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מיכאל ספרד, עו"ד
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March 8, 2007

To
Chief Advocate General
Brigadier General Avihai Mandelblit
By fax 03-5694370

Re: training inside two Palestinian villages in the West Bank
My client, Yesh Din

Dear Sir,

1. I am writing to you on behalf of my referenced client in the matter of a complaint we received.
2. It is in regard to a battalion exercise that took place on the night between February 20 and 21 or the next night, as part of training for an operational mission of paratroopers from reserve battalion -- of brigade ----. According to the testimonies we have, the exercise included a long hike **at the end of which, at 4 a.m., the takeover of two Palestinian villages -- Beit Lid and Safarin (west of Nablus) - was staged.**
3. As part of the exercise, the battalion's soldiers entered the two villages on foot, and for three hours simulated a battle, while practicing fighting in a built up area on the villages' buildings (without shooting -- "dry exercise").
4. **I stress it was an exercise and the activity had no operational goal.**
5. According to the testimonies we have, the residents of both villages were alarmed by the sudden presence of military forces in their village, especially considering the late time of night. In many homes lights went on after the families woke up from the loud noises of the exercise, and worshipers who went out of their houses in the early morning experienced severe and unnecessary anxiety.
6. We also have indications that this is not the first battalion of that brigade conducting this sort of exercise in the said villages.
7. As far as I know, military regulations prohibit the conduction of exercises in a populated area without coordination with the civilian population and informing all relevant civilian parties.
8. But beyond the question of whether military orders were violated here, this is a case of a serious infringement of the dignity of the citizens of an occupied area who, along with their village, were used as if they were a training facility available to the use of the army at its commanders' will, at the price of creating alarm and suffering and disrupting the peace of the villages late at night.
9. Additionally and no less importantly, such an exercise, certainly when it is not coordinated with the civil population, poses a real danger to the lives of the civilians as well as the lives of the soldiers

participating in it. We are all familiar with the explosive reality in the West Bank and know that the danger that militants would open fire at IDF forces as well as the danger of an erroneous shooting by soldiers at civilians they suspect, are dangers that face any military activity in Palestinian settlements. **An exercise of the aforementioned type invites the materialization of the aforementioned dangers without being accompanied by a military or security goal that justifies taking the risk, and therefore puts human life in unnecessary danger.**

10. As far as we understand, any exercise in a populated area is forbidden, but the choice of conducting it in a Palestinian settlement is not accidental and is particularly grave. Thus, no commander considered conducting the takeover exercise in the settlement of Avnei Chefetz, situated just a few kilometers north of the village of Beit Lid where it was conducted, even though the population that lives there is not hostile, and no commander dared imagine an invasion in the middle of the night of Kochav Yair or Rosh Ha'Ayin. The very idea of conducting such exercises for hours and in the middle of the night in Israeli settlements sounds absurd to us.
11. The choice of Palestinian villages stems from the fact that they are subject to military rule and therefore they are weakened populations. That is the reason that the said use of a village populated by residents of an occupied territory, who are protected civilians, is forbidden by international law, and constitutes a violation of the duties of the military commander towards those civilians.
12. Allegedly, if it emerges that such an exercise did indeed take place as described above, there is a suspicion that the battalion commanders and possibly the brigade commanders and any commander who has authorized the exercise committed an offense of exceeding their authority to the point of endangering life or health (section 72 of military justice law, 5715-1955 hereinafter: MJL); unfitting behavior (section 130 of MJL); and noncompliance with binding military regulations (section 133 of MJL).
13. In light of the aforementioned, I ask you to open an investigation into this affair.

Sincerely,

Michael Sfard, Attorney

English translation: Yesh Din-Volunteers for Human Rights