



This project is funded
by the European Union

בְּצֵלֶם
B'TSELEM
بتسيلم



SHOW OF FORCE

**Israeli Military Conduct in Weekly
Demonstrations in a-Nabi Saleh**

September 2011

Written by Naama Baumgarten-Sharon

Edited by Yael Stein

Translated by Zvi Shulman

English editing by Shaul Vardi

Cover photo: A demonstration in the village of a-Nabi Saleh, 21 May 2010
(Oren Ziv/activestills.org)

On-site observations by Naama Baumgarten-Sharon, Michelle Bubis, Lior Elefant, Tamar Gonen, Omri Grinberg, Iyad Hadad, Eyal Hareuveni, Sarit Michaeli, Noam Preiss, Bilal Tamimi, Nariman Tamimi

Fieldwork by Iyad Hadad, Kareem Jubran

Data coordination by Tamar Gonen, Omri Grinberg, Noam Preiss, Noam Raz

Video research by Lior Elefant, Yoav Gross, Ariella Megory, Ehab Tarabieh

Map by Shai Efrati

ISSN 0792-8114

Show of Force

Israeli Military Conduct in Weekly Demonstrations in a-Nabi Saleh

September 2011



This document was produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories and can under no circumstances be regarded as reflecting the position of the European Union.

B'Tselem Staff and Board of Directors

Co-Chairs, Board of Directors: Gilad Barnea, Oren Yiftachel

Board Members: Jabir Asaqla, Maya Bar Hillel, Orna Ben-Naftaly, Rachel Benziman, Elias Khouri, Vered Madar, Motty Perry, Michael Rivkine, Yuval Shany, Vivian Silver, David Zonsheine

Executive Director: Jessica Montell

Staff: Suhair Abdi-Habiballah, Dirar Abu Kteish, Musa Abu Hashhash, Atef Abu a-Rub, Baha Alyan, 'Amer 'Aruri, Chemdat Aviram-Brandwine, Khaled 'Azayzeh, Sharon Azran, Gideon Baram, Naama Baumgarten-Sharon, Michelle Bubis, Salma a-Deb'i, Ety Dry, Lior Elefant, Shirly Eran, Tamar Gonen, Omri Grinberg, Yoav Gross, Iyad Hadad, Eyal Hareuveni, Kareem Issa Jubran, Miriam Leedor, Sarit Michaeli, Nasser Nawaj'ah, Noam Preiss, Noam Raz, Sol Refael, 'Abd al-Karim Sa'adi, Muhammad Sabah, Daniel Sherman, Zvi Shulman, Carin Smaller, Yael Stein, Rachel Sussman, Noa Tal, Ehab Tarabieh, Uri Zaki, Suha Zeid

Table of Contents

Introduction	5
Background	7
Settlers take control of al-Qaws Spring	7
The demonstrations	9
Documentation of the demonstrations: 17 June – 8 July 2011	13
Infringement of the right to demonstrate	14
Use of force and crowd-control measures.....	19
Harm to the civilian population	24
Conclusion	27
Response of the IDF Spokesperson	29

Introduction

In recent years, Palestinians have organized unarmed demonstrations throughout the West Bank in protest against the seizure of their land by settlers, the construction of the Separation Barrier deep inside the West Bank, and their displacement from land that provides their livelihood, among other issues. Such demonstrations have been a weekly occurrence for more than eighteen months in the village of a-Nabi Saleh, Ramallah District, turning it into a focal point of protest in the West Bank. The Israeli security forces have made a concerted effort to stop the demonstrations in the village.

On 13 May 2011, the security forces used particularly violent means to disperse the weekly demonstration. They made large-scale use of tear gas, stun grenades and pepper-gas spray, beating demonstrators with clubs and kicking and punching them. The firing of tear-gas canisters injured two demonstrators, and others were injured by beatings from Border Police.¹ Following the demonstration, the Association for Civil Rights in Israel wrote to the commander of the Judea and Samaria Division and the Border Police commander for Judea and Samaria, demanding that they issue instructions to their forces "clearly explaining what is permitted and what is forbidden in the security forces' handling of demonstrations and in the use of force in dispersing demonstrations."² To date, ACRI has not received a substantive response to its demand.

Subsequently, B'Tselem documented in detail four consecutive demonstrations – on 17 June, 24 June, 1 July, and 8 July 2011. B'Tselem also studied video footage of events that was taken by volunteers in the organization's camera distribution project and by other persons, gathered testimonies from village residents, and monitored activity in the village during other demonstrations.

This report presents the routine of demonstrations in a-Nabi Saleh as it was documented during a four-week period. It is not a comprehensive review of all the demonstrations that have been held in recent years, neither in a-Nabi Saleh itself nor throughout the rest of the West Bank. B'Tselem chose to closely follow four consecutive demonstrations in the village in order to identify significant trends relating to the nature of Palestinian demonstrations in the West Bank and the security forces' response to them. It is important to note that each demonstration

1. On 29 May 2011, B'Tselem wrote to the Department for the Investigation of Police, demanding an investigation into the conduct of Border Police in this demonstration, primarily relating to the physical violence of direct firing of tear-gas canisters at demonstrators. Some of the injured persons filed complaints with DIP. B'Tselem was informed by telephone that an investigation was opened.

2. Letter of 20 June 2011 from Attorney Raghad Jaraisy, of ACRI, to the two commanders.

comprises a unique series of events, some of which are similar to events taking place in different times and locations.

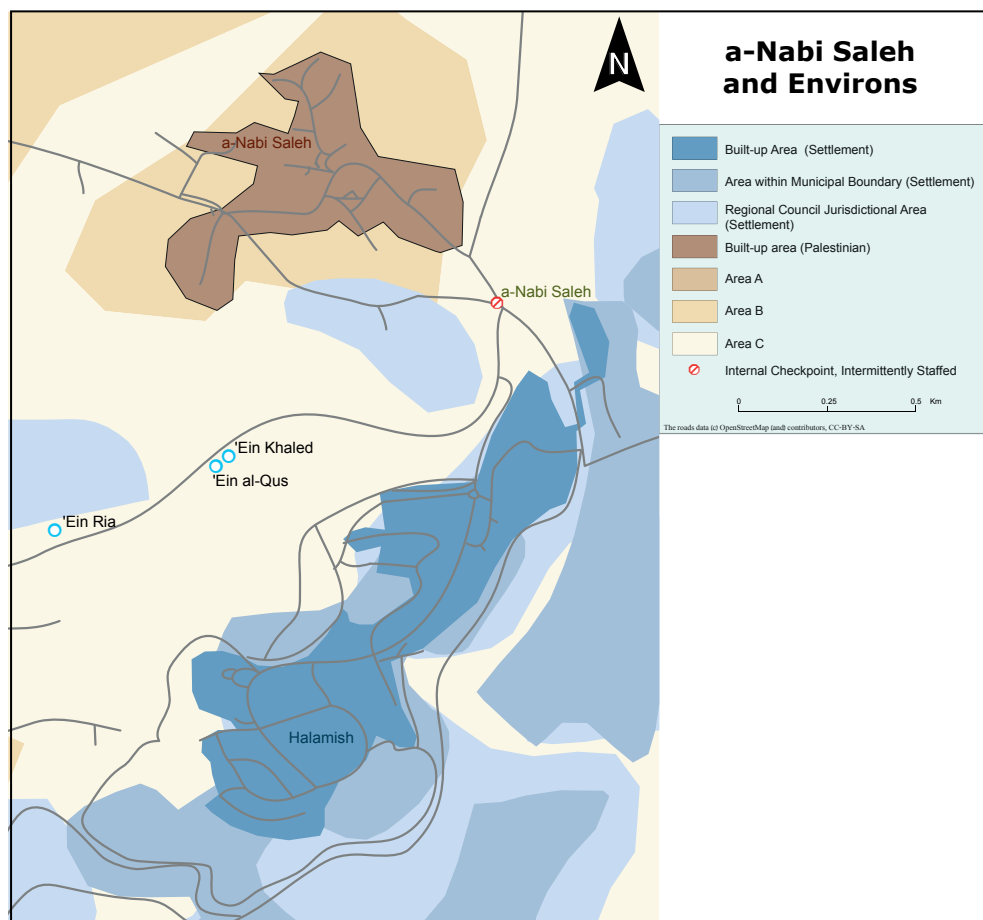
The freedom to participate in demonstrations and processions is a fundamental right. It is perceived as a manifestation of human dignity and of the individual's liberty to fulfill his or her wishes, and serves to promote the realization of other human rights. Freedom of demonstration may be restricted in exceptional cases, when it must be balanced against the need to maintain public safety and order.

This report is being published in September 2011, on the eve of the expected vote on including a Palestinian state in the United Nations, and while the Israeli security establishment is preparing to cope with wide-scale demonstrations in the Occupied Territories. This report describes how the forces currently respond to demonstrations in the Occupied Territories, even when these are limited in scope, by describing the army's and Border Police's handling of the demonstrations in a-Nabi Saleh.

Background

Settlers take control of al-Qaws Spring

The village a-Nabi Saleh is located north of Ramallah. It has about 550 residents, most of them members of the Tamimi extended family. The built-up area of the village covers 400 dunams (0.4 square kilometer), while the village's farmland spreads over 2,700 dunams (2.7 square kilometers). Under the Oslo Agreements, some of its land is within Area B and some within Area C. A village council administers the village's affairs, subject to the Local Government Ministry in the Palestinian Authority. The village has an elementary school but lacks a high school, medical clinic, or any other public-service institution. For these services, the residents travel to Ramallah or nearby villages. At the entrance to the village is a gas station that serves the area's residents. Close to a-Nabi Saleh and the village Deir Nidham, on land belonging to a resident of Deir Nidham, flows al-Qaws Spring. In the past, residents used the spring for farming purposes and as a recreation site.



In July 2008, settlers (apparently from the adjacent settlement Halamish) began to use the spring and, in February 2009, started to renovate the area. Palestinians filed complaints with the police about the work, which was undertaken without permit on privately-owned Palestinian land, and which caused damage to trees and other property. All the complaints were closed on grounds of “offender unknown” or “lack of evidence.”³

In early January 2010, the authorities informed the residents that the spring was an archeological site, and Palestinians were denied access to it. On 13 January 2010, the Civil Administration’s staff officer for archeology issued an order directing cessation of construction work at the site. The grounds for the order were that an archeological survey was being conducted there. On 16 February 2010, the owner of the land and representatives of residents of Deir Nidham and a-Nabi Saleh, represented by Yesh Din, petitioned the High Court of Justice. They contended that the site had never been officially declared an archeological site, so there was no authority to issue an order forbidding access to it.⁴ Four days after the petition was filed, the site was officially declared an archeological site, and the head of the Civil Administration approved the declaration within the week. Following the declaration, the petitioners withdrew their petition.

All this time, and afterwards, settlers ignored the Civil Administration’s order directing that the work at the site stop. They continued to build, putting up shelters, making roads, building steps to enable access, pouring concrete, planting trees, installing irrigation systems and so forth. On 28 July 2011, the landowner and representatives of the two villages petitioned the High Court of Justice, this time demanding that the structures and facilities built on the land be demolished. The High Court ordered the state and the Binyamin Regional Council to file their response by 15 September 2011.⁵

At the present time, the army prohibits access of Palestinians in groups and on Fridays, but allows individual Palestinians to go to the spring. Settlers are allowed free access.

3. Yesh Din filed four complaints relating to trespassing, damage to property, and threats relating to incidents that occurred on 19 December 2009, 1 January 2010, 20 February 2010, and 18 March 2010. Three of the files were closed on the grounds of “offender unknown” and one on the grounds of “lack of evidence.” B’Tselem filed two complaints relating to settler violence that occurred on 15 December 2009 and 8 January 2010; both were closed on the grounds of “offender unknown.”

4. HCJ 9270/10, *Munjad al Tamimi et al. v. Head of the Civil Administration et al.*

5. The details are taken from the petition, *Fadel Tamimi et al. v. Commander of IDF Forces in the West Bank et al.*, which was filed with the High Court of Justice by Yesh Din on 28 July 2011.



Start of the renovation work at al-Qaws Spring (Iyad Hadad, B'Tselem, 16 February 2009)

The demonstrations

On 15 December 2009, the Popular Committee for Opposition to the Fence and the Settlements, which organizes demonstrations throughout the West Bank, began organizing weekly processions of the area's residents in protest the settlers' takeover of the spring and of other land belonging to the residents. The demonstrations begin in the afternoon, following Friday prayers.

In the first few demonstrations, many residents from nearby villages, primarily from Deir Nidham, Qarawat Bani Zeid, and Beit Rima, also participated. Over the past year, though, most of the demonstrators have been from a-Nabi Saleh. Since the army blocks the exit from the village, most of the events take place inside the village.

From the start, the demonstrations – whose purpose is to protest the theft of the land – have been conducted in the format of a nonviolent procession from the village center to the spring. At first, the demonstrators marched to the main road – which runs between the village, on one side, and the spring and the Halamish settlement, on the other side – where the security forces dispersed them. After a few demonstrations, the security forces began to prevent the marchers from leaving the

village. In most instances, following dispersal of the demonstration, confrontations erupted between security forces and young Palestinians who threw stones at the security forces. Sometimes, these confrontations lasted for hours. Over time, the confrontations became less intense. Now, only a few dozen persons take part in the demonstrations, and the stone throwing is much less than before.

Although the main activity takes place on Fridays, B'Tselem has documented security forces' presence in the village at other times, during which they make arrests or conduct night raids "for mapping purposes."⁶ According to figures of the Popular Struggle Coordinating Committee and the law office of Attorney Gaby Lasky, which represents many of the persons who are arrested in demonstrations in the village, since the beginning of 2010, 78 Palestinians have been arrested or detained for questioning in matters relating to demonstrations in the village. Three persons were arrested twice, and 17 were minors. Of the 81 arrests made, 30 took place during the Friday demonstrations, 35 on other days of the week, at least 12 of them in the middle of the night. B'Tselem does not know the day or time of 16 arrests.

Those arrested who were prosecuted were charged with stone throwing, interfering with a soldier in the performance of his duty and membership in an unlawful organization.⁷ In addition, some were also prosecuted for violating Order 101. This order, issued in 1967, prohibits almost completely the holding of demonstrations in the West Bank. In 2010, after more than a decade in which the order was not enforced, military prosecutors began to use it in response to the demonstrations in the West Bank.⁸

Those arrested include two persons considered to be leaders of the struggle in the village. Naji Tamimi was arrested on 6 March 2011 and convicted in a plea bargain of incitement and support of a hostile organization, given that he "organized, incited and executed disturbances of the public order and violent demonstrations," including instructing youths from the village to throw stones. He was sentenced to a year's imprisonment, two years of conditional imprisonment, and a 10,000 shekel fine.⁹ Bassem Tamimi was arrested on 24 March 2011; a week later, an indictment was filed against him, alleging, inter alia, "incitement and support of a hostile organization," "taking part in a procession without a permit," and "conspiracy to throw objects at a person or property." He is being held in custody pending the completion of the criminal proceedings against him.

6. See Or Heller, Channel 10 News, "Exclusive: How the IDF Raids Houses of Palestinian Youths," 13 February 2011.

7. B'Tselem does not have full details concerning the number of people arrested at a-Nabi Saleh who were indicted. However, according to our data, at least 27 of them were tried in court.

8. For more on the order, see B'Tselem, *The Right to Demonstrate in the Occupied Territories* (July 2010).

9. Mil. Ct. (Judea) 1955/11, *Military Prosecution v. Naji Muhammad 'Abd a-Latif Tamimi*, verdict of 27 June 2011.

Since the beginning of 2011, the law office of Gaby Lasky has represented 18 Israelis and foreign nationals who demonstrated, or tried to demonstrate, in a-Nabi Saleh and were detained or arrested; some were detained three times. Eight of the activists were brought before a judge to set conditions for their release, one of them twice. To date, no indictments have been filed against any of these activists.

The Red Crescent in Salfit, which is responsible for Red Crescent activity in Nabi a-Saleh, informed B'Tselem that, from 1 January to 11 August 2011, its personnel evacuated to hospital 35 Palestinians who had been injured during demonstrations in the village. Four of the injured were hospitalized, while the others were treated and released without requiring hospitalization. Five of the persons had been struck by rubber bullets, four by shrapnel, ten were injured following inhalation of tear gas, two suffered shock, and the remaining four cases involved other injuries.

Documentation of the demonstrations: 17 June – 8 July 2011

In the four demonstrations that B'Tselem documented, the security forces began their deployment in the village early in the morning. To prevent demonstrators from reaching the village, soldiers blocked the roads leading to the village from Ramallah, Kafr 'Ein, and Beit Rima. Soldiers also placed a metal gate at the main entrance to the village, which is situated next to the road leading to Ramallah. Soldiers patrolled the areas around the roads leading into the village in an attempt to prevent demonstrators from entering on foot. At checkpoints in the area, soldiers questioned travelers about their destination. The closure was not imposed on the village at a fixed time. Usually, the checkpoints were placed around seven in the morning, but in some cases, soldiers allowed vehicles to cross until noon.

As Friday's prayers were about to conclude, the forces began to deploy in the village itself. At least three jeeps blocked the exit. Fifteen to twenty soldiers and Border Police stood next to them, and others stood in groups on a hill overlooking the village, on the road leading to the spring, and in nearby orchards.

In all the demonstrations B'Tselem documented, demonstrators started a procession at the center of the village at the end of Friday's afternoon prayers, around 1:15 P.M. The procession, in which a few dozen persons – men, women, and children – took part, headed toward al-Qaws Spring with the goal of demonstrating there. The participants carried placards and flags, and called out slogans as they walked. In each of the four demonstrations, army and Border Police forces did not allow the demonstrators to reach their destination. Security forces entered the village, in some cases taking up positions on rooftops. As the forces dispersed the demonstration, the events developed in different ways. In some cases, the demonstrators turned and began walking to land between the village and a road that leads also to the Halamish settlement, with a small group of demonstrators usually remaining close to the intersection at the entrance to the village. Later in the day, the demonstration returned to the intersection at the entrance to the village. The events followed in sequence: the forces used crowd-control measures and soon afterwards allowed demonstrators to assemble alongside them and did nothing to disperse them.

B'Tselem documented confrontations of varying intensity between the security forces and the residents. Often, youths and small children threw stones at the security forces, usually from a considerable distance. The stone throwing generally increased late in the afternoon, long after the procession had been dispersed. When the sun started to go down and the forces began to withdraw from the village, many villagers threw stones at the jeeps as they left the village.

The observations made by B'Tselem indicate three fundamental problems in the security establishment's handling of the demonstrations in a-Nabi Saleh: infringement of the right to demonstrate, excessive use of force in dispersing the demonstrations, and harm to civilians.

Infringement of the right to demonstrate

The right to demonstrate was infringed in several ways:

1. Preventing the demonstrators from reaching the spring

The principle reason for the demonstrations is the settler's taking of control of the spring. The commander of Judea and Samaria Division, Brig. Gen. Nitzan Alon, told B'Tselem that the army was not ready to allow demonstrators to reach the roadway next to the Halamish settlement due to the fear of stone throwing at vehicles travelling along it.¹⁰ This fear is legitimate. However, to give substance to the right to demonstrate, the authorities must balance between the right and the need to ensure public safety and order. Also, it is important "to allow expression of the necessary connection and visibility relating to the subject of the protest."¹¹

In the case of the demonstrations in a-Nabi Saleh, the army has imposed a sweeping prohibition on the demonstrators reaching the area of the spring, which is the subject of the protest. The army has not re-examined each time the likelihood of danger and has made no attempt to balance the residents' rights with other considerations.

2. Immediately declaring the demonstration an "unlawful assembly"

In January 2011, Brig. Gen. Alon, the commander of Judea and Samaria Division, said concerning the demonstrations in Bil'in:

The approach, as far as we're concerned, is to allow the demonstration so long as it is not directly violent. We make a clear distinction between a nonviolent demonstration, which is legitimate protest, and a violent demonstration of throwing stones, hurling pieces of iron, physically attacking and damaging the security fence. Against this, we shall use the crowd-control measures.¹²

B'Tselem's observations suggest that this distinction has not been made in the case of the demonstrations in the village. Each of the four demonstrations were

10. The meeting was held with members of B'Tselem on 24 July 2011.

11. HCJ 1654/10, *Nasser Alrawi et al. v. Israel Police Force*.

12. The comments were made in a short film posted by the IDF Spokesperson on YouTube, "Bil'in Riot, 7 January 2011." See <http://www.youtube.com/watch?v=aP3Z7Q815Lg> (accessed on 1 September 2011).

declared an “unlawful assembly” immediately at the start, and army officials told the demonstrators that the area was a closed military area. The declaration was made even though the demonstrators had committed no violent act and were still 50-100 meters from the security forces. In the demonstration on 24 June, security forces also declared a gathering of children in costumes and flying kites “an unlawful assembly” before the main procession began.



Soldiers waiting to disperse the procession, 15 July 2011 (Bilal Tamimi)

The declaration of the closed military area brought with it the use of crowd-control measures, which began almost simultaneously. As a result, demonstrators ran to houses and the demonstration took place with the demonstrators divided in groups at different places: at the intersection by the entrance of the village, on the land between the village and the road, and elsewhere in the village.

Some of the participants in the demonstrations threw stones at the security forces. But the stone throwers were youths and children, who stood a good distance from the route of the main procession. For example, in the demonstration on 1 July, youths threw stones at security forces shortly after the forces had declared the demonstration illegal. In the other demonstrations, the stone throwing took place only in the afternoon, when the army and Border Police forces were inside the village, and also in the evening, as the forces withdrew from the village.

3. Prohibiting participation in a demonstration

Each week, before the demonstration began, a senior army officer signed an order declaring the area of a-Nabi Saleh and the spring a closed military area. The order was in force from 6:00 A.M. to 10:00 P.M. The order applied to every person who was not a resident of the village: Palestinians, Israelis, and foreign nationals.

To enforce the order, the army set up checkpoints on all the roads entering the village and deployed soldiers in the area. At the permanent checkpoints on the main roads leading to a-Nabi Saleh and other places, soldiers checked the travelers to prevent demonstrators from reaching the village.

According to the procedures, security forces must show an order signed by an authorized official, in force on that date, to any person whom they believe is violating the order. If the violators refuse to leave, the forces are allowed to use reasonable force to remove them. Soldiers acted in this way in several instances during the demonstrations.

Under Central Command procedures, "a military commander shall declare a closed military area when *security needs or the necessity to maintain public order* require closing of the area."¹³ In the past, the army justified issuance of such orders at other focal points of demonstrations, contending they were necessary due to disturbances and violence at some of the demonstrations.¹⁴

Given that an order of this kind is signed every week, before the demonstration starts, the suspicion arises that the motive for the order is not security based, but is to prevent the demonstrations from being held. In some of the cases, security forces removed Israeli civilians and foreign nationals from the village, contending that they were in breach of the order, though they, too, had not committed any violent act. For example, during the demonstrations on 22 and 29 July, soldiers passed among the houses in the village, ordering activists to leave a-Nabi Saleh.

The issuance of the order declaring a closed military area in the instance of a-Nabi Saleh is worse than in other instances in which the army closed an area, since the order relates to the village itself, thereby affecting the ability of residents not taking part in the demonstration to carry out their daily routine. In other instances, such as orders relating to the villages Bil'in and Ni'lin, the closed area lies outside the village, close to the Separation Barrier.

13. "Principal Emphases – Close Area," sent on 8 March 2010 from Captain Aviva Lewis, Security Section – Terrorism and Criminal, Legal Advisor for Judea and Samaria, to Attorney Michal Pomerantz, of ACRI (emphasis in the original).

14. See, for example, the letter of 18 March 2010 from Major Eyal Elad, head of the Operations and Human Rights Division, Security and Criminal Section, Legal Advisor for Judea and Samaria, to Attorney Gaby Lasky.

4. Curfew on the village, arrests, violence

In the first three demonstrations that B'Tselem documented, security forces dispersed the procession as soon as it began, but demonstrators then managed to hold a limited demonstration near the intersection at the entrance to the village. In the fourth one, on 8 July, security forces prohibited any gathering at all.



Children of a-Nabi Saleh, in costumes and with kites, in a procession, 24 June 2011
(Amir Bitan, www.bitan.info)

The same day, as in previous weeks, security forces began dispersing the procession before the demonstrators reached the intersection. This time, though, soldiers and Border Police prohibited the residents from leaving their homes, effectively imposing a curfew on the village. They fired tear gas and stun grenades when persons tried to go to the village's main street or to go onto the rooftops. In the demonstrations on 22 and 29 July as well, security forces imposed a curfew of this kind on the village.

On 22 July, soldiers went from house to house looking for Israelis and foreign nationals in order to remove them from the village. They also arrested five

Palestinians. In making one of the arrests, soldiers broke into a house and one of the soldiers drew his pistol. While he aimed it at the occupants, soldiers arrested one of them and they left the scene.

On 29 July, there were several instances in which soldiers assaulted persons who were filming the demonstration. In one case, soldiers beat Muhib Sa'ad Barghouti, a Palestinian photojournalist, and detained him for five hours. After he was released, he went to hospital in Ramallah, where he received eight stitches to close a wound to his head.¹⁵ Several soldiers assaulted the artist David Reeb.¹⁶ Another soldier knocked the camera of a B'Tselem volunteer to the ground, damaging it.¹⁷



The video is available at <http://youtu.be/q21IUVALXW4>

15. The testimony was given to Iyad Hadad on 3 August 2011.

16. Letter of 8 August 2011 from Noam Raz, of B'Tselem, to Lt. Col. Ronen Hirsch, Military Advocate for Operational Matters. Video documentation of the incident accompanied the letter.

17. The testimony of Halmi Tamimi, a volunteer member of B'Tselem's camera project, was given to Iyad Hadad on 9 August 2011. Tamimi did not want to file a complaint.

Use of force and crowd-control measures

When the demonstrations began in the village, soldiers and Border Police employed a wide variety of crowd-control measures: rubber-coated metal bullets, tear gas, stun grenades, and “skunk” liquid. They also used live gunfire, although this is not considered a crowd-control measure.

In recent months, security forces have reduced the use of rubber-coated bullets. At the four demonstrations B'Tselem observed and documented, the security forces primarily used tear gas and stun grenades. These two means are not deemed lethal when used in accordance with the relevant procedures, and are used around the world as crowd-control measures. In isolated cases, B'Tselem documented security forces using pepper spray.

Tear gas

Tear gas causes severe burning in the eyes, affects breathing, and creates a choking sensation for several minutes. Exposure to the gas can cause physical distress and a feeling of helplessness, given the limited vision and difficulty in breathing. A person exposed to tear gas does not know how long the disability will last.

The security forces used two kinds of tear-gas canisters. One is made of rubber (referred to as “400” or “wild”), which may be hurled manually or fired by a special launcher attached to the barrel of the weapon. The other kind is made of aluminum, is 40 mm in diameter, and is fired from a launcher on the weapon or by a separate device. Firing of tear gas is not considered lethal, but tear-gas canisters made of aluminum that strike persons, especially from close range, are liable to cause serious injury.

The army has not published its regulations for using tear gas. A soldier who served in recent years in the sector encompassing the area where demonstrations in Budrus took place spoke with Breaking the Silence about the firing of tear gas at demonstrators.

In many, many situations of stone throwing, of cutting the fence, we had to fire gas. It became clear very fast that there are no actual orders on when to fire gas, and when not to, at least we never got them. There was no directive that in this and that situation you fire gas canisters. Simply there are situations, lots of times it was almost my personal decision, that now I want to do this, that it seems correct to me. Many times it was my decision, to choose not to fire, and then also, again, it raises thoughts on too much responsibility being placed on the soldiers in the field in this situation. There is no classification that I know of on when it is permitted and when it is forbidden.¹⁸

18. From the testimony of S.T., given to Breaking the Silence on 29 July 2011. The quote from this testimony was approved by Shmulik from the IDF censor's office on 29 August 2011.

Officially, the army forbids firing of tear gas directly at a person.¹⁹ At the above-mentioned meeting with B'Tselem, Brig. Gen. Alon contended that the prohibition applies to firing tear-gas canisters at a person – whether directly or indirectly. He maintains that firing directly is permitted, so long as there is no danger that a person will be struck by the canister.²⁰



Water tank with a hole in it, a result of being struck by a tear-gas canister (Sarit Michaeli, B'Tselem, 24 June 2011)

B'Tselem's position is that it is forbidden to fire tear-gas canisters from a launcher directly, especially into a group of civilians, since the weapon is not precise and a slight deviation is liable to strike a person. In the four demonstrations that

19. See, for example, the letter of 17 March 2009 to B'Tselem from Lt. Col. Sharon Ofek, Legal Advisor for Judea and Samaria, in response to B'Tselem's inquiry of 17 March 2009; and letter of 7 July 2011 to B'Tselem from Major Udi Sagi, on behalf of the legal advisor for Judea and Samaria, in response to B'Tselem's inquiry of 22 June 2011. Following the killing of a demonstrator in Bil'in by firing a tear-gas canister directly at him, the State Attorney's Office instructed the police that it was forbidden to fire tear-gas canisters directly at demonstrators. See http://www.btselem.org/english/firearms/20090504_state_attorney_to_police_direct_firing_of_tear_gaz_canisters_foribdden.

20. The meeting took place on 25 July 2011.

B'Tselem documented, security forces often fired tear-gas canisters directly; at the demonstration on 13 May, two demonstrators were wounded as a result of direct firing of tear-gas canisters.²¹



House in a-Nabi Saleh clouded in tear gas, 15 July 2011 (Bilal Tamimi)

The security forces used tear gas excessively, in a manner that was not compatible with dispersing demonstrations in a populated area. For example, in the demonstration on 24 June, at least 150 tear-gas canisters were fired, in some instances at a person in a way that was likely to cause injury, frequently from short range.

Also, tear gas damages property. For example, on 24 June, a canister struck a water tank. Furthermore, some of the canisters ignite when they hit the ground, and might cause fires. On 17 June, B'Tselem documented just such an incident.

21. Testimonies on the injuries were provided to B'Tselem on 18 May and 14 June. On 29 May, B'Tselem sent a letter to the Department for the Investigation of Police, demanding that it investigate the incident.

Stun grenades

Stun grenades are a means of distraction: when they explode, they make a very loud noise that causes confusion and fear.²² The grenades are not meant to cause bodily injury and there are no side-effects. However, the material is flammable and might ignite, and may explode upon contact with water. In certain circumstances, explosion of the grenade is liable to injure the ear drum. According to the manufacturer's instructions, persons hurling the grenades must safeguard themselves by using "hearing protection."²³ Furthermore, hurling the grenades can cause similar injuries to those caused by throwing a stone, as they are made of metal and weigh 420 grams.

B'Tselem does not know in what circumstances soldiers consider it appropriate to use stun grenades. B'Tselem documented soldiers and Border Police regularly hurling stun grenades directly at demonstrators, including at children, when the demonstrators posed no threat. This occurred, for example in the demonstration on 24 April, when a soldier threw a stun grenade at young girls who were teasing him, and at the demonstration on 13 May, when soldiers threw stun grenades at children who were singing and calling out slogans near an army jeep.²⁴

Pepper spray

Pepper spray is considered a moderate means for neutralizing a person. However, spraying the substance at a person's face is liable to impair breathing. In recent months, B'Tselem has documented two cases in a-Nabi Saleh in which Border Police fired pepper spray into the faces of demonstrators who posed no threat and were not breaking the law. On 11 February, a border policeman shot the spray into the face of B'Tselem volunteer Bilal Tamimi. A complaint that B'Tselem filed, together with video documentation of the incident, was rejected by the Border Police's public-complaints officer.²⁵

At the demonstration on 17 June, a border policeman sprayed the face of Andrew Trotter, a German national who was participating in the demonstration in the village. Trotter told B'Tselem that he had been standing in the first row of demonstrators. About 10-15 minutes after the demonstration began, a border policeman came over to him and spoke to him in Hebrew. Trotter responded, in English, that he does not understand Hebrew and raised his hands to show he did not intend to harm the policeman. The policeman continued to address him in Hebrew. Trotter repeated that he did not understand. Then

22. See the manufacturer's description of the product, <http://combinedsystems.com/Spec%20Sheets/7290M%20Spec%20Rev%20F%20Mini%20Bang.pdf> (accessed on 1 September 2011).

23. Ibid.

24. See <http://www.youtube.com/watch?v=s6y8WLX43qM> (accessed on 1 September 2011).

25. Letter of 24 February 2011 from Noam Raz, of B'Tselem, to Chief Superintendent Nava Bruk, Auditing and Public Complaints Officer in the Border Police; response of 24 July 2011 from Superintendent Shai Zaribi, Public Complaints Officer in the Border Police.

the policeman sprayed the pepper spray in his face from about 30 centimeters away. Trotter turned to run, but fell because his vision had been impaired by the spray. An hour later, he regained normal vision in both eyes.²⁶ With B'Tselem's assistance, Trotter filed a complaint with the Department for the Investigation of Police on 30 June. He also provided the investigators with video documentation of the incident. B'Tselem is unaware of any developments in the investigation.

"Skunk"

The "skunk" is a crowd-control measure developed by the Israel Police.²⁷ It is a smelly liquid that is sprayed from a tanker, becomes absorbed in clothes, and sticks to the skin. It is based on organic-pesticide principles and contains organic materials. It was approved for use by the Ministry of Environmental Protection and the IDF's chief medical officer. Military officials contend the bad odor dissipates within a few hours, but admit that it can cause nausea and vomiting. However, demonstrators claim that the bad odor takes several days to dissipate, and that washing does not eliminate the odor completely.²⁸

In August 2008, the Border Police began using the "skunk," and in July 2009, the army began using it against demonstrators in the West Bank.²⁹

B'Tselem knows of at least six cases (19 November 2011, 18 and 25 February 2011, 15 and 29 April 2011, and 3 June 2011) in which the "skunk" was used at demonstrations in a-Nabi Saleh, and one instance (6 May 2011) in which the tanker holding the substance was brought to the village but was not used. In each instance, the tankers were brought to the village in late afternoon, after being used at the demonstration in Bil'in.

As with the other means employed by security forces to disperse demonstrations in a-Nabi Saleh, the main problem with the "skunk" results from nature and location of the demonstration: spraying demonstrators inside a built-up area means the spray penetrates houses and yards, harming all residents of the village as a result. In several cases, fruit trees were damaged by the "skunk." In some cases, security forces intentionally sprayed the liquid on houses.

26. The testimony was given to Iyad Hadad on 23 June 2011.

27. K. Ben-Simhon, "The Stinky Trick: Demonstrators from Ni'in have to Buy Deodorant," *Ha'aretz*, 4 September 2008.

28. Ibid.

29. See A. Ben-Dror, "The 'Skunk' is Drafted by the IDF," IDF Spokesperson's website, 9 August 2009, <http://dover.idf.il/NR/exeres/3591EED5-6664-4849-86BF-5310C60BB4F2.htm> (accessed on 1 September 2011).

Harm to the civilian population

Security forces prohibit demonstrations outside the village, so they are held between the houses of the village. Consequently, all the residents, even those not participating in the demonstration, are affected by the crowd-control measures used. The entire village, including the elderly, children, ill persons, and pregnant women, are exposed weekly to large quantities of tear gas, from which they have no place to flee. The residents generally remain in their homes, so the immediate effect of the tear gas is felt for many minutes. In some cases, anybody who leaves the house is met with another round of gas.



The tear gas reaches the homes (Noam Preiss, B'Tselem, 8 July 2011)

With the roads closed, residents cannot leave the village and cannot host friends and relatives. The children are especially affected by the presence of soldiers and Border Police in the village.

Harm is also caused to the proprietor of the gas station at the intersection at the entrance to the village. The security forces gather close to the station and use

it. Since the road is closed to traffic, the station is shut down all day on Friday, causing the loss of an entire day's potential profit.³⁰

Closing the roads in the area and setting up the checkpoints not only prevent persons from taking part in the demonstration in the village, they also directly affect the 12,000 Palestinians living in five villages in the vicinity, including in a-Nabi Saleh, and every other person wanting to reach them. For example, the road leading to Qarawat Bani Zeid is also used as a main link between West Ramallah and Salfit District. Blocking the roads impairs the residents' normal routine and restricts their mobility.

30. The testimony of Talal 'Abd al-Qader a-Tamimi, who works in the gas station, was given to Iyad Hadad on 1 July 2011.

Conclusion

In response to an inquiry by B'Tselem, the IDF Spokesperson's Office wrote:

IDF policy regarding disturbances in a-Nabi Saleh is not to disperse them, even if they are unlawful, so long as they are nonviolent and do not endanger bystanders and the security forces. However, experience has shown that all the disturbances of the order that [attempt to] exit from the village on Fridays turn violent and dangerous; therefore, the IDF is forced to disperse them immediately at the start, before the situation becomes more serious.³¹

As this report shows, the IDF Spokesperson's comments do not reflect reality. The very choice to term the demonstrations "disturbances" indicates the army's attitude to the Palestinians' right to demonstrate.

B'Tselem's documentation of the demonstrations in a-Nabi Saleh indicates that security forces denied the residents their right to protest the infringement of their rights, and completely prohibited them from demonstrating: soldiers and Border Police dispersed the procession even before it started, even in the absence of any violent act by the demonstrators. Also, they did not allow the demonstrators to reach the spring, the subject of the protest. Orders declaring a closed military area and temporary checkpoints limited access to the village, preventing persons from outside the village from taking part in the demonstration. The forces made excessive use of crowd-control measures, primarily firing of tear gas.

The security forces' behavior in dispersing the weekly demonstrations in the village seriously harmed all the residents of the village, who were effectively under curfew every Friday, while being exposed to tear gas that penetrated their homes. Residents of the area, too, were harmed by the closing of the roads, which forced them to use alternative routes, greatly lengthening their travel time.

The security forces made no effort to balance between the residents' right to demonstrate and the authorities' obligation to maintain public order; instead, they severely infringed the residents' rights.

An example of the way to minimize friction is the demonstrations that took place in the village on the first Friday of Ramadan, 5 August 2011. In those demonstrations, security forces gathered outside the village and did not block the entrances into it. The demonstrations, in which several dozen persons took part, started in the village center and moved along the main street without disturbance.

31. The letter was sent to B'Tselem on 8 August 2011.

The security forces used crowd-control measures only when a number of young persons approached the road and when they entered minor conflict with the youths. On the Friday following the end of Ramadan, 2 September 2011, the forces again waited near the spring and did not enter the village.³² Only time will tell whether the army's and Border Police's behavior on that occasion indicates a change of policy.

The manner in which security forces handle the demonstrations in a-Nabi Saleh can indicate how the security establishment is preparing for events that are expected in September, following the anticipated declaration regarding the establishment of a Palestinian state. In this context, too, B'Tselem calls on the security forces to respect Palestinians' right to protest and to enable them to exercise their right within the limitations that may be imposed on demonstrations by liberal democracies. Dispersal of demonstrations, where necessary, must be executed with proportionate use of crowd-control measures, in a way that does not endanger the participants or other persons. The choice of means must take into account the location and reflect a desire to prevent excessive injury to the demonstrators and to other persons who are nearby.

32. The forces were deployed near the spring and used crowd-control measures when the demonstrators were several hundred meters away from them. Ongoing conflict arose at the scene between youths from the village and the soldiers, who had not been stationed in the area before and were unfamiliar with its physical layout. As a result, they were, several times, in a difficult position of topographic inferiority in relation to the stone throwers. In both cases, B'Tselem documented live fire in the air for purposes of deterrence.

Response of the IDF Spokesperson

Response to Na'ama Baumgarten-Sharon – Betzelem

Re- Response to the report on Nebi Salah

1. Hereunder are responses from the various authorized bodies relayed to us for replying to your draft report.
 - a. The demonstrations at Nebi Salah are mostly violent demonstrations. Any attempt to discount this is twisting the weekly reality there.
 - b. The Betzelem report actually state that the assemblies at Nebi Salah have reached, at instances, various levels of violence involving the throwing of stones and rocks at security forces. The report further notes and specifically relates to judicial processes held against perpetrators who acted violently and exposed IDF troops to danger. This information would more likely than none, enforce the notion that these demonstrations are of a violent intent, and as such could lose proportion at given times during a given day, despite the efforts invested to contain them.
 - c. The IDF has made it very clear that there is no interdiction from protesting on condition that no violence is exercised, that no property is damaged and that no civilians or security personnel are exposed to danger.
 - d. The report does quote the IDF Spokesperson's response only partially. The part of the responses that is NOT quoted is where the Spokesperson clarifies the way demonstrations are managed, the consideration given to preliminary information and the correct evaluation of the likely danger forces could be exposed to, all contributing to the overall decision on how to handle a given assembly or demonstration. (The IDF Response is included as an appendix.)
 - e. Furthermore the report quotes the Samaria and Judea regional commander from a meeting that took place between Betzelem representatives and the Commander in July of this year. Unfortunately the quote is incomplete. To the best of our recollections, the Commander was quoted as saying that past experience has shown that when demonstrators reached the highway, their violent behavior placed the users of this road in great danger, and in view of this a decision was taken not to enable the demonstrators from reaching the road, (hence this is not the case of purely abstract fears).
 - f. The commander further stated that policy on the handling of demonstrations is reviewed periodically in accordance with the pattern of these demonstrations. The claim that the IDF does not examine the concrete dangers drawn from these encounters, is a wrong assumption.

For example, the decision of the IDF at a recent demonstration NOT to use means of dispersal, mentioned in the report, re-enforces the notion that no categorical decisions are made.

- g. With regard to pre-empting demonstrations, we note that the practice of declaring the known areas as closed military zones has become a preventative method following a lengthy period during which regular gatherings evolved rapidly into violent confrontations.
- h. As for the claims against the use of tear gas, contrary to impressions created in the report, the IDF has handed down very strict general rules with regards to the use of Tear Gas for the dispersal of demonstrations. With regard to the specific repeated demonstrations at Nebi Salah, the specific instruction on the use of Tear Gas is handed down from senior commanders of the Region. The individual troop has not got the right and cannot apply the use of Tear Gas by his own judgment only.
- i. The legality of declaring the Al Quds Spring as an archaeological site:
 - 1. An archaeological survey was held in January 2010 to promote the possibility of planting in the region of the Al Quds Spring, as well as South and West of the Spring. Furthermore, the survey sought to improve the pumps at the Ein Ria Spring and the cleansing of an active waterhole at Hirbat Al-Tibna.
 - 2. With the discovery of archaeological finds dating back to Roman, Byzantine and early Moslem times, the regional officer responsible for archaeological sites in the Civil Administration, handed down a decree drawn up within his authority and in coordination with the inhabitants of the nearby village, forbidding further planting of new trees as well as any further work to be done with mechanical tools, and thus began a process to declare the site as a Historical Site, according to Jordanian Law.
 - 3. The limitations instituted on the use of the land, according to par.10B of the Jordanian Law on Antiquities, prevent the destruction and damage to antiquities, and these can be instituted prior to the declaration of a site as Protected under the law.
 - 4. Aside from statutory limitations, no other limitations were introduced including the local inhabitants' access to their lands, so that the claim that the region was declared a closed military zone under the pretext of it being an archaeological site, is false.
 - 5. To the best of our knowledge, the decision to limit access to the Spring on Fridays, was taken in view of repeated severe unrest during

demonstrations and is applied when demonstrations actually take place. These limitations are bound by time and the immediate vicinity to the Spring, and serve purely as reasonable preventative measures, notwithstanding any link to the declaration of the site as a protected archaeological site.

6. Following the deleting of a petition against the limitations fixed on the Site, and following the clarification proving the inaccuracy of the claims, the local regional archaeological officer was approached by village representatives to permit certain alterations and adjustments to be made therein, so as to preserve the antiquities.
2. We are at your disposal for any further responses.

Idf spokesperson unit

**In addition to our hundreds of individual donors in Israel and abroad,
B'Tselem thanks the following donors for their generous support:**

British Foreign and Commonwealth Office

Christian Aid (UK)/Development Cooperation Ireland

Catholic Relief Services • Naomi and Nehemia Cohen Foundation

DanChurchAid • Diakonia • EED • European Commission

NIF - Ford Israel Fund • Foundation Pro Victimis • ICCO

NDC - NGO Development Center • Norwegian Foreign Ministry

Iris O'Brien Foundation • Open Society Foundation

Sigrid Rausing Trust • Samuel Sebba Charitable Trust

SIVMO - Stichting Het Solidaritetsfonds • Trocaire

United Nations Development Program



**B'TSELEM - The Israeli Information Center for
Human Rights in the Occupied Territories**
8 Hata'asiya St., Talpiot
P.O. Box 53132 Jerusalem 91531
Tel. (972) 2-6735599 | Fax. (972) 2-6749111
www.btselem.org | mail@btselem.org