



June 21, 2021  
The Honorable  
Antony Blinken  
U.S. Department of State  
Office of the Secretary

Dear Mr. Secretary,

I am writing on behalf of Yesh Din, an Israeli human rights NGO. Since our establishment in 2005, we have worked tirelessly to protect the human rights of Palestinians living under Israeli armed forces' occupation. Yesh Din facilitates access to justice within Israeli law enforcement authorities for Palestinian victims of crimes committed by Israelis; this includes monitoring law enforcement on Israeli settlers and other Israeli civilians who harm Palestinians, demanding criminal accountability of Israeli security forces personnel in the West Bank suspected of committing offenses against Palestinians, and exposing and challenging the illegal takeover of Palestinian land.

Yesh Din serves as a watchdog, monitoring the effectiveness of Israel's military and civilian law enforcement mechanisms and publishing reports, position papers and periodic datasheets on our findings. Therefore, after reading the statements you made during the House Foreign Affairs Committee hearing, regarding Israel's ability to ensure accountability in situations involving the use of force and protection of human rights, we felt compelled to reach out directly and share with you our conclusions. After 16 years of intensive work on the ground, the picture that emerges points to a **deep systemic failure within the Israeli law enforcement mechanisms** and to Israel's negligence in meeting its obligation to protect the Palestinian population in the occupied Palestinian territory, as required by both Israeli and international law. Our



findings demonstrate a **deeply ingrained culture of impunity and lack of accountability for Israelis who harm Palestinians.**

We would like to offer data to support this statement.

**I. Inquiries and investigations of the 2018 Gaza Great March of Return (GMR) casualties: Extremely slow processing of complaints; only 1 indictment filed**

**Three years** after the GMR - an indisputably long period of time - 59% of the fatalities are still under review or investigation. The vast majority of these are still in the preliminary stage of the military General Staff Mechanism for Fact Finding Assessments (FFA) - whose sole purpose is to make a quick assessment of the circumstances prior to a decision whether to launch a criminal investigation.

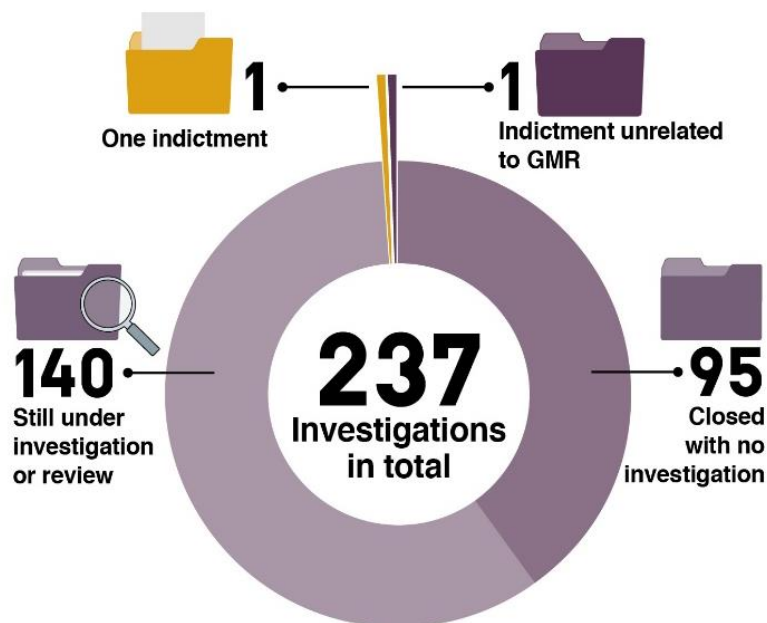
The military's policy with respect to GMR is to investigate only cases in which Palestinian protestors were killed. Not a single case among the thousands of injuries, many of them severe, including ones that have left victims permanently paralyzed or forced to undergo amputations, has been investigated.

Most glaring of all is the fact that the civilian policy makers and senior military commanders responsible for designing the military's open fire policy for the protests are not investigated, and the decisions they made and policies they steered are left unscrutinized.



Below is a summary of new figures on the processing of complaints regarding the killing and wounding of Palestinians during GMR protests [as of April 2021]. The figures are based on official data provided by the IDF spokesperson:

- Only one indictment has been filed;
- The indicted soldier was convicted of minor offenses and received an extremely lenient sentence;
- Inquiries into 95 fatalities (40%) were closed without opening a criminal investigation;
- Another 140 fatalities (59%) are still in various stages of review or investigation. Most of these fatalities (65% or 91) are still undergoing the FFA Mechanism's "quick" assessment, three years after the events took place.



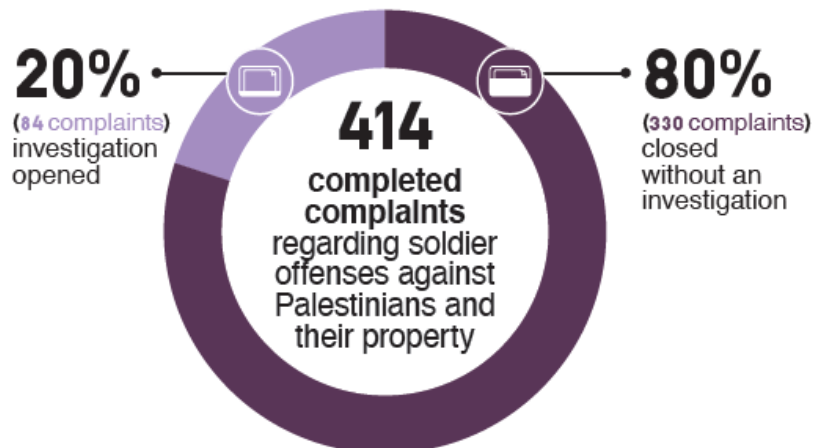


**II. Near impunity afforded to Israeli soldiers suspected of harming Palestinians:  
80% of complaints are closed without an investigation; only 3.2% of  
investigations opened lead to indictments**

The military law enforcement system endeavors to avoid investigating and prosecuting Israeli soldiers who harm Palestinians and in so doing fails to protect Palestinians against offenses committed by Israeli soldiers and those commanding them.

Below is a summary of figures on military law enforcement with respect to complaints filed against soldiers suspected of harming Palestinians and their property [figures for 2017-2018, provided by the IDF spokesperson]:

- The odds that a Palestinian's complaint will result in a prosecution of the offending soldier are 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 opened;
- Only three (3.2%) of the investigation files opened in 2017-2018 resulted in indictments filed.
- **The result is near-complete impunity for IDF soldiers who harm Palestinians.**





**III. Failure of law enforcement on Israeli civilians harming Palestinians in the West Bank (settler violence): 91% of all investigation files were closed without an indictment; 82% closed in circumstances attesting to police failure**

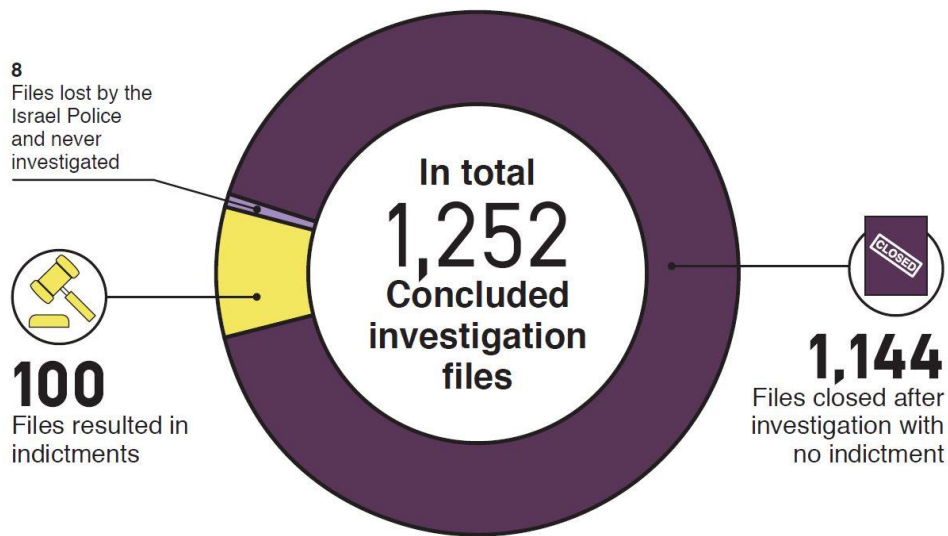
Ideologically motivated crime by settlers against Palestinians and their property in the West Bank is serious, widespread and dangerous, with attacks occurring regularly, and the State of Israel flouts its obligation to protect Palestinian civilians. There is an ongoing failure to provide protection during attacks by settlers, prevent these attacks and investigate and prosecute those responsible after the fact. The State of Israel fails to meet the standards set forth in international human rights law and required in occupied territory under international humanitarian law. Investigations are unprofessional and ineffective and often fail to meet basic requirements.

Below is a summary of data collected during Yesh Din's monitoring of police investigation outcomes in 1,291 investigation files opened between 2005 and 2019 into offenses committed by Israeli civilians against Palestinians in the West Bank:

- 91% of all investigation files were closed without an indictment filed;
- 82% of the files that concluded without an indictment were closed in circumstances attesting to police failure to investigate and solve the crime. The vast majority of the cases were closed on the official grounds of "offender-unknown" and "insufficient evidence," which indicate that although the police determined an offense had been committed, they failed to identify suspects or failed to collect sufficient evidence for indictment and prosecution;
- The consistently high rate of failure points to a longstanding systemic failure by Israeli law enforcement agencies in law enforcement responses to ideologically motivated crime against Palestinians in the West Bank.



## Investigation outcomes 2005-2019



## Grounds for closure of investigation files 2005-2019



\*Appeal filed over decision to close the case for absence of criminal culpability

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



Knowing these figures all too well, we find it imperative to bring this to your attention. After years of monitoring and advocating for improvements within Israeli mechanisms of law enforcement, the firm conclusion we have reached is that the State of Israel is unable or unwilling to take resolute action in keeping with its legal duties to eradicate violence and harm to Palestinians and to investigate suspicions of human rights violations or war crimes.

For the complete datasheets cited referenced in this letter and more information on human rights violations in the oPt, see our website: [www.yesh-din.org/en/](http://www.yesh-din.org/en/)

If you have any questions regarding these figures, please do not hesitate to contact us at: [lior@yesh-din.org](mailto:lior@yesh-din.org)

Sincerely,  
Lior Amihai  
Executive Director