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CROWD CONTROL

Israel's Use of Crowd Control Weapons
in the West Bank

January 2013



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Cover photo A volley of tear gas canister fired from a launcher. Ni'lin, June 2009. Shachaf Polakow/Activestills

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Introduction

Crowd control weapons are supposed to be non-lethal, their purpose being to enable authorities to enforce the law without endangering lives. In fact, however, they are dangerous weapons that can cause death, severe injury and damage to property if used improperly. Since 2005, six Palestinians have been killed in the West Bank by rubber-coated metal bullets, another two when hit by tear-gas canisters fired directly at them, and at least two other Palestinians have been killed with 0.22-caliber bullets, which are used to disperse demonstrations despite official orders to the contrary. In addition, dozens of Palestinians have been seriously injured by use of these weapons. Moreover, since 2005, security forces have killed at least 46 Palestinians in the West Bank by firing live ammunition at stone-throwers.¹

Since its establishment in 1989, B'Tselem has documented, reported and advocated against improper use of crowd control weapons by Israeli security forces, particularly as regards use of rubber-coated metal bullets, which has injured and killed demonstrators, as well as damaged property. When documentation raises the suspicion that crowd control weapons have been used unlawfully, B'Tselem relays the information to the relevant investigative authorities, demanding that an investigation be opened in order to promote individual accountability. In addition, B'Tselem informs senior military officers and the military's judicial system of problematic patterns of conduct and demands systemic changes to security forces' conduct in this area.

There are two main problems with using crowd control weapons in the West Bank. First, the wording of the open-fire and safety regulations is problematic and deficient, making the regulations difficult to follow. Second, the regulations are extensively and systematically violated, and the military does not take the necessary action to end these violations. Senior-ranking officers deny that violations of the open-fire regulations are the norm and classify injury to civilians from crowd control weapons as "exceptions". Furthermore, even in the

¹ All casualty data is updated to 24 January 2013.

rare instances in which investigations into such incidents are conducted, most are closed without the perpetrators or their superiors being held accountable.²

The military orders on the use of crowd control weapons – which apply also to Border Police operating in the West Bank – list the steps available to forces when a commander decides to disperse a “disturbance of the peace”. First, water cannons, tear gas and stun grenades may be used. Next, warning shots can be fired into the air. Finally, and only if the disturbance is violent, the firing of rubber-coated metal bullets is permitted. The regulations state as follows: “The transition from one stage to the next may be undertaken only if the previous means employed to stop the violent rioting did not succeed in doing so, or if it is impractical under the circumstances.”³ The “Police Procedure for Handling Disturbances of the Peace at Demonstrations” delineates the corresponding procedures for the police.⁴ These include the procedure of “Employment of Means for Maintaining Public Order”,⁵ which ranks disturbances of the peace by severity and permits use of crowd control weapons accordingly. At serious disturbances (Level 3), security forces may use batons, mounted police and water cannons; at serious disturbances involving “cold weapons” (Level 4), stun grenades, tear gas and mounted “stun” troops—mounted police storming the demonstration with stun devices and tear-gas—are permitted.

This report details the crowd control weapons used by Israeli security forces in the West Bank (including East Jerusalem), providing information about their manufacturers, method of operation and safety instructions for proper use. The orders regulating use of these weapons by the Israeli military and police are reviewed, insofar as they are known to B’Tselem. The disparity between these orders and their practical implementation is critically discussed, as is the consequent harm to persons and property. On-site observations, including footage of hundreds of demonstrations held in the West Bank in recent years, provide the factual basis for the report.

2 For more information, see B’Tselem, “Accountability for the violation of human rights in the Occupied Territories,” at <http://www.btselem.org/topic/accountability>.

3 Instruction 8, Open Fire Regulations for Soldiers in Judea, Samaria and the Gaza Strip, January 2012, § 7.2.4.1 [Hebrew].

4 Israel Police, Police Procedure for Handling Disturbances of the Peace at Demonstrations, No. 90.221.012 [in Hebrew].

5 Israel Police, Police Procedure for Employment of Means for Maintaining Public Order, No. 30.221.057 [in Hebrew].

Tear Gas

Tear gas is a chemical irritant that severely affects the eyes, the respiratory system and the mucous membranes of the nose and throat.⁶ Inhaling tear gas causes coughing and a sensation of suffocation, which can be so severe that breathing seems impossible. Tears and pain cause the eyes to close involuntarily, leading to disorientation. As most people are unable to tolerate exposure to tear gas, it is an effective means for dispersing crowds and riots. Symptoms of low-grade exposure to tear gas disappear within minutes. However, intense exposure can cause burns and damage to the eyes and the respiratory system, particularly among children, the elderly, and people with respiratory disorders.⁷

In light of these risks, military and police orders restrict the use of tear gas. The orders permit the use of tear gas only for the purpose of dispersing “serious disturbances that endanger public safety,” and prohibit firing tear gas indoors and in densely populated areas.⁸ In densely populated areas, military procedure also prohibits the use of tear-gas launchers that fire salvos of grenades.⁹ Additionally, orders prohibit the firing of aluminum tear-gas canisters directly at demonstrators.

6 The active ingredient is CS (chlorobenzalmalononitrile-2), which is not a gas but a fine powder. A mechanism is needed to convert the powder into aerosol, so it can be sprayed.

7 Worthington & Nee, “CS Exposure—Clinical Effects and Management,” *J Accid Emerg Med*. May 1999, 16(3), pp. 168–170; Blain, Peter G, “Tear Gases and Irritant Incapacitants: 1-Chloroacetophenone, 2-Chlorobenzylidene Malononitrile and Dibenz[B,F]-1,4-Oxazepine”. *Toxicological Reviews*, 2003, Volume 22, Issue 2, pp. 103-110. Since the start of the second intifada in 2000, B’Tselem has documented six cases in which Palestinians died after inhaling large quantities of tear gas. It is difficult to prove that tear gas inhalation was the sole cause of death.

8 Israel Police, Procedure on the Employment of Means for Maintaining Public Order, No. 30.221.057, § 5(a) [in Hebrew].

9 Instruction 8, Open Fire Regulations for Soldiers in Judea, Samaria and the Gaza Strip, January 2012, § 1.3.7 [Hebrew].

Types of Tear-Gas Grenades

Israeli security forces use several types of tear-gas grenades.

The “400” or “Skittering” Tear-Gas Grenade



The “skittering” grenade is a round container made mostly of rubber, with a metal activation mechanism that includes a safety pin and a lever. When the pin is removed, the lever is freed from the body of the grenade, and a spring-action device strikes and activates a 1.5-second delay-fuze. After the delay, the gas-ejection ignition mechanism is activated, and gas flows from the grenade’s six exit holes. The flow of gas causes the grenade to bounce about, or skitter, with the dual purpose of dispersing the tear gas and preventing the grenade from being picked up by demonstrators and thrown back at security forces.¹⁰ Grenades of this type used by Israeli security forces are produced and distributed by Combined Systems, Inc., under



Soldier firing a “400” tear-gas grenade with a launching cup. Ni’lin, Nov. 2012. Photo by Hassan Daboos

¹⁰ For more information on the “skittering” grenade, see, for example: United States Marine Corps Field Manual 3-11/MCRP 3-3.7.2 B2, Appendix B, Riot Control Agent Munitions and Delivery Systems.

the brand name Tear Ball.¹¹ The grenade can be hand-thrown or delivered via a launching cup mounted on the end of a gun-barrel.¹² To this end, the gun is loaded with a magazine of bullet-free cartridges, the grenade is inserted into the launching cup with the lever flanking the body of the grenade, and the safety pin is removed. When the trigger is pulled, the bullet-free cartridge creates a gas thrust that propels the grenade as far as several dozen meters away and the lever is distanced from the body of the grenade, activating the gas dispersal mechanism.

40mm Aluminum Canister (Gas Rocket or Gas Bullet)



This grenade is an aluminum canister that is fired from a grenade launcher. Grenades of this type, which have been used by Israeli security forces for the past decade, are manufactured and distributed by Combined Systems, Inc.¹³

The grenade is composed of a cylindrical, 12.2 cm-long, 40mm-caliber aluminum cartridge. At the base of the cartridge is a cap that, when struck by the firing pin (by pulling the launcher's trigger), ignites a primer that explodes and forcefully ejects the grenade itself – which is a smaller, approximately 7 cm-long, 35mm-caliber aluminum cylinder that weighs 130 grams (including the weight of the irritant). The grenade can reach a maximum distance of approximately 100 meters, depending on the firing angle. The detonation of the primer causes a secondary ignition of a mixture of powdered tear-gas and flammable material. This ignition disperses the tear gas, which begins streaming from a hole at either end of the grenade. The dispersal of gas lasts about 30 seconds, continuing even after the grenade has hit the ground.¹⁴

11 For the product at the manufacturer's website, see: <https://www.combinedsystems.com/products/?cid=118>

12 The product is a multi-use launcher cup manufactured by Israel Military Industries Ltd.

13 For the product at the manufacturer's website, see: <https://www.combinedsystems.com/products/?cid=53>

14 Formerly, Israeli security forces also used a 37mm-caliber aluminum canister that had only one exit hole for gas, and whose front part was cone-shaped. The operating mechanism was similar to the 40mm canister, and its use was discontinued around 2009. It had been manufactured by Federal Laboratories, which merged with Defense Technology.

The Splitting Tear-Gas Grenade (known in Israel as “606 Grenade”)

Manufactured and distributed by Defense Technology under the brand name Triple-Chaser.¹⁵ The grenade is a 16.5-cm long, 69mm-caliber aluminum container, composed of three separate sub-canisters pressed together with separating charges between each. When the safety pin is removed, a fuze is activated, separating the grenade’s sub-canisters which are deployed to distances approximately 7 meters apart. The ignition mechanism in the sub-canisters disperses the powdered tear gas, which flows for approximately 30 seconds from the 4 holes in each sub-canister. The grenade can be hand-thrown or launched from a 37mm-caliber launcher (known as a “Federal”) on which a launching cup of the appropriate caliber is mounted.¹⁶



An Israeli Border Police officer fires tear gas at Palestinian stone-throwers in the East Jerusalem neighbourhood of al-'Essawiyah, March 2010. Photo by Darren Whiteside/Reuters.

15 For the product at the manufacturer’s website, see: <http://www.defense-technology.com/products.aspx?pid=1026>

16 For the product at the manufacturer’s website, see: <http://www.defense-technology.com/products.aspx?pid=1365>

When fired from a grenade launcher, it is inserted into the launching cup while the launcher chamber is loaded with a 37mm launching cartridge.¹⁷ The launching cartridge has an operating mechanism similar to that of the 40mm tear-gas canisters: A cap struck by pulling the launcher's trigger ignites a primer, which supplies flammable material to create the propulsion necessary for launching the grenade at the target. This grenade is used by Israel Police and the Border Police.

Grenade Launchers for Firing 40mm Grenades

Israeli security forces employ three types of 40mm grenade launchers:

- The Colt M203 launcher, mounted on assault rifles. To insert a grenade cartridge into the launcher, a latch that locks the barrel must be opened, the barrel slid forward along the rail, the grenade loaded into the launcher and then the barrel slid back into place. After the grenade is fired and the latch opened, sliding the barrel forward releases the empty cartridge and allows the next cartridge to be loaded.¹⁸ Israeli security forces also use a stand-alone version of this launcher, which is not mounted on a rifle but rather on an independent hand-grip system composed of a butt and sights.
- A 40mm launcher manufactured by Defense Technology, Model no. 1325.¹⁹ The launcher is approximately 71 cm long and weighs just over 3 kilograms.²⁰ It is equipped with an iron sight – a standard firearms sight – which works by aligning the target with two fixed points on the weapon. However, a reflex sight (an optical sight on which the target is marked by a red dot, and which enables greater accuracy) can also be mounted on it. The grenade is inserted into the launcher by opening the launcher's chamber. The empty cartridge is removed from the launcher after firing. This launcher is also used for firing sponge rounds (see pp. 43-46).

17 For the product at the manufacturer's website, see: <http://www.defense-technology.com/products.aspx?pid=1270>

18 For the product at the manufacturer's website, see: <http://www.colt.com/ColtMilitary/Products/ColtM20340mmGrenadeLauncher.aspx>

19 For the product at the manufacturer's website, see: <http://www.defense-technology.com/products.aspx?pid=1325>

20 According to the specifications on the manufacturer's website. According to Israel Police procedure, it is 70 cm long and weighs 2.2 kg.

- A six-grenade launcher, manufactured by Combined Systems, Inc. under the brand name Penn Arms Launcher. The model used by Israeli security forces is L640-1,²¹ and is nicknamed Ringo or *Tupi* (Revolver), because it includes a spring-advance magazine drum with a six-shot capacity, in which six grenade cartridges are loaded before firing. As each grenade is fired, the drum revolves and loads the next grenade into the launcher's chamber in a firing-ready position, enabling the firing of six grenades in quick succession.

All the launchers have the same firing mechanism: Pulling the launcher's trigger strikes a cap that activates both the trajectory mechanism, which launches the grenade at the target, and the gas-dispersal mechanism. All three launchers have a rifled barrel, which provides spin for some types of grenades, thus stabilizing their trajectory.²²



Soldiers firing aluminum tear-gas canisters from a 40mm launcher, a-Nabi Saleh. Photo by Oren Ziv/Activestills

21 For the product at the manufacturer's website, see: https://www.combinedsystems.com/userfiles/pdfs/Penn_Arms_Catalog_2011.pdf, p. 5.

22 "Rifled barrel" – a barrel with spiral grooves along its inner part that cause the projectile to spin on its axis, stabilizing its flight.

The VENOM System for Firing Salvos of Tear-Gas Grenades (Launcher, *Malkosh*)

Manufactured and distributed by Combined Systems, Inc.²³ This system, which is mounted on a jeep, includes three 10-barrel groupings. The system launches salvos of seven small 40mm-caliber aluminum canisters, each approximately 2.5 cm long, to a distance of up to about 100 meters. The system is capable of launching several salvos in succession, creating a thick cloud of gas that lasts from one to several minutes (depending on wind conditions) and covers a wide area. The launcher is operated from within the jeep, through a control panel. The VENOM System was introduced into action just before September 2011. This system replaced a similar system called *Malkosh* [“last rain of the season” in Hebrew]. *Malkosh* was installed on jeep roofs and operated via an electric switch suspended from it, so that a soldier had to be outside the jeep for the system to be activated. The *Malkosh* system could fire a single salvo of 64 plastic tear-gas grenades and was in use from 2008 to 2010.



A salvo of tear-gas canisters launched from a VENOM equipped jeep. Bitunia, March 2013.
Photo by Haim Schwarczenberg

23 For the product at the manufacturer's website, see: <https://www.combinedsystems.com/products/?cid=147>.

Special / Extended-Range Tear-gas Grenade



Tear gas pouring out of an extended-range canister fired during a demonstration in a-Nabi Saleh, Nov. 2010. Photo by Sarit Michaeli.

At the end of 2008, Israel's security forces began using a new type of 40mm-caliber tear-gas grenade, marked with the writing "40mm cartridge, special/extended range". This grenade consists of an approximately 4.5cm-long metal base and a metal body whose front part is coated with sturdy plastic. The grenade weighs 134 grams. This grenade's operating mechanism is different from that of ordinary aluminum canisters because, in addition to the initial thrust – created when the primer at the base of the grenade is detonated, detaching the grenade from its base and propelling it forward – a secondary ignition mechanism is activated in the body of the grenade, creating a jet of air that increases the grenade's trajectory velocity to 122 meters per second. This mechanism launches the grenade up to hundreds of meters away, a range much greater than that of the standard tear-gas grenade. In addition, the grenade-launcher's barrel is rifled, lending it spin that increases its stability and trajectory range. When the grenade hits an object, the force of impact rips a sticker blocking a hole in the front part of the grenade, and tear gas streams out of the hole. This grenade is manufactured and distributed by Combined Systems, Inc. under the brand name Indoor Barricade Penetrator.²⁴

The manufacturer's user instructions explicitly prohibit firing the grenade at people, warning that its impact may cause serious injury and even death.²⁵ According to the description on the manufacturer's website, the grenade is intended for indoor use. It is "designed to penetrate intermediate barriers of moderate density such as windows, interior dry wall and interior doors," serving to disperse tear gas in rooms in which people are barricaded.²⁶ The findings of a joint study by 3D simulation experts and B'Tselem reinforce the conclusion that

24 For the product at the manufacturer's website, see: <https://www.combinedsystems.com/products/?cid=57> . It should be noted that the marking on the grenade used by Israeli ground forces is A.H. (the Hebrew letters "aleph, heh") – a code used by security forces to mark products manufactured by Defense Technology. However, the spokesperson for the Israeli Ministry of Defense, in an official reply to a question posed by journalist Yotam Feldman, confirmed that the grenade is manufactured by Combined Systems. Defense Technology does not manufacture a similar product.

25 See for example: <http://web.archive.org/web/20030626000725/http://www.less-lethal.com/40mmlipo.htm>

26 <https://www.combinedsystems.com/products/?cid=57>

this grenade should not be used outdoors. The findings show that, when fired in the open – at an angle allowed by the open-fire regulations – the grenade reaches a distance of hundreds of meters, far beyond what the manufacturer lists as the effective range for penetrating barriers, which is 46 meters.²⁷

With the advent of the use of this type of grenade, demonstrators began reporting an increased number of serious injuries. The grenade's longer range, higher velocity and greater weight, combined with the unlawful practice of firing directly at people, have led to more severe injuries than those inflicted by other types of grenades. On 13 March 2009, in the village of Ni'lin, US citizen Tristan Anderson was critically wounded when hit in the forehead by this type of grenade. He remains severely brain-damaged. On 17 April 2009, Bassem Abu Rahmeh from the village of Bil'in was killed when hit in the chest by an extended-range tear-gas grenade.²⁸ B'Tselem has alerted Israeli security forces to the dangers attendant to use of this grenade, and has demanded that investigations be conducted into several cases in which demonstrators have been injured by use of this weapon.²⁹

According to press reports, following the death of Abu Rahmeh, the military prohibited the use of extended-range tear-gas canisters.³⁰ Nevertheless, about a year and half later, in December 2010, Israeli security forces resumed use of this grenade in the village of a-Nabi Saleh.³¹ Subsequently, the IDF spokesperson confirmed that, contrary to orders, the prohibited tear-gas grenades had indeed been fired. The spokesperson added that the relevant regulations had been reiterated to the troops. Yet in August 2011 B'Tselem was informed as follows: "There is no absolute IDF ban prohibiting the use of extended-range tear-gas grenades. Nonetheless, expert-based directives do impose certain restrictions

27 "Report: Summary of Findings on the April 17, 2009 Death of Bassem Ibrahim Abu Rahma, Bil'in", Goldsmiths' Center for Research Architecture and Situ Studio, 23 April 2010, http://www.btselem.org/sites/default/files/abu_rahma_report_1_0.pdf

28 "B'Tselem to the Military Advocate General: Instruct Security Forces to Cease Firing Tear-Gas Grenades Directly at People", 22 April 2009, see: http://www.btselem.org/firearms/20090422_firing_tear_gaz_canisters_directly_on_people

29 Letter from B'Tselem to the Military Advocate General, 17 March 2009: http://www.btselem.org/download/20090317_letter_to_jag_concerning_firing_of_tear_gaz_eng.pdf

Letter from B'Tselem to the Military Advocate General, 21 April 2009: http://www.btselem.org/download/20090421_letter_to_jag_concerning_the_shooting_of_bassem_abu_rahmah_english.pdf

30 "IDF Prohibits Use of Extended Range Tear-Gas Canisters," by Anshel Pfeffer, *Haaretz*, 7 June 2010 <http://www.haaretz.co.il/news/politics/1.1205664> [in Hebrew]

31 "IDF Resumes Use of Prohibited Tear-Gas Canisters," by Chaim Levinson, *Haaretz*, 9 December 2010, <http://www.haaretz.com/print-edition/news/idf-resumes-use-of-prohibited-tear-gas-canisters-1.329414>

on the operation of these grenades.³² The only restriction mentioned in the letter is a prohibition against direct firing, which, as discussed above, is a restriction that applies to the use of all types of tear-gas grenades. As far as is known to B'Tselem, these tear-gas grenades have not been used in the West Bank since that time.

To the best of B'Tselem's knowledge, no member of the Israeli security forces has been prosecuted for the lethal firing of extended-range tear-gas grenades or for the decision to introduce the use of a potentially lethal weapon, contrary to its intended use and its manufacturer's instructions. As of December 2012, the investigation by the Military Police Investigations Unit into the killing of Bassem Abu Rahmeh was still awaiting a decision by the Military Advocate General's Corps.



A salvo of tear-gas canisters launched from a VENOM equipped jeep, a-Nabi Saleh. Photo by Oren Ziv/Activestills

32 Letter from Major Eyal Elad, Director of Operations and Human Rights Dept., Office of the Legal Advisor in Judea and Samaria, 9 August 2011.

Injuries Caused by Use of Tear Gas

Injuries resulting from the direct firing of tear-gas canisters

The impact of a 44mm tear gas canister on the body, especially when fired at close range, may cause severe injuries and even death. Therefore, both the manufacturer's instructions and Israeli security forces' open-fire regulations prohibit aiming and firing tear-gas canisters directly at people.

Nevertheless, B'Tselem's documentation of hundreds of demonstrations throughout the West Bank reveals that soldiers and Border Police officers frequently fire tear-gas canisters directly at demonstrators, or fire them carelessly, without ensuring that demonstrators were not in the direct line of fire. Such direct firing, sometimes at very short range, has already resulted in two fatalities and in injuries to many people, some sustaining moderate to serious wounds.³³ By comparison, B'Tselem knows of no severe injuries caused by "400" grenades or by canisters fired from a launcher mounted on a jeep's roof (which cannot be aimed and fired at a specific target).³⁴

For years, B'Tselem has been reporting that security forces fire tear-gas canisters directly during demonstrations and has warned of the danger inherent to this practice. As part of the effort to stop the practice, the organization has sent video footage of several such cases to the Military Advocate General's Corps, OC Central Command and the OC of the Judea and Samaria Division. B'Tselem has demanded – both in meetings with senior military officers and in written appeals – that commanders make it unequivocally clear to ground forces that firing tear-gas directly at persons is unlawful. Accordingly, B'Tselem has demanded that the full extent of the law be brought to bear against soldiers who breach these regulations, and against officers who enable these breaches.³⁵ In response to B'Tselem's appeals, then-Legal Advisor in Judea and Samaria, Col. Sharon Afek, wrote in April 2009 that "direct firing [of tear-gas canisters] at people is prohibited" and that "very shortly, an explicit and comprehensive directive will be issued, prohibiting the firing of tear gas directly at a person."³⁶

33 Figures by the Popular Struggle Coordination Committee (PSCC), provided to B'Tselem by spokesperson Jonathan Pollak.

34 Nonetheless, the use of a launcher, particularly in populated areas, covers a large area with a thick cloud of tear gas and increases the risk of inhaling large quantities of gas.

35 Letter from B'Tselem to Brig. Gen. Avichai Mandelblit, Military Advocate General, 17 March 2009. Letter from B'Tselem to Brig. Gen. Avichai Mandelblit, MAG, 21 April 2009.

36 Letter to B'Tselem from Col. Sharon Afek, Legal Advisor in Judea and Samaria.

In July 2011, in response to appeals by B'Tselem regarding further instances of this kind, Major Uri Sagi of the Legal Advisor in Judea and Samaria's Office wrote, "Please be advised that, pursuant to the contents of your letter, we have once again briefed the troops deployed in Central Command, reiterating the rules on the direct firing of tear-gas grenades, including the prohibition on directly firing tear-gas grenades at people."³⁷ At a meeting with B'Tselem representatives in 2011, Brig. Gen. Nitzan Alon, then OC Judea and Samaria Division and now OC Central Command, stated that it was permissible to fire tear-gas canisters horizontally (as opposed to firing in an arc), as long as they were not aimed at a person.

B'Tselem has documented extensively cases of tear gas fired directly at people, counter to the above-mentioned explicit prohibition in military regulations. However, firing tear-gas grenades horizontally should also be prohibited, even when firing at an open area. First, forces cannot always see the entire area into which they are firing, and so cannot ensure there are no people there. Second, as tear-gas grenades are inaccurate, even firing at an empty area may hit a person standing close by. Third, there is a higher chance of hitting a person when firing such grenades horizontally than when firing them at an angle, and the impact is greater.

On 9 December 2011, in the village of a-Nabi Saleh, a soldier in an armored jeep fired a tear-gas canister directly at Mustafa Tamimi, 28, who was throwing stones at the time. Tamimi was severely wounded, lost consciousness, and died several hours later. The incident was documented in photographs. Yet, even after this incident, the military continues to deny that direct firing occurs, blatantly ignoring this case.³⁸ On 16 February 2012, in response to another inquiry made by B'Tselem, Cpt. Racheli Kahalon, public inquiries officer in the office of OC Central Command, wrote, "There is no gap between the official policy, of which you have been informed several times, that tear-gas is not to be aimed directly at demonstrators, and the conduct of troops in the field. Security forces use tear gas of the type mentioned in your inquiry only for the dispersal of violent rioters, and fire only indirectly." Kahalon added that "Central Command officers constantly reiterate to their troops the regulations for using tear gas, including the prohibition on directly firing tear-gas grenades at people."³⁹

37 Letter to B'Tselem from Major Uri Sagi, Office of the Legal Advisor for Judea and Samaria, July 2011.

38 Letter from B'Tselem to OC Central Command Avi Mizrahi, 26 December 2011.

39 Letter to B'Tselem from Cpt. Racheli Kahalon, Office of OC Central Command, 16 February 2012.

To the best of B'Tselem's knowledge, to date, no member of the security forces has been prosecuted for causing injury by firing a tear-gas grenade directly at a person. An investigation by the Military Police Investigations Unit (MPIU) into the circumstances of the death of Abu Rahmeh in April 2009 was launched only in July 2010, and only after B'Tselem and Adv. Michael Sfar threatened to petition the High Court of Justice in the matter. When Mustafa Tamimi was killed, an MPIU investigation was opened immediately, in accordance with the policy that has been in effect since April 2011. To the best of B'Tselem's knowledge, neither investigation has been completed.⁴⁰ This lenient approach on the part of the military enables direct firing at persons to continue, endangering demonstrators' lives.



Residents putting out fire caused by tear gas canisters, Budrus, May 2013. Photo by Oren Ziv/Activestills

40 Letter from B'Tselem to Military Advocate for Operational Matters Lt. Col. Ronen Hirsch, 5 December 2012. Letter from Adv. Michael Sfar and Emily Schaeffer to the MAG, Maj General Danny Efroni, 19 December 2012.

Fires

In launcher-fired canisters, the powdered tear gas must be ignited in order to be dispersed. This can cause the canister to burst into flames after hitting the ground. In the dry conditions prevailing in the West Bank for much of the year, this sometimes leads to fires, particularly when canisters are fired into areas covered with dry vegetation. Similarly, canisters fired into homes can cause indoor fires. B'Tselem has documented dozens of incidents in which the firing of 40mm tear-gas canisters and the firing of tear-gas canisters from a VENOM launcher resulted in fires, some of which spread, destroying olive trees and crops in villages along the route of the Separation Barrier, and damaging homes.

Rubber-Coated Metal Bullets⁴¹

Rubber-coated metal bullets are a kinetic weapon – a swift projectile that converts its kinetic energy on impact into a painful blow. Israeli security forces have been using these bullets since the late 1980s to disperse demonstrations in the Occupied Territories. B'Tselem has repeatedly cautioned against the misperception of rubber-coated bullets as non-lethal, which persists despite great potential for damage and numerous injuries and fatalities, including many children, caused by this type of ammunition.⁴² Since 2000, at least 18 Palestinians have been killed by rubber-coated metal bullets, including 12 minors.

Israeli security forces currently use two types of rubber-coated metal bullets:⁴³

A trio of rubber cylinders (nicknamed “tampon”):



Three metal-core cylinders coated with 3 mms of rubber. Each cylinder weighs 16 grams and reaches a velocity of 130 meters per second after five meters of flight. The three cylinders are enclosed in plastic wrap and fired from an approximately 20cm-long, 2.5cm-diameter

metal device (in Hebrew, “Romeh”), that is mounted on the flash suppressor at the end of the barrel. The package of cylinders is muzzle-loaded, i.e., placed inside the barrel-mounted launcher through its exit hole, and the weapon is loaded with a magazine of bullet-free cartridges (see p. 34). The gas-thrust

41 For a comprehensive history of rubber-coated bullets and their attendant risks, see “Report of the State-Mandated Panel of Inquiry into the Clashes between Security Forces and Israeli Civilians in October 2000,” (hereafter: “Orr Commission Report”), <http://elyon1.court.gov.il/heb/veadot/or/inside4.htm> [in Hebrew]. The panel was named after Justice Theodore Orr, who headed the commission.

42 For a comprehensive discussion of the use of rubber-coated bullets during and after the first intifada, see http://www.btselem.org/hebrew/sites/default/files2/mvvt_ydv_mrsh.pdf [in Hebrew].

43 In the past, Israeli security forces used 4-canister packages, as well as a 37mm “grenade” to fire rubber pellets, but these were taken out of commission before the second intifada.

created by the bullet-free cartridges forcefully ejects the cylinders from the barrel, the plastic covering disintegrates and the cylinders fly off separately. Both the cylinders and the barrel-mounted launcher are manufactured by Israel Military Industries Ltd.⁴⁴

An anti-demonstrator rifle-launcher [Hebrew acronym RRNM or RRNG]:



A packaging of 15 pellets weighing 16 grams each. The pellets have a 15.75mm steel core and a 2mm coating of polyethylene. The package itself is an approximately 5cm-caliber metal cylinder, 18cm long, in which the pellets are arranged and whose end is sealed with a sheet of foil. The launcher must be mounted on the gun's barrel each time before firing, and then

removed and discarded after firing. This type of launcher is also loaded with a magazine of bullet-free cartridges. The gas-thrust created by the bullet-free cartridges ejects the pellets through the front opening of the cylinder, tearing the foil. The launcher is manufactured by Israel Military Industries Ltd.⁴⁵

Open-Fire Regulations Concerning Rubber-Coated Bullets

Israeli security forces have established rules restricting the use of rubber-coated bullets, with a view to preventing fatalities and serious injuries. The military orders clearly state, "Rubber ammunition is potentially lethal, and using it not in accordance with regulations may result in fatalities or serious injuries."⁴⁶ Open-fire regulations set a minimum firing range of 50 meters for the trio of rubber cylinders and 60 meters for the anti-demonstrator rifle-launcher. Israel Police procedure stipulates a minimum range of 50 meters for firing rubber-coated ammunition, below which there is "a distinct possibility of severe or fatal injuries," and a maximum range of 60 meters, above which

44 Orr Commission Report, § 3.

45 Ibid., § 5.

46 General Staff\ Operations Directorate\ Operations Division, Home Front and Security Section, "Collected Standing Orders," January 2005, Military Procedure [in Hebrew].



Border Police officer firing rubber-coated metal bullets at stone-throwers (unseen). The officer to his left is armed with a weapon equipped with an anti-demonstrator rifle-launcher, Qalandiya, May 2011. Photo by Anne Paq/Activestills

the measure is ineffective.⁴⁷ In other words, police regulations permit firing rubber-coated bullets at people only within a range of 50 to 60 meters. This procedure led the Orr Commission to note that “the narrow margin permitted by this regulation is puzzling”.⁴⁸

Moreover, the regulations state that rubber-coated bullets may be fired only when the shooter is stationary, and only at the legs of people who have been identified as “inciters, key disrupters of order or individuals endangering the well-being of a soldier or another individual.” In addition, the bullets may not be fired at women and children, or in the absence of adequate visibility or lighting.”⁴⁹

47 Police Procedure, § 10.

48 Orr Commission Report, § 59.

49 Police Procedure, § 7. Military Procedure, § 7.3.

Problems Regarding the Regulations

Despite the argument that rubber-coated bullets are designed to injure specific rioters and “key inciters,” both types of bullets described above have features to the contrary. The Orr Commission, which investigated the conduct of the Israeli Police during the events of October 2000, in which police killed 12 Israeli citizens and one Palestinian, determined that the rubber cylinders are an inherently imprecise weapon whose inaccuracy increases in proportion to the range from which it is fired:

The rubber cylinders are fired three at a time. When fired, they scatter in an imprecise and often unpredictable way. Due to aerodynamic instability and the absence of ballistic geometry, they do not hit the target aimed at with any precision [...]. The scattering of the rubber cylinders after firing may mean that aiming at a particular body part might not necessarily prevent hitting another more sensitive and delicate part. Moreover, because of the scattering, a cylinder may hit someone near the targeted person. Therefore, when firing at a crowd, there is a real risk of hitting a person whom there was no intention or justification to target, and whose only offense was proximity to a person at whom there was justification to fire.⁵⁰

Firing rubber pellets from the anti-demonstrator rifle-launcher is not even ostensibly precise. The pellets scatter randomly in the general direction at which the weapon is aimed, and it is impossible to target a particular person within the legal firing range.

Another problem with the open-fire regulations is the difficulty of gauging distance in real time, in field conditions. In the course of the Orr Commission sessions, manufacturers of rubber-coated bullets, and others who testified, confirmed that the minimum safety range for firing is 50 meters, and that shooting at a closer range entails a serious risk of injury.⁵¹

The Orr Commission recommended that rubber cylinders no longer be used as a means for crowd control, but added that they may be used as an interim measure, before the use of live ammunition, in circumstances in which security forces are facing mortal danger.⁵² The Commission noted that law enforcement

50 Orr Commission Report, § 9.

51 Ibid., § 35.

52 Ibid., § 63.

agencies in other countries use means of crowd control that do not involve the scattering and imprecision inherent to the rubber cylinders.⁵³

Following the Commission's recommendations, the Israel Police prohibited use of rubber-coated bullets within Israel, barring exceptional cases for which the Chief Police Commissioner's authorization must be obtained.⁵⁴ No such prohibition was imposed on the operation of Israeli security forces in the West Bank and the Gaza Strip.⁵⁵

Regulations Breached

B'Tselem's examination shows that military and Border Police personnel systematically breach the existing orders and fire rubber-coated bullets even under circumstances prohibited by these orders. B'Tselem has documented incidents in which Israeli security forces fired rubber-coated bullets from a shorter range than that permitted, an action that could prove lethal, because when hit from a short range, the rubber coating tends to split open, and the metal core can penetrate the body. B'Tselem also documented firing at minors, at the upper torso, at passersby or at demonstrators who had not been throwing stones and did not pose a danger to security forces. In some cases, commanders, including high-ranking officers, knew of the unlawful firing and explicitly allowed it.⁵⁶

53 Ibid., § 62.

54 Police Procedure, § 3(d)g.

55 Orr Commission Report, § 57.

56 For more on the subject, see "B'Tselem to Attorney General Mazuz: Stop Reckless Firing of Rubber-Coated Metal Bullets," 1 September 2008, http://www.btselem.org/press_releases/20080901

Stun Grenades

Stun grenades are a diversionary device whose explosion emits a bright light and a thunderous noise. The grenades are designed to cause fear and panic, distracting individuals and allowing security forces to gain control of crowds.⁵⁷ According to Israel Police procedure, “This device should be used for handling disturbances of the peace which endanger the police force and/or public safety and which do not enable direct contact with the demonstrators without injury to police officers. This device is designed to achieve the dispersal of demonstrators and gaining control of them.”⁵⁸ At present, Israeli security forces use stun grenades manufactured by Combined Systems, Inc., under the brand name Mini-Bang.⁵⁹ The Mini-Bang is made of metal and weighs 420 grams. Pulling out the safety pin activates a delay mechanism of approximately 1.5 seconds, followed by an explosion accompanied by a loud noise and a flash of light. The explosion does not fragment the body of the grenade, which remains intact.

When used according to the regulations, stun grenades should not cause bodily harm, nor do they have any side effects. However, under certain circumstances, the noise resulting from the explosion may damage the eardrum; therefore, users are instructed to wear hearing protective equipment.⁶⁰ In addition, the grenades’ explosion mechanism generates an extremely hot flash of fire, and the very impact of a heavy metal object hurled at a person can result in bodily injury. Therefore, police safety instructions stipulate that the grenade must be aimed at a safe distance of 30 meters from the person throwing and 5 meters from the target, and in any case, the grenade must not be thrown into a crowd.⁶¹ Moreover, over the years, Israeli soldiers who have taken part in dispersing demonstrations have informed B’Tselem that they were instructed to roll stun

57 See manufacturer’s product description: https://www.combinedsystems.com/_pdf/SpecSheets/7290M%20Rev%20F%20Mini%20Bang.pdf

58 Police Procedure, § 8(2).

59 For the product at the manufacturer’s website, see: <https://www.combinedsystems.com/products/?cid=92> . This product replaced the orange plastic stun grenade manufactured by Israel Military Industries, Ltd., which was taken out of use circa 2006.

60 See manufacturer’s safety instructions: https://www.combinedsystems.com/_pdf/MSDS/MSDS%207290M%20Rev%20C%20Mini%20Flash-Bang.pdf

61 Police Procedure, § 8(5).

grenades on the ground, not throw them at people. Nevertheless, B'Tselem has documented cases in which soldiers and Border Police threw stun grenades directly at demonstrators or into a crowd, causing injury from the impact of the grenade, burns and scorched clothing.⁶²

The stun grenades' explosion mechanism generates a flash of fire that can set flammable substances alight, such as thorns and dry weeds. B'Tselem has documented instances of fires that were started by exploding stun grenades. That said, stun grenades are less likely to start a fire than 40mm aluminum tear-gas canisters.



Protesters react to a stun grenade, 'Abud, 2005. Photo by Yotam Ronen/Activestills

62 See B'Tselem report, "Show of Force: Israeli Military Conduct in Weekly Demonstrations in a-Nabi Saleh," September 2011, http://www.btselem.org/publications/summaries/201109_show_of_force

Live Ammunition

“Ordinary” Bullets

Live ammunition is the most lethal means used by security forces at West Bank demonstrations. Soldiers operating in the West Bank are usually equipped with one of two kinds of personal weapons: A “Tavor” or one of several models of the M4 assault rifle (“shortened M16”). These rifles fire 5.56mm-caliber bullets.

According to both the open-fire regulations and statements by military officials, use of live ammunition in the course of law enforcement activities (such as the dispersal of demonstrations) in the West Bank is prohibited, with the exception of firing in the air under certain circumstances. The Israeli military’s standing orders explicitly state that live ammunition may not be fired at stone-throwers. A person throwing stones may be detained under standard arrest procedure only if the assailant poses an immediate threat to the physical wellbeing of the soldier or of another person. Only under circumstances of real mortal danger may live ammunition be fired at the body of the assailant, in order to eliminate the danger.⁶³ The 2006 Soldier’s Open-Fire Regulation Card for Judea and Samaria, intended to help memorize the open-fire regulations, states that in case of violent rioting by the Separation Barrier, when there appears to be a real threat of damage to, or breaching of, the barrier, and when less severe methods have proven ineffective, the commander of the force may, as a last resort, authorize the firing of single shots of live ammunition at the legs of those people identified as central agitators.⁶⁴

Even so, security forces sometimes fire live ammunition during demonstrations, particularly at Palestinians who are throwing stones at them. Over the past

63 Instruction 8, Open Fire Regulations for Soldiers in Judea, Samaria and the Gaza Strip, January 2012, § 8 [Hebrew].

64 General Staff \ Operations Directorate, Central Command, “Open- Fire Regulations Card for Judea and Samaria,” July 2006, XII.3.b. The card has different open-fire regulations for demonstrations in which there are Israelis demonstrators, and states that “in case of violent disturbance of the peace **with the participation of Israelis** [emphasis in original], no use shall be made of live ammunition (including firing in the air) or rubber ammunition, for the dispersal of the violent disturbance of the peace, with the exception of a case of real and immediate danger to life” (§ 6). In practice, these directions are apparently not implemented.

seven years, at least 46 Palestinians have been killed when live ammunition was fired at unarmed stone-throwers. B'Tselem has documented incidents in which live ammunition was fired under circumstances that cannot be described as life-threatening to the soldiers.⁶⁵ There have been several instances of soldiers firing live ammunition in the air and at stone-throwers from a topographically inferior position. From information that B'Tselem received from Cpt. Efrat Sokolover of the Advocate for Operational Matters' Office, the Israeli military defines situations in which soldiers are in a topographically inferior position in relation to the stone-throwers as life-threatening, thereby justifying the use of live ammunition.⁶⁶ Nonetheless, B'Tselem has also documented cases in which soldiers fired live ammunition at stone-throwers even when not in a topographically inferior position.

“Two-Two” Bullets (Ruger)⁶⁷

0.22inch-caliber bullets, nicknamed Two-Two, are live ammunition that used to be fired from a Ruger 10/22 Suppressed Sniper Rifle, a sports rifle used by military snipers.⁶⁸ In early 2009, Israeli security forces began firing these bullets from M4 rifles (also known as a “shortened M16”) that were converted for the purpose. Today, the security forces use both kinds of weapons, with the Ruger equipped with an integral suppressor.⁶⁹ These bullets have less force than 5.56mm bullets, but can be lethal and may inflict extremely serious injury.⁷⁰

After the second intifada broke out, new open-fire regulations were established permitting the use of Ruger rifles to disperse demonstrations involving stone-

65 A military officer filmed firing live ammunition at close range at stone-throwers in the village of a-Nabi Saleh on 1 June 2012 was suspended. Military officials were quoted in the press as saying that the officer had been suspended for not having reported the firing incident. See, for example, “Suspended: IDF Officer Filmed Firing at Stone-Throwers”, by Elio Levi and Yoav Zaitun, YNET, 12 June 2012, <http://www.ynet.co.il/articles/0,7340,L4241526,00.html> [in Hebrew].

66 Letter from Cpt. Efrat Sokolover, Advocate for Operational Matters' Office, to B'Tselem, 18 April 2012.

67 The nickname “two-two” derives from the caliber number (0.22). The metric equivalent of the 0.22 inch caliber is 5.58mm. Even after the use of the Ruger rifle was discontinued, the name Ruger remained in common usage in the military to describe the firing of any 0.22 caliber ammunition. At present, Israeli soldiers use both names interchangeably.

68 B'Tselem, “Trigger Happy: Unjustified Gunfire and the IDF's Open-Fire Regulations during the al-Aqsa Intifada”, 2002, p. 17, http://www.btselem.org/publications/summaries/200203_trigger_happy.

69 For the product at the manufacturer's website, see: http://www.ruger1022.com/docs/israeli_sniper.htm

70 The ignition mechanism of 0.22 bullets is called rimfire, because they have no cap and the firing pin striking the rim of the bullet ignites the primer.

throwing. According to Israeli daily *Haaretz*, Central Command stopped using the Ruger rifle several months after the onset of the intifada, once commanding officers realized that many of the Palestinians hit by ammunition fired from this rifle were shot without justification and in non-life-threatening situations.⁷¹ At the end of 2001, about a year after the intifada began, the Jerusalem weekly *Kol Ha'Ir* published an internal document written by the head of the security department in the IDF Operations Directorate, stating that the Ruger cannot be considered a non-lethal weapon and may be used only when circumstances justify use of live ammunition.⁷² However, and despite the proliferation of casualties caused by use of this weapon, Southern Command decided to continue using the Ruger. Only in December 2001 did then Military Advocate General Maj. Gen. Menachem Finkelstein state that the Ruger could not be considered non-lethal and therefore, its use must be restricted. This announcement was made partly in light of the fact that several children had been killed in the Gaza Strip by 0.22 caliber bullets. A military official was quoted in *Haaretz* as saying, "The trouble was that the Ruger became perceived as a means of crowd control, contrary to its original purpose as a weapon par excellence."⁷³

At the end of 2008, the Israeli military resumed use of 0.22 caliber bullets in the dispersal of demonstrations. Since then, at least two Palestinians have been killed by this ammunition: 'Iz a-Din al-Jamal, 14, killed on 13 February 2009 in Hebron, and 'Aqel Srur, 36, killed on 5 June 2009 in the village of Ni'lin. Dozens more have been injured, some seriously.⁷⁴ Since the killing of Srur, the military apparently stopped using these bullets for a time. At present, however, they are being used sporadically in confrontations in the West Bank.

In March 2009, B'Tselem wrote to the Military Advocate General (MAG), reiterating that the use of live ammunition to disperse demonstrations is unlawful and can result in the killing of demonstrators. B'Tselem received a reply only in June 2009, after sending a second letter following the death of 'Aqel Srur. In his reply, Major Yehoshua Gurtler of the MAG Corps stated

71 B'Tselem, "Trigger Happy: Unjustified Gunfire and the IDF's Open-Fire Regulations during the al-Aqsa Intifada", 2002, pp. 17-18, http://www.btselem.org/publications/summaries/200203_trigger_happy.

72 "Unlawful Use of Sniper Rifle to Disperse Demonstrations," *Kol Ha'Ir*, 23 November 2001 [in Hebrew].

73 "Use of Ruger Rifle in Occupied Territories to Be Restricted," *Haaretz*, 27 December 2001.

74 Figures from the Popular Struggle Coordination Committee.

that the regulations relating to this ammunition “are generally equivalent to the open-fire regulations for ‘ordinary’ live ammunition... The IDF does not consider the Ruger rifle to be a means for dispersing demonstrations or disturbances of the peace... It is not a substitute for the use of means for dispersing disturbances of the peace (such as stun grenades, rubber bullets, etc.)”⁷⁵ On 2 July 2009, then MAG Brig. Gen. Avichai Mandelblit wrote to B’Tselem: “The Ruger and similar devices are not defined as means for dispersing demonstrations or disturbances of the peace. The rules governing the use of these means in Judea and Samaria are stringent and equivalent to the open-fire regulations for the use of ‘live’ ammunition. If the media or other organizations have been given misleading information about the definition of the Ruger, it was either in error or a misunderstanding.”⁷⁶ These letters do not reflect reality on the ground. Observations by B’Tselem, as well as IDF Spokesperson press releases about the use of 0.22 caliber bullets, show that Israeli security troops have used these bullets under circumstances that cannot be interpreted as justifying the use of lethal ammunition. They have effectively been used as another means of crowd control.⁷⁷

The disparity between the MAG’s letter and reality on the ground was also made evident in testimony given by Major Igor Musayev, formerly an operations officer in the Benjamin Brigade, at the trial of ‘Abdullah Abu Rahmeh, an organizer of the demonstrations in Bil’in. In the course of the trial, the prosecution submitted a report written by Major Musayev detailing the cost of the demonstrations in Bil’in and Ni’lin in April 2010.⁷⁸ Amongst other costs, the report details the cost of the ammunition fired between August 2008 and December 2009 to disperse the demonstrations in both villages, including the cost of firing 0.22 caliber bullets. In his testimony at court, Musayev referred to the Ruger as a non-lethal weapon. In cross-

75 Letter from Major Yehoshua Gurtler of the MAG Corps to B’Tselem, 15 March 2009, received June 2009.

76 Letter from then-MAG Avichai Mandelblit to B’Tselem, 2 July 2009.

77 For a broader discussion of this topic, see: “B’Tselem to Military: Investigate Firing of 0.22-Caliber Bullets at Stone Throwers” B’Tselem, 23 January 2012, http://www.btselem.org/firearms/20120123_btselem_to_jag_investigate_use_of_022_bullets

78 “Expert opinion on implications from the demonstrations at Ni’lin and Bil’in,” by Major Igor Musayev, operations officer in the Benjamin Regional Brigade, 28 April 2010.

examination, Abu Rahmeh's attorney, Adv. Gaby Lasky, asked Musayev whether he was aware that the "previous MAG ruled that Ruger bullets may not be used for dispersing demonstrations, because they can potentially kill." Musayev replied that he was "not familiar with that directive."⁷⁹



Israeli soldier aims M4 rifle with a telescopic sight converted for firing 0.22inch-caliber bullets at Palestinian stone-throwers (not seen) at Qalandiya Checkpoint. Photo by Tamar Fleishman, Machsom Watch.

⁷⁹ Chaim Levinson, "IDF Disperses Demonstrations with Bullets Prohibited by Military Advocate General," *Haaretz*, 19 September 2010 [in Hebrew].



Sniper armed with a Ruger rifle. Hebron, March 2013. Photo by Oren Ziv/Activestills

Bullet-free cartridge



The operating mechanism of a bullet-free cartridge is designed to create a thrust that enables firing through an apparatus mounted on the rifle's barrel, such as the rifle barrel launcher for firing rubber-coated metal bullets or a launching cup for firing tear-gas grenades.

The front opening of the cartridge, where the bullet would be in live ammunition, is puckered and sealed. When the firing pin strikes the cap and ignites the gunpowder, the released gases force open the cartridge's opening and eject the rubber-coated bullet or grenade.

The Skunk and Water Cannons

The Skunk is a foul-smelling liquid developed for dispersing demonstrations. It was developed by the Israeli company Odortec Ltd.⁸⁰ in conjunction with the Israel Police.⁸¹ According to the online Material Safety Data Sheet (MSDS), the Skunk is composed of water, yeast and sodium bicarbonate (baking soda) and at the pH level of sodium bicarbonate “the yeasts synthesise some amino acids causing heavy odor.”⁸² Demonstrators who have been exposed to the substance report that the strength of the odor varies.

According to Police Chief Superintendent David Ben Haroush, the developer of the Skunk, the substance has been approved for use by the Israeli Ministry of the Environment and the IDF Chief Medical Officer. Ben Haroush says the Skunk is non-toxic and even safe to drink.⁸³ Yet, according to the MSDS, contact with the Skunk can cause pain and redness in the eyes and skin irritation. If ingested, it can cause abdominal pain. The MSDS states that adverse reactions should be treated by washing the affected area with water and getting medical help.⁸⁴

The Skunk was first used in August 2008 in the village of Ni’lin, mere minutes after the demonstration began, when Border Police squirted the liquid at demonstrators from containers carried on their backs. Israeli security forces did not use this method again, probably because the troops cannot be protected from the smell when spraying from up close. Since then, security forces have sprayed the Skunk from truck-mounted water cannons. There are several truck models in use, among them a specially designed armored truck manufactured by Beit Alfa Technological Industries (in Kibbutz Beit Alfa, Israel), and an ordinary

80 <http://www.skunk-skunk.com/121755/About-Us>

81 For the product at the manufacturer’s website, see: <http://www.skunk-skunk.com/121755/The-Product>

82 http://www.skunk-skunk.com/image/users/121755/ftp/my_files/MSDS_Skunk.pdf?id=3225191 (hereafter: “MSDS: Skunk”).

83 Coby Ben-Simhon, “A Spiteful Stink: Ni’lin Demonstrators Must Buy Deodorant,” *Haaretz*, 4 September 2008 <http://www.haaretz.co.il/hasite/spages/1018160.html> [in Hebrew]; BBC interview with Chief Superintendent David Ben Haroush: http://news.bbc.co.uk/2/hi/middle_east/7646894.stm. See also: <http://dover.idf.il/NR/exeres/3591EED5-6664-4849-86BF-5310C60BB4F2.htm> [in Hebrew].

84 MSDS: Skunk, pp. 1-2.

military truck equipped with water containers and a water cannon.⁸⁵ A camera installed on the water cannon is operated by a control panel inside the truck. The cannon's maximum range is 30-40 meters.⁸⁶ Special safety instructions for all types of water-spraying trucks are detailed in Operations Procedure 90.2221.060 which B'Tselem does not have its disposal, but a précis appears in the general police procedure for handling "disturbances of the peace".⁸⁷ The general procedure states that the sprayed water jets are so powerful that they can cause severe physical damage. Therefore, the cannons must be used with care. The procedure also stipulates that operators must ensure that innocent bystanders are not hit.⁸⁸

To the best of B'Tselem's knowledge, exposure to the odor of the Skunk in the quantities ordinarily used at demonstrations poses no health hazards, with the exception of nausea and, in extreme cases, vomiting. That said, a person stained with the substance must shower and launder their clothing, usually repeatedly, in order to get rid of the stench. Many cases have been documented in which security forces sprayed large quantities of the liquid into homes and yards. In such cases, the smell persisted for a long time, and residents were forced to wash off the substance with large quantities of water and cleaning products. B'Tselem has documented at least three instances in which a water cannon caused damage to property, including breaking a window and fluorescent light-bulbs at a gas station.

B'Tselem's observations show that security forces often spray the Skunk at protest marches and demonstrations as a preliminary method of dispersal, even when the demonstrations are quiet and no stones have been thrown. B'Tselem does not know of any cases in which security forces used the Skunk at a demonstration with only Jewish or Israeli participants. Many Palestinian demonstrators have expressed indignation at the humiliation caused by exposure to the Skunk.

The actions of the security forces raise serious suspicions that the Skunk is used as a collective punitive measure against residents of villages where regular weekly demonstrations are held near the village's built-up areas, such as a-Nabi Saleh and Kafr Qadum. This was certainly the case on many occasions documented

85 For the product at the manufacturer's website, see: <http://www.bat.co.il/products1.htm>

86 Orr Commission Report, § 254.

87 Israel Police, Police Procedure for Handling Disturbances of the Peace at Demonstrations, no. 90.222.012 [in Hebrew].

88 Ibid., § 1.5.d.

by B'Tselem at a-Nabi Saleh, in which security forces drove the Skunk truck down the village's main street and sprayed the foul-smelling liquid at homes far removed – sometimes even clear across the village – from the main location of the demonstrations and clashes between the military and Palestinian stone-throwers.

At times, security forces have used the trucks to spray plain water, or water containing a very small amount of the Skunk liquid. At other times, tear gas, dye, or both have been added to the water. In 2006, in the village of Bil'in, the spraying of blue-colored water was documented, and demonstrators reported that contact with the liquid caused a stinging sensation. Spraying water mixed with tear gas requires authorization by a district commander.⁸⁹



Protesters flee the Skunk jet, a-Nabi Saleh. January 2012. Photo by Oren Ziv/Activestills

⁸⁹ Ibid., § 5.1.d.2.

Pepper Spray

Pepper spray is a concentrated extract of capsaicin, the active ingredient in hot peppers, sprayed from an aerosol canister. It is used by law enforcement agencies worldwide to overpower people and animals behaving violently. In many countries, a less concentrated version of pepper spray is available for private purchase as a means of self-defense. The effects of exposure to pepper spray are instantaneous: Sharp pain, a burning sensation in the face and eyes, involuntarily closing of the eyes, temporary blindness, a severe stinging sensation of the skin, and difficulty breathing. The effects last from 15 minutes to an hour, and the pain gradually subsides. Although pepper spray is commonly used worldwide as a non-lethal weapon, there have been rare cases of severe, enduring effects, and it is considered hazardous to people with breathing difficulties, particularly asthma patients.

Pepper spray has been used by the Israel Police since 2007.⁹⁰ In the West Bank, it is used by Border Police and the Police's Special Patrol Unit, in their capacity as riot police. On several occasions, security forces have used pepper spray against Israeli settlers.⁹¹ The Israeli military does not use pepper spray.

Instructions for police using pepper spray are detailed in the "Procedure for Operating Pepper Spray". The procedure notes that the spray used by the police has been approved by the Police Department for the Development of Technological Means and by the Chief Police Medical Officer, after finding that it is not poisonous or flammable and does not cause irreversible damage to the individual sprayed.⁹² The police procedure notes that the spray used by Israel Police is manufactured by Pepper Mate. However, B'Tselem has found that this is actually the trade mark of an aerosol registered to the US-based Professional Security Corporation. The spray used by the police has a 10% concentration of

90 https://forms.police.gov.il/meida_laezrach/pirsomim/Documents/police_2007.pdf [in Hebrew].

91 "Charged: Officer Who Sprayed Gas at Settler," Channel 2 TV News, 6 February 2012.

92 Israel Police, Procedure for Operating Pepper Spray 02.220.200, date effective: October 2007 [in Hebrew].

pepper, whose pungency measures 2 million SHU.⁹³ It is one of the most pungent sprays used by law enforcement agencies throughout the world.⁹⁴

Police procedure imposes strict restrictions on the use of pepper spray:

- Police officers may use the spray only after undergoing a training course concluded by a final licensing exam, and pursuant to an annual refresher course.⁹⁵
- The decision to use the spray should be made only after considering all the circumstances at hand, and then only against people who have allegedly attacked, or are about to attack, a police officer or a civilian, or against a suspect violently resisting arrest or attempting to flee.
- The spray may be used only when there is no other choice under the circumstances, and when physical contact with the suspect is likely to lead to greater damage than use of the spray. The police procedure stresses that **“the spray must not be used against a suspect passively resisting arrest”** (emphasis in the original).⁹⁶
- The spray must not be used against pregnant women, young children and the elderly, nor may it be used in closed places (unless there is a real and imminent danger of a physical attack against a police officer). The spray may be used “only against a solitary individual around whom there are no innocent bystanders who could be hurt.”⁹⁷
- Before using the spray, the police officer must warn the suspect that he is under arrest and that if he does not obey and promptly cease violent conduct, he will be sprayed with pepper spray.⁹⁸

93 For the product at the manufacturer’s website, see: http://www.pepperenforcement.com/law_enforcement.htm . The company currently markets the product under the brand name Personal Safety Corporation Pepper Enforcement.

94 SHU (Scoville Heat Unit) is a measurement unit indicating the concentration of capsaicin, the active ingredient in hot pepper. The pungency levels of pepper sprays in use by law enforcement agencies worldwide range from 0.5 million to 2 million SHUs. However there is one spray that measures as high as 5.3 million SHUs. The percentage of these sprays’ concentration, which indicates the ratio of capsaicin extract to the other ingredients in the aerosol, ranges from 5 to 10 percent.

95 Israel Police, Procedure for Operating Pepper Spray 02.220.200, date effective: October 2007, § 5.a [in Hebrew].

96 Ibid., § 5.b.3.d.

97 Ibid., § 5.

98 Ibid., § 5.c.

- The aerosol is used by pressing the spray button once. Only if a single dose does not stop the violent conduct may the button be pressed again. In addition, the police officer must make sure that he is 1 to 4 meters away from the suspect.⁹⁹
- The regulations state that the use of pepper spray must end as soon as the suspect stops resisting, and that the suspect must be permitted to wash the affected area as soon as possible. Sufficient ventilation must be provided, as well as medical aid, if requested or if signs of distress continue for more than half an hour after exposure. The police officer must report use of the spray when writing up the incident report.¹⁰⁰



Border Police officer pepper-sprays a demonstrator during his arrest, Burin, Feb 2013. Photo by Ryan Rodrick Beiler/Activestills

99 Ibid., § 3.1.b.2. There is an apparent contradiction between this section and § 7.2 (safety instructions) of the procedure, which state that the spray may not be used at a distance of less than a meter and a half.

100 Ibid., § 4.2.

The official police procedure strikes what appears to be an appropriate balance between law enforcement considerations and safety considerations. In practice, however, the procedure is often breached: Security forces frequently use pepper spray in the West Bank in complete contravention of orders.

Observations by B'Tselem, video footage, and testimonies by demonstrators sprayed with pepper spray all confirm that police officers routinely use the spray without advance warning. Often, the spray is directed at people standing in a group or at ranges much shorter than a meter and a half. Most worrying, B'Tselem has ample documentation of Border Police using pepper spray against demonstrators who were not acting violently nor even passively resisting arrest. In many cases, protesters were sprayed while either standing quietly near police officers or arguing with them. These people were not detained and there appeared to have been no intention of detaining them, nor were they warned of the intention to spray them. In addition, police have been documented spraying demonstrators who were passively resisting arrest by, for example, sitting on the ground and linking arms with other demonstrators.

Sponge Rounds



Sponge rounds are a kinetic weapon. The Israel Police started using them after the use of rubber-coated metal bullets within Israel was prohibited, following the Orr Commission recommendations. According to Head of Technology Administration of the Israel Police Brig. Gen. Nir Mariash, sponge rounds are significantly less dangerous than rubber-coated bullets. They are also highly accurate and can neutralize people identified as key agitators in “disturbances of the peace.”¹⁰¹

The Israel Police uses sponge rounds within Israel and in East Jerusalem. They were used for a short period at demonstrations in Bil’in in 2005, but are currently not used in the West Bank, apart from East Jerusalem. As far as is known to B’Tselem, sponge rounds are not used in demonstrations with only Jewish participants.

The sponge rounds used by the Israel Police are manufactured by Defense Technologies under the brand name eXact iMPact.¹⁰² The round is composed of a 3.9cm aluminum base connected to a 40mm-caliber black plastic body that is 6.3cm long and has a blue, 30-gram foam nose. Sponge rounds are fired from 40mm-launchers (for a description, see p. 11). Pulling the trigger ignites the primer at the base of the round, and its explosion propels the round from its metal base out of the launcher and at the target. The launcher’s rifled barrel lends it spin, which increases stability and accuracy. The metal base remains in the launcher’s barrel and is discharged when the barrel is opened for loading the next round. When the round hits a target, the sponge is compressed, reducing impact and damage.

101 Efrat Cohen, “The Newest Gadget” *Israel Defense*, <http://www.israeldefense.co.il/?CategoryID=475&ArticleID=289> [in Hebrew].

102 For the product at the manufacturer’s website, see: <http://www.defense-technology.com/products.aspx?pid=6325>

The use of sponge rounds is regulated in a special Israel Police procedure.¹⁰³ Officers are trained to use them in a course that includes a section on safety and user instructions.¹⁰⁴

The procedure emphasizes that sponge rounds’ “impact on the torso can be dangerous, and therefore it is important to adhere to the rules and regulations.”¹⁰⁵ Accordingly, restrictions and qualifications are imposed on the use of this ammunition. It may only be used for dispersing “rioting accompanied by violence toward police officers or the public, which may cause bodily injuries or property damage (Level D Disturbances of the Peace, in the Police Procedure for Handling Disturbances of the Peace and Demonstrations).”¹⁰⁶ Even then, it may be used only if less harsh means have not succeeded in resolving the danger posed by the rioters, or when the circumstances “prohibit the use of less extreme measures.” The procedure also stipulates that the use of sponge rounds may not exceed the reasonable degree required and must cease as soon as it is no longer necessary. The manufacturer’s website also states that using sponge rounds requires proper training, and that it may cause death, serious injury and property damage.¹⁰⁷

The police procedure stresses the importance of learning how to gauge distances when firing sponge rounds.¹⁰⁸ According to the manufacturer’s directions, the optimal range for firing sponge rounds is 5 to 36 meters, but they may be used at a range of 2 to 50 meters. The manufacturer states that the optimal range offers the energy and accuracy required to hit the large

103 Procedure for Use of 40mm Sponge Rounds in Disturbances of the Peace, Appendix B to Procedure 90.221.057 [in Hebrew].

104 Training Program for 40mm Sponge Rifles, Disturbances of the Peace Program, Appendix A to Procedure 90.221.057 [in Hebrew].

105 Procedure for Use of 40mm Sponge Rounds in Disturbances of the Peace, § 1.d [in Hebrew].

106 Ibid., § 5.

107 For manufacturer’s specifications, see:

http://www.defense-technology.com/pdfs/specs/6325_eXact%20iMpact%20Round%20Rev%201-12.pdf

108 Procedure for Use of 40mm Sponge Rounds in Disturbances of the Peace, § 5.a.5 [in Hebrew].

muscle groups of the buttocks, the thighs, and even the knees of the target. This enables infliction of pain while avoiding serious or life-threatening injuries.¹⁰⁹

In recent years, B'Tselem has documented several instances in East Jerusalem in which police officers have fired sponge rounds unlawfully, in blatant violation of the regulations, resulting in injury to Palestinians. In some of these incidents, the rounds were fired at people who were uninvolved in the clashes, including a woman with her back to the police officer and a man standing outside his shop, documenting the activity of Border Police in the street. In addition, police have been documented firing sponge rounds at children and at people arguing with officers, as well as firing at torsos and faces from an extremely short range, resulting in the loss of an eye in at least one case.



Police officers equipped with launchers armed with sponge rounds, East Jerusalem, May 2012. Photo by Activestills

109 Manufacturer's specifications, see footnote 99 above.

Nonetheless, when sponge rounds are used in accordance with safety instructions, they are less dangerous than rubber-coated bullets. First, the structure of the sponge round means that when it hits a human body, especially at close range, it is less harmful than a rubber-coated bullet fired from a similar range. Moreover, the higher accuracy of sponge rounds enables targeting less sensitive body parts, unlike both types of rubber-coated metal bullets.



Police officers during confrontations with stone throwers (not seen). The officer in the back is holding a 40mm Defense Technology Launcher for firing sponge rounds. The officer in the front is equipped with a compressed air FN Herstal launcher for firing paintballs (see p. 47). Qalandiya, March 2012. Photo by Rafi Michaeli

Weapons in Limited Use

Security forces possess several means of crowd control that are much less frequently used in Palestinian demonstrations in the West Bank, or are used only in the East Jerusalem area that has been annexed to Israel.

The “Scream”

The Scream is a long-range acoustic device: A loudspeaker generating extremely loud sound waves that can be aimed in a particular direction. Persons standing close to the loudspeaker with unprotected ears suffer pain and discomfort and naturally move away. The military first used this means at demonstrations held in the village of Bil'in in 2005. The IDF spokesperson announced at the time that, “The Scream operates on a sound frequency that leads to lesser harm to the disturbers of the peace, as well as being more effective at dispersing them.”¹¹⁰ In September 2011, Israeli security forces again used this measure, but gradually reduced its use. B'Tselem does not have at its disposal the user and safety instructions for the Scream. However, in response to a query by Israeli NGO Physicians for Human Rights, the IDF spokesperson stated that using it according to instructions is not supposed to cause effects harsher than discomfort or irritation.¹¹¹ The military did not provide specific information about the type of device, the volume generated, or safety instructions.

Paintballs

Paintballs are colored pellets that can be filled with various substances such as irritants or paint.¹¹² They are made of polystyrene and Bismuth metal, the

110 <http://net.nana10.co.il/Article/?ArticleID=188441&sid=127> [in Hebrew] .

111 Letter from IDF Spokesperson of 22 April 2012, on Physicians for Human Rights' website: <http://www.phr.org.il/uploaded/%D7%AA%D7%A9%D7%95%D7%91%D7%A%20%D7%93%D7%95%D7%91%D7%A8%20%D7%A6%D7%94%D7%9C%20%D7%94%D7%A6%D7%A2%D7%A7%D7%94%20-%20%D7%9E%D7%AA%D7%95%D7%A7%D7%9F.pdf> [in Hebrew] .

112 For an expanded discussion, see “They Fire Blue Sponges and Red Marbles Too,” by David Ratner, *Haaretz*, 9 August 2005: <http://www.haaretz.co.il/misc/1.1034207> [in Hebrew] .

latter disintegrating upon impact. Each pellet has an 18mm caliber and weighs 8.5 grams. They are fired using compressed air from an FN-303 launcher manufactured by FN Herstal.¹¹³ Impact causes shock and pain, neutralizing the target. The manufacturer's website stresses that improper use may cause injury or death, and that paintballs must not be aimed at the head or the face. The Israel Police use paintballs in East Jerusalem. In one case, at least, paintballs were fired at Israeli settlers during demolition of a structure in an unauthorized settlement outpost.¹¹⁴

Taser Guns

The Taser looks like a handgun and fires two dart-shaped electrodes to a distance of up to 8 meters. Upon impact, the darts deliver electric pulses that cause neuro-muscular incapacitation, i.e., temporary paralysis. When used at point-blank range, the Taser acts as a stun gun, which causes pain but does not incapacitate. The model used by the Israel Police is the Advanced Taser M-26.¹¹⁵ Taser products are distributed in Israel by Contact International (Kalia) Ltd. Upon request by the Movement for Freedom of Information, an Israeli NGO, the police released a censored copy of its procedure for Taser use.¹¹⁶ According to the procedure, police officers may use the Taser for self-defense and for exercising their legal authority. For example, they may use it when a person resists arrest, or in order to restrain a detainee.¹¹⁷ The police officer must warn the suspect before using the device.¹¹⁸ The procedure states that use of the weapon must cease as soon as there is no longer justification or need for it.¹¹⁹

113 For the product at the manufacturer's website, see: http://www.fnherstal.com/index.php?id=368&backPID=255&productID=90&pid_product=254&pidList=255&categorySelector=3&detail=&cHash=27ecec5828

114 "Right-Wing Demonstrators Blocked Begin Blvd., Jerusalem, to Protest Evacuation of Gil'ad Farm", by Nir Hasson and Chaim Levinson, *Haaretz*, 28 February 2011 <http://www.haaretz.co.il/news/politics/1.1164431> [in Hebrew].

115 For the product at the manufacturer's website, see: <http://www.taser.com/products/self-defense-products/taser-m26c>

116 Israel Police, Patrol Department, Operational Procedure for Using Electric Control Device, Taser M-26, Pilot Program, 02.220.21, date effective: October, 2008, available on the website of the Movement for Freedom of Information: <http://www.meida.org.il/wp-content/uploads/2010/03/Tasers2.pdf> [in Hebrew].

117 *Ibid.*, § 5.

118 *Ibid.*, § 8.

119 *Ibid.*, § 6.c.

Conclusion

In responding to demonstrations and “disturbances of the peace” in the West Bank, the Israeli security forces employ various crowd control weapons that are supposed to be non-lethal, if used properly. In practice, members of the security forces make almost routine use of these weapons in unlawful, dangerous ways, and the relevant Israeli authorities do too little to prevent the recurrence of this conduct. Senior officers on the ground back up their troops in such incidents, and law enforcement authorities refrain from promoting accountability in cases where orders were allegedly breached.

The unlawful use of crowd control weapons is accompanied by other actions by the Israeli authorities in their effort to quell Palestinian demonstrations against Israeli occupation of the West Bank, limiting Palestinians’ freedom of speech and freedom of protest. As part of these efforts, security forces have arrested and prosecuted many organizers of demonstrations. At times, they have dispersed demonstrations using force, even when demonstrators were not throwing stones, and have also deported foreign nationals participating in demonstrations. Areas in the West Bank where demonstrations are held every Friday are declared closed military zones for the time scheduled for demonstration. Furthermore, specific orders designating closed military zones help prevent Israeli activists from taking part in the demonstrations, and render them eligible for arrest and prosecution.

The legality of demonstrations in the West Bank is regulated by Order No. 101, issued by the Israeli military in 1967, entitled “Order Regarding Prohibition of Incitement and Hostile Propaganda Actions”. The order greatly restricts Palestinians’ right to organize or participate in demonstrations. Issued some two months after Israel occupied the West Bank, the order assumes that Palestinian residents are not entitled to freedom of protest or freedom of expression. Even non-violent resistance and civil protest through peaceful assembly are forbidden. The order requires that prior approval by the military be obtained for almost every expression of political opinion, and imposes ambiguous yet sweeping restrictions on the content that may be expressed at gatherings or in writing. It sets a disproportionate standard for licensing assemblies, to the extent that even a gathering of ten people is forbidden without receiving prior

military approval. This applies to private as well as public gatherings. Order No. 101 is anachronistic, both in the forms of punishment it prescribes and in its disregard of present-day court rulings, especially the ruling by Israel's High Court of Justice concerning the right of protest.¹²⁰

Members of the security forces who are faced with stone throwers, sometimes in large-scale events, have the authority to use the various weapons detailed in this report. However, the authorities must ensure that the troops on the ground obey the open-fire regulations and use crowd control weapons within the parameters that keep them non-lethal. It follows that every soldier, officer, or police officer violating these rules must be prosecuted. In addition, B'Tselem demands that Israeli security forces:

- prohibit use of live ammunition, including 0.22inch-caliber bullets, for crowd control, except in instances of mortal danger;
- restrict use of rubber-coated metal bullets to instances of mortal danger, as a preliminary measure before firing live ammunition;
- completely prohibit the firing of 40mm tear-gas canisters either directly at individuals or horizontally, in a way that could cause injury.

120 B'Tselem, "The Right to Demonstrate in the Occupied Territories," Position Paper, July 2010, http://www.btselem.org/sites/default/files2/publication/20100715_right_to_demonstrate_eng.pdf

IDF Response



To

Ms. Sarit Michaeli

B'Tselem Spokesperson

Subject: Response to Claims

General Response:

1. When dealing with illegal and violent disruptions of the public order, the IDF exerts tremendous effort in trying to minimize harm done to rock hurlers, rioters or other disruptors of public order and safety. The IDF makes it its mission to end all incidents and disruptions without causing any casualties in the process. Current policy establishes that IDF soldiers must demonstrate restraint while also ensuring that riots and events like these are contained and prevented from escalating. This is frequently accomplished by IDF commanders and soldiers who, by taking great risks upon themselves, utilize appropriate, measured, and legal means and equipment to restore public order. The IDF decides which method or means of crowd dispersal to use in any given situation by taking into account the threat level they encounter. As such, the IDF places great emphasis on making sure senior commanders are present during these events. Additionally, operational forces deployed in Judea and Samaria undergo mental and operational preparations ahead of their deployment.
2. The majority of incidents or disturbances in the region actually display the IDF Forces' steadfastness in adhering to official policy for when to use live fire. The incidents which B'tselem selectively points out do not accurately portray how the IDF routinely responds to these types of situations. The events which B'tselem mentioned have already been investigated by the IDF and, when deemed appropriate, a military criminal investigation was opened. Consequently, it should be clear that the IDF's usage of various means and methods of crowd dispersal is intended solely to protect the stability and security of the region and for the defense of the state of Israel.

3. The rules and procedures for when to engage with live fire are clearly worded and also encompass the wide array of possible security situations IDF soldiers may find themselves in. These rules clearly establish for soldiers how to respond to life threatening situations as well as riots and other disruptions of public order. Additionally, the instructions regarding proper usage of crowd dispersal equipment are also clearly worded, organized and detailed. As updated instructions are passed from the headquarter-level to the field, they are adapted for the soldiers in the field, and "responses to specific situations" are included so as to ensure that the soldiers understand what is permitted with regards to the use of force and the use of the riot control measures.
4. It is important to note that the emphasis that the IDF places on the proper procedure for live-fire and proper usage of crowd dispersal equipment significantly reduces the potential for casualties. The IDF emphatically denies the claim that IDF soldiers racially discriminate when engaging in crowd dispersion in Judea and Samaria or in any other location. The decision regarding which specific crowd dispersal equipment to use is based purely on security and operational considerations, not on economic or any other type of consideration.
5. In order to deal with violent and illegal riots or other disruptions of public order, the IDF utilizes a selection of different equipment to disperse crowds as well as prevent casualties of any kind. The IDF invests a great deal in order to acquire as well as develop effective crowd dispersal equipment that will not harm the rioters; a good example being "Ha'Boesh" or the "skunk" canister. These measures are taken in order to avoid having to employ alternative measures.
6. By having to draw from incidents which occurred over three years ago or more, the report, ironically, highlights the success of the IDF's policy of emphasizing and enforcing strict rules of engagement when dealing with riot control. Furthermore, the report relies on weak evidence, drawing on cases which are either no longer relevant or cases which are still currently under criminal investigation by the IDF. For instance: the data and information used in the section of the report dealing with rubber bullet usage actually come from a B'tselem letter sent over four years ago. Further, the apparent IDF document referred to as "Instruction 8, Rules of Engagement for Soldiers in Judea, Samaria and the Gaza Strip, January 2012" [Hebrew] on which the organization bases some of its claims is not known to the IDF at all.
7. It is important to note that B'tselem relies on information regarding official IDF riot control procedures and proper usage of crowd dispersal mechanisms only through secondary sources such as the manufacturers' instruction manual for the crowd dispersal equipment used, IDF documents which have to come into B'tselem's possession over the past few years, instructions

issued separately by Israeli police, interviews with commanders, and media reports. These secondary sources are used because the IDF does not publicize its riot control procedures due to the procedures' level of classification.

8. As a result of B'tselem's reliance on secondary sources, the authors of the report frequently include inaccuracies and conjectures. The authors' lack of clarity regarding the issue ultimately led to the portrayal of only a partial picture in their report.
9. In addition, the report is replete with irresponsible conclusions drawn from instances still under investigation, while ignoring the fact that many of their claims regarding specific incidents were closed without the need for any criminal investigation, while others which were opened for investigation were subsequently closed due to failure to find evidence indicating criminal action on behalf of IDF forces, or the refusal of the complainants to cooperate with the investigation (including refusals to provide testimony to investigating authorities).

In response to the report's specific claims:

10. The conclusions of the report rest on faulty factual and normative foundations. This is especially true regarding the main conclusion of the report- that the IDF's official Rules of Engagement and safety procedures are not clearly formulated and that ultimately prevents their proper implementation. Considering that B'tselem does not actually have in its possession a copy of those official rules and procedures, this conclusion is baseless.
11. All IDF soldiers who use crowd dispersal equipment undergo extensive training and preparation aimed at ensuring that they have mastered all the relevant official instructions and procedures.
12. We emphasize the fact that allegations of a violation of the Rules of Engagement are examined thoroughly by the IDF Military Advocate General's Corps.. Criminal military investigations are opened if it is deemed necessary, in accordance with the IDF Military Advocate General's Corps investigation policy.¹
13. The IDF utilizes an array of less lethal weapons with the aim of not only reducing injury to surrounding people but also with the aim of reducing injury to the rioters themselves. All crowd dispersal equipments used by the IDF has been approved for usage by senior military commanders, as well as by the IDF Medical Corps and the IDF International Law Department. For example,

¹ This policy has been approved by Israel's Supreme Court sitting as the High Court of Justice. See HCJ 9594/03 B'tselem et al v. The Military Advocate General, 2011 (3) 3136.

we note that the "sponge" bullets used by Israeli Police have not yet been examined by the IDF in accordance with this procedure. Further, we emphasize that only operational considerations come into play when deciding which means of crowd dispersal to use, and no weight is given to economic considerations. The IDF is constantly incorporating new crowd dispersal equipment into its arsenal in order to properly meet its operational needs.

14. As for the "Skunk" system, we note that it is classified as a riot dispersal means which sprays a strong smelling substance, and is intended for use by security forces in violent riots. The system is effective in dispersing riots while avoiding bodily harm to rioters. The system has been approved for use by the requisite authorities, who deemed the means safe for use and not life threatening.
15. In the chapter on tear gas the writers of the report state that military policy bans the use of gas launchers in a densely populated area. This statement is based on an apparent document titled "Instruction 8, Rules of Engagement for Soldiers in Judea, Samaria and the Gaza Strip, January 2012" [Hebrew]. As previously stated, the IDF is not aware of this document at all.
16. In regards to longer-range gas grenades, we have already responded to a previous request from "B'Tselem", which dealt with the this means. In this response, we explained that the IDF has no comprehensive restriction on the use of this means; however, the professional instructions for use provide a number of restrictions. For example, it is prohibited to directly aim the grenade at persons (see the letter provided by the Head, Operations and Human Rights, from the Office of the Legal Adviser to Judea and Samaria, 724681 293/00 from 9.8.11). This letter or its contents are not mentioned at all in the current report.
17. Similar to its claim regarding the direct aiming of grenades, the report's recommendation that "indirect aiming of grenades in open areas should be prohibited" is completely without professional basis or explanation.
18. As for the use of rubber bullets, as mentioned above, the writers of the report based its claim on an apparent IDF document which is unknown to the IDF.
19. Importantly, a detailed response was provided to the organization due to a number of requests to the legal office regarding the use of rubber bullets in previous years (the first of which was on 31.8.08). The response was provided by the Deputy Legal Adviser to the Government on 29.2.12, in cooperation

with the IDF Military Advocate General's Corps. In this response, it was stated that the IDF has included restrictions on the use of this means in the Rules of Engagement, with the intention to decrease unnecessary harm. Under these orders it was determined that the use of rubber bullets is allowed only under certain circumstances, after determining a safety range for fire and under additional restrictions. It was also stated that the Rules of Engagement aim to balance between avoiding unnecessary harm to civilians (and thus avoiding the need for more dangerous means), and providing soldiers with tools that allow them to contend with the operational challenges that they face, while protecting the soldiers' lives from the same threats.

20. Rules of Engagement allow the use of live fire in order to negate an actual and immediate threat to life, as the last option in the procedures for stopping a suspect, as well as in certain circumstances to contend with the threat to life posed during violent riots. As mentioned, detailed information regarding the rules of engagement cannot be provided due to their security classification. However, the citations in the report of the Rules of Engagement do not entirely reflect the reality, and thus the conclusion that IDF forces do not act according to the rules of engagement lacks any basis.
21. In addition, even if a representative of the Office for Operational Affairs from the IDF Military Advocate General's Corps had in fact confirmed that rock hurling at soldiers located in a topographically disadvantageous position justifies the use of live fire, that does not necessarily rule out the possibility that even when not located in such a position, the use of live fire may still be necessary to negate an actual and immediate life threatening situation.
22. As for complaints regarding Maj. Moyseiv, it has been made clear to "B'Tselem" more than once in the past that the use of the Ruger 22-caliber rifle or a different weapon with a similar caliber (0.22) does not qualify as a "means of riot dispersal" but rather as a lethal weapon, and its use is only allowed in circumstances in which the rules of engagement allow live fire. One cannot infer from Major Moyseiv's words, which are relied on extensively throughout the report, that the IDF Military Advocate General's Corps instructions are not adhered to in the field by IDF soldiers. In fact, the opposite is true. After Major Moyseiv made these statements, the IDF Commander of the Judea and Samaria Division specially appointed an Investigatory Officer with the rank of Colonel to examine the incident. It was subsequently decided to take disciplinary measures against the Major, who no longer serves in the IDF. A separate examination conducted has concluded that among the higher levels of command in the IDF as well as among the

commanders in the field, there is a high level of awareness of the restrictions on the use of 0.22 inch weapons.

23. As for specific cases mentioned in the report:

a. Harm caused to rioters by gas grenades:

- i. The incident regarding Tristan Andrews (13.03.09) - the matter is under the purview of the State Attorney, as the Border Police was involved in the incident (and not the IDF). According to our knowledge, a petition has been filed in the High Court of Justice regarding the closing of the investigation by the State Attorney.
- ii. The incident regarding Bassam Abu-Rahma (17.04.09) - the incident occurred during a joint incident between the IDF and the Border Police. An initial investigation of the operation found no involvement of the forces in criminal actions. In April of 2009 a joint investigation with Palestinians, the IDF Medical Corps and the Israeli Civil Administration was initiated. The investigation determined that the gas grenade shot out of the grenade launcher hit a stiff object and ricocheted in the direction of Abu-Rahma. Immediately following the incident, the use of the grenade launcher was stopped until the conclusion of the investigation, after which restrictions on the use of the launcher were provided to all forces. On the basis of an expert's opinion presented by the organization of "Yesh Din" in June of 2010 in the context of legal proceedings in the matter, it was decided to open a Military Police investigation. The investigation which is currently underway is very complex, and is being conducted jointly between the IDF Military Advocate General's Corps and the State Attorney. It was recently decided to return the file to the investigatory authorities for additional information.
- iii. The incident regarding Mustafah Temimi (09.12.11) - a Military Police investigation was initiated immediately following the incident and is currently in progress. Partly, delays in the investigation are due to the lack of cooperation of the complainants with the Military Police, which has included a refusal to provide testimonies, and the instigation of a riot when investigatory authorities attempted to create a reconstruction at the scene of the incident.



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