



Rt Hon James Cleverly MP  
Minister of State for the Foreign and Commonwealth Office  
Foreign and Commonwealth Office  
London SW1A 2AH

18 June 2020

Dear Minister Cleverly,

**Re: Requesting the UK government closely monitors Israeli authorities investigation into the killing without lawful justification of Eyad Hallaq, an autistic Palestinian man with mild learning disability, which necessitates legal accountability and justice**

As a UK legal charity committed to the protection and promotion of Palestinian human rights, we urge the UK government to closely monitor Israeli authorities investigation into the lethal shooting of Eyad Hallaq, a 32-year-old autistic Palestinian man with a mild learning disability, by Israeli police on Saturday 30 May. He was shot and killed with live bullets, while lying on the ground, when he had been on his way to the Elywn El Quds Occupational Training Centre in the Old City of East Jerusalem. It is absolutely imperative that legal accountability and due justice is provided to the family of Eyad Hallaq.

The reported eye-witness accounts, which corroborate each other, indicate that Eyad Hallaq was unlawfully killed with intent by Israeli police, without any legally justifiable cause.

We urge the UK government to scrutinise the investigation into the killing of Eyad Hallaq so as to ensure it does not amount to a whitewashing exercise; the Israeli human rights organisation, B'Tselem, has long-determined that the systemic function of Israeli investigations into the killings of Palestinians is to deliver gross impunity and injustice.

In light of this deeply disturbing context, we also urge the UK government to request data from Israeli authorities and local human rights organisations for the purpose of properly informing its monitoring of the investigation into the killing of Eyad Hallaq; specifically giving details of the number of Palestinian civilians, including children, killed by the use of firearms by Israeli police and military officers since 12 June 2014, and the number of prosecutions (including details of the specific cases and charges) and convictions (including the specific charge(s) founding the guilty verdict) that have resulted from the subsequent investigation into each fatality case.

**Corroborating eyewitness accounts firmly indicating that Eyad Hallaq was killed without lawful justification**

Warde Abu Hadid, an eyewitness who worked with Eyad as a trainer at the Centre's kitchen, gave the following testimony on 3 June to the UK charity, Medical Aid for Palestinians:

“We usually start working at the kitchen around 6:30 am. I was walking last Saturday at that time in the Old City, where our centre is located. Suddenly, I heard a number of



soldiers shouting, and I looked behind and I saw Eyad running towards me and calling my name. The soldiers started shooting towards us. Eyad managed to reach me and he said “Ms Warde tell them I am with you” and then he was lying on his side and he was bleeding.

“I started screaming, in Arabic and in Hebrew “Stop he has a learning disability!”. A group of soldiers approached us and asked us “Where is the gun?”. I said he is with me and we have no gun. Then three bullets were fired at point blank towards Eyad, who was already bleeding on the floor.

“I was in full shock. Eyad came to seek my protection, but I could not protect him. At that moment, tens and tens of soldiers rushed towards us. Two female women started aggressively inspecting my body looking for a gun. I was speechless. We had no guns. I was dragged to an investigation room, I thought they were going to shoot me. They just killed Eyad for no reason, and I thought they would kill me next. I was terrified. They kept me until noon at the interrogation, I told them what happened, and they let me out.”

Ms. Abu Warde's contemporaneous eyewitness account is fully consistent with separate eyewitness testimony by a labourer who had been sitting in a small, roofless structure used by sanitation workers. The Israeli newspaper, Ha'aretz, reports on this corroborating testimony, taken by a B'Tselem investigator, as follows:

“I saw a young man running strangely, as if he didn't know how to walk normally or was disabled. He came in my direction and fell on his back, only a few meters from me,” A.R. said. “A few border policemen ran after him and stopped a few meters from the young man, who was wearing a white shirt and black pants, and didn't have anything in his hand. I heard the police officer ask the young man in Arabic, 'where's the pistol?' But it was clear the young man didn't know how to speak, because he wasn't able to respond.”

At this point Warda Abu Hadid, a counselor from the Elwyn El Quds center for people with special needs that Hallaq attended, also ran into the garbage room. She said she had rushed there to hide after she heard the first shots.

“Meanwhile a woman wearing a kerchief came in and yelled at the policeman in Hebrew, ‘he's disabled, he's disabled,’ and then repeated the word ‘disabled’ in Arabic” said A.R. “I froze on the spot and didn't move, I was so terrified. That's the first time I've seen a chase like that. I was mainly looking at the young man, who was on the ground, trembling, and then I heard a few more shots. One of the policemen told me to get out of there and I fled.”

As a point of distinct contrast, the two Israeli police officers involved in the shooting have provided inconsistent accounts, as reported by Ha'aretz:



The version of events the police gave to the Justice Ministry's department for the investigation of police officers, known by its Hebrew acronym Mahash, was that they were summoned to the site after another police unit saw Hallaq carrying what looked to them like a gun (according to family members it was a telephone). Two policemen said they heard on the radio, "a terrorist armed with a live weapon is en-route to the Lion's Gate."

When he ran into the garbage room the younger of the two border policemen, a recent recruit, fired at Hallaq because "he made a movement that looked like his was preparing to draw [a weapon]."

Mahash has yet to reconcile the two policemen's versions of events, even though they differ. While the older border policeman who was in command during the incident claims that he called "hold fire," after Hallaq ran into the garbage room, the younger policeman claims he never heard such an order and shot after he saw the Palestinian man making a suspicious move.

### **Legal analysis and the need for legal accountability**

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.

The aforementioned eyewitness accounts firmly indicate that the use of live force against Eyad Hallaq was clearly unjustifiable and in grave breach of these legal standards.

A genuine criminal investigation is urgently needed into the shooting of Eyad Hallaq to provide necessary legal accountability and justice. As part of a genuine investigation, it will be necessary to ensure that the investigation takes statements from the Palestinian witnesses to the killing, and 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.



**Requested actions for the UK government in response to the lethal use of force against Eyad Hallaq**

We urge the UK's intervention in this flagrantly appalling incident by taking the following suggested actions:

1. Raise this grave case with Israeli authorities, and immediately seek a clear assurance, and subsequently closely monitor, that it is conducting a genuine criminal investigation into the killing of Eyad Hallaq, and that criminal prosecutions are pursued with appropriate charges against the individual police officers involved;
2. Request data from Israeli authorities and local human rights organisations to inform your monitoring of the investigation into the killing of Eyad Hallaq; specifically details of the number of Palestinian civilians, including children, killed by the use of firearms by Israeli police and military officers since 12 June 2014, and the number of prosecutions (including details of the specific cases and charges) and convictions (including the specific charge(s) founding the guilty verdict) that have resulted from the subsequent investigation into each fatality case; and
3. Urge Israeli authorities to circulate public and internal messaging clearly informing all of its military and armed police that the excessive use of force and firearms against Palestinian civilians posing no imminent threat to death or serious injury shall lead to the imposition of individual criminal responsibility.

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

Yours sincerely,

Tareq Shrourou (Director) and Rebecca Nguyen van Thuy  
**Lawyers for Palestinian Human Rights**