

**ISRAEL, THE OCCUPIED WEST BANK
AND GAZA STRIP, AND THE PALESTINIAN
AUTHORITY TERRITORIES**

**INVESTIGATION INTO UNLAWFUL USE OF FORCE IN THE WEST BANK,
GAZA STRIP, AND NORTHERN ISRAEL
October 4 through October 11**

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INTRODUCTION

Human Rights Watch conducted a fact-finding investigation into the unlawful use of force against civilians by security and police forces in Israel, the West Bank, and the Gaza Strip, from October 4 through October 11. The organization found a pattern of repeated Israeli use of excessive lethal force during clashes between its security forces and Palestinian demonstrators in situations where demonstrators were unarmed and posed no threat of death or serious injury to the security forces or to others. In cases that Human Rights Watch investigated where gunfire by Palestinian security forces or armed protesters was a factor, use of lethal force by the Israel Defense Forces (IDF) was indiscriminate and not directed at the source of the threat, in violation of international law enforcement standards. In Israel, the West Bank, and the Gaza Strip, the IDF regularly used rubber bullets and plastic-coated metal bullets as well as live ammunition in an excessive or indiscriminate manner. A particularly egregious example of such unlawful fire is the IDF's use of medium-caliber bullets against unarmed demonstrators in the West Bank and Gaza Strip, and in some instances, such as the Netzarim Junction in the Gaza Strip, against medical personnel. These military weapons, which inflict massive trauma when striking flesh, are normally used to penetrate concrete and are not appropriate for crowd control.

Human Rights Watch also documented a pattern of IDF disregard for and targeting of Palestinian medical personnel and ambulances evacuating or treating injured civilians in the West Bank and Gaza Strip, where the Palestinian Red Crescent Society (PRCS) provides medical services. To date, one PRCS emergency medical technician has been killed by IDF fire, and ten injured. The use of live fire against medical personnel interferes with the prompt treatment of wounded, and may in some instances have resulted in additional deaths.

In addition to the pattern of IDF attacks on ambulances and medical personnel, Human Rights Watch also noted a disturbing trend of increased Palestinian and Israeli civilian attacks on ambulances and medical personnel.

The attacks Human Rights Watch investigated all took place in areas under Israeli IDF or police control, and therefore areas where Israeli security services bear the primary responsibility for law enforcement. We note, however, that in a number of instances in the West Bank and Gaza Strip Palestinian Authority security forces were also present in areas where clashes took place. In several cases these personnel failed in their law enforcement duties to prevent armed Palestinians from firing on the IDF from positions where civilians were present and thus endangered by the Israeli response. In other such circumstances Palestinian security personnel themselves opened fire. Human Rights Watch's findings that the Israeli security services have been responsible for the majority of serious human rights violations does not excuse the Palestinian security services' failure to consistently and fully uphold its law enforcement duty to protect civilian lives.

I. THE ROLE OF THE PALESTINIAN SECURITY FORCES

Human Rights Watch examined in detail one case each in the West Bank and Gaza Strip, the two areas where the Palestinian Authority has law enforcement personnel.¹ In both cases Palestinian security forces failed to act consistently and effectively to prevent armed civilians from opening fire on IDF soldiers from positions where civilians were present. This failure endangered the Palestinian civilian population when the IDF responded, often excessively and indiscriminately.

At al Bireh-Ramallah in the West Bank eyewitnesses told Human Rights Watch that armed Palestinians took up positions in one or more unfinished buildings and opened fire on IDF forces positioned in and around the City Inn Hotel. The hotel is located on a traffic circle where an area under Israeli security control abuts a Palestinian self-rule area, and is not far from a Palestinian Authority checkpoint. One of the roads entering the traffic circle leads to Beit El settlement, and a road just off the traffic circle leads to a district coordinating office

¹ In addition to the Palestinian police, a variety of Palestinian security agencies have law enforcement powers. In this report we refer to them collectively as Palestinian security forces.

for joint Palestinian and Israeli police patrols. Other roads lead to Palestinian towns and villages. The IDF responded to the Palestinian fire with rubber bullets, plastic-coated metal bullets, and live fire. Human Rights Watch's inquiries did not reveal evidence of any efforts by the Palestinian police to prevent attacks by armed Palestinians. IDF return of fire, itself excessive and indiscriminate at times, resulted in high numbers of casualties.

At Netzarim Junction in the Gaza Strip, eyewitnesses present during the course of several days of clashes told Human Rights Watch that on multiple occasions armed Palestinians drove up to the junction, fired at the IDF bunker there, and then returned to their cars and left the area without ever having been stopped by Palestinian security officials. Ensuing fire from the IDF forces, sometimes indiscriminate, injured or killed demonstrators or passers-by. Human Rights Watch's inquiries did not reveal any evidence that the Palestinian police systematically sought to prevent attacks by armed Palestinians. At most we heard from eyewitnesses that Palestinian security forces on some occasions attempted to restrain demonstrators, but their efforts diminished when the size of the crowds and the number of injured grew throughout the day. Eyewitnesses also recounted that the crowds often mocked and taunted the police for not responding to Israeli live fire, and urged them to give their weapons to others who were willing to fire back at the IDF. In some instances Human Rights Watch learned that individual members of the Palestinian police did indeed fire back.

Human Rights Watch interviewed Palestinian Brigadier General Osama al-'Ali, the Palestinian representative to the Gaza Regional Security Committee and a member of the overall Palestinian-Israeli Joint Security Committee. He stated that in the initial days of the violence at the Netzarim junction in Gaza his security personnel had sought to intervene between the demonstrators and the IDF, with only limited success. General al-'Ali said that crowds not only outnumbered them, but the police themselves came under fire from the IDF, sustaining a number of casualties, some of them fatal.

The Palestinian security forces' failure to prevent armed Palestinians from shooting at the IDF, or their acquiescence in such shooting from positions where civilians were present, is to be deplored. By their inaction they implicitly encouraged such attacks. Their failure put in danger the lives of the innocent civilians they were there to protect. It was such civilians who were often left to bear the brunt of the response by the IDF.

Human Rights Watch's findings that the Israeli security services have been responsible for the majority of serious human rights violations in no way excuses the Palestinian security services' failure to consistently and fully perform its law enforcement duties. The Palestinian Authority has a responsibility to publicly urge its security forces to discourage attacks on IDF positions by armed civilians when civilian lives are thereby endangered, and to provide clear and public instructions on actions to be taken by its law enforcement officials in such circumstances.

II. THE ROLE OF THE ISRAELI SECURITY FORCES

Indiscriminate or Excessive Use of Force

The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials² provides authoritative guidance on the international standards governing the use of force in law enforcement, including during the policing of violent unlawful assemblies. It applies to all officers of the law, including military authorities or state security forces, who exercise police powers. Article 9 of the Basic Principles states:

Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

² Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

In such cases where the lawful use of force and firearms is unavoidable, law enforcement officials are required to “exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved,” and “minimize damage and injury, and respect and preserve human life.”³

Human Rights Watch's investigation of clashes in the Israeli town of Um al-Fahm, the West Bank town of al-Bireh/Ramallah, and the Netzarim junction in the Gaza Strip documented repeated excessive use of lethal force against unarmed Palestinian demonstrators who posed no imminent danger of death or serious injury to security forces or to others, and indiscriminate use of force in responding to situations involving gunfire from the Palestinian side. In addition to its frequent use of live ammunition, Israeli security forces relied heavily on rubber bullets and plastic-coated steel bullets, despite their lethality in such situations, for purposes of crowd control and dispersal. By contrast they made significantly little use of tear gas, even when evidence suggests that tear gas was more effective in dispersing protestors.

Um al-Fahm

At Um al-Fahm Human Rights Watch investigated two days of clashes between Israeli security forces and Palestinian citizens of Israel where the use of excessive lethal force by Israeli security forces resulted in Palestinian deaths and injuries. The clashes began on the morning of October 1, following a prayer service and symbolic funeral procession held well inside Um al-Fahm for four Palestinians killed in Jerusalem by Israeli police on September 29.

Following the procession some residents of Um al-Fahm carrying protest signs left the town's center and gathered at the junction of the main Um al-Fahm road and the Afula-Hadera road, a site that has been used for demonstrations in the past. When they arrived at the junction scores of Israeli police, border police, and special forces personnel were already present, some arrayed directly across from the junction and others held in reserve some distance down the road. According to eyewitnesses, demonstrators and security forces exchanged shouts and insults. Human Rights Watch was unable to determine conclusively whether any demonstrators threw stones before the security forces began to fire tear gas and rubber bullets (both cylindrical and round) at the demonstrators. At least four people were injured by the initial volley, including the mayor, who was hit in the head with a tear gas canister. As the clashes continued, demonstrators threw stones at security forces, and security forces fired limited amounts of tear gas and large quantities of live ammunition and rubber bullets at the demonstrators. According to medical personnel on the scene, Israeli fire killed three persons and injured some 130 persons, including around ninety persons who were wounded by rubber bullets or live ammunition.

Eyewitnesses described to Human Rights Watch the October 1 killings of Mohammad Ahmad Jabarin, 24, and Ahmad Ibrahim al-Siyam Jabarin, 18, and the October 2 killing of Misleh Hussayn Abu Jarrad, 16.

On the afternoon of October 1 Israeli special forces firing from and around a well-protected rooftop position killed Mohammad Ahmad Jabarin and mortally wounded Ahmad Ibrahim al-Siyam Jabarin. Earlier in the day the security forces had taken over the roof and second floor of a partially finished building on a steeply sloping hill overlooking the junction, which gave them clear lines of sight to the junction below and the upper reaches of the hill above. After the security forces had taken up their position, stone throwers gathered on an exposed field farther up the hill, separated from the security forces' position by at least fifty meters and a high, steep slope. Human Rights Watch examined both the demonstrators' and the security forces' positions. We found no evidence to suggest that the demonstrators posed a threat of death or serious injury to security forces at that site: the demonstrators were unarmed and the natural barrier created by the two steep slopes separating the position from the junction below and the field above protected the position from being overrun. Two large glass solar panels on the roof where security forces were positioned remained undamaged, and there was little damage to the clay roof tiles nearest the security forces' position. In addition, reserves of security forces were available nearby, if needed, and were not deployed in this area.

³ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Articles 5(a) and 5(b).

According to eyewitness accounts, Mohammad Ahmad Jabarin had been near the front of the crowd of demonstrators throwing stones from the exposed field uphill and across from the security forces' position. The crowd scattered when strong tear gas was fired at the field, seeking cover behind neighboring houses. Mohammad Jabarin was running up the hill away from the tear gas and the security forces' position when he was hit by live ammunition. He was carried by car down to the main road and evacuated by ambulance, but died shortly thereafter. Ahmad Ibrahim al-Siyam Jabarin was wounded perhaps a half hour later, at the same site, by a rubber bullet that entered through his left eye. He was stabilized with artificial respiration and transported to Rambam Hospital in Haifa, where he was declared brain dead and died the next day.

Shortly before dusk word spread among the crowd that a demonstrator had been killed, enraging the crowd. It was only at this point that security forces fired heavy volleys of tear gas, dispersing the crowd. Once the crowd had dispersed, the Israeli security forces left the area.

Demonstrations resumed the next morning, October 2. A larger crowd gathered the second day, and security forces arrived with additional reinforcements, as well as two to three armored vehicles. The security forces again fired rubber bullets and live ammunition at stone throwing demonstrators but used relatively little tear gas, although as there was little or no wind - conditions that favored the use of tear gas. The special forces unit did not return to the rooftop position on the hill, but instead fired from ground level at the junction. In the late afternoon two such shots struck and killed Misleh Hussayn Abu Jarrad who was in a group of demonstrators near the gas station at the corner of the junction. It was immediately apparent, according to an eyewitness who was watching from a distance, that a young person had been killed. Medical personnel describe Abu Jarrad as having been hit by live ammunition once in the heart and once slightly lower in his right chest. When people who had not been participating in the demonstrations surged forward to the junction to protest that killing, security forces fired a large quantity of tear gas, dispersing the crowd. As on the previous day, the security forces then left the area.

At no time on either day do the security forces appear to have faced imminent threats to their lives or serious injury. On both days wind conditions allowed security forces to use tear gas effectively to disperse the demonstrators when they wished to do so. On October 3 the crowd dispersed on its own when they arrived at the junction and found no police forces present.

Al-Bireh-Ramallah

Human Rights Watch found that Israeli security forces used indiscriminate and therefore unlawful lethal force against demonstrators and medical personnel in clashes at the City Inn Hotel area in the West Bank town of al-Bireh-Ramallah. The hotel is located on a traffic circle where an area under Israeli security control abuts a Palestinian self-rule area. One of the roads entering the traffic circle leads to Beit El settlement, and a road just off the traffic circle leads to a district coordinating office for joint Palestinian and Israeli police patrols. Other roads lead to Palestinian towns and villages.

Palestinian demonstrators and IDF soldiers had clashed at the site in the past, and clashes were an almost daily occurrence there beginning on September 30. Eyewitnesses told Human Rights Watch on October 10 that with the exception of one day earlier in the week when security forces did use large quantities of highly concentrated tear gas, the IDF made no attempt to use tear gas to disperse the crowd. Instead, the IDF relied on rubber bullets, plastic-coated metal bullets, and live fire against demonstrators who were throwing stones and, on occasion, Molotov cocktails. On at least one occasion Palestinian gunmen in one or more buildings at some distance from the demonstrators fired upon IDF forces, including those occupying the hotel.

The IDF fire came from forces in jeeps stationed in the traffic circle or the road to the district command office, and on some days from soldiers positioned in buildings on or near the traffic circle. According to an eyewitness in the hotel, on the afternoon of October 1 some thirty-five Israeli soldiers took over the hotel and did not leave until the morning of October 3. At least two other nearby buildings were also taken over by the IDF, one of which was still occupied during a visit by Human Rights Watch on October 10.

According to eyewitnesses, on the afternoon of October 1, armed Palestinians, located in one or more unfinished buildings some 100 meters down a hill from a first-aid field clinic of the Union of Palestinian Medical Relief Committees (UPMRC), opened fire on IDF forces at the traffic circle. The line of fire is such that any exchange of fire between buildings occupied by the IDF and the unfinished buildings would have passed behind the field clinic, missing it by as much as 100 meters. In response the IDF directed sustained live fire against first-aid personnel and youths watching from near the first-aid field clinic. The field clinic was located some 300 meters from the traffic circle, and well behind the site of the clashes. It had been in operation at the site since clashes began there on September 30, and was clearly identifiable by UPMRC signs, the presence of large numbers (up to twenty at a time) of first-aid personnel wearing white UPMRC vests and hats, and the frequent movement of wounded to the site by first-aid personnel carrying stretchers and from the site by ambulances. Three of the first-aid personnel were injured and removed by a nearby ambulance during the first few minutes of fire, but the heavy fire prevented the ambulance from returning, leaving other first-aid personnel and bystanders pinned down under heavy fire for some four to five hours before the IDF withdrew from the traffic circle that evening. During its site inspection on October 5 Human Rights Watch collected both spent and unused live IDF ammunition from rooms on three floors of the City Inn Hotel, and documented evidence of Palestinian fire on the hotel that appeared to come from an unfinished building in the Palestinian self-rule area, located some 350 meters from the hotel and at some distance behind the clinic. Based on the entry angle of the Palestinian bullets, they could not have been fired from the area where the clinic was located. Nor could the clinic have been exposed to crossfire from IDF positions firing upon the unfinished building.

Netzarim Junction

Witnesses in the Gaza Strip described numerous instances of indiscriminate and excessive use of force, including the use of inappropriately large medium-caliber machine gun fire (see below) against unsheltered demonstrators and passersby in situations where they posed no imminent threat of death or serious injury to IDF forces. IDF forces at Netzarim junction are especially well protected, occupying an extremely heavily fortified bunker that is set back from the road and extends below ground. IDF entry to and exit from the bunker appears to take place via underground tunnels running to the adjacent Netzarim settlement, and sniper towers inside the settlement provide cover for the bunker and the road to the settlement, removing the possibility that the bunker could be overrun.

Palestinian Authority security forces also had a barracks and police station near the junction, and shared with the IDF a rest area for members of Israeli-Palestinian joint patrols located on one of the junction's corners. Palestinian Brigadier General Osama al-Ali, the Palestinian representative to the Gaza Regional Security Committee and a member of the overall Palestinian-Israeli Joint Security Committee, told Human Rights Watch that Palestinian security personnel had been fatally shot by the IDF while trying to restrain demonstrators at Netzarim junction.

According to emergency medical personnel treating wounded at Netzarim, despite the IDF's position of safety, it did not use tear gas after September 30, the first day of the clashes, and on that day the IDF also used live ammunition, rubber bullets and plastic-coated metal bullets. They told Human Rights Watch that after the fourth day the IDF stopped using rubber bullets and plastic-coated metal bullets and fired only live ammunition. The witnesses also stated that on the four days when the IDF did use rubber bullets and plastic-coated metal bullets, it used them only during the mornings, when fewer demonstrators were present, and used live ammunition for the rest of the day.

On the night between October 7 and October 8 the IDF destroyed the buildings, orchard walls, and trees surrounding the intersection on all sides, effectively removing all remaining cover from which Palestinians might fire weapons for hundreds of meters in all directions. This also had the effect of leaving no place for demonstrators or passers-by to shelter when shooting broke out. During a visit to the site on October 8, Human Rights Watch witnessed IDF firing, possibly in response to a small group of stone throwers or a youth who had carried a Palestinian flag to the intersection. We did not see any evidence of the use of gunfire or Molotov cocktails by the demonstrators. From our vantage point in the shelter of the one remaining building in the area, a

small store adjacent to the portion of the road where ambulances wait, located some 200 to 250 meters from the junction, we were able to see the flagbearer leave the intersection and arrive at the site of the ambulances. At the same time, the amount of IDF fire increased, and bystanders watching from the corner of the building moved back, saying that fire was striking near the front of the building. Medical personnel working in that area also described sniper fire targeting this area coming from the Netzarim settlement, and noted that during the first week of October the Palestinian Authority had made earthen berms along the edge of the road to provide people with some protection from sniper fire from the Netzarim settlement. Other witnesses reported that their taxis were fired on when crossing the same intersection on the way to and from southern Gaza.

The incident in which IDF fire killed 12-year-old Muhammad Jamal Muhammad al-Dirra also appeared to be a case of indiscriminate and illegal use of force based on the accounts of eyewitnesses. At around 7 a.m. on Saturday September 30, the day after the clashes and killings in Jerusalem, demonstrators began to gather at the Netzarim junction, where Gaza's main north-south road meets a road connecting the Netzarim settlement to the Karni border crossing and where an Israeli army post guards a Jewish settlement of about sixty families. For several hours the crowd threw rocks and stones and the IDF intermittently lobbed tear-gas canisters and fired rubber bullets and plastic-coated metal bullets in return. According to Talal Abu Rahmeh, a Palestinian cameraman for a French television news channel, who had been present since 7 a.m., by about noon some forty people had been injured by Israeli shooting. Then, Abu Rahmeh told Human Rights Watch, the situation exploded in gunfire, possibly in response to or concurrent with several minutes of Palestinian gunfire on the IDF bunker. The immediate effect was to scatter the crowd. Those who could not escape tried to find cover and remained pinned down. The firing from the IDF outpost continued for at least forty-five minutes, although during this time there was no apparent return fire from the Palestinian demonstrators or police.

Muhammad al-Dirra and his father sought cover behind a large water barrel fifteen meters from the intersection on the road to Karni. Eyewitnesses saw the father frantically waving to the Israeli soldiers not to shoot in their direction. Cameraman Abu Rahmeh told Human Rights Watch that during the first explosion of gunfire he and others had sought shelter behind a Volkswagen parked opposite where Muhammad and his father were pinned down. He did not initially pay attention to the boy and his father, filming instead the junction and then the firing on civilians trying to move a car away from the joint patrol post at the corner and past Abu Rahmeh in the direction of Karni, which left two injured. The screams of the boy attracted his attention, he said, and he filmed the sequence that has since been televised around the world. For fifteen minutes, Abu Rahmeh said, he watched the efforts of the father to protect his son and the red explosions on the wall and the roadway as bullets hit the area where they were cowering behind a large water barrel. During the first 5-7 minutes he saw a shot hit Muhammad in the leg, and the father became frantic, waving his hands and using his mobile phone to call for help until the father was also hit in the arm. About half an hour after the shooting started Abu Rahmeh heard a huge boom, and clouds of dust obscured his vision of the boy and father. When the dust cleared he saw that the boy had been fatally hit in the abdomen, and his father was wavering back and forth, apparently in shock, after being hit multiple times. Ambulances attempting to evacuate the boy and his father were prevented from reaching the site for another fifteen to twenty minutes due to continued heavy firing (see below). Abu Rahmeh said he later counted a large number of bullet holes in a circle in the wall around the area where they were trying to shelter themselves. According to Abu Rahmeh, at no time during the forty-five minutes he was present did he see any Palestinian fire from the street where he, the boy, and his father were located. At no time did the father and son, or anyone in their vicinity, pose any threat to the IDF post or to the lives of soldiers, nor could the father and son have been in the crossfire of any earlier shooting between the IDF post and Palestinians at the joint patrol post at the corner. Human Rights Watch was not able to inspect the wall because it and the surrounding area has been destroyed by the IDF (see above).

Disregard for and Targeting of Medical Personnel

The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials require law enforcement officials to “ensure that assistance and medical aid are rendered to any injured or affected

persons at the earliest possible moment.”⁴ Disregard for or targeting medical personnel who are evacuating and treating wounded persons is also a clear breach of the U.N. principles.

Human Rights Watch's interviews with doctors, emergency medical technicians, and other eyewitnesses establish a disturbing pattern of serious violations of medical neutrality by the IDF, including the repeated use of lethal force against Palestinian ambulances, medical personnel, field hospitals and clinics engaged in treating or evacuating injured civilians. The use of live fire against medical personnel interferes with the prompt treatment of wounded, and may in some instances have resulted in additional deaths.

Between September 29 and October 16, one Palestinian Red Crescent Society (PRCS) emergency medical technician has been killed and at least ten wounded by IDF live fire while evacuating Palestinians wounded in clashes. At least twenty PRCS ambulances have also been damaged by IDF live fire and plastic-coated steel bullets.

Netzarim Junction

On September 30, IDF soldiers in a heavily protected bunker fired repeatedly upon Palestinian Red Crescent Society (PRCS) ambulances attempting to evacuate 12-year-old Mohammad Jamal Mohammad al-Dirra (see above) and other injured persons at the Netzarim Junction in Gaza. Sometime between noon and 1:00 p.m. medical personnel on the scene put out a call for all available ambulances to come to Netzarim Junction to help evacuate large numbers of Palestinians wounded by heavy IDF fire from the bunker and possibly from sniper towers in the Netzarim settlement. The ambulance of emergency medical technicians Bassam Fayez Salim al-Bilbaysi and Wala Koudih responded to the call, coming into the junction from Deir al-Balah in southern Gaza. Wala Koudih told Human Rights Watch that when their ambulance arrived they found an ambulance already present evacuating a wounded person from a location south of the joint patrol post, and they moved closer to the junction after hearing people screaming for an ambulance from the corner. Before they reached the corner there was a huge explosion near their ambulance, and the force of the blast lifted it from the ground, shattering the windshield and causing heavy shrapnel damage to the side. Heavy fire from the IDF bunker then forced them to the floor of the ambulance, where Koudih, who was hyperventilating, had to be given oxygen. By that time the ambulance of emergency medical technician `Ali al-Khalil had arrived on the scene, crossing the intersection from the Gaza City side. Upon hearing Koudih's screams al-Khalil assumed she or al-Bilbaysi had been shot, and he approached their ambulance in reverse to minimize his own exposure to gun fire as he crouched in the driver's seat. His ambulance was hit in the tire but was still able to move. Behind the cover of al-Khalil's ambulance, they were able to evacuate Koudih to the cover of the joint patrol post. Koudih told Human Rights Watch that she and others who had taken cover there were unable to be evacuated for at least forty-five minutes because of continuing fire at the joint patrol post and the ambulances.

The emergency technicians could still hear screams from the corner, and al-Bilbaysi and al-Khalil returned to attempt to evacuate the wounded. `Ali al-Khalil told Human Rights Watch that they continued to come under fire as their ambulance approached the corner, where they could see Mohammad al-Dirra's father waving his hand. Al-Bilbaysi, 48, was just rising from the front passenger seat, intending to open the side ambulance door, when he was struck and killed by a bullet to his left side that entered the heart. Al-Khalil told Human Rights Watch that he knew from the massive explosion of blood that his friend was already dead. But I had to try, he said, so he sped through the fire in the intersection to take al-Bilbaysi to al-Shifa' hospital in Gaza City, picking up a doctor and a nurse from the field hospital on the way. Human Rights Watch examined the ambulance and found evidence of multiple bullet holes and shrapnel marks.

On October 2, IDF soldiers in the Netzarim bunker fired upon a PRCS ambulance carrying emergency medical technician Mu`in Abu `Aish while he and his team were evacuating another injured youth. No Palestinian fire was reported at the time. The ambulance was struck by seven medium-caliber bullets, all entering from the driver's side and passing through the driver's and passenger's compartments. One bullet missed the ambulance's

⁴ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Article 5(c).

oxygen canister by centimeters, while a second bullet hit near the diesel tank. The injured youth they were evacuating also received additional injuries to the head from shrapnel while inside the ambulance.

On October 1, an IDF helicopter gunship fired recklessly and repeatedly on areas immediately adjacent to the PRCS field hospital at Netzarim, disrupting operations there. The clearly marked field hospital is located at least 400 meters away from the junction where the clashes took place and has staff assigned to ensure that non-medical personnel are not allowed to gather in or near the hospital. According to Gaza PRCS director Dr. Khalil Abu Ful, the firing stopped only after a delegate of the International Committee of the Red Cross who was present at the time made an urgent protest to the IDF.

III. CIVILIAN ATTACKS ON MEDICAL PERSONNEL

In addition to IDF attacks on Palestinian ambulances and medical personnel, Israeli settlers in areas under Israeli security control have stoned PRCS personnel and vehicles, and Palestinian civilians in areas under Israeli security control have stoned Magen David Adom ambulances.

According to Magen David Adom, as of October 15, twenty-three of its ambulances had been damaged by stoning by Palestinian demonstrators, and four of its medical personnel injured, one with a broken hand and three who required stitches to close head wounds. Demonstrators also set alight one of the 9 ambulances that had been stoned on September 29, destroying it completely. The majority of these cases took place during clashes in Jerusalem between Palestinians and Israeli police and border police. Only Magen David Adom ambulances have permits to operate in Jerusalem, and Magen David Adom ambulances treated both Palestinian and Israeli wounded during those clashes.

The PRCS also reports stoning attacks by Israeli settlers on its ambulances and other vehicles marked with the PRCS emblem. In at least some cases IDF officers were present but did not take action to prevent attacks by settlers. A PRCS emergency medical technician based in the West Bank town of al-Bireh told Human Rights Watch that at about 10:30 a.m. on Sunday, October 8, he and his team responded to a call from the Israeli civil coordinator at the Bet El settlement to treat Palestinians injured when their car was stoned by settlers near the Eli settlement on the Ramallah-Nablus road. On the way to the site they passed through an IDF checkpoint where soldiers told them that the injured Palestinians were at the Shiloh intersection further ahead. When they arrived there they encountered three Israeli settlers from Shiloh, who stoned the ambulance. They continued a short distance further, past the Eli junction, then returned after finding no evidence of injured persons. When they reached the Eli junction, they were stoned by fifteen to twenty settlers from Eli settlement and quickly retreated. They waited about 150 meters away from the intersection until an IDF officer and three soldiers arrived in a jeep. The officer told the ambulance driver, "Come with me; you are under my protection," and escorted them back to where the settlers were. As the officer was speaking with the settlers, the settlers suddenly surrounded the ambulance and stoned it again, breaking all its windows. The driver quickly reversed again. After a few minutes a microbus arrived to take the settlers back to the settlement. The jeep then approached the ambulance again and the IDF officer told the ambulance driver to leave.

IV. ILLEGAL USE OF WEAPONS

Weapons and munitions appropriate to some situations can be used in ways that constitute illegal and excessive use of force when used in ways or for purposes for which they were not intended. Rubber bullets, according to IDF regulations, are to be used only at distances not less than forty meters, only aimed at the legs and lower body, never used against children, and only when there is a clear threat to life. IDF regulations also specify that rubber bullets should be used only when measures of lesser severity are unavailable to prevent a threat to the public welfare and when their use does not endanger innocent people. The cases investigated by Human Rights Watch confirm the reported findings of Israeli and Palestinian human rights organizations indicating that rubber bullets, as well as plastic-coated metal bullets and live ammunition, have been used routinely in an illegal and indiscriminate manner, resulting in deaths and injuries to civilians.

Palestinian medical doctors in Gaza and the West Bank told Human Rights Watch that victims in the clashes since September 30 have had wounds caused by an unusually large caliber of ammunition. X-rays, bullet fragments, and bullets examined by Human Rights Watch indicate IDF use of medium-caliber bullets fired by machine guns. These military munitions, approximately two-and-one-half inches in length and half an inch in diameter, are ordinarily used for penetrating concrete walls and other hard-surface barriers. They consist of a steel payload encased in a copper jacket that peels off banana-like when the core hits an object. When used against persons, as they were at Netzarim Junction, they cause huge wounds that are extremely difficult to treat, and leave inch-long pieces of shrapnel in the body. The use of such massive, indiscriminate weapons is inappropriate in crowd-control and law-enforcement situations and unlawful.

V. RECOMMENDATIONS

The United Nations should:

- Authorize and provide funding for the High Commissioner for Human Rights to set up an international panel of experts to conduct an impartial investigation into human rights violations by all parties to the conflict. The panel should be appointed by the High Commissioner. It should comprise internationally recognized law enforcement and human rights experts, and work closely with the existing U.N. human rights mechanisms, including the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.
- Establish a standing body of independent international criminal justice investigators composed of highly qualified individuals with proven expertise in the conduct of criminal investigations. The standing body should be a prime resource whenever the need arises for independent, impartial investigations of a criminal justice nature and would be available for deployment by the UN at short notice. The individual experts should be nominated by member states from a wide geographic distribution and carefully selected for their professional skills and expertise by the UN Secretary General.

The Government of Israel should:

- Take immediate action to end the excessive and indiscriminate use of force against civilians by the IDF and Israeli police forces. Firearms should not be used except as necessary to defend themselves or others against the imminent threat of death or serious injury.
- Investigate and bring to justice those IDF and police personnel responsible for unlawful use of force.
- Make public the open fire regulations for both the IDF and the police.
- Ensure that all Israeli forces engaged in law enforcement activities have at their disposal and make use of non-lethal equipment that is appropriate for crowd control.
- Ensure that Palestinian ambulances and medical personnel are protected and respected. Under no circumstances should Israeli forces fire upon ambulances or medical personnel engaged in seeking out, treating or evacuating wounded. All efforts should be made to avoid hitting such personnel in all circumstances, even unintentionally.
- Publicly and unequivocally condemn attacks by anyone, including civilians, on other civilians and instruct security personnel to bring perpetrators of such attacks to justice.
- Make every effort to deploy adequate law enforcement personnel in situations of potential clashes to minimize their need to resort to lethal force for self-defense or in the defense of others.
- Allow immediate access to independent international investigators, including the human rights special mechanisms of the United Nations, to investigate allegations of human rights violations stemming from the clashes that began on September 29, 2000.

The Palestinian Authority should:

- Ensure that Palestinian security forces act to the fullest extent possible under the law to prevent armed Palestinians from opening fire on IDF positions, where unarmed civilians are at risk of drawing return Israeli fire.
- Ensure that Palestinian security forces do not themselves participate in such attacks when civilians would be put at risk and investigate and bring to justice those who disobey such orders.
- Ask and investigate and bring to justice those who disobey such orders.
- Make public the guidelines it has provided to its security forces in such circumstances.
- Publicly and unequivocally condemn attacks by anyone, including civilians, on other civilians and instruct security personnel to bring perpetrators of such attacks to justice.
- Make every effort to deploy adequate law enforcement personnel in situations of potential clashes to minimize their need to resort to lethal force for self-defense or in the defense of others.
- Allow immediate access to independent international investigators, including the human rights special mechanisms of the United Nations, to investigate allegations of human rights violations stemming from the clashes that began on September 29, 2000.

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*Human Rights Watch
Middle East and North Africa Division*

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