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IN ACCORDANCE WITH RESOLUTION 672 (1990)

Addendum

The present addendum contains the report received from Al-Haq referred to in paragraph 8 of the Secretary-General's report.

AL-HAQ

القانون من أجل الإنسان



31 Main St., P.O.Box 1413, Ramallah, West Bank, Tel: 02-956421 • ٠٢-٩٥٦٤٢١ : تلفون ، الضفة الغربية ، رام الله ، الشارع الرئيسي ، ٣١

28 October 1990

RECONSTRUCTION OF EVENTS (REVISED)
AL-HARAM AL-SHARIF, JERUSALEM
MONDAY, 8 OCTOBER 1990

Introductory Comments

On Friday, 12 October 1990, al-Haq issued a reconstruction of the events which occurred on 8 October at al-Haram al-Sharif (hereafter al-Haram), Jerusalem. Since then, al-Haq has collected more information concerning the circumstances and events of that day. Presented below is a revised version of the original reconstruction; there are few amendments as the information collected by al-Haq since issuing the first report has confirmed and supported the original findings.

This chronology of the events of 8 October at al-Haram, is based on over 50 thorough interviews conducted between 8 and 11 October 1990, by a team of 13 al-Haq staff members; since 12 October, al-Haq fieldworkers have conducted further interviews. In addition, many of the facts presented below were also corroborated by reports from other witnesses.

The information presented is as exact a reconstruction of the events as al-Haq has been able to achieve. Every effort has been made to obtain reliable and corroborated evidence; in several instances, al-Haq has excluded details that it was not able to confirm or corroborate to its satisfaction.

Those interviewed included women and men worshipers, some of whom were later arrested; officials of al-Awqaf (Muslim Religious Trust); and non-worshipers who were present in al-Haram including journalists, residents situated within the precincts of al-Haram, residents of the area adjoining al-Haram, doctors and nurses who came to the scene, ambulance drivers, al-Haram guards, and wounded ^{me a}, women, and children. Al-Haq staff also saw several video recordings of the events.

These interviews were conducted at the site of the incident; in houses adjacent to the site; Maqassed Hospital, Augusta Victoria Hospital, St. Joseph's Hospital, and the offices of al-Awqaf.

The area in question, which is almost 141 dunums in size (one dunum = one thousand square metres), is known as al-Haram. Al-Haram is a Moslem holy place which includes al-Aqsa Mosque (where men usually pray), and the Dome of the Rock (where women usually pray). In addition, there is a museum, schools, a clinic, a police station, a library with archives, offices, and areas cultivated with pine and olive trees. (SEE MAP 1). Al-Haram has, since 1967, been under the spiritual supervision of the al-Awqaf, although ultimate responsibility for security has been in the hands of Israeli police. In addition to having a police station within the grounds of al-Haram, the police have acquired, since 1967, possession of strategic

sites and the west side between al-Haram and the Western (Wailing) Wall, include the building known as the "mahkameh" (the "Court"), and the rooftops overlooking both al-Haram grounds and the Western Wall plaza. (SEE MAPS 2 & 3). The entire area is walled. It is accessible through eight doors that are normally open. The Israeli police have effective control of all the gates, the keys of which (with the exception of al-Magharbeh - ["Morocco"] - Gate) are with al-Awqaf.

Usually there is one Palestinian guard from al-Awqaf and two Israeli policemen guarding each gate. Israeli Border Guards (a special army unit attached to the police force and under the command of the Ministry of Police) are stationed in the "mahkameh", which is between al-Silsileh (Chain Gate) and al-Magharbeh Gates. (SEE MAP 1). Border Guards enter al-Haram area at will and routinely patrol inside al-Haram, usually in groups of three (however, this number is augmented when the situation requires), without requiring permission to do so by al-Awqaf.

Normally, al-Haram is open to tourists and non-worshippers. Palestinians entering through the Old City gates may have their identity cards checked by Border Guards, especially on Fridays and other days when large crowds are expected.

The Western Wall, a Jewish holy site, lies between al-Magharbeh and al-Silsileh Gates. Above the Western Wall, and overlooking al-Haram, is a wall some ten metres high and several metres wide, on which Border Guards can, and sometimes do, patrol. (SEE MAP 3).

Vehicle access all the way to the front yard of al-Aqsa from al-Asbat Gate (Lion's Gate), in the north-eastern part of al-Haram, is possible.

Background to the Events of 8 October, 1990

The "Temple Mount Faithful," a group of Jewish extremists, was established in 1967. Their primary objective is to build a Third Temple on the site of al-Haram. The group has been permitted to enter the area of al-Haram in the past for special religious holidays. On previous occasions, after agreement with the police, the Temple Mount Faithful had been allowed to enter al-Haram between the hours of 8:00 a.m. and 3:00 p.m., in groups of two, three or four, accompanied by Israeli police. This year they sought permission to lay a cornerstone of the Third Temple and set up a Succa (tabernacle), on 8 October 1990, in al-Haram. The Israeli police refused this request, but gave the Temple Mount Faithful permission to enter between the hours of 8:00 and 11:00 a.m. The Temple Mount Faithful appealed to the High Court of Justice seeking a reversal of this decision. They subsequently dropped their appeal, but publicly announced that they intended to enter al-Haram on 8 October in any case. The belief prevailed amongst the crowd gathered at al-Haram that the Temple Mount Faithful would try to enter al-Haram accompanied by Border Guards.

Calls from mosques in Friday sermons, and in schools, were made for Moslems to come to al-Haram on 8 October to defend it and to prevent it from being taken over by the Temple Mount Faithful. Many people heeded the call.

Monday, 8 October 1990: Dawn - 8 a.m.

There were no checkpoints on the Ramallah-Jerusalem road until after 8 a.m. There were no checkpoints on the road from Bethlehem.

By 5 a.m., there were already approximately 500 people in al-Haram. Half an hour later, at the time of the early-morning prayer, there were approximately 1000 worshipers in al-Haram.

At around 7:30 a.m., a Border Guard patrol, comprising some 15 men, entered al-Haram through al-Magharbeh Gate and inspected the area around the Gate and the main stations there. This patrol remained stationed in the area of al-Magharbeh Gate.

From around 8.00 a.m., non-Palestinians, particularly tourists, were prevented from entering al-Haram by Border Guards and police guarding the entrances.

8.00 a.m. - 10.00 am.

More worshipers arrived at al-Haram during this time. They were allowed to enter without being searched.

Sheikhs, who were giving talks to groups assembled throughout al-Haram, repeatedly stressed the importance of restraint and affirmed the duty of Moslems to protect the holy places. They were also walking among the people urging calm.

Al-Awqaf officials, concerned at the possibility of confrontation at a time when tension was high due to the swelling crowds and what they felt to be the provocative posture of armed Border Guards in al-Magharbeh Gate area, attempted to reduce the tension and ensure discipline and calm by instituting a number of measures. These measures included:

- 1) ushering all the women to the area around the Dome of the Rock, and all the men to the front yard of al-Aqsa Mosque (SEE MAP 1);
- 2) recruiting young men to form a human chain to prevent any confrontation from developing in the area of al-Magharbeh Gate (SEE MAP 1);
- 3) meeting at various times with Israeli Security Officers, including a Yemenite officer of the Border Guards, Shlomo Qatavi ("Abu Taj"), in order to try to ensure that the behavior of the Border Guards present did not provoke the crowd. Shlomo Qatavi responded on different occasions:

"Today we are not playing, not joking";^A

"If stones are thrown today, we will soak the place in blood."^B

The last sermon was given by Sheikh Hamed al-Beitawi at approximately 10:00 a.m. After this sermon, a 12-year-old boy recited a poem for about five minutes. At this time, witnesses estimate that between 3,000-5,000 people were present. This number of worshipers generally gather for Friday prayers at al-Haram; thus the size

A , Al-Haq interview with al-Awqaf officials, 10 October 1990.

B. Ibid.

of the crowd alone was not remarkable. However, the high level of tension among worshipers was unusual as they anticipated a confrontation with members of the Temple Mount Faithful, against whom they had come to protect the Moslem holy shrine. This belief prevailed despite official restrictions on the Temple Mount Faithful.

0.00 - 10:50 a.m.

The crowd was not aware that the Temple Mount Faithful had attempted to enter and been diverted away to Silwan "Pool of Shiloah," nor did the police attempt to communicate this information to the crowd or al-Awqaf officials. The crowd remained in a state of acute anticipation. Tension was rising with every minute. However, according to witnesses interviewed, no violent incidents were reported before 10:30 a.m.

Between 10:30 and 10:50 a.m. (most probably at 10:45 a.m.), the women who were around the Dome of the Rock were tear-gassed. Al-Haq interviewed many women and men regarding the precise chronology of events and got different versions as to where exactly the tear gas came from and what preceded its shooting. However, the fact that a tear gas canister was shot or thrown into the crowd, and exploded, is established beyond doubt. Thus, whoever was responsible for this action completely failed to take into consideration the prevailing tension of the crowd or the impact which this act would have, under the circumstances. Moreover, the Israeli authorities made no attempt to cool tempers and prevent the violence that ensued. It has been established that this marked the beginning of the ensuing events.

The men at al-Aqsa front yard reported hearing shouts of "*The army has come, Allahu Akbar*," coming from the group of women. Some of the men ran to the north, towards the women, but a large number moved to the west towards al-Magharbeh Gate, where an estimated 15-20 Border Guards were stationed. The Border Guards began shooting at the approaching crowd, some of whom were throwing stones towards the Border Guards. The Border Guards did not issue verbal warnings or fire warning shots in the air, or use any other means of crowd control to avoid inflicting severe injuries. Instead, they fired at the crowds, wounding at least twenty people. Thus far, it has not been established what type of ammunition caused these injuries.

Despite the number of injured, the crowd proceeded forward and the Border Guards eventually retreated behind al-Magharbeh Gate.

As the firing continued, al-Awqaf sheikhs could be heard shouting over a megaphone to the crowd:

Move inside the mosques. Al-Haram is a place for worship not for fighting. There are dead and wounded. Call the police to speak to us because a massacre is taking place in al-Aqsa Mosque. Do not stand before the soldiers. Do not confront the soldiers. Do not make your bodies subject to death in order to preserve your lives and the Holy Aqsa. Stay away from the walls of al-Aqsa and al-Mahkameh area and the Western Wall where the soldiers are stationed. All men should proceed to the

Aqsa. All women should proceed to the Dome of the Rock.^A

He also addressed the Border Guards, saying:

"It is enough. Enough shooting. Stop the shooting."^B

10:50 - 11:20 a.m.

The young men ran to al-Magharbeh Gate and closed it. At this point, the crowds were shot at from the windows of the building known as the "mahkameh." Guns protruded through holes cut out of the wire grill covering those windows. The crowd threw stones in the direction of soldiers stationed at the "mahkameh" who were shooting down at them. Some of these stones fell onto the Western Wall plaza, located on the other side of the dividing wall (SEE MAP 2). At the same time, the Border Guards who were behind al-Magharbeh Gate were firing tear gas in large quantities. They were also firing through a hole already existing in the gate. The crowds pelted them with stones, some of which fell on the Western Wall plaza. It is evident that many of the wounded and killed were hit during the ensuing 20 minutes; i.e., from approximately 11:00 - 11:20 a.m. (SEE MAP 2). At least one of the Border Guards shooting into al-Haram area had set his gun at automatic.

It is important to note that separating the crowd at al-Haram from worshipers at the Western Wall is an arcade.^C This structure is at least six metres wide and 12 metres high.

It is also important to note that there is a local police post, consisting of two rooms, located some 200 metres to the north-west of the Dome of the Rock. It forms part of a low-roofed series of rooms in which two Arab policemen are permanently stationed. Despite police knowledge of the probability of tension on 8 October, no attempt was made either to remove the two policemen or to give them any other support. They remained there throughout the better part of the morning. During this period of time, the two local Palestinian policemen were evicted by the crowds who then set on fire the furniture inside these rooms.

The first ambulance arrived at around 11:00 a.m. It drove through al-Asbat Gate and stopped at the front yard of al-Aqsa. The doctor, wearing a white medical coat, got out of the ambulance to give first-aid to an injured person and was immediately shot in the leg. The Border Guards opened fire at the ambulance, which was clearly marked, causing damage to the ambulance. At the same time, a nurse, Fatima Abd el-Salam Abu Khdeir, 35, was severely injured. Another nurse was arrested.

A. This announcement was recorded on tape at the time it was made. Al-Haq excerpted this quote from the simultaneous recording, which is available at al-Haq.

B. Ibid.

C. This arcade consists of an arched wall connects to the "Mahkameh" building.

Muhammad **Hasan** Abu **Rayyala**, 25, a nurse from **Maqassed** Hospital, was shot while trying to help **an** injured person and **was prevented** from **providing** urgently needed medical treatment. The individual he **was** trying **to** help later died,

:20 - 11: 30 a.m.

At around **11:20** a.m., **al-Mag'harbeh** Gate was stormed by between **40 - 50** reinforcements who came in and **pursued** the crowd towards **al-Aqsa** and the surrounding areas, shooting heavily for the **next 15 minutes**. **Many young** men were now attending the wounded. They tried to drag the wounded and the dead to the clinic, which is situated in the north **of** the compound, as well as to the two main mosques: **al-Aqsa** and the Dome of the Rock. Many of those involved in evacuating the wounded have reported order⁶ by the Border Guards to **drop** the wounded; others were also shot at while trying to save the wounded. There were also **reports** of **soldiers** beating **the** wounded. **Many men and women** were seeking shelter in the mosques while others **were trying** to escape by going to the east where the olive groves are. At this time, more contingents of Border Guards had driven through **al-Asbat** Gate in two jeeps which perked in the southern **section** of **al-Haram**. They shot and killed **at** least two in that **region** (SEE MAP). Those who were trying to escape through the gates of **al-Haram** were prevented from doing **so**. At this point, the ICRC and UNRWA delegates were present.

At around **11:30** a.m., a yellow helicopter was seen flying above **al-Haram**. **C** this time, both **al-Aqsa** Mosque and the Dome of the Rock were crowded with dead and wounded as well as people escaping from the shooting **and** **tear gas**. Negotiations were conducted between the Border Guards and **al-Awqaf** officials, **ICRC** delegates, and UNRWA officials regarding evacuation of the crowds from **al-Aqsa** Mosque **and** the Dome of the Rock. Soldiers were pursuing young men who were trying to escape. Those who were **outside** these mosques were attempting to **leave** to escape arrest and the Border **Guards** were pursuing them. **Many** incidents of severe beatings were reported. There were also **incidents of** shooting as well as large **number** of arrests. Witnesses estimated the number of soldiers present at this point to be no less than **100**.

11:30 - 12:30 p.m.

Exit **was** restricted as soldiers at the gates were arresting those trying to leave **al-Haram**. Some managed to leave, There is evidence that people from outside were trying to get in from at least **one gate**. Soldiers tried to prevent them, but failed. Evacuation of the wounded continued **with disruptions**. Sporadic shooting continued in surrounding areas, **but** no deaths were reported. The witnesses reported that severe beatings and large scale arrests were continuing. The police and Border Guards had assumed full **control of the situation**.

The Final Count

The number of dead was 17, one **of** whom was a woman, Over **150** were injured, amongst whom 5-7 are in serious but stable condition. **150** were arrested from inside **al-Haram**, and another 120 from outside. Everyone **was evacuated** from **al-Haram** by 5:00 p.m.

SUMMARY OF FINDINGS

1. During the week preceding 8 October, the group called "The Temple Mount Faithful" announced their intention to enter al-Haram al-Sharif on 8 October, and publicly invited Jews to accompany them. Public calls were issued by muezzins during Friday prayers on 5 October for Moslems to gather on 8 October, in order to defend al-Haram.
2. On 8 October, tensions were high at al-Haram, where 3,000 to 5,000 Moslem worshipers were gathered. There were no calls for the stoning of Jews praying at the Western Wall, and those worshipping there were not deliberately attacked. On the contrary, al-Awqaf officials specifically and repeatedly called on worshipers to remain calm and act with restraint. Stones were thrown, directed at Border Guards standing on top of the roof of the structure separating the Moslem area from the Western Wall. Some of these stones fell on the area of the Western Wall.
3. The incident began when tear-gas canisters exploded in the midst of the crowd gathered at al-Haram. This was followed by stone-throwing by the crowd gathered there, and by shooting by the police and Border Guards present.
4. Contrary to official open-fire regulations, the Border Guards issued no verbal warnings to the crowd at al-Haram, and failed to fire warning shots into the air.
5. Once Border Guards started firing, they did so without restraint and, at times, used automatic gun-fire. Several of the wounded were shot more than once.
6. Efforts to save lives and aid the wounded were seriously obstructed. Ambulances, medical personnel, and other individuals were shot at. Several were injured in the act of attempting to aid the injured.
7. No attempt was made by law enforcement personnel to coordinate with the al-Awqaf officials present in order to avoid confrontation, restore calm, and diffuse the situation. In fact, attempts by the al-Awqaf officials to find ways of reducing tension were rebuffed by Captain Shlomo Qatavi and others in command of the Border Guards and police on the scene.
 - a. Water cannons and plastic riot shields, which have been used by the Jerusalem police for crowd-control purposes in the past, were not made available to the law enforcement personnel present during the events of Monday, 8 October.
9. The Border Guards and police were not, at any time, in a life-endangering situation requiring a lethal response. They were thus wholly unjustified in resorting to the use of excessive and lethal force. Furthermore, it is inconceivable that the use of such force for at least two hours could have been justified.
10. International observers, such as the International Committee of the Red Cross, had no effective role in restraining the actions of the Border Guards and police.
11. Seventeen persons were killed and over 150 were injured in the incident. Only around 20 of the injured were hurt during the first period before the Border Police retreated through Magharbeh Gate,

CONCLUSIONS

1. **The number and severity of the casualties inflicted on unarmed civilians must provoke widespread** concern at the extensive use of unjustified **lethal** force. The Israeli **police** authorities had advance information of possibility of an outbreak of disturbances. Nonetheless, no attempt was made to use readily available, non-lethal, and effective means of crowd-control when Border Guards and police officers intervened.

1.1 The **chronology** assembled by **al-Haq** indicates that the **tactical deployment and conduct of** key Border Guard forces, both before and during the massacre, were **substantially of a n offensive nature, thus raising serious questions regarding the** actual intentions and objectives of those in command of the **forces**.

1.2 Prima facie evidence indicates **that** the following grave **breaches** of the **Fourth** Geneva Convention were committed by individual **Border Guards and others** on 8 October 1990 at al-Haram al-Sharif:

***willful killing** (i.e., killing, with intention to kill, in the absence of a legal **defence** such as **self-defense**).

***willfully causing great suffering or serious injury to body or health**

To date, there is no indication that **the Government of Israel intends to do so** the commission of further grave breaches through the prosecution and sentencing of the individuals responsible.

1.3 Over the course of the three-year-long Palestinian uprising, the Israeli authorities have consistently failed to adopt conventional means of non-lethal crowd-control. This fact indicates, at the very **least**, a lack of concern to **minimize** casualties inflicted on civilians by **Israel's** occupying **forces**, which in turn represents a serious violation of Israel's fundamental obligations as an occupying power.

2. **The** background to **the massacre**, and the manner in which it occurred, **exemplify** a pattern of causation which **has** been common to a number of serious **incidents**, documented by al-Haq, of unlawful **violence** against Palestinian civilians, in the recent past. This pattern includes:

* The persistent failure to ensure that orders issued at the senior, middle or local command level conform to the minimum requirements of international humanitarian law, specifically the Fourth **Geneva** Convention and the Hague Regulations Addendum to the Fourth Hague Convention of 1907. The actions of Israeli Border Guards and **police** on 8 October, most notably opening fire on civilians from **point-blank** range without justification, shooting at ambulances and medical personnel, and inflicting numerous beatings, are direct consequences of this failure,

* The widespread arming of Israeli civilians and the failure to restrain their illegal acts of violence. Al-Haq has documented several crimes committed by settlers during the events last Monday, including **throwing** rocks covered in **burning** glue into houses and shooting at Palestinian passers-by. **Complaints to the police by residents** were ignored. Similar incidents of settler violence have been fully documented in the past, as has the continuing failure of the authorities to **stop** such incidents.

* The public advocacy by members of the Israeli Government of **spe-**

cific illegal programs and policies which would subject Palestinian residents and institutions in the Occupied Territories to; (a) further acts of expropriation, (b) changes in their legal and demographic status, and (c) further expansion of the scope of state-sanctioned coercion, undeterred by local or international bodies. This is of particular concern in occupied East Jerusalem, where such advocacy has been translated into policies and actions prejudicial to the future status of the city, and contrary to the wishes of the occupied population. Such actions blatantly violate international law and continue despite worldwide opposition and condemnation.

* The tolerance of, and failure to restrain or officially denounce, public incitement to illegal actions by such groups as "The Temple Mount Faithful" who continue to call for laying the Foundation Stone of the Third Temple.

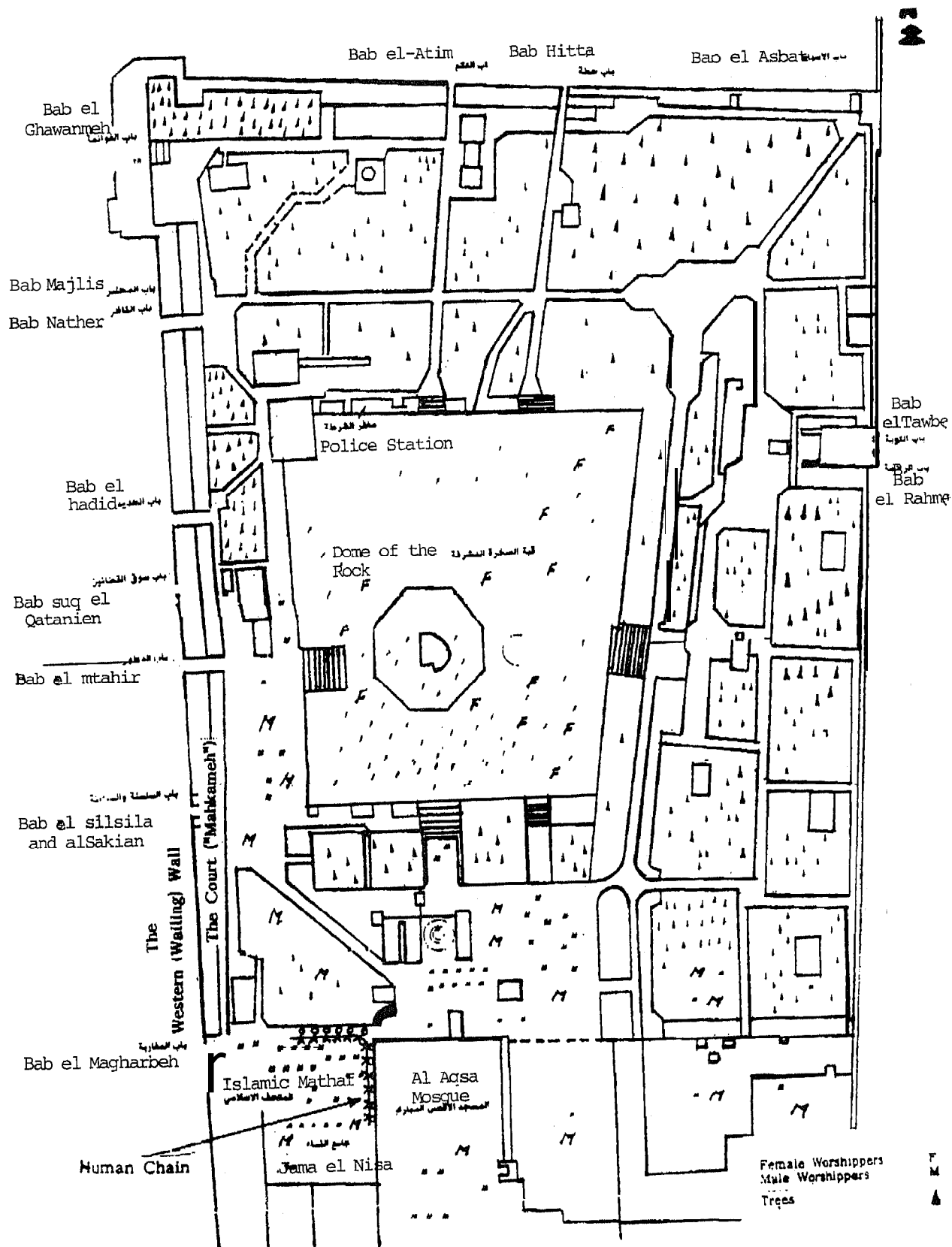
* Lastly, Israel's refusal to apply the Fourth Geneva Convention as a matter of law in the Occupied Territories. This has deprived Palestinians of recourse to enforceable local mechanisms of protection provided for in the Convention, and frustrated the appointment of a Protecting Power.

3. Al-Haq notes the inability of humanitarian agencies and consular officials to protect the population from such violations. During part of the massacre, representatives of the ICRC and UNRWA were on the scene; moreover, the events continued for about two hours within hearing of resident consular officials. There was no effective intervention, and the role of such groups is reduced to documentation after the fact.

4. By rejecting the international community's jurisdiction over its actions in Occupied East Jerusalem, the Government of Israel has unilaterally and illegitimately denied the Palestinian residents of East Jerusalem the status of protected persons under the Fourth Geneva Convention and excluded them from the protection of customary international law.

5. Al-Haq has regularly expressed concerns that continued failure by the international community to compel Israel to abide by international law undermines the safety and security of Palestinians in the Occupied Territories. This year alone, there have been several clear instances of the excessive use of force: on 26 April, for example, three Palestinians were killed and 184 Palestinians injured in Jabaliya Refugee Camp in Gaza; in the week following the killing of seven Palestinian workmen by an Israeli gunman at Rishon Letzion on 20 May, a further 15 were killed by soldiers and settlers and approximately 2000 injured. Following each of these incidents, al-Haq has pointed out to the international community the danger of giving the Israeli government carte blanche to proceed unchecked. On 7 June 1990, al-Haq issued a comprehensive appeal to all States Signatory to the Fourth Geneva Convention outlining specific measures of protection and reminding states of their obligation and the scope of their mandate to intervene to implement such measures jointly or severally.

6. In light of Israel's refusal to abide by its fundamental obligations as a belligerent occupant, and the deterioration of respect for humanitarian law which this has occasioned throughout the region, al-Haq repeats its urgent call to: (a) the Member States of the United Nations, (b) the Secretariat-General and (c) the Permanent Members of the Security Council to take effective measures to provide immediate international protection for Palestinian civilians living under Israeli military occupation.



AL-HAQ

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Attached to MAP 1

Al-Aqsa Holy Mosque

Definition: Al-Aqsa Holy Mosque is the area surrounded by the Harem Wall. This area is about 140 Dunums and 900 square metres. It includes the sealed section which is:

The Aqsa Mosque
The Dome of the Rock
The attached buildings

The Haram has ten main gates in both the northern and western directions that are:

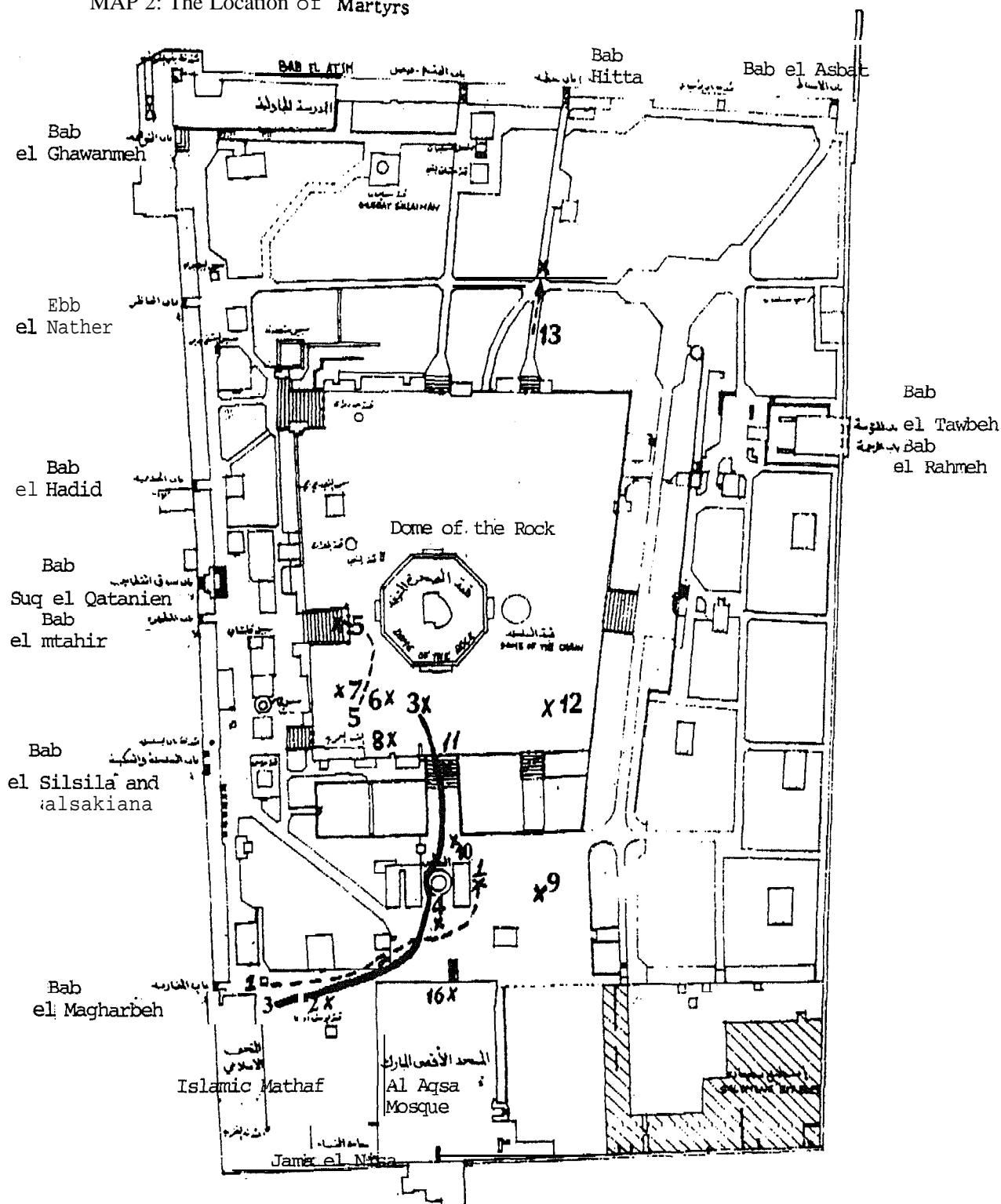
Bab Al-Asbate (Lion's Gate)
Bab Hutta
Bab Faisal
Hab Al-Ghawanma
Bab Al-Majles
Bab Al-Hadid
Dab Al-Qattanin
Bab Al-Mutawadda'
Bab Al-Silsila
Bab Al-Mapharba

There are four other gates in both the southern and eastern directions that are closed.

The attached buildings are:

Al-Aqsa reconstructing offices
The Islamic Museum
The Holy Koran House
The Islamic Secondary Girls' School
The Al-Aqsa Mosque Library
The Islamic Archeological Department
The offices of the Al-Waqf Administration
The Meeting Hall
The Haram Al-Sharif School
The Islamic Cultural Department
The Al-Aqsa Secondary School
The Imams' Section
The Local Guards' Section
The Police Section

MAP 2: The Location of Martyrs



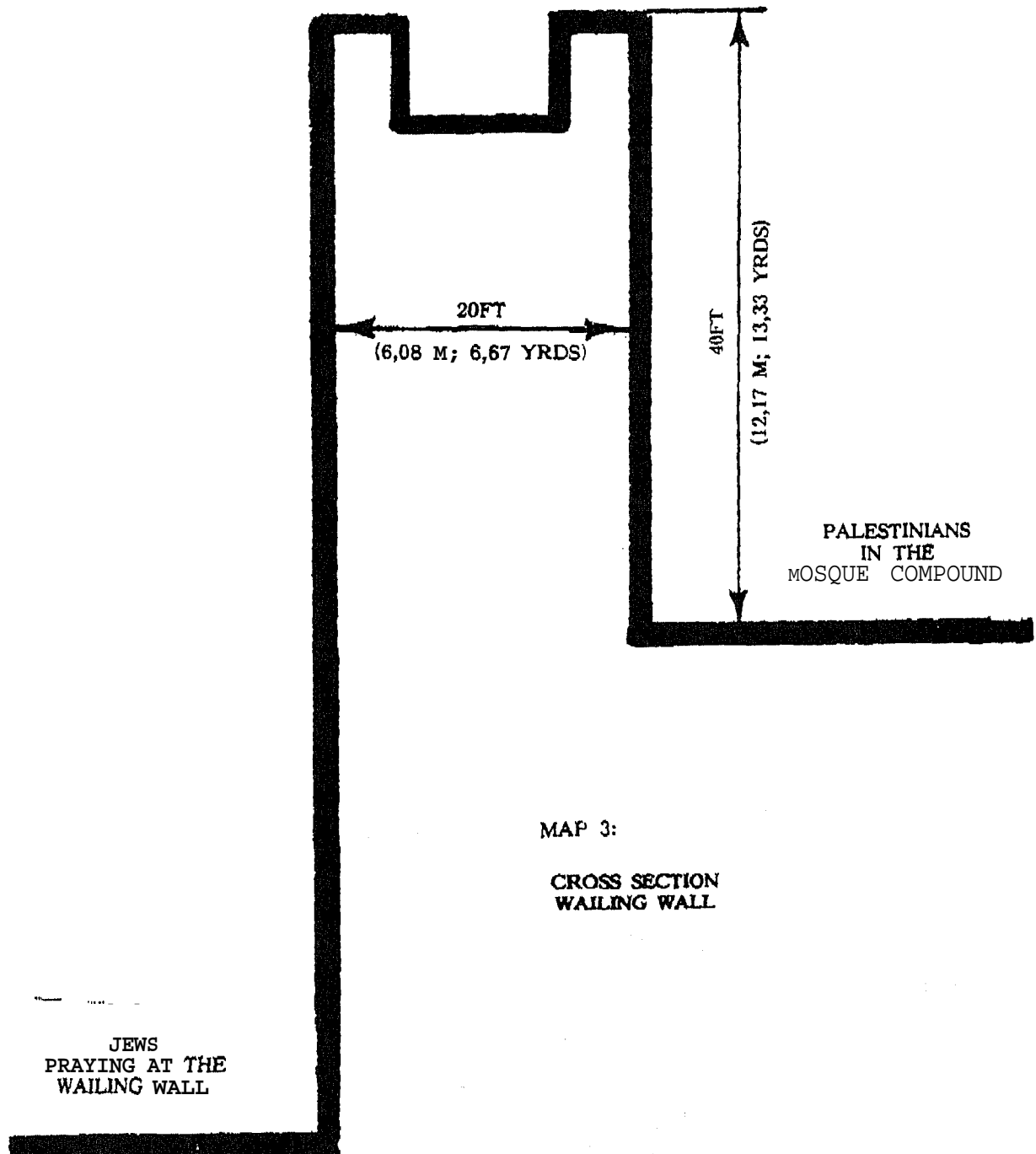
مخطط المسجد الأقصى الشريف

AL-HAQ

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القانون من أجل الانسجام

٢١ الشارع الرئيسي، ص.ب. ١٤١٣، رام الله، الضفة الغربية، فلسطين ٩٥٩٤٢١-٠١



NOTE: OUT OF SCALE