

DATA SHEET, DECEMBER 2021

LAW ENFORCEMENT ON ISRAELI CIVILIANS IN THE WEST BANK (SETTLER VIOLENCE)

YESH DIN FIGURES 2005-2021

According to **Yesh Din's** figures:

- The Israel Police failed in the investigation of **81%** of investigative files opened between 2005-2021 concerning Israelis who harmed Palestinians and their property.
- **92%** of all investigative files were closed without an indictment filed.

According to **police data** regarding all investigation files opened concerning disturbances and Jewish nationalistic crime in the West Bank:

- The chance that Israeli law enforcement agencies will serve an indictment against an Israeli who harmed a non-Palestinian person (**19%**) (Israeli security personnel and others) is six times higher than the chance of serving an indictment against an Israeli who harmed a Palestinian (**3%**).

The State of Israel is evading its duty to protect Palestinians in the West Bank from Israelis who seek to harm them. Long-term monitoring of the outcomes of investigations into ideological offenses committed by Israelis shows that Israeli law enforcement agencies leave Palestinians in the occupied Palestinian territories defenseless to attacks and harassment perpetrated by Israeli settlers.

1 | BACKGROUND: MONITORING INVESTIGATIONS INTO OFFENSES COMMITTED BY ISRAELIS IN THE WEST BANK

This data sheet presents Yesh Din's most updated findings regarding Israel Police investigations of offenses committed by Israeli civilians – settlers and others – against Palestinians and their property in the West Bank.

The data presented here is the outcome of Yesh Din's long-term project documenting offenses perpetrated by Israeli civilians against Palestinians and their property in the West Bank and assisting victims of offenses who wish to file complaints with the Israel Police. After a police investigation is opened by one of the units of the Samaria and Judea District Police (the Israel Police district tasked with law enforcement in the West Bank), Yesh Din's legal team monitors the progress of investigations until their conclusion, including any legal proceedings initiated.

For over 54 years Israel has exercised control over the West Bank through military occupation. According to international law, Israel is obligated to protect the residents of the occupied territory. Monitoring Israeli authorities' treatment of offenses committed by Israelis against Palestinians in the West Bank is uniquely significant because these offenses are perpetrated by citizens of the occupying country against the population living under occupation.¹

¹ For further reading on law enforcement in the West Bank, see **Yesh Din**, [Mock Enforcement: Law enforcement on Israeli civilians in the West Bank](#), 2015, pp. 14-17.

Acts of violence and damage to property are usually perpetrated in areas where Israeli civilians seek to take over land and dispossess Palestinians of their land. Israeli settler violence also seeks to terrorize and spread fear, oppress, and disrupt Palestinians' daily lives. **In this way, separate offenses committed by individuals combined form a system of ideological crime that is designed to expand Israeli control in the West Bank.**²

Yesh Din's long-term monitoring demonstrates that Israel's law enforcement authorities systemically and pervasively fail to uphold Israel's duty under international law to protect Palestinians from settler violence. Failure to enforce the law allows ideological crime in the West Bank to persist and by doing so, Israel is normalizing and extending its support for such violence.

The Sample

The data presented here concern police investigations opened into offenses perpetrated by Israeli civilians against Palestinians between 2005 and June 2021. Once a police investigation is concluded, the police and the State Attorney's Office decide whether to file an indictment or close the investigation file.

The data presented here does not include the outcomes of all police investigations opened since 2005 into offenses committed by Israeli civilians against Palestinians in the West Bank, but rather the results of investigations Yesh Din is monitoring. However, Yesh Din's data set is a cumulative and broad sample, useful for drawing conclusions about the way the Israel Police treats ideologically motivated offenses perpetrated by Israelis in the West Bank.

It is important to note that Palestinian victims of crimes perpetrated by Israelis often refrain from filing complaints with the Israel Police; usually, in such cases the offense is not investigated at all. Between January 2018 - March 2021, Yesh Din documented 416 reports from Palestinians who were injured or whose property was damaged by Israeli settlers. Approximately 43% of these Palestinian complainants reported that they were not interested in filing a complaint with the Israel Police; of these, approximately 50% expressed mistrust in Israeli authorities and the investigative process. These statistics reflect a further deterioration in trust and willingness to file complaints compared with previous years.³

It is also noteworthy that the investigation files included in Yesh Din's sample are files in which Yesh Din aids law enforcement agencies in gathering evidence. Absurdly, Yesh Din must liaise between police investigators and Palestinian victims of offenses, and at times attempts to promote investigations by bringing witnesses, documents and photographs to the investigating units.⁴ This serves to demonstrate how ineffective the police's work is, and that it is unable or unwilling to properly investigate offenses committed against Palestinians. As such, the data provided in this sample is somewhat skewed in favor of investigative bodies compared with other cases in which no external party such as Yesh Din aids the investigation.

2 | TYPES OF OFFENSES

Yesh Din categorizes investigation files it monitors by the type of the main offense. The four categories are: Violence, damage to property, takeover of Palestinian land, and a category that includes other offenses.

Of the 1,445 files Yesh Din has monitored since 2005, 37% involve **violent offenses** perpetrated by Israeli civilians against Palestinians including threats, stone-throwing, assault and use of firearms; 47% of the files concern **property offenses** such as arson, theft, harm to crops and vandalism; 12% of the files concern incidents in which Israeli citizens attempted to **take over Palestinian land** such as by fencing off land, erecting structures or preventing access; 4% of

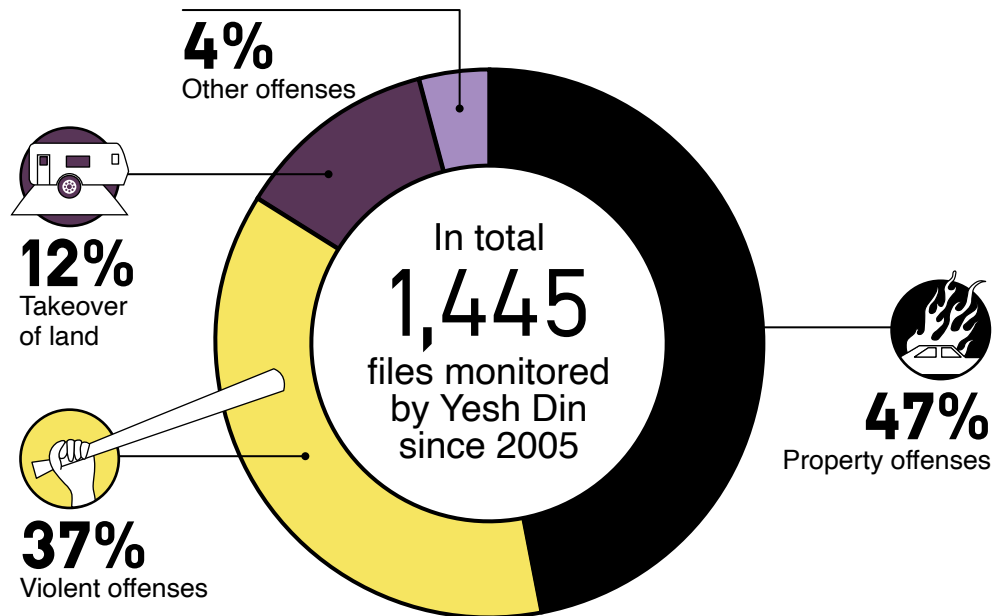
² For more on this issue, see Yesh Din, [The Road to Dispossession: A Case Study – The Outpost of Adei-Ad](#), 2013, pp. 119-143.

³ See Yesh Din, [Avoiding complaining to police: facts and figures on Palestinian victims of offenses who decide not to file complaints with the police](#), August 2016.

⁴ Yesh Din is not party to the police investigation or the decisions made as part thereof. Our legal team receives updates on the status of an investigation and its outcomes as a representative of the victim.

the cases concern **other offenses** which do not fall under any of the previous three categories and which include killing or harming livestock, and desecrating mosques.

Investigation files opened between 2005-2021 by type of offense



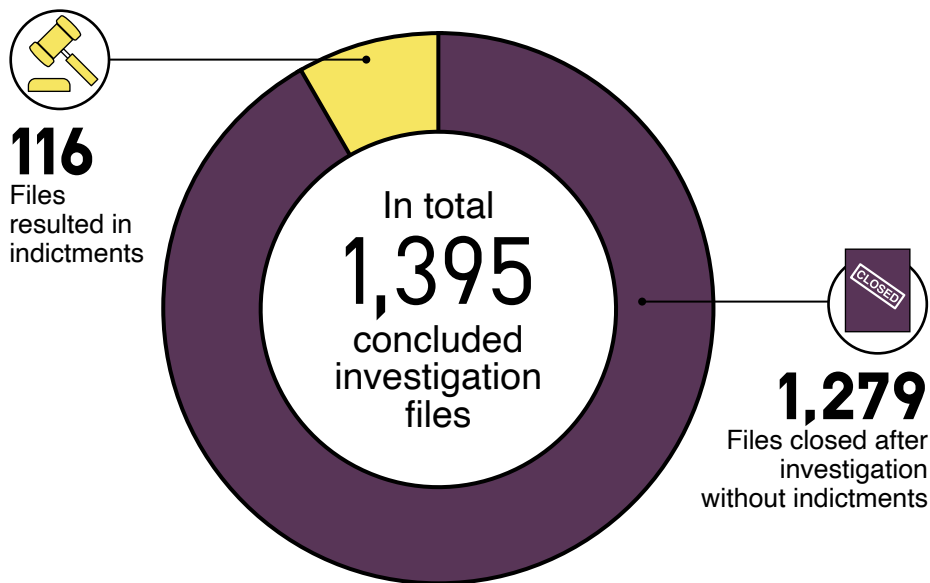
3 | INVESTIGATION OUTCOMES: MOST CASES ARE CLOSED WITH NO INDICTMENT FILED

Yesh Din has monitored investigations and reviewed materials in 1,445 investigation files opened by the Samaria and Judea District Police following complaints made by Palestinian victims of offenses since 2005. As of June 2021, 50 of these files were still being processed by law enforcement agencies. This data sheet focuses on the outcomes of the remaining, **concluded 1,395 investigation files**.⁵ Of these files:

- **1,279 cases (92% of cases) were closed at the end of an investigation without filing an indictment.**
- **Indictments were filed in just 116 cases (8% of cases).**

⁵ In addition to these cases, eight cases were lost by the Israel Police and were never investigated. The data provided in this data sheet reflects data Yesh Din had access to as of June 17, 2021, except where noted.

Investigation outcomes 2005-2021



4 | THE POLICE FAILS IN INVESTIGATING IDEOLOGICALLY MOTIVATED CRIME

Yesh Din, representing the Palestinian victims of offenses in the cases discussed in this data sheet, is supposed to receive updates from law enforcement agencies on the status of investigations, as well as notices of case closures including the grounds for closure.⁶ When an investigation file is closed and Yesh Din's legal team concludes that the investigation was not exhaustive or that the evidence available can support an indictment, Yesh Din appeals the case closure.

Analyzing the information Yesh Din collects enables monitoring trends and patterns in the work of police and the State Attorney's Office. Examining the grounds for case closure, as provided by the police to Yesh Din, offers insights into how and why investigations of crimes committed by Israelis against Palestinians are concluded. Of the 1,279 investigation files opened since 2005 and closed without an indictment, the Israel Police provided Yesh Din with the grounds for closure for **1,262** files.⁷

- **821** files (65%) were closed on the grounds of **offender unknown**. In other words, the police determined a criminal offense had been committed in those cases but failed to locate suspects.
- **267** files (21%) were closed on the grounds of **insufficient evidence**. In other words, the police determined a criminal offense had been committed in those cases and had named suspects yet failed to collect and consolidate sufficient evidence to prosecute the named suspects.
- **132** files (10%) were closed on the grounds of **absence of criminal culpability**. In other words, the police either concluded that no criminal offense had been committed, or that the named suspect was not involved in the offense. Yesh Din filed appeals in 35 of these closed files cases after determining that the investigations had not been exhaustive and that the decision to close the files on these grounds was made in error.

⁶ The Israel Police Ordinance specifies nine possible grounds for closing an investigation file. The police must notify a complainant why the investigation file in their matter was closed. Israel Police Ordinance, National Headquarters Ordinance 14.01.01: Processing a Complaint and Investigation File, Sections 3g(2) (d) and 5 (in Hebrew). Issued on August 1, 1994.

⁷ Despite Yesh Din's efforts, the police have not provided the grounds for closure in the 17 remaining files.

- **36** files (3%) were closed on the grounds of **lack of public interest**.⁸
- **6** files were closed for other reasons: 3 files were closed due to **exemption from criminal liability**;⁹ 2 files were closed due to **limitations**; and another file was transferred to **another agency**.

On December 18, 2019, A.A (53) of Kisan was herding his flock on grazing land near his village. An Israeli settler arrived and instructed A.A to leave. When A.A refused, the settler set his six dogs on A.A. The dogs attacked A.A, bit his left hand and wounded him. In addition, the dogs killed 15 sheep and wounded ten others.

On December 24, 2019, A.A filed a complaint with the Hebron Police. A week later, on December 31, 2019, the police closed the investigation file on the grounds of “**offender unknown**”. It was only in October 2020, nearly a year after the investigation file was closed, that the Israel Police allowed Yesh Din to obtain a copy of the investigation file.

Review of the investigative materials revealed that during the week the investigation was open, the police completed just one investigative action: checking the security cameras in the vicinity of the assault. The alleged investigation showed that the attack took place in an open area and was not documented by the cameras.

The police’s incompetence is even more blatant when considering that A.A provided the suspect’s name to investigators, a suspect he had identified from previous incidents of harassment and assault. The police did not see fit to attempt to locate the man for questioning.

On November 26, 2020, Yesh Din’s legal team appealed the closure of the investigation file. One year later, a response from the Israel Police and the State Attorney’s Office is still pending.¹⁰

Analyzing the circumstances in which investigation files are closed reveals that **the police have failed in the investigation of 81% of files opened since 2005 which have since concluded and the results of which are known (1,123 out of 1,378 files).**¹¹ This high failure rate reflects longstanding and systemic failure in law enforcement responses to ideologically motivated crime against Palestinians in the West Bank.

Of the closed files, 1,088 were closed on the grounds of offender unknown or insufficient evidence, indicating the police found that an offense had been committed, but failed to name suspects or consolidate enough evidence to prosecute. 35 files were closed on grounds of lack of criminal culpability, yet after examining the investigative files and concluding that investigations were not exhaustive or that the evidence was sufficient for indictment, Yesh Din appealed their closures. These files are also included in the count of cases closed in a manner indicating investigative failure.

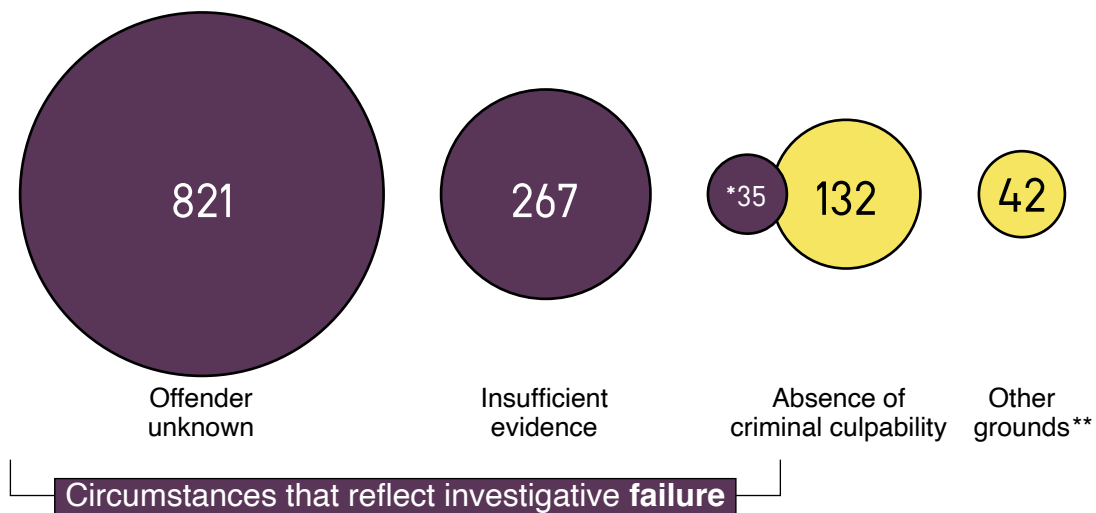
8 The official term was recently changed to “the circumstances of the matter in general are unsuitable for prosecution” (our translation). Criminal Procedure Law (Consolidated Version), 5742-1982.

9 According to the Police Ordinance, these are cases in which the suspect or defendant is not criminally liable due to age (under age 12) or has been proven to lack mental capacity.

10 Yesh Din case 4598/19.

11 Of the 1,395 files for which processing has been concluded, 17 files have been omitted from the count. These are files that were concluded, but the Israel Police did not provide the grounds for their closure.

Grounds for closure of investigation files 2005-2021



*Appeal filed against the decision to close the case due to absence of criminal culpability.

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

5 | OUTCOMES OF LEGAL PROCEEDINGS

This section differs from previous sections in that it does not address the results of police investigations, but rather the outcomes of the legal proceedings in the few cases in which police investigations monitored by Yesh Din led to indictments. It is important to note that victims of offenses who are represented by Yesh Din are not party to these legal proceedings. The State – represented by the police prosecution units or the State Attorney's Office - prosecutes Israeli citizens who harm Palestinians in the West Bank.¹²

The data presented here refer to 116 indictments filed in cases Yesh Din has monitored since 2005. Of these 116 criminal cases, legal proceedings are ongoing in 11 cases and were concluded in the remaining 105 cases. In 8 cases, Yesh Din was informed that legal proceedings were concluded but no information was provided regarding outcomes. Yesh Din has information regarding the outcomes of **97** cases that were concluded and therefore can present this information.

- **14 proceedings ended with a full conviction** of all the defendants (**14.5%** of concluded legal proceedings).
- **38 proceedings ended in partial conviction (39.1%** of concluded legal proceedings). Of these, in 15 cases proceedings were concluded by convicting defendants of lesser charges than those brought in the original indictment, mainly due to plea bargains the prosecution signed with the defendant. 23 cases resulted in conviction of just some of the defendants, or conviction of the defendants on some of the charges brought in the original indictment.
- **17 proceedings resulted in finding of guilt without a conviction**, meaning the court found that the defendant did commit the offense or offenses attributed to him or her but refrained from convicting him or her by law (**17.5%** of concluded legal proceedings). Of these, in 4 cases the defendants were minors.

It is noteworthy that the rate of legal proceedings Yesh Din monitors which ended in the courts finding the defendant guilty while also refraining from convicting him or her is much higher compared to cases concluded in this manner in the

¹² Victims of crimes are afforded certain rights under the Rights of Victims of Crimes Law.

magistrates or district courts in Israel. Data published by the State Attorney's Office show that of the total criminal cases it processed for which legal proceedings were concluded in 2019, just 5% ended in finding of guilt without a conviction.¹³

Concluding legal proceedings in finding of guilt without a conviction is designed to help defendants rehabilitate, particularly when the offenses are relatively minor, the defendants have no criminal history and a conviction would significantly harm their reputation or occupation.¹⁴ The high rate of legal proceedings that were concluded in this manner in Yesh Din's sample of cases - which concern only ideologically motivated offenses committed by Israelis against Palestinians in the West Bank - broadcasts the message that law enforcement authorities do not regard such offenses as particularly grave and supports offenders' sense of immunity.

- **16 proceedings ended in the indictment vacated or dismissed** after the prosecution served an indictment (**16.5%** of all concluded legal proceedings).
- **6 proceedings ended in the defendant or defendants' full acquittal** (6.2% of all concluded legal proceedings). According to data published by the State Attorney's Office, 3% of legal proceedings under its purview concluded in 2019 resulted in acquittal.¹⁵
- **6 proceedings concluded with different results:** three cases were suspended; in another case, just one defendant was convicted of all charges in an amended indictment; in another case, the conviction was vacated; and another proceeding resulted in one partial and two full convictions after the indictment was amended.

In summary, as of July 2021, in cases monitored by Yesh Din, police investigations concerning offenses committed by Israeli civilians against Palestinians in the West Bank resulted in indictments filed in just 116 of 1,395 investigations (8%).

Eleven legal proceedings are still underway, and in 8 concluded cases no information was provided regarding the outcomes of the legal proceedings. Of the 97 concluded legal proceedings for which the results are known, in 16% of the cases the indictment did not lead to any outcome because it was either vacated or dismissed (16 cases). In 18% of the proceedings (17 cases) the court found the defendants guilty but still decided not to convict them for their actions. This leaves **about half - 53.6% or 52 cases - of the indictments filed following the complaint of a Palestinian harmed by Israeli civilians in the West Bank which ultimately resulted in convictions (partial or full) of the guilty parties.**

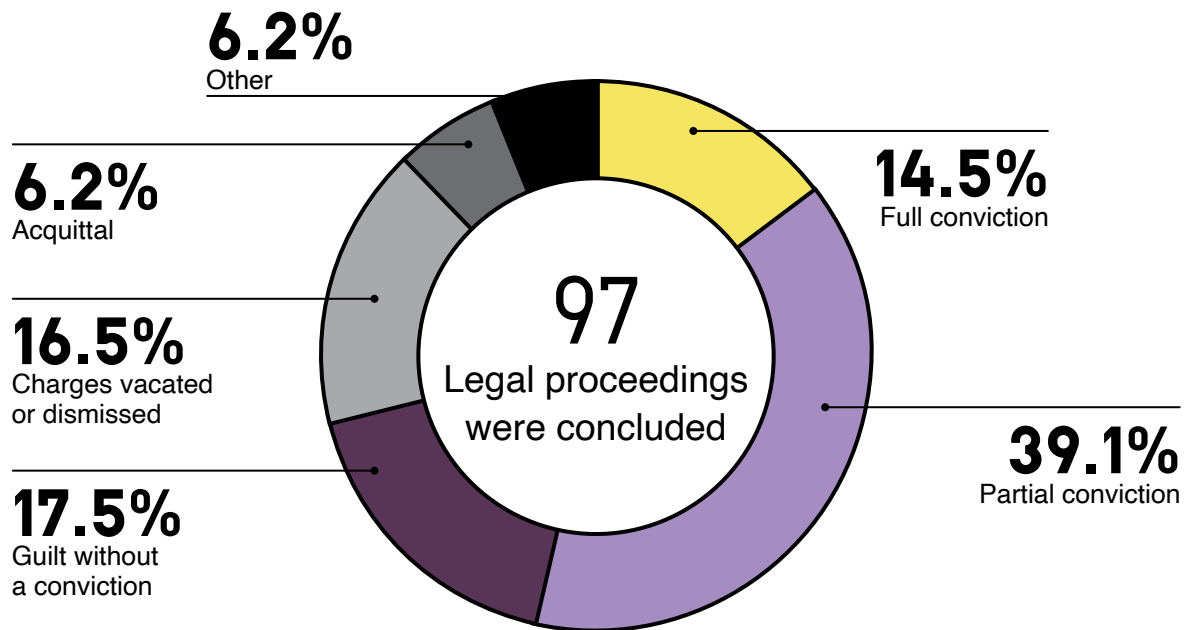
In total, since 2005 approximately 3% of investigation files opened following ideologically motivated offenses Israelis committed against Palestinians in the West Bank led to convictions (52 of 1,395 investigation files monitored by Yesh Din and which were concluded).

¹³ "Annual Summary 2019: Office of the State Attorney" (November 2020), pp. 30 (in Hebrew).

¹⁴ Oren Gazal-Eyal, Inbal Galon and Karen Winschel-Mergel, Judicial Authority Research Department and the Crime, Society and Law Research Department at the University of Haifa, "Conviction and Acquittal Rates in Criminal Proceedings", May 2012, pp. 11, 16 (in Hebrew). This research does not include cases in which the defendants were minors. The CBS does not publish updated data on the general rate of criminal proceedings concluded in finding of guilt without a conviction.

¹⁵ "Annual Summary 2019: Office of the State Attorney" (November 2020), p. 30 (in Hebrew).

Outcomes of proceedings in Yesh Din cases, 2005-2021



6 | LAW ENFORCEMENT IN THE WEST BANK: POLICE DATA COMPARED WITH YESH DIN'S DATA

Between 2018-2020 Yesh Din monitored 208 investigation files opened by the Samaria and Judea District Police into ideologically motivated offenses committed by Israeli civilians against Palestinians in the West Bank. Of these 208 cases, 37 are still being investigated. Of the 162 cases in which investigations have been concluded for reasons that are known,¹⁶ the police closed 151 cases without filing indictments. Further, 139 cases (86%) were closed for reasons indicating police failures.¹⁷ **During this period, just 11 indictments were filed, comprising some 7% of all investigation files** opened during this period and for which processing has been concluded for reasons that are known.

The information Yesh Din collects and analyzes does not include all incidents in the West Bank. Therefore, for a broader perspective, Yesh Din addresses the Israel Police annually to obtain data regarding law enforcement in the West Bank from the body tasked with this responsibility according to the Freedom of Information Act (1998). Data provided by the Israel Police could complement conclusions from the analysis of Yesh Din's long term monitoring data.

Data the Israel Police provided to Yesh Din show that 732 cases were opened in the Samaria and Judea District Police in 2018-2020 concerning "Israelis creating disturbances and Jewish nationalist crime."¹⁸ In approximately half of these cases (369 investigation files), victims of the offenses were Palestinian, and in the remaining half (363 investigation files) the victims were not Palestinian. When victims of offenses were not Palestinians, offenses were primarily directed against Israeli security forces personnel; very few cases involved violations of administrative orders and harming Israelis and foreigners (activists).

¹⁶ Despite Yesh Din's efforts, the grounds for closing nine additional investigation cases were not communicated to the organization.

¹⁷ 114 investigation cases were closed on the grounds of "offender unknown" and 25 - due to "insufficient evidence".

¹⁸ From the National Officer for Public Complaints to Yesh Din, Response to Freedom of Information Request, May 6, 2021.

In incidents in which the victim of the offense was Palestinian, 11 indictments were filed (3% of all cases), while in incidents in which the victim was not Palestinian, 70 indictments were filed (19%). Therefore, **the chance that Israeli law enforcement authorities will file an indictment against an Israeli who harmed a non-Palestinian in the West Bank (Israeli security personnel and others) is six times higher than the chance they will file an indictment against an Israeli who harmed a Palestinian.**

Although Israeli security agencies have reported a significant increase in offenses Israelis are perpetrating against Palestinians in the West Bank, the indictment rate remains extremely low when the victim of the offense is Palestinian.¹⁹

The data expose law enforcement authorities' discrimination in the occupied territories. When an Israeli commits a crime against a non-Palestinian, meaning Israeli security forces personnel or others, it is often followed by effective investigations by police and indictments filed. In contrast, when violence is directed at Palestinians, Israeli law enforcement agencies are negligent at best in their treatment and fail to prosecute offenders.

Lack of enforcement or deterrence against ideologically motivated crime perpetrated by Israelis against Palestinians allows additional crimes to be committed against a defenseless population. Israel's law enforcement policy in cases of settler violence precludes any possibility of deterring offenders and demonstrates that Israel is party to violence against Palestinians and bears responsibility for it.

Legally required declaration: Yesh Din is mostly funded by foreign governmental entities A list of our donors is available on the Israeli Associations Register's website and on our website .Yesh Din is proud to be funded by states that believe ,as we do ,that the occupation is not an internal Israeli matter and that support the advancement of human rights.

¹⁹ Yaniv Kubovich, "[Violence Against Palestinians on the Rise Amid Israel's 'Hands-off' Approach in West Bank](#)", **Haaretz**, October 3, 2021.