



Mission permanente d'Israël
auprès de l'Office des Nations Unies
et des Organisations Internationales à Genève

משלחת ישראל
ליד משרד האומות המאוחדות
והארגונים הבינלאומיים בג'נבה

Geneva, 12 November 2014

Excellencies,

Following joint communication from special procedures ref: AL ISR 8/2014, which was received on 21 August 2014, please find enclosed information forwarded to us by the relevant authorities in Israel, in connection to the alleged facts and concerns raised by the Special Rapporteurs in their joint communication.

Yours sincerely,

Eviatar Manor
Ambassador
Permanent Representative

To the attention of:

- ✓ Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
- ✓ Mr. Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and of association;
- ✓ Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders;
- ✓ H. E. Dr Makarim Wibisono, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967;
- ✓ Dr. Christof Heyns, Special Rapporteur on extrajudicial, summary or arbitrary executions;

Response to joint communication dated 21 August 2014, regarding the deaths of
**Hashem Khader Abu Maria, Abdelhamid Ahmed Abdelhamid Breighit and
Sultan Yousef Mohamad Al-Shuqdam.**

1. **Abu Maria, Breighit and Al-Shuqdam** were killed during violent clashes between Palestinians and Israeli security forces which took place on 25 July 2014 in the town of Beit Umar, located in the West Bank, in the course of which, Israeli Defense Forces (IDF) soldiers were subject to severe acts of violence, including the throwing of stones, Molotov cocktails, and improvised explosives.
2. Israeli authorities operating in the West Bank have been forced to deal in recent years with many illegal demonstrations and public disorders. These demonstrations are in fact, on the most part, well organized violent demonstrations which frequently evolve to mass public disturbances, causing significant damage to property and even escalate into, the throwing of stones, and Molotov cocktails against soldiers and police officers. These incidents, which occur almost every week in predetermined sites, pose a real risk to those who take part or observe these demonstrations and those policing them.
3. In order to properly ensure public order and safety, a variety of law enforcement measures are employed against those who participate in such demonstrations and those who incite them. The IDF does not use force merely in order to prevent the demonstration. Rather, reasonable force is only applied in order to maintain security and public order, when the demonstrations evolve into public disturbances, especially when the protesters use violent means. It should be stressed that, putting aside extreme cases, only non-lethal force is authorized, and is subjected to strict procedures of use. When the use of force is needed, it is carried out gradually and in a proportionate fashion while adhering with international legal standards. The Military Commander of the area has the capacity to decide whether to employ force, after he has considered prior information, the nature of the demonstration, the actual conduct at the scene and the potential risks to human life and property.
4. The means and degree of force utilized by the security forces are governed by clearly established and defined Rules of Engagement and are subject to rigorous and thorough scrutiny by all levels of military and governmental bodies, including extensive legal review. As part of Israel's commitment to the rule of law and in accordance with the Military Advocate General's investigation policy, the Military Advocate General will order a criminal investigation in any event of a civilian fatality that does not occur in the context of clear combat activity. Thus, a criminal investigation was immediately opened into the incidents referred to in your letter. The investigation is currently under way, and upon completion its results will be submitted to the Military Advocate General who in turn may decide to pursue charges. It should be noted that the Military Advocate General's decisions, as with all other decisions by state authorities, may be challenged before the Attorney General, and may also be subject to judicial scrutiny by the Supreme Court of Israel sitting as the High Court of Justice.

5. In light of the highest concerns given to the integrity of the investigation, and in accordance with the law, the Criminal Investigation Department cannot disclose information regarding ongoing investigations.

It should be stressed that in order to ensure that the highest standards are met, such complex investigations may be prolonged.

6. The State of Israel places no specific restrictions on the right of organizations to engage in activities for the promotion and observance of human rights. For legal purposes, these organizations are indistinguishable from any other organization: to the extent that they are registered as associations, they must comply with applicable law; in every other sense, human rights defenders fully enjoy the freedom to associate and to pursue their various aims.
7. All of Israel's policies and procedures for activity in the West Bank are in accordance with applicable international and Israeli law. The activities of security forces are subject to various avenues of judicial and political review, and complaints may be filed both to the IDF and to the judicial system.