

SYSTEMIC BARRIERS FOR PALESTINIANS IN FILING POLICE COMPLAINTS

Fact Sheet

April 2023

Case study

Incidents involving violence and intimidation by Israeli settlers against Palestinians in the West Bank have become a daily matter and have recorded a steep rise in 2022 (a 58% increase compared with 2021 and a 123% increase compared with 2020) as reported by OCHA, in the face of continued inaction and lack of preventive measures by Israeli authorities. These incidents include widespread acts of intimidation, vandalism, theft, bodily harm, throwing stones, threats, torching fields, destroying trees and crops, and in rare cases homicide, and are often part of a systematic plan engineered by successive Israeli governments to cut off Palestinians from their land. Even though these incidents have been consistently well documented and reported to Israeli authorities, the same authorities continue to support and sometimes even assist such acts of violence, with the army avoiding to confront violent settlers as a matter of policy.

When it comes to handling incidents by Israeli settlers against Palestinians, Israel, specifically its law enforcement authorities, have demonstrated intentional negligence. The process of filing a complaint presents a series of systemic and institutional obstacles that eventually push Palestinians not to file any complaint and settlers not being indicted for their crimes. According to a 2015 Yesh Din report, the likelihood that a complaint submitted to the Israel National Police by a Palestinian will lead to conviction of the suspect is just 1.8 percent and 85.3 percent of investigation files are closed due the failure by police investigators to locate suspects or to collect sufficient evidence to serve indictments (Yesh Din, 2015), leading Palestinians to lose trust in the Israeli legal system to achieve justice.

This factsheet presents a case study that showcases the multiple barriers encountered by a Palestinian national when filing a complaint to the Israel National Police related to the Friday 13 January 2023 settlers' attacks in the Muarrajat Area. In the testimony collected, the Palestinian national holding a West Bank ID (hereby referred to as injured party) describes how, as opposed to Israeli citizens, they could not enjoy the ability to file their complaint using the online portal provided by the Israel National Police. Indeed, they were forced to go to the nearest Israeli National Police station housed in the Binyamin colonial settlement.

When accessing the police station, they faced two main physical barriers. First, as a visibly Palestinian person entering an Israeli colonial settlement, they felt vulnerable due to the possible exposure to additional attacks by armed Israeli settlers. Secondly, they highlighted that Palestinians need a yellow Israeli license plate to access Israeli colonial settlements. In addition, in contrast with international standards and ethics for which any person can enjoy the accompaniment of their lawyer when filing a complaint, Israeli law states that the police officer can interrogate a witness or a person lodging a complaint without their lawyer, while Israeli counterparts are not subject to this form discrimination.

The language barrier represents an additional obstacle for Palestinians filing a complaint. While sometimes an Arabic speaking personnel is afforded to receive a complaint, such may not necessarily be the case; testimonies are then roughly translated to the person into Arabic though everything is noted in Hebrew and the witness/person lodging the complaint is required to sign the document in a language they don't understand.

About JLAC

The Jerusalem Legal Aid and Human Rights Center (JLAC) is a Palestinian non-governmental organization mandated with providing pro-bono legal aid and consultation in the defense of human rights, both in East Jerusalem and the remainder of the West Bank. JLAC has coupled its legal aid with public interest cases, legal reform, community awareness, and advocacy.

The injured party also mentioned how the unpleasant and time consuming interview process gave the impression of being an interrogation where the police tried to determine the person's loyalty to the State of Israel, as though the lack thereof was the motivation for filing the complaint. The interrogating agent also tried to gather information that could be used against the person by persistently asking questions such as "do you love Israel?" or "who was filming the incident?", questioning one's right to the enjoyment of recreation and to document the perpetration of violence against them. Finally, the injured party reported they will only be considered a witness to the case because they have not been physically attacked, as if the emotional distress experienced during the attack, the threats of violence, intimidation and witnessing of violence were not sufficient enough to file a formal complaint.

Conclusion

The negligence and inaction of Israel's law enforcement authorities with regard to investigating and indicting Israeli offenders responsible for incidents against Palestinians and their properties equals to support of incidents from these colonial settlers, who enjoy almost complete impunity under the rule of law, hence indicating that the State is enabling such acts and even incentivizing them to persist. These serious structural flaws have pushed Palestinians to lose their faith in the ability of the Israel National Police to assist and protect them, often discouraging them to lodge a complaint. This atmosphere of mistrust and reluctance is also reinforced by the fear of retaliation and revenge in the form of denial of entry permits into Israel, travel bans, of being imprisoned, and of being penalized for challenging "Israel".

Under international humanitarian law, Israel as an occupying power has the obligation of ensuring protection of occupied people, and under Israeli criminal law its law enforcement authorities have the duty to investigate and prosecute offenders following a complaint. However, Israeli authorities have built a system to give the false illusion that filing a complaint is a tool for law enforcement, whereas it is a means of protection for Israeli citizens. Israel National Police often drop cases arguing it is due to lack of evidence or because cases are not directly harming the Israeli public.

Despite the high-profile nature of the case, in which several foreign nations were directly harmed and their delegations involved from the onset, the identities of the attackers - who are notorious in the vicinity of the illegal outpost, identifiable by many local community members and enacting daily violence in the vicinity - being known and supported by photo/video evidence, the movement in the case (under case number 24868/2023) and other calls for action have not been made.

Annexes

Joint Statement: [Settlers Attack Group of International and Palestinian Hikers - Call for the Dismantling of the "Rimonim Southern Outpost" and Arrest of Perpetrators](#)

References

Yesh Din. (2015, May). *Mock Enforcement: Law enforcement on Israeli civilians in the West Bank*. http://files.yesh-din.org/userfiles/Yesh%20Din_Akifat%20Hok_%

Contact Us

Ramallah Office:
Millennium Building, 3rd fl
Kamal Nasser Street
Ramallah- Palestine
Tel.: +970 2 298 7981
Fax: +970 2 298 7982

www.jlac.ps



JLAC
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