



Right Hon Philip Hammond MP
Foreign Secretary
Foreign and Commonwealth Office
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For the urgent attention of: Right Hon Philip Hammond MP

12 April 2016

Dear Mr. Hammond,

Re: The apparent extrajudicial execution of a wounded Palestinian by an Israeli soldier

As lawyers committed to the protection and promotion of Palestinian human rights, we write to express our deep concern at an unnamed Israeli soldier's shooting of a Palestinian man while he lay incapacitated on the ground in Hebron.

The killing of Abd Al Fatah a-Sharif, which took place on on 24 March 2016, was captured on camera and published by B'Tselem, who describe the footage as follows:

"[Abd al-Fatah a-Sharif] is seen lying on the road injured, with none of the soldiers or medics present giving him first aid or paying him any attention at all. At a certain point, a soldier is seen aiming his weapon at a-Sharif and shooting him in the head from close range, killing him. Although this occurs in the plain view of other soldiers and officers, they do not seem to take any notice."

The apparent unlawful killing of Abd al-Fatah a-Sharif

The incident described above (as verified by the footage available on B'Tselem's website) clearly appears to be an extrajudicial execution. Abd al-Fatah a-Sharif posed no threat to the soldier in his wounded state on the ground, yet the soldier is seen walking up to Mr a-Sharif and deliberately shooting him in the head at close range, with no provocation.

On 4 April 2016, an autopsy carried out on on the body of Abed al Fatah Sharif by pathologists at the Abu Kabir Forensic Institute confirmed that he was killed by a bullet shot at point-blank range.

It is believed that Abd Al Fatah a-Sharif was one of two men involved in the stabbing of an Israeli soldier. However, the footage makes it clear that he was no threat to the soldiers at all



at the time he was shot. As stated by Amnesty International, *“The shooting of a wounded and incapacitated person, even if they have been involved in an attack, has absolutely no justification and must be prosecuted as a potential war crime.”*

Statement of the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions

On 30 March 2016 the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, expressed his *“outrage”* at the killing, which he described as *“a clear case of an extrajudicial execution.”* Mr Heyns went on to say:

“There does not appear to be any provocation on the side of the gravely wounded man...Whatever legal regime one applies to the case, shooting someone who is no longer a threat is murder.”

Mr Heyns highlighted the need for accountability in light of this grave violation of human rights by law enforcement:

“Part of protecting the right to life is accountability where it has been violated ...Ensuring a proper trial and if appropriate, punishment, will be of great importance, to stop what appears to be a pattern of unpunished cases where excessive force is used.”

Pattern of alleged extrajudicial killings in the occupied Palestinian territory

Extrajudicial killings are prohibited under international law and Israeli military law. They are a clear violation of the right to life, the most fundamental of all human rights protected under international and domestic law. They pose a severe threat to the rule of law and the safety of civilians. This is particularly concerning in areas where civilians are especially vulnerable to mistreatment from law enforcement, such as in the occupied Palestinian territory (oPt) which is under prolonged military occupation.

Amnesty International have highlighted the prevalence of apparent extrajudicial executions by Israeli forces before and since the escalation of violence in the oPt in October 2015: *“Israeli forces have a long history of carrying out unlawful killings – including extrajudicial executions – in the Occupied Palestinian Territories with impunity.”* On 27 October 2015, Amnesty International cited, *“at least four incidents”* that they had *“documented in depth”* where *“Palestinians were deliberately shot dead by Israeli forces when they posed no imminent threat to life, in what appear to have been extrajudicial executions.”*

Accountability

LPHR expresses its deep concern that the soldier who killed Abd al-Fatah al-Sharif has been charged with manslaughter and not murder, despite the overwhelming evidence against him. In light of the documented increase in alleged extrajudicial killings by Israeli forces in the last



few months, it is imperative that the both the soldier responsible and the Israeli military are held accountable for this incident.

We refer to LPHR's letter to you dated 28 October 2015 in which we expressed our grave concern, along with Defence for Children International Palestine, "*that Israeli forces are currently "implementing a 'shoot to kill' policy, which in some incidents may amount to extrajudicial killings.*" We also refer to the Foreign Office's response, which stated:

"Our Ambassador to Tel Aviv has raised UK concerns over the use of force (including lethal force) by Israeli security authorities, most recently with the Director General of the Israeli Ministry of Foreign Affairs on 28 October, stressing the need for proportionality and proper accountability....The UK continues to repeatedly express concerns about the appropriate use of force, including the use of live ammunition by the Israeli Defence Force IDF and the need for Israel to implement the recommendations of the Turkel Commission on improving how the Israeli authorities investigate alleged violations of international humanitarian law."

In light of the UK government's position on unlawful killings and accountability, as set out above, as well as your commitment to international law, human rights and the rule of law, we urge the UK government to:

1. Reiterate its concerns to the Israeli government over the continued use of lethal force by Israeli forces and the critical need for Israel to improve its investigation of alleged violations of international humanitarian law;
2. Publicly condemn the apparent unlawful killing of Abd Al Fatah a-Sharif and criticise the decision by Israeli authorities to charge the suspect with manslaughter rather than murder; and
3. Call on Israel's authorities to urgently inform its police officers and soldiers that the use of excessive force against Palestinians is prohibited and will incur individual criminal responsibility.

We should be grateful for your intervention on this urgent matter and for your reply.

Yours sincerely,

Tareq Shrourou (Director) and Alicia Araujo Mendonca
Lawyers for Palestinian Human Rights