



בצלם - מרכז המידע הישראלי לזכויות האדם בשטחים (ע.ר.)

B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories

Urgent

21 April 2009

Brig. Gen. Avichai Mandelblit
Judge Advocate General
Judge Advocate General's Office
The Kirya, Tel Aviv

By registered mail and fax

Dear Sir,

Re: **Killing of demonstrator at Bi'lin by direct firing of tear-gas grenade**

In follow-up to my letter of 17 March 2009

In my above-mentioned letter, I requested that you order security forces to cease firing tear-gas grenades, including the extended range tear gas grenades, directly at demonstrators in the West Bank. I described the danger inherent in the practice, which has already led to injury to dozens of persons, some severely.

You did not respond to my letter, and the situation on the ground remained the same. Police and soldiers continued to fire tear-gas grenades directly at demonstrators in dozens of instances, and it was clearly only a matter of time before this practice would claim its next victim. And this indeed occurred. Last Friday, 17 April, during a demonstration in Bi'lin, a soldier fired an extended range tear-gas grenade at thirty-year-old Bassem Ibrahim Abu Rahma. The grenade made a hole in his chest, causing massive internal bleeding, which led to his death.

Two video clips filmed at the site prove that Abu Rahma was standing on the eastern side of the Separation Barrier, about thirty meters from the soldiers, when he was hit, and that he did not throw stones, did not damage the Barrier, and did not endanger soldiers in any way whatsoever. Seconds before the lethal shot, he was heard shouting, in Hebrew, to soldiers that they had hit another demonstrator, whom he thought was an Israeli (in fact, she was a Frenchwoman who was lightly injured), and said incidentally, in Arabic, that a grenade had passed between his legs. This video clip is attached.

Yesterday, *Ha'aretz* reported sources in the Judea and Samaria Division of the military saying that, "based on a preliminary investigation carried out after the incident, it appears that the firing did in fact violate procedures." The Open-Fire Regulations require that tear-gas grenades fired from a launcher be carried out by indirect fire, with the barrel of the rifle aimed upwards at a sixty-degree angle. The Website of CSI, the American company that manufactures the extended

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range grenades, explicitly points out that the grenades are not to be fired at individuals, since doing so is liable to cause injury or death.

The soldier who fired the grenade and killed Abu Rahma did not act in an atypical manner, and the official responses raise concern that the establishment will place the blame solely on him, contending that he breached the regulations, thereby freeing itself from responsibility for the lethal shooting. As I mentioned in my previous letter, direct firing of grenades has for some time been accepted practice in the West Bank, as is illustrated in video clips taken over recent months, available at <http://blip.tv/file/1947566>.

At the area of demonstrations in Bi'lin and Nil'in, officers holding the rank of colonel and lieutenant colonel are always present. Whether they turn a blind eye to the extensive breach of the Open-Fire Regulations, or give express orders to soldiers to violate the regulations, they bear responsibility for the lethal consequences of this practice. Furthermore, for some time, and at least since the broad media coverage of the serious head injury to Tristan Anderson resulting from his being hit by a grenade, on 13 March 2009, the senior echelon in the army has known about direct firing of grenades at demonstrators. To the extent they were able to stop this practice, they too bear command responsibility for the lethal shooting.

The death of Bassem Abu Rahma could have been prevented had the defense establishment unequivocally made clear to soldiers and police that it was forbidden to disperse demonstrations in a way that needlessly endangers life, had the army properly investigated and prosecuted soldiers who breached the regulations, and had it transmitted a message to soldiers that the lives of Palestinians are not forfeit.

If you do not take immediate action, it is only a matter of time before more lives will be lost. I again urge you to order a Military Police investigation into the circumstances of the death of Bassem Ibrahim Abu Rahma and that you immediately make it clear to security forces that it is absolutely forbidden to fire tear-gas grenades directly at people.

Your prompt response would be appreciated.

Sincerely,

Jessica Montell

Executive Director

cc: Mr. Menahem Mazuz, Attorney General
The judge advocate for operational matters
Maj. Gen. Gadi Shemni, OC Central Command
Mr. Herzl Shviro, head of the Department for the Investigation of Police
Maj. Gen. Ariyeh Yitzhaki, Border Police Commander
Human Right Division Officer, IDF Spokesperson's Office