

June 13, 2012

To
Commissioner Yohanan Danino
The Chief Commissioner
Israel Police – National Headquarters
Jerusalem
By fax: 02-5428118

Urgent!

Dear Chief Commissioner,

Re: **Summonses to Questioning Issued to Social Protest Activists**

We are writing to you to ask that you immediately and unequivocally clarify that the summonses issued to social activists to come to the police do not reflect the policy of the Israel Police and were issued contrary to this policy. We also ask that you instruct the district commanders to refrain from summoning activists to police stations and to cancel the summonses already sent.

1. Over recent days, social protest activists have received summonses for questioning at police stations. To date, we have learned of 11 activists who have received such summonses. In some cases, police officers came to the activists' homes and delivered the summonses in person. The summonses did not state any reason for the demand. When some of the activists asked the police officers about the summonses, they were informed that their purpose was to clarify their plans for protests over the coming summer.
2. By way of example, Tamir Hajaj, who received a personal summons to come to the police station, stated that his 17-year-old daughter called him the day before yesterday in a state of panic. His daughter informed him that police officers were standing outside the entrance to their home looking for him. Tamir asked his daughter to give the police officers his telephone number. **"They telephoned me, and told me that I was summonsed for questioning. When I asked what the reason was, they told me that they wanted to know what my plans were for the summer."** Tamir went on to describe his feelings on receiving the summons: **"The police know my telephone number. My daughters were stressed out by this incident. I am shocked that the police chose to come to my home to search for me. There is a much easier way to find me. This doesn't smell good."** (See the article by Ilan Lior and Yaniv Kobovitz, published in Haaretz on June 12, 2012: <http://www.haaretz.co.il/news/education/1.1729204>).

3. Shir Aloni, another social protest activist, received a similar summons: **“The blood drained out of my fingers, that’s how I felt. What had I done (this time)? Why me? Maybe I had nothing to fear, maybe they just wanted to thank me for my work as part of the social campaigns? No point reveling in such illusions. I ask my landlady to read me the letter over the telephone. It is a summons for questioning, regarding ‘clarification’ – regarding some matter that needs clarification. The date: May 28, 2012. Oh no – the date has already passed! What does that mean? That I am now a criminal? That they will come to arrest me?”** (<http://j14.org.il/articles/26712>)
4. The right to demonstrate and to express an opinion is part and parcel of Israeli democracy, and the police plays an important role in realizing this right. However, its decision to summons activists severely impairs the freedom of expression, and deters these activists and their fellow campaigners from realizing their right to demonstrate. The attempt by the police to clarify the plans of social activists by summoning them for questioning or for clarification is liable, in itself, to impair the status of the activists – citizens not suspected of any criminal offense – as free citizens in a country governed by the rule of law. These summonses convey an unacceptable message that those who participate in protest are targeted, and create fear and dread among activists as to what may happen if they continue to participate in the protests.
5. These summonses constitute an abuse of the investigative powers granted to the police, the purpose of which is to investigate offenses and combat crime. The police has the authority to summons potential suspects or witnesses who may be able to help unravel offenses. **The police is not entitled to exploit this authority in order to collect “intelligence information” about the intentions of activists planning protest activities.**
6. If the police wishes to obtain information about expected events in order to prepare properly for the summer protests, it can attempt to arrange working meetings with the organizers of the protests, while making it clear to these activists that they do not bear any legal obligations to meet. However, it has no authority to execute this function by means of summoning the activists for questioning. We trust that this conduct does not reflect the policy of the Israel Police. Even assuming that it does not, it reflects an alarming failure to internalize the function of the police regarding protest, and the caution that must be exercised in order to prevent an improper chilling effect on freedom of expression.
7. We welcome the position of Minister of Internal Security Yitzhak Aharonovitch, who commented on this matter in the media this morning, and stated that he does not

agree with the summoning of activists and has asked the Deputy Police Commissioner to halt this phenomenon.

8. **However, and as noted at the head of this letter, this position must also be made clear by the senior command echelon of the Israel Police. Accordingly, we ask you to clarify in explicit terms that the summonses sent do not reflect police policy and that they are canceled forthwith. We also ask you to instruct the district commanders to refrain from summoning additional activists in the future in this manner.**

With sincere greetings,

Sharona Eliahu-Chai, Atty.

CC: Brig.-Gen. Shaul Gordon, Legal Advisor to the Israel Police, by fax: 02-5898762