

# LAW ENFORCEMENT ON ISRAELI SOLDIERS SUSPECTED OF HARMING PALESTINIANS AND THEIR PROPERTY

## FIGURES FOR 2017-2018

- **The odds that a Palestinian would see his or her complaint lead to the prosecution of the soldier who harmed them - 0.7%.**
- Of the total number of complaints filed in 2017-2018 regarding suspected offenses by soldiers against Palestinians in which a decision was reached, **some 80% were closed with no criminal investigation.**
- In the past two years, **the number of criminal investigations** the military opened into suspected soldier offenses against Palestinians **plummeted by about 75%** compared to previous years. Yesh Din estimates this is the result of a deliberate policy to raise the threshold for opening criminal investigations.
- **Criminal investigations are opened almost exclusively in extreme, or particularly grievous cases;** about a third of the investigations opened in 2017-2018 concerned Palestinian deaths. Injuries are rarely investigated.
- **Only three (3.2%) of the investigation files opened in 2017-2018 resulted in indictments,** all related to violence against Palestinians. Two of the indictments concerned the beating of blindfolded, handcuffed detainees.
- As part of the military's efforts to implement the recommendations of the Turkel Commission, **in 2017, the Military Advocate General's Corps began recording the duration of processing complaints made by Palestinians and, in 2018, presented significant improvements in the average time taken to reach a decision on whether to open an investigation.** This improvement comes at the cost of a sharp decline in the number of investigations.

**Yesh Din's analysis has found that despite the changes introduced by the military law enforcement system in recent years in an effort to implement the Turkel-Ciechanover recommendations, the response to criminal acts by soldiers against Palestinians has not materially changed. The military law enforcement system endeavors to avoid investigating and prosecuting soldiers who harm Palestinians and in so doing fails to protect Palestinians against offenses committed by Israeli soldiers and commanders.**

## A | INTRODUCTION

As in previous years, Yesh Din publishes a data sheet regarding law enforcement on Israeli soldiers suspected of harming Palestinians and their property in the West Bank and the Gaza Strip. The information is based on data provided by the Israeli army to Yesh Din following requests for information, as well as on multi-year monitoring of this data and law enforcement within the military. Unlike previous years, the information and figures Yesh Din requested were provided only after lengthy correspondence and with great delay exceeding the timelines stipulated in the Freedom of Information Act. For this reason, this data sheet contains a summary of information known to Yesh Din for both 2017 and 2018.

The Israeli military law enforcement system concerning soldiers is governed by provisions of Israeli law applicable to the army and by obligations imposed upon the Israeli army as an occupying power under international law. The purpose of monitoring the enforcement of the law regarding soldiers' offenses against Palestinians and their property is to determine the extent to which Israel is fulfilling its obligation under both Israeli and international law to enforce the law with regard to soldiers who harm the Palestinian population living under its control (beyond the rights abuses inherent to the military occupation itself) and thus

to protect Palestinians from further harm. Israel's failure to fulfill these obligations may result in intervention by international tribunals, such as the International Criminal Court and foreign courts in countries that recognize universal jurisdiction. It seems that in recent years, Israel has been making a concerted effort to prove it is able to fulfill these obligations.

In recent years, Yesh Din and other organizations have published reports that were highly critical of the military law enforcement system and its treatment of soldier offenses against Palestinians or their property. A 2014 Yesh Din report asserts that: "the Israeli military investigation system is marred by structural failures that render it incapable of conducting serious investigations into offenses committed by soldiers against Palestinians."<sup>1</sup> A 2016 B'Tselem report states that: "The current military law enforcement system does not allow for justice to be done, because in effect, it absolves those responsible for the commission of offenses [...] of accountability for harm to Palestinians and unlawful acts." It was further argued that this system does not even strive to carry out the limited mandate assigned to it – the task of investigating specific incidents wherein soldiers have been suspected of acting in breach of orders or directives they were given.<sup>2</sup>

The Turkel Committee, established to examine alleged breaches of international law during the Israeli takeover of a flotilla that sailed from Turkey to the Gaza Strip which culminated in the killing of nine passengers, issued the second part of its report in February 2013. This part of the report examined the existing Israeli investigation mechanisms with respect to alleged violations of international humanitarian law (IHL) and assessed whether they fulfilled the required international standards. The report highlighted a number of structural problems within the military law enforcement system and made recommendations on how to improve certain aspects of its work. Two and a half years after the report was published, in August 2015, the Ciechanover Commission, established to assist in the implementation of the recommendations of the second Turkel Commission report, published its own recommendations. The publication of the Ciechanover Commission report revealed that the Turkel Commission recommendations had been watered down, that some remained overly-general and that the Ciechanover Commission avoided instituting practical, concrete measures with respect to budgeting and staffing that would enable the substantive implementation of the required changes. The few and overly-general recommendations made by the Ciechanover Commission were adopted by the Security Cabinet (a ministerial committee on National Security Affairs) about a year later, in the summer of 2016.<sup>3</sup>

The military law enforcement system introduced several changes following the adoption of the Ciechanover Commission recommendations. One of these measures was the establishment of the National Operational Investigation Unit (NOIU) within the Military Police Criminal Investigation Division (MPCID) in early 2017. The NOIU is dedicated to investigating incidents defined as operational, including offenses committed by soldiers against Palestinians and their property. This new unit handles all investigations concerning alleged harm to Palestinians by soldiers. It is headed by an officer with the rank of major and has a staff of about ten investigators and one interpreter.<sup>4</sup> In response to the difficulties Palestinians wishing to complain about offenses committed against them had faced in the past, the unit opened a 24-hour telephone hotline for reporting unusual incidents and filing complaints regarding harm caused by soldiers.

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- 1 Yesh Din, [Shadow Report to the Fourth Periodic Report of Israel, 112th Session of the UN Human Rights Committee](#) (September 2014); Yesh Din, pp. 2-3. Another comprehensive Yesh Din report from 2011 found that, "the State of Israel is not meeting its obligation to protect the civilian population living in the area it occupied through the proper and effective investigation of suspicions of criminal offenses committed by soldiers". Yesh Din, [Alleged Investigation: The Failure of investigations into offenses committed by IDF soldiers against Palestinians](#) (August 2011) (hereinafter: [Alleged Investigation](#)), p. 12.
  - 2 B'Tselem, [The Occupation's Fig Leaf: Israel's Military Law Enforcement System as a Whitewash Mechanism](#) (May 2016), p. 36. A report by the Public Committee against Torture in Israel dealing with Palestinian complaints of soldier violence against detainees also stated that "in spite of the great gravity of these cases, CIU (Military Police Criminal Investigation Unit) and the MPC (Military Prosecutor Corps) obviously belittle the complaints against such violence," and even stated that "Ultimately, the message being communicated to the residents of the Occupied Territory is that their blood is cheap." The Public Committee against Torture in Israel, [Prosecutorial Indifference-Systematic Failures in the Investigation of Soldier Violence against Detainees in the Palestinian Occupied Territory](#) (June 2014), p. 53.
  - 3 In July 2016, the Ministerial Committee for National Security Affairs (the Security Cabinet) adopted the recommendations of the Ciechanover Commission for review and implementation of the Turkel report. Spokesperson for the Prime Minister's Office, [Security Cabinet Approves Recommendations of the Ciechanover Team on Evaluating and Implementing Part II of the Turkel Commission Report on Israel's Examination and Investigation Mechanisms](#), July 3, 2016. For an analysis of the Ciechanover Report and of the shortcomings that characterize the recommendations presented therein, see Yesh Din, [The Ciechanover Report - dodging the criminalization of war crimes and practical steps toward implementation](#), (October 2015).
  - 4 [Military response](#) (Hebrew) to Freedom of Information Application filed by Yesh Din with respect to the work of the NOIU, June 6, 2019, paragraph 4.

Another issue on which the Turkel Commission focused its attention and has also been flagged over the years in the publications of Yesh Din and other organizations intimately familiar with the military law enforcement system was the long duration of investigations. To address this issue, the Military Advocate General's Corps (MAGC) introduced an internal database in 2017, which allows it to monitor complaints and investigations more accurately and with greater detail, including with respect to the duration of each step along the way from the moment a complaint is received until the final decision is made.

**Despite the steps taken by the military law enforcement system towards implementing the recommendations of the Turkel and Ciechanover commissions, the figures presented below indicate that the change is merely cosmetic and meant only to allow the system to meet measurable benchmarks that create the appearance of a functioning law enforcement system. These changes help the military law enforcement system persist in deflecting the allegations made against it without bringing offending soldiers to justice for criminal acts, while kowtowing to the public and political climate in Israel which balks at looking at some of the violent acts against Palestinians in the OPT as criminal offenses.**

**The efforts and changes made by the military have failed to resolve the difficulties Palestinian victims of soldier offenses face when demanding justice. They have failed to improve accountability for Israeli soldiers or lead to substantive change in how the military law enforcement system approaches harm to Palestinians by soldiers. The figures show that the military law enforcement system is still doing everything in its power to divert offenses against Palestinians away from the criminal track, and, in so doing, betrays its own role and fails to meet its obligation to protect Palestinians from offenses by Israeli soldiers and commanders.**

## **B | 2017-2018 FIGURES: COMPLAINTS REGARDING ALLEGED OFFENSES COMMITTED BY SOLDIERS AGAINST PALESTINIANS**

In 2017-2018, the Military Advocate for Operational Affairs (MAOA; the department within the MAGC charged inter alia with handling offenses involving soldiers who harmed Palestinians or their property in the West Bank and the Gaza Strip) received **430 complaints concerning suspected soldier offenses against Palestinians or their property, 266 of these were made in 2017 and 164 more in 2018.**<sup>5</sup> These complaints<sup>6</sup> include cases forwarded to the MAGC from various bodies: 125 were forwarded by the Israel Police, 106 by human rights organizations,<sup>7</sup> 82 originated in the operational reports of military units, 35 were made by private individuals, 31 were received from the Inspector for Complaints Against the Israel Security Agency (ISA; a Ministry of Justice unit charged with handling complaints against members of the Israel Security Agency),<sup>8</sup> 19 were prompted by media reports and 30 more were received from sources the military defines as "other", referring to information received through military court hearings in the OPT, information given by Palestinian suspects to the police, soldiers' statements to the MPCID and reports from the MAGC unit in the West Bank.<sup>9</sup>

5 According to the military's responses to Freedom of Information Applications filed by Yesh Din regarding military law enforcement figures for 2017 and 2018 dated [April 3, 2019](#) (Hebrew) and [June 20, 2019](#) (Hebrew) respectively, paragraphs 11-12. In the response concerning 2017, the military provided inconsistent figures on the number of complaints, whereby it received 263 complaints that year rather than 266, making the total number of complaints in the relevant two years 427. Yesh Din contacted the military for clarifications on this inconsistency, but has yet to receive a response. This document refers to 430 for the sake of uniformity.

6 The MAGC classifies all complaints and updates it receives about suspicions of soldiers' offenses against Palestinians as "reports." This term illustrates, to a large degree, how detached the military law enforcement system is from Palestinian victims and how it handles soldier offenses against them: The information almost always comes through a third-party report or a mediator and only rarely through an active, direct demand from the victims themselves to investigate what was done to them and see justice done. In addition, the word "report" expresses separation from criminality - while the Israel Police (and any other police force in the world) receive complaints that must be investigated, reports brought to the attention of the MAGC do not necessarily warrant an investigation. In this document we will use the term "complaints" rather than "reports" as used by the MAGC.

7 Some of these complaints were filed with the help of Yesh Din. In 2017, Yesh Din helped Palestinians file 16 complaints. In 2018, 22 complaints by Palestinians were filed with Yesh Din's help.

8 For more about the unit, its functions and powers, see, [Inspector for Complaints Against the Israel Security Agency](#) page on the Ministry of Justice website.

9 The breakdown by year is as follows: In 2017, 75 complaints originated from the Israel Police, 67 were made by human rights organizations, 51 came from military unit operational reports, 26 from the Inspector for Complaints Against the ISA, 15 were filed by private individuals, 11 followed media reports and 20 more were received from

Complaints against soldiers include shooting incidents, some of which resulted in Palestinian fatalities; violence and looting by soldiers and theft or vandalism of Palestinians' property. Some complaints involve more than one type of offense. Naturally, most of the complaints received by the MAGC concerned incidents that took place in the West Bank (340 complaints), where the military comes into daily contact with Palestinian civilians. A small proportion of the complaints (87) concerned incidents in the Gaza Strip. At the same time, about half the complaints concerning offenses involving soldier use of firearms, including with fatal results, related to the Gaza Strip: 83 complaints regarding shots fired at Palestinians by soldiers were brought to the attention of the MAGC in 2017-2018, 20 of them resulted in a fatality. This compared to 85 such complaints from the West Bank, 48 of which resulted in a fatality. These figures **do not** include many other complaints of harm to Palestinians as a result of firearm use, including numerous fatalities, in the context of the weekly Friday protests held near the Gaza perimeter fence since March 2018.<sup>10</sup> The military examines these complaints separately and they are excluded from routine military law enforcement regarding incidents of harm to Palestinians.<sup>11</sup>

**In total, 168 complaints made to the MAGC in 2017-2018 concerned shooting incidents, 40% of these (68 incidents) resulted in fatalities. An additional 149 complaints concerned soldier violence, 124 concerned property offenses (looting or vandalism) and 28 related to other incidents.**<sup>12</sup> The military has told Yesh Din that incidents in the latter category are, "incidents that do not fall under the aforesaid categories, such as a soldier who made statements that do not conform to IDF values or whose conduct was morally flawed".<sup>13</sup> The Military Justice Act contains three rather general sections of offenses that allow trying a soldier for unbecoming conduct (Section 129 of the Military Justice Act), misconduct (Section 130 of the Military Justice Act) for soldiers ranking sergeant or higher, and abuse of authority (Section 68 of the Military Justice Act). Misconduct and abuse of authority are often used by the military prosecution when soldiers are tried for offenses against Palestinians, either in addition to one or more other offenses the soldier is charged with or as a sole offense. This is often done as part of a plea bargain which includes reduced charges.<sup>14</sup>

It is important to remember that the number of complaints received by the MAGC does not reflect the number of cases in which soldiers acted in a manner that raises suspicion of a criminal offense against Palestinians, but only the number of cases in which crime victims or other bodies reported such harm. While a gap between the total number of complaints and the total

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other sources. In 2017, 50 complaints originated from the Israel Police, 39 were made by human rights organizations, 31 came from military unit operational reports, 20 were made by private individuals, 5 came from the Inspector for Complaints Against the ISA, 8 followed media reports and 10 more were received from other sources. The total number of complaints, according to the military's breakdown, reaches 428, even though the total number cited was 427 and, elsewhere in the same response, it was 430. Yesh Din contacted the military for clarifications on this inconsistency, but has yet to receive a response.

10 See infra note 32.

11 These complaints are referred to the General Staff Mechanism for Fact-Finding Assessments (FFA Mechanism), established during the military operation in the Gaza Strip in the summer of 2014 ("Operation Protective Edge") for the purpose of performing preliminary inquiries into exceptional incidents during the fighting. It has since served as a standing mechanism for inquiries into alleged breaches of the laws of war. These preliminary inquiries are not criminal investigations, and their findings are forwarded to the Military Advocate General (the MAG), who has exclusive authority to decide whether or not to criminally investigate the incident. Yesh Din plans to release a document specifically addressing the protests near the Gaza perimeter fence and the investigation of suspected offenses by Israeli soldiers responding to these events.

12 Under this breakdown, the total number of complaints surpasses 430, as some complaints involve more than one type of offense. Below is the full breakdown provided to Yesh Din: In 2017, 98 suspected shooting offenses were reported of which 47 took place in the West Bank and 51 in the Gaza Strip. Ninety-three reports concerned violent offenses, all in the West Bank; 43 concerned "the taking of property" (theft or looting), all in the West Bank; 39 concerned suspected damage to property, one of which in the Gaza Strip and the rest in the West Bank; 19 complaints concerned other offenses, 18 in the West Bank and one in the Gaza Strip. In 2017, 70 suspected shooting offenses were reported of which 38 took place in the West Bank and 32 in the Gaza Strip. Fifty-six reports concerned violent offenses, 55 of which in the West Bank; 21 concerned suspected looting, all in the West Bank; 20 concerned suspected damage to property, all in the West Bank; 9 complaints concerned other offenses, all in the West Bank.

13 From a letter sent by the military to Yesh Din in response to a query regarding the issue, July 21, 2014.

14 Military prosecution directives define misconduct as a "loose fabric" that is "widely open for interpretation" and can be "infused with meaning". These directives set out the criteria for charging soldiers with this offense and list the cases in which soldiers charged with other offenses should be charged with misconduct as an ancillary offense. With regards to indictments on misconduct charges alone, the military prosecution vaguely notes that the correlation between the severity of the offense of which the soldier is suspected and the correct track for addressing it - disciplinary versus criminal - must be considered. The statement was made in light of the High Court ruling in HCJ 7195/08 Abu Rahma et al. v. Military Advocate General et al, according to which the decision to charge a soldier who had shot an individual who was blindfolded and in custody with misconduct only was extremely unreasonable. Yesh Din was among the human rights organizations who partnered to file the petition. See, [Directive No. 2.19 of the Chief Military Prosecution, on the MAGC website](#) (Hebrew). With respect to abuse of power, see Section E of this data sheet on indictments filed against soldiers in 2017-2018. The section includes a description of charges filed against three soldiers for the beating of a Palestinian detainee. The three were initially charged with aggravated physical abuse, but eventually convicted only of abuse of power in a plea agreement.

number of offenses actually committed exists in every law enforcement system, the nature of the military law enforcement system regarding soldiers who harm Palestinians and the circumstances in which it operates lead to an even larger gap.

**Firstly, Palestinians harmed by soldiers are forced to contend with an inaccessible system that makes it difficult for them to file complaints.** Palestinians wishing to file a complaint against soldiers cannot approach the MPCID in person, as the department's only base in the OPT is located inside a large military base, which Palestinians cannot enter. On the face of it, victims of an offense may file a complaint with one of the District Coordination and Liaison Offices (DCOs) operating in the West Bank,<sup>15</sup> but Yesh Din's experience demonstrates that these complaints are usually not transferred to the investigating authorities or are transferred only after a very long time.

The National Operational Investigation Unit (NOIU) was established as part of the MPCID in response to the Turkel-Ciechanover recommendations. The NOIU is devoted specifically to investigating incidents defined as operational, including offenses committed by soldiers against Palestinians and their property. The new unit was meant to specialize in investigating suspected criminal offenses during operational incidents and its soldiers receive training that is tailored to the types of activities relevant to their work.<sup>16</sup>

About two years ago, the NOIU opened a 24-hour hotline where complaints regarding suspected soldier offenses can be made. However, responses provided to Yesh Din by the military on this issue reveal that the hotline was never announced or advertised in Arabic in order to inform the public it was meant to serve, the Palestinian population in the OPT, that it was in operation. **As a result, throughout 2017, the hotline received only six calls from Palestinian residents, and only two in 2018.**<sup>17</sup> Many victims who wish to file a complaint are forced to use intermediaries such as human rights organizations or private lawyers, which aren't accessible to all. It is also reasonable to assume that this reality contributes to a reduction in the number of complaints actually filed.

Moreover, **in many cases, Palestinians harmed by soldier offenses do not wish to file a complaint with the army - the body that has been governing their lives in a regime of military occupation since 1967. The Israeli military is naturally perceived as an oppressive institution that is not designed to serve the Palestinian residents, much less to help them exercise their rights. This, in itself, is enough to produce inherent mistrust and real deterrence among victims of offenses, holding them back from filing a complaint with the very same body. In addition, many Palestinians fear that filing a complaint would result in harm to them or their family members. Some object to cooperating with the Israeli authorities as a matter of principle.**

**In 2017 and 2018, Yesh Din documented 34 cases where Palestinians who reported being harmed by soldier offenses** (reports included violent incidents, damage to property, and other incidents), **said that they did not wish to file a complaint with the Israeli army.** In about 62% of these cases, the victims cited that their decision was made out of fear that filing a complaint would bring harm upon them or their families (21 cases). Others explained that they do not believe in Israeli law enforcement agencies or do not believe that filing a complaint would help.

15 In a meeting with the commander of the NOIU on May 29, 2017, Yesh Din staff members were told that Palestinian victims of soldier offenses have access to three options for filing complaints: using mediating organizations, approaching the DCOs or calling the NOIU hotline.

16 The training includes a two-week spoken Arabic course, a one-day accreditation seminar on crowd control weapons, two days of training on international law (one of which focusing on belligerent occupation), visits to the DCOs and the Civil Administration, a lecture from the Judea and Samaria Division Operations Directorate officer on the orientation of military service in the West Bank and more. This information was provided in response to Yesh Din's queries about the work of the NOIU, June 6, 2019.

17 This information was provided in [response](#) (Hebrew) to Yesh Din's queries about the work of the NOIU, February 10, 2019.



## C | 2017-2018: THE INVESTIGATION OF SOLDIERS WHO HARMED PALESTINIANS

### THE EXAMINATION OF COMPLAINTS AND THE DECISION WHETHER TO OPEN AN INVESTIGATION OR CLOSE THE FILE

Unlike complaints submitted to the police following suspected offenses committed by civilians, a complaint filed with the Military Advocate General's Corps regarding the offense of a soldier does not necessarily lead to the opening of an investigation. According to military law enforcement policy, criminal investigations are opened immediately only in suspected offenses committed outside of operational activity, or when the offense has no operational rationale, such as looting or physical abuse of detainees. Following a petition filed with the High Court by B'Tselem and the Association for Civil Rights in Israel,<sup>18</sup> in 2011, the military introduced a rule whereby the MAGC must order an immediate criminal investigation (with no preliminary inquiry) in every incident involving the death of a Palestinian as a result of the activity of soldiers in the West Bank, except in cases where the killing took place during activities of a "real combat nature."<sup>19</sup>

In other instances, the MAGC is authorized to order the closure of the complaint file without further inquiry and without conducting a criminal investigation (for example, in cases where the MAGC determines that the preliminary report did not raise suspicion of a criminal offense or that the suspects were not soldiers), or to conduct a preliminary factual inquiry, at the end of which a decision is made as to whether to open a criminal investigation or close the case without opening such an investigation.

In 2017-2018, the MAGC ordered the **immediate opening of a criminal investigation in only 8.6% of the complaints received (37 of 430 complaints)**. In 305 cases (about 71% of the complaints in the relevant years), the MAGC ordered a preliminary factual inquiry before deciding whether to close the case or to order a criminal investigation. 54 of these cases involved incidents resulting in the death of a Palestinian (out of 68 complaints regarding the death of Palestinians filed in these years). In 88 of the cases (about 20% of all complaints received), the MAGC ordered the closure of the complaint file without conducting a preliminary inquiry and without opening a criminal investigation.<sup>20</sup>

### MAGC decision in 430 complaints made by Palestinians in 2017-2018



18 HCJ 9594/03 B'Tselem - The Israeli Information Center for Human Rights in the Occupied Territories v. Military Advocate General. To view the petition and for more information about the changes made to the investigation policy thereafter, see (in Hebrew), [Association for Civil Rights in Israel website](#) Last accessed, October 16, 2019.

19 The Public Committee to examine the Maritime Incident of May 31, 2010 - The Turkel Commission, [Second Report: Israel's Mechanisms for Examining and Investigating Complaints and Claims of Violations of the Laws of Armed Conflict According to International Law](#) (February 2013) [hereafter: [Second Turkel Report](#)], pp. 319-323; 378-380.

20 According to the military's responses to requests made by Yesh Din based on the Freedom of Information Act regarding military law enforcement figures for 2017 and 2018 dated [April 3, 2019](#) (Hebrew) and [June 20, 2019](#) (Hebrew) respectively, paragraphs 11-12. According to this breakdown, the total number of cases is 430 rather than 427, as relayed to Yesh Din by the military. The reason for the discrepancy is unknown to Yesh Din. A request for clarification has not been answered as of yet.

**Of the 430 complaints and reports regarding soldier offenses against Palestinians and their property brought to the attention of the MAGC in 2017 and 2018, only in 84 cases was a criminal investigation launched by the end of 2018:**<sup>21</sup> In addition to the 37 complaints that resulted in an immediate investigation, 47 other investigations were opened after an-MAGC-ordered preliminary inquiry. In 242 cases, the preliminary inquiry resulted in a decision to close the file without an investigation. As of the end of 2018, meaning a year or more after the complaint was filed, 16 files were still in processing with no decision having been reached.<sup>22</sup> **As of the end of 2018, 330 (about 80%) of 414 completed files (meaning a decision had been reached) were closed without a criminal investigation.**



## MPCID INVESTIGATIONS IN 2017-2018 – SHARP DECLINE IN THE NUMBER OF INVESTIGATIONS

**The most striking feature of the 2017-2018 figures is the sharp drop in criminal investigations into suspected harm to Palestinians and their property by soldiers. In 2017, the MPCID opened investigations into 43 incidents of suspected harm to Palestinians. In 2018, it opened 50.**<sup>23</sup> Over the course of these two years, a total of 93 investigations were opened by MPCID into suspected soldier offenses against Palestinians or their property (including complaints filed in previous years). Six of these related to incidents that took place in the Gaza Strip and the rest in the West Bank.

**This is an exceptionally low number of investigations. It reflects a sharp drop compared to previous years:** In 2014 alone, MPCID opened 229 investigations into suspected soldier offenses against Palestinians or their property. In 2015, 186 investigations were opened, while in 2016, the number dropped to 78.<sup>24</sup> The number kept declining over the course of the following two years, reaching an all-time low since the beginning of the second intifada in late 2000. For the sake of comparison, in the preceding decade, from 2005 to 2015, the average number of criminal investigations opened each year into suspected soldier offenses against Palestinians or their property was 203.

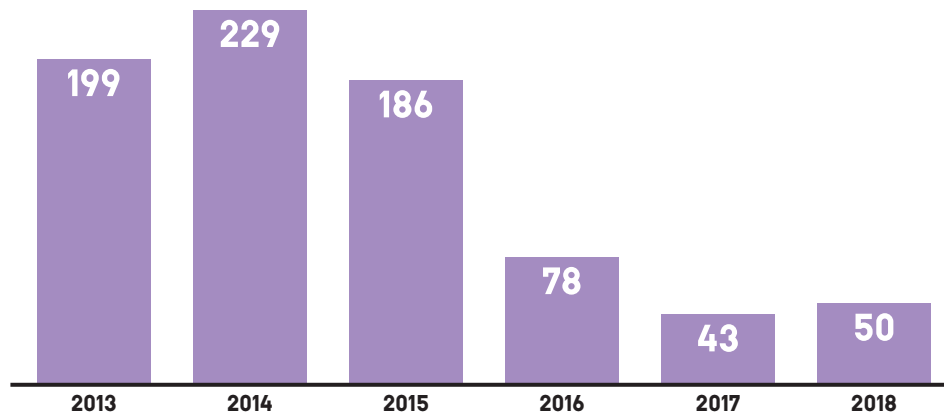
21 Forty-nine of which following complaints filed in 2017 and 35 following complaints filed in 2018. In the section regarding the total number of investigations opened in the relevant years, the military replied 82 investigations were opened rather than 84. Yesh Din contacted the military for clarifications with respect to the discrepancy. Additionally, a letter on a different matter Yesh Din received from the army contained slightly different figures, whereby in 2017, investigations were opened into 44 rather than 49 of the complaints forwarded to the MAGC. In this document, we refer to the official figure the military provided to Yesh Din in direct response to a question on the topic. No answer has been provided to date to a request for clarification sent to the military.

22 Of the 242 complaints that have been closed, 139 were made in 2017 and 103 were made in 2018. Of the 16 still undecided and in processing, five were made in 2017 and 11 in 2018. According to the military's responses to Freedom of Information Applications filed by Yesh Din regarding military law enforcement figures for 2017 and 2018 dated [April 3, 2019](#) (Hebrew) and [June 20, 2019](#) (Hebrew) respectively, paragraphs 12-13.

23 According to the [Military response](#) (Hebrew) to a request made by Yesh Din based on the Freedom of Information Act with respect to military law enforcement figures for 2017, April 3, 2019, paragraph 4; [Military response](#) (Hebrew) to a request made by Yesh Din based on the Freedom of Information Act with respect to military law enforcement figures for 2018, June 20, 2019, paragraph 5.

24 At the end of each of these years, Yesh Din released a detailed data sheet concerning the number of complaints, investigations and indictments against soldiers suspected of harming Palestinians in that year. For detailed information, figures and Yesh Din's analysis on these years, see, Yesh Din, [Law enforcement on Israeli soldiers suspected of harming Palestinians](#), [December 2015](#), [January 2017](#), [March 2018](#).

## MPCID investigations into suspected harm to Palestinians or their property 2013-2018



It is difficult to ascertain whether the sharp drop in the number of criminal investigations is correlated to the decline in the number of complaints made to military law enforcement agencies during these years. This difficulty is the result of changes the military law enforcement introduced to how complaints are made and counted in early 2014: Until then, complaints were made directly to the MPCID, but in that year, the military asked human rights organizations, including Yesh Din, to report incidents concerning offenses by soldiers against Palestinians directly to the MAGC rather than the MPCID.<sup>25</sup> In the early years after the change, figures on the number of complaints filed with the MAGC and the MPCID were inconsistent, sometimes duplicated and sometimes vague.

Yesh Din does not have sufficient data to determine the cause of the sharp drop in investigations, but an overview of the last three years, 2016-2018, compared to previous years, raises the possibility that it is either the result of a policy change - a deliberate raising of the threshold for opening investigations - or a lack of resources that led to a nearly 75% drop in the number of investigations. As previously stated, in 2017-2018, about 80% of the complaints concerning harm to Palestinians that were brought to the attention of law enforcement agencies were closed. Criminal investigations designed to get to the bottom of the complaint and assess the allegations raised were opened only in 20%. The same was observed in 2016, when 79% of the complaints were closed without an investigation.

Over the last decade, the number of positions in the MPCID was significantly downsized, prompting broad structural changes to the unit in early 2017. The establishment of the NOIU was part of this process. The State Comptroller's Report from May 2019, which looked into MPCID operations, found that the number of career soldiers serving in the unit had been cut by some 30% and that certain divisions inside the department had significantly scaled back operations.<sup>26</sup> This process may have affected operational investigations, resulting in the low number of criminal investigations opened against soldiers on suspicion of harm to Palestinians in those years. The State Comptroller did not review the work of the NOIU specifically, stating that since the unit was new, "at the time the review was completed, June 2018, the NOIU had yet to complete its establishment in terms of drafting theory and protocols, training and identifying a pool of reserve soldiers".<sup>27</sup>

<sup>25</sup> The policy was ostensibly aimed at expediting the process and notifying the MAGC, which is the office that orders investigations in many cases, of an incident of harm to Palestinians when the initial report is made. The policy, however, makes filing complaints directly with the investigating agency even more inaccessible to Palestinian victims of offenses and perpetuates their dependency on mediators, as the MAGC is beyond the reach of ordinary Palestinians. For more about the change of policy and the issues involve, see: Yesh Din, [Law enforcement on Israeli soldiers suspected of harming Palestinians and their property 2014](#).

<sup>26</sup> So, for instance, the Comptroller found that in 2017, the number of cases handled by the National Fraud Investigation Unit of the MPCID dropped by 67% compared to the average number of investigation that unit handled from 2010 to 2016, partly due to the cessation of investigations initiated by the unit and lack of training due to staffing and resource constraints. State Comptroller, [Annual Report 69B](#) (2019) (Hebrew), pp. 2310-2307.

<sup>27</sup> [Ibid](#), p. 2293.



## ABOUT ONE-THIRD OF THE INVESTIGATION FILES CONCERN PALESTINIAN FATALITIES; ONLY THE SEVERE CASES ARE INVESTIGATED

Investigation files opened in 2017 fall into three main offense categories: Six of them concerned **shooting** incidents, all of which ended with a fatality; 16 were opened into suspected **violence** by soldiers; 25 concerned suspected **property offenses** (16 cases of “taking of property”, meaning looting or theft, and nine cases of damage to Palestinian property). Three more cases that did not fall into these categories were also investigated. Two of these resulted in the death of Palestinians, though the military did not specify how or under what circumstances.

The investigation files opened in 2018 were distinctly cases of shooting and violence: 21 of them concerned **shooting** incidents, 18 of which ended with a fatality; 23 concerned suspected **violence** by soldiers; ten concerned **property offenses** (seven looting cases and three cases of damage to Palestinian property); another incident was classified by the military as “other”, but no further details were provided.

**In total, 26 of the 93 criminal investigations opened in 2017-2018 (about 28%) concerned incidents that resulted in the death of a Palestinian resident.** This fact may support the theory advanced in this report that the military has raised the threshold for the opening of investigations considerably in recent years and is now investigating mostly incidents it considers particularly severe, while closing many complaints regarding more “minor” incidents, including ones in which Palestinians were injured without justification, even when the injuries are serious. Evidence of this can be found in the fact that **of the 27 investigations into shooting incidents opened in 2017-2018, 24 (88.9%) concerned the death of Palestinians**, while 168 complaints regarding soldiers’ use of firearms were filed in those years, 68 of which (about 40%) resulted in the death of a Palestinian. These figures indicate that the military tends not to investigate cases in which Palestinians were injured as a result of shooting and these complaints are closed with no investigation.

Yesh Din’s experience representing Palestinian victims of offenses also indicates that in severe cases in which Palestinians who clearly had no involvement in hostilities and did not pose a threat to the lives of soldiers were injured, the military often limits its response to a preliminary inquiry as to whether or not there was illegal use of firearms or a breach of the open fire regulations, but stops short of launching a criminal investigation. Preliminary inquiries are meant to provide a way to collect information that would support a potential investigation,<sup>28</sup> not replace or obviate it.

**Yesh Din takes the position that investigations should be ordered in every case of bodily harm caused by soldier shooting that does not occur in patently combat situations.** In a letter sent to the MAG on August 18, 2016, Yesh Din argued, among other things, that the current artificial distinction whereby an investigation is mandatory in cases of fatalities but is not when use of fire or other military actions results “only” in the injury of a civilian in circumstances that are not patently combative fails to meet the test of logic. Experience shows that whether a shooting incident results in death or injury is random and depends on luck and circumstance. In some cases, injuries lead to death, and in any event, the final outcome has no bearing on the legality of the offending soldiers’ conduct. Therefore, the MAG should change the military’s investigation policy whereby only deaths result in automatic investigations.

In the meantime, the military has also adopted a very broad interpretation of the term “real combat nature” over the past few years. The term itself was never accurately defined,<sup>29</sup> which often serves the MAGC in refraining from launching a criminal

28 See Recommendation No. 5 in the Turkel Report: Fact-Finding Assessment. [Second Turkel Report](#), p. 378.

29 The [notice filed by the MAG](#) (Hebrew) informing the court of the investigation policy in 2011 (following the petition filed by B’Tselem and the Association for Civil Rights in Israel) did not clearly define the features of activity of “a real combat nature”. It did, however, present two examples. A situation in which, “there was a fire exchange during which a civilian who did not take part in the fighting was hurt” was given as an example of a death during activity of “a real combat nature”, whereas “incidental deaths during public disturbances and checkpoint riots” were offered as examples of deaths that did not occur during such activity. HCJ 9594/03, Updating Notice on behalf of the Respondent, April 4, 2011. The Turkel Commission drew a similar distinction with respect to the obligation to investigate harm caused to an individual during law enforcement activity. “[T]he Commission is satisfied that during an armed conflict there is a difference between the use of force in the context of the conduct of hostilities and the use of force in the context of law enforcement activities. Unlike the law enforcement context, the death or injury of a civilian during the conduct of hostilities does not automatically give rise to a duty to investigate [...] Conversely, where force causes any serious injury or death of an individual in the context of law

investigation against soldiers. Yesh Din's experience representing Palestinian victims reveals that many complaints concerning incidents that clearly took place in the context of law enforcement, such as "public disturbances" or "checkpoint riots", as the military refers to them, are closed without an investigation, even if the result was serious harm to innocent civilians.

### Yesh Din Case 4023/17

In the evening of November 30, 2017, A.A. was at home, at the entrance to the village of Qusrah, with his family. After a group of settlers came to the village and threw rocks at homes there, violent altercations developed between them and local residents, prompting the arrival of the military, police and Border Police to the area. Having heard shouting and the sound of gunfire, A. went out to his yard, and about a minute later, he was shot in the waist. A. was taken to a hospital in Nablus, where he remained for treatment for seven days, suffering from a fracture in the sacroiliac joint. On December 4, 2017, A.'s father filed a complaint with the police regarding the shooting. The file was transferred to the MPCID, and nearly three months later, on February 25, 2018, the MAGC ordered a factual inquiry be conducted to determine whether to launch a criminal investigation. On May 6, 2018, more than five months after the incident, the MAG decided not to open an investigation, despite the fact that A. clearly had not taken part in the clashes in Qusrah and had not posed a threat to the soldiers' lives. In the decision, the MAG noted that the Molotov cocktail aimed at the soldiers had been thrown from a house near the injured party's rather than his own. The decision also mentioned that the area had been dark and [the soldiers] could not see where they were shooting. Yesh Din's legal team reviewed the investigation materials forwarded to the organization and discovered that while the MAGC knew which company had been in the area, none of the soldiers present had been questioned during the fact-finding assessment. The MAG reversed his decision only thanks to an appeal from Yesh Din, ultimately ordering a criminal investigation in July 2019, a year and eight months after the incident. The long delay clearly impedes an effective investigation of the incident. It is also reasonable to assume that if A. had not been represented by Yesh Din, his complaint would not have resulted in an investigation at all.

### Yesh Din Case 3760/16

On June 21, 2016, before dawn, M.H. left his home in Nur Shams Refugee Camp, heading for work in Israel. As he was standing on the street, waiting for a taxi to take him to the checkpoint, clashes erupted with soldiers over the arrest of a local resident, and no taxis were available. H. left the area and hid behind a tree. When he came out of his hiding spot, he was shot in the back by a soldier. He was taken by ambulance to a hospital in Tulkarm, where he remained for treatment for ten days. Following a complaint filed on behalf of H. by Yesh Din in November 2016, on March 10, 2017, almost nine months after the incident, the MAG ordered a preliminary inquiry be conducted. On June 21, 2018, two years after the incident, a decision was made not to investigate, even though it had always been apparent that H. had taken no part in the clashes and that he had been shot in the back with live rounds. Yesh Din's legal team reviewed the investigation materials forwarded to the organization, and discovered that while the MAGC knew which battalion had been in the area, none of the soldiers present had been questioned during the inquiry, which relied solely on the complainant's testimony, a review of the daily operations logs and a conversation with an operations sergeant. The MAG reversed his decision only thanks to an appeal Yesh Din filed on the complainant's behalf, ultimately ordering a criminal investigation in July 2019, three years and three months after the incident. The long delay clearly impedes an effective investigation of the incident. It is also reasonable to assume that if H. had not been represented by Yesh Din, his complaint would not have resulted in an investigation at all.

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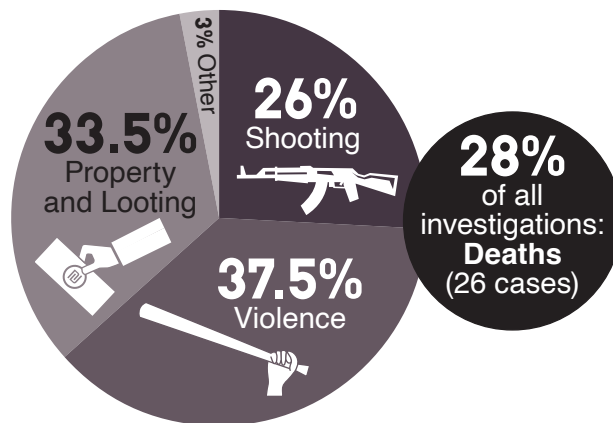
enforcement activities there is a duty to investigate". [Second Turkel Report](#), p. 106.



**Yesh Din Case 4253/18**

On September 30, 2018, at around 4:00 A.M., a military detail returned to the home of N., whom they had arrested shortly before, in Nahhalin, to retrieve his medications. S. was sleeping in his room at the time, and a soldier shouted at him to get out of bed. Before he was able to stand up, he was shot in the waist for reasons that remain unclear. He was taken to a hospital in Beit Jala where he was admitted for care. Israeli media reports about the incident alleged that the soldiers who came to the house were violently attacked by family members and responded with fire. These allegations were never ascertained, and, in any event, do not obviate the need for an investigation. Yesh Din filed a complaint on behalf of the victim with the MAGC. As of August 2019, about a year after the incident, the MAG had yet to make a decision in the matter, even on whether or not to criminally investigate the incident. This prolonged delay ultimately hurts the ability to get to the truth of what happened in this case. Even if a decision is made to investigate, any investigation opened so long after the fact would likely be ineffective.

**93 MPCID investigations opened in 2017-2018 by type of offense**



**D | THE INVESTIGATION OF CASES OF PALESTINIAN FATALITIES AND SHOOTING INCIDENTS 2017-2018**

**FAILURE TO IMPLEMENT THE INVESTIGATION POLICY - NOT ALL DEATHS ARE INVESTIGATED**

Despite the military’s official policy on the investigation of Palestinian deaths, the figures reveal that it does not investigate most of the incidents in which Palestinians are killed due to military action. According to B’Tselem figures, 60 Palestinians were killed in the OPT in 2017, about two-thirds of them in the West Bank. According to B’Tselem’s investigations, the vast majority of the victims had not taken part in hostilities.<sup>30</sup> Although according to the military’s investigation policy, every case in which a Palestinian dies in the West Bank during military action other than one of “a real combat nature” is to be investigated immediately, it appears that in practice, even in cases of death, the decision to launch an investigation is far from automatic or immediate. According to figures provided by the military, only nine reports related to a Palestinian fatality in 2017 resulted in a criminal investigation (five immediately, and four later, following a factual inquiry. Two investigations were not opened until 2018).<sup>31</sup>

30 For figures, names and details on Palestinian fatalities in the West Bank, see: [Palestinians killed by Israeli security forces in the Occupied Territories, since Operation Cast Lead](#) on the B’Tselem website. Last accessed, October 15, 2019.

31 In December 2017, Yesh Din helped Samah Abd al-Muamen Abdallah’s father file a high court petition demanding to investigate the death of his daughter who, at age

The year 2018 was even deadlier in the OPT, mostly due to the mass weekly protests along the Gaza-Israel fence which began on March 30. Hundreds of Palestinian protestors have been killed by Israeli soldiers in these protests.<sup>32</sup> According to B'Tselem, 289 Palestinians were killed by Israeli soldiers in the OPT in 2018 (about 200 of them during the Gaza protests). B'Tselem has information indicating that at least half of them did not take part in hostilities. Military figures reveal that only 13 of the reports of fatalities in the OPT in 2018 resulted in investigations (eleven immediately and two more after a factual inquiry). The military also launched criminal investigations into 13 more Palestinian deaths related to the protests on the Gaza border.<sup>33</sup> Some of these concern incidents from 2019. This brings the total number of criminal investigations of 2018 incidents in which Palestinians who did not take part in hostilities were killed to no more than 26, as of July 2019.

## **SWEEPING USE OF OPERATIONAL DEBRIEFINGS IN DECISIONS ON THE INVESTIGATION OF CASES OF PALESTINIAN FATALITIES AND SHOOTING INCIDENTS**

Until 2013, at the time of the publication of the Turkel Commission's second report, the Israeli army carried out the following policy for deciding whether to open a criminal investigation following a complaint: In every case where the MAGC did not order an immediate investigation, the parties involved in the process would wait for the operational debriefing of the incident. After receiving it, the debriefing would be used to determine whether the case raised suspicion of criminal activity and whether a criminal investigation should be opened.<sup>34</sup>

Given the recognition that the operational debriefing is a military tool designed to draw operational lessons and improve the performance of military units, it is not suitable for determining suspected criminality. This is partly because it is performed by interested parties who lack investigative expertise, and also because using operational debriefings could delay decisions on investigations and allow suspects and witnesses to match stories.<sup>35</sup> Because of these combined factors, the Turkel Commission recommended **putting an end to current practices and instituting a separate system for factual inquiries**. The commission added that this recommendation did not preclude the MAGC from reviewing the operational debriefing, provided this review did not cause failure to meet recommended timelines for reaching a decision in a complaint. The authors of the Ciechanover report also recommended the establishment of a mechanism that would be responsible for conducting a preliminary factual inquiry, independent of the operational debriefing.<sup>36</sup>

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18, was shot and killed by soldiers while traveling with family members in a car. The MAG had refused to order an investigation of the incident (HCJ 10167/17, **Abd al-Muamen Abdallah v. the Attorney General**). In response to the petition, the Chief Military Prosecutor notified, in February 2018, that an MPCID investigation would be opened. The State asked the petition be dismissed without prejudice without holding a hearing on the general issue of investigating deaths. The petition was dismissed without prejudice after a hearing held in January 2019. To read the petition and for more details on the case, see the [Yesh Din website](#). For more information about the military's failure to implement its investigation policy, see Yesh Din Data Sheet: [Law enforcement on Israeli soldiers suspected of harming Palestinians](#), March 2018.

- 32 Ever since March 30, 2018, mass protests, known as the Great March of Return, have been held every Friday along the Gazalsrael fence. The Israeli military has responded to these protests with an open fire policy that allows soldiers to fire live rounds at protestors they identify as "primary instigators" or "primary rioters", even if they do not pose a clear and immediate threat to human life. Gaza based Palestinian human rights organization PCHR has reported 210 Palestinian protestors were killed and more than 13,000 were injured from March 30, 2018 to September 2019, including 46 children, two women, nine persons with disabilities, four paramedics and two journalists. See [report](#) on the PCHR website. Last accessed, October 15, 2019. Al Mezan Center for Human Rights, another Gaza NGO, has reported similar numbers for the same time period, with 324 Palestinians killed in the Gaza Strip, 211 of them protestors killed by military fire near the fence, including 46 children, two women, nine persons with disabilities, four paramedics and two journalists. See [report](#) on the Al Mezan website. Last accessed, October 15, 2019.
- 33 This information was provided to Yesh Din by the military in response to a request based on the Freedom of Information Act Yesh Din filed on the matter, letter dated August 4, 2019, paragraphs 5-6.
- 34 [Second Turkel Report](#), pp. 335-339. Aside from the operational debriefing, the military has an additional process, known as the "expert debriefing", used for inquiries into special or complex incidents.
- 35 [Second Turkel Report](#), pp. 380-384. For more on the issues associated with using operational debriefings as the primary basis for a factual assessment designed to determine whether to open a criminal investigation into a complaint or a report, see also, Yesh Din [Alleged Investigation](#), pp. 33-42.
- 36 Team for the Review and Implementation of the Second Report of the Public Commission for the Examination of the Maritime Incident of May 31st 2010 Regarding Israel's Mechanisms for Examining and Investigating Complaints and Claims of Violations of the Law of Armed Conflict According to International Law, Report (August 2015), (hereinafter: [Ciechanover Report](#)), pp. 18-20.

Despite all this, military figures indicate that the MAGC continues to rely heavily on operational debriefings for decisions whether or not to launch criminal investigations, especially in cases involving Palestinian fatalities and shooting incidents. In 2017, the MAGC asked to review the operational debriefing in 84 of the 170 complaints in which a preliminary factual inquiry was held in order to determine whether to open a criminal investigation (83 of the 84 cases involved shooting, 26 of them resulting in a fatality). In 2018, the MAGC asked to review the operational debriefing in 55 of the 135 complaints in which a preliminary factual inquiry was held in order to determine whether to open a criminal investigation (all 55 cases involved shooting, 22 of them resulting in a fatality).

In total, the MAGC asked for the operational debriefing from the implicated unit in 139 (45.5%) of the 305 cases in which it ordered a factual inquiry. **When it comes to incidents of shooting, the request for the operational debriefing is almost automatic: In 2017-2018, the MAGC asked for the operational debriefing in 138 (some 94%) of the 147 shooting incidents regarding which a preliminary factual inquiry was made to determine whether to launch a criminal investigation.**<sup>37</sup>

Yesh Din is unable, based on the information provided to it, to determine if the preliminary inquiry involves any measures other than the operational debriefing, or the debriefing was the primary, if not sole, factor in the decision as to whether to open an investigation, which would defy the Turkel Commission recommendations. However, our experience working with the military law enforcement system indicates there are cases in which the factual inquiry does simply amount to receiving the operational debriefing from the implicated unit and nothing more.

As counsel for Palestinian victims of offenses, Yesh Din has asked the MAGC to provide it with the materials of the factual inquiry when challenging decisions not to launch a criminal investigation. The responses often reveal that the factual inquiry concluded with the operational debriefing, which is classified, and therefore no materials could be provided. Moreover, in a more general response to an appeal Yesh Din submitted over a decision not to investigate a case in which a resident of Kafr Qadum suffered a head injury as a result of soldiers' gunfire in April 2018, the MAGC clarified that it considers: "reviewing the operational debriefing acceptable and legitimate whenever factual inquiries are required in addition to the description given in the complaint". The response of the MAGC also reveals that it considers the implementation of the Turkel recommendation regarding a dedicated mechanism for factual inquiries important only for complaints concerning possible war crimes. The MAGC, therefore, maintains it may rely exclusively on the operational debriefings, "where the complaint alleges an offense that is not a war crime".<sup>38</sup> This response is perplexing, given the fact that any grave offense committed by Israeli security forces against protected persons in the Occupied Territories is ostensibly a war crime, not to mention that Israeli law does not currently define war crimes - which is yet another violation of one of the major recommendations made in the Turkel Report, regarding incorporating war crimes into Israeli law.<sup>39</sup>

Yesh Din's experience further reveals that in recent years, MAGC staff have started referring to the operational debriefings themselves as "factual inquiries", lending support to the possibility that these remain the only tool the MAGC uses to make decisions in complaints against soldiers suspected of harming Palestinians. It may even imply an attempt to evade one of the most significant recommendations the Turkel Commission made with respect to investigations.

37 Broken down by year, the figures are: 83 of 90 shooting incidents examined in 2017 and 55 of 57 in 2018. According to the [Military response](#) (Hebrew) to Freedom of Information Application filed by Yesh Din with respect to military law enforcement figures for 2017, April 3, 2019, paragraphs 12-14; [Military response](#) (Hebrew) to Freedom of Information Application filed by Yesh Din with respect to military law enforcement figures for 2018, June 20, paragraphs 12-14.

38 Letter from Major Erez Rajuan, Head of Operational Matters, Military Prosecution, to Yesh Din's legal team, June 12, 2019, responding to an appeal Yesh Din filed against the failure to open a criminal investigation in Yesh Din Case 4133/18.

39 For further reading on the lack of war crime legislation in Israeli law, as compared to international models, see: Yesh Din, [Lacuna: War crimes in Israeli law and in court-martial rulings](#) (July 2013). Recommendation No. 1 of the Second Turkel Report relates to war crimes and calls to fill the gaps in Israeli legislation, see [Second Turkel Report](#), pp. 362-366.

## E | INDICTMENTS IN 2017-2018: NEGLIGIBLE PROPORTION OF COMPLAINTS RESULT IN PROSECUTION

### ONLY THREE INVESTIGATION FILES RESULTED IN AN INDICTMENT

Naturally, the small number of investigations is also reflected in the small number of indictments against soldiers suspected of offenses against Palestinians and their property. As stated, the military has raised the threshold for investigations and shifted its focus to investigating severe cases only, sometimes including the immediate opening of an investigation. While this might have been expected to improve the quality of the investigations conducted and the evidence collected, there has been no improvement in the military's ability to exhaust its investigations and bring soldiers to trial during this time period.

Unlike the civilian law enforcement system in Israel, the military system does not provide the reasons for closing investigation files. Instead, it usually cites general reasons, or makes a brief statement that "no legal action was ordered" with respect to a certain case. For this reason, it is difficult to determine how many investigation files were closed due to lack of guilt and how many were closed after MPCID investigators failed to identify suspects or collect sufficient evidence to support prosecution. Nevertheless, the substantive flaws described in this data sheet, chiefly the long duration of the investigations and the many delays involved in the preliminary stages of the process, as well as experience gained by Yesh Din while representing victims, do indicate that MPCID investigations into suspected harm to Palestinians are characterized by failure, and often conducted in a negligent manner that results in the closure of files.<sup>40</sup>

Only three cases (3.2%) of the total number of investigations opened in 2017-2018 resulted in indictments against soldiers accused of committing offenses against Palestinians and their property: Two investigations opened in 2017, both with respect to offenses of violence and physical abuse of detainees, led to indictments against four soldiers.<sup>41</sup> One investigation from 2018, also regarding an offense of violence and physical abuse of a detainee resulted in an indictment against one soldier.<sup>42</sup> This indictment rate is in line with multi-year figures for recent years. From 2013 to 2018, the MPCID opened 785 investigations into suspected soldier offenses against Palestinians and their property. Thirty-one of them (3.9%) resulted in indictments. Over the years, publications released by Yesh Din and other organizations have pointed to an ongoing trend of failure to prosecute soldiers who commit offenses against Palestinians, effectively giving them immunity. This has led human rights NGO B'Tselem to announce, in May 2016, that it would no longer refer Palestinians' complaints to the military law enforcement system.<sup>43</sup>

Although it is incorrect to set a minimum threshold of indictments from investigations, the low rate of indictments in files dealing with soldier offenses against Palestinians is particularly notable in light of the aforementioned policy, according to which the MAGC screens in advance the cases in which it decides to open a criminal investigation, leaving many of the complaints uninvestigated. As noted, of the complaints and reports that reached the MAGC in 2017-2018, in 330 cases (approximately 80% of the complaints in which a decision was reached), the MAGC decided to close the file without opening an investigation. Moreover, it is often relatively easy for the army to find soldiers who were present during an incident of which the location and time are known (as compared with police searches for suspects). An effective law enforcement system, working under these favorable conditions, that has its sights set on fighting crime and protecting the Palestinian population of the OPT would succeed in exhausting its investigations and bringing suspects to justice with higher indictment rates.

40 A Yesh Din report from 2011 offers detailed analysis of the systemic flaws that result in the failure of MPCID investigations into suspected offenses committed by soldiers against Palestinians or their property. The report is based on six years of monitoring 192 complaints and the analysis of 67 investigation files and offers examples of failures investigations from the files themselves. See, Yesh Din, [Alleged Investigation](#).

41 **Court-Martial South (District), 146/17, 147/17 and 148/17**, filed following the beating of a handcuffed Palestinian detainee; **Court-Martial General Staff (District) 107/19**, filed in May 2019 following the beating of a 16-year-old minor on Shuhada Street in Hebron in November 2017.

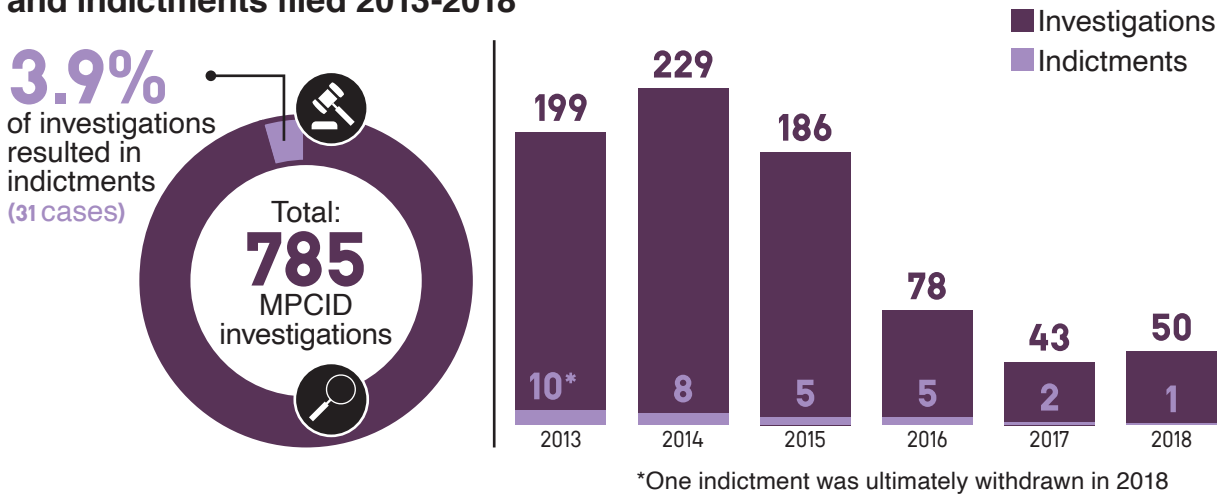
42 **Court-Martial Homefront (District) 34/18**, filed following the beating of a handcuffed and blindfolded Palestinian detainee.

43 B'Tselem made the announcement when it published a comprehensive report summarizing the experience it had gained over 25 years of working with the military law enforcement system. The [full report](#) is available on the B'Tselem website.



This low rate of indictments, combined with the current trend towards fewer investigations, illustrates just how unlikely it is that a Palestinian victim, who managed to overcome all the hurdles placed in their path to even filing a complaint, would ever see a soldier indicted for an offense committed against them. As of July 2019, **only 0.7% of the complaints brought to the attention of the MAGC in 2017-2018 resulted in an indictment (3 of 414 complaints).**

### MPCID investigations regarding harm to Palestinians and indictments filed 2013-2018



### INDICTMENTS FILED IN 2017-2018: CASES OF VIOLENCE AND BRIBERY FROM PREVIOUS YEARS

Over the course of 2017-2018, 10 indictments were filed in military courts against 11 defendants accused of harming Palestinians or their property: In 2017, six indictments were filed as a result of three investigations opened in 2016 and three more following an investigation from 2017. In November 2018, an indictment was filed as a result of an investigation opened several months earlier.

In January 2017, an indictment was filed with the military court against Staff Sergeant G.B., a soldier who had completed his service with the Home Front Command and had been released from the military. The soldier was accused of having slapped a Palestinian detainee who was handcuffed and blindfolded while being detained at a post where the soldier was stationed.<sup>44</sup> The soldier was initially charged with physical abuse and misconduct, but ultimately convicted of assault and misconduct in March 2017, after an amended indictment was filed. He was sentenced to 50 days to be served in military work, a three-year probationary prison term, a demotion and payment of compensation in the amount of 500 ILS to the victim.

That same month, two indictments were filed against two Military Police soldiers stationed at crossings between the West Bank and Israel. The two were charged with abuse of power, having been accused of receiving food, drinks and cigarettes from Palestinians wishing to cross.<sup>45</sup> The soldiers were convicted in plea bargains and sentenced to 30 days in prison, pretrial arrest days included, a suspended prison sentence and a demotion to the rank of private.

In February 2017, three indictments were filed against four other Military Police soldiers. The four were accused of taking bribes and other offenses, including abuse of power and aiding illegal entry into Israel, having been part of an organized group that allowed Palestinians across checkpoints without a permit in return for money or drugs.<sup>46</sup> After the indictments were filed, one of the soldiers entered into a state's witness agreement. He was convicted and sentenced to 350 days in prison. Two

44 Court-Martial Homefront (District) 7/17.  
 45 Court-Martial General Staff (District), 53/17 and 54/17.  
 46 Court-Martial General Staff (District), 174/17, 175/17 and 176/17.

others entered into plea bargains as part of which they confessed and received sentences of 28 months in prison, beginning from the day of their arrest, 12 months' suspended prison sentence and fines amounting to 22,000 and 30,000 ILS each. The fourth soldier, who was the checkpoint commander, was also convicted in a plea bargain and sentenced to 18 months in prison, days spent in pretrial arrest included, 90 days' suspended prison sentence and a 40,000 ILS fine.

In March 2017, three indictments were served against three infantry soldiers accused of beating a blindfolded and handcuffed Palestinian detainee who was with them in a moving military vehicle. The soldiers also shouted and swore at the detainee and sang as they were beating him.<sup>47</sup> They were initially charged with aggravated physical abuse and misconduct. The charges were later amended as part of a plea bargain and they were ultimately convicted, on their admission, of the lesser charge of abuse of power. The three were sentenced to 42 days in prison, including days spent in pretrial arrest, 30 days' suspended sentence and a demotion to corporal.

In January 2018, an indictment was filed against a soldier with the Home Front Command accused of having beaten a blindfolded and handcuffed Palestinian detainee who was held at a post where the soldier was stationed.<sup>48</sup> The soldier was accused of aggravated physical abuse and misconduct. Yesh Din has no further details about these proceedings, whether they ended and what the outcome was.

In addition to these, in 2018, two rather rare indictments filed in 2015 in the Ramle Magistrates Court against two former soldiers were withdrawn. In 2013, the two soldiers fatally shot 16-year-old Samir Awad in the back near the separation fence in the area of the Palestinian village of Budrus. The indictment was filed more than two years after the incident, and only after the victim's father petitioned the High Court of Justice together with B'Tselem to instruct the MAGC to make a decision in the investigation - either close it or prosecute the suspected soldiers.<sup>49</sup> By the time the petition was heard, the soldiers had completed their military service and no longer came under the Military Justice Law, and consequently, the file was handed over to the State Attorney's Office, which ultimately filed an indictment against the two on December 30, 2015, nearly three years after Awad was killed. The two soldiers were charged with the relatively minor offenses of a reckless act and negligence. At trial, the defendants accused the military of selective enforcement, and supported their claims with figures they received from the military regarding the low rate of indictment against soldiers suspected of killing Palestinians in the past seven years.<sup>50</sup> In June 2018, the State Attorney's Office announced it was withdrawing the indictments due to "substantial erosion in the prosecution's evidence" which led it to believe there was no reasonable prospect of a conviction.

## F | INVESTIGATION DURATION IN 2017-2018 - MAGC FIGURES SHOW SIGNIFICANT IMPROVEMENT

One of the main issues tackled by the Turkel Commission was the duration of investigations into suspected violations of international law. The Commission devoted attention to this matter partly because of the fact that investigations are not opened immediately in every complaint, but sometimes, only after a long preliminary inquiry and partly due to the sharp criticism human rights organizations had been voicing for years over the slow progress and foot-dragging that are hallmarks of the military law enforcement system.<sup>51</sup> The Turkel report discusses the principle of promptness in detail, defining it as one

47 **Court-Martial South (District) 146, 147 and 148/17.**

48 **Court-Martial Homefront (District) 34/18.**

49 **CrimC 68282-12, [Indictment](#)** (Hebrew), filed December 29, 2015. For more details about the incident and the High Court petition, see [B'Tselem website](#). Last accessed, October 15, 2019.

50 According to figures presented by defendants' counsel, "in the last seven years, out of 110 cases in which soldiers had shot and killed Palestinians, only four indictments were filed". Yotam Berger, "[Soldiers Who Killed Unarmed Palestinian Say in Defense: Israel Rarely Charges for Such Offenses](#)" **Haaretz English website**, March 13, 2018.

51 See, e.g. Yesh Din [Alleged Investigation](#), pp. 61-67. B'Tselem, [The Occupation's Fig Leaf](#), pp. 33-35.



of the important principles for an effective investigation and the creation of trust in the legal system. The report cited the work of international human rights bodies which provided guidelines on reasonable investigation timeframes.<sup>52</sup>

After some back and forth between the Commission and the MAGC, the Turkel Commission recommended to institute timeframes for the completion of each stage of the MAGC's work - the preliminary inquiry and the decision whether or not to launch an investigation, the completion of the MPCID investigation and the final stage of completing the file and making a decision whether to close it or prosecute suspects.<sup>53</sup>

As for the decision whether to launch investigations following reports or complaints, the Commission recommended a time frame of "a few weeks". The Ciechanover Commission recommended a decision be made within 14 weeks from the date on which a complaint was made, adding that in exceptional cases this period could be extended by a maximum of 14 additional weeks.<sup>54</sup> On the duration of MPCID investigations in these files, the Ciechanover Commission recommended setting a limit of nine months with an option to extend the deadline to a year in certain conditions. The Commission also recommended that the timeframe for a prosecutor's decision once the investigation is completed should also be limited to nine months, with the exception of files classified as complex (e.g., deaths and serious injuries) in which a decision would be made within one year.<sup>55</sup>

**Figures provided to Yesh Din by the military show that measures have been taken towards implementing these recommendations, primarily the preliminary function of keeping track of processing timeframes.** In 2017, the MAGC began using an information system that allows monitoring time at each junction in the investigation process discussed by the Turkel Commission, enabling it to provide current data on this matter.<sup>56</sup> This is a positive and welcome change and it is a crucial step towards improving the performance of the military law enforcement system with regards to Palestinians' complaints.

Military figures show that **in 2017, in 44 of the complaints of suspected harm to Palestinians in which a criminal investigation was ordered, the time lapse between the moment the complaint was received and the decision on the investigation was made was 107.7 days (15 weeks) on average.** The figures also indicate that the average time taken to reach a decision in complaints regarding property offenses and shooting offenses was slightly shorter, about 98 days (14 weeks), whereas complaints regarding violent offenses required about 119 days (17 weeks) to make a decision to launch an investigation.<sup>57</sup>

Military figures also point to a monumental improvement in the timeframe for making decisions regarding opening investigations over the course of 2018: **The average time it took to make a decision in 33 complaints from 2018 in which an investigation was ordered stood at 48 days (less than seven weeks).**

However, it is important to recall that 37 of these 77 investigations (48%) were opened **immediately** upon receipt of the complaint, in compliance with the military's policy. Therefore, presumably, the average processing time in complaints where the MAGC undertook a preliminary factual inquiry before making a decision regarding investigation was much longer than

52 [Second Turkel Report](#), pp. 132-134.

53 [Second Turkel Report](#), Recommendation No. 6: The Decision on Whether to Open an Investigation pp. 384-385; Recommendation No. 10: Establishing the Investigation Timeframe, pp. 397-399.

54 [Ciechanover Report](#), pp. 24-27.

55 The Ciechanover Commission also referred to the possibility of further extensions that would not exceed six months. [Ciechanover Report](#), pp. 34-36.

56 This information, like all figures related to duration of processing by the MAGC in 2017 and 2018, was provided to Yesh Din in response to a Freedom of Information Application in a [letter](#) (Hebrew) dated April 3, 2019. The figures provided to Yesh Din in this response differ slightly from the figures provided in response to other requests on the same issue. We note specifically where information provided to Yesh Din is inconsistent.

57 This response states that 44 of the 262 complaints regarding suspected harm to Palestinians filed with the MAGC in 2017 resulted in an investigation. Conversely, in a previous response, from April 3, 2019, the military stated 266 complaints were made that year, and an investigation was opened in 49. Yesh Din contacted the military for clarifications with respect to the discrepancy. No response has been received to date.

the average time it cited for all files.<sup>58</sup> Yesh Din does not have information regarding the average time it took to open an investigation in the files in which the MAGC ordered a preliminary inquiry. In any event, the recommendations of both the Turkel and Ciechanover Commissions related to the **maximum** time for completing each phase of the law enforcement process, rather than average processing time.

The information provided by the military also shows a sizeable gap between 2017 and 2018 figures relating to complaints in which the MAGC decided not to launch an MPCID investigation: **In 2017, the average time lapse between receipt of a complaint and a decision not to order an investigation was 130.8 days (about 18 and a half weeks). In 2018, it dropped to just 46.6 days (about six and a half weeks).** For the sake of comparison, in cases in which Yesh Din submitted complaints on behalf of Palestinian victims to the MAGC between 2014 and 2017, the average time lapse between complaint and notification from the MAGC that the file had been closed with no investigation was 45 weeks.<sup>59</sup>

As for the duration of MPCID investigations in cases of suspected harm to Palestinians by soldiers, the military provided figures about 41 completed investigations into reports from 2017 (three more investigations are still underway). The average investigation duration in these files was about 112 days (roughly four months), including supplementary investigation where needed. In 2017, the overall duration, from the time the complaint is received, through the preliminary inquiry (if implemented), the MPCID investigation, to the Military Advocate for Operational Affairs (MAOA) post-investigation decision-making process, was about 199 days (about six and a half months) on average.

The military provided figures about 26 completed investigations for the year 2018 (out of 33 investigations opened). The average investigation duration in these files was about 94 days (about three months), including supplementary investigation. The overall time lapse between the time notification of the offense was received and the time the file was returned to the MAGC for a decision was 143.5 days (about five months). In terms of the time between the completion of the investigation and receipt of the file by the MAOA for a decision - figures are still largely incomplete at this time, impeding any substantial analysis.<sup>60</sup>

The processing times presented by the military generally meet the timeframes recommended by the Ciechanover Commission for each phase of processing - making a decision to order an investigation, completing the MPCID investigation and reaching a decision on prosecution. The military appears to be making a concerted effort to respond to the criticism leveled against it by meeting measurable standards for processing complaints.

At the same time, the military's figures also reveal a great disparity and a wide range of processing times. While the military figures do suggest a 199-day average for the overall processing time of complaints from 2017, or about six and a half months, three files still remain pending. As of April 2019, these three files had not even been returned to the MAGC following the MPCID investigation, meaning that at a minimum 16 months and at a maximum over 2 years had lapsed since the complaints were filed. As for files from 2018, the information provided concerned 26 out of 33 investigations opened. While the average processing time in these files was 143.5 days (about five months), approximately one-fifth of them have not yet been completed.

In addition, several major stages in the work of the military law enforcement system still cause delays in overall complaint processing times and impair the quality of said processing. First, the fact that more than 70% of complaints are put to a preliminary factual inquiry before a decision is made on investigating continues to be a major cause of delays in investigating

58 Assuming that the immediate investigations are equal in value to a wait time of zero days, then given the fact that 37 of the investigations were opened immediately, it can be roughly estimated that wait times for a decision on an investigation in the remaining forty files was about 92 days.

59 These figures are based on 77 files in which Yesh Din represented the victims vis-a-vis the military law enforcement system. The figures were published in a data sheet released by Yesh Din in March 2018. See: Yesh Din, [Law enforcement on Israeli soldiers suspected of harming Palestinians - Figures for 2016](#).

60 The figures provided by the military on this issue relate only to 26 (about 63%) of the 41 investigation files opened following complaints from 2017 that have been forwarded to the MAGC for a decision. The remaining files have not been completed yet. In these 26 files, the average time lapse until the MAGC decision was 149 days (about five months), and the overall processing time from the moment a report was received was 326.8 days (about eleven months).

suspected harm to Palestinians by soldiers. Even if these inquiries meet the timelines recommended by the Ciechanover Commission, in the (few) cases in which they lead to criminal investigations, they still delay that investigation, impeding evidence collection, allowing implicated parties to match stories and reducing the chances that the offending soldiers would face justice.

Receipt of investigation or inquiry materials by the complainant for consideration of a possible appeal against an MAGC decision not to order an investigation or not to prosecute is an important phase in the processing of complaints regarding suspected harm to Palestinians. Despite the vital role this phase plays in fulfilling the victims' right to challenge decisions, thereby making it a significant element in the overall law enforcement on soldiers suspected of harming Palestinians, neither the Turkel nor the Ciechanover reports stipulated timeframes for this part of the process. The experience Yesh Din has gained representing Palestinian victims shows that it is common to wait periods of many months to receive investigative materials, and sometimes more than a year. Although the military committed to providing the materials within a shorter timeframe following a High Court petition filed by Yesh Din and HaMoked: Center for the Defence of the Individual,<sup>61</sup> it has failed to meet its own timeframes stipulated for provision of investigative materials to complainants, and wait times remain unreasonably long. This illustrates that the compliance with timetables presented by the military pertains only to the specific phases defined by the Turkel and Ciechanover Commissions, and is not necessarily typical of the military's work in cases of harm to Palestinians or indicative of a substantive change.

Another phase that creates a processing bottleneck is decision making in appeals against MAGC decisions in cases of alleged grave breaches of international law.<sup>62</sup> The Turkel and Ciechanover reports did not stipulate explicit timetables for this part of the process, and it is managed ineffectively, producing further significant delays in law enforcement on soldiers. Given the situation, in April 2018, Yesh Din contacted the Attorney General, asking him to streamline appeal processing and consider reforming the process.<sup>63</sup>

Aside from all this, even given the significant improvement demonstrated by the military in the time it takes to reach a decision to launch a criminal investigation and the figures pointing at a trend of compliance with the recommendations of the Ciechanover Commission, it is difficult to ignore the fundamental figure constantly hovering in the background: a dramatic drop in the number of criminal investigations of suspected soldier offenses against Palestinians. **A policy aimed at reducing the number of investigations would obviously contribute to quick improvements in processing times at every phase of the process and in every file processed.** This situation may imply that the dramatic improvement the military is able to present is tremendously helpful to it in the battle for its image and its efforts to comply with the Turkel recommendations on investigation duration, but it comes at the cost of a massive reduction in the number of investigations.

Ultimately, the achievements of the military law enforcement system should be measured by the degree to which it fulfills its function - enforcing the law on soldiers who harm Palestinians. The figures show no improvement on that front.

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61 To read the petition and related correspondence, see [Yesh Din website](#) and [HaMoked website](#).

62 This process is a product of the Turkel recommendations. It is designed to allow parties interested in appealing the decisions made by the MAG in cases involving fatalities to make such appeals to the Attorney General. In practice, the Attorney General is also willing to consider appeals in cases of serious injury. The process was defined in [Attorney General Guidelines No. 4.5003](#) of April 2015 (Hebrew).

63 Yesh Din letter to the Attorney General, September 17, 2018. The April 14, 2019 response to this letter on behalf of the Attorney General stated: "We are aware of the long duration of appeal processing, and despite the workload and resource constraint, we are not passive and continually engage in efforts to improve processing times".

## G | CONCLUSION

This data sheet presents the outcome of military law enforcement work in complaints brought to the military's attention in 2017-2018 regarding suspected harm to Palestinians by Israeli soldiers in the OPT. In the relevant time period, 430 such complaints were made, 266 in 2017 and 164 in 2018.

The MAGC ordered an immediate criminal investigation be opened in 8.6% of the complaints (37 files). Roughly 20.4% of the complaints were closed without an investigation and about 71% were referred for a preliminary inquiry before a decision whether to investigate. Of the complaints referred for preliminary inquiry prior to a decision on an investigation, an investigation was ultimately opened only in 15.4% of the files (47 files). **This means that 84 criminal investigations were opened with respect to complaints made to the MAGC regarding suspected offenses against Palestinians in 2017-2018, just one-fifth of the total number of complaints made during this time period and in which a decision on further action was reached.**

**The number of investigations opened in 2017-2018 is extremely low compared to the average number of investigations opened in previous years, reflecting a sharp drop in the number of criminal investigations against soldiers suspected of harming Palestinians.** For the sake of comparison, in the five years preceding this time period, 2011 to 2016, an average of 158 criminal investigations were opened **every year**, and in the decade between 2005 and 2015, the **annual average** of criminal investigations opened into suspected offenses by soldiers against Palestinians or their property was 203.

Following the trend observed in recent years, the proportion of investigations that yielded sufficient evidence and culminated in the prosecution of suspects remains extremely low: only 3 (3.2%) of all investigation files opened in 2017-2018 into suspected harm to Palestinians resulted in indictments as of May 2019.

Over these years, the military law enforcement system introduced several changes in response to criticism voiced against it and in an effort to implement the Turkel-Ciechanover recommendations. Despite these efforts, substantive figures on the work of the military law enforcement system and the outcomes of this work themselves indicate nothing has changed in the system's response to criminal activity by soldiers against Palestinians. The last two years, against the backdrop of what appears to be a deliberate reduction in the number of investigations, have exposed just how unlikely it is that a Palestinian's complaint against a soldier who harmed them or their property would result in prosecution: **Only 0.7% of the complaints made by Palestinians following harm they suffered at the hands of Israeli soldiers in 2017-2018 resulted in the prosecution of suspects.**

**The three indictments in files opened during those years related to two types of incidents, which the military law enforcement system seems to have had an interest in signaling to soldiers are unacceptable to the military: Taking bribes from Palestinians and violence against restrained detainees - especially in incidents documented by soldiers.** These isolated indictments draw a clear line between hundreds of incidents of shooting, violence and damage to Palestinian property, which are seen as a legitimate element of Israel's control over the OPT - including when they defy international and even Israeli law - and the interest in preserving a semblance of law enforcement and demonstrating some measure of compliance with accepted standards and a functioning law enforcement system within Israel's ongoing regime of occupation.

The small number of investigations and the attention given to extreme cases, in which prosecution is unavoidable either because the incidents were captured on camera, or because they are perceived as damaging to the military's image (as in the widely covered case of the soldier who shot and killed a subdued attacker in Hebron or the infantry soldiers who were filmed beating and physically abusing Palestinian detainees)<sup>64</sup> allow the system to kill two birds with one stone: On the one hand, it

64 In recent years the media reported on two cases of abuse of Palestinian detainees by soldiers from a particular infantry battalion, Netzah Yehuda in the Kfir Brigade. In



is able to present improvements and deflect criticism, but on the other, it continues to effectively give soldiers near-complete immunity in cases of “routine” harm to Palestinians and their property.

**The message to both sides, the Palestinian victims and the offending soldiers, is one: The military law enforcement system considers its main function to be preventing investigation and avoiding prosecution rather than deterring and punishing soldiers who harm Palestinians.**

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October 2015, five soldiers from the battalion were indicted for taking part in three different instances in which they physically abused three blindfolded and handcuffed Palestinian detainees they were watching. The soldiers kicked the detainees and slammed their heads against a wall. In two of the cases, one of the soldiers electrocuted blindfolded and handcuffed Palestinian detainees using an electronic device, while another soldier was filming on his cell phone camera (**Court-Martials Center 481/15, 482/15, 483/15, 484/15, 490/15**). See, e.g.: Gilli Cohen, [“Four Soldiers From Haredi Battalion Indicted for Abusing Palestinian Prisoners”](#), Haaretz English website, October 30, 2015. In February 2019, five indictments were filed against soldiers from this unit following an incident in which they beat two Palestinians, a father and son, who had been detained and were riding with the soldiers in a car while blindfolded and handcuffed. The incident was filmed by one of the soldiers, and the court later allowed the footage to be publicized (**Court-Martials Center 78/19, 90/19, 112/19, 113/19, 117/19, 118/19**). See, e.g.: Yaniv Kubovich, [“Israeli Court Releases Footage of Soldiers Beating Detained Palestinians”](#) Haaretz English website, March 12, 2019.