

Maha El-Taji Daghash

## The Arab Minority and Police Relations

Rising Arab Intra-communal and Criminal Violence  
and the Crisis of Citizenship



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**Maha El-Taji Daghash**

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## **About the Author**

**Dr. Maha El-Taji Daghsh** received her Ph.D. in Middle Eastern Studies at the University of Washington in March 2008. She completed a one year post-doctoral fellowship in the Political Science Department at Hebrew University in 2009/2010 where she began her study of the relationship between the Arab community and the police. As an independent researcher she has written articles on the topic of Arab local government in Israel.

## **About the Research**

This study provides a qualitative analysis of the strained relationship between the police and the Arab community in Israel and an attempt to better understand the reasons for the lack of effective policing in the Arab community. The paper aims to broaden the scope of analysis by removing the focus from the state as a unitary causal factor and by viewing the relationship between the Israeli state and the Arab society as mutually transformative, reciprocal and interconnected.

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- **Maha El-Taji Daghsh**, The Arab Minority and Police Relations: Rising Arab Intra-communal and Criminal Violence and the Crisis of Citizenship, 2011

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## Introduction

Reports of violence inside Arab villages and cities in Israel have become a fixed item in the Arab press. One article entitled “Not one week goes by without an act of robbery of a store or a business in Rameh?” quoted business owners saying that they close their stores at sunset in fear of being bullied. In Sakhnin, the demand for ransom money and the exploitation of businesses was a widespread concern, attracting the attention of the municipality, school administrations, and the city’s religious leaders. From the fall of 2008 through the early spring of 2009, the Arabic media steadily reported on the violence in Abu Snan, which was related to the local elections that took place there in October 2008. Stories of violence related to the 2008 local elections and violence directed at local council chairmen were also reported in Kufr Kasem, Reineh, Arrabeh, Tur’an, and Sha’ab, and many other Arab communities. In February 2009, five bullets were fired at the car of a Jaljulyeh high school principal at three a.m. as the car was parked by the principal’s house. In Kufr Kara’, the local authority called for a special meeting in May 2009 to discuss the phenomena of rising violence in the village and its prevalence amongst students and youth. Intra-communal sectarian violence on a large scale erupted in Mghar in 2005 and in Shfa-Amr in 2009, causing much damage to property and leading to heightened sectarian tensions in the two cities. The year 2010 opened with an article in Kul Alarab, entitled: “The blight of violence has blasted the social fabric and a warning that hundreds of murder crimes will be recorded in 2010.” The article declared that in 2009, 59 percent (74 out of 121) of the murder crimes that took place until September were recorded in Arab localities. Additionally, 584 out of 741 cases of firing arms were in Arab localities, indicating a rise of 34 percent from the previous year.<sup>1</sup> A Knesset report, which

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<sup>1</sup> Kiwan, S. (8 May 2009). A week does not go by without a robbery a store in Rameh? *Kul Alarab*, p. 60 (Arabic); Bashir, A. (23 October 2009). Extortion has become the



was presented to the Knesset Committee for the Interior and Protection of the Environment in February 2010, states that crime in the Arab sector grew steadily since 2006 showing a 1.9 percent rise in 2007, a 1.5 percent rise in 2008 and an 8.4 percent rise in 2009. The report further asserts a rise in violent crimes in the Arab sector, such that Arabs are suspects in 41 percent of murder cases, 36 percent of attempted murder cases, 36 percent of serious assaults, 41 percent of arson cases, 36 percent of robberies, and 43 percent of serious robberies.<sup>2</sup>

Alongside the reports of rising violence in the Arab sector over the past few years are the complaints of Arab citizens about police apathy and the inadequacy of the policing services. For example, a member of the municipal council in Sakhnin was quoted as saying:

If a pebble was thrown on a Jewish bus, the police arrive at the speed of lightning. But, when there is a crime (in the Arab sector) we see it dragging itself and waiting for hours before it arrives. Therefore, when we lean on the police we lean on a tilted wall and the police are not interested in following up on many cases. We have to take the matters in our own hands and to keep the peace in our city without only relying on the police. We have to build night teams to maintain order and to control acts of violence, drugs and robberies.<sup>3</sup>

MK Haneen Zu'bi (Balad) points out the police's contradictory behavior towards the Arab citizens: "The police cannot treat the Arab protesters with an iron fist during demonstrations against Israeli policies and then neglect acts of

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talk of the town in Sakhnin. *Kul Alarab* (The Seventh Day), pp. 8-9 (Arabic); Abdel Aziz, A. (8 May 2009) The Kufr Kara local council holds a special meeting to address the violence phenomenon in the village. *Al Sunnarah*, p. 6 (Arabic); Watad, M. M. (1 January 2010). Violence devastates the social fabric and threatens to record hundreds of murders in 2010. *Kul Alarab*, p. 40 (Arabic).

<sup>2</sup> Ronen, Y. (23 February 2010). Data on Crime in the Arab Community in Israel, presented to the Committee of the Interior and Protection of the Environment, p. 3. The Knesset, Center for Research and Information (Hebrew). The report attributes part of the rise in the percentage of crime in the Arab sector to the rise in the disclosure of the identity of the suspects. The report researchers had to extract the data on crime in the Arab sector from the general data that was available because the Ministry of Internal Security, which is in charge of the Israeli police, does not give out data about crime in the Arab community due to its "sensitive" and "classified" nature.

<sup>3</sup> Kiwan, S., *supra*.

violence inside the Arab society”.<sup>4</sup> In fact, that the central authorities in general, and the police in particular, “do not care about us” has become a mantra of the Arab citizens of Israel, inseparable from any complaint about the violent conditions in the Arab villages and cities today. In the face of this police apathy, or at least inefficiency, the boldness of perpetrators is obvious as illustrated by the murders of the managing director of the municipality in Kalansawa on April 13, 2011, only 200 meters from deployed police officers, and of an Arab woman in Lod on Monday June 13, 2011, barely 50 meters from the police station.

The police play a special role in guarding the principle of equality and in preventing and solving conflicts in multicultural societies. The existence of a strained and at times violent relationship between the police and minority communities in diverse or multicultural societies is common because the police, as enforcers of the state laws, are at the forefront of contact between the state and the society. Due to the direct contact in police stations and on the streets between the police as a state agency and the community, the police are able to shape the community’s attitudes and opinions regarding the legitimacy, fairness, and accountability of the state.<sup>5</sup> The sources of tension between the police and minority communities varies from country to country but all types of states experience challenges in policing minorities. For example, Canada and various European countries are challenged by the influx of immigrants, the U.S. is challenged by race relations with its African American, Hispanic, and Native American communities, Australia is challenged by the indigenous Aboriginal community, and post-apartheid South Africa is challenged by the rise in violent crime in a multicultural newly desegregated country.<sup>6</sup> In each country the peculiarities and needs of the minority clash with the needs and standards of the majority and it is important to understand these peculiarities and the context in

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<sup>4</sup> (8 May 2009). MK Haneen Zu’bi requests an emergency meeting of the interior committee in order to discuss violence in Alshaghur and the police failure to discover the perpetrators, *Kul Alarab*, p. 14 (Arabic).

<sup>5</sup> Erez, E., Finckenaue, J.O. & Ibarra, P.R. (April 2003). Introduction: Policing a Multicultural Society. *Police & Society*, (Special Issue), No. 7, pp. 5-12, p. 6.

<sup>6</sup> See various articles in Policing a Multicultural Society. *Police & Society* (Special Issue) 2003, No. 7.

which they operate in order to better deal with the challenge of policing minority communities.

The purpose of this paper is to provide a qualitative analysis of the strained relationship between the police and the Arab community in Israel and to better understand the reasons for the lack of effective policing in the Arab community. The paper aims to broaden the scope of analysis by removing the focus from the state as a unitary causal factor and by viewing the relationship between the Israeli state and the Arab society as mutually transformative, reciprocal and interconnected.<sup>7</sup> Without minimizing the role of state policies and actions, this approach allows a place in the analysis for various societal factors, and for their effect on the police-community relations. In short, this paper explores how the police-Arab community relations in Israel are shaped by the interaction between the peculiarities of the Arab community and the larger political and social context in which they exist.

The information in this paper was collected between 2009 and 2011<sup>8</sup> using a variety of sources including in-person interviews with relevant parties,<sup>9</sup> newspaper articles from both the Arab and the Hebrew press, Knesset reports and protocols of committee meetings, and personal observation and attendance of several relevant conferences, study days, and roundtable discussions.<sup>10</sup> This paper also synergizes ideas and theoretical approaches from a variety of

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<sup>7</sup> See Kohli, A. & Shue, V. (1994). State power and social forces: on political contention and accommodation in the Third World. In Kohli, A., Migdal, J. & Shue, V., Eds.. *State Power and Social Forces: Domination and Transformation in the Third World* (293-326). Cambridge: Cambridge University Press.

<sup>8</sup> Preliminary research on this topic was conducted while I was a post-doctoral fellow at The Hebrew University Jerusalem (2008-2009). For this opportunity I am grateful to the Political Science Department at Hebrew University and particularly to my sponsor, Dr. Oren Barak.

<sup>9</sup> This included interviews with Arab local authority chairmen, members or staff (16), Arab non-profit organizations specializing in the defense of rights and empowerment of Arab citizens in Israel (15), retired police officers (5), and several Arab activists and citizens.

<sup>10</sup> Much of the information in this paper is also shaped and influenced by the author's work experience as the Arab Community Coordinator in the Police-Arab Society Initiative at the Abraham Fund Initiatives from March 2010 until February 2011.

scholarly articles and suggests recommendations for the improvement of the policing services to the Arab community in Israel.

The remainder of this paper is organized into five parts. The first part sets the strained police-Arab community relationship in the context of state discrimination against the Arab citizens and the historical enmity between the citizens and the police. The death of 13 Arab youth at the hands of the police in October 2000 and the lack of police accountability for those deaths have all but eliminated the trust between the police and the Arab community, which was at very low levels to begin with. The second part uses a case study of a crime that took place in the village of Dir Hannah in order to shed light on some of the internal dynamics that challenge the relationship between the police and the Arab community in Israel. These internal dynamics include resignation and the lack of trust, unwillingness to work in close collaboration with the police, and the controversial resort to traditional means of conflict resolution. The third part focuses on the issue of police treatment of domestic violence in the Arab community and explores some of the deficiencies of police services in that area. Part four, discusses the difficulties of enlisting Arabs into the Israeli police service and the crisis of citizenship invoked when state representatives make declarations linking national civil service with police service.

The fifth and final part presents recommendations for improving the police-community relations based on the issues discussed in the paper. This paper does not purport to cover all the issues relating to police and Arab community relations in Israel but aspires to be a basis for further debate and discussion on the subject.

## 1 State–Arab Society Relationship: A Context of Discrimination, Suspicion and Enmity

Any discussion of the relationship between the Arab minority and any state institution has to take into consideration that the relationship between the Jewish state and its Arab citizens is one that is rife with discrimination, suspicion, and enmity. Arab citizens constitute about 20 percent of the Israeli population, a large non-Jewish minority. Theoretically, Israeli-Arabs are full citizens but, in practice, their economic conditions, limited participation in civil service and decision-making processes, and lack of political institutions render them second-class citizens. Arab Local Authorities are discriminated against in budget allocations and Ministry of Interior grants as compared to allocations and grants for the Jewish communities.<sup>11</sup> Poverty among Arabs is on the rise in the last couple of years and 14,300 of the 15,000 Israeli families who were added to the poor population in 2010 were Arab families. Additionally, the severity of the poverty rose as shown by the rise in the income gap.<sup>12</sup>

There are significant disparities between the health status of Jews and Arabs in Israel as reflected in higher Arab infant mortality rates, lower life expectancy

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<sup>11</sup> Strasler, N. (2003, July 15). Shameful. *Ha'aretz*, p. 6; Shihadeh, M. & Sabbagh-Khoury, A. (2005). *Growing Dependency and Decreasing Space: Budget and Jurisdiction in Arab and Jewish Local Authorities in Israel*. Haifa: Mada al-Carmel, Arab Center for Applied Social Research, p. 117; State Comptroller's Report 2008: There is a gap between balance grants given to Jewish local authorities and those given to Arab local authorities, (13 Nov. 2008) *Al-Arab* (Arabic).  
Downloaded <http://www.alarab.co.il/printtitle.php?sel=00064370>

<sup>12</sup> 2009 Poverty and Social Gaps Annual Report (November 2010). National Insurance Institute, Research and Planning Administration, pp. 5, 6 & 20. [www.btl.gov.il](http://www.btl.gov.il)

for Arab males and females and a lower percentage of primary and specialty clinics in Arab communities.<sup>13</sup>

Institutionalized discrimination against the Arab population in education is also prevalent as reflected in lower government spending per Arab student per year, a higher number of average students per class, the lower number of teaching hours, the higher rates of school dropouts, and the lower percentage of university students.<sup>14</sup> Employment prospects for educated Arabs are dismal and not all areas of employment that are open to Jews are open to Arabs.<sup>15</sup> In short, the state's discrimination and its neglect of the Arab citizens are extensive and well documented.

That discrimination against and exclusion of minorities are intertwined with problems in policing minorities has been a subject of academic discussion. Smyth, a scholar of community policing in Northern Ireland, states that: "conflicts which focus upon cultural discrimination and exclusion, have the capacity to undermine the legitimacy of state institutions and practices and to challenge long established practices."<sup>16</sup> He further states that: "In deeply divided societies such as Northern Ireland the practices of exclusion and discrimination are embedded in the very nature of policing itself." According to Hasisi and Weitzer, "the general pattern in deeply divided societies is that the dominant group sees the minority as a threat and the minority withholds

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<sup>13</sup> The Sikkuy Report (2008). The Equality Index of Jewish and Arab Citizens in Israel. Sikkuy November 2009, pp. 23-24; The Sikkuy Report (2003-2004). p. 44. <http://www.sikkuy.org.il>

<sup>14</sup> Sikkuy Report (2003-2004), page 32; Sikkuy Report (2008), p. 71.

<sup>15</sup> Gurr, T. (1993). *Minorities at Risk: A global View of Ethno-political Conflicts*. Washington DC.: United States Institute of Peace Press, p. 235; Association for Civil Rights in Israel Report (2002, November 14). Equality for Arab Citizens of Israel; Benziman, U. (2005, March 16). If not as tax commissioner.... *Ha'aretz*. Sikkuy Report (2008), supra. For Jews only? Only 7.5% of government employees are Arab. (September 19, 2010). *The Marker* (Hebrew). <http://www.themarker.com/ibo/misc/printFriendly.jhtml?ElementId=skira20100907>

<sup>16</sup> Smyth, J. (2002). Community policing and the reform of the Royal Ulster Constabulary, *Policing: An International Journal of Police Strategies & Management*, Vol. 25, No. 1, 110-124, p. 112.

legitimacy from the dominant group.”<sup>17</sup> In Israel, a study conducted in 1994 found that the dissatisfaction of the Arab minority and their sense of injustice undercuts the legitimacy of the legal system and grants them legitimacy to disobey.<sup>18</sup> The results of this study were bolstered in another study, which Masar, an Arab research organization, completed and presented to the Abraham Fund Initiatives in July 2007. The Masar study found that the Arab public’s perception of the police is very negative and that the police are perceived as an executive arm of the state, trained to carry out the discriminatory and oppressive policies, and acting as a tool to control the Arab society and to prevent it from developing like the Jewish counterpart.<sup>19</sup> Similarly, a study by Ben Porat and Yuval showed that the majority of Arab citizens in Israel continue to garner negative attitudes toward the police and to lack trust in the police’s willingness to provide appropriate services in Arab communities.<sup>20</sup>

In addition to documented and flagrant discrimination, the relationship between the Jewish establishment and the Arab minority is wrought with suspicion due to the political context. The Arabs became a minority in Israel as the direct outcome of the hostilities in 1948 and they were deemed part of the Arab and Palestinian enemy.<sup>21</sup> The Israeli government doubts their loyalty to the state due to the Arab citizens’ kinship with and connections to the Palestinians in the occupied territories, and due to their increasing identification with their own

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<sup>17</sup> Hasisi, B. & Weitzer, R. (2007). Police Relations with Arabs and Jews in Israel, *British Journal of Criminology*, Vol. 47, 728-745, p. 729.

<sup>18</sup> Rattner, A. (1994). The Margins of Justice, *International Journal of Public Opinion Research*, Vol. 6, No. 4, 358-370, p.367.

<sup>19</sup> Abu Asbeh, K., Aghbarieh, I. & Karakra, A. (July 2007). The attitudes of the Arab community towards the Israeli police: expectations, needs, and recommendations for ways to work in the future. Prepared by the Institute for Research, Planning, and Educational Consultation (Masar). Presented to The Abraham Fund Initiatives, a non-profit Arab-Jewish organization, which works for equality between Arabs and Jews in Israel and for integration of Arabs in Israeli society (Hebrew).

<sup>20</sup> Ben Porat, G. & Yuval, F. (2010) The police and the Arab society in Israel: Attitudes, Expectations, and Values. Research Precis. Research presented to the Abraham Fund Initiatives (Hebrew).

<sup>21</sup> Ghanem, A. (2001). The Palestinian-Arab Minority in Israel, 1948-2000. Albany: SUNY press, p. 11.

identity as Palestinians. Their relationship with the Jewish state has passed through many stages since the establishment of Israel in 1948. Military rule, which restricted freedoms and allowed for a considerable amount of control, was imposed on Israeli-Arabs from 1948 until 1966 and helped isolate and marginalize the Arabs who ended up in Israel after the upheavals of 1948. Even after military rule was lifted, isolation and marginalization of Arab citizens continued due to the state's refusal to recognize Israeli-Arabs as a distinct national group or to assimilate them.<sup>22</sup>

According to Lustick, the state used a highly effective and sophisticated system of control, which manipulated the Arab minority, prevented it from extracting resources from the state, and precluded it from organization on an independent basis. In an elaborate scheme, Lustick drew connections among historical, structural, institutional, and cultural factors that enabled this control "system." Lustick's control "system" derived from the interaction and synergy among three main components: segmentation of the Israeli population into Jews and Arabs, dependency of the Arab population on the Jewish establishment, and cooptation of the Arabs by the Jewish establishment.<sup>23</sup>

However, this elaborate "system" of control began to face challenges in the 1970s. These challenges were reflected in the rise of Arab vote for Rakah (predecessor to Hadash), the appearance on the local level of the nationalist Sons of the Village, the rise in the activities of Arab student organizations, and the heightened self-identification of Israeli Arabs as Palestinians.<sup>24</sup>

The rise in the political consciousness of the Arab citizens took on a more assertive turn on March 30, 1976, which came to be known as Land Day. When the government announced that it was going to expropriate more Arab lands for security reasons, the Arab community responded with a general strike and

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<sup>22</sup> Kretzmer, D. (1990). *The Legal Status of the Arabs in Israel*. Boulder: Westview Press, p. 178.

<sup>23</sup> Lustick, I. (1980). *Arabs in the Jewish State*. Austin, Texas: The University of Texas press.

<sup>24</sup> Lustick, p. 237.



massive protests mainly in the Galilee and the Negev. During the protests and the ensuing violent confrontations with the police, six Arab citizens were killed, a hundred were wounded, and hundreds were arrested. The Koenig Report, which was written before Land Day and was supposed to be a confidential internal governmental memorandum, was leaked to the public in April 1976. The report made explicit what the Arabs had felt all along; that they were not perceived as worthy citizens to be integrated and served, but as enemies of the state and a population that needs to be controlled and diluted. The Land Day events and the ensuing leak of the Koenig Report entrenched in the Arab population a feeling that the police are not used to provide normal crime control. Rather, the police are used against them, to socially control them and to quell their political protest.

The events of October 2000 brought the animosity between the Arab community and the Israeli police to a peak. On October 1, 2000, The High Follow-Up Committee for Arab Citizens in Israel (HFUC) called a general strike in sympathy with the Palestinians in the Occupied Territories and in protest against, then Prime Minister, Ariel Sharon's visit to the Temple Mount and the killings of seven Palestinians by Israeli forces. During the protests, Arab youth from the Triangle and Galilee areas poured into the streets and clashed with Israeli security forces. The police responded by opening fire with live and rubber bullets, which resulted in the deaths of 13 Arabs in several locations in the Galilee.

An official commission of inquiry, constituted of Supreme Court Justice Theodore Or, Nazareth Court Judge Hashim Khatib and Tel Aviv University Professor Shimon Shamir, was appointed on November 8, 2000 to investigate the killing of the thirteen Arab youth during the October 2000 clashes. The commission of inquiry, which became known as the Or Commission, published its findings on September 1, 2003. The Commission referred to the protest of the Arab youth as "riots" and described it as unprecedented in terms of the violence and aggression that was expressed towards the police and towards

Jewish civilians.<sup>25</sup> The Or Commission report placed the conflict between the police and the Arab community in its larger historical and political context. It pointed out the Arab minority's perceptions of itself as an indigenous minority, a status that was imposed on them through the establishment of the State of Israel. In this new state they were subjected to the hegemony of a largely nonindigenous majority and to extensive land takeovers, which left them with a feeling that Israeli democracy is not for the Arabs.<sup>26</sup>

One of the most important contributions of the Or Commission Report is that it officially placed the confrontation between the Arab citizens and the police in the larger context of discrimination, neglect and lack of sensitivity for the needs of the Arab citizens. The official summation of the Report stated:

3. The events, their unusual character and serious results were the consequences of deep seated factors that created an explosive situation in the Israeli Arab population. The state and generations of its government failed in a lack of comprehensive and deep handling of the serious problems created by the existence of a large Arab minority inside the Jewish state.

Government handling of the Arab sector has been primarily neglectful and discriminatory. The establishment did not show sufficient sensitivity to the needs of the Arab population, and did not take enough action in order to allocate state resources in an equal manner. The state did not do enough or try hard enough to create equality for its Arab citizens or to uproot discriminatory or unjust phenomena. Meanwhile, not enough was done to enforce the law in the Arab sector, and the illegal and undesirable phenomena that took root there.

As a result of this and other processes, serious distress prevailed in the Arab sector in various areas. Evidence of the distress included poverty, unemployment, a shortage of land, serious problems in the education system and substantially defective infrastructure. These all contributed to ongoing

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<sup>25</sup> The Official Summation of the Or Commission Report, *Ha'aretz* (2 September 2003).

<sup>26</sup> Shimon Shamir (Professor Emeritus). The Arabs in Israel-Two Years after the Or Commission Report, Lecture delivered by Professor Shamir on September 19, 2005 at Tel Aviv University (translated from Hebrew by Renee Hochman). Downloaded from <http://www.dayan.org/kapjac/files/shamirEng.pdf>

ferment that increased leading up to October 2000 and constituted a fundamental contribution to the outbreak of the events.<sup>27</sup>

Thus, the Or Commission Report drew a direct causal relation between the historical, political and economic distress of the Arab minority and the protests that led to confrontations with the police in October 2000.

Moreover, the Or Commission found various deficiencies in the police handling of the riots and found no justification for the killings:

snipers were used to disperse demonstrations for the first time since 1948, and that this sniper fire, which led to the death and injury of citizens, was illegal and certainly not grounded in the internal regulations of the police governing the use of live fire...that the firing of rubber-coated steel bullets, which produced fatal results, was also contrary to the internal police regulations. It also found that in none of the cases was there a real threat justifying the gunfire that led to the killing of citizens.<sup>28</sup>

While the Or Commission placed the responsibility of investigating specific fatalities on the shoulders of the Ministry of Justice Police Investigations Department (Mahash), it did name "certain police officers on whom ostensible evidence existed of their responsibility for unjustified and fatal use of firearms."<sup>29</sup>

Mahash conducted an investigation, published its report in September 2005, and found no reason to issue even a single indictment against any of the police officers involved in the fatal shootings of the 13 Arab youth in October 2000.<sup>30</sup> The failure of Mahash to indict any police officer was met with condemnation from the Arab community and even with harsh criticism from one of the Or Commission members, Professor Shimon Shamir. Shamir stated in a lecture

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<sup>27</sup> The Official Summation of the Or Commission , Ha'aretz, 2 September 2003.

<sup>28</sup> Adalah's Report (October 2006) The Accused: Summary of the Findings and Conclusions, downloaded from <http://www.adalah.org>., p. 1

<sup>29</sup> Shimon Shamir (Professor Emeritus) The Arabs in Israel-Two Years after the Or Commission Report. Lecture delivered on September 19, 2005 at Tel Aviv University, pp. 26 & 28.

<sup>30</sup> Adalah's Report (October 2006). The Accused. Summary of the Findings and Conclusions, p. 2.

at Tel Aviv University which took place right after the Mahash report was published:

It is my impression that PIDs (Mahash) conclusions have, in several cases, strained to the possible maximum, and perhaps even beyond that, the limits of tolerance toward policemen's claim that they faced real and immediate danger to their lives in a way that justified the deployment of snipers and use of live ammunition.<sup>31</sup>

In the same lecture, Shamir chastised Mahash for its failure to file criminal law suits against police officers in most of the 18 incidents where police officers killed Arab civilians in crime-related activities that took place since the October 2000 events:

Non-profit Arab organizations have documented these incidents in detail and claimed that the shootings were unjustified; the Police have its own versions. As to myself, I, of course lack the means to decide between the versions. In any case, in the majority of these incidents, the Police Investigations Department (PID) failed to file any criminal suit. It is difficult to shrug off the impression that there are too many victims here and too little PID.<sup>32</sup>

The Mahash decision was intensely criticized by Adalah, The Legal Center for Arab Minority Rights in Israel, in their report entitled "The Accused", which was published in 2006. Adalah's position that Mahash's decision not to file any indictments was unreasonable, received further validation in October 2010, when an Israel Democracy Institute study conducted by Professor Mordechai Kremnitzer and former Haifa district attorney Lina Saba, showed that Mahash's closing of three of the cases was unjustified. In summary, the October 2000 events and the ensuing lack of police accountability regarding the killing of thirteen citizens only affirmed the feelings of the Arab community that its members are not citizens in a full sense. More than inflaming the animosity between the Arab community and the police, the unjustified killing of the 13 Arabs all but wiped out the trust between the two parties.

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<sup>31</sup> Shamir lecture, p. 28.

<sup>32</sup> Shamir lecture, p. 26.

Subsequent to the Mahash failure to prosecute, police behavior continued to fuel the tensions and the mutual mistrust between the Arab community and the police. In 2009, the Advocacy Center for Arab Citizens in Israel (Mossawa) listed the names of 42 individuals who were killed by members of the police between 2000 and 2008 criticized the Prosecutor's Office for its lenient treatment of police officers who killed Arab citizens.<sup>33</sup> One of the individuals listed was Mahmoud Ghanayem who was killed by officer Shahar Mizrahi on July 4, 2006. Mizrahi was serving as the head of a team of officers who were taking preventative measures against car thefts in the area of Pardes Hannah. He caught Ghanayem red handed as he was attempting to break into a car and Ghanayem fled when Mizrahi identified himself as a police officer. Mizrahi ran after Ghanayem for several hundred meters and caught up with him as he entered his car, which he was going to use to flee. During the confrontation Mizrahi shot Ghanayem dead. The court found that Mizrahi was not facing a threat to his life when he fired his shots at short range and that the reason he fired was to stop Ghanayem from fleeing.<sup>34</sup>

While the conviction was satisfying to the Arab public, the punishment was not. In taking into consideration the various recommendations from Mizrahi's superiors, the court only sentenced him to thirty months in prison. Of the thirty months, Shahar was to serve 15 months and the rest of his sentence would be suspended for two years on condition that he does not commit a crime that involves the taking of another's life. To make matters worse, when Mizrahi appealed his conviction to the Supreme Court, the police refused to dismiss him from the police force while his appeal was in process and Minister Aharanovitch requested that the Minister of Justice grant Mizrahi a pardon.<sup>35</sup> The Police Chief of the Northern Region, together with a number of police officers, accompanied Mizrahi to prison after his conviction, and this police support of a convicted

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<sup>33</sup> The Racism Report (2009). Mossawa, pp. 9-11.

<sup>34</sup> Criminal File #07-6088, Prosecutor's Office, Criminal Division, Haifa Region v. Shahar Mizrahi, 3 September, 2009 (Hebrew).

<sup>35</sup> Khoury, J. (25 July 2010). Police Officer Shachar Mizrahi presented a request to be pardoned to president Shim'on Peres. *Ha'aretz*.

Downloaded from <http://www.haaretz.co.il> on July 26, 2010(Hebrew).

police officer drew harsh criticism from MK Ahmad Tibi who said that it was unethical and that it mocks the judicial system and the rule of law.<sup>36</sup>

The perception of the Arab minority that state institutions, particularly those institutions responsible for security, treat Arab citizens as a fifth column and as a security threat is not only fueled during significant confrontations with the police as in Land Day and October 2000. Rather, state and police actions feed this perception on a regular basis. For example, in September 2009 the police carried out a simulation exercise in the north in order to practice dealing with riots and acts of peace disturbance in the Arab sector. The exercise, which was supposed to be secret and which was carried out in the early hours of the morning, angered the Arab community. Jaafar Farah, the director of Mosawa, accused the police of being racist and sarcastically asked if these simulations are also carried out to prepare for riots in the Russian or Ethiopian communities. The nature of the simulation, which included exercises to disperse demonstrators, to deal with the taking of hostages, and to respond to the blocking of roads, illustrates how the way the police relates to the Arab sector fuels their feelings of being pursued by the state security apparatus, including the police.<sup>37</sup>

Also in the fall of 2009, the police announced its formation of a Jewish undercover police unit (*musta'rivim*), Arabic speaking Jewish undercover police officers, to fight crime and illegal activities in Arab locations. Despite the fact that undercover work could help control crime in the Arab communities, the mere use of the word "*musta'rivim*" invoked resistance and fear that the unit would be used for security purposes and for controlling the Arab minority, as it had been used in the past and as it is currently used in the territories.<sup>38</sup> The Abraham Fund, a non-governmental organization whose activities include an initiative to improve police relations with the Arab community, responded by saying that it feared that the formation of such a unit "will damage the inroads

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<sup>36</sup> Statement issued on August 8, 2010 on letterhead of The Arab Movement for Change.

<sup>37</sup> Levi, E. & Ashkenazi, Y. (7 September 2009). Police drills in the North enrage the Arab sector. *Ma'ariv*, nrg downloaded on Dec. 16, 2009 (Hebrew).

<sup>38</sup> Government intends to establish the Arabist (*musta'rivim*) unit and the Knesset declines a no confidence vote. (30 October 2009), *Kul Alarab*, p. 42 (Arabic).

made in the past years and deepen the mistrust of the Arab public regarding the police”.<sup>39</sup> At a minimum, the use of such a unit to solve crime in Arab communities, shows a lack of wisdom and insensitivity towards Israel’s Arab citizens, and entrenches their belief that they are not treated equally to Jewish citizens.

To summarize, the flagrant discrimination, in addition to the larger regional conflict and the atmosphere of mutual enmity and suspicion, create the context in which the interface between the state and the society can be studied. The police, as an executive arm of the state and as enforcer of law and order, are at the forefront of the relationship between the state and the society; a relationship that is colored by violence and an entrenched lack of trust. Nevertheless, the current police-community relationship is also shaped through the mutually constitutive relationship between the Jewish state and the Arab minority, and it is reinforced through dynamics that are internal to the Arab society, as shall be discussed in the next section.

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<sup>39</sup> Abraham Fund Response to Announcement Regarding the Formation of a Jewish Undercover Police Unit (similar to those active in the territories) to operate among Israel’s Arab citizens (14 October 2009).  
Downloaded from <http://www.abrahamfund.org>

## 2 A Minority in a State of Resignation

### a. The Incident of Dir Hannah and Arrabeh: No Expectations of Police Services

On October 19, 2008 at about 7:10 p.m., Samih Hussein, a Dir Hannah resident, dropped his 49 year-old wife Rasmieh off at the side of road 805, which is a main national road that cuts through the village of Dir Hannah. Rasmieh was to cross the road to the other side where a henna party for a family member was held at the Muntazah.<sup>40</sup> Two minutes after he dropped her off, Samih received a call telling him that his wife was involved in an accident. He immediately returned to the site where he had dropped his wife off, only to find that she had been killed on the spot. The motorcycle that hit her did not have its lights on, and was allegedly traveling at the speed of between 180 and 200 kilometers per hour. The motorcycle driver and the passenger he was carrying were seriously hurt and unconscious and an ambulance arrived to administer first aid.<sup>41</sup>

This was to be a standard case of reckless homicide if it wasn't for the turn of events that followed. Apparently, the motorcycle was unlicensed and uninsured.<sup>42</sup> The driver, a resident of the adjacent village of Arrabeh, was test-driving the motorcycle with the intention of buying it from its Arrabeh owner. It is not clear what exactly riled up the Arrabeh youth. Rumor has it that the owners of the gas station that was adjacent to the Muntazah and who were from Arrabeh, called friends in their village stating that Dir Hannah residents were going to burn down their gas station. Within half an hour of the accident Arrabeh youth started coming towards Dir Hannah by car and on foot, carrying

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<sup>40</sup> A henna party is part of the traditional wedding ceremony. The Muntazah is a hall in Dir Hanna that is commonly used for various celebrations, including henna parties.

<sup>41</sup> Phone interview with Samih Hussein on December 19, 2009.

<sup>42</sup> The rendition of events was obtained from the interview with Samih Hussein and from an in person interview with Raja Khatib, Chairman of the Dir Hannah local authority on June 17, 2009.



unlicensed weapons. Some Arrabeh youth, who arrived at the scene of the accident, bought gasoline from the Arrabeh residents' gas station, and tried to burn the motorcycle, apparently in an attempt to hide the evidence, but the youth from Dir Hannah prevented them from doing so.

As the Arrabeh youth approached the western entrance of Dir Hannah, which veers up the side of a hill, altercations between Arrabeh and Dir Hannah youth began. Arrabeh youth fired at houses and youth on the hill while the Dir Hannah youth threw rocks at the Arrabeh youth below. The Misgav police, together with the special forces (Yasam), did not arrive until 8:30 p.m., when chaos had already broken out. They approached the western entrance of Dir Hannah where the Arrabeh youth were gathering and threw tear gas towards the hill in order to disperse the Dir Hannah youth who were throwing rocks at the Arrabeh residents below. The police made no attempts to confiscate the illegal weapons that were in the possession of the Arrabeh youth and no Arrabeh residents were later charged with possession of such weapons.

That there was an accident on a main highway that resulted in a death and that no traffic or other police arrived for over an hour after the accident had taken place is remarkable. However, what is more remarkable is that there is no expectation that the police will come. A person who was present at the scene stated:

The police did not come. Usually it doesn't come. When there is a problem between Arab villages they leave them alone. They use informers to tell them what happened and then they come in later. In every problem they come late after the matter calms down or until something specific that they want to prevent happens.<sup>43</sup>

While there is a community police station inside the village of Dir Hannah, a village of over 9,000 residents, the community police work only nine and a half hours per day from 12:00-21:30 or from 9:00-16:30. When something happens outside those hours then the nearby Misgav police station is supposed to

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<sup>43</sup> Interview on December 19, 2009.

respond. According to the Safety Officer who works for the local authority in Sakhnin, there is a serious lack of police resources in the Misgav police station. There are between 60 and 75 police officers who serve an area in which about 100,000 residents reside and there are not enough police forces nor are there enough patrol cars. And while this is a problem that is also likely to affect Jewish communities, the Arab minority is more likely to take the lack of appropriate police response personally in light of the larger context of state-minority relations.

A community leader, who was called to the scene shortly after the altercations between the Arrabeh and Dir Hannah youth had begun, stated that he thought the police would show up the next day to investigate after the situation cooled down.

The police have no readiness to send police officers quickly. They needed a large number. They need time to send a large number, particularly due to the fact that there were weapons (illegal weapons).<sup>44</sup>

Thus, in this case where a terrible accident had taken place on a main thoroughfare and in which a death and two serious injuries had occurred, no traffic police, and no community police appeared initially to document the circumstances of Rasmieh's death. The police from Misgav arrived only an hour and a half later, and only after the altercations between the Arrabeh and Dir Hannah youth broke out.

That the police did not show up when it was necessary for it to do so is consistent with the findings of the Masar study, mentioned above. The study found that Arab citizens criticize the police for not carrying out its role efficiently and systematically in terms of the enforcement of law and order, investigation of crime, and indictments. Arab citizens also believe that the police do not do enough to deal with crime, corruption, drugs, traffic violations or vandalism in Arab society.<sup>45</sup> The attitudes towards the police, which are

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<sup>44</sup> Interview on June 17, 2009.

<sup>45</sup> Masar Study, *supra*, p. 5.

reflected in the Masar study, are based on the Arab community's experience with the police. Prominent community leaders from Mghar and Shfa 'Amr stated that they begged the police to intervene when intra-communal sectarian violence broke out between youth in their respective communities, and that the police stood by in each case for days without checking the damage to property or the threat to life.<sup>46</sup> Nevertheless, to focus on police inaction is to miss seeing the whole picture.

### **b. A Vicious Circle: Does the Arab Minority Really Want the Police to Intervene?**

Despite the need to cooperate with the police in order to prevent crime, Arab citizens deal with the police in a very contradictory manner, granting and withdrawing police legitimacy depending on the situation. The following two anecdotes demonstrate the problem. In October 2007, masked Druze youth from the Arab village of Peki'in vandalized a chicken coop in the neighboring Jewish community, New Peki'in, believing that a cellular antenna, which they blamed for the high rate of cancer among residents, was housed there. When the police entered the village to arrest the perpetrators, the residents resisted the police incursion into the village. The police used tear gas and rubber bullets and the clashes between the residents and the police resulted in the injury of 40 residents and police officers, the arrest of a large number of residents, and extensive damage to property. The response from the Arab community in Israel was condemnation and accusations that the police used excessive force. The use of overwhelming police force was likened to the events of October 2000, and the Peki'in clashes were referred to as the events of October 2007.<sup>47</sup> Yet, less than two months later, in December 2007, Nuhad Mishleb, the Chairman of the local authority in the Arab village of Abu Snan, held an emergency meeting

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<sup>46</sup> Statements made by various community leaders and advocates at a study day organized by Mubadara, The Arab Emergency Center, on September 30, 2009 in Nazareth.

<sup>47</sup> The Events in Al-Buqei'a: Violence and Discrimination in Law Enforcement in Israel. The Arab Association for Human Rights, downloaded from the internet on December 15, 2007. <http://www.arabhra.org>

after a fight broke out between two groups of youth in one of the village neighborhoods and called for police intervention to relentlessly enforce the law and “to hit with an iron fist all who attempt to transgress the law.”<sup>48</sup> These two stories juxtapose the conflicted relationship between Arab citizens and the Israeli police. On the one hand, Arab citizens desire local security, and police intervention is often necessary to attain that. On the other hand, the police represent the state, and the Arab minority is leery of legitimizing any state intervention in internal Arab affairs. Therefore, while Arab residents recognize the need for internal security, agencies providing this security lack legitimacy in the eyes of the Arab minority.

The relationship between police and social groups reflect the social conditions of the group. Minority groups have violent confrontations with the police, overrepresentation of the minority group in jails, negative attitudes towards the police, and resignation regarding appropriate and equal services.<sup>49</sup> In deeply divided societies the minority’s perception of the police as illegitimate stems from the harsh police treatment of the minority during protests and the neglect of crimes committed inside the minority community, particularly when it does not pose a threat to the majority. Hasisi asserts that the weak performance of the police is also due to the minority’s lack of cooperation with the police and that the lack of cooperation is due to the conflicts between the majority and the minority.<sup>50</sup> When the relations between the police and the community are tense there are two dynamics at work. On the one hand, the police are discouraged from enforcing the criminal laws and, on the other hand, the citizens are restricted from collaboration with the police in the prevention and reporting of

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<sup>48</sup> The Abu Snan Local Council holds an emergency meeting after yesterday’s events, (December 20, 2007). *Panorama* online (Arabic).

Downloaded on 23 December 2007 from <http://www.panet.co.il/online/index.html>

<sup>49</sup> Santo, Y. & Ali, N. (June 2008). *Police and Policing in the Israeli-Arab Society: Attitudes and Expectations amongst the Israeli-Arabs Population*, State of Israel, Ministry of Public Security, Bureau of the Chief Scientist, p. 14 (Hebrew).

<sup>50</sup> Hasisi, B. (2008). Police, Politics and Culture in a Deeply Divided Society, *The Journal of Criminal Law and Criminology*, Vol. 98, No. 3, 1119-1145, p. 1125.

crime.<sup>51</sup> In Israel, the police often claim that when the police forces enter an Arab city or village to carry out its duties it meets with violence and resistance or lack of cooperation. Addressing the October 2007 events in Peki'in, the then General Commander of the Police, David Cohen, defended the use of live ammunition when it entered into the village to carry out arrests and justified it as a response to the widespread violence it met upon entry to the village and the kidnapping of a female police officer.<sup>52</sup> The General Commander also accused Arab citizens of covering up crime in their villages. In response to a case of double homicide in Kufr Kara', he was quoted as saying: "it is not reasonable that a crime is committed in the presence of some of the citizens and no information is provided to the police. Without the cooperation of the residents with the police it is not possible to rein the phenomenon of violence and crime".<sup>53</sup> These two types of behavior, the violent confrontations and the lack of cooperation with the police, are phenomena that are influenced by the context of enmity and lack of trust.

While the history of the relationship between Israel and its Arab minority includes several confrontations between Arab citizens and the police, there is consensus that the October 2000 events was the main crisis point in the already charged atmosphere. Thirteen Arab youth were killed during clashes with the police and not one single police officer was indicted. The police apathy in investigating police officers involved in the October 2000 events and the unconditional support it gives police officers who killed Arab victims, has caused great resignation within the Arab public as illustrated in this Arab civil rights NGO director's comment:

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<sup>51</sup> Hasisi, B. (2005). *Policing Minorities in a Deeply Divided Society: Police Performance and Presence in Israel*. Initial version of this paper was presented at the American Criminological Association in Toronto, November 2005.

<sup>52</sup> Harb, H. (29 February 2008). Chief of Police: We will not hesitate to forcefully enter Albuqei'ah again if the situation calls for it. *Kul Alarab*, p. 23 (Arabic). We will not hesitate to forcefully enter Albuqei'ah again if the situation calls for it. (29 February 2008) *Albayan*, p. 8 (Arabic).

<sup>53</sup> Abu Ata, I. (8 May 2009). The police declare a state of emergency in Kufr Kara' in light of the widening circle of violence and crime. *Kul Alarab*, p. 70 (Arabic).

There are things that have solutions and things that don't have solutions. They can remain frozen. Who says that the solution to the current situation is in the hands of the Arabs—that the police give service and not oppression? Who states that the police will listen to us? Jews can change this or that. The Jewish society such as the Abraham Fund, which works with the police... also ACRI, they have a role in the democratization...and most probably they will *not* succeed (emphasis added).<sup>54</sup>

A director of another Arab civil rights NGO stated: “In Israel nothing takes place by coincidence. Everything is planned and programmed. *I doubt our influence...*this is not like Northern Ireland where the political change came from above (emphasis added). There needs to be political change at the tip of the pyramid.”<sup>55</sup> The official spokesperson of the High Follow-Up Committee (HFUC) is similarly resigned: “The situation will not change in the next twenty years. There won't be a structural change. All signs show the opposite.”<sup>56</sup> With this resignation and lack of police accountability, for the Arab citizens of Israel, the police do not exist, except as aggressor.

When members of an Arab community are accused of not cooperating with the police in order to solve crime, a widespread assumption has been that this is because they do not want to be viewed as collaborators and as working with the police. However, it is important here to also take into consideration the specific characteristics of particular Arab towns and villages. For example, Kufr Kara', mentioned above by the Police Chief, has about 17,000 residents. There is no police station and crime is rampant. When an eyewitness testifies against someone or points a finger at a suspect, there is no police force in the village to provide him with protection from retaliation. Residents know that even if there was a police station or a police force present in the village, the police are not effective and are unable to protect them from retaliation. Therefore, while residents are fed up with crime, their hands are tied with fear. A mayor of an Arab town of about 22,000 residents stated that “gone are the days when an

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<sup>54</sup> Interview on 23 December 2009.

<sup>55</sup> Interview on 9 February 2009.

<sup>56</sup> Interview on 4 January 2010.

Arab resident did not want to help the police solve a crime in order not to be labeled a collaborator. Today, people want the crime to be solved and are willing to work with the police. What stops them is not the label of collaborator, rather, it is the fear of retaliation.”<sup>57</sup> He shared a story about a young man who did cooperate with the police to identify a crime group. In retaliation, the young man ended up being shot in the legs and his legs were amputated. This mayor put it succinctly: “If a resident who wants to cooperate with the police has to choose between the public good or his son’s legs. What will he choose?” Therefore, while political factors do influence collaboration with the police in some incidents, fear of retaliation is universal and requires remedies that address this fear directly.

Thus, on the one hand, the Arab minority is resigned regarding the lack of police services. They do not trust that the police have any interest in serving them considering that the police kill Arab citizens and are not held accountable for those killings. Some Arab residents even violently resist the police entrance into their villages to deal with illegal matters if they believe that the police are intervening in an internal matter. On the other hand, the lack of police presence and effectiveness in Arab communities also ties the hands of those who want to cooperate with the police in order to stop crime in their communities. This vicious circle is difficult to break in light of the lack of willingness of the HFUC, the National Committee of Chairmen of Arab Local Authorities (NCCALA) and Arab NGOs to work directly with the police on solving this problem.

Having realized the problem of rising violence the HFUC and NCCALA held a conference in Umm Al Fahm on November 19, 2005. In the concluding report they registered the deep concern regarding the rising violence in the “Arab-Palestinian” society in Israel and the danger that it poses for developing the sector and its youth. The report called all the participants to stand by the promise to confront violence and infighting. It recognized rising violence as a global problem but also blamed the continuation of occupation and oppression

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<sup>57</sup> Meeting on 28 September 2010.

against the Palestinian people, which is reflected inside the Israeli society. It demanded that the police change their priorities and adopt a policy of deterrence and serious and strict confrontation of violence and its tools and causes. The conference put the responsibility on the Israeli institution in general and on the police in particular and accused it of ignoring the diffusion of weapons in the Arab sector and acquiescing as long as the weapons are only used for infighting. The conference also requested that the government allocate budgets for developing a network of educational services in the Arab sector in order to provide consultants, social workers, and counselors in order to deal with violence in the schools and amongst youth and to develop a culture of dialogue and non-violence.<sup>58</sup> In November 2006, chairmen of local authorities met in Taibeh to discuss the rise in violence in the Arab localities and the police's ignoring of the phenomena and their negligence. In deciding how to deal with this they discussed four axes: Schools, local authorities, civil society and mosques.<sup>59</sup> It is worth pointing out that in neither the Umm Al Fahm nor the Taibeh conferences was there a collective decision to work closely in collaboration with the police.

During the decade after October 2000, the Arab NGOs, like Adalah, focused their efforts on their legitimate demands for truth and justice and police accountability and neglected or chose not to work in collaboration with the police in order to ensure appropriate policing services for the Arab community. Thus, when the riots broke out in Akka in October 2008, community leaders and directors of non-governmental organizations (NGOs) intervened. One NGO director stated that he did not exert direct pressure on the police to intervene and to protect the Arab citizens whose lives and properties were threatened. Rather, he used international advocacy and the Israeli media and indicated that the police started to act when the Americans and Israeli T.V. Channel 2 started to ask questions. Collaboration and direct contact with the police is not something

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<sup>58</sup> Documents obtained from the HFUC office on 4 January 2010.

<sup>59</sup> Nuseirat, O. (24 November 2006). Chairmen of local authorities in the Triangle oppose violence and come up with a series of practical plans to combat it. *Panorama*, p. 30 (Arabic).



that the Arab NGOs want to be known for because it tarnishes their image in the eyes of the Arab public. After the events in Akka, the police took little effort to identify, arrest and prosecute those Jewish residents responsible for burning and attacking Arab homes and families.<sup>60</sup> When asked about generally placing pressure on the police to do more, the NGO director, mentioned above, answered: “I am not supposed to ask the police to do its job–this is its job”.<sup>61</sup> While NGOs do not favor direct contact with the police, one NGO, Mosawa, recommended that the attorney general investigate the failure of the police to protect the Arab victims during the Akko riots.<sup>62</sup>

While the NCCALA is very concerned and has studied the problems of rising violence in Arab localities the individual members of the NCCALA disagree amongst themselves on the type of relationship they want to pursue with the police. For example, in Sakhnin and Arrabeh the local authorities do not want to have community police stations in their communities due to lack of trust in the police and fear that these stations will be used for recruitment of youth into the police, national service, or the army. Despite the lack of trust and the reluctance of the Arab community to work in close collaboration with the police regarding the rising violence, many chairmen of local authorities faced with local crime that is spinning out of control have taken more pragmatic positions. Several Arab local authorities have either signed up for or are applying for the Ministry of Internal Security’s “City Without Violence Program.” This program involves cooperation between the police, schools and various local authority departments to educate youth, provide after school frameworks and activities, and extensive camera surveillance in areas that are vulnerable to crime. Recognizing the limitations of this program and the fact that it is mainly directed at school students and youth under the age of 18, some local authority chairmen are asking for more. In Tireh, the chairman requested the opening of a regular police station inside the town. This appears to be a reasonable request since the 95 police officers who work in the closest police station in nearby Taibeh serve

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<sup>60</sup> *Akka: City on the Front* (December 2008). Published by Mosawa center, Haifa, p. 14.

<sup>61</sup> Interview on December 23, 2009.

<sup>62</sup> *Akka: City on the Front*, p. 28.

a population of 120,000 residents. In Illut, the chairman recognized that the presence of two community police officers in the village was not enough and that it took too much time for the police to arrive from nearby Nazareth, and requested that a regular police station be built on the outskirts of the village. In Jisr al Zarka, where crime is rampant, the chairman works very closely with the police and is satisfied with the fact that it takes the police only a few minutes to arrive in the village from the nearby station in Zichron Yaakov. There is a community police station inside the village to help with the regulation of traffic and late night nuisance.<sup>63</sup>

To summarize, the lack of police accountability in general, and in the October 2000 events in particular, was detrimental to trust and it deterred the Arab community from requesting or expecting policing services. That cooperation with the police is not part of the Arab leadership's paradigm, and is even offensive to it, is because the Arab public is discriminated against in the provision of police services, because the police was aware of this even prior to the October 2000 events and did nothing about it, and because the police's attitude towards the Arab minority is security oriented and doubts the loyalty of the Arab population to the state. Arab community leaders and residents view the police as enforcing state policies of discrimination, dispossession and oppression and not as protectors of their individual safety and security. Arab citizens are waiting for the state institutions to initiate the change by treating them as full citizens entitled to their full rights and to appropriate and reliable police services. Although gravely concerned about the rising violence in their midst, Arab community leaders are deeply resigned, unwilling to appear as cooperating with the police. Still, many local authority chairmen faced with severe local crime problems are taking more pragmatic positions and working in close cooperation with the police stations in their area.

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<sup>63</sup> Interviews on 28 September 2010, 3 May 2011, and 19 May 2011.

### c. The Sulha: The Police and the Role of the Notables

In the previous section the relationship between the majority and the minority, particularly as it was reflected in the October 2000 events and the state's response to those events, emphasized the role of the political variable in shaping the relationship between the police and the Arab society in Israel. However, the cultural variable is also an important factor.<sup>64</sup> In a study, Hasisi found differences between Jews and Arabs and among Arab subgroups (Muslims, Christians and Druze) in relation to their attitudes and willingness to cooperate with the police. The interaction between the police culture, which represents the norms of the majority and the traditional culture of the minority at times creates unpredictable reactions in the minority community.<sup>65</sup> Hasisi states that Arab society is still largely governed by traditional social structures and has preserved informal mechanisms of social control.<sup>66</sup> Due to the strained relationship with the state and its agencies and the lack of trust in the police, Arab community leaders are still too willing to substitute traditional means of conflict resolution to resolve disputes even when serious crimes are involved. This section will explore the implications of the use of the sulha on the police and Arab society relations.

The sulha is an old traditional mechanism, known to the Arabs since before Islam, and is used to solve disputes through mediation and reconciliation. The root of the word sulha (sulh) means reconciliation. During the period of the Ottoman rule of Palestine, the Arabs used this mechanism as a local remedy due to the weakness of the central rule. Palestinians continued to use the sulha under British, Jordanian and Israeli rule due to their preference for solving their own problems rather than turning to an occupying power for help. This mechanism, which is based on customary laws, is still used in the Arab community in Israel, particularly in the villages and especially in cases involving murder or serious violence. The sulha does not necessarily solve the root of the dispute but the

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<sup>64</sup> Hasisi (2008). *Police, Politics and Culture in a Deeply Divided Society*, supra, p. 1125.

<sup>65</sup> Hasisi (2008), p.1124.

<sup>66</sup> Hasisi (2008), p.1126.

idea is to prevent further loss of life and to reign in the desire for revenge. It is particularly useful in cases where there is intra-communal conflict, as in conflict between groups from different religious sects, different clans (hamulas) or tribes, or different villages. The sulha involves the intervention of a committee of men who have status in the community and who could be trusted to be impartial. In Israel, there is one regional sulha committee and several local committees that operate in various Arab villages and towns.<sup>67</sup> The role of the local chairman, the family or hamula heads, and the religious leaders in resolving intra-communal disputes, in the form of a sulha or other traditional interventions, plays a role in the community-police relationship.

The relationship between the Arab community and the police is often mediated through the sulha committee as the police regularly turn to these community notables for intervention. For example, in the Dir Hannah-Arrabeh case, while the police did not show up at the scene of the accident, it called an ex-chairman of the local authority and the current chairman personally and asked them to intervene and to see if they could contribute to solving the problem and prevent the clashes that were on the brink of breaking out between the youth from the two villages. These leaders, together with the imam of the mosque and some village elders intervened to prevent the Dir Hannah youth from continuing westward on road 805 toward Arrabeh and from blocking the road at the site of the accident. A retired police officer who acted as a commander in the northern region between 2001 and 2005 emphasized the importance of using the sulha to solve problems, stating that it is an amazing mechanism that contains a lot of life wisdom and many years of experience.<sup>68</sup> While the state does not officially recognize the sulha mechanism, it gives the sulha its blessing in a variety of indirect ways. For example, in some villages the sulha committee has an office in the Arab local authority building, with a telephone and refreshments and the local authority acts as a link between the sulha committee and the police.<sup>69</sup> The chairman of the local authority often sits on the sulha committee and Arab

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<sup>67</sup> *The Arabic Sulha* (2010). Mossawa, Haifa (Arabic).

<sup>68</sup> Interview on May 12, 2011.

<sup>69</sup> Interview on July 5, 2009.

members of the Knesset often arrive as honored guests to the sulha ceremony, which is often held in the local government building.<sup>70</sup> In some cases the police take an active part in the sulha process, as in the case of a violent dispute between different branches of the same family in the village of Bir el Maksour. In 2005, the Israeli High Court took this sulha into account when it reduced the punishment of the perpetrators.<sup>71</sup>

Alternative dispute resolution methods are gaining more status and importance in legal systems all over the world, including Israel.<sup>72</sup> Additionally, the recognition of traditional dispute resolution methods sits well with the international law, which encourages recognition of collective rights and traditional cultures of minorities.<sup>73</sup> Within any penal legal system the courts and the police are interconnected with the police acting as the first contact between the legal system and the citizen. In Israel, and particularly after the October 2000 events, the police have been intentionally grooming their relations with local Arab communities through the establishment of numerous community police stations and by attempting to be more sensitive and aware of community norms and needs. The local residents will ask the police for assistance when necessary but when the conflicts are at a manageable level they prefer to run their matters alone and to use the sulha rather than to turn to the court system. A chairman of a village in the triangle area stated that when the community police first came to his village the residents hesitated to accept its presence and role. The Arab residents tried instead to establish a local sulha committee which would guarantee to the police that they will take care of matters and which would ask the police to relinquish the right to intervene in the name of the

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<sup>70</sup> Lang, S. (Spring 2002). Sulha Peacemaking and the Politics of Persuasion, *Journal of Palestine Studies*, Vol. XXXI, No. 3: 52-66; Amara, M. N. (12 February 2010). The Ghareeb and Hassoon families tie the banner of sulha in a brotherly atmosphere. *Kul Alarab*, p. 58 (Arabic).

<sup>71</sup> Shapira, R. (2006). The time has come for a Sulha, *Hapraklit*, Vol. 48, No. 2, 433-458, p. 434 (Hebrew).

<sup>72</sup> Shapira, supra, p. 441-445

<sup>73</sup> Shapira, p. 452.

public interest.<sup>74</sup> At the same time that committees facilitate the work of the police they also keep the police out of the community's internal matters.

The efficacy of sulha and its interaction with modern laws in Israel has been the subject of academic research. Sharon Lang states that in Israel, as in elsewhere in the Middle East, sulha works in tandem with the judicial system. While youth see sulha as out of step with modern life, many view it as a positive tradition.<sup>75</sup> Lang asserts that the Israeli state does not give legal recognition to the sulha custom but in practice it allows and promotes the practice when it serves the state purposes.<sup>76</sup> Al Kirnawi and Tabo studied the collaboration between traditional mediators and the police and social workers in the Arab society in Israel and found sulhas to be very beneficial. They went as far as to say that making use of traditional mediators in state institutions, such as the police and the welfare department, allowed these institutions to be more effective than when those institutions used the methods that they use in the Jewish sector.<sup>77</sup> They assert that sulha is widely used in the Arab world for resolving individual, family, and group conflict. Sulha acts as a contract that binds the parties and it is more suitable than western methods that do not apply to the particularities and needs of the Arab minority.<sup>78</sup> The sulha better suits the Arab community because the culture does not allow the easy entrance of strangers into the community and because the modern social work methods do not integrate cultural processes or the institutions that already exist in the community.<sup>79</sup>

Both the Arab community and the police agree that the sulha does not take the place of the conventional legal system that applies to all the citizens. For example, in the Dir Hannah-Arrabeh case the notables of Arrabeh, at the request of the police, played a role in the calming of the nerves and in convincing the

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<sup>74</sup> Interview on June 17, 2009

<sup>75</sup> Lang, S. (2002). *supra*, p. 53.

<sup>76</sup> Lang, S. (2002). p. 61.

<sup>77</sup> Alkirnawi, I. & Tabo, N. (2002). The inclusion of traditional mediators as cultural mediators in police and social worker interventions in Israel. *Police and Society*, Vol. 6. 33-72, p. 34 (Hebrew).

<sup>78</sup> Alkirnawi & Tabo, pp. 44-56.

<sup>79</sup> Alkirnawi & Tabo, p. 47.

Dir Hannah youth to unblock the main artery. Moreover, notables from the main Arrabeh hamulas also approached the victim's family to pay their condolences and to indicate their readiness to enter into the traditional sulha with the family. In this case, the husband of the victim was open to a sulha arrangement, but only after the criminal court decides the fate of the Arrabeh motorcycle driver.<sup>80</sup> Over the past few years, the Israeli courts have been increasingly taking the existence of a sulha into consideration when weighing whether to keep the perpetrator incarcerated until the end of the legal process and when making decisions regarding the sentence. Giving the sulha weight in these matters is usually premised on the presence of the perpetrator at the sulha, the unpressured consent of the victim to it, and the absence of any illegal terms in the agreement.<sup>81</sup> Thus, sulha committees are embraced by both the police and the Arab community as they are perceived to serve the interests of both parties, and sulhas are increasingly incorporated into the judges' discretion in the legal process.

Nevertheless, the embrace of the sulha is not universally accepted and the effectiveness of the sulha committees in resolving disputes in the context of the current surge of violence in the Arab society is a subject of debate. A chairman of a village in the triangle area, which has been inundated with criminal activity, does not like the assumption of policing services by sulha committees:

Even in the small number of cases where the police wants to act we intervene in the police case and we say that we want to correct the situation through a sulha. The family-clan structure has a direct influence on our relationship with the police. The sulha committee and the people of the sulha intervene with good intentions but not with reason and law. Within the family the members stick together through right or wrong even if they are not convinced or when they know that this was wrong, they still do not deal with the repercussion or with the aftermath of the problem through legal means. Today we want to enforce the law because it is correct but on the other hand we are often forced to intervene (as

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<sup>80</sup> Interview on 19 December, 2009.

<sup>81</sup> Shapira, R. (2006). *supra*; The Arabic Sulha (2010) *supra*.

community leaders) in matters so as to prevent problems in the future. The result is that we bring about solutions that are opposite to the ones we desire.<sup>82</sup>

Similarly, the spokesperson for the High Follow-Up Committee for the Arab population (HFUC) stated that the HFUC as well as the National Committee of Chairmen of Arab Local Authorities (NCCALA) do directly intervene to rein in the intra-communal violence such as that which took place in Shfa-Amr, Mghar and Dir Hannah. But he stated that this is like putting out fires:

It is important and necessary, but it is not a strategic solution in the long run. Especially since the society is culturally tribal and sectarian. The police are interested in having us confront our issues, including the violence, with the mentality of putting out fires and sulha. These are temporary measures and not long term.<sup>83</sup>

The skepticism regarding the efficacy of the sulha in reigning violence in the Arab communities is often confirmed. For example, in the village of Ilut near Nazareth, a dispute broke out in May 1998 between the two families, Abu Ras and Odallah and a member of each family was killed. In late 2009, eleven years later, a sulha agreement was announced between the two families after several years of discord. Notables, religious leaders, and the deputy chairman of the Nazareth municipality were members of the sulha committee and attended the sulha rituals and celebrations that followed. Yet, in April 2011 the dispute broke out again and a member of the Odallah family was killed.<sup>84</sup>

At a conference that Mossawa held in the end of 2010 on the topic of the sulha, several Arab academics, social activists, and community leaders leveled sharp criticism on the sulha mechanism and pointed to its many drawbacks and weaknesses. These critics pointed out that the sulha perpetuates violence by raising the dispute from the level of the individual perpetrator to the level of the community.<sup>85</sup> Rather than allowing the law enforcement mechanism to take its

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<sup>82</sup> Interview on July 16, 2009.

<sup>83</sup> Interview on 4 January 2010.

<sup>84</sup> Mughrabi, A. (1 January 2010). The sulha banner between Abu Ras and Odalla families. *Kul Alarab* p. 42 (Arabic); Interview on May 3, 2011.

<sup>85</sup> *The Arabic Sulha* (2010), supra p. 9.



full conventional course and allowing the maximum punishment for the perpetrator, the sulha cushions the perpetrator and his community shares in the burden of his deed. This community's cushioning of the individual is also perceived to strengthen the loyalty to the tribe or clan and hence to entrench the paternalistic and hierarchical social system. Additionally, sometimes the sulha process ignores certain unacceptable behaviors in the interest of finding a middle ground, it has no enforcement mechanism and its influence and effectiveness has weakened over the years. Significant criticism was also directed at the absence of women in the process and their exclusion from participation in yet another public arena.<sup>86</sup>

The use of the sulha in cases of family violence deserves particular examination. In the Alkirmawi and Tabo study cited above the scholars sang the praises of the sulha process and they were very convincing until they started to discuss the case studies. One particular case involved a woman who was beaten by her husband. The sulha committee got involved and spoke to the husband and wife separately. When the committee interviewed the husband he indicated no desire to separate from his wife and stated that he beat her because she does not dress modestly. When the committee interviewed the wife she also indicated no desire to separate from her husband and agreed to return home and to dress modestly. While this case study could be touted as a success in that no police was involved and it ended with the couple back together in the marital home, it is doubtful that many feminists would consider it a success story since, in the end, the woman succumbed by force to her husband's desire that she dress according to his dictates. This disagreement within the Arab community about the role of the sulha or the intervention of community leaders in the settling of criminal intra-community matters illustrates the lack of homogeneity within the Arab minority regarding the practice. It also demonstrates the tensions inherent in a society, which aspires to modern democratic methods of law enforcement, while continuing to be entangled in traditional modes of dispute resolution that are not optimal.

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<sup>86</sup> *The Arabic Sulha* (2010), at pp. 32, 36 & 42.

The police themselves do not universally embrace the use of sulha. Some police officers criticize the practice as a hurdle in the way of uniform law enforcement and say that the community uses it to derail their police work. This lack of consensus regarding the use of the sulha and the absence of official regulation of the sulha mechanism leaves the practice open to haphazard application and, at times, to abuse. One particular incident of flagrant abuse came to light in the case of serious violence perpetrated by two East Jerusalem brothers against their sister and her boyfriend in June 2010. The probation services twice evaluated the brothers as high risk for recurrence of the violence but took the sulha agreements into consideration as a factor mitigating the risk. The sulha agreements between the perpetrators' family and the two victims were carried out within the framework of the police sponsored mediation committee. Judge Celo-Gertel of the Magistrate's Court (hashalom) in Jerusalem accepted the probation service's recommendation for release on bail despite the two probation department evaluations of high risk and despite the perpetrators' long criminal record. Judge Moshe Yoad HaCohen of the High Court of Justice reversed this decision. He stated that the existence of the sulha agreements did not neutralize danger and criticized the agreement's relevance considering that the perpetrators did not attend the sulha nor did they issue an apology, and the victims did not attend nor were they represented. Judge HaCohen also pointed out the low weight given to sulha in detention proceedings.<sup>87</sup>

It is important to note here that while the judicial system in Israel aspires to impose legal centralism and to uphold the application of the laws of the state to all its citizens equally, the police in their law enforcement practices allow for a significant degree of legal pluralism and this legal pluralism is not always conducive to crime deterrence. The legal pluralist practices of the Israeli police in relation to sulha agreements in the Bedouin community in the south of Israel were the subject of study in Ceren Belge's Ph.D. dissertation.<sup>88</sup> Belge

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<sup>87</sup> <http://elyon1.court.gov.il/heb/dover/5856915.pdf> (Hebrew).

<sup>88</sup> Belge, C. (2008). *Whose Law?: Clans, Honor Killings, and State-Minority Relations in Turkey and Israel*. Ph.D. dissertation 2008, Department of Political Science, University of Washington.

interviewed police officers who worked in the Negev about the role of the sulha in law enforcement and quoted a retired police officer:

With their ceasefire agreement, I release the people arrested. That's how the police plays a role in sulha. They make their own trial and we don't interfere....So the police have an interest in encouraging internal dispute resolution. It's even worth closing files in return. The police can play a constructive role, all under public interest. Because the formal law is not a solution.<sup>89</sup>

Belge quoted another officer as saying:

Our principle is to intervene in all criminal cases. We make arrests, we collect evidence, start the court process early, although we're aware that they're running their own process at the same time. But we ignore that and pursue state law. Eventually, if the families reach agreement, our cases in court collapse.<sup>90</sup>

These police practices in the Arab communities undoubtedly have a negative effect on the majority of Arab residents' perception of the police and attitudes towards it, on the level of trust and confidence that the residents display in the police, and on the ability of the police to deter crime in Arab communities.

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<sup>89</sup> Belge, C. Ph.D. dissertation p. 84.

<sup>90</sup> Belge, C. p. 84.

### 3 Family Violence against Arab Women – Does the Police do its Job?

Arab women in Israel are particularly vulnerable in that they are trapped between the dominance of the majority state and the dominance of their traditional society. Before discussing the needs of Arab women for specific police services it is important to understand the context from which their needs for police services arise and the juxtaposition of their status as a national minority and their status in a patriarchal society. The limitations of each status shape the Arab women's need for policing services and their ability to access those services.

First, it is important to note that the vulnerability of Arab women as members of a national minority is not only an outcome of state discriminatory practices but is also due to the role of the state in strengthening patriarchal social structures.<sup>91</sup> The idea, that the state tempers nationalist tendencies by granting religious autonomy in the sphere of family affairs is developed by Gad Barzilai (2003) in his book *Communities and Law*. Barzilai states that regimes grant minorities group-affiliated rights, such as religious rights, while avoiding recognizing their meaningful, namely national, identities.<sup>92</sup> Specifically referring to Israeli-Arabs, he asserts that while state law defines them in terms of religious groups and grants them partial autonomy over their religious matters, the state monitors their collective memory and infringes upon their ability to express their national collective needs and rights.<sup>93</sup> According to Barzilai, the state purposely designed

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<sup>91</sup> See, Joseph, S. (1996). Gender and Citizenship in the Middle East. *Middle East Report*, 198 (January-March):4-10; Joseph, S. (1997). The Public/Private-The Imagined Boundary in the Imagined Nation/State Community: The Lebanese Case. *Feminist Review*, 57: 73-92.

<sup>92</sup> Barzilai, G. (2003). *Communities and Law: Politics and Cultures of Legal Identities*. Ann Arbor: The University of Michigan Press, p. 97.

<sup>93</sup> Barzilai (2003), pp. 108-115.

its legal structure and legal pluralism in such a way as to control the rise of Arab national sentiment. As a result, granting religious institutions control over personal status matters has entrenched the traditional patriarchal social structures that are prevalent in the Arab communities.<sup>94</sup> Thus, the context of the larger nationalist Arab-Jewish struggle in Israel not only shapes Arab women's status within the state; it also shapes Arab women's status within their traditional society.

In an article published in 2002 and focusing on the issue of "honor killings," Manar Hasan discusses at length the relationship between Arab women, their traditional society, and the state.<sup>95</sup> The article extensively illustrates the state's forgiveness and leniency exhibited to those who perpetrate "honor killings," even though those killings are "premeditated, carried out in cold blood and carefully preplanned." Hasan argues that the "Israeli authorities and their policy of fostering the *hamula* and its values produce a hothouse in which the poisonous plants of patriarchal oppressive tradition can thrive." She asserts that the Israeli state's "deference to the patriarchal leadership for *reasons that are clearly and unmistakably in the interest of the state*....bolsters the practice of honor killing and its associated patriarchal politics"(emphasis added).<sup>96</sup> Dramatically, Hasan states that by leniency and deferral to the traditional Arab society "the state almost says: we will compensate your lost national honor with 'necklaces': a few dozen women's corpses each year will symbolize the boundaries of the territory that we are leaving to you, the broad expanses of

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<sup>94</sup> See Joseph, S. (1997). Granting the religious institutions control over personal status matters also entrenches traditional patriarchal social structures in the Jewish population, see Swirski, B. & Safir, M. (1991). Living in a Jewish State: National, Ethnic and Religious Implications. In: Swirski, B. & Safir, M. (Eds.) *Calling the Equality Bluff* (pp.7-17). New York: Pergamon Press.

<sup>95</sup> Hasan, M. (2002). The Politics of Honor: Patriarchy, the State and the Murder of Women in the Name of Family Honor. *Journal of Israeli History*. Vol. 21,1:1-37. Hasan explains that "family honor" refers to the honor of the family as a patriarchal unit, mainly the honor of males in the family. She further explains that this term is broad and expresses an entire code of behaviors, actions, and even desires and thoughts incumbent upon females. Hasan, p. 3.

<sup>96</sup> Hasan (2002) at pp. 18, 25, & 29.

tradition.”<sup>97</sup> In short, Hasan argues that the state policy of appeasing the traditional Arab sentiments compensates the Arab citizens for their embitterment about the discrimination they experience and tempers their discontent as an oppressed minority.

While the state sacrifices women’s rights and liberties in order to suppress nationalist sentiments, the Arab society has also sacrificed women’s rights in order to bolster national unity. Aida Touma-Sliman states:

Palestinian society in Israel moved from the traditional leadership representing it before the state, to a more organized political leadership, developing the minority agenda and struggling for the collective rights of the group. In the context of such a political reality and a minority struggle seeking unity of the community at any price, women’s issues—including ‘crimes of honor’ as violence against women—were marginalized and ignored for the sake of the general cause. Any effort to challenge ‘honour crimes’ was perceived as an effort to shatter the delicate balance between the different political and social groups inside the community.<sup>98</sup>

Touma-Sliman, outlines the struggles of the Arab feminist organizations al-Fanar and al-Badeel to bring the issue of ‘honour crimes’ to the forefront and their attempts to start a discussion about the problem in the Arab society. While some slight progress was achieved in the late 1990s the issue again faded from the public debate after the second intifada in September 2000 and after the killing of twelve Palestinian citizens at the hands of the police in October 2000. Touma-Sliman asserts that “[a]gainst these events, the national political agenda has taken precedence over the women’s social agenda.”<sup>99</sup> Thus, the status of Arab women in their traditional communities is intertwined with their status as a national minority in the Jewish state and their issues are relegated to the back seat when national interests are threatened.

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<sup>97</sup> Hasan, p. 25.

<sup>98</sup> Touma-Sliman, A. (2005). Culture, national minority and the state: working against the ‘crime of family honour’ within the Palestinian community in Israel, In: Welchman, L. & Hossain, S., *‘Honour’ Crimes, Paradigms, and Violence against Women* (181-198), Zed Books, London, p. 182.

<sup>99</sup> Touma- Sliman, p. 197.

These academic discussions serve to shed a light on the complexity of the relationship between Arab women and the state in general. In the context of this complexity it is not surprising that there is a widespread belief in the Arab community that the neglect of crime in the Arab sector is a result of intentional state policy. In late 2010 and early 2011, Arab demonstrators protested the latest killings of Arab women in Lod and carried signs saying “The Police is Guilty” and demanding that the police carry out its duty in finding and punishing the criminals. Arab citizens have become increasingly vociferous in their demand for police intervention in the prevention of crime in general and the murder of Arab women in particular in their communities. On May 18, 2011 in a live broadcast on the Knesset T.V. channel of a Knesset hearing on the topic of the increasing violence in the Arab community, Arab members of Knesset blamed the police for not fulfilling its role in protecting the personal security of Arab citizens, for not seizing the illegal weapons that are ubiquitous in the Arab communities, and for not apprehending murderers. MK Talab El Sana (United Arab List) expressed the widely held sentiment of the Arab population when he stated “I do not believe that the police don’t know...they can know the killers. The police can enlist forces to demolish homes. Why not enlist forces to save lives?” MK Haneen Zu’bi (Balad) stated that Arab citizens are angry about the widespread violence but are also angry about the way the police has handled the violence and pointed to gaps between Jewish and Arab communities in regards to the police solving of murder cases. Aharonovitch, the Minister of Internal Security, responded in defense of the police:

The police do not kill and the police do not cause crime. The police work to prevent crime or to resolve. There are cases that are difficult to resolve. There is no such thing as the police skipping over cases because it is comfortable not to resolve. There are problems that are not simple.

Indeed, crime control in the Arab community is a complex matter and the remainder of this section is devoted to examining and addressing the specific issues that arise in the police treatment of cases of domestic violence against Arab women.

**1) The Murder of Arab Women (Femicide):**<sup>100</sup> The 2010 Statistical Annual of the Israeli Police tracks cases of women murdered by their partners between 2001 and 2010. This annual reports a 13 percent rise in murder cases, a 9 percent rise in attempted murder cases, and a 3 percent rise in domestic violence cases compared to 2009.<sup>101</sup> The total number of women murdered by their partners in 2010 was 18 compared to 6 during the previous year.<sup>102</sup> While the police do not classify their statistical data according to demographic factors, the 2010 Statistical Annual shows that there is a rise in violence against women in Israel as a whole. A demographic breakdown of the data was done by the Knesset research department and was presented in a report to the Knesset Committee on the Status of Women on November 21, 2010. This Knesset report showed that the total number of cases of femicide by partners, which took place between 2004 and October 2010, was 81 and that 17 of those cases were murders of Arab women. This analysis showed that the percentage of Arab femicides during that period constituted 21 percent of the femicide cases and was consistent with the percentage of Arabs in the population. Still, the percentage in 2010 was particularly high because six out of sixteen (38percent) of the murdered women were Arab.<sup>103</sup>

Two main problems appear in the way that the statistical data is gathered and published by the police. First, the lack of data classification based on demography makes it harder to track trends in cases of crime in the Arab community in general and in cases of Arab femicide in particular. Statistical data gathered by L.O. Combat Violence against Women, an Israeli women's organization, gathered and classified data on femicides that took place between 2002 and 2006 at the hands of a husband, partner, or relative. The L.O. data shows that over those five years and out of 114 femicides, 33.34 percent were Jewish women, 30.7 percent Arab women, 24.56 percent women from the

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<sup>100</sup> The term "femicide" is borrowed from Touma-Sliman (2005), p. 182.

<sup>101</sup> *The Statistical Annual of the Israeli Police 2010* (February 2011). Published by the Israeli Police, Strategic Department, Unit of Strategic Research and Statistics, pp. 19-20 (Hebrew).

<sup>102</sup> The Statistical Annual, p. 25.

<sup>103</sup> The number was true until October 2010 and the total for the year was higher.



former USSR, and 11.4 percent Ethiopian women.<sup>104</sup> These figures shed serious doubt on the usefulness of the police data in helping the police and the community to identify problem crime areas and to find solutions for them. Second, the police only classify violence by a domestic partner, a husband, ex-husband, fiancée or boyfriend as domestic violence. Using this form of classification excludes many incidents of Arab “femicide” which occur in the family but are not perpetrated by partners and hence, this classification does not track the complexities and peculiarities of Arab femicide. When the killing of Arab women by relatives and not only partners are taken into consideration, the numbers and the percentages of Arab femicide are much higher and reflect a much more serious problem than what appears from the police statistics. For example, in 2010 the number of Arab femicides at the hands of partners and other relatives came up to 10 out of a total of 18, which amounts to a staggering 55.5 percent.<sup>105</sup>

Women Against Violence (WAVO), the largest Arab feminist organization dealing with violence against Arab women, studied 25 cases of femicide that took place between 1984 and 2000.<sup>106</sup> In only three of those cases the husband was the perpetrator and in only two of the three cases, the husband was the sole perpetrator. Other perpetrators in those cases were the brother, father, cousin, son, sister, mother, maternal uncle, paternal uncle, father in-law, and nephew of the victim.<sup>107</sup> Brothers perpetrated 13 femicides and fathers perpetrated five femicides in the 25 cases that were studied, yet such cases do not appear in the domestic violence statistics that the police publish in their statistical annual. A list that this researcher obtained from WAVO and updated with the help of the

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<sup>104</sup> Downloaded on 25 May 2011 from:

<http://www.no2violence.co.il/Statistics/Statistics055.htm>

<sup>105</sup> Summary: Activities, data, and general background by the project against the killing of Arab women. Itach and the University of Haifa, summary of a research report, the program for women tutors for feminist rights and law (Hebrew).

<sup>106</sup> These were not the only cases of murder that took place in that time frame. The study involved 25 cases only because those were the only ones for which official records were available to the researchers.

<sup>107</sup> Touma-Sliman (2005), *supra*, p. 184.

Arab feminist organizations Kayan and Na'am showed that between 2004 and 2010 over 60 Arab women were killed by partners or various relatives. While information on the murderers was lacking on many of those cases, there were at least fifteen cases where the brother was a prime suspect either as the sole perpetrator or jointly with other family members.

The police conduct surveys and gather statistics on crime in order to check reality, to study the characteristics of certain crimes and to analyze and expose trends. Based on the analysis of these surveys the police set policy and allocate resources in order to achieve more effective policing.<sup>108</sup> In the case of Arab femicide the statistics gathered and published by the police are incomplete and ambiguous. When the feminist organizations, Itach, WAVO and Al-Siwar requested information about domestic violence cases involving Arab women from the police, the police responded that it was not able to provide the requested information because "the computer system is not able to carry out the requested statistical breakdown."<sup>109</sup> Therefore, in the case of Arab femicide, there is a blatant lack of transparency and an absence of an in depth analysis of the extent and characteristics of the crime.

**2) Domestic Violence against Arab Women:** Cases of domestic violence against Arab women are underreported to the police. A Knesset report which was presented at a hearing in November 2009 showed that Arab women filed 11.8 percent of all the domestic violence complaints and 8.2 percent of all the sexual assault complaints that are filed with the police.<sup>110</sup> In November 2010, Al-Siwar, an Arab feminist not for profit organization that is based in Haifa and that gives support to Arab sexual assault victims, reported that 564 of the women who turned to them for help between the beginning of 2010 and until

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<sup>108</sup> The Crime Victim Survey 2008-2009, *The Main Research 2009*, Research and literature review, Israeli Police, pp. 17-18 (Hebrew).

<sup>109</sup> See Summary: Activities, data, and general background by the project against the killing of Arab women. Itach and the University of Haifa, summary of a research report, the program for women tutors for feminist rights and law (Hebrew).

<sup>110</sup> Almagor-Lotan, O. (23 November 2009). *Violence Against Women*, A Knesset Report prepared for the Knesset Committee for the Advancement of the Status of Women, pp. 3 & 4 (Hebrew).

October 2010 had experienced sexual assault. The percentage of those who turn to the police was 11 percent.<sup>111</sup> A Knesset report that was presented at a hearing in December 2010 showed that, of all the domestic violence complaints that were filed with the police, the percentages of Arab women who filed domestic violence complaints against their partners in the past four years were as follows:<sup>112</sup>

2010 (January-October)	13.5 percent
2009	12.7 percent
2008	11.8 percent
2007	12.3 percent

Because Arabs constitute about 20 percent of the population, these lower percentages of cases that are filed with the police are evidence of the under reporting of such cases and reflect a lack of trust. Al-Siwar states that “in the eyes of society the police and the legal system are still unable to or are derelict in bringing about a minimum level of justice and we still see the women get killed and the killers are free.”<sup>113</sup> In March 2011, Al-Siwar reported that the total number of sexual assault cases for 2010 reached 731 and that only in rare cases where there is very serious assault do the victims complain, due to a crisis of trust in the police.<sup>114</sup>

The police surveys of crime victims (סקר נפגעי עברה) 2008 and 2009 confirm the lack of trust of the society as a whole and of the Arab society in particular, in the police. The lack of trust in the police and the lack of reporting of crime is a nationwide phenomenon and the trust of the Arab population in the Israeli police is even lower than that of the general Jewish population. Still, as MK

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<sup>111</sup> “Al-Siwar” on the international day for opposing violence against women (26 November 2010). *Haifa*, p. 22 (Arabic).

<sup>112</sup> Almagor-Lotan, O. (21 December 2010). Data about the treatment of enforcement authorities of family violence in the Arab sector. A Knesset Report prepared for the Knesset Committee for the Advancement of the Status of Women, p. 3 (Hebrew).

<sup>113</sup> “Al-Siwar ... (26 Nov., 2010)

<sup>114</sup> Shaheen, N. (11 March, 2011). “Al-Siwar”: Women in our Arab society continue to suffer from various forms of violence. *Haifa*, p. 18 (Arabic).

Dov Haneen (Hadash) stated at a Knesset hearing in the Committee for the Advancement of Women: “the police should not take the low level of trust exhibited by the Arab population as a given. Rather, the police should embrace this lack of trust as a challenge and should give it a more serious response than what it currently gives.”<sup>115</sup>

The remainder of this section will discuss three main problems that are related specifically to the police investigations of domestic violence in the Arab community:

**a. The Low Percentage of Follow-up on Cases Where Women Actually Complain**

In November 2010, a study published by Itach showed that in 2009 there were 2040 police complaints filed by Arab women who were victims of domestic violence. Only 580 of these cases (28 percent) made it to court. The majority of the cases were closed due to lack of evidence. The issue of police treatment of cases filed by Arab women was the subject of a hearing in the Knesset Committee on the Status of Women, which took place on December 22, 2010. During that hearing Itach presented its findings and claimed that the police neglect domestic violence cases filed by Arab women and that there is a need for the special treatment of those case. MK Dov Haneen posed the question: “What type of evidence is necessary here?” He pointed out to the police officers who were present at the hearing that by the time an Arab woman complains to the police she usually has experienced a high level of violence. “Surely, there is the woman’s testimony. Sometimes there are also body marks, photographs”, he said. In response, police officer Rachel Greiben stated that there are legal rules that demand a certain level of proof in order to present the case. Police officer Oded Mizrahi added that women indeed complain to the police after experiencing long term violence but later their families do not support them in their filing of the complaint with the police. In most cases, when the women

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<sup>115</sup> Protocol No. 71. Hearing of the Committee for the Advancement of the Status of Women (22 December 2010), p. 3 (Hebrew).

return home, their families try to solve the problem with a *sulha* (a traditional mediation mechanism) and the women cease to cooperate with the police, as in providing the police with a medical report. MK Haneen then suggested that the procedures followed in filing the complaint should be changed such that Arab women who complain would be immediately interviewed by a female Arab investigator. This investigator would accompany the victim throughout the process, and would arrange for her to have a physician's exam immediately and before the victim returns to her family. In that case the police can ensure that there is enough evidence in the file.<sup>116</sup> Thus, while acknowledging that the retraction of domestic violence complaints and the lack of cooperation of Arab women is a problem, the police show little motivation to find creative solutions to the problem.

#### **b. The Low Number of Arab Police Investigators**

The police employ 148 investigators who include 33 Arabic speakers. Only ten of the Arabic speakers are Arab and only two of those ten are women.<sup>117</sup> When taking into consideration the special social and cultural problems facing the Arab woman who turns to the police after experiencing domestic violence, it is clear that there is a need for more Arab police investigators who understand the complexities of the Arab society and who can accompany the complainant through these complexities in her own language. The police do not give the language and the gender factors the weight and importance that they deserve in carrying out efficient investigations. The following exchange at the Knesset hearing in December 2010 illustrates the gap that exists between what the police could do to improve the situation and what the police actually offer:<sup>118</sup>

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<sup>116</sup> Protocol, No. 71, *supra*, pp. 12-13.

<sup>117</sup> Itach report summary handed out at the Knesset hearing of the Committee for the Advancement of the Status of Women on 22 December, 2010 (Hebrew). See also discussions on this issue in Protocol No. 71.

<sup>118</sup> Protocol No. 71, *supra*, p. 14.

Officer Mizrahi: most of the Arab population, like the Russian and Ethiopian, who come to the police speak Hebrew. We are talking about exceptions in certain areas. In certain areas, we have job slots for domestic violence investigators, violence between partners, who are Arabic speakers. This can be Jewish investigators. They graduated with degrees in Oriental Studies and they speak excellent Arabic. The goal is to speak to the victim in order to get the most that is possible. Also to explain about all the assistance and welfare organizations that the victim can turn to. The goal is to be able to talk to the victim.

MK Haneen Zou'bi: This is not only a matter of language, it is also a matter of a cultural approach and cultural sensitivity, it is not just language. It is culture.

Keren Shemesh-Perlmutter (Itach): By the test results, in the bottom line, you come and say: we are not successful in issuing indictments.

Officer Mizrahi: It's not because of the investigators.

MK Dov Haneen: It's not just that, sir. You yourself...

Keren Shemesh Perlmutter: You are not able to refer 50 percent of the files to the prosecutor.

MK Dov Haneen: You stated that the main problem is related to the social and cultural contexts, that the woman returns to the family and all sorts of things happen. This is exactly why it is important that the investigators that deal with and investigate be women from the community and that they know how to deal with this complexity. An investigator is not someone to whom the complainant simply comes and who writes the complaint. An investigator is someone who has an investigative project. It is exactly what you said that convinces us more of the need that the investigators be Arab women and men who can do this work within the existing social context. Maybe they will be more trusted by the community. We see that there is a problem of lack of trust, so, maybe there will be higher trust in Arab female investigators. Not immediately, but when they see that there are more and more female investigators and that they carry out the process and that they know how to work properly in the community...

From the above exchange we can see that the police do not consider having investigators who are members of the Arab community and whose mother

tongue is Arabic as an essential matter. It is enough to have Arabic speakers, even if they are not Arab, and even those are only needed in “certain” areas.

Organizations that provide support services to Arab women who are in crisis or who experience domestic violence also stress the importance of allowing the victim to speak in her own language, even if she was fluent in Hebrew. A director of a shelter for young Arab women states:

The language is important because the investigator has to understand the terms. For example, if a girl was sexually assaulted the investigation will get personal and the questions are sensitive. Then she has to translate her feelings and her language...for the first time she will talk about something in a language that is not hers.<sup>119</sup>

MK Dov Haneen articulated very succinctly the need for Arab speaking police officers:

We have to get to a state where the potential complainant knows that when she comes to the police she comes to an investigator who is familiar with the background, familiar with the sensitivities, knows how to deal with the problems; she can speak with her in her language. These are elementary things.<sup>120</sup>

One of the problems that the police may face is enlisting Arab female police investigators. The training for investigators is a several month course where the participants stay overnight at the center for police training. The police officers live and study away from home from Sunday through Thursday and only go home for the weekends.<sup>121</sup> Additionally, an Arab woman, once she becomes qualified as a domestic violence investigator, might find it difficult to work in the area close to her home. As an investigator, she doesn't only investigate the victim; she investigates the men who perpetrated the crimes and her investigation results in the perpetrator going to court and being imprisoned. By the very nature of her position, an Arab female police investigator of domestic violence is at the front line of challenging entrenched societal norms and

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<sup>119</sup> Interview on 3 May 2011.

<sup>120</sup> Knesset Protocol No. 71, *supra*, p. 3.

<sup>121</sup> See statement of Officer Oded Mizrahi in Knesset Protocol No. 71, p. 9.

tendencies that avoid turning to the police for assistance. Her possible need to work away from her village, town, or city is another factor that she may need to take into consideration when deciding whether to choose policing as her profession. Therefore, there may be very few Arab women who are willing to enlist in the police and who also are willing to sign up for more specialized training that keeps them away from their homes and families for extended periods of time. The percentage of women in the police as a whole is a mere 26 percent, but the police do not provide a demographic breakdown of their statistics.<sup>122</sup>

### **c. The Training and Professionalization of Police Officers**

In 1999, the Israeli police started to provide a group of investigators nationwide with specialized training in dealing with family violence after the police identified problems in how the officers dealt with domestic violence cases. The purpose of the training was to professionalize the police service and to make sure that the officers on the ground were executing the stated policies. A study that examined the effect of the training a year later found that in 60 percent of the cases, the investigators did not fill out the risk evaluation forms that they were instructed to fill out and that in 50 percent of the cases the complainant and suspect were not referred to treatment. The study also found that the officers viewed the training as a way to respond to public criticism, especially when a domestic violence case ends in death, and not as a means necessary for them to do a better job. The author of the study, Dr. Efrat Shoham, then the head of the criminology department at the Academic College in Ashkelon, recommended strengthening the role of the station commander, assigning the investigators to fixed positions in the police station rather than moving them from station to station, and offering continuous rather than one-time training.<sup>123</sup>

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<sup>122</sup> The Statistical Annual of the Israeli Police 2010, *supra*, p. 151.

<sup>123</sup> Shoham E. (2004). The establishment of the family violence investigations unit – what has changed? *Police and Society*, Vol. 8, 55-73, at pp. 56, 66, 68 & 70 (Hebrew).



There appears to be no updated studies that evaluate the domestic violence training on a regular basis.

The police continue to offer specialized training and continuing education courses in domestic violence investigations but the training is according to specialties and specific crimes. Specialized training is called for considering the special hurdles and idiosyncrasies that face investigators who work in the Arab community. First, there is no cooperation and Arab residents say “if the police do not work, I won’t complain,” and the police cannot work without the trust of the residents. Second, the Arab community is a closed community and tends to not cooperate with the police. In that sense it is not different from the Haredi or settler communities or the Kibbutzim, who prefer to solve their internal problems without intervention from outside their community. Third, there is a lack of familiarity with the culture and the moods of Arab society; investigators have to learn how to investigate in an Arab community. And finally, in the case of femicide in Arab society, the decision to kill the woman is often made in a family forum and then all the family members cover for the killer. The police arrive and find the murder arena clean of all evidence. In Jewish society one person decides to kill, not a family forum, and hence it is easier to obtain evidence and to gain the cooperation of neighbors, family members and witnesses.<sup>124</sup>

Even if the police are unwilling or unable to offer training that focuses on investigations in the Arab community, there still is a need to improve the professionalism of the police officers in those investigations. Professionals who deal with domestic violence in the Arab community complain about a variety of problems in the way the police handle these cases. One professional stated:

Sometimes there are very sensitive and difficult things that the police deal with in a derogatory manner.....some investigators are not professional. This affects the trust that is within the investigation. There is fear of the police and fear of the investigation....then it becomes difficult for cooperation if there is ridicule or demeaning or derogatory comments about the experience that the girl went

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<sup>124</sup> Interview on 22 May 2011 with ex-police officer who is an expert on investigations.

through....The girl then doesn't cooperate even if there is a fear of being killed. There is a wall that is built between her and the police and she doesn't deal with the situation as it should be dealt with. There is no guarantee that the woman will be protected if the police work is professional but there is a difference.<sup>125</sup>

Another professional who works for an organization that provides Arab women who have been subjected to sexual violence with emotional support and that accompanies the women through the police procedure and the courts shared:

The police attitude is racist and chauvinist. Chauvinist in that he could say "of course, you wanted...." The officer gives himself permission to be an anthropologist...a social or anthropological analyst. Patronizing.....They mix between sexual contact and rape and they do not take things seriously. They close files.<sup>126</sup>

Additionally, professionals have complained about the fact that the police request that they bring or send the victim to the police station in inappropriate circumstances. Yisraela Danino, who works in the area of family violence in the Ministry of Health stated that the professionals in the medical system are mandated by law to report the violence to the police. At the hearing of the Knesset Committee on the Status of Women in December 2010 Danino complained that when health professionals report to the police station that a violence victim has arrived at the emergency room, they often do not ask what state the woman is in. The woman usually arrives at the hospital having fallen apart physically and mentally. However, rather than coming to the emergency room to interview the woman, the police request that the professional send the woman to the police station so that she could file a complaint.<sup>127</sup>

Another police officer asked the director of an Arab young women's shelter to bring one of the young endangered women to the police station in order that he take her testimony in a case that affected the young woman's mother. The director refused and invited the police officer to come and interview the young

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<sup>125</sup> Interview on 3 May 2011.

<sup>126</sup> Interview on 23 November 2010.

<sup>127</sup> Knesset Protocol, No. 71, supra, p. 21.

woman at the shelter as that was the safest place for her to be. Additionally, this director stated that at times a woman who arrives at the police station late at night to file a complaint is kept at the police station overnight rather than brought immediately to the shelter upon completion of the police report. It was not clear to this director whether the police at times do not have the resources to bring the women to the shelter right away or whether they were just lazy. In any event, it is inappropriate and at times dangerous for a victim of domestic violence to spend the night at the police station, especially when there is space available for her at the shelter.

To summarize, the various interviews with domestic violence professionals indicate that the lack of professionalism by the police investigators is by no means a universal phenomenon. The police professionalism varies from police station to police station and from investigator to investigator. In Israel the police offer training on domestic violence and sexual assault investigations in all the police schools and more intensive training is given to special domestic violence investigators. These special courses are offered once a month for new investigators and are taught by academic teachers, welfare agents, Ministry of Health personnel, Justice Department personnel, and staff from crisis clinics.<sup>128</sup> However, the main test in whether these trainings are efficient and sufficient are the results on the ground. In the case of Arab femicide and domestic violence the statistics point to a problem that needs to be addressed in a more appropriate manner.

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<sup>128</sup> Almagor-Lotan, O. (23 November 2009). *Violence Against Women*, A Knesset Report prepared for the Knesset Committee for the Advancement of the Status of Women, p. 22 (Hebrew).

## 4 Difficulty in Integrating more Arab Police Officers and the Crisis of Citizenship

In 2002, after the October 2000 events took place but before the Or Commission report was published, the Abraham Fund's Police-Community Initiative was established to implement a program that would help establish mutual trust between the police and the Arab community on the basis of equality, impartiality and respect.<sup>129</sup> One of the initiative's recommendations is the increase in the number of Arab police officers serving in the police. The initiative placed great importance on the proportional representation of Arab citizens in the Israeli police force and asserted that this would act as a moderating factor in cases of clashes. According to the initiative, the recruitment and advancement of Arab police officers would help change the Arab minority's opinion of the police as the "police of the Jews".<sup>130</sup> The Rotterdam Treaty a landmark document relied upon in several European Union countries in relation to policing their minorities and immigrants, states: "To establish their importance as a legitimate force in society, the police have a professional interest in reflecting the same ethnic diversity in their organization. One of the most important means to reach this goal is recruitment."<sup>131</sup> However, the research on the effect of police diversity on the public perception of the police is controversial.

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<sup>129</sup> Be'eri-Sulitzeanu, A. (2006, August). *Police-Community Initiative. The Police and the Arab Population in Israel: Confidence Building Measures Six Years after the Events of October 2000*, The Abraham Fund Initiatives, p.6.

<sup>130</sup> The police and the Arab public in Israel: trust building steps five years after the October 2000 events. (November 2005). Prepared by the Abraham Fund Initiatives, *Police-Community Initiative*, p. 17 (Hebrew).

<sup>131</sup> Vakshal, H. (2004). *Comparative survey on the subject of policing multi-cultural societies*. Research Unit at the Ministry of Internal Security; Rotterdam Treaty of 1997 (Hebrew).

A study, which was conducted in the U.S., examined the effect of the race of police officers on citizens' perception of the legitimacy of police actions and recommended diversification of the police force as a means to improve relations with minorities. The study results suggested that blacks were more likely to perceive police actions as legitimate if black police officers were present, and that whites were more likely to perceive police actions as legitimate if the actions were by white officers.<sup>132</sup> On the other hand, Israeli studies found that the vast majority of Arabs and Jews reject being policed by Arab officers, and that a substantial number of Arabs believe that police officers behave similarly, regardless of their ethnic background.<sup>133</sup>

A study of Israeli communities that was published in the *British Journal of Criminology* suggested that Israel's experience of a high rate of terrorism impacts police performance and causes anti-terrorism functions to overshadow traditional police activities in general. In particular, the heightened anti-terrorism functions increase police surveillance in Arab communities but do not necessarily lead to better police services.<sup>134</sup> Thus, Arab communities tend to feel that the presence of the police is only felt when there is a security concern and the police as an institution is perceived as a security rather than a service agency.

The argument that is generally heard in the Arab community is that increasing the number of Arab police officers is not going to help because the problem lies in the attitudes of the police as an institution. An Arab activist who works for an Arab NGO network whose object is to better prepare the Arab community for

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<sup>132</sup> Theobald, N.A. & Haider-Markel, D.P (2009). Race, Bureaucracy, and Symbolic Representation: Interactions between Citizens and Police, *Journal of Public Administration Research and Theory*, Vol. 19, Issue 2: 409-426.

<sup>133</sup> Weitzer, R. & Hasisi B. (December 2008). Does ethnic composition make a difference? Citizens' assessments of Arab police officers in Israel. *Policing & Society*, Vol. 18, No. 4: 362-376, 369-370; Weitzer, R. & Hasisi, B. (2007). Police Relations with Arabs and Jews in Israel. *British Journal of Criminology* 47, 728-745, p. 736.

<sup>134</sup> Weisburd, D., Hasisi, B., Jonathan, T. & Aviv, G. (2010). Terrorist Threats and Police Performance, A Study of Israeli Communities. *British Journal of Criminology*, 50 (4): 725-747.

emergencies, and who in her work capacity is meant to establish channels of contact with the police and other security institutions, concurs:

The presence of Arabs in the police does not increase my trust in the police or in the security apparatus because he is willingly under the control of the state institutions. The state attracts to it people who will go with its program.<sup>135</sup>

The Masar study, *supra*, found that the Arab public puts the burden on the police to change and criticizes the police for taking a punitive and supervisory role as opposed to a protective and educational role. Only when the change comes from within the police will there be encouraging signs for a better relationship. Most of the participants in the study were against the enlistment of Arabs in the police because they believed that the policies were dictated from above. An increase in the number of Arab police officers does not make a difference because Arab police officers are in junior positions that have no influence on police policies.<sup>136</sup>

In addition to having no influence on police policies, Arab police officers who reach the glass ceiling in the police service may choose to retire early. While only between 7 and 8 percent of the police are Arab officers, their percentage in the higher echelons is negligible. An Arab police officer who retired in his early fifties stated that had he stayed in the police force he would not have had any increase in his pension. The authorization to take an officer's course that would have allowed his promotion was stalled for five or six years and in the end, when he was finally approved, he decided not to do the course. It was more financially profitable for him to retire early and to find other ways to increasing his future income. He also stated that there were "security things" that he could not be informed of.<sup>137</sup> Thus, not only recruitment of police officers but also their retention is affected by the organizational culture of the police.

Contact between the Arab citizens and the police as a service provider and not as a security and control enforcer is very recent, and this contact is still

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<sup>135</sup> Interview on 22 December 2009.

<sup>136</sup> Masar Study (2007), *supra*, pp. 4-5.

<sup>137</sup> Interview on 5 April 2009.

shrouded with suspicion. For example, the current local authority chairman in Dir Hannah said that when he was asked to allow community policing in Dir Hanna, prior to 1999, he declined:

The term community policing was swathed with caution and reservations. The general impression of the police was negative and its negative acts overshadowed the expected positive services that the citizens needed to receive. The police used to break up demonstrations and accompany the demolition of houses. So, it was impressed upon the mentality and the psychology of the Arab citizen as a tool belonging to the oppressive authority and not as an institution that provides services to the citizen. Therefore, when I was asked to allow community policing in Dir Hanna, I declined at that time the oral request of the police.<sup>138</sup>

While this chairman was opposed to the entry of the community police in 1999, he now sees it as necessary:

It should provide services that are healthy and acceptable and we are forbidden to be reserved about those services and should accept them. For example, certifications of no criminal history, thefts, road accidents, complaints against a neighbor, all are acceptable. If the community police are constrained in their presence to providing these services then it is alright and it is better for the village.<sup>139</sup>

This chairman's comments illustrate that the relationship between Arab communities and the community police is very new and fragile and that the Arab community wants police services but not police surveillance.

Moreover, there is a great fear in the Arab community that if Arab men and women enlist in the police, it is only a matter of time before they will slip and slide into enlistment into national service and then into the Israeli army. In May 2008, an article in an Arab paper reported that there was much debate going in Dir Hanna regarding the community police station, and that many Dir Hannah residents suspected that the community police station was planted in their midst in order to recruit their youth into national civil service. The village had been

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<sup>138</sup> Interview on 17 June 2009.

<sup>139</sup> Id.

active in opposing national civil service, having organized a conference earlier that year that attracted approximately 600 participants. Samir Hussein, then local authority chairman, made it clear that the community police station provides needed services to the village and that it has no connection to the national civil service. Nevertheless, a member of the local council argued that community policing and civil service were two sides of the same coin and he, and another prominent community leader, called for the closure of the community police station.<sup>140</sup> While there is no evidence to support a current connection between policing and national civil service, government officials have made statements to the media linking the two.

An article in Haaretz reported that the “Public Security Minister Yitzhak Aharonovitch plans to recruit hundreds of new Arab police officers, who would serve as a way of doing national service.”<sup>141</sup> This pilot project is said to have the support of Arab mayors and council heads and quotes senior officials in the ministry of public security as saying: “Even mayors in the Arab sector now understand that the entire population must contribute to the state; if not in the army, then in the police, or in education, welfare or health-care. It can be people acting within the local community and on its behalf.” This plan is problematic for two reasons.

First, the mere linking of police service with national civil service is detrimental to the goal of increasing the number of Arab police recruits in that it underestimates the level of the Arab citizen’s suspicion and fear that this is only a backdoor to draw Arabs into Army service. For Arab citizens, that recruitment to the police or to national service is a backdoor to being recruited for Army service is not an unrealistic fear. Almost two weeks prior to the Haaretz article, mentioned above, another Haaretz article stated that Israel Defense Forces then

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<sup>140</sup> Abdel Fattah, T. (23 May 2008). The Main Headline exposes a center for enlistment for Israeli national civil service in Dir Hannah. *Al'inwan Alra'isi*, p. 6 (Arabic).

<sup>141</sup> Harel, A. (17 December 2009). Israel Plans to Recruit Hundreds of new Arab Police Officers.

*Ha'aretz*. Downloaded from <http://www.haaretz.com/hasen/spages/1135695.html>



Chief of Staff, Gabi Ashkenazi, supports “a national service system that would draft *all* Israelis, some of whom the Israel Defense Forces would select to serve in the army.”<sup>142</sup> The article went on to explain “the model Ashkenzi described would require all Israelis, including Arabs and the ultra-orthodox to sign up for a national service that would include military service for suitable candidates.” It quoted the Chief as saying: “The IDF gets first pick, and chooses the people it needs based on clear criteria. The other draftees would then become candidates for civil service selection, and could serve in the police force or a firefighting unit.” While the infrastructure for such a program is not yet in place, the very fact that state officials are making a connection between police service, national civil service and army service is enough to arouse Arab citizen’s resistance to enlisting into the police service.

In 2007, the government adopted the Ivry Commission recommendation to open the national civil service to Arabs, among others who are exempted from compulsory military service and created an administrative body for this purpose.<sup>143</sup> Arab leaders vehemently objected to national civil service for Arab citizens stating their fears that it will be changed to compulsory service, that it will further Israelize the Arab population, and that it will blur the national Arab identity. They asserted that they will not join in the administration of such a service because it goes against their desire for autonomy and for the administration of their own affairs.

There are some in the Arab community who continue to work with the establishment to set up national service channels in their communities and who criticize the Arab leaders as being detached from reality.<sup>144</sup> Still, one would

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<sup>142</sup> Pfeffer, A. (2 December 2009). IDF chief wants to enlist Arabs, Haredim in national service. *Ha’aretz*. Downloaded from <http://www.com/hasen/spages/1132161.html>

<sup>143</sup> Smooha, S. (2007). *Civic Service for Arabs in Israel*. Findings of C.the Arab Public and Leadership in Fall 2007, University of Haifa, p.3.  
Posted in <http://soc.haifa.ac.il/~s.smooha/>

<sup>144</sup> Odeh, N. (2008, March 25). Arabs are in need of National Civil Service. *Yediot Ahronot*. Downloaded from [ynet.co.il](http://ynet.co.il) (Hebrew); The Association Baladna: We condemn the meeting for civil service in Shfa ‘Amr (14 March 2009) *Panet*, Downloaded from <http://www.panet.co.il/Ext/PrintOut/2/1/185263.html> (Arabic).

wonder about the Minister of Public Security's wisdom in moving ahead with highly controversial national service plans, which include options for police service, when taking into consideration the highly volatile relationship between the police and the Arab community. It is reasonable to conclude that, because of the already present opposition to national civil service and army service, the very linking of those two with police service predetermines the response of the Arab public to the latter.

The second reason that the linkage between recruitment for national service and recruitment for police service is problematic is that, while the article reports support of Arab mayors, this support is not unanimous, does not come from an Arab representative body, and does not take into consideration the enormity of the resistance to national service exhibited by the Arab minority leaders. The National Committee of Chairmen of Arab Local Authorities (NCCALA) and the High Follow-Up Committee (HFUC) are explicitly against national civil service for Arabs in Israel. The HFUC takes this resistance a step further in that it formed a committee for the opposition of civil service "because it serves the Israeli project and not our society, and it is a doorway to entry into security and policing apparatuses."<sup>145</sup> Because of the explicit Arab official stance towards national civil service, linking it with police service guarantees an explicit Arab official stance against Aharanovitch's project as a whole. Moreover, Aharanovitch's enlisting the support of some Arab mayors but not the majority nor their representative or collective bodies affects the credibility of the project and could easily be viewed as another manifestation of Israel's policy of divide and rule towards its Arab citizens.

Regardless of the wisdom of the government's linkage of police service with national civil service, there is no real debate in the Arab community regarding the minority's stand vis a vis enlistment into the police or participation in a national civil service. It is not even clear to what degree the Arab leaders' opposition to national civil service is representative of the Arab population's desire. In the fall of 2007, Professor Smoocha conducted a survey of the Arab

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<sup>145</sup> Interview on 22 December 2009.

minority's attitudes toward civil service. The survey was conducted in two parts using the same procedures: 1) a survey for the Arab population which drew on national representative samples of men and women aged 23 and over, the parents of 18-22 year olds, and male and female youth aged 16-22 years old, and 2) a survey for Arab leaders which included Knesset members, local government chairmen, directors of movements and voluntary associations, journalists and university lecturers.<sup>146</sup> The leaders were further classified as those affiliated with the Jewish establishment and those who are unaffiliated. The survey found that support for civil service among the Arab population ranged between 65 percent and 78.2 percent. However, the survey also found that the intense resistance of the Arab leaders who are not affiliated with the Jewish establishment, which was 90 percent, significantly reduced the readiness of the Arab population to actually participate.<sup>147</sup> The degree of support of the youth for civil service fell from 75.3 percent to 42.2 percent when they had to take into consideration opposition by most Arab leaders and fell to 27.1 percent when they also had to take into consideration the objection of family members. Therefore, the survey found that support for civil service was very vulnerable to erosion by objections and negative campaigns.

Despite opposition by local and national Arab leaders, school principals in Shfa 'Amr, met in March 2009 with an inspector from the Ministry of Education to discuss the insertion of "civil service" in the schools in Shfa 'Amr.<sup>148</sup> An article published in October 2009 reported that the number of Arab citizens who joined the civil service in 2008 was 628, and that number rose to 1022 in 2009. The article also acknowledged that many school principals, teachers, and local authority chairmen encourage students to join the civil service and stated that the Ministry of Education will give financial rewards to schools that encourage

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<sup>146</sup> Smoooha (2007), Survey, supra, p.4.

<sup>147</sup> Smoooha Survey, pp. 3-8.

<sup>148</sup> The Association Baladna: We condemn the meeting for civil service in Shfa 'Amr (14 March 2009) *Panet*.

Downloaded from <http://www.panet.co.il/Ext/PrintOut/2/1/185263.html> (Arabic)

army service and civil service.<sup>149</sup> Other than vehement opposition from political party representatives and voluntary organizations, the Arab minority and its leaders have not presented any alternatives to the needs of the youth who are attracted to the civil service.

It is not the purpose of this author to defend the soundness of Smooha's survey or to criticize the Arab leaders for conducting a negative campaign against national civil service. However, a diverse and open debate about what Arab citizens, particularly Arab youth really want or need is missing. A diverse and open debate regarding what Arab citizens want is not only missing on the issue of national civil service or on the issue of recruitment of Arab police officers. Rather, it is missing on issues relating to Arab citizenship in Israel in general. In a meeting at the research center Mada Al Carmel in March 2009 to discuss the efficacy of protest during the Gaza offensive, Aida Touma-Sliman stated: "Are we able to have our differences and our diversity within our collective protest? Diversity was supposed to be a source of power in the collective protest." She went on to say: "There is no clarity regarding the joint aims -beyond the war - as Arab Palestinian people." Later that year, a director of an Arab human rights NGO stated: "We have not come to the point of examining our citizenship in this country because there is occupation. Oslo opened the way a little to think...where to? Today no one is thinking - there is a psychological block."<sup>150</sup> This psychological block and the lack of clarity in the Arab minority's position regarding major issues such as civil service or recruitment of Arabs into the police is symptomatic of a larger crisis in citizenship.

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<sup>149</sup> Touma-Sliman. A. (2009, October). Our Arab young women between the double discrimination and the brokers of civil service, *Sawt al Nisa'* (A Women Against Violence publication), Vol. 8. pp. 3-6 (Arabic).

<sup>150</sup> Interview, December 23, 2009.

## 5 Concluding Discussion and Recommendations

It is no coincidence that in this paper, analyzing the relationship between the Arab citizens of Israel and the Israeli police, the first part of the paper is dedicated to discussing the context. The socio-economic and political context shapes the relationship between the police and the citizens and defines its boundaries and limitations. Without placing blame and without adopting one narrative over another we can still see that the Arab minority in Israel became citizens of Israel and a minority by force and not by choice. The larger Israeli-Palestinian conflict limits the majority-minority relations in Israel in general and the police and Arab minority relations in particular and sustains the definition of Israel as a deeply divided society. In this deeply divided society the balance of power lies with the Jewish majority. Police reform in deeply divided societies usually starts with changing the context and the balance of power.<sup>151</sup> For example, in South Africa, police reform took place in the context of the 1991 National Peace Accord that involved a multi-party agreement and the police reform in Northern Ireland adopted the 1999 Patten Commission recommendations which followed the 1998 Good Friday Agreement. For police reform to be effective and sustainable it involves transforming power relations and takes a long time. For obvious reasons, providing recommendations for police reform in Israel is beyond the scope of this paper. Nevertheless, in light of the issues discussed in this paper, this section proposes some pragmatic and technical suggestions that have the potential for improving police services to the Arab community in Israel in the short run.

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<sup>151</sup> O'Neill, W. G. (April, 2005). *Police Reform in Post-Conflict Societies: What we know and what we still need to know*. Policy Paper, International Peace Academy, The Security-Development Nexus Program.

**Adopt community appropriate police priorities and measures of police success:** The Israeli police acts according to quantitative objectives that are identified in advance.<sup>152</sup> The main objectives for 2010 in the area of crime were: the reduction of car theft by 40 percent, the reduction of apartment break-ins by 40 percent, the reduction in the “basket” of violent crimes by 40 percent, and the reduction of serious and fatal urban accidents by 24 percent. The base year for comparison is 2006 and the “basket” of violent crimes did not include violent crimes committed inside homes, private yards or educational institutions. While these objectives are desirable, they do not necessarily reflect the priorities of the Arab community which include the proliferation of illegal weapons in Arab cities, towns, and villages, the murder of Arab women, or the increased violence in schools, among other issues. Since the police success is measured by its own priorities and not by the priorities of the Arab communities it is reasonable to conclude the police resources are accordingly allocated. Therefore, police priorities need to be reconsidered in order to reflect the needs of the Arab minority and the needs of the particular community that the police station serves.

**Delineate of the function of the police as a service provider and not as a security apparatus:** Senior government officials cause resistance and uproar when they declare state plans to impose national civil service on the Arab minority and when linking national service with police service without engaging Arab leaders in the decision making process. The fact that national civil service is an “alternative” to army service arouses the fear of the Arab community that civil service is the slippery sliding road to Army service. Additionally, the Ministry of Defense used to have the authority for supervising the national civil service although this has been changed several times in the past few years. If the state is truly interested in integrating more Arab citizens into the police service, it should de-link police service from national civil service programs from army service and refrain from planning to implement programs that will be doomed to failure due to the feelings of oppression and

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<sup>152</sup> The Statistical Annual of the Israeli Police 2010, p. 58.

disempowerment that they engender in the Arab population. The lack of sensitivity to this matter reinforces the perception of the Arab minority of the Israeli police as a surveillance rather than a service agency.

**Prepare the ground for enlistment of Arab citizens in the police force:**

Increasing minority enlistment into the police alone does not solve the problem of policing minorities. Minority recruits can be assimilated to a ‘police subculture’ which “discriminates against and marginalizes minorities regarded as alien and suspicious” and can comply with this subculture in order to succeed and appear professional.<sup>153</sup> Therefore, it is important to support recruitment with measures that change police attitudes and perceptions, to provide cultural sensitivity training, to take into account the needs of the communities that the police service and to allow the community opportunities to oversee police policies, procedures and practices.<sup>154</sup> Moreover, it is important to identify the hurdles that stand in the way of recruiting minority police officers, such as culturally biased entrance exams, and that stand in the way of retaining minority police officers and to remove those hurdles.

**Improve police services in the area of domestic violence:** It is important to deal with issues of domestic violence in general in a more holistic way that involves welfare departments, the police, shelters, non-profit organizations that provide services for victims of violence, and the Prosecutor’s office. In the specific area of policing domestic violence in the Arab community several issues need to be addressed:

- a. Breaking down of police statistics by ethnicity in order to identify minority specific problem areas, dictate appropriate policies and procedures, and track progress.

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<sup>153</sup> Ben-Porat, G. (2008). Policing Multicultural States: Lessons from the Canadian Model. *Policing & Society*, 18, 4: 411-425, pp. 416 & 420.

<sup>154</sup> Id., pp. 420-423.

- b. Broadening the definition of domestic violence by including family members other than partners and thus reflecting the reality of domestic abuse in the Arab community.
- c. Recruiting more Arab female police investigators for domestic and sexual violence.
- d. Preparing and adopting a special training manual for investigation of domestic violence in the Arab community. The training manual can be prepared after consultation with social workers, welfare agencies, Arab women's nonprofit organizations that support victims of domestic violence, and other relevant experts including police experts. The purpose of the manual would be to professionalize the police treatment of domestic violence cases in the Arab community and to make the treatment more consistent across police stations.
- e. Familiarizing the police with the various Arab women's organizations that provide support services for Arab women victims and accompany them through the criminal justice system. A list of these organizations and their contact information should be present in every police station in the country.
- f. Incorporating measures and tactics to deal with withdrawn statements by Arab victims, including cameras for photographing or the immediate provision of medical examinations to document the victim's medical condition.
- g. Incorporating special training by Arab women's organizations into the regular police training in order to raise the officer's awareness and cultural knowledge. Representatives from women's organizations insist that it is not enough to provide the police with the occasional lecture and assert that a series of lectures is what is called for.

**Make the Arabic language available for investigations:** Impress on the police officers from their basic training onward and as a matter of policy that the use of the Arabic language in police investigations is not a privilege but a right. Conducting investigations in Arabic should not be offered only in exceptional



cases but is essential in every case where the victim is more comfortable in speaking it and it is crucial for providing more accurate information to the police.

**Regulate the relationship of the police to the traditional Arab sulha** in order to minimize the sheltering of perpetrators from criminal responsibility and to set conditions under which the sulha agreements may be introduced to the courts.

**Place a system of checks and balances vis a vis the police** that is efficient, transparent, and easily accessible to the Arab minority. For example, in April 2010 the Organization for Security and Cooperation in Europe (OSCE) issued a report that reviewed the treatment of the Roma and Sinti minority in Europe and recommended national anti-discrimination legislation and anti-discrimination bodies to investigate violations committed by the police in order to protect the minority and to ensure policing is human rights based and service oriented and responsive to the requirements of a multiethnic society.<sup>155</sup> In Israel, the police treatment of the Arab minority could be monitored using this European example or using the example of the Northern Ireland's ombudsman's office, which investigates complaints of police abuse. The Northern Ireland Police Ombudsman employs a staff of 150, its website is easy to access and navigate, allows the filing of the complaint in eight different languages, and takes pride in its respectful and efficient response to complainants.<sup>156</sup> Israel has several avenues for citizen's complaints against the police, including a complaint unit at the police headquarters and the Division for Police Investigations (Mahash) that is under the authority of the Ministry of Justice.<sup>157</sup> However, the efficiency of these offices and their accessibility to the Arab minority are questionable.

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<sup>155</sup> *Police and Roma and Sinti: Good Practices in Building Trust and Understanding* (April, 2010). SPMU Publication Series Vol. 9, Organization for Security and Cooperation in Europe.

<sup>156</sup> <http://www.policeombudsman.org>; Informal interview with Sam Pollock, the Chief Executive of the Police Ombudsman for Northern Ireland, at Dromantine in November 2009.

<sup>157</sup> Immigration and Refugee Board of Canada, Israel: Avenues of recourse for filing complaints against the police; organizations that assist with filing complaints against

Arab civil society should take on a more active role in improving the relationship between the police and the Arab community, in holding the police accountable for services that they are required to provide, in mediating between the police and the community where necessary, and in educating the police on human rights issues and on the special needs of the Arab community. Arab women's organizations could take a more active role in holding the police accountable for solving the cases of murdered women and in providing guidance and training to the police regarding the special issues and needs of Arab women in cases of family violence. Partnership with non-governmental organizations (NGOs) as "critical friends" was recommended in the OSCE report mentioned above. Additionally, in Northern Ireland and in South Africa, NGOs played an important role in shaping the police reform.<sup>158</sup>

In conclusion, rising violence in the Arab community is part of the larger problem of the rising violence in Israel as a whole. It is also a symptom of the rising tensions between the Arab community and the Jewish state. It is in the interest of all citizens, Jews and Arabs, to find solutions to the violence phenomenon as well as to the rising tensions between the Jewish majority and the Arab minority so that October 2000 is not repeated.

As indicated in the opening of this section, these recommendations are important measures and will go some distance in improving the efficiency of police services in the Arab community in the short run. However, the context of Arab citizenship and majority-minority relationships inside Israel will be decisive and a more extensive reform of the police and its organizational culture is what is called for in the long run.

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<sup>158</sup> Cochran, F. (2006). Two cheers for the NGOs: building peace from below in Northern Ireland, In: Cox, M., Guelke, A. & Stephen, F. *A Farewell to Arms? Beyond the Good Friday Agreement*, 253-267. Manchester: Manchester University Press; Rauch, J. (August, 1993). *State, Civil Society and Police Reform in South Africa*, A paper presented at the International Society of Criminology conference, Budapest.

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