



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

CC: Her Majesties Ambassador to the State of Israel, Neil Wigan OBE

19 January 2021

Dear Minister Cleverly,

Re: Requesting the UK Government's intervention in the ongoing withholding of the body of Ahmed Erekat from his family following his apparent unlawful killing by Israeli forces over six months ago

As a UK legal charity committed to the protection and promotion of Palestinian human rights, we request the UK Government's urgent intervention to urge Israeli authorities to immediately release the body of a 26 year old Palestinian man, Ahmed Erekat. Ahmed was killed without apparent lawful justification by Israeli forces at the "Container" military checkpoint in the occupied West Bank on 23 June 2020, when en route to his sister's wedding. Ahmed's grieving family is now seeking international intervention for the immediate and safe return of Ahmed's body.

Video [footage](#) [*warning graphic footage*] of the lethal incident released by Israeli authorities and available on the Twitter account of a family member shows Ahmed's car crashing into a checkpoint, knocking over an Israeli officer, and then Israeli forces shooting him after he emerged from his car in circumstances in which [he no longer appeared to pose an imminent threat to life](#).

For the reasons set out below, we consider that the continued withholding of Ahmed's body over six months on is both unconscionably cruel and constitutes unlawful collective punishment, thereby compounding the insufferable pain of Ahmed's family and denying him a dignified burial.

Policy of withholding bodies amounts to forbidden collective punishment and violates human rights law

Israeli authorities asserted in a 7 September 2020 court filing to Israel's High Court that they would not return Ahmed's body to his family. The filing follows their [reported decision](#) on 2 September 2020 to continue withholding the bodies of dozens of Palestinians killed by Israeli forces in what they consider security incidents, many unaffiliated with any political or armed group, in large part as leverage to secure the release of two Israeli civilians and the bodies of two Israeli soldiers evidently held by Hamas authorities, unlawfully, in Gaza.



This policy position of the Government of Israel amounts to collective punishment against families, which is prohibited under international humanitarian law and a war crime under the Fourth Geneva Convention. We further consider that it also amounts to cruel, inhuman, or degrading treatment or punishment of the families of the deceased, a violation of international human rights law, including Article 7 of the *International Covenant on Civil and Political Rights* ('ICCPR'), because of the mental distress it is inflicting on the family.

Justice and legal accountability required for apparent violation of the right to life

Israeli authorities characterised the lethal incident as a car-ramming attack. Erekat's parents absolutely refute this characterisation, telling Human Rights Watch that they believe their son lost control of the car, possibly as the result of a malfunction. Human Rights Watch description of the video footage of the incident is as follows:

"Footage shows that officers did not shoot Erekat when the car swerved into the checkpoint, but only after he emerged seconds later. Rosenfeld [Micky Rosenfeld, Israel's police spokesman] told media outlets that Erekat "got out of the car and approached officers, who responded by shooting," but the footage shows that officers fired at Erekat as soon as he emerged from the vehicle and was apparently moving away from the officers."

LPHR agrees entirely with the legal analysis of Human Rights Watch: *"Even if the officers believed Erekat had intentionally rammed the checkpoint, once he emerged from the car, intentional use of lethal force against him would be justified under international human rights law standards only as a last resort to prevent an imminent threat to life."*

The right to life, as recognised and protected by the ICCPR, 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 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 video footage of the lethal incident indicates that the use of live force against Ahmed Erekat was clearly unjustifiable and in grave breach of these fundamental legal standards.

A genuine criminal investigation is required into the shooting of Ahmed Erekat to provide legal accountability and justice. However, as of the date of this letter, it is extremely troubling to note that Israeli authorities have not given any indication that an investigation has been opened. As part of a genuine investigation, it will be necessary to ensure that the investigation



takes statements from 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. It is essential that an investigation 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.

Requested actions for the UK Government in response to the lethal use of force against Ahmed Erekat and the continued withholding of his body from return to his family

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

1. Urge the Government of Israel to urgently release Ahmed Erekat's body to his grieving and suffering family so that he can be provided with a dignified burial;
2. Urge the Government of Israel to immediately end its unlawful policy of withholding Palestinians' bodies and to take immediate steps to return the bodies of all other Palestinians to their families;
3. Seek a clear assurance, and subsequently closely monitor, that the Government of Israel is conducting a genuine criminal investigation into the killing of Ahmed Erekat, and that criminal prosecutions are pursued with appropriate charges against the individual police officers involved if there is relevant evidence of wrongdoing;
4. Engage with local human rights organisations to monitor the investigation and prosecution of any killing of a Palestinian by Israeli forces, and urge Israel to genuinely investigate and prosecute cases that require it.

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

Yours sincerely,

Tareq Shrourou (Director) and Natalie Sedacca
Lawyers for Palestinian Human Rights