

Data Sheet, December 2015

# LAW ENFORCEMENT ON IDF SOLDIERS SUSPECTED OF HARMING PALESTINIANS

## Figures for 2014

**229 investigations opened, 15 indictments served, the IDF does not know how many complaints were submitted**

- In recent years, the IDF has not collected basic statistics on complaints and investigations into alleged offenses by soldiers against Palestinians. As a result, the Military Advocate General's Corps is effectively unable to monitor these investigations or formulate clear, systematic policies on this issue.
- Over the last five years, just 3% of the criminal investigations launched by the Military Police Criminal Investigations Division into alleged offenses against Palestinians resulted in the indictment of suspects.
- Though most criminal investigations launched by the IDF in cases of harm to Palestinians involve violence, most of the indictments served concern property and bribery offenses.

## A BACKGROUND

Yesh Din publishes an annual data sheet regarding law enforcement on IDF soldiers suspected of harming Palestinians and their property in the West Bank and the Gaza Strip. The figures are based both on information provided by the IDF Spokesperson each year at Yesh Din's request, and on the organization's long-term monitoring of these statistics. The source of the data concerning indictments and rulings is Yesh Din's own research and monitoring, based on copies of indictments and rulings provided by the IDF Spokesperson at Yesh Din's request, in keeping with the principle of open justice.

The process of opening a criminal investigation against IDF soldiers suspected of offenses against Palestinians differs from the parallel civilian process in two key aspects. First, victims of offenses, or any other persons or agencies wishing to make a complaint about a suspected offense committed by an IDF soldier cannot simply go to the nearest Military Police Criminal Investigations Division (MPCID) base and submit one. This is because there are no MPCID bases or stations in the West Bank. Palestinian residents of the West Bank may file complaints at the District Coordination Offices (DCOs) located throughout the West Bank, or in Israeli police stations. However, in the experience of Yesh Din and other human rights organizations, many complaints filed to the DCOs are not forwarded to the appropriate investigating officials, or reach them after a significant delay. Submitting complaints to the Israel Police is also a difficult task for Palestinians, as some police stations are located inside Israeli settlements in the West Bank, which Palestinians are not permitted to enter without police escort. To add to that, there is often no Arabic speaking police investigator at the station to take the complainant's statement.<sup>1</sup> And so, complaints regarding suspected offenses by IDF soldiers are usually filed in writing to the MPCID or the Military Advocate General's Corps (MAGC) – the majority through Israeli individuals and organizations.<sup>2</sup>

1 The obstacles and difficulties faced by Palestinians who wish to file complaints have been discussed in detail in Yesh Din's publications. See Yesh Din Reports **Mock Enforcement: The Failure to Enforce the Law on Israeli Civilians in the West Bank** (May 2015), p. 100; **Alleged Investigation: The failure of investigations into offenses committed by IDF soldiers against Palestinians** (July 2011) (hereinafter: **Alleged Investigation**), pp. 45-52.

2 Of the 239 reports received by the MPCID in 2014, only five were submitted by Palestinian victims of offenses independently; Of the 239 reports received by the MPCID in 2013, only six were submitted by Palestinian victims of offenses independently. Data based on the IDF Spokesperson's responses to Yesh Din's requests dated April 3, 2014 and June 25, 2015.

Second, a criminal investigation is not automatically opened every time military law enforcement authorities are informed of an incident. In some cases, the MPCID investigates on the basis of a report, but in others, the MAGC orders a preliminary inquiry, and the decision whether or not to investigate the incident is made only after the preliminary inquiry is completed.<sup>3</sup>

As a general rule, current IDF policy on opening investigations (“investigation policy”) states that in case of a suspected offense committed during army operations, the decision to initiate a criminal investigation is subject to a preliminary inquiry. The preliminary inquiry usually relies on an operational debriefing<sup>4</sup> conducted by the unit involved in the incident. On this basis, the MAGC decides whether to order an investigation.

The Turkel Commission, appointed by the Government of Israel to look into Israel's mechanisms for examining and investigating complaints and claims of violations of the laws of armed conflict, examined this issue in detail and addressed the difficulties arising from relying on operational debriefings as a tool for determining whether to launch criminal investigations. The Commission found it necessary to streamline and expedite the preliminary inquiry that precedes decisions whether to investigate, and recommended establishing a mechanism that would perform prompt, professional, factual assessments of incidents before the MAGC orders a criminal investigation.<sup>5</sup> According to information published by the IDF, this preliminary factual assessment mechanism has, in fact, been established and was employed for assessing exceptional incidents that took place during Operation Protective Edge in Gaza in the summer of 2014.<sup>6</sup> Yet from the information available, it appears that this mechanism does not currently address complaints and reports of suspected offenses committed by IDF soldiers in the West Bank. Another noteworthy fact is that although one of the purposes of this mechanism was to provide a swift factual assessment, over a year after the military campaign in Gaza ended the team has yet to complete its review of the incidents brought to its attention.

The policy under which a complaint is made to the MAGC and a decision as to whether or not to launch a criminal investigation is made only after a preliminary inquiry has several significant ramifications.

First, the division of labor between the MPCID and the MAGC requires close coordination between the two agencies and makes it difficult to monitor the progress of investigations. The MPCID investigates the complaints, while the MAGC currently receives most of the complaints and has the authority to decide whether to open a criminal investigation, and subsequently whether to serve an indictment or close the investigation. The fact that the MAGC does not assume responsibility for the entire process lead to a situation whereby **there is not one body in the IDF charged with processing complaints, keeping records, monitoring the progress of preliminary inquiries and investigations and recording how long investigations take with an overall systemic outlook geared toward effective, exhaustive investigations.**

Second, preliminary inquiries usually take months and sometimes even years.<sup>7</sup> The long interval from the time of the incident or the complaint to investigation makes it difficult, and sometimes impossible, to conduct an effective investigation in cases that are ultimately referred for investigation.

3 For more on this policy see **Alleged Investigation**, pp. 23-24, 32-44.

4 The operational debriefing is an internal examination used by commanders to draw operational conclusions and learn from operational failures. It is not intended for gathering evidence or determining individual criminal responsibility. For more on operational debriefings, see: **Alleged Investigation**, pp. 9, 34-38; Second Report of The Public Commission to Examine the Maritime Incident of 31 May 2010 (hereinafter: the **Turkel Commission**) **Israel's Mechanisms for Examining and Investigating Complaints and Claims of Violations of the Laws of Armed Conflict According to International Law** (February 2013) (hereinafter the **Turkel Report**), Section E: “Method of Conducting an Examination and an Investigation (“How to Investigate?”)”, pp. 336-339.

5 **Turkel Report**, Chapter C, IDF Proceedings Prior to an Investigation, Recommendation No. 5: Fact-Finding Assessment, pp. 378-384.

6 See IDF website postdated September 12, 2014, <https://www.idfblog.com/blog/2014/09/12/idf-conducts-fact-finding-assessment-following-operation-protective-edge/>.

7 A sample examination conducted by the Turkel Commission revealed that in the files examined, the conclusions of the operation debriefing were provided to the MAGC only six, ten and even two years from the date of the incident. See, **Turkel Report**, p. 339.

This investigation policy is exacerbated by the fact that the IDF currently has no protocols or guidelines that set deadlines for the preliminary inquiry, the criminal investigation or the decision on whether or not to serve an indictment. As a result, the process is often protracted and in extreme cases can take years. Promptness is one of the basic and most important requirements for an effective investigation, and its importance was addressed by the Turkel Commission:

Time is a major factor that affects the ability to collect and preserve evidence, since crime scenes change, evidence disappears, memories fade, and witnesses may be threatened or might collude. Thus, collecting evidence promptly complements the principle of effectiveness and thoroughness. Furthermore, conducting an investigation within a reasonable timeframe can contribute to the perception that the law is being enforced and justice is being done. Important fora have noted this connection between promptness and public confidence in the law.<sup>8</sup>

The team established to review and implement the recommendations made in the Turkel Report (the Ciechanover Commission) also addressed the need to establish clearly defined timetables for each stage of the criminal investigation process. After consulting with military officials, the Ciechanover Commission recommended a 14-week time limit for the process of reaching a decision as to whether or not to open an investigation, a nine-month cap on the investigation itself, and nine months for reaching a decision on the investigation file.<sup>9</sup> The IDF is currently far from meeting the deadlines it itself suggested to the Ciechanover Commission, and experience gained by Yesh Din and other organizations shows that these proceedings take months, and sometimes years.

These two issues – **the division of responsibilities between law enforcement bodies inside the IDF and unreasonably protracted law enforcement proceedings** – have a crucial impact on the quality of law enforcement on IDF soldiers suspected of harming Palestinians. Yesh Din's monitoring data, as well as figures and information published by other organizations, demonstrate that these mechanisms are highly ineffective. The result is lack of accountability on the part of security forces operating in the occupied territories under Israel's control.

## B FIGURES FOR 2014

### 1. Complaints

According to IDF figures, in 2014, the Military Police Criminal Investigations Division (MPCID) received 239 complaints of criminal offenses allegedly committed by IDF soldiers against Palestinians and their property in the West Bank and Gaza.<sup>10</sup> This figure is almost identical to the figures for 2012 and 2013, when the MPCID received 240 and 239 complaints respectively.<sup>11</sup>

Along with the complaints given directly to the MPCID, in many instances suspected offenses by soldiers against Palestinians are brought to the attention of the Military Advocate General's Corps (MAGC), some through human rights organizations and media reports. Over the last two years, the IDF has asked human rights organizations, including Yesh Din, to report alleged offenses by soldiers toward Palestinians directly to the MAGC rather than the

8 **Turkel Report**, p. 132

9 **Report of the 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**, August 2015, Recommendation no. 6 – the decision whether to open an investigation, pp. 24-28; Recommendation no. 10 – establishing a timeframe for a criminal investigation, pp. 35-36.

10 The source of all figures referring to the number of reports and the number of investigations opened in 2014 is information provided by the IDF Spokesperson in response to Yesh Din's written request from June 25, 2015.

11 The source of these figures is information provided by the IDF Spokesperson in response to Yesh Din's written requests from April 3, 2014 and January 23, 2013.

MPCID. The policy is ostensibly meant to expedite the process by bringing cases of harm to Palestinians directly to the attention of the MAGC, the agency in charge of ordering an investigation in many instances, at the initial complaint stage. However, because the MAGC is not accessible to ordinary Palestinians, this policy further distances Palestinian victims from the investigating agency itself and perpetuates their reliance on mediating bodies.

Figures provided to Yesh Din by the IDF Spokesperson indicate that the MAGC has no way of knowing how many reports it received regarding alleged offenses by IDF soldiers against Palestinians in 2014, or who gave them. The MAGC's records do not "distinguish between reports opened following a specific incident and general communications", as the IDF Spokesperson wrote, and include multiple communications regarding the same incident.<sup>12</sup> This is a change for the worse, as in the past all complaints were made directly to the MPCID (the term used for them was "notifications") and their number could be monitored yearly.

Even in the cases in which the Military Advocate for Operational Affairs Unit (MAOA) does order a criminal investigation, it does not monitor its progress. Yesh Din's monitoring of past and on-going MPCID investigations and figures provided by the IDF Spokesperson demonstrate that the MAOA does not know how long criminal investigations take or how many of the investigations opened in a given year have been concluded. This is because of the MAGC and the MPCID use different systems for numbering and recording files. When the MAGC receives a report on an alleged offense against Palestinians, it opens a file and assigns it a certain number. When the file is transferred to the MPCID for investigation, it receives an internal MPCID number, and when it is returned to the MAGC for a decision on whether or not to indict, it is assigned a new number and counted as a new report received by the MAGC. If an additional investigation is ordered, the same process is repeated, and the file receives a new internal number by each agency handling it.

This means that the MAGC, the agency that oversees law enforcement and implementing justice inside the IDF, has no information about the number of reports the military receives regarding alleged offenses committed by soldiers against Palestinians, and does not know when criminal investigations are opened or how long they take. Consequently, the MAGC is incapable of formulating general policies for addressing known patterns of criminality, or monitoring and supervising the investigative process in order to improve IDF investigations.

This state of affairs is entirely at odds with the Turkel Commission's recommendations, which held that time frames must be set for completing IDF investigations and placed the responsibility for enforcing this squarely on the shoulders of the MAGC. In their recommendation addressing time limits for IDF investigations, the Commission wrote: "In order to guarantee that the regulated timeframe is adhered to, and in order to allow for adequate review, the MAG[C] shall publish, at least once a year, statistical data on the period of time taken to handle files".<sup>13</sup> Since the MAG does not know how long MPCID investigations take, it is obviously unable to monitor or supervise their duration, let alone provide any statistics on the matter.

## 2. Investigations

**In 2014 there was a slight increase in the number of criminal investigations opened by the MPCID.** Of the 239 reports received by the MPCID in 2014, 156 led to criminal investigations, as well as three investigations based on media reports of alleged offenses by soldiers. Investigations were also opened regarding 70 reports received in previous years. **In total, the MPCID opened 229 criminal investigations into incidents of harm caused to Palestinians and their property,** of which 209 occurred in the West Bank and 20 in the Gaza Strip.

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<sup>12</sup> From the response of the IDF Spokesperson to Yesh Din's written request from June 25, 2015.

<sup>13</sup> **Turkel Report**, Recommendation No. 10: Establishing the Investigation Timeframe, paragraph 66, page 399.

To compare, in 2013, criminal investigations were opened following 124 reports received in that year, as well as 75 additional investigations based on reports made in 2012, bringing the total number of criminal investigations into harm to Palestinians opened in 2013 to 199.

As stated, 70 of the investigations ordered in 2014 were opened after some delay, following reports made to the MPCID back in 2013. In other words, 30% of the 229 investigations. Frequent delays in investigations characterize the military law enforcement system in previous years as well. For instance, almost 40% of the investigations opened in 2013 were based on reports that had reached the MPCID in 2012.<sup>14</sup>

These figures, along with the experience Yesh Din has gained through monitoring complaints submitted to the MAGC, indicate **how slowly the military law enforcement system operates**, which directly affects the quality of investigations. Naturally, the more time that elapses from the incident, the less likely the investigation is to be effective.

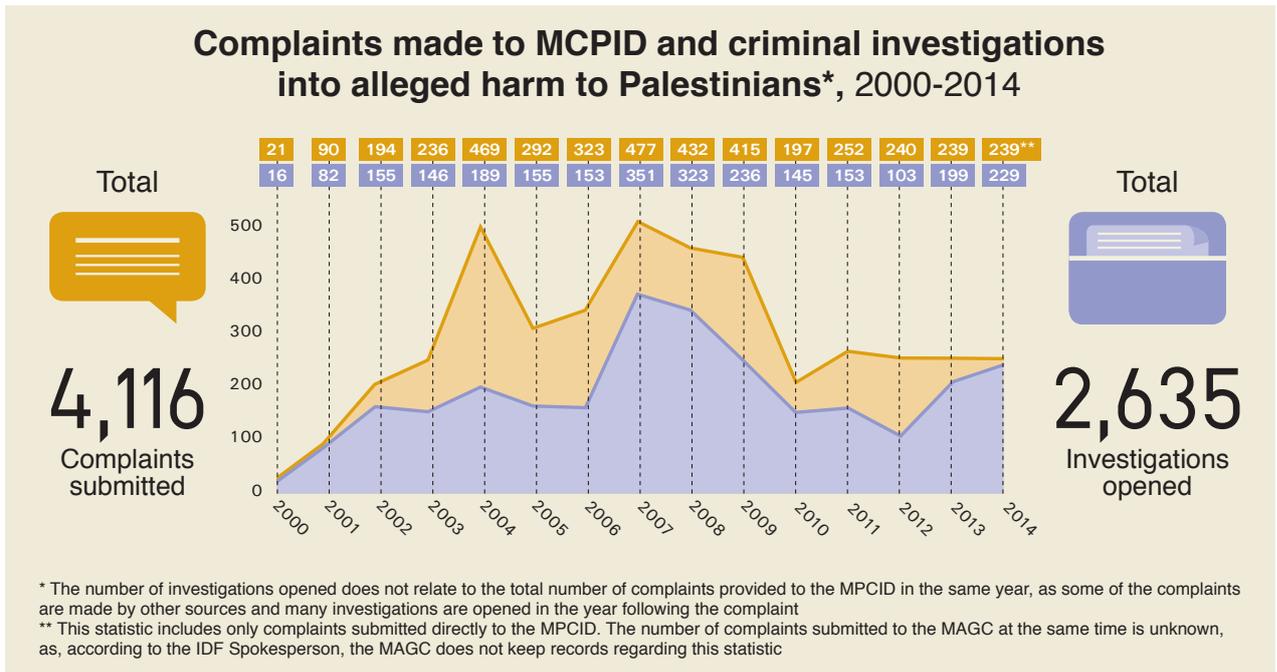
Since most soldiers only serve in the military for a period of a few years, the slow progress of the military law enforcement system is critical: under the Military Justice Law, a soldier cannot be indicted for an offense committed during service more than 180 days after his or her discharge from the army, or one year if the alleged offense is more serious.<sup>15</sup> As a result of delays in reaching decisions as to whether to launch an investigation, protracted investigations, and the lengthy process of determining whether to serve an indictment or close the file,<sup>16</sup> some soldiers suspected of offenses complete their military service without being indicted, and later cease to be subject to the Military Justice Law. Only the Attorney General may decide to prosecute a person who is no longer subject to the Military Justice Law.

The time that elapses between the complaint and the decision to launch a criminal investigation makes it impossible to know how many of the reports made in 2014 will ultimately be investigated. Based on figures from previous years, it is reasonable to assume that in many complaints made in 2014, the decision as to whether or not to investigate will only be made in 2015. Long-term statistics indicate that the number of criminal investigations opened between 2000 and 2014 is 64% of the reports filed.

14 See Yesh Din, [Law Enforcement upon IDF Soldiers in the Occupied Palestinian Territory: Figures for 2013](#), September 2014, Section A.

15 Article 6 of the Military Justice Law establishes that in the case of military offenses entailing imprisonment of two years or more, non-military offenses defined as crimes - i.e. a criminal offense entailing imprisonment of three years or more – and offenses of involuntary manslaughter or vehicular involuntary manslaughter, the law will apply to a person suspected of the offense for up to one year after discharge from the IDF.

16 Yesh Din's figures show that one of the main bottlenecks responsible for the lengthy law enforcement proceedings is caused when the MPCID investigation is completed and the file is forwarded to the MAGC for a decision on whether to serve an indictment or close the file. An examination of several dozen such investigation files by Yesh Din showed that on average, it takes the MAGC approximately 14 months to reach a decision. In a substantial number of cases, no decision was made two years after the investigation was completed. See: [Alleged Investigation](#), pp. 86-94.



A long-term perspective reflects **a certain increase in the number of criminal investigations into incidents of harm to Palestinians**. As demonstrated in the graph, the number of complaints made to the MPCID did not differ between 2011 and 2014, while the number of investigations opened has consistently increased.

This change may be the result of the IDF's new policy with respect to incidents involving the death of a Palestinian civilian. Following a petition to the High Court of Justice, in April 2011, the State announced that the MPCID would automatically investigate any civilian fatality caused by the military in the West Bank, unless the incident in question was "clearly part of a combat situation".<sup>17</sup> According to IDF figures, 2014 was a particularly fatal year, in which the MPCID launched criminal investigations into 41 incidents in which Palestinian civilians were killed.

### 3. Types of Offenses

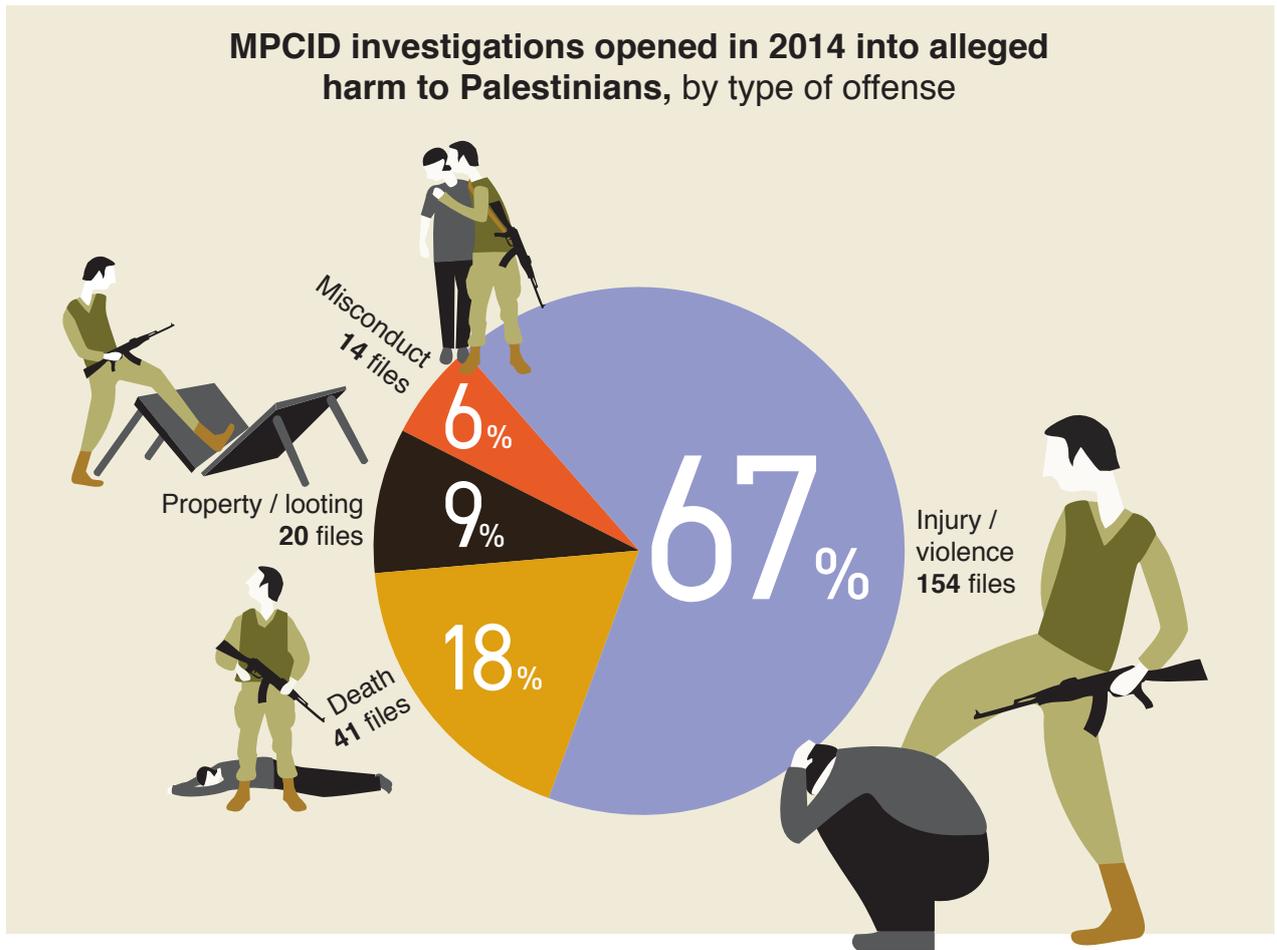
Of the investigation files initiated by the MPCID in 2014, 41 (18%) were opened following the death of Palestinian civilians (33 incidents in the West Bank and eight in the Gaza Strip). This is an unusually high number of investigations into fatalities compared to previous years (15 investigations in 2013 and 2012 and nine in 2011). This high number is likely the combined result of the change to the military's investigation policy and the fact that 2014 was a particularly deadly year in the West Bank compared to previous years. According to figures published by B'Tselem, 46 civilians were killed in the West Bank that year, compared to 27 in 2013, eight in 2012 and ten in 2011.<sup>18</sup>

Of the investigation files, 154, or 67%, were opened following incidents involving violence and injuries (149 in the West Bank and five in the Gaza Strip). An additional 20 files (9%) were opened following complaints of incidents involving damage to property or looting (13 in the West Bank, seven in the Gaza Strip). A further 14 investigations were opened following incidents described by the IDF Spokesperson as "inappropriate conduct".<sup>19</sup>

17 Notice of the MAGC dated April 6, 2011 in HCJ 9594/03, **B'Tselem - The Israeli Information Center for Human Rights in the Occupied Territories and the Association for Civil Rights in Israel v. Military Advocate General**.

18 From the B'Tselem website, <http://www.btselem.org/statistics/fatalities/after-cast-lead/by-date-of-event/westbank/palestinians-killed-by-israeli-security-forces>. Most of the fatalities in 2014 occurred during the summer months, during Operation Brother's Keeper that took place in the West Bank, simultaneously with Operation Protective Edge in Gaza.

19 In response to Yesh Din's inquiry as to what incidents fall under this category, the IDF Spokesperson replied in a letter dated July 21, 2014, that these are "incidents that do not fall into any of the above category, such as a soldier who made statements that are incongruent with the IDF's values, or whose



#### 4. Indictments

Of the 229 investigations opened in 2014, eight (3.5%) have thus far led to indictments served against 11 soldiers suspected of harming Palestinians or their property.<sup>20</sup> In total, 15 indictments against 15 soldiers were submitted to the Courts-Martial in 2014 following incidents involving harm to Palestinians: eight resulted from investigations opened in 2014 and seven from investigations opened in 2013.

There has been a significant increase in the number of indictments served to the Courts-Martial against soldiers suspected of harming Palestinians during the past two years. In 2013-2014, 17 (4%) of 428 investigation files led to indictment of soldiers involved in harming Palestinians; in these files, 24 indictments were served against 25 soldiers. In contrast, in the preceding three years, 2010 to 2012, just eight (2%) of 401 investigations led to the indictment of 11 soldiers accused of harming Palestinians.

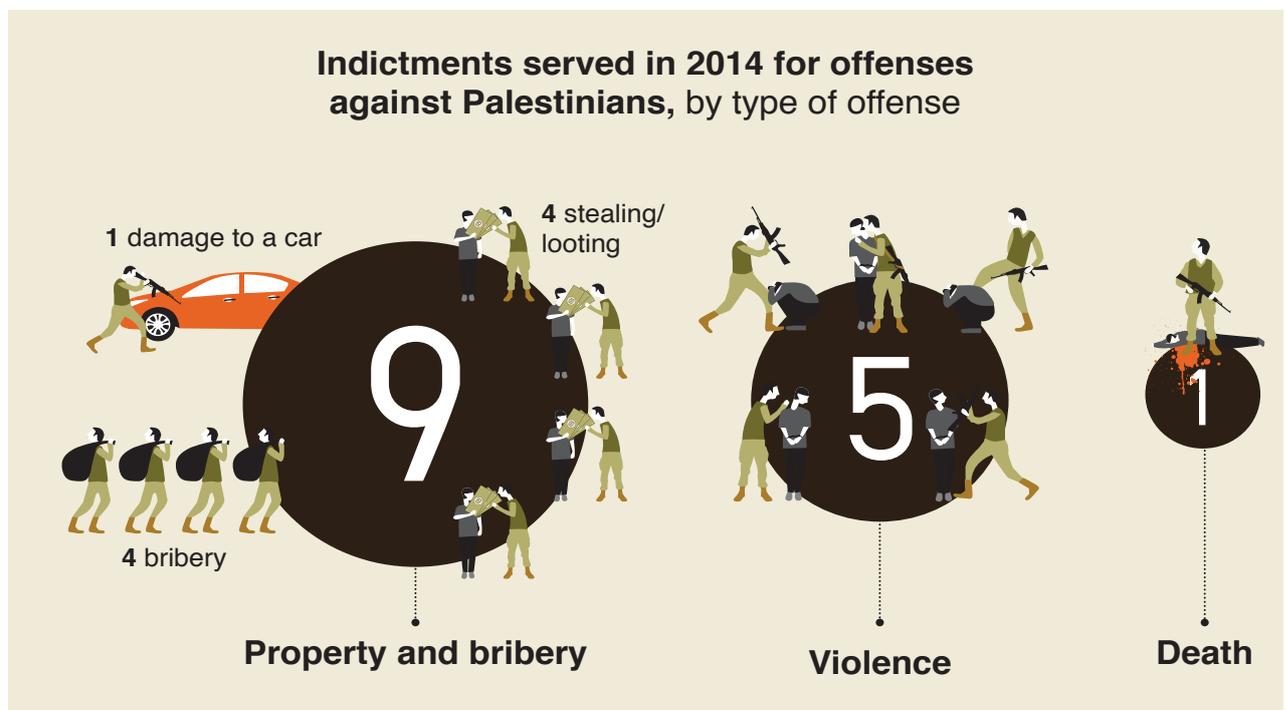
In total, from the beginning of the second intifada in 2000 to the present, the MAGC has submitted indictments in 136 cases, accounting for **5.2% of the investigations opened**. These indictments related to a total of 223 soldiers and officers accused of various offenses against Palestinians.

conduct was morally flawed". In May 2015, the military legal provision that defines this offense and sets out policies with respect to penalties and sentencing arguments relating it, Chief Military Prosecutor's Order No. 2.19, was amended. The order is available (in Hebrew) on the MAGC's website: [www.law.idf.il/SIP\\_STORAGE/files/3/1733.pdf](http://www.law.idf.il/SIP_STORAGE/files/3/1733.pdf).

<sup>20</sup> One of these investigation files, opened in 2014, resulted in indictment only in 2015. Given that past experience shows that some indictments are served long after the investigation begins, additional indictments may be served in the future.

There is obviously no minimum or target number of indictments Yesh Din believes the military should meet. Yet the rate of indictments is notably low given that a great many of these investigations are opened only after a preliminary inquiry is conducted, the military usually knows who the suspects are, the suspects are relatively easy to find, and that many Palestinians choose not to report harm in comparatively light cases. This is indicative of a deep, ongoing failure to conduct exhaustive investigations that are able support indictments and reflects a situation of near impunity for soldiers. **Of the total reports submitted to the MPCID from 2000 to 2014, only 3.3% have so far resulted in the prosecution of soldiers on charges of harming Palestinians.**

A thorough review of indictments served in the Courts-Martial in 2014 shows that though most investigations related to violent offenses, most of the indictments (nine out of 15) were served in bribe or property-related offenses. Many of these offenses involved theft of small amounts of money or possessions with little value. More severe incidents, in which Palestinian civilians were wounded or killed, hardly ever led to indictments over the past year. The only indictment that was served regarding a fatality, a case involving the death of a Palestinian civilian who was shot in breach of the open-fire regulations, ended in an acquittal. The remaining five indictments concerned violent incidents in which soldiers beat or assaulted Palestinian detainees who were handcuffed and in custody.



### Details of indictments served in 2014

1. In January 2014, an indictment was served against a reserves soldier accused of assaulting a Palestinian in October 2012. The soldier kicked the handcuffed Palestinian, who had tried to cross the Jayus checkpoint and beat him with his weapon.<sup>21</sup> He was charged with simple assault and misconduct. However, in June 2014, the prosecution withdrew the indictment and the soldier was acquitted.
2. In January 2014, an indictment was served against a soldier who had served as a guard in the Etzion temporary holding facility. The soldier was accused of stealing 900 shekels (roughly 230 USD) from an envelope belonging to a Palestinian detainee in October of 2013.<sup>22</sup> He was charged with theft and misconduct. The soldier was

<sup>21</sup> CM (Home Front Command Jurisdiction District) 2/14, **Military Prosecutor v. Staff Sergeant (reserves) A.A.**

<sup>22</sup> CM (Central Command Jurisdiction District) 20/14, **Military Prosecutor v. Private M.G.**

convicted in a plea bargain in August 2014 and sentenced to 40 days in prison, a 60-day suspended prison sentence and a 400-shekel fine (roughly 100 USD).

3. In January 2014, an indictment was served against a soldier who was accused of attacking a Palestinian detainee in May 2013. The attack occurred while the detainee was being released from detention in the Shomron Brigade base. He was blindfolded and his hands were held behind his back by two other soldiers at the time.<sup>23</sup> The accused soldier was charged with simple assault and threatening and insulting a commanding officer. He was convicted of simple assault in a plea bargain in June 2014 and sentenced to two months in prison, a month of military labor, a 90-day suspended prison sentence and a 350-shekel fine (roughly 90 USD).
4. In May 2014, an amended indictment was served against a coordination and liaison NCO at the Civil Administration, accused of accepting bribes from Palestinians in exchange for issuing Israeli permits between September 2012 and December 2013. He was also accused of forging dozens of documents for the purpose of issuing entry permits.<sup>24</sup> The indictment against the soldier listed six incidents of bribery, dozens of incidents of exceeding authority in a manner that threatens national security, forgery by a public servant, fraud, breach of trust, possession of drug paraphernalia (under the Dangerous Drugs Ordinance), refusal to undergo drug testing, and misconduct. He was convicted in a plea bargain and sentenced to 16 months in prison, a 3-month suspended prison sentence, a 4,000-shekel fine (roughly 1,025 USD) and a demotion to private.
5. In May 2014, an amended indictment was served against a Major accused of receiving benefits, between December 2012 and December 2013, from a Palestinian he met while serving in the military.<sup>25</sup> The officer received a security camera, a bike rack, an iPhone and car services among other things. He was charged with fraud, breach of trust and misconduct. He was convicted in a plea bargain and sentenced to four months of military labor, a 12-month suspended prison sentence and was demoted to captain. Following an appeal against the severity of the sentence, the Court Martial Appeal Court reversed the demotion.<sup>26</sup>
6. In June 2014, an indictment was served against a combat soldier who was accused of willfully causing damage to a car belonging to a Palestinian resident during operational activity in Hebron in November 2013. The soldier had used his weapon to damage the car, and ripped off its radio antenna.<sup>27</sup> He was charged with willful damage and misconduct and convicted in a partial plea bargain. He was sentenced to 45 days of military labor, a 90-day suspended prison sentence, payment of 2,650 shekels (roughly 680 USD) in compensation to the car owner and a demotion to sergeant.
7. In June 2014, two indictments were served against two IDF combat soldiers accused of stealing from a store belonging to a Palestinian.<sup>28</sup> The indictments include descriptions of how one of the soldiers stole poppers, a folding club, five spark plugs and an electric shock key chain during a military search for weapons in the village of Barta'ah in the Jenin district in March 2014. The other soldier stole a folding club. The two soldiers were charged with theft and misconduct, but were ultimately convicted only of exceeding authority in a plea bargain. Each of the soldiers was sentenced to 12 days in prison, which included time spent in detention following the incident, a 30-day suspended prison sentence and a 300-shekel fine (roughly 75 USD).

23 CM (Central Command Jurisdiction District) 26/14, **Military Prosecutor v. Private B.A.**

24 CM (General Staff Jurisdiction District) 48/14, **Military Prosecutor v. Sergeant A.R.**

25 CM (General Staff Jurisdiction District) 77/14, **Military Prosecutor v. Major M.A.**

26 CMA 62/14 **Major M.A. v. Chief Military Prosecutor.**

27 CM (Southern Command Jurisdiction District) 214/14, **Military Prosecutor v. Staff Sergeant R.A.**

28 CM (Southern Command Jurisdiction District) 190/14 and 191/14, **Military Prosecutor v. Staff Sergeant A.L.** and **Military Prosecutor v. Staff Sergeant H.K.**

8. In July 2014, an indictment was served against a soldier accused of beating and punching a Palestinian detainee he was escorting in a car in an incident that took place in August 2012. The detainee was handcuffed and blindfolded at the time.<sup>29</sup> The soldier was charged with physical abuse and misconduct. The trial was still pending at the time of writing.
9. In July 2014, an indictment was served against a company commander in the Home Front Command who was the commanding officer during a January 2013 incident in which Palestinian civilian Udai Darwish was shot and killed after attempting to enter Israel through a gap in the Separation Barrier in the South Hebron Hills area.<sup>30</sup> The soldier who fired the shots that killed Darwish was prosecuted in March 2013 and convicted of involuntary manslaughter and sentenced to five months in prison, including the five months spent in detention, a five-month suspended prison sentence and a demotion to sergeant. Last year, the supervising commander was also prosecuted on charges of involuntary manslaughter for his conduct during the incident. According to media reports, the officer's trial ended in an acquittal in May 2015.<sup>31</sup>
10. In October 2014, an indictment was served against a Major in the Civil Administration, who was accused of issuing hundreds of Israeli entry permits to Palestinians, in breach of protocol and in return for monetary and other benefits that were provided to him through a Palestinian middle man.<sup>32</sup> The officer was charged with bribery, exceeding authority in a manner that threatens national security, aiding illegal entry into Israel, fraud, breach of trust and misconduct. In January 2015, charges of forgery and obtaining property through false pretenses were also added to the indictment. At the time of writing, the officer's trial was still pending.
11. In November 2014, an indictment was served against a reserves soldier accused of beating a handcuffed Palestinian detainee he was guarding near the gate of the settlement of Beit El in August 2014.<sup>33</sup> The soldier was charged with physical abuse and misconduct. His trial was still pending at the time of writing.
12. In November 2014, an indictment was served against a soldier accused of kicking and punching a Palestinian detainee during his service in a military incarceration facility. Both the detainee's hands and feet were in restraints at the time.<sup>34</sup> The soldier was charged with simple assault. At the time of writing, his trial was still pending.
13. In December 2014, an indictment was served against a combat soldier accused of looting objects from the car of a Palestinian resident who was crossing a checkpoint at the Gush Etzion intersection.<sup>35</sup> According to the indictment, when the soldier was searching the car, he took two car lights, an LED light strip, an external flashing light and a CD player. The soldier hid the items in his vest and later sold most of them for 200 shekels (roughly 50 USD). He was charged with looting and misconduct, and was convicted in a plea bargain in January 2015. He was sentenced to 120 days in prison, including time spent in detention, a four-month suspended prison sentence, payment of 810 shekels in compensation to the complainant, and a demotion to private.
14. In December 2014, an indictment was served against a soldier who served as a security profiler and was accused of allowing Palestinian vehicles to pass through a checkpoint at the entrance to the Palestinian community of Azzun 'Atmah in the Qalqilyah District, in breach of protocol and in return for bribes, for a period stretching from

29 CM (Central Command Jurisdiction District) 330/14, **Military Prosecutor v. Staff Sergeant A.A.**

30 CM (Home Front Command Jurisdiction District) 105/14, **Military Prosecutor v. Captain A.R.**

31 A request for clarification on this matter sent to the IDF Spokesperson has not been answered at the time of writing.

32 CM (General Staff Command Jurisdiction District) 1031/14, **Military Prosecutor v. Major Y.Y.**

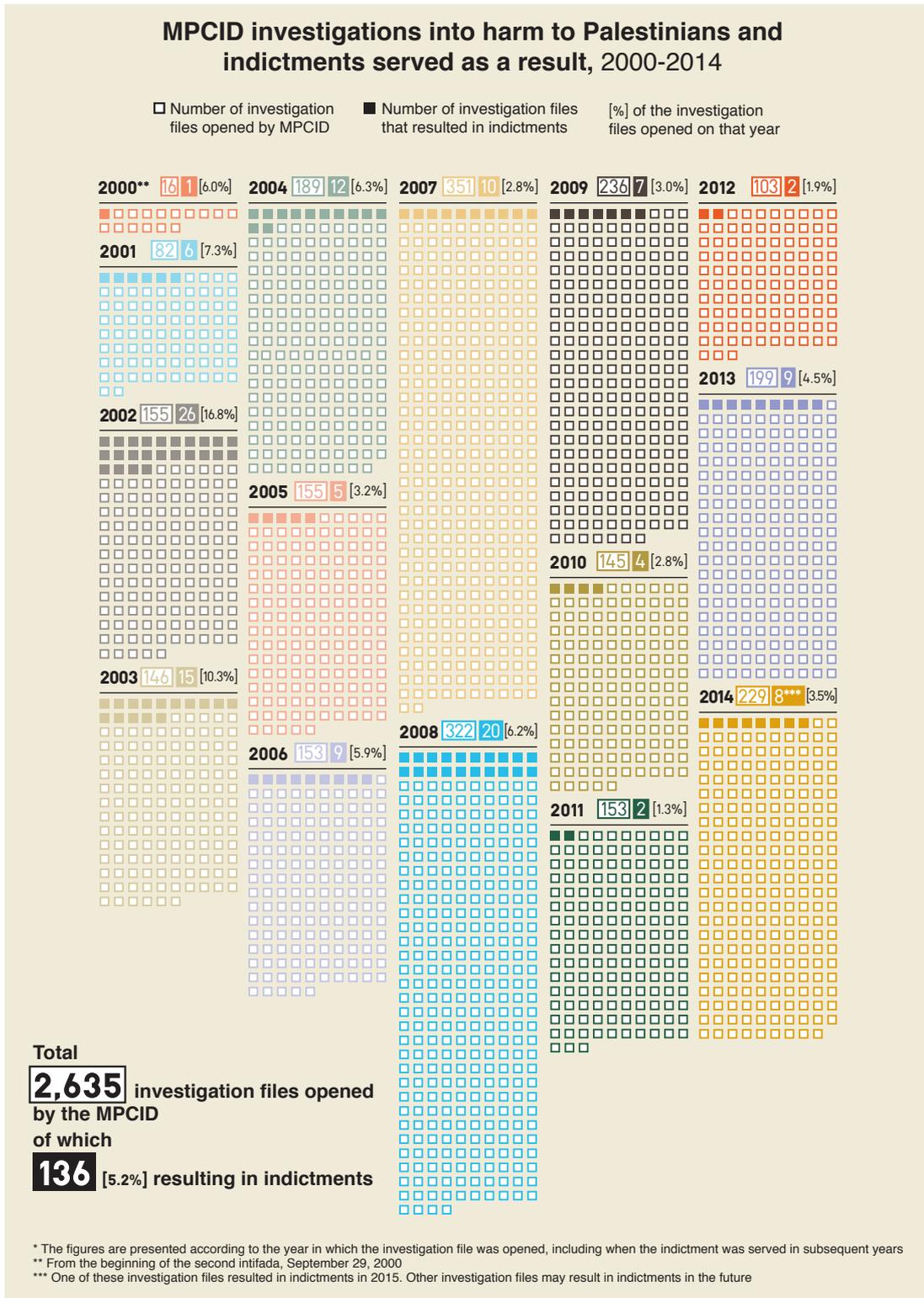
33 CM (Central Command Jurisdiction District) 537/14, **Military Prosecutor v. Staff Sergeant (reserves) A.A.**

34 CM (General Staff Command Jurisdiction District) 1171/14, **Military Prosecutor v. Corporal Z.A.**

35 CM (Central Command Jurisdiction District) 650/14, **Military Prosecutor v. Sergeant K.A.**



August to November of 2014.<sup>36</sup> After the soldier received 200 shekels in return for allowing a car to go through the checkpoint in three incidents, the indictment listed five counts of exceeding authority and three counts of bribery. In February 2015, he was convicted in a plea bargain of the lesser offenses of failure to carry out orders, fraud and breach of trust. He was sentenced to five and-a-half months in prison, a 12-month suspended prison sentence and a demotion to private.



36 CM (General Staff Command Jurisdiction District) 1346/14, **Military Prosecutor v. Corporal A.A.**