

בצלם - מרכז המידע הישראלי לזכויות האדם בשטחים (ע.ר.)

مركز المعلومات الإسرائيلي لحقوق الإنسان في الأراضي المحتلة-بتسيلم

B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories

18 January 2010

Maj. Gen. Avi Mizrahi
OC Central Command
By registered mail and fax (02-5305741)

Maj. Gen. Avichai Mandelblit
Judge Advocate General
By registered mail and fax (03-5694526)

Dear Sirs,

Re: **Statements and conduct of IDF officer in Deir Nidham**

I am writing regarding grave statements made by a first lieutenant on how he perceives his function in the Occupied Territories and his view of B'Tselem's activity. Despite an explicit request, the officer refused to identify himself, so we are unable to provide his name. A lieutenant colonel at the scene who was asked to order his subordinate to identify himself blatantly ignored the request.

The first lieutenant was recorded on video by B'Tselem activists making the comments on 15 December 2009 in Deir Nidham, a village north of Ramallah, while settlers were preventing Palestinian farmers from planting olive trees on their land. Soldiers at the scene did nothing to prevent the harm to the Palestinians. Rather, they closed the area to all civilians, Palestinians and settlers. Regarding this incident, we wrote more than a week ago to Lt. Col. Sigal Mishal-Shori, judge advocate for operational matters, demanding that the matter be investigated, but have not yet received a response.

In the video, the officer is seen treating Palestinians rudely, and ordering them to leave the site. For example, he tells one of them, "You want a mess? You don't want to do it quietly? So take your people and get down there" [away from the site]. The officer also prohibited a Palestinian

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fieldworker of B'Tselem to film the events from a high spot, and threatened that, if he didn't move, he would break his camera. On the other hand, he treated the settlers who were assaulting the Palestinians in a friendly manner. They moved about freely and surrounded the officer while he spoke to the camera, encouraging him. The resulting overall impression is that rather than trying to handle the situation fairly, the officer was operating on behalf of the settlers.

This claim is reinforced by the officer's comments on his view of his role in the situation and on his thoughts about Israeli activists who were present. When a B'Tselem worker asked whether he did not consider it part of his job to protect the Palestinian residents, he replied: "No, what are you talking about? My job is to protect my people, not like you, who betray them. My job is to protect my people. You should be ashamed of yourselves. Go back to your coffee shops in North Tel Aviv." When one of the Israeli activists asked the officer to look over to where the settlers were damaging the Palestinians' trees and stop them, the officer replied, "That's your job, isn't it? My job is to protect these houses (pointing to the settlement), to protect the people who live there. That's my job." The officer called one of the Israeli activists a "traitor" and added that the penalty in Israel for treason is death.

The video documenting the events is attached.

On 10 January 2010, some of the officer's remarks were broadcast on Channel 10, as part of a report on settlers' attacks on Palestinians. In response to the report, the IDF Spokesperson said that the officer's conduct violated the army's values. The response is insufficient, given the severity of the remarks made by an officer in uniform. The argument that it is not the army's function to protect the Palestinians, and that the officer's role is to protect only the settlers, completely contradicts international humanitarian law, High Court of Justice judgments, and the conclusions of various commissions, among them those headed by Yehudit Karp and Meir Shamgar. The army's duty to ensure the well-being and safety of Palestinian residents of the Occupied Territories is no longer disputed, and state officials have repeatedly stated that the army acts accordingly.

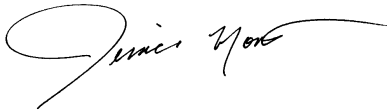
Following conversations I have held with each of you, I know that you agree with the above-stated duty of the army, and that we have no dispute on this point. However, this case provides yet another example of how orders issued by the senior command do not always reach the officers and soldiers serving the field.

The officer's comments are not a purely academic or theoretical issue. This officer commands soldiers serving in the West Bank, and it is his responsibility to ensure that soldiers under his command comply with the law. Since it is obvious that he does not have a clear understanding of his obligations toward the Palestinians living in the West Bank, there is room for concern that the commands he gives his soldiers do not comport with the army's obligations. As a result, his positions have practical and dangerous implications that may even result in loss of life.

Therefore, we demand that measures be taken immediately against the officer and that they reflect the severity of his comments and his choice not to protect Palestinians from settler violence. In addition, it must be made clear to all soldiers serving in the Occupied Territories, primarily to officers responsible for the manner in which soldiers carry out their tasks, that they have the obligation to protect the well-being and safety of the Palestinian residents.

Your prompt attention would be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica Montell", with a long, sweeping horizontal flourish extending to the right.

Jessica Montell
Executive Director