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Imported arms used in Israel and the Occupied Territories with excessive force resulting in unlawful killings and unwarranted injuries

Amnesty International is extremely concerned over the Israeli security forces' excessive use of lethal force in response to Palestinian demonstrators. Since 29 September more than 200 Palestinians, including many children, have been killed and thousands have been injured, many as a result of excessive use of force. Amnesty International is appealing to all governments, particularly the US government, to suspend supplies of those types of arms used for such human rights violations.

Amnesty International takes no position on the legitimacy of military relations in general, but is opposed to the transfer of military, security or police equipment, technology, expertise and personnel where it can reasonably be assumed that such a transfer will contribute to serious human rights violations. All states have a duty to refrain from the supply of arms and military assistance to states where there is a clear risk that the arms or other assistance would be used for violations of international human rights or humanitarian law. The International Law Commission affirmed this principle in its commentary on the international customary law on state responsibility. A growing number of states, including the USA, have laws and policies that prohibit the export of arms to human rights violators and war criminals.

The Israeli security forces, armed Palestinians and armed Israeli settlers have used lethal force in the current civil and political conflict. Israeli civilians have also been killed in Israel and the Occupied Territories in bomb attacks carried out by Palestinian NGEs. However, the evidence available shows that most cases of unlawful killings and injuries have been committed by the Israeli security forces using excessive force. The IDF has used US-supplied helicopters in punitive rocket attacks during incidents where there was no imminent danger to life and has used helicopter gun-ships to fire on Palestinians, including children, some of whom have reportedly been killed or injured as a result. The IDF has also used tanks to fire cannons in circumstances where there was no imminent danger to lives.

On 25 September 2000, the US Defense Department announced that US companies would possibly sell eight AH-64D Apache Longbow attack helicopters with laser guided missiles to the IDF. This would include US government technical support and training at an estimated cost of \$509 million. The US companies involved are Boeing Co., Lockheed Martin Electronics and Missiles, Lockheed-Martin Federal Systems, General Electric and Longbow LLC. In addition, on 27 September, the US Department of Defense (US DOD), announced its support for another Israeli government request to purchase 35 UH-60L Blackhawk military utility helicopters with US technical support and training worth \$525 million. The prime US companies to supply this contract would be Sikorsky Aircraft Company and General Electric. The US DOD stated that both proposed sales "*will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country...*"

The Israeli government had previously submitted a request to the US in November 1999 for the upgrade of 24 of its existing 41 Boeing Apache AH-64A helicopters to make them capable of flying in all weather conditions, day and night, and to enable close ground attack. The cost of that total upgrade was estimated as \$508 million. The money would come from the annual \$1.8 billion military aid grant pledged to Israel by the US. Since January 1998, the US and Israeli governments have been negotiating a reduction in US annual economic assistance to Israel and an increase in US annual military assistance to Israel, the latter from \$1,8 billion to \$2.4 billion per year, as part of a new

strategic agreement. Final agreement was postponed in October because of the current crisis in Israel and the Occupied Territories.

During the negotiations with Boeing, the Israeli government threatened to purchase Super Cobra attack helicopters from the US company Bell Helicopter-Textron, which also has a factory in Canada. The IDF already operates 40 Cobra helicopters, model AH-1G/1S. The United Kingdom government issued licences for the export of "components for combat helicopters" and related technology to Israel in 1999. It is unclear what these "components" are, as the UK Government's Annual Report on Strategic Export Controls does not give sufficient details. However, US Apache attack helicopters can also be built under licence in the UK.

On 12 October, Israeli Air Force (IAF) helicopter gun ships fired anti-tank missiles on Palestinian facilities, including a radio station, in Ramallah/al-Bireh and other towns in the West Bank and Gaza city and Beit Lahiya in the Gaza Strip. Thirty people were reportedly injured in these attacks. According to the Israeli Defense Force (IDF), these attacks consisted of "a pin-point attack on strategic Palestinian Authority targets with the aim of passing on to the Palestinian leadership a clear message to end the violence." Later on 12 October, IAF helicopter gun ships attacked a Palestinian facility in Jericho in the West Bank. According to the IDF, this came in response to an arson attack on a synagogue located on the edge of Jericho. The IDF also stated that IAF attack helicopters opened fire in the Nablus area, Salfit, Hara al-Shaykh and Abu Sneineh.

On 27 October helicopter gun ships opened fire on houses in the Palestinian village of Beit Jala, near Bethlehem, reportedly using US-manufactured missiles. One rocket fired reportedly had markings showing it was made by US companies Boeing and Lockheed-Martin. Earlier, in response to fire by armed Palestinians at the nearby Jewish settlement of Gilo, an Israeli army tank fired shells into Beit Jala. On 30 October, Israeli Air Force helicopters attacked al-Bireh, Nablus, Khan Younis, Jericho and Rafah.

The excessive use of force is contributing to an escalation of violence, involving further human rights abuses. On 9 November, Israeli attack helicopters fired rockets at a pickup truck in a Palestinian residential area near Bethlehem, killing one occupant, a senior *Fatah* activist, and two women pedestrians, and reportedly wounding eleven other Palestinians. A surface to air missile fired by one of the helicopters hit a nearby ambulance, reportedly injuring a nurse and driver inside the vehicle. The IDF had apparently been tracking the occupants of the truck for several days, including a *Fatah* lieutenant, claiming that he was "masterminding" armed attacks on Israelis.

On 12 November, the IDF fired tank-mounted machine guns on the village of Beit Jala following the Sunday church services. A 12 year old boy was reported to have been badly wounded. Later that day, armed Palestinians fired on the nearby Israeli settlement of Gilo.

Following the killing of Hussein Abayat in Beit Sahour on 9 November, Israeli nationals, both soldiers and civilians, were killed by Palestinians in the West Bank and the Gaza Strip in shooting incidents and bomb attacks. In response, on 15 November, Israeli attack helicopters rocketed *Fatah* offices in Hebron, Jericho, Salfit and Tulkarem, reportedly injuring some Palestinians. No prior Israeli warnings were given to the Palestinian Authority of the rocket attacks. During the night of 15/16 November, in response to firing by armed Palestinians from Beit Jala on the Jewish settlement of Gilo, Israeli attack helicopters fired missiles and Israeli tanks fired shells into Beit Jala, killing a German resident as he tried to help wounded neighbours and reportedly wounding seven Palestinians.

On 20 November, two Israeli civilians were killed in a bomb attack near the settlement of Kufar Darom in the Gaza Strip. Nine Israelis, including five children, were reportedly injured, some severely. In response to the attack later in the day, IAF helicopters and the Israel Navy bombarded PA security installations including broadcasting facilities and *Fatah* offices in the Gaza Strip. Houses were also reported to have been hit during the bombardment. At least 50 people were reportedly injured and a member of the Palestinian security forces was killed.

Apart from the attack helicopters and missiles, the arms used in such attacks are mostly made and acquired locally, but some arms may be the result of international transfers. Israel companies manufacture a range of small arms, light weapons, armoured combat vehicles and other associated arms. Nevertheless, the Israeli government has in recent years also imported M-113 and M-577 armoured combat vehicles from the USA, and is currently negotiating with the US Department of Defense and US manufacturers to import modern replacements for more than 1,000 aging military vehicles. It is not known what missiles and artillery munitions were used by the IDF in the above attacks, but it was announced in June that the US company, American Ordnance of Iowa, was due to sell 241,000 M107 high explosive 155 mm projectiles at a cost of \$62 million to supplement present reserves.

Rifles and bullets used by the IDF and police are manufactured locally (Galil), while armed Palestinians use Kalashnikov and M16 rifles as well as light weapons in some cases. They are apparently smuggled in from Jordan and Egypt, but also bought from Israeli illicit small arms traders according to local police sources. Israel has loose controls on citizens who engage in arms deals abroad.

Amnesty International is appealing to both the Israeli and Palestinian authorities to ensure their security forces respect international human rights standards regarding the use of force and firearms and in particular is urging the Israeli Government to stop its use of excessive force which has resulted in most of the unlawful killings and injuries. In addition, Amnesty International urges all governments to respect their international obligations to refrain from the supply of those types of arms likely to be used in serious human rights violations and breaches of international humanitarian law. In particular, governments should immediately cease the supply to Israel of military helicopters, tanks, armoured vehicles, missiles, cannon and associated munitions, spare parts and technologies. Governments should also prevent the transfer of automatic rifles, sub-machine guns and other firearms and associated technologies and ammunition to both Israel and the Occupied Territories. The strict cessation of such transfers to both parties should remain in place as long as the serious violations carried out with such arms are likely to continue.

All governments should obtain detailed guarantees from the Israeli government and the Palestinian authorities that they will adopt measures to comply with international human rights standards and humanitarian law. In particular in the current circumstances, the Israeli Government should take concrete steps to make the IDF and police comply with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, including Article 9 of the Basic Principles which states that: "*Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury...intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.*"

The Israeli government should also be warned that killings caused by excessive use of force could constitute grave breaches of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War.

Moreover, all governments should urge the US government, which has a very large military assistance program to Israel, as well as other governments which authorise the supply of arms to Israel, such as the United Kingdom, to ensure that arms are not transferred to the Israeli Government as long as there is a clear risk that such items will be used for excessive force resulting in serious human rights violations or war crimes. At the moment such arms include attack helicopters, tanks, armoured vehicles, missiles, rockets, cannon shells and related military equipment, technology and training.

At the same time, all governments should urge the Palestinian Authority to tackle the problem of small arms and light weapons held by individuals who are not members of the Palestinian Authority security services. They should ensure that all arms are registered and certain types of arms are only authorized for a small and well-trained proportion of the security services. All governments should also urge the Israeli government to ensure that arms held by Israeli settlers are properly registered and not used unless strictly necessary for self defence according to published regulations.

¹ *Three commissions of inquiry have been or are being set up in relation to the killings of Palestinians with somewhat different mandates: an Israeli commission of inquiry under the 1968 Law on Commissions of Inquiry; an international fact-finding mission; and an international commission of inquiry set up by the UN Commission on Human Rights.*