

At the Magistrates Court in Jerusalem

CC 21135/95

Before the Honorable Justice Y. Inbar

In the matter of:

1. _____ **'Ulyan**
2. _____ **Abu Hummus**

both represented by attorney Huri

The Plaintiffs

v.

1. _____ **Sirhan**
2. _____ **Sirhan**

both represented by attorney Horowitz

The Defendants

Judgment

1. The parties' counsels have agreed that the court adjudicate the action by way of a settlement.
2. With regard to Plaintiff 1 ('Ulyan), it was determined in the criminal judgment that the Defendants (the Accused there) slapped him on the face several times after he blamed them of stealing NIS 5 from his wallet during a search they conducted on him after detaining him on the street, which caused them to lose their heads. It shall be noted that at that time the Defendants were members of a Border Guard team entrusted with maintaining the security in the area.

There is no doubt that the slaps that were dealt to the Plaintiff by the Defendants, while abusing their authority as police officers, infringed his right to bodily integrity and dignity, humiliated him and caused him much sorrow and distress. The fact that his beating was preceded by a provocation on his part only slightly (if at all) derogates from the severity of the aforesaid. A blunt reaction by a person whose body is about to be searched, while walking innocently on the street in the middle of the night, is not an imaginary event

that cannot be foreseen. The Defendants should therefore have restrained themselves and acted with reserve, as befits their office and status.

On the other hand, it should be noted that the degree of violence that was used is not at the top level of the severity scale. The Plaintiff suffered no physical damage (on this matter my path is marked out by the determination of the court in the criminal proceeding with regard to the unreliability of the medical certificate). The considerations of deterrence were, in essence, satisfied within the criminal proceeding. The examination of the damage and the scope thereof in the proceeding before me is individual, and the amount of compensation must lie within the range of sums customarily adjudicated in such cases.

3. With regard to Plaintiff 2 (Abu Hummus), the judgment does not determine that violence was used against him. However, the Defendants' counsel agrees that he should be adjudicated a "symbolic" sum due to the unpleasantness in which he found himself. I might add that one should also take into account the chances (and, conversely, the risk) that things would have turned out the other way around in the civil trial, although in view of what is stated in the judgment with regard to the Plaintiff's credibility, such chances would appear to have been slim.
4. After having balanced the opposing considerations, considered the other arguments of the parties' counsels, and further asked myself what settlement agreement the parties should have reached voluntarily so as to part ways amicably, I charge the Defendants – jointly and severally – as follows:
 - a. To pay Plaintiff 1 the sum of NIS 8,000.
 - b. To pay Plaintiff 2 the sum of NIS 1,000.
 - c. The Defendants shall further bear the trial fee, and attorney's fees in the sum of NIS 1,500 plus VAT.

All sums shall bear differences of indexation and interest as set out in the law from today, with the exception of the trial fee, for which the charge shall apply from the date of filing of the complaint.

Issued today, 25 Tishre 5757 (8 October 1996) in my chambers in the absence [of the parties].

The office of the court clerk shall serve the judgment on the parties' counsels.

Justice Yizhaq Inbar