



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

24 September 2019

Dear Minister Murrison,

Re: Requesting the UK government responds to the fatal shooting of a Palestinian woman at Qalandiya military checkpoint

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 into the fatal shooting of a Palestinian woman at the Qalandiya military checkpoint between Ramallah and East Jerusalem, last Wednesday 18 September 2019. The investigation must determine the alleged criminal responsibility of Israeli forces and their superiors for the incident.

According to a spokesperson for the Israeli police, Ala' Nafeth Wahdan, 28, from Qalandiya refugee camp, was shot dead after she approached Israeli forces at the military checkpoint, ignored calls to stop and pulled out a knife. The case has been reported by Amnesty International and a video of part of the incident is available at https://www.youtube.com/watch?v=0TgaxD9_DvI&has_verified=1. This does not, however, appear to show that Ala' was wielding a knife, or otherwise posing an imminent threat of death or serious injury, which could have justified the Israeli forces' use of live ammunition which caused her death. The footage shows Israeli guards several metres away from Ala' before one of them shot her in the leg. She drops what appears to be a knife, before falling to the ground. Three other armed guards move in and one of them kicks the knife away.

Imperative need for legal accountability for the shooting of Ala' Nafeth Wahdan

The right to life, as recognised and protected by the *International Covenant on Civil and Political Rights*, is a fundamental human right. Article 6 of the ICCPR provides that every human being had the inherent right to life; that this right shall be protected by law; and that no one shall be arbitrarily deprived of his/her life.

Alongside this, 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.



We note that the Associated Press has quotes from a witness, Mohammed Jaradat, who said he witnessed the shooting as he was waiting in a vehicle at the checkpoint. He said the woman approached the security guards as they were inspecting a bus. He said the guards shouted at her in Arabic to go back but the woman froze in place, and then one of the guards shot her. “He could have easily arrested her,” he said. The Israeli human rights group B’Tselem said it was still investigating the incident, but that it appeared to resemble past instances in which the Israeli military used excessive force. Their spokesman said: “What is clear is that such an incident should not have ended with a fatality. In many similar past incidents, in which Palestinians have either attempted to stab Israelis or it was claimed they made such attempts, lethal force was used against them when there was no justification for it, and as a first, go-to means.”

The Israeli military is reported as saying that it will open an internal investigation into the shooting into Ala' Nafeth Wahdan. 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).

A genuine and transparent criminal investigation is urgently needed into the shooting Ala' Nafeth Wahdan to ascertain why live fire was used against a woman who, according to video footage, did not appear to be posing an imminent threat of death or serious injury at the time that she was fatally shot. The use of force in such circumstances would appear to be unlawful for being excessive and arbitrary in violation of international human rights law.

As part of a genuine investigation into this apparent violation, it will be necessary to ensure that the internal investigation takes statements from the Palestinian witnesses to the killing, and to accord them equal weight with the statements taken from Israeli forces. Criminal prosecutions and legal accountability must properly follow if there is evidence of wrongdoing by soldiers and/or their superiors.

Context of recent spate of grave use of live ammunition against Palestinian children

The shooting of Ala' Nafeth Wahdan takes place following a recent spate of the grave use of live ammunition against children in the occupied West Bank, in circumstances that strongly suggest excessive force was used by Israeli forces. While the factual circumstances of those cases are different to the immediate case, there is a common issue in demonstrating the critical need for a review of open-fire regulations governing the use of force by Israeli forces. Those specific cases - which we have separately written to you about - are the following: i) the grievous shooting with live ammunition to the head of nine-year-old, ‘Abd a-Rahman a-Shteivi, on 9 July 2019; ii) the fatal shooting of 15 year-old, ‘Abdallah Gheith, on 31 May



2019; and iii) the severe wounding of a 14-year-old boy, 'MS', resulting in a leg amputation below the knee, on 21 May 2019.

We are grateful for your responses to our letters on these cases, but we are very concerned to learn that the UK government has not raised any of these use of live fire against children cases with Israeli authorities. We would respectfully urge that these cases are raised as soon as possible, alongside the immediate case of Ala' Nafeth Wahdan, with our accompanying recommendations at the foot of this letter.

Requested actions for the UK government in response to the fatal shooting of a Palestinian woman at a military checkpoint in the occupied Palestinian territory

Consistent with our aforementioned letters of 29 July 2019 and 13 August 2019, we urge the UK's intervention in this grave matter by taking the following suggested actions:

1. Raise this case with Israeli authorities, and immediately seek a clear assurance, and subsequently monitor, that they are conducting a genuine and transparent criminal investigation into the fatal shooting of Ala' Nafteh Wahdan, 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, 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 excessive 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 also respectfully urge that you raise the grievous shooting incidents against children per our letters dated 29 July 2019 and 13 August 2019, and our accompanying suggested actions, with Israeli authorities as soon as possible.

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