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Israel: Impunity for unlawful killings of demonstrators by police

Amnesty International is deeply concerned by yesterday's decision by Israeli Attorney General Menachem Mazuz that police officers who shot and killed 13 demonstrators at the beginning of October 2000 will not be indicted. Twelve Israeli Arabs and one Palestinian were shot dead while protesting the killings of other Palestinians by Israeli security forces in Jerusalem and in the rest of the West Bank and Gaza Strip at the start of what became known as the al-Aqsa *intifada* (uprising).

The Attorney General's legal opinion, issued on 27 January 2008, effectively endorses a decision to close all investigations into the case made by the Police Investigations Department of the Ministry of Justice in September 2005. That decision, like the Attorney General's opinion, was made despite the conclusions of the Orr Commission, which Ehud Barak, the Prime Minister at the time, set up to investigate the events surrounding the killings of the Israeli Arab demonstrators in October 2000. As such, they are a further example of the impunity routinely afforded by the Israeli authorities to members of the security forces who resort to the excessive use of lethal force in a manner that is both inconsistent with international standards and violates Israel's obligations under international law to respect the right to life.

The Orr Commission took almost three years to complete its work and reported in September 2003 that in a number of the incidents it had reviewed "*the police reaction was excessive given the circumstances, since there was no real danger that required a lethal response*" and that "*the police response escalated, in some cases to the point of using lethal ammunition, as an almost immediate reaction after one of the policemen or commanders was injured by stones thrown at them from the unruly crowd*" (paras 44-47)

An Amnesty International delegation visited the scenes of several of the shootings in early October 2000 within days of their occurrence. The delegation, which included Dr Stephen Males, a former senior police officer in the United Kingdom and a specialist in sensitive public order policing, concluded that Israeli police used excessive force and resorted to live fire when neither the lives of security forces nor others were at serious risk, and unlawfully killed demonstrators. Amnesty International also received evidence that Israeli security forces had impeded access of the wounded to medical assistance.

There was no indication that the demonstrators who were shot had used firearms or posed any serious risk to the lives of well-equipped and protected Israeli police, even though some protestors apparently tried to make petrol bombs and many threw stones. The Israeli forces invariably had taken up well-defended positions at a distance from the demonstrators in blockhouses, behind wire and were equipped with riot shields. Police generally used more extreme military-type measures rather than policing methods involving the protection of human lives and although a wide variety of non-lethal means of dispersing the demonstrators were available to them, they rapidly escalated their response and resorted to lethal weaponry -- plastic-

coated metal bullets and live ammunition. As Dr Males commented: "*These are good tactics if one wants to wipe out an enemy, they are not policing*".

In other contexts, the Israeli police have shown themselves capable of dispersing violent demonstrations without using live fire. Israeli police have faced a number of violent demonstrations by Jewish groups -- for example, those mounted by Ultra-Orthodox Jews in July-August 1999 in Jerusalem -- but have never used live fire or even rubber bullets against such demonstrators, preferring to use non-lethal means to disperse them.

Amnesty International reiterates its call on the Israeli authorities to ensure that members of the security forces alleged to be responsible for excessive use of force which resulted in unlawful killings are brought to justice in trials that are consistent with international standards of fairness; and to make reparation, including payment of compensation, to the victims' families.

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International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK
www.amnesty.org