible for law enforcement in the Occupied Territories, the IDF spokesperson made it clear that he felt that every death caused by the IDF was justified. He stated that inquiries into the deaths of Palestinians living in the PA's areas would be impossible since the IDF had no access and did not even know the names of those who had died.

The PA has also failed to investigate deaths. Each killing of a Palestinian in the area under the jurisdiction of the PA should have been fully investigated both by forensic studies at the scene of the crime, by questioning witnesses and by an autopsy. According to information received by the delegates, on no occasion have such investigations been carried out; Palestinian doctors qualified in forensic medicine have informed Amnesty International that on no occasion were they asked to carry out an autopsy.

Each individual life of those who have been killed in the Occupied Territories has clearly been considered as important by the Palestinian people and the PA; funerals have been large and often led to more demonstrations and more killings. Those who die are wrapped in the Palestinian flag and hailed as martyrs. However, between 29 September and 12 October, more than 80 people died in the areas under the jurisdiction of the PA without proper investigation, without autopsies and without the slightest expectation that, if they were unlawfully killed, those responsible would be brought to justice. This has led to a situation where no Palestinian has confidence in justice and the rule of law is not respected.

CASE STUDIES

Jerusalem

Four Palestinians were killed in the precinct of the al-Aqsa Mosque on 29 September and one when police fired on a stonethrowing crowd near the Maqased Hospital in Jerusalem. Over 200 Palestinians and 70 policemen were wounded.²

- The police were expecting disturbances and had 1,000 police on the scene. There was a rapid escalation, with no serious attempt to use other methods before having recourse to firearms and rubber-coated metal bullets. The first stones were thrown at worshippers at the Western Wall around 1.20pm; the police fired shock grenades but, within minutes had charged into the al-Aqsa Mosque precinct and were firing potentially lethal rubber-coated metal bullets. Yet, after the worshippers at the Western Wall had been evacuated, by 1.30pm, there was no danger of injury to Jewish worshippers and the police could have left the mosque area. However, firing continued, in response to stones, off and on, for several hours and appears to have been poorly targeted. Tear gas was not used.

- The firing of the bullets does not appear to have been targeted towards stonethrowers. Many of those who had come to worship in the mosque, who were not in any way involved in the stone-throwing, were shot.

- Ambulances and the evacuation of the wounded were said to have been delayed for 15 to 20 minutes by security forces in a number of cases.

Demonstrations within Israel

- Demonstrations took place in over 30 towns and villages throughout Israel from 29 September onwards. Demonstrations which were not opposed by the police - for instance in Haifa, Reine near Nazareth, and other villages - passed off peacefully without loss of life. In Umm al-Fahm, after two days of demonstration with loss of life, the police did not show up on the third day and the demonstration passed off without injury.

- In some cases, especially in northern Israel, at Nazareth, Umm al-Fahm, Sakhnin and Arrabeh, the military policing methods of Gaza and the West Bank were used: ie meeting demonstrators in force, rapid escalation to firing of rubber-coated metal bullets and live ammunition without attempting to use non-lethal means of dispersal.

- Sometimes, after the death of a demonstrator, security forces appeared to have had recourse to teargas in massive quantities and demonstrators dispersed.

² For an account of the events see B'Tselem's *Events on the Temple Mount - September 29, 2000: Interim Report*. (Jerusalem, October 2000).

On 2 October at about 2pm demonstrators gathered in the village of Arrabeh and marched out of the village to a location symbolic of the village's confiscated lands in olive orchards near a rubbish dump, at a place where demonstrators posed no danger to life or property. Police, including the army and special forces, were on the hillside above the demonstrators; they shot tear gas and then charged the demonstrators, who numbered about 200, firing rubber-coated metal bullets and live ammunition as they scattered. Two demonstrators were killed, Ala' Khaled Nasser, 22, and Asil Hassan 'Asleh, aged 17. Asil 'Asleh had been a supporter of "Seeds of Peace", a group which worked for Jewish-Arab friendship. He had stayed in their camp in Maryland in the United States and was wearing his Seeds of Peace T-shirt when he died. Witnesses say they saw him beaten to the ground by security forces; he was shot in the neck at close range. Witnesses told Amnesty International that an ambulance was called after he was shot, but did not arrive due to the restrictions on movement imposed by police and soldiers. Asil 'Asleh was taken by private car to the Haifa Medical Centre in Sakhnin to receive emergency first aid. He was then transferred to another hospital in Nahariya, less than an hour away, but the ambulance in which he was being transported was delayed at several checkpoints. Upon arrival at Nahariya hospital, doctors immediately tried to operate on Asil 'Asleh, but he could not be saved. His grieving father said to Amnesty International delegates: "In normal circumstances, the police serve the people; they do not kill them."

Palestinian Authority/Occupied Territories

- On some occasions witnesses stated that Palestinian police and others shot at IDF and border police. This is alleged by PA spokespeople to have taken place only after Israeli security forces had shot rubber-coated metal bullets and live ammunition at demonstrators. However, one Israeli soldier guarding Joseph's Tomb in Nablus was wounded by a Palestinian who shot into the tomb; he died after the PA failed to ensure his safe evacuation to hospital.
- There was evidence from Ramallah and Nablus and the Gaza Strip to suggest that tactics of heavy response to stone-throwing demonstrators escalated quickly into use of rubber bullets; live ammunition was frequently used.
- There was overwhelming evidence that on many occasions the IDF had opened fire on stonethrowing demonstrators, killing and wounding Palestinians, including children, on occasions when there was no imminent danger to the lives of the security forces or others.
- Bullets embedded in houses around sites of demonstrations in Nablus, Ramallah and Bethlehem suggested that live ammunition was frequently poorly targeted, sometimes killing or wounding those unconnected with demonstrations.
- There was also evidence that individuals who were unconnected with demonstrations but walking in areas in range of Israeli military posts were fired on and sometimes killed (for instance Mustafa Farajeh, killed as he was walking with a friend in Beit Sahur on 5 October

2000 and Hisham Muqbel, aged 43, killed on 8 October 2000 allegedly by a soldier several hundred metres away at the gate of Netzarim Settlement in the Gaza Strip).

- There was evidence of shooting at ambulances and medical personnel and delaying evacuation of the wounded. For example, Muhammad Sami al-Ja'bari, a nurse who works for the Palestinian Red Crescent Society, reported that he was shot in the cheek on 6 October 2000 while he was placing an injured person onto a stretcher at Bab al-Zawiyeh in Hebron city.

On 1 October Samer Tabanjeh, aged 12, was sitting on the rocky hillside outside his home, one of the highest houses in Nablus, with his uncle and others watching the riots about 500 meters below. An Israeli military attack helicopter circled overhead and Israeli troops were deployed on the hill opposite, about 700 meters away. His uncle went inside the house, followed by the boy. The uncle suddenly felt Samer Tabanjeh clutch his waist; the boy had been shot in the abdomen. Bleeding heavily, Samer Tabanjeh was rushed to hospital, but could not be saved.

On 10 October Amnesty International delegates witnessed the aftermath of a stonethrowing demonstration in Rafah on the southern edge of the Gaza Strip. Sami Fathi Abu Jazzar was declared brain dead after being wounded in the head when Israeli soldiers shot at a crowd of some 400 people, mostly young elementary schoolchildren, throwing stones at an Israeli military post. Six others were injured. The children had been encouraged by older youths to leave their schools and to go and demonstrate. The delegates concluded that the lives of Israeli soldiers, whose position was heavily fortified and located far away from the stonethrowers behind two wire fences, were in no danger from the stonethrowers and there was no justification for the use of lethal force. Sami Abu Jazzar died the following day, on the eve of his 12th birthday.

RECOMMENDATIONS

To the United Nations

The United Nations should establish an independent international investigation, composed of criminal justice and other experts known for their impartiality and integrity, to investigate all killings and other serious human rights abuses that took place since 29 September 2000 in circumstances indicating that they were carried out contrary to international law and standards in Israel, the Occupied Territories, including the areas under the jurisdiction of the PA, and south Lebanon. The inquiry should have the means to carry out its work and have full access to witnesses, including those in the Israeli and Palestinian security forces, and material evidence. Its report should be made public.

To the Israeli Government and the Palestinian Authority

Israel and the PA should fully cooperate with this investigation.

The upholding of the rule of law and the protection of human life and safety should be of paramount importance for Israel and the PA.

To the Israeli Government

In light of Amnesty International's findings regarding the excessive use of force by Israeli security forces:

The Israeli Government should take immediate action to ensure that the Israeli security forces, the IDF, the Israel Police and the Border Police, comply with international standards governing the conduct of law enforcement officials and the use of force and firearms and thereby respect and protect the right to life.

The Israeli Government should initiate a review of policing of demonstrations without delay to ensure that in the future, the practices of its security forces in policing demonstrations are consistent with international human rights standards.

The Israeli Government should bring to justice all persons suspected of responsibility for unlawful killings in trials that are consistent with international standards.

The Israeli Government should make reparation, including payment of compensation, to the families of victims of unlawful killings.