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Document shows PID okayed burial of four Arab riot victims without autopsy

By [Yoav Stern](#) and [Jonathan Lis](#)

The Justice Ministry's Police Investigations Department (PID) allowed four of the people killed during the Arab riots of October 2000 to be buried without an autopsy, even though autopsies could have helped determine which policemen fired the fatal bullets, according to a document unveiled by Adalah - The Legal Center for Arab Minority Rights in Israel.

Adalah revealed the document at a press conference Sunday in response to the PID's announcement earlier that day that it was closing all investigations into the deaths of the 13 demonstrators including 12 Arab Israelis and one Palestinian.

Moreover, while the PID conducted an autopsy on four other victims, the autopsies failed to advance the investigations.

The letter unveiled by Adalah was sent by the PID to the Nahariya Hospital on October 3, 2000. It authorized the burial of four people killed the previous day, even though no autopsies had been performed.

Testimony from doctors at the hospital, which was included in the PID report released Sunday, indicates that autopsies could have helped determine who fired the bullets, and in one case, senior PID officials said that an autopsy would almost certainly have enabled an indictment to be filed. Nevertheless, out of "respect for the deceased and their families," the PID chose not to ask the courts to order autopsies over the families' objections.

PID officials said yesterday that at the time, the need for an autopsy was not obvious, so they bowed to the families' opposition. The investigation was then suspended while a state commission of inquiry probed the affair, and it resumed only after the Or Commission published its report in 2003. At that point, the PID asked the families for permission to unearth the bodies and perform autopsies, but they refused.

The PID's most glaring investigative failure was the case of Asil Asala, who was killed near Arrabe on October 2. Investigators said that an autopsy would almost certainly have identified the policeman who fired the fatal bullet, since the doctor who treated Asala testified that he was hit by live fire rather than a rubber bullet (rubber bullets, unlike metal ones, cannot be matched to specific guns). The government's chief pathologist, Dr. Yehuda Hiss, therefore decided that Asala's body should be disinterred and autopsied, but his family refused to consent.

Moreover, two of the three suspects in Asala's shooting passed polygraph tests, while the third, Chief Inspector Yitzhak Shimoni, refused to take the test. Nevertheless, no action was taken against Shimoni.

"Why is he still in the police?" demanded Hassan Jabareen, Adalah's director. "A policeman has to cooperate in the investigation of a fatality, so in this case, he should at least have been convicted in a disciplinary court... They didn't even take the minimal step of suspending him."

Iyad Lawabne was killed in Nazareth that same day. Based on medical records, it is unclear whether he was hit by live fire or a rubber bullet. If he were hit by live fire, ballistics tests would identify which policeman shot him; Hiss therefore requested that the body be unearthed and autopsied. However, the family refused.

Ramez Bushnak was killed in Kafr Manda on October 3. Hiss suggested that his body be unearthed and X-rayed to determine whether the bullet was still in the body. If so, it could be removed and submitted to ballistics tests. However, the family refused, and the PID decided not to ask the courts to overrule this refusal.

Adalah protested the PID's claim that the families' opposition to autopsies had thwarted identification of the guilty parties, charging that the PID was using this claim to cover up its own failure to pursue the investigations. To prove this, the group cited the fact that the PID, which had insisted on autopsies on October 1, suddenly reversed itself the following day and agreed to allow the victims to be buried without autopsies.

The PID said in response that even before the 13 victims were buried, it had asked the families to permit autopsies, but only three consented. Since the necessity of an autopsy to advance the investigation was not yet clear at that stage, the PID decided to accede to the families' wishes.

The PID requested permission to unearth and autopsy three of the bodies in June. According to Adalah, the families asked for an update on the progress of the probe before they made their decision, but the PID refused. Therefore, the families refused to consent to the autopsies.

Aside from the autopsy issue, there were other serious problems with the investigation in the months following the riots: The PID failed to collect evidence from the scene of the shootings in real time, and many eyewitnesses refused to come to its offices to testify. As a result, investigators quickly reached a dead end.