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No officers to face charges for October riots as ministry closes investigations

By [Jonathan Lis](#), [Yoav Stern](#) and [Jack Khoury](#)

All investigations into the actions of police during the October 2000 riots that left 13 Arab citizens dead have been closed, the Justice Ministry's Police Investigations Unit announced yesterday.

Among the investigations closed were those against the commander of the police's Northern District at the time, Major General Alik Ron, former Amakim District police chief Commander Moshe Waldman, and Misgav police station commander Superintendent Guy Reif, who was suspected of shooting and killing two demonstrators in the Sakhnin area.

Ron and Waldman had been accused of issuing directives to snipers to open fire on stone-throwing protesters in several instances. As for Reif, the Police Investigations Unit found that the superintendent had been allowed to fire at the rioters' lower bodies and that his shots, including the ones that apparently killed civilians, may have been justified. In contrast, the Or Commission found that Reif could have prevented clashes with the rioters and that he used live fire without justification, causing the deaths of two civilians and wounding others.

The Police Investigations Unit said it had not found sufficient evidence to indict any of the police officers. In some cases, investigators were unable to locate the police officers involved in the riots. In other instances, they were unable to determine which police officer was responsible for the gunfire that killed the rioters.

The investigations turned up substantial contradictions between the position of the Or Commission, as published in its report on the incidents, and the findings and recommendations compiled by the Justice Ministry unit. Several of the contradictions, including those regarding the extent of the risk the police faced at the time of the shootings, led to the closure of the cases against them.

Justice Ministry official Herzl Shviro, who headed the investigations, said the unit's work was made more difficult because the families of the victims had refused to allow autopsies. Additional sources at the unit named several other factors that hampered the investigation procedure: Investigation teams did not reach the scenes in real time and did not attempt to collect evidence shortly thereafter as the fierce violence during the riots would have endangered the investigators had they tried to do so.

The sources also said that a considerable portion of the evidence had been destroyed or removed from the scene before investigators got there. In addition, policemen who were to undergo questioning were constantly changing their location according to security needs, and therefore it was impossible to collect their testimonies in real time.

According to Shviro, the Police Investigations Unit conducted its probe "with both hands tied behind its back."

Another significant factor that made it difficult for investigators to substantiate suspicions against police involved in the incidents was the fact that the unit's probe was delayed for three years following a decision by former state prosecutor Edna Arbel not to go ahead with the Justice Ministry investigation at the same time as the Or Commission was deliberating the matter.

Arbel's decision was intended to allow the various witnesses to share all the information at their disposal with the Or Commission without fearing a criminal investigation.

Another problem facing the investigators was the fact that in most cases, Arab citizens and relatives of the victims refused to cooperate with the investigation teams. They refused to furnish their versions of the events and refused to allow autopsies to be performed on the dead.

The Justice Ministry investigation turned up large discrepancies between its conclusions and the recommendations of the Or Commission. The Justice Ministry probe found that in some of the fatal incidents, police who were further from the rioting may have been the ones who were responsible for the shooting, and not the police who were initially suspected during the Or Commission's investigation.

In other cases, the Justice Ministry unit concluded that the firing had been illegal but was unable to identify those responsible after all the police officers involved had denied such actions.

"I know that we now have a number of hitchhikers - public figures and politicians - who will try to catch a ride on our findings and conclusions and claim that the investigation is evidence of discrimination against the Arab sector," Shviro said.

"No one should try to teach us how to investigate or doubt our credibility and unbiased position," he continued. "I am saying to all the politicians: Leave the findings of the investigation alone. If you have claims of discrimination, take them to another playing field."

In a statement released following the publication of the Justice Ministry findings, the Israel Police said: "In recent years, numerous resources have been invested in boosting preparedness in the field of maintaining public order and state security ... At the same time, the police have worked toward strengthening relations with the Arab sector, out of a commitment to a service-oriented approach ... The police gave both the Or Commission and the investigation team all the required assistance and proved its credibility. We will continue to ardently preserve this credibility."

The families of the riot victims responded angrily yesterday to the findings of the Police Investigations Unit. According to the spokesman for parents of the victims, Hassan Asala, "The recommendations of the Police Investigations Unit were expected in light of the deliberate failure of this unit that has continued since October 2000 and through to today. For each of the 13 people killed there is a murderer who shot at him, and there are those who gave the orders, and there are those who helped to conceal evidence and bury the truth. All of them are accomplices to the crime, and we demand that they be brought up on charges."

Adalah, the Legal Center for Arab Minority Rights in Israel, said yesterday that in the coming days, it would be asking Attorney General Menachem Mazuz for permission to petition the High Court of Justice directly against the Justice Ministry unit's decision. "The report constitutes a basis for an indictment against the Police Investigations Unit itself," said Hassan Jabareen, director general of the center.