



10 April 2008

To: Mr. Ehud Olmert
The Prime Minister
Fax: 02-5664838

To: Mr. Menachem Mazuz
The Attorney General
Fax: 02-6467001

Dear Sirs,

**Re: The Interrogation of National Democratic Assembly (NDA)- Balad party
activists by the General Security Services (GSS)**

According to information received by our office, it appears that in recent months the General Security Services (GSS, or the *Shabak*) summoned many political activists from the National Democratic Assembly (NDA) – Balad [political party] to investigations. The manner in which invitations to these investigations were issued, the way in which these investigations were carried out and the subjects to which they referred were unlawful. Therefore, we turn to you to ask for your immediate intervention, as detailed below.

1. Based on information received by Adalah, it transpires that in recent months many NDA activists, some of them minors, have been invited to investigations by the GSS. This action is part of a continuing practice of the GSS according to which political activists are summoned to GSS offices under the cover of a police investigation, GSS agents question them in an illegal manner about their political activities and misrepresent the criminal law. The result is a message that deters citizens from engaging in legal political activity, and harms the freedom of expression and the freedom of association.
2. This phenomenon is part of a much wider and more severe phenomenon, namely the intervention of the GSS in the lawful activities of political parties and civil society organizations of Arab citizens of Israel, which has been the subject of letters that we sent to you on several past occasions. See in this matter our letter dated 15 November 2005 regarding the interrogation of Mr. Marwan Athamneh, in which we protested against the illegality of the GSS's modus operandi. See also our letters to the Attorney General of 22 March 2007, 15 January 2008 and 6 February 2008 regarding the illegal intervention of the GSS in the context of the "future vision documents" that were prepared by Arab NGOs in Israel. In these letters, we stressed the need for clear, written guidelines to clarify the boundaries of legal and illegal intervention of the GSS, and we asked for the preparation of such directives.
3. According to the information we possess, in all recent cases activists were invited to interrogation via letters summoning them to interrogation or investigation in a

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police station. These letters were delivered to them by police officers who came to their homes and informed them that they were duty-bound to attend. It was only once they arrived at the police station did they discover the fact that they had been summoned to a meeting with GSS officers and that the impression that they were invited to an interrogation by the police and that they were under legal duty to attend the meeting was false.

4. The illegality of these interrogations also derives from the fact the GSS officers did not identify themselves as required by law; the fact that they did not notify the individuals as to whether or not they were suspected of committing a crime and if so what the suspicions against them were; the fact that they did not warn the individuals as required by law; and the fact that they did not record the interrogations, although this is mandatory under the law. These legal requirements should have been met even if solely for the reason that the activists were summoned to what they were told was an official interrogation.
5. Particularly severe in terms of its illegality is the content of the interrogations, which related to legal political activity. During the interrogations, the activists were asked to answer numerous detailed questions regarding their political activity in the NDA, about other activists and their roles in the NDA, and their political views – and especially their views on the issue of national service. In one case, an activist who refused to answer questions was warned that unless he cooperated he would be “sent to the investigators”. Needless to say, the GSS and the police have no authority to hold or interrogate a person in order to collect information concerning activity that does not constitute a criminal offense; furthermore, they do not possess the aforementioned authority for the purpose of deterring a person from taking part in a legal political activity.
6. We ascribe special severity to statements that the GSS officers made to some of the activists, who were asked about their connections with former MK Dr. Azmi Bishara. They were told that they should refrain from having any contact with Dr. Bishara “for their own good”. The GSS also demanded that some of the activists sign a document in which it was written they know that Dr. Bishara is “wanted for investigation because of his contacts with Hizbullah”. We also ascribe special severity to the warning given by the GSS that “any meeting with Mr. Azmi Bishara can be used to recruit new activists to Hizbullah, even if the purpose of the meeting does not seem to be as such”. Needless to say, this interpretation of the law is erroneous, and in fact, even if Dr. Bishara is investigated, this does not mean that any contact with him constitutes a criminal offense.

Taking into account all the above, you are hereby requested to order the GSS to immediately stop the use of the illegal methods detailed herein. You are also requested to publish clear, written orders that clarify the boundaries between legal and illegal conduct regarding the involvement of the GSS in the legal activities of the political parties and NGOs of Arab citizens of Israel.

We would be grateful for a prompt response.

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Yours sincerely,
Orna Kohn, Advocate

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