

**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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## **Netzah Yehuda Battalion (formerly known as Nahal Haredi)**

97th Netzah Yehuda Battalion, 900th Kfir Brigade, 340th Idan Armored Division,  
Central Regional Command

### **SUMMARY**

The 97th Netzah Yehuda Battalion (גדוד נצח יהודה), [previously](#) known as Nahal Haredi, is a battalion in the Kfir Brigade of the Israel Defense Forces (IDF), within the IDF Central Command, that has committed gross violations of human rights and war crimes against Palestinians in the occupied West Bank between 2015 and 2022, the period investigated by Democracy for the Arab World Now (DAWN).

Between 2015 and 2022, the battalion has been involved in a number of grave incidents involving abuses of Palestinian civilians, including shooting and killing unarmed civilians, torture, physical assault, beating, and sexual assault, in violation of international human rights law and international humanitarian law. During this period, soldiers from the unit killed three Palestinians - Iyad Zakariya Hamed (38), Qassem Abbasi (16) and Palestinian-American Omar Assad (78) - in incidents in which soldiers used lethal force against unarmed civilians without justification. In almost every case (as documented below), soldiers were found to be lying or covering up the incidents to suggest that they were acting in self-defense.

The Netzah Yehuda Battalion has violated international humanitarian law (IHL) in its treatment of Palestinian civilians, who are protected under the law of occupation, as well as international human rights law (IHRL). IHL requires Israeli forces in the occupied Palestinian territory to protect Palestinian civilians and treat them humanely in all circumstances, as detailed below. International human rights law also requires Israeli authorities to respect the human rights of Palestinians, and bars arbitrary killing, torture, and abuse. Specifically, [Article 7](#) of the International Covenant on Civil and Political Rights prohibits subjecting any individual to “torture or to cruel, inhuman or degrading treatment or punishment,” while Article 10 demands that anyone “deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

The Netzah Yehuda battalion had two commanders in the period under review in this investigation. Lt. Col. Mati Shevach served as the commander of the Netzah Yehuda from July 2020 to August 2022, when Lt. Col. Shlomo Sheeran was appointed its commander. Military commanders are culpable for the actions of their subordinates under the [doctrine of](#)

[command or superior responsibility](#). This doctrine makes commanders criminally responsible for the crimes of their subordinates because of the superior-subordinate relationship with the perpetrators, either because they knew or had reason to know that these crimes had been committed or were about to be committed, and despite this knowledge, willfully failed to prevent or punish these crimes. The doctrine of [command responsibility](#) is part of customary international law. Lt. Col. Shevach and Lt. Col. Sheeran should therefore be held liable for the crimes of the battalion.

The Israeli government has failed to hold individual soldiers of the Netzah Yehuda battalion meaningfully accountable for the grave crimes in which they have been implicated, contributing to a broader culture of impunity and widespread and systematic abuses in the Israeli military. It is illegal under Israeli law to publish the names of soldiers under investigation, but gag orders and other restrictions almost always remain even after a conviction. As documented below, between 2015 and 2022 numerous soldiers from the battalion have committed killings, beatings, physical and sexual torture and abuse, usually in violation of Israeli military laws and regulations. While the Israeli Military Police has investigated some of these incidents, any punitive measures imposed have largely not fit the crimes, and have not changed the culture of the unit as evidenced by ongoing documented abuses and killings.

There is no evidence that Israel has held the unit's commanders meaningfully accountable in any way, except for the reprimand and demotion of an unnamed commander in connection with the murder of Palestinian-American Omar Assad. Indeed, given the numerous abuses committed over the years, there appears to be a culture of impunity that empowers the perpetrators and effectively encourages others to commit grave crimes. Instead, the Israeli military has [promoted](#) at least two of the commanders of the unit to higher positions, including Lt. Col. Mati Shevach, the commander of the unit at the time of the killing of Omar Assad, who was promoted to the position of Deputy Commander of the Kfir Brigade.

In light of the persistent failure of domestic accountability for grave abuses, the international community should act urgently to impose some measure of accountability by sanctioning the Israeli military units and other security forces responsible for grave abuses. The International Criminal Court should investigate the battalion and its commanders for their commission of war crimes as part of its ongoing investigation into the Situation in Palestine.

Netzah Yehuda Battalion soldiers and commanders should be investigated for violating a number of war crimes as defined by the [Rome Statute](#) (Article 8). The Israeli occupation of the West Bank means that the actions of soldiers are subject to the laws governing international armed conflict and occupation. The actions of the soldiers in each of the incidents documented by DAWN meet the standards of elements of a number of war crimes. Additionally, the commanders of the Netzah Yehuda Battalion during the period under review, Lt. Col. Mati Shevach and Lt. Col. Shlomo Sheeran, have command responsibility for the actions of their soldiers, and therefore in the commission of war crimes (Article 28).

## BACKGROUND ABOUT THE NETZAH YEHUDA BATTALION

The IDF created the Netzah Yehuda Battalion in 1999 to allow Haredi Orthodox Jewish men, most of whom are exempt from military service, to be drafted into a combat unit. To that end, the military designed the unit to accommodate their religious and social convictions, including various religious dietary regulations, and by not permitting women and non-Jews to serve in the unit. The battalion is [led](#) by Lt. Col. Shlomo Sheeran, who assumed [command](#) in August 2022. The previous commander, Lt. Col. Mati Shevach, led the unit from July 2020 to August 2022. According to the website of the [Netzah Yehuda Association](#), a US-based organization that provides material support to the soldiers in the battalion, the unit operates in the Ramallah and Jenin areas of the West Bank, in the Occupied Palestinian Territory. In November 2022, it was [reported](#) that the battalion was beginning a training deployment to the Jordan Valley area of the occupied West Bank after several months of operational deployment in the Ramallah area. In August 2022, Lt. Col. Shevach was [promoted](#) to the position of Deputy Commander of the Kfir Brigade, to which Netzah Yehuda belongs.

There is a close relationship between the Netzah Yehuda Battalion and the settler movement, which has been reported by Israeli media, as well as acknowledged openly by Israeli politicians. [According](#) to an Israeli defense official, settlers “view on the ground is that this battalion belongs to them, that it’s a force that works for the settlement enterprise.” In January 2022, MK Bezalel Smotrich, leader of the Religious Zionism Party, who has repeatedly defended the actions of the unit, posted on [social media](#), “As a settler, I’m telling you that the residents [settlers] are happy every time that Netzah Yehuda is deployed in their sector.” Unlike other Israeli battalions, Netzah Yehuda seems to have a religious nationalist ideology that matches the settlement movement, making it a challenge to take punitive measures

against soldiers for human rights violations against Palestinians, even when Israeli army leadership has recognized this phenomenon.

The repeated human rights violations and abuses by soldiers from Netzah Yehuda, particularly in the wake of the death of Assad, has led to a growing call from Israeli [journalists and editorial boards](#) – and even within the Israeli military itself - for the unit to be disbanded. In the first of three op-eds in the space of a week, a *Haaretz* [editorial](#), “Israeli Military Chief’s Test: Disband Violent IDF Brigade, or Be Partner in Crime,” on February 1, 2022 openly called on the IDF Chief of Staff, Aviv Kochavi, to disband the Netzah Yehuda. The next day, *Haaretz* columnist Yigal Levy published his own [opinion](#), “Time to Do Away With the Netzah Yehuda Battalion,” putting the battalion into a broader context of religio-political, right-wing violence: “This political-religious battalion stands out not only for its cruelty to Palestinians, but also with other displays of its violent impulses...” Then, a week, later on February 9, 2022, a lengthy [article](#) by Yaniv Kubovich, “Lies, Violence and Far-right Ideology: The West Bank Militia Formed Inside the Israeli Army,” again in *Haaretz*, went further and alleged the battalion was effectively acting as an independent militia, akin to the notorious Phalangist militia in southern Lebanon that committed war crimes and massacres in service to Israel during its 1982 invasion and occupation of Lebanon. The most recent call for the dissolution of the unit came on August 24, 2022, the same day that the Israeli military suspended four battalion soldiers after being caught on video beating two Palestinians; Israeli Minister for Diaspora Affairs, Nahman Shai (who was a military spokesperson from 1988 to 1991), [called](#) for the unit “to be disbanded.”

## INTERNATIONAL LAW STANDARDS

International humanitarian law (IHL) requires Israeli forces in the occupied Palestinian territory to protect Palestinian civilians and treat them humanely in all circumstances, as specified in [Article 27](#) of the Fourth Geneva Conventions (1949). Article 75 of the Additional Protocol I (1977) [specifies](#) that:

2. The following acts are and shall remain prohibited at any time and in any place whatsoever, whether committed by civilian or by military agents:

- (a) violence to the life, health, or physical or mental well-being of persons, in particular:
  - (i) murder;
  - (ii) torture of all kinds, whether physical or mental;
  - (iii) corporal punishment; and
  - (iv) mutilation;
- (b) outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault;
- (c) the taking of hostages;
- (d) collective punishments; and
- (e) threats to commit any of the foregoing acts.

Article 75 also extends all the protections of the Article to anyone who may be detained by the Occupying Forces. While Israel has ratified the Geneva Conventions, it has not ratified Additional Protocol I. However, in its 2004 Advisory Opinion on the “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,” the International Court of Justice [reaffirmed](#) “the applicability of the Fourth Geneva Convention’ as well as Additional Protocol 1 to the Geneva Conventions to the Occupied Palestinian Territory, including East Jerusalem.” Furthermore, most of the violations and crimes documented in this report are [considered](#) part of customary international law.

In addition to IHL, international human rights law requires Israeli authorities to respect the human rights of Palestinians, and bars arbitrary killing, torture, and abuse. Specifically, [Article 7](#) of the International Covenant on Civil and Political Rights, which Israel has ratified, prohibits subjecting any individual to “torture or to cruel, inhuman or degrading treatment or punishment,” while Article 10 demands that anyone “deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” International human rights law also [limits the intentional lethal use of firearms](#) – shooting to kill – to circumstances in which it is strictly necessary to protect life, and in which no other, less extreme, option is viable. The Convention Against Torture, which Israel also has ratified, also prohibits torture and cruel, inhuman and degrading treatment.

## KILLING OF OMAR ASSAD

In the early morning hours of January 12, 2022, soldiers from the Netzah Yehuda battalion detained 78-year-old Palestinian-American Omar Assad as they operated a makeshift checkpoint in the center of Jiljiliya village. Jiljiliya, approximately 8 miles northeast of Ramallah, rarely sees Israeli military operations, according to Assad's brother, who like Omar is a resident of the village, who spoke to DAWN in September 2022. That morning, soldiers forced Assad out of his vehicle and took him to the courtyard of a house under construction about 100 meters from the intersection where they stopped him. The soldiers left him bound, gagged, blindfolded, and exposed to the elements on a cold night.

An initial Israeli military [report](#) indicated that Assad was detained because he was not carrying his ID papers. Assad only possessed a US passport; Israel had been holding up the process of the Palestinian Authority issuing him identity papers. However, according to the military report, soldiers made no effort to verify his identity or otherwise investigate him. There were other men also detained at the same location that morning all of whom were blindfolded. According to one of the detainees, soldiers did not subsequently interrogate any of the detainees but simply left them to sit and wait, blindfolded, bound, and – in Assad's case - gagged.

More than an hour later, after the soldiers departed, some of the other detained men found Assad lying on the ground unconscious, still bound, gagged and blindfolded. One of the men called the village physician, Dr. Islam Abu Zaher, to come to Assad's aid. In his report, Dr. Abu Zaher described finding Assad "down on his face and tied by his hands and his eyes covered, no pulse, no respiratory activity, not responding". After trying to resuscitate Mr. Assad for approximately 30 minutes with both CPR and a defibrillator, Dr. Abu Zaher pronounced him dead. According to a statement by the Israeli military in response to the news of Assad's demise, the 78-year-old "was apprehended after resisting a check."

According to [eyewitnesses](#), "[Assad] was held for more than an hour with a cloth tied around his eyes and a gag over his mouth." An autopsy subsequently determined that Assad suffered a heart attack while still bound. The post-mortem [examination](#) by the Palestinian Medico Legal Center (center for forensic medicine) determined that:

- “bleeding located in the inner part of the upper and lower eyelids of both eyes described in the Postmortem Examination concurs that it occurred as a result of pressure on the eyes due to the blindfold;”
- “abrasions and bruises described in the injuries section were the result of external violence;” and
- “bruises on the scalp described in the autopsy report are caused by traumatic injuries to the head.”

The medical examiner’s report concluded: “the cause of death is the sudden cessation of the heart muscle, caused by psychological stress due to the external violence to which he has been subjected. Stress-induced sudden cardiac arrest due to external injuries.”

A researcher with Israeli human rights group B’Tselem visited Jiljiliya later the same day, on January 12, and interviewed witnesses to Assad’s detention and treatment. The organization’s [report](#) documents what transpired: soldiers were “pulling him forcefully from his car, tying his hands, blindfolding him, pushing him violently into the courtyard, and throwing him carelessly to the ground. Before leaving, they took the zip ties off ‘As’ad’s [sic] wrists, in utter indifference to the fact that he was unconscious and possibly dead, and left him lying there without extending first aid or calling an ambulance.”

The fact that the unit’s soldiers blindfolded, gagged and bound Assad is significant and introduces elements of culpability not only for his death but also for “torture or cruel, inhuman, or degrading treatment or punishment” and the “flagrant denial of the right to life, liberty, or the security of person,” both of which are listed in the US Foreign Assistance Act, Section 116 and 502B(d)(1) as gross violations of human rights.

Blindfolding Assad also violated Israeli military orders, which prohibit blindfolding detainees. In [response](#) to a 2019 lawsuit regarding blindfolding detainees, the IDF’s OC Central Command and the [West Bank Legal Advisor](#) stipulated:

- “Military orders and the relevant regulations do not allow covering detainees’ eyes, rather only covering the eyes of arrestees and even then only in situations when there is an operational need or while transporting the arrestees from the field to a prison facility.” (paragraph #3)

- “To clarify, the command regulations permit covering the eyes only of arrestees and only when there exists an operational need. Therefore, when dealing with detainees, soldiers are not authorized to cover a detainee's eyes.” (paragraph #22)
- “To be clear, military orders and regulations do not allow covering detainees' eyes. In that regard, the orders are as clear as possible.” (paragraph #28)
- “[IDF] forces operating in the West Bank are frequently briefed on the regulations concerning both arrests and detention.” (paragraph #34)
- “Military orders and regulations forbid covering detainees' eyes, and steps have and will be regularly taken to clarify the law to [IDF] forces operating in the area.” (paragraph #40(2))

Eitay Mack, an Israeli lawyer, brought the [lawsuit](#) on behalf of Palestinian shepherds who were being repeatedly detained and blindfolded because Israeli settlers and soldiers claimed their sheep were wandering into Israeli-controlled. The suit included expert testimony from Dr. Batina Birmans, a senior neurologist at Shaare Zedek Medical Center, and Dr. Zvi Beninga, a specialist in family medicine, who explained that “blindfolding and similar measures that cause sensory deprivation are typically likely to cause fear, anxiety and high levels of stress” (paragraph #28 in the [petition](#)). According to the findings of the medical exam released by the Palestinian Ministry of Justice, Omar Assad’s death was caused by “stress-induced sudden cardiac arrest due to external violence.”

The UN Committee Against Torture has affirmed that blindfolding constitutes torture, while the UN Special Rapporteur on Torture has repeatedly cited blindfolding as a tactic of torture when reporting on different countries’ practices. The blindfolding, gagging and physical restraints on Mr. Assad’s hands, being left exposed in the middle of the night in cold weather, created stress leading to a heart attack. The lack of monitoring and care of Assad, an elderly man in poor health, by the Israeli soldiers of Netzah Yehuda amounts to callous neglect and deprivation of dignity. The use of sensory deprivation tactics in clear violation of the Israeli Army’s rules and protocols for detention demonstrates malice and intent to cause harm.

## **IMPUNITY FOR ABUSIVE SOLDIERS**

On January 26, the *Washington Post* [reported](#) that soldiers involved in the incident claimed that they had untied Assad’s constraints before leaving the site, assumed he was asleep, and therefore did not check his vital signs, effectively leaving him to die in the cold. However, the

newspaper [reported](#) that according to one eyewitness, Mraweh Abdulrahman, one soldier appeared to bend over next to Assad, then “stood up and spoke quietly with some of the other soldiers...He watched a soldier return to the man and partly cut loose the plastic handcuffs that were binding his wrists. ‘Then they just left,’ he said of the soldiers.”

At the time, Israeli military officials described this incident as a moral failure and a tragedy, effectively excusing the soldiers of any responsibility for Assad’s death.

Haaretz [reported](#) that:

“Senior officers who learned the details of the incident expressed shock at the soldiers' behavior. “They didn't see a human being in front of them,” the officers told Haaretz. “They delayed him during a routine activity, without sufficient cause. They lay him down and tied him up in the freezing cold, in almost zero degrees.”

“When other Palestinians alerted the soldiers to his condition, the soldiers removed them and did not let them approach As'ad. And then the soldiers just left. This is not murder, but it's an appalling incident. And it's not just low-ranking soldiers. This was a platoon commander and a company commander.”

However, Maj. General Yehuda Fuchs, commander of the Israeli army's Central Command, seemed to [excuse the soldiers](#) of responsibility for the death, citing an “ethical failure” but stating that the soldiers did not act out of malice. IDF Chief of General Staff Lt.-Gen. Aviv Kochavi echoed the sentiment in the same [statement](#): “The investigation concluded that the incident was a grave and unfortunate event, resulting from a moral failure and poor decision-making on the part of the soldiers.”

On February 1, 2022, the *Washington Post* [reported](#) that as the result of an internal Israeli military review of the incident, “the commander of the Netzah Yehuda Battalion...will be reprimanded and the platoon commander and company commanders will both be removed from their positions. They will not serve in commanding roles for two years, according to the military.”

The soldiers involved in the incident appear to have avoided any penalty, despite the rebuke from military commanders. Furthermore, it is necessary to take into consideration the broader context of Israeli military investigations into incidents involving Netzah Yehuda, and not only this specific case, when assessing the Israeli military's willingness and ability to pursue accountability.

State Department Spokesperson Ned Price [responded](#) to the Israeli public statement: "The United States expects a thorough criminal investigation and full accountability in this case, and we welcome receiving additional information on these efforts as soon as possible." In Israel, however, [media reports](#) indicated that there would not be a criminal probe. Other articles suggested that Israeli military police had opened an investigation that could lead to criminal charges. However, according to journalist Emanuel Fabian, who has covered Netzah Yehuda for the *Times of Israel* and who spoke to DAWN, "it is extremely unlikely that there will be an investigation," and that the history of announcing investigations only for them to be left without conclusion – as [documented](#) by *Haaretz* journalist Gideon Levy - is the likely outcome in this case as well. When soldiers have faced charges, they are often for operational issues, such as exceeding authority, rather than for the criminal activity enacted against Palestinian victims.

Lt. Col. Mati Shevach, led the unit from July 2020 to August 2022, and was apparently the commander who was reprimanded. However, in August 2022, Lt. Col. Shevach was [promoted](#) to the position of Deputy Commander of the Kfir Brigade, to which Netzah Yehuda belongs.

The lack of accountability for the soldiers who killed Omar Assad and their commanders is the norm for the Israeli military. In March 2022, Yesh Din, an Israeli human rights NGO, [published](#) a data sheet, "Law Enforcement on Soldiers Suspected of Harming Palestinians and their Property," notably finding that:

- The odds that a Palestinian would see his or her complaint result in the prosecution of the soldier who harmed them: 2%.
- 72% of all complaints that were filed in 2019–2020 following suspected offenses committed by soldiers against Palestinians in which a decision was reached were closed with no criminal investigation.

The organization concluded:

“The data indicates that the military law enforcement system continues to avoid investigating and prosecuting soldiers who harm Palestinians, thereby shirking its duty to prevent harm to Palestinians and their property and to prosecute Israeli commanders and soldiers who violate this duty.”

[According](#) to B'Tselem:

“[A]s soon as the operational investigation was completed, its insignificance quickly became clear: the battalion commander was reprimanded, and two other commanders were removed from their positions and barred from command roles for two years. As usual, the military announced the launch of [a military police] investigation into the incident. Yet B'Tselem's years of experience indicate that this investigation, too, is part of the MAG Corps' sophisticated whitewashing system. Its primary purpose is to silence criticism directed at the military – and at Israel – over the incident. It is not intended to uncover the truth or to hold those responsible accountable, and is certainly not meant [to] prevent the recurrence of such cases or ensure As'ad's [sic] family even a modicum of justice.”

## **PREVIOUS INCIDENTS**

DAWN has documented abuses and human rights violations committed between 2015 and 2022 by the Netzah Yehuda Battalion against Palestinians under their effective control as a part of the occupying power in the West Bank, including numerous cases of arbitrary killing, torture, and physical assault. While in some instances, lower ranking soldiers did face punishment, there is no record of commanding officers suffering any consequences. Specifically, in the cases of killings that have been documented, no soldier or commander was punished.

- *Netzah Yehuda Soldiers Shoot Unarmed Palestinian in Silwad*

In June 2015, a [video](#), recorded by a member of the battalion, was circulated in Israeli media showing a sniper from the battalion [shooting a seemingly unarmed](#) Palestinian in the village of Silwad, north of Ramallah. While the Israeli army issued a statement that the Palestinian had a molotov cocktail to throw at soldiers nearby, the video showed no such threat, which was confirmed in the [media coverage](#) by an unnamed, experienced Israeli infantry officer with the rank of Colonel. The identity of the Palestinian victim was not publicly disclosed.

No punitive measures were reported.

- *Netzah Yehuda Soldiers Physically Assault and Arbitrarily Detain Palestinian Civilian Shadi Al-Ghobaishi*

A June 2015 [news report](#) by the *Palestine Public Broadcasting Corporation* includes a video from the Jalazone Refugee Camp in the occupied West Bank showing soldiers from Netzah Yehuda beating an unarmed Palestinian civilian near a checkpoint. According to a [report](#) by *Al-Jazeera*, the man was identified as Shadi Al-Ghobaishi and he had come out to talk to the soldiers to get them to stop firing tear gas and sound grenades as it was close to his home and upsetting his children. The soldiers were documented shouting abusive language and ultimately no fewer than five soldiers were involved in physically assaulting and arbitrarily detaining Mr. Al-Ghobaishi.

*Haaretz* [reported](#) an official response from the IDF at the time: “Those [soldiers] involved in the incident were summoned to meet with the brigade commander [Sunday] morning for a clarification and debriefing of the event; if need be, disciplinary action will be taken against them. From a preliminary probe it seems their behavior does not befit that expected of an IDF soldier.”

No punitive measures were reported.

- *Netzah Yehuda Soldiers Torture Palestinian Detainees with Electric Shocks*

In two separate incidents days apart in October 2015, a soldier from Netzah Yehuda

[used electric shocks](#) on two different Palestinian detainees. The first incident occurred following the arrest of a Palestinian man near the city of Jenin in the occupied West Bank. According to an indictment filed by military prosecutors, “after arresting a Palestinian...several Netzah Yehuda soldiers blindfolded, handcuffed and beat him. Then, one of them attached electrodes to the man’s neck and shocked him.” Some days later, “the soldier did the same thing to another Palestinian man arrested by his unit in the West Bank village of Attil outside Tulkarem. The prisoner was blindfolded, handcuffed and beaten before the soldier shocked him using electrodes attached to his temples,” according to the indictment. The names of the Palestinian victims were not publicly disclosed.

In February 2016, an Israeli military court [sentenced](#) the soldier who used the electric shocks to nine months in prison and demoted him to the rank of private.

Also in February 2016, in a separate court procedure, three other soldiers involved in the incidents, including one who was said to have filmed the incidents on his cellphone, [were sentenced](#) to seven months imprisonment each “for participating in the torture the judges called ‘humiliating, degrading and cruel.’”

It was also reported, that in one instance, other members of the unit [beat a detainee](#) while he was blindfolded and handcuffed – the only punitive action was that one soldier received a seven-month sentence. One of the soldiers who was not punished had recorded the torture on his cellphone and shared the video.

- *Palestinian Civilian Iyad Zakariya Hamed Unlawfully Shot and Killed by Netzah Yehuda Soldiers Outside Silwad*

On August 26, 2016, soldiers from Netzah Yehuda shot and killed 38-year-old father Iyad Zakariya Hamed just outside Silwad village. Israeli [media](#) reported that the soldiers involved alleged that Hamad was running toward them when they shot him. In the immediate aftermath, the Israeli military [made](#) other allegations, including that Hamed shot at the soldiers and that he threw a Molotov at the post, only to be debunked by military investigators. However, just days after the incident, Defense Minister Avigdor Lieberman dismissed accountability in this incident and others when he [said](#): “soldiers cannot go out on a mission accompanied by a lawyer.”

A few days later, on August 29, the army announced that it was [investigating one soldier involved](#) for involuntary manslaughter. Following the incident review, and prior to announcing the case against the soldier, the army [admitted](#) that Hamad posed no threat.

The Palestinian medic who attended to Hamed's body at the scene [told](#) an Israeli journalist that he observed "an exit wound in the victim's chest," indicating he was shot from behind. B'Tselem [investigated](#) the incident and reported an eyewitness testimony that indeed the soldier had shot Hamed in the back. In 2019, Yesh Din, an Israeli NGO, petitioned for and received the [files](#) of the Israeli military investigation into the killing. These confirmed that Hamed was shot in the back, and was thus running away from the soldiers.

On February 20, 2018 the Military Attorney General's office [closed](#) the investigation file without prosecuting the soldier after his commanding officers supported him. On March 24, 2019, Israeli NGO Yesh Din appealed the decision, calling for the military to reopen the case, but this was denied.

In September 2022, DAWN contacted Hamed's family, which confirmed that there was no prosecution and no further information given to the family.

- *Palestinian Youth Qassem Abbasi Unlawfully Shot and Killed by Netzah Yehuda Soldiers at 'Focus Checkpoint'*

On December 20, 2018, Netzah Yehuda soldiers posted at the so-called 'Focus Checkpoint' in the occupied West Bank, shot and killed a Palestinian boy, Qassem Abbasi, 17, from the Jerusalem neighborhood of Silwan. Soldiers alleged - and Israeli media [reported](#) - that the driver attempted to run over the soldiers. The next day, however, following an initial investigation, the Israeli military [announced](#) that the "driver of the car did not try to run over the soldiers and no weapon of any kind was found in the car. Israeli Channel 10 news [quoted](#) Brigadier General Eran Niv saying, "We're killing people who didn't intend to kill," in response to the findings. In addition to killing Mr. Abbasi, battalion soldiers injured a passenger in the car when they opened fire. In

January 2019, the *Times of Israel* [reported](#) that the Military Police had opened an investigation into the incident, and after an initial investigation “found that no such ramming attempt had occurred.”

According to [B'Tselem](#), on March 15, 2021 the Military Advocate General informed the organization that the case had been closed without indictment.

- *Netzah Yehuda Soldiers Arbitrarily Detain and Beat Palestinians While Searching for Suspect in Shooting Attack*

In December 2018, two Palestinian ‘suspects’ were detained in the Ramallah area as part of the army’s efforts to locate a suspect who opened fire at a bus stop outside the nearby Givat Assaf outpost, killing two soldiers from the Netzah Yehuda Battalion and seriously injuring a third member of the unit and a civilian woman. In January 2019, the *Times of Israel* [reported](#) that an officer and four soldiers from the unit were arrested for beating the two suspects while they were in custody. A fifth soldier was subsequently also detained.

In January 2019, [five soldiers were](#) “indicted on January 31 and were accused of assaulting the two prisoners after they were arrested, blindfolded and handcuffed and put in the back of a military personnel carrier.” They were formally charged with aggravated assault and aggravated abuse. In February 2019, the commanding officer of the troop, a lieutenant, [was indicted](#) for “failing to prevent a crime, negligent assault and conduct unbecoming an officer.”

In March 2019, five soldiers reached [plea deals](#) with the military prosecutor in this case – one agreed to five and a half months in prison; one agreed to two months in prison; three agreed to a six-month custodial sentence. They were convicted of abuse, but avoided the charges of assault as a result of the plea bargain. All five were demoted to rank of private. Had they continued to trial and been found guilty of both sets of charges, the soldiers would have faced significantly longer prison terms.

Following the plea deals, the court lifted a gag order on a video in which the soldiers had [recorded](#) some of the abuse. The names of the Palestinian victims were not publicly disclosed..

- *Netzah Yehuda Soldiers Physically Assault Bedouin Men in Southern Israel*

On October 23, 2019, Israeli military police [arrested](#) 14 soldiers from the battalion for attacking a group of Bedouin men on October 16, 2019 while the soldiers were en route back to their base. Reports on the attack later noted the [racial](#) component to the attack. The [incident](#) was first investigated by Israeli police, but then turned over to Military Police. Ultimately military prosecutors reached plea deals with [some of the soldiers](#).

The names of the Palestinian Bedouin victims were not made public.

- *Netzah Yehuda Soldiers Physically Assault Palestinian Civilian Near Ofra Settlement*

In April 2021, battalion soldiers stopped a Palestinian driver near the Ofra settlement, and ordered him out of his vehicle. The soldiers proceeded to beat him, [according](#) to a soldier from another unit who witnessed the abuse: “They pulled him out of the car and beat him like crazy.... At some point there on the road, the driver started to shake, and they saw that he was passing out.” According to an Israeli media [report](#), no soldiers were punished for this incident.

The identity of the Palestinian victim was not publicly disclosed.

- *Netzah Yehuda Soldiers Sexually Abuse a Palestinian Detainee*

In October 2021, Israeli Military Police [arrested](#) four soldiers from the battalion, suspecting them of beating and sexually assaulting a Palestinian while he was detained in a military vehicle being driven to an army base (it was not reported when the incident took place). The abuse continued back at the base, including the sexual assault, according to military police. One soldier involved in the incident reached a [plea deal](#) with military prosecutors to serve four and a half months in prison and demotion to the rank of private. The [outcome](#) of the trial of two other soldiers involved has yet to be determined (or reported), while according to an Israeli journalist who has covered prosecutions of Netzah Yehuda soldiers, the fate of the fourth soldier is unknown.

The identity of the Palestinian victim was not publicly disclosed

- *Netzah Yehuda Soldiers Remove Palestinian Civilians From Their Car and Beat Them*

In August 2022, four soldiers from the unit were [caught](#) on [video](#) stopping a Palestinian vehicle and beating the driver and passengers. While the video was [posted](#) on TikTok on August 15, the incident took place earlier in August. The IDF commander of the West Bank suspended the soldiers pending a full investigation by the Military Police “after an [initial] investigation found that they “violently” detained Palestinian suspects with “unnecessary force,” [according](#) to media reports. The investigation is apparently ongoing.

The identity of the Palestinian victim was not publicly disclosed.

There is clear evidence of human rights violations in these cases, as well as a pattern of either no or mild punishment of lower ranking soldiers, while commanders have been left unaccountable for the actions of the troops under their command. In the cases of the three most egregious violations - the killings of Iyad Hamed in 2016, Qassem Abbasi in 2018 and Omar Assad in 2022 - there has been no accountability by Israeli judicial or military offices whatsoever. After the killing of Omar Assad, Aviv Kochoav, the military's Chief of General Staff [merely reprimanded](#) the commander of the unit, and announced the removal of two other commanders from their positions. These punitive measures did not involve criminal accountability.

## **WAR CRIMES INVESTIGATION AT THE INTERNATIONAL CRIMINAL COURT (ICC)**

Netzah Yehuda Battalion soldiers and commanders also should be investigated for committing a number of war crimes by the Office of the Prosecutor at the International Criminal Court as part of its ongoing investigation into the Situation in Palestine. Because Israel militarily occupies the West Bank, the actions of its soldiers are subject to the laws governing international armed conflict and occupation. The actions of the soldiers in each of the incidents documented by DAWN meet the standards of elements of a number of war crimes. Additionally, the commanders of the Netzah Yehuda Battalion during the time period

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.

**Attachments:**

1. Petition against IDF in case of blindfolding (2019)
2. State response to blindfolding case (2019)
3. Medical Report by Dr. Islam Abu Zaher re: Omar Assad
4. Medical Examiner’s Report re: Omar Assad