



Defence for Children International/Palestine Section
الحركة العالمية للدفاع عن الأطفال / فرع فلسطين

**Israel's Compliance with the
International Covenant on Civil and Political Rights**

**Defence for Children International Palestine
Shadow Report to the Fourth Periodic Report of Israel**

**ISRAEL'S USE OF EXCESSIVE FORCE AGAINST PALESTINIAN CHILDREN
IN THE OCCUPIED WEST BANK**

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Contact information:

Brad Parker
International Advocacy Officer & Attorney
Defence for Children International Palestine
Al-Sartawi Building, 3rd Floor, Sateh Marhaba
Al-Bireh/Ramallah, State of Palestine
t. +970 2 242 7530 | e. advocacy@dcips.org
www.dci-palestine.org

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USE OF EXCESSIVE FORCE BY ISRAELI FORCES RESULTS IN PALESTINIAN CHILD FATALITIES AND IMPUNITY

Palestinian children across the Occupied Palestinian Territory are frequently injured by the Israeli military's use of excessive force including both crowd control weapons and live ammunition.¹ The use of live ammunition by Israeli soldiers to fire at unarmed Palestinian children during demonstrations or protests is an increasingly common occurrence throughout the occupied West Bank. As of June 2014, DCI-Palestine has documented six fatal shootings involving the use of live ammunition by Israeli forces against Palestinian children living in the Occupied Palestinian Territory.

Israeli forces use excessive force and recklessly fire live ammunition and rubber-coated metal bullets on unarmed protesters, including children, killing them with impunity. The Israeli military's own regulations dictate that live ammunition must be used "only under circumstances of real mortal danger," but the regulations are not enforced and frequently ignored by Israeli soldiers.

While Israel claims to open investigations into such incidents, they are not transparent or independent, and seldom result in a soldier being held accountable. The Israeli military's failure to adequately investigate alleged violations regarding the use of excessive force is part of a broader pattern of Israeli impunity. From 192 complaints lodged against Israeli soldiers between September 2000 and December 2011, less than four percent resulted in an indictment.²

Unlawful killing and use of excessive force

Nadeem Siam Nawara, 17, and Muhammad Salameh (Abu Daher), 16

On May 15, 2014, Israeli forces killed two Palestinian teens during clashes outside the occupied West Bank city of Ramallah. Nadeem Siam Nawara, 17, and Muhammad Salameh (Abu Daher), 16, were both fatally shot in the chest with live ammunition near Ofer military prison in the West Bank city of Beitunia. The boys were participating in a demonstration near Ofer military prison to mark Nakba Day and express solidarity with hunger striking prisoners held in administrative detention by Israel. The demonstration reportedly began peacefully and then turned violent when Israeli forces clashed with Palestinian youths. A third teen, Mohammad Abdullah Hussein al-Azzeh, 15, sustained a gunshot wound when he was hit with live ammunition in the back and left lung while taking part in the same demonstration.

Security camera footage obtained and released by Defense for Children International Palestine showed the two Palestinian teens being shot and killed.³ The images captured on video show

¹ DCI-Palestine, Unsuspecting victims of Israel's 'non-lethal' weapons, (Apr. 15, 2014), <http://www.dci-palestine.org/documents/unsuspecting-victims-israels-non-lethal-weapons>

² Yesh Din, ALLEGED INVESTIGATION: THE FAILURE OF INVESTIGATIONS INTO OFFENSES COMMITTED BY IDF SOLDIERS AGAINST PALESTINIANS, (2011), <http://www.yesh-din.org/infoitem.asp?infocaid=166>

³ DCI-Palestine, Unlawful killing of two Palestinian teens outside Ofer, YouTube, May 19, 2014, https://www.youtube.com/watch?v=CaibEqx2m_k&feature=youtu.be.

unlawful killings where neither child presented a direct and immediate threat to life at the time of their shooting.

While the Israeli military reportedly opened an investigation into the incident, the result of the investigation has not been made public and it is unknown whether any individual has been indicted for either of the fatal shootings.

After undertaking an autopsy of the body of Nadim Nawarah, 17, on June 11, 2014, forensic pathologists determined that a live bullet was the cause of his death.⁴

The autopsy was undertaken at Al-Quds University's Institute of Forensic Medicine in Abu Dis and revealed the entry and exit wounds caused by the bullet, and recovered metallic fragments presumed to have been lead from the bullet's core.

Israeli forces have consistently denied that live ammunition was employed during the incident, maintaining that only rubber-coated metal bullets and tear gas canisters were used. The autopsy findings, however, rule out a rubber bullet injury as the cause of death.

The family of Muhammad Salameh (Abu Daher), 16, the second victim killed during the clashes on May 15, declined an autopsy. Field research and medical evidence, however, strongly suggest that he too was shot with live ammunition.

Mohammad Dudeen, 15

Mohammad Dudeen, 15, was shot dead on the morning of June 20, 2014 as the Israeli military continued to use crowd-control weapons and live ammunition against civilians in the search for three missing Israeli teens as part of Operation Brother's Keeper.⁵

A single live bullet fired by an Israeli soldier killed Mohammad after dozens of Israeli soldiers descended on his home village of Dura, near the southern West Bank city of Hebron. Israeli soldiers raided the village as part of a weeklong crackdown on civilians in the West Bank in response to the disappearance of three Israeli teenagers on June 12.

In sworn testimonies collected by Defense for Children International Palestine, eyewitnesses stated that clashes erupted between local residents and soldiers as the Israeli military forced entry into over 20 homes. Soldiers used crowd-control weapons and live ammunition against youths throwing stones.

The fatal shooting took place as Israeli soldiers prepared to leave the village at dawn. Eyewitnesses report that soldiers stationed in Haninia neighborhood fired tear gas canisters, stun grenades, and live ammunition at civilians. The soldier who fired the shot was reportedly not more than 80 meters (262 feet) from the victim.

⁴ DCI-Palestine, Use of live ammunition confirmed in Nawarah shooting, (Jun. 12, 2014), <http://www.dci-palestine.org/documents/use-live-ammunition-confirmed-nawarah-shooting>

⁵ DCI-Palestine, 15-year-old boy shot dead as Israeli forces raid West Bank, (Jun. 20, 2014), <http://www.dci-palestine.org/documents/15-year-old-boy-shot-dead-israeli-forces-raid-west-bank>

Yousef al-Shawamrah, 14

In March, Israeli forces shot and killed Yousef al-Shawamrah, 14, with live ammunition in the southern West Bank near his village of Deir al-Asal al-Fawqa.⁶ He was shot while looking for thistle in an area of land belonging to the village that now sits on the other side of Israel's separation barrier. As he and two friends crossed through an open area, soldiers fired live ammunition toward the boys, hitting Yousef in the hip and back.

In July 2014, Chief Israeli military prosecutor, General Danny Efrni, closed the investigation into the killing of Yousef finding that, "the force prepared for the operation professionally and acted in line with rules for opening fire."⁷

Wajih Wajdi al-Ramahi, 15

In December 2013, Wajih Wajdi al-Ramahi, 15, from Jalazoun refugee camp north of the West Bank city of Ramallah was fatally shot with live ammunition fired by an Israeli soldier.⁸

Wajih was pronounced dead on arrival at the Palestinian Medical Compound in Ramallah, from a single gunshot wound to the back. The shooting occurred near an UNRWA school situated between Jalazoun refugee camp to the east and the Jewish settlement Beit El to the west, which houses nearly 6,000 Israeli settlers and is built on predominately privately owned Palestinian land.

A permanent Israeli military observation tower overlooks an olive orchard that separates the school from Beit El settlement. Due to its proximity to the school, soldiers and private security are often present near the school, or in the camp, causing tension in the area.

The circumstances of the shooting are disputed. A shop owner near the school, Abdul Aziz Abu Hadba, 29, stated the shooting occurred during clashes between Palestinian youth and Israeli forces. Other eyewitnesses reportedly said Wajih was playing soccer with other boys in the schoolyard, and then went to a nearby store to buy something. When he returned, an Israeli soldier near the observation tower opened fire at them and Wajih fell to the ground.

Witnesses interviewed by DCI-Palestine, who refused to provide a sworn testimony or their names, confirmed that stone-throwing youth were engaged in clashes with Israeli soldiers at the time of the shooting. It is unclear whether Wajih was involved in stone throwing when he was shot.

⁶ DCI-Palestine, Israeli forces kill Palestinian teen in southern West Bank, (Mar. 25, 2014), <http://dci-palestine.org/documents/israeli-forces-kill-palestinian-teen-southern-west-bank>

⁷ Gill Cohen, *Israeli army closes case on March death of Palestinian teen*, HAARETZ, available at: <http://www.haaretz.com/news/diplomacy-defense/.premium-1.604492>

⁸ DCI-Palestine, Israeli soldiers kill Palestinian boy from Jalazoun refugee camp, (Dec. 12, 2013) <http://www.dci-palestine.org/documents/israeli-soldiers-kill-palestinian-boy-jalazoun-refugee-camp>

Israeli army officials stated that at the time of the shooting soldiers from the Givati Brigade's Tzabar battalion were in the area conducting an ambush meant to catch stone throwers, and that stone-throwing began only after they took up these positions.

It is unknown whether the Israeli military has investigated the incident.

DCI-Palestine staff member killed by Israeli forces

Hashem Khader Abu Maria, 45, was killed on July 25, 2014, by Israeli forces while peacefully participating in a solidarity march with Gaza.⁹

Israeli forces shot Hashem in the chest with live ammunition as he stood still at the demonstration in solidarity with Palestinians in Gaza after Friday prayers in the West Bank town of Beit Ummar.¹⁰

Clashes between Israeli forces and Palestinian youth erupted when the Israeli military attempted to disperse the crowd with lethal force. Hashem was not participating in the violence when a bullet struck him from a distance of 100 meters (328 feet), witnesses told DCI-Palestine. Two other protesters were killed in the same march, and at least 10 sustained injuries.

Hashem served as the coordinator of DCI-Palestine's community mobilization unit, promoting constructive child participation throughout the Occupied Palestinian Territory. His most recent work focused on Palestinian teens monitoring and documenting child rights violations in Hebron.

It is unknown whether the Israeli military has investigated the incident.

Recommended Questions

1. Can the State party provide the Committee with the policy or regulations regarding the use of live ammunition by Israeli forces applicable during demonstrations or protests involving unarmed civilians in the Occupied Palestinian Territory?
2. What measures has the State party taken to ensure compliance with the regulations concerning the use of live fire by Israeli forces?
3. Following a fatal shooting by Israeli forces in the Occupied Palestinian Territory, what are the specific measures taken to investigate the circumstances of the incident? What parties are involved?
4. Since the State party's third periodic review, how many individuals have been indicted for causing the death of an individual living in the Occupied Palestinian Territory?

⁹ DCI-Palestine, DCI-Palestine mourns the loss of Hashem Abu Maria, colleague and friend, killed by Israeli forces, (Jul. 25, 2014) <http://www.dci-palestine.org/documents/dci-palestine-mourns-loss-hashem-abu-maria-colleague-and-friend-killed-israeli-forces>

¹⁰ Human Rights Watch, Israel: Shooting Deaths after West Bank Protest, (Aug. 3, 2014) <http://www.hrw.org/news/2014/08/03/israel-shooting-deaths-after-west-bank-protest-0>

Suggested Recommendations

1. The State party should ensure that all alleged cases of unlawful killing, extrajudicial killing, use of excessive force or disproportionate use of force by Israeli forces, armed forces, police, and of the personnel of the security service, are thoroughly and promptly investigated by an authority independent of any of these organs, that those found guilty are punished with sentences that are commensurate with the gravity of the offence, and that compensation is provided to the victims or their families.