



Rt Hon Alistair Burt MP
Minister of State for the Foreign and Commonwealth Office
Foreign and Commonwealth Office
King Charles Street
London
SW1A 2AH

2 January 2018

Dear Minister Burt,

Re: Requesting the UK government responds to the killing of disabled protester Ibrahim Abu Thuraya

As lawyers committed to the protection of human rights and the compliance with international law, we write to urge that the UK government makes urgent representations to the Israeli government in regard to the killing of a disabled protester, Ibrahim Abu Thuraya, in the occupied Gaza Strip.

As the UK government is no doubt aware, the recent decision of the United States to recognise Jerusalem as the capital of Israel, and the plans to move the US embassy there, sparked a number of protests in the occupied Palestinian territory throughout December 2017.

The Israeli military has responded to protesters with excessive use of force resulting in a number of deaths and injuries. They include the apparent killing of the 29 year old double amputee protester, Mr. Abu Thuraya, who was shot in the forehead on 15 December 2017 at a demonstration in the access restricted area on the border of Gaza.

Abu Thuraya had lost both of his legs in an Israeli air strike in the east of Al Bureij refugee camp in 2008. At the time he was fatally shot on 15 December 2017, he was reported to be around 50 metres from the border fence and unarmed, posing no threat to soldiers.

The use of force by a State against an individual can only be deployed in exceptional situations where an individual is posing an imminent threat of death or serious injury. When the use of force is deployed, it must be done so in a manner which is proportionate. The circumstances of the killing of Abu Thuraya raises grave concerns whether these strict legal requirements were met by Israeli forces.

Rupert Colville, spokesperson for the U.N.'s Office of the High Commissioner for Human Rights, has stated in regard to the killing of Abu Thuraya: "As far as we can see, there is nothing whatsoever to suggest that Ibrahim Abu Thuraya was posing an imminent threat of death or serious injury when he was killed. In the words of the high commissioner, given his severe disability, which must have been clearly visible to those who shot him, his killing is incomprehensible, and it is a truly shocking and wanton act."



We must assert in this context that the killing of a protester, who is posing no threat to the Israeli military forces, would amount to a clear violation of the basic and fundamental right to life as enshrined in international human rights law. This underscores why it is necessary that an independent and genuine criminal investigation be undertaken by Israeli authorities to determine whether Abu Thuraya is the victim of a potential unlawful killing.

The Palestinian human rights organisation, Al Mezan Centre for Human Rights, has filed a complaint for a criminal investigation into the killing of Abu Thuraya. The Israeli military has, however, reportedly completed an investigation stating it is unable to conclude whether Abu Thuraya was killed by Israeli forces or what caused his death, but that the army did not aim live fire at him, and that there was “no ethical or professional lapse” in the soldiers’ conduct.¹ This conclusion does appear to be troublingly premature given the lack of determination as to who fired the fatal shot at Abu Thuraya.

It must finally be highlighted that the killing of Abu Thuraya takes place within a context of frequent resort to grossly disproportionate use of force against protesters in the occupied Palestinian territory. According to Al Mezan, between the period of 8 December 2017 until 19 December 2017, six Palestinians have been killed and 496 have been injured, including 83 children, six women, three journalists, and a number of paramedics.

Urgent intervention required by the British government

We urge that you consider intervening in this grave matter through taking the following suggested actions:

1. Call for the Israeli Military Advocate General to open a genuine criminal investigation into the death of Ibrahim Abu Thuraya, and to pursue a criminal prosecution if evidence suggests that he is the victim of an unlawful killing;
2. Call for the end of excessive use of force by Israeli forces to suppress protests;
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 would be grateful for your careful consideration of the above and for your written reply.

Yours sincerely,

Tareq Shrourou (Director) and Angelina Nicolaou
Lawyers for Palestinian Human Rights

¹ <https://www.haaretz.com/middle-east-news/palestinians/1.831903>