

May 26, 2021

Commissioner Yaakov Shabtai
Israel Police

By email: lishkatmafcal@police.gov.il

Dear Sir,

Re.: **Disproportionate Use of Stun Grenades in Dispersing Lawful Demonstrations**¹

1. I am writing to you regarding the use of stun grenades by the Police over recent weeks. The testimonies that we have collected paint a worrying picture of the **massive and unrestrained** use of stun grenades, entailing a **systemic and ongoing violation** of the procedures regulating the manner in which stun grenades are to be used. This trigger-happy approach has led in recent weeks to the injuring of numerous individuals who were participating in non-violent demonstrations, and of individuals who were not even in the vicinity of people disturbing the peace.
2. There is no doubt that, in recent weeks, the Police have encountered incidents of serious violence and disturbances that justified the use of reasonable force. Alongside these incidents, however, the use of stun grenades was oftentimes unrestrained, lacking justification, and on occasions seemed intended solely to create panic and fear.
3. In light of the considerable risk entailed in the use of stun grenades, and the fact that they are a means that has an indiscriminate impact, the use of this means should **take place only in serious and dangerous disturbances, as was the case in the past (rank D, rather than rank C), and the procedure should be amended accordingly**. In addition, the procedures should be clarified to all the commanders and forces in the field, so that the conduct described below ceases. Furthermore, the incidents described below should be investigated.

Use of Stun Grenades

4. We will detail below several incidents involving the extensive and unlawful use of this means over recent weeks. These do not constitute sporadic incidents or the private conduct of a small number of police officers who deviated from the procedures, but rather systemic behavior occurring nationally by the Police and leading to the injuring of a large number of demonstrators in circumstances that did not justify the use of any force. The injuries include deep wounds, burns, scratches, and bruises.
5. On April 10, 2021, during a demonstration at Sheikh Jarrah attended by MK Ofer Cassif, stun grenades were used in a dangerous and disproportionate manner. [Documentation](#)

¹ Detailed footnotes and citations in Hebrew [here](#).

of the incident [shows](#) police officers throwing stun grenades directly at demonstrators and injuring some of them, including elderly people who had come to protest at the site:

6. On May 7, 2021, at least 10 stun grenades were thrown at demonstrators in Sheikh Jarrah who sought to express solidarity with the local Palestinian residents. The demonstration was stopped at a police roadblock erected in the neighborhood, and grenades were thrown indiscriminately into the crowd. From the [documentation](#) of the incident (live documentation of around one hour covering all the stages of the demonstration), it can clearly be seen that the stun grenades were thrown at the demonstrators without any warning. Additionally, the demonstrators included mainly elderly people, and the documentation clearly shows that **the demonstrators were not using any violence or engaging in disturbances** (min. 18:00 of the video).
7. One of the demonstrators, M.D., was injured in the leg when a grenade was thrown close to her. She **sustained an open wound, required stitches, and was hospitalized**. Two weeks after the incident, M. continues to suffer from serious pain and is finding it difficult to function.



Injury caused by a stun grenade to the leg of demonstrator M.D. at Sheikh Jarrah, May 7, 2021

8. At the same demonstration, A.B., aged 52, was also injured by a stun grenade. He states that the police officers threw the stun grenades from above into the crowd, and he was injured while standing at a distance from the police roadblock. The stun grenades were thrown without any prior warning. A stun grenade landed close to his leg, causing a hematoma and abrasions **in both his legs and in one arm** (according to the discharge sheet from the ER at Hadassah Hospital).



Injury caused by a stun grenade to the leg and arm of demonstrator A.B., Sheikh Jarrah, May 7, 2021

9. On May 9, 2021, at a demonstration held on Ben Gurion St. in Haifa, stun grenades were again used against demonstrators, despite the fact that the demonstration was not violent, as can be seen from the [documentation](#) of the incident. The grenades were thrown not only at the road where the demonstration was taking place, but also to the sides, toward alleyways and sidewalks where the demonstrators fled. One of the demonstrators, A.B., aged 59, was injured by a grenade that landed on her foot. Although she was wearing a closed shoe, the grenade caused a bruising on her foot, accompanied by pain and swelling. Another demonstrator stated that she was standing on the sidewalk when a grenade fell beside her. Her hearing was damaged and she continues to suffer from a decline in her hearing. The grenade scorched her pants and injured her leg.



Injury caused a grenade to A.B.'s foot and to the leg of another demonstrator, demonstration in Haifa, May 9, 2021

10. At a demonstration held on May 10, 2021, on Nablus Road in Sheikh Jarrah, police officers threw stun grenades toward demonstrators without using a PA system to provide warnings, and despite the fact that there had been no violence at the event. The [documentation](#) of the moment when the stun grenades were thrown shows demonstrators singing and speaking with the police officers, and suddenly the police officers begin to throw the stun grenades over the demonstrators' heads, indiscriminately and without warning.

11. After the grenades were thrown at the demonstrators, they began to run away toward Dalman St. **Although the demonstrators were dispersing from the site**, police officers who watched them moving away decided to charge at them while throwing stun grenades in their direction. In the [documentation](#) of the incident, one officer can be heard saying “storm there in force with stun grenades,” and the officers then began to run after the demonstrators who were fleeing the site, throwing stun grenades at them.
12. At a demonstration held on May 14, 2021 in Sheikh Jarrah, stun grenades were also used in an indiscriminate manner. One of the demonstrators, H., aged 70, was participating in the demonstration against the eviction of homes in Sheikh Jarrah **and was injured in the stomach and leg by a stun grenade** thrown in her direction. The demonstration was peaceful, without any violence on the part of the demonstrators, who marched up to the police roadblock erected at the entrance to the neighborhood. At the end of the demonstration, as H. began to move away from the demonstration site, stun grenades were thrown **without any announcement or warning** in the direction of demonstrators **standing at a distance from the officers**. The [documentation](#) of the incident shows that the police officers threw the grenades over the demonstrators’ heads, toward other demonstrators standing far from the officers, without any justification.



Injuries caused by a stun grenade to H., Sheikh Jarrah, May 14, 2021

13. On May 15, 2021, clashes erupted between demonstrators and police forces in Umm al-Fahm. A journalist who was documenting the events from a great distance, Yanal Jabareen, was injured in the leg by a stun grenade thrown toward him, despite the fact that he was not standing near the demonstrators but in the opposite direction, and there were no other people in his vicinity ([documentation](#) of the incident).



Injury sustained by Yanal Jabareen while documenting clashes in Umm al-Fahm, May 15, 2021

14. On May 11, 2021, a protest demonstration was held in Jaffa. Toward the end of the demonstration, most of the participants had dispersed and some 100 demonstrators remained, concentrated on Yefet St. behind the police roadblock and demonstrating opposite it. The officers at the roadblock began to throw stun grenades at the demonstrators, without any announcement, and although the latter were not using violence. As a result, people began to run back, falling as they did so.
15. One of the demonstrators, A.L., was injured by a stun grenade that fell on her leg and caused a bruise. As a result of the explosion, her blouse was twisted and torn. Another grenade hit another demonstrator, Y.S., in the leg.



Injury caused by a grenade to the leg of A.L. and injury sustained by Y.S. from a stun grenade, Jaffa demonstration, May 11, 2021

16. [Documentation](#) from May 14, 2021 shows police officers walking along a street in Jaffa. One of them suddenly stops and throws a stun grenade casually toward an alleyway from where shouts can be heard toward the police officers.
17. In Beersheva, stun grenades were used against students at the entrance to the university on May 11, 2021. Following the clashes at the entrance to Ben-Gurion University, the police officers arrested several students. At this point, as can be seen in the

[documentation](#) of the incident, a large number of students were standing at the entrance to the university shouting at the police officers. Suddenly, without any warnings, stun grenades were thrown at them. In response the students began to run into the university, while the Police continued to throw stun grenades in their direction. One of the grenades struck a student in the leg while he was inside the university watching the incident. As a result, the student sustained burns to the thigh, bruises, and wounds.



Injuries caused to a student at Ben-Gurion University by a stun grenade, May 11, 2021

Stun Grenades – Amendment of Procedures and Relaxation of Conditions of Use

18. A stun grenade is a means liable to cause diverse internal injuries (particularly around the eardrum), traumatic injuries and penetration of objects into the body, collisions with objects in the vicinity due to the impetus, burns, injury to the respiratory tracts, and mental trauma. In recent years awareness has grown around the world of the serious potential for injury from the use of stun grenades, including damage to hearing, burns, impetus injuries, cuts, and even death. Civil society organizations and academic literature have raised arguments against the use of this means in light of its inherent dangers and concern regarding potential injury to “uninvolved persons.”
19. The massive and indiscriminate use of stun grenades reflects an unacceptable attitude toward this means as a safe one that causes minimal harm. In reality, this is a dangerous means that causes serious injuries, as described above. The combination of the nature of the stun grenade as an “imprecise” means that cannot be directed at a single rioter or violent person and the physical risk it creates demand a far more cautious attitude that restricts the use of stun grenades solely to extreme circumstances of serious violence that cannot be addressed by other means.
20. Accordingly, **urgent consideration should be given to returning the use of this means to rank D**, as was the case in the past. In recent years there has been an alarming deterioration in the attitude of the Police toward stun grenades, from a dangerous means

reserved for serious disturbances in rank D to one that may be used as a **first means**, even before water cannons and mounted police.

21. Procedure 90.221.012, "Police Response to Disturbances at Demonstrations," which came into effect in 2003 established that the use of a stun grenade would be solely at "Rank D," and after the use of "milder" means, including mounted police and water cannons. The procedure further established that "this means may be used beginning from level D (after use of water cannons) **at serious and dangerous disturbances.**" From 2014, Procedure 90.221.111.001, "Police Response to Disturbances," came into effect and shifted the use of stun grenades to rank C, **after water cannons and mounted police**. This procedure emphasizes that, as a general rule, within each rank it is important to ensure the ranked use of means: "A more serious means should not be used before milder means have been employed." In the new Procedure 220.010.11, "Activation of Means at Disturbance Incidents," which came into force in 2021, a stun grenade is permitted for use as a **first means in rank C**.

Procedure 90.221.012, 2003:

<u>Level of Disturbance</u>	<u>Means</u>	<u>Approving Authority</u>
Level A	No use of means	
Level B	Use of force without means	Incident commander
Level C	1. Batons 2. Horses/mounted police 3. Water cannons	Area commander, or his deputy in his absence
Level D	1. Stun grenades 2. Teargas 3. "Shock horse" – storming on horseback while using stun grenades and teargas.	District commander, or his deputy in his absence
	4. 37 mm rubber bullets	Commissioner

Procedure 90.221.111.001, 2014:

12. Ranks of Use of Means at Disturbances

<u>Rank of Disturbance</u>	<u>Means</u>	<u>Approving Authority</u>
Rank A Peaceful demonstrations	No use of means	
Rank B Slight disturbances	Use of force without means	Incident commander
Rank C Serious disturbances	1. Water cannons (water / paint / "skunk") 2. Horses/mounted police 3. Stun grenades 4. "Shout" (sound cannon)	Area commander, or his deputy in his absence Commander of major station (in North and Coastal Districts) Task commander, or his

Rank of Disturbance	Means	Approving Authority
		deputy in his absence, in the area under their responsibility at the time of activation
Rank D Serious disturbances (including use of cold weapons)	1. Batons 2. Teargas 3. 40 mm sponge-coated bullets 4. FN 303 5. "Venom" multiple heads	District commander, or his deputy in his absence
	4. 37 mm rubber bullets	Commissioner

Procedure 220.010.11, 2021

B. Use of means will be in accordance with the following table of ranks:

Rank of Disturbance	Means	Approving Authority
Rank A Peaceful demonstrations – no disturbance of public order	No use of force or means	---
Rank B Disturbance of public order and failure to obey police instructions necessary to maintain the peace and public order	Use of force	Incident commander
Rank C Disturbance of public order, including violent resistance to police and/or public, in a manner liable to cause injury to person and property	<ul style="list-style-type: none"> • "Shout" acoustic system • Stun grenades • Horses / mounted police • Water cannons (water, paint, "skunk") 	District commander, or his deputy in his absence Commander of task command, or his deputy in his absence
Rank D Disturbance of public order, including serious violent resistance including the use of sundry objects and means by rioters toward police and/or public in a manner liable to cause injury to person and/or property	<ul style="list-style-type: none"> • Batons • 40 mm sponge-coated bullets • FN303 • Teargas (manual gas canister, various types of 1.5 gas bullet) • "Venom" multiple heads • Multitorotor dropping teargas capsules 	District commander, or his deputy in his absence

Violation of the Procedures for the Use of Stun Grenades

22. Not only has the Police changed the attitude toward this means in its procedures, but even the current – far more relaxed – procedures are being violated. In the incidents described above, stun grenades were used unlawfully in circumstances that did not justify the use of any means. **According to the overall procedure of the Israel Police** concerning the “Activation of Means at Disturbance Incidents” (No. 220.010.11), the prima facie illegality of a demonstration does **not** in itself justify the activation of means for the dispersal of the demonstration. Item 5A(1) in this procedure established that only in the case of **violent behavior endangering life or property** on the part of the demonstrators is it justified to use means in general, and stun grenades in particular (disturbances at rank C or D). A demonstration defined as unlawful, but without violent and dangerous behavior on the part of the demonstrators, does not justify any use of means (rank A and B), even if there is disturbance of public order and a failure to obey police instructions.
23. Moreover, the **manner of use** of stun grenades as described above is also improper and created disproportionate danger to person and life. In many cases, for example, the stun grenades were thrown **directly at people, or over the heads of demonstrators**. This use is contrary to the police procedures. The recently-published UN guidelines for the use of “less lethal” weapons also state that the use of stun grenades **against a person is unlawful** due to the risk of injury:

The use of pyrotechnic flash-bang grenades directly against a person would be unlawful as it could cause serious burn or blast injuries and, in certain cases, there could even be a risk of fragmentation.
24. A further systemic violation of the procedures is reflected in the **absence of PA announcements and warnings to demonstrators prior to the use of a grenade**. In many documented cases, the throwing of grenades began suddenly and the demonstrators were not given time to distance themselves from the scene. According to the police procedures, demonstrators should be warned prior to the use of force and given reasonable time to disperse. The obligation to provide a warning applies to each particular means, **as a prior condition for the activation of the means**. Regrettably, the detailed instructions concerning the obligation to provide a warning prior to the use of each means were removed from the new procedure; however, this obligation is incumbent on the Police by virtue of the general principles concerning the use of force.
25. In general, it appears that in recent weeks the Police has failed to distinguish between violent incidents of disturbances and non-violent protests that do not constitute a violent disturbance in the relevant rank for the use of stun grenades.
26. It should be emphasized that even if individual demonstrators behave violently, this does not transform the entire demonstration into a violent demonstration justifying the use of means with diffuse impact that cannot be directed solely against violent demonstrators. This is required in accordance with the recently-published General Note 37 of the UN

Human Rights Committee. This note specifies the obligations incumbent on signatory countries to the International Covenant on Civil and Political Rights – including Israel – to protect the freedom of assembly and protest. Section 86 of the General Note establishes, inter alia, that “As far as possible, any force used should be directed against a specific individual or group engaged in or threatening violence:”

86. Where a decision to disperse is taken in conformity with domestic and international law, force should be avoided. Where that is not possible in the circumstances, only the minimum force necessary may be used. **As far as possible, any force used should be directed against a specific individual or group engaged in or threatening violence.**

27. In addition to the physical and psychological harm caused to the demonstrators, the Police policy over recent weeks and its hardline approach toward non-violent demonstrators create a serious **chilling effect** on freedom of expression and freedom of protest. Many citizens interested in joining various protests around the country are refraining from attending, in part due to the massive use of stun grenades.
28. In light of all the above, we request that you:
- A. Restrict the circumstances enabling the use of stun grenades and return this means to rank D.
 - B. Investigate the incidents detailed above and take the necessary steps (command, administrative, etc.) as required to prevent their recurrence.
 - C. Emphasize the procedures to the commanders and the field echelons, in particular regarding the restrictions on the use of stun grenades and the dangers their use entails.

With sincere greetings,

Anne Suci, Atty.

Sivan Tahel, Field Coordinator

CC:

Deputy Commissioner Adv. Eilat Elyashar – Legal Advisor, Israel Police
Adv. Amir Marari – Deputy Attorney General (Criminal), Ministry of Justice