

16 July 2014

To:

Police Commissioner Yohanan Danino

Fax: 02-4528118

Dear Sir,

**Re: Severe Breaches of Conduct by Police and Border Police Forces during
Events of the Last Two Weeks in East Jerusalem**

We turn to you following the turbulent events taking place in East Jerusalem over the past two weeks. Testimonies received by the Association for Civil Rights in Israel (ACRI) raise grave concerns that in some of the events that took place across the city, **police forces used severe and excessive violence against Palestinian residents, both while dispersing demonstrations and riots and while conducting arrests, which has led to many bodily injuries.**

We are, of course, aware of the fact that in times like these, the police are forced to handle difficult and complicated situations. At the same time, while the police fulfill its duty under the law, it must act reasonably and carefully, including using the means at its disposal in a proportionate manner, after exhausting means that are less harmful to the residents, and of course – to an extent that does not exceed what is necessary. Furthermore, and particularly during such tense periods, it is the obligation of police commanders to ensure that police officers pay heed to the regulations that limit the use of force, in order to minimize the risk of harm to bodily integrity and human lives.

Assaults and Physical Violence

1. Testimonies received by ACRI indicate that Palestinian residents from different areas in Jerusalem were assaulted in all parts of their bodies by police and border police forces using excessive violence. Some of the residents even suffered direct blows to the head, which required urgent medical treatment.

- On 4 July 2014, the media published a particularly disturbing video, which showed border police officers viciously and brutally beating a 15-year-old boy named Tariq Abu Khdeir. The teenager was lying on the ground, and apparently also handcuffed, and did not pose any threat to the lives of the officers. According to media reports, an investigation into this matter was initiated by the Police Investigations Department (*Mahash*). In this case, we expect the police to handle this matter as swiftly and urgently as possible.
 - On 4 July 2014, AJH, a resident of Beit Hanina and a father, was severely beaten, according to his testimony, when he was on his way back home from work. According to his testimony, Mr. Hassan was clobbered all over his body with the butt of a rifle with particular focus given to his head. Following this incident, he was rushed to the Hadassah Ein Kerem hospital to receive urgent medical treatment. Due to the severity of his injuries he was hospitalized for two days, and then subsequently transferred to detention where he remains to this day. According to information provided to us by a relative of AJH, as he is still being held in detention, a complaint to the Police Investigations Department has not yet been filed with regards to this incident.
 - MAN, KAK and MAK were on their way back from the funeral of the child - Mohammed Abu Khdeir - on 4 July 2014. The three of them testified that a number of police officers wearing face masks attacked them and beat them with “crushing blows,” as they defined it, both on their faces and all over their bodies, to the point where KAK lost consciousness. They further testified that the officers continued to kick them even after they had been arrested and while they were being taken, handcuffed, in a police car to the station in Neve Yaakov. They were taken to the Hadassah Ein Kerem hospital, and 12 hours later their detention was extended and they were transferred to incarceration. To the best of our
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knowledge, at this point complaints have not yet been filed with the Police Investigations Department concerning these events.

- On 3 July 2014, at the French Hill intersection, a vehicle attempted to run over three passersby from Beit Hanina, according to 21-year-old MZR. When the first attempt failed, the vehicle backed up and attempted to run them over again, and when this attempt also failed, the three managed to get the driver – who was Jewish-Israeli according to the residents – out of the car. According to MZR's testimony, the police, which were present at the scene, only intervened at this point. The officers allowed the driver to escape and severely beat the residents on their heads and all over their bodies. The three were rushed to the Hadassah Ein Kerem hospital for medical treatment. To the best of our knowledge, a complaint has not yet been filed with the Police Investigations Department.

Unregulated Use of Foam-Tipped Bullets and Firing at Journalists

2. Additional testimonies received by ACRI raise the suspicion that in various cases, police in Jerusalem made considerable – and apparently also unregulated – use of foam-tipped plastic bullets while dispersing demonstrations and riots. The extent of the injuries caused by foam-tipped bullets during the events of the last two weeks raises the suspicion that this use contravened police regulations, which emphasize that “this is an instrument that can cause severe injury to the upper body, and must therefore be used in accordance with the rules and regulations.” According to testimonies provided to us, residents were injured from foam-tipped bullets in their upper bodies, including their heads.

3. Moreover, residents claim that over the last two weeks security forces also made use of rubber bullets. These are testimonies that we could not verify, as the residents are not experts in this field. The conclusions of the Or Commission and police regulation 90.221.012 (“Police Handling of Riots in Demonstrations”) have unequivocally concluded that there are numerous risks entailed in using rubber-coated bullets, and therefore the commission determined that their use must be discontinued. The use of rubber-coated bullets entails the risk of a lethal injury due to a mistake in estimating the range or due to a deviation of the projectile that leads to hitting a sensitive organ.

The use of rubber-coated bullets is prohibited under the aforementioned regulation and constitutes a last – and very severe – resort, which requires the authorization of the Police Commissioner.

- ACRI received the testimony of TS, a resident of Shuafat, who was born with impaired eyesight and can only see with one eye. On the day of the funeral of the child - Mohammed Abu Khdeir, a bullet was fired toward TS and hit his healthy eye. The attempts to bring back his eyesight in the hospital failed, and he will be forced to continue living without a sense of sight. In addition, we have knowledge of at least one more incident of a bullet hitting the eye of a teenage boy. As stated above, under police rules and regulations officers must aim only at the lower body.

4. Not only that, a large number of bullet injuries were suffered by photographers, journalists and field workers, who are not involved in riots and usually wear a helmet or vest that can be recognized from afar. Tali Mayer, a photographer working for the Walla news website, was struck in her face with a foam-tipped bullet. Her jaw was broken, and she is now facing lengthy rehabilitation. The injury took place while she was standing on the side, surrounded by other journalists and photographers. The journalist Christine Rinawi was injured following a direct hit by a foam-tipped bullet to her shoulder, an injury that required medical treatment. In addition, according to media publications, on 4 July 2014 CNN reporter Ben Wedeman was directly hit in the head by a rubber-coated or foam-tipped bullet. These incidents raise suspicions of a gross deviation from regulations.

Use of Tear Gas

5. Under the proper circumstances, tear gas can be a suitable measure for dispersing riots. However, tear gas should be used in a sensible manner, especially in residential areas. Information obtained by ACRI indicates that on several occasions, police made unreasonable use of tear gas in Shuafat, when a number of tear gas canisters were thrown into the yards of private homes in the neighborhood. This caused suffocation and breathing problems for residents who were inside the houses and caused particular harm to children.

6. As you are aware, the neighborhoods of East Jerusalem are characterized by dense construction and narrow streets, which are surrounded by residential buildings. Using tear gas within neighborhoods generates the risk of hurting innocent people, both passersby on the street and residents living in adjacent houses. Therefore, the authorized quantity of tear gas must be restricted, while taking into account the physical properties of the area and the dispersion of the gas. This is the case even during illegal demonstrations and riots.

Damage to Private Property

7. On 6 July 2014, during the hours of the night, the police used a “Skunk” vehicle, which blasted a foul-smelling liquid at the windows of many houses along the main street from the At-Tur neighborhood to the neighborhood of Ras al-Amud, over a period of several hours. Residents testified that they tried to clean up and remove the stench inside the houses for an entire day, but to no avail. We also have testimonies stating that on 13 July 2014, a “Skunk” vehicle directed its foul-smelling liquid toward homes and stores located at the entrance to the Shuafat refugee camp and in the neighborhoods of Issawiya and Abu Tor. Using the “Skunk” in a manner that causes damage to many houses and businesses raises the suspicion that its use constituted a form of collective punishment. According to a testimony provided to ACRI, one child had to receive medical treatment due to the Skunk liquid that penetrated his house.

8. On 5 July 2014, AFH was severely assaulted when the police broke into his home, in the Shuafat neighborhood, at 4 AM. AFH testified that the police utilized unreasonable and completely disproportionate, which destroyed a large amount of property in his house in the process of the search and arrest. In addition to that, he was severely assaulted by the police officers, who made sure to note, according to him, that they were doing it “as revenge” and that they wish to “discipline” the residents.

9. Moreover, in the last few days, it has come to our attention – via testimonies and videos published by the media – that during the violent events in East Jerusalem, police and border police forces caused indiscriminate damage to the private property of numerous residents without any

clear justification. One example can be viewed in [this video](#), which shows police forces shattering the windows of a parked car.

Conclusion

10. **In light of the above, your prompt intervention is required in order to ensure the immediate discontinuation of police and border police conduct that contravenes regulations, let alone actual criminal conduct.** Should complaints concerning violence and assaults be filed with the Police Investigations Department (*Mahash*), we expect a thorough investigation and the prosecution of the assailants. However, knowing the reality in East Jerusalem, residents often choose not to file complaints against police officers, because they do not trust that these complaints will receive a fair and adequate treatment. In light of that, the complaint procedure does not suffice and a clear message is required, accompanied by practical measures, on your behalf and on behalf of the senior ranks responsible for police conduct in Jerusalem, in order to uproot police violence aimed at the residents of East Jerusalem.

11. Furthermore, you are required to closely examine whether the actions taken by police to disperse demonstrations and riots was proportionate and reasonable, whether this was done in accordance with regulations, whether there were alternative measures that could have been used and to what extent did the use of force adhere to the framework of the law. Pursuant to the results of this review, regulations should be promptly reinforced among police forces active on the ground and any deviation from these regulations must be absolutely prohibited.

We would appreciate your prompt reply.

Sincerely,

Yusef Karram, Adv.

Association for Civil Rights in Israel

Copies:

MK Yitzhak Aharonovitch, Minister of Internal Security

Brigadier General Shaul Gordon, Legal Advisor to the Israel Police

Major General Yossi Pariente, Commander of the Jerusalem District of the Israel Police

Major General Amos Yaakov, Commander of the Border Police

Mr. Yehuda Weinstein, Attorney General
