

This report deals with the bureaucratic procedures and cynical service provided by the Israel Police in the occupied West Bank, which disrupt the lives of the Palestinian residents and add yet another dimension to an already repressive regime. Between 2003 and the end of 2010, our MachsomWatch "police team" of ten women and two men met many hundreds of Palestinian laborers and drivers on the roads and at the checkpoints. We have thus become very aware of the obstacle course they must navigate as they attempt to clarify and resolve their issues with the Israel Police. When the frustratingly obstructive pieces of the bureaucratic puzzle are assembled, a harsh and infuriating picture emerges.

Denying access to information, supplying inaccurate information, preventing people tried in absentia from obtaining their verdicts, preventing people from trying to correct bureaucratic mistakes made by the court, poor service by policemen in the District Coordination Offices and at West Bank police headquarters – all these, despite empty words about good will, have not been rectified in the seven years of our involvement and our unceasing complaints. We can only assume that everything is deliberate and designed to make the Palestinians' lives miserable.

Because senior police officers have consistently defended the conduct of the policemen serving in the West Bank and because no flaw in the bureaucratic or service arrangements has ever been corrected – indeed, the situation has worsened – we have no choice but to conclude that everything is directed from above. It can be presumed that there has been no explicit order to cause hardship to the Palestinians in the disgraceful ways described in these pages, but winking and turning a blind eye have loosened restraints. Our conclusion is that policemen (and soldiers) understand that maltreatment, contempt and intimidation must be used in order for the Palestinians to remain in continuous dread of the Occupation and not dare raise their heads.

MachsomWatch takes its name from the Hebrew word for checkpoint: **machsom**.

photography: Eyal Tsah

OBSTACLE COURSE Conduct of the Israel Police in the Occupied West Bank December 2010 WATCH עידית



OBSTACLE COURSE

Conduct of the Israel Police in the Occupied West Bank
December 2010

MACHSOMWATCH

MACHSOMWATCH IS AN ISRAELI WOMEN'S ORGANIZATION THAT MONITORS ONE OF THE GRAVEST ASPECTS OF THE OCCUPATION – THE RESTRICTION OF FREE MOVEMENT BY PALESTINIANS IN THE OCCUPIED TERRITORIES.



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OBSTACLE COURSE

Conduct of the Israel Police in the Occupied West Bank
December 2010

This report presents the testimony of a special Machsom-Watch team which for the past seven years has been documenting the hardships which the Israel Police heap upon Palestinians in the occupied West Bank. In the course of our efforts to help Palestinians navigate the tangle of bureaucratic stumbling blocks confronting them, a grim and infuriating picture has taken shape before our eyes of the role played by the Israel Police in suppressing the Palestinian population in the occupied West Bank.

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We have a great deal more material than that published in this report and will gladly make it available to anyone interested in researching the subject.

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MachsomWatch is an Israeli women's movement. Founded in 2001 by three human rights activists, it monitors, documents and protests against human rights violations at the checkpoints that restrict the Palestinians' freedom of movement. It numbers several hundred volunteers all over Israel, united by their opposition to the Occupation and their commitment to the defense of human rights in the occupied territories.

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PREFACE

*“Upon three things does the world endure:
upon truth and upon justice and upon peace.”*

(The Talmud, Ethics of the Fathers, Ch. 1)

This report deals with Palestinian residents of the West Bank who have been **blacklisted by the police** and with the obstacle course they must negotiate in order to have their blacklisting canceled.

Police blacklisting makes it impossible for a Palestinian resident to obtain a “permanent” entry permit (renewable every several months) into Israel or into West Bank settlements for the purpose of employment, commerce or family reunification. Police blacklisting also makes it difficult to obtain even a temporary permit (for a day or a few days) for personal reasons. It is estimated that tens of thousands of Palestinians have been blacklisted by the police.

Most police blacklistings have been issued because of:

1. Illegal entry into Israel (“illegals”) or violations committed for the purpose of illegal entry, such as using forged documents. The vast majority of police blacklistees fall into this category.
2. Traffic violations.

The West Bank is under military rule. The **Civil Administration** is one of the arms of that military government. The Civil Administration is responsible for maintaining the population registry; for issuing permits for work, trade, medical problems, etc.; and for land issues.

In order to deal with any matters for which the Civil Administration is responsible, the Palestinian inhabitants of the West Bank must go to a **District Coordination Office (DCO)**. The eleven DCO's located in the West Bank are the regional offices of the Civil Administration. They issue magnetic identity cards to Palestinians (to be explained below) as well as the majority of entry permits to the Jewish settlements in the West Bank and to Israel proper. They are also supposed to provide explanations for various bureaucratic procedures.

The DCO's are manned by soldiers but there is also a policeman stationed at each of them to help the Palestinians in their dealings with the Israel Police.

Since 2003 our MachsomWatch team has been involved with problems that West Bank Palestinians encounter in their dealings with the Israel Police, especially blacklisting and its ramifications. This involvement began by chance in 2003 when Palestinian drivers in the Bethlehem and Hebron regions entrusted us with sums of money to pay their traffic fines in Israeli post offices and use the receipts to redeem their confiscated licenses. The licenses were being held in the traffic division of West Bank police headquarters, which until September 2008 was located in the Ras el-Amud neighborhood

of East Jerusalem (Palestinian Jerusalem), which is off limits to West Bank Palestinians. We were also asked to bring them payment forms from police headquarters so that they could pay overdue traffic fines.

For about five years we carried out this activity for many hundreds of drivers (some 500-700 or more per year). We thus became aware of the cynical policies as well as the poor and often deliberately inadequate service provided by West Bank police headquarters in Ras el-Amud.

In September 2008, West Bank police headquarters moved to the E1 area east of Jerusalem, atop a hill facing the Israeli settlement of Ma'aleh Adumim in the West Bank, to which Palestinians are permitted entry. At the same time, policemen serving in the District Coordination Offices (DCO's) were assigned the job of printing out and distributing payment forms for overdue traffic fines. Since then we have not been involved in those matters.

In January 2003, also as a result of a chance request by a West Bank resident, we began to deal with closing the files of Palestinians blacklisted for illegally entering Israel to seek work but having no related offenses. The vast majority of such files are closed via faxes and telephone calls. We transferred the documents confirming closure of the files from the police stations which had opened them to the individual Palestinians concerned, who then handed the documents over to the DCO's to be transferred to the blacklisting department at police headquarters, which was responsible for canceling or extending blacklistings. In June 2005 we learned that we could send the closure documents directly to the blacklisting department,

which would inform us of the outcome of the case. This possibility significantly shortened the time required to deal with these files.

I wish to note that the service given us in the blacklisting department by two policewomen, Y. and M., was the best, fastest and most courteous of any I have ever encountered in an office serving the public.¹ With their cooperation and the indispensable help of powers of attorney provided by the Palestinians concerned, we had closed 250 files by May 2006. The authorities then “reconsidered” and cut off this possibility to us, saying that only authorized lawyers could represent the people whose files were under review. The Palestinians themselves have the right to deal with the closure of their own files, which is done via faxes and phone calls, but because the entire procedure is conducted only in Hebrew they find themselves spending thousands of shekels on lawyers’ fees.

By September 2008 we had spent five years dealing with these issues as a team of ten women and two men. At least once a week we went to West Bank police headquarters at Ras el-Amud. We often went to the State Prosecutor’s office in Jerusalem and to various police stations inside Israel to deal with matters pertaining to illegals. We also transferred documents testifying to the closure of a file from various police stations to the blacklisting department at police headquarters, and we monitored the cancellation of both temporary and permanent blacklistings.

We frequently went to the traffic court at the Ofer military

¹ Personal comment by the report’s author.

base outside the West Bank city of Ramallah to attend traffic-violation trials, and we also tried (unsuccessfully) to move matters forward for various Palestinian drivers in the court bureaucracy.

Since September 2008 we have not been needed to help Palestinian drivers obtain and transfer documents because Palestinians are themselves permitted to enter the new West Bank police headquarters opposite Ma'aleh Adumim and also, as noted above, because our ability to close the files of illegals and promote their cases in the blacklisting department was blocked even earlier. Thus, in September 2008 the scope of our activity was restricted and since then the "police team" of MachsomWatch has consisted of only two women.

Beginning in September 2007, magnetic cards² have been issued to Palestinians blacklisted by the police (and by the General Security Services), as well as to other West Bank Palestinians who request them. Consequently, our involvement with the service provided by policemen in the DCO's has increased, as will be explained in detail below.

Currently our activity primarily includes:

1. Advising Palestinians on how to obtain information about their problems with the police; a daily check on the presence of policemen in the DCO's (mainly the Etzion DCO); maintaining telephone contact with Palestinians who call in the morning to report that they are on their way to a DCO to clarify their situation; obtaining the necessary documenta-

2 See pp. 69–70 for an explanation of magnetic cards.

tion for dealing with police files and advising blacklistees in their efforts to appeal the refusal to grant them entry into Israel for extended periods for the purpose of work or trade.

2. Dealing with payment forms for traffic fines incurred in Israel prior to 2000 (when Palestinians were still allowed to drive there), including requests that the fines be reduced and made payable in installments.

In the course of our long involvement with many Palestinians and the details of their problems with the police, we have become intimately acquainted with the continual twists and turns in procedures, which make solutions to simple administrative problems nearly impossible. We have also become acquainted with the patronizing and often offensive “service” which complicates and even thwarts solutions to bureaucratic matters.

Many injustices have been revealed to us, starting with the extortion of huge sums of money from the economically weak Palestinian population by means of traffic fines (we learned that traffic fines collected from Palestinian drivers in the West Bank for 2005 or 2006 amounted to more than three million shekels), to preventing blacklistees from obtaining information about their problems with the police and the solutions thereof, to blocking their option of granting power of attorney to someone other than a paid lawyer in order sort out simple matters with the police.

West Bank Palestinians are subject to punishments meted out according to arbitrary criteria set by the Chief of Israel Police, as well as to harsh and demeaning service which prevents them from accessing information to which they are entitled

regarding their problems with the police. This “service,” which again and again sends them hither and yon to accomplish the simplest of tasks, wastes their time and their money and frequently causes them to spend many hours waiting in very uncomfortable conditions. Often, despite their best efforts, they cannot manage to move their case forward. Many cannot afford to pay a lawyer and therefore give up, leaving their problems unsolved. Another impediment is the fact that barely any documents are written in Arabic.

A Palestinian cannot ask a policeman (or a soldier) for a detailed explanation, or protest that he hasn’t understood, or request a reason for an action taken against him, or argue – any of which is considered an impertinence. If he persists, he risks being accused of having “interfered with a policeman’s performance of his duties.” Over the years, in response to our queries and complaints, we have often been chastised or told in West Bank police headquarters: “You don’t believe the policeman?!” and “What the locals say doesn’t count for us!” When a Palestinian comes to a West Bank DCO for service, he is subject to the mercy, caprice, mood, personality and world view of the policeman who receives him. Of the many policemen we have met in the context of our activities, only a precious few have performed their duties with basic courtesy and humanity.

This report deals with the bureaucratic aspects of police activity and police behavior towards the Palestinian population in the West Bank. We have personal experience of everything described here. Chapter 1 deals with the elaborate weave of punishments meted out to illegals whose only desire is to bring food to their families. Chapter 2 describes the special targeting of Palestinian drivers on the roads, including wholesale

confiscation of their documents, which forces them to cross into Jerusalem illegally in order to redeem their confiscated papers. Chapter 3 surveys traffic-violation trials in the Ofer military base and the obstacle course defendants must negotiate in order to ascertain their verdict and obtain the forms necessary for paying the fine imposed by the court.

Chapter 4 describes the problems involved in obtaining service at West Bank police headquarters when it was located in the Ras el-Amud neighborhood of East Jerusalem between 2003 and September 2008. Chapter 5 describes the service provided by DCO policemen before 2008. (We became acquainted with this service in 2003, at the beginning of our activity, and it continued until 2008, when many changes were introduced.) Chapter 6 describes the service provided by DCO policemen more recently, from 2008 up to the writing of this report in December 2010. Lastly, we will present our conclusions and four illustrative stories.

It should be noted that this report does not cover the *entire* role played by the police in the oppressive regime operating in the West Bank. We don't mention how the police stand aside while settlers attack Palestinian civilians³; or the Palestinians' inability to lodge a complaint⁴; or the failure of the police to investigate offenses committed by Israeli citizens against Palestinians in

3 See video entitled "Settlers Attack Palestinians and Israelis": http://www.youtube.com/watch?v=Jq_33tSp6JE.

4 See, for example, Avi Yissacharoff's article in Haaretz on 17 September 2010, "The Obstacle Course Confronting a Palestinian Trying to Complain to the Israel Police against a Settler" <http://192.118.73.5/hasite/spages/1189794.html> [in Hebrew].

those cases where Palestinians do succeed in lodging a complaint (nine out of ten investigations of settlers' attacks against Palestinians do not reach a verdict⁵); or police conduct at the Bethlehem checkpoint (which is operated by the police rather than the army)⁶ and at other checkpoints under police responsibility; or police brutality against demonstrators.

5 See the Yesh Din report, "69 Incidents of Damage to Trees — No Indictments": <http://www.benor.co.il/monitoring/Clippings/Yesh%20Din/2009/November/LESV-DS5%20Trees%20Hebrew.pdf> [in Hebrew].

6 See, for example, Avi Issacharoff's article in Haaretz on 22 September 2010: "Investigation by Haaretz: Crowding, Humiliation and Violence at the Bethlehem Checkpoint": <http://www.haaretz.co.il/hasite/spages/1190458.html> [in Hebrew].

Chapter 1

Illegal Entry into Israel (Illegals)

Before describing the plethora of difficulties faced by Palestinians when they enter Israel illegally, which they nearly always do solely for purposes of livelihood, we need to remember the causes of the problem.

It begins with the responsibility an occupying power bears towards the inhabitants of the land it occupies. International law requires the occupying power to develop the occupied area for the welfare of its residents and forbids it to transfer its own citizens to the occupied territory.

The State of Israel does not develop the West Bank for the benefit of its indigenous Palestinian inhabitants. On the contrary, it transfers land and water from those inhabitants to Israeli settlers, prevents free access of the Palestinians to their agricultural lands, and blocks and impedes construction, trade and movement of the indigenous inhabitants within the occupied territory. The Palestinians are therefore dependent on Israel or Israeli settlements for their livelihood. Moreover, the State of Israel is responsible for the livelihoods of these civilians. We refer readers to the fact that countless men in the occupied territories, normative people like ourselves, have criminal records because they were caught crossing illegally into Israel in search of work. According to an estimate we have heard from several sources (including Ilan Paz, former head

of the Civil Administration), at any given moment some 30,000 Palestinians are illegally present in Israel.

Most of the Palestinians blacklisted by the police are people who didn't have an entry permit when caught working or seeking work inside Israel or in Jewish settlements in the West Bank, thus becoming "illegals." A minority have also committed related violations, most commonly the use of a forged permit.

Police files are opened for most illegals when they are apprehended. If no indictment ensues, these files are subsequently closed by lawyers via faxes and telephone calls, or occasionally closed on the initiative of the police "for lack of public interest." Those accused of related violations are often tried in court but sometimes people caught merely working or en route to a job may also be put on trial. Illegals even risk death and disability: Haaretz columnist Gideon Levy recently wrote about Iz a-Din Kawazbah, who was shot dead while entering Israel without a permit ("Twilight Zone: A Bullet in a Laborer's Heart," Haaretz, 8 October 2010⁷), and about Muhammad Dababseh, who was caught and beaten in Ashkelon and has been unable to speak ever since ("Twilight Zone: Without Words," Haaretz, 29 October 2010).

When illegals are tried, the judges usually do not take into consideration the fact that they entered Israel in search of work and had no related violations, nor that they are normative people who risked the dangers of crossing illegally into Israel only because of their severe economic distress and their need to feed the many people dependent on them. They work

⁷ <http://www.haaretz.co.il/hasite/spages/1192489.html> [in Hebrew].

for low wages in difficult conditions and in constant fear of the authorities.

But even in the judicial system there are exceptions, such as Magistrate Nehama Netzer, who imposed “only” 15 days of imprisonment on a Palestinian who crossed into Israel illegally, instead of the standard three-month sentence usually meted out by the District Court in Beersheba. Judge Netzer also explained her decision carefully.

In the sentence handed down by the Magistrate’s Court in Kiryat Gat on 26 March 2009 (criminal case 463/09), Judge Netzer wrote: “Hard times and changing circumstances make it necessary to completely rethink everything connected with Palestinian Authority inhabitants... [whose] only crime was entering Israel in order to work, and in my view they should not be viewed any differently from other illegal labor migrants arriving in Israel... It should be remembered that for approximately four decades Israel was the source of livelihood for the residents of the Palestinian Authority. In the wake of the Oslo Accords, the state’s borders were closed to those same Palestinians and overnight many of them lost their ability to work and to support their large extended families.”

She added, “It is time the State of Israel realizes that no punishment, regardless of its severity, will cause Palestinian Authority residents to stop seeing Israel as their first, if not main, source of work and livelihood.”

The prosecution appealed the light sentence to the District Court (criminal appeal 6169/09) and on 1 April 2009 the appeal was accepted. However, the Public Defense appealed

successfully to the Supreme Court (petition 3173/09). On 5 May 2009, Supreme Court Justices Elyakim Rubinstein, Salim Jubran and Yoram Danziger ruled that standardized punishments should not be set and that illegal entry into Israel should be considered proportionately to the defendant's personal circumstances. "Identical criteria of punishment should not be imposed upon everyone accused, for they differ according to their personal circumstances, their criminal record and the circumstances and severity of the violation they committed," Justice Danziger wrote. (*Newspaper clippings and a letter sent by MachsomWatch to the press in this matter appear in Appendix A.*)

But even the reduction of prison time set by Magistrate Netzer (who in October 2009 was promoted to the Beersheba District Court) could not prevent the real punishment: this Palestinian, like many others who have been caught and imprisoned for crossing into Israel illegally, was also blacklisted by the police for three years. That meant he could not obtain a permit to work in Israel for a three-year period, in accordance with the criteria set by the Chief of the Israel Police.

The Police Chief's criteria

Despite being an executive body, the Israel Police have taken on powers of a judicial body. The Chief of Police has established a list of criteria according to which standardized punishments are meted out to thousands of illegals without exception. The punishments consist of long periods of time in which people apprehended for being in Israel illegally are denied work permits for Israel or the Jewish settlements.

These criteria were confidential until 2007. Since then, following a petition to the Supreme Court by the Association for Civil Rights in Israel (# 2686/06, made on 26 March 2006), they have been made public and appear on the Israel Police website⁸. (*The criteria appear in full in Appendix B of this report.*)

The two most commonly applied criteria are:

1. Whoever has had a police file opened against him but has not been put on trial is ineligible for a work or merchant's permit in Israel and the settlements for a period of 18 months, even if the file was closed a week after it was opened.
2. Whoever was put on trial and sentenced to imprisonment of up to a year, even if he served but a week, is ineligible for a work or merchant's permit in Israel and the settlements for a period of three years.

An additional criterion is that if a person has been tried and his sentence is not imprisonment de facto, *or if the hearing concluded without a conviction*, he is ineligible for a work or trade permit for two years.

According to data published in the activity report of the West Bank military courts, in each of the last several years more than 1,500 Palestinians⁹ have been tried and, as explained

8 http://www.police.gov.il/mehozot/agafAHM/hativatHakirot/Pages/meidap_huliot.aspx#3 [in Hebrew].

9 "Annual Activity Report for 2009 of the Military Courts in the West Bank," p. 14.

above, made ineligible for permits for periods of two or three years, in keeping with the Police Chief's criteria.

Two additional provisions which give the police legal authorization to do whatever they please are Clause 15, which enables the police to change the criteria at any time, and Clause 12, which says:

“General restriction authority: The Police may restrict a person's entry into the territory of the State of Israel even outside the above criteria, if a police officer thinks that allowing his entry into the territory of the State of Israel is liable to threaten public peace or security.”

Simply put: *any police officer* can deny *any person* the possibility of obtaining a work or merchant's permit and earning a livelihood. This means that the police officer is fully authorized in advance to deny permits, even without any criteria whatsoever.

Possibility of appealing a blacklisting according to the criteria

According to Clause 13 of the Police Chief's criteria, a black-listed person can lodge an appeal with the Israel Defense Forces, after which the police will make their recommendation on the matter. In practice, at least up to the end of 2009, the police were the final arbiter on granting entry permits to Israel and the settlements, despite their lack of authorization.

Attorney Tamir Blank lodged an appeal in late 2008 on behalf

of a number of clients who had been blacklisted according to the Police Chief's criteria. The appeal was addressed to the public complaints department of the police. The response to this appeal said there was no procedure for cancelling a blacklisting based on the Police Chief's criteria by appealing to the police. Rather, the blacklistee must go to a DCO policeman (who himself is an arm of the police). Attorney Blank's client went to a DCO policeman and was sent away empty-handed. Attorney Blank again wrote to the public complaints department, stating: "The DCO's do not deal with canceling police blacklistings ... There is no department dealing with this ..."

In early 2009 Attorney Blank wrote to the head of the Civil Administration. The response he received said: "The Civil Administration is unauthorized to examine this particular blacklisting because it was imposed by the Israel Police. We recommend that you direct your client to the DCO in his area of residence for the purpose of meeting with a DCO policeman ..." Again Attorney Blank's client went to see a DCO policeman, and again the policeman told him that he had nothing to do with appeals of any sort and sent him home.

On 7 February 2010, at a court hearing regarding an appeal against a blacklisting imposed on a Palestinian according to the Police Chief's criteria, the judge rebuked representatives of the State Prosecutor's Office who told him that although it is possible to appeal a blacklisting, they didn't know the procedure for doing so. The judge decided that the plea lodged by Attorney Blank would also serve as an appeal. A date was set for a new hearing should the blacklisting not be canceled. The judge instructed the State Prosecutor's Office to present the court with the details of the appeals procedure. Within a

few weeks, following repeated reminders by Attorney Blank, who was himself curious to see the details of the procedure, representatives of the State Prosecutor's Office gave the court and Attorney Blank the "Appeals Procedure — Police Blacklistings," which had been issued by the Civil Administration back in August 2009.

Police officers and DCO policemen were surprised when they started to receive requests to appeal because neither the Civil Administration nor the police nor any other body had informed them of the existence of an appeals procedure. The procedure includes a section called "Method — Details" which, like Clause 13 of the Police Chief's criteria, states that appeals of blacklistings must be addressed to the Israel Defense Forces. The appeal must be submitted to a DCO; a DCO officer will then transfer it to the DCO policeman, who will transfer it to the criminal information division of the police. This division will send its response back to the DCO policeman, who will transfer it to the DCO officer. But the police, who blacklisted the person, cannot decide on their own to cancel the blacklisting. A decision by the police must be confirmed by the head of the DCO, who can agree or not agree to cancel the blacklisting.

On 23 August 2010, basing himself on the extremely detailed description in the above-mentioned "Method — Details," a police blacklistee lodged an appeal at the DCO in Hebron. He received a "request processing form" which stated that the purpose of his request was cancellation of his criminal blacklisting, and was told to return to the DCO in three months for the response to his request (even though the process was supposed to be much shorter). One week after submitting his request, on 30 August 2010, he was asked to return to the

DCO, where he was given a new “request processing form” that said: “You must go to police headquarters.” On 2 September 2010, Attorney Tamir Blank applied to the blacklisting department at police headquarters. He received a reply on 27 September 2010 stating that his client’s blacklisting was “based on intelligence information” and the blacklisting department would transfer his appeal to the intelligence department of the police (which does not deal directly with lawyers). On 5 October 2010, Attorney Blank was informed that his client’s blacklisting would be cancelled on 5 April 2011 (i.e., it would be shortened by half a year). On 25 October 2010, Attorney Blank received notice that his client was no longer blacklisted. That was the first time an appeals procedure had taken place.

On 6 September 2010, another Palestinian went to the DCO in Hebron armed with a letter from Attorney Blank and additional documents. He tried to submit a request that his criminal blacklisting be canceled but the DCO staff were unwilling to accept it under any circumstances. All our telephone calls to the DCO and to the humanitarian hotline of the Civil Administration were to no avail. After waiting several hours, which was especially difficult because of the Ramadan fast, the man went home. We kept telephoning the DCO and later that day were told that the man would be able to submit his request: “Let him come now,” was the reply. In other words, he should *immediately* make the long trip again from Yatta to Hebron, on a hot summer’s day during the Ramadan fast. After additional negotiation it was agreed that the man could return the following day, and indeed his request was then accepted and he was provided with written confirmation that his request was being processed and he should return in three months.

When the address for submitting an appeal against a blacklisting according to the Police Chief's criteria is finally found, then if that appeal is rejected it is possible to further appeal to a higher instance. If the purpose of the appeal is to obtain a permit to enter Israel for work, the appeal must be made to an Israeli court for administrative matters. If it is for the purpose of working in a Jewish settlement in the West Bank, the appeal must be made to the High Court of Justice.

We know of a number of appeals submitted by Attorney Tamir Blank and earlier by Attorney Yael Berda. In most cases the police canceled the blacklisting before the appeal was heard by the court. Perhaps they simply didn't want to expose the arbitrariness with which they impose blacklistings.

Release procedure for illegals detained or imprisoned inside Israel

Palestinians occasionally ask us to retrieve the paltry belongings taken from them when they were arrested: a cell phone, earphones, a wallet with some money, and also identity cards. These belongings were not returned to them when they were released from detention or prison. All they have is a slip of paper listing the items which were taken. Identity cards are never mentioned in the list but fortunately they are returned with the other items most of the time.

We have received such requests from people released from prisons throughout Israel. With great effort and the help of powers of attorney and the above-mentioned slips of paper, we have extricated their belongings.

We learned that all these people had been released late in the evening when the storeroom containing their belongings was already closed. They were taken to a West Bank checkpoint during the night, whence they had to make their way home, without an identity card, a cell phone or money. For example, a young man from Tarkumiyya in the southern Hebron hills was dropped off at midnight at the Kalkilya checkpoint in the northern part of the West Bank. In great fear he sought shelter in the mosque of a nearby village and from there he set off for home the following morning sans an identity card or anything else.

Israeli law forbids confiscating an identity card for more than 96 hours and requires that the card's owner be given a document stating that it was taken from him, when and by whom. (Other confiscated documents must also be replaced with a written statement, but identity cards are the most crucial documents.) In the vast majority of cases this is not done.

As mentioned above, people released from detention or prison are given a list of the items taken from them and told to return with that list during the storeroom's reception hours to get everything back. But there's a catch: these places are inside Israel and the released detainees, who have been blacklisted by the police for long periods of time, cannot obtain a permit to enter Israel to reach them. Their options are either to send a lawyer or forfeit their property. Here it should be noted that, according to international humanitarian law, when an occupying power imprisons inhabitants of the occupied territory, it must do so only within the occupied area. It is well known, however, that thousands of Palestinians have been and continue to be imprisoned throughout the State of Israel, from Damon Prison in the north to Ketziyot Prison in the south.

Chapter 2

Decrees of the Traffic Police

According to recent statistics, the living standard in Israel is ten times higher than that in the West Bank. Yet ever since the Occupation began, traffic fines imposed on Palestinian drivers have been the same as those imposed in Israel, both for violations committed on roads inside Israel prior to the year 2000¹⁰ as well as for violations committed on West Bank roads under Israel's jurisdiction. The latter — which are used primarily by the Jewish settlers — include Route 60, which extends the entire length of the West Bank from north to south, as well as all the roads leading to Jewish settlements. The Israel Police patrol these roads and are responsible for the traffic on them.

Police blacklisting for delay in paying traffic fines incurred inside Israel

Whoever has not paid a traffic fine for a violation incurred inside Israel up to the outbreak of the second Intifada in 2000 is automatically blacklisted by the police. Until he pays his fine he cannot get a work permit for Israel or the Jewish settlements. In order to pay the fine, however, he must obtain new payment forms, as the fine will have swollen over the years to thousands and tens of thousands of shekels. It's possible to send a request

¹⁰ Since the outbreak of the second Intifada in the year 2000, West Bank Palestinians have not been allowed to drive inside Israel.

to a committee in the fine-collection department in Jerusalem for the amount to be reduced, attaching a claim of economic hardship. The committee usually decreases the fine by about a third and allows it to be paid in installments. It takes approximately four to six months for the committee's answer to arrive.

Police blacklisting for delay in paying traffic fines incurred in the West Bank

Whoever has not paid a traffic fine for a violation committed in the West Bank is also automatically blacklisted by the police. The vast majority of drivers pay their traffic fines at Israeli post offices. If they're late in paying, they must get new payment forms to do so because of the extra penalty imposed. These two operations involve many hardships, as will be explained below.

Palestinian transport is comprised of private cars, trucks and public transportation consisting mainly of taxis and some buses. There are more taxis than anything else. Often the driving on West Bank roads — by both Palestinians and settlers — is wild. Solid white lines are crossed, overtaking is rampant and speed limits are ignored. Naturally, fines must be imposed as deterrence.

Unequal police treatment of Palestinian drivers on settlers' roads

1. Again we note that Palestinians pay the same fines as Israelis, even though their living standard is ten times lower.

2. Traffic fines are imposed on roads built for Jewish settlers, only certain stretches of which are open to Palestinian vehicles. In 2005 we were told by the head of the traffic department in the West Bank that 51% of all traffic fines in the West Bank were levied that year on Palestinians. He said this to demonstrate the “equal distribution” between Israelis and Palestinians, but the volume of Palestinian traffic is only 10% of the total and perhaps even less.
3. Most fines are paid in Israeli post offices. Although the payment form attached to the ticket says that the fine may also be paid in the Cairo-Amman Bank, most branches of that bank are not willing to deal with these fines. The Palestinians must therefore either find messengers who will go to Israeli post offices for them, or cross illegally into Israel themselves in order to pay.

When we asked why a mobile post office couldn't come to each DCO once a week, we were told it was for security reasons. The many jeeps and Hummers parked all around and driving across the fields, on the roads and around the DCO's cannot, it seems, protect a post office van.

By contrast, any Israeli can simply go to the nearest post office when he has to pay a fine.

4. The traffic police carry out routine vehicle checks on the settlers' roads, stopping Palestinian vehicles far more often than those belonging to settlers. We always see police cars on the road shoulders. Most of the vehicles they stop are Palestinian. We also often see police cars at the checkpoints.

The police take advantage of the fact that many Palestinian vehicles are queuing at checkpoints in order to examine them and their drivers' licenses. These checks are extremely thorough and often Palestinians are given a ticket for minor flaws in their vehicle — flaws which would have elicited only a warning to repair them had the vehicle belonged to an Israeli, e.g., a taxi driver's details posted inside the vehicle on a sign that doesn't have the required dimensions, or license plates which need tightening. We have also seen cases in which Palestinians sitting in their vehicles in a checkpoint queue with their motor switched off have been given a ticket for not having their seat belt fastened.

5. One of the most common fines is for stopping on the road shoulder. In general, there are parking bays on settlers' roads only at bus stops or hitchhiking points at intersections or entrances to settlements. There are no parking bays where Palestinians may be picked up or dropped off in order to cross the fields to their village or access their lands on the other side of the road. Palestinians therefore get in and out of taxis all along the road shoulders. Fines for doing this are not long in coming.
6. We have seen tickets issued for jaywalking where the closest pedestrian crossing was many kilometers away and there was no other way to cross the road except by flying. Many such tickets have been given to pedestrians on Route 60 between Hussan and El-Hadr, before El-Hadr was enclosed within a wall and an unpaved underpass opened. We saw a similar case near the Hawara checkpoint.

Here it should be noted that Route 60 is a highway and,

as we were told in the traffic department, “there are no pedestrian crossings on a highway.” And indeed there are none, even though the segment south of Jerusalem enabling speedy travel to the settlements passes through the populated margins of the big Palestinian towns of El Arub, Beit Omar and Halhul, and actually bisects the town of Beit Anun, where some 500 schoolgirls cross it every morning and afternoon en route to and from their school.

Inside Israel as well, segments of inter-urban highways bisect populated areas. As one approaches these segments one sees signs to slow down, and there are also pedestrian crossings. Apparently 500 Palestinian schoolgirls crossing a highway every morning and afternoon are not sufficient reason to reduce speed on the settlers’ roads.

7. Licenses and other vehicle documents are confiscated from Palestinian drivers when they’re late in paying fines and also until they’ve paid the deposit guaranteeing their attendance at their traffic court trial. Israelis, however, are sent warnings before their licenses are confiscated.
8. An Israeli tried in absentia in traffic court receives his verdict and payment form by mail. If he does not show up for his trial, he forfeits the right to defend himself and nothing more. A Palestinian tried in absentia in traffic court cannot obtain his verdict and payment form without hiring a lawyer for that purpose. Until he has paid the fine, his confiscated documents are not returned to him and his livelihood is suspended.
9. When a driver’s license belonging to an Israeli is revoked,

that is the only document confiscated. In the case of a Palestinian driver, his vehicle documents are often confiscated as well. No one can then drive the vehicle. Many such vehicles — taxis, trucks and buses — are sources of livelihood.

10. Traffic tickets issued inside Israel and to settlers show telephone numbers for making inquiries. Comparable traffic tickets issued to Palestinians, however, have no telephone numbers on them.

Two kinds of traffic fines, confiscation of vehicle documents, and payment of fines

As we have first-hand knowledge of the southern region of the West Bank, we will present examples from there. It may be assumed that the situation is similar in the northern region.

Two kinds of traffic fines

- a. **Fines for violations not requiring a trial** (blue-printed ticket). The fine increases every three months past the deadline.
- b. **Fines for violations requiring a trial** (purple-printed ticket). Such a traffic ticket stipulates the date of the trial and includes an attachment¹¹ for paying a deposit that guarantees attendance. Although it says the deposit must be paid

¹¹ The attachment is a form appended to the traffic ticket stating the amount to be paid. A receipt is the same form after payment showing the stamp of the post office or bank in which the payment was made.

within three days, the amount does not increase even if it's unpaid all the way up to the trial.

Israeli citizens get the same tickets in exactly the same colors, with one difference: their tickets contain telephone numbers for the relevant police station or traffic court. Neither type of ticket issued to a Palestinian contains telephone numbers for inquiries.

Payment of traffic fines and confiscation of licenses

Paying traffic fines is theoretically possible in branches of the Cairo-Amman Bank in the occupied territories as well as in Israeli post offices, but although paying in the Cairo-Amman Bank should be simpler it's actually problematic in two ways:

1. Most branches are unwilling to accept such payments.
2. The Palestinian drivers do not feel confident that payment in the Cairo-Amman Bank will be transferred to its correct destination — and even if it is, they think the transfer would probably take longer. They therefore prefer to take the trouble of paying in Israeli post offices.

Until 2005 there was an additional difficulty: the police prosecutor in the traffic department of West Bank police headquarters refused to honor the stamp of the Cairo-Amman Bank on the grounds that it was easy to forge. In 2005, as a result of our many complaints and arguments, the head of the traffic department instructed the police prosecutor to honor the stamp.

Several years ago we looked into this issue and found that

payment of a fine is registered in the police account two days later, whether it was paid in an Israeli post office or at the Cairo-Amman Bank. But in both cases there's a delay before the payment is registered in the computer of the West Bank traffic department —usually a delay of a few months, even as many as eight months.

When a policeman does a routine computer check on a Palestinian driver and sees that the man has not paid a fine, he confiscates his driver's license and sometimes vehicle documents as well. In many cases, that driver *has* paid the fine but his payment does not yet appear in the police computer.

As a result of our many complaints about this, an order was issued by the head of West Bank police headquarters to consider an original receipt in the driver's possession as having greater validity than the information in the computer regarding his debt. This order was not publicized among the Palestinian population, however, and most Palestinian drivers do not know that they should always carry the original receipts proving that they've paid their fines.

As mentioned above, prior to 2005 Palestinian drivers had no choice but to pay their fines in Israeli post offices, i.e., in places they were not allowed to go to. Since 2005, when the stamp of the Cairo-Amman Bank began to be honored, and in view of our finding that the delay in registering payment in the police computer is the same whether the fine is paid in an Israeli post office or at a branch of the Cairo-Amman Bank, we have been advising the drivers we meet to pay their fines at the Cairo-Amman Bank so that they don't take the risk of entering Israel illegally or entrusting their money to some-

one else. They don't always take our advice, however. Even those who know that the Cairo-Amman Bank stamp will be honored are certain that payment in an Israeli post office is safer and will be registered sooner. As noted above, this belief is totally mistaken. In any case, the drivers with whom we come into contact are but a handful compared with the overall number.

For all these reasons, Palestinian drivers (most of whom drive taxis, buses or trucks for a living) try to pay their fines in Israeli post offices. They give cash either to friends who work inside Israel or to Palestinian drivers from East Jerusalem who travel up and down Route 60 in their transit vans. Often they pay for this service. Sadly, however, we've seen many examples of receipts totaling thousands of shekels that have been returned to West Bank drivers with forged post office stamps on them.

We have occasionally seen Palestinian drivers standing outside the Jewish settlements of Efrat or Alon Shvut asking chance passers-by to do them the favor of taking their cash and paying their fines in the settlement post office. We have not checked to see whether the passer-by returned with the receipt. It must be remembered that we witness only a small sample of what is happening in this sphere – just the tip of the iceberg.

When their licenses are confiscated, the lives of Palestinian drivers come to a halt. They are unable to earn a living for weeks, months and sometimes even years. In most cases the driver is not the owner of the vehicle he drives. As noted above, often a vehicle's registration document is confiscated together with the driver's license, so that *no* driver can work on that vehicle or use it for any purpose whatsoever.

Invalidating licenses for limited periods prior to trials for heavy offenses

According to law, tickets for traffic violations requiring a trial must specify the date on which the trial will be held, usually several months later. But there are traffic violations for which the law does not content itself with the punishment imposed by the court. These violations also incur the immediate punishment of invalidating the driver's license for a certain period, generally 30 days.

In such cases, the traffic policeman issuing the ticket simultaneously issues a summons to a hearing before a police officer in a police station within approximately three days. The driver must bring his license to the hearing. There he can argue against its invalidation and explain the circumstances of his violation as he sees fit. The police officer will then decide whether or not to invalidate the license. If he decides to invalidate it, he confiscates the license for the designated period.

This procedure is meant to protect drivers from arbitrary decisions made by the police. For example, an Israeli driver caught going 145 kph near Eilat had his license confiscated on the spot by a police officer and invalidated for 30 days. The Tel Aviv Traffic Court later ruled that the license be reinstated because the driver had not had the requisite hearing.¹²

¹² This example appears in a traffic lawyer's website: <http://www.horesh.biz/%D7%A8%D7%9B%D7%91/%D7%A4%D7%A1%D7%99%D7%9C%D7%AA-%D7%A8%D7%A9%D7%99%D7%95%D7%9F> [in Hebrew].

Palestinian drivers do not enjoy such protection under the law. The Palestinian driver's license will be confiscated on the spot. Often, instead of giving him a summons to a hearing, the policeman simply writes the word "invalidate" on the ticket. If the driver comes to a hearing and no traffic officer is present, he will be told to come back another time. The invalidation period will start only after the hearing before the police officer. When we asked why the invalidation period should not begin from the day the ticket was issued, we were told: "It's the right of the accused to have a hearing! Maybe he'll convince the officer that he doesn't deserve to have his license invalidated at all."

We have met many people who arrived at their trial several months after committing their traffic violation without having redeemed their confiscated license even though they paid the deposit guaranteeing their attendance at the trial and brought the receipt to police headquarters as required. Presumably no traffic officer was present when they came, nor perhaps on their subsequent attempts to have a hearing which would initiate the invalidation period. Then, after the trial, they were again summoned to a hearing because they had not yet served out the 30-day license invalidation period — despite the fact that their license had already spent months in the hands of the police prosecutor.

Over the years we have discovered that the driver can declare that he forfeits his right to a hearing as soon as his license is confiscated, in which case the 30-day invalidation period begins immediately. But no policeman tells a Palestinian driver that this possibility exists.

In 2007, in response to our repeated complaints, the head of

the West Bank traffic police ruled that a person who does not show up for his hearing at the appointed time will be considered to have forfeited his right to one and that the 30-day invalidation period will have begun from the day the violation was committed. This arrangement lasted for a short time only, and since then we have often met people who encounter the original problem.

How vehicle documents are confiscated and redeemed

When a policeman encounters a Palestinian driver who has committed a violation requiring a trial or who is late in paying a ticket for a violation that does not require a trial, he confiscates the Palestinian's driver's license and/or his vehicle-registration license and/or his vehicle insurance certificate and/or his taxi operator's license. The meticulous take his identity card as well.

Obtaining necessary receipts for redeeming documents

- 1. In order to redeem documents confiscated for violations not requiring a trial but incurring a fine (blue tickets) whose payment is overdue:** new payment forms must be obtained (because the fine increases every three months) and the fine must of course be paid.

There is very little chance of obtaining new payment forms before the driver's documents have been sent from the nearest police station to West Bank police headquarters. Up until September 2008 the procedure for obtaining new payment forms was that the driver in question had to go to the DCO policeman, who sent his request for payment

forms to the traffic division at police headquarters in Ras el-Amud. New payment forms were then sent from the traffic division to the DCO policeman, from whom the driver was supposed to receive them. Since September 2008, the DCO policemen are supposed to automatically issue new payment forms to anyone requesting them. However, because of service problems with the DCO policemen, to be explained below, this is not at all a simple matter.

- 2. In order to redeem documents confiscated for violations which require a trial (purple tickets):** a deposit guaranteeing attendance at the trial must be paid, the original receipt thereof must be shown to the police, and a photocopy of the receipt must be left with them. The payment form states that in order to redeem the confiscated documents, the deposit must be paid within three days and the receipt presented to the police.

Since most people think it best to pay their fines in Israeli post offices — a difficult operation for the reasons given above — payment of the deposit is usually delayed. The amount of the deposit does not increase with time, however, because it is intended only for redeeming confiscated licenses and other vehicle documents which meanwhile serve as a guarantee that the driver will attend his trial.

It sometimes happens that when drivers come to police headquarters in order to redeem their documents with receipts of payments made after more than three days, the police berate them for their delay.

Drivers who have not paid their guarantee deposit can re-

deem their documents only after receiving a verdict and obtaining a form to pay the fine levied by the judge. (If they have paid the deposit, the sum will be deducted from the amount of the fine.) Upon producing the verdict and a receipt showing payment of the fine, the driver can redeem his documents.

If the driver redeemed his documents by paying a guarantee deposit before the trial but has not paid the additional amount imposed by the judge, his documents will again be confiscated the next time he is stopped by a policeman for a routine check.

What happens to confiscated documents and how they are redeemed

In the region we are familiar with, the southern West Bank, there are police stations in Etzion, Hebron and Ma'aleh Adumim, as well as West Bank police headquarters (which was located in the Ras el-Amud neighborhood of East Jerusalem until September 2008 and since then in the E1 area opposite Ma'aleh Adumim in the West Bank). Each of these stations has a traffic team which patrols the roads.

Documents confiscated by these policemen for traffic offenses are kept for three days in the team's mother station and then transferred to the traffic division of West Bank police headquarters. Drivers who manage to pay their fines quickly, and who have been explicitly told to bring their receipts, and for whom someone has taken the trouble to open the gate when they arrive at the appropriate police station, and who were lucky enough to find the designated policeman present in

his room, will get their documents back within that three-day period.

Whoever has not fulfilled any one of these conditions within three days must go to West Bank police headquarters, to which their documents have been transferred. There a driver must show an original receipt for payment of his fine and hand in a photocopy of it. Most people do not know that they need to make a photocopy of the receipt to be left with the police. If they have no photocopy and if the policeman has not told them to make one at the photocopying machine positioned at the entrance for the drivers' use, or if the policeman doesn't make a photocopy himself when no such machine exists, then a driver gets his documents back but not the original receipt and thus has no proof that he has paid his fine.

Procedures of the Accident Department of the Traffic Division at West Bank Police Headquarters

Very infrequently, Palestinians have asked for our help following traffic accidents in which they were involved. In general, the policemen in the accident department of the traffic division at West Bank police headquarters have behaved properly towards them. However, there is a flaw in their system: they don't inform Palestinians that following an accident they have the right to testify before a lawyer in the hospital and that their insurance company must cover this expense.

In 2006 we were told by the accident department (when it was still located at Ras el-Amud): "They must come here to testify even if they have to come in an ambulance. And if they can't

come while they are injured, they can testify after they recover from the accident.” Only a thorough investigation on our part revealed the option of giving testimony to a lawyer in the hospital and thus being reimbursed by the insurance company for hospitalization costs as quickly as possible. This information is vital but it has not been shared with the Palestinians.

Chapter 3

Problems in the Traffic Court at Ofer Military Base

Traffic trials for drivers from the southern West Bank and the Ramallah district are held at the Ofer military base near Ramallah. Traffic trials for drivers from the northern and central West Bank are held at the court in Sallem, near the northernmost West Bank city of Jenin. At the Ofer traffic court, trials are regularly held once every two weeks. Over the years we have been present at some of these sessions and have seen that on any given day the police prosecutor brings dozens of people to trial. On the days we attended, there were 60-100 cases per day. We assume the situation is similar in Sallem.

The annual activity report of the West Bank military courts notes that 3,461 people were tried for traffic offenses in 2009¹³. Since traffic hearings are held only once every two weeks, this number averages out to more than 130 cases per day. Furthermore, we estimate the average fine imposed in each trial to be NIS 1,500, which adds up to over NIS 5,000,000 in fines collected annually from Palestinians by the Israel Police.

On each of the days we attended traffic court trials, between 4 and 13 people were tried in their presence or in the presence

¹³ "Annual Activity Report for 2009 of the Military Courts in the West Bank," p. 15.

of their lawyers. For all the rest, neither they nor their lawyers were present. This means that every day scores of people are tried in absentia.

Drivers tried in absentia

There are various reasons why people do not attend their trials. Many thought that having paid their guarantee deposit (NIS 500-2000), they had forfeited the right to defend themselves in court and the matter was closed. Others failed to get to their trials in time because they were detained for hours at a checkpoint or because a passing jeep turned into an improvised checkpoint and delayed them.

We have also met drivers who arrived at the Ofer court on time but were prevented from entering by the soldiers guarding the gate. For example, six people from the southern West Bank towns of Halhul, Dura and Yatta (we have their names) arrived on time for their trials at 8:00 a.m. on Monday, 17 May 2004, but were prevented from entering the base. All six were tried in absentia.

In the case of traffic violations for which the defendant is not present in the courtroom, the standard opening words of the trial as recorded in the verdict are:

“Prosecutor: I request that the defendant be tried in absentia. The defendant was summoned to appear in court today. There is no apparent reason why he should not be able to appear, nor did he make contact or send a message that he is unable to come. I therefore request that he be tried in absentia”

As previously noted, the defendant has no telephone number with which to “make contact or send a message that he is unable to come.” Furthermore, there are many obvious reasons for his absence, if one is only willing to see them.

People tried in absentia are instructed to collect their verdict from the Ofer court and take it to the police prosecutor’s office in the traffic division at West Bank police headquarters. In cases where the judge imposed a fine over and above the amount already deposited as a guarantee for attendance at the trial, the prosecutor gives the convicted driver a payment form for the difference. If the judge imposes a fine equal to the amount of the deposit, the prosecutor returns the driver’s documents.

It should be noted that the police prosecutor has the verdicts in his files. After all, he was at the trial. This fact should make it unnecessary for the driver to go to Ofer. In March 2005, after we repeatedly complained, the head of the traffic division instructed the prosecutor’s office to give people tried in absentia their verdicts rather than send them to Ofer for that purpose. Little more than a year later, however, in June 2006, the prosecutor absolved his office of this task — but the staff at Ofer refused to resume providing verdicts (see a more detailed account in point #4 on p. 55).

Hence, since June 2006, when drivers who have been tried in absentia come to the Ofer court they are sent home after being told — in the best-case scenario — that it isn’t the job of the soldiers at the court building to bring verdicts to the gate (about 100 meters away). In the worst-case scenario, they are sent back to West Bank police headquarters, where

the prosecutor's office no longer gives out verdicts. Either way, no one gives them their verdicts or even bothers to tell them that the only way to get them is to send a lawyer for that purpose. In most cases the problem remains unsolved and their confiscated licenses and vehicle documents accumulate in the traffic department of West Bank police headquarters.

When we tried to help individual drivers who turned to us, the court secretarial staff would not honor the powers of attorney and photocopied identity cards the drivers had given us, and they refused our requests. We then approached a lawyer who arranged for us to serve as his messengers. However, when we arrived at Ofer with a power of attorney from him and all the required paperwork, the secretarial staff announced that they would not give anything to the lawyer's "messengers." They would give the documents only to the lawyer's *interns*, i.e., only to people who are paid for their services.

We wrote many letters of complaint and Attorney Gaby Lasky corresponded with the court until, as Attorney Lasky was told in November 2008, a remedy was finally found after many consultations. It was decided to post in the DCO's a list of all the people tried in absentia (hundreds if not thousands over the years). Whoever found his name on the list posted in the Israeli DCO would have to go to the Palestinian DCO to receive his verdict there. Then the usual procedure would resume: the driver would have to take his verdict to the Israeli police prosecutor in West Bank police headquarters, who would either give him a payment form or return his confiscated documents. But how would drivers know to look for their name on the list that would be posted in the DCO?

In any case, much time has passed since November 2008 and we have still not seen or heard of any list posted in any Israeli DCO. We have also not heard of piles of verdicts accumulating in the Palestinian DCO's. The "solution" decided upon after all the consultations does not even bear the semblance of a solution. The problem remains unresolved.

An Israeli who is tried in absentia in a traffic court inside Israel receives his verdict and payment form by mail, and if he hasn't attended the trial he has merely lost the opportunity of defending himself. But since June 2006 a Palestinian driver tried in absentia can collect his verdict from the Ofer military court only by sending a lawyer to do so. Most drivers don't know that they must send a lawyer specifically to the Ofer court. At a loss for what to do, many of them despair entirely and give up on redeeming their licenses. They drive only inside their towns and villages, without licenses. Perhaps this too is a way of enclosing Palestinians within their Pale of Settlement and removing them from Israeli sight.

Traffic and other cases not transferred from prosecutor to court, and closed files not returned as required to the police station where they originated

Over the years we have met quite a few Palestinians who were given traffic tickets summoning them to traffic court on a certain date but after showing up and waiting an entire day were told that their file had not been transferred from the police prosecutor's office to the court. They were sent away without even a new trial date. We tried to help those who turned to

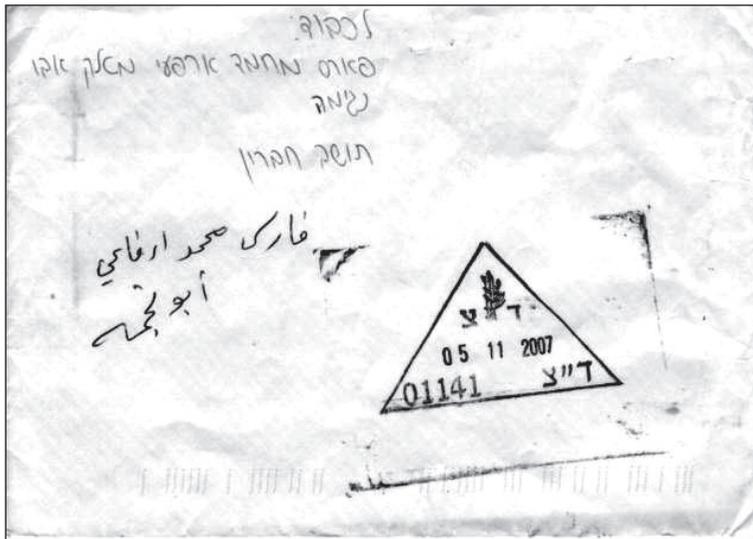
us with this problem. Neither our phone calls nor our faxes nor our visits to the Ofer court succeeded in getting their files transferred from the prosecutor at the Ofer military base to the court at the Ofer military base, two buildings away.

We have received requests for help from people who have been awaiting their trials since 2005. One taxi driver, an old acquaintance of ours, has been meeting us at the entrance to his village for years to ask whether there's perhaps some news about his case (from 2005). Meanwhile he drives only within his town, without a license.

Another problem affects people who attended their trials (not only traffic trials) and have a copy of the verdict. But the court, apparently because of a simple bureaucratic hitch, has not transferred their closed file to the police station where it originated, as required by proper procedure. According to procedure, closure of a case must be registered at the originating police station. It must then be reported, via a bureaucratic route, to the office of the National Police Registry, which enters it into the police computer. Only at this point is the case deemed closed. For many months we have tried, unsuccessfully, to move the court to do what is necessary to close the files of people who have asked for our help. These files still remain open — or in legal language, “pending” — as of this writing in December 2010.

Occasionally the court sends a trial summons by mail, as for example the one addressed to “Faras Mohammad Arfa'i Matlak Abu Najma, resident of Hebron.” (This is what's written on the envelope shown below, in both Hebrew and Arabic.) We met Faras Abu Najma on 27 February 2008, just after he had received a summons to report to the Ofer court at 9:30 a.m.

on 9 December 2007. According to the military postmark on the envelope, the summons had been sent on 5 November 2007. According to the Palestinian postmark on the back of the envelope, it reached Hebron on 12 February 2008 (over three months after it was sent). Apparently Faras Abu Najma is well known in his hometown of Hebron, a city of 160,000 souls, because someone managed to find him and deliver the letter. Needless to say, the trial had taken place long before, and the prosecutor and judge surely agreed that “the accused did not attend his trial for reasons known only to himself, etc.” We tried to get his verdict for him but failed.



This is the envelope on which is written in Hebrew “to Faras Mohammad Arfa’i Matlak Abu Najma, resident of Hebron.” The name is also written in Arabic, presumably by an employee of the post office in Hebron who wanted to make it easier to locate the addressee.

Obtaining a refund from the Civil Administration's treasury staff officer

The travails of a driver tried in traffic court persevere even if the verdict stipulates that all or part of the guarantee deposit he paid prior to his trial should be refunded to him. If he hails from the southern West Bank or the Ramallah district, he must bring the Civil Administration treasury staff officer his verdict, the original receipt for his guarantee deposit payment, and proof that he has a bank account so that the refund due him can be transferred to it. As already noted, the original receipt for the guarantee deposit is sometimes not in the driver's possession because it was taken in exchange for the return of his licenses. Moreover, he often lacks enough money to open a bank account for the purpose of receiving the transfer. We have met people who have not received their refund for these reasons.

Chapter 4

Service Problems at West Bank Police Headquarters, 2003 to September 2008

As noted earlier, until September 2008 West Bank police headquarters was located in the Ras el-Amud neighborhood of Jerusalem, which was (and remains) off limits to West Bank Palestinians. Palestinian drivers from the southern West Bank and the Ramallah district had to cross into Jerusalem illegally to redeem their driver's license and vehicle documents from the police.

Many drivers who were late in paying a traffic fine also had to cross into Jerusalem illegally to obtain new payment forms for the increased amount. Although they could ask a local DCO to order the payment forms, they might have to wait many weeks until they arrived — weeks during which they were unable to earn a living.

In September 2008, West Bank police headquarters relocated to the area in the West Bank known as E1, east of Jerusalem opposite Ma'aleh Adumim, thus solving the problem of having to enter Jerusalem illegally. Since then we no longer need to help Palestinians transfer or redeem their documents, and we therefore no longer go to police headquarters. But the problem of poor service on the part of the police has not been solved, for the same policemen are on duty at the new headquarters. We have been to the E1 headquarters twice and found the same problems we were familiar with from Ras el-Amud. We

also continue to hear the same complaints from Palestinian drivers. (*See the Second Story on p. 101.*)

From 2003 to 2005 we went to West Bank police headquarters in Ras el-Amud weekly and sometimes more often. The following is a list of the problems that Palestinians encountered there:

1. There was no sign showing reception hours. It took two years of complaining to all police ranks before such a sign appeared in 2005. And even then reception hours were frequently not honored.
2. The Palestinians would sometimes stand waiting for hours in rain or hot sun at the gate located on the main road. In early 2005, a waiting room was set up in the courtyard by the building's entrance. Not everyone was admitted to the waiting room, however. Most of the time we saw people left waiting outside the gate.
3. Palestinians coming to police headquarters usually did not meet face to face with the policemen who dealt with the problems they were trying to solve. Most often a guard employed by a private security company mediated between the policemen providing payment forms or collecting receipts for the return of confiscated documents, and the drivers seated in the waiting room or standing on the main road outside the gate. The security guard would also pass questions and answers back and forth. These guards spoke no Arabic. A person who did not get what he came for, did not understand what was said to him, or did not get his original receipts and traffic tickets back, etc., generally

had no chance to meet with the policeman who had the appropriate authority to solve his problem. He would be sent away.

4. When drivers who had committed traffic violations requiring a trial and were tried in absentia at the Ofer court went to Ras el-Amud to collect their documents, the police prosecutor's office would instruct them to go to the Ofer court to fetch their verdict (even though a copy of the verdict was also in the files at Ras el-Amud). The drivers would then have to again cross into Jerusalem illegally with their verdict. At this point the police prosecutor gave them a payment form for the fine imposed on them at the trial and sent them to pay it in a post office. If they hadn't been caught as illegals by then and if they managed to return before closing time at police headquarters, the prosecutor returned their documents to them in exchange for the receipt. If they did not manage to return from the post office in time, they had to cross illegally on another day to redeem their documents.

We note again that if the drivers did not think of photocopying their receipt at the photocopying machine in the entrance to police headquarters, the original receipt stayed with the prosecutor and they were left with no proof that they had paid their fine.

5. In March 2005, following many vehement complaints on our part, the head of the traffic division instructed the police prosecutor to give drivers tried in absentia their verdict together with the forms for paying their fine, thus sparing them the need to go to Ofer. In early 2006, however, the

police prosecutor's office stopped giving out verdicts and announced that it wasn't its job to do so.

Meanwhile, the Ofer staff became accustomed to not performing this annoying task and since then have been unwilling to give copies of traffic-violation verdicts to people tried in absentia. As related in the chapter on the problems at the Ofer court, up to the date of this writing no solution short of hiring a lawyer has been found for this problem.

6. During our regular visits to the traffic division at Ras el-Amud, we usually met lawyers who had come to perform simple tasks requiring no legal qualification, for clients who had no choice but to pay them hefty fees.
7. In 2007 the traffic division at Ras el-Amud tried to keep us away by claiming that the powers of attorney given us by Palestinian drivers were invalid because we were not lawyers. We protested at the highest levels and Attorney Gaby Lasky also protested in our name. Apparently to avoid our making a major issue of the fact that ***the police were forcing people to go somewhere off limits to them***, the traffic division again honored the powers of attorney drivers had given us.

As noted, in September 2008 West Bank police headquarters moved out of Jerusalem into the West Bank, thus making it unnecessary for Palestinians to cross into Jerusalem illegally for the services they required.

In general, the attitude towards Palestinians at West Bank police headquarters is patronizing, disrespectful and often

outright abusive. But we shouldn't overlook the policewoman Ronah in the traffic division, who supplied payment forms to drivers who were late in paying their fines. Ronah treated the Palestinians like fellow-human beings, a comforting attitude in the midst of the humiliation heaped upon them from every direction.

As long as West Bank police headquarters was in Ras el-Amud, Palestinian drivers were climbing over and crawling under fences in the East Jerusalem neighborhood of Abu Dis to get there, hiding in alleyways whenever a Border Police jeep approached. We saw them do it countless times, as well as heard them tell of their fear of entering Jerusalem and being caught as illegals. Even those with traffic tickets on which a policeman had scribbled "this man must report to Ras el-Amud" had to do it. All these people made strenuous efforts to enter Jerusalem and retrieve their documents despite the potential consequences of doing so, i.e., being blacklisted and abused.

When we complained to the head of the traffic division that the police were forcing people to enter Jerusalem illegally in order to put their affairs in order, his answer was: "What are you talking about? The policeman who issued the ticket wrote on it that the driver must collect his documents from Ras el-Amud!" (meaning that this would ensure their passage through checkpoints). Then he called to a few drivers waiting outside and asked, "Were you allowed to pass through the checkpoint?" Whereupon the same drivers who earlier had told us how they climbed over and crawled under fences to avoid checkpoints answered him in panic: "Yes, yes, no problem!"

Taking some traffic tickets as samples, we went to all the

checkpoints around Jerusalem to show the scribbles of the traffic police to the soldiers manning them. All the soldiers at all the checkpoints told us not to bother them with such nonsense. They allow only people with an official permit from the DCO to pass.

Among the sample tickets we photocopied, some contained a list of the documents the traffic policeman had confiscated and the written comment that the driver had to report to Ras el-Amud, some had only the list of confiscated documents, and some had nothing at all written on them. All these drivers had been told *orally* to go to Ras el-Amud to collect their documents.

Chapter 5

Procedures and Service in District Coordination Offices (DCO's), 2003 to June 2008

As noted above, our involvement with the problems West Bank Palestinians experience with the Israel Police began in 2003 when people who saw us monitoring checkpoints asked for our help in various matters. There is supposed to be a policeman at every District Coordination Office (DCO) charged with helping to solve all the bureaucratic problems that Palestinians encounter with the police. But that's not how things actually work.

We have been visiting the Etzion DCO, located midway between Jerusalem and Hebron, every week since 2003. We have therefore chosen this particular DCO to illustrate the service and procedures which were the norm between 2003 and 2008. With minor variations, police affairs were conducted in a similar fashion at the other DCO's as well:

1. During these years, no sign was posted at the DCO regarding the policeman's reception hours. Reception hours at both Etzion and the other DCO's were irregular (and still are, as will be described below). Thus, after enduring all the difficulties involved in reaching the DCO, Palestinians couldn't be sure of finding a policeman on duty there. For 13 weeks during the summer of 2004, we monitored the availability of a policeman to serve the public at the Etzion

DCO on Mondays through Thursdays. We found a policeman on duty on only 20 of those 52 days.

2. There was no form on which the policeman could write the charge made by the police against the individual in question.
3. The policeman did not have access to a police computer and therefore knew only what the army computer showed the soldier sitting near him, i.e., that the man in question was blacklisted by the police. The policeman therefore took the man's details and told him to return for an explanation of his blacklisting, which the policeman would check at West Bank police headquarters.
4. The man would return to meet with the policeman, which sometimes required several attempts because of the irregular reception hours. Occasionally the policeman gave him a small, improvised scrap of paper on which, in the best case, all the relevant information — and in the worst case, only some of the necessary information — appeared. The scrap of paper usually did not show the man's name and details or the date on which he received it. As of this writing, the end of 2010, we still see such pieces of paper, even though since 2009 the policeman should have been writing the required information on a "status form" (see examples on p. 84). Most people do not receive anything at all in writing. Then, as now, the policeman will have told them: "You have a problem with the police. Send a lawyer."
5. Drivers who were late in paying traffic fines had their names and identity numbers sent by the policeman to the traffic di-

vision in West Bank police headquarters at Ras el-Amud, where new payment forms were supposed to be prepared and sent to the Etzion DCO via police post. The journey from Jerusalem to the Etzion DCO takes half an hour by car but the police post wends its way slowly, sometimes taking two or three weeks to arrive. As the drivers were unable to check by phone whether the policeman and/or their payment forms were present at the DCO, they had to make many trips to the DCO before finally getting their forms.

6. Palestinians also needed the policeman's help even when their police file for illegal entry into Israel was closed. (Most illegals, then as now, were caught while working in Israel without a permit.) They would hire a lawyer to go to the police station in which their file was opened and obtain confirmation that it was now closed. Then they had to give this confirmation to the DCO policeman, who was to transfer it to the department of blacklistees at police headquarters. It could take several weeks or even longer to receive a reply concerning cancellation of a blacklisting or imposition of a blacklisting according to the Police Chief's criteria even though the file was closed. There was no way of knowing when the reply would arrive.
7. The Palestinians have been and still are almost always treated in a patronizing, impatient, and often rude and intimidating manner.

From 2003 to 2007 Palestinians were denied a magnetic card if they had been blacklisted by the General Security Services or the police. (See beginning of next chapter for explanation of magnetic cards.) Seldom were they told that they had been

blacklisted and why. They were usually instructed to come back in a week or a month, etc. Those denied a magnetic card often went from the soldier's reception counter at the DCO (popularly known as the "soldier's window") to the policeman's reception counter (the "policeman's window"), which were next to each other, to ascertain whether they were blacklisted and, if so, by whom and why. We frequently complained that the policemen usually gave their replies orally, leaving Palestinians with no proof of having met with them. The response we received was: "The man has his magnetic card request form, which shows the date of his visit to the DCO!" That may have been true, but how could he prove that he had met with the policeman there?

Samir's magnetic card request form illustrates this. We met Samir in the Etzion DCO at the beginning of 2005. He complained that during his frequent visits to the "magnetic card soldier," he also went over to the policeman's reception counter a few times to ascertain (unsuccessfully) whether he had been blacklisted. Needless to say, he had no documentation of his meetings with the policeman. Below is the form which accompanied Samir on his visits to the DCO. While it shows that he went to the "magnetic card soldier's window" repeatedly, as the dates testify, there is no record of his visits to the "policeman's window." We sent Samir's magnetic card request form to the head of the DCO policemen and complained about how he was being treated.

Samir's magnetic card request form shows that he went to the DCO ten times between September and November of 2004. The stamped and handwritten dates on the form were put there by the "magnetic card soldier." They are: 9 Septem-

ber 2004, 13 September 2004, 14 September 2004, 26 September 2004, 17 October 2004, 18 October 2004, 24 October 2004, 26 October 2004, 28 October 2004 and 9 November 2004. The policeman did not record the dates on which Samir also visited the “policeman’s window.”

When we met Samir at the beginning of 2005, he was still going to the DCO but with a new magnetic card request form.

Chapter 6

Service to Police Blacklistees in DCO's, mid-2008 to December 2010

Until approximately mid-2008, the DCO policeman was not connected to the police computer. In order to obtain information he had to phone or fax questions to police headquarters at Ras el-Amud. Nor could he issue payment forms for overdue traffic fines. He would request such forms from Ras el-Amud and pass them on to the relevant drivers.

Sometime around June 2008 these procedures changed. Since then the DCO policemen work on a computer connected to the police network, so that all the information they need can be called up on the screen. They also work with a computer program which issues payment forms for traffic fines.

In this chapter we will describe the bureaucratic arrangements which have been in effect from approximately June 2008 until this writing in December 2010.

Problems in being served in DCO's even before seeing the policeman

Deprivation of information begins with the "magnetic card soldier" at the DCO when a Palestinian applies for a magnetic card. The magnetic card issued by the Civil Administration is a second identity card for adult Palestinian residents of the

West Bank and is additional to the identity card issued by the Palestinian Authority to all Palestinians from age 16 onwards. The Israeli card is not compulsory for Palestinians but it is necessary for dealing with the Israeli authorities in such matters as obtaining work and merchant's permits, family visits beyond the West Bank, attending Friday prayers at the Al Aksa mosque in Jerusalem, etc.

Since 2005 there has been a change in both the card's features and the policy regarding its issuance. The magnetic strip on the card now contains biometric data identifying its owner according to finger and palm prints and also facial structure. Up to June 2008 (except for a short period in April 2007), the magnetic card also served as a certificate of good character. Since then, however, it has been issued to whoever requests it, including people blacklisted by the General Security Services, the police, or the operations branch of the Civil Administration (the latter for allegedly having committed administrative violations). The card therefore no longer serves as a certificate of its bearer's good standing with the police.

Clearly the reason for issuing such a "smart card" to every Palestinian who requests one is to enable the Civil Administration to collect and store increasing amounts of data on the Palestinian population and thus have greater control over it.

It's worth noting that in Israel proper, opposition to the proposed creation of a central biometric database did not deter the Knesset from initiating legislation in 2009 requiring all citizens to be issued "smart cards" with microchips containing biometric information. The system is being developed on a trial basis as a pilot project. If the law is implemented, Israel

will become the only Western democracy to maintain a central database covering its own citizens. ***This is an example of how measures Israel employs in the West Bank to control the Palestinian population trickle back into Israel itself.***

When a soldier issues a magnetic card to a Palestinian, his computer screen shows whether the man has been blacklisted by the General Security Services, the police or the operations branch, or is not blacklisted at all. But the soldier does not relay this information to the applicant for a card.

In the course of our continual complaints about this withholding of information, it became apparent to us that it was a deliberate policy. In the report summarizing a meeting between our members and the head of the Civil Administration held on 24 November 2009, the latter is quoted as saying: "There is no reason why this information should not be conveyed." He does not say: "I will issue an order for the information to be conveyed." And indeed, no such order was ever issued. Thus, Palestinians who receive magnetic cards are not told whether or not they have been blacklisted and, if so, by whom. Only when an Israeli employer requests a work permit for a Palestinian laborer will the Palestinian learn that he has been blacklisted – and even then he will not be told by whom or why. In May 2010 an officer in the Hebron DCO told us: "We haven't given out this information for the last three years!"

We can generally find out what kind of blacklisting has been imposed on those who turn to us for help (which only a handful of the vast number of blacklistees do). But there have been periods during 2009 and 2010 when it has been almost impossible to ascertain whether someone has been blacklisted and, if so,

by whom and why. Today Palestinians can ask the Palestinian DCO to check this information for them in the Israeli DCO. The process takes several days, requires more traveling to and fro, and also provides middlemen with the possibility of demanding remuneration for obtaining the information or accelerating the process. Despite the hassle, this is a solution of sorts. But most Palestinians are not aware of it and therefore have to rely on the services of a lawyer, whom they must pay, to ascertain basic information to which they are legally entitled.

Problems in being served in DCO's by the policeman

One of the tasks of the DCO policeman is to issue new payment forms to people who are late in paying traffic fines. His main job, however, is to provide a "status form" showing people the information recorded about them in the police computer to whoever requests it (examples on pp. 82–83). Three possibilities are noted on the form:

1. So-and-so has been blacklisted for intelligence reasons. (This is an open-ended blacklisting, not limited in time.)
2. So-and-so has been blacklisted until a certain date because of a certain file in a certain police station.
3. So-and-so has not been blacklisted by the police.

Note that the second possibility does not mention whether the file generating the blacklisting is open or closed. Thus, after a Palestinian receives this form containing his file number, he must then get a copy of his police record from the relevant police station.

It should be mentioned that in the entire West Bank there are only three Israeli police stations which are accessible to the Palestinian population: the Etzion station, the Kiryat Arba (Hebron) station and the Benjamin station, all of which are in the southern half of the West Bank. The Palestinians in the northern half have no possibility of going to a police station to get a “certificate of good character,” lodge a complaint, ask for help, or for any other reason. The Israeli police stations in the northern half of the West Bank are all located in places off limits to Palestinians.

Being denied information and sent from pillar to post

It would be so simple to get the necessary information about a police blacklisting if:

- there were a computer at the policeman’s reception counter;
- there were a pile of status forms and payment forms beside it;
- there were a telephone nearby;
- a policeman manned the reception counter during reception hours.

Then, on the spot, Palestinian applicants could get their status form and/or payment forms, and content themselves with the troubles listed on these documents.

But the road to obtaining these forms and information is paved with stumbling blocks.

It’s understandable, then, that the first reaction a Palestinian

experiences upon actually receiving his status form and/or payment forms is joy at having acquired the information, however vague, that he needs. Sorrow at learning the actual details of the information will often follow.

Policeman's work not performed at reception counter

The policeman does not sit at his reception counter ("policeman's window") during reception hours. The concept "reception" conjures up a post office, vehicle licensing bureau or similar agencies, and the expectation that a clerk will be seated at his counter during the designated reception hours and will deal with people one at a time according to their place in the queue. Such is not "reception" at the DCO policeman's counter. The policeman is not sitting at the "window" and is certainly not receiving people in the order of their arrival. If he is present in the DCO at all, he pops over to his "window" every once in a while. There's no way of knowing when.

Nor is there a computer, status forms or payment forms at the "policeman's window." They are kept in the policeman's office, located deep within the DCO. We don't know whether there's a telephone there either. We do know, however, that it's hard to reach him at the phone number given on the sign listing his reception hours.

We stay in constant telephone contact with Palestinians who inform us of their intention to see the policeman at the DCO on any given morning, and we keep trying to contact the policeman by phone if they have been waiting at his reception counter for at least an hour. When the policeman arrives, he collects the identity cards of the people waiting for him and

goes to his office. Often these people will wait at least another hour or two before he returns their identity cards and gives them — or not, as the case may be — the status form and/or payment forms they have come to request.

Filling in the status form with the information drawn from the computer takes two or three minutes at most. Issuing payment forms for traffic violations needs only another few minutes.

Reception hours not honored

A large notice was posted in the DCO's in late 2008. Six years of complaints and meaningless responses preceded its appearance. It showed the policeman's reception hours.

For the past seven years we have been monitoring the DCO policemen's reception hours, especially at the Etzion DCO because there we are allowed in. (We also have partial information about other DCO's.) It has been our experience that the policemen are frequently absent on the designated days and hours. Because Palestinians have no way of knowing when the policeman will be at the DCO, they often have to go there again and again, to the point of despair. In mid-2009 reception hours were curtailed at the Etzion DCO. The new hours were noon to 5:00 pm on Sundays and 8:00 am to noon on Mondays through Thursdays.

In actuality these reception hours are not honored. Sometimes the policeman who is supposed to be on duty is taking a course, or on leave, or investigating an urgent case, or at a meeting, or who knows where.

Police policy changed at the Etzion DCO after we complained vigorously about being refused answers to basic questions as befits a public service, and for most of 2010 we received relevant answers to our questions. For example, each morning we called the DCO policeman's office phone or his personal mobile phone to check whether there would be reception hours that day.

We monitored reception hours at the Etzion DCO on Mondays through Thursdays for 13 weeks during the summer of 2010 and found that they were held de facto on only 28 of the 52 days on which they were supposed to take place.

On 10 November 2010 police policy changed again: the DCO policeman stopped answering our calls. We therefore had to make a round of phone calls every morning to get the answer to a simple question: will there be reception hours today or not? We do this check so that the Palestinians who tell us that they intend to see the DCO policeman that morning won't make the trip for naught.

A few Palestinians contact us each day from the southern West Bank for advice on which DCO to go to and we direct them to Etzion (assuming we know the policeman will be there). The queue there is usually short and they can sit in a waiting room — in contrast with the Hebron DCO, where people wait outdoors for hours on end until they are allowed through the gate. Even at Etzion the waiting time is usually a few hours, despite the small number of people (usually 5 to 10 per day) who have come to see the policeman.

It's important to reiterate that the vast majority of police black-

listees do not know about MachsomWatch and therefore do not contact us. Given the difficulties endured by those who *do* contact us, one can only imagine the severity of the hardships suffered by the rest.

Most people require only status form but difficult if not impossible to obtain it

A common response to Palestinians seeking information from the policeman on duty at the DCO is: “The computer is down. Call tomorrow and I’ll give you an answer over the phone.” Also common is an oral reply about the information drawn from the computer, despite the fact that there is a special “status form” for conveying such information. Moreover, despite the existence of a status form, the custom persists of writing the required information, or parts thereof, on scraps of paper – which, as mentioned above, often fail to note the person’s name, or when and at which DCO he received the information. We advise people requesting our help not to leave the DCO until they have received the proper form and to call us if the form is refused them. In such cases we phone the policeman or the commander of the DCO policemen and insist that the form be supplied. Only then, sometimes after many arguments, does the form appear.

We remain in telephone contact throughout the day with every person who informs us in the morning that he is going to the DCO to obtain a status form. Often we must make many phone calls to the policeman and/or the commander of the DCO policemen and/or the Civil Administration’s humanitarian hotline before this task is accomplished. The vast majority of Palestinians who go to the DCO policemen without being in

contact with us are unable to get their status forms. Some of the oral answers they receive are “you have a police file, send a lawyer” or “your file number is such and such” (not mentioning at which police station) or “your file is in such and such a station” (not mentioning the file’s number). People have even been told to go to a certain police station inside Israel that has no bearing on their case. Sometimes they are told: “There’s nothing against you. Go home.”

A status form has spaces for noting whether a person is blacklisted in accordance with the Police Chief’s criteria, until what date he’s been blacklisted, the number of the police file dealing with his blacklisting, and the police station where his file is located. If he has been blacklisted for an unlimited period, it usually says “until 2099” or “negative” or “blacklisted for intelligence reasons.” There’s also a category which says: “You are not blacklisted by the police.”

As already mentioned, there is no provision on the status form for indicating whether a person’s blacklisting file is still open or has been closed. This lacuna enables unscrupulous lawyers to profit from ostensibly closing already-closed files.

We have seen many status forms which contain only partial information. In such cases, we phone the DCO policeman on duty or the commander of the DCO policemen to obtain the missing information. But the majority of police blacklistees simply don’t know exactly what information they *should* receive. Nor do they know that they should receive it in writing and on a form designed for that purpose, and that it’s their right to ask for it — even though when they dare ask, the policeman will usually say: “I already told you what you need to

know. Go home.” Or, as the Palestinians themselves put it: “He shouted at me.”

A Palestinian is often told by the policeman: “There’s nothing on you. Go home.” On the many occasions when this response was reported to us, we phoned that policeman to demand that he issue a form stating: “You have not been blacklisted by the police.” All the DCO policemen, including their commander, have consistently replied: “There’s no need for any form. He isn’t blacklisted by the police.” Their refusal to put this information in writing can be overcome only by strenuous argument — and of course no Palestinian can dare argue on his own behalf.

The status form confirming that a person has not been blacklisted by the police is vital to anyone seeking employment inside Israel or a West Bank settlement. It’s especially important to people who have paid a lawyer to have their police blacklisting canceled. Only the unequivocal statement “you are not blacklisted by the police,” noted on an official status form, can confirm that the lawyer has completed his task. It often happens that lawyers give their clients a document testifying that their police file was closed at one stage or another of the bureaucratic process. But a document of this sort is very far from the cancellation of a blacklisting in the DCO policeman’s computer, without which the person remains blacklisted.

If the police computer shows that a person’s blacklisting has been canceled, it’s that person’s right to get this important information in writing — not orally as if it’s just a rumor, and not on a scrap of paper. This right is often not respected.

On 10 November 2010, when we told the commander of the

DCO policemen that the policemen under his command are *obliged* to give Palestinians a status form confirming that they are not blacklisted by the police, if indeed they are not, the commander replied: “The policeman is not *obliged*. The word ‘obliged’ is irrelevant. We provide a service but we are not *obliged*. The policeman can say ‘blacklisted’ or ‘not blacklisted’ orally, and that’s enough.”

When a Palestinian leaves a DCO without a status form (or any other document), he has no proof that he has been there. Thus, when someone tells us that he was at the DCO and the policeman on duty told him such and such, we try to obtain the exact details of the man’s case from the policeman and ascertain why he wasn’t given the relevant form at the DCO. The policemen’s usual replies are: “no such man came to me” or “he’s lying” or “he didn’t understand what I said,” etc.

Another problem, already mentioned here, is that the DCO policeman can’t be depended upon to answer his telephone. Thus, people who have to travel significant distances to reach the DCO are unable to ascertain in advance whether the policeman will be present and the computer working.

In contrast with the great difficulty people have in clarifying their blacklisting status in the police computer — information to which they are legally entitled — this information is easily available to lawyers. They simply send a fax to the DCO policeman and he sends them back a status form with all the necessary data. Lawyers can also collect their clients’ payment forms for traffic violations. But because a lawyer’s services are expensive, many Palestinians just give up. When they ask us to clarify their status for them, we must reluctantly say that the

DCO policeman will give this information only to them personally or to a lawyer working on their behalf, so they must either go to the DCO themselves or hire a lawyer.

The responses we usually hear are: “he won’t tell me” or “he’ll shout at me” or “I was there many times and they didn’t tell me” or “the policeman said send a lawyer” or “the policeman said: I already told you many times, go home” or “I waited a whole day but the policeman never showed up” or “the computer was down,” etc. Because of our long familiarity with the deficient service provided by the DCO policemen, we believe the Palestinians when they say these things.

Palestinians have also told us that the DCO policemen rebuke them for having contacted MachsomWatch. Some report that the policemen told them: “You’ll have big problems with the police and will never get permission to enter Israel.”

Below are examples of status forms providing partial or misleading information, and of scraps of paper on which policemen have omitted the person’s name and/or identity number and/or the date and/or the DCO where it was “issued”

**משרדת ישראל
מזר"ט-ש"ר אפרים**
11-9-2008
טל" 02-9703084
פקס 02-9703085

שם: _____
טלפן: _____
פקס: _____
חתימה: _____

לכבוד: _____
ש"ד: _____
באמצעות פקס: _____

הערות - מילת המילה לשינוי קיים _____ ת.ד. _____
סימולין - מתאריך מתאריך _____

8. הדי הש"ר קבלה מתאריך מתאריך _____

כגור משרד קיים מילת הש"ר _____ (לא הובלת את) עד סמוך _____ נעזים את המועד.

מועד תום בול פ"א 74812 תאריך 2009 בתאריך 21/11/08

מועד אחר מועד משרד.

9. אנא לבטא לדיעבד כי התקיימותם למועד מסוים לשינוי על ידי משרד ישראל פורסמו ברבים וזם המידע לנין והתבזר באתר האינטרנט של משרד ישראל, להודיע סוכנת הש"ר www.police.gov.il

10. באתר יש לרשום את המועד / מועד פירעו שלילי/לעית מוגבלת כמשה.

11. ח"ר מועד לנין בקריטריונים המוגדרים לר"ר לר"ר מ"ר הוא המועד למועד משרד של מועד בתחום לישימת החלטה.

12. לדיעבד על פי פורטת חוקים, לכל אדם יש זכות לנין פורטי המוגדר חללי המוגד אילו באתר זהותם והתגרות. ע"ר לטבל שידוע זה בכל התחום משרד.

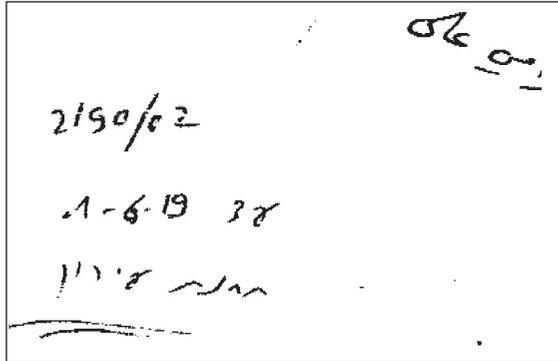
13. ככל שתבדוק אתר מועד את זילת המועד ח"ר רשמי למועד חלולת מוגבלת כמשה באתר האינטרנט בטל שמועדי: 02-9428862 או לטקסט: 02-9428833, 02-9427794.

14. לדיעבד.

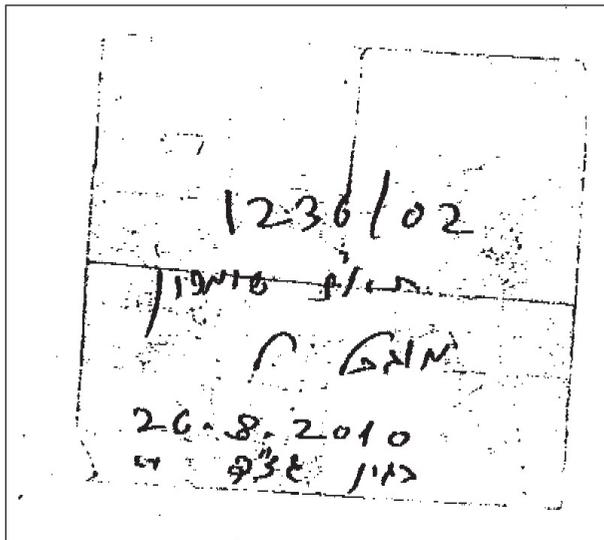
שם הש"ר _____
חתימה: _____

**משרדת ישראל
מזר"ט-ש"ר אפרים**
11-9-2008
טל" 02-9703084
פקס 02-9703085

This status form contains contradictory information. The policeman ticked the first box, which denotes that the blacklisting is indefinite (he even encircled these words), but he also ticked the second box and filled in the date on which the blacklisting will terminate. We checked and found out that only the second box is correct.



This paper was given to a Palestinian in May 2010 by a policeman in the Eyal DCO. Neither the date nor the man's name is written on it. (We have his name and details.)



This paper was given to a Palestinian in May 2010 by a policeman in the Tul Karem DCO. Neither the date nor the man's name is written on it. (We have his name and details.)

The following are two examples (among many) of phone conversations which demonstrate how things are done:

The first example is from 10 November 2009:

11:45 — Ahmed A. phones us to say that he went to the policeman at the Sallem DCO that morning and the policeman told him to send a lawyer. We phoned the commander of the DCO policemen. He checked and called us back to say that according to the policeman in question, no one by the name of Ahmed A. had been to see him that day. Ahmed tells us: “I was there an hour ago. I’ll go back now.”

13:15 — After waiting until the end of the DCO lunch break, Ahmed phones us to say: “The policeman doesn’t want to give me a paper. He said, ‘Go to the soldier. Your problem is with the soldier.’”

13:20 — We (MachsomWatch team) again phone the commander. He says he’ll check with the policeman. A few minutes later he calls us back to say: “The policeman says no such man came to see him now either.”

MachsomWatch team: “The man is standing there.”

Commander: “I’ll send the policeman to him.”

Ahmed: “The policeman just came and said he can’t give me a paper.”

We get the policeman’s telephone number from the commander and try to phone him. The policeman doesn’t answer. We phone the commander again.

Commander: "I'll check." A few minutes later: "I don't know who [Ahmed] spoke to. Perhaps with someone in the Border Police. Anyway, he came to ask the policeman for a document confirming that his work permit for Israel was confiscated from him at the checkpoint." (So the policeman *did* meet Ahmed?)

MachsomWatch team: "He needs to be given a status form."

Commander: "I don't know where he was standing. You women always want to have the last word."

Ahmed: "They took my permit at the checkpoint. I wanted to know what the problem was. That's what I told the policeman. At the checkpoint I was told I was blacklisted by the police."

14:00 — The DCO policeman gives Ahmed a status form showing the details of the police blacklisting imposed on him.

The second example is from 3 November 2010:

8:00 — Adel phones us to ask whether a policeman is on duty at the Etzion DCO. We contact the policeman there, who says, "Everything as usual" — meaning that there will be reception hours until noon. We immediately call Adel to say he should set out.

9:30 — Adel arrives at the Etzion DCO and sits in the waiting room, which opens onto the reception room that has the "magnetic card window" and the "policeman's window." A soldier controls access to the windows.

10:15 — Adel phones us to say that the soldier told him there

was no policeman on duty. We immediately phone the policeman, who says that he's not responsible for what the soldiers say. We tell him that a man is waiting to see him.

11:00 — Again we speak with the DCO policeman, who repeats that he's not responsible for what soldiers say and that if we have any complaints we should speak to the DCO commander or any other commander. We reply that it's supposed to be reception hours and there are two people waiting to see him (because in the meanwhile another man joined Adel).

11:30 — In yet another phone conversation, the policeman again tells us he's not responsible for what the soldiers say. We call the Civil Administration's humanitarian hotline and complain that the soldier in charge of the DCO waiting room doesn't distinguish between the magnetic-card-window queue (with dozens of people) and the policeman's-window queue (with only two people). Ultimately, as a result of the intervention of the humanitarian hotline in response to our complaint, Adel and the other man were allowed to approach the policeman's window.

13:15 — After we spoke with the DCO policeman once more, both Adel and the other man were given the forms they requested.

Obtaining new payment forms for overdue traffic fines incurred inside Israel before 2000

New payment forms for overdue traffic fines *incurred in the West Bank* can be obtained at the DCO if a policeman is on duty and the appropriate program is installed on his computer.

On the other hand, obtaining new payment forms for overdue fines *incurred in Israel before 2000*, when Palestinians were still permitted to drive there, is very complicated.

When a Palestinian asks the DCO policeman how much he has to pay for an overdue fine which was incurred in Israel (which may have mushroomed to tens of thousands of shekels) and requests new payment forms for the amount, the policeman will often tell him to “go to Jerusalem” to get them. Alternatively, as the commander of the DCO policemen said to us: “What’s the problem? Let him phone the traffic fine collection center in Jerusalem. They answer everyone!”

And they really do answer, even courteously, but only after the caller has waited on the line for at least 15 minutes (thus making the call very expensive for Palestinians) and has chosen the appropriate option from the recorded menu — a menu which even we, native Hebrew speakers, had difficulty navigating the first time we encountered it. If the Palestinian has leapt those hurdles and managed to understand how much he now has to pay, how will he get the new payment forms from Jerusalem?

This service was *supposed* to be provided by the DCO policeman!

In cases where the DCO policeman *does* provide this service and contacts the traffic fine collection center to clarify the amount at which the fine now stands, he often writes the entire sum, usually a very large one, on a single payment form instead of spreading it out in installments.

A debtor can therefore either give up on paying his fine — in

which case he cannot get a work permit for Israel — or he must hire a lawyer to try to reduce it and spread out the payments. In the latter case, the answer to his request arrives after several months and is generally a reduction of the fine by about a third and permission to pay it in installments. The lawyer's services, as usual, are expensive.

We are very occasionally asked to help with problems vis-à-vis the fine collection center. There is little we can do and even that is done with a heavy heart because there's no guarantee that even after these Palestinians have paid their huge debts, they will find work in Israel and be granted the necessary permit. We know that to pay their fines they take out loans and collect money from family and friends in the hope of working in Israel and repaying them, but such hopes are not necessarily fulfilled.

Chapter summary

It's clear from what we have reported that Palestinians must often hire lawyers to handle their affairs because the Civil Administration bureaucracy does not treat them as worthy interlocutors and because almost every clarification — whether oral or in writing — is conducted in Hebrew only. For example, in September 2006 we were at the traffic division of police headquarters at Ras el-Amud when a police prosecutor who speaks fluent Arabic insisted on speaking only in Hebrew with a Palestinian who had come with a problem.

Although the following matters require no special legal knowledge, the Palestinians usually hire lawyers to take care of them because they have not been told that they can do so

themselves (“send a lawyer” is the refrain they repeatedly hear) or because they are forbidden entry to the court secretarial staff:

1. Finding out what kind of blacklisting has been imposed on them.
2. Obtaining payment forms for overdue traffic fines incurred both in the West Bank and in Israel.
3. Obtaining a status form showing what their problem is with the police.
4. Closing police files that have not culminated in indictments. (If it were possible to do this in Arabic, many Palestinians would be able to close such files themselves, because it's done via phone calls and faxes.)
5. Collecting court verdicts and payment forms after being tried in absentia.
6. Extricating court files which have become stuck at some stage of the bureaucratic process, either before or after a trial, and are therefore no longer being processed.

We have met many people who have turned to a lawyer for help. They were usually not given a receipt for having paid him, nor any document showing what the lawyer undertook on their behalf. In many cases, Palestinians know only their lawyer's first name and mobile phone number. Although they have paid him (and will likely be required to pay more), the problem for which they hired him may persist for a very long time or never

be solved at all. Sometimes the lawyer gives them a document stating that everything has been taken care of, and only later do they discover that their blacklisting has not been canceled. Sometimes the lawyer “closes” files which were already closed. Although we know some very decent lawyers and there are surely others, these incidents are far from rare.

In concluding this section we must add that we have met several Palestinians who were asked to become police informers. For example, M.S. came to the policeman's reception counter at the Etzion DCO in September 2009 to request a status form. The DCO policeman sent him to the nearby Etzion police station with a handwritten note. There a policeman offered him coffee and a cigarette and proposed that he become an informer against people in his village. Naturally, he was told, if he agreed his police blacklisting would be canceled immediately. It can be assumed that many people are honored with such offers.

In order to recruit collaborators, the police exploit the need blacklistees have to get information about their status. This strategy is not only immoral but also a violation of international humanitarian law. Article 31 of the Fourth Geneva Convention states: “No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.” Recruiting informers is one of the methods of crushing Palestinian society — one of many.

Conclusions

For the purpose of summarizing this report, let us look back a moment at a telephone conversation we recorded on 8 March 2004. It was a typical conversation, although as it happens it wasn't connected to the police in particular.

Titi, a Palestinian bus driver from Hebron who plies the route between Hebron and the Allenby Bridge over the Jordan River, asked us to check for him whether the Nokdim checkpoint was open. If it was closed, he would not set out with a busload of families and children, because on the previous two days he had waited many hours at that checkpoint.

We were unsuccessful in obtaining this information from various ascending ranks. For example, the commander of the Civil Administration's humanitarian hotline told us: "We don't provide information about checkpoints until people reach them." We therefore turned to T., the spokeswoman for the Civil Administration. Our conversation went as follows:

Spokeswoman: "They [the Palestinians] use you as a channel because it's more convenient for them. They know who to turn to, just as they know how to get a permit. Let Titi check with the DCO."

MachsomWatch: "They *don't* know who to turn to. You're mistaken."

Spokeswoman: "I'm not willing to hear you say that we're mistaken."

This statement encapsulates the mindset inevitably created by the decades-long Occupation. Re-evaluating the righteousness of our policies and conduct becomes impossible.

As for lodging appeals against police blacklistings, our impression is that the foot-dragging and confusion which accompany this process are deliberate. It's our understanding that they are intended to disrupt and prevent the cancellation of blacklistings and/or confrontations in court between the police and the blacklistee (and his lawyer) — because in court the police would have to answer the lawyer's penetrating questions and thus expose the arbitrariness with which they imposed the blacklisting.

As for the documents which are confiscated from Palestinians by policemen (and soldiers) and go missing, there is an across-the-board refusal to confirm that this has happened. Neither the police nor the army ever take responsibility and admit that documents they themselves have confiscated have been lost. The problem and the consequent damage are dumped on those who are no longer in possession of their documents.

Denying access to information, supplying inaccurate information, preventing people tried in absentia from obtaining their verdicts, preventing people from trying to correct bureaucratic mistakes made by the court, poor service by policemen in the DCO's and at West Bank police headquarters — all these, despite empty words about good will, have not been rectified

in the seven years of our involvement in these matters and our unceasing complaints about them. Here too we can only assume that everything is deliberate and designed to make the Palestinians' lives miserable.

For these seven years we have complained, countless times, about all the issues covered in this report. We have expressed grievances at all police ranks, up to and including the Chief of Police himself. We have complained at all levels of the Civil Administration, all the way up to the top. We have also complained to the State Comptroller. The answers we have received, without exception, have been variations of each other — in fact, identical. They all ignore or deny the facts on which our complaints are based. Our conclusion is that public complaints officers are not here to protect the public when it has been harmed by government functionaries or the security forces. Rather, it's just the opposite: their job is to protect government functionaries and the security forces from the public's complaints.

All the replies to our complaints have been lavish in their praise of policemen (even saying on a few occasions that "they do holy work"). All the replies insist that Palestinians did not understand what they were told, or that they lied, or that they just want to burden us with taking care of matters in their stead. In a particularly noteworthy answer to our complaints that it's impossible for Palestinians to know when the DCO policeman will turn up for duty, to whom to turn, what procedure to follow, etc., we have been told: "They know!" The DCO policemen see us as good-hearted but naïve women who don't understand what we see on the ground or the nature of the Palestinian (which, of course, is completely different from our own nature,

according to the policemen and many of the soldiers we have met): crafty, exploitative, lazy and malevolent.

As for the status forms, there really should be no difficulty in giving an unambiguous order to issue one to any Palestinian who asks to know what the police computer says about him. After all, that's the purpose of the forms. There is no reason why a DCO policeman should have the authority to withhold information about a person's status, or supply only part of it, or not give it at all, or sometimes even provide an erroneous version of it. The examples we cited on pp. 82–84 reflect a situation which has become painfully familiar to us these past seven years, and we have dozens more. We therefore conclude that no definitive order has been issued to provide a status form to whoever wants to clarify the details of his own blacklisting.

Because senior police ranks have consistently defended the conduct of the policemen serving in the West Bank despite years of complaints on our part, and because no flaw in the bureaucracy or the service arrangements has ever been corrected — indeed, the situation has even worsened — we have no choice but to conclude that everything is directed from above. It can be presumed there has been no explicit order to make the Palestinians' lives miserable in the disgraceful ways described in these pages, but winking and turning a blind eye have loosened restraints. Our conclusion is that policemen (and soldiers) understand that maltreatment, contempt and intimidation must be used in order for the Palestinians to remain in continuous dread of the Occupation and not dare raise their heads.

Four Stories from the Everyday Lives of Palestinian Drivers

1. Why Ibrahim A., a taxi driver from Dahariya, did not have his driver's license revoked

The taxi driver Ibrahim A. committed a traffic violation. A traffic policeman confiscated his driver's license, taxi operator's license, vehicle license and vehicle insurance certificate. The policeman gave him a ticket summoning him to court at the Ofer military base, together with a form to pay NIS 1,000 as a guarantee of his attendance at his trial. On the corner of the ticket he wrote the word "invalidate," meaning that Ibrahim had to go to the traffic division at West Bank police headquarters in Ras el-Amud in Jerusalem for a hearing with a police officer who would decide whether or not to revoke his driver's license for 30 days, as is customary for his particular traffic offense.

Ibrahim was supposed to go to Ras el-Amud on Monday, 18 August 2006. He crossed into Jerusalem illegally because he didn't have an entry permit, which was even harder to get now that he was blacklisted by the police. (A traffic policeman's scribbles, as noted above, do not assure legal passage through a checkpoint.) He managed to reach Ras el-Amud on time. But the security guard at the entrance to West Bank police headquarters told him to first pay his guarantee deposit at a post office.

When Ibrahim returned to the gate at noon with his receipt for

the NIS 1,000 payment, the guard told him that police headquarters was closed until 1:00 p.m. for lunch.

At 1:00 p.m. the guard told him that the relevant police officer was not there and that he should come back the next day. Ibrahim returned the next day. The guard took all his papers through the iron bars of the gate, went into the building, came out again, returned Ibrahim's papers to him and said: "The officer isn't here. Come back on Monday."

Ibrahim attempted to return the following Monday but this time was unable to enter Jerusalem even though he tried three different entry points. At 11:00 a.m. he gave NIS 100 to a Palestinian taxi driver who was a resident of Jerusalem (and therefore entitled to enter the city) to take his traffic ticket and original receipt for NIS 1,000 to police headquarters at Ras el-Amud and bring him back his documents.

The Jerusalem taxi driver reached the gate of West Bank police headquarters at noon. The guard told him it was closed for lunch and that he should wait until 1:00 p.m. After waiting about four hours, the taxi driver was given Ibrahim's taxi operator's license, vehicle license and vehicle insurance document. He was *not* given written confirmation that he had handed in the traffic ticket and the original receipt for NIS 1,000. Nor was he given Ibrahim's driver's license. The Jerusalem driver was told that Ibrahim should show up personally, or send a lawyer, for a hearing concerning the invalidation of his license.

(Ibrahim was not aware that his driver's license was going to be revoked for 30 days. The fact that a traffic policeman has

written “invalidate” in Hebrew on the corner of a ticket doesn’t mean that the driver knows what it signifies.)

This time Ibrahim sent a lawyer. The police prosecutor asked the lawyer for the NIS 1,000 receipt which was to guarantee Ibrahim’s attendance at his trial. Nothing could be done without the receipt! But the receipt had been taken from the Jerusalem taxi driver and not returned with Ibrahim’s other documents. In view of the fact that all documents concerning traffic trials are kept in the police prosecutor’s files, the prosecutor himself had the NIS 1,000 receipt. But that did not stop him from sending the lawyer away because he could not produce it.

Now at a loss, Ibrahim phoned us in great anxiety. Left without a vestige of proof that he had paid the NIS 1,000 deposit, he feared that he would have to put out all that money again. He had also paid the lawyer a considerable sum, to no avail.

On 4 September 2006, a member of our MachsomWatch team visited the police prosecutor assigned to Ibrahim’s case and laid out all the details of his story. After searching through his papers, the prosecutor gave our man a photocopy of the first page of the traffic ticket, on which the policeman had written the word “invalidate.” The prosecutor also said he knew that Ibrahim had paid his guarantee deposit and that he should come to the designated hearing at which his driver’s license would be revoked for 30 days. In response to our man’s request for written confirmation that Ibrahim was summoned to police headquarters at Ras el-Amud, so that he could get through the checkpoints, the police prosecutor replied: “Under no circumstances will I give you such a document! If he turns out to be a terrorist, should I be held responsible?”

On Tuesday, 17 September 2006, Ibrahim set out at 7:00 in the morning from Dahariya, carrying a letter from us explaining his story and asking that he be allowed to pass through the checkpoints in order to sign the 30-day invalidation of his driver's license. But he did not rely on our letter — and with good reason. Instead, he tried to cross into Jerusalem illegally via Abu Dis. But he saw a Border Police patrol there. The same thing happened at Al-Azariah. At A-Zaim the Border Police caught him. He showed them our letter. They laughed and said: "Get out of here!"

Ibrahim turned back and wandered around for a while until, taking more than a few risks, he managed to reach police headquarters at Ras el-Amud at 11:30 a.m. When the police prosecutor looked at the photocopied first page of Ibrahim's traffic ticket — the photocopy he himself had given our man two weeks earlier — he said: "Why have you come here? Your license was confiscated six months ago. Go look for it at the Hebron DCO." Ibrahim replied: "My license was taken a month ago, and I was told to come to Ras el-Amud." The prosecutor lost his temper and said: "Get out of here! Go to Hebron!"

After leaving the building, Ibrahim phoned us. We, in turn, phoned the head of the traffic division — who luckily was in his office — and then immediately set out for Ras el-Amud. An hour later, the head of the traffic division took Ibrahim and us into the police prosecutor's office for a second meeting. This is the conversation which took place between them:

Prosecutor: "He was already here. His license was confiscated six months ago. He should go to the Hebron DCO."

Head of traffic division (looking at the photocopied first page of the traffic ticket Ibrahim is holding): “The license was confiscated a month ago!”

Prosecutor: “It seems I may have made a mistake.”

Head of traffic division: “Look for his license.”

Prosecutor: “I don’t have a key to the files.”

Head of traffic division: “Go look for the key.”

The key was found and the prosecutor returned with Ibrahim’s license. Ibrahim asked the head of the traffic division for his receipt for the NIS 1,000.

Head of traffic division to the police prosecutor: “Bring the receipt.”

The police prosecutor went out again, brought the receipt and gave it to the head of the traffic division, who photocopied it and gave Ibrahim the copy — not the original, as required. We chose not to argue this point, as the situation was already complicated enough.

And the invalidation? Well, for 30 days, up to the day of that meeting in the prosecutor’s office, Ibrahim had not had his driver’s license. And 30 days was exactly the period for which it was to be revoked. The rule of thumb is that the period between the confiscation of a license and the hearing at which it is revoked does not count as part of the invalidation period. That way, the driver’s source of livelihood is paralyzed for even

more than 30 days. However, apparently because there were witnesses to this convoluted plot, no one mentioned extending the de facto invalidation of the license for another 30 days. Ibrahim got his license back and went home to Dahariya.

2. Nothing new at the new police headquarters: obstacles impeding Feisal (another taxi driver from Dahariya) from getting his driver's license back

Feisal's trial for a traffic violation was held on 19 July 2010 in the court at the Ofer military base. He had already redeemed his confiscated driver's license by paying the requisite deposit guaranteeing his attendance at the trial. Now he was sentenced to having it revoked for three months. In order to turn it in, he had to go from Dahariya, at the southern end of the West Bank, to the new police headquarters building near Ma'aleh Adumim, in the central region. There is no bus or regular taxi service to that lofty address. One must hire a private taxi to get there.

Feisal went to police headquarters on Thursday, 22 July 2010, and again on Sunday, 25 July 2010, but on neither day was the policeman delegated to take his license from him present in the building. On Wednesday, 28 July 2010, he returned for a third time and was finally able to turn his license over to a policeman named G. Here is the conversation he reported to us:

Feisal: "Give me a written note [that the license was turned in]."

G: "What do you need a note for? Come back in three months."

Feisal: "How will they know that I handed over my license?"

G: "You'll come and you'll get it."

A worried Feisal met us that same day. We photocopied all his relevant documents and told him to call us the day before his license invalidation ends.

Feisal phoned on 27 October 2010. We wanted to make sure that when he returned to police headquarters on the following day, he would find a police prosecutor or another officer who would return his license to him, so that his trip would not be for naught. We kept phoning the headquarters all that day but were unable to reach anyone from the traffic division. Finally we managed to speak with R., a policewoman from the accident unit, who said that the designated prosecutor and his assistant would turn up soon. But by the end of the day, there was still no one answering the phones in their offices.

The next day, Thursday, 28 October 2010, we began phoning again first thing in the morning. Again the only person to finally answer our calls was the policewoman R. We explained that Feisal was scheduled to get his license back that day. She said: "Let him come. What's the problem? Reception hours are until 12:00!"

So at 8:45 we told Feisal to go to police headquarters and he immediately set out from Dahariya. At 10:30 he phoned to say that he had arrived but a policeman told him that the

prosecutor who was supposed to have all the documents in his files wasn't there and that he should come back on Sunday. After we phoned the policewoman R., she spoke with the prosecutor's assistant, who refused to speak with us. We then made contact with a policeman named R. and told him Feisal's story.

R: "So where is the invalidation form?"

MachsomWatch: "He wasn't given one."

R: "I've been with the police for 15 years and have never heard of such a thing!" (We, on the other hand, have been "with the police" for only 7 years and have heard this countless times.)

R. nevertheless tried to find the license but failed and told Feisal to return on Sunday.

We decided that Feisal had already been to police headquarters enough times and that we would collect his license for him. (He had given us his papers and power of attorney to act on his behalf.)

On Sunday, 31 October 2010, the prosecutor answered his telephone and said: "You've begun to represent people again? Madam, I don't check things over the phone. Let him come here." — and he slammed the phone down.

Upon hearing from us, Feisal immediately set out for police headquarters. Three hours later he told us that the prosecutor had brushed him off with: "Where's the invalidation form? Without a form, I don't turn over anything. Go home." But

then, as Feisal was leaving the office and preparing to phone us, a policewoman came up and handed him his driver's license.

So there's nothing new at the traffic division of West Bank police headquarters in its new building in the area known as E1. But there's plenty new outside it: broad roads and squares have been laid out, hills have been flattened, and infrastructures have been put in place for a large Jewish settlement to arise at any moment. A sign is already up announcing its name: Mevasseret Adumim.

3. The tale of Beit Jalla taxi driver Hani H.'s driver's license

Hani H.'s driver's license was taken from him on 28 August 2006 because he was late in paying a traffic fine of NIS 138. He was given written confirmation of the confiscation by Sergeant Major Moshe Attias. Hani asked us to bring him an updated payment form, which we did.

The fine was paid on 18 September 2006 and we went to collect his license for him at West Bank police headquarters in Ras el-Amud, taking along the receipt and the document Hani had been given by Sergeant Major Attias. The license wasn't at Ras el-Amud and we were told that Hani should go to the Hebron DCO. It wasn't there either, so he was sent to the Etzion DCO, where there was likewise no trace of it.

On 23 October 2006, following many phone calls making it

clear that the license was nowhere to be found, we asked the commander of the DCO policemen to give Hani written confirmation that his license, after being confiscated by the Israel Police, had gone missing. The commander refused to provide such confirmation and said that Hani should go to the Etzion police station to lodge a complaint about his lost driver's license.

On 25 October 2006, one of our team members accompanied Hani to the Etzion police station to lodge a complaint.

Policeman A.: "We don't deal with this. Go to the DCO policeman."

MachsomWatch: "The commander of the DCO policemen sent Hani to M. [the commander of the Etzion station]."

Policeman A.: "You listen to me! We never deal with this!"

When we phoned the commander of the DCO policemen again, he said it really wasn't right that Hani was not allowed to lodge a complaint. Therefore he personally would try to organize some kind of document from the police confirming that the license could not be found. (It should be remembered that Hani was a taxi driver and unable to earn a livelihood without his license.)

On 31 October 2006, we again tried to get the above-mentioned confirmation but couldn't reach the commander of the DCO policemen.

On 6 November 2006, the commander told us by phone: "We

found the lost license at West Bank police headquarters and have already sent it to the Etzion DCO.”

On 8 November 2006, Hani went to the Etzion DCO to collect his license but was told that it hadn't arrived yet.

On 12 November 2006, the policewoman responsible for traffic tickets at West Bank police headquarters said that the license had been sent to the Etzion DCO on 9 November 2006.

On 13 November 2006, the license still had not reached the policeman at the Etzion DCO.

On 14 November 2006, the license finally arrived at the Etzion DCO. We phoned Hani to tell him the news and he went to collect it.

The loss of documents confiscated from Palestinians by policemen and soldiers is an everyday occurrence. It may be assumed that without the persistent support described here, Hani would have been among the many who do not get their licenses back. His case is an exception which proves the rule.

4. Taxi driver Yusuf A. and the Israel Police

Various estimates put the operating costs of the West Bank police at NIS 400 million per year. “According to ... a senior official in the Ministry of Finance, after examining all police activities in the region, it was found that only five percent of

them are designated to deal with problems pertaining directly to the welfare of the Palestinian population, such as traffic accidents, criminal acts, etc.”¹⁴ Thus, only NIS 20 million of the NIS 400 million is invested in the welfare of the Palestinian population — invested in the way we have been describing. A poignant example of this “investment” may be seen in the story of taxi driver Yusuf A., which illustrates how the police dealt with “problems pertaining directly to the welfare of the Palestinian population” in a case of theft.

At 10:30 a.m. on 31 January 2007, we received a panicky phone call from the wife of our friend Yusuf, a taxi driver crippled in childhood by polio. Plagued by poor health, he must also keep one leg in a brace and walk with a cane, significantly limiting his mobility. He lives with his wife and their four children in a humble house in Beit Omar on Route 60, the main north-south road in the West Bank.

Yusuf’s wife was crying as she told us that a policeman and a soldier had entered their home, handcuffed Yusuf, and taken him and his taxi, driven by the soldier, to the Etzion police station.

We went there immediately. In the parking lot we saw Yusuf’s taxi and Yusuf himself in handcuffs with the barrel of the soldier’s rifle stuck in his back. Yusuf has an 85% disability. We have the documents proving this, but when one sees him there’s no need for documents.

¹⁴ Published on 3 September 2010: <http://www.haaretz.co.il/hasite/spages/1187689.html> [in Hebrew].

The policeman told us that Yusuf was being taken in for questioning because the motor of his taxi contained stolen parts. But “we’ll drink coffee with him and treat him nicely, so don’t worry,” the policeman assured us. He even took Yusuf’s handcuffs off. Two hours later we spoke to Yusuf by phone. Laconically he told us that he was then at the Kiryat Arba (i.e., Hebron) police station. When we tried to contact him again later, he didn’t answer his phone.

We asked Attorney Y. Dagan to have Yusuf released on bail and undertook to cover whatever amount was set. Attorney Dagan spent several hours trying unsuccessfully to speak with the investigators at the Hebron police station. None of his calls were answered. We ourselves kept phoning both the Hebron and Etzion police stations but no one we spoke to could give us information about Yusuf’s whereabouts and situation.

Towards evening Attorney Dagan managed to speak with someone at the Hebron police station who told him that Yusuf had been detained for questioning for 92 hours. But they no longer thought that his engine contained stolen parts. Now he was being held on suspicion of robbery! And no, he would not be released on bail under any circumstances. Attorney Dagan sent urgent faxes to the Ofer military court and to the investigations department at the Hebron police station in an attempt nevertheless to get Yusuf released on bail (to be paid by MachsomWatch women who had known him for years). Nothing helped.

The next morning we phoned the investigations officer at the Hebron police station, protested that Yusuf had not been released on bail, and asked for an update. He tried to calm us down by saying that Yusuf was just then being questioned in

the presence of his lawyer (which was a lie — Attorney Dagan was in his office at the time).

At noon Yusuf called to say that he had just been released without charge and had gone home in his taxi, which was in ruins. It turned out that two days earlier, a Palestinian from East Jerusalem had traveled from Jerusalem to Hebron, along with other passengers, in a small yellow Skoda taxi. (All Palestinian taxis are yellow but most of them are large enough for seven passengers.) After getting out of the taxi in Hebron, he noticed that the large amount of money he was carrying had disappeared. He immediately lodged a complaint at the Hebron police station about the theft (not “robbery” because he had not been attacked).

On his way back to Jerusalem, the man looked carefully at every yellow taxi he passed. In Beit Omar, on Route 60, he saw Yusuf’s taxi parked alongside others, and behold, as fate would have it, it was a small yellow Skoda. The man wrote down the license number and quickly phoned it into the Hebron police station. After Yusuf had been detained and his taxi impounded at the Hebron police station, no less than a sapper was called in to examine it! He ripped out the taxi’s doors, seats, ceiling and trunk interior. He also broke a few external parts and damaged the motor.

After Yusuf spent a night in detention and his car was destroyed, and after he was harassed by questioning in the morning, it was time to confront him with the person whose money he had allegedly stolen. When the East Jerusalem man laid eyes on Yusuf, he said in astonishment: “This isn’t the driver I traveled with at all!”

After repeated phone conversations with the public complaints officer at West Bank police headquarters, on 6 August 2007 we sent her a letter summarizing our grievances. We complained that the police had first told us Yusuf was accused of having stolen parts in his motor and then claimed that he was suspected of a different crime: robbery! We protested that he had not been released on bail and that a sapper had been brought in, though there was no suspicion of a security threat. And we complained that the sapper had not dismantled the car systematically so that it could be reassembled without damage — as a garage mechanic would have done — but rather ripped out and tore up the entire interior of the vehicle and even damaged the motor and the exterior. We ended our letter by saying: “Pursuant to our conversation, Mr. A. will repair the damage to his taxi at a garage and we will send you a detailed bill of the cost.”

To our letter of complaint about the vandalism to Yusuf’s car, we attached all the letters Attorney Dagan had sent out during the two days Yusuf was in detention, as well as transcripts of our conversations with Detective Avi Ben-Lulu and various other policemen at the Hebron police station. We also attached detailed photographs of the damage to the car.

On 18 October 2007 we received a reply from the complaints officer at West Bank police headquarters suggesting that we address our grievances and claims to the public complaints officer of the Border Police and/or the public complaints unit at national police headquarters. In light of our extensive experience with the responses to our many letters of complaint, we decided not to take this incident further even though we understood that Yusuf — one of the poorest men in his village — would be burdened by the cost of repairing the dam-

age caused him by the Israel Police in its over-zealous efforts to deal with such a trivial matter.

Below is the response we received from the public complaints officer of West Bank police headquarters, containing her sanguine version of the event. If you read her response carefully, it's as if you've read *all* the responses to *all* the letters of complaint we've sent in every direction over the years. We advise you not to miss point #5.

18.10.07

Dear Madam,

Re: your complaint concerning vandalism to taxi number xxxx

1. Your complaint has been investigated by our office.
2. From my investigation it has been ascertained that:
 - a. In the framework of dealing with an investigative file concerning a robbery which was being investigated by the Hebron Police, the complainant himself reported the license number of Mr. A. as being involved in the transfer of the money. His description also matched the description of the driver.
 - b. The Hebron police determined that Mr. A. and his taxi were necessary to the investigation.
 - c. Therefore the taxi was impounded and Mr. A. was detained for questioning.
 - d. Since what was attributed to Mr. A. was driving a vehicle, his disability did not "cleanse" him of suspicion.

- e. When, in the course of the investigation, it was ascertained that the complainant had eliminated Mr. A. as being present at the event, he was released.
 - f. The taxi was not dismantled but rather examined by a sapper in accordance with standard procedure (note that there are no sappers in the West Bank police; they belong to the Border Police, who are in possession of the report).
 - g. The investigations officer and the detective claim that you did not speak with them and that no one said the investigation was being conducted in the presence of Mr. A.'s lawyer.
3. In light of the above, I have found no flaw in the way the Hebron police investigations unit dealt with this case and with Mr. A.
4. You have the option of going to the public complaints officer of the Border Police concerning responsibility for the sapper's examination.
5. I thank you for your inquiry, which has helped us re-assess our people and our professionalism.
6. You are entitled to appeal this decision. A detailed, reasoned appeal should be sent to our office and it will be examined by the public complaints unit at police headquarters.

Sincerely,
R.G., Control and Public Complaints Officer
West Bank District

An Ongoing Saga

This concludes our report on the policies and conduct of the Israel Police in the occupied West Bank, but the many harsh things it describes persist. Suppression, self-righteousness and white-washing have been the rule for a long time. More than 40 years ago, the playwright Hanoch Levin wrote “Speech to our Arab Neighbors.” It’s still valid today:

Cabinet Meeting:

Prime Minister: I hereby declare the weekly cabinet meeting open. I remind you that I am Prime Minister. First I will address our Arab neighbors. (Makes the speech): Gentlemen, I have tried and tried and I can't find any fault in myself. For seventy-one years I have been checking myself and I find such righteousness in myself that — God help us. And every day it surprises me anew. Right, right, right, and right again. I say to myself: “One day, don't be right; after all, a human being is only human, you're allowed to be wrong once, it's natural, it's normal.” But no! I get up in the morning and oops! — I'm right again. And the next morning I get up and oops! — I'm right again. Oops! — right. Oops! — right. One afternoon I dozed off for a while, thinking: maybe I'll do something stupid in my sleep. And did I do something stupid in my sleep? Oh sure, you've found just the person to do something stupid in her sleep! I wasn't born to do stupid things. I simply

wasn't born to do stupid things. By the way, I'm Prime Minister and you're not, and if I were you, I'd be unhappy about that. Thank you. (Sits down)

From Queen of the Bathtub
Premier performance in the Cameri Theatre,
Tel Aviv, April 1970

(The Hebrew original of this text is written in the feminine gender. At the time the play was written and until after the 1973 Yom Kippur War, Golda Meir was prime minister. The title of the play is another reference to her premiership.)

Our letter of 20 December 2010 to the spokesman for the West Bank District of the Israel Police:

To Superintendent Gili Alhadad, spokesman for the West Bank District of the Israel Police, shalom.

Attached is the [Hebrew version of the] MachsomWatch report on the conduct of the Israel Police in the occupied West Bank. We would appreciate your comments by Sunday, 26 December 2010.

The spokesman's reply [sent at 23:42 on 26 December 2010]:

The report's findings are not consistent with the facts on the ground. Nevertheless, it has been sent to the

relevant bodies and after it has been thoroughly read it will be possible to respond to specific points.

*Gili Alhadad, Superintendent
Spokesman, West Bank District, Israel Police*

As of 31 July 2011, when this English translation of the report was completed, we have not received any response to specific points from the relevant bodies, as Superintendent Gili Alhadad promised.

The conduct of the police in the occupied West Bank has continued in the manner described in this report, with the addition of new hardships for the Palestinian population.

As everyone knows, denial does not alter reality.

Appendix A

Press excerpts about punishment meted out to illegal aliens

Published in Haaretz (in Hebrew) on 26 April 2009

Judge Attacks Judicial System: “Illegal Palestinian Workers Should Not Be Viewed Differently from Other Labor Migrants”

By Tomer Zarchin

Magistrate Nehama Netzer refused to impose the standard sentence on a Palestinian: “A harsh sentence won’t stop him from seeing Israel as a source of livelihood.”

“Hard times and changing circumstances make it necessary to completely rethink everything connected with Palestinian Authority inhabitants,” wrote Judge Nehama Netzer of the Kiryat Gat Magistrate’s Court in a ruling last week embodying a sharp social manifesto. “Their only crime was entering Israel in order to work, and in my view they should not be viewed any differently from other illegal labor migrants arriving in Israel,” she said. The judge’s words were directed against the judicial system and the courts.

The case in question was that of Alqad bin Hassan, a 48-year-

old Palestinian, father of six and grandfather of two, who was arrested about 10 days ago after crossing into Israel illegally from the West Bank in order to look for work. He was charged with a single, first count of being in Israel without a permit, with no suspicion of related offenses. The State Prosecutor requested the usual three-month prison term, following a precedent established by the Beer Sheba District Court as the standard sentence for illegals. The defense attorney objected in view of his client's personal circumstances and the fact that this was the first time he had been arrested. Netzer decided on a sentence of only 15 days in prison plus a two-month suspended sentence.

"It should be remembered that for approximately four decades Israel was the source of livelihood for the residents of the Palestinian Authority," Netzer wrote. "In the wake of the Oslo Accords, the state's borders were closed to those same Palestinians and overnight many of them lost their ability to work and to support their large extended families." She added, "It is time the State of Israel realizes that no punishment, regardless of its severity, will cause Palestinian Authority residents to stop seeing Israel as their first, if not main, source of work and livelihood."

"It would seem," writes Netzer, "that if the defendant chose to take his life in his hands and enter Israel, despite being aware of the risk he was running in doing so, that is testimony to the severity of the distress in the Palestinian Authority and how desperate the defendant had become in feeling that he had no alternative to trying to enter Israel even if it meant losing his freedom, which is what has indeed happened."

Meanwhile, the Supreme Court deliberated yesterday on an

appeal filed by the Public Defender's Office against the increasingly stiff sentences being imposed for illegal entry into Israel, especially by the Beersheba District Court. The appellant claimed that the lower court had instituted harsh sentencing guidelines, setting a standardized "price tag" of three months in prison for the offense of entering Israel illegally in contradiction of the principle of individual sentencing.

Deputy Chief Public Defender Yoav Sapir told the justices that if the Supreme Court does not send out a clear message that the Beersheba District Court's policy is inappropriate, the harsh sentencing guidelines will be adopted nationwide.

For his part, the State Prosecutor presented figures on the huge scope of illegal entry from the Palestinian Authority into Israel, according to which approximately 11,300 investigations were opened in 2008 and about 2,700 have been opened in 2009 to date. He argued that custodial sentences are the only effective punishment in these cases.

Published in Haaretz (in Hebrew) on 6 May 2009

Supreme Court Criticizes Lower Courts for Sentencing Illegals according to Predetermined Standards

By Tomer Zarchin

The Supreme Court opposes the standardized sentencing set by the Beersheba District Court, according to which Palestinians caught entering Israel illegally (“illegals”) should be given a three-month custodial sentence. In a critical ruling handed down yesterday, Justices Elyakim Rubinstein, Salim Jubran and Yoram Danziger wrote that the offense of illegal entry should be viewed proportionately to the circumstances of the defendant.

Justice Danziger ruled that the sentencing policy adopted by the Beersheba District Court is not in keeping with the principle of individual punishment, which is a basic tenet of Israel’s legal sentencing system.

In March an indictment was submitted to the Magistrate’s Court in Kiryat Gat against Mohammad Faragin for illegal entry into Israel. Magistrate Nehama Netzer sentenced Faragin to 15 days in jail plus a suspended sentence, instead of the standard punishment. Last month, Beersheba District Court Judges Ruth Avida, Neal Handel and Haggai Slutky accepted the State Prosecutor’s appeal against Netzer’s sentence and ruled that the standard punishment of three months’ imprisonment should be imposed on Faragin.

The Public Defender appealed against this ruling to the Supreme Court. Deputy Chief Public Defender Dr. Yoav Sapir criticized the standardized sentences imposed by the Beersheba District Court without taking the defendant's past history into account or the circumstances of his entry into Israel. Dr. Sapir argued that standardized sentencing restricts the court's judgment and endows the prosecution with a great deal of power in determining the sentence.

Yesterday the Supreme Court Justices accepted Dr. Sapir's position. They decided to overrule the punishment imposed on Faragin by the Beersheba District Court and instead sentenced him to seven weeks starting the day he was arrested. Justice Jubran wrote that in light of the fact that he committed his offense out of economic distress, that he had no earlier convictions for similar offenses and that his actions did not represent a threat to state security, it was not appropriate to punish him harshly in the name of that general sentencing policy. "Identical sentencing standards should not be employed for each and every defendant, for they differ from each other in their personal circumstances, in their past criminal record, and in the circumstances of the offense they committed and its severity," he wrote.

In addition, Justice Danziger wrote that in his opinion the way to uproot the phenomenon of illegals is to focus on the residents of the State of Israel who transport them, provide them with overnight accommodation, and employ them.

Published in Haaretz (in Hebrew) on 8 May 2009

Judge Nehama Netzer vs. Law Enforcement Authorities

By Tomer Zarchin

She's lenient with Palestinian illegals ("they're no different than labor migrants") and she released right-wing demonstrators ("their arrest — gagging"). Who is the magistrate from Kiryat Gat who's not afraid of attacking the police and the District Court?

Judge Nehama Netzer of the Kiryat Gat Magistrate's Court could feel satisfaction this week. The Supreme Court accepted the appeal submitted by the Public Defender and sharply criticized the standardized sentences employed by the Beer-sheba District Court with regard to illegals. Netzer, unlike most of her colleagues who have accepted the District Court's standardized sentencing policy, imposes a punishment of 15 days in prison for a first and only offense, in contrast with the appellate court's ruling. For her, the Supreme Court's decision may be construed as support from above for her unconventional stance.

Last month Netzer referred to a ruling of the District Court which was critical of a sentence she had imposed on a Palestinian who had entered Israel illegally, ignored it elegantly and acted in accordance with her own judgment. "Hard times and changing circumstances make it necessary to completely rethink everything connected with Palestinian Authority inhab-

itants,” she wrote. “It is time the State of Israel realizes that no punishment, regardless of its severity, will cause Palestinian Authority residents to stop seeing Israel as their first, if not main, source of work and livelihood,” she added.

The same month, seven right-wing activists appeared in her Kiryat Gat courtroom. They had been arrested after asking to participate in a demonstration of support for the Gush Katif evacuees, on suspicion that they were intending to disturb the public order. Netzer decided to release them, but not before berating the police for misusing its authority to detain and arrest. “Woe unto us,” she wrote, “if we reach a situation in which people are fearful of expressing their opinions lawfully, including by means of demonstrations and participation in legal defense. Using the power of the authority to make arrests in order to prevent this right of self-expression, besides being tantamount to gagging, is an indication of the arrival of extremely dark days in the State of Israel.”

Netzer, who lives in a religious moshav near Ashkelon, has been a magistrate for nine years. She studied law at Bar Ilan University, interned in the Tel Aviv Magistrate’s Court and Prosecutor’s Office, and for seven years worked as an attorney until she was appointed registrar of the Ashkelon Magistrate’s Court. In 2000 she was made a judge, first in the Beersheba Magistrate’s Court and then in Kiryat Gat. She adjudicates both criminal and civil cases.

A prominent attorney in the south, who knows Netzer’s work well, said that she’s an underdog and the system has trouble digesting her. The attorney added that Netzer’s advancement from the position of registrar to that of judge was slow, and she

doesn't set her sights on an appointment to the District Court as do her colleagues who advance their careers with their elbows. "She does her work and believes in change in her own way, via small cases."

The State Prosecutor's Office, in particular, finds it hard to accept her decisions and doesn't hesitate to appeal against them. A source in the southern district of the Prosecutor's Office has criticized Netzer's lenient approach, which he claims has more than once ignored norms established by the Supreme Court, and even ignored evidence. "It's not acceptable," he says, "that the level of sentencing should be drastically different from one judge to another, even in the same court, and Netzer's sentencing is glaringly lenient. She often takes an explicitly 'anti-Prosecution' approach."

It has even happened that Netzer has found the plaintiff guilty instead of the defendant. In September 2008, she tried three defendants who attacked and threatened the film crew of the "Bulldozer" television program for which Mickey Rosenthal was investigating the theft of iron. Surprisingly, she directed half her criticism against Rosenthal and his behavior.

"To my great sorrow," she wrote, "we are living in an age in which reality programs are very popular. When all of us have become slaves to the ratings, then we ourselves are sometimes exposed to a difficult and intolerable phenomenon in which, at the price of achieving a high viewing rate, television investigators, photographers and other members of the production team do not refrain from behaving in a manner which is nothing short of the trampling of an individual's right to his good name, his honor and his property."

Another example of her lenient hand is to be found in a controversial decision she took to release from custody a young man indicted for drug trafficking, thus enabling him to continue working at his job, under the limited supervision of his family. Netzer was impressed by his young age and clean record. She wrote that his conduct “indicates a clear desire to behave like a normative person and not someone whose head and entrails are located in the criminal world.”

18 May 2009

The Police Impose Punishments on Illegals without Judicial Oversight

**In response to the letter to the editor, “What the Judge
Also Understands” (*Haaretz*, 14 May 2009)**

The subject of punishments meted out to illegals, who enter Israel without a permit, is one which highlights the clash of different authorities and the encroachment of the police on judicial matters outside its jurisdiction. We in MachsomWatch claim that the police, behind the back of the judicial system, have laid out a network of punishments for people who enter Israel without a permit in order to work. The punishments imposed on these people by the police do not take personal circumstances into account and effectively deprive them, for long periods of time, of any possibility of working in Israel or in the settlements. Preventing entry into Israel for purposes of employment is not at all a punishment meted out by the courts.

The police have in effect predetermined that anyone caught entering Israel illegally will be ineligible for a permit to work in Israel or the settlements for a year and a half. What’s more, whoever is sentenced to imprisonment for that offense, even if only for a week, will be ineligible for a permit for three years. The list of punishments imposed on illegals can be found in Clause 7 of the Police Chief’s Criteria: (http://www.police.gov.il/mehozot/agafAHM/hativatHakirof/Pages/meidap_huliot.aspx#3 [Hebrew] — *translated into English in Appendix B of this report*).

The Supreme Court was critical of standardized punishments when it considered the subject. “Identical penal criteria should not be invoked for every defendant,” wrote the judges. Nonetheless, the police, by decision of the Police Chief, impose identical punishments on thousands of people which make it impossible for them to work for long periods of time. Moreover, it is a source of great concern that the police, which is an executive body, has taken judicial powers upon itself.

Illegals working in Israel are generally decent, normative people who take great risks in order to feed their children. As Judge Netzer wrote, “It should be remembered that for approximately four decades Israel was the source of livelihood for the residents of the Palestinian Authority. In the wake of the Oslo Accords, the state’s borders were closed to those same Palestinians and overnight many of them lost their ability to work and to support their large extended families.”

As long as the West Bank is under Israeli occupation, the State of Israel is responsible under international law to see to its development for the welfare of its inhabitants, including their sources of livelihood.

Ada Gorni, member of MachsomWatch

Appendix B

Criteria of the Chief of Israel Police

(as updated on 17 September 2010)

http://www.police.gov.il/mehozot/agafAHM/hativatHakirot/Pages/meidap_huliot.aspx#3 (in Hebrew)

Restricted Persons Unit

Criteria for restricting the entry of residents of the Palestinian Authority into the territory of the State of Israel, on grounds of crime prevention

A. Introduction

1. The purpose of this procedure is to establish criteria for restricting the entry of residents of the Palestinian Authority (Judea, Samaria, and Gaza), in order to diminish the potential danger to public welfare in the State of Israel from the entry of people with criminal or security records.
2. Restriction of entry shall be based upon information held by the police, whether in the criminal register or in other information databases or other (intelligence) sources in the possession of the police.
3. In this procedure:
 - a. "MBD file" — a criminal case under investigation.
 - b. "Person" — a resident of the Palestinian Authority.

- c. “IDF sources” — head of the District Coordination Office (DCO) in the region where the person resides.

B. Implementing the criteria

This procedure, with all the criteria established in it, will come into effect and be implemented by the police as of 10 June 2007.

C. General principle — a person’s entry into the territory of the State of Israel shall be restricted if one or more of the following conditions apply:

1. The person has been convicted of an offense.
2. An MBD file is pending against the person.
3. The person has been declared by the Israel Police to be an escaped criminal or wanted for interrogation.
4. The person is under arrest, including house arrest.
5. There is information about the person’s involvement in criminal activity.

D. Start of the restriction period

1. If a person has been tried in criminal proceedings, his entry into the territory of the State of Israel shall be restricted starting from the later of the following times:
 - a. Date of sentencing.
 - b. Date of completing a prison sentence.
2. A person who has had an MBD file opened against him shall have his entry into the territory of the State of Israel restricted starting from the date the file is opened.
3. A person who has been declared an escaped criminal

or who is wanted for interrogation or is under arrest (including house arrest) shall have his entry into the territory of the State of Israel restricted starting from the day he has been so declared or arrested.

E. Calculating periods of restriction due to MBD files:

A person who has had an MBD file opened against him shall have his entry into the territory of the State of Israel restricted for the following periods:

1. If the MBD file is for an offense, whether a felony or a misdemeanor, which carries a maximum sentence of not more than seven years, the restriction shall be for a period of a year and a half from the day the file was opened.
2. Clause 1 notwithstanding, if an MBD file is for an offense included in Chapter 10 of the 1977 Penal Code (hereinafter: "Penal Code") which carries a maximum sentence of up to three years, the restriction shall be for a period of two years from the day the file was opened.
3. If an MBD file is for an offense included in Chapter 10 of the penal code which carries a maximum sentence of more than three years, the restriction shall be for a period of three years from the day the file was opened.
4. If the MBD file is for an offense which carries a maximum sentence of more than seven years, the restriction shall be for a period of four years from the day the file was opened.

F. The period of restriction for a person declared an escaped criminal or wanted for interrogation or under arrest shall be calculated as follows:

1. Entry into the territory of the State of Israel of an escaped criminal or someone wanted for interrogation shall be restricted as long as the declaration thereof remains valid.
2. Entry into the territory of the State of Israel of a suspect detained until proceedings against him have been completed, including someone released into house arrest, shall be restricted until the end of the period of his detention.

G. The period of restricted entry into the territory of the State of Israel for a person convicted of an offense shall be calculated as follows:

1. Conviction for an offense according to Clause 12(1) of the Entry into Israel Law (1952) or an offense involving entry into an area which has been declared closed — prohibition of exit according to Clause 90(a) of the security orders (Judea and Samaria) (no. 378), 1970 — will incur a restriction for a period of a year and a half from the day of sentencing or the completion of punishment, whichever is later.
2. If a punishment other than imprisonment has been imposed, or if proceedings have ended without a conviction or a parole order, etc., then the restriction will be for a period of two years from the day of sentencing.

3. For a conviction incurring a prison sentence of up to a year, the restriction shall be for a period of three years from the day of sentencing or the completion of punishment, whichever is later.
4. For a conviction incurring a prison sentence of more than one year but less than five years, the restriction shall be for a period of five years from the day of sentencing or the completion of punishment, whichever is later.
5. For a conviction incurring a prison sentence of more than five years, the restriction shall be according to Clause 14(a)(3) of the Criminal Registry Law and Order of Returning Persons, 1981 (hereinafter: "Registry Law"), i.e., the period of imprisonment which was imposed plus double that period, as long as the additional period does not exceed 15 years.
6. The above notwithstanding, for a conviction for one of the crimes detailed below, which carry a prison sentence of more than one year, the restriction shall be in accordance with Clause 14(a)(2) and Clause 14(a)(3) of the Registry Law, i.e. :
 - a. If a prison sentence of up to five years has been imposed, the designated period of imprisonment plus another ten years.
 - b. If a prison sentence exceeding five years has been imposed, the designated period of imprisonment plus double that period, provided the additional period does not exceed 15 years.
 - c. The above directives shall also apply to an offense

committed by a minor in accordance with Clause 14(b) of the Registry Law. Types of offenses: security offenses, bodily injury offenses, offenses according to Chapter 10 of the Penal Code, offenses under the Dangerous Drugs Order — excluding the offense of personal use.

7. In cases of conviction for an offense mentioned in Clause 17 of the Registry Law, the restriction shall begin from the day of the conviction inclusively, in accordance with the limitation period specified in the above-mentioned Clause 17.
8. Lest there be any doubt, it should be made clear that:
 - a. The period of imprisonment shall be added to the period of restriction in the sense that throughout the entire period of imprisonment the convicted person shall be prohibited entry. However, the period of restriction as set out above shall begin with the conclusion of the period of imprisonment.
 - b. The period during which a person is defined as a “paroled prisoner” in accordance with Clause 14 of the Conditional Release from Prison Law (2001) shall be considered an inseparable part of the period of his imprisonment for the purpose of the restriction period.

H. Restriction resulting from intelligence or other information

1. A person’s entry into the territory of the State of Israel may be restricted as a result of intelligence information implicating him in criminal activity.

2. The information shall be evaluated, inter alia, by noting its content, credibility, scope, the type of criminal activity attributed to the person requesting the entry permit, and the period for which the information is relevant — all in accordance with the determinations of the professional bodies in the Israel Police as they are periodically made.

I. Restriction due to more than one reason

It should be made clear that if a person has been restricted for more than one period (because of the existence of more than one condition), the longer restriction period shall apply.

J. Committing additional offenses during the restriction period

If a person has been convicted of an offense that was committed during a period of restriction for a previous conviction, the restriction period for the first offense shall be doubled and the period resulting from the additional offense shall be added to it.

K. Committing additional offenses not during the restriction period

If a person has been convicted of an additional offense of the same category after the conclusion of the restriction period for a previous conviction which has not yet been deleted from his record in accordance with the Registry Law, the restriction period for the additional offense shall be doubled.

L. General restriction authority

The Police may restrict a person's entry into the territory of the State of Israel even outside the above criteria, if a police

officer thinks that allowing his entry into the territory of the State of Israel is liable to threaten public peace or security.

M. Requesting an appeal

A person wishing to appeal a police recommendation may send a written request to IDF sources. The Israel Police will convey its recommendation to those IDF sources, with reference to the arguments expressed in the request and the circumstances of the matter.

N. Determining “intermediate generation”

1. When the new criteria came into force, they caused a large number of people not restricted according to the previous criteria to become restricted. These people became restricted solely due to the new criteria coming into force (without their having a new criminal record or there being new information available about them). This group shall be called: “the intermediate generation.”
2. A person included in the intermediate generation group, whose entry into the territory of the State of Israel was permitted according to the old criteria, shall not have his entry prevented as a result of the new criteria coming into force.

O. Reviewing the criteria

The Israel Police shall periodically review the criteria for restricting entry into the territory of the State of Israel, including a review of the age range, current criminal trends, political and security developments, and the extension of restriction periods imposed on persons forbidden to enter the territory of the State of Israel.