

VIOLENCE AND DAMAGE TO PROPERTY

The Hotline was originally established to assist Palestinian residents of the territories who suffered bodily injuries as a result of violence on the part of security force personnel and Israeli civilians. Reality altered the Hotline's main emphasis, since most of the incoming complaints dealt with violations of the rights of residents of the territories, rather than personal injury and damage to possessions. Nevertheless, the Hotline has received, over the course of three years, 354 complaints of physical violence, which, in some severe cases, resulted in death. The Hotline has also received 218 complaints of property damage.

IDF Brutality

Many of the complaints relate to brutal behavior by soldiers against residents, or to humiliating and insulting treatment. On the afternoon of January 16, 1990, 'A.S. left his house in Qalandia for the nearby bus station. He relates that six or seven soldiers who were standing nearby asked him for his identity card and told him to get into the ambulance that was with them. When he asked why, the soldiers pushed him into the vehicle. Three of the soldiers began to hit him, slapping his face and head. After approximately five minutes, the soldiers released him, returned his identity card, and said: "If we thought that you had thrown stones, we would have screwed you."

The following day, 'A.S. approached the Hotline, which referred the complaint to the Legal Advocate of the Central Command and to the Staff Complaints Officer in the Judea and Samaria Civil Administration. In September 1990, eight months after the complaint was filed, the Legal Advocate of the Central Command responded:

1. A Military Police/CID file has been opened.
2. The soldiers involved in the beating have not been located, but the soldier who drove the ambulance has been located, and he testified that, indeed, during the aforementioned event, an Arab was put into the command car.
3. The file was closed without additional steps being taken, but since the complainants' version was verified in part, there is a basis for believing that it is reliable, and a copy was therefore transferred, upon my recommendation, to the Staff Complaints Officer so that he could consider the question of reparations for the complainant.

The Staff Complaints Officer wrote in the response that there were no physical injuries and therefore payment of reparations was not in order.

The Hotline turned to an appeals committee and pointed out that the request for reparations was not only for medical damages incurred, but also for insult, inconvenience, and humiliation.

In its last session, on May 29, 1991, the appeals committee resolved to reject the September 1991 decision, and requested that the complainant submit a medical opinion within 14 days, without which he would not receive compensation.

The above situation, which is hardly unusual, raises many questions. It is not clear, for example, how it could be that the soldiers were not located if indeed the ambulance driver, who was a witness to the incident, was located. And if 'A.S.'s story was found to be true as the Legal Advocate of the Central Command admits in his

letter, why was the file closed without a further investigation?

The Hotline's response to complaints of violence and damage to property differs from the response to other types of complaints. While other complaints are processed in order to solve the problem by locating a prisoner, having an identity card returned, obtaining an exit permit, etc., the Hotline handles cases of violence by submitting a complaint to the authorities, bringing to trial those accused of assault, and demanding that they compensate victims. In contrast to other types of violence and damage to property rarely ends in success, i.e. bringing the accused to trial and compensating victims. (It should be stated that many of those who approach the Hotline refuse to accept compensations from Israel.) In only 13 cases of violence (less than 4%), and in only 17 cases (less than 8%) of property damage, did the process end successfully.

Individuals and Authorities Involved in Complaints of Violence and Property Damage Submitted to the Hotline

The authority	Violence	Property
I.D.F.	41.9%	49.3%
Border Guards	28.2%	13.2%
Police	13.7%	8.3%
G.S.S.	3.8%	1.0%
Civil Administration	1.2%	2.9%
Jewish citizens	5.5%	19.0%
Palestinian residents	2.3%	2.0%
Other	3.4%	4.3%
Total	100%	100%

Brutality by Border Police

On June 18, 1989, at 11:15 p.m., three residents of East Jerusalem departed from a friends' house in Wadi Joz. They claim that when they were about to enter their cars, a border police jeep containing three border police, as well as a regular policeman passed by. The border police officers instructed the three to identify themselves, and began to interrogate them. After several minutes, they asked the three to undress. They refused. The border police began to beat and kick them, and forced them to undress. After undressing them entirely, the border police ordered them to repeatedly sit down and stand up; when they did not obey, they were beaten. During the incident, the police cursed and taunted them. The regular policeman stood by the jeep during the event. He did not actively participate in the violence, but he did not prevent the others from acting, either.

The following day, the three approached the Hotline and, accompanied by a Hotline representative, submitted a complaint to the police. At the same time, the Hotline sent the details of the event to the public complaints officer of the border police.

In January 1991, a year and a half after the incident, the Jerusalem District Attorney pressed charges against two of the border police involved in the incident. The charges: attack under aggravated circumstances, and abusing the power of their position.

Superintendent Elinor Mazuz, Public Complaints Officer in the Inspector-General's Office, told us that: "As stated in the report, in this case, charges were pressed against the policemen involved in the incident. This fact illustrates the serious attitude of the police towards complaints, and the high quality of the investigation. The handling of this file was

protracted due to requirements of the investigation."¹⁶

16 Letter from Superintendent Elinoar Mazuz, Public Complaints Officer, Police Inspector-General's Office to B'Tselem, August 1, 1991

VICTIMS OF HOSTILE ACTS

Approximately one year ago it became apparent to the Hotline that the Compensation Law for Victims of Hostile Acts, 1971, does not apply to residents of the territories who are injured by hostile acts. The law, which ensures reparations for "victims" injured in hostile acts directed against Israel, defines "victims" as Israeli citizens or residents, persons who enter Israel on a visa, or persons who enter Israel and are exempt from obtaining a visa or permit.

It transpires that the only people who enter Israel who are excluded from the definition are residents of the territories staying in Israel. This means that a resident of the territories who is injured in a hostile act against Israel (e.g. a Scud attack) does not qualify as a "victim" and accordingly is not entitled to reparations, including hospitalization costs. All other individuals (an Israeli citizen, tourist, or temporary resident) are legally entitled to reparations for injuries incurred in hostile acts.

The Hotline and the Association for Civil Rights in Israel requested from the Prime Minister the Minister of Justice that the law be amended to include residents of the territories. The request stated:

An innocent resident of the territories who is injured as a result of hostile acts in Israel is not eligible for any reparations, while any other person is eligible for reparations for an injury in the same incident. This situation, in which a person is discriminated against only because of his place of residence and his nationality, is unacceptable.

In his response to the Director of the Hotline, Justice Minister Dan Meridor wrote that he was looking into the matter. To this date, almost one year later, no action has been taken toward changing the law.