



VIOLENCE AND ATTACKS AGAINST YOU OR YOUR PROPERTY

An Information Leaflet for Palestinian Residents of the West Bank, October 2008

- The aim of this document is to clarify what you can do if you or your property is aggressed.
- At the end of the document there is a list of the telephone numbers of the relevant authorities and human rights organizations through which you can seek assistance in the event of an attack.

The Rights of Palestinian Residents under Occupation

Every Palestinian has the right to life, physical wellness, dignity, and the protection of his person and property; every Palestinian is entitled to enjoy these rights under the protection of the Israel Defense Forces (IDF) Military Commander. These rights are enshrined in International Humanitarian Law (the Hague Convention and the Fourth Geneva Convention) and in Israeli law.

The Legal Obligations of the Military and the Police

- The occupying army is obligated to maintain order and security in the Occupied Territories. In carrying out its duties, and of the highest importance, the army is obligated to protect the lives, the safety and the property of residents, to protect the residents from attacks and harassment, and to prevent attacks and assaults on persons and property. These obligations are enshrined in International Humanitarian Law (the Hague Convention and the Fourth Geneva Convention), in Israeli law, and in military orders.
- HCJ 9593/04 *Murar et al. v. IDF Commander for Judea and Samaria*, Para. 33 (published 26/06/2006) ruled that respect for the law in the Occupied Territories is one of the army's core obligations and in the context of which it must:
 - Immediately open an investigation when information is received about harassment;
 - Initiate patrols by the security forces with the aim of discovering such acts;
 - Act independently to locate lawbreakers;
 - Investigate complaints and complete their investigations as quickly as possible;
 - Prosecute lawbreakers to the full extent of the law;
 - And take the steps necessary to prevent the recurrence of breaches of the law.

What to do if you or your Property has been Aggressed by Israeli Citizens

When the incident occurs:

- You can call on the security services for help because they are obliged to protect you from harassment, restore order, and investigate the incidents. You can contact the police using the emergency 100 number from a mobile phone, or at a district regional

station. The military forces should be contacted through the regional Coordination and Communication Administration (CCA) (see telephone numbers below).

- At the scene of the incident, the police must locate suspects and detain or arrest them as necessary. The police are also authorized to seize property to use as evidence.
- You should take into consideration that sometimes settlers being investigated by the police are inclined to file complaints against those complaining against them. Therefore, it is important to fully and accurately document the incident as extensively as possible, since the success of the investigation depends on the identification of culprits and the existence of evidence and testimony. It is of the utmost importance to record the incident in full and precise detail. It is also important to preserve and hand over to the police all of the documentation relating to the following:
 - Identity of suspects, number of suspects, their names, physical descriptions, any other identifying details including the type of vehicle they drove and its license number; whether you could identify them in person if required;
 - Precise date and time of the incident;
 - Exact location of the incident;
 - All of the circumstances surrounding the incident, including a detailed description of the injuries and damage caused (it is advisable to photograph these). Take note of whether any of those involved in the incident were armed and identify them as precisely as you can;
 - The way the military forces and the police acted at the scene (did they or did they not intervene to defend the person being attacked, and what action did they take against the assailant);
 - Additional witnesses to the incident, including soldiers and police;
 - Further evidence which can be provided by other people or in other locations;
 - And photographs of the incident, of the suspects, and/or of all damage caused as a result.

What to do if Military Forces and the Police are Present but do not Act to Prevent the Incident?

- If military forces or the police are present at the scene of the incident but do nothing to prevent the crime or restrain the assailants, this should be reported as a matter of urgency to the regional CCA.
- The incident should be documented photographically or in writing as preparation for filing a complaint – an effort should be made to find evidence and details that might identify the soldiers and/or the police officers.
- A complaint against soldiers concerning their failure to intervene and/or inadequate intervention should be lodged with the humanitarian center of the CCA and/or with the investigation branch of the military police. If the incident is severe and a number of soldiers were involved, copies should be sent to the Judge Advocate General of the IDF, the legal advisor to Judea and Samaria, and the Commander of IDF forces in

the West Bank. You may also contact Yesh Din, a human rights organization, which assists with submission of complaints to these bodies. (See telephone numbers below.)

- A complaint against the police concerning their failure to intervene and/or inadequate intervention: If the police did not respond to a call or police forces did not arrive or only arrived after a long time, you have the right to lodge a complaint about this to the commander of the Judea and Samaria District Police. (See the telephone numbers below.)

Filing a complaint with the police

- In order to initiate a police investigation and commence criminal proceedings against those responsible for harassment or assault, a complaint should be lodged with the police immediately after the incident.
- The success of the investigation depends on identifying the perpetrators and the existence of unequivocal proof and evidence of the police having committed a crime. It is therefore important to preserve and hand over to the police all relevant documentation.
- When the complaint relates to the invasion of private property (land or home) – the complaint should be lodged by the landowner, accompanied by documents proving their rights to the land.
- You can contact human rights organizations for assistance in submitting the complaint (see telephone numbers below).

Your Rights when Providing Evidence to Police

- Under the Rights of Victims of Crime Law, you are entitled to expect that whoever deals with your complaint and with the procedures connected with the injury you suffered acts towards you with consideration and respect, protects your privacy, and acts within a reasonable time. You have a right to have all the criminal procedures explained to you and to know how your complaint is being handled.
- Under the Rights of Victims of Crime Law, if you have been the victim of a violent crime, you are entitled to have another person with you when your testimony is being taken. You can contact human rights organizations for this purpose.
- You have the right to have your testimony taken and recorded in Arabic.
- Before you sign your testimony to the police – ask to read the complaint as it has been recorded or to have it read to you.
- Request confirmation of submission of the complaint.

- You should keep a copy of all documentation given to the police and of all the main points of your testimony.

Follow-up on the handling of your complaint and your right of appeal

- Under the Rights of Victims of Crime Law you are entitled to be informed of the stage of the proceedings relating to the specific crime. The investigator dealing with the complaint must explain to you how to obtain this information and give you a password you can use to keep abreast of the status of your complaint. The telephone number for updates is 02-5017030 from Sunday to Thursday from 08:00 to 16:00.
- Human rights organizations B'Tselem and Yesh Din or a private lawyer can assist in the follow-up of an investigation (see telephone numbers below).
- When the investigation has been completed or your complaint has been dealt with, the police must notify you of the decision– whether they will prosecute those responsible for the incident.
- If you do not receive a reply about the status of your complaint within a reasonable time – you can contact (preferably in writing) the police station handling it.
- If you received notice that the investigation has been closed, you have the right to appeal the decision.
- An appeal against a decision to close a file should be submitted within 30 days of the notice through Judea and Samaria Region Claims (fax: 02-6293220) or through the Jerusalem District Attorney's Office (4, Uzi Hasson Street, P.O.B. 843, Jerusalem 91007, tel: 02-6208122, fax: 02-6222385).
- For the purposes of submitting your claim you are entitled to request permission to inspect the investigation file and the evidence.
- If the prosecutor decides to prosecute the person who injured you, he will submit a document called an "indictment sheet" to the court, which describes the charges against that person. Regarding the legal proceedings, under the Rights of Victims of Crime Law, you have the following rights:
 - You are entitled to read the charge sheet and to receive a copy of it.
 - As the injured party, you are entitled to be present when the court holds a hearing on the crime.
 - You are entitled to write a document to the court in which you may specify the injuries and damages caused during the course of the crime. This document is called the "victim's affidavit." You must submit your affidavit to the investigator or the prosecutor dealing with the case, and the prosecutor will submit it to the

court. You should know that the accused or their attorney may, if they want, cross-examine you in the court on what you wrote in your affidavit.

- If the court convicts a person of a crime that caused you injury, the prosecutor is entitled to ask the court to order the convict to pay monetary compensation for the injury in addition to the sentence. Along with the criminal proceedings, you can submit a civil claim against whoever injured you so as to receive monetary compensation for the injury.
- If the court decides to convict a person of a crime that caused you injury and to send them to prison, you are entitled to know when they will begin to serve their sentence, when they will be freed, and also to be notified if they escape. Moreover, you are entitled to write to the parole board expressing your opinion on the possibility of paroling the prisoner. If the prisoner asks for a pardon from Israel's President, you are also entitled to write to the President expressing your opinion on the matter.
- If you are injured as the result of serious violence, you are entitled to be notified that the person suspected or accused of the injury to you has been arrested by the police or sent to house arrest. Under certain circumstances, the prosecutor and the accused will come to an agreement, for example that the accused will admit to having committed the crime and the prosecutor will ask the court to issue a lighter sentence. Such an agreement is called a "plea bargain" and such an arrangement is subject to the court's approval. If the court intends to make a plea bargain with the person accused of a crime wherein you were injured, you are entitled to write to the prosecutor expressing your opinion on the matter.

Improper behavior by the police

- If you encounter any difficulty in submitting your complaint to the police and/or are subjected to humiliating treatment by the police – you may file a complaint against the police officer or against the station.
- Your complaint should be filed with the Public Complaints Unit of the Police, tel: 02-5391304, fax: 02-5391302.
- You should keep a copy of the complaint so that you can follow it up.
- If police officers commit criminal acts against you or use unwarranted force (as distinct from cases of improper behavior as stated above), you are encouraged to submit a complaint to the Department for Investigation of Police Activities by mail, fax, or e-mail: tel: 02-5412401, 02-5412458, 02-5412465 (8:00-16:30), fax: 02-5412469, address 8, Hartom Street, Har Hotzvim, Jerusalem, P.O.B. 45208, Jerusalem 91450, email: mahashjr@justice.gov.il.
- You should seek the assistance of human rights organizations or a private attorney when submitting your complaint.

CONTACT INFORMATION

Military and Police

Police

Emergency center: 100 from a cellular phone

Hebron District, Telephone: 02-9969444, 02-9963894, Fax: 02-9964605, 02-9964413

Shomron District/Ariel, Telephone: 03-9065444, 03-9065410, Fax: 03-9065454, 03-9065436

Benjamin District, Telephone: 02-9706444, Fax: 02-9706440

Ma'aleh Adumim Station, Telephone: 02-5358444, 02-5358409, Fax: 02-5358440

Coordination and Communication Administrations

The Civil Administration Humanitarian Center, Telephone: 02-9977733, 02-9977081, 02-9977395

CCA Hebron, Telephone: 02-9967215, 02-9964360 Fax: 02-9962254

CCA Etzion/Bethlehem, Telephone: 02-9934010, 02-5485369, Fax: 02-5485370

CCA. Abu Dis, Telephone: 02-2799520, Fax: 02-2797920

CCA Jericho, Telephone: 02-9943305, 02-9943894, Fax: 02-9943305

CCA Ramallah/Salfit, Telephone: 02-9970284, 02-9970285, Fax: 02-9974693

CCA Beit El, Telephone: 02-9977747, 02-9706444, Fax: 02-9977337

CCA. Kalkilya, Telephone: 09-7759217, 09-7922359, Fax: 09-7922331

CCA Nablus, Telephone: 02-5486214, 02-5486217, Fax: 02-5486218

CCA Tulkarm, Telephone/Fax: 09-8948803

CCA Jenin, Telephone: 04-6407312, Fax: 04-6407315

Police Investigation Branches – Complaints against Soldiers

PIB Judea and Samaria (North West Bank), Telephone: 03-9575054

PIB Jerusalem (South West Bank), Telephone: 02-5842603

Help lines – human rights organizations

Hamoked- The Center for the Defense of the Individual

Emergency hotline: 02-6283555, 02-6264438, 02-6271698 Fax: 02-6276317

Rabbis for Human Rights, Telephone, 02-5637731, 050-5607034, 050-2103982, Fax: 02-5662815

B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories, Telephone: 02-6735599, Fax: 02-6749111

Yesh Din – Volunteers for Human Rights (24 hours)

Assistance with filing complaints and follow up: Azmi Badir (North West Bank) 054-4608524 and Muhanad Anati (South West Bank) 054-6720966

This leaflet is a publication of the Association for Civil Rights in Israel (ACRI).

The Association for Civil Rights (ACRI) in Israel is Israel's leading human and civil rights organization and the only one that deals with the entire spectrum of rights and liberties in Israel and the Occupied Territories. ACRI works to defend the rights of all through three parallel channels: litigation and legal intervention, education, and public outreach.

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