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The PID is not convincing

By Haaretz Editorial

Close attention should be paid to the harsh statements made by Professor Shimon Shamir, a member of the Or Commission, about the need for the Police Investigations Department (PID) to seriously examine itself. This is not the first time Shamir has attacked the PID. Back in September 2005, when the PID announced its decision not to press charges against police officers involved in the October 2000 incidents, Shamir and his colleague on the commission, Judge Hashim Khatib, charged that the PID had failed to implement the Or Commission's recommendations and ignored its findings. Following publication of the recent report by Adalah - The Legal Center for Arab Minority Rights in Israel, the criticisms leveled by Shamir and Khatib appear even more justified.

The PID's behavior was flawed throughout the affair, and at times, it looked like a whitewash. Adalah's investigation reveals, inter alia, that contrary to the Or Commission's recommendations, five killings were never investigated, and police officers who were investigated were not required to explain contradictions between their testimony to the PID and their testimony before the commission. It also turns out that the PID did not reveal police officers' refusal to cooperate with the investigation and undergo lie detector tests; that witnesses considered trustworthy by the Or Commission were rejected by the PID; and that even though the PID did not present any new evidence, its conclusions about the incidents were the opposite of those reached by the commission.

To date, the PID has not offered a convincing explanation for its failure to investigate the events from day one. The argument that it was difficult to carry out an investigation in the field is weak, and the claim that the victims' families did not cooperate is problematic. Even the legality of the order to open fire was never examined. Had the PID investigators taken the Or Commission's conclusions seriously, they would not have ignored this issue, and it is doubtful whether they would have been able to avoid recommending the indictment of the responsible commanders.

The PID's contempt for the commission's conclusions was further expressed at a press conference called by senior Justice Ministry officials a mere three days after the PID published its decision not to indict any officers - a decision that provoked a public storm and bitter disappointment in the Arab community. The complacency displayed at this press conference, and the sweeping defense presented by State Prosecutor Eran Shendar (who in fact should not have been involved

at all, because he served as head of the PID when the incidents occurred, and a significant portion of the Or Commission's criticisms related to his conduct at that time), changed a few days later, when the PID agreed to reconsider its decision. But the final decision to close all the cases ended any chance of correcting the double injustice that was done to the bereaved families.

The PID and the Justice Ministry react strongly, often aggressively, to accusations that had the dead not been Arabs, the entire affair would have been handled differently. The accusation, like the reaction, is hard to prove. Nonetheless, it is certainly possible to understand the Arab community's pained feeling that the PID is showing contempt both for them and for the Or Commission, and thereby signaling police officers that the life of an Arab Israeli citizen is worth less before the law. The PID must reopen these cases, conduct a courageous investigation and restore, albeit belatedly, a bit of the confidence in the system that Arab Israeli citizens have lost.

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