



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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Organization Chart	Israel: Avenues of recourse for filing complaints against the police; organizations that assist with filing complaints against police; effectiveness of filing such complaints (2008 - 2011)	
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Legal and Policy	Research Directorate, Immigration and Refugee Board of Canada, Ottawa	
References		
Publications	<b>Filing Complaints with the Police Department</b>	
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Refugee Protection Division	The Israel Police website states that public complaints against police are "handled by an array of regional and district investigation officers" (Israel n.d.). The national police headquarters reportedly has a complaints unit that conducts inspections and provides guidance within the police system, as well as coordinates connections between the public and other governmental bodies, such as the Office of the State Comptroller, the Citizen Rights Association and the Commission of Public Complaints (ibid.). A report submitted by Israeli state authorities to the United Nations (UN) Human Rights Committee indicates that complaints can be submitted at either police headquarters or any of its branches, and that disciplinary measures can be imposed at any time during or after the investigation (Israel 21 Nov. 2008, para. 194). Independent disciplinary and appellate courts handle the trials of police officers accused of "disciplinary transgressions" (Israel n.d.).	
Immigration Division		
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Research Program	The Israeli police commissioner told the Israeli online daily <i>Haaretz.com</i> that, in 2009, 104 police 13 officers were disciplined for using unnecessary force and officers were fired for using excessive force (16 Nov. 2010).	
National Documentation Packages	<b>Filing Complaints with the Ministry of Justice</b>	
Issue Papers and Country Fact Sheets	The Ministry of Justice has a specific division for investigating complaints against police, which is referred to as the Department for Investigations of Police Officers (DIPO) (Israel 21 Nov. 2008, para. 194; <i>Haaretz.com</i> 16 Nov. 2010), the Department for the Investigation of Police (DIP) (B'Tselem and HaMoked Apr. 2009, 5), and the Police Investigation Department (PID) (UAT Coalition 2008, 42; Israel n.d.; <i>Haaretz.com</i> 31 Dec. 2010). The United States (US) Department of State's <i>Country Reports on Human Rights Practices for 2009</i> states that the department was staffed with 19 civilian and 25 police investigators, and that, in 2008, 15 civilian investigators replaced positions formerly staffed by police officers (US 11 Mar. 2010, Sec. 1d).	
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News	Thousands of complaints against police officers are reportedly filed to the police investigation department annually (ACRI 24 Sept. 2008; <i>Haaretz.com</i> 31 Dec. 2010). According to <i>Haaretz.com</i> , there were 2,865 complaints submitted to the	
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department in 2009: of these complaints, 1,360 were not investigated because of a "lack of public interest" and 1,505 were investigated (31 Dec. 2010). The investigations resulted in 39 percent of the cases being closed because of insufficient evidence, 34 percent finding the officers not guilty, and approximately 20 percent ending in a criminal trial or disciplinary hearing (*Haaretz.com* 31 Dec. 2010). The department Director explained that the reasons for closing cases for "lack of public interest" include cases in which minor force is used, such as pushing; cases of no real offence, such as an officer not wearing his hat; and cases in which the complainants subsequently do not cooperate with the police (*ibid.*).

In their report to the UN Human Rights Committee, Israeli authorities provide examples of cases in which the department's police investigations led to the successful prosecution of police officers (Israel 21 Nov. 2008, para. 195-199). In one example, a border police officer, who was guarding three Palestinian detainees suspected of illegally entering Israel, was convicted of "manslaughter and assault under aggravating circumstances that causes actual bodily harm" for firing a shot that killed one of the Palestinians and injured another (*ibid.*, para. 196).

### **Filing Complaints with the State Comptroller**

The Ombudsman's annual report for 2009 indicates that the State Comptroller performs the role of Ombudsman (Israel 2009b, 17). As such, the State Comptroller investigates complaints made by the public against municipal and national governmental departments and public institutions (Israel 2009a, 122; *ibid.* 2009b, 19, 38). Working through the Office of the Ombudsman, the State Comptroller will investigate cases of unlawful, unjust, or improper actions made by state authorities, including omissions and delays in action (*ibid.*, 17, 19). According to the 2009 annual report, the Office of the Ombudsman has offices in Jerusalem, Tel Aviv, Haifa, Nazareth and Beer-Sheva, and employs 60 lawyers, including 10 Arab lawyers, as well as staff members who speak Russian and Amharic (an Ethiopian language) (*ibid.*, 17).

To file a complaint, complainants can report in person to one of the Ombudsman's branch offices; in writing by mail, e-mail, or fax; or online by filling out a form on the Ombudsman's website (*ibid.*, 20). Complaints can be made in languages other than Hebrew, but all complaints must include the complainant's identity number and a mailing address (*ibid.*). The Ministry of Immigrant Absorption's *Guide for the New Immigrant* provides similar instructions on filing complaints with the State Comptroller (Israel 2009a, 122).

The Ombudsman reports that in 2009 its office received 756 complaints against the Israeli police force (Israel 2009b, 40). Of these cases, 425 were either dismissed or discontinued while 43.8 percent of the remaining 331 cases were found to be justified (*ibid.*, 40, 49, 52). When a complaint is justified, the Ombudsman informs the complainant and the state body of the reasons for the decision; the Ombudsman might also provide instructions on how to correct the situation, in which case the state body is required to notify the Ombudsman of the corrective measures taken (*ibid.*, 24).

### **Organizations That Assist Complainants**

Sources indicate that there are non-governmental organizations (NGOs) in Israel that provide assistance to victims of violence by police officers (ACRI 24 Sept. 2008; B'Tselem n.d.a). For example, the Association for Civil Rights in Israel (ACRI), an NGO with branches in Tel Aviv, Jerusalem and Haifa (ACRI n.d.), provides information on recourse available to victims and works to ensure complaints are handled effectively (ACRI 24 Sept. 2008). An organization that assists Palestinians in filing complaints against the Israeli police is B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories (B'Tselem n.d.a), a Jerusalem-based NGO that documents human rights abuses in the occupied territories (*ibid.* n.d.b). B'Tselem has forwarded the testimony of Palestinian victims of police brutality to

Justice Ministry's department responsible for police investigations (ibid. n.d.a).

According to a report submitted to the UN Committee Against Torture by B'Tselem and HaMoked, another Israeli organization that advocates for Palestinian human rights, B'Tselem submitted 345 complaints of police violence on behalf of Palestinian detainees between September 2000 and April 2009; however, only 14 cases (4 percent) resulted in an indictment (B'Tselem and HaMoked Apr. 2009, 1, 5). The report indicates that the department investigating the police closed several cases for reasons such as "offender unknown" and "insufficient proof" (ibid., 5). Cases were also closed when complainants were unable to reach the department's offices because they were denied entrance from the occupied territories to Israel (ibid., 5).

### **Effectiveness of Complaints Process**

Several NGOS fault the police investigations department for failing to hold police officers accountable for police violence and misconduct (UAT Coalition 2008, 42; ACRI 24 Sept. 2008; B'Tselem n.d.a). B'Tselem and HaMoked state that, even though the department opens criminal investigations into most of the complaints of police violence reported by B'Tselem, "perpetrators are rarely held accountable" (Apr. 2009, 5). B'Tselem adds that, when they are prosecuted, offenders receive minor punishments (n.d.a). Similarly, ACRI reports that complaints to the department "do not always receive an adequate response due to problems within the investigations system" (ACRI 24 Sept. 2008). In addition, the UN Human Rights Committee expressed concern that only a small number of cases of "torture, cruel, inhuman or degrading treatment and excessive use of force" by Israeli law enforcement officers resulted in investigations and indictments (UN 3 Sept. 2010, para. 12).

In an interview with *Haaretz.com*, the outgoing police investigations director explained that it is difficult to indict an officer for improper use of force because of "a conspiracy of silence" among officers that makes them reluctant to testify against their colleagues (*Haaretz.com* 31 Dec. 2010). He also noted that in the few cases when officers cooperated with his department's investigations, they were "ostracized" by their colleagues (ibid.).

*Haaretz.com* notes that Israeli Arabs, Palestinians from the occupied territories, and Jewish settlers in the occupied territories, are all groups that have expressed grievances with how the police investigations department deals with their complaints (ibid.). B'Tselem explained that many Palestinians do not file complaints against police and security force officers because the process is lengthy and the system "tends to protect rather than prosecute those who injured them" (B'Tselem n.d.a). The group states that Palestinians who enter Israel without permits are particularly reluctant to file complaints for fear of negative consequences (ibid.). Similarly, the United Against Torture Coalition, a group of 14 Palestinian and Israeli human rights NGOs working to eliminate torture and ill-treatment in the occupied territories, reports that Palestinians are disinclined to file complaints against law enforcement officers in order to avoid further contact with Israeli authorities and prevent potential reprisals, such as having a work permit revoked (UAT Coalition 2008, 3, 44). The Coalition also notes that law enforcement personnel sometimes do not identify themselves to Palestinian detainees, making it difficult for the detainees to later file complaints (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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**Internet sites, including:** Arab Association for Human Rights (HRA), European Country of Origin Information Network (ecoi.net), Factiva, Freedom House, United Nations (UN) Integrated Regional Information Networks (IRIN), UN Refworld.

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