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

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## **The Killing of Palestinian Children and the Open-Fire Regulations**

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## INTRODUCTION

Since the start of the Intifada 232 Palestinian children age 16 and below have been killed by the Israeli security forces.

Thirty-eight of them were killed in the past six months (Dec. 9, 1992-June 8, 1993). This is more than double the number of children who were killed in the entire previous year, and of a magnitude unprecedented since the Intifada began in December 1987.

Eighteen of the children killed in this half-year period were below the age of 14.

The Rules of Engagement of the Israel Defense Forces (IDF) in the occupied territories as they refer to opening fire at children state:

a. In the section on "Opening Fire as Part of the Procedure for Apprehending a Suspect":

Avoid opening fire on children under 14 years of age.

b. In the section on "Opening Fire in Situations of Mortal Danger":

As far as possible, avoid shooting at children under 14 years of age.

According to the announcements issued by the IDF Spokesperson, **in not one** of the 18 cases were the lives of the security forces in danger.

Overall, 32 children were killed in the past six months in situations in which, according to official statements, soldiers' lives were not endangered,\*<sup>1</sup> i.e., as a result of the execution of orders permitting fire to be opened at Palestinians for reasons other than self-defense, such as the "Procedure for Apprehending a Suspect," "Firing at a Central Instigator," etc.

As a matter of routine, then, execution of these orders leads to the violation of the orders prohibiting shooting at children.

**B'Tselem** has repeatedly warned about the dangerous character of the orders permitting fire for purposes other than self-defense. **B'Tselem** has also called attention to the matter that even the formal rules are not observed scrupulously, that a permissive atmosphere of "a quick trigger-finger" prevails, that shooting incidents are

not investigated exhaustively and that deterrent/educational punishments are not meted out. The result is that unjustified fire and violation of the law receive Legitimation.

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<sup>1</sup> Investigations conducted by **B'Tselem** often reveal a different picture than the one described in IDF announcements. Nevertheless, this report is based solely on the official communiques in order to show the scale of the killing caused by implementation of the Rules of Engagement, even according to the IDF Spokesperson.

Official spokespersons, however, continue to insist that the Rules of Engagement pertaining to non-life-threatening situations are as a rule upheld rigorously.

This report, therefore, surveys, with the use of facts and figures and concrete examples, what is officially described as the faithful implementation of the open-fire orders.

The report cites four representative cases, all from the past six months, in which soldiers or police acted in accordance with the Rules of Engagement, or in accordance with their understanding of those rules, and killed children. In no case were the soldiers in a life-threatening situation, even according to the official spokespersons. The report explains the Rules of Engagement, provides figures on the number of children killed during the purported observance of those rules, and analyzes the policy underlying the communiqués of the IDF Spokesperson.

Finally, detailed recommendations are suggested for a comprehensive revision of the policy on opening fire in the territories which will put a stop, once and for all, to the current permissive policy.

## **"Procedure for Apprehending a Suspect"**

**Name:** 'Ala a-Din Majed Bani 'Odeh

**Age:** 14 (born: October 28, 1978)

**Place of residence:** Tamun village, Jenin District

**Shot to death on:** February 8, 1993

On February 8, 1993 uniformed soldiers and members of undercover units in civilian clothing raided the village of Tamun in the Jenin District. 'Ala a-Din ran from the security forces and was shot in the back.

Following is a testimony taken by Bassem 'Eid of B'Tselem on February 10, 1993, from one of 'Ala's relatives, Muhammad 'Aqqab Mustafa Bani 'Odeh, age 18:

At about noon I was standing at the gate of my uncle's house, which is situated on the west side of the main road in the village. I heard that there were soldiers in the village and I went inside the house. I stood on a can behind the door and watched through the door window. I saw 'Ala a-Din run toward the west from the direction of the main road. From the corner a man appeared who was leaning on the gate of our house and aimed his rifle at 'Ala. He [the man] was about 40 meters from him [from 'Ala] and was wearing jeans, a sweater and a green hat. I heard three or four shots. 'Ala fell on his face instantly. The man who had shot ran over to 'Ala and with his foot turned him over on his back. I saw blood coming out of 'Ala's mouth. The man's pants became soaked in blood.

I got down from the can I was standing on and went out. I got into my car and drove over to where 'Ala was lying in order to take him to the hospital. Three soldiers were standing next to 'Ala, two were in uniform and the third wore civilian clothes. One of the uniformed men pointed his gun at me and ordered me to leave at once. I drove to 'Ala's house and got his mother, his brother and his sister and we returned to the place where 'Ala was lying. I stopped the car at the corner, we got out and started walking toward 'Ala. The soldiers stopped us and said that anyone who moved would die. We continued to stand there and then we saw an army ambulance arrive. The soldiers put 'Ala in the ambulance and the ambulance drove off. More than half an hour went by from the time 'Ala was hit until the arrival of the ambulance.

### **IDF Spokesperson's Announcement, February 8, 1993**

Two Arab residents were killed today at about 12:45 by IDF gunfire in the village of Tamun in the Jenin District. The incident occurred after the force, which was conducting IDF-initiated activity in the village, captured Muhammad Bani 'Odeh, age 27, a resident of the village, who was wanted by the security forces. As the force was leaving the village, it encountered a group of Arab residents who were throwing stones at its members. The soldiers called out to the stone-throwers to stop, and when they did not comply, the soldiers fired at them.

As a result of the fire, two Arab residents were hit and later, after receiving medical treatment, died from their wounds...

The IDF is investigating the circumstances of the incident.

## THE ORDERS

The "Procedure for Apprehending a Suspect," as it is formulated in the IDF's official Rules of Engagement, consists of three stages: calling out a warning in Arabic, firing a warning shot in the air, and shooting to hit the legs. Under this procedure, fire may be directed only at a person who refuses to halt when ordered to do so by soldiers and:

against whom there exists a reasonable suspicion that he has committed, or abetted in the commission, or attempted to commit, or was on his way to commit a serious felony.

To prevent indiscriminate use of this procedure, the following emphasis was added:

Attention! The suspicion must be based on facts, information or reliable data, taking into account the place and the time.

A mere suspicion, a feeling or a hunch are insufficient. [Emphasis in the original.]

Never open fire against a person suspected of committing an "ordinary crime," e.g., refusal to identify himself, theft, smuggling, etc.

Under no circumstances are you to shoot at a person who does not obey a command to stop and flees, unless he is a "suspect" according to the definition in Article 4 above. [Emphasis in the original.]

An additional qualification in the "Procedure for Apprehending a Suspect" stipulates that:

Under all circumstances use of the weapon will be made only in the semi-automatic (single-fire) mode, with the utmost caution, and only toward the legs of the attacker.

It is prohibited to use aimed fire at the upper part of the suspect's body.

## DATA

An examination of IDF Spokesperson announcements shows that during the Intifada at least **141** Palestinians have been shot to death while the security forces were implementing the "Procedure for Apprehending a Suspect" and not in a life-threatening situation. Of these, **52** were children, of whom **18** were below the age of 14.

Nearly all of them were shot in the upper part of the body.

In the last six months **six** children were killed in instances in which, according to the IDF Spokesperson, the "Procedure for Apprehending a Suspect" was implemented. Among them was 'Abd a-Rahman Subhi, 10 years old (no. 24 on the list in the end of the report).

## **CONCLUSION**

The data show that in many cases implementation of the "Procedure for Apprehending a Suspect" in the territories has lethal consequences. The frequent use of this procedure against children testifies to the fact that the broadest interpretation has been placed on the terms "serious felony" and "suspicion based on facts."

Shooting "only toward the legs of the attacker" frequently means deadly fire at the upper part of the body.

## "Opening Fire as Part of the Procedure for Stopping a Suspicious Vehicle"

*Name:* Safa (Huda) Ishaq Siyaj

*Age:* 4 (born: January 16, 1989)

*Place of residence:* Hebron

*Shot and wounded on:* March 13, 1993

*Died of her wounds on:* March 14, 1993

On March 13, 1993 a teenager from the Siyaj family took four of his younger brothers and sisters, including Safa (Huda), for a ride around the neighborhood in the family car. Hebron was under curfew at the time, but in the al-'Eida neighborhood the curfew is not usually strictly imposed.

No one in the family, including the teenager, had ever been on the "wanted" list, but the latter did not have a driver's license. The family told Bassem 'Eid of **B'Tselem** that the boy saw a roadblock and soldiers standing by it, panicked, turned the car around and sped away. The soldiers shot at the car and hit four-year-old Safa. She died of her wounds the following day.

Family members refused to furnish detailed evidence, fearing the teenager would come to harm if his identity became known.

R.'A.J. (**B'Tselem** has the full name), a resident of the neighborhood, gave the following testimony to **B'Tselem**:

On the day of the incident in the afternoon I heard shooting. I went over to the window and I saw a moving car that was honking all the time. The car stopped next to the mosque.

I approached the car and saw a boy of about 16 who was driving. There were five children in the car, I think. One girl was sitting next to the driver and four small children were sitting in the back seat. The driver got out and removed a girl, about four years old, from the back seat. I took the girl from him and took her into the clinic in the mosque, where there was a doctor from the a-Sayyed family.

The doctor undressed the girl and I saw the hole where the bullet had entered from the back, in the spine [a medical certificate in **B'Tselem's** possession confirms this].

The left tire had been hit by a bullet and I changed it.

The following day the little girl died of her wounds in hospital.

Bassem 'Eid, who saw the car after the incident described it:

It was a Renault 9. I saw one bullet that had entered via the tail light and penetrated the trunk and then the back seat. I saw blood stains on the upholstery.

**IDF Spokesperson's Announcement, March 14, 1993:**

A vehicle driven by a resident of Hebron approached the roadblock at the Ha-Uz checkpoint in the city at about 6.00 this evening. When the car was close to the roadblock it turned around and started to speed away.

When the driver did not respond to the soldiers' calls and gestures to stop, they shot at the car but it fled. It was later reported from 'Aliah Hospital in the city that a car had arrived with a girl aged about three who had suffered moderate bullet wounds in the stomach. The driver of the car was arrested and handed over for interrogation.

### **A Previous Case**

On July 24, 1992 the infant Na'im Kemal Na'im Isma'il Abu Amuna (born August 10, 1988) was killed in the Khan Yunis refugee camp under almost identical circumstances. According to testimony taken by **B'Tselem's** Yuval Ginbar and Suha 'Arraf on July 27, 1992, four adults and two children were in the Peugeot 404 of the father, Kemal, on the way to the hospital in Khan Yunis to have one of the children examined. The father gave the following testimony to **B'Tselem**:

I put air in a tire on al-Qassem Street, then I turned right on to 'Abd a-Nasser Street.

After I had driven about three meters on the street I saw troops below at the al-Faruna building. There's always an army lookout on top of that building.

At that moment I was about 30 meters from the soldiers. There must have been about 15 soldiers and two jeeps parked on the side of the road.

When I was about 20 meters from them I saw two soldiers aiming their weapons at me. One of the soldiers signaled me to turn right and I turned into a small street, actually a dirt road.

As soon as I turned the soldiers began shooting. They did not tell me to stop and I believe that they shot straight at us, not in the air, because as soon as they started shooting I heard the glass of the back windshield shatter. There was a tremendous amount of shooting.

I told everyone to lie down. I wanted to stop but the shooting increased so I kept going. I saw in the mirror that soldiers were running after us and shooting. They were maybe 4 meters behind me when they started shooting.

The women screamed. I saw that Na'im was thrown onto his mother and I knew his situation was serious. He was losing a lot of blood and he was unconscious.

I kept going and after a time I didn't see any more soldiers. We transferred Na'im, with my father and my wife, to another car to take him to the hospital. We were afraid that my car would be stopped. I went home.

I am not wanted by the security forces. I work in Israel and I have never been arrested.



Similar testimony was given by the grandfather, Na'im, who sat next to Kemal, and the mother, Ismahan. The **B'Tselem** staff who investigated the incident added:

The car's back windshield is completely shattered. There is a large hole in the trunk (apparently caused by the penetration of more than one bullet). There are three small holes in the back seat on the left side (about 30-40 cm to the side). The blood was cleaned off.

The tires were not hit and there are no signs of shooting toward the lower part of the car.

The press quoted military sources as saying that two officers, the commander of the battalion involved and a company commander, with the ranks of lieutenant-colonel and captain, respectively, were reprimanded for "irregularities that existed in the battalion regarding the Rules of Engagement." (**Ha'aretz**, July 27, 1992)

The lesson from the killing of the infant Na'im Abu Amuna was not learned, namely, that under no circumstances should a vehicle which is not endangering soldiers' lives be fired on.

Instead, the authorities treated the incident, in which a four-year-old child was killed, as an "irregularity." Nine months later another infant of the same age was killed under almost identical circumstances.

## **THE ORDERS**

The orders regarding the conditions under which fire can be opened towards a vehicle that does not stop at a roadblock are headed: "Opening Fire as Part of the Procedure for Stopping a Suspicious Vehicle." A suspicious vehicle is defined as one "which does not obey a command to stop at an IDF or security forces checkpoint," but only "when there is a reasonable suspicion that the reason for breaking through the checkpoint is connected with the perpetration of a dangerous felony." [Emphasis in the original.]

Opening fire is permitted only "as a last resort to apprehend the said vehicle and only after all the other methods have failed," i.e., after the soldiers at the checkpoint have signaled the driver to stop, called out warnings and fired in the air. Even then the commander can decide not to open fire. A further rule states: "Do not open fire if it is evident that there are woman and/or children in the suspicious vehicle." The orders permit firing only at the vehicle's wheels.

## **DATA**

Since the start of the Intifada **eight** Palestinians, including **two** children have been killed at IDF checkpoints, none of whom, according to IDF Spokesperson communiques, endangered soldiers' lives. In addition, on April 3, 1993 an Israeli policeman, Eitan Masika, was killed, and two soldiers traveling with him in his car

were wounded, when Masika failed to stop at an IDF roadblock near Tapuah junction and the soldiers manning the barrier, apparently thinking the driver was a Palestinian, opened fire at the car. Two Israeli civilians were wounded in a similar incident in the village of 'Ein Yabroud on April 26, 1993.

## **CONCLUSION**

The data show that the security forces' implementation of the order for "Opening Fire as Part of the Procedure for Stopping a Suspicious Vehicle" often has lethal consequences.

The makeshift roadblocks set up by soldiers in the territories are not always easily identifiable as such and the soldiers' hand gestures may be understood in more than one way. In other cases Palestinians will prefer, for a variety of reasons, to deliberately evade checkpoints. Even if such evasion is an offense, opening fire at such vehicles is uncalled for.

Shooting "at the wheels" in some cases ends lethally for the passengers of the vehicle, including small children.

## "Firing a Plastic Bullet at a Central Instigator"

*Name:* Fares Muhammad Rasmi al-Kurdi

*Age:* 20 months (born: September 9, 1991)

*Place of residence:* Jabalya refugee camp, Gaza Strip

*Shot to death on:* May 16, 1993

On May 16, 1993 the infant Fares al-Kurdi, with his father, happened to be in the vicinity when a soldier (apparently an officer) fired a plastic bullet at youths who were throwing stones at soldiers in Jabalya refugee camp. A bullet fired from about 30 meters struck and killed Fares.

On May 17, 1993 the father, Muhammad Rasmi Hamdan al-Kurdi, gave the following testimony to **B'Tselem's** Yuval Ginbar:

Yesterday, May 16, 1993, at about 3:30 p.m., we were sitting, myself and Fares, near the intersection of the asphalt road.

I saw soldiers - there were perhaps six - emerge from a side alley, near the barrels and seize a boy of about 15. This was on the street, right across from us. Children came, teenagers, four or five of them, standing in the direction of the street from which I had come, started throwing stones at the soldiers.

I got up, took my son by the hand, went into the adjacent tire-repair shop and stood next to the door; my son was closer to the door than I.

A soldier came. I don't know if he was an officer or what he looked like. He moved a little in our direction, turned around, aimed quickly and fired at my son.

I was standing inside the shop and my son was right by my side.

The bullet entered his chest on the right side. I grabbed him and saw that he was covered with blood.

I took him and ran. I stopped a car and we drove to the [UNRWA] clinic and from there to Shifa [Hospital]. I do not know when he died exactly.

The doctor said he was dead. We took him and buried him.

The military governor summoned me to the Civil Administration [office] and I gave testimony there.

The owner of the tire-repair shop, Muhammad Mussa al-Bar'i, gave the following testimony:

Soldiers came from the alley. The one who shot was an officer - maybe with two stripes. He shot from about 30 meters. He aimed quickly and fired a single shot. Then the soldiers went off toward their camp.

That night at about 11 p.m. soldiers came with the officer who fired and he said: Here is where I killed him.

Ashraf Abu Zu'aitar, who was working on the roof of the building opposite when the incident occurred, testified:

Yesterday at about 3 p.m. I was on the roof of my uncle's building [located on the east side of the intersection], watering down the concrete casting. I saw two groups of soldiers, maybe four in each group. One [group] came from the alley and the second from under the building [its walls were not completed and there were many supporting pillars on the open space of the ground floor].

The soldiers surprised a youth who was standing at the intersection and seized him. His name is 'Ala Abu Qleish and he is 16 or 17. They beat him.

Four or five youths came from the street opposite and threw stones at them from next to a large trash bin. I saw the father and the boy. They noticed the soldiers and went into the tire-repair shop. I saw a tall, blonde officer, wearing glasses. He was standing, turned around, aimed and shot instantly. It was all very fast.

I saw the body of Fares before they buried him. The bullet entered the chest, on the right side, at an angle.

### **Announcement of the IDF Spokesperson (Southern Command), May 17, 1993**

An investigation of the incident in which the boy was killed shows that an IDF force identified a number of stone throwers and a man who was instigating the crowd against the IDF soldiers. The commander of the force kneeled and was about to execute aimed fire of plastic bullets at the instigator's legs. Concurrent with the firing the boy Fares Kurdi suddenly emerged from a shop, with a parked car concealing him from the field of vision of the force commander. The boy was wounded by the bullet and this caused his death. (Quoted in **Hadashot**, May 18, 1993)

The IDF commanders in the region expressed their sorrow to the father over the incident.

We do not claim that Fares was shot deliberately. But lethal "surprises" of this kind are a **direct and unavoidable result** of the use of deadly ammunition for purposes other than self-defense in built-up areas, among a population living in overcrowded conditions, where some 50 percent of the inhabitants are children age 15 and below.

### **THE ORDERS**

Plastic bullets are intended for use in quelling a "violent disturbance" marked by stone throwing and the throwing of "other 'cold' objects" [i.e., not firearms] in "situations in which the force is not in mortal danger."

This ammunition may be used after attempts "to disperse the rioters by other means, such as tear gas and rubber bullets," have proved ineffectual, and after the soldiers have fired shots in the air.

If the rioters have not dispersed, the commander (who has undergone special training) may... take aim and shoot a plastic bullet below the knee of the central instigator or the central rioter who is taking part in the disturbance.

The orders add: "A plastic bullet will be fired only at a range of between 70 and 110 meters."

The orders note that the soldier "will aim his weapon with maximum caution and precision, aiming below the knee only." Where this is impossible, "it is forbidden to open fire." In addition, the orders state: "Avoid aiming at children below the age of 16 and at women." Similarly, the orders stipulate that "opening fire should be avoided to the maximum extent possible when a danger exists that others will be hit."

## **DATA**

**B'Tselem** does not have exact data about the total number of Palestinians, and of children specifically, who have been killed by plastic bullets. That information is available only to those who did the shooting or to pathologists in those cases where an autopsy was performed.

Among those killed in the past six months were two other children who died in incidents in which, according to the IDF Spokesperson, plastic bullets were fired: Shirin 'Odeh, age 11 (no. 7 on the list, shot in the stomach) and Hayel Abu Mukhaimar, age 12 (no. 9 on the list, shot in the forehead).

## **CONCLUSION**

The data show that implementation of the order concerning "Firing a Plastic Bullet at a Central Instigator" often has lethal consequences. In many cases shooting "below the knee" means a deadly shot to the upper part of the body.

## **"During Dispersal of Riots" ["Firing into the Air"]**

The following case belongs to that large group of cases regarding which the official spokespeople not specify the circumstances of the death. It is sometimes said that they are shot "in the course of dispersing riots." In other cases only the fact that the body of a resident (a "local") was brought to the hospital is noted. Announcements formulated in this manner were issued for twenty of the children killed in the past six months.

**Name:** Riyad Khalil 'Abd a-Nabi Muhammad

**Age:** 15 (born August 19, 1977)

**Place of residence:** Shu'afat refugee camp

**Shot to death on:** February 7, 1993

Riyad Khalil 'Abd a-Nabi Muhammad was shot in the back and neck from a jeep of the Border Police after some youths had erected a barrier in the area.

On February 19, 1993 Ibrahim Sami Muhammad 'Ali, the deceased's cousin, gave testimony before **B'Tselem** worker Bassem 'Eid:

On February 7, 1993 at approximately 3:20 p.m., children (age 10 or so) blocked the main street in the Shu'afat camp with stones and iron bars. At that time I was standing with my cousin Riyad at the entrance to the camp, near the road leading to the village of 'Anata.

I saw the children who had blocked the road fleeing and shouting that soldiers from the Border Police had entered the camp. The Border Police jeep arrived and stopped at the entrance to the camp on the road to 'Anata. Three border policemen descended from the jeep. Riyad and I went into the camp. The soldiers threw a gas grenade between the houses, in the direction in which the children had fled. Then, the border policemen returned and got into the jeep. Not a single stone was thrown at them. Riyad and I began advancing toward the place where the jeep had stopped to see if the soldiers had left the village. The driver of the jeep saw us, descended from the jeep, and fired two shots toward us. After the first shot I saw Riyad turn around with his back to the jeep, and then bend over. The second shot hit his back. He started to run into the camp. He ran some 100 meters and fell. I lifted him. A passing vehicle stopped and took him to Maqassed hospital. On the way I saw that Riyad had a hole in

his neck and another hole behind the neck (apparently where the bullet entered and exited). I saw another bleeding hole in Riyad's back. I did not see where that bullet exited. On the way Riyad lost much blood from the nose and the mouth.

In the Maqassed Hospital he was placed in the emergency room. Members of my family and his family arrived. Some twenty minutes later, the doctors came out and told us that he was dead.

### **Police Spokesperson's Announcement (February 7, 1993)**

At the entrance to the Shu'afat refugee camp, locals burned tires, erected a stone barrier, and threw stones at a Border Police unit. Soldiers and border policemen fired rubber bullets and warning bullets in the air. After a short time the body of a youngster who had been shot in the neck was brought to Maqassed hospital.

### **THE ORDERS**

In the event of "riots" in which there is no danger to life, the orders<sup>2</sup> stipulate that the "rioters" must first be called upon to disperse. If they have not dispersed, the forces must "make use of riot dispersal equipment at the unit's disposal, such as tear gas, rubber bullets, and water hoses, without firing in the air." If these measures are not effective, the commander may fire in the air or order one of his men to fire.

A warning shot into the air will be fired with the weapon in the 'semi-automatic' (single-fire) mode after the person firing has verified that the direction of fire does not pose a risk of harming persons or property.

The person firing the weapon will take care that the gunfire not hit any person, building, or object.

Following this, if the "rioters" do not disperse, it is permissible to fire plastic bullets at them, or to act in accordance with the "Procedure for Apprehending a Suspect."

### **DATA**

As noted, due to the lack of clarity in the announcements of the official spokespersons concerning the circumstances of opening fire in the majority of cases, it cannot be known according to which rules those who fired were acting. It is clear, however, that hundreds of Palestinians were killed by security forces who opened fire on demonstrators, and that in a great part of these cases those who opened fire were not in danger, even according to official announcements. Over the past half year, IDF and Police spokespersons announced the death of **10** Palestinians "in the course of dispersing riots" in which the lives of those opening fire were not in danger. Among those killed were **six** children, one of whom was Maher al-Maj'aideh, age seven (no. 20 on the list) and Muhammad Abu Shawish, age 12 (no. 26 on the list).

### **CONCLUSION**

The data prove that permission to use live ammunition in order to disperse demonstrations in situations when there is no danger to life, inevitably results in the killing of demonstrators, including children.

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<sup>2</sup> There is no significant difference in this matter between the Rules of Engagement of the police and those of the IDF, presented here verbatim.

## **Announcements of the IDF Spokesperson**

From the cases and the data we have presented, it emerges clearly that these announcements automatically justify the actions of the soldiers in almost every case, ignoring the need for accuracy.

The announcements frequently make use of expressions in which there is more than a trace of dehumanization toward Palestinian residents.

Thus the Palestinians (the "locals" or "local people" in the language of the announcements) are often described as, for example "masked men," "wanted men" or "instigators," names implying grave guilt even when all proof is lacking.

Family and relatives of killed Palestinians often take the bodies of their dear ones immediately after they have been declared dead in hospital, in order to bring them to burial in the light of day and in public, according to their custom and faith. All this is in order to prevent burial in the framework permitted by the authorities, in the middle of the night, accompanied by soldiers and with the participation of only a few relatives in the funeral. For the most part no more than ten are allowed to participate. **B'Tselem** knows of cases where mothers were prevented from participating in the funerals of their sons. This sort of act by the families is described in the announcements of the IDF spokesperson in the words: "His (or her) body was abducted from the hospital."



## Conclusion

There is no deliberate security force policy to kill children. But with **232** children dead in five and a half years, the absence of deliberate intent does not detract from or mitigate the gravity of the guilt borne by the security forces.

The principal reason for the killing of children in such large numbers is a **deliberate policy of opening fire in situations in which soldiers are not in mortal danger.**

In hundreds of instances security forces had the option of refraining from shooting, at the risk of having suspects (the vast majority demonstrators or stone-throwers) escape, in order to ensure that innocent people would not be hurt. The security forces preferred shooting, at the risk of harming innocent people, in order to ensure that suspects did not escape.

This is a conscious and deliberate choice, enshrined in the Rules of Engagement now in force in the territories. The result of such a choice is often death. Never has the security benefit of this choice been proven. But it has been shown beyond any doubt that the existence of such orders and their manner of implementation have resulted in the death of many hundreds of innocent people, including more than 200 children, some of them mere infants.

The many instances in which Palestinians in the territories have been killed by soldiers who were following orders not intended to kill are not "irregularities." They are unequivocal proof of the danger inherent in these orders and of the need to change them.

There must also be a change in the formulation of IDF Spokesperson announcements, which today are helping legitimize the killing of Palestinians, including children, in the territories.

## RECOMMENDATIONS

We call on the security forces to take the following steps to revise the policy of opening fire in the territories:

### **a. Inculcate the value of human life:**

It is imperative that policy be based on inculcating in the security forces recognition of the value of all human life, particularly the life of children, as the supreme value for soldiers serving in the territories. By means of a comprehensive information campaign, the soldiers will be made to understand that the status of the Palestinians in the territories is that of "protected persons" and that the soldiers' role is essentially no different from that of a police forces in a civilian environment. This policy will be made public and any deviation from it will be denounced by the authorities themselves.

### **b. Revising the Rules of Engagement:**

Opening fire should be permitted only in two situations:

1. A situation of actual and immediate mortal danger which cannot be averted by any other means.
2. At suspects, only when their escape poses actual and imminent life-danger. Shooting in this situation will be executed only after a warning in order to apprehend - not to kill - the person in flight, and only when it has been assured that the shooting will not endanger others.

In any other event, only non-lethal ammunition will be used, such as is used by police all over the world - water jets, tear gas (in an open area), etc.

### **c. Measures to ensure the fulfillment of the orders:**

To ensure that, in contrast to the situation today orders are carried out in letter and in spirit, the authorities must take, in addition, the following measures:

1. Clarification of orders: The Rules of Engagement in the territories must be thoroughly clarified to those serving there, in writing and orally. Oral briefings will explain the written orders but no deviation from them will be permitted.
2. Clarification of responsibility: Every level must be made to understand the full weight of their responsibility to uphold the orders. In addition, the need - and the duty - not to obey flagrantly illegal orders must be explained.
3. Training: Everyone serving in the territories must undergo training in the use of non-lethal means for dispersing riots.

4. Inquiry and enforcement: Every case of a deviation from the orders must be investigated thoroughly and comprehensively. Those suspected of violating the orders will be court-martialled and severely punished if found guilty.

**d. Reliable and fair reporting:**

It is essential that the official spokespersons, and particularly the IDF Spokesperson, ensure that their communiques are solidly grounded, accurate, and formulated in uncluttered, substantive language.

## Appendix –

### List of Palestinian Children Killed by Security Force Gunfire December 9, 1992 - June 8, 1993

1. *Saleh Ambada Hasan Ghazal*, age 16 and eight months, resident of Yamoun, Jenin District. Killed December 9, 1992.
2. *Rana Thawrat Muhammad Abu Tuyur*, age 9 and eleven months, resident of Khan Yunis Refugee Camp, Gaza Strip. Killed December 19, 1992.
3. *Naji Sh'aban Hamadeh a-Najjar*, age 15 and eleven months, resident of the Khan Yunis Refugee Camp, Gaza Strip. Killed December 19, 1992.
4. *Ayman Subhi Mussa 'Amer*, age 13, resident of the Khan Yunis Refugee Camp, Gaza Strip. Killed December 19, 1992.
5. *Muhammad Hussein 'Ali Za'tar*, age 15, resident of the Shati Refugee Camp, Gaza Strip. Killed December 26, 1992.
6. *Muhammad Ahmad Muhammad 'Abdin*, age 15. resident of the Khan Yunis Refugee Camp, Gaza Strip. Killed on January 14, 1993
7. *Shirin Hassan 'Odeh*, age 11, resident of the Jebalya Refugee Camp, Gaza Strip. Killed on January 16, 1993
8. *Mazen Zaki 'Abd a-Rauf Dababesh*, age 14 and three months, resident of the Shati Refugee Camp, Gaza Strip. Killed on January 17, 1993.
9. *Hayel Yusef Muhammad Abu Mekheimer*, age 12 and 10 months, resident of Khan Yunis, Gaza Strip. Killed on February 1, 1993.
10. *Riyad Khalil 'Abd a-Nabi Muhammad 'Ali*, age 15 and five months, resident of the Shu'afat Refugee Camp, East Jerusalem. Killed on February 7, 1993.
11. *'Ala a-Din Majed 'Aref Bani 'Odeh*, age 14 and three months, resident of Tamun, Jenin District. Killed on February 8, 1993.
12. *Basel 'Omar Jadallah al-Hourani*, age 15 and one month, resident of Nusseirat Refugee Camp, Gaza Strip. Killed on February 10, 1993.
13. *'Ahed 'Abdullah Muhammad Diab*, age 15, resident of Nusseirat Refugee Camp, Gaza Strip. Killed on February 10, 1993.
14. *Amjad Mas'ud Mashaqi*, age 16 and eleven months, resident of Yassid, Nablus District. Killed on February 14, 1993.
15. *Ghassan 'Abd al-Hadi Ahmed Abu Khurmah*, age 13 and 3 months, resident of Kufr 'Ein, Ramallah District. Killed on February 17, 1993.

16. ***J'afar Muhammad Salim 'Abd al-Karim 'Asrawi***, age 16 and two months, resident of 'Ilar, Tulkarm District. Killed on February 18, 1993.
17. ***Mahmud 'Abdullah Mahmud Abu Selam Haweeti'***, age 15 and two months, resident of the Tulkarm Refugee Camp. Killed on February 19, 1993.
18. ***Taysir Jum'ah Ahmed Saleh Abu Ghalyun***, age 4 and one month, resident of Nur a-Shams Refugee Camp, Tulkarm District. Killed on March 8, 1993.
19. ***Safa (Huda) Ishaq Saleh Siyaj***, age 4 and one month, resident of Hebron. Killed on March 14, 1993.
20. ***Maher Na'im al-Majaydeh***, age 7, resident of Khan Yunis, Gaza Strip. Killed March 20, 1993.
21. ***Taleb Fares al-Humrani***, age 15 and eleven months, resident of Khan Yunis, Gaza Strip. Killed March 20, 1993.
22. ***Salem Sirhan Tawfiq Shurrab***, age 15, resident of Khan Yunis, Gaza Strip. Killed on March 21, 1993.
23. ***Muhammad Tawfiq 'Abd al-Jarbu'a***, age 13 and one month, resident of Rafah, Gaza Strip. Killed on March 22, 1993.
24. ***'Abd a-Rahman Bassem Subhi a-Salhi*** (known as "Muhammad"), age 10, resident of Nusseirat Refugee Camp, Gaza Strip. Killed on March 22, 1993.
25. ***Raidah 'Omar 'Abd Rabbu al-Qarah***, age 12, resident of Bani Suheila, Gaza Strip. Killed on April 8, 1993.
26. ***Muhammad Mahmud Abu Shawish***, age 12 and nine months, resident of the Nusseirat Refugee Camp, Gaza Strip. Killed on April 21, 1993.
27. ***Wa'el Muhammad Fahed Sa'id***, age 15, resident of Sheikh Radwan Neighborhood, in Gaza. Killed on April 21, 1993.
28. ***Ahmad Nazmi Subh Hamdan***, age 12, resident of the Amal Neighborhood, Khan Yunis, Gaza Strip. Killed on April 26, 1993.
29. ***Rami Abu Nahel***, age 13 and four months, resident of the Shati Refugee Camp. Killed on April 28, 1993.
30. ***Ibrahim Khaled Ibrahim Saber a-Diq***, age 14, resident of the village of Na'ima, Ramallah District. Killed on April 28, 1993.
31. ***Ramzi Dib Mansur***, age 15 and four months, resident of the al-Bureij Refugee Camp, Gaza Strip. Killed on April 29, 1993.

32. **'Ala Saleh Abu Hindi**, age 9 and eleven months, resident of the Shati Refugee Camp, Gaza Strip. Killed on May 6, 1993.
33. **'Nazem 'Abd al-Jawad Salameh**, age 16, resident of Dir Dibuan, Ramallah District. Killed on May 8, 1993.
34. **Muhammad Salem Abu-Tu'eimah**, age 13 and two months, resident of the Shabura Refugee Camp, Gaza Strip. Killed May 12, 1993.
35. **Fares Muhammad Rasmi al-Kurdi**, age one year and eight months, resident of the Jebalya Refugee Camp, Gaza Strip. Killed on May 16, 1993.
36. **Muhammad al-Ghul**, age 13, resident of the Shati Refugee Camp, Gaza Strip. Killed on May 16, 1993.
37. **Ahmad al-Kurdi**, age 10 and four months, resident of the Shati Refugee Camp, Gaza Strip. Killed on May 17, 1993.
38. **Isma'il Hamdan Baraka 'Ubeid**, age 15 and 5 months, resident of the Jebalya Refugee Camp. Killed on May 18, 1993.

## **IDF Spokesperson's Response**

**IDF SPOKESMAN  
Information Branch  
July 5, 1993**

### **The IDF Spokesman's Response to B'Tselem's June 1993 Report about the Killing of Arab Children in the Territories.**

The IDF regards human life as sacred and of the highest importance, and greatly regrets any loss of life, especially that of children. In its own June publication, B'Tselem itself makes the point that the IDF has no deliberate policy of killing children.

IDF personnel who have to deal with riots in which women and children are participating have clear, unequivocal operational restrictions on their activities. They are under orders to act with the greatest care. These instructions are an integral part of the Rule of Engagement (Opening Fire Regulations), which forbid shooting at children.

Despite attempts to avoid as much as possible the injury of children, incidents have occurred in which children have been accidentally killed by the IDF during the period of the Disturbances in the Territories.

In almost all the incidents in which children were accidentally killed, the children involved were either near or among rioters, or near armed terrorists who endangered the lives of IDF soldiers. In other cases where children were killed, the IDF was not aware of their presence. This is what occurred in the regrettable case of Faris el-Kurd, which was described in B'Tselem's report. The child suddenly and accidentally wandered out of a shop during a riot in Jebalya on May 5, 1993. Another unfortunate occurrence was when a suspiciously acting vehicle which avoided a checkpoint was fired upon. The vehicle contained children. The IDF expressed its deepest regret at these two tragic incidents.

We also wish to point out that young people, aged between 15 and 18 often engage in activities that endanger the lives of IDF soldiers (for example, by the dropping of blocks on their heads.) Young people are liable to be injured as a result.

The IDF thoroughly investigated any case in which a death has occurred. If it is found out that this was caused due to deviation from regulations, the soldiers responsible will be tried.

During the period covered by the report (9.12.92-9.6.93) there was a significant increase in the level of violence which IDF soldiers had to deal with. During this period 22 IDF soldiers and Israeli civilians were killed in terrorist

incidents. This is in contrast to the 14 soldiers and civilians who were killed in the previous six month.

The increase of violence is marked by a corresponding increase in the level of danger IDF soldiers have to face. Subsequently the instances in which soldiers have had to open fire in order to protect themselves have also increased. As a result, to our great regret, there are more situations in which children are liable to be killed by accident.

### **IDF Spokesman's Public Announcements**

The IDF Spokesman's policy regarding its public announcements is that every effort is made to give reliable and accurate expression to events in the territories. Announcements are released as quickly as possible in recognition of the demands of media reaction time in the present age. IDF Spokesman public announcements are based on initial de-briefing of events that are carried out by commanders in the field. The basic principle underlying their actions is to adhere to a correct reportage of events.

The IDF attaches supreme importance to human life and respect for the individual. Its statements are framed in strict reference to this principle.

B'Tselem is free to submit concrete examples of text which it feels can express in better manner sensitivity and respect for human life. If such examples should be submitted, the IDF spokesman undertakes to examine them seriously.

### **Information and Instruction**

In principle, B'Tselem's recommendations in this matter are being implemented.

**\*Information** – The IDF's Education Corps is engaged in continuous wide-ranging activities for all soldiers serving or intending to serve in the territories. For example, a unit of reserve officers was set up, whose role it to accompany units on operational duty in the territories. The officers advise commanders regarding contact with local population. The treatment in cases of deviation from regulations is also examined. Officers undergo lessons and soldiers undergo seminars.

**\*Training** – Every officer and soldier in the territories has an updated pocketed guide, which he has to carry. This outlines behavioral instructions, including the Rules of Engagement.

#### **\*Briefings**

A. Senior officers brief the unit commanders in procedures and Regulations **before every operational activity.**

B. Commanders in the field give their soldiers daily briefings.

**\*Investigating the Cases of Death** – every case of death is investigated in two manners:



- A. Senior commanders investigate in order to learn lessons and to reach operational conclusions, which will be applied after the incidents.
- B. IDF Military Police Corps Criminal Investigation Branch Investigation, whose findings are passed on to the Ida's Advocate General's Unit. If deviations from regulations are found, the soldier responsible are placed on trial.