

Adalah The Legal Center for Arab Minority Rights in Israel

عدالة المركز القانوني لحقوق الاقلية العربية في اسرائيل
עדאלה המרכז המשפטי לזכויות המיעוט הערבי בישראל



18 January 2006

Prof. Philip Alston
UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions
c/o OHCHR-UNOG
1211 Geneva 10
Switzerland

New York University School of Law
40 Washington Square South, Office #305
New York, NY 10012 USA

Re: Israel's Failure to Prosecute those Responsible for the Killings of 13 Palestinian Citizens of Israel by the Police in October 2000

Dear Professor Alston,

Thank you for meeting with Hassan Jabareen, the General Director of Adalah, and myself last month to discuss Adalah's submission to you in your capacity as the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.

Based on our discussions, enclosed please find a package of information concerning the failure of Israel to prosecute those responsible for the killings of 13 Palestinian citizens of Israel by police and security forces during protest demonstrations in the north of Israel in October 2000. In the five years since the killings, **no indictment has been issued**, despite a substantial amount of relevant evidence presented to the official Or Commission of Inquiry, its recommendation to the Ministry of Justice Police Investigation Unit ("Mahash") to investigate the killings, the establishment of a ministerial committee (the "Lapid Committee") to implement the Or Commission's recommendations, and a final report issued by Mahash. Mahash's failure to investigate, both following the killings in October 2000 and after the publication of the Or Commission's report, which recommended investigations into the killings, contributes to a state-sanctioned climate of impunity regarding Israel's treatment of the Arab minority. The unwillingness or inability of Mahash to conduct proper investigations is a dangerous phenomenon not limited to this case, which was most notably reaffirmed by Israel's State Comptroller in his 2005 report:

"Not investigating such a high number of complaints and shelving them without further treatment by the police on the command level may cause for an institutional lack of awareness as to the magnitude of this phenomenon and be interpreted by police officers as legitimating improper conduct, and by the general public – as taking lightly the graveness of these complaints of excessive use of force illegally."

This submission is comprised of the following documents:

- A list of names and photos of the 13 victims of October 2000;

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شفااعمرو ٢٠٢٠٠ ص.ب. ٥١٠ هاتف: ٠٤-٩٥٠١٦١٠ فاكس: ٠٤-٩٥٠٣١٤٠
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- Background document;
- Warnings issued by the Or Commission of Inquiry (27 February 2002);
- A summary of the Or Commission's conclusions and recommendations (*Published by Ha'aretz 2 September 2003*);
- Adalah's Official Position Regarding the Report of Or Commission of Inquiry (4 September 2003);
- Adalah's Initial Response to the Ministerial Committee's ("the Lapid Committee") Report Regarding the Implementation of the Or Commission's Conclusions (3 June 2004);
- Comments of Justice Theodor Or on the failures of Mahash to Investigate the Killings (1 September 2004);
- Adalah's Initial Analysis of the Report of the Ministry of Justice's Police Investigation Unit ("Mahash") (22 September 2005);
- Adalah's Complaint against the Attorney General to the State Comptroller (25 September 2005);
- State Comptroller's 2005 Report concerning the Ministry of Justice Police Investigation Unit ("Mahash") - Section 56(A) (*Hebrew*). [Adalah is having this document translated to English. It will be provided to you shortly].

Please do not hesitate to contact us should you have any questions or if you need any additional information. After you have had a chance to review these materials, kindly contact us to advise on any actions that may be taken in this regard.

Sincerely,

Rina Rosenberg
 International Advocacy Director
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