

Data sheet, October 2015

LAW ENFORCEMENT ON ISRAELI CIVILIANS IN THE WEST BANK

Yesh Din Monitoring Update 2005-2015

According to Yesh Din data:

- The police has an 84.9% failure rate in the investigation of ideologically motivated crime perpetrated by Israeli citizens against Palestinians in the West Bank. Over the past ten years, only 75 indictments have been served against Israelis for harming Palestinians or their property.
- Of 260 complaints regarding vandalism of Palestinian owned trees filed in the past ten years, only six indictments have been served, with a zero conviction rate.
- Since August 2014, incidents of ideologically motivated crime perpetrated inside the built-up areas of Palestinian communities have doubled.

A BACKGROUND AND TYPES OF OFFENSES

Every year, Yesh Din publishes a data sheet with updated findings on the results of investigations conducted by the Samaria & Judea (SJ) District Police into offenses committed by Israeli civilians against Palestinians and their property in the West Bank.

The Yesh Din Law Enforcement Project: The ongoing monitoring of the proceedings and outcomes of investigations forms the core of a long-term project implemented by Yesh Din with the goal of strengthening law enforcement on Israeli civilians, settlers and others, involved in harming Palestinians and their property. The project is based on the principle that Israel bears a legal and moral obligation to protect the residents of the occupied territories under its control. To this end, members of Yesh Din document incidents in which Israeli civilians harm Palestinian residents of the West Bank, and help Palestinian victims who are interested in doing so submit complaints to the Israel Police.

After the police launches an investigation, the organization's legal team monitors its progress and outcomes until the conclusion of legal proceedings. When cases are closed without charges brought against the suspects, Yesh Din's legal team reviews the investigation material, and when the team believes the investigation was not exhaustive, or that the evidence could support an indictment, it appeals the decision to close the file.¹

Yesh Din Monitoring: Over the last ten years, from 2005 to August 2015,² Yesh Din has monitored the results of investigations into 1,104 cases of ideologically motivated crime conducted by various SJ District Police stations, including the Hebron Area, Shomron Area, Binyamin Station and the Nationalistic Crime Unit at the SJ Central Unit. The investigations were launched following complaints filed by Palestinian victims with Yesh Din's assistance.

72 files are still at various stages of processing, clarification and investigation.

The police did not respond to Yesh Din's inquiries regarding six cases.

1 Article 64 of the Criminal Procedure Law establishes that "the complainant is entitled to appeal against the decision not to investigate or not to prosecute on the grounds that there is no public interest in investigation or trial, insufficient evidence was found, or the determination that there is no culpability." A complainant who has received notification of closure of the investigation is entitled to submit an appeal against the decision within 30 days of the receipt of notification.

2 All figures in this data sheet are current for August 10, 2015.



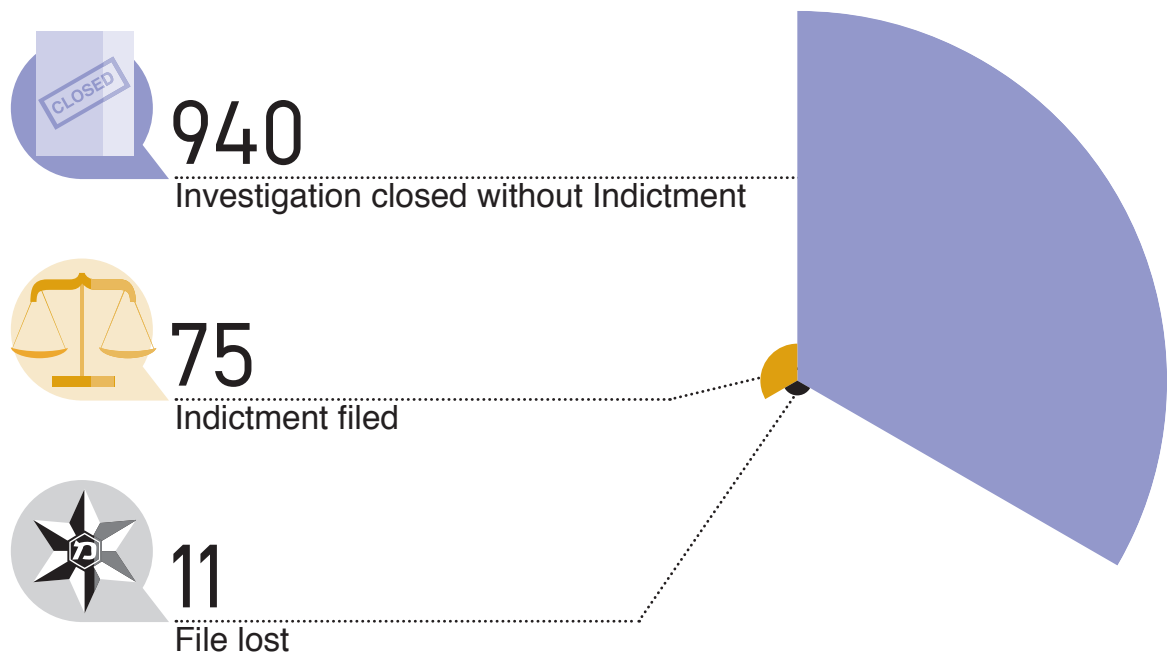
Status of concluded investigation files, 2005-2015

940 investigation files (91.6%) were closed without an indictment being served against suspects;

In 75 of the investigation files (7.3%) concluded to date, indictments were served against suspects;

11 files were lost by the SJ District Police and never investigated – despite the fact that Yesh Din has written confirmation that a complaint was submitted.

The status of investigations in which a final decision has been reached, 2005-2015



Ideologically motivated crime: The aim - dispossessing Palestinians of their land

Incidents in which Israeli civilians harm Palestinians and their property have been a common occurrence throughout the West Bank ever since the beginning of Israeli settlement in the area. These acts of violence and vandalism follow a distinct pattern. They are usually perpetrated on Palestinian owned farmland, or on the outskirts of Palestinian villages and are meant to terrorize Palestinians and create a real threat that deters them from tending to their lands. These acts are part of a calculated strategy that aims at dispossessing Palestinians of their land and reducing their presence in the areas.

Investigation files by type of offense 2005-2015

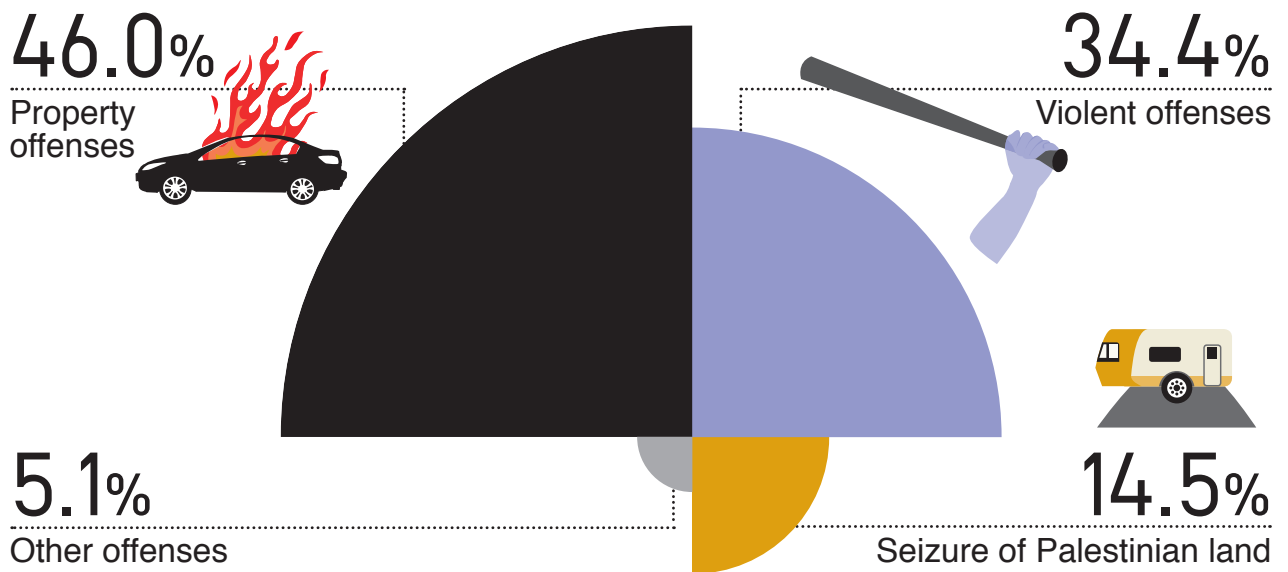
Property Offenses: Of the total number of files, 508 (46%) involve complaints by Palestinians regarding damage to their property. These investigations include offenses such as arson, theft, damage to property or crops, cutting down of trees or other damage to crops, theft of crops, and more.

Violence: Of the total number of files, 380 (34.4%) involve suspected violence by Israeli civilians against Palestinians in the West Bank. Violent incidents include instances of shooting, beatings, stone throwing, assault with clubs, knives and steel rods, running Palestinians over with a vehicle, threats of assault and other offenses.

Seizure of Palestinian Land: Of the total number of files, 160 (14.5%) were opened following complaints of attempts by Israelis to seize control of Palestinian land, by means such as: fencing, unauthorized cultivation, placement of structures, trailers or greenhouses, driving Palestinians away from their plots or denying them access, trespassing, and more.

Other Offenses: Of the total number of files, 56 (5.1%) involve other offenses that do not come under the previous three categories. These include the killing of farm animals, desecration of mosques and cemeteries, discharging of sewage into Palestinian farmland, dumping of waste on land belonging to Palestinians, and other offenses.

Investigation Files by Category of Offense, 2005-2015



Yesh Din Sample

As a matter of policy, the SJ District Police does not publish figures on the total number of incidents in which Israeli civilians harmed Palestinians and Palestinian property in the West Bank or the results of investigations into these incidents, nor is there any other official body that does publish these statistics. The information remains unavailable despite the fact that some SJ District Police units keep detailed statistics regarding these crimes.³ Yesh Din's monitoring of SJ District Police investigations does not cover the outcomes of the investigations into every such criminal incident. However, the data does constitute a broad, cumulative sample of the work of the SJ District Police, based on cases Yesh Din monitors and in which it provides legal assistance.

It is important to note that the sample data refer to investigations in which law enforcement agencies benefit from close, ongoing assistance by Yesh Din, which functions as a mediating and liaising body between the police and the Palestinian complainants, and in many cases even helps to advance the investigation by bringing witnesses and relevant documents to the investigating units, insofar as these are required by the investigative and prosecuting bodies processing the complaints.

³ Statement of Plaintiff, State of Israel, in CA 23879-03-13 in the Jerusalem Magistrates Court, **Mahmoud 'Awad v. State of Israel**, October 5, 2014. The statement contains detailed records of cases of public disturbances caused by Israeli citizens in the Hebron district between 2007 and 2011.

Without the assistance provided by Israeli bodies, and particularly by human rights organizations, the ability of Palestinians to submit complaints to the Israel Police or to monitor the outcomes of the investigations would be almost non-existent.

B OUTCOME OF POLICE INVESTIGATIONS: NEGLIGENT AND UNPROFESSIONAL INVESTIGATIONS BY THE SJ DISTRICT POLICE

This year, as has been the case every other year, Yesh Din's monitoring data point to the cumulative, ongoing failure of the SJ District Police to investigate offenses committed by Israeli citizens against Palestinians and their property. The establishment of the Nationalistic Crime Unit in 2013 has not resulted in any improvement in the outcomes of investigations into ideologically motivated crime against Palestinians.

Grounds for Closure of Investigation Files 2005-2015⁴

624 files were closed on grounds of "**offender unknown**", reflecting the failure of the police to locate and identify suspected offenders, though there is evidence that a criminal offense had been committed. To illustrate, these were the grounds cited by the Hebron Investigation Unit for closing the investigation into vandalism of farmland belonging to a resident of the village of a-Tuwani, in the South Hebron Hills by residents of the settlement of Ma'on Farm. The file was closed without the police attempting to locate suspects who were clearly visible in video footage, and without the police demanding alibis from additional suspects, who were questioned only a year and a half after the offence was committed.⁵

208 files were closed on grounds of "**insufficient evidence**", which also indicates that despite the fact that an offense had been committed, police investigators failed to collect and consolidate sufficient evidence to prosecute the suspects;

82 files were closed on grounds of "**absence of criminal culpability**", meaning that the police concluded that no criminal offense had been committed or that the suspect who was located had no connection to the offense. Yesh Din appealed **26** of these decisions, after concluding that the decision to close the files on these grounds was unreasonable. Therefore, Yesh Din considers these files an investigative failure as well;

20 files were closed on grounds of "**lack of public interest**";

2 files were closed on grounds of "**exemption from criminal liability**".⁶

One file was closed on the grounds that another agency had jurisdiction to investigate.

The grounds for closure in **three** additional files were not divulged to Yesh Din by the SJ District Police.

Yesh Din considers the following as investigative failures: files closed on grounds of "offender unknown" and "insufficient evidence"; files originally closed on grounds of "absence of criminal culpability" which Yesh Din appealed

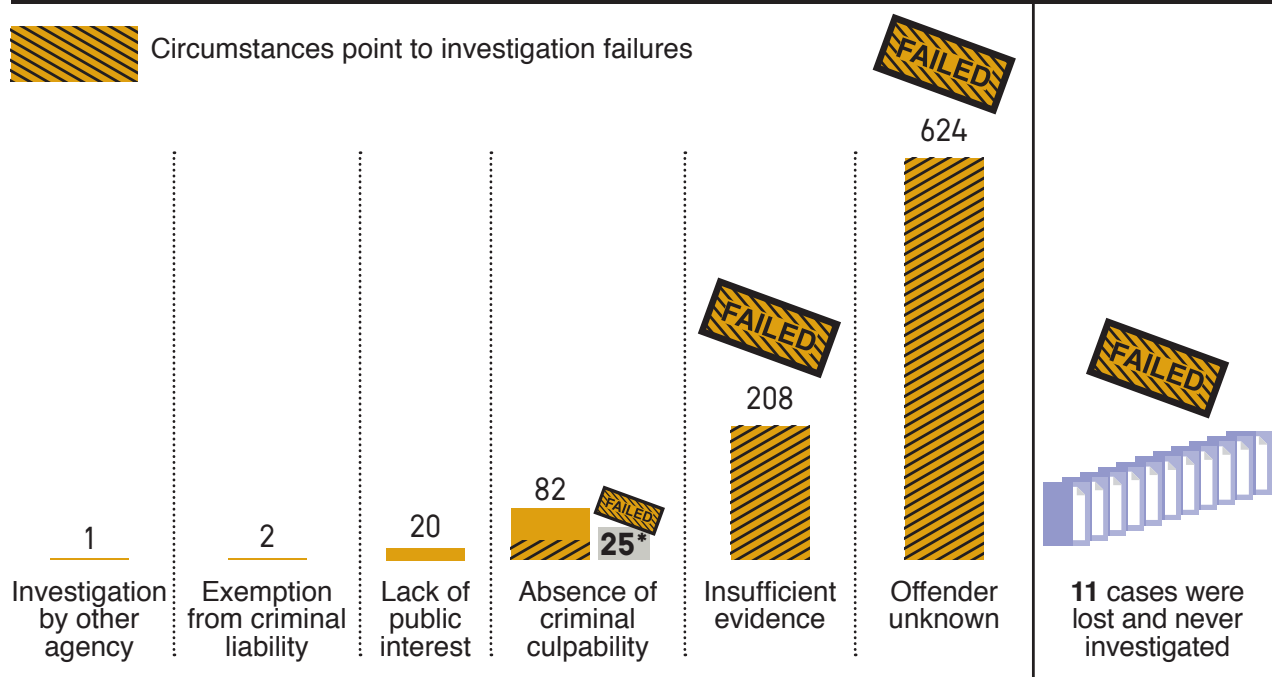
4 As per official police grounds for closure. See, Israel Police, Section 2, National Headquarters Ordinance 14.01.50: **Authority of a Police Prosecutor to Close an Investigation File**, revised June 19, 2011.

5 Letter from Advs. Noa Amrami and Michal Pasovsky, of Yesh Din's legal team to Adv. Yaniv Vaki, Director of Appeal Department, State Attorney's Office, regarding appeal against the decision to close, again, Police Investigation File 129067/13 (ID 1126/2013-6) (Yesh Din Case 2850/13), dated July 2, 2015.

6 According to the Israel Police National Headquarters Ordinance on the Investigation of Offenses, 14.1.2005, revised November 20, 2011: "A minor who is exempt from criminal liability and who is suspected of committing an offense shall be treated as a witness. No arrest shall be made and no criminal case shall be opened".

and files that were lost by the SJ District Police and regarding which Yesh Din has confirmation that a police complaint was in fact filed (11 files that were never investigated). Given this, **the police failure rate in investigating ideologically motivated crime cases amounts to 84.9%** - that is, 869 files out of 1,104 files that were concluded.

Grounds for closure of investigation files, 2005-2015



*An appeal was filed against the closure of the investigation

Yesh Din recently published a report entitled **Mock Enforcement: The Failure to Enforce the Law on Israeli Civilians in the West Bank** (May 2015), which outlines failures and deficiencies throughout the investigative process, beginning with scene examination and evidence collection, proceeding with the collection of statements, the location, identification and interrogation of suspects and ending with the analysis of the evidence and the decision whether it provides sufficient grounds for an indictment. The study concluded that **investigative failure is the result of failure to take basic investigative measures, an ongoing omission which sometimes amounts to criminal negligence.**

Only 75 of the files that were concluded (7.3% of the investigation files) resulted in indictments.

C MISTRUST IN THE POLICE: PALESTINIANS RELUCTANT TO LODGE COMPLAINTS

The ongoing, cumulative failure by the SJ District Police to investigate complaints lodged by Palestinians also increases mistrust toward Israeli enforcement agencies among Palestinians, and with it, their reluctance to lodge police complaints with respect to incidents in which they, or their property, are attacked by Israeli citizens. This reluctance persists despite the assistance offered by Yesh Din both in lodging the initial complaint and following up with submission of documents and additional evidence regarding the offense to the police and the prosecution and in filing appeals in cases of a negligent investigation which did not result in an indictment.

From the beginning of 2013 until August 2015, Yesh Din documented 377 incidents of ideologically motivated crime in which Israeli citizens were suspected of harming Palestinians and their property. In 219 of these incidents (58%),

the victims lodged a complaint with the police, some of them without outside assistance. In 102 cases (27%), the victims expressly told Yesh Din staff they were not interested in lodging a complaint with the police. Yesh Din will continue to monitor these troubling figures.

When Palestinian crime victims were asked why they did not want to lodge a complaint, 41 (40%) said they did not believe the Israeli authorities could help investigate their complaint; 13 based this statement on past experience with failed investigations into complaints they had made, or with humiliation and further harm they suffered as a result of filing a complaint. Seventeen other victims (16.6%) expressed concern that filing a complaint would bring them harm in the form of the denial of a work permit, harassment from the security coordinator of a nearby settlement, or worse violence by Israeli civilians from a nearby settlement. In 11 additional cases (10.7%), the police were at the scene of the crime and collected statements, but Yesh Din later found out that no investigation had been opened since the crime victims preferred not to waste their time after finding out the police had not initiated an investigation.

Location of offenses: Crime inside Palestinian communities doubles

The failure of the SJ District Police to investigate crimes perpetrated by Israeli citizens against Palestinians and their properties emboldens attackers to carry out attacks inside Palestinian communities and inside Palestinian homes and yards. In a twenty-month period, from the beginning of 2013 to August 2014, Yesh Din documented 45 ideologically motivated crime incidents inside the limits of Palestinian communities. From August 2014 to August 2015, a period of eleven months and ten days, Yesh Din documented 44 more such incidents. In other words, 89 cases (constituting 23.6% of the total 377 incidents documented from the beginning of 2013 to August 2015) that took place inside the built up areas of Palestinian communities. The number of ideologically motivated crimes perpetrated inside Palestinian communities doubled in the space of one year.

Crime incidents inside Palestinian communities have a far-reaching impact on the victims themselves as well as many others. They undermine the sense of personal security of victims' neighbors and extended family members, who feel helpless. These incidents exacerbate the vulnerability of women and children, who are sometimes left home alone. These offenses also point to a complete lack of deterrence on the part of the SJ District Police and other Israeli law enforcement agencies - the military and the Israel Security Service (ISA) - as the offenders consciously enter the built up areas of Palestinian communities with the intent to carry out attacks. One stark example of such an incident is the torching of the Dawabsheh family home in the village of Duma on July 31, 2015. An 18-month-old baby was killed in the fire. His parents succumbed to their injuries later.⁷

D VANDALISM OF PALESTINIAN OWNED TREES: HIGHEST INVESTIGATION FAILURE RATE – 95.6%.

One of the manifestations of ideologically motivated crime in the West Bank is vandalism of Palestinian owned trees, most often, olive trees. SJ District Police investigations into these types of cases are an almost complete failure. From 2005 to August 2015, Yesh Din documented 260 incidents of vandalism of trees that were investigated by the SJ District Police. So far, 250 of these cases have been concluded. The remaining ten are still pending.⁸

Grounds for closure of investigations into tree vandalism 2005-2015:

236 files were closed on grounds of "offender unknown" and "insufficient evidence", (212 and 24 respectively).

7 Jack Khoury, Chaim Levinson and Gili Cohen, "[Palestinian Infant Burned to Death in West Bank Arson Attack; IDF Blames 'Jewish Terror'](#)", Haaretz, July 31, 2015.

8 This number does not include dozens of other incidents in which crops were damaged, olives were harvested, crops were stolen, fruit and vegetables plants were uprooted and destroyed, greenhouses were damaged or farmland was torched without a clear indication of arson.

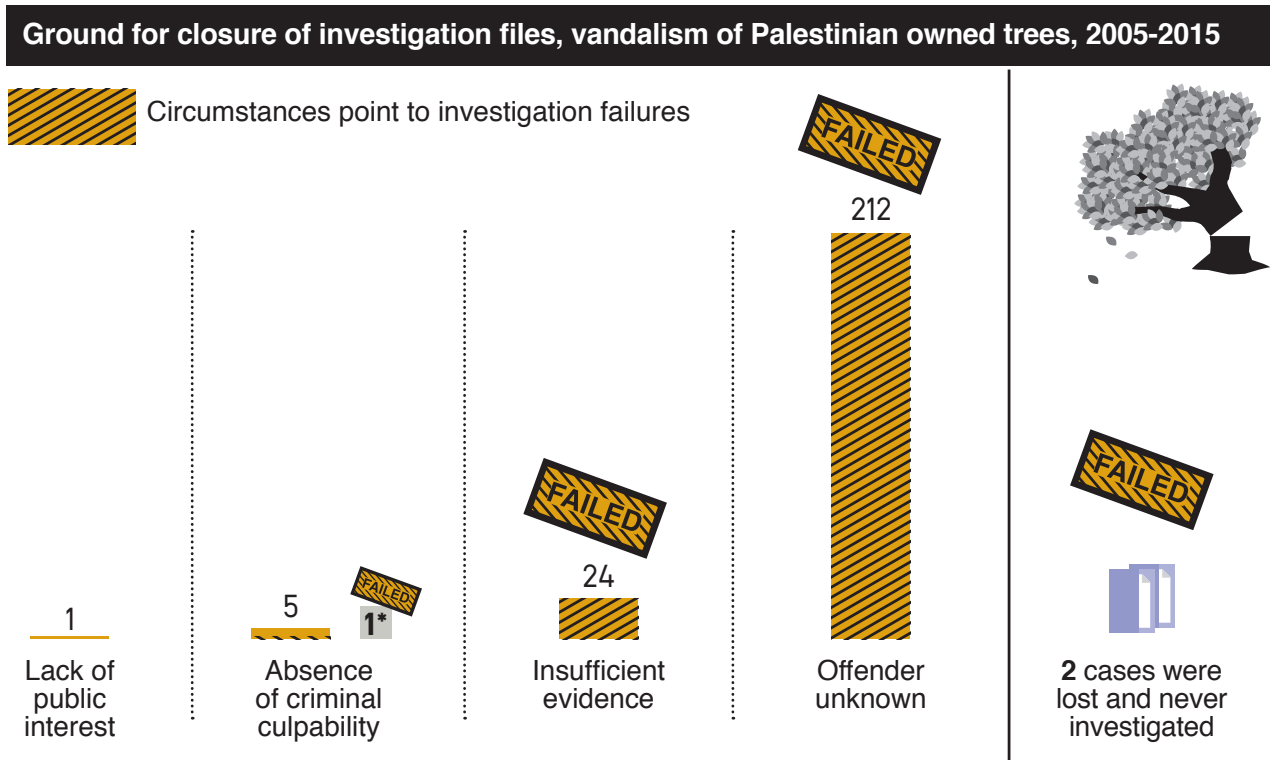
Five files were closed on grounds of “absence of criminal culpability.” Yesh Din appealed the decision to close the file in one of these cases;

One file was closed on grounds of “lack of public interest.”

Two files were lost.

The police investigation failure rate is highest in these files - a total of 239 files, or 95.6%.

Indictments were filed in only six files. In two of these, the defendants were charged with other offenses, suspected assault and attempted bodily injury, together with the vandalism charge. Legal proceedings have been concluded in two of the cases only. Neither ended with a conviction. In one case, there was a finding of guilt but no conviction. In the other, the defendant was acquitted as a result of a number of flaws in the police investigation, such as failure to check the defendant’s alibi.⁹ Legal proceedings are pending in the remaining four files.



*An appeal was filed against the closure of the investigation

Vandalism of olive trees and other fruit trees directly harms Palestinians’ economic welfare, as most of the Palestinian population of the West Bank relies on farming as a significant source of income, predominantly olives which supply seasonal income and jobs. Olive trees, a hallmark of the Palestinian landscape, are also significant as a national symbol of Palestinians’ steadfastness, their fight against dispossession and Palestinian cultural heritage. Olive oil is kept and preserved. It is used for making soap and medical ointments. Olive wood is used for making ornamental objects and sewing supplies.

One example of police negligence on this issue is a case in which Yesh Din appealed the closure of an investigation into the uprooting of approximately 60 olive trees in the village of Ras Karkar in April 2014. The victim identified the

⁹ Verdict in CrimA 1243/07 in the Jerusalem Magistrates Court in the matter of **State of Israel, SJ Prosecution Unit v. Hananel Sh’ar Yeshuv**, dated May 18, 2011.

photos of three suspects during his police interview. He had seen them fleeing toward the settlement of Nerya or the nearby outpost of Zayit Ra'anana. Other than taking the victim's statement, the police took no further investigative steps and never called the suspects in for questioning before closing the file on grounds of "offender unknown".¹⁰

It is important to note that in some of these incidents, dozens, sometimes hundreds of trees are harmed. Some of these trees are dozens of years old and are quite thick. Vandalizers use chain saws to cut down trees, poison the trees by drilling their trunks, torch trees or break off fruit bearing branches. Cutting down and sawing branches of ancient trees involves logistics. It requires equipment, such as chain saws (some of which produce noise comparable to that made in music clubs or rock concerts), or drills. These acts of vandalism are carried out by several perpetrators at the same time; they take a relatively long time (up to a few hours) and are carried out in vast areas around settlements and outposts located near roads or official access roads.

Most incidents involving vandalism of trees take place in friction areas that are familiar to Israeli law enforcement agencies, even if only thanks to the activity of Israeli human rights organizations and others who help protect Palestinian residents. Proactive law enforcement on the part of the police; close, real-time coordination between the SJ District Police and the military; use of sensing and surveillance equipment by military units and increased presence on the ground might have prevented such incidents.¹¹

The most prominent friction areas are the Shilo valley (north of Ramallah), the Yizhar area and the South Hebron Hills. In the decade between 2005 and August 2015, Yesh Din documented 28 incidents of vandalism of trees on farmland belonging to Turmusaya and al-Mugharyir (14 incidents in each village). The settlement of Adei Ad, a known hotbed of criminal activity,¹² was established on and around farmland belonging to these two villages. Yesh Din also documented 50 incidents of harm to trees in Palestinian communities surrounding the bloc of outposts between the settlements of Ma'ale Levona, Eli and Shilo. A total of 36 incidents of harm to trees were documented in Palestinian communities located near the settlements of Yizhar and Har Bracha and their satellite outposts – 27 of them in the village of Burin alone, which lies right between these the two settlement blocs. Twenty incidents of vandalism of trees were documented in the South Hebron Hills, eleven of them in the village of a-Tuwani.

This data sheet focuses on the ongoing failure of the SJ District Police to investigate incidents of ideologically motivated crime. Yet the blame does not rest with the SJ district alone. Many have played a role in this ongoing failure: successive police chiefs have refused to prioritize the issue and direct the appropriate resources to it; the military has been disavowing its basic obligation to enforce law and order in the occupied territory for decades; the ISA has generally exhibited impotence in the face of increasingly radical ideologically motivated crime; the State Attorney's Office and the Attorney General have failed to adequately address the issue and successive Israeli governments have practiced a policy that condones criminality within the settlement enterprise. All of the above, whether by act or omission, contribute to the entrenchment of ideologically motivated crime.

10 Letter from Adv. Noa Amrami and Michal Pasovsky, of Yesh Din's legal team to Superintendent Isaac Yosefov, Binyamin Investigation and Intelligence Branch Officer regarding appeal against the decision to close Police Investigation File 174557/14 (Yesh Din Case 3097/14), dated August 12, 2015

11 See, in this context, testimonies given by soldiers to *Breaking the Silence*, as presented in Yesh Din report, **Standing Idly By: IDF soldiers' inaction in the face of offenses perpetrated by Israelis against Palestinians in the West Bank** (May 2015, pp. 63, 76-80)

12 See Yesh Din report **The Road to Dispossession: A case study – the outposts of Adei Ad** (February 2013) and HCJ 8395/14 Head of Turmusaya Village Council, Mr. Ribhi 'Abd al-Rahman Muhammad Abu 'Awad et al. v. Minister of Defense Moshe Ya'alon et al., December 10, 2014, demanding the evacuation of the outpost of Adei Ad.



Friction Areas, Vandalism of Palestinian Owned Trees, 2005-2015

