



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

13 August 2019

Dear Minister Murrison,

Re: Requesting the UK government responds to the shooting of a nine-year-old boy in the head with live ammunition in the occupied Palestinian territory

As lawyers committed to the protection and promotion of Palestinian human rights, we urge the UK government to insist that Israeli authorities undertake a rigorous investigation to determine the alleged criminal responsibility of Israeli forces and their superiors for the shooting of a nine-year-old child in the head, leaving him in critical condition, on 12 July 2019. This grave incident has occurred soon after the shooting of two children at the illegal separation barrier leaving one child dead and the other with their leg amputated, as addressed in a letter that we submitted to you on 29 July 2019.

The shooting of nine-year-old 'Abd a-Rahman a-Shteivi took place in Kufr Qaddum, during the village's weekly protests against settlement expansion and settler violence. The boy was over 100 metres away from demonstrators, playing at the entrance of a home, at the time he was shot with a live bullet. He remains in hospital, his condition critical. The shot to his forehead resulted in a large hole, multiple skull fractures and serious brain damage, from which he is unlikely to recover, if he survives. The boy's case is reported by the UN High Commissioner for Human Rights and the Israeli human rights organisation B'Tselem.

The recent grave use of live ammunition against children in the occupied West Bank

The shooting of 'Abd a-Rahman a-Shteivi is the latest of many incidents in which unarmed Palestinian children have been injured or killed in circumstances that strongly suggest excessive force was used by Israeli forces. 'Abd a-Rahman's shooting is the second shooting of an unarmed Palestinian child in the upper body by Israeli forces using live ammunition since 31 May 2019. B'Tselem reports that on 31 May 2019, a 15 year-old boy 'Abdallah Gheith died after being shot in the chest by Israeli forces while he attempted to cross the separation barrier in order to enter Jerusalem and meet the rest of his family on the other side for prayers at al-Aqsa Mosque. On 21 May 2019, a 14-year-old boy 'MS' was shot with a live bullet after he went to retrieve a football close to the separation barrier. 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.

Excessive force against protesters in Kufr Qaddum

Since 2004, following the expansion of the adjacent illegal Israeli settlement of Kadum, the Israeli military has been blocking the main route connecting Kufr Quaddum village to its



service centre in Nablus. Palestinian access to agricultural land next to the settlement's built up area has been also restricted. Palestinians protesting these restrictions have been met with excessive force by Israeli forces. On 21 and 28 June 2019, a total of twelve people, including three children, were injured by Israeli forces during the demonstrations. Data collected by UN Office for the Coordination of Humanitarian Affairs records that since 2017, 482 people including 122 children have been injured during demonstrations in Kufr Quaddum. 206 of these people were injured by rubber bullets and 15 were injured by live ammunition.

LPHR has previously raised concerns to the UN Special Rapporteur for Human Rights Defenders about Israeli forces' response to protesters in Kufr Quaddum, specifically the targeting of and physical assaults against human rights defender Murad Shteivi, whom we believe is a relative of nine-year-old 'Abd a-Rahman a-Shteivi.

Imperative need for legal accountability for the shooting of Abd a-Rahman a-Shteivi

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 the shooting of Abd a-Rahman a-Shteivi to ascertain how live fire was used against a nine-year-old boy who cannot have been posing an imminent threat of death 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 the Israeli military are reported by B'Tselem to have denied that soldiers used live fire against Abd a-Rahman, and stated that soldiers used "various crowd-control methods" against protesters in Kufr Qaddum. This is not an adequate explanation for the grievous injury suffered by Abd a-Rahman as a result of live ammunition, and which is entirely consistent with the lax open-fire policy implemented by Israeli forces in the occupied Palestinian territory. This appalling shooting has 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.

The Israeli military has indicated that it has opened an internal investigation into the shooting Abd a-Rahman. However, we are deeply concerned that an internal investigation conducted by the Israeli military will not meet the minimum standards for a genuine investigation: namely that there is an independent, impartial, thorough, prompt and transparent investigation. We note in this context a key finding made by the UN independent Commission



of Inquiry into the 2014 Gaza Conflict in its June 2015 report, that “*The commission is concerned that impunity prevails across the board for violations of international humanitarian and human rights law allegedly committed by Israeli forces*” (Paragraph 664 of the Report).

Requested actions for the UK government in response to repeated grievous shooting incidents against children in the occupied Palestinian territory

Consistent with our aforementioned letter of 29 July 2019, we urge the UK's intervention in this grave matter by taking the following suggested actions:

1. Immediately seek a clear assurance, and subsequently monitor, that Israeli authorities are conducting a genuine and transparent criminal investigation into the shooting of 'Abd a-Rahman a-Shteivi, and that they pursue criminal prosecutions if there is evidence of wrongdoing by soldiers and/or their superiors;
2. Urge Israel's authorities to immediately review and revise its open-fire regulations, including any specifically applying to soldiers stationed at weekly non-violent protests, 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