



Rt Hon Dr Andrew Murrison MP  
Minister of State for the Foreign and Commonwealth Office  
Foreign and Commonwealth Office  
London SW1A 2AH

29 July 2019

Dear Minister Murrison,

**Re: Requesting the UK government responds to the fatal shooting of one boy and the shooting of another child resulting in a leg amputation, both at the Separation Barrier**

As lawyers committed to the protection and promotion of Palestinian human rights, we urge the UK government to insist that Israeli authorities undertake genuine and rigorous investigations to determine the alleged criminal responsibility of Israeli forces and their superiors for two recent horrific incidents of shooting Palestinian children at the illegal separation barrier in the occupied Palestinian territory within the space of ten days.

The first shooting incident on 21 May 2019 resulted in the leg amputation of a 14 year-old-boy, 'MS', after he went to retrieve a football close to the separation barrier in the Bethlehem area. The boy was shot with a live bullet. As a result of this shooting, the boy's leg was amputated below the knee due to irreversible tendon damage. The boy's case is reported by Defence for Children International-Palestine.

The second shooting incident on 31 May 2019 resulted in the killing of 15-year-old 'Abdallah Gheith when he attempted to cross the separation barrier to enter Jerusalem and meet the rest of his family on the other side for prayers at al-Aqsa Mosque. 16 to 30-year-old males were barred entry to Jerusalem for Ramadan, whereas he family could travel through the checkpoint at the separation barrier. It is reported by the Israeli human rights organisation, B'Tselem, that Border Police officers fired two 0.22-calibre bullets at 'Abdallah, one of them hitting him in the chest.

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provide that the use of force and firearms 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. Furthermore, in the context of law enforcement operations, at a minimum, States must investigate alleged violations of the right to life resulting from use of force by State agents, in accordance with international human rights law.

A genuine and transparent criminal investigation is urgently needed into each of the above appalling incidents to ascertain how live fire was used within a narrow span of ten days at the separation barrier against children who clearly appear not to have been posing an imminent threat of death or serious injury. Among the critical questions that an investigation should ascertain is what were the precise open-fire instructions given to Israeli soldiers and border officers stationed along the separation barrier, and was either boy posing an imminent threat



to life or serious injury. Criminal prosecutions and legal accountability must properly follow if there is evidence of wrongdoing by soldiers and/or their superiors. We note in this context that an explanation reportedly made in 'Abdallah's case that he was shot as a 'crowd control measure' is not an adequate legal justification for the use of firearms. This purported justification raises substantial concern about the laxity of the rules of engagement applied at the separation barrier and its compatibility with international human rights law.

Genuine criminal investigation and legal accountability are imperative to provide justice and to effectively deter the atrocious repetition of excessive use of force incidents against children in the occupied Palestinian territory. These two appalling shootings have occurred in a context where there have been 55 cases of Palestinian children injured by live ammunition at the hands of Israeli forces between 1 January 2019 and 31 May 2019, as documented by Defence for Children International Palestine; and 37 children have been killed whilst attending the weekly civilian protests in Gaza that began on 30 March 2018, as reported by B'Tselem.

LPHR is not aware of any soldier or superior officer being criminally charged in relation to any of these incidents. This is strongly suggestive that there has been no change to a key finding made by the UN independent Commission of Inquiry into the 2014 Gaza Conflict, when it stated in its June 2015 report: “*The commission is concerned that impunity prevails across the board for violations of international humanitarian and human rights law allegedly committed by Israeli forces, whether it be in the context of active hostilities in Gaza or killings, torture, and ill-treatment in the West Bank.*” (Paragraph 664 of the Report)

We urge the UK's intervention in this grave matter by taking the following suggested actions:

1. Seek a clear assurance that Israeli authorities are conducting a genuine and transparent criminal investigation into the shootings of 'Abdallah Gheith and 'MS', and that they must pursue criminal prosecutions if there is evidence of wrongdoing by soldiers/border police and/or their superiors;
2. Urge Israel's authorities to immediately review and revise its open-fire regulations, including any specifically applying to soldiers and border police stationed at the illegal separation barrier, so that they fully comply with the strict requirements of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; and
3. Urge Israeli authorities to transparently inform all of its military and border police that the use of force and firearms against Palestinian civilians posing no imminent threat to death or serious injury will lead to imposition of individual criminal responsibility.

We would be grateful for your careful consideration of this urgent request and for your reply.

Yours sincerely,

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**Lawyers for Palestinian Human Rights**