



Right Hon William Hague MP
Foreign Secretary
Foreign and Commonwealth Office
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For the attention of: Right Hon William Hague MP

17 April 2014

Dear Mr. Hague,

Re: Killing of 14 year old Palestinian boy crossing Separation Barrier to pick wild fruit plants

As lawyers committed to the protection and promotion of Palestinian human rights, we urge the British government to insist that a rigorous investigation is carried out by Israeli authorities to determine the alleged criminal responsibility of Israeli soldiers and their commanders for shooting live ammunition and killing a 14 year old Palestinian boy, Yousef al-Shawamrah, as he crossed the Separation Barrier in order to pick wild fruit plants.

B'Tselem investigation findings

The Israeli human rights organisation, B'Tselem, has published its findings of their investigation of the killing of Yousef al-Shawamreh on the morning of Wednesday 19 March 2014. Al-Shawamreh, of the village of Deir al-'Asal al-Foqa, southwest of Hebron, was shot when he and two friends, Zahi al-Shawamreh, 13, and al-Muntaser Beallah al-Dardun, 18, were going through a wide breach in the Separation Barrier.

B'Tselem's investigation indicates that the three youths were crossing the barrier in order to pick gundelia which is annually harvested at this time of year and serves as an important source of income for local residents. The section of the Separation Barrier in this area lies within the West Bank, some 200 meters east of the Green Line, not far from the village homes. The al-Shawamreh family own farmland that is now separated from them by the barrier, and that land is where the three youths were heading to gather plants.

The youths went through a wide breach in the Separation Barrier and crossed the patrol road on the other side. The two surviving youths told the B'Tselem field researcher that they heard three or four shots as they got off the road, fired with no advance warning. Al-Shawamreh was hit and one of his companions helped him get back to the road. At that point, soldiers emerged from an ambush several dozen meters away.



The soldiers provided first aid to the wounded al-Shawamreh and apprehended his friends. Although a military base is located a mere two kilometers away, a military ambulance reached the site of the shooting only about 30 minutes later. Al-Shawamreh was taken by the ambulance to an Israeli hospital, Soroka Hospital in Beersheba, where he was pronounced dead. Al-Shawamreh's body was then taken to 'Aliyah Hospital in Hebron, where an external examination found a single bullet wound to his left thigh.

Conflict with Israeli Defence Forces version of killing of Yousef al-Sharamreh

B'Tselem notes that according to the Israeli Defence Forces (IDF) Spokesperson's statement quoted in the media, troops of the Armored Corp's 77th Battalion on a proactive mission who noticed three suspicious Palestinians vandalizing the Separation Barrier began carrying out suspect arrest procedure. As the Palestinians did not heed the soldiers' warnings, the soldiers fired and one Palestinian was hit. He was taken by Medical Corps troops took him to hospital, where he died of his wounds

The IDF version of the killing of Yousef al-Sharamreh is criticised by B'Tselem as 'conveying a cynical lack of concern for the life of a Palestinian teenager.' B'Tselem states that 'Israel's security forces in the area are well aware that, for the past two years, Palestinians have been crossing the Separation Barrier at the breach at that particular point at this very season to pick gundelia on their own farmland' and that 'In his testimony to B'Tselem, al-Dardun stated that police officers had detained him and three of his friends at the very same spot two days before this incident.' B'Tselem then expressed the following concerns:

'The decision to mount an armed ambush at a point in the barrier known to be crossed by youths, who pose no danger whatsoever to anyone, for the purpose of harvesting plants is highly questionable. It also indicates, at the very least, extremely faulty discretion on the part of the commanders. Moreover B'Tselem's findings are markedly different from the description given by the IDF Spokesperson: the youths made no attempt at vandalism; they were crossing through a long-existing breach, and the soldiers did not carry out suspect arrest procedure, shooting at al-Shawamreh with no advance warning.'

Israeli military open-fire regulations

B'Tselem affirms that the Israeli military's open-fire regulations around the Separation Barrier prohibit opening live fire at Palestinians crossing the Barrier if they are identified as posing no risk to security forces.

Imperative need for legal accountability

B'Tselem states that the Military Police Investigations' Unit (MPIU) has launched an investigation of the incident. B'Tselem Director Jessica Montell emphasises that the responsibility for al-Shawamreh's death does not lie only with the soldiers who killed him:



'The primary responsibility for the killing lies with the commanders who sent the soldiers out on armed ambush. The MPIU must examine whether the commanders bear personal criminal responsibility in this case and if they must be held accountable for the death of a youth.'

LPHR reiterates the above statement and urges the British government to undertake dialogue with the Israeli government on this horrific incident and insist upon the following:

1. Israel's military investigation process is thorough, credible and transparent, and;
2. Justice and legal accountability is secured should the thorough, credible and transparent Israeli military investigation determine that members of Israeli security forces are criminally responsible for the killing of Yousef al-Shawarmeh.

LPHR view these outcomes as imperative for the following reasons:

1. To achieve justice and legal accountability for the apparent wholly unnecessary use of live ammunition resulting in the tragic killing of a Palestinian boy;
2. To send a powerful and clear deterrent message to Israeli security forces that a breach of the prohibition on the use of live ammunition against Palestinian civilians posing no threat to them will in practice lead to the just imposition of individual criminal responsibility; and
3. To uphold the rule of law and diminish the ongoing threat of further grave violations of the human rights of Palestinians.

We shall be grateful for your intervention on this urgent matter.

Yours sincerely,

Tareq Shrourou
Director, Lawyers for Palestinian Human Rights