



**State of Israel  
Ministry of Justice**

**Israel's Investigation and Prosecution of Ideologically Motivated Offences  
Against Palestinians in the West Bank**

Israel has a deep commitment to the rule of law. This characterizes Israel's approach to law enforcement in areas of the West Bank still under its responsibility according to the Oslo Agreements. In recent years, Israel has taken extensive measures to prevent violence in general - and against Palestinians in particular. In addition, efforts have been made to investigate criminal complaints and to prosecute perpetrators when appropriate. In particular, Israeli officials, including high-ranking politicians and senior officials from law-enforcement bodies, have declared an unequivocal zero-tolerance policy towards the phenomenon of "price-tag" offences by Israeli extremists against Palestinians.<sup>1</sup>

During 2013-2014 Israeli authorities made considerable efforts to enhance law enforcement in the West Bank, which have led to a significant decrease in ideologically-based offences and an increase in the number of investigations and the rate of prosecution. These efforts included the establishment of designated taskforces, increased allocation of funds, and the addition of professional manpower.

This document focuses on offences against Palestinians that were allegedly committed by Israelis; nonetheless it is important to keep in mind that the vast majority of Israelis and Palestinians residing in the West Bank are law-abiding. Moreover, ideologically-motivated offences committed against Palestinians are a small percentage of overall offences committed in the West Bank and also represent a small portion of specifically ideologically-motivated offences in the West Bank, as the majority of such offenses are committed by Palestinians

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<sup>1</sup> The term "price-tag" refers to the phenomena of acts of violence by certain Israeli extremists in the West Bank seeking "to exact a price" against Palestinians in response to IDF measures to remove illegal outposts or in response to Palestinian violence against settlers.

See also Noam (Dabul) Dvir *President Rivlin slams 'price tag' attack on mosque as terror*, YNet News (Oct. 14, 2014), available in <http://www.ynetnews.com/articles/0,7340,L-4580600,00.html>; Yoav Zitun, *Ya'alon: Price Tag is terror, perpetrators can expect zero tolerance*, YNet News (Aug. 1, 2014), available at <http://www.ynetnews.com/articles/0,7340,L-4474504,00.html>;

Oranit Etzer, *Minister: Outraged Yitzhar Rioters 'Unrestrained Criminals'*, Arutz Sheva (Aug. 4, 2014), available at: <http://www.israelnationalnews.com/News/News.aspx/179400>;

[Ariel Ben Solomon, Lahav Harkov, Netanyahu says 'Price Tag' attacks go against our values](#), Jerusalem Post, (Apr. 30, 2014), available at <http://www.jpost.com/National-News/Netanyahu-says-Price-Tag-attacks-go-against-our-values-350963>.

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against Israelis. Israel invests considerable law enforcement efforts to investigate alleged offences committed by Palestinians, including ideologically-based offences termed “security offences.”

**Cases Investigated by the Police Involving Allegations of Ideologically-based Offences  
Committed by Israelis and Palestinians (2013-2014)**

Year	Cases investigated by the Israel Police in the West Bank involving allegations of ideologically-based offences committed by Israelis	Cases investigated by the Judea and Samaria Police District involving allegations of offences committed by Palestinians
<b>2013</b>	497	5,079 (of these: 4,872 allegations of security offences - including 2,500 allegations of stone-throwing and 213 allegations of throwing Molotov cocktails)
<b>2014</b>	367	5,755 (of these: 5,425 allegations of security offences - including 2,578 allegations of stone-throwing and 283 allegations of throwing Molotov cocktails)

*Source: Israeli Police, January, 2015.*

**Law Enforcement Authorities**

The Israel Police operates in those areas of the West Bank remaining under Israeli control. It is responsible for investigating crimes committed in the West Bank, including offences committed by Israeli citizens. The Judea and Samaria Police District (hereinafter: the “District”) consists of 1,100 trained policemen, including police investigators who are fluent in Arabic. Given the importance the Israeli Government places on law enforcement in the West Bank, and the unique challenges associated with the complex legal and factual situation, in recent years, Israel has created special units and designated taskforces within the existing law enforcement authorities to bolster the effectiveness of law enforcement in the West Bank.

For example, in March 2013, the Nationalistic-Motivated Crimes Unit (hereinafter: NMCU), a special police unit, was established within the District for the purpose of policing ideologically-based offences and “price-tag” offences. This special unit currently employs 60 police officers (with an additional support team of approximately 20 auxiliary police officers). It is now operational and in its final stages of recruitment. The unit works in cooperation with other Israel Police units, the Israel Security Agency (hereinafter: “ISA”), the Israel Defense

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Forces (hereinafter: “IDF”) and the Ministry of Justice. The NMCU is responsible for investigating, collecting evidence, and gathering intelligence.

The NMCU within the Israel Police makes considerable efforts to prevent and investigate ideologically-based offences, and to prosecute perpetrators. Upon completion of an investigation, and based on the severity of the crimes involved, cases are transferred to the Prosecution Division of the Israel Police or the State Attorney’s Office.<sup>2</sup> When a sufficient evidentiary basis exists, indictments are issued. Since its foundation, the NMCU has conducted dozens of overt and covert investigations into potential areas of friction between Israelis and Palestinians and its intelligence-gathering capabilities have grown significantly.

In addition, there exists an inter-agency team tasked with overseeing the law enforcement of crimes related to incitement, violent uprisings, and ideological crimes in the West Bank. This team has worked for nearly two decades to improve inter-agency coordination and cooperation, and to monitor criminal proceedings against suspects and defendants of such offences. This team is headed by a Deputy State Attorney and includes representatives from the Office of the State’s Attorney, the ISA, the Police, and the IDF. Furthermore, the District also has a special desk within its Intelligence Department that is in charge of obtaining information regarding ideologically-based offences. As part of the measures taken to support security forces on the ground in their crime-prevention efforts in the West Bank, the District has an assigned Border Police Company at its disposal.

## **Investigation and Prosecution in the West Bank**

### **Complaints**

Complaints or information that gives rise to suspicion of a criminal offence are transferred to the relevant investigative police units in the District. Each police station in the District is staffed with an officer fluent in Arabic in order to ensure the proper handling of complaints from Palestinians. Besides the investigations prompted by specific complaints, the Israel Police initiates its own investigations based on intelligence collected about possible offences or threats.

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<sup>2</sup> The division of responsibilities between the State Attorney’s Office and the Prosecution Division of the Israel Police is based on the gravity of the offences. In general, the latter is authorized to prosecute misdemeanors (offences carrying a sentence of up to three years).

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**The Investigative Process**

As a general rule, regardless of the severity of the offence, whenever there exists a suspicion that an ideologically-based offence has occurred, a team made up of an investigator, a crime scene investigator, and a detective is called to the crime scene.

A number of practical difficulties can complicate the process of surveying a crime scene, collecting evidence, and obtaining witness testimonies to be used in court. First, immediate arrival at the crime scene is not always possible. For example, the entry into Area A or B of the West Bank requires security coordination with the Palestinian Authority and a military escort. Sometimes, entry to a specific area at a certain point in time is difficult due to violent demonstrations or other security risks. In addition, many complaints are filed only after a considerable amount of time has passed since the alleged offence occurred, which makes it challenging to obtain forensic and other evidence. In certain cases, there may also be reluctance, on the part of victims and witnesses, to cooperate with the Israel Police, which further complicates the investigative process. Notwithstanding these difficulties, the Israel Police takes its responsibilities seriously and ensures to undertake investigations that sufficiently fulfill its obligations, as evidenced in the figures presented in this document.

After the completion of the investigation process, additional difficulties may be encountered by the prosecution authorities, such as when the complainant fails to appear in court to testify which requires withdrawal of the indictment. Considerable efforts are being made in order to overcome, to the extent possible, some of these practical difficulties. For example, in order to facilitate Palestinian access to courts in Israel, the State provides transportation from Area A of the West Bank to courts in Israel.

In addition, District investigators undergo training exercises on how to maintain crime scenes and gather forensic evidence, including visual and other documentation. Similar training is provided to IDF soldiers and policemen from the Border Police. Moreover, the Israel Police conducts training exercises for Palestinian Police officers as part of its cooperation with the Palestinian Authority's Civil Police.

**The Use of Illegal Association Restrictions as a Legal Tool**

In order to facilitate investigation efforts by the authorities, on August 13, 2013, the Minister of Defense declared that any association of persons - unionized or not, including any group,

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cell, social partnership, section, or similar association - that uses the name “price-tag” or any other derivative with a similar meaning is an “illegal association” pursuant to Regulation 84 of the *Defense (Emergency) Regulations* of 1945. Under this classification, a “price-tag” offence can be regarded as a security-related offence that, in certain circumstances, allows for special law enforcement measures to be taken, subject to judicial review. Defining “price-tag” perpetrators as engaging in an “illegal association” attests to Israel’s unequivocal stance against these phenomena and, on the practical level, provides law enforcement and security services with appropriate measures to act against them.

**Prosecution**

Upon the completion of an investigation, a decision is made by a senior Israel Police officer whether to transfer the case to the prosecution authorities or to close it. If the case is transferred to the prosecuting authorities, after reviewing the evidence gathered, it is for the prosecution to decide whether there is a sufficient basis to file an indictment - *e.g.*, sufficient evidence to establish a reasonable basis for conviction.

The decision to close a case is made in accordance with applicable laws and guidelines, upon a determination, for example, that there is insufficient evidence or that there is no public interest in pursuing the case. Unlike other districts where an Israel Police officer of the rank of Chief Inspector may be authorized to close a case, in cases of ideologically-based offences handled by the District, only the State Attorney’s Office or the Head of the Prosecution Division of the Israel Police is authorized to close a case. The exception to this rule is where the perpetrator of the alleged crime is unknown, in which case a senior investigator of the rank of Chief Superintendent is authorized to close the case. In any event, any decision to close a case can be appealed to the Attorney General, whose decision can be further reviewed by means of direct petition to the Supreme Court of Israel, sitting as the High Court of Justice.

**Judea and Samaria District - Police Cases Regarding Allegations of Ideologically-Based Offences Committed by Israelis**

Overall, in 2013, out of the 497 cases that were investigated in the District (based on complaints and self-initiated investigations) involving allegations of ideologically-based offences committed by Israelis, 94 indictments were filed (19%), 51 cases are still being investigated, 101 cases were closed due to lack of sufficient evidence, 13 additional cases

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were closed for lack of public interest and two for other reasons and 236 cases were closed due to unknown perpetrators.<sup>3</sup>

Of the 497 cases investigated in 2013, 236 were based on complaints submitted by Palestinians in the District. Of these, 15 indictments were filed, 16 cases are still being investigated, 31 cases were closed due to lack of sufficient evidence, one case was closed for other reasons and 173 cases were closed due to unknown perpetrators. The remaining cases are based on Police-initiated investigative measures.

In 2014, 367 complaints were investigated by Israel Police in the District involving allegations of ideologically-based offences committed by Israelis. Of this number, 58 indictments were filed (16%), 92 cases are still being investigated, 36 cases were closed due to lack of evidence, and 176 cases were closed due to unknown perpetrators.

Of the 367 complaints investigated in 2014, 162 were based on complaints submitted by Palestinians. From this total, 12 indictments were filed, 25 cases are still pending, 7 cases were closed due to lack of evidence, and 117 cases were closed due to unknown perpetrators.

Police Cases	2013	2014
Indictments Filed	94 (19%)	58 (16%)
Open Cases	51 (10%)	92 (25%)
Closed – Lack of Evidence	101 (20%)	36 (10%)
Closed – Not in the Public Interest	13	4
Closed – Other	2	1
Unknown Perpetrator	236 (47%)	176 (48%)
<b>Sum</b>	<b>497</b>	<b>367</b>

*Source: Israeli Police, January, 2015.*

In 2013, the cases opened by the Police concerning Israeli suspects included 159 allegations of offences against property (including 113 allegations of malicious damage to property, 20

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<sup>3</sup> With respect to a large volume of complaints received by Israeli Police, the identity of the perpetrator is unknown. This is true with respect to ideologically motivated offences against both Palestinians and Israelis. For the sake of comparison, in 2013, of the 5,079 cases investigated by the Judea and Samaria Police District involving allegations of offences presumably committed by Palestinians, in 1,547 cases the identity of the perpetrator was unknown. Of the 5,755 cases investigated by the Judea and Samaria Police District involving alleged offences presumably committed by Palestinians in 2014, in 1,846 cases the identity of the perpetrator was unknown.

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allegations of ideologically-motivated arson, and 10 allegations of arson); 125 allegations of offences against public order; 83 allegations of security offences; 75 allegations of bodily harm (including 68 allegations of assault and 5 allegations of assaulting a public servant), 50 allegations concerning other offences against human life and two allegations of nationally motivated stones-throwing.<sup>4</sup>

The 2014 cases included 105 allegations of offences against property (including 79 allegations of malicious damage to property, 13 allegations of nationally motivated arson and 5 allegations of arson); 130 allegations of offences against public order; 52 allegations of security offences; 41 allegations of bodily harm (including 34 allegations of assault), 30 allegations concerning other offences against human life and six allegations concerning of nationally-motivated stones throwing.

Alleged Offences	2013	2014
Offences against Property	159	105
Offences against Public Order	125	130
Security Offences	83	52
Bodily Harm	75	41
Endangering People on a Traffic Route and Stone-Throwing	52	36
Other	3	3
	<b>497</b>	<b>367</b>

*Source: Israeli Police, January, 2015.*

The figures above indicate a decrease in the number of complaints filed by Palestinians (from 236 complaints in 2013 to 162 complaints in 2014) and an increase in the number of indictments relative to those complaints. The data above indicates that the number of cases that were closed due to lack of evidence in 2014 decreased by 50% in comparison with those closed for the same reason in 2013. The numbers reflect the efforts and resources invested by the Police to investigate complaints filed by Palestinians.

In 2014, the State Attorney's Office relied more actively on Section 144F of the *Penal Law* 5737-1977, which addresses crimes involving the aggravating circumstances of racial motivation or enmity against a certain public. Under this Section of the *Penal Law*, convicting a defendant of crimes committed under such aggravating circumstances may lead to doubling

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<sup>4</sup> Events of stone-throwing by Israelis at security forces are included in a separate category.

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the penalty for offences that are punishable by less than 10 years imprisonment.<sup>5</sup> A comparison between 2013 and 2014 shows a considerable increase in 2014 in the number of indictments charging Israeli defendants with offences involving the aggravating circumstance of a racial motivation. While in 2013, four indictments were filed against Israeli citizens attributed with having committed ideologically-based offences against Palestinians, that number rose to 11 indictments in 2014.

**Recent Examples of Criminal Cases Involving Ideologically Based Offences in the West Bank**

1. On October 20, 2014, an indictment was filed in the Petah Tikva Magistrate Court (Cr.C. 29686-10-14) against two Israelis, Dor Ovad and Oleg Klimakovic, alleging that on October 11, 2014, the defendants were involved in a violent attack against Palestinians during the olive harvest. The attack allegedly occurred within an area that had been declared a Closed Military Zone<sup>6</sup> in the village of Kfar Yusuf. The defendants were later allegedly involved in a physical altercation with security forces that were called to the scene. The defendants were charged, *inter alia*, with assault causing actual bodily harm based on racial motivation, malicious damage to property based on racial motivation, violation of a lawful order and assaulting and obstructing a public servant. The case is still pending and the defendants have been remanded in custody until the conclusion of proceedings.<sup>7</sup>
2. On July 20, 2014, two indictments were filed in the Jerusalem District Court (Cr.C. 38225-07-14) against three Israelis: Adiv Asraf, Yosef Idan Shirazi, and Eliran Nahum. The indictments alleged that the defendants conspired, on several occasions between June 21 and 24, 2014, to commit what is known as a “price-tag” offence. The defendants allegedly spray-painted racial slurs in several locations in Ma’ale Adumim. They also allegedly obtained batons and waited with the hope of attacking Palestinian by-passers at an entrance to Ma’ale Adumim. The defendants were charged with defacing real-estate based on racial motivation and with publication of racist incitement. Asraf and Nahum were also charged with attempted assault based on racial

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<sup>5</sup> *Penal Law, 5737-1977*, Section 144F(b).

<sup>6</sup> For more information on Closed Military Zones, see *infra* “Prevention of Criminal Activity.”

<sup>7</sup> Cr.C. (Petah Tikva) 29686-10-14 **State of Israel v. Oved and Klimakovic** (Still Pending).

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motivation.<sup>8</sup> The case is still pending. One of the defendants, Shirazi, has been remanded to custody until the conclusion of proceedings in another case.

3. On February 5, 2014, two indictments were filed in the Central District Court, against three Israelis -- one against Yehuda Landsberg and Yehuda Savir (Cr.C. 8751-02-14), and another against Benjamin Richter (Cr.C. 8718-02-14). According to the indictments, the defendants embarked on arson and destruction activities during the night of November 18, 2013. The defendants' actions, aimed at Palestinian residents in Pura'ta and other villages, were intended to destroy local Palestinian property. The defendants were charged with conspiracy to commit a crime based on racial motivation, arson and attempted arson, defacing real-estate based on racial motivation, and attempt to commit malicious damage based on racial motivation. Richter allegedly violated the terms of his house arrest and was therefore also charged with violation of a lawful order. As part of a plea bargain, on November 30, 2014, the Central District Court convicted Landsberg and Savir of conspiracy to commit a crime based on racial motivation, defacing real-estate based on racial motivation, and arson. On December 21, 2014, the Court sentenced Landsberg and Savir to 30 months imprisonment, a 12-month suspended sentence for a period of three years, and payment of compensation to the complainant in the sum of 15,000 NIS.<sup>9</sup>

Also as part of a plea bargain, the third defendant, Richter, was convicted on December 25, 2014, of conspiracy to commit a crime based on racial motivation, defacing real-estate based on racial motivation, arson, and violation of a lawful order. On February 4, 2015, the Court sentenced Richter to 36 months imprisonment, a 12-month suspended sentence for a period of three years, and ordered him to pay compensation to the complainant in the sum of 15,000 NIS.<sup>10</sup>

The court noted that the Israeli legislature intended to express the severity of offences based on racial motivation because these offences “undermine the foundations of law and the democratic essence of the State of Israel.”<sup>11</sup>

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<sup>8</sup> Cr.C. (Jer) 38225-07-14 **State of Israel v. Asraf** (Still Pending); Cr.C. (Jer) 38265-07-14 **State of Israel v. Nachum** (Still Pending).

<sup>9</sup> Cr.C. (Central) 8751-02-14 **State of Israel v. Landsberg**.

<sup>10</sup> Cr.C. (Central) 8718-02-14 **State of Israel v. Richter**.

<sup>11</sup> *Id.*, at ¶ 23.

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The court referred to memoranda it had received from the Ministry of Foreign Affairs and the ISA and stated that they demonstrate:

"the enormous damage of these offenses, and their contribution to the deterioration of the relationship between Israel and the Palestinians, the nurturing of continued hostility between the conflicting sides, as well as the status of Israel in the international community".<sup>12</sup>

4. On March 8, 2013, an indictment was filed in the Jerusalem Magistrate Court (Cr.C. 16277-03-13), against Dor Ovad, an Israeli, alleging that on March 4, 2013, near Shiloh, the defendant damaged and spray-painted racial slurs on vehicles belonging to Palestinians. After the Police arrived at the scene, the defendant allegedly tried to resist arrest; a search revealed that he was in possession of two knives, a brass knuckle and tear gas. On December 26, 2013, pursuant to a plea bargain, the Jerusalem Magistrate Court convicted him of the offences of malicious damage based on racial motivation, interference in the performance of police duty, and unlawful possession of a knife and brass knuckles. The Court sentenced him to 12 months' imprisonment (which included a previous suspended sentence) and a six-month suspended sentence for a period of three years.<sup>13</sup>

## **Prevention of Criminal Activity**

In addition to investigating and prosecuting perpetrators, Israeli authorities take extensive measures to deter and prevent ideologically-based offences, based on intelligence information. These efforts include administrative measures, such as orders denying certain Israeli nationals access to various areas in the West Bank. In 2014, 13 administrative restraining orders were issued. In 2013, 19 such orders were issued. In past years, the Supreme Court of Israel, sitting as the High Court of Justice, denied several petitions challenging the legality of such orders filed by Israeli nationals who were the subject of these orders. The Court held that while these administrative orders infringed upon certain individual rights, in weighing the balance between these rights and security concerns, the orders were necessary to maintain law and order in the West Bank.<sup>14</sup>

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<sup>12</sup> *Id.*, at ¶ 23.

<sup>13</sup> Cr.C. (Jer) 16277-03-13 **State of Israel v. Oved** (Dec. 26, 2013).

<sup>14</sup> See, for example, H.C.J. 4101/10 **Akiva Hacohen v. the Commander of the IDF Forces in Judea and Samaria** at ¶¶ 19-22 (July 1, 2010); H.C.J. 1052/05 **Federman v. The Commander of the Central District**

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In addition, the Military Commander of IDF Forces in the West Bank is authorized to declare a specific area as a Closed Military Zone if necessary in order to protect public order and security.<sup>15</sup> This Order may be applied, as required, to Israelis, Palestinians, or both. The South Hebron Hills region, certain places in the Valley of Shiloh, and other locations have been declared Closed Military Zones because the Military Commander has deemed them as friction sites prone to ideologically-based offences.

Furthermore, at the end of 2011, the Ministry of Education ordered the closure of the *Dorshei Yehudecha* yeshiva high school in Yitzhar due to the involvement of both students and staff in acts of violence against Palestinian civilians and Israeli security forces. The Ministry of Education also decided to cut financial support to the Yeshiva *Od Yosef Chai* for similar reasons.<sup>16</sup> During 2014, the Military Commander of IDF Forces in the West Bank seized and took hold of the Od Yosef Chai Yeshiva, enabling the IDF to control a major center for “price-tag” offences and other violent activities. Subsequently, there has been a significant reduction in “price-tag” offences in the West Bank.

Israeli authorities have also continued their substantial efforts to prevent criminal acts against Palestinians during the annual olive harvest in the West Bank.<sup>17</sup> The olive harvest is considered by the Military Commander to be a major annual occurrence. Thus, the IDF takes measures to provide security arrangements for the harvest, *inter alia*, by issuing injunctions, providing soldiers with specific instructions and training, coordinating meetings and maintaining regular dialogue with certain human rights organizations. In the past, military and police personnel conducted field visits in advance of the harvest in order to locate potential areas of friction. The IDF also prevented access of Israelis to certain areas, reinforced military and police forces before and during the olive harvesting season and provided security forces to accompany workers in certain places where there was substantial potential for disturbances in agricultural activity due to land ownership disputes.

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(Feb. 23, 2005); H.C.J. 7772/05 **Adler et. al. v. Major General Yair Naveh et. al.** (Aug. 23, 2005); H.C.J. 7191/06 **Albert v. the Commander of the IDF Forces in Judea and Samaria, Major General Yair Nave et. al.** (Dec. 5, 2006); H.C.J. 7489/06 **Gruner v. the Commander of the IDF Forces in Judea and Samaria et. al.** (Nov. 13, 2006).

<sup>15</sup> Article 90 of Decree of Security Provisions, *Security Provisions Order [Consolidated Version] (Judea and Samaria)*.

<sup>16</sup> Chaim Levinson, *Ministry closes Yitzhar school over violent attacks*, Haaretz (Nov. 2 2011), available at [www.haaretz.com/print-edition/news/ministry-closes-yitzhar-school-over-violent-attacks-1.393217](http://www.haaretz.com/print-edition/news/ministry-closes-yitzhar-school-over-violent-attacks-1.393217).

<sup>17</sup> *See Olive Harvest in Judea and Samaria*, Military Advocate General’s Corps (Sept. 5, 2012), available at <http://www.law.idf.il/163-5247-he/Patzar.aspx?pos=53> (in Hebrew)

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## **Law Enforcement against Ideologically Based Offences in Israel**

As described above, Israel has made a concerted effort to improve law enforcement in the West Bank and to put a stop to “price-tag” offences in the West Bank. Unfortunately, the recent deterioration in the security situation has resulted in a volatile environment that has contributed to the increase of ideologically-based offences within Israel. Both Jews and Arabs have been the victims of these despicable offences. One of the most egregious recent examples was the kidnapping and murder of a sixteen-year-old Palestinian, Muhammed Abu Khdeir as claimed “revenge” for the abduction and murder of three Israeli teenagers by Hamas terrorists in June 2014. Following an intensive investigation of Abu Khdeir's murder by the Police, the State filed an indictment in the Jerusalem District Court against three Israelis, two of them minors.<sup>18</sup> All three defendants are currently in custody and the next hearing is scheduled for June 2015.

## **Prosecution of Ideologically-Based Offences which Took Place in Israel**

In response to the growing phenomenon of ideologically-based offences, Israel has adopted a more stringent enforcement policy. As mentioned above, the State Attorney's Office has increased the number of indictments charging defendants with offences under the aggravating circumstances of racial motivation or enmity against a certain group. Subsequently, prosecution rates of such offenses in Israel grew in 2014. A total of 27 indictments charging defendants with offences under the aggravating circumstances of racial motivation were filed in 2014. By way of comparison, 12 such indictments were issued in 2013. These cases include ideologically-based offences against Jews, Arabs, and Eritreans, with an almost equal number of Jewish and Arab defendants charged.

The following are some recent examples of charges filed against Israelis for ideologically motivated offences against Arabs in Israel:

1. On May 26, 2014, an indictment was filed in the Nazareth Juvenile District Court (Cr. C. 47655-05-14) against three Israeli minors who are residents of the West Bank. According to the indictment, on the night of April 3, 2014, the defendants arrived at Gush Halav, an Arab village in northern Israel, where they punctured tires and spray-

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<sup>18</sup> For detailed information on this case, see Criminal Proceedings in the Murder of Mohammad Abu-Khdeir, State of Israel, Ministry of Justice, The Legal Counseling and Legislation Department (International Law) (Jan. 29, 2015), available at <http://index.justice.gov.il/Units/InternationalAgreements/InternationalRelations/Faq/Criminal%20Proceedings%20in%20the%20Murder%20Case%20of%20Mohammad%20Abu-Khdeir.pdf>.

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painted vehicles. Their actions resulted in damage to 44 vehicles. In addition, the defendants spray-painted racist slogans and graffiti on the walls of a residential home. The defendants were indicted with malicious damage to vehicles and defacing real-estate based on racial motivation.<sup>19</sup> The case is pending.

2. On January 22, 2015, an indictment was filed in the Jerusalem Juvenile District Court (Cr.C.11626-06-14) against three Israeli defendants who are residents of the West Bank. According to the first charge, the defendants uploaded a video to YouTube that encouraged the assault of security forces. Based on this action, the defendants were charged with incitement to violence. According to the second charge, on the night of June 16, 2013, the defendants punctured the tires of 34 vehicles and spray-painted graffiti calling for “death to the Arabs” in the predominantly Arab village of Abu Ghosh. The defendants were charged with defacing real-estate, publication of racist incitement, and malicious damage to vehicles based on racial motivation.<sup>20</sup> The case is pending.

## **Conclusion**

Israel is fully committed to fighting racist and ideologically-based violence, including against Palestinians. Israel has implemented, and continues to implement, its policies of upholding law enforcement in the West Bank and in Israel. These efforts are based on Israel’s respect for the fundamental principles of democracy and the rule of law. The comprehensive efforts made by law enforcement authorities attest to Israel's commitment. Thus far, these efforts have proven to be successful in containing ideologically-based offences against Palestinians in the West Bank. Israel is committed to continuing its efforts on this front by investigating and prosecuting alleged offences, with the hope of preventing further offences in the future.

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<sup>19</sup> Cr.C. (Nazareth) 47655-05-14 **State of Israel v. Anonymous et. al.** (Still Pending).

<sup>20</sup> Cr.C. (Jer) 11626-06-14 **State of Israel v. Anonymous et. al.** (Still Pending).