



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

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

17 March 2009

Brig. Gen. Avichai Mandelblit, Judge Advocate General

Judge Advocate General's Office

The Kirya

Tel Aviv

By mail and fax

Dear Sir:

Re: **Firing tear-gas canisters directly at demonstrators in the West Bank**

I am writing to request that you immediately clarify to security forces that it is absolutely forbidden to aim tear-gas canisters, including extended-range type canisters, directly at demonstrators in the West Bank. Firing of this kind has already resulted in injury, some very serious, to dozens of Palestinians and Israeli and foreign citizens.

My letter follows the incident last Friday, 13 March, in which a Border Police officer fired an extended-range type tear-gas canister that struck Tristan Anderson, an American citizen, during a demonstration in Ni'lin. B'Tselem's investigation reveals that the police officer fired the canister directly at Anderson from sixty meters away, even though Anderson did not throw stones and did not endanger the police officers. The canister struck him in the forehead, fracturing his skull, and injuring the frontal lobe of his brain. It is still too early to determine the extent of the damage. Anderson is hospitalized, in critical condition, at Tel Hashomer.

As noted, this is one more case in which security forces have fired tear-gas canisters directly at demonstrators, injuring them. In recent weeks, B'Tselem has requested law-enforcement agencies

to investigate three such cases, one involving a thirteen-year-old boy. B'Tselem has extensive video footage of police officers and soldiers firing tear-gas canisters directly at demonstrators.

In response to the injury to Anderson, the IDF Spokesperson informed *Ha'aretz* that, "Based on the inquiry made in the field after the incident, the use of the means to disperse demonstrations was in accordance with the procedures." This response is surprising, given that testimonies of security forces of which B'Tselem is aware indicate that orders for the use of teargas launchers prohibit shooting directly at the target.. The operating instructions provided by one of companies supplying the tear-gas canisters (CSI) to the security forces explicitly indicate that it is forbidden to fire the canisters directly at persons.

These things should be obvious. Tear gas is intended as a non-lethal means for dispersing demonstrations, and not as a substitute for live ammunition. Its method of dispersal (whether by hurling a grenade by hand, by firing it, or by launching a large number of canisters simultaneously), the goal is to send the gas to its destination and it is not intended to serve as a weapon. Therefore, the person firing must aim the launcher at an angle in which its trajectory will cause the canister to land at the place intended for the gas to disperse.

In contrast, the firing of such canisters at a short distance, directly at a person, turns the tear-gas canister itself into kind of missile. Extended-range type tear-gas canisters, recently brought into use in the West Bank, are even more dangerous. They move at very high speed and are heavier, and thus cause much greater injury.

Therefore, if the Open-Fire Regulations permit such firing, the specific regulation is illegal, in that it permits firing at persons who do not endanger the lives of security forces.

Whether it is permitted under the Open-Fire Regulations or whether it is forbidden but the defense establishment has chosen to turn a blind eye in cases in which the regulations are so blatantly breached, permitting security forces to fire tear-gas canisters directly at persons endangers human life and transmits a message of disrespect for the lives and bodily integrity of Palestinians and other demonstrators.

For these reasons, I request that you immediately clarify to security forces in the field that it is prohibited to fire tear-gas canisters directly at persons. Also, a thorough and effective investigation must be made into the cases in which there is a suspicion that this prohibition has been breached, such as in the case of Tristan Anderson, and the persons responsible must be brought to justice for their misdeeds. In addition, in dozens of cases, B'Tselem's staff members have seen senior officers among soldiers and police who fired canisters directly at persons. The investigations must also look into the command responsibility for these breaches of law.

Taking these actions will transmit to security forces a message contrary to the one they currently receive. Under this new message, soldiers carrying out policing actions must do everything they can to prevent injury to civilians, and consequently, it is forbidden to fire at civilians, unless the soldiers are in real, imminent, life-threatening danger, and where other means to cope with the danger do not exist.

Your prompt response would be appreciated.

Sincerely,

Jessica Montell
Executive Director