



1 August 2010

Attention: **Mr. Herzl Shviro**
Director of the Police Investigations Department
Ministry of Justice
8 Hartom St., Har Hotzvim
Jerusalem 91450
Via fax: 02-541-2469

Dear Mr. Shviro,

Re: The brutal home demolition operation in the village of al-Araqib in the Naqab and demand for an investigation

1. In the wake of the destruction of all the houses in the village of al-Araqib in the Naqab [Negev], I hereby appeal to you to exercise your authority pursuant to section 49 of The **Police Ordinance (New Version) – 1971 and launch an investigation into offenses committed by police during the brutal destruction** of the houses in the village of al-Araqib, as detailed below:
2. On 26 July 2010 at 4:30 am, approximately 1,300 police officers, accompanied by the Green Patrol (a unit within the Nature Reserves and Parks Authority), began to demolish all the houses in the Arab Bedouin village of al-Araqib in the Naqab. The demolitions took place despite unresolved ownership claims to the land by the residents of al-Araqib and the fact that a court ruling concerning land ownership claims remains pending. In this context, it shall be emphasized that the inhabitants of al-Araqib were living in the village before the establishment of the State of Israel. In 1951, they were requested to temporarily vacate the land under their ownership and were subsequently transferred to an area around 300 meters from the village. The state subsequently transferred some of the village's inhabitants to the "Rahat jurisdiction area". However, when the authorities' refused to allow the inhabitants to return to their land, they began to return of their own volition. As of 26 July, 2010 – the date of the demolition of the village – there were around 45 houses standing in the village, populated by approximately 250 residents including men, women, elderly people and children.
3. The destruction of the village was carried out in a most brutal fashion. Illegal means were used to deter, punish and intimidate the residents. Firstly, the homeowners were not given any prior warning about the demolition operation. Secondly, police forces arrived at dawn to carry out the demolition operation, while most of the residents were

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sleeping., The demolitions left all of the village's residents – including the women and children – panic-stricken and without a roof over their heads. The village was razed for the purpose of instilling fear in the residents and with the intention of causing destruction and devastation, not only to the residents' homes, but to all of the property.

4. After the completion of the demolition operation, all the homes as well as the moveable property surrounding them had been destroyed. In addition, the police uprooted all of the villagers' trees, including olive orchards, and confiscated all their personal belongings from their homes. The most insidious aspect of the raid was the arrival of a busload of radical right-wing Jewish youth at the village, along with the police forces, who taunted the people whose houses had just been destroyed. Representatives of the tax and debt collection authorities also accompanied the police and proceeded to seize the property of inhabitants who owed money to the tax authorities and/or or the debt collection agencies.
5. The illegal and brutal actions described below were meant to cause destruction and devastation and to spread fear and panic among the residents of al-Araqib, to deter them from returning and even to punish them. These acts follow a series of other punitive and deterrent actions which the authorities have employed against the residents of the al-Araqib. The land ownership dispute between the villagers and the state is not new. For many years the authorities have pursued a series of measures aimed at forcing the residents off their land. One of the cases even reached the Supreme Court, which heard a petition filed on behalf of the residents of the village against the aerial spraying of their agricultural crops. This tactic was employed, inter alia, by the Israel Land Administration (ILA). The state claims to have resorted to this practice in order to prevent the Bedouin residents from taking over land that the state claims ownership to. In response to the petition filed by the village's residents, the Supreme Court ruled the practice illegal and decided that the ILA did not have the authority to take actions of this kind that violate the residents' constitutional rights, including the rights to health and life.
See H CJ 2887/04, *Salem Abu Medeghem v. The Israel Land Administration* (petition accepted; decision delivered 15 April 2007)

The Presence of Police Officers

6. As stated above, in the early hours of 27 July 2010, 1,300 police officers surprised the residents of al-Araqib by surrounding the entire village and declaring it a "closed area". They warned residents that any attempt to resist their orders would lead to their forced evacuation. The residents were informed, by loudspeaker, that they had "two minutes" to vacate their homes. The residents attempted to vacate their properties and remove their personal belongings. However, even before the two-minute warning to vacate their homes had elapsed, the police proceeded to demolish their homes.
7. The village residents refrained from forcefully resisting the destruction of their homes in order to avoid harm or arrest. At the end of the operation, not a single arrest had been and no one required medical attention.

8. Contrary to The Police Ordinance (New Version) – 1971, which requires any police officer in uniform to identify him or herself and to wear a visible ID badge bearing his or her first and family name, most of the police officers involved in the demolition were masked and not wearing ID badges. Moreover, the policemen were equipped with various weapons, such as tear gas, truncheons and other arms. The policemen thus managed to thwart the residents' right to identify the policemen who violated the law as well as their right to pursue them to the full extent of the law. As aforementioned, the village's residents did not initiate any acts of violence and attempted to resist the destruction solely through non-violent means. The police, however, used violence and force against the village's residents. In addition, the failure to wear identity badges and/or identify themselves while on duty is a disciplinary offense under the addendum to the Police Law (Disciplinary Law, Investigating Police Officers and Various Provisions) – 2006.
9. Moreover, the failure to give any advance warning of the demolitions in itself constitutes a violation of the residents' right to fair procedure and to lodge a legal appeal against the demolition of the village. Regarding the aforementioned case of **Abu Medeghem**, which was brought before the Supreme Court to challenge the illegal spraying of agricultural crops planted on the land of al-Araqib with toxic chemicals, one of the central issues raised was the state's failure to provide prior warning of the crop spraying operation. The court ruled that – notwithstanding the temporary nature of the residents' exposure to the spraying – the very act of spraying without issuing a prior warning to the residents regarding the intent to spray and the risks stemming from their exposure to the sprayed substances constituted conduct unbecoming of the state authorities, conduct that led to “strong feelings of humiliation and contempt among the Bedouin citizens.” (See the aforementioned case of **Abu Medeghem**, para. 28 of Justice Arbel's judgment). This issue is particularly relevant in the current case, where houses were destroyed and residents – including women, children and the elderly – were left without a roof over their heads.

The Presence of Radical Right-Wing “Cheerleaders”

10. Accompanying the police was a busload of radical right-wing Jewish youth (minors). They wore luminous vests so as to stand out among the villagers. As soon as they arrived, they began to provoke the local residents deliberately and attempted to damage their property. The youth applauded once the homes had been destroyed and egged on the police officers while they were carrying out the demolitions.
11. The police officers specifically invited this team of “cheerleaders” to join them for the purpose of provoking and humiliating the residents. The mere fact that the police officers arrived with these young people clearly reflects a lack of good faith on their part. It clearly shows that the police officers had adopted a political position against the village's residents even before their arrival. Adding insult to injury, the fact that the officers contacted this team of “cheerleaders” and arranged for them to arrive with the police, clearly indicates that these teenagers were aware of the impending demolition even before the residents and homeowners themselves. In other words, the police officers deemed it appropriate to notify these young people of the demolition, but did not think it necessary to warn the homeowners themselves.

12. This act constitutes a flagrant violation of the police forces' obligation to act with fairness, good faith and neutrality toward the Bedouin citizens of al-Araqib, as well as their obligation pursuant to section 3 of The Police Ordinance (New Version) – 1971, which states that a police officer's duty is "to maintain public order and the security of persons and property". Moreover, this act constitutes contemptuous behavior unbecoming of a police officer, and even an abuse of his or her position as a police officer for purposes other than official police business, which is contrary to the Police Law (Disciplinary Law, Investigating Police Officers and Various Provisions) – 2006.

The presence of debt collection representatives during the demolition operation

13. Furthermore, in addition to the team of "cheerleaders," the police were also accompanied by representatives of the tax and debt collection authorities. The latter set about seizing the residents' belongings, including vehicles, without any prior notice of their pending actions to the property owners, and without first demanding payment of the debt, if applicable. The debt collection procedure – assuming said debts apply – was carried out contrary to sections 4 and 5 of the Tax Ordinance (Collection), which sets out legal collection methods. Under these circumstances, there is no doubt that the representatives of the debt collection authorities acted illegally, taking advantage of the residents' situation in order to confiscate their property.
14. The confiscation of the residents' vehicles, for example, constitutes a violation of their constitutional rights to privacy and fair procedure. They were clearly prevented from raising any claim regarding the non-existence and/or payment of a debt. This violation is also illegal given that there is no lawful authority that permits the collection of debt in the manner described above. Compounding this violation is the infringement of the dignity of the residents whose vehicles were confiscated and whose obvious predicament was exploited while their homes were being demolished.
15. On 25 July 2010, the Supreme Court examined a petition submitted by the Association for Civil Rights in Israel (ACRI) against roadblocks erected in East Jerusalem, through the collaboration of representatives of the tax authorities, the National Insurance Institute (NII) and the police. Vehicles have been impounded at these roadblocks and in case a person is found to owe a debt to the debt collection authorities, he or a member of his family is requested to settle the debt immediately, pending confiscation of the vehicle. During its deliberations on the petition, Supreme Court justices strongly condemned the practice of erecting such roadblocks and stated that they violate the rights of those being detained, including their right to privacy. For further information on this petition, please see: <http://www.acri.org.il/Story.aspx?id=2539>
16. It should further be emphasized that in the past, the Israel Broadcasting Authority (IBA) set up similar roadblocks to collect payments for the IBA television fee. These roadblocks were subsequently abolished after the IBA's legal advisor concluded that their use for the purpose of debt collection violated the right to human dignity, as protected in the Basic Law: Human Dignity and Liberty. This is all the more relevant in the case at hand, which involves home demolitions at early dawn as a means of intimidation and the destruction of property.

Confiscation of the residents' property

17. During the demolition operation, police confiscated the entire contents of the demolished homes, including refrigerators, ovens, closets, tables, beds, mattresses and pillows, chairs and sofas, kitchen cabinets and utensils, electric fans, televisions, carpets, fabrics, etc. This property was removed from the homes before being destroyed, loaded onto vehicles brought by the police forces, and driven away.
18. One of the residents, Mr. Abdallah Abu Medeghem (Jomaa), is a food importer. He owned a farm in the village which consisted of four homes that accommodated seventeen people: himself, his wife, his children, his daughters-in-law and his young grandchildren. The value of the contents of Jomaa's homes amounted to approximately 100,000 NIS, which was confiscated in its entirety by the police. A large columbarium [a place for the public storage of cinerary urns] which was built on the farm premises, and which cost NIS 20,000 to construct, was completely demolished by the police. The farm also housed a warehouse in which Jomaa stored various food items. The entire contents of the warehouse were confiscated: three pallets of fruit juice concentrate, six pallets of tomato paste, one pallet of cucumbers, eight pallets of rice and other food items. The value of the confiscated food items owned by Mr. Jomaa's business is estimated at NIS 120,000. It should be emphasized that these food items were confiscated despite a commitment made by the Minorities Officer, who was present on behalf of the police, that they would not be confiscated. The entire contents of the homes of another elderly resident, Mr. Siah Altori, were also confiscated. Mr. Altori had four homes which housed his family of thirty. The entire contents of the four houses, along with those of the other residents of the village, were confiscated.
19. The police confiscated additional property, including three electricity generators located outside the residents' homes. One of them, worth around NIS 35,000, was owned by Mr. Jomaa, while the other two – each valued at around NIS 40,000 – were owned by the Altori family.
20. The forces also confiscated a diesel tank owned by Mr. Siah Altori that contained about 1,000 liters of diesel fuel. The value of the tank without the diesel fuel is estimated at NIS 20,000.
21. Two tons of flour and 250 bales of straw owned by Mr. Siah Altori, as well as various pieces of agricultural equipment, including a new plow worth about NIS 60,000, were also confiscated.
22. To add insult to injury, on 28 July, 2010 – the day after the demolition – Mr. Jomaa discovered that all the confiscated items were being stored in the AT Legal Services Ltd. warehouses in Petach Tikva and that in order for them to be released back to him he would be required to pay a sum of NIS 22,500.
23. The confiscation of the aforementioned movable property – both from inside the demolished homes and that located outside the premises – constitutes a flagrant violation of the law. The dispute over land ownership in the village of al-Araqib does

not pertain to the movable and other property of the residents themselves, but exclusively to the real estate property. Moreover, there is no legal justification for the police to seize and confiscate the aforementioned belongings as part of the home demolition operation. Therefore the act of seizing these possessions, without the permission of their owners, is illegal. Seizing the said possessions under such circumstances represented the exploitation of the vulnerable situation of the villagers whose homes were destroyed. The aim of the confiscation was to provoke – and even to punish – the residents for living in al-Araqib. As a result of the operation, the residents were left without a roof over their heads and were completely dispossessed of all their personal belongings. These actions constitute a violation of the constitutional right to property, as protected by section 3 of the Basic Law: Human Dignity and Liberty, which applies not only to land, but also to movable property. Moreover, the conduct of the police officers who confiscated and damaged property, as described below, constitutes a violation of article 452 (malicious damage) of the Penal Law –1977, which states that, “If a person maliciously and unlawfully destroys or damages an asset, he shall be sentenced to up to three years’ imprisonment, when no other penalty is prescribed.” What is more, the fact that the residents were required to pay NIS 22,500 (almost US \$6,000) to retrieve their property constitutes unjust enrichment, since the confiscation of the property was manifestly illegal to begin with.

Uprooting of olive trees

24. In addition to the home demolitions, the police officers also uprooted all 4,500 of the olive trees that had been planted on village soil. The uprooted trees were left at the village land. When one of the village’s residents contacted the police to inquire about the reasoning behind the uprooting, he was informed that “the trees were uprooted so that they would not have a shaded area to sit under”. There is no doubt that the trees were uprooted with malicious intent, out of vengeance and with the intention of adding to the destruction, devastation and humiliation of the village’s residents, and deepening their already desperate plight.
25. Uprooting the trees purely for the sake of destruction caused tremendous damage to the local residents, who had cultivated the trees for many years, and violated their right to property. Moreover, destruction of the above property also constitutes a criminal offense according to Article 452 (malicious damage) of the aforementioned Penal Law.

The absence of professional support for the village’s women and children

26. Not a single professional – neither welfare officers nor social workers – oversaw the systematic evacuation and destruction of the homes. It is the role of these professionals to support the village’s women and children during the evacuation. At the very least, professionals should have been present to provide emotional support to those traumatized by the destruction of their homes. As a result, the women and children were left frightened and panic-stricken, without a roof over their heads, and without the benefit of any professional services, a lack that heightened their emotional turmoil.

Summary

27. The above-described destruction of the homes in al-Araqib is also illegal because it was carried out *before* the question regarding land ownership in the village had been resolved. It is also illegal because it involved additional illegal actions perpetrated by the authorities at the time of the demolition.
28. The following actions all demonstrate that the residents of al-Araqib were treated like enemies during wartime, rather than Israeli citizens: The manner in which the police carried out the demolition operation; the fact that the police officers covered their faces to conceal their identities during the operation; the accompaniment of the police officers by radical right-wing youths solely to observe and support the acts of destruction; the confiscation of the contents of the homes without permission or supporting documentation; and the uprooting of the olive trees. The fact that the radical right-wing youths were present in order to watch and encourage these acts highlights the military nature of the operation, which was directed against “the enemy”.
29. These actions all contradict the rules of administrative law, which require all official authorities to act with fairness and in good faith toward citizens, and the Police Ordinance, which regulates the police modus operandi. They are also contrary to the rules of discipline that bind police officers by law and to debt collection regulations pursuant to the Income Tax Ordinance. They further contradict criminal law with regard to the seizure and confiscation of belongings and violated the village residents’ constitutional rights.
30. In light of the above, you are kindly requested to proceed as follows:
 - a) To launch an immediate criminal investigation into the illegal actions described above;
 - b) To launch an investigation into the disciplinary offenses committed by police officers;
 - c) To order compensation for the residents for the confiscation of their property;
 - d) To order that the property be returned to the residents;
 - e) To order the reimbursement of NIS 22,500, which the residents were forced to pay in order to retrieve their property.

I would appreciate your prompt attention to this matter.

Yours sincerely,

Sawsan Zaher, Attorney

c.c.: Mr. Binyamin Netanyahu, Prime Minister
Mr. Yitzhak Aharonovich, Minister of Internal Security
Mr. Yehuda Weinstein, Legal Adviser to the Government