



**Excerpts from the Haifa Magistrates' Court decision regarding 19 Haifa Protesters
*Criminal Case # 222502/2018, Coastal District Police v. Kasis, et. al.***

21 May 2018

On Friday evening, 18 May 2018, 21 protesters were arrested in Haifa during a demonstration against the mass killing and wounding of Gaza protesters by the Israeli military over the last seven weeks during the "Great March of Return". Police responded to the demonstration aggressively, using excessive, brutal force, surrounding and violently tackling protesters. Several of the protesters were injured and were hospitalized or needed medical treatment.

Jafar Farah, the director of Mossawa – The Advocacy Center for Arab Citizens of Israel, was among those arrested during the protest. We was hospitalized for urgent care following his arrest; the police broke his knee during investigation.

This morning, after a nine-hour, overnight hearing before the Haifa Magistrates' Court, all 19 protesters were released. Twelve of the protesters were released without conditions, and the other seven, upon the condition that they refrain from participating in any protest or public gathering for 15 days.

Below are excerpts of the court's decision translated by Adalah from the original Hebrew (beginning on page 46, following the hearing protocol). Captions were written by Adalah and not by the court.

Collective, not individualized claims against protesters; sloppy request, too general (p. 47)

"I'll begin with the comment that in my opinion the request for [an extension of] detention filed [by the police] is lacking, in that it is general and sweeping, and it regards all 19 suspects as one and the same, although matters are not so.

During the hearing today the police's representative clarified that only seven of the suspects are accused of assaulting a police officer in the line of duty, although the request attributes this [charge] to all of the suspects. It was further clarified that regarding the offense of wanton damage to property, in practice, the offense is not attributed to any of the suspects, and yet it found its way into the request. I contend that the police should have avoided filing a general and sweeping request like this and there was no room to treat all suspects as one and the same.

Regarding suspects to which the police did not attribute the offense of assaulting a police officer in the line of duty... I conclude that they should be released... without conditions, except of course for their duty to appear at the police station [...]

Legality of the protest

I did not overlook [Adalah] Attorney [Hassan] Jabareen's captivating arguments, which included two main arguments. The first, that the dispersal of the gathering was illegal because the gathering itself was legal, and the second that the arrest was illegal in light of the right of those present in the location to be

there. On this matter I found in the investigation material presented to me [...] a factual basis falling within the definition of reasonable suspicion that the gathering was in fact illegal and forbidden. Police reports included in the investigation materials also suggest that the whole gathering turned violent [...]"

No risk of obstruction of investigation; no danger from release (p. 48)

"For example, regarding suspects ... I found the investigation materials to be lacking, where the police representative in the hearing agreed too that they require completion, and that there is a doubt whether they amount to reasonable suspicion of rioting or behavior that may disturb the public order.

Beyond that, review of the planned investigative measures... reveals that there is no real concern, if any, that the suspects may obstruct them. Thus, obstruction of the investigation loses its footing as grounds for arrest of these suspects. Regarding the suspects who are not accused of assaulting a police officer, I also did not find any basis for the claim that they may be held on the grounds that they may pose a danger [...] A review of everything regarding the suspicions attributed to these suspects shows that they pose no risk that can justify putting them behind bars or even imposing conditions for their release.

In one last matter I would to remind that the matter at hand is detention for the purpose of investigation, not aimed to punish or deter [...]. Without a risk of obstruction of investigation and without a danger arising from their release, there is no need for detention or for alternatives to detention, even if there is a reasonable suspicion that the suspects committed the alleged actions.

Some protesters accused of assaulting police, in fact say that the police assaulted them; protesters needed medical treatment themselves

As for the suspects accused of assaulting a police officer in the line of duty... Regarding the suspects ... the investigation materials include evidence that may establish reasonable suspicion of disturbing a police officer in the line of duty... Still it should be emphasized, as reported by the police representative in the hearing, that at this point the evidentiary material relies only on the police reports, while a contradictory version is held by the suspects that they did nothing but resist an arrest or simply stand there, with some presenting videos which according to them support their claims that they were in fact assaulted by police officers. It should be noted that some of those accused of assaulting a police officer in the line of duty themselves needed medical treatment [...] For these suspects, there is reasonable suspicion, but the facts remain to be clarified and their version cannot yet be ruled out.

No criminal records, protesters educated, even academics; no risk from their release

In our matter, after reviewing all of the evidentiary material, I found that that it shows that so far as it is indeed a matter of assaulting police officers, in a situation where people were in what they believed to be a legal protest, the police reports attribute all of the violence on the part of the suspects to the officers' attempt to arrest them. [...] even if it is an illegal protest, there is no concrete risk arising from any of the suspects towards any of the police officers. It is important to emphasize that all of the suspects accused of assaulting a police officer have no criminal records, are mostly normative people, who are educated and are even academics.

Thus, even with the existence of reasonable suspicion... it cannot be said that a risk arises from them on a level that justifies putting them behind bars. [...]