



מרכז המידע הישראלי לזכויות האדם בשטחים
The Israeli Information Center for Human Rights in the Occupied Territories

Events on the Temple Mount – 29 September 2000

Researched and written by Yael Stein

Fieldwork by Najib Abu Rokaya, Nisreen 'Alyan, Tomer Feffer, Eitan Felner, and Lior Yavneh

Data coordination by Noga Kadman, Noa Man, and Lior Yavneh

Translated by Zvi Shulman, with assistance by Gila Svirsky

On Friday, 29 September 2000, after afternoon prayers on the Temple Mount (al-Harem al-Sharif to Arabs), violent incidents between Palestinians and police began. During the day, four Palestinians were killed and over 200 Palestinians wounded on the Temple Mount by police gunfire. Another Palestinian was killed near al-Mokassad Hospital, in East Jerusalem. More than 70 policemen were also injured. The incidents occurred one day after the visit of MK Ariel Sharon to the Temple Mount area, which led to harsh protests by Palestinians. After the events on the Temple Mount, demonstrations and violent incidents broke out throughout the West Bank, Gaza Strip, and also within Israel, during the course of which dozens of people were killed.

B'Tselem decided to focus on the events on the Temple Mount, since these were the first of a chain of events that engulfed the Occupied Territories in violence over the past week, and also spread into Israel. In addition, the large number of injured is particularly striking on the Temple Mount, because the Israeli police knew that the Palestinians there did not have firearms.

That same day, Shlomo Ben-Ami, Minister of Public Security and acting Foreign Minister, explained the events on the Temple Mount as follows: "The events around the Temple Mount occurred as a direct result of massive and dangerous attacks perpetrated by a Muslim gathering on the Temple Mount seeking to violently confront Jewish worshipers praying at the Western Wall on the eve of the Jewish New Year."¹

B'Tselem's investigation paints a different picture. Even accepting the minister's contention regarding the objective of the Palestinians on the Temple Mount that day, investigation indicates that the harsh and violent response of the police significantly contributed to the violent nature of the events and the high number of casualties.

In this context, it should be noted that similar events have occurred on the Temple Mount in the past, most recently four years ago. On 27 September 1996, three Palestinians were killed by police gunfire and more than a hundred were wounded. One Israeli policeman was moderately, and ten slightly, injured. Following this, B'Tselem published a report that harshly criticized police conduct during the events.² The report's conclusions state, in part: "B'Tselem's investigation of police actions during the events on the Temple Mount on 27 September 1996 paint a dismal picture of the excessive and illegal use of force, including lethal force..."³ Unfortunately, the conclusions of B'Tselem's investigation into the recent events on the Temple Mount are almost identical, indicating that the police apparently failed to learn the lessons that would reduce the number of casualties at such events.

¹ The comments were made in Tel-Aviv on 1 October 2000 at a press conference for foreign journalists in which Minister Ben-Ami and the head of the Operations Staff of the Ministry of Public Security, Brigadier General David Tsur, participated.

² B'Tselem, *Playing with Fire on the Temple Mount: Use of Lethal and Excessive Force by the Israel Police Force*, December 1996.

³ *Ibid.*, p. 25.

Description of the Event⁴

During afternoon prayers, at around 2:30 P.M., a few senior officers from the Jerusalem District of the Israel Police Force (IPF) entered the Temple Mount area. Among the officers were the commander of the Jerusalem District and his deputy. Also, a large force of police were located on the other side of Mughrabi Gate, outside the Temple Mount area.

Following the completion of the afternoon prayers around 1:20 P.M., Palestinians on the Temple Mount began to throw stones at the police. At this stage, as far as B'Tselem knows, a number of policemen with plastic shields and helmets advanced to the area of the gate. In response to the stone throwing, the police fired shock grenades, and after a few minutes began to fire rubber-covered metal bullets (hereafter: "rubber" bullets) at the Palestinians. Some Palestinians on the Temple Mount plaza were already wounded at this stage.⁵ During the very first minutes of the stone throwing, Jewish worshipers at the Western Wall had already been evacuated.⁶

According to police video footage, at 1:28 P.M., the police charged onto the Temple Mount via Mughrabi Gate. According to official sources, the police charged because of information they had received that the Palestinians intended to enter the Western Wall plaza and the Jewish Quarter via the Mughrabi Gate.⁷ The charge onto the Temple Mount was accompanied by massive firing of "rubber" bullets, with the police chasing the Palestinians onto the Temple Mount plaza. According to testimonies given to B'Tselem, the police fired at anyone who exited the mosque gate or stood beside it.⁸ At a certain stage, some of the worshipers entered al-Aqsa Mosque and closed the door and windows of the mosque.⁹ The incident ended around 5:30 P.M.

According to spokesperson Ben-Ruby, several attempts were made during the course of events to calm things down. This included a police call to Jibril Rajoub, head of the Palestinian Preventive Security Service in the West Bank, to ask him to persuade the demonstrators to stop the stone throwing. At this stage, the police retreated to Mughrabi Gate and awaited developments. After Rajoub's attempt failed, the stone throwing continued and the police again responded with gunfire.¹⁰

At no time that day did the police use tear gas in the mosque plaza.¹¹ Throughout the day, police fired "rubber" bullets intermittently at people in the plaza. The firing was aimed

⁴ The description of the event is based on testimony given to B'Tselem and video film taken by the Israel Police Force and the AP.

⁵ This fact is evident from video footage of the events filmed by the AP and the IPF. This description also appears in the testimonies of Muhammad Niroq and Khalid Zinari.

⁶ This information was given to B'Tselem in a telephone conversation on 4 October with Shmuel Ben-Ruby, the spokesperson of the Jerusalem District of the IPF.

⁷ IPF Inspector-General Yehuda Wilk said that, at this stage, the events had become serious because "the objective was to move onwards, via the gate, towards the Western Wall." *Yediot Aharonot*, 2 October 2000. Similar comments were made by Minister Ben-Ami at the press conference for foreign journalists and by Shmuel Ben-Ruby, the Jerusalem District police spokesperson, in a telephone conversation with B'Tselem on 4 October 2000.

⁸ Testimony of 'Ali 'Abd Dwei'at and testimony of Dr. Mahmud Najjar.

⁹ Testimony of Dr. Najjar.

¹⁰ This information was provided to B'Tselem at the meeting with Ben-Ruby on 4 October.

¹¹ This information was provided to B'Tselem at the meeting with Ben-Ruby on 4 October. This statement is also supported by the testimony of Muhammad Shweikat al-Khatib, born in 1962, given to Lior Yavneh and Nisreen 'Alyan on 2 October 2000 at his home.

indiscriminately at the crowd and not at individuals who endangered the lives of the policemen. As a result, some of the injured were worshipers who took no part in the events and were distant from the stone throwers. Muhammad Abu Libdeh, 72, who is hearing impaired and walks with a cane, stated that,

While they were throwing stones, I continued to sit in my place, waiting for things to calm down. When the situation calmed down a bit, I took my cane and started to walk from the mosque toward the Dome of the Rock. When I was between the fountain and the steps, I was struck in the leg, below my knee, by a bullet. It knocked me to the ground.

Dr. Mahmud Najar, 39, stated in his testimony that he was standing next to the mosque door, and when the police charged onto the Temple Mount, "My [nine-and-a-half-year-old] son and I turned to go back into the mosque. When I turned, I was struck in the palm of my right hand by a 'rubber' bullet." Muhammad Niroh, 51, hid in the mosque for about forty-five minutes together with hundreds of others until the firing stopped. When he exited the mosque, the situation was calm and the worshipers and police were speaking among themselves. Then, "a stone hit the policemen, and they began to fire blindly at the crowd. Some of the worshipers and I fled back into the mosque. Before I got inside, I felt an intense pain in my back." When he reached the hospital, he found that eight bullets had struck him in the back.

The massive and indiscriminate shooting caused a great number of casualties. Because many of those injured were released shortly after arriving at the hospital, it was impossible to obtain precise data about the specific location of the wound of each. However, according to Dr. Muhammad Qumbar, a physician in the clinic on the Temple Mount, within fifteen minutes from the start of firing, some fifty people, most wounded in the upper part of their bodies, reached the clinic. The data provided to B'Tselem by al-Mokassad Hospital and testimonies obtained by B'Tselem describe injuries to the upper part of the body. For example, Muhammad Niroh was struck in the back by eight bullets, Tariq Abu Sabitan was struck by a bullet above his left eye, and Muhammad al-Khatib was injured in the left shoulder. 'Omar Simarin and 'Awad Mansur were both struck in the left eye by bullets.

In at least a few instances, police beat Palestinians, sometimes after the Palestinians had been wounded. For example, Muhammad al-Khatib stated in his testimony that after he was wounded in the shoulder, a policeman beat him all over his body with a stick, and other police who arrived at the scene also beat him. 'Adel 'Udi stated that after bullets struck him in the hand, legs, and stomach, and while lying wounded on the ground, "I heard policemen above me talking in Hebrew. They began to kick me in the head and legs and they struck me in the head with their sticks. I thought they would take me to the hospital, but they continued to beat me. Then they beat the wounded guy who was lying next to me."

At least three photo-journalists at the scene were injured by "rubber" bullets, although they did not take part in the events and did not endanger the soldiers' lives. Hazem Bad'r was injured in his left hand while filming stone throwers in the area of Mughrabi Gate. 'Awad 'Awad was injured in the right wrist and, while on his way to the medical clinic, was beaten by policemen. Khalid Zinari was injured in the legs. He stated that, "at least five Special Patrol Unit policemen approached me and struck me with their sticks. I bent over and covered my head with my hands. They continued to strike me even though they saw my camera. I am convinced that they knew that I am a journalist." Only after the intervention of Ben-Ruby, the Jerusalem District spokesperson, did the beating stop.

As a result of the incidents on the Temple Mount, four Palestinians were killed:

- Bilal 'Ali Khalil 'Afaneh, 25, a resident of Abu Dis. He was taken to Augusta Victoria Hospital and from there to al-Mokassad Hospital, where he died.
- Yehi Muhammad Hassan Faraj, 35, a resident of Shuafat, East Jerusalem.
- Nizar Ibrahim a-Shweiki, 18, a resident of Silwan, East Jerusalem.
- Heiteim 'Amra Amin Sakafi, 45, a resident of East Jerusalem.

Later on that day, Osama Muhammad Adam Jadeh, 23, a resident of the Old City, was killed near al-Mokassad Hospital. In addition, more than 200 Palestinians were injured¹² and more than seventy policemen were injured by stones that were thrown.

The testimonies indicate that, several times during the day, police made it difficult to treat the wounded and for ambulances to pass. In some instances, however, police assisted in moving the injured. For example, Husam Jawihan, a medic by profession, said that he and four other people evacuated one of the people killed: "Four people carried him on a stretcher and I ran in front of them to evacuate him. We passed through Lions' Gate and a policeman ran with us and shouted in a megaphone to other policemen: 'Don't get in the way, don't get in the way.'" However, ambulance drivers who testified to B'Tselem said that, although in certain cases police allowed them to pass without delay, at other times police delayed them for fifteen to twenty minutes, even when they had wounded people in the ambulance.¹³ In other instances, police made it difficult to evacuate the wounded and even continued to fire at them while they were being evacuated. 'Awad Mansur, who was wounded in the eye, was being evacuated, and on the way to Lions' Gate, they were shot at by police, although the person evacuating him called out to the police that Mansur was wounded. 'Awad 'Awad stated in his testimony:

I noticed a boy around 15 who passed by. Maybe he swore at a policeman. The policeman chased him and the boy placed himself among those who were evacuating the wounded. The police began to shoot at the boy, and the gunfire hit those evacuating the wounded. It may even be that those wounded were struck again. An officer shouted at the policemen not to fire.

¹² According to information from the Palestinian Ministry of Health, 226 Palestinians were wounded. The data appears on the Palestinian Authority's Website: www.pna.org/moh/jerusalem.html.

¹³ Testimony of Walid Muhammad Khawis, and the testimony of Nasser 'Abd al-Karim Qraim, ambulance driver for al-Mokassad Hospital.

Police Regulations on Handling Disturbances and Demonstrations

Police regulations define a number of ways to cope with disturbances and demonstrations.¹⁴ The main principle established in these Regulations is:

The use of authority shall not exceed the reasonable degree necessary to attain the objective of maintaining public order. The use of authority shall be exercised in a gradual manner, in accordance with the severity of disturbance of the public order and security.

The Regulations delineate several methods available to the police, with more severe methods to be used only when the milder ones do not accomplish their aims.

The first method mentioned in the Regulations is "dialogue," in which an attempt should be made "to convince the demonstrators to maintain public order and obey police orders," before the demonstration turns violent. When this fails, harsher means should be employed, "whose guiding principle is that the use of force is the last measure and is to be employed gradually. Force shall not be employed in excess of the reasonable degree necessary to effect an arrest or disperse the rioters." Furthermore, "in instances where there is active resistance, necessary force shall be employed commencing with evacuation without force, and ending with the use of force (gas, rubber) according to need while maintaining the principle of proportionality."

The Regulations enumerate several techniques, among them the use of clubs, horses, water cannons, tear gas, and "rubber" bullets. The use of "rubber" bullets is only allowed where three conditions exist:

1. there is a "a real threat to life;"
2. when "measures of lesser severity are of no avail in preventing the threat to public welfare;"
3. when "its use does not endanger innocent people."

In addition to these conditions, the Regulations state that it is absolutely forbidden to fire "rubber" bullets at a distance of less than forty meters, since firing at under this distance could cause death. It is also forbidden to fire from a distance of more than sixty meters. Also, "rubber" bullets are not to be aimed at the head of a person, but only at the lower part of the body.

Criticism of the Police Conduct

Unlike some events that occurred in recent days elsewhere in the West Bank and Gaza Strip, the incidents on the Temple Mount did not involve an exchange of fire between Palestinians and Israeli security forces. In this case, the police had to cope with an unarmed, civilian population.

Nevertheless, the chronology of events shows that this was given almost no weight in police decision-making on the measures to use. The police knew, because of the visit of MK Ariel Sharon the previous day to the Temple Mount, that violent demonstrations might occur after the prayers. For this reason, the police had arranged for an increased number of forces.

¹⁴ These regulations appear in section D of Regulation 90.22.012: Police Handling of Disturbances and Demonstrations (draft for comments).

According to the spokesperson for the IDF's Jerusalem District, Shmuel Ben-Ruby, more than 1,000 policemen were on the scene.¹⁵ However, it is not clear whether this preparation included equipping themselves with the means to disperse demonstrations, other than shock grenades and “rubber” bullets, which are the most lethal and severe methods available to the police.

During the events themselves, the police used excessive force, which were unnecessary and illegal under the circumstances. According to Minister Ben-Ami: "The outburst of violence that occurred on the Temple Mount and the outskirts of the Temple Mount and the attempt to break through the western gate of the Mount in order to descend to the Wailing Wall where in the Jewish holiday there was a massive concentration of worshippers, this was a real danger we needed to prevent."¹⁶ However, worshipers in the area of the Western Wall were evacuated immediately after the Palestinians began to throw stones at the police. Therefore, the massive police gunfire could not be attributed to protecting them. Furthermore, if the police did have concern, it would have been sufficient to safeguard Mughrabi Gate, and there was no need to pursue the worshipers throughout the entire Temple Mount area.

The open-fire regulations relating to “rubber” bullets allow their use only as a last resort after methods of lesser severity have been unsuccessful. In this case, the police did not even try to use other means to disperse the demonstrators, except to fire shock grenades for several minutes at the beginning of the events, and they chose to use the most lethal measure, “rubber” bullets, as the first and exclusive means.

The failure of the police to use means of lesser severity than “rubber” bullets to disperse the demonstrations - and it is not at all clear that such means were at their disposal - is particularly grave. None of the testimonies given to B'Tselem by Palestinians who were present at the events makes any mention of the police calling out to the demonstrators to disperse before they opened fire with “rubber” bullets. The possibility of using water cannons apparently was never considered, despite its relative effectiveness. In a deviation from the usual means, the police refrained from firing tear gas, whose capacity for injury is significantly less than that of “rubber” bullets. The spokesperson for the IPF Jerusalem District, Shmuel Ben-Ruby, made this clear when he contended that, "previously [when tear gas was used], people suffered more. There were 22,000 worshipers and we did not want all of them to suffer because of the stone throwers. If we had used gas, we would be punishing worshipers who are not involved. Not wanting to harm them, it was decided not to use gas."¹⁷ This contention is startling, to say the least, because the alternative means selected by the police was the massive firing of “rubber” bullets, which are more lethal and causes much more severe damage.

“Rubber” bullets were fired although the conditions for their use, as set forth in the Regulations, were not met:

- The bullets were not fired only when there was "a real threat to life," since the firing occurred when the Palestinians were far from Mughrabi Gate, the worshipers at the Western Wall had been evacuated, and the danger that the Palestinians would enter the Western Wall area, and move from there to the Jewish Quarter, had passed because of the presence of police in the gate area.
- The bullets were fired before the police used means of lesser severity.

¹⁵ These comments were made at his meeting with B'Tselem on 4 October.

¹⁶ These comments were made at the press conference on 1 October. See footnote 1.

¹⁷ These comments were made in his telephone conversation with B'Tselem on 4 October.

- The firing endangered innocent persons, and B'Tselem has testimonies of people who were injured although they did not take part in the stone throwing.
- B'Tselem has testimonies indicating that bullets were fired at the upper portion of the body, in violation of the Regulations, which allow firing only at the lower portion of a person's body.

The difficulties that the police placed on evacuation of the wounded, even if not a lengthy delay, violate international humanitarian law.¹⁸ Testimonies of the ambulance drivers indicate that the police were not given a clear and unequivocal order that they were to allow free movement of ambulances, and in some cases, ambulances were delayed for some twenty minutes. Where treatment of injured people is involved, any delay, no matter how short, is excessive and could endanger human life.

Conclusions

B'Tselem's investigation paints a dismal picture of the excessive use of force, which led to the death of four Palestinians and injuries to more than 200. The use of "rubber" bullets, while deliberately refraining from measures of lesser severity such as tear gas and water cannons, is especially grave and one of the main causes of the great number of people injured. The shooting was extensive, indiscriminate, lacked the requisite cautionary measures, and was aimed at a large crowd of people. Many people were wounded in the upper part of their bodies, and the bullets were fired, at least in some instances, at people who had fled the scene or were involved in evacuating the wounded.

The use of "rubber" bullets was unjustified and contrary to the Open-Fire Regulations, which allow firing of "rubber" bullets only in defined circumstances, which do not apply here. The harm caused to medical teams and the orderly evacuation of wounded, even if not always intentional, endangered human life and violated principles of international humanitarian law.

Despite this, the police conduct on the Temple Mount received the blanket approval of Minister Ben-Ami: "As I said before, we cannot give in to violence... We are not going to be intimidated by stones thrown at our civilians and at our security forces." Later, he stated, "We are a sovereign government, and Jerusalem is our sovereign capital. This is something that we need to make clear."¹⁹ Statements of this kind raise the suspicion that the manner in which the police decided how to act on the Temple Mount did not result only from the desire to preserve public order and protect the police and the worshipers at the Western Wall, but also, and possibly primarily, from the desire to demonstrate sovereignty and Israel's control over the Temple Mount area, in blatant disregard for the lives and welfare of the Palestinians. In response to a question relating to the great number of injured, Minister Ben-Ami stated: "The only thing that I would advise you is to try and put yourself sometimes in a position where you are surrounded by a mob that throws stones at you and endangers your life. This is not an easy situation for a normal person, and it is not an easy situation for security forces either."²⁰ B'Tselem is aware of the difficulties that the police face, but coping with a large number of stone throwers is part of their function and job. This was not a unique or surprising event, but one that repeats itself every few years. Difficulties of this kind are no excuse for injury to life and limb, and are certainly no excuse for the police's inability to cope with this kind of incident.

¹⁸ See article 12 and article 21 of the First Additional Protocol to the Geneva Conventions, of 1977.

¹⁹ These comments were made at the press conference on 1 October. See footnote 1.

²⁰ *Ibid.*

B'Tselem urges the IPF to formulate a clear policy for police conduct during events of this nature. The fact that such events recur, and each time the police finds itself incapable of coping properly, proves that rules, as well as firm action to enforce them, are necessary. These rules must relate both to the limits on the use of force and the use of alternative means to disperse demonstrations, as well as the conduct toward medical teams and evacuation of the wounded in a way that will allow them free movement.

List of Witnesses

1. Hazem Bad'r, 34. His testimony was given to Eitan Felner on 3 October 2000 at Hadassah Hospital, Ein Kerem.
2. Tariq 'Ali Musa Abu Sabitan, 19. His testimony was given to Najib Abu Rokaya on 1 October 2000 at al-Mokassad Hospital.
3. Khader Muhammad Hassan 'A'abdeh, 53. His testimony was given to Najib Abu Rokaya on 1 October 2000 at al-Mokassad Hospital.
4. Muhammad Shweikat al-Khatib, 38. His testimony was given to Nisreen 'Alyan and Lior Yavneh on 2 October 2000 at the witness's home.
5. 'Ali 'Abd Rabbo Dwei'at, 48. His testimony was given to Nisreen 'Alyan and Lior Yavneh on 2 October 2000 at the witness's home.
6. 'Omar Di'ab 'Ali Simarin, 26. His testimony was given to Nisreen 'Alyan and Lior Yavneh on 3 October 2000 at St. John's Hospital.
7. Mahmud Yehi Najjar, 39. His testimony was given to Nisreen 'Alyan and Lior Yavneh on 2 October 2000 at the Leumit Health Fund clinic in Sur Baher.
8. Husam Fatah-Allah 'Abd al-Mon'im Jawarneh, 33. His testimony was given to Najib Abu Rokaya on 3 October 2000 at al-Mokassad Hospital.
9. 'Awad 'Issa 'Awad Mansur, 33. His testimony was given to Najib Abu Rokaya on 3 October 2000 at Augusta Victoria Hospital.
10. Muhammad Ahmad Naji Niroh, 51. His testimony was given to Najib Abu Rokaya on 4 October 2000 at Augusta Victoria Hospital.
11. Khalid Zagari, 29. His testimony was given to Eitan Felner on 3 October 2000 at Hadassah Hospital, Ein Kerem.
12. 'Adel Hussein Hassan 'Udi, 25. His testimony was given to Tomer Feffer and Nisreen 'Alyan on 4 October 2000 at al-Mokassad Hospital.
13. Muhammad 'Abd Salameh Abu Libdeh, 72. His testimony was given to Tomer Feffer and Nisreen 'Alyan on 4 October 2000 at al-Mokassad Hospital.
14. 'Awad Muhammad 'Abd 'Allah 'Awad, 30. His testimony was given to Najib Abu Rokaya on 4 October 2000 at the witness's home.
15. H.A., 24 (his name is on file at B'Tselem). His testimony was given to Nisreen 'Alyan and Tomer Feffer on 4 October 2000.
16. Walid Muhammad Khawis, 32. His testimony was given to Najib Abu Rokaya on 4 October 2000 at Augusta Victoria Hospital.
17. Nasser 'Abd al-Karim Qraim, 36. His testimony was given to Nisreen 'Alyan and Tomer Feffer on 4 October 2000 at al-Mokassad Hospital.

18. Information provided by Dr. Khalid Qre'a, director of al-Mokassad Hospital, to Najib Abu Rakaya on 1 October 2000 at Dr. Qre'a's office.
19. Information provided by Dr. Muhammad Qumbar, physician at the medical clinic on the Temple Mount, to Najib Abu Rokaya on 4 October 2000 at the clinic.
20. Information provided by Muhammad Khalil 'Abd Rabbo, journalist, to Najib Abu Rokaya on 2 October 2000 in Jerusalem.

**Response of the Spokesperson for the Jerusalem District of the
Israel Police Force, Shmuel Ben-Ruby**

(given by telephone on 5 October 2000)

- 1) Last Wednesday and Thursday (27-28 September) the Jerusalem police command held several meetings with Palestinian officials and Muslim spiritual leaders in order to exert a calming influence and reduce tension on the Temple Mount. These discussions indicated that the Palestinian officials and spiritual leaders heads would not be able to control the young Palestinians who will come to the Temple Mount.
- 2) It was impossible to conduct any dialogue when thousands of young men with stones assault the police and approach to a distance of ten to fifteen meters throwing stones in massive numbers.
- 3) During the first minutes of the attack on the police by the young Palestinians, some thirty-five police were injured. Some of them, with light to moderate injuries, were taken to hospitals.
- 4) Al-Mokassad and Augusta Victoria hospitals have refused to hand over to the police details on the number of wounded brought from the Temple Mount, their condition, and whether people were killed during the events.
- 5) The contention regarding the possibility of using water cannons is ludicrous; is it the duty of the police to place at the gates of the Temple Mount gigantic water containers and water cannons to disperse the masses of people, or maybe use helicopters containing water and dye?