

DATA SHEET, DECEMBER 2019

LAW ENFORCEMENT ON ISRAELI CIVILIANS IN THE WEST BANK

YESH DIN FIGURES 2005-2019

According to Yesh Din figures:

- The Israel Police failed in the investigation of 82% of the files opened between 2005 and 2019.
- 91% of all investigation files were closed without an indictment.
- The establishment of the Nationalistic Crime Unit within the Israel Police has not produced long-term improvement in the quality and outcomes of police investigations. Only 4% of all files investigated between 2017 and 2019 resulted in indictments, while the failure rate in these investigations during this time was 77%.

After 15 years of monitoring Israeli law enforcement authorities in their handling of complaints filed by Palestinian victims of ideological crimes committed by Israelis, the picture that emerges demonstrates that the State of Israel is failing in its duty to protect Palestinians in the occupied territories from those who would harm them and, in fact, leaves them defenseless as they face assault and harassment.

A | BACKGROUND: MONITORING OF INVESTIGATIONS INTO IDEOLOGICALLY MOTIVATED CRIMINAL ACTS BY ISRAELI CIVILIANS IN THE WEST BANK

This document presents Yesh Din's current findings regarding the results of Israel Police investigations into offenses committed by Israeli citizens, settlers and others, against Palestinians and their property in the West Bank.

These findings are the outcome of a long-term project implemented by Yesh Din and devoted to monitoring Israeli law enforcement responses to crimes perpetrated by Israeli civilians against Palestinians or their property in the West Bank, and providing assistance to victims who wish to file complaints with the Israel Police. After a police investigation is launched by one of the units of the Samaria and Judea (SJ) District Police (the Israel Police district dedicated to the West Bank), Yesh Din's legal team monitors the progress of investigations and any subsequent results until the conclusion of legal proceedings (if such proceedings were initiated).

Monitoring crimes by Israelis against Palestinians in the West Bank carries unique significance as these are crimes perpetrated by the citizens of the occupying power against the population living under occupation. According to international law, the occupying power must protect people who are subject to its control, along with their property.¹

Acts of violence and property damage usually take place in areas where Israeli civilians are engaged in efforts to take over and settle on Palestinian land. Thus, distinct offenses committed by private individuals collect to form a mechanism of systemic crime designed to intimidate Palestinians and drive them off their lands, furthering the expansion of Israeli control of the West Bank.² For this reason, the vast majority of the crimes in which Yesh Din monitors investigations can be described as ideologically motivated crimes designed to dispossess and weaken Palestinians and forcefully seize their land.

1 For more background regarding law enforcement in the West Bank, see Yesh Din [Mock Enforcement: Law enforcement on Israeli civilians in the West Bank](#), 2015, pp. 14-19.

2 For more on this issue, see Yesh Din [The Road to Dispossession: A Case Study – The Outpost of Adei-Ad](#), 2013, pp. 119-143.



Monitoring law enforcement responses to complaints regarding such crimes offers insight into the degree to which Israel complies with its obligation under international law to protect Palestinians. Yesh Din's monitoring over many years has shown that Israel systematically fails to fulfil this duty and, in practice, allows ideological crime to take place in the West Bank.

THE SAMPLE

The data presented in this document concerns police investigations opened following offenses committed by Israeli citizens against Palestinians between 2005 and 2019.

It is important to note that Palestinian victims of crimes perpetrated by Israelis often choose not to file complaints with the Israel Police, in which case the offense is usually not investigated.³ It is also important to note that the data presented here is not a summary of the outcomes of all police investigations opened since 2005 into crimes committed by Israeli civilians against Palestinians in the West Bank, but rather, only the results of investigations monitored by Yesh Din. However, the data does constitute a broad, cumulative sample that offers an indication as to how the Israel Police responds to ideologically motivated crime by Israelis in the West Bank.

We must also recall that the investigation files included in Yesh Din's sample are files in which Yesh Din staff offered assistance to law enforcement officials. We liaise and mediate between police investigators and Palestinian complainants, and sometimes aid investigations by providing witnesses, documents and photographs to the investigating units. As such, it can be said that the data provided in this sample is slightly skewed in favor of the investigating authorities compared to other cases in which no external body such as Yesh Din offers assistance. At the same time, it is important to emphasize that Yesh Din is not party to the police investigation or the decisions made as part thereof. Our legal team receives updates on the status of an investigation and its outcomes as a representative of the victim.⁴

3 In 413 incidents of ideologically motivated crime documented by Yesh Din between 2013 and 2015, about 30% of the victims expressly stated they were not interested in filing a complaint with the Israel Police (Yesh Din, [Avoiding complaining to police: facts and figures on Palestinian victims of offenses who decide not to file complaints with the police](#), 2016). In 2016, over the course of which Yesh Din documented 113 incidents, the rate went up to 42% (Yesh Din [Data Sheet, December 2017: Law enforcement on Israeli civilians in the West Bank](#), 2017).

4 Complainants who wish to do so provide power of attorney to Yesh Din's legal team to represent them and receive information on their behalf on the status of the investigation into their complaint.

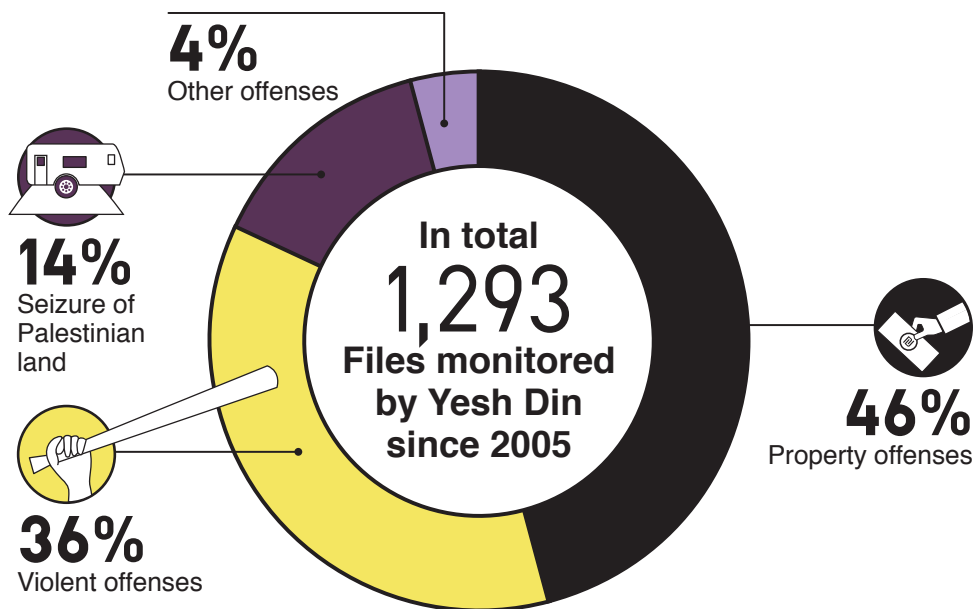


B | TYPES OF OFFENSES

Yesh Din divides the investigation files it monitors into four categories according to the main offense in the file: Violence, damage to property, seizure of Palestinian land and other offenses.

Of the 1,293 files monitored by Yesh Din since 2005, 36% concern **violent offenses** perpetrated by Israeli citizens against Palestinians, including threats, stone-throwing, assault and use of firearms; 46% of the files concern **property offenses**, including arson, theft, harm to crops and vandalism; 14% of the files concern cases in which Israeli citizens attempted to **take over Palestinian land**, by means of fencing off land, erecting structures or denying access; 4% of the cases concern **other offenses**, which do not fall under any of the other three categories, including killing or harming livestock, desecrating mosques and more.

Investigation files opened between 2005-2019 by type of offense





C | INVESTIGATION OUTCOMES: MOST CASES ARE CLOSED WITHOUT INDICTMENT

As part of our monitoring project, Yesh Din has examined 1,293 investigation files opened by the SJ District Police following complaints made by Palestinian victims of offenses. 41 of these files are still being processed by law enforcement agencies. This document focuses on the outcomes of the remaining, completed 1,252 investigation files.⁵ Of these files:

- **1,144 cases (91%) were closed at the end of an investigation without an indictment.**
- **Indictments were filed in only 100 cases (8%).**
- **Eight cases were lost by the Israel Police and never investigated.⁶**

Investigation outcomes 2005-2019



⁵ Unless otherwise stated, figures in this document are representative of information Yesh Din had on July 10, 2019.

⁶ Yesh Din Case 1094/05 contains a confirmation of complaint, but it was never investigated. In other cases, the confirmation of complaint was not given to the complainants, whether after interrogation at the police station (Case 1214/06), after providing a testimony at the site of the alleged offense (Cases 2513/11, 2543/12), or after filing a complaint in the Civil Administration liaison offices (Cases 2564/12, 2583/12, 2620/12, 2625/12).

D | GROUNDS FOR CLOSURE OF INVESTIGATION FILES

Yesh Din, representing the Palestinian victims of offenses in the cases discussed in this document, receives updates from law enforcement agencies on the status of investigations as well as notices of case closures, including the grounds for closure.⁷ These updates are entered into Yesh Din's database, allowing us to monitor trends and patterns in the work of the police and the State Attorney's Office. In cases in which an investigation file is closed and Yesh Din's legal team believes that the investigation was not exhaustive or that the evidence can support an indictment, Yesh Din files an appeal against the case closure.

An examination of the grounds for case closure provided by the police in files monitored by Yesh Din offers insight as to how and why investigations into crimes committed by Israelis against Palestinians end. Of the 1,144 investigation files opened since 2005 and closed without an indictment, the Israel Police provided Yesh Din with the grounds for closure in 1,139 files:⁸

- 736 files were closed on grounds of **offender unknown** (64% of the files were closed by the police). In other words, the police determined a criminal offense had been committed in those cases, but failed to name suspects.

On April 19, 2014, at 6:00 A.M. H.A. left her home in the village of Kisan with her livestock. She was watching a flock of about 30 sheep and goats who were grazing in an area close to the illegal outpost of Ibei Hanahal. At some point, she saw a man approaching with a large dog: "When I saw him coming my way with the dog I ran away with the flock [...] When he got closer to me, he set the dog at me, and it attacked me and the sheep, [while the man] threw stones at us [...] The dog grabbed my clothes, but I tried to protect myself and fend him off with a stick I was holding in my hand and some stones. Then the settler pulled out a gun and started threatening me. He told me: 'Now you'll die.' I thought I was going to die, and I started shouting, but there was no one nearby, and I don't have a phone. I went through some rough moments. I felt like it was the end of me [...] The entire event lasted between half an hour and 45 minutes, and those were the hardest moments of my life [...] Since then, I haven't felt well. My legs still shake, and I can't sleep at night".

H.A. filed a complaint with the Israel Police on April 23. She gave a statement that same day and described the suspected offender. Though H.A. described the suspect's appearance and noted where he lived, the file was closed on the grounds of offender unknown about three months later, on August 3, 2014. According to the investigative materials provided to Yesh Din, no investigative measures were taken other than collecting the complainant's statement. On November 5, 2014, Yesh Din appealed the closure of the file.⁹

The police accepted the arguments made in the appeal and renewed the investigation within three weeks. The police found a suspect, who, during his interrogation, which lasted only about ten minutes, denied any involvement in the events described in H.A.'s statement. He also gave an alibi, which the police never bothered to verify. On May 28, 2015, the investigation file was again closed, this time on grounds of insufficient evidence.

- 241 files were closed on grounds of **insufficient evidence** (21% of the files closed by the police). In other words, the police determined a criminal offense had been committed in those cases, and had named suspects, but failed to collect and consolidate sufficient evidence to prosecute the named or other suspects.

⁷ The Israel Police Ordinance specifies nine possible grounds for the closure of an investigation file. The police must notify a complainant why the investigation file in their matter was closed. Israel Police Ordinance, National Headquarters Ordinance 14.01.01: [Processing a Complaint and Investigation File](#), Sections 3g(2)(d) and 5 (in Hebrew). Issued on August 1, 1994.

⁸ Despite our efforts, the police has not provided the grounds for closure in the remaining five files.

⁹ Letter from Yesh Din to Hebron Area Public Disturbances Officer, **Appeal against Decision to Close Police Investigation File 179576/14**, November 5, 2014, Yesh Din Case 3096/14.

On Tuesday morning, February 20, 2018, Zakaria Sadah, who was a staff member of Israeli NGO Rabbis for Human Rights at the time, left his home in the village of Jit, having received a report that the illegal outpost of Eviatar,¹⁰ east of the Za'tara (Tapuah) junction, was being evacuated. Sadah arrived to a nearby observation point and alerted the military and the police when he spotted a group of settlers he thought might put Palestinians in the area at risk. Sadah returned to his car and started driving toward the Za'tara (Tapuah) junction, with a dash camera running which recorded the following events. He saw a group of 10 to 15 settlers walking on the shoulder of the road. As he got closer to them, one of the settlers can clearly be seen throwing a stone that hit his windshield. A glass shard hit Sadah's left eye and he was also cut on his left arm. He kept driving and arrived at the junction, where he came across a Border Police unit. The officers staffing the checkpoint took a photo of Sadah's car and suggested he file a complaint with the police. He filed a complaint with the Nationalistic Crime Unit of the SJ District Police that night.

A review of the investigation file provided to Yesh Din after it was closed revealed that a suspect was apprehended. He refused to cooperate with his interrogator, and no other investigative measures were taken thereafter. The file was closed on May 27, 2018, on grounds of insufficient evidence, despite the fact that the face of the person who threw the stone was clearly visible in the dash camera footage. Other than the video footage, the investigation file also contained a photo of a youth taken by a police officer who was in the area where the incident had taken place that day. The youth's name was written on the photo after the officer identified him. The youth in both the video footage and the photo is wearing the same shirt with the same print on it. However, the unit that investigated the case found it was not possible to determine beyond reasonable doubt that the youth seen in the video is the same one identified by the officer on the ground. The video was never forensically compared to photos of the suspect, although such a method is available and might have yielded sufficiently accurate results.¹¹ The investigation materials also revealed that the suspect was part of a group of youths who had arrived that morning to the area of the illegal outpost of Eviatar. One of the youths is an activist who is known to police, and others were apparently present when the stone was thrown. Despite all this, none of these individuals was summoned for interrogation. On April 29, 2019, Yesh Din appealed the closure of the case. The appeal is still pending.¹²

- 124 files were closed on grounds of **absence of criminal culpability** (11% of the files closed by the police). In other words, the police either concluded that no criminal offense had been committed, or that the named suspect had no connection to the offense. Yesh Din filed appeals in 35 of these closed files, after determining that the investigations had not been exhaustive and that the decision to close the files on these grounds was made in error.
- 33 files were closed on grounds of **lack of public interest** (3% of the files closed by the police), three files were closed on grounds of **exemption from criminal liability**¹³ (0.3% of the files closed by the police); one file was transferred to another agency, and another was closed due to limitations.¹⁴

10 A small outpost built in May 2013 near the Za'tara (Tapuah) Junction. Structures erected in the settlement were removed on several different occasions. The outpost has not been rebuilt since the evacuation mentioned herein.

11 An expert report commissioned by Yesh Din found that: "The preliminary findings indicate a comparison could have been made to reach findings with a high level of certainty". Letter from Avner Rosengarten, Forensic Science Institute Director to Yesh Din Legal Advisor, **Possible Comparison of Suspect Photo to Video Footage**, April 17, 2019.

12 Yesh Din Letter to Central District Attorney (Criminal), **Appeal against the Closure of Central District Attorney File 1660/18 [Police file number 82743]**, 29.4.2019, Yesh Din Case 4062/18.

13 According to the Police Ordinance (see, supra note 7, p. 5), these are cases in which the suspect or defendant is not criminally liable due to age (under age 12) or has been proven to lack mental capacity.

14 On June 20, 2015, a Palestinian resident of Hebron was attacked while documenting an assault on another Palestinian by a group of settlers. The investigation in this file was closed on November 15, 2016 due to limitations. Yesh Din filed an appeal against the closure on behalf of the complainant on February 15, 2017. After repeated inquiries about the status of the appeal, on May 21, 2019, Yesh Din received a phone call from the SJ District Prosecution unit, stating the appeal had been lost. Yesh Din was asked to send it again. On September 4, 2019, we received a letter notifying us the appeal had been rejected, and stating that "because of an error in location", the defendant (potential suspect) was not investigated until July 17, 2016, and refused to cooperate. The decision also stated there was "substantial evidence" against the



E | THE POLICE FAILS TO INVESTIGATE IDEOLOGICALLY MOTIVATED CRIME

- An analysis of the circumstances in which investigation files are closed indicates that the police have failed in the investigation of **82% of the files opened since 2005 and subsequently concluded with known outcomes (1,020 out of 1,247 files)**.¹⁵ The high rate of failure points to a longstanding systemic failure in law enforcement responses to ideologically motivated crime against Palestinians in the West Bank.

Of the closed files, 977 were closed on grounds of offender unknown or insufficient evidence, indicating the police found an offense had been committed, but failed to name suspects or consolidate enough evidence to prosecute. 35 files were closed on grounds of lack of criminal culpability, however, Yesh Din appealed their closure after examining the files and concluding that there was enough evidence an offense had been committed or that the investigation had not been exhaustive. Accordingly, these files are also considered to be indicative of investigative failure. In addition, eight files were lost by the Israel Police and never investigated. These files are also considered files the police failed to investigate.

Grounds for closure of investigation files 2005-2019



*Appeal filed over decision to close the case for absence of criminal culpability

**Files closed on grounds of lack of public interest, exemption from criminal liability, investigation purview of another agency and limitations

F | POLICE INVESTIGATION OUTCOMES FOLLOWING THE ESTABLISHMENT OF THE NATIONALISTIC CRIME UNIT (2014-2019)

In 2013, the SJ District Police established a special unit dedicated to the investigation of what the police defines as nationalistic crime¹⁶ – the Nationalistic Crime Unit. This unit was established for the specific purpose of improving police responses to ideologically motivated crime. This section of the document reviews the outcomes of law enforcement work in files monitored by Yesh Din after the unit was established (2014-2019), in order to examine information about how law enforcement agencies in the West Bank performed in those years.

suspect. However, Section 14 of the Youth Law (Trial, Punishment and Modes of Treatment) stipulates that a person cannot be prosecuted for an offense committed as a minor more than a year after the offense was committed without approval from the Attorney General. The SJ District Prosecution unit believed that the circumstances in this case did not warrant making such a request to the Attorney General, partly given the fact that more than four years had passed from the date of the incident. This position was confirmed by the State Attorney's Office Appeals Department. Yesh Din Case 3443/15.

15 Five files have been omitted from this count. These are files that were completed, but the Israel Police did not provide the grounds for their closure.

16 Nationalistic crime was defined as a basket of offenses: "criminal acts including harm to life and/or property by an individual or group [...] committed or planned with the intention of influencing a political, ideological or religious cause. The aforesaid basket of offenses includes many different offenses contained in the criminal code [...] when the motive for their commission is racism or hate, as defined in law...", Letter from Chief Superintendent Hamutal Sabag, Freedom of Information Officer, Public Complaints Unit, Israel Police, March 18, 2014, in response to Yesh Din Freedom of Information Application.



Of the 308 investigation files opened since 2014 and monitored by Yesh Din,¹⁷ 273 have been completed, and a decision has been made by the investigation and prosecution authorities:¹⁸

- **248 files (91%) were closed at the end of an investigation without an indictment.**
- **Indictments were filed in 25 cases (9%).**

Of all files closed without indictments, the Israel Police provided Yesh Din with the grounds for closure in 245 files. A breakdown of the circumstances in which investigation files were closed shows that of the 270 files that were concluded with known outcomes,¹⁹ 192 were closed in circumstances attesting to investigative failure. Of these files, 152 were closed on grounds of offender unknown, and 32 on grounds of insufficient evidence, indicating the police found an offense had been committed, but failed to name suspects or collect enough evidence to prosecute. Eight more files were closed on grounds of lack of criminal culpability. However, Yesh Din appealed their closure after having found the investigations had not been exhaustive.²⁰

This reveals that the rate of police investigative failure over the past six years is 71% (192 of 270 investigation files). While this appears to be an improvement compared to an overall failure rate of 82% between 2005 to 2019, a closer look reveals a different picture.

Yesh Din figures indicate that the proportion of files closed by the police in circumstances attesting to failure has, in fact, grown in 2017-2019. Only 4% of the files that concluded with known outcomes between 2017 and 2019 resulted in indictments filed (4 of 89 investigations), and the rate of investigative failure was 77% (69 of 89 investigation files). **In 2018 alone, the rate of investigative failure reached 92%** - 35 of 38 investigation files that were concluded with known outcomes were closed because the police had been unable to name suspects or gather enough evidence.

As the rate of police investigative failure increases and indictment rates remain low, the number of offenses committed seems to be on the rise after a relative decline documented on the ground for a number of years. Monitoring of ideological crime against Palestinians in the West Bank conducted by the UN Office for the Coordination of Humanitarian Affairs (OCHA)²¹ indicates that while the number of offenses dropped between 2014 and 2016,²² in the past three years (2017-2019), the number of cases of violence against Palestinians, and particularly damage to property, has begun to rise once again.²³ Media reports have quoted figures within Israel's security establishment stating that the severity of these offenses has further intensified in 2019.²⁴ The increase in the number and severity of such offenses is the direct result of ineffective law enforcement. In addition to bringing offenders to justice, effective law enforcement also serves to deter potential offenders, and in its absence, offenders, sensing impunity, are emboldened.

17 38% of the files concern violent offenses, 45% concern property offenses, 15% concern attempts of land takeover and 2% concern other offenses. The relative proportions of the different types of offenses over the past six years have been similar to those seen in the full sample (2005-2019).

18 35 files have not concluded yet.

19 In other words, in files that ended in indictments and files closed by the Israel police on known grounds.

20 In addition, 13 cases were closed on grounds of lack of public interest, one was closed on grounds that the offender was exempt from criminal liability (at the time the offense was committed), and one more file was closed due to limitations, see supra note 13). The Israel Police has not provided Yesh Din with the grounds for closure in 3 investigation files.

21 OCHA is a UN humanitarian agency that collects and analyzes information about various events in the world, including events occurring in the West Bank.

22 Figures collected by OCHA about assaults by Israelis resulting in bodily harm indicate that 107 incidents took place in 2014, 97 in 2015 and 30 in 2016. A similar trend was observed in relation to incidents resulting in damage to property: 217 incidents in 2014, 130 in 2015 and 68 in 2016. OCHA counted incidents that resulted in both bodily harm and damage to property as incidents of bodily harm. See, OCHA's annual report for 2016, [Fragmented Lives: Humanitarian Review](#), 2016, p. 7.

23 OCHA reported 52 attacks perpetrated by Israelis and resulting in bodily harm in 2017, 72 such attacks in 2018 and 65 in 2019. OCHA also identified an increase in incidents in which Israelis damaged Palestinian property: 112 incidents in 2017, 219 incidents in 2018 and 243 in 2019. See, OCHA, [Settler-related Violence](#), last accessed, November 27, 2019.

Figures provided by the Israeli security establishment also indicate a spike in acts of violence and property damage by Jews against Palestinians in 2018: "As of mid-December, 482 such incidents had been reported, compared to 140 for 2017". Amos Harel, "[Israeli 'Jewish Terror' Incidents Targeting Palestinians Tripled in 2018](#)", [Haaretz English edition](#), January 6, 2019.

24 Hagar Shezaf, [Israeli Hate Crimes Against Palestinians Were Fewer, but More Brazen in 2019](#), [Haaretz English edition](#), December 15, 2019.



The failure to investigate crimes against Palestinians and the increase in the number of offenses committed indicate that the State of Israel fails to protect Palestinians and their property from harm, as it is required to do under international law, and that its attempts to investigate crimes committed in areas under its jurisdiction are futile. Even the establishment of a new unit devoted entirely to fighting nationalist crime has failed to improve the performance of law enforcement in terms of finding culprits and bringing them to justice. The State has also failed to deter perpetrators from committing such crimes and has not achieved long-term improvement of law enforcement in the West Bank.

After 15 years of monitoring Israeli law enforcement authorities in their handling of complaints filed by Palestinian victims of ideological crimes committed by Israelis, the picture that emerges demonstrates that the State of Israel is failing in its duty to protect Palestinians from those who would harm them and, in fact, leaves them defenseless as they face assault and harassment.