

Why I Won't Attend My Trial for Alleged Assault on Israeli Police in West Bank

Jonathan Pollak

12th June 2019

The trial of two of my comrades and mine will begin at Jerusalem Magistrate's Court today, Wednesday, for the alleged assault of policemen and soldiers during demonstrations in the West Bank villages of Bil'in, Nabi Saleh and Ni'lin. It is a somewhat unusual case, for although the charges are criminal, it was not the State of Israel that filed the indictment.

Ad Kan, a right-wing spook organization, together with three soldiers and a former border policeman that it located, used the esoteric judicial procedure called criminal complaint to prosecute us. Despite the threat of imprisonment inherent in failing to attend the proceedings, I have no intention of reporting.

It turns out that under certain circumstances, almost anyone is entitled to file an indictment. The Criminal Procedure Law limits the clauses for which such a private indictment can be filed to a small number of offenses, including assault. However, assaulting policemen or soldiers – agents of the state – are separate crimes in Israeli law, which are not included among these clauses. Therefore, the indictment does not meet the requirements of the law.

There is no point in expanding on the type of countries where the regime uses right-wing organizations to persecute dissidents, and it goes without saying that Israel is precisely such a place.

But all this is irrelevant legalistic casuistry. I will not go to court today because countless of my Palestinian comrades are in prison, detention or administrative detention, without any due process, because they are Palestinian. When they are accused of identical offenses, even if they were carried out in exactly the same place, at the same time and under the same circumstances, they are not conveniently summoned to a proceeding in the Magistrate's Court.

To apprehend them, the government will send its armed forces, which will detain them in the middle of the night, violently, at gunpoint. It will take up to 96 hours before they see a judge, and even when they finally do, she will be a uniformed army officer, just like the prosecutor at their trial. They will be tried according to military law, for which the maximum penalty for most public-order offenses, such as organizing a march without a permit, is 10 years in prison. Their sentence will be handed down after conviction in a system in which fewer than one person out of every 400 will be acquitted.

I will not go to court today. Not because I consider myself the victim of the raging right, which is destroying some fictional Israeli democracy, or the victim of the settlers, in their role as the villains in the children's fairy tale of Israeli liberalism. I will not go because half the people under Israeli control are second-class citizens, in the case of the Palestinians who are Israeli citizens, or subjects lacking any basic democratic rights, in the case of the Palestinians living in the occupied territory. Despite the complex bureaucratic mechanisms designed to disguise that fact, there is one regime between the river and the sea, and if part of it is a military dictatorship, we must treat all of it that way.

This is not the first time I stand trial, nor the first time the so-called offenses took place in the occupied territories. But today I am no longer willing to cooperate. The judge, the Magistrate's Court, the High Court – none of them are any different from the military courts and military officers who serve as judges in uniform. All of them, like different fingers of the same hand, are illegitimate because of their key role in legitimizing Israeli colonialism and thwarting the opposition to it.

I will not go to court today. Just as we break the law in the attempt to disrupt the Israeli bulldozers that are building a new settlement on the lands of the village of Ras Karkar, we must also stop cooperating with Israeli apartheid by accepting the legitimacy of the rule of law in Israel and participating in the charade of democracy. No, I won't go.

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