

The Peace Court of Jerusalem

Presiding Judge: Eilata Ziskind

The State of Israel versus Ezra Nawi

**Those present: The prosecutor, Dikla Levy
 The defense attorney, Leah Tzemel**

Protocol

The principle court rulings were read to both sides

The Verdict

1. The date for determining sentencing is postponed until July 1st, 2009 at 15:00.
2. The court secretary will invite a translator (**to translate the sentencing into Arabic as if Ezra Nawi does not speak Hebrew**)
3. The defendant has been warned that he must be present for the proceedings, otherwise the sentence will be handed down in his absence

Given on the 19th of March, 2009.

Background and procedure

1. The defendant is accused of **participating in a riot and assaulting a police officer** on the 14/2/07 at 15:00 or thereabouts, at Um El Heir, near the settlement of Carmel in South Mt. Hebron, where he participated in a prohibited gathering while the border police (Magav) and the D.C.O. were in the process of demolishing an illegal house. With the encouragement of the defendant, the crowd entered the tin shack that was supposed to be demolished, refused to evacuate it; and after the defense forces broke into the shack and evacuated the rioting people, the rioters threw stones at them, the defendant yelled at them and then he laid down in front of the tractor and interrupted its work. Later on, after the tractor had destroyed the shack, the defendant entered the semi-demolished tin shack, while the police officers Moran Avraham and Kfir Natan chased and went in after him. During his evacuation the defendant pushed the two officers.

Evidence of the accuser

2. The prosecution's witness Moran Avraham, the border police officer who supervised the demolition and was in charge of protecting the equipment, testified that the demolition was carried out following a warrant that the Central Command had issued, and at around 14:30 the border police took up their positions around the houses in order to demolish the last shack; on their way they saw the defendant calling his friends, as he had done in similar cases before. When a group of 10-15 men arrived, the defendant told them to stand or lie down in front of the tractor in order to prevent the tractor from demolishing the last tin shack. Moran, along with other officers, evacuated the defendant and the other people from the spot where they were lying so that the tractor could continue its work, but during the evacuation, the defendant shouted to the others to continue interfering and to throw stones and pieces of iron, which they did until the policemen removed them from the site. The defendant and the others then ran into the tin shack but the policemen took them out. At this stage the defendant went back inside the shack; the police officer Kfir went after him to remove him, and Moran entered after Kfir. Inside the shack, when the officer Kfir tried to grab the defendant's coat and hand but wasn't able to do so, the defendant grabbed Kfir and threw him to the right. As Moran Avraham testified: **"Kfir reached Ezra Nawi first and wanted to catch him, but Ezra Nawi grabbed him and threw him to the right."** Afterwards, Moran tried to catch the defendant but the defendant pushed him as well and punched him in the face until eventually both officers took hold of Ezra with reasonable force and told him that he was under arrest.

3. In the cross-examination of Moran, the defense attorney cited the statement Moran had made at the police station in order to show that Moran had not previously accused the defendant of punching Kfir in the face:

"Ezra pushed Kfir with his hands, pushed him towards the tin.... Ezra grabbed me and pushed me to the tin wall. Nothing happened to me. I don't want medical treatment. And then he tried to run out of the shack, and when Kfir couldn't catch him, I managed to and told him he was under arrest."

To this Moran replied that even if he had not said that the defendant punched him in the face at the police station, the defendant did so when he pushed Moran, and that the defendant attacked the officers during their attempts to catch him and remove him

from the shack, all of which transpired as a result of the defendant entering the shack at the moment it was about to be demolished completely.

In his cross-examination, Moran also described the unfolding of events during the assault in great detail: "**Kfir was first to reach the defendant and tried to catch him,**" but the defendant "**grabbed him and threw him to the right**" "**into the tin shack when he fell on the ground and I went inside right after him and tried to catch him, he pushed me with my back towards the tin...**" Moran repeated his answers to the defense attorney about seeing Kfir fall down: "**I told you this four times.**" The witness repeated his version many times, gave an authentic testimony and even vividly described the events: "**...the moment Ezra grabbed Kfir and tossed him, he just stood there, looking for a way to escape...and then... I came for him, he grabbed me and pushed me toward the tin shack,**" and later on: "**Q: He pushed you so he could go out? A: He did not push, he attacked me when he threw me towards the tin shack.**

He also made it clear in his cross examination that the defendant's disruption started with his phone calls, after which 30 people gathered at the site, 15 of whom had been called by the defendant. Later on, the defendant lay near the tractor for 5-10 minutes, and, following his example, local Palestinians also lay down where the tractor was working, interfering with the tractor's work, which forced the police officers to make them get up in order to allow the tractor to carry on. Later Moran testified that stones and other objects had been thrown from the adjacent houses.

4. The prosecution's witness, border police officer, Kfir Natan, who was in charge of securing the demolition, testified that when the forces arrived at the shack, the defendant arrived with a cameraman and started to call on the locals to enter the shack so that it would not be demolished; but in spite of the tumult made by the incitement and calling on every one to go inside the shack, the forces evaluated the situation and decided to demolish the shack anyway; however, prior to this, about 30 policemen got ready to evacuate the shack in which there were about 20-30 Palestinians and left-activists who had arrived following the defendant's phone calls, explaining to those inside that their being in the shack was illegal and told them to get out, and when they refused to evacuate, the policemen resorted to force. Every two policemen evacuated one person while the left-activists "booed" at them, one of whom was the defendant, who also shouted "**do your job, this isn't your job, shame on you**" at the policemen. After the shack was evacuated, the tractor began to approach the shack, but the rioters started throwing stones in its direction. The defendant then laid himself on the ground in front of the tractor and called on the others to lie beside him, some of whom did, but the policemen took them away while using stun grenades to warn those who were throwing stones at them.

While the tractor started demolishing the shack, and the policemen were blocking all access to the site with their bodies, the defendant succeeded in slipping away and entered the shack. Kfir went after him first to get him out and grabbed the defendant who started to struggle with him; then the defendant shoved him toward the tin shack, after which the police-officer Moran entered the shack to help Kfir, but the defendant pushed him too and knocked him over to the other side of the tin shack. When Moran and Kfir together tried to get the defendant outside he resisted with great force and hit

them with his hands (or their hands – not clear) until they were able to take him outside together:

"when I recognized it the tractor's shovel was close to hitting the shack, I went inside first to take him out. I caught him. He started fighting me. I was pushed towards the tin shack during which we struggled. Then Moran came inside, he was the second officer who was with me. He came to help me. Ezra pushed him too, he also fell to the other side of the tin shack. And again when we tried to take him outside he hit our hands, which were flying in all directions.

Eventually he was on his way outside. I tried to grab him, but he dodged me. Moran eventually managed to take him outside the shack while he was still resisting inside the shack at first he started to go outside and then all of a sudden he threw all of his weight to the ground so that we would have a hard time taking him out.

Eventually we managed to take him out.

Kfir testified that there were about 100 gatherers/protesters/rioters, some of whom cursed, some of whom spat on the officers and finally also threw stones.

Later on he described the attack by the defendant:

"Q: You just described that when you followed him into the shack, you were the first one he struggled with, explain what you mean by "struggle", what did he do?

A: In struggled I mean I grabbed him to take him outside. He started pushing me with his hands. I fell towards the tin shack, which was half destroyed. Again I came to grab him and then with hands going towards me, towards my body. And then Moran came.

The judge: Say whose hands.

A: Ezra's hands towards my body. So that I wouldn't be able to grab him. He started to go wild and I just...

The judge: he started to go wild?

A: Yes

Q:And you?

A: Inside the shack.

The judge: With the hands, I am just trying to translate what you are demonstrating with your hands because the protocol needs words.

A: Oh, so it's his hands towards my body and face.

The attorney Tzempel: the body, too? Face. You forgot about the punch.

Q: You said before you got hit, Explain to the court.

The judge: But the truth

The attorney Tzempel: Tell us about the punch you received

The judge: But the truth is he is showing hand movement of punches

Q: That's true

A: I'm showing hand movements when he comes, when I come to him to grab him

Kfir stuck to his version throughout the cross-examination. And I didn't see why the defense attorney argued with him about whether Kfir was pushed or was thrown by the defendant....

[...Here a few sentences were not translated]

The Defendant's Version

The defendant claims that he promotes non-violence, did not assault anyone, did not throw stones, and was not violent during any stage during the incident, although he did yell at the police that the demolition was illegal because he understood that that a specific demolition order against that shack had not been issued. He claims that he did not throw stones or pieces of metal, did not spit at, curse or assault the police, and that the police who testified that he did are lying. He admits that he did call people to come to the site. Some of the people who came to the site did not come as a result of his calls. According to his estimate, there were about 18 Palestinian men, between 7-11 Palestinian women and 5 Israelis, including himself, but according to his claim, it is impossible that he and his friends would act violently in the presence of so many police officers. The defendant denied that he attacked the police officers inside the shack; according to him, he entered the shack in a moment of desperation, trying to stop the demolition after it had already begun and when the shack had completely collapsed. The police officers followed him but he evaded them and came out at the other end of the shack, without any assault on his part, and he adds:

"Contrary to what was said, that I pushed one to the right and the other to the left. And that I punched one. It never happened. It is impossible to imagine, and I really, really have had many conflicts with the police, that someone could assault a police officer and come away unscathed. It never happened and it never will happen --that someone would raise his hand to a police officer".

On the contrary, the defendant claims that he spoke to the Palestinians who were present in Arabic and told them not to use violence and to the Security Forces he said **"Don't push" "Don't raise your hand" or "Don't hit"** in Hebrew. The defendant admits that he laid in front of the bulldozer, approximately 50-60 meters from the shack, he didn't break the police's barrier, but rather walked with his hands in his pockets out of habit, as a result of having formerly been accused of assault and wanting to avoid false accusations. For this reason, since the beginning of 2000 he brings a cameraman with him to sites of conflict, in order to document the incident

and contradict the police officers' accusations against him and other Palestinians who have been convicted in the past.

According to the defendant, the police officers are the ones who acted violently, and he was present at the site in order to prevent violence against the houses' inhabitants during the house demolitions, which, according to him, are illegal.

Although there was no chance that he and his friends could stop the bulldozer from destroying the house, he felt the need to protest, if only by delaying the demolition for a few minutes, in order to help the house's inhabitants maintain their dignity, and he even expected that the police officers would come to remove him.

"It would be naïve on my part to believe that I and twenty others like me could lie under a Bulldozer and stop it".

The defendant admitted that he told the women to enter the shack, but according to his claim, he asked them not to use violence. According to him, most confrontations between the Security Forces and Palestinians end in violence, because the Palestinians do not express their resistance in a passive manner. Therefore, the defendant predicted that this incident would also end in a violent gathering and not in a non-violent protest.

7. Prosecution witness that turned defense witness, (after the prosecution conceded him to the defense) Mr. Nissim Mossack, testified that the incident took place during a period in which he was filming the defendant, and that he had been followed him and filming his activities in the South Mt. Hebron hills for three years. In this particular incident, the defendant did lie in front of the bulldozer and the police officers removed him. He also ran toward the shack that was about to be demolished, the officer asked the police officers to go in and get him out, and the police officers ran inside. He never once saw the defendant assault or raise his hand against police officers in any of the incidents in which he joined the defendant in South Mt. Hebron, and that the defendant usually walks with his hands in his pockets to avoid false accusations, which was true in this incident as well, and the soldiers were the ones who used violence against him.

8. Defense witness, Ms. Maya Rotschild, film producer and director, and a member of the "Yesh Din" organization, which is active against legal violations against Palestinians in the Territories, has known the defendant for 3 years, was present at the

incident, testified that the defendant was not violent, and that by nature he is not a violent person. However, she didn't see what took place inside the shack.

Discussion

Violation of participation in a riot: Check what the English equivalent is.

There is no dispute that the defendant was present at the site. The dispute rests on the question of whether he and his friends were expressing legitimate democratic protest, passive, within the limits of what is allowed and without posing a threat to the public, without throwing stones and pieces of iron, without cursing and spitting and without violence and rioting, but protesting in a non-violent legitimate manner, as the defendant claims.

Clause 152 of the penal code states:

"152. Rioting

A prohibited gathering is one in which the goal is to disrupt the peace and in which there is a threat to the public, this is a riot – and someone who participates in such a gathering will be sentenced to two years in jail.

10. After watching the video tape footage it is evident that the riot's aim was to stop the house demolition. Watching the video tape footage reinforces the police officers' testimony, because it shows the gatherers/protesters entering the shack that was to be demolished with the encouragement of the defendant, and entrenching themselves there until police officers came and asked them to get out, and following their refusal, the police started evicting them using reasonable force, while outside the defendant is seen teasing/provoking the police officers for their behavior during and after the people were evicted from the house. The bulldozer came close to the house in order to demolish it, but the defendant lay down in front of the bulldozer and was joined by others; here, too, the people who were lying in front of the bulldozer and interfering with its work were removed. Finally, even after the bulldozer began the demolition, the defendant ran into the house, whose demolition had already begun, causing an actual interruption to the demolition and creating the possibility that he, too, would be harmed.

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Moments worth mentioning that are seen in the videotape:

15:40:58 The defendant, wearing a khaki jacket and a hat, is seen near the entrance, leading women into the house with his right hand.

15:45:21-5 The defendant says “Shame on you” many times to the police officers; to one of the officers, he says you're a 'Fre'nk', to another he says that the officer should keep his Russian passport because he might soon need it. And to the Druze police officer, Muller, he says that his house will be demolished.

15:46:40 The defendant seems upset and says, “They won't succeed.”

15:51:15 The defendant lies in front of the Bulldozer.

15:51:18 Other people lie in front of the Bulldozer paw.

15:51:20 The removal of the defendant from in front of the bulldozer.

15:55:56 According to the defendant, police officers are seen.

15:57:54 The blasts of stun-grenades are heard and smoke is seen.

15:58:58 A police officer leads the defendant away from the bulldozer, which starts moving; simultaneously the blasts of stun-grenades are heard and following that the demolition takes place – 15:59:43.

15:59:44 Police officers remove the defendant from near the demolished house.

16:00:11 The defendant runs into the demolished house and under a fallen tin roof, two 'MAGAV' (Border Police) police officers chase him and enter the shack. After a delay, the defendant exits, and behind him, the border police officer with the glasses pushes him out. The police officer is identifiable as Moran Avraham – 15:42:36. Later on, border police officer, Moran, leads the defendant to the side, where he is handcuffed and then led to the 'Abir', and he climbs into the 'Abir'.

11. From the video tape footage and the rest of the testimonies it appears that this was not a quiet expression of protest where the gatherers/protesters merely stood with the defendant and demonstrated, but these were repeated attempts to disrupt the order and to prevent the police officers' actions. The video footage indeed documents the behavior and rioting of the defendant, which according to clause 152, should be considered a gathering meant to disrupt the peace, while the defendant was a dominant factor in the disruption of the peace, by pushing the people into the house while encouraging them, by rebuking the police, by encouraging others to lie in front of the bulldozer, by lying in front of the bulldozer with others, and, after this, by breaking into the shack that had been evicted after the bulldozer had already started the demolition.

The evidence for this was the need to disperse the gatherers who were nearby, while using reasonable force and stun-grenades, in order to warn and deter the rioting. And in the video footage, the police officers are seen picking up people who had laid down and resisted with their bodies, one after the other, and placing them on the side so they could not interrupt the demolition work anymore, and removing the defendant and the others who had laid down in front of the bulldozer.

12. The acts and behavior of the defendant constitute serious interferences that were meant to disturb the peace. Even though during a particular moment he has his hands in his pocket, this is inconsequential, because most of the time he is seen waving his arms in different directions, shouting at the police officers in anger and interrupting them in different ways, either by getting people to go inside the house or by defiantly lying next to the bulldozer. Under these circumstances we are not speaking about the fulfillment or realization of the democratic right to freedom of speech and protest. In the case of Malcha versus the State of Israel, the High Court of Justice ruled that 833 (2) נט פ"ד : על כך עמד ביהמ"ש העליון בבש"פ 5934/06 מלכה נ' מדינת ישראל, פ"ד נט (2) 833 :

"לכל אדם בישראל חופש הביטוי וההפגנה"

"לביטוי יביא לאותה פגיעה בכלל או בפרט..."

Everyone has the right to free speech...However, there must be a balance between conflicting interests. Within the framework of this balance, it is possible to limit the freedom of speech in cases in which there is serious harm or damage to the public interest, and in which there is a high likelihood that allowing free speech will cause general or individual harm.

See: pg. 842 to the verdict.

According to the evidence before me, the defendant incited the people, rioted and disturbed the demolition work in spite the fact that he could have expressed his protest without rioting and disturbing the work of the police officers. Freedom of speech is not the freedom to act in an inciting manner or to take steps to prevent or disturb police work. The defendant's acts of lying in front of the bulldozer, running into the house, despite the police officers trying to prevent just this with their manmade

barrier, and having to chase him constitute real disturbances that expressly deviate from the expression of legitimate protest, which is part of the right of free speech and worthy of court protection. The freedom of speech is not the permission to be unruly and certainly not to use violence. The defendant could have demonstrated instead of disturbing and interfering, or alternatively, appealed, using legal venues, to the court and requested a delay in or annulment of the demolition order that was issued, instead of taking the law into his own hands, creating a disturbance and disrupting the work of the police officers while inciting the others present and encouraging them to enter the house and to refuse to leave. And I will note that from watching the video footage, it is clear that the police officers were not at all violent toward the defendant and his friends, but rather removed them from the shack or in front of the bulldozer while using absolutely reasonable force, and when it became difficult to control the crowd and to prevent further disturbances, they used smoke grenades.

In addition, the fact that the video, which was made by the defendant's camera man, does not show the throwing of stones or pieces of iron, does not disprove the testimonies of the witnesses who have testified that these acts took place. The testimonies of all of the prosecution's witnesses indicate that stones and pieces of iron were thrown and that the defendant was an inciting factor who rallied the gatherers/protesters to enter the house, create a mass disturbance in order to prevent the house being demolished, and even called people to the site so that they could assist him in preventing it, and from the video footage, it is possible to see from the commotion of people entering the house that the defendant backed them up and pushed them inside. Their refusal to exit was the reason that the police officers had to forcefully evict them, and the defendant who caused them to enter was a central factor in all of this.

The conclusion from these testimonies and from watching the video footage is that there was a mass disturbance at the site, and that the defendant was the central, dominant and leading factor who caused it. His re-entering the house in different ways in order to prevent its demolition is an integral part of the same disturbance, including breaking into the house even after the police officers blocked off access with their bodies (while he is shoving and breaking into the house). Thus shows that his was the dominant disturbance at the site.

13. In light of all of the testimonies regarding the defendant's disturbing the peace, and especially after watching the video tape documenting the incident, **I find the defendant guilty of participating in a riot.**

Assault Charge

14. After considering all of the evidence brought before me, I find no reason to doubt the prosecution's witnesses and police officers who testified that there was an incident of assault inside the house, into which the defendant entered to prevent its being demolished and into which the police officers followed him in order to remove him. Although the defendant's camera man did not film what took place inside the house, it does not disprove/undermine the testimonies of the police officers who testified how the defendant assaulted them when they went in the house after him.

15. Police officers Kfir and Moran recounted before me, in great detail and in an authentic and tangible way, the assault, and after carefully reviewing the testimonies, their descriptions left me with a trustworthy impression that the event they experienced was real, each in his own authentic and concrete description. Their descriptions of what took place corroborate with one another, and even if they are not identical in every detail, I do not doubt that they are describing the same incident of assault, first against Kfir and later against Moran, that was described in great detail. Moreover, the extended confrontation with them during the cross-examination only served to demonstrate the reliability of their testimonies.

16. Prosecution witness Moran Avraham described in his testimony that he and officer Kfir followed the defendant into the shack in order to evacuate him. Officer Kfir entered first and when he reached the defendant, the defendant pushed him and threw him on the tin wall. Afterwards, when Moran reached him, the defendant pushed him as well and punched him in the face, and when Kfir tried to catch the defendant unsuccessfully, Moran rushed to help him and arrest the defendant. Although Moran did not mention that the defendant punched him in his initial statement at the police station and added this detail in his court testimony, when he was questioned about it during the cross-examination, he explained that he was punched while being pushed and described the defendant's frenzy by pushing with his

hands many times. But even if he did not mention the punch at the police station, and only described the defendant pushing and throwing him, I do not see this as a substantial detail that refutes his testimony or the description of the assault, which constituted the pushing and shoving Kfir onto the tin walls. Other details that Moran also described in his court testimony but did not mention in his first account at the police station, such as the defendant's lying under the bulldozer and the protestors'/gatherers' throwing of metal, do not refute his testimony, and these actions are documented in the tape that the defense witness filmed, where one clearly sees the defendant lying in front of the bulldozer, with others joining him, in order to prevent the bulldozer from doing its job; these details did not appear in his earlier testimony but were proven true. In addition, the defense attorney presented Moran as a liar with respect to his claim that the defendant lay on the ground, which, as stated, did occur, and in the end it became clear that Moran had mentioned this at the police station, as he has in his court testimony, according to which the defendant told other people to lie on the ground, although he did not say this in his police testimony [sic]. Moran explained that he did not hear but saw the defendant directing them from afar. Therefore, there is nothing in this that refutes his testimony or undermines his credibility with respect to the event, since there are details which are supported by the evidence and the other testimonies (also with respect to the details that he recounted in court and not at the police station).

17. The prosecution witness Kfir gave a similar version to policeman Moran's, including the order in which Kfir and Moran entered the shack, and he also testified that the defendant pushed him and Moran, and when they both tried to evacuate him from the shack, the defendant forcefully resisted and hurt them with his hands until they finally managed to evacuate him. The fact that the defendant is seen escaping and running outside first in the tape and only later the policemen appear, following him, does not refute the policemen's testimonies, but rather, I believe that it actually reinforces their testimonies, namely, that he pushed them and escaped, they tried to catch him, but he escaped and immediately upon his escape he was caught and directly arrested and handcuffed. In his cross-examination, Kfir affirmed the fact that the defendant punched him in the face, although the fact was not mentioned in his initial testimony at the police station.

18. At the end of the day, the policemen's testimonies seem to me reliable. The policemen stuck to their testimonies regarding the different claims and accusations that the defense attorney raised, confronting them many times in her examination, but later the defense's claims were shown not to be true at all; like policeman Moran's claim that the defendant directed people to the road so that they would lie down and prevent the bulldozer from completing its job, as he said: "The same people who lay on the road, are those who Ezra directed and brought to the place" (see page 30 line 29 in protocol) "...and he told them to lie down before the bulldozer." (see p. 31 l. 1 in protocol) The defense attorney silenced the witness at certain points while confronting him and demanding that he take back part of his testimony because he had not stated certain things/details at the police station, and that these details has no basis in reality (see p.30 l.31, and p.31-32); while the witness on his part, hearing the stream accusations that the defense attorney was hurling at him, stuck to his version and was adamant in his testimony that he had definitely heard Ezra directing the people and instructing them to lie down on the road. The defense attorney did not even let the prosecutor refute her claim and show that the witness had mentioned this detail at the police station, and only after an extended period of throwing various accusations at the witness and accusing him of lying, all the while shouting, did it finally become clear that the witness had indeed mentioned this detail at the police station, and that the defense's attempt to blacken his name and to discredit him had no basis (see p. 33-34 l. 20). The confrontation described above was also extraneous, as the witness stuck to his version, spoke the truth, and had recounted the detail in question at the police station.

19. According to the tape, the defendant did indeed incite the men and women to enter the building that was slated for demolition, lay down in front of the bulldozer – in order to prevent the bulldozer from demolishing the building after it had been evacuated, and afterwards he re-entered the building, another event that interfered with the police. The police had to follow him into the building in order to remove him and evacuate the shack. He was the one who instigated the tumult that disturbed the policemen's work and eventually assaulted the policemen who entered the building in order to remove him from the site.

Therefore, I find the defendant guilty of assaulting the policemen.

20. Finally, I would like to point out that the defense has wasted precious court time. Firstly, even though no plea bargain had been reached on paper before the court proceedings, the defense attorney still was not ready and prepared for the presentation of evidence meeting, which was set a day in advance in order to finish it on time. Moreover, the cross-examination of the prosecution's witnesses was unduly long in an attempt on the part of the defense to drag out the evidence session, without any real need to do so, in order to bring about a situation in which the defense witnesses would not be heard—and who unfortunately were not summoned at all, again without proper justification.

The cross-examination of the prosecution's witnesses continued with questions that repeated themselves countless times, although many were entirely irrelevant (see p. 58 l. 1-4 and l.30-34 in protocol p.20), and despite the court's numerous requests to make the proceeding more efficient; this cross-examination was also accompanied by inappropriate confrontations with the prosecution's witnesses, who were, many times not even given a chance to respond (see page 69, line 30; page 65, line 2-5; page 64, line 27-28; and more and more, page 73, line 9, including my decision in page 72).

The defense attorney's claim that she had assumed a plea bargain would be reached was entirely inappropriate, as both sides need to be informed about it before the hearing of testimonials, and the court's permission not to summon witnesses for the full day of testimonial that was allocated must be granted.

And I emphasize that an entire day was allocated for testimonials and a recording device ordered, which turned out to be unnecessary due to the fact that no defense witnesses were summoned. Thus public funds were wasted on this as well as a result of the need to reschedule the session.

Despite the waste of precious time and at the end of the day, in order to ensure that the defendant's defense would not be compromised and having no other choice, I scheduled another session to hear the defense witnesses (who were not summoned as aforesaid), and precious court time was wasted because of all this. And, at the end of the proceedings, I regrettably could not find any substantiation to the defendant's

claims.

Conclusion

21. The defendant is found guilty of participating in a riot and assaulting a police officer.

Given today, Kaf Gimel Adar, Tashsat (March 19, 2009), in the presence of the prosecution representative, the defendant, and his representative attorney Lea Zemel.

Eilata Ziskind, Judge