

In early October 2000 Amnesty International sent a delegation to the region pursuant to the events that has erupted in Israel, Gaza and the West Bank. The purpose of the delegation was: ‘To examine policing of public order in Israel, Gaza, and the West Bank, and ascertain patterns of conduct in comparison with internationally acceptable standards, commenting upon effectiveness, efficiency, and sensitivity to community needs.’ Among the delegation was Dr. Stephen Males, an internationally renowned expert on police management. The following is Dr. Stephen Males’ expert opinion regarding the events occurred in Israel and East Jerusalem, drafted in December 2000.

Provenance

Dr. Males has a BA in geography and a PhD in police management. He worked for 25 years in the British police in many locations, to assistant chief constable level, and has studied policing and public order in many sensitive environments throughout Europe, Asia, and North America. He also worked for 5 years at the UK Department for International Development, has completed policing studies for the U.N.D.C.P. and written two books and numerous papers to assist policing development. He is a fellow of the Royal Geographical Society, and a member of the (British) Institute of Management.

Policing in Israel during the Critical Period of Escalation of Violence in October 2000, with Suggestions for Future Restoration of Internationally Acceptable Standards

Summary of Key Points

- A. The policing of public disorder in Israel uses military tactics, not established policing methods. It is not based on close contact, cooperation with, or consent of the community.
- B. Close liaison and communication is needed, together with clear lines of command and control for all police and security force units.
- C. The demonstrations and disorder often follow a distinctive and almost ritual pattern. There will often be a march or subsequent movement of the crowd towards a flashpoint or “Symbolic location” where confrontation is expected.
- D. Efforts to diffuse trouble are lacking in Israeli policing tactics. Good military tactics of ambush are suitable for discouraging or wiping out an enemy, they are not ‘policing’.

- E. Why do policing units continue to treat the public in this way, and why indeed do the public continue to follow the same pattern knowing that in some cases it has resulted in death.
- F. In many cases there seemed to be little or no damage to security installations or property, or immediate risk to security forces deployed behind cover. It is difficult in those instances to imagine any justification for the use of lethal force.
- G. Evaluation of information gathered indicates, in most of the cases examined, that better planning and preparedness, more flexible and mobile response, willingness to use pre-emptive tactics and disrupt those bent on violence before the Symbolic location was reached could have resulted in a reduction of serious injury and death.
- H. The rules of engagement allowing the use of weapons, and their application is lax. Weapons used are of military type and often unsuited to crowd control. There was considerable capability for improvement in professionalism, command and control of all policing and security units, particularly in control of the use of force.
- I. The simple protection of property where no life is or is likely to be put in danger cannot justify the widespread and ill-targeted use of lethal force.
- J. Improvements in policy, strategy, tactics, deployment and control could avoid much of the injury and loss of life, and a change from a military to a policing philosophy where the safety and protection of the public is put first, is necessary if the diverse communities are ever to live in harmony.
- K. The security forces and public and legal authorities charged with the investigation of sudden or violent death should ensure that every case is fully investigated and all the available evidence is gathered, both physical, forensic, that of witnesses and those involved, to ascertain the causes of death, and try to ensure that the situation is not repeated.
- L. The use of more appropriate targeting, tactics and weaponry, and more care in use at close quarters would reduce considerably the risk of serious injury to the innocent, increase the ability to control those who are violent or disorderly, while reducing the risk of death to rioters, public and security forces.

- M. Medical attention available to those injured varies widely with location and origin of the people. Where security forces fear that there is a risk to members of the public due to accident or public disorder, it is their duty to try and ensure that adequate medical facilities are available to protect life and reduce harm to the public. The primary duty of police is to protect life, sometimes the opposite occurred.
- N. There was little sign of efficient evidence gathering by police or security units at the scene of physical disorder, much physical evidence being still in situ, thereby limiting their ability to debrief and learn from the incidents. Opportunities to gather information and develop intelligence to improve performance were lost.
- O. People of Palestinian Arab origin make up 20% of the population. It is not possible for the police to control 20% of the population with the use of force alone.
- P. There was considerable capability of improvement in the security forces efforts to gather information, investigate crime and public disorder, and that appropriate authorities and command were taking little action to resolve this, despite in many cases there being available the necessary knowledge and skills. Such efforts are essential to return the situation to one where basic standards of policing and human rights are the norm.
- Q. Subsequent investigation of incidents would lead to better information being available to police and public, reducing rumors and leading to 'learning organizations' and a 'learning community involved in its own policing solutions.' Both the people and the police organization must examine their mistakes, difficulties and errors, learn from them and not make the same mistake in future if they are ever to exist peacefully.
- R. There appears to be no adequate, independent investigation of complaints against police or security forces. Investigation of available evidence was often not thorough leading to inadequate prosecution files.
- S. Without professional, effective and sensitive policing the rule of law is lost, the criminal justice system falls into disrepute, crime and corruption undermine the unity and stability of the state, and people are no longer prepared to give up certain activities, rights or freedoms for the good of the state or the population as a whole. They are tempted to take the law into their own hands to defend what they

consider their rights or to gain advantage for themselves. Good policing and fair law is at the heart of community stability.

Introduction

1. The Public Relations Department of the Israeli Defense Force gave a brief overview of the policing situation from Israel's perspective. Geographically, there are four command areas, Central (West Bank), South (Gaza), North (Border with Lebanon), and home (within the green line). The latter is the largest command deploying some 10,000 personnel of IDF origin, and between 20 and 30,000 police. Exact numbers are confidential. The police have supremacy and are responsible for everything for the command and control of everything within the green line. The IDF are in command of Israeli forces elsewhere. The Border Police, numbering around 2 to 3,000, is a paramilitary unit of the Israeli police operating in Gaza and the West Bank, under the controls and procedures of the IDF. The General Security Service, and a variety of specialist units are also deployed to assist security and policing.

Information and Intelligence

2. The general approach in all areas is militaristic rather than community based. The view of the majority of those involved in recent serious incidents was that generally the Israeli police were there to control and suppress the public.
3. Visiting the communities where recent clashes have occurred, those involved, both victims of the violence, or taking part in marches and violent demonstrations, or community leaders almost without exception indicated that they had no regular official local contact with the police. There appeared to be no forum or system readily accessible to them to make their views known. No safety valve or place for negotiation and peaceful resolution to their grievances. Clashes resulting in death had occurred within the green line, and it was evident that responsible police, had not visited them before, during or after the disturbances to seek information, influence events, negotiate, try to head off or diffuse escalating tension, nor indeed to properly investigate the deaths and injuries after the events. Where visits had been mentioned they were more inclined to be the issuing of instruction or ultimatum with no room to negotiate, rather than listening exercises, or sudden over or covert visits to locate or arrest suspects.
4. Successful policing depends upon community co-operation and support. There is considerable evidence to show that police forces are not generally involved in enough regular, organized, and close

community contact. Neither are their actions always fair and unbiased regarding all members of their communities. The police and supporting units are therefore disadvantaged in gathering information and developing intelligence to forewarn them of grievances, sensitive rising issues, the precursors of serious disorder or crime, and therefore this limits their preparedness, ability to forestall critical situations, or prevent crime.

5. Policing is the responsibility of every citizen, not just an unpleasant duty to be abrogated to the police or security units. Every citizen, especially those in authority and power in the community, have a duty to assist the police in keeping the peace. Both community and police need to come together to achieve this without bias. Where they do meet regularly both have an influence upon the other to improve social control.
6. Communication and joint cooperation appears to have deteriorated rapidly, leading to open or thinly disguised hostility between policing units. Policing is not done with consultation with the community, and there seems a reluctance to adopt such an approach. Yet no matter what tragic or disturbing memories are left from past events, without such cooperation bloodshed and violence will continue. There are plenty members of the public of all origins that recognize this situation. There is a need for closer police-community contact, a forum for community feedback, better cooperation between policing units and clearer command and control.

Planning and Preparation

7. The Hard Core, on arrival hurl rocks at the police, generally with little hope of injuring or damaging the police or police positions. Whereupon the police and military units respond with a mixture of C.S. smoke (tear gas), rubber coated metal bullets and live ammunition consisting of a variety of small caliber bullets. Serious casualties are inevitable. These are good military tactics for discouraging or wiping out an enemy, they are not policing.
8. In many cases there seemed little or no damage to security installations or property, or immediate risk to security forces deployed behind cover. It is difficult in those instances to imagine any justification for the use of lethal force. In one location (Arrabeh) the location was in open fields, near a refuse tip, where only rocks, refuse or olive trees could have suffered. The security forces ambushed the demonstrators and two people, including a young boy, were killed. Other demonstrators were ambushed in isolated locations outside the towns, perhaps midway between villages and settlement of

different origins. Whereas measures had to be taken to protect those settlements, use of cordons, gas, baton rounds, physical barriers or other tactics might well have considerably reduced casualties. In most cases aggression has only boiled over upon appearance of police or security forces, and violence has been directed at them and their property rather than at others or property in general. Sometimes the security forces have not arrived at the symbolic location as expected and riot has not evolved, the crowds simply melted away.

9. Where it is the police duty to protect the public, a demonstration that results in death and many serious injuries to the public, no capture or neutralization of those throwing stones at police, but no police or security unit injuries is not a success, it is a failure. Where it is the police duty to protect the public, a demonstration that results in minor injury to the public, and the arrest of the most serious offenders, and regrettable as they might be, some minor or even some circumstance more serious injury to policing personnel, might well be considered a great success. The police and security forces in the latter circumstance can be justifiably proud that they have indeed prevented more serious injury and death, and the public, whatever their origin, grateful to them from the risks they have taken to preserve the peace. A military commander wishes to minimize risk to his soldiers and maximize injury to the enemy. A police commander should endeavor to preserve the peace and protect public lives and property, and knows that to do so will involve taking risks, which endanger police personnel.

Organization and Management

10. The IDF confirmed the Rules of Engagement, (the use of bullets) only allow the use of lethal force where there is imminent danger to life, and it is said that policing units and security forces adhere strictly to this rule. However, the Delegation gathered evidence that the rules of engagement allowing use of weapons, and their application practice is lax. Most security forces and police carry firearms in all areas. A wide range of side arms, carbines, rifles, weapons, baton round launchers for rubber coated bullets and C.S. smoke are readily used. The use of these is delegated to those on the ground upon who no strict command or control seems to have been exercised. The evidence of the discharge of lethal weapons was found at most locations visited including large numbers of expanded rounds, rubber coated metal bullets, C.S. canisters and grenades, empty ammunition boxes, and in some places discarded live ammunition. At individual points where witnesses had seen security forces firing upon demonstrators, searches revealed dozens of spent rounds. The witnesses took the delegates around many points around each demonstration location, where discarded ammunition was in evidence and bullet holes were seen in buildings indicating that hundred of rounds must have been fired from a wide

variety of locations towards the location of demonstrations, and indeed above and beyond the demonstrations causing considerable damage to surrounding property. Recovery of bullets, and metal coated rubber rounds, live and expended ammunition of varied caliber from the scene of demonstrations and embedded or within homes in the vicinity indicates the considerable use of lethal force. The toll of death and injury confirmed this. In many cases damage to walls or penetration of windows of property adjacent to the demonstrations, and in some cases some distance away, together with interviews of witnesses who had been injured by stray bullets or shattered glass in their homes indicated a lack of control and direction of fire.

11. The delegation concluded that there was considerable capability for improvement in professionalism, command and control or policing and security units, particularly in control of use of force.
12. The use of force by the police or security units should be the minimum necessary to achieve the objective, it should be proportional to the threat to security or public order, or appropriate to the crime anticipated, and clearly and precisely targeted to achieve effective results. The current rules of engagement, which permit the use of firearms, appear to be used with wide discretion, which is dangerous. Police should put the safety of public first, themselves second, and the criminal last. However, it is their responsibility to preserve life, even that of the criminal if possible, and without unnecessary danger to the public or police, bring the criminal to justice. In most of the cases, these rules did not seem to have been followed, neither does there appear to be immediate danger to life or property in many cases, and neither does the response seem proportionate to the threat or even effectively targeted. Damage to property sometimes occurred at the Symbolic Locations, such as the burning of a bank or burger bar (after the shooting at demonstrators), or stone throwing. The simple protection of property where no life is or is likely to be put in danger cannot justify the widespread and ill-targeted use of lethal force.
13. The police approach is to serve and protect the community as part of that community, and with the overall support of that community. Without the general support of the majority of the community, it is almost impossible to police. No doubt in many locations the police would argue that they do not have the support, yet in Israel the majority of people from all backgrounds who were interviewed stated that they yearned for policing within and on behalf of the community to bring peace, safety, and protection.

14. The Delegation considered that improvement in policing, strategy, tactics, deployment and control could avoid much of the injury and loss of life, and a change from a military to a policing philosophy where the safety and protection of the public is put first is necessary if the diverse communities are ever to live in harmony.
15. The security forces and the police contain officers of experience and high capability, yet the current approach within the green line is frequently unprofessional, causing unnecessary injury and loss of life.

Training and Development

16. Much of the policing is done by units formed by conscription, so often the majority of those deployed in serious situations are not career security forces or police, but short term recruits serving three years or less, or members of other units assisting police but not engaged in policing as their primary duty. The training of the young, short term conscripts, and non police units is wide, and encompasses many duties of which crowd control and policing of public disorder is only one. They are not therefore well trained or prepared to deal with the most serious of public order incidents in this complex and demanding situation. A variety of units are deployed with differing skills and abilities, some not having the benefit of joint training, extensive public disorder training or close cooperation with other forces they will meet on the ground. In order to remain calm and act rationally, make good decisions and decisions under stressful or fighting situations, where there is risk of serious injury or death, then a sound grounding in police, strategy, and tactics, together with realistic practical training is essential. The recruits do not generally have this experience, and the more experienced units and officers are stretched very thinly at times of widespread disorder.

Deployment

17. There is considerable evidence of militarist deployment strategies, rapid escalation of use of force without recourse to softer options, and an ambush rather than an incremental approach. Seldom does public disorder instantaneously reach a flash point. Generally there is some grievance. If this grievance is ignored, or no satisfactory compromise is found, the tensions build. Sensitive intervention should then be used to try and diffuse the situation. The longer negotiation and close contact is maintained between police and public, then the more chance there is of diffusing events. When it becomes inevitable that some demonstration or disorder is likely, then plans should include a range of graded options such as patrols, loose and filter cordons, soft cordons, harder cordons, use of short, medium,

and long shields, a variety of protective equipment, physical barriers and obstacles, mobile tactics, control of route and access, sterile areas, dispersal tactics, arrest teams, evidence gathering teams, dogs, horses, vehicle shields, protected vehicles, water, sprays, baton and soft baton rounds, noise light, warnings, C.S. smoke, even consideration of tactical withdrawal. Likely targets, risk of damage and injury and possible outcomes should all be carefully considered before resort to lethal or potentially lethal force. In many instances, as rioters and security forces came into

sudden contact, there was a rapid escalation in the use of force resulting in quick recourse to the use of lethal weaponry without alternatives having been used.

18. Policing objective and mission seem to have been lost sight of in the heat and stress of the moment, discipline and control breaking down. Clearer policy, strategy, objectives, firmer command and better briefing instruction and debriefing are essential. Crowd control weaponry is different from that required by the army in combat situations. The use of automatic fire, rifle and other highly penetrative rounds, or bullets which travel long distances and risk killing people beyond the target are less valuable in disorder situations. Sometimes such weapons, though fired accurately, kill the wrong target, or may pass through the target or its vicinity to penetrate, injure or kill, even within buildings, beyond the target. Inaccurate, excessive, or poorly targeted fire adds further to the danger that innocent people will die.

19. Enquiry at the Mahassed Hospital in Jerusalem, and examination of the data regarding casualties from recent demonstrations in Jerusalem indicated that many of the fatalities had been caused by so-called rubber bullets. In many cases, the surgeons have removed these from the bodies of the injured and deceased, and they were examined by the delegates. The senior surgeon described the injuries and x-rays of injury were examined. Because of the lack of detailed post mortem examination reports it was not possible to ascertain the exact angles of penetration or data upon the distances from which the weapons causing the death and injury had been fired. The surgeon was not able to describe any cases where the presence of dischargers around the wounds or matter other than the bullets were present within the body, therefore there was no evidence that the weapons had been discharged at very close range. However in three cases considered the deceased had been killed by penetration of so-called rubber bullets. These projectiles are not made entirely of rubber or plastic, but consist of a core of metal, coated in the case of spherical projectiles with a very thin coating of rubber or rubberized plastic, or in the case of cylindrical projectiles with a slightly thicker coating. The external diameters

of the spherical and cylindrical projectiles recovered from the bodies and elsewhere at the scene of many of the disturbances is about 17 mm, and the cylinders are about 18 mm long. The coating of rubber is about 3 mm thick, less in the case of the spherical projectiles, around a hard and heavy metal core. The size of this core is therefore considerably greater than that used in lethal shotgun ammunition such as 00 buckshot, and greater in mass than many of the other bullets recovered which were between 7 and 9 mm caliber. The size of the metal core of the cylindrical rubber-coated bullets was more akin to that of the rifle slug, the most penetrative and fearsomely damaging of all shot gun ammunition. Whereas weight and velocity is likely to be less, and accuracy less, the penetrative power and disruption by impact and shock to bodily tissue at, and surrounding the point of impact and trajectory of penetration, and the penetration capability is considerable and likely to kill. Evidence that this indeed was the result was available at the hospital, but did not seem to have been collected or thoroughly examined by the police or security forces.

20. We did not find evidence at the scenes of conflicts visited, nor from witnesses, nor from the collection of spent and live rounds, nor from the injuries examined at the hospital or discussed with the surgeon that the much larger, wholly rubber baton rounds, or spherical balls had been fired by the demonstrators. These projectiles suffer from poor accuracy, but may be fired at closer quarters, and are less likely to cause fatality in close conflict and riot situations. They are nevertheless most unpleasant, and retain the ability to discourage and disperse rioters.

21. The use of more appropriate tactics and weaponry, and more care in use at close quarters would reduce considerably the risk of serious injury to the innocent, increase the ability to control those who are violent or disorderly, while reducing the risk of death to rioters, public and security forces.

22. Medical attention available to those injured varies widely with location and origin of the people. Where security forces fear there is a risk to members of the public due to accident or public disorder, it is their duty to try to ensure adequate medical facilities are available to protect life and reduce harm to the public. The primary duty of police is to protect life.

23. The delegation was informed of instances where considerable delay occurred, in some cases this was alleged to have resulted in the deterioration of the casualties to a critical condition. In the case of the Mahaseen hospital permission to run their own ambulance to speed the medical attention given to

casualties had been refused. It is unacceptable to delay or deny access of the injured or dying to medical help unless this would lead to further loss of life or injury.

Investigation and Justice

24. Where sudden and violent death is occurring in civil society the appropriate authorities and the police have a duty to investigate the circumstances of such death, prosecute any criminal activity or breaking of the law, or discipline any police personnel breaking their orders, rules of engagement or otherwise using unnecessary force. This duty cannot be discharged without proper investigation of the circumstances of gathering evidence.
25. The Israeli forces in particular are renowned for their information gathering, evaluation and analysis, and development of intelligence. It seems somewhat surprising therefore that the efforts to gather information at the scene of disorder and the subsequent development of intelligence has not resulted in more efforts to arrest those responsible for the most serious crimes. In such circumstances rumors abound, there is less confidence in the ability of and sympathy for the police, justice is not done or seen to be done, and the polarization of communities is exasperated.
26. People of Palestinian Arab origin make up 20% of the population. It is not possible for the police to control 20% of the population by the use of force alone. Continual attrition and stress caused to the police and security forces by the continuation of the current strategy will lead to their fatigue and inability to prevent more widespread trouble, reducing the capacity to bring the perpetrators to justice.
27. The delegation concluded that there was capability of improvement in the security forces efforts to gather information, investigate crime and public disorder, and that appropriate authorities and command were taken little action to resolve this, despite in many cases there being available the necessary knowledge and skills. Such efforts are essential to return the situation to one where basic standards of policing and human rights are the norm.
28. Discussion with a Palestinian lawyer, experienced in the defense of citizens in the courts, raised a number of additional issues. There appears to be no adequate, independent investigation of complaints against police or security forces. He confirmed that investigations of available evidence were often not thorough.

29. The time available for exploration of such issues was simply not enough, but these issues remain despite being addressed by other investigations previously; therefore they deserve further consideration. If justice is not done, or seen to be done, then the confidence of the public in the investigative and judicial process is destroyed. In these circumstances people stop helping the police, don't bother to report crime, and take matters into their own hands.
30. Subsequent investigation of incidents would lead to better information being available to police and public, reducing rumors and leading to 'Learning organizations' and a 'learning community involved in its own policing solutions.'
31. Without professional, effective and sensitive policing the rule of law is lost, the criminal justice system falls into disrepute, crime and corruption undermine the unity and stability of the state, and people are no longer prepared to give up certain activities, rights or freedoms for the good of the state or the population as a whole. They are tempted to take the law into their own hands to defend what they consider their rights or to gain advantage for themselves. Good policing and fair law is at the heart of community stability.

Key Questions

- i. Why are the police and security units not taking action to reduce violent conflict through community contact, information gathering and negotiation?
- ii. Why is a repeated pattern of demonstration and response being allowed to continue, which is known to lead to severe injury or death of citizens, when many less dangerous options are available?
- iii. Why are the responsible authorities not carrying out the thorough investigation of sudden or violent death of their citizens, especially that of children and young persons?
- iv. Where the duty of police is first to protect life, then property, and also to prevent crime, why are the police and security forces using tactics which lead to unnecessary loss of life and injury where alternatives exist, and they have the knowledge, skills, and equipment to use other options?

- v. Why are those responsible for command and control allowing this situation to continue, these facts having been drawn to their attention now and previously?

- vi. Why are weapons and tactics being used which lead to serious injury and death when there is no immediate threat of fatality being caused by the demonstrators?

- vii. Why are opportunities to improve citizen's access to medical attention not being taken?

Dr. Stephen Males