

Israel

Defense

Forces

Military Court
J u d e a
Before a single judge

Court file: ____/16
Prosecution file: 3060/10
2194/12
4180/13
2182/16
Police file: 302380/10 (Hebron)
139728/12 (Hebron)
126281/13 (Hebron)
302299/13 (Hebron)
88153/16 (Hebron)

The Military Prosecution

-v-

Issa Isma'il Hassan Amro
ID No.905708327, born April 13, 1980, resident of Hebron
Released by phone (059-9340549)

The Defendant

Indictment

The above Defendant is hereby accused of having committed the following offenses:

First Count:

Nature of Offense:

Assault of a public servant, offense according to Sections 199C and 217 of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

Particulars of the Offense:

On August 6, 2010, or thereabouts, the above Defendant assaulted a public servant or a person performing a duty or holding office by virtue of any law or security legislation, or a person who renders or rendered services to the IDF or any IDF agency, and the assault is related to the fact that the assaulted person was a public servant or performed a duty or held office or rendered services as aforesaid, namely:
On the above date, in hill 18, Kiryat Arba, or thereabouts, the Defendant assaulted the civilian security coordinator of Kiryat Arba, Moshe Butavia, in the course of mass clashes between Palestinians and Israelis, by way of pushing him

and uttering "Get lost".

Second Count:

Nature of Offense: Obstructing a soldier, offense according to Sections 199C, 218 and 333 of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

Particulars of the Offense: On August 6, 2010, or thereabouts, the above Defendant obstructed a soldier in the performance of his duty or any person exercising any authority or performing any duty according to security legislation, or performing any duty associated with public safety, the safety of IDF forces, the security of the Area, maintaining public order or securing supplies or services to the public at large, namely:

1. Following the assault of the civilian security coordinator described in the first count, Police Officer Yusef Nasr a-Din (hereinafter: Yusef) informed the Defendant he was under arrest as he was attempting to subdue him. The Defendant resisted arrest until Yusef threw him to the ground and succeeded in subduing.
2. After the Defendant was brought to the police station together with another detainee from the incident, the Defendant told the other detainee not to sign the detention report when he was requested to do so by Yusef.
3. The Defendant continued to shout in the police station "I am being assaulted".

Third Count:

Nature of Offense: Incitement, offense according to Sections 199C and 251(b)(1) of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

Particulars of the Offense: On August 6, 2010, or thereabouts, the above Defendant tried, either verbally or otherwise, to influence public opinion in the Area in a manner which may interfere with public safety or public order, namely:

1. During the clashes described in the first count, Yusef requested the group of Palestinians to retreat, in order to end clashes with the Israelis. However, the Defendant incited the Palestinian group against the police officer's request by yelling "no retreat".
2. Even after his arrest, the Defendant continued to shout

inflammatory phrases at the Palestinian group.

Fourth Count:

Nature of Offense: Entry into a closed zone, offense according to Sections 199C and 242 of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

Particulars of the Offense: On April 1, 2012, or thereabouts, the above Defendant entered a closed zone in the Area without a reasonable explanation, namely:
On the above date the Defendant entered a building known as the "Valero House" in Hebron (hereinafter: the building), which is government property used for security purposes or essential services.

Fifth Count:

Nature of Offense: Participation in assembly without a permit, offense according to Sections 3 and 10 of the Order regarding the Prohibition against Incitement and Hostile Propaganda (Judea and Samaria)(No. 101), 5727-1967, and Section 199C of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

Particulars of the Offense: On April 1, 2012, or thereabouts, the above Defendant participated in some way in a march, assembly or vigil without a permit, namely:

1. On the above date, in the building or thereabouts, the Defendant organized, encouraged and participated in a violent assembly in which dozens of people took part, the purpose of which was political or could be interpreted as political.
2. The crowd barricaded itself in the building, refused to comply with the military's orders to vacate the building and blocked the building's entrance door with different objects such as iron bars and boards.

Sixth Count:

Nature of Offense: Incitement, offense according to Sections 199C and 251(b)(1) of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

Particulars of the Offense: On April 1, 2012, or thereabouts, the above Defendant, either verbally or otherwise, attempted to influence public opinion in the Area in a manner which may interfere with public safety or public order, namely:
On the above date, on the building's balcony or thereabouts, the Defendant, using a megaphone he had in his possession, called out to the crowd at the scene not to comply with the soldiers' orders.

Seventh Count:

Nature of Offense: Obstructing a soldier, offense according to Sections 199C, 218 and 333 of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009

Particulars of the Offense: On April 1, 2012, or thereabouts, the above Defendant obstructed a soldier in the performance of his duty or any person exercising any authority or performing any duty according to security legislation, or performing any duty associated with public safety, the safety of IDF forces, the security of the Area, maintaining public order or securing supplies or services to the public at large, namely:

1. On the above date, in the building, Nabil Tafesh, Civil Administration Infrastructure Officer (hereinafter: Nabil) communicated with the Defendant and asked him to vacate the building.
2. The Defendant refused to vacate and added that over the next 24 hours, several families would arrive to occupy the building in response to the entry of Jews into another house in Hebron. The Defendant conditioned the departure of those present in the building on the Jews' departure of said house.
3. Nabil called out to the individuals present in the building, using loudspeakers, stating that their presence therein was unlawful and that they must vacate; however, they declined to comply with his request.
4. Twenty minutes later, security forces broke into the building and evacuated the invaders, including the Defendant who resisted arrest.

Eighth Count:

Nature of Offense: Participation in rally without a permit, offense according to Sections 3 and 10 of the Order regarding the Prohibition

against Incitement and Hostile Propaganda (Judea and Samaria)(No. 101), 5727-1967, and Section 199C of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

Particulars of the Offense:

On March 20, 2013, or thereabouts, the above Defendant participated in some way in a march, assembly or vigil without a permit, namely:

1. On the above date the Defendant led a group of dozens of protesters which marched towards Hadassah House in Hebron.
2. The protesters, including the Defendant, wore masks depicting the portrait of U.S. President Barack Obama, wore shirts bearing the inscription 'I have a dream,' and carried PLO flags and photographs of prisoners.
3. In so doing, the Defendant participated in a rally for political purposes or for purposes which may be interpreted as political without a permit from the military commander.

Ninth Count:

Nature of Offense:

Assault of a soldier, offense according to Sections 199C and 215 (a)+ (b) of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

Particulars of the Offense:

On March 20, 2013, or thereabouts, the above Defendant assaulted a soldier or used violence against him, namely:

1. Following the events described in the previous count, security forces blocked the route on which the protesters were marching with a vehicle (hereinafter: the vehicle blockade).
2. The protesters, led by the Defendant, went around the vehicle blockade and ignored the orders of the security forces to stop.
3. Two soldiers approached the Defendant with the intention of arresting him, having noticed that he was one of the leaders of the rally. The Defendant resisted arrest and pushed the soldiers.
4. Protesters who were present on scene began obstructing Defendant's arrest by the soldiers by pushing them and grasping their arms.
5. Only after an additional military force arrived at the scene and removed the protesters, were the soldiers able to arrest the Defendant.

Tenth Count:

Nature of Offense: Obstructing a Soldier, offense according to Articles 199C, 218 and 333 of the Order regarding Security Provisions Order [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

Particulars of the Offense: On or about March 20, 2013, the above Defendant obstructed a soldier in the performance of his duty or any person exercising any authority or performing any duty according to security legislation, or performing any duty associated with public safety, the safety of IDF forces, the security of the Area, maintaining public order or securing supplies or services to the public at large, namely:
In his actions described in the above count, the Defendant obstructed soldiers in the performance of their duty.

Eleventh Count:

Nature of the Offense: Assault, offense according to Section 199C and the first part of article 211(a) of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

Particulars of the Offense: On March 20, 2013, or thereabouts, the above Defendant assaulted another person unlawfully, namely:

1. On the above date David Wilder (hereinafter: David) had photographed the rally and thereafter specifically photographed the Defendant.
2. The Defendant spat at David several times, and thereafter took his camera by force, pushed him and eventually threw the camera to the ground.
3. Consequently, the camera's lens was damaged to the extent that it could no longer be used.

Twelfth Count:

Nature of the Offense: Willful damage to property, offense according to Sections 199C,f 236(a) and 333 of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

Particulars of the Offense: On March 20, 2013, or thereabouts, the above Defendant destroyed property or wilfully and unlawfully damaged it, namely:
In his actions described in the above count the Defendant

wilfully and unlawfully damaged property.

Thirteenth Count:

Nature of the Offense:

Obstructing a soldier, offense according to Sections 218 and 333 of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

Particulars of the Offense:

On July 8, 2013, or thereabouts, the above Defendant obstructed a soldier in the performance of his duty or any person exercising any authority or performing any duty according to security legislation, or performing any duty associated with public safety, the safety of IDF forces, the security of the Area, maintaining public order or securing supply or services to the public at large, namely:

1. On the above date, in the Abed/Gutnick checkpoint in Hebron or thereabouts, Border Police Officer Yakir Zaguri (hereinafter: Zaguri) took the identification cards of several reporters who arrived at the checkpoint, including the Defendant, for an identity check.
2. At a certain point, the Defendant told Zaguri to return the card to him because he wanted to leave. Zaguri told him to wait. In response, the Defendant started arguing with Zaguri and shouted that he wanted to leave.
3. Zaguri told the Defendant that should he leave he would arrest him and the Defendant responded that he could not arrest him because he was not his police officer. The Defendant told Zaguri he was "stupid" and continued to shout.
4. Zaguri requested assistance from the command post, and Border Police Officer Oded Naim arrived at the scene (hereinafter: Naim). Naim told the Defendant that he was detained to the police station [*sic*].
5. The Defendant went with the police officer to the police station "the cave", while shouting "Who do you think you are? You cannot detain me".
6. When they arrived to the station's entrance, they saw a group of "TIPH" observers who were standing there. At that point, the Defendant began to shout and became unruly, telling Naim, among other things "Shut up, who are you to detain me".
7. When they entered the police station, Naim ordered the Defendant to sit on a chair in the waiting area, but the Defendant refused, stood up and shouted at the officers that they could not arrest him.
8. Naim put his hand on the Defendant and told him that he was under arrest. The Defendant then became unruly, threw himself on the floor and began to shout that he had been beaten.

Fourteenth Count:

Nature of the Offense: Insulting a soldier, offense according to Section 215 (a)+(d) of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

Particulars of the Offense: On July 8, 2013, or thereabouts, the above Defendant insulted a soldier or took other actions which impinged on his dignity or status as a soldier, namely:
In his actions described in paragraphs 3,5,6,7 of the above count, the Defendant insulted Zaguri and Naim and took other actions impinging on their dignity and status as police officers.

Fifteenth Count:

Nature of the Offense: Violation of closed zone order, offense according to Sections 199C, 318(f) and 333 of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

Particulars of the Offense: On February 26, 2016, or thereabouts, in the Area, the Defendant violated provisions regarding a closed zone or site or terms of permit given according to this section or obstructed a soldier, a police officer or a competent authority appointed for this purpose, in the performance of their duties, namely:

1. On the above date, in Giva'at Ha'avot, Hebron, or thereabouts, a demonstration took place in which dozens of protesters waved signs calling to open Shuhada Street and Palestinian Authority flags.
2. The demonstration took place in an area which had been declared by the military commander as a closed zone. In addition, the fact that it was a closed military zone was announced to the protesters by an IDF officer who showed them the order pursuant to which said zone was closed.
3. The Defendant who led the demonstration wore a shirt and waved a flag which read "Liberate Shuhada Street". He also Palestinian Authority flag and made inflammatory statements.
4. In his above actions the Defendant entered an area which had been declared by the military commander as a closed zone and marched, leading the demonstration which took place therein, without a permit and unlawfully, despite the fact that announcements were made several times by a soldier who requested the protesters, including the Defendant, leave the area, as aforesaid.

Sixteenth Count:

Nature of the Offense: Incitement, offense according to Sections 199C and 251(b)(1) of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

Particulars of the Offense: On February 26, 2016, or thereabouts, in the Area, the Defendant attempted, either verbally or otherwise, to influence public opinion in the Area in a manner which may interfere with public safety or public order, namely:
In his actions described in the previous count, the Defendant attempted to influence public opinion in the Area in a manner which may interfere with public safety or public order.

Seventeenth Count:

Nature of the Offense: Participation in a march without a permit, offense according to Section 10 of the Order regarding the Prohibition against Incitement and Hostile Propaganda (Judea and Samaria)(No. 101), 5727-1967, and Section 199C of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

Particulars of the Offense: On February 26, 2016, or thereabouts, in the Area, the Defendant participated in some way in a march, assembly or vigil without a permit, namely:
In his actions described in the sixteenth count, the Defendant participated in a march without a permit.

Eighteenth Count:

Nature of the Offense: Obstructing a soldier, offense according to Sections 199C, 218 and 333 of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

Particulars of the Offense: On February 26, 2016, or thereabouts, in the Area, the Defendant obstructed a soldier in the performance of his duty or any person exercising any authority or performing any duty according to security legislation, or performing any duty associated with public safety, the safety of IDF forces, the security of the Area, maintaining public order or securing supplies or services to the public at large, namely:

In his actions described in the sixteenth count, the Defendant obstructed security forces in the performance of their duties.

Witnesses for the Prosecution:

Police File 302380/10

1. Sergeant Major Muhammad Hon, ID No. 969048 Hebron Station (took and taped Defendant's statement dated August 6, 2010).
2. Inspector Yusef Nasr a-Din, ID No. 1182682 (drafted the action report and detention report dated August 6, 2010).
3. Moshe Butavia (details in the indictment).
4. Sasha Kogan (details in the indictment).
5. Yehoshua Gilboa (details in the indictment).

Police File 139728/12

6. First Sergeant Sami Hamza ID No. 1055417, Hebron station (took and taped Defendant's statement dated April 1, 2012).
7. Inspector Shmuel Yosef, ID No. 1138536, Tomb of the Patriarchs patrol (drafted the action report dated April 1, 2012).
8. Sergeant Major Shmuel Ben Hayun, ID No. 938712, Tomb of the Patriarchs patrol (drafted the detention report dated April 1, 2012).
9. Nabil Tafesh, Hebron Civil Administration (details in the indictment).
10. Arnon Friedman, Tomb of the Patriarchs unit (details in the indictment).
11. Nadim Faraj, Border Police (details in the indictment).
12. Noam Nachmani, IDF (details in the indictment).
13. Ilan Eliyahu, ID No. 999722, Hebron (chain of custody – prepared a photography report dated April 1, 2012).
14. First Sergeant Amitai Amosi, ID No. 1000934 (chain of custody).
15. Disc –incident documentation (exhibit).
16. HCJ 3106/13 Shlomo Valero et al. v. State of Israel et al.

Police File 126281/13

17. First Sergeant Sami Hamza ID No. 1055417, Hebron station (took and taped Defendant's statement dated March 20, 2013).
18. Master Sergeant Yaakov Cohen. ID No. 1001973, Hebron Station (took Defendant's statement dated March 20, 2013; drafted memorandum dated April 29, 2013).
19. Master Sergeant Avi Lazari, ID No. 1120831, Hebron Forensics (prepared a photography board dated March 21, 2013).
20. Ofir Ben Moshe, IDF (details in the indictment).
21. Alexei Vakalenko, IDF (details in the indictment).
22. Master Sergeant Dror Ben Simon, ID No. 1063387, Hebron station (drafted memorandum dated March 20, 2013).
23. Eli Bar Sheshet, ID No. 1102193, Forensics (edited camera footage of March 20,

- 2013).
24. David Wilder (details in the indictment).
 25. Disc (exhibit).

Police File 302299/13

26. Master Sergeant Yisrael Ben Hamo, ID No. 1207034, Hebron station (took and recorded Defendant's statement dated July 9, 2013).
27. Sergeant Yakir Zaguri, Border Police (details in the indictment) [prepared action report dated July 8, 2013].
28. Chief Inspector Oded Naim, Border Police (details in the indictment) [prepared action report and arrest report dated July 8, 2013].

Police File 88153/16

29. First Sergeant Refael Sabag, ID No. 1000140, Hebron (took and recorded Defendant's statement dated February 29, 2016).
30. Inspector Yisrael Ben Hamo, ID No. 1207034, Hebron (took and recorded Defendant's statement dated April 7, 2016)
31. Ronen Siman Tov, IDF (details in the indictment).
32. Tom Sinai, IDF (details in the indictment).
33. Guy Zadok, IDF (details in the indictment) [chain of custody – disc – video of the incident].
34. Alon Avraham, Border Police (details in the indictment) [chain of custody – disc – video of the incident].
35. Almog Naor, IDF (details in the indictment) [chain of custody – disc – photographs from the incident].
36. First Sergeant Salomom Dasta, ID No. 1023464, Hebron [drafted memoranda, chain of custody – discs].
37. Exhibits: two discs – photographs and video of the incident.
38. Declaration regarding Closed Zone (Prohibition against Entry and Presence)("Givat Ha'avot"), 5776-2016, dated February 26, 2016 (legislation).

(signature)
Elchanan Dreifuss
Prosecutor