Yesh Din has documented ideologically motivated offenses committed by Israelis against Palestinians in the West Bank since 2005. Long term monitoring of the outcomes of investigations into these offenses reveals the State of Israel betrays its obligation under international law to protect Palestinians in the West Bank from Israelis who seek to harm them. Israeli law enforcement agencies consistently and systematically fail to enforce the law on Israeli civilians who harm Palestinians and their property in the Occupied Palestinian Territories (OPT).

The failings of Israel’s law enforcement system can be observed in every aspect of its response to ideologically motivated crime by Israelis against Palestinians in the West Bank: ineffective prevention, failed police investigations, low indictment rate, and lenient sentences for convicted offenders. All of these result in a lack of
deterrence for the criminals and leave Palestinians in the OPT defenseless in the face of attacks and harassment by Israelis.

The fact that this systemic failure has continued for at least two decades evinces that the State of Israel normalizes and supports ideologically motivated violence perpetrated by Israeli settlers against Palestinians in the West Bank as a matter of policy and benefits from its effects.

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

For nearly two decades, Yesh Din has been documenting offenses committed by Israeli civilians - settlers and others - against Palestinians and their property in the OPT and helping crime victims file complaints with the Israel Police if they choose to do so. Acts of violence by Israelis against Palestinians are commonplace throughout the West Bank. They occur in agricultural lands, on roads, in the streets of villages, towns and cities, and even inside homes. Yesh Din’s team of field researchers document many of these incidents, and where the victims are interested in filing a complaint with the police, Yesh Din’s legal team monitors the investigations and represents the victims in legal proceedings against the offenders if any are taken.

One of the key features of Israel’s 56-year occupation is its colonization project in the West Bank, aimed at taking over lands and dispossessing Palestinians. Officially, this is pursued, among other things, by way of military orders that close off areas or declarations of state land and their subsequent allocation for the settlements. ¹ Meanwhile, settlers use violence to expand the breadth of Israel’s takeover of Palestinian lands, sowing fear and terror among Palestinians and disrupting their daily lives. In this way, separate offenses committed by individuals combine to form a system of ideological crime that is designed to dispossess Palestinians of their lands and expand Israeli control in the West Bank.²

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1. Yesh Din, *Ill-Gotten Gains: Theft of Palestinian land - declaring “state land” where settlement of title was halted when Israel occupied the West Bank* (February 2021), p. 20.

2. See, e.g.; Yesh Din, *Plundered Pastures: Israeli settler shepherding outposts in the West Bank and their infringement on Palestinians’ human rights* (December 2021); Yesh Din, *Yitzhar – A Case Study: Settler violence as a vehicle for taking over Palestinian land with state and military backing* (August 2018); Yesh Din, *The Road to Dispossession - A Case Study - The Outpost of Adei Ad* (February 2013).
Offenses committed by Israelis against Palestinians in the West Bank carry a particular significance as they occur within a regime in which one national group is controlled and oppressed by another. This is a regime that engages in the crime against humanity of apartheid, as defined in international criminal law. The offenders are citizens of the State of Israel who enjoy privileges and have the military’s protection, while the victims are Palestinians who are forced to live under a repressive regime and suffer from systemic discrimination in rights and resources.  

According to international law, Palestinian residents of the OPT are “protected persons,” and Israel has a duty to protect them and their property. However, an analysis of Yesh Din data indicates Israel is unwilling to stop ideologically motivated crime by Israelis and proves that the Israeli law enforcement system fails in fulfilling its duty to protect Palestinians from Israeli violence.

To the Israeli public and the outside world, the Israeli authorities ostensibly display a functioning law enforcement system that addresses ideologically motivated crime by Israeli settlers. Recently, senior officials within Israel’s security establishment have publicly condemned these acts and called them nationalistic terrorism. However, the fact that this is a longstanding, consistent and systemic failure is indicative of a deliberate Israeli policy that not only accepts and internalizes ideologically motivated violence against Palestinians in the West Bank but also supports it and benefits from its outcomes.

3 For more see: Yesh Din, The Legal Status of the Israeli Occupation - Legal Opinion (June 2023); Yesh Din, The Israeli Occupation of the West Bank and the Crime of Apartheid: Legal Opinion (June 2020); Yesh Din, Mock Enforcement: Law enforcement on Israeli civilians in the West Bank (May 2015), pp. 14-19.


5 Military Spokesperson Website, Committed to fighting attacks on innocent Palestinians in the Judea and Samaria Area, June 24, 2023 (Hebrew).
B | THE SAMPLE

Since 2005, Yesh Din has monitored 1,664 investigation files into cases of violence by Israeli civilians against Palestinians in the West Bank (excluding East Jerusalem). These investigations are carried out by the Samaria and Judea (SJ) District Police (the Israel Police district for the West Bank), and once concluded, the Israel Police and the State Attorney’s Office decide whether to serve an indictment or close the file.

The figures presented in this document do not include all incidents of harm to Palestinians by Israelis in the West Bank since 2005. They are limited to cases documented and monitored by Yesh Din. However, the data obtained through these cases over the years does constitute a singular, broad, cumulative sample that enables an analysis of how the Israel Police responds to ideologically motivated crime by Israelis in the West Bank.

In some of the investigation files included in the sample, Yesh Din staff have had to help Israeli investigative authorities carry out their work. This includes liaising between police investigators and the Palestinian victims of crime, bringing witnesses to police stations, and even finding documents and photos that are relevant to the investigations and providing them to the investigating units. This absurdity alone demonstrates that the Israel Police is unable or unwilling to take effective, independent action to properly investigate Israeli crime against Palestinians. It also means that the data in this sample is somewhat skewed in favor of the investigating authorities compared to other cases in which no external body, such as Yesh Din, acting as the victims’ representatives, liaises between them and the investigators and receives updates on the status and outcomes of the investigations. At the same time, it is important to emphasize that Yesh Din is not party to police investigations or the decisions made in them.

It is important to note that the figures presented in this document do not include all incidents of harm to Palestinians by Israelis in the West Bank. They are limited to cases documented and monitored by Yesh Din. As a rule, the Israel Police does not investigate or document all cases of settler violence against Palestinians in the West Bank. For example, according to figures attributed to the Israel Police, 97 incidents of settler violence were recorded in the West Bank between October 7 and November 7,

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All figures in this document are correct as of September 30, 2023. Note that Yesh Din’s digital database was upgraded in 2022. As part of the switch, all data was reviewed and confirmed, and, therefore, there are slight changes from figures published in previous years.
2023, none of which the police defined as a “serious incident”. In contrast, in the exact same time period, Yesh Din documented 198 incidents of settler violence in the West Bank, including the killing of seven Palestinians by settlers.\(^7\)

### Mistrust in the Israeli authorities

In addition to the 1,664 cases on which the analysis below is based, over the years, Yesh Din has documented hundreds of additional incidents of settler violence in which the Palestinian crime victims chose not to file a complaint with the police. In many cases, Palestinian victims of crimes committed by Israeli citizens in the West Bank are not interested in filing a complaint with the Israeli Police, which is an integral part of the oppressive regime that controls every aspect of their lives. Palestinians sometimes fear that filing a complaint against an Israeli would result in further harm to themselves or their family members. In most cases in which Palestinians do not file a complaint with the police, the offense is not investigated at all.

For example, from 2016 to 2023, Yesh Din documented 1,129 incidents in which settlers harmed Palestinians or their property. In just 516 of the cases (46%), crime victims filed a complaint with the police, following which an investigation was opened. The results of these investigations are included in this data sheet. **However, 425 of the crime victims (37.6%) chose not to file a complaint with the police and the violence against them was never investigated. Of these, 278 individuals expressed mistrust in the Israeli authorities and the investigation process, and 108 feared that filing a complaint would harm them or result in their Israeli work or entry permit being revoked.** In the remaining cases, the case was handed over to a different agency or terminated for various reasons.\(^9\)

The appointment of Itamar Ben Gvir as Minister of National Security in late December 2022 marked an escalation in the number of incidents of settler violence and increased Palestinian mistrust in the Israeli law enforcement agencies responsible for their safety.

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\(^7\) Ariel Kahana, “Exclusive: Settler violence drops significantly compared to equivalent period in 2022”, *Israel Hayom*, November 9, 2023. MK Tzvi Sukkot echoed similar figures in the Knesset (*Knesset Website*, November 26, 2023).

\(^8\) It should be noted that incidents of settler violence that occurred under the cover of the war that broke out in the south on October 7, 2023, are not included in this report. During this time, incidents of settler violence in the West Bank spiked. Between October 7, 2023, and November 20, 2023, Yesh Din documented 225 incidents of violence in 93 Palestinian communities in the West Bank. For more: Yesh Din, *Israeli settler violence against Palestinians in the West Bank under the guise of war* (November 2023).

\(^9\) Yesh Din began documenting the reasons crime victims chose not to file a complaint with the Israeli authorities in 2016. Therefore, the figures are updated for these dates.
According to figures published by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 835 incidents of settler violence were recorded in the West Bank between January and September 2023, compared to 474 incidents during the same period in 2022. Notably, the level of violence escalated as well, including mass attacks, during which hundreds of Israelis rampaged and set fire to Palestinian property for hours, in front of soldiers, as occurred, for instance, in Huwarah and in Turmusaya.

Yesh Din data shows that since the inauguration of Israel's 37th government, more Palestinians are reluctant to file a complaint with the police against Israelis who harmed them. Of 160 cases of settler violence against Palestinians or their property documented by Yesh Din between January and September 2023, 92 of the crime victims (57.5%) chose not to file a complaint with the police. Of these, 86 (54%) expressed mistrust in Israeli law enforcement authorities or feared that filing a complaint would harm them or result in a permit revocation. In the same months in 2022, Yesh Din documented 99 incidents of settler violence, in 40 (40%) of which, the crime victims preferred not to file a complaint.

These numbers point to incompetence on the part of Israeli enforcement agencies in the West Bank that fail to investigate all incidents of settler violence and do nothing to allay Palestinians’ mistrust in the establishment that should protect them from violence. Moreover, according to Channel 12 news, Minister of National Security Itamar Ben Gvir has, in fact, instructed the police to abstain from enforcement on Israelis involved in Jewish terrorism in the West Bank. And so, more and more Palestinian crime victims forego filing a complaint; the police fails to perform its duties properly and does not investigate violent incidents; offenders are not held accountable for their actions; and ideologically motivated crime gets a green light.

12 Ilana Dayan, “The Document Submitted to the Chief of Staff and the Shin Bet Head’s Opinion of Ben Gvir’s Instructions”, N12, November 23, 2023 (Hebrew).
C | TYPES OF OFFENSES

Yesh Din categorizes investigations it monitors by the main offense committed: violence, damage to property, and takeover of Palestinian land.

Of the 1,664 cases monitored by Yesh Din, 670 (40.3%) involve violent offenses perpetrated by Israeli civilians against Palestinians, including homicide, assault, use of firearms, stone-throwing, threats, and the killing or harming of animals; 772 (46.4%) concern property offenses such as torching homes, mosques and cars, theft, cutting down trees, harming crops, vandalizing property and spraying graffiti (known as “Price Tag attacks”); 222 cases (13.3%) concern incidents in which Israelis attempted to take over Palestinian land, for instance by fencing off land, erecting structures or blocking access.

Investigation files opened between 2005 and 2023, by type of offense

In total 1,664 files monitored by Yesh Din

40.3% Violent offenses

13.3% Takeover of land

46.4% Property offenses

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

As of late December 2023, 49 of the 1,664 investigation files opened following Yesh Din complaints since 2005 were still being processed by law enforcement agencies. Of the 1,615 concluded investigations:
• 1,513 cases (93.7%) were closed at the end of an investigation with no indictment filed.
• Indictments were filed in just 107 cases (6.6%).

Investigation files opened between 2005 and 2023, by type of offense

- 1,615 concluded investigation files
- 93.7% files closed after investigation without indictments
- 6.6% 107 files resulted in indictments

* Five of the investigation files (0.3%) were closed by the police but reopened following appeals filed by Yesh Din with an indictment ultimately filed. These cases were counted twice, both as cases that were closed at the end of an investigation and as cases that ended with an indictment.

E | GROUNDS FOR CLOSURE: POLICE FAILS IN INVESTIGATING IDEOLOGICALLY MOTIVATED CRIME

Palestinian crime victims give power of attorney to Yesh Din’s legal team to represent them vis-à-vis Israeli law enforcement agencies. When investigations close, Yesh Din’s legal team examines materials from the police files. If the legal team finds that the police failed to take required investigative measures or that the evidence collected is sufficient for indictment, Yesh Din files an appeal against the closure on behalf of the Palestinian victim.

Enforcement authorities are expected to keep Yesh Din updated about developments in the investigation and are required to provide written notice of decisions to close investigation files. In accordance with the law, in these cases, Yesh Din asks for the grounds for closure.13 Receiving the grounds for closure is important for exhausting

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13 Criminal Procedure Law (Consolidated Version) 1982, Section 63(a)(2): “A decision not to prosecute will be communicated to the complainant in writing without indicating the grounds for closure but noting the complainant may inquire about the grounds for closure personally at any police station or by one of the other means determined by the police.”
the remedies available to crime victims, as they provide information about the circumstances in which the case was closed and whether the police had managed to build a factual infrastructure. The grounds for closure also allow the legal team to decide whether to appeal the closure.

An analysis of the grounds for closure provided to Yesh Din by the police offers insight into trends and patterns in the work of the police and the State Attorney’s Office concerning offenses committed by Israelis in the OPT. Of the 1,513 investigation files opened since 2005 and closed without an indictment, the Israel Police provided Yesh Din with the grounds for closure in 1,437 files.

- **921 (64%)** files were closed on grounds of **offender unknown**. In other words, the police determined a criminal offense had been committed but failed to name suspects.
- **290 (20%)** files were closed on grounds of **insufficient evidence**. In other words, the police determined a criminal offense had been committed in those cases and had named suspects but failed to collect and consolidate sufficient evidence to prosecute.
- **162 (11.5%)** files were closed on grounds of **absence of criminal offense** or **absence of criminal culpability**. In other words, the police either concluded that no criminal offense had been committed or that the evidence does indicate a criminal offense had been committed but fails to meet the bar required for prosecution. Yesh Din filed appeals in **38** of these closed files after determining that the investigations had not been exhaustive and that the police had erred in its decision to close the file.15
- **64 (4.5%)** files were closed on other grounds: 45 files were closed on the grounds of **circumstances not suited for investigation/prosecution** (previously called “lack of public interest”). Three files were closed due to **exemption from criminal liability**; one file was closed due to **statute of limitations**; 13 files

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14 The Israel Police National Headquarters Ordinance lists nine possible grounds for closing or shelving investigation files. For more: [*Israel Police National Headquarters Ordinance 14.01.01: Complaints and other Information regarding Offenses - Reporting, Classifying and Processing*, August 23, 2020.]

15 Twenty-two of the appeals were rejected, and 13 were accepted, resulting in the reopening of the investigation. Yesh Din has yet to receive a response with respect to three appeals.

16 Suspect or defendant is not criminally liable due to age (under age 12) or lack of mental capacity.
were closed due to the investigation being the purview of another agency, and two files were closed due to a conditional agreement.\textsuperscript{17}

Analysis of the circumstances under which investigation files were closed reveals that \textbf{the police has failed in the investigation of 81\% of files opened since 2005 and concluded with known outcomes (1,249 of 1,539 files)}.\textsuperscript{18} Of the closed files, 1,211 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 gather enough evidence to prosecute. Additionally, Yesh Din filed an appeal against the closure of 38 of the investigation files closed on grounds of absence of criminal offense or absence of criminal culpability, after assessing that evidence of a criminal offense was, in fact, present or that the investigation had not been exhaustive. Accordingly, these files are also counted among the cases closed in a manner indicating investigative failure. \textbf{The high rate of failure points to a longstanding systemic and deliberate failure in law enforcement responses to ideologically motivated crime against Palestinians in the West Bank.}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{groundsofclosure.png}
\caption{Grounds for closure of investigation files 2005-2023}
\end{figure}

\begin{itemize}
\item Offender unknown: 921 (64\%)
\item Insufficient evidence: 290 (20\%)
\item Absence of criminal culpability: 124 (9\%)
\item Other reasons\^\textsuperscript{**}: 64 (4.5\%)
\end{itemize}

\textsuperscript{*} One appeal filed against the decision to close the case due to absence of criminal culpability.

\textsuperscript{**} Files closed on grounds of circumstances not suited for investigation/prosecution, exemption from criminal liability, limitations, investigation purview of another agency, and conditional agreement.

\textsuperscript{17} A conditional agreement is an arrangement in which the prosecution does not file an indictment on condition that the suspect confesses to the offense and undertakes to fulfill certain conditions.

\textsuperscript{18} Of the 1,615 concluded investigation files, including those that ended with an indictment, 76 files that were concluded but the Israel Police did not provide the grounds for closure were omitted.
OUTCOMES OF LEGAL PROCEEDINGS: ONLY 3% OF INVESTIGATION FILES LED TO A CONVICTION

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 Palestinian crime victims are not party to these legal proceedings. The State – represented by the police prosecution units or the State Attorney’s Office - prosecutes Israeli civilians who harm Palestinians in the West Bank. However, crime victims are afforded certain rights under the Crime Victims’ Rights Law, and Yesh Din’s legal team, which represents them, monitors the legal proceedings and their outcomes.19

The data presented here concerns 107 indictments filed in investigations monitored by Yesh Din since 2005. As of the end of September 2023, Yesh Din is aware of eight cases in which legal proceedings were still underway. In six cases, Yesh Din was informed that legal proceedings were concluded, but no information was provided regarding outcomes. In other words, in 93 cases of offenses committed by Israeli civilians against Palestinians in the West Bank and monitored by Yesh Din, police investigations concluded in indictments with known outcomes, meaning information about them can be presented.

- **9 proceedings ended with a full conviction** of all the defendants (10% of concluded legal proceedings).
- **41 proceedings (44%) ended with a conviction following a plea bargain or a partial conviction**, meaning, a settlement was reached between the prosecution and the defendants, usually on lesser charges than those brought in the original indictment, or a conviction of some or all of the defendants of some of the charges in the original indictment.
- **18 proceedings (19%) ended with a finding of guilt without a conviction.** That is, the court determined that the defendant did commit the offense or offenses they were charged with but avoided a conviction by law.
- **18 proceedings (19%) ended with the indictment vacated or dismissed after being filed with the court by the prosecution.**
- **7 proceedings (8%) ended in the defendant or defendants’ acquittal.**

In total, since 2005, only 3% of investigation files opened into ideologically motivated offenses by Israelis against Palestinians in the West Bank and monitored by Yesh Din led to full or partial convictions (50 of 1,615 concluded investigation files monitored by Yesh Din). The low conviction rate sends the message that the law enforcement system, in its entirety, does not consider settler violence to be a serious issue, contributing to the perpetrators’ sense of immunity and the recurrence of these acts.

In the rare cases in which ideologically motivated crime resulted in a conviction, the sentences were, for the most part, lenient relative to the severity of the offense and the systematic nature of this type of crime. For instance, an Israeli who attacked a Palestinian family in farmlands belonging to the Palestinian village of Ni’lin in 2020, including spraying tear gas at the family’s children and inflicting injuries requiring a hospital stay on the father, was convicted of aggravated bodily harm with another and aggravated assault in a plea agreement. His sentence included a nine-month term of community service, a five-month suspended prison term and ILS 8,000 (roughly USD 2,150) in compensation for the family. A settler from an outpost in South Hebron Hills who set his Amstaff dog on a flock belonging to a Palestinian shepherd in 2018, killing two sheep, was convicted of failure to take precautions with an animal in a plea agreement. The court sentenced him to 50 hours of public service and ordered him to pay the victim ILS 3,000 (roughly USD 800) in compensation.

Such light sentences for serious offenses are another way in which the establishment supports settler violence.
As noted, the information Yesh Din collects and analyzes does not include all of the incidents in which Israelis, settlers and others, harm Palestinians or Palestinian property in the West Bank. To get a broader perspective, Yesh Din obtains figures from the agency directly responsible for law enforcement in the West Bank, the Israel Police, through annual requests under the Freedom of Information Act. Data provided by the Israel Police can complement the picture emerging from the analysis of Yesh Din’s long-term monitoring.

Yesh Din monitored 65 investigations opened in 2022 by the SJ District Police into ideologically motivated offenses by Israelis against Palestinians in the West Bank. Ten of these investigations are still underway. Of the 55 concluded investigations, the authorities closed 52 and filed only three indictments, accounting for just 4.6%
of the total investigation files. Furthermore, the police failed in the investigation of 71% of the files opened that year and concluded with known outcomes.21

Figures the Israel Police provided to Yesh Din indicate that in 2022, the SJ District Police opened 342 investigation files into Israeli disorderly conduct and Jewish nationalistic crime.22 In 165 cases, the crime victims were Palestinians, and in 177, the crime victims were non-Palestinians. Cases with non-Palestinian victims usually involve offenses against Israeli security forces, with some proportion involving violations of administrative orders or harm to Israelis and foreign nationals (activists).

According to police figures, in 2022, not a single indictment was filed in cases in which the crime victim was Palestinian. However, in cases in which the victims were not Palestinian, 10 indictments were filed.23

The police figures are indicative of discrimination in Israeli law enforcement in the OPT. Crimes committed by Israelis against non-Palestinians, meaning against members of the security forces and others, are properly investigated by the police and lead to indictments. On the other hand, in cases of violence against Palestinians, the performance of law enforcement agencies is, at best, negligent, and offenders are not brought to justice.

The State of Israel and its law enforcement authorities in the West Bank bear responsibility for violence by Israelis against Palestinians. The lack of enforcement against ideological crime perpetrated by Israelis enables persistent crime against a defenseless population. Israel’s failed enforcement policy against settler violence precludes any possibility of deterring perpetrators and demonstrates Israel is complicit in it and deliberately allows it.

Notification by law: 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.

21 Twenty-five investigations were closed on grounds of offender unknown, five were closed for insufficient evidence, and two were closed for lack of criminal culpability. Yesh Din filed appeals in these cases having determined that the investigation had not been exhausted. The police did not provide the grounds for closure in 10 of the 52 closed cases.

22 From National Public Liaison Officer to Yesh Din, Response to Application under the Freedom of Information Act, February 5, 2023.

23 The discrepancy between indictments recorded by Yesh Din and indictment figures provided by the Israel Police presumably results from a different division into categories.