



6 November 2019

Dr. Avichai Mandelblit
Attorney General
By fax: 02-6467001

Dear Sir,

Re.: **Collective Punishment Policy and Improper and Disproportionate Use of Police Powers in Issawiya**

We are writing to ask you to intervene urgently in order to examine the conduct of the police in Issawiya over the past few months and to restrain this conduct. The hardline policy implemented by the police in the neighborhood includes daily raids, invasions of homes, roadblocks, the firing of gas canisters and sponge-tipped bullets, the closure of shops, the innumerable issuing of ticket and hundreds of detentions, many involving youths. The cumulative picture raises serious concern that these actions constitute over-policing and improper and prohibited collective punishment. Even if these actions do not take place in a vacuum, they are disproportionate, constitute an abuse of governmental authority, and moreover serve only to inflame the clashes in the neighborhood – to the point that even police officers have complained about the actions. All this shall be detailed below:

1. On Saturday, 2 November 2019, a school shut-down began in the Issawiya neighborhood, which is home to some 20,000 residents and suffers from protracted neglect and the inadequate provision of services by the authorities. The local parents committee decided to shut down the local schools, which serve some 4,500 students, after police officers entered one of the schools, detained a high-school student on suspicion of throwing stones at them, and following the arrest even threw a stun grenade into the yard of the educational institution. The residents claim that the arrest of the student and the police actions in the vicinity of the school were contrary to an agreement with the police and the municipality adopted at the beginning of the school year, according to which the police would not operate in and around educational institutions at the beginning, duration, or end of the school day.
2. Two days after the strike began, two members of the local parents committee were detained. Following their detention, clashes erupted between the police and residents, during which the police detained three minors aged 16 and 17 (Nir Hasson, *Israel Police Arrest East Jerusalem School Strike Organizer*, Haaretz, 5 November 2019). Yesterday the committee members were released ahead of the contacts between the parents committee and the representatives of the municipality, which ended with a decision to resume studies. This is the second time these committee members have been detained in recent months. Their previous detention was at the end of August, on suspicion of

threatening school principals. Before the school year began, the committee already decided to shut down the schools in protest at the over-policing in the neighborhood, and due to concern for the students' lives. Since their release, no proceedings have been pursued against the committee members.

3. The detention of the minors and the committee members is just one link in a chain of intensive police actions whose purpose remains unclear, and which began in June this year. Since then, over a period of almost five months, police forces enter the village day after day, and usually more than once a day, often late at night or in the early morning. Residents' testimonies, video clips posted on social networks, media reports, and reports by activists in the area (including Free Jerusalem activists, who maintain daily vigils in the neighborhood), paint an alarming picture of the profound disruption of everyday life, the disruption of residents' livelihoods, cumulative trauma and anxiety among children, and the creation of deliberate and systematic friction with residents. This friction serves only to exacerbate the confrontations, leading in turn to the disproportionate use of force and detentions that are often shown to be spurious. In September, the media reported that more than 350 people had been arrested in Issawiya over the summer, but only 10 had been indicted (Aaron Rabinowitz and Nir Hasson, *Israel Police Arrest 25 in East Jerusalem Neighborhood, Despite Vow to Ease Crackdown*, Haaretz, 23 September 2019).
4. The police operating method is relatively consistent: dozens of armed Special Patrol Unit or Border Police officers enter the village and conduct patrols during the evening, and again late at night. They occasionally order shopkeepers to close their stores in the early evening, although during routine and calm times the stores are open until 10:00 PM. On other occasions, they engage in the innumerable distribution of tickets, often for minor infractions, such as placing an ice-cream machine outside a store, improper signage, or failure to remove the plastic coating from a new vehicle. Any action by the residents perceived as provocation leads to the firing of stun grenades and tear gas canisters.
5. We should recall that at the beginning of June, Mohammed Obeid, age 20, was killed after a police officer shot him at close range. According to the police, Obeid was planning to throw fireworks at the officers. The police raids of the village did not end with his death. Dozens of Palestinians were injured over the following days by sponge-tipped bullets, dozens more were detained, and some of the arrests involved the use of serious violence. Even on the day of Obeid's funeral, police officers ostentatiously entered the neighborhood using gross force, marching down the road where the deceased had lived (*Mohammed Obeid buried, Issawiya still burns*, Sicha Mekomit, 2 July 2019). The Association for Civil Rights in Israel contacted the Jerusalem District Commander soon after these events and asked him to restrain the hardline policy; to date no response has been received to the letter (attached).
6. Over a period of many weeks, the police blocked the exit from the village every day, from the early morning, undertaking exhaustive searches of every vehicle. This created

enormous traffic jams and caused thousands of residents to arrive late for work. Many drivers were given tickets. The blockages of the entrances continue, albeit less frequently. Even intersections inside the neighborhood are blocked; the village roads are mainly narrow, and any blockage significantly disrupts traffic. For many hours of the day and night, the public domain in the neighborhood is dominated by the security forces. Activists present in the area, who seek to restrain the over-policing by their presence, report that Border Police officers often confront youths, ordering them to leave the area; those who refuse or argue are pushed and beaten. The same result is achieved when Special Patrol Unit forces decide to turn a busy street into a sterile zone by removing residents.

7. For further illustration, we offer some quotes from the daily reports completed by “Free Jerusalem” activists after each shift in the neighborhood. We concentrate on reports from the past few days:

- **Summary of shift, 4 November 2019:** “At about 8:00 PM, around 20 Border Police officers walked up from the Obeid neighborhood toward the mosque. Apparently stones were thrown at them. In response, they threw and fired a large number of stun grenades in what seemed to be a fairly random direction, and to a distance from which they could not possibly have been subjected to stone-throwing. They continued by foot toward the mosque and threw a stun grenade. Lastly they dispersed tear gas, subsequently leaving the neighborhood. The affect of the tear gas was evident around the mosque for a long time, much longer than I am used to. A little later, police officers burst into a home below the health clinic junction and arrested three youths. The neighbors could not provide the names of those arrested, and reported that they had been beaten vigorously.”
- **Summary of shift, 28 October 2019:** “Between 7:30 PM and 8:00 PM, a drone and a Savannah vehicle entered a plot by the bend in the road below the mosque. Special Patrol Unit officers stood in front of one of the homes there for about 20 minutes. The home seems to have been chosen at random and not because of anything or anyone.... After that it was very quiet, and without any police presence, until 9:30 PM.

Between 9:30 PM and 11:00 PM, forces entered en-masse. At first they drove around in their vehicles, and from 10:00 PM they also stopped at various points in the neighborhood. They went into alleyways on foot, and in at least one case went onto the roof of a home. In another case, Special Patrol Unit officers picked on three boys who were walking along the street and conducted body searches... Special Patrol Unit officers marched along the main road to the eastern exit and then drove away. Another Border Police vehicle went up toward the western exist and stopped; the officers walked around the clinics area. At 11:00 PM both they and we were outside the neighborhood.”

- **Summary of shift, 27 October 2019:** “There were five of us on the shift. Two Special Patrol Unit transits and a Border Police jeep got there before us and entered Issawiya before we gathered. We found them in the Obeid neighborhood, opposite the shops, ordering the shopkeepers to close up and using violence (pushing them and kicking their legs), without legal authority and, of course, without offering any explanation (the closing of the shops is documented in [this video clip](#)). The claim by one of the officers in these clips that ‘they ripped apart my patrol car a minute ago’ is, of course, a lie.

When the police officers heard us telling the shopkeepers and residents who had gathered opposite them that the police were acting illegally, they realized that they’d been caught. As usual, though, they didn’t know how to end the incident. Only when a ‘blue’ police officer arrived did the Special Patrol Unit forces leave – until then, they went on harassing passersby.

No stones were thrown during the incident involving the police officers. A single firework was thrown, but into the sky, not toward the officers. Abu Humus worked all the time to keep the police and the residents apart. According to some of the shopkeepers, the closure of the shops is intended to enable cars containing disguised security personnel to enter the neighborhood quietly. They added that any such action by the police damages their work and their livelihood.

After making sure that the Special Patrol Unit and Border Police forces had left Issawiya, our next stop was the home of a member of the local parents committee. His 17-year-old son had been arrested violently the same day (a Special Patrol Unit officer threw him down, sat on him, and shoved his face into the ground, although according to his father the boy had made no attempt to resist arrest). The boy was arrested on his way home from school outside the village, because Special Patrol Unit officers suspected that one of his friends had thrown stones. He was released after six hours, without bail, but placed under house arrest for five days and forbidden to speak to his friends until the interrogation 15 days later.”

8. The police policy in Issawiya causes particularly serious harm to minors, including children below the age of criminal liability. The residents report that dozens of minors have been arrested over the months of the campaign; most of them were released without indictment. Jerusalem District police officers appear to have forgotten the special protections that are established in the juvenile laws and in the police’s own procedures for minors, even if they are suspected of participating in disturbances. This is confirmed by the following reports: Police officers burst into a home and interrogated an 11-year-old girl, claiming that she had filmed the throwing of stones from the roof of her home (Rabinowitz and Hasson, *25 Residents of Issawiya Arrested*); the father of a five-year-old boy was summoned for questioning on the grounds that his father had thrown stones at a patrol vehicle; on 23 October 2019, police officers chased a 10-year-old boy who, they

claimed, had taken part in stone throwing, dragging him and his father into a patrol vehicle and taking them to the police station at French Hill. The boy told a field investigator from ACRI that a female police officer had “grabbed me hard by the neck,” and that he had been put “forcefully” into a patrol vehicle and had been alarmed and very scared. His father added that a police officer at the station told him not to talk to the media about the incident and not to publish it on social networks. The father and son spent about 45 minutes at the station; on 2 November, a 14-year-old boy was arrested on the street and put in a patrol vehicle, despite protests by residents who pointed out that the boy was a minor and asked the police to wait for his parents (see [a video clip](#) documenting the arrest). On Monday this week, 4 November 2019, a nine-year-old boy was detained on suspicion of participating in disturbances, and was released only after a considerable delay. All the above are merely a handful of examples.

9. It does not require much imagination or special expertise to appreciate the impact of these experiences on the children and youths of Issawiya. The daily presence of armed police officers; night-time raids of homes; their own frequent arrests and those of their peers and relatives; countless encounters with the security forces, sometimes of a violent nature – all these have a devastating impact on their experience and form an important component in shaping their personality, beliefs, and worldview – including their attitude toward Israeli society and the law enforcement bodies.
10. Educators in Issawiya report an ongoing state of trauma among local children. The principal of the junior-high school in the neighborhood admitted that he is helpless. He believes that even when the police violence ends, the education system in Issawiya will need to cope with the psychological impact on children who underwent a summer of nightmares (Noa Dagoni, *After announcing a shut-down of studies, parent representatives in Issawiya are arrested*, Sicha Mekomit, 29 August 2019). Summer has ended, but the nightmare drags on. Parents report a high level of fear among children due to their daily encounters with armed figures in uniform. Some children have repeatedly been injured while fleeing from police officers, others have begun wetting their beds or suffer from nightmares (Maya Horodnichano, *Almost like a curfew: Residents of Issawiya desperate after protracted police campaign*, Walla, 30 July 2019).
11. The purpose of the policy of detentions, raids, and daily confrontations imposed by the Jerusalem Police in Issawiya is unclear. However, it is obvious that this policy has persisted over a period of years, despite the fact that it has been tried, tested, and shown not to offer any results. In 2016 it was revealed that police reports completed by officers who operated in the neighborhood stated that the purpose of the activities is “to maintain friction with the residents” (Nir Hasson, *Police in Issawiya documented complaining about their actions in the neighborhood*, Haaretz, 13 October 2019). In 2017, the police brought a bus of officers disguised as soldiers into the neighborhood with the goal of provoking stone-throwing so that they could apprehend the offenders.

12. The behavior of the police in Issawiya is contrary to the model for operations in Palestinian neighborhoods initiated and implemented by the previous Jerusalem District Commander, Deputy Commissioner Yoram Halevy. In an interview on his retirement, Halevy explained that in order to calm the situation in East Jerusalem, he decided to remove Border Police officers from the Palestinian neighborhoods: “Blue instead of green, police instead of Border Police.” He added that “I was a Border Police commander and I know that young officers find it hard to deal with an Arab civilian population. It very quickly leads to friction, fights break out, and people throw stones at them. Many of the incidents that have been reported involving Border Police officers – and I don’t say this with any disrespect – were caused by the Border Police, because they lack this sensitivity. I took all the Border Police officers stationed along the ‘seam line’ and brought them over to the west of the city, to work with Jews. I took ‘blue’ officers who are experienced and married with kids and put them there instead. We’ve seen a fall of over 60% in the incidents, but the most interesting statistic is that in some areas there has been an increase of up to 70% in the demand for police services (Nofar Rumi, *From the Intifada of Knives to the Haredi demonstrations: Jerusalem Commander sums up his period of office*, MyNet Jerusalem, 10 February 2019). As noted above, the current raids in Issawiya are mainly undertaken by Border Police and Special Patrol Unit forces. The vision of community policing in Issawiya and the development of trust with residents have been lost.
13. The police policy is so unusual that even officers who have participated in the operations in Issawiya have complained about it. *Haaretz* gained possession of video footage from the body camera carried by one officer in which officers can be heard talking during an operation in the neighborhood in April this year. One officer can be heard saying to the other: “And really the whole point is to provoke them for no reason.” His colleague agrees. Later, the first officer asks: “Why do this deliberately?” His colleague answers: “Our policy is totally screwed up.” The first replies: “Let them live, bro, all you’re doing here is provoking them.” He then comments to a third officer, “Bro, I’ve got a question for you. Doesn’t what we’re doing here just lead to more problems?” The third officer replies, “Yes.” Later, the officers discuss the stone-throwing in the neighborhood: “This isn’t ‘hostile terrorist activity’ – it’s just stones,” one says. The second adds, “It’s a game for them, they don’t throw in order to hit” (Nir Hasson, *Police in Issawiya*).
14. This video footage was also exposed during the trial of a local resident accused of throwing stones at police officers on the day when the footage was filmed. In the ruling, the Magistrate Yaron Mintkavitch found that “on the basis of this conversation, I cannot reach clear conclusions regarding the character of the police operations in the village.” However, he added that the comments cannot be ignored, and that they would be reflected in determining the penalty (CA 8432-05-19 *State of Israel v Mustafa* (7 Oct. 2019)). Indeed, in the specific circumstances, the court lacks the tools to examine the police policy in the neighborhood and to determine this matter. However, this process should properly be undertaken by the Attorney General, whose functions include heading

the legal advice system for the executing branch, and who is responsible for protecting the public interest in the legal domain.

15. The police policy in Issawiya and the over-policing operations did not emerge in a vacuum. No-one denies that the function of the police is to maintain law and order. In the police responses to the current operation, its representatives emphasized that they are acting “to maintain public order and law enforcement at any time and place.” However, the police has access to various tools for coping with disturbances and locating offenders. Daily and systematic over-policing directed at thousands of people, most of whom have never thrown a stone in their life, along with waves of detentions, intimidation, and the firing of sponge-tipped bullets, gas, and stun grenades, are not legitimate means for imposing law and order. This policy serves only to exacerbate the confrontations and foment and in itself causes disturbances, while using means intended to punish, humiliate, and oppress an entire population that is mostly innocent of any crime.
16. A possible explanation for this situation can be found in a study by the anthropologist Didier Fassin. Fassin accompanied officers at a Paris police station for eighteen months and found that they believed that poor minority populations commit crimes, hide crimes in their communities, and are hostile toward the police. They perceive the encounter with these populations as one with criminals, collaborators in crime, or potential criminals, and accordingly see the use of violence against them as legitimate. The study found that body searches serve as a form of punishment in its own right, rather than a means for locating prohibited items; that the harassment of drivers serves as a punishment rather than a means for inspecting licenses; and that beatings, cuffing, humiliation, and detention also serve as a punishment, rather than a means for bringing people for questioning (Guy Shalev, *The police is the punishment*, Haaretz, 21 October 2019). In practice, Fassin concluded, the police functions as an informal punitive system. This picture of reality would seem to be particularly accurate in the case of Palestinian residents who are not citizens of the state.
17. A direct line connects the recent nighttime police search conducted in the home of a resident of the neighborhood, as part of the documentary series *The Jerusalem District*, including the planting of an M-16 rifle in his cellar, while showing complete disregard for the serious harm this caused to the occupants of the home, and the entry of massive police forces into the neighborhood, including the use of disproportionate force against residents, over recent months. In the former case, the police excused the actions by claiming that the officers who starred in the series had not been properly briefed, blaming the production crew (who firmly rejected this claim). The events of recent months in Issawiya, however, show that such actions form part of a systemic and deliberate policy of oppression, involving the improper use of authority. These actions are clearly illegal, cause grave harm to residents, and do not appear to have any end in sight.

For all the above reasons, your intervention is needed.

We shall be grateful for your response.

Sincerely,

Tal Hassin, Atty.

CC: Deputy Commissioner Doron Yadid, Jerusalem District Commander, by fax: 02-5898988