

**Article 15 Submission to the Office of the Prosecutor of the
International Criminal Court:**

**Evidence and Analysis of Rome Statute Crimes Committed
by Israeli Defense Forces Netzah Yehuda Battalion and
Commanders, Lt. Col. Mati Shevach and Lt. Col. Shlomo Sheeran
in the State of Palestine
Between 2015 and 2022**

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under review – Lt. Col. Mati Shevach and Lt. Col. Shlomo Sheeran – should be considered to have command responsibility for the actions of their soldiers, and therefore responsible for war crimes related to their positions (Article 28).

In the case of the killing of Omar Assad, battalion soldiers should be investigated for violation of the following articles of the [Rome Statute](#): Article 8 (2) (a) (i), the war crime of wilful killing; Article 8 (2) (a) (ii)-1, the war crime of torture; Article 8 (2) (a) (ii)-2, the war crime of inhuman treatment; Article 8 (2) (a) (iii), the war crime of causing great suffering; and Article 8 (2) (a) (vii)-2, the war crime of unlawful confinement. The soldiers who killed two Palestinian civilians during this period – Qassem Abbasi and Iyad Zakariya Hamed – should be investigated for the war crime of wilful killing.

For the other cases involving Netzah Yehuda soldiers documented by DAWN, the war crimes of torture, inhuman treatment, wilfully causing great suffering and unlawful confinement should all be investigated. In none of those cases were soldiers held criminally liable for the crimes detailed above, and. In the rare cases when soldiers were indicted, they faced lesser charges related to operational procedures rather than the primary crime.

The commanders of the Netzah Yehuda Battalion during the period under review – Lt. Col. Mati Shevach and Lt. Col. Shlomo Sheeran – also should be investigated for violating Article 28 of the [Rome Statute](#). Article 28 concerns the responsibility of commanders, and stipulates that:

“A military commander or person effectively acting as a military commander shall be criminally responsible for crimes within the jurisdiction of the Court committed by forces under his or her effective command and control, or effective authority and control as the case may be, as a result of his or her failure to exercise control properly over such forces, where:

- (a) That military commander or person either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes; and

(b) That military commander or person failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.”

Given the number of incidents of war crimes, the facts demonstrate that Netzah Yehuda commanders did not take necessary and reasonable measures to ensure that battalion soldiers did not engage in criminal activity, while the lack of criminal prosecutions and sanctions against the soldiers demonstrate that the Israeli military is unwilling or unable to genuinely investigate and punish soldiers in the unit.

With this preponderance of evidence, ICC investigators should investigate the actions of the Netzah Yehuda Battalion.

1. Medical Examiner's Report
2. Doctor's statement
3. Petition against IDF in case of blindfolding (2019)
4. State response to blindfolding case (2019)