



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

23 May 2014

Dear Mr. Hague,

Re: Firing of live ammunition during a demonstration killing two Palestinian minors

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 at four Palestinians – three of them minors – which injured two, and killed Nadeem Siam Nawara, 17, and Mohammad Mahmoud Odeh, 16.

B'Tselem and Defence for Children International Palestine separate investigation findings

The Israeli human rights organisation, B'Tselem, and the Ramallah-based Defence for Children International Palestine have separately published its findings of their investigation of the shooting of four Palestinians with live ammunition in the West Bank town of Bitunya, close to Ofer Prison, during a demonstration marking Nakba Day on Thursday 15 May 2014. Their investigations' findings corroborate each other and to avoid repetition in the following we shall rely on the findings of B'Tselem.

B'Tselem's investigation outlines that two Palestinians, both minors, died of their wounds: Nadeem Siam Nawara, 17, from the village of al-Mazra'ah al-Qibliyah, and Mohammad Mahmoud Odeh, 16, from Ramallah. Muhammad 'Azzah, 15, also a minor, was hospitalized in the Intensive Care Unit in Ramallah, where he is recovering from his wounds. The fourth victim, a 23-year-old who wished to remain unnamed, was lightly injured. All four were injured in the upper torso: Nawarah and 'Azzah were struck in the chest, Odeh was struck in the back, and the fourth man was struck below his left elbow.



B'Tselem's investigation includes publication of video footage from two opposing cameras, depicting the moments of the killing of the minors. LPHR shares B'Tselem's analysis that the security camera footage of the incident:

'proves that at no stage were security forces endangered by any of the four victims, or by anyone close to them at the time of the shooting. The footage shows Nadeem Nawara being shot while walking along a street towards the area where Palestinian youngsters were clashing with army forces, and Mohammad Odeh with his back turned in the direction of the security forces that shot him.'

B'Tselem's investigation also includes the acquisition of medical opinions regarding the entry and exit wounds found in the bodies of all four victims. These medical opinions are:

'completely consistent with injuries caused by live fire and could not have been caused by rubber-coated metal bullets – especially not when fired at a relatively long range, as was the case here. Also, eyewitness accounts described the sound of live gunfire, which sounds different from rubber-coated bullet fire.'

Conflict with Israeli military authorities version of shooting incident

B'Tselem notes that according to the Israeli Defence Forces (IDF) Spokesperson, the army forces operating in the area that day had used only crowd control means, and not live ammunition.

The IDF version of the shooting incident is strongly contradicted by B'Tselem's investigation finding of 'strong evidence that live ammunition was used and that the fire hit the upper torsos of all four victims.' B'Tselem further states that the security camera footage of the incident 'indicate that the circumstances of the incident in no way justified use of live fire. These findings raise grave suspicion that the killing was wilful.'

Israeli military open-fire regulations

B'Tselem and Defence for Children International Palestine affirms that the Israeli military's open-fire regulations prohibit opening live fire against stone-thowers, except in cases of immediate mortal danger.

Imperative need for legal accountability

B'Tselem states they will transfer all the material at its disposal to the Military Police Investigations Unit, demanding an investigation not only into the soldiers' conduct in the incident, but also into the responsibility of senior officers who were present at the scene for the killing of civilians by lethal force.

The executive director of Defence for Children International Palestine, Rifat Kassis, has stated in response to the incident that:

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'Israeli forces continue to use excessive force and recklessly fire live ammunition and rubber-coated metal bullets on unarmed protesters, including children, killing them with impunity. While Israel claims to open investigations into such incidents, they are not transparent or independent, and seldom result in a soldier being held accountable.'

LPHR reiterates the above statements 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 military forces are criminally responsible for the killings of Nadeem Siam Nawara, and Mohammad Mahmoud Odeh, and for the injuries to Muhammad 'Azzah, and the unnamed fourth victim.

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 two Palestinian minors and injury to two other Palestinians (including one minor);
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