

**From:** [Ham, Patricia A COL USARMY OSD OGC \(US\)](#)  
**To:** [Ham, Patricia A COL USARMY OSD OGC \(US\)](#)  
**Subject:** Email from COL Bar-On  
**Date:** Wednesday, September 04, 2013 4:48:11 PM

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-----Original Message-----

**From:** Eli Bar-On [REDACTED]  
**Sent:** Sunday, August 11, 2013 4:33 PM  
**To:** Ham, Patricia, COL, DoD GC  
**Cc:** Eli Bar-On; Saunders, Terri A CIV OSD OGC (US); [REDACTED]  
**Subject:** Re: U.S. Response Systems to Adult Sexual Assault Crimes Panel

Dear Patty,

I'm sorry for only getting back to you now. I just couldn't find the time to do so up until now.

I will try to answer your questions concisely.

The table in p. 55 in the Law Library of Congress' report is mostly accurate (except the fact that according to what we know, in 2009 there were 445 complaints, rather than 483). I can also add that in 2012 there was a decline in the number of complaints comparing to 2011, and there were 511 complaints. In the attached document you will find statistics with the distributions of the type of the complaints received and the procedure that was used to handle the complaints.

It's important to understand that all of the complaints above are complaints reported to the General Staff Command Advisor for Women's Matters. The complainant can make the choice what to do with her (or his) complaint, and whether to transfer the complaint to the Military Police in order to conduct a criminal investigation. The General Staff Command Advisor for Women's Matters won't act against the will of the complainant, unless the case is very severe.

If you examine the statistics, you will notice that every year about 50% of the complainants choose not to report their complaint to the Military Police, and therefore a criminal investigation of these complaints isn't conducted.

Some of the complaints are being handled within the unit according to the orders of the Military Advocate General's Corps and the General Staff Command Advisor for Women's Matters. Other complaints are being investigated by an Investigating Officer (according to the Military Justice Act, an Investigating Officer has almost all the investigation authorities that the Military Police has). A few of the complaints are investigated by the Israeli State Police (rather than by the Military Police). This will usually happen when the offender is a civilian or when the event was not connected to the military service in any way. In such cases, the indictments will be charged by the State Attorney and not by the Military Advocate General's Corps.

The complaints referred to in the statistics relate to a variety of sexual offences, some physical, some verbal. Not all of the complaints which the complainants define as "sexual harassment" (in the attached file you can find an unofficial translation of Article 3 of The Prevention of Sexual Harassment Law 1998, that defines sexual harassment) are classified as such by the military justice system and many of them are classified as a "Conduct Unbecoming". Many of the reported incidents don't necessarily justify a criminal indictment, and therefore many of the complaints are referred to a disciplinary adjudication. That explains the number of the indictments charged.

Of course, there are also other administrative instruments that relate to the criminal process, and complete the criminal procedures, such as suspension, disciplinary reprimand, dismissal from the office or from the service etc.

We can't attribute the incline in the complaints between 2007 and 2011 or the decline in the complaints in 2012 to a specific reason. The rise in the complaints could be the result of a rise in the commitment of sexual offences just as much it could be the result of the authorities' campaigns to raise awareness to the issue.

I hope you will find this information helpful. Please don't hesitate to contact me if you need further assistance.

With best regards,

Col. Eli Bar-On

Deputy Military Advocate General

Israel Defense Forces