



November 24, 2014

Rav Nitzav Yohanan Danino  
Chief Commission of Israel Police  
Fax: 02-5428118

**Re: Ending the Use of Skunk Spray in East Jerusalem**

1. I am contacting you regarding the police force's unprecedented use of skunk spray in the heart of residential neighborhoods in East Jerusalem over the last several months as a riot dispersal method. From **firsthand** accounts, it appears that the use of this measure in the midst of densely populated neighborhoods causes severe, lasting and extensive harm to the lives of all neighborhood residents. There is a **disproportionate relationship** between the intended use of the spray—for public disturbances—and the way it is being used—causing property damage and harming innocent bystanders.
2. We previously alerted you to the disproportionate use of skunk spray in East Jerusalem in our inquiry on 16 July 2014, and alerted the Jerusalem District Commander in our inquiries to him on 5 August 2014 and 27 October 2014, which included descriptions of numerous accounts from different neighborhoods. Those inquiries are attached to this letter.
3. As is well known, nearly all of the neighborhoods in East Jerusalem are densely populated. From testimonies, which we have gathered and from video footage we have received, it is clear that the use of skunk spray, which covers a wide area with foul-smelling liquid, in the narrow and twisted streets and alleys of these neighborhoods, causes severe and extensive harm to uninvolved residents, including children and sick individuals. The skunk liquid causes nausea and vomiting, as well as serious damage to homes, shops and vehicles, and leaves a foul and suffocating stench for many days afterwards in the neighborhoods where it is used.
4. Since July 2014, many streets in almost every neighborhood of East Jerusalem have been covered in tremendous amounts of the skunk spray. As a result, the daily life of tens of thousands of East Jerusalem residents has been affected; they have been compelled to live for days at a time with a foul stench, which induces nausea. In addition to the

physical side effects of skunk spray—difficulty breathing, eating and sleeping—the residents also report feelings of severe humiliation.

5. The Police procedure regulating the use of skunk spray (Procedure number 90.221.111.008 Operation and Use of ‘Skunk’ Liquid) sets forth a number of rules to ensure that the use of this substance, which was “intended for the dispersal of public disturbance” (section 1F) does not harm the general population more than is necessary to achieve the set objectives. Thus, for example, the procedure states that it should be used only in open areas, that it is forbidden to use the skunk liquid in cases where elderly people, children or pregnant women may be harmed, and that the liquid must not be sprayed towards elevated locations due to the risk of people falling from heights.
6. As shall be described hereinafter, the experiences over the course of the past few months demonstrate clearly that **the use of skunk spray in the crowded neighborhoods of East Jerusalem does not adhere to police procedure and causes disproportionate harm to the entire population of these neighborhoods, particularly to vulnerable groups such as the elderly, infants and persons with disabilities.**
7. Police Procedure number 90.221.012 Police Response to Public Disturbances at Demonstrations states that **the suitability of dispersal measures** used by the police must be examined **in relation to the nature of the public disturbance and to special sensitivities such as the type of crowd and location of the incident** (section 3d.5a.3 on pages 11-12). Likewise, the procedure for use of skunk spray states that use of a spray vehicle shall only be made “in the framework of the topographic limitations of the area of the demonstration, and while taking care to **avoid harm to innocent populations.**” The skunk liquid is not a suitable measure for use in the topography and in the type of incidents such as those taking place in East Jerusalem. Indeed, to the best of our knowledge, before July 2014 skunk spray was not used for riot dispersal in urban residential areas.
8. The principles of proportionality and reasonableness regarding measures for preserving public order are foundational elements of all police activity:

*“The absolute prohibition on the use of force and violence by police officers, other than that reasonably required for achieving the goal of maintaining public order and safety, requires no emphasis. It constitutes a keystone of the constitutional system dealing with law enforcement authorities in the country. (...) **The Police should protect public order and safety, and ensure the wellbeing of the individual and of society. The police force is not intended to strike fear on its environment, and it is precluded from using its force in any way not intended***

*to accomplish the goal for which it was granted this power.*”

(HCJ 7141/05 [Akiva Vitkin v. Chief of Police](#) (2006), section 12 of Judge Procaccia’s ruling).

9. **In practice, use of skunk spray in East Jerusalem constitutes collective punishment for all residents.** Whether this is the goal of such use or an unintended effect, it is your obligation to cease causing illegal harm to the daily lives of tens of thousands of residents whose only crime is their place of residence.
10. Additionally, and as described above, since July the police have made arbitrary and excessive use of skunk spray, in violation of procedures, during a number of separate incidents in different neighborhoods. A description of the events raises the concern of intentional, illegal use of skunk liquid on uninvolved individuals.
11. Furthermore, significant doubts arise from the testimonies and the video footage in our possession regarding the efficacy of skunk spray as a dispersal method for riots in residential neighborhoods. The vehicle, which sprays skunk liquid, moves very slowly and sprays the liquid back and forth, and in most cases does not affect the rioters, who can quickly disappear among the narrow streets where the skunk car cannot travel. Most or all of the foul-smelling liquid is sprayed on buildings, windows, vehicles, sidewalks and shops, which line the streets, the liquid penetrating windows and doors.
12. Even if it could be demonstrated that the use of skunk spray is an effective means of dispersal for public disturbances in residential neighborhoods, and even if police forces on the ground were to use it in accordance with police procedures, we maintain, as aforesaid, that **the extent and duration of the harm to uninvolved populations are disproportionate.** The relation between the goal of employing skunk spray and the cost of destruction and harm done to uninvolved residents for many days after the liquid is **disproportionate and therefore use of this means must cease in East Jerusalem in particular and in crowded residential neighborhoods in general.**

### **The effects of skunk liquid:**

#### **A. Harm to property and daily life of residents for extended periods**

13. Skunk spray spreads an unbearable foul stench, which resembles a strong sewage smell. The foul stench induces nausea and may cause vomiting. The odor from the skunk spray remains strong for several days after its use and clings to the walls of homes, to furniture and carpets, and even to sidewalks and roads. Spending time in a home, which has been affected by skunk spray, or even on a street where a large quantity of skunk liquid has

been sprayed is very difficult, even three to four days after the liquid has been used. In fact, many residents have been compelled to evacuate rooms or even entire homes for several days.

14. The procedure regulating the use of skunk liquid determines that it should be sprayed to the sides – back and forth – similar to the motion of a sprinkler (section 8B of the procedure). And in fact, from the video footage which was provided to us, it can be clearly seen that the skunk-spraying vehicle travels slowly in areas crowded with buildings and sprays the foul-smelling liquid from side to side covering everything in its path: cars, sidewalks, building entryways, windows of houses, roofs, businesses and more.
15. Additionally, on numerous occasions the skunk liquid has been sprayed towards commercial areas and caused considerable harm to the livelihood of business owners. The spraying of the skunk liquid into shops and restaurants causes immediate damage to property and commerce, and this damage lasts several days as customers avoid these businesses. Thus for example, on 24 July 2014, skunk liquid was sprayed along the length of Al-Zahra and Salah a-Din streets and penetrated many restaurants and shops along these streets. We described the considerable harm caused to business owners in our inquiry of 30 July 2014 to the Jerusalem District Commander, which is attached to this letter.
16. The procedure, which regulates the use of skunk spray states that the duration of the substance's impact upon contact with buildings, roadways, hard and soft ground and plants is approximately half an hour (section 1j of the procedure). **This is a baseless claim and far from the reality.** The undersigned visited the main street of Issawiya on 23 September 2014, four days after skunk spray was used there, and encountered a foul odor throughout the site. Likewise, on a visit to the main street of the Sur a-Baher neighborhood three days after skunk liquid was used, the odor in the air was extremely foul and nauseating.

## **B. Health risks**

17. The procedure regulating the use of skunk liquid notes that it “does not constitute a health risk for human beings” (section 1i of the procedure). However, Appendix C, which specifies the risks for **police officers** who come into contact with the substance, reveals the substance's dangers: breathing in the substance may cause harm to a police officer or prevent him/her from carrying out his/her task; the substance absorbed in an officer's clothing may also cause harm and render the officer unfit for duty; **suffocation may be caused by gagging or excessive coughing**; officers may have an **allergic reaction** to one

or more of the ingredient substances. Likewise, the safety instructions for officers state that officers are only permitted to inhale the substance in small quantities and that the operator of the spray device must use gloves, a mouth shield and a P2 filter.

18. The disparity between the description of the substance as harmless in all matters relating to the civilian population and the description of the risks regarding the police officers that come into contact with the substance is particularly infuriating. Any risks to officers who spray the substance or who are in the area when it is sprayed must certainly also constitute risks to the residents, who live in the neighborhoods where it is sprayed, and must be even more pronounced in the cases of children, sick people and the elderly.
19. The safety brochure published by Odortec Ltd which manufactures the substance specifies its health risks: It may cause skin irritation, pain and redness upon contact with eyes, and stomach pain in the event it is swallowed, which necessitate medical treatment.
20. From testimonies, which we received, it is clear that the skunk spray does in fact cause breathing difficulties, headaches, nausea and stomach pain, as well as rashes and skin irritation. For example, Mr. Jawad Alamy, a resident of the a-Tur neighborhood related that on 13 July 2014 skunk liquid was sprayed directly at the windows of his home on the third floor. The windows were closed; however, drops of the substance penetrated the window frame and his 14-year-old son who was standing next to the window came into contact with the substance and suffered a rash and irritation on various parts of his body, which had come into contact with the substance. The boy was taken to the clinic and required medical care.
21. Mr. Hamza Dweik, a resident of a-Tur, also stated that frequent use of skunk spray in the neighborhood (between 24 and 26 July 2014) caused cases of nausea and vomiting among children and the elderly.
22. It should be further noted that the skunk-spraying vehicle shoots the liquid in a strong jet whose force can cause significant harm. The Police Response to Public Disturbances at Demonstrations procedure determines that the jet has a powerful impact, which may **“cause severe physical damage, and therefore this measure must be used cautiously.”** Likewise, the procedure determines that spray devices must be used **“in the framework of the topographic limitations** of the area of the demonstration and while taking care to **avoid harming innocent populations.”**
23. Indeed, the use of skunk liquid in East Jerusalem has resulted in broken windows and other serious damage to property. For example, on 15 October 2014 and 17 October 2014, skunk spray was used on a mass scale in the Issawiya neighborhood. The liquid

was sprayed with great force towards, *inter alia*, the home of Mr. Abdallah Ali Darwish on the **second floor** at the beginning of the main street of the neighborhood and towards the barbershop, which he owns and which is located adjacent to his home. As a result, the closed metal shutters, which prevented water from entering the home, were broken, and the display window of the barbershop was cracked.

24. Furthermore, section 7d of the procedure forbids the use of skunk spray in the direction of people at elevated locations due to the danger of falling. In practice, the skunk liquid is sprayed in an uncontrolled manner, including towards the rooftops of houses and towards balconies on high floors of buildings, which endangers the people in these locations.

**Harm to sensitive populations in violation of procedure:**

25. The procedure for the use of skunk liquid delineates that **it may not be used in the vicinity of pregnant women, the elderly or small children** (section 7i of the procedure). However, the procedure also states that the substance should be sprayed back and forth, in a sprinkler-like motion, and that it should be sprayed upwards (creating a rain-like effect) (section 8 of the procedure). The result of the use of skunk liquid in accordance with the procedure in dense residential areas, such as the neighborhoods of East Jerusalem, leads to the penetration of the substance into apartments, shops and stairwells as well as indiscriminate harm to all those in its path. In this manner the skunk spray is likely to harm those sensitive populations who are present in homes or shops into which the liquid has penetrated. And in fact, in a great number of cases, the liquid did penetrate into closed locations in East Jerusalem where sick people, pregnant women, elderly people and children were present.
26. For example, on 7 October 2014 at around 17:00 skunk liquid was sprayed from side to side all along Shmuel Ben Adaya Street in a-Tur (the main street of the Sawana neighborhood). From the testimony of the reservations manager at the hotel, Shirin Sayed, it is clear that the foul-smelling liquid was sprayed toward the hotel entrance and garden and the nasty smell penetrated the hotel lobby and guest rooms on the first few floors. As a result, a hotel receptionist, **in advanced stages of pregnancy, felt unwell and was compelled to leave the site urgently**. In addition, hotel guests, **some of them elderly**, fled the site and some complained of headaches and nausea as a result of the foul odor which spread throughout the hotel and its rooms.
27. Furthermore, on 15 October 2014 and on 17 October 2014, the police sprayed large quantities of skunk liquid on the main street of Issawiya. The liquid penetrated Mr. Ghassan Aziz Alian's house, where his 27-year-old sister, who **suffers from cerebral palsy** and is confined to a wheelchair, resides. As a result of the penetration of the skunk

liquid into their living room, his sister was compelled to remain in her bedroom and could not enter the living room for several days.

28. On 26 October 2014 at around midnight skunk liquid was sprayed into the home of Mr. Abed El Razak on Bir Ayoub Street in Silwan while he and **his six children, the youngest of whom is three years old**, were sleeping. The window of Mr. Razak's home was broken (most likely due to being hit with a tear gas grenade) and afterwards skunk liquid was sprayed towards the house. The family was compelled to leave the home and for several days thereafter had difficulty sleeping at home due to the terrible smell.
29. Furthermore, the spokeswoman of the Al-Maqasid Hospital reported to us that skunk liquid was sprayed near the hospital, which is located on Rabaa Al Adawaya Street in a-Tur. Although the liquid did not penetrate the hospital, **the strong smell penetrated the hospital and caused significant suffering and breathing difficulties for many patients.**
30. The procedure determines that "'skunk' liquid shall only be sprayed in **open areas**" (section 7e of the procedure). The exact meaning of this term is unclear to us, but it is **absolutely clear** that the use of skunk liquid in narrow streets, which are closed off on both sides with densely constructed buildings, does not fall under the definition of "open areas."
31. **In summary, the aforesaid clearly demonstrates that the use of skunk liquid in densely-constructed residential areas is likely to harm small children, sick people, elderly people and pregnant women, even when use is made in supposed accordance with the procedure, and therefore all use of it in these areas must be ceased.**

**Testimonies regarding arbitrary use violating the skunk spray procedure:**

32. In addition to the aforesaid, and as we described in our inquiry to the Jerusalem District Commander on 30 July 2014, which is attached to this letter, the Police made excessive and arbitrary use of skunk liquid in various instances that were in violation of procedure.
33. Section 7h of the procedure determines that skunk spray shall be used in a controlled manner and that the use of skunk liquid **shall be ceased immediately upon the cessation of the incident that necessitated its use.** However, the videos and testimonies in our possession demonstrate clearly that the skunk vehicle continues to spray the foul-smelling liquid long after the rioters have fled the site, and even in sites far from where the public disturbances are occurring.

34. From witness testimony it is also clear that in some instances the skunk liquid was directed towards upper floors of residential buildings, and directly towards shops and other businesses, without any apparent justification. As a result extensive harm was caused to passersby, residents in their homes, and business owners.
35. For example, as can be seen in video footage, on Friday evening, 7 November 2014, the Police sprayed skunk liquid throughout Abu Tor Street, where five schools are located, in spite of the fact that there were no riots present there at that time. Ziyad Ashmali, chairman of the board at the Al-Shamalt school and a member of the Abu Tor Parents' Committee, who witnessed the event, testified that the skunk liquid was sprayed arbitrarily in all directions, back and forth across the homes and schools along the street. The liquid was sprayed into schoolyards and onto school windows. The foul stench, which prevailed in the school buildings, prevented the schools from opening for classes the next day and the board was compelled to suspend classes the next day, 8 November 2014. On Monday, 10 November 2014, many students did not come to school due to the foul odor, which persisted at the school.
36. On 15 October 2014 and 17 October 2014, the skunk liquid hit many apartments and shops on the main street of Issawiya. According to residents, the skunk spray vehicle continued to spray the foul liquid long after the rioters had fled the site, and the skunk liquid was aimed directly at homes and shops along the street. For example, the skunk liquid was sprayed towards Mr. Aziz Abid's hardware store (on the main street at the entrance to the neighborhood) and at his hardware warehouse on the other side of the street.
37. Furthermore, in violation of section 8c which sets forth that the skunk liquid should only be sprayed for short periods of time, and that between each period the necessity for its continued use must be verified, the video footage clearly shows the skunk vehicle spraying the liquid continuously. In a video documenting the use of skunk liquid on 7 November 2014 in a-Tur, the skunk spraying vehicle can be seen spraying the liquid repeatedly from side to side towards buildings on the street, and even towards the upper stories of buildings. From the video, it is clear that there are other cars traveling on the street alongside the skunk spraying vehicle and that there are no public disturbances in the area.
38. As said, a description of these incidents raises concerns regarding the intentional and illegal use of skunk spray on innocent bystanders in a number of separate incidents in different neighborhoods.



39. Furthermore, the Police Response to Public Disturbances at Demonstrations Procedure sets forth that riot dispersal methods shall be used “from the least to the most severe,” and shall not exceed the measures reasonably necessary for restoring public order and security. A severe measure shall not be used where a less severe measure has not yet been taken” (section 3d.4c(3) of the procedure on page 9). In practice, skunk spray is being used without prior use of other less severe measures, such as using a vehicle which sprays water, as described in the chapter on spray vehicles in the manual.

40. **In summary**, there is no doubt that the Police are dealing with a difficult reality concerning public disturbances and that they are entrusted with the weighty responsibility of ensuring security for Jerusalem residents. However, precisely at times such as these, the Police must be especially strict in ensuring that law enforcement is carried out in a reasonable and proportional manner. The use of skunk liquid over the last several months violates the Police’s obligation to avoid unnecessary harm to uninvolved populations. The use of skunk liquid in dense residential neighborhoods results in untold and long-lasting destruction, which harms the daily life of the entire population of the area.

41. In light of the aforesaid, we request that you order the following directives:

- a) **Immediate cessation of the use of skunk liquid as a riot dispersal method in the densely populated neighborhoods of East Jerusalem.**
- b) **Correction of the Operation and Use of ‘Skunk’ Liquid Procedure such that it explicitly forbids the use of this measure in crowded residential areas.**
- c) **Investigation of the claims regarding illegal use of skunk liquid as described in the accounts above and in accounts described in our letters attached to this inquiry.**

42. The Police Freedom of Information Commissioner decided, in response to our request for the procedure governing the use of skunk liquid, not to provide to us Appendix A of the procedure which includes the expert opinion of the Chief Medical Officer on the grounds that it is an internal opinion, and to censor the part of the procedure which described the composition of skunk liquid on the grounds that exposing this information may “disrupt the government’s work.” In light of the health concerns described above, and the potential for allergic reactions as a result of contact with the substance, a possible reaction listed in section 3f of Appendix C (Safety Instructions), the decision not to reveal the medical opinion and the composition of skunk liquid is unreasonable. In light of the public interest this information holds and the absence of serious considerations to justify withholding the information, **we request Appendix A of the procedure and the details of the substance’s composition.**

43. We thank you for your urgent response.

Respectfully yours,

**Anne Suciu, Attorney**

cc:

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