

# “We were unable to locate the perpetrator”

The failure of Israel’s law enforcement system to investigate and prosecute military and police personnel who committed criminal offenses against Palestinians in the West Bank



Hebron, West Bank (photo by ActiveStills)



Information Sheet  
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**Israel has been controlling the West Bank by force for over 51 years. Violence against Palestinians by Israeli soldiers and police officers is an inherent component of Israel's military occupation.**

Yesh Din has been documenting incidents of harm perpetrated by Israeli security forces against Palestinians and their property in the OPT for more than a decade. Israeli law enforcement responses to offenses perpetrated against Palestinians by Israeli military and police personnel are deeply flawed. Some of the issues are individual, while others are systemic and fundamental. Every year, Yesh Din publishes detailed data and a thorough analysis regarding the failure of Israel's law enforcement establishment to investigate and prosecute members of the security forces suspected of offenses against Palestinians.<sup>1</sup>

Palestinian victims of offenses committed by Israeli security forces personnel who wish to make a complaint face Israeli institutions that present multiple obstacles in their way. Even if they do manage to lodge the complaint, in most cases, the investigative body – the Military Police Criminal Investigation Division (MPCID) in the case of offending soldiers or the Department of Police Investigations (DPI) in the case of offending police officers – never even open an investigation and the files are closed after preliminary inquiries are made. Moreover, when investigations are opened, just a fraction of the complaints filed by Palestinians regarding offenses allegedly committed by Israeli security forces lead to indictments.<sup>2</sup>

Yesh Din's ongoing monitoring indicates that the investigation process itself is plagued by a slew of substantive issues. Some of these include extremely slow-moving investigations and proceedings that take years, which directly compromise the quality of the investigation; lack of professionalism and lack of relevant training for investigators; and lack of cooperation on the part of the soldiers and officers being investigated and their colleagues, which is tolerated by the investigating agencies.

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1 See, e.g.: Yesh Din, [Data Sheet: Law enforcement on IDF soldiers suspected of harming Palestinians – figures for 2016](#) (March 2018); Yesh Din, [Shadow Report to the Fourth Periodic Report of Israel, 112th Session of the UN Human Rights Committee](#) (September 2014); Yesh Din, [Alleged Investigation: The failure of investigations into offenses committed by IDF soldiers against Palestinians](#) (August 2011). For all publications on accountability see: [Yesh Din website](#).

2 For more information, data and analysis see *supra*. It is important to note that the MPCID and the DPI are two distinct agencies with different operations and systems, and hence the criticism directed against them differs as well. For example, the MPCID is a military agency that investigates soldiers, in other words, the military investigating itself. The DPI, on the other hand, is subordinate to the Ministry of Justice as part of an attempt to separate the investigating body from the body under investigation. Having made this distinction, this data sheet focuses on a pattern that afflicts both of these agencies and they will, therefore, be addressed together.

Other glaring and significant issues are that the investigations conducted are inadequate, inexhaustive and are not comprehensive. This reflects the approach which starts with the Israeli government, through top officials within the military, the police and the State Attorney's Office and reaches MPCID and DPI investigators. Israeli law enforcement agencies' lack of willingness to conduct proper investigations leads to closing of investigation files and lack of indictments of military and police personnel for offenses perpetrated against Palestinians. Such investigations reinforce Israel's self-perception as having the most ethical army in the world, since investigations create the semblance of law enforcement while effectively extending impunity to offending soldiers and officers. Lack of accountability on the part of Israeli security forces operating in the territories occupied by Israel perpetuates and reproduces violence, severely harming Palestinians' human rights.

This information sheet focuses on one pattern of the plethora of issues flagged over the years in Yesh Din's publications. It presents five examples of investigations in which the MPCID or the DPI had reasonable grounds to believe members of Israeli security forces had committed a criminal offense, and yet the investigation files were closed because the investigators failed, or were not compelled, to find the perpetrators.

The details of these cases were compiled from interviews conducted by Yesh Din volunteers and field researchers with victims and witnesses, as well as the MPCID and DPI investigation materials provided to Yesh Din's legal team, which represents the Palestinian victims.

Yesh Din Case 3092/14

## ASSAULT AND ABUSE OF A MINOR

M.T., 14, was grazing his family's flock in a field near his village, Deir Nidham (ديرنظام) on April 9, 2014. In the complaint he filed with the MPCID with the assistance of Yesh Din, M.T. related that at around 4:00 P.M. that day, a military jeep pulled up near him and three soldiers ran toward him. They demanded he show them his hands; upon seeing they were dirty, they dragged him by the head and pushed him into the vehicle. Inside the jeep, the soldiers shouted at M.T., accusing him of having thrown rocks at the road. They punched, kicked, handcuffed and blindfolded him. The soldiers took M.T. to an Israeli army base and transferred him to another base after about an hour. Later, he was put into a jeep again, and taken to the police station at Sha'ar Binyamin. He remained blindfolded and handcuffed.

Contrary to the accusations levelled at him in the vehicle, when the soldiers brought the boy to the police station, they told the duty officer, Yossi, that "The suspect was not seen throwing rocks".<sup>3</sup> Another hour passed, and Officer Yossi came in to interrogate M.T., claiming to have a photograph of him throwing rocks. The officer refused M.T.'s request to show him the photographs. After a short, futile interrogation, Officer Yossi threatened to break M.T.'s head if he saw him at the police station again. The officer then called the boy's father and made arrangements for him to pick up his son at the a-Nabi Saleh intersection, not far from his village.

Despite the arrangement, the soldiers who drove M.T. (who were not the same soldiers who had brought him in), kicked M.T. and threw him from the military vehicle at a different intersection, some 15 kilometers away from his home, and left him there alone, at night, with no money and no way of contacting anyone. A passerby offered help and M.T. called his father (who had been waiting for a long time at the a-Nabi Saleh junction not knowing what had happened to his son), and he came to collect him.

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The MPCID investigation file provided to Yesh Din included the statements the MPCID collected from the boy and his father seven months after the incident, a memo regarding a review of the military's daily reports which did not help advance the investigation and several failed attempts to speak to Officer Yossi over the phone. The MPCID transferred the file to the DPI due to suspicion that the unit that had harmed the boy belonged to the Border Police. Several months later, the DPI returned the file to the MPCID, and ultimately, in January 2017, almost three years after a Palestinian boy was brutally attacked by Israeli security forces and deserted at night, the MPCID decided to close the file.

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3 Unless otherwise stated, all quotes in this data sheet originate in official documents found in the investigation files the MPCID and the DPI provided Yesh Din.

Authorities failed to undertake the most elementary investigative measures, and not a single soldier or police officer was questioned. The investigation, which was drawn out over three years, was inexhaustive, to say the least, and the soldiers or officers involved were never located.

Yesh Din Case 3442/15

## LOOTING FROM A HOME AND DAMAGE TO PROPERTY

On September 2, 2015, before dawn, a military unit invaded the home of A.A. in Hebron (الخليل) and searched it while no one was home. When A.A. returned, she saw her front door had been forcibly opened and all the family's belongings and furniture were scattered on the floor. Neighbors told her that soldiers accompanied by dogs had entered every apartment in the building and arrested one of the neighbors. As A.A. began tidying up clothes and other items, she discovered that several items had disappeared: a golden bracelet worth 2,000 ILS, some currency valued at of 2,500 ILS and her husband's two hearing aids, which had been in the bedroom. A.A. lodged a complaint against looting with the Hebron police that same day and provided photos of the apartment.

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The MPCID launched an investigation. A.A. was summoned to give her statement three months after the incident. During her interview, she agreed to undergo a lie detector test (though she was suspected of nothing). She was asked whether she knew which military unit had entered her house, which appears to be a rather cynical question given she and her family were not home at the time.

MPCID investigators were able to check army logs and locate the Givati Brigade battalion that invaded A.A.'s home, as an arrest was made that night. In a telephone conversation that took place five months after the incident, the battalion commander told the MPCID investigators he did not recall the case, did not know which soldiers were sent on that mission and that it was impossible to know whether the specific apartment was searched. Following this telephone conversation, the MPCID investigator made the following annotation in the file: "Since it is impossible to ascertain whether the complainant's house had been searched and no witnesses attest that there had in fact been a search, work on this investigation has been concluded".

Nevertheless, additional investigative actions were taken in the investigation file. The operations officer who checked the logs and operational reports was "unable to find any indication of the identity of the personnel on the mission". The operations directorate officer

of the relevant battalion claimed that “the battalion does not have lists of mission or unit rosters for routine sector activities, nor does it record such information in specific reports or logs”. Ultimately, about a year after the incident, the MPCID closed the file, since “no document has been found that could indicate who made the arrest”.

Although MPCID investigators were able to find the battalion that raided A.A.’s home, the battalion commander evaded responsibility. The operations officers were allegedly unable to find the relevant records, and the file was closed without a single soldier or commander being questioned under warning. No reasonable effort was made to reach the soldiers who had conducted the search, and there was no genuine attempt to arrive at the truth.

#### Yesh Din Case 3122/14

## VIOLENT ASSAULT, THREATS AND A SERIES OF ABUSE

On Saturday, May 17, 2014, at around 11:00 A.M., A.O., 33, from the village of Battir (بتير) went to visit a family member who lives in the northern part of the village. In the complaint he later filed with the DPI, he said a white Toyota Land Cruiser pulled over next to him and two Border Police officers came out, grabbed him, and without saying a word, pushed him into the car and threw him to the floor. There were two additional Border Police officers in the vehicle. As the officers began driving, the officers in the back seat kicked and hit A.O., verbally assaulting him saying “Arab son of a bitch”, “Arab fuck” etc. A few minutes later, the officers stopped at a freshwater spring known as Ein al-Balad (or Ein Itamar), got out of the car and took A.O. out as well.

One of the officers verbally abused A.O., slapped him and threatened: “You’re going to be dead in five minutes you son of a bitch”. Another officer hit A.O. in the face with the butt of his M16 rifle, causing A.O.’s nose to bleed. Another officer kicked A.O. in the jaw and forced him down on the ground. While A.O. was lying on the ground, the officers hit him, kicked him in the abdomen and chest and punched him all over his body. They then lifted him off the ground and one officer cocked his weapon and pointed it at A.O.’s forehead. The victim went down on his knees. One of the officers told the officer pointing his gun at A.O.’s head to wait, and hit A.O. in the head with his elbow while jumping. A.O. fell to the ground and lay motionless, bleeding from the nose and mouth. An officer approached, checked his neck for a pulse and told his colleagues: “he’s dead”. This vicious abuse ended with one of the officers kicking A.O. so strongly that he fell off a five-foot terrace.

A.O. lost consciousness. He was alone when he came to. After he managed to call for help, he was rushed to hospital where he underwent surgery to repair fractures to the nasal bones and the jaw. He was kept in hospital for a week.

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In August 2014, a DPI investigator (who, uncharacteristically of DPI investigators, spoke Arabic), met with A.O., took his statement, and took A.O. to retrace the journey the assailants had taken him on to the site where he was beaten. The investigator also attempted to locate the vehicle the officers had used and made some phone calls to transportation officers, investigation department officers and Border Police battalion commanders. These calls did not lead to any information. The investigation file was closed in July 2015 on the grounds of "offender unknown", with the brief statement: "We have decided to close the file since, regrettably, despite our efforts we were unable to locate the person who perpetrated the offense of which you complained".

After reviewing the documents in the investigation file provided by the DPI, A.O. appealed the decision to close the file with Yesh Din's assistance. In the appeal, Yesh Din wrote that a non-exhaustive investigation is unacceptable, especially in such a grievous case of a brutal assault on an innocent man. Yesh Din demanded the file be reopened and efforts be made to find and question officers who might have been in the area on the day of the incident.

In March 2016, a DPI investigator told Yesh Din's legal team over the phone that the appeal and its arguments had been accepted in principle, but the investigation would likely be resource intensive and, therefore, A.O. would need to agree to take a lie detector test prior to reopening the file. A.O. had been in touch with the DPI investigator for many months and complied with every requirement presented to him as part of the investigation. However, he refused to take the lie detector test, objecting to the fact that while the DPI admitted there were reasonable grounds to believe an offense had been committed and the investigation should continue, it was he who was now being questioned, rather than completing the investigation.

In August 2016, the State Attorney's Office formally rejected the appeal filed by Yesh Din, saying A.O. had refused to take the lie detector test and "did not provide a specific description of the officers who allegedly assaulted him". This response came despite the fact that in his statement to the DPI, A.O. provided specific details about all four of the officers who assaulted him, in addition to the information about the incident, its location, the type of vehicle etc., information DPI investigators never used.

The DPI investigator's admission that the investigation had not been exhausted, and that other investigative measures could be taken speaks to a system that has no motivation to conduct full, comprehensive investigations. This, in turn, sends a dangerous message

that not only do law enforcement agencies take no interest in protecting Palestinians, but that the entire establishment, the Border Police, the DPI and the State Attorney's Office, is prepared to accept a state of affairs in which violent officers who are never held to account are entrusted with maintaining public order.

Yesh Din Case 2858/13

## ASSAULT OF A CHILD

On March 29, 2013, a protest was held south of the town of al-Khadr (الخصر) at dusk. During this protest, children threw rocks at an Israeli military jeep, and soldiers fired rubber coated metal bullets and stun grenades at them. A group of children ran towards an area near where U.A., 11, was standing. U.A. was making his way from his home to his aunt's house. The military jeep drove toward U.A. and the soldier sitting in the passenger's seat swung open the door, which hit the boy in the face. U.A. fell and lost consciousness. He was taken to hospital and treated for a head injury at the intensive care unit. He remained in hospital for six days, also suffering from back and leg injuries.

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In late April 2013, U.A. filed a complaint to the MPCID through Yesh Din. Five months later, the Military Prosecution for Operational Affairs ordered the MPCID to launch an investigation into the matter, as the response provided by the relevant brigade "contained no information that could supply an adequate response to the incident".

The investigation file Yesh Din received from the military contained only two investigative measures: the statement the MPCID collected from the child a year after the incident, and six telephone calls to the regional brigade, following which the daily military activity logs in the area were obtained. The investigation file concludes with the remark that a review of the daily logs "did not reveal any details that could advance our investigation", and therefore "a decision has been made to terminate the investigation file". The file was closed two years after the incident.

An 11-year-old Palestinian child was severely injured by soldiers, yet the Military Police Criminal Investigation Division never made a minimal effort to investigate the incident and failed to undertake basic investigative steps to find the soldiers involved. It is reasonable to expect security forces to keep records of operational activities in the OPT, such that at the very least, individuals present during attacks or implicated in them may be reached.

Yesh Din Case 3157/14

## FIRING AT INNOCENT PERSONS FOR NO REASON

On Friday afternoon, August 1, 2014, several children from the village of Burin (בורינ) arrived at an abandoned house at the eastern part of the village, known locally as the Cypress Tree House. Three soldiers came toward them from the direction of the nearby unauthorized Israeli outpost of Giv'at Ronen. Within several minutes, clashes developed between the children and the soldiers, with the latter throwing stun grenades and shooting tear gas canisters at the children. W.A., a shepherd from Burin, who was on a nearby hill slightly to the north, called M.K.<sup>4</sup>, another resident of the village and told him what was taking place.

M.K. joined W.A., with his video camera, and began recording the incident. The two were standing some 300 meters away from the children and some 400 meters away from the soldiers. Suddenly, one of the soldiers took a few steps toward the west, knelt and fired a burst of shots directly at W.A. and M.K., who had done nothing to provoke the soldiers, nor posed any threat or danger. W.A. and M.K. collected the flock and left the area immediately.

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The investigation file provided to Yesh Din by the military includes the statements W.A. and M.K. gave to the MPCID and a memo stating the investigator had watched the video M.K. recorded during the incident, showing the soldiers and the shooting. The MPCID investigator also reviewed the regional brigade's daily logs, which indicated that "The battalion in question is Reserves Battalion 8190". The logs further noted that during the incident: "A message was relayed from the brigade commander that opening fire was prohibited except in cases of clear danger to life". The investigation file also includes a record of a conversation the investigator had with the commander of the military company in charge of observations in the area, who clarified the incident had not been taped and that she did not have information about the soldiers involved. The investigation was closed in November 2015 on the grounds of lack of evidence although the incident was captured on film.

After reviewing the investigative materials, M.K. appealed the decision to close the file with the assistance of Yesh Din. M.K. demanded the investigation be reopened because no effort had been made to find the soldiers implicated, and though investigators knew which battalion had been involved, no soldiers or commanders were interviewed. This omission is particularly glaring given that the incident had been caught on camera and the soldiers can be clearly identified.

<sup>4</sup> At the time, M.K. documented violence on the part of settlers and security forces personnel against Burin residents. He later joined Yesh Din's staff as a field researcher.

In July 2017, the Chief Military Prosecutor rejected the appeal, claiming “Investigation officials made significant efforts to find the soldiers involved in the incident”. The prosecution claimed the commander of the relevant company and three platoon commanders were questioned with respect to the incident but could not identify the suspects in the video. The investigation file obtained by Yesh Din shows no record of this information.

Even when handed prime evidence - a video recording of the incident - the MPCID failed to conduct a meaningful investigation and find the soldiers implicated in firing at innocent Palestinians.

 [Click to watch the video of the incident recorded by M.K.](#)

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## **“WE WERE UNABLE TO LOCATE THE PERPETRATOR”**

Law enforcement vis-à-vis Israeli military and police personnel operating in the OPT is carried out both under Israeli law and in light of the obligations incumbent on the occupying force in the West Bank under international law. The State of Israel has a duty to conduct efficient investigations when members of its security forces are suspected of having committed offenses against Palestinians and to prosecute them where appropriate.

The examples presented in this information sheet demonstrate how Israeli investigation authorities fail to complete even the most fundamental investigative steps - finding the military or police unit present at the scene of the incident and question or interrogate the individuals involved. “We were unable to locate the perpetrator” as grounds for closing an investigation file indicates enforcement authorities share the view that there are reasonable grounds to suspect an offense had been committed. Yet, a review of the investigation files reveals investigators do not apply meaningful efforts to locate the perpetrators. This is the case even when the attack takes place inside a police vehicle, even when investigators know which battalion the implicated unit belongs to, and even when there is video documentation of the incident in which the faces of the soldiers are clearly visible. The material contained in the investigation files also reflects a lack of cooperation on the part of military commanders, soldiers and police personnel with efforts to locate suspects and witnesses and clarify the facts. The investigators’ impotence in confronting this practice is particularly glaring.

An analysis of Yesh Din’s ongoing monitoring and data collected from hundreds of investigation files reveals a variety of patterns that point to a lack of drive to bring soldiers and police

personnel who harm Palestinians to justice, which permeates the entire law enforcement system. The poor quality of these investigations and the little effort put into them obviously do not reflect the true capacities of the investigative authorities. It is clear that the reluctance to investigate, inadequate investigation measures, lack of resources and general lethargy and lack of professionalism shown by investigators are the product of deliberate Israeli tokenism designed to create the semblance of law enforcement. Israel is prepared to tolerate a situation in which soldiers and officers who have committed crimes, some of them heinous, for which they have not been held to account, continue to serve in its security forces. In accepting this, Israel encourages such conduct rather than censuring it.

In practice, Israeli soldiers and police officers have near complete immunity from prosecution for offenses they commit against Palestinian residents of the West Bank, who are protected persons under international law. The unmistakable message is that Palestinian lives do not matter.

The failure of Israel's law enforcement system to thoroughly and effectively investigate complaints of violence against Palestinians by members of Israel's security forces and bring offenders to justice normalizes these offenses, rendering them yet another element of the Israeli military control apparatus in the OPT.

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