



March 8, 2015

Chief Commissioner Yohanan Danino
Chief Commissioner of the Israel Police
Via fax: 02-5428118

Yehuda Weinstein
Attorney General of Israel
Via fax: 02-6467001

Re: Use of black sponge bullets

1. I am contacting you regarding the use of sponge bullets by the Police for dispersing riots in East Jerusalem. Use of these bullets during these incidents has had severe and even lethal results, as will be detailed below. In light of the many incidents involving severe injuries since the use of these black sponge bullets began, and more specifically the death of 16-year-old Mohammed Sunuqrut after he was shot in the head, **the use of the black sponge bullets must cease immediately and the reasonableness of their use to disperse riots must be reexamined.**

Black sponge bullets – a weapon with lethal potential

2. In July 2014 the Police began widespread use of a new kind of sponge bullet (bullet no. 4557) to disperse riots and demonstrations in East Jerusalem. Compared to the blue sponge bullets (bullet no. 632), which have been used for years, the new black bullets are heavier and harder and the damage they inflict, as the injuries have proven, is much more severe than that caused by the blue bullets.
3. Professional Directive – Operation of 40 mm Foam Rifle (henceforth: sponge bullet procedure) determines that both the blue and black sponge bullets are intended “**to cause blunt injury and temporarily neutralize** rioters during public disturbances” (section 1a of the procedure) and are employed “in order to **deter and arrest** individual rioters during disturbances” (section 1a of the procedure). However, in practice, the black sponge bullets have caused very severe injuries to residents of East Jerusalem, including **fractures of various body parts and loss of eyesight**, according to eyewitness reports. In the tragic case of Muhammed Sunuqrut, age 16, the black sponge bullet, which struck his head on 7 September 2014, is believed to have caused his death (according to the autopsy performed by the Palestinian pathologist. The Israeli pathologist who participated in the autopsy has not yet released his conclusions, despite a significant amount of time having passed since the autopsy was completed).
4. **The accounts we have received include those of four minors that were struck in the face by these sponge bullets and as a result have partially or fully lost sight in one eye.** Attached as an appendix to this inquiry is a list of accounts we have received from residents of East Jerusalem who were injured in recent months by sponge bullets. The list of injuries from sponge bullets is partial, as

we have no way of reaching all of the injured. In addition, many residents who were injured by sponge bullets refused to provide testimony, fearing that their exposure would lead to harassment by the security forces.

5. For example, according to accounts related to us, on 24 December 2014, **a six-year old boy**, M.U. from Issawiya, was struck in the face by a sponge bullet. According to medical documents in our files, the child was evacuated to the Hadassah Mount Scopus Hospital and diagnosed there with **facial fractures and cuts to the face**. He was then transferred for further care to Hadassah Ein Kerem Hospital, where he underwent face surgery. As a result of the injury, **the child lost sight in the injured eye**. The incident is under investigation by the Police's Internal Investigations Department.
6. In addition, an **11-year-old boy**, S.A.M. from Issawiya, was shot in the face by a sponge bullet on 13 November 2014. As was the case concerning M.U., according to medical documents, S.A.M. sustained **facial fractures and cuts, lost sight in one eye**, and sight in his second eye was damaged. The National Insurance Institute declared that the child had suffered an injury constituting a 100% medical disability. The incident is under investigation by the Police's Internal Investigations Department.
7. In a similar incident, Mr. T.Y.S. was **struck in the eye by a sponge bullet** on 4 July 2014 in Shu'afat. Mr. T.Y.S. underwent a number of surgeries for his eye, but unfortunately he **lost sight in his left eye** as a result of the bullet injury and became completely blind (he had lost sight in his right eye when he was a child). The incident is under investigation by the Police's Internal Investigations Department.
8. In addition to the incidents detailed above, we have gathered testimonies from other individuals who were shot by sponge bullets and suffered fractures or severe internal injuries. These include: the photojournalist T.M., who was struck in the face on 2 July 2014, and as a result required surgery and extensive medical treatment for a **fractured jaw and cuts to the face**; Mr. M.M.M., who was shot on 1 August 2014 in Issawiya, required surgery for a **fractured jaw and deep cuts to the face**; and, Ms. M.A.J.I., who was shot in the back on 15 October 2014 in Aala a-Din Alley of Jerusalem's Old City, suffered from a ruptured spleen which required lengthy hospitalization.

The list of accounts is **attached as an appendix** to this letter.

9. According to accounts, in some cases, very severe injuries were caused from a distance of dozens of meters, which indicates that this weapon has the potential to kill even from great distances. For example, T.M. reported that she was fired at from a distance of some 70 meters, and likewise Mr. M.M.M. lost his eye after being fired at from a distance of dozens of meters, according to his recollection.
10. We do not disregard the need of the Police for effective measures to handle severe riots while avoiding the use of live fire. It is clear that since July 2014 the Police have had to handle particularly severe public disturbances in East Jerusalem. However, these severe injuries, all of them sustained since the black sponge bullets entered into use, are an **unacceptable outcome raising doubts as to the proportionality of use of this weapon to handle disturbances, as well as its categorization as**

a non-fatal weapon.

11. We do not have the means to determine whether the severe injuries described above are a result of limitations and deficiencies of the weapons themselves (low level of precision, limited firing distance, etc.), of the procedure concerning their use, or of the use of the bullets in a manner that contravenes the procedure. However, in light of numerous reports of severe injuries in a relatively short period of time, **it cannot be denied that the use of the sponge bullets can cause serious damage and endanger life.**
12. Therefore, we have concluded that there is no option other than **to immediately cease the use of black sponge bullets and conduct an extensive investigation of their safety, the conditions which allow for their use, their suitability for use to disperse riots, and the soundness of the procedure as well as the extent to which the procedure has been implemented in practice.**
13. In our opinion, in light of the multiple incidents of injury and death, **restrictions similar to those placed on use of rubber bullets should be placed on use of the black sponge bullets: prohibiting their use except in extraordinary circumstances, with the explicit approval of the Chief of the Israeli Police.**

Insufficient procedure

14. Without departing from the focus of the inquiry above, the procedure concerning the use of the sponge bullets is insufficient. Firstly, according to the procedure, the use of the black sponge bullets and the blue ones are permitted under the same circumstances: “Operational fire will be conducted only during level D disturbances and with the authorization of the rank of command determined for this level” (section 2c of the procedure). In light of the vast differences between the damage caused by each of these bullets, a clear distinction in classification must be determined between the two types of bullets.
15. In addition, a clear and precise firing distance must be determined for the sponge bullets. The procedure determines that “the minimum **estimated** distance for a bullet no. 632 (blue head) – 5 meters” (emphasis ours). Use of the term “estimated” in determining the minimum safe firing distance is not reasonable and raises concern that proper trials were not conducted to determine the precise minimum safe distance.
16. The examples we have collected indicate that the sponge bullets can cause very severe and even fatal injuries from a distance of dozens of meters. In light of this, the minimum distances allowed by the procedure, and specifically the distance for the black bullet, are too short.
17. In addition, the procedure remains unclear as to the maximum distance for firing sponge bullets. Though section 6a determines that the rifle should be recalibrated to 30 meters for blue bullets and 50 meters for black bullets, this provision does not determine the maximum firing distance allowed.

18. The above raises concern that use of the black sponge bullets began, without sufficient tests and trials in order to determine the risk level of these bullets, prior to putting them into use. If this is not the case, we request the results of these technical trials and the tests conducted on the black and blue bullets, *inter alia*, that determined the minimum safe firing distance for the sponge bullets (5 meters for the blue bullets and 10 meters for the black bullets).

Conclusion

19. It is indisputable that use of the sponge bullets in recent months has led to severe injuries. There is no doubt that the serious riots, which have taken place in East Jerusalem, require the Police to use force and take action to restore public order. However, it is unacceptable that riot control methods should cause such severe physical and mental injuries, and that there were systematic violations of the procedure regulating the use of these methods.

20. Given the above, we demand a thorough clarification of the risks involved in firing sponge bullets and that the Police take the following actions:

- A. Immediately cease using the black sponge bullets and conduct an extensive investigation of the conditions, which allow for their use, their suitability for use to disperse riots, and the soundness of the procedure as well as the extent to which the procedure has been implemented in practice.**
- B. The conditions under which black sponge bullets may be used must be further restricted. Similar restrictions to those placed on use of rubber bullets should be considered for black sponge bullets.**
- C. The procedure, which regulates use of the sponge bullets, must be amended in accordance with the above.**

21. The Police should urgently conduct a serious and extensive investigation into the deficiencies described above in light of these numerous accounts of severe injuries and death, before additional casualties are added to the list.

Respectfully,

Anne Suci, Attorney

Cc:

Major General Moshe Edri, Jerusalem District Commander, Israel Police, via fax: 02-5391466

Major General Amos Yaakov, Border Police Commander, via fax: 08-9770303

Major General Aharon Eksol, Operations Directorate, via fax: 02-5428898

Brigadier General Shaul Gordon, Legal Advisor, Israel Police, via fax: 02-5898762

Mr. Raz Nazari, Deputy Attorney General (Criminal), via fax: 02-6466265

Appendix:

Accounts of injuries from sponge bullets in East Jerusalem

Name	Date and place of incident	Description of injury
H.I.A.	2 July 2014 Shu'afat	Struck in the leg by sponge bullet. <u>Knee fractured</u> and required surgery.
T.M.	2 July 2014 Shu'afat	Photojournalist who was struck in the face by sponge bullet which caused a <u>fractured jaw and cuts to the face.</u>
T.Y.A.S.	4 July 2014 Shu'afat	Struck in the eye by sponge bullet. Hospitalized and underwent several surgeries to the eye. <u>Lost sight in the eye</u> which was struck (already blind in the other eye).
A.A.M.S. (14 years old)	24 July 2014 Bab al-Huta, Old City	Struck in the eye by sponge bullet. Hospitalized and required surgery and stitches to the eye. Suffered from <u>eye socket fracture and brain hemorrhage.</u>
M.M.M.	1 August 2014 Issawiya	Struck in the face by sponge bullet. Suffered from <u>fractured jaw and deep cuts to face.</u> Required surgery.
A.M.M.H. (14 years old)	1 August 2014 Issawiya	Struck in the face by sponge bullet while standing at the window of her home on the second floor. Required <u>stitches to her face and her eyesight was damaged.</u>
M.A.A.M.S. (16 years old)	31 August 2014 Wadi Joz	Struck in the face by sponge bullet and died several days later.
M.M.A.J.I.	15 October 2014 Old City, Aala A-Din Alley	Struck in the back by sponge bullet. Hospitalized with <u>ruptured spleen.</u>
A.S.K.	7 November 2014 Old City, Aala A-Din Alley	Struck in the arm by sponge bullet. Cast applied to <u>fractured hand</u> at hospital.
S.S.A.M. (11 years old)	13 November 2014 Issawiya	Struck in the face by sponge bullet; caused <u>facial fractures</u> , underwent several surgeries. <u>Lost sight in one eye</u> and eyesight was damaged in

		other eye.
M.J.U. (6 years old)	24 December 2014 Issawiya	Struck in the face which caused <u>fractures and cuts</u> . Underwent surgery and <u>lost sight in one eye</u> .