

# Representative Cases

## A. Unjustified Shooting

### The Evidence Shows that the Suspect was Lying, but MPI Determined that the Shooting was According to the Rules

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The killing of Issa Taha Al-Manasra

#### Summary

Issa Taha Al-Manasra, a 17-year old resident of Bani Naim village in the Hebron district, was wounded by a rubber bullet on January 7, 1989. Ten days later he died at Al-Mukkassad Hospital in Jerusalem.

On January 7, 1989, in the afternoon, Al-Manasra left his house for work accompanied by his sister Kubar. After walking a short distance, they went in different directions. At this time young people from the village were throwing stones at Israeli troops from one of the alleys. A jeep with Israeli soldiers inside stood near Al-Manasra's house. He continued walking toward the jeep while looking for a taxi to take him to work. A few minutes later, he was shot by one of the soldiers in the jeep. Eyewitnesses recounted that Al-Manasra was hit in his torso, near the stomach. Injured and bleeding heavily, he was evacuated to Alia Hospital in Hebron. There, the surgeon on duty diagnosed a tear in the heart as a result of the rubber bullet. The surgeon was able to repair the tear, and the heart began working again. However, Al-Manasra suffered from brain damage as a result of the injury. He was transferred the same day to Al-Mukkassad Hospital in Jerusalem for treatment in the intensive care ward, where he underwent artificial respiration. Despite the physicians' efforts to save his life, Al-Manasra died on January 17, ten days after being shot.

#### MPI delays investigation

The MPI investigation began only after Al-Manasra's death, and not on the day he was injured, despite the severity of his wounds. In the preliminary report prepared by MPI on January 17, 1989, the day that Al-Manasra died, it was already determined that the suspect in the shooting was Lt. Colonel Yair Landau, and that he was suspected of violating Section 85 of the Military Code of Conduct (improper use of a weapon). Nonetheless, Lt. Col. Landau was only interrogated two weeks later, on January 31, 1989. The radio operator who was with Lt. Col. Landau in Bani Naim was only interrogated on February 12, 1989, over a month after the shooting. The driver, who was also present, was only interrogated on April 28, three months after the shooting.

## **The testimonies**

Three questions emerge on examining the testimonies collected from Lt. Colonel Landau, the radio operator Theodore, and the driver Yehoshua. The MPI investigators should have tried to answer these questions before submitting their conclusions at the end of investigation. However, they chose to ignore the contradictions inherent in the testimonies – contradictions that suggest that the shooting at Bani Naim was in clear violation of the regulations for opening fire, and that Lt. Colonel Landau was lying to the MPI investigators.

### **1. How far away were the stone-throwers from Lt. Colonel Landau?**

Lt. Colonel Landau presented the MPI investigators with a version of events that conforms to the regulations for opening fire with rubber bullets: First he shot live rounds into the air as a warning, then he shouted to them in Arabic to stop, and then he aimed at the protesters' legs while standing, without breathing heavily. The rubber bullet was fired at the legs of the protesters, below the knee, after aiming was done through the gun sights of the rifle.

One rubber bullet was fired, followed by seven more bullets all fired in a similar manner and from the same position.

Lt. Colonel Landau's testimony contains factual contradictions, indicating that the firing was actually carried out in violation of the existing regulations for the use of rubber bullets.

At the beginning of his testimony, Lt. Colonel Landau said that the stone-throwing protesters were 70 meters ahead of him. This group "moved along the street toward my position in front of the jeep. (At this point a live bullet was fired as a warning, and Lt. Colonel Landau shouted at them to stop.) ...but they continued getting closer." Lt. Colonel Landau remained standing on the right side of the alley. It is obvious that the distance between Landau and the protesters decreased, and was already less than 70 meters. This contradiction is explained by Lt. Colonel Landau's desire to give a version of events that conforms to the regulations for opening fire that were in force at the time – regulations that forbid shooting rubber bullets from a distance of less than 70 meters, because of the danger that anyone shot at close range would be killed.

Reinforcing the conclusion that the distance was less than what Lt. Colonel said it was the testimony of the driver Yehoshua. According to the driver, the distance between Lt. Colonel Landau and the protesters when the shooting occurred was around 50-70 meters.

### **2. Was the shot fired from a standing or kneeling position?**

What was being targeted? Two questions of critical importance to the investigation are: was Lt. Colonel Landau firing from a standing or kneeling position? Where was he aiming his fire – to the legs, below the knee, or toward the torso? He testified that he was firing from an upright position, and that he aimed for the legs (below the knee). The radio operator Theodore's testimony corroborates Lt. Colonel Landau's version.

Interrogated nearly two weeks after his officer, he said that the shooting was done from an

upright position. The jeep driver Yehoshua told investigators that when the stone throwing intensified, Lt. Colonel Landau hid behind a wall, kneeled, lowered the barrel of his rifle (which was pointed at the sky during the firing of the warning shot), and shot one plastic bullet at the people in the alley.

In addition, the autopsy report written by the operating surgeon from Alia Hospital in Hebron stated that the bullet penetrated the body in the lower chest. A diagram included in the report shows the entry wound on the left side of the body, near the stomach (upper abdominal region). The autopsy revealed that damage occurred within the chest cavity, and that the bullet hit the front right side of the heart. The path of the bullet, in an upward direction, strengthens the supposition that the shooting was done from a kneeling position with the barrel of the rifle raised higher than the stock, and not from a standing position, and it weakens the claim that the firing was done toward the legs below the knee. If we take into account the testimony of the shooter that the street was level, and that the firing was done through the sights on the barrel of the rifle, then the claim that the fire was aimed at the feet is obviously false. If the shooting was done from a standing position with the barrel pointed at someone's legs on a level street, then the path of the bullet should have been downwards, and not upwards, as the surgeon from Alia Hospital stated.

This contradiction is quite clear, and should have led the MPI investigators to interrogate Lt. Colonel Landau a second time and confront him with this discrepancy. They did not do so.

### **3. When did Lt. Colonel Landau discover that someone was injured from his shooting?**

In his testimony, Lt. Colonel Landau said that only after the eighth rubber bullet was fired did he hear women shouting that someone had died. The women, according to his testimony, passed by him "running toward the bend in the alley where the rioters were." Despite this, he did not attempt to investigate, and after the second IDF force in the village met up with him, they left the village via the north-west exit. He said that only half an hour later he learned that a wounded person had been brought to the hospital in Hebron.

The driver Yehoshua gives a contradictory version of events: He states that after the shooting Lt. Colonel Landau returned to his jeep where he and the radio operator Theodore were standing, and "told me that he thought he killed someone."

It seems that here too Lt. Colonel Landau was perjuring himself, so that it would conform to the regulations for opening fire, which state that if anyone is injured from gunfire, he/she must receive medical treatment. The severity of his misconduct is further compounded by his own testimony that after the shouts that someone had died, "the rioters disappeared and the stone-throwing stopped completely." In other words, even if his claim that during the stone-throwing his life was in danger was accurate, this danger had passed after it was known that someone was injured. At that moment it was possible, indeed mandatory, to approach the place in the alley that the woman had run to, to see what had happened and offer medical treatment to the injured person.

### **The Military Advocate General's office announces that the shooting fell within the guidelines**

On July 18, 1990, more than 18 months after the incident, HaMoked received word of the investigation. According to Major Einat Ron, then the acting Chief Military Prosecutor, the results of the investigation had been transferred to the Central Command Military Advocate General's office, and after being looked at it was returned for completion. Only on March 8, 1991, after the repeated prompting of HaMoked and more than two years after the incident occurred, did the Military AG express his opinion that "the shooting which resulted in the death of Issa Al-Manasra was carried out according to the regulations, while the force that the shooter was commanding encountered a life-threatening situation."

### **Additional legal possibilities for responding to the violations**

Were the contradictions in the testimonies seriously investigated, enough evidence might have been assembled to charge Lt. Colonel Landau with unlawful use of a weapon. In addition, he could have been charged with violating Section 304 of the criminal code: causing death by negligence. The maximum sentence for that crime is three years imprisonment.

### **How long does it take to receive the investigation material?**

After the results of the investigation became known to HaMoked, the possibility of filing a civil suit was considered by the Al-Manasra family, for the killing of Issa. On May 12, 1991, HaMoked attorney Andre Rosenthal asked Lt. Yuval Horn, assistant to the Chief Military Prosecutor, for permission to see the investigation file.

- In mid-June 1991 HaMoked attorney was told by Major Einat Ron, that a discussion had been held on his request to receive the investigation file.
- On June 17, 1991 HaMoked attorney asked Lt. Yuval Horn to inform him of the Military Advocate General's response to his request.
- On June 19, 1991 Lt. Horn announced that the file had been ordered from MPI, and that after passing censorship they would arrange a time for the file to be examined.
- On September 3, 1991 HaMoked attorney sent a letter to Lt. Horn and repeated his request to view the file.
- On September 15, 1991, four months after the first request to receive the investigation file, HaMoked was given permission to view it.

### **Legal claim for damages**

On January 17, 1996, HaMoked filed a legal claim for damages in the name of Issa Al-Manasra's estate and his parents. The claim was made at the Jerusalem Magistrate Court for NIS 112,000. This amount included compensation for the shortening of the deceased's life; for the pain and suffering that occurred before his death; for funeral expenses; and for

the pain and suffering of his parents. The defendants named in the claim were Lt. Colonel Yair Landau, the State of Israel, the Minister of Defense, and the IDF.

After filing the claim it was made clear to HaMoked that the Attorney General's Office (Tel Aviv District) was not planning to forward a copy of the claim to Lt. Colonel Landau. HaMoked Attorney Badra Khouri then asked the State's attorney responsible for the case to forward Lt. Colonel Landau's particulars so that HaMoked could file the claim. The attorney refused to do so.

On May 8, 1997 the Magistrate Court was presented with an agreement reached between the State of Israel and Issa Al-Manasra's parents, providing compensation of NIS 7,500.

## Witnesses Saw the Killing, But the Shooter Was Not Prosecuted

The killing of Rufeida Abu Laban

### **Summary**

Rufeida Abu Laban, age 13, was shot and killed on April 17, 1989 in the Deheisheh Refugee Camp near Bethlehem.

On the morning that she died, an IDF foot patrol under the command of Sergeant Dror Yitzhari moved across the camp “to demonstrate our presence, maintain order, and enforce the curfew,” in the words of the concluding MPI investigation (July 19, 1989). When the foot patrol reached the southern part of Deheisheh, they were attacked by stone-throwers from all directions. During the attempt to disperse the stone-throwers, the soldiers fired rubber bullets, and Sergeant Yitzhari fired at least two rubber bullets at the protesters. The soldiers followed up immediately with the pursuit after the protesters who ran away in the direction of Artes Mountain. Sergeant Dror Yitzhari fired an additional rubber bullet that hit and killed Rufeida Abu Laban. She was in the street after being told by her father to find her younger brother.

Rufeida Abu Laban’s body was taken to the home of a camp resident, and then transferred to Mount of David Hospital in Bethlehem. Dr. Sami As’ad examined her and established her death. In a report written nine days later, on April 26, 1989, Dr. As’ad wrote that the body was brought to the hospital at 10:45 a.m. on April 17, 1989. In the rear of her head an entry wound was visible. The bullet exited the front of her skull, leaving a hole 6 cm wide, causing her death. Testimonies were collected from Sergeant Yitzhari and other soldiers under his command on the afternoon of the shooting. Apart from a conversation between the father of the girl and the military governor of Bethlehem, no attempt was made to locate and interview eyewitnesses to the shooting from the camp residents. The girl’s father was not a witness, and he refused to allow his daughter’s body to be exhumed for the investigation.

HaMoked received reports of the shooting the same day it occurred. HaMoked field researchers located two witnesses to the shooting: the physician who examined the girl’s body, and the resident of the house that the body was brought to before being transferred to the hospital.

A letter was sent the same day to the Military Advocate General, Brigadier Amnon Strashnov: “The events as described by the residents of Deheisheh Refugee Camp indicate that the guidelines for opening fire were violated, and in our estimation an immediate investigation is called for. We will be glad to assist in locating eyewitnesses and bringing them for interrogation as necessary.”

### **The testimonies**

An examination and comparison of the testimonies collected from all sides reveal four salient points:

a. Rufeida Abu Laban did not participate in stone-throwing, and was an innocent bystander.

- b. Rufeida Abu Laban was shot from behind, proving conclusively that she could not have posed a danger to anyone.
- c. The testimonies of the soldiers, including Sergeant Yitzhari, show that the shooting of rubber bullets was in violation of existing regulations for opening fire.
- d. The soldiers lied when they said that they did not know anyone had been killed as a result of the shooting.

### **Rufeida was an innocent bystander shot from behind**

Let us begin with the testimonies of Palestinian eyewitnesses to the shooting and killing of Rufeida Abu Laban:

Raida MD, 15 years old at the time of the incident, a resident of Deheisha Refugee Camp: “Rufeida arrived at my house and told me that she wanted to go and look for her little brother Adham. I went out with Rufeida toward the mountain... We noticed that the army was there and I saw young men running to the camp. I could tell that there was a problem. Rufeida and I wanted to go back home. The soldiers who were about 30 meters away started to shoot. I ran and the shooting was behind me. Rufeida was in front of me. Suddenly I saw her fall. I kept on running. I did not realize that she was hit by the shooting. I was also hit from a shot that grazed my left hip. I kept on running and I never saw Rufeida again...”

Raida’s testimony is consistent with the findings of Dr. As’ad, who wrote that the shot which killed Rufeida was fired from behind. Further strengthening this conclusion is footage shot by the Canadian Broadcasting Corporation, filmed immediately after Rufeida’s death. In the film, Rufeida’s face is visible. The bones of her nose and eye sockets (the location of the exit wound) are smashed into a pulp by the bullet.

Approximately a week after the incident, Raida was stopped by “Captain Kamal” from the Civil Administration, and questioned about the stone-throwing that preceded Rufeida’s death. However, as she told HaMoked, “during the interrogation I was never asked about Rufeida or about the incident in which she was shot.”

The circumstances of the shooting are apparent from the testimony of Mohammed AI, a Deheisha resident who was in the areas known as Mount Al-Ahras that morning: “...I saw one of the soldiers point his weapon like a sniper, through the gun sights, and fire a number of shots. The shooter aimed his rifle toward Mount Al-Ahras when he was firing. After half an hour I heard from various people that the girl Rufeida Abu Laban was killed by soldiers at Mount Al-Ahras and that she died on the spot.”

### **Shots were fired in violation of standing orders**

Sergeant Yitzhari violated the regulations for opening fire with rubber bullets in three respects:

- a. The regulations specify that before rubber bullets are fired, the shooter must fire a live round into the air as a warning. Sergeant Yitzhari did not fire into the air before using the

rubber bullets. First Sergeant Dror, who was with the unit, also testified that no warning shot was fired.

b. The regulations specify that rubber bullets should be fired only at the leg, below the knee. The evidence strongly suggests that the shooting was aimed not at the legs but at the torso.

c. The regulations also state that if it is impossible to aim below the knee (because of topography, obstructions, or any other reason), the use of rubber bullets is forbidden. The distance and the difference in elevation between the soldiers and the fleeing girls did not allow Sergeant Dror Yitzhari to aim his rifle properly. Nonetheless, he fired.

In addition to all of the arguments above, the wound in Rufeida's head clearly shows that she was shot from behind, and therefore could have posed no threat whatsoever to the soldiers.

### **The soldiers lied in their testimonies**

Soldiers from Sergeant Yitzhari's unit lied to MPI investigators when they testified that they did not see anyone injured as a result of their gunfire. The shooter himself stated that "I didn't see anyone get hurt, it was far away." But Mahmoud IA, the owner of the house that Rufeida was brought to immediately after being shot, testified that "...after the young people left my house (taking Rufeida with them to the hospital) a group of soldiers arrived. Three of them entered my yard. One of the soldiers asked me about all the blood in the Mount area... they were following the blood and left the area." The visit at Mahmoud IA's house and the tracking of the blood trail were not coincidental; the soldiers had reason to believe that someone had been wounded, and they were trying to verify it. Nonetheless, during interrogation they denied thinking that anyone was injured.

### **The results of the MPI investigation**

As noted above, MPI did not make any attempt to locate witnesses from the refugee camp. Although HaMoked offered to assist in locating and bringing witnesses for the investigation, MPI never followed up on the offer. Even without the testimonies of witnesses from the camp, however, MPI had more than enough material to reach the conclusion that Sergeant Yitzhari fired contrary to regulations, and that it was the rubber bullet he fired which killed Rufeida Abu Laban.

The investigators satisfied themselves with the soldiers' testimony, including that of the shooter Sergeant Yitzhari, and refrained from asking questions stemming from the testimonies themselves. One such unasked question is: was anyone injured as a result of firing rubber bullets, and if so, who might that be? The investigators recorded the soldiers' words, in which they claim to have never seen girls or young women, and made no attempt to draw a connection between the soldier's gunfire and the death of the girl. This is despite the fact that the death of the girl (at the same time and in the same place as the shooting by IDF soldiers) was well known to MPI at the time. This conclusion is apparent in the testimony of the Bethlehem Military Governor. The investigation report summary, written on July 19, 1989 and titled "non-obeyance of compulsory military regulations," states that "no

connection was found between the death of a local resident... and IDF activity in the area.”<sup>1</sup> The search for information at local hospitals was incomplete. Nine days after the shooting, Dr. As’ad from Jabal Daoud Hospital in Bethlehem prepared an autopsy report. The MPI investigators never reached the hospital, did not speak to Dr. As’ad, and satisfied themselves with the comment of Lt. Colonel [---], the chief of Regional Command Center (hereafter RCC) in Bethlehem, that “in the search for information from hospitals there was no report of a female body or head injury.”

MPI also accepted the soldiers’ version of what happened to the body, without any effort to verify the facts. Lt. Colonel [---], the governor of Bethlehem, testified that he met the girl’s father. “According to my understanding from the father, his daughter never reached the hospital, was never examined by a physician, and a physician never determined her death.” The father denied those words. Actually, even according to the governor’s version, the father was not an eyewitness, neither to the injury nor to what happened afterwards. He told investigators that “in the incident where it is claimed a girl was killed in Deheisha refugee camp on April 17, 1989, a request was received from the head of the Civil Administration to visit the family and try to learn the circumstances in which the death occurred... We met the girl’s father, Khalil Abu Laban... He claims that he never saw her, not when she was injured, not after she was injured, and not during burial. The father had only heard rumors of what happened that were passing around.”

The MPI investigators knew that they were getting only hearsay evidence from the Bethlehem governor. He was supposedly repeating the comments of the father, who stated that these comments were no more than rumors. They did not try to question the father, but wrote in their report that: “Our investigation revealed that the local resident who was killed was buried on the way to the hospital, by the youths that evacuated her, without having been examined by a physician or having her death determined by a medical professional.”

In the preliminary MPI report on the incident, 2nd Lt. Yossi and Major David stated that Sergeant Dror Yitzhari “fired two rubber bullets toward rioters during a disturbance without firing a warning shot into the air beforehand, and without aiming at the legs, as called for by regulations.” They conclude that Sergeant Yitzhari apparently violated Section 133 of the Military Legal Code (1955), which deals with “non-obeyance of regulations in force.”

In the final report it is also stated that Sergeant Yitzhari “fired two rubber bullets toward the rioters without noticing if anyone was hit. The soldier did not fire a warning shot into the air before firing the rubber bullets, and did not aim at the legs, and in so doing violated the regulations for opening fire with rubber bullets.”

### **The Central District Attorney General’s opinion**

The MPI file on this case was sent to the Military Advocate General Central Command, and on September 11, 1989, Central Command Military Prosecutor Lt. Colonel Rachel Dolev wrote an opinion on it. Before the opinion had been written, B’Tselem (The Israeli

<sup>1</sup> Cap. Ilan and 2nd Lt. Yossi were the authors of the report.

Information Center for Human Rights in the Occupied Territories) and HaMoked both wrote to Lt. Colonel Dolev informing her that the family of Rufeida Abu Laban had not been questioned at all. Regardless, the file was not returned to MPI for completion of the investigation, and Lt. Colonel Dolev has admitted that she accepted the testimony of the Bethlehem Governor regarding his conversation with the girl's father as enough. The opinion she wrote was therefore based on the incomplete and misleading information present in the investigation file.

Lt. Colonel Dolev reached the conclusion that based on the testimonies, Sergeant Yitzhari was guilty of "a violation of using a weapon illegally... Since the regulations for using rubber bullets... demand a live round warning shot in the air to warn the rioters before rubber bullets are used, and firing a rubber bullet is not a substitute for this warning shot." Moreover, "if it is impossible, because of the lay of the land or any other reason, to aim fire below the knee, then it is forbidden to fire." (Emphasis in the original – HaMoked).

Despite her assessment, Lt. Colonel Dolev decided not to put Sergeant Yitzhari on trial, neither before a court nor before an officer-judge. The decision not to put him on trial before a court was justified on the grounds that "apparently no-one was injured as a result of the gunfire." The decision not to put him on trial before an officer-judge was justified on the grounds that more than three months passed since Sergeant Yitzhari was released from reserve duty, and after such a long period of time it was no longer possible to put him on trial. It seems that Lt. Colonel Dolev did not feel entirely comfortable with her own decision. She ordered the file closed only "after great hesitation," and even recommended that the commander of Sergeant Yitzhari's unit reprimand him for his mistake, "and explain to him my reasons (reached with a heavy heart) for not putting him on trial contained in this opinion."

### **Other legal possibilities**

Given the evidence before her, and taking into account the defects in the investigation file, Lt. Colonel Dolev could still have placed Sergeant Yitzhari on trial on two counts: "non-obeyance of military regulations" according to Section 133 of the Military Legal Code, a violation that carries with it a maximum punishment of one year imprisonment; and violating Section 85 of the Code, which deals with "illegal use of a weapon," and punishable by up to three years imprisonment.

In addition, the decision to avoid placing Sergeant Yitzhari on trial because of the time that passed since his release from reserve duty has no basis in fact. Had he been tried before a military court, this could have taken place up to six months from the date of the offense on the first charge, and up to twelve months for the second offense relating to the illegal use of a weapon. Given that her opinion was written on September 11, 1989, it is clear that at least one month remained for the first offense, and seven for the second.

### **The response of the Minister of Defense**

On May 29, 1989, MK Yair Tzaban wrote to then Minister of Defense Yitzhak Rabin

asking to learn what happened to the investigation into the death of Rufeida Abu Laban. Among other things MK Tzaban tried to learn if testimonies were collected from the girl's family members and other Palestinian eye-witnesses, and if charges were filed against anyone.

The Minister of Defense's response, which rested on the reply given by the Chief Military Prosecutor, arrived on March 15, 1990. It said that "one of the commanders fired two plastic bullets, but diverged from relevant operational orders. It seems that one of the bullets hit the deceased and caused her death." The letter also explains the motives of Lt. Colonel Dolev in choosing not to try Sergeant Yitzhari. The Minister of Defense added that "it should be emphasized that the attorney (Dolev) ordered a reprimand despite the life-threatening danger that the force was facing."

### **A new version of the findings**

A few days later, on March 27, 1990, HaMoked asked the Chief Military Prosecutor for the investigation findings regarding the death of Rufeida Abu Laban.

On April 18, 1990, Cap. Major Einat Ron, then the assistant chief military prosecutor, answered HaMoked's request: "No support was found during the investigation for the claim that the girl was killed as a result of a plastic bullet injury to the head."

HaMoked replied to Captain Ron on July 29, 1990. Using the Minister of Defense's response, HaMoked suggested that the principal in the case diverged from the regulations for opening fire with plastic bullets, one of which apparently caused Rufeida's death. Cap. Major Ron was asked to explain the contradiction between her version of events, in which the child was not killed as a result of a plastic bullet, and the Minister of Defense's comments. The minister was basing his answer on the reply of the Chief Military Prosecutor, Cap. Ron's commanding officer. Attached to the letter was Dr. As'ad's autopsy report.

Cap. Major Ron replied on August 26, 1990 that "unfortunately there was an error in the wording of the reply (from the minister to MK Tzaban) from which it could be understood that there was a connection between the shooting of the soldier mentioned in the letter and the death incident." In her letter, Cap. Major Ron completely ignored the autopsy report from Mount David Hospital.

HaMoked responded on September 12, 1990 stating that the revised "wording" sent to the Ministry of Defense actually constituted a new version of the events relating to this incident. At this point HaMoked asked to view the contents of the investigation file, because the family of the deceased was considering further legal actions related to Rufeida's death.

### **How long does it take to get a file?**

It took more than a year for HaMoked to receive the investigation file:

- On October 9, 1990 Cap. Major Ron asked HaMoked to forward a power of attorney authorization signed by the family.
- On November 14, 1990 a power of attorney authorization was sent, and HaMoked again

requested to view the contents of the investigation file. No reply was forthcoming from Cap. Major Ron, despite numerous written reminders and telephone calls.

- On February 24, 1991, HaMoked again requested the contents of the investigation file in writing. Cap. Major Ron did not reply.
- On March 22, 1991, HaMoked again requested the contents of the investigation file in writing. Cap. Major Ron did not reply.
- On April 26, 1991 (more than five months after the power of attorney authorization was sent to Cap. Major Ron) HaMoked wrote to Brigadier Ilan Schiff, then Military Advocate General, for help in getting access to the investigation file. Brigadier Schiff did not reply.
- On May 5, 1991 HaMoked wrote to Cap. Major Ron again. She did not reply.
- On May 23, 1991 HaMoked wrote to Cap. Major Ron again. She did not reply.
- On July 4, 1991, more than seven months after the power of attorney authorization was sent to Cap. Major Ron, HaMoked wrote to attorney Nili Arad, then director of the High Court of Justice Petitions Department of the State's Attorney General's Office, asking for assistance in receiving the investigation file.
- On July 30, 1991 Cap. Major Ron replied, informing HaMoked that a date would be arranged for viewing the file after it passed censorship.
- On September 11, 1991 HaMoked was informed by Cap. Yuval Horn, assistant Chief Military Prosecutor, that the files would be available for inspection beginning on October 6, 1991.

### **Compensation**

On January 19, 1994 HaMoked wrote to the legal advisor for Judea and Samaria District of the Civil Administration and demanded compensation for the death of the girl. The letter was on behalf of the parents. After further exchanges of letters and discussions, the staff officer for compensation claims at the Ministry of Defense wrote on January 2, 1995 that the claim for compensation was rejected.

### **Compensation claim in court**

On 22 February, 1996 HaMoked filed a claim for compensation on behalf of Rufeida Abu Laban's estate and her parents to the Jerusalem District Court for NIS 106,500. This sum included compensation for shortening Rufeida's life, pain and suffering incurred before her death, burial and funeral expenses, and the pain and suffering of the parents.

The defendants were Dror Yitzhari, the IDF, and the Ministry of Defense.

The claim rested on the testimonies of Palestinian eyewitnesses to the shooting incident from Deheisha refugee camp, and an affidavit from Dr. Sami As'ad, who examined the girl's body and determined her death.

On March 11, 1997 the court approved a compromise agreement between the girl's family and the defendants, which granted the plaintiffs NIS 40,000.