



Investigation of criminal offenses by IDF soldiers against Palestinians and their property Unit Index 2006, 2007

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Background

The publication of this data sheet, the second in the series, is part of a project conducted by Yesh Din in 2008, to increase the transparency of law enforcement procedures in the IDF upon soldiers suspected of committing criminal offenses in the Occupied Territories against Palestinian civilians and their property. As part of the project, Yesh Din aims to reveal figures and information regarding the investigation and prosecution processes that follow incidents in which members of the security forces are suspected of committing offenses against Palestinian civilians. Most of this information has never before been revealed and, in some cases, it has not even been collected by the public authorities that oversee law enforcement, nor was it in the possession of the IDF. The two data sheets published by Yesh Din so far, and additional data sheets that will be published in the coming months, are intended to make the information available, in order to allow the public to assess - for the first time - whether and to what extent the IDF is fulfilling its duty to protect the civilian population that is not involved in fighting. That duty is enshrined in the laws of belligerent

occupation, which is the branch of international law that deals with the laws of armed conflict, and in international human rights law.

The figures of the Military Police Criminal Investigation Division (MPCID), collected at Yesh Din's request and provided to the organization by the IDF spokesperson, allow a first glance at the "Unit Index": the list of IDF units whose soldiers are suspected of the largest number of offenses against Palestinians and their property in the Occupied Territories - offenses of abuse, looting, illegal shooting and killing innocents. The index provides information both on the single battalion level and on the brigade level. That information is detailed in the second part of this data sheet.

The first part of the data sheet presents current information about the opening of investigation files by the MPCID and the submitting of indictments by the Military Advocacy General (MAG) in the last several years, in relation to criminal offences committed by IDF soldiers against Palestinians in the Occupied Territories.

MPCID investigations and indictments: general figures

Opening investigation files, 2003-2007

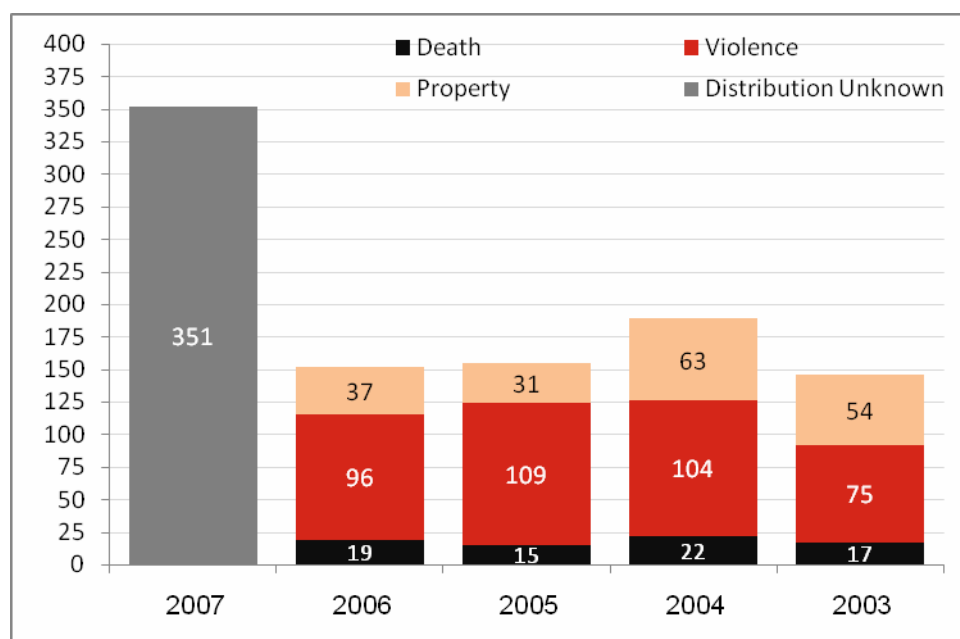
In 2007 the MPCID opened 351 investigation files on offenses by IDF soldiers against Palestinian civilians and their property in the Occupied Territories. That number is significantly larger than the number of files opened in previous years. However, the increase in the number of files does not necessarily indicate an improvement in the quality and capacity of investigations. The figures that the IDF Spokesperson provided to Yesh Din show that in 33 of the 152 investigations opened in 2006 (about 22%) the MPCID investigators did not manage to attribute the offenses to a specific unit - not to mention identify suspects in their commission. In 2007 that failure rate increased significantly: in 158 investigation files - 45% of the files opened that year - the investigators do not know to which unit the soldiers involved in the incidents investigated belong. The number of failed investigations is higher than the total of MPCID investigations that opened in each of the years 2003, 2005 and 2006, as is detailed in Table 1.

Table 1: Investigation files opened by MPCID against IDF soldiers suspected of offending Palestinians and their property, 2003-2007¹

Year	2003	2004	2005	2006	2007
Investigation files	146	189	155	152	351

The investigation files are classified by the MPCID according to the following groups of offenses: offenses against property, acts of violence, and offenses related to causing death.²

Chart 1: Investigation files based on category of offense, 2003-2007³



Filing indictments, September 2000-April 2008

Since the beginning of the second intifada, more than a thousand MPCID investigations have been opened based on suspected criminal offenses by soldiers against Palestinians and their property. That

¹ The source of the figures: IDF spokesperson response to Yesh Din query, January 9, 2008; April 15, 2008.

² The IDF investigation and prosecution bodies - MPCID and MAG - classify investigation files differently. Therefore, in the figures the IDF spokesperson gave Yesh Din in October 2007 that originated in the MAG, there are groups of offenses such as "property," "violence," "shooting" and "other." The MAG figures given to Yesh Din were published in the previous data sheet in January 2008. The source of the figures reported in this data sheet is MPCID, and therefore the breakdown by category of offense is different.

³ The source of the figures for 2003-2006: IDF spokesperson response to Yesh Din query, January 9, 2008; the source of the figures for 2007: IDF spokesperson response to Yesh Din query, April 15, 2008.

number of investigations, which is relatively low compared to the many reports of offenses committed in the Occupied Territories during that period by IDF soldiers, was translated into a much lower number of indictments. Figures provided to Yesh Din by the IDF spokesperson reveal that from the outbreak of the second intifada until April 2008 the MAG filed only 140 indictments against soldiers charged with committing offenses against Palestinians and their property. Around 20 of the indictments were filed in the last year.⁴

Of the indictments detailed in Table 2, 110 indictments ended in conviction, in 10 the legal proceedings have not yet been concluded, and in the remaining 20 the accused were acquitted or the prosecution withdrew the indictment.

Table 2: Indictments filed by group of offense, September 2000-April 2008

Group of offense	Shooting	Violence	Property	Other	Total
Indictments	31	44	39	26	140
Convictions	17	36	38	19	110

Unit Index 2006, 2007

Until now, the IDF did not collect comparative figures by unit regarding MPCID investigations into offenses by IDF soldiers against Palestinians and their property. This made it impossible to identify units - brigades and battalions - with an extensive pattern of harming Palestinians and their property, offenses that have nothing to do with the IDF's fighting needs in the Occupied Territories. Only following repeated requests by Yesh Din did the MPCID collect the relevant figures, and the IDF spokesman provided the organization with lists on the basis of which the Unit Index is hereby presented for the first time.⁵

⁴ This figure updates a previous figure published by Yesh Din in a data sheet of January 2008. That data sheet, based on information provided to Yesh Din by the IDF spokesperson in October 2007, said that by June that year 118 indictments had been filed on such offenses.

⁵ On March 15, 2007, Yesh Din asked the IDF spokesperson for figures and data on a series of subjects related to law enforcement upon IDF soldiers who committed offenses against Palestinian civilians and their property in the occupied territories. One of the questions was whether the IDF collected comparative information about units - on the brigade or battalion level - with the highest number of MPCID

The figures that emerge from the Unit Index are not absolute, for three main reasons:

- The index deals with investigations - not with convictions or offenses: the number of MPCID investigations that result in the filing of indictments against IDF soldiers on offenses committed in the Occupied Territories is very low. The reasons for that are being studied in an ongoing research project conducted by Yesh Din, whose figures will be published in an extensive report in the coming months. Likewise, most of the offenses committed by IDF soldiers in the Occupied Territories are never even reported to the MPCID and therefore investigations into them are not opened.⁶ In any case, even though the Unit Index is not an "offense index" - since it deals only with investigations - it is a good indication of the behavior of various units in their contact with Palestinian civilians, and much can be learned from it about trends in that regard.
- In many investigation files it is not known to which unit those involved belong: the figures the IDF provided to Yesh Din show that in a high percentage of the investigation files the investigators failed to identify suspects in committing the offenses, and naturally the units to which those soldiers belong do not appear in the figures. Thus, in 22% of the investigation files opened in 2006 Yesh Din was not informed to which unit the suspects belonged; regarding files opened in 2007 the figure is even higher: 45%.⁷
- The various units differ in their character, size and the volume of their activity in the Occupied Territories. Those differences have an understandable impact on the rating of the various units in the

investigations opened against their soldiers on suspicion of committing offenses against Palestinians and their property. The organization was told in response that the IDF did not have such figures. Only after Yesh Din submitted a request to the IDF spokesperson on the basis of the Freedom of Information Act were the requested figures collected about the years 2006 and 2007, and provided to the organization on April 15, 2008.

⁶ In December 2007 it was reported that an IDF survey among soldiers in the West Bank found that 25% of the respondents had participated in offenses against Palestinians or heard from their friends about such offenses. Yossi Yehoshua, [The Abuse is Revealed](#), **Yedioth Achronoth**, December 16, 2007.

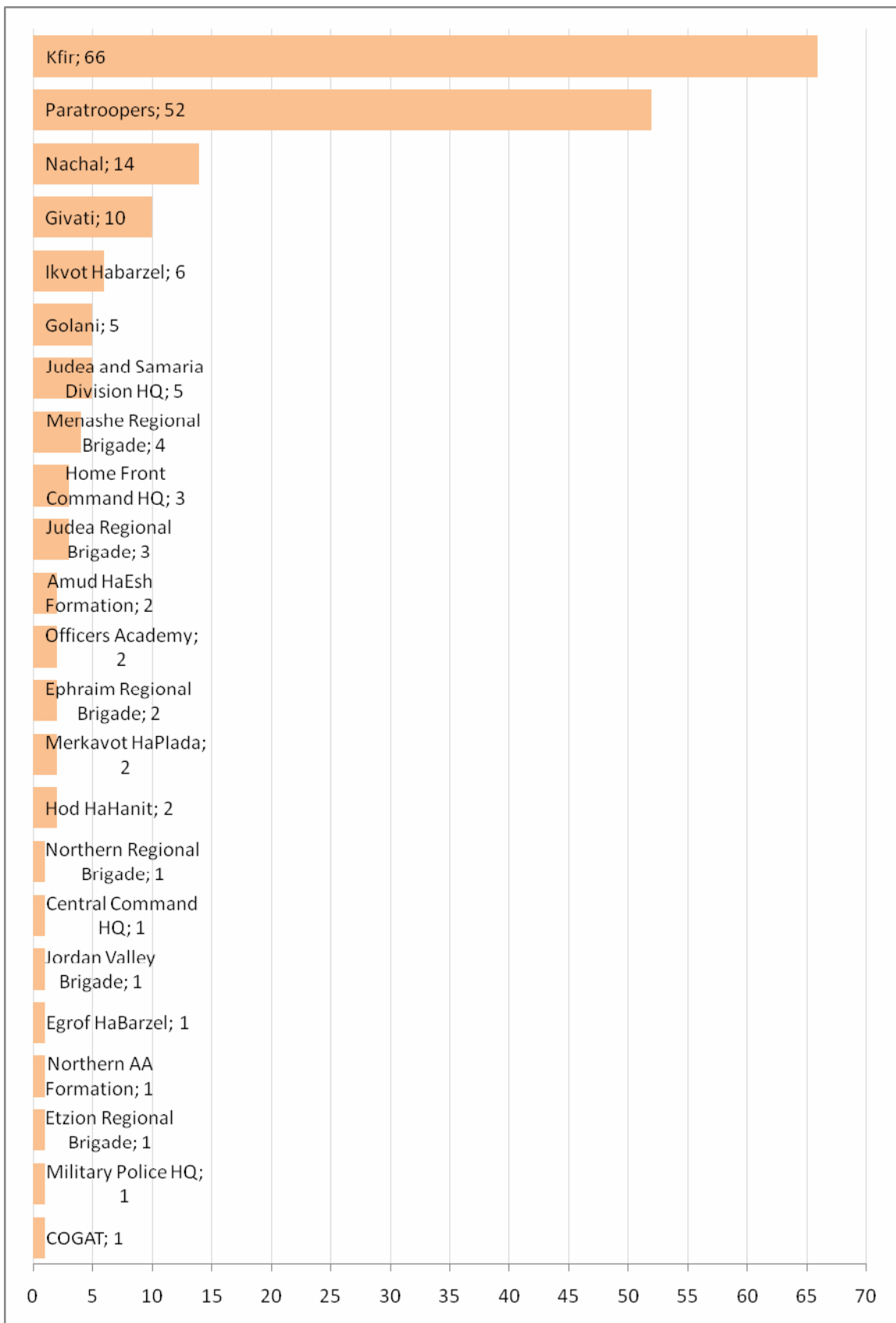
⁷ On this point the IDF spokesperson said that "the main reason for the gap between the number of investigation files opened and the figures on the battalions and brigades provided to Yesh Din is, among other things, the fact that the complaints were filed at a relatively late stage, a fact that makes it difficult to attribute the complaints to a specific battalion, unit or brigade." This argument appears in a letter from the IDF spokesperson to Yesh Din from April 15, 2008.

index; however, it is clear that the commanders of units whose volume of activity in the Occupied Territories is larger bear greater responsibility to act to put an end to the offenses committed by their soldiers against Palestinian civilians and their property.

Despite all of the above reservations, the Unit Index allows us to point to the units with the most severe failure of the command to integrate the duty of IDF soldiers operating in the Occupied Territories to avoid committing criminal offenses against Palestinians, their lives and their property. An analysis of the figures, which as stated before were only collected by the IDF for the first time following Yesh Din's request, and their illustration through the Unit Index, provides a working tool for the IDF and its commanders. The latter may now, if they so desire, give thorough attention to those units against whose soldiers the most investigations were opened, thereby helping to carry out the IDF's duty as an occupying power to protect the civilian population of the Occupied Territories.

At the top of the Brigade Index for 2007 are two infantry brigades, rated high above the other brigades. The first of those is the Kfir Brigade, a large brigade of six battalions deployed solely in permanent sectors of the West Bank, against whose soldiers 66 separate criminal investigations were opened in 2007. The Kfir Brigade is followed by the Paratroopers Brigade, against whose soldiers 52 investigation files were opened on suspicions of committing criminal offenses against Palestinians and their property. Accordingly, the battalions of those two brigades are at the top of the Battalion Index for 2007.

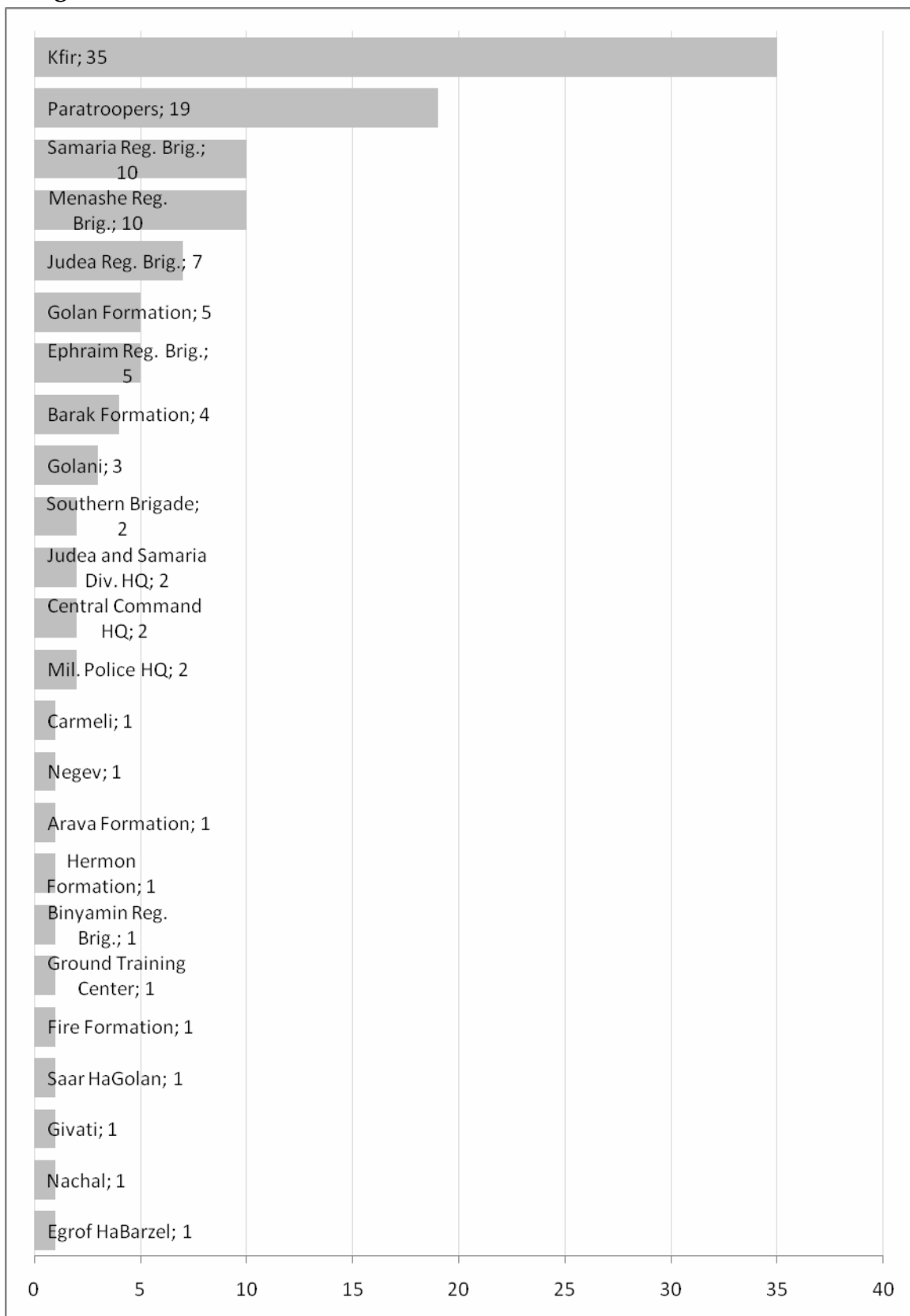
The Unit Index for the years 2006 and 2007, presented on the following pages, now allows the commanders of the brigades and battalions and those in charge of them to take administrative and educational measures to reduce the number of offenses committed by the soldiers of their units against Palestinians. The responsibility to do so rests upon the OC Central Command and the MAG.



Brigade Index: 2007

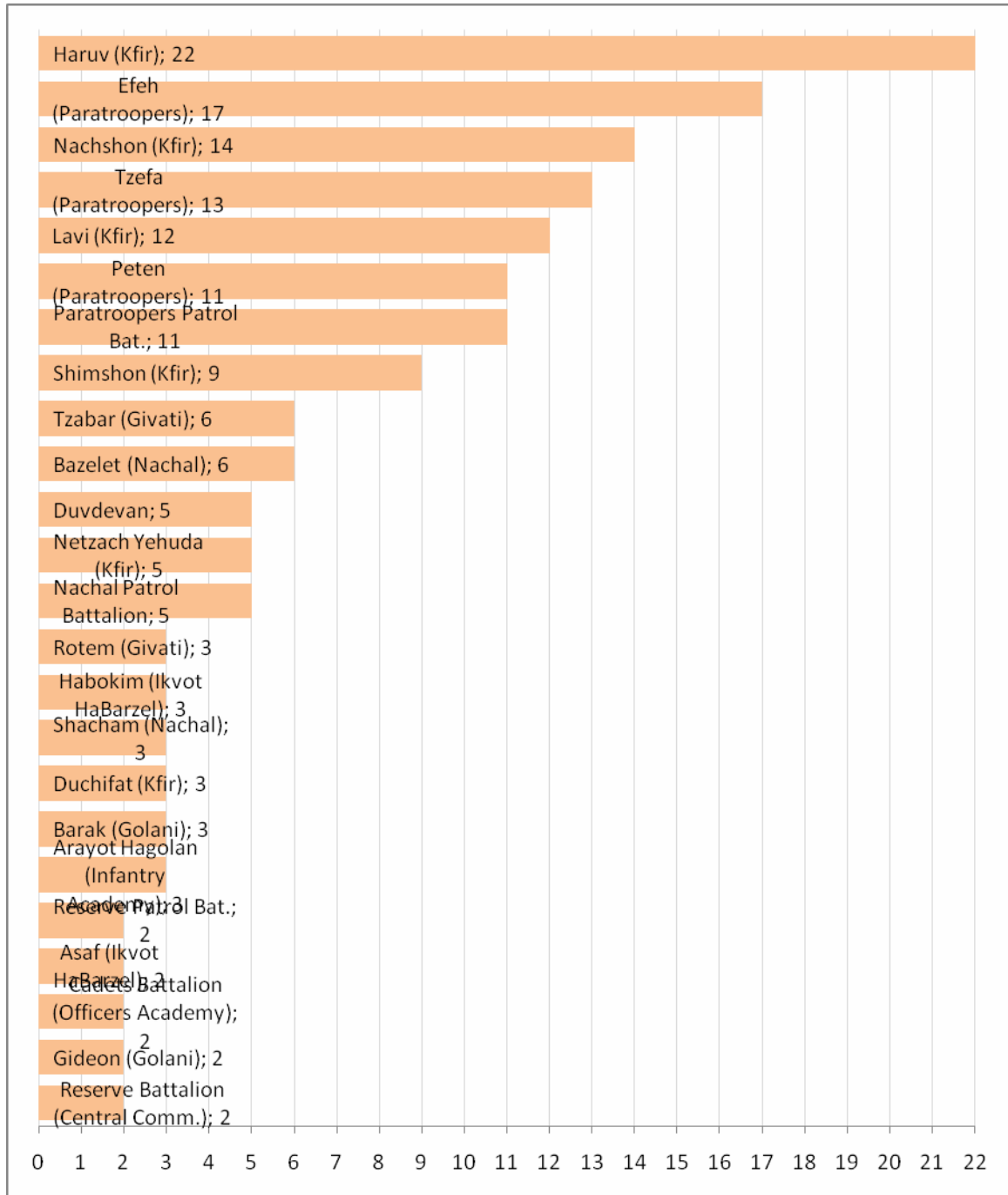
***Comment:** the chart does not include information about seven additional investigation files, in which the suspects are the soldiers of an unknown number of "classified brigades."

Brigade Index: 2006



***Comment:** the chart does not include information about two additional investigation files, in which the suspects are the soldiers of an unknown number of "classified brigades."

Battalion Index: 2007



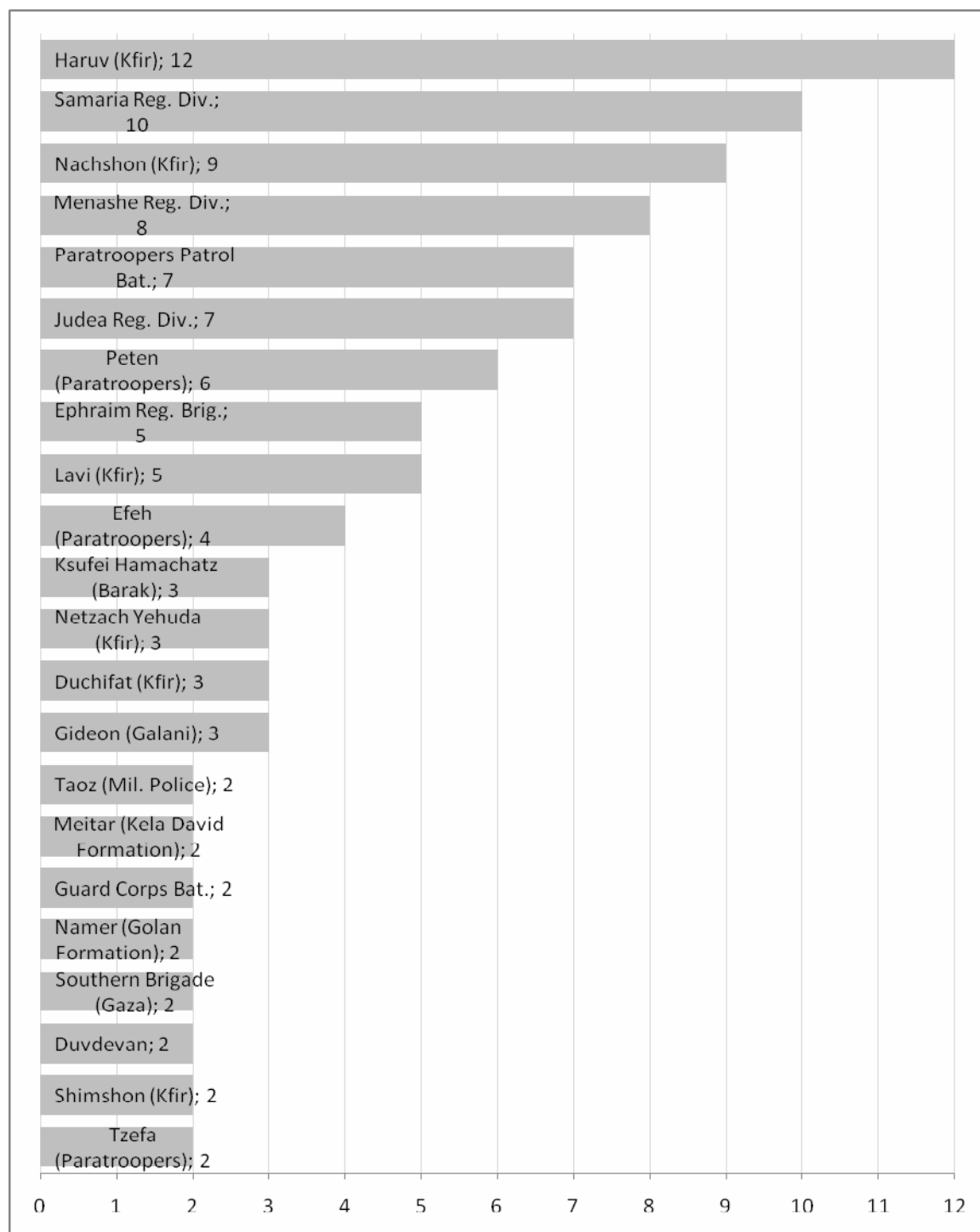
Comments:

- The chart does not include information about 19 additional investigation files, opened against the soldiers of an unknown number of "classified battalions."
- The chart does not include 10 battalions and units in each of which one investigation file was opened in 2007 into crimes committed by one of their soldiers: the Givati Patrol Battalion, Battalion 7, the Shelach Battalion, the Gaza Division Reserve Battalion, the Civil Administration, a Military Police Command Unit, the Jordan Valley Division and the Menashe, Judea and Etzion regional divisions.
- In response to a request by Yesh Din to receive clarifications over the mention of the names of brigades in the list of battalions, a representative of the IDF Spokesman Brigade said these were cases where the investigation bodies failed to attribute an

incident to a specific battalion, and could only attribute it to the regional division in whose jurisdiction the offense under investigation occurred.⁸

⁸ The information was provided by Major Zohar Halevy in a phone call with Yesh Din on April 15, 2008.

Battalion Index: 2006



Comments:

- The chart does not include information about four additional investigation files, opened against the soldiers of an unknown number of "classified battalions."
- The chart does not include 14 battalions and units in each one of which one investigation file was opened in 2006 into crimes committed by one of their soldiers: the Nachal Patrol Battalion, the Givati Patrol Battalion, Magellan, the Asaf Battalion, the Keren Battalion, the Oz Battalion, the Sa'ar Battalion, the Adam Brigade Training Base, the 4c unit of the Ground Training Center, a command unit of the Medical Corps, a command unit of the Military Police Corps, a reserve

Battalion of the Negev Brigade, a reserve Battalion of the Arava Formation, and the Binyamin Regional Brigade.

The Battalions of the Kfir and Paratroopers Brigades

The Kfir⁹ and Paratroopers Brigades stand out in the 2006 and 2007 indices, both in the brigade indexes and in the battalion indexes. The following charts provide a comparative perspective at the battalion level of each one of the brigades.

Chart 2: Investigation files in the Kfir Brigade Battalions, 2006-2007

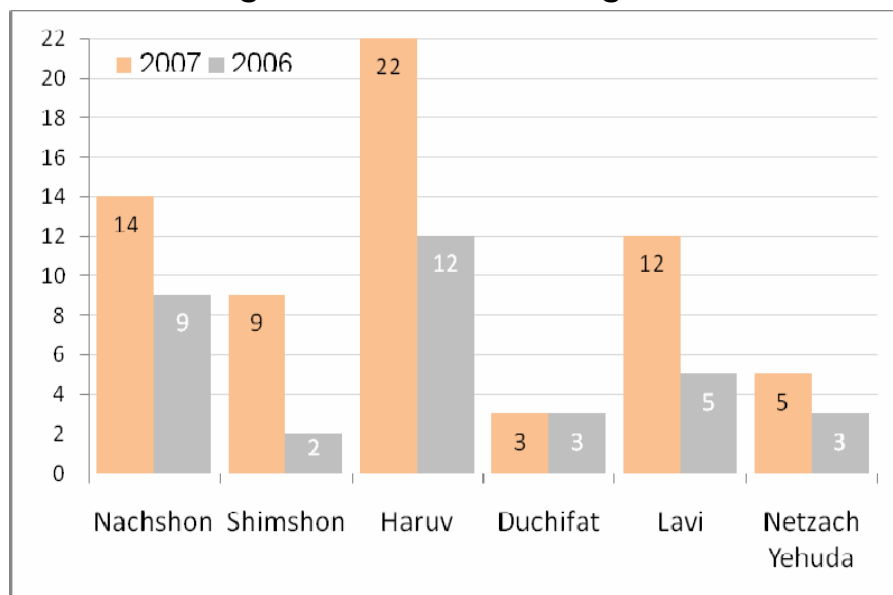
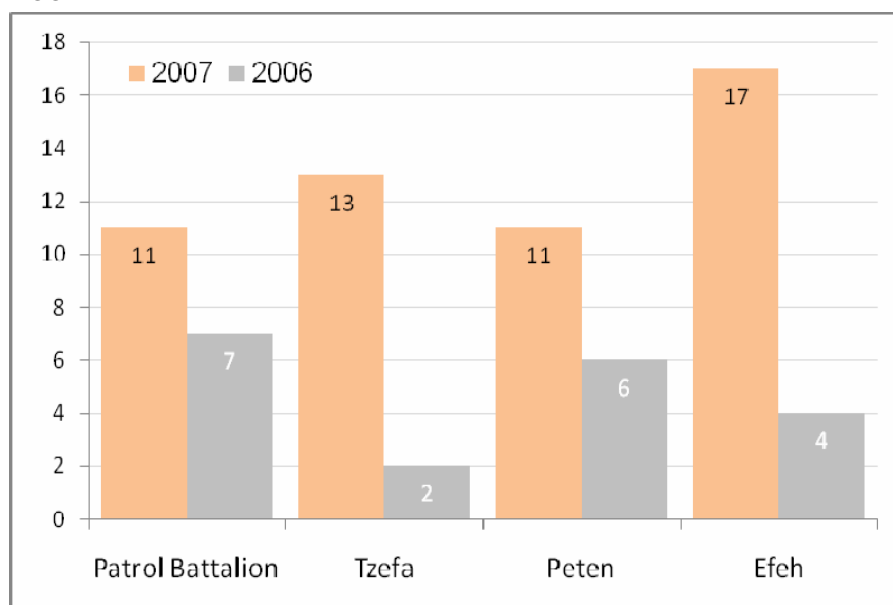


Chart 3: Investigation files in the Paratrooper Brigade Battalions, 2006-2007



ons opened
inconsistency.

The 2007 figures said that 66 investigation files had been opened against soldiers of the Kfir Brigade, but the total investigations reported in all six battalions of the brigade was only 65. An identical gap was found in the figures provided regarding the Kfir Brigade in 2006: 35 investigation files were reported regarding the entire brigade, but the total figures provided on the battalions was 34. Following Yesh Din's request to clarify the IDF spokesperson said he had no additional information.

Research and writing: Lior Yavne

Editor: Michael Sfard, Attorney

English translation: Shoshana London Sappir

Public Council: Shulamit Aloni, Michael Ben Yair, Shlomo Gazit, Rut Dayan, Michal Smoira-Cohn, Shlomo Lahat, Paul Kedar, Yair Rotlevy.

Yesh Din Volunteers: Hanna Aviram, Yehudit Elkana, Rachel Afek, Maya Bailey, Ruth Ben Shaul, Hanna Barag, Dina Goor, Tami Gross, Mooky Dagan, Avner Harari, Tair Zvulun, Rohaleh Hayut, Judy Lotz, Menucha Moravitz, Prof. Joseph Morin, Racheli Merhav, Anat Sela, Niva Inbar, Yvonne Fatal, Michal Pundak, Rina Plessner, Ruth Kedar, Edna Kaldor, Maya Rothschild, Dr. Nura Resh, Ilana Meki Shapiro, Dr. Tzvia Shapira.

General Director: Roi Maor

Volunteer coordinator: Yudit Avi Dor

Palestinian field coordinators: Azmi Bdeir, Muhannad Anati

Land project manager: Dror Etkes

Legal counsel: Michael Sfard Law Office

Professional and strategic consulting, information systems, research, press and government relations: Ben Or Consulting Ltd.

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