

EXCERPTS FROM YESH DIN AND ACRI'S HIGH COURT PETITION
IN THE CASE OF COL. VIROB AND LT. COL. HARUSH

Please note that Respondent 4 refers to Kfir Brigade Col. Itai Virob, Respondent 5 refers to Lt. Col. Shimon Harush

25. To the presiding judge's comment that it resembled the existing permissions in General Security Services (GSS) investigations regarding "ticking bombs," respondent 4 said (the emphasis here and in all of the quotes in appendix 3 of the protocol are mine, MS):

"I think the permissions we take for ourselves are essentially different from GSS people. Often a level of aggression towards an uninvolved person brings out information that ultimately leads us to the person who is involved... All of the means of pressure we use, almost all of them, are used against the population that is not involved."

26. When respondent 4 was asked about using physical force during an investigation against people who are not suspects, he explained without hesitation:

"Pushing up against a wall, pushing, hitting in a way that doesn't injure, are definitely common acts in the attempt to carry out a mission... sometimes there is no choice but to shake, squeeze, push, when it is necessary."

27. And as if that weren't enough, at the height of his testimony respondent 4 explained as follows, in response to the prosecutor's question whether it is permissible to give heavy blows to Palestinians defined by the force as innocent, during such investigations. Before quoting the shocking answer let us mention again that the speaker, respondent 4, is a brigadier commander with the rank of colonel, who commands hundreds of officers and young soldiers. And this was his response:

"Using violence and aggression to prevent the situation from escalating and the need to use even more violence is not only allowed but sometimes imperative... giving a blow, a push, in a situation even with people who are not involved in an operational situation, if it can advance the mission, is certainly possible."

"The way you use violence should also be appropriate... a slap, sometimes a hit to the back of the neck or the chest, in cases that there is friction, a reaction from the Palestinian side, sometimes a knee jab or strangulation to calm someone down is reasonable."

28. Respondent 5 was asked in his testimony about the limits of the use of force in the investigation of an uninvolved person of which there is no suspicion. This is his answer:

"I can say with certainty that if there is no specific suspicion against a person, and I talk to him, like we are talking now, I will get nothing... When you investigate

these people then you might line them against the wall and put plastic or flannel hand restraints on them, and it is possible, and I trust the commanders' judgment, that somebody gave a slap or a blow, whatever you call it, to try to get information. It could be."

29. When the presiding judge asked respondent 5 whether he defined for the commanders the nature of the physical force they can use he responded that the commanders know what the guidelines are and what the "spirit of the unit" is (p. 5, lines 24-25, appendix 3b). However, he notes:

"Here I think he [Adam Malul – MS] had a report of shooting in the direction of Kedumim, his most important mission, everything is acceptable, he understands there is someone who was involved in an attack, everything is acceptable. If there is a report of a shooting you go there and try to disrupt, you make sure no civilian is hurt."

30. Following that answer, the following dialog occurred between respondent 5 and the presiding judge:

Presiding Judge: everything is acceptable towards everyone in the village?

Respondent 5: no. It is not proportional to come now and shoot everybody in the village. To investigate? Sure.

Presiding Judge: violently?

Respondent 5: sure. I'm talking about people with heads on their shoulders, we don't investigate children or women. The ages are 16-18 and northward. Usually those are the ages that are involved in attacks, the people who know a little more.

31. Later respondent 5 was questioned by the prosecutor about using head butts with helmets on investigatees:

Prosecutor: is a head butt with a helmet in the course of an investigation a worthy act, necessary and reasonable? If there is no threat?

Respondent 5: if there is no threat it does not look legitimate to me.

Prosecutor: and a heavy blow?

Respondent 5: **yes.**

When asked to explain, responded 5, a Lt. Col., why a heavy blow is a legitimate act while investigating a person who does not pose a threat he answers:

"Because I think, first of all you come into a situation that is not normal, you will do these things even if it does not look good... I have had occasion to grab here (shows a neck hold) but I would not butt with a helmet."

32. But perhaps the harshest of all the parts of his testimony is respondent 5's confession that he hit Palestinians himself. This is how it was recorded in the protocol:

"How many times did you have occasion to hit Palestinians?"

Witness: you don't count it.

Prosecutor: 10,000? 100?

Witness: I didn't get to 10,000.

Prosecutor: how many times did it happen?

Witness: I think a few times.

Disruption brick

33. The two witnesses (respondents 4-5) also testified of a regulation in their units that they call a "disruption brick." We will let their words speak for themselves:

"These disruption missions are assigned to the forces for two main reasons. One is to try to destabilize the equilibrium of a certain neighborhood, village or site, and thereby extract information that would allow a more focused operation. The second reason is to cause the hostile element in the village to make mistakes as a result or a reaction to the actions of our forces and in this way to disrupt their mode of operation and expose it... the disruption actions can operate on a number of levels. First is entering the village. Galloping jeeps enter the village. Sometimes just entering the village disrupts the course of the attacker. The second way is to use means of pressure, throw shock grenades, burst into a number of homes or institutions in the village. Arrest residents in them. Take over roofs and so on... there are situations when a brigade commander directs the mode of disruption and sometimes it is left to the judgment of the commander on the ground."