

RE: Individual Complaint concerning the killing of Kir¹ El Din Hamdan Amara by Israeli police forces during a law enforcement operation on 8 November 2014 in Qana of the Galilee (Kufr Kana), submitted jointly to:

- **Mr. Christof Heyns, United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions; and**
- **Ms. Rita Izsák, United Nations Special Rapporteur on Minority Issues**

1. Rafat Lutfi Amara, father of the deceased Kir El Din Hamdan Amara, together with Mezan for Human Rights (Mezan) and Adalah - The Legal Center for Arab Minority Rights in Israel (Adalah), submit this joint complaint to the United Nations Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions, and the United Nations Special Rapporteur on Minority Issues concerning the killing of his son Kir El Din Hamdan, a Palestinian citizen of Israel, by Israeli police forces in Kufr Kana on 8 November 2014.
2. Kir El Din Hamdan Amara (22 years old), a Palestinian citizen of Israel, was killed by a five-member Israeli police unit during a law enforcement operation on 8 November 2014 in Qana of the Galilee (Kufr Kana) in Israel. Kir El Din was shot by the police at least two times though he did not pose any real danger or threat to the police. Following the shooting, the police neither called for timely medical assistance for Kir El Din nor provided any first aid, despite being trained and able to do so. According to medical files, Kir El Din died 20 minutes after the shooting.
3. This complaint outlines the circumstances that led to the Israeli police killing of Kir El Din Hamdan Amara, supported by both visual recording of the incident as well as witness testimony.
4. The killing of Kir El Din Hamdan Amara is contextualized both within a historical scope of repeated Israeli police violence against Palestinian citizens of Israel, as well as consistent failure of the Israeli security forces to be held accountable for acts of brutality and violence that have led to injuries or death.
5. In October 2000, 13 Palestinian citizens of Israel were killed and hundreds injured by Israeli police. Despite findings by the Or Commission of Inquiry (a panel of inquiry appointed by the Israeli government to investigate the events) that there was no legal justification for using deadly force, not a single member of the security forces has been indicted for the killings or the injuries.
6. The impunity of Israeli police is also reflected in new data demonstrating that the vast majority of allegations of Israeli police violence go unpunished, and domestic mechanisms for investigations fail to provide effective remedy to victims. From 2011- 2013, 11,282 complaints were filed with the Israeli Police Investigation Department of the Israeli Ministry

¹ Alternative English spelling as “Kheir”; “Kir” reflects the spelling on the individual’s government-issued Identification Card

Kir El Din Hamdan Amara, Qana of the Galilee (Kufr Kana), Israel

of Justice (known as “*Mabasb*”); 93% of the complaints were closed, and only 2.7% of the cases led to criminal prosecution.

7. Rafat Lutfi Amara, together with Mezan and Adalah, request that the United Nations Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions, and the United Nations Special Rapporteur on Minority Issues to address this complaint within the scope of their mandates, to bring international attention to the killing of Kir El Din Hamdan Amara, respectively, as a death owing to use of force by Israeli law enforcement officials that was inconsistent with the criteria of absolute necessity and proportionality, and an unjustified killing of a member of a minority group within the context of the State of Israel’s institutionalized and systemic discrimination against its non-Jewish citizens.
8. The family of Kir El Din Hamdan Amara, together with the partner organizations, request that this individual complaint be used by the United Nations Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions, and the United Nations Special Rapporteur on Minority Issues as a basis to initiate their own urgent investigations into the undue and widespread use of lethal force by Israeli police forces against Palestinian citizens of Israel, and the failures of the Israeli investigative mechanisms to provide effective remedy to victims and the families of victims of police violence. In the course of such investigations, we request a country visit by the Special Rapporteurs to Israel at the earliest possible date.
9. Rafat Lutfi Amara is the Father of the deceased, Kir El Din Hamdan Amara (Qana of the Galilee (Kufr Kana), P. O. Box 1569, 16930 Israel).
10. Mezan for Human Rights (Mezan) is a Palestinian non-governmental human rights organization that works to protect and promote the rights of Palestinian citizens of Israel and Palestinian residents of the Occupied Palestinian Territory. (P. O. Box 10343, Nazareth 16000, Israel | Tel: +972 4-6471471).
11. Adalah - The Legal Center for Arab Minority Rights in Israel, is an independent legal center and Palestinian human rights organization that works to protect and promote the rights of Palestinian citizens of Israel and Palestinian residents of the Occupied Palestinian Territory. (94 Yaffa Street, P. O. Box 8921, Haifa 31090, Israel | (+972)-4-9501610)

Submitted by:

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Via: E-mail: urgent-action@ohchr.org; eje@ohchr.org; minorityissues@ohchr.org

I. Identity of the person concerned:

1. **Family:** Amara
 2. **First:** Kir El Din
 3. **Sex:** Male
 4. **Birth date:** March 29, 1992
 5. **Nationality(ies):** ISRAEL (Palestinian-Arab citizen of Israel)
 6. **Civil status:** Single
 7. **Identity document:** Driver's License, No. 9425271; ID Card, No. 308349612 (**See Appendix I**)
- Issued by:** The State of Israel
- Date of issue:** May 7, 2013
8. **Profession:** Construction employee in the private sector
 9. **Address of usual residence:**

Qana of the Galilee (Kufr Kana), P.O. Box 1569, Zip Code 16930, Israel
 10. **Is there a link to other cases/ persons? Please specify:** No

II. Information regarding the incident:

1. **Date:** November 8, 2014
2. **Place:** Qana of the Galilee (Kufr Kana), Israel
3. **Time:** 12:30-1:00 a.m.

III. The nature of the incident: Please describe the circumstances of the incident, including the following categories:

1. Death due to excessive use of force and attack by law enforcement officials:

On November 8, 2014, shortly after midnight, an Israeli special police force unit of at least five members arrived at the village of Qana of the Galilee, near Nazareth in Israel. The unit arrived in order to conduct an arrest against Hilmi Hamdan Amara for an alleged crime as part of usual law

Kir El Din Hamdan Amara, Qana of the Galilee (Kufr Kana), Israel

enforcement activity. Hilmi is a cousin and a neighbor of Kir El Din Hamdan Amara. The police force stormed the neighborhood in a violent manner, during which members of the unit attacked Kir El Din, who was a bystander watching the arrest of his cousin. Without any act of violence or threat from Kir El Din, one of the police attacked him and sprayed him with pepper spray. This was the first use of unjustified force against Kir El Din.

Within a few minutes, the unit had arrested Hilmi Amara and was on its way out of the village. During this time, Kir El Din, still under the effect of the pepper spray, chased the police car for a distance of about 100 meters. Though the unit was very close to exiting the village, at around 50 meters from the main road, the police car made a U-turn and confronted Kir El Din. A street camera captured the confrontation. **See Appendix II for video-recording.**

For some 15 seconds Kir El Din was banging on the window of the police car, with his bare hands or with an object, but failing to break the armored window or open the doors. Kir El Din then proceeded to retreat from the police car when the police exited the car and shot him with live fire. Kir El Din had retreated to a distance of at least 6 meters and posed no threat to the police officers when two police officers shot him in the upper part of his body, apparently with the intention to kill him. During this time, the police fired several additional bullets, which did not strike any of the neighbors or a relative who had been trying to stop Kir El Din from chasing the police car. **See Appendix III for photo of a nearby house window with a bullet hole.**

The police unit, whose members are trained to provide first aid, refused to grant Kir El Din any medical assistance, and did not call an ambulance in a timely manner. Instead, they dragged Kir El Din's body in a humiliating manner into the police car, and drove out of the village. Further, though the closest hospital to the incident site is about eight (8) minutes away in Nazareth, the unit took a circuitous route out of the village. **See Appendix IV for a map of the police unit route and alternative.**

According to the testimony of Hilmi Amara, who was in the police car throughout the event, the unit called for medical assistance only about 10 minutes after the incident. Additionally, also according to Hilmi Amara, although Kir El Din was bleeding, asking for air, and for help, the police officer sitting next to Kir El Din was cursing at him and beating him in the face. **See Appendix V for the testimony of Hilmi Amara.** At this time, Kir El Din's condition deteriorated and when they finally secured medical assistance on the road, the paramedics struggled to save Kir El Din's life for few minutes, and then rushed him to the hospital. For an unknown reason, the ambulance also chose to take him to a hospital in Afula and not to the closer hospital in Nazareth (a difference of 15 km). **See Appendix VI for a map of the ambulance route and alternative.**

IV. Identity of the Perpetrators:

The perpetrators were police, and were in a police vehicle and uniform.

V. Witnesses to the incident:

There were a number of witnesses who witnessed different parts of the incident, and below are the names of two key witnesses. They do not wish to remain anonymous:

1. **Hilmi Hamdan Amara**- was arrested and present inside the police car throughout the incident. See Appendix V for the testimony of Hilmi Amara.
2. **Shadi Hamdan Amara**- relative who chased Kir El Din Amara and tried to stop him from reaching the police car. Shadi Amara was also shot at by the police unit, but was not injured. See Appendix VII for the testimony of Shadi Amara.

VI. Steps taken by the victim's family:

(a) Indicate if complaints have been filed, when, by whom, and before which organ

No official complaint was filed by the family, however, the family has appointed a lawyer to oversee the investigation of the incident by the Israeli Police Investigation Department of the Israeli Ministry of Justice (known as "*Mahash*").²

(b) Other steps taken:

On 13 November 2014, three human rights organizations, Adalah, Mossawa and Mezan (Nazareth) sent an urgent letter to the Israeli Attorney General (AG) demanding that immediate measures be taken regarding the killing of Kir El Din Hamdan on 8 November 2014 in Kufr Kana. In the letter, the organizations requested that the AG immediately suspend the service of all the policemen who were at the crime scene, and open a criminal investigation under the direct supervision of the AG's office, as required by law.

The letter included inciting statements made by the Minister of Economy Naftali Bennett praising the police officers and calling Kir El Din Hamdan a "crazed terrorist." It also contained statements made by Public Security Minister Yitzhak Aharonovitch, in charge of the police, the week before concerning other incidents in Jerusalem, in which he stated that anyone who attacks Israeli Jewish citizens should be killed. The organizations' argued that such statements constitute incitement to violence against Arab citizens, and also demanded the opening of a criminal investigation in this regard. The letter further demanded that the AG establish a special body to investigate the police's overall treatment of, and the increased violence against, Arab citizens of Israel. The organizations' emphasized that the killing of Hamdan "is a new chapter in the history of the relationship between the Israeli police and Arab citizens."³

VII. Steps taken by the authorities:

(a) Indicate whether or not there have been investigations by the State authorities; if so, what kind of investigations? Progress and status of these investigations; which other measures have been taken (e.g. autopsy)?

² *Mahash* derives its investigation authority from Amendment No. 11 of the Police Ordinance (New Version) of 1971, which stipulates that every suspicion of misconduct committed by a police officer that is punishable by more than one year of imprisonment under the law, must be investigated by *Mahash*.

³ See "Adalah, Mossawa and Mezan to Attorney General: Policemen who killed Kheir Hamdan continue to work, while Mahash fails to investigate crime." Press Release. 18 November 2014. Available online at <http://www.adalah.org/en/content/view/8404>

Kir El Din Hamdan Amara, Qana of the Galilee (Kufr Kana), Israel

Due to the fact that the killing incident was video-recorded, and in light of the publicity that the incident received, the Israeli authorities have begun an investigation into the killing. The investigation is being conducted by the Police Investigation Department of the Ministry of Justice (*Mabash*). We do not know the exact status of the investigation. Nevertheless, the family has been cooperative with providing material and testimonies and any other required information for the investigation.

An autopsy was undertaken by the authorities, but we do not have a copy of the autopsy report.

Based on released news reports, the investigation is being conducted as an internal-disciplinary investigation, rather than criminal investigation, with no intention of pressing any charges against any of the police. The policemen involved in the killing have not been suspended, and continue their service in the police.

(b) in case of complaints by the victim or its family, how have the organs dealt with them? What is the outcome of those proceedings?

Usually, a *Mabash* investigation begins following a filed complaint against a police officer. In this instance, due to the case's publicity, the investigation began without filing the complaint. Hence, the status of the investigation is as mentioned above in section VII (a). However, we wish to note the following:

Until very recently, *Mabash* was fully staffed by police, and as the organization was investigating itself, there was considerable suspicion of police cover-ups of various crimes. Following wide public critique of the unit and its partiality and misconduct, there has recently been a shift toward staffing the investigation unit with civilians and not police. The process began in early 2014 and has not yet been fully completed.

VIII. A Final Contextual Note:

In the course of the history of the Palestinian-Israeli conflict and its repercussions, the Palestinians have long suffered human rights violations at the hand of the Israeli authorities. Defined legally and acting practically as a Jewish state, Israel places its approximately 1.5 million Palestinian-Arab citizens under a system of discrimination and exclusion. Police violence against the Palestinian citizens of Israel, and impunity for such crimes, is an egregious symptom of this entrenched power dynamic. The case of Kir El Din is not an exception, but part of this culture of police violence, for which Israeli police forces are in effect, granted immunity through the self-investigative mechanisms of *Mabash*, and the lack of political will for punishing the perpetrators. The persistent failure of accountability for brutal acts of violence and repression shapes and makes possible the continuance of a culture of police violence against Palestinian citizens.

In March 2014, Adalah approached the Ministry of Justice requesting information regarding the number of complaints submitted to *Mabash* against police officers between the years 2011 and 2013.⁴ In addition, Adalah requested the disclosure of: 1) the number of files that were closed following an

⁴ In general, the majority of complaints submitted to *Mabash* are those concerning the use of excessive force by police officers, which is defined as assault under Section 378 of the Penal Law of 1977 (hereinafter the "Penal Code"), and is punishable by up to two-year imprisonment.

Kir El Din Hamdan Amara, Qana of the Galilee (Kufr Kana), Israel

investigation; 2) the number of files that were closed without investigation; 3) and the number of files in which police were indicted, prosecuted, and sentenced. Adalah had also requested that the Ministry of Justice provide data concerning the identity of the complainants whether they were Jews or Arab-Palestinian citizens, in order to learn of any possible discrepancy in *Mahash* activity, however, the Ministry did not respond to this request. Based on the received information from the Ministry of Justice, we learn of the following alarming findings:

- 1- Between 2011 and 2013, **11,282** complaints were filed with *Mahash*. The figure indicates the high numbers of police violence and violations of citizens' rights, taking into account that the number of unreported violations is higher than those reported.
- 2- **93%** of these complaints were closed by *Mahash*;
- 3- More than **72%** of the complaints were closed without an investigation, under one of three reasons afforded by law: 1) lack of public interest; 2) the suspected person deemed not guilty; 3) and lack of evidence. However, *Mahash* also often closed complaints for reasons that are not accorded by the law, such as: 1) the identity of the suspect was unknown; 2) no law had been violated; 3) and *Mahash* did not have the authority to open an investigation into certain cases.
- 4- Nearly **21%** of the complaints were closed after investigation, 50% of them for “lack of evidence.”
- 5- **3.3%** of the cases filed (373 complaints) led to disciplinary actions against police officers; only 2.7% of the cases (306 files) led to criminal prosecution.⁵

The case of Kir El Din constitutes part of a long history of violence against Palestinian citizens of Israel, in which the lives of Palestinian citizens of Israel do not receive the same respect as those of Jewish Israeli citizens. Furthermore, two more Palestinian citizens were killed by the Israeli police in Rahat in Israel, in January 2015.

IX. Identity of the person submitting the case

- A.
 1. **Father of the deceased:** Rafat Lutfi Amara (Driver’s License No. 3078254)
 2. **First name:** Rafat; **Last Name:** Amara (ID 058921875);
 3. Individual

⁵ See Adalah Report, “Mahash: Green Light for Police Brutality.” September 2014, Available online at <http://www.adalah.org/uploads/oldfiles/Public/files/English/Newsletter/Sep-2014/Adalah-Mahash-Data-Report-Sep-2014.pdf>

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2. NGO

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2. NGO

Date: 4th, February, 2015

Signature of author: Ahmad Amara

