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Date: March 23, 2017
In your response please note: 96732

To:
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شارع أبو عبيده ٤
القدس ٩٧٢٠٠
هاتف. ٦٢٨٣٥٥٥. ٠٢.
فاكس. ٦٢٧٦٣١٧. ٠٢.

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Dear Sir,

Re: **Permission granted to the parents of the victim of the attack in Armon Hanatziv to watch the sealing of the family home of the perpetrator who executed the attack, in Jabel Mukaber**

1. I hereby write to you following publications in the media according to which permission was granted by the Jerusalem district commander to the parents of the late Shir Hajaj to watch the sealing of the home of the family of _____ Qanbar from Jabel Mukaber, which was carried out on March 23, 2017. According to a short film taken by the police, the parents were present on scene under police patronage, received explanations about the anticipated occurrences and watched how cement was poured into the openings of the house.
2. The sealing was carried out after the Supreme Court had dismissed the family's petition (HCJ 799/17 **Ahmed Qanbar et al. v. GOC Home Front Command** (February 23, 2017)). In the petition the representatives of the state attorney's office clarified, as they did in previous petitions in the past that the power pursuant to regulation 119 of the Defence (Emergency) Regulations, 1945, was used for deterrence purposes. It was not used as a penalty for an attack which had been executed, but rather to deter potential perpetrators from executing additional attacks in the future (see paragraph 35 of the respondent's response in the above proceeding).
3. Said reasoning is also used by the Supreme Court Justices while denying petitions objecting to the use of the regulation. In response to the argument that the sanction established by regulation 119 constitutes prohibited collective punishment of family members who did nothing wrong, the court repeatedly emphasizes that the purpose of the regulation is to deter and not to punish (see paragraph 24 of the judgment of President Naor in HCJ 7040/15 **Hamed v. Military Commander of the West Bank Area** (November 12, 2015)) and the additional judgments referred to therein, and the above mentioned HCJ 799/17, paragraphs 3-5 of the judgment of the Honorable Justice Sohlberg).

4. However, notwithstanding the above-said and proving that announcements and actions (and intentions) are at odds, the police district commander permitted the family members of the victim to come and watch the execution of the punishment, and even enabled the media to publicize same, as if there was nothing wrong in said conduct.
5. As is known, when punishment is involved, the premise is that the victim, and in his absence, his family members, should be heard. The involvement of the victim's family in the criminal proceeding is even regulated by the Crime Victims' Rights Law, 5761-2001. However, the case at hand concerns a young widow and her four young children, who are punished, for no fault of their own, and by virtue of the sacred principle of deterrence. Contrary to the offender who should be punished for his deeds – and who should, *inter alia*, face the family of the victim to whom he had caused the worst of all harms - the family members who have lost their home yesterday did nothing which can justify turning them into extras in a power projection displayed in public before an audience.
6. The conduct of the district commander is outrageous and tasteless. The administrative sanction of sealing a residential unit, turned into a spectacle for all to see is reminiscent of dark ages in which punishments were executed in the town's square. The least which should have been done under such severe circumstances in which rights of innocent family members are crushed, was to act sensitively and to meticulously protect their dignity.
7. In view of the above, you are hereby requested to examine the circumstances of the incident *vis-à-vis* the Israel Police Jerusalem district commander and to direct the bodies responsible for the execution of punitive house demolitions, so that similar spectacles do not re-occur in the future.

Sincerely,

(Signature)
Dalia Kerstein
Executive Director, Hamoked