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

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## **DEATH FORETOLD**

### **Firing of "Rubber" Bullets to Disperse Demonstrations in the Occupied Territories**

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## Introduction

The Israeli security forces' arsenal of means to disperse demonstrations in the Occupied Territories includes the use of "rubber" bullets. These bullets are steel covered with a thin rubber coat. Their use to disperse demonstrations is based on the perception held by security officials that "rubber" bullets are less lethal than live ammunition, and are, therefore, an appropriate means where security forces or other persons are not in life-threatening situations. Furthermore, the Open-Fire Regulations contain several rules restricting the use of rubber-coated steel bullets, the declared objective being to prevent unregulated firing at demonstrators, which is liable to cause serious bodily injury or death.

According to B'Tselem's figures, from January 1988 to the end of November 1998, at least fifty-eight Palestinians were killed by rubber-coated steel bullets. This figure includes twenty-eight children under seventeen, of whom thirteen were under the age of thirteen. Since 13 September 1993, when Israel and the Palestinian Liberation Organization signed the Declaration of Principles, rubber ammunition has killed at least sixteen Palestinians, seven of them under the age of seventeen.<sup>1</sup>

This report will examine the Israeli security forces' use of "rubber" ammunition in the Occupied Territories in light of the high number of persons killed. The report will analyze the Open-Fire Regulations' provisions dealing with the use of rubber bullets and will point out the problems inherent in their implementation. The report will also describe the prosecution policy of the Office of the Military Advocate General regarding misuse of rubber-coated steel bullets and the ramifications of that policy.

The report is based on information B'Tselem gathered, including testimonies, statistics, and responses received from the Office of the Military Advocate General and the IDF spokesperson. We also relied on the forensic opinion of Dr. Robert Kirschner, which is annexed as an appendix. Newspaper reports and articles also provided information used in preparation of the report.

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<sup>1</sup> These figures are partial because in many instances, autopsies are not conducted and it is impossible to determine with certainty the type of bullet involved. It is reasonable to assume, therefore, that the number of Palestinians killed by rubber-coated steel bullets is higher.

## The "Rubber" Bullets

During the early years of the intifada, many Palestinians were killed by live ammunition fired while security forces dispersed demonstrations. The high number of injured and the public pressure that followed led the security forces to seek less deadly means to disperse demonstrations.<sup>2</sup> The IDF spokesperson described the background of the use of "rubber" bullets:

1. In the first stage, rubber bullets were introduced in 1989. When these bullets were shown to be ineffective, plastic bullets were introduced. These bullets are more accurate; however, they caused more serious injuries than had been anticipated, so in 1990, rubber bullets with a steel center were introduced.
2. The need for non-lethal means to disperse demonstrations led to the use of plastic and rubber bullets.<sup>3</sup>

According to B'Tselem's figures, in 1988, five Palestinians were killed by rubber-coated steel bullets. This figure contradicts the above letter, which states that "rubber" bullets only began to be used in 1989.

B'Tselem knows of two types of "rubber" ammunition currently being used by Israeli security forces. One is a steel bullet covered by a thin coat of rubber. The bullet's circumference is 1.5 centimeters and it weighs twenty grams. These bullets are fired from a canister installed on the barrel of the rifle.<sup>4</sup> Another type is composed of steel cylinders covered with a thin coat of rubber. Its circumference is 1.7 centimeters and it weighs fifty grams. The "rubber" cylinder is fired from a metal pipe screwed onto the rifle barrel.<sup>5</sup> When fired, the "rubber" cylinder divides into three parts.

Regarding the use of "rubber" bullets, Dr. Kirschner states in the forensic opinion he prepared for B'Tselem that the "non-lethal" weapons, among them "rubber" bullets, used against civilian populations, "are capable of inflicting severe pain and varying degrees of injury. Many of the weapons, even when used as prescribed, may cause death in susceptible persons, particularly children, the elderly, and those with underlying illness such as heart disease."<sup>6</sup>

## The Open-Fire Regulations

Every soldier serving in the Occupied Territories receives a pocket booklet containing the Open-Fire Regulations. The Regulations indicate when a soldier is permitted to open fire, distinguishing between life-threatening situations and arrest of persons suspected of committing a dangerous offense, where a soldier may use live ammunition, and a situation of "violent rioting," where "there is no immediate danger

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<sup>2</sup> See Amnon Straschnov, *Justice under Fire* (in Hebrew) (Tel-Aviv: Yediot Aharonot Publications, 1994) 147-148; Yaron Ezrahi, *Rubber Bullets*, (New York: Farrar, Straus and Giroux, 1997) 213.

<sup>3</sup> From the letter of 28 June 1998 of Lt. Colonel Orli Gal, Head of the IDF Spokesperson's Public Relations Branch, to B'Tselem. See Appendix 1

<sup>4</sup> The IDF defines this weapon as a RRNM (rubber grenade).

<sup>5</sup> The IDF defines this weapon as a Roma GG.

<sup>6</sup> For an extended discussion on the types and characteristics of "rubber" bullets used by the security forces, see Dr. Kirschner's forensic opinion, Appendix 2.

to life." In this latter situation, the Regulations permit the use of rubber-coated steel bullets, tear gas, water jets, blasting caps, stun grenades, and plastic bullets. In effect, the Regulations permit the firing of "rubber" bullets also at demonstrations that "do not fall within the definition of 'violent riot'".<sup>7</sup>

Contrary to the explanation of the IDF spokesperson, who wrote that "the need for non-lethal means to disperse demonstrations" is what led to the use of "rubber" bullets, security officials are well aware of the danger inherent in their use. The Open-Fire Regulations state that, "The means for dispersing the riot may cause bodily injury and in certain circumstances even result in death." However, since the rubber-coated steel bullets are intended for use where soldiers or other persons are not in life-threatening situations, the Regulations stipulate several restrictions concerning their use. The objective of these provisions is to prevent the bullet from causing serious or fatal injury.

The rules are as follows:<sup>8</sup>

- Rubber-coated steel bullets may only be fired after other means to disperse riots and demonstrations, such as tear gas, stun grenades, and warning shots in the air are ineffective;
- The minimum range for firing "rubber" bullets is forty meters, and "It is strictly prohibited to fire rubber ammunition from a range of less than forty meters."
- It is prohibited to fire "rubber" bullets at children.<sup>9</sup>
- The firing of "rubber" cylinders is to be carried out only "at the legs of a person who has been identified as one of the rioters or stone-throwers."
- It is prohibited to fire "rubber" bullets at night, unless "there are reasonable visibility conditions or lighting that enable certain identification of the rioter and his legs."

## Data

Despite the detailed rules set forth in the Open-Fire Regulations, from 1988 to the present, rubber-coated steel bullets have killed dozens and wounded hundreds of Palestinians.

The following figures are partial because in many instances, autopsies were not performed and it was impossible to determine with certainty the type of bullet that struck the victim. The number of persons killed by "rubber" bullets is likely higher.

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<sup>7</sup> From the "Pocket Booklet for Soldiers Serving in the Central Command," of 25 June 1997 (hereafter: *Pocket Booklet*). The complete text of the Open-Fire Regulations relating to dispersal of riots and demonstrations appears in Appendix 2. The Open-Fire Regulations of 1991 and 1993 are similar to these regulations. Changes made in the regulations are noted below. For an extended discussion of the Open-Fire Regulations, see B'Tselem, *The Use of Firearms by the Security Forces in the Occupied Territories* (Jerusalem, July 1990); B'Tselem, *The Killing of Palestinian Children and the Open-Fire Regulations* (Jerusalem, June 1993); B'Tselem, *Firing at Vehicles by Security Forces in the Occupied Territories* (Jerusalem, February 1994).

<sup>8</sup> From the *Pocket Booklet*.

<sup>9</sup> The 1991 Open-Fire Regulations provided that, "No firing shall be aimed at children."

**A. Persons Killed<sup>10</sup>**

<b>Year</b>	<b>Children</b>	<b>Adults</b>	<b>Total</b>
1988	1	4	5
1989	12	11	23
1990	6	2	8
1991	1	3	4
1992	1	1	2
1993*	-	-	-
1994	2	2	4
1995*	-	-	-
1996	-	2	2
1997	4	3	7
1998 until the end of November	1	2	3
Total	28	30	58

\* B'Tselem does not have figures on Palestinians killed from rubber-coated steel bullets during these years.

In November-December 1995, the IDF withdrew from the large cities of the West Bank. As a result, the friction between the security forces and the residents of the West Bank lessened. Despite this, from January 1996 to October 1998, twelve West Bank Palestinians - among them five children - were killed by rubber ammunition. Five of those killed were shot in Hebron, part of which remains under Israeli control.

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<sup>10</sup> Nine of the fifty-eight persons killed were struck by shots fired by Border Police.

## **B. Persons Wounded**

Precise data are not available on the number of Palestinians wounded by "rubber" bullets, because many who were slightly wounded do not go to the hospital or health clinic for treatment and are not included in the lists of persons wounded by rubber ammunition. However, figures of the Palestinian Ministry of Health indicate that during the past two years alone, hundreds of persons have been wounded by rubber-coated steel bullets. Scores of those wounded were struck in the upper part of the body, even though the Regulations only permit firing at the legs of the rioters. For example:

- ❑ In one nine-day period - 21-30 March 1997 - 494 Palestinians were injured during dispersal of demonstrations. Of these, 233 were wounded by "rubber" bullets, of whom 95 were struck in the upper part of the body.
- ❑ During April 1997, at least 136 Palestinians were injured during dispersal of demonstrations. Of these, seventy-three were wounded by "rubber" bullets, of whom thirty-one were struck in the upper part of the body.

As regards the injuries that may result from being struck by a "rubber" bullet, Dr. Kirschner states in his forensic opinion:

The tissue damage caused by a rubber-coated steel ball perforating the skin is much greater than that caused by a normal bullet, which pierces the skin more easily because of its more aerodynamic shape and smaller diameter. The wounds are more akin to severe blunt trauma injury, and cylindrical rubber bullets cause even greater damage as they are tumbling when they strike the body. There is a greater tearing, or lacerating, effect, often gaping holes, and more internal damage along the path of these projectiles. Although they rarely penetrate deeply as their kinetic energy is dissipated in the superficial tissues, only a few cm of penetration is necessary to enter the brain, thoracic and abdominal cavities, heart, lungs, liver, gastrointestinal tract, or spinal column. Rubber bullet injuries to the spinal cord have produced paraplegia and quadriplegia. While penetrating injuries, particularly to the head, are more likely to be fatal, three of the ten fatalities reported by Hiss et al in their autopsy series were of blunt trauma injuries to the head or neck with internal injuries caused by transmission of kinetic energy into deeper tissues....

Children and the elderly are at greater risk of serious injury or death from rubber bullets because of their more fragile bone structure and smaller muscle mass. Small children, because of their size are more susceptible to being struck in the upper part of the body either directly or by rubber bullets ricocheting off the ground.<sup>11</sup>

## **Applying the Regulations in the Field**

This section examines, based on responses of the Office of the Military Advocate General, implementation of the Regulations. Deaths caused, according to the Office of the Military Advocate General, by factors beyond the control of the soldiers will be presented.

### **A. Estimating Distance**

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<sup>11</sup> See Appendix 2.

The Regulations allow firing of rubber-coated steel bullets only at a distance of more than forty meters. The reason for this provision is that these bullets, when fired at less than that distance, are liable to cause fatal injuries. Security forces must, therefore, be able to estimate distances with precision. Estimating distance is not an easy task under normal circumstances, much less under the pressure of a stormy demonstration. In such situations, the security forces and demonstrators move, and the distance between them changes. A shooter's mistake in judging distance is liable to result in death.

Amnon Straschnov, who was the Military Advocate General during the early years of the intifada, noted the problem soldiers firing plastic bullets have in judging distance:

This distance [of sixty meters, I.G.] still seems to me somewhat dangerous, and I thought that the soldiers would have considerable difficulty in estimating distance, where a mistake of a few meters more or less is liable to cause many injuries and loss of life. I also thought that, even when considering whether to try a soldier for violating the safety regulations concerning the firing distance, it would be difficult to hold him responsible for making a mistake of a few meters in estimating distance. Indeed, no indictment has ever been filed in the military court against a soldier for unintentionally violating the firing distances.<sup>12</sup>

The authorities ultimately set seventy meters as the minimal distance for the firing of plastic bullets, even though they knew that soldiers would have difficulty in judging distance, and that errors would likely result in the death of Palestinians.

## **B. "Sudden Appearance"**

Demonstrations are often held within towns and villages. Children are likely to be involved or nearby. Although the Regulations explicitly prohibit firing at children, the responses of the Office of the Military Advocate General indicate that, despite this prohibition, children are liable to be wounded and killed when security forces disperse demonstrations. This may occur because the soldiers "did not notice them" or because the children "appeared suddenly" or "entered the line of fire." The Regulations cannot prevent, and have not prevented, injuries, at times fatal, to children. Two illustrative cases follow.

Nazar 'Atiyah al-Furani, two years old, was shot and killed by a rubber-coated steel bullet in Shati refugee camp, in the Gaza Strip, on 12 October 1989. B'Tselem requested the results of the Military Investigation Unit's inquiry into the circumstances of his death. The IDF spokesperson replied, stating the response of the Office of the Military Advocate General:

The shots were fired in accordance with the Regulations. The infant was apparently injured while standing, hidden, in the line of fire. For this reason, the Military Advocate General decided to close the investigation file without initiating any legal procedures.<sup>13</sup>

B'Tselem received a similar response concerning the shooting of Shafiq Maher Mahmud a-Shawa, 10, who was killed by a rubber-coated steel bullet on 3 April 1994 in the Shajayah neighborhood of Gaza. Five months after the incident, B'Tselem requested the Office of the Military Advocate General to

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<sup>12</sup> Straschnov, *Justice under Fire*, 149. For the policy of prosecuting offenders, see below at p11.

<sup>13</sup> Letter of 12 August 1981. See also the letter of 25 January 1995 from Haim Israeli to attorney Moshe Cohen, of The Association for Civil Rights in Israel.

forward the results of the investigation. The response of the Office of the Military Advocate General, which B'Tselem received three years after the incident occurred, states:

The deceased took part in or happened to be in the area where stones were being thrown and rioting was going on. An IDF soldier fired, lawfully and in accordance with orders, a rubber bullet at the chief inciter, and due to a combination of chance and unanticipated circumstances, in the direction where the child surprisingly appeared from "dead space," as far as the soldier's field of vision was concerned, injuring the child. Consequently, no measures were taken against the shooter.<sup>14</sup>

### C. "The Soldier erred..."

The Regulations permit firing at persons actively participating in violent demonstrations. Responses of the Office of the Military Advocate General indicate that during dispersal of demonstrations, innocent passersby have suffered mortal injuries as a result of a "soldier's mistake," a "bullet that went awry," or a "misaimed bullet." The Office of the Military Advocate General relates to these death cases as unusual. However, as Dr. Kirschner states in his opinion, one of the characteristics of the "rubber" bullet is "... the inability to accurately determine where they will strike, due to the aerodynamic instability imparted by their spherical or cylindrical shape, the mode by which they are fired from a canister, and the probability of ricochet."<sup>15</sup>

Badur Karadi, 42, was shot and killed by a "rubber" bullet on 28 May 1990 while standing at the front of her home in the Nas al-Ein neighborhood of Nablus.<sup>16</sup> In reply to B'Tselem's request about the results of the investigation, the IDF spokesperson provided the response of the Office of the Military Advocate General:

The deceased was killed by a rubber bullet, fired from a soldier's rifle, that went awry and struck her. The soldier had aimed at rioters who were throwing stones at a military ambulance. The file was closed at the order of the Military Advocate General, with no legal measures being initiated.<sup>17</sup>

Siham Ahmad Morshad 'Issa, 37, mother of five children, resident of Kfar 'Aqab, Ramallah District, was shot by security forces while shopping in Ramallah's city center on 11 June 1994. In her testimony to B'Tselem, her friend, Sharifah 'A'aref Ahmad Sufran, who was with her at the time, stated:

At 1:00 P.M., we all left the produce market and got to the Jerusalem-Ramallah main road. There was a traffic jam. I heard shots but paid no attention to them. Siham went to buy needles from a merchant selling sewing accessories. The merchant showed her various types of needles. I stood there with her and examined them. Suddenly Siham fell. It startled me and I immediately bent over to see what had happened. I saw lots of blood flowing from the right side of her head. I began to scream. Some young people immediately came and placed her in their car. When the car started to move, I saw four soldiers running after the car and shooting. I heard them shout in Hebrew, but I did not understand what they said. The car did not stop. I did not see from which direction the soldiers came... When I reached the hospital, I was told that she had died. I later spoke with Dr. Ahmad Rashid Musa, a neighbor of ours and a doctor at Ramallah Hospital, who

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<sup>14</sup> Letter of 20 July 1997 from Brigadier General Einat Ron, Chief Military Prosecutor, to B'Tselem.

<sup>15</sup> See Appendix 2.

<sup>16</sup> Reported in *Ha'aretz*, *Hadashot*, and *Al Hamishmar*, 31 May 1990.

<sup>17</sup> Letter of 12 August 1991.



treated Siham. He told me that the rubber bullet had entered her head on the right side, jarred the brain, and remained implanted.<sup>18</sup>

The response of the Office of the Military Advocate General to the findings of the investigation was as follows:

... During the rioting in Ramallah on 11 June 1994, both the IDF soldiers and the Border Police used rubber bullets. The firing was justified under the circumstances. The deceased was apparently injured from misdirected shots fired during the rioting.<sup>19</sup>

In the above cases, the Office of the Military Advocate General contended that the deaths resulted from factors not under the control of the soldiers, who had acted according to the Regulations. If we accept this contention, the death of dozens of Palestinians, about one-half of whom are children, attest to the difficulty of implementing the Regulations, and should have been sufficient to bring about a change in them. The Office of the Military Advocate General refutes this contention and sees no reason to amend the Regulations, and the IDF as a whole has made a point of not looking into the possibility of ceasing the use of "rubber" bullets.<sup>20</sup>

## **FIRING IN VIOLATION OF THE REGULATIONS**

Testimonies given to B'Tselem indicate that security forces often fire "rubber" bullets in deliberate contravention of the Regulations, sometimes killing the victim. In some instances, the authorities admit that the security forces did not comply with the Open-Fire Regulations.

### **A. 'Ali Muhammad Ibrahim Jawarish**

On 11 November 1997, 'Ali Muhammad Ibrahim Jawarish, 8, was injured by a "rubber" bullet fired by an IDF soldier. The bullet penetrated his brain, and he died from his wounds four days later at Hadassah Hospital, Ein Kerem. *Ha'aretz* reported that, "The investigation revealed that IDF soldiers had operated according to the procedures. They fired at a group of adults who were throwing stones. A child entered the area by chance, was struck by a bullet, and was killed." The report quoted a senior military source, as follows: "It is sad that a child has died, and it is tough to say, but he was killed in accordance with the military orders."<sup>21</sup>

Joel Greenberg, correspondent for the New York Times, was an eyewitness to the incident. According to his testimony to B'Tselem, the incident occurred differently, with the soldiers violating almost every restriction stated in the Open-Fire Regulations:

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<sup>18</sup> The testimony was given to Bassem 'Eid on 12 June 1994 at Ms. Sufran's house.

<sup>19</sup> Letter of 11 June 1996 from Captain Udi Ben Eliezer, military prosecutor for the Central Command's Military Advocate General.

<sup>20</sup> The position of the Office of the Military Advocate General was given to representatives of B'Tselem in a meeting held on 27 July 1998 with the Military Advocate General, Brigadier General Uri Shoham. The IDF's position is stated in Appendix 1.

<sup>21</sup> *Ha'aretz*, 19 November 1997.

On 11 November 1997, around 2:15 P.M., I went to Rachel's Tomb to cover the ceremony of the opening of the renovated tomb, which was to take place at 4:00 P.M. After the ceremony ended, I walked to 'A'ida, where there was a confrontation between soldiers and young people. Behind Rachel's Tomb I saw a few dozen children standing alongside tires that apparently had been burning before I arrived. Most of the children were around ten years old. I stood around fifty to seventy meters from them, alongside a group of soldiers standing next to the tomb. There were stones on the road, apparently from an earlier confrontation. While standing there, I saw one stone thrown. It was apparently the end of the incident. The soldiers observed what was going on. At some point, I saw a group of soldiers that had made a flanking movement from the north and moved toward the children. I do not know how many soldiers were in the group. The soldiers seized three children, who appeared to me to be about ten years old, took them to the side leading up to the road, sat them in a corner, tied their hands and guarded them. While those three were being held, the other children ran away. As they did, a soldier kneeled and aimed his rifle at the children. He fired one shot at the fleeing children. I think it was a plastic bullet, based on the sound of the shot and my experience, but I am not certain. When the soldier fired, he was some fifteen to twenty meters from the fleeing children. At the time the children were being held and the others were fleeing, no stones were thrown. After the firing, the soldiers retreated. When they did so, I noticed a child, around nine or ten years old, lying motionless on the ground. A short time later, an adult came to him and began to wave his hands and motion to bring a car. I immediately ran toward the child. I saw several men lifting him and placing him into a passenger car. They took him to a hospital. As far as I recall, I saw a wound on the right temple and lots of blood. Later, the physicians at Mokassad Hospital and at Beit Jalla told me that the child's brain was outside [the skull].<sup>22</sup>

A few days after the incident, B'Tselem wrote to the Office of the Military Advocate General, annexing Greenberg's testimony and requesting the results of the investigation. Although a year has passed since the child was killed, the authorities have not yet completed the investigation to determine the circumstances of his death.<sup>23</sup>

## **B. 'Azam Jamil Hamed Nasasreh**

'Azam Jamil Hamed Nasasreh, 18, was shot and killed by a rubber-coated steel bullet on 24 June 1994 in Nablus. *Ha'aretz* of 13 July 1994 reported on the incident, as follows:

.... The division commander, Major General Shaul Mofaz, also conducted a special inquiry, which revealed serious defects in how the forces had operated. The findings state, in part, that, "The results of the incident are not good insofar as a local resident was killed in a case where IDF forces were not in a life-threatening situation; rubber bullets were fired at a distance of less than twenty meters - improper; the resident was injured in the upper portion of his body - improper; the bullets were fired from a rifle with rubber bullets in a manner that violated procedures - improper; an officer must provide training before the mission takes place, and the training was not provided - improper."

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<sup>22</sup> The testimony was given to Fuad Abu-Hamed at Hadassah Hospital, Ein Kerem, on 13 November 1997.

<sup>23</sup> Letter from the Chief Military Prosecutor, Lt. Colonel Einat Ron, given to B'Tselem during a meeting with her on 27 July 1998.

B'Tselem asked the Office of the Military Advocate General whether legal action had been taken against the soldiers who shot 'Azam Nasasreh. Three years after the incident, the Office of the Military Advocate General provided the following details:

On 24 June 1994, an IDF patrol encountered stone-throwers. During the clash, several rubber bullets were fired at the stone-throwers, with no evidence that the rubber bullets struck [the stone-throwers]. The same day, Israeli television broadcast a report showing a local resident who had been struck by IDF soldiers' gunfire and collapsed. Reconstruction and examination of the site of the filming indicated that the deceased had apparently been struck by a rubber bullet. The investigation showed that the deceased's body was brought to the hospital and resuscitation efforts failed to save him. A bullet wound in the chest of the deceased was found. Some ten minutes after he was pronounced dead, the body was snatched, and the physicians were unable, therefore, to determine the type of bullet that had struck the deceased. It was also impossible to determine the causal relationship between the shooting and the death.<sup>24</sup>

Despite the inquiry's findings, the Office of the Military Advocate General closed the file without taking any legal measures. The above response does not relate at all to the inquiry conducted by the division commander, which explicitly found that Nasasreh had been killed by IDF soldiers who had fired in violation of the Regulations.

'Ali Jawarish and 'Azam Nasasreh were killed after being struck in the head by "rubber" bullets. According to B'Tselem's records, forty-one of the fifty-eight Palestinians killed by "rubber" bullets were struck in the head (skull, face, and eyes) and five others were struck in the chest.<sup>25</sup> This despite the Regulations permitting soldiers to aim only at the legs of demonstrators and rioters. Furthermore, although the Regulations prohibit firing rubber-coated steel bullets at children, children comprise about half of the deaths.

### C. **Bassem 'Issa Sabaz**

Bassem 'Issa Sabaz, 21, was shot and killed by a "rubber" bullet on 12 June 1988 at Jenin refugee camp. Following the incident, an indictment was filed against two military officers, one a captain and the other a major. They were accused of illegal use of a weapon and use of a weapon in violation of military regulations. According to newspaper reports, the military prosecutor argued that the two had shot Sabaz at a distance of seven meters, whereas their commander had ordered them not to fire "rubber" bullets at a distance of less than fifteen meters. In February 1990, the Military Advocate General, Brigadier General Straschnov, withdrew the indictment.<sup>26</sup>

## **INVESTIGATION AND PROSECUTION**

In the last two cases, the military authorities explicitly found that soldiers had fired in violation of the Regulations, but closed the file without taking any legal action. This manner of handling the cases is part of the policy of the Military Advocate General's Office where Palestinians in the Occupied Territories have been killed by security forces.

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<sup>24</sup> Letter of 20 July 1997 from the Chief Military Prosecutor, Lt. Colonel Einat Ron.

<sup>25</sup> As for the other twelve cases, B'Tselem does not have information as to where the bullet struck the victim's body.

<sup>26</sup> *Ha'aretz* and *Al Hamishmar*, 14 February 1990.

For many years, B'Tselem has been monitoring investigations conducted by the Military Investigations Unit and the handling by the Office of the Military Advocate General of cases involving the death of Palestinians at the hands of security forces. The figures relating to the investigation of forty-nine of the fifty-eight Palestinians killed by "rubber" bullets fired by soldiers present a harsh picture of the policy of the Office of the Military Advocate General in trying offenders:

- ❑ In sixteen death cases, the investigation file was closed without any legal action being taken against the shooter; in eleven cases, all involving the deaths of minors, the authorities explicitly stated that the investigation file was closed because the shooter had acted in accordance with the Regulations. In five cases, the authorities gave no reason for closing the file.
- ❑ In three cases, the authorities conducted no investigation.
- ❑ In three cases, the authorities took legal action against security forces personnel.
- ❑ In fourteen cases, the Office of the Military Advocate General has not responded to B'Tselem's request for the results of the investigation, even though five of these cases occurred more than six years ago, and five others took place more than a year ago.
- ❑ In thirteen cases, B'Tselem did not ask the Office of the Military Advocate General for the results of the investigation. Several of the cases occurred at the beginning of the intifada, before B'Tselem was founded, and the others during the early months of B'Tselem's activity, when the high number of Palestinians killed did not enable monitoring of each death case.

Where the authorities took legal measures against the soldiers who had violated the Regulations in firing, the results were as follows:

- ❑ In one case, a criminal indictment was filed against the offender because under the Military Jurisdiction Law, he was no longer subject to trial by a military tribunal. The defendant was acquitted.
- ❑ In one case, the military tribunal found the defendant guilty of manslaughter, perjury, and subornation of perjury. The tribunal sentenced the soldier to twenty-one months' imprisonment and two years' probation.<sup>27</sup>
- ❑ In one case, the authorities initiated disciplinary proceedings against an officer for negligence in the performance of his duty and for illegal use of a weapon. Another soldier who was involved in the incident received a notation in his personal file indicating his improper conduct during the incident.

The considerations weighed by the prosecution in setting policy for trying soldiers, at least during the early years of the intifada, is apparent in comments made later by Straschnov, then-Chief Military Prosecutor:

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<sup>27</sup> Eli Yedid was sent to disperse a demonstration in Bido village in March 1988. With two other soldiers, he chased Yusef 'Ali Abu 'Awad, who fell during the chase. From a distance of one meter, Yedid fired a rubber grenade at Abu 'Awad, striking him in the head while he was lying on his back. *Ha'aretz*, 13 February 1995.

...we were aware of the difficult situation of the soldiers, the provocation they faced, and the missions they were assigned, for which they had not been trained or drilled. As a result, we set more lenient criteria than in previous periods. This determination frequently affected the type of offenses attributed to the soldiers, the severity of punishment the military prosecutors demanded, and primarily the considerations that guided us in deciding to try the soldier in a military tribunal or settle for a disciplinary hearing or administrative procedure...

In considering whether to indict, and giving much consideration to "the intifada quotient,"<sup>28</sup> we labored intensely on the charges we should file against defendant soldiers. Here, too, we were lenient and did not act according to the principle of "the Law takes precedence over everything." We often settled for a lesser offense, even where the evidence showed that the soldier committed a more serious offense. Even after the indictments were filed, we consented to accept a guilty plea to a lesser offense if the soldier was willing to confess, so that we would not have to demand the maximum, neither in the charges against him nor in the punishment demanded....<sup>29</sup>

This lenient policy toward soldiers who fired in violation of the Regulations indicates the insignificance placed on Palestinian lives by the authorities. In not taking legal action against the soldiers, the authorities make it clear to the soldiers that the Office of the Military Advocate General will not prosecute them for taking human life.

The State Attorney's Office, a civil rather than military body, has been slightly less lenient in cases where Border Police have fired "rubber" bullets that killed Palestinians. According to B'Tselem's figures, among the fifty-eight persons killed, nine were struck by Border Police shots.

- ❑ In three of these cases, the Border Policemen were indicted.
- ❑ In four cases, the files were closed with no legal action being taken against the offending policeman.
- ❑ In one case, the Police were unable to locate the file.
- ❑ In one case, the State Attorney's Office has not yet responded as to the results of the investigation.

In those cases where legal action was taken against the shooter:

- ❑ In one case, the defendant was acquitted.
- ❑ In one case, the trial was cancelled because of new evidence.

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<sup>28</sup> Straschnov uses the term "intifada quotient" to refer to the lenient criteria he mentioned in the previous paragraph.

<sup>29</sup> Straschnov, *Justice under Fire*, 158, 161. For an extended discussion on the prosecution policy of the Office of the Military Advocate General, see Hamoked: Center for the Defence of the Individual, *Fleeing Responsibility - The Military's Handling of Palestinian Complaints against Soldiers* (Jerusalem, November 1997).

- In the third case, the shooter was convicted of causing death by negligence and was sentenced to six months' imprisonment to be served in community service, and probation for one year.<sup>30</sup>

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<sup>30</sup> Boaz Nahmani, a Border Policeman, was accused of shooting a child within a lethal distance while the policeman was chasing a group of children who were throwing stones. Nahmani shot the child while he was lying on his back, facing Nahmani. *Ha'aretz*, 26 December 1993.

## CONCLUSION

Israel's policy permits security forces to fire rubber-coated bullets at Palestinians to disperse demonstrations in the Occupied Territories. These bullets are lethal and have killed fifty-eight Palestinians, among them twenty-eight children. These figures indicate the failure of this policy. The failure results from the lack of compliance with the Regulations or from defects in the Regulations themselves. According to official spokespersons, the Regulations are, as a rule, strictly complied with. If so, it must be concluded that the root of the problem, which leads to the killing of innocent persons, lies in the Regulations themselves.

Regarding rubber-coated steel bullets as "less lethal" than live ammunition leads to a predisposition to fire. This attitude is reinforced by the Office of the Military Advocate General's perception of death cases as "non-preventable mistakes."

Israel's attitude toward the many cases in which Palestinians have been killed by rubber ammunition indicates the shameful disregard it holds for human life. Allowing the use of potentially lethal "rubber" bullets to disperse demonstrations and the refusal of the Office of the Military Advocate General to change the Regulations although many children have died as a result of their use reinforce this conclusion.

The number of persons killed by rubber-coated steel bullets proves that this ammunition is truly lethal, and should be used only in life-threatening situations. If the authorities continue to sanction their use, more people will undoubtedly die.

However, as long as "rubber" bullets continue to be used and the current Regulations continue to apply, the Office of the Military Advocate General and the military judicial system must enforce the law and prosecute and punish soldiers who fired in violation of the Regulations. They must do this in a manner that makes it clear to the soldiers that non-compliance with the Regulations is a grave offense. It is the failure to prosecute and impose a deterrent punishment on offenders that legitimizes the illegal shooting and killing of Palestinians.

## APPENDIX 1\*

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Public Relations Branch

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Tel/Fax 5692329  
28 June 1998

Iris Giller - B'Tselem

### **Re: Use of Rubber Bullets by Security Forces**

Thank you for your inquiry. Our response is as follows:

1. In the first stage, rubber bullets were introduced in 1989. When these bullets were shown to be ineffective, plastic bullets were introduced. These bullets are more accurate, but they caused more serious injuries than had been expected. In 1990, therefore, rubber bullets with a steel center were introduced.
2. The need for non-lethal means to disperse demonstrations led to the use of plastic and rubber bullets.
3. The IDF has two kinds of rubber ammunition:
  - a. RRNG - a casing containing 20-30 rubber bullets with a steel center.
  - b. Triple/quadruple rubber cylinders - bound together by a transparent wrap. The quadruples are currently used in place of the triples to reduce the damage caused upon impact.
4. Plastic bullets are fired using a telescopic sight.
5. Plastic bullets are not common and may be used by soldiers who received authorization and were trained in safety measures, operations, possible dangers, and use of the telescopic sight and setting it at zero.
6. Firing of the rubber means [ammunition] does not require instruction, but the soldiers undergo training on the subject.
7. Over the past five years, there has been no review of the possibility of removing the means [use of rubber ammunition] from use (except as mentioned in paragraph 1).
8. We have been pleased to assist. We request, of course, a copy of the report prior to publication.

Sincerely,

s/

Lt. Colonel Orli Gal  
Head of Public Relations Branch

\* Translated by B'Tselem.



## **APPENDIX 2**

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### **FORENSIC ASPECTS OF RUBBER BULLET INJURIES**

#### **INTRODUCTION**

Police and military forces throughout the world have within their arsenals a variety of so-called “non-lethal” weapons for use against civilian populations. These weapons, which have been developed specifically for use against individuals or against crowds, are relatively “non-lethal” compared to the use of live ammunition, but only to the extent that they are used in the prescribed manner. All of these weapons are capable of inflicting severe pain and varying degrees of injury. Many of the weapons, even when used as prescribed, may cause death in susceptible persons, particularly children, the elderly, and those with underlying illness such as heart disease.

The oldest and most common “non-lethal” weapon for use upon individuals is the truncheon, nightstick or club. More modern weapons include stun guns, other electric shock devices, and pepper spray. Weapons devised for crowd dispersal include water cannons, irritating agents such as tear gas, and various forms of “non-lethal” ammunition, including rubber and plastic bullets of various dimensions and weights. Rubber bullets introduced by the British in Northern Ireland were large, cylindrical projectiles weighing approximately 150 grams, and fired individually from specially adapted weapons. Plastic bullets used by the British weighed 135 grams. By comparison, the rubber bullet ammunition used by Israeli authorities is smaller, and similar in many respects to shotgun ammunition, with numerous projectiles being fired from a single canister or shell.

#### **ELEMENTARY BALLISTICS**

A discussion of injuries related to rubber bullets must first briefly address the ballistics of these projectiles. Ballistics is the science that studies the characteristics of ammunition which has been fired from a weapon. Ballistic analysis is usually divided into three phases - interior, exterior, and terminal. Interior ballistics deals with the process that occurs within the barrel of a weapon when a shot is fired, that culminates with the expulsion of the projectile(s) from the muzzle. Exterior ballistics studies the physics of the projectile(bullet) in flight, including the influence of bullet shape, mass, stability, and air friction upon its trajectory. Terminal ballistics studies the effect of the projectile upon its target (and of the target upon the projectile). When the target is a person, the study of terminal ballistics becomes the study of wound ballistics.<sup>1</sup>

It is sufficient for purposes of this discussion to understand that the kinetic (or potential) energy contained within a projectile (whether thrown, dropped or fired from a weapon) is directly proportional to its mass (weight), and to the square of its velocity. Thus, a bullet that is twice as heavy as another, but fired at the same velocity will have twice the kinetic energy, while a bullet of the same weight as another, but fired at twice the velocity will have four times the kinetic energy. When a projectile strikes a person, the kinetic energy is transferred from the projectile to the body. In a non-penetrating wound, the energy is entirely transmitted upon impact with the skin surface. In penetrating wounds, significant energy is dissipated as the bullet perforates the skin. As the bullet penetrates through the tissues of the body, the kinetic energy continues to be dissipated along the track of the wound in a direction perpendicular to the path of the bullet. This creates a temporary wound cavity, which will be larger near the entrance wound and diminish as the bullet progresses through deeper tissues. This latter physical characteristic of projectile wounds has particular biological significance at high velocity, where massive tissue damage can occur at distances several cm perpendicular to the wound path. This phenomenon will be further discussed below in relationship to plastic ammunition.

## RUBBER BULLET CHARACTERISTICS

Since their introduction during the Intifada, Israeli Defense Forces have used a variety of rubber bullets and plastic ammunition against the Palestinian population. In fact, the term “rubber bullet” is a partial misnomer, since those used in the Occupied Territories are either rubber-coated steel slugs or a rubber compound impregnated with metal. Dr. Yehuda Hiss, Director of the Institute of Forensic Medicine, and his associates, in a review of lethal injuries associated with the use of rubber and plastic ammunition during the Intifada, discussed four types of rubber bullets - 2 types of spherical missiles, each 1.8 cm in diameter; and 2 cylindrical missiles of similar diameter, and 1.8 cm in length. The difference between the two types in each category is that one is composed entirely of rubber, while the other is, in fact, a rubber-coated steel slug. The spherical and cylindrical all-rubber bullets are reported to have a weight of 8.3 grams, a muzzle velocity of 75-100 m/sec, and a muzzle kinetic energy of 23.3- 41.5 Joules. These are known as the Standard Rubber Bullet, or SRB.<sup>2</sup>

By comparison, the rubber-coated steel bullets are reported to each weigh 15.4 grams, with a muzzle velocity of 100 m/sec, and a kinetic energy of 77.0 Joule, up to three times the energy of the all-rubber bullet. These are known as the Improved Rubber Bullet, or IRB. As many as 15 bullets can be propelled from a canister attached to the end of an M-16 or Galil assault rifle. The IRB are reserved for use in the Occupied Territories.

Other projectiles recovered from Gaza during the Intifada have varied somewhat from those described by Hiss. These include a 1.8 cm spherical steel-cored bullet that weighs 16.5 grams, and a 2.0 cm diameter spherical rubber projectile impregnated with metallic dust. This particular slug weighs 18.7 grams. More recently, other variants have been reportedly used by the IDF, including a 1.5 cm plastic-coated steel sphere, and a three part cylindrical rubber bullet capped by metal disks at each end. This bullet, which weighs 50 gm, measures 5.5 cm in length and 1.7 cm in diameter. It breaks apart into 3 separate portions when fired. From its weight, this projectile is also a rubber bullet in name only, and must contain a significant metallic component.

The safe range for firing these rubber bullets was reported by Hiss et al to be beyond 50 meters, apparently representing the distance at which there should be sufficient loss of kinetic energy to prevent penetrating injury or serious non-penetrating injury. The safe distance reported by Hiss is 10 meters greater than that given in a booklet for soldiers serving in the Central Command of the IDF. Directives relating to the use of rubber ammunition (codes RRNM and Roma GG) specify a firing distance of greater than 40 meters. It is clear from these directives that Roma GG ammunition (the tripartite rubber bullet) is for use against an individual, while RRNM is for use against a group of individuals.

The external ballistics of the various forms of these rubber bullets is similar to that of shotgun pellets in that kinetic energy drops off rapidly with increasing distance from the muzzle of the gun, but there is full dissipation of energy in tissues injured at close range.<sup>3</sup> Another inherent feature of rubber bullets is the inability to accurately determine where they will strike, due to the aerodynamic instability imparted by their spherical or cylindrical shape, the mode by which they are fired from a canister, and the probability of ricochet.

## THE PATHOLOGY OF RUBBER BULLET TRAUMA

Forensic pathologists divide wounds into several categories depending on the characteristics of the wound and the nature of the instrument that inflicted it. Blunt trauma wounds are generally non-penetrating injuries, caused by forceful contact with a flat surface, as during a fall, or when struck with an object, such as a stick or club. Projectiles such as stones and bottles are also non-penetrating, and cause blunt trauma. There may be tearing or laceration of the skin and superficial tissues if enough force is involved, but the offending implement is deflected from the surface of the body.

Penetrating wounds are caused by sharp instruments, such as knives, and by projectiles fired from weapons, i.e., gun shot wounds. Thus, the concept of a non-penetrating projectile fired from a weapon, is to some extent, an oxymoron. Be that as it may, given the characteristics of human skin, it is obvious that considerably more

kinetic energy must be released upon impact with the surface of the body for a spherical or cylindrical projectile to penetrate, than for a pointed-nosed projectile to do so. It should also be obvious that the portion of the body which is struck will influence the nature of the wound and the extent of injury. Thus, a non-penetrating impact to the head is likely to transmit much of the impact energy through the skull to the brain, and have more serious consequences than a similar impact to the abdominal region, where there is better ability to absorb the imparted energy, and injury to internal organs is less likely to prove serious or fatal.

Studies early in the century on human cadavers revealed that a lead sphere weighing 8.5 gm and 11.25mm in diameter needed a minimum velocity of 70m/sec to perforate the skin and to enter underlying subcutaneous tissue and muscle. In 1982, American forensic pathologist Vincent DiMaio, in a study using surgically amputated lower limbs, determined that a .38 caliber (9mm) roundnose bullet weighing 7.5 gm required a velocity of only 58m/sec to perforate the skin.<sup>4,5</sup> This is approximately 20% of the usual muzzle velocity of such ammunition. These figures are well within the range of rubber bullet velocities.

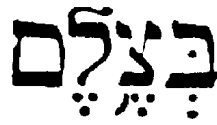
As discussed above, the term “rubber bullet” is a misnomer when applied to the ammunition of which we speak - steel cloaked in a rubber or plastic sheath. The kinetic energy imparted to this ammunition at its muzzle velocity of 100m/sec is clearly sufficient to penetrate skin, muscle and bone at close range. The mass, large diameter (nearly twice that of the largest handgun ammunition), shape and flight characteristics assure that the kinetic energy of these projectiles, when fully transmitted to the body can produce lethal injury or permanent disability. For any given organ or tissue, the severity of internal injury caused by low velocity penetrating wounds will increase as the diameter of the projectile increases, and. Holding other variables equal, increasing weight and velocity will be associated with deeper tissue penetration.

The fallacy of the non-lethality of this ammunition lies in its dependence upon the judgement of a soldier, often under significant stress, to use his weapon appropriately, and upon multiple projectiles dispersed from a rifle canister to strike only the target at which they are aimed. In the case of Roma GG ammunition, that is at the legs of an adult identified as a rioter or stone-thrower; and in the case of RRNM, after certain identification of a group of adult rioters and ascertaining that they are not innocent people. The minimum range for firing either form of ammunition is 40 meters, as mentioned above, but no maximum effective range is given.

While a projectile fired in a vacuum will retain its muzzle velocity until pulled to earth by gravity, air resistance gradually slows the velocity of all fired bullets, and it must certainly slow these large, aerodynamically unstable bullets relatively quickly. Therefore, the numerous serious injuries and deaths associated with rubber bullets is strong evidence that the firing guidelines are frequently violated, with regard to both distance of fire and age and status of victims.

The 10 deaths reported by the Institute of Forensic Medicine during the Intifada represent less than 18% of the 57 recorded by B'Tselem, and there are no accurate statistics on serious injuries. However, a prospective study by Jaouni and O'Shea of Intifada eye injuries, identified 154 injuries caused by rubber or plastic bullets, of which 67 led to enucleation.<sup>6</sup> The orbit of the eye is also the weakest entry point through the skull and into the brain. Although it is predisposed to injury because of its fragile nature, the eye represents such a small percentage of the body surface area, that other facial injuries must have been even more common. It is difficult to reconcile this large number of eye injuries with instructions to aim at the lower extremities.

The tissue damage caused by a rubber-coated steel ball perforating the skin is much greater than that caused by a normal bullet, which pierces the skin more easily because of its more aerodynamic shape and smaller diameter. The wounds are more akin to severe blunt trauma injury, and cylindrical rubber bullets cause even greater damage as they are tumbling when they



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strike the body. There is a greater tearing, or lacerating, effect, often gaping holes, and more internal damage along the path of these projectiles. Although they rarely penetrate deeply as their kinetic energy is dissipated in superficial tissues, only a few cm of penetration is necessary to enter the brain, thoracic and abdominal cavities, liver, gastrointestinal tract, or spinal column. Rubber bullet injuries to the spinal cord, heart, lung have produced paraplegia and quadriplegia. While penetrating injuries, particularly to the head, are more likely to be fatal, 3 of the 10 fatalities reported by Hiss et al in their autopsy series were of blunt trauma injuries to the head or neck with internal injuries caused by transmission of kinetic energy into deeper tissues.

The treatment of non-lethal injuries poses special problems for the surgeon because of the size of the wound tracks, wound contamination, and, in some cases, the weight of the embedded projectile. Rubber bullets within the brain may actually move downward through cerebral tissue due to the force of gravity, creating even greater damage than was initially present. The size and weight of these projectiles poses similar risks of secondary injury in other organs as well, if they are not surgically removed.

Children and the elderly are at greater risk of serious injury or death from rubber bullets because of their more fragile bone structure and smaller muscle mass. Small children, because of their size are more susceptible to being struck in the upper part of the body either directly or by rubber bullets ricocheting off the ground. In the study of eye injury by Jaouni and O'Shea, the average age of victims was 17 years, indicating that a significant percentage were children. In addition to eye injuries, other facial injuries include fractures of the zygoma or maxilla, lower facial and dental trauma. Unfortunately, there are no reliable statistics on the total number of children maimed or killed in these confrontations.

## PLASTIC BULLETS

The plastic bullet is a 5.56 mm projectile that weighs only 0.85 gm. It is, nevertheless, a form of high velocity ammunition. Fired from a standard assault rifle at a muzzle velocity of 1250 m/sec and kinetic energy of 663.7 joules, the potential for such ammunition, composed of an alloy of polyvinyl chloride and metallic fragments, to cause massive tissue injury at close range is similar to that of metallic ammunition. Firing of plastic bullets is supposed to be done within a range of 70-110 meters, and the shooter is required to "aim his weapon carefully and very accurately to hit below the knee only." Hiss et al reported 7 deaths from such injuries, involving the head, back and abdomen.<sup>2</sup> The wounds were characteristic of high velocity ammunition. The average age of the victims was 15 years. Yellin et al of Sheba Medical Center in Tel Hashomer, reported in 1992 on the surgical treatment of 26 thoracic wounds caused by plastic bullets, most of which (21) involved the lung.<sup>7</sup> In contrast to the report of Hiss, they concluded that the wounds they treated had the characteristics of low velocity ammunition, and that the bullets had been fired from a presumed range of 70 m. It is likely that those who were shot in the chest at closer range, suffered more extensive, high velocity injury, and did not live long enough to reach an Israeli hospital.

The pathological characteristics of both the lethal and non-lethal injuries inflicted by plastic bullets are similar to those seen with metallic ammunition. At a range less than 70 m, the bullets behave like high velocity ammunition and cause extensive soft tissue damage due to wound track cavitation, fragmenting fractures of bones not directly struck by the bullets, and organ damage grossly out of proportion to the size of the missile. At a greater range, bullet penetration is associated with trauma more characteristic of low velocity ammunition, producing injury only along the wound track.

## CONCLUSIONS

The use of rubber bullets and plastic bullets by the IDF pose a serious threat of severe injury and death to the civilian Palestinian population. The term "rubber bullet" is a misnomer, and the designation "improved

rubber bullet” can only be viewed as a cynical ploy on the part of the Israeli government, since the only improvement is in its ability to kill and maim.

The IDF is reportedly under orders to fire rubber bullets only from a distance of greater than 40 m, and plastic bullets from a distance greater than 70 m. However, the numerous deaths and injuries resulting during confrontations between the IDF and Palestinians is evidence of one or more of the following - failure to follow distance of fire orders in a stressful situation, the inadequacy of the reported “safe” distances for fire, or a willful decision to inflict extra-judicial punishment. Furthermore, it is obvious that instructions to aim only at the lower extremities, shoot only at rioters or stone-throwers, and do not shoot at women or children, are not adequate to prevent unnecessary injury or death.

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## APPENDIX 3\*

### Pocket Booklet for Soldiers Serving in the Central Command [section dealing with dispersing riots]

#### 10. *Methods for Dispersing Riots*

##### A. The General Principle

The violent riots in Judea and Samaria make it necessary to provide soldiers with various means to enable them to deal with violent riots, even in situations in which an immediate life-threatening danger is not foreseen. Such means will be used in a gradual manner, the goal being to disperse the violent riot without causing the loss of life and severe bodily injury.

##### B. Definition

"Violent riot"

1) A violent gathering of people, accompanied by throwing stones or other cold implements, including erecting barricades and burning tires on traffic routes.

2) Throwing stones or other cold implements, by one or many persons, with the intent of injuring a person, a moving vehicle, or property.

##### C. The Procedure for Dispersing a Riot - the Principle

In dispersing a violent riot, there must first be a call to the rioters to disperse. If the riot does not end within a reasonable period of time, it is permitted to employ means for dispersing demonstrations according to the following stages:

1) Use of means such as tear gas, water jets, blasting cap, stun grenades.

2) Warning shots in the air.

3) Firing rubber ammunition (RRNM and Roma GG).

4) Firing plastic bullets.

Movement from one stage to another will be made only if the previous stage did not cause the violent riot to end. A stage may be skipped if certain means are not at the force's disposal or if they are not applicable in the circumstances of the event.

D. The use of means for dispersing the riot, and the passage from one stage to the next, will be done according to the orders of the commander.

\* Translated by B'Tselem.

##### E. Emphases

1) The means for dispersing the riot may cause bodily injury and in certain circumstances even result in death. Therefore, these means must be used with extreme caution according to all of the conditions and restrictions specified in this section.

2) In every case the commander will thoroughly consider whether it would be proper to employ the means for dispersing demonstrations, taking into account the severity of the violent riot and the circumstances of the event.

F. Use of Tear Gas, Blasting Caps and Stun Grenades - for Dispersing a Riot

1) No use is to be made of these means without preceding them with a call to disperse.

2) These means must not be propelled into closed buildings, hospitals, or schools.

G. Warning Shots in the Air

1) Firing warning shots in the air will be fired by a commander, or on his orders.

2) Warning shots in the air will be fired by "single shots," upwards, after the shooter has made certain that the direction of firing does not endanger persons or property.

H. The Use of Rubber Ammunition (RRNM and Roma GG)

1) General

Before using rubber ammunition, an attempt shall be made to disperse the rioters or stone-throwers, in accordance with the provisions of this section.

2) Who is Permitted to Fire?

a) The firing will be done only by a person who has undergone appropriate training for firing rubber ammunition.

b) The shooting will be done whenever possible by the commander, or on his orders.

3) Minimum Range

The minimum range for firing is 40 meters. It is strictly prohibited to fire rubber ammunition from a distance of less than 40 meters.

4) Emphases

- a. Firing Roma GG is carried out towards a "point target", aimed solely at the legs of a person who has been identified as one of the rioters or stone-throwers.
- b. Roma GG shall not be fired at children.
- c. Rubber RRNM shall not be fired at a group of children.
- d. Rubber RRNM shall not be fired at night unless there are reasonable visibility conditions or lighting that enable:
  - (1) For Roma GG - certain identification of the rioter and his legs.
  - (2) For rubber RRNM - certain identification of the group of rioters and ascertainment that they are not innocent people.
- e. A pack of rubber cylinders shall be fired encased with the original covering intact. The pack shall not be dismantled.
- f. Rubber ammunition shall not be fired while driving, but only from a stationary position.
- g. Rubber ammunition shall be fired by shooting a cartridge from an M-16 assault rifle and a Galil assault rifle. The safety instructions set forth in the military regulations will apply to the care and use of the weapon.
- h. It is permitted to fire rubber ammunition, in accordance with the aforementioned rules, also for dispersing demonstrations that do not fall within the definition of "violent riots," when no other way to disperse them exists.