

## **THE AMBASH AFFAIR**

### **“Circles drawn around an arrow that had been shot before”**

**BY PR. GEORGES ELIA SARFATI & SYLVIE KOPP**

We had the verdict translated into English, so that more people could understand what it is about, but many were even more confused after reading it and asked: “Bottom line: What is Daniel Ambash accused of?” And indeed, for those who have the patience to read all the “arguments” that the judges bring, things are very confusing. It is not clear that they are talking about actions, because the various testimonies contradict each other or talk about something completely different from the other testimony that appears under the same indictment and which they were supposed to support. The judges seem to be trying to describe some kind of an atmosphere, but is it possible to judge, not to say, to convict a person because of an “atmosphere”? Therefore, it was important for us to prepare an ordered list that did not really relate to the content of the accusations – since everyone who is called “witness” in this affair was free to tell what he or she wanted (or what he or she was told to say, as most of the prosecution witnesses admitted later in a letter or on a YouTube-video) – but rather to the question, what the accusations and ultimately the conviction are based on. According to the data available to us the conviction was not justified. This is even more true now, where all prosecution witnesses (except from one) have admitted perjury and one of them even asks to retract his testimony in court. However, already when writing the verdict the judges themselves said about most of the prosecution witnesses that “one must act cautiously and not convict or incriminate on the basis of that testimony of the particular event unless additional evidence is found supporting the event or similar or close conduct”. In other words, two unreliable testimonies according to the judges’ method create credible evidence base on which one can be convicted and even worse, we will see later that all the convictions are based on one “unreliable” testimony as mentioned above, whereas the other testimony or testimonies which are supposed to support it contradict it or talk about a different event or events.

#### **THE DEFENSE ATTORNEYS FROM THE BEGINNING ON POINT TO A SERIES OF FAILURES OF THE INVESTIGATION:**

- A. **Lack of documentation** of certain investigations of E, the meetings between her and G, and H’s interrogation. There are no records of the many conversations that took place between E and one of the investigators after the filing of the indictment. The argument is that the lack of documentation and full and accurate recording of each and every part of the investigations harms the defendant and reduces the weight of prosecution evidence.
- B. Another failure relates to the **mood of the interrogations**, when the policemen shouted and cursed the interrogees E, D, T, J, F, M and the two defendants.
- C. **Infection of testimonies**: during the interrogation, witnesses were allowed to check the statements of others, or were told what they had to say by the investigators.
- D. **Violation of the right of obtaining legal advice** before the investigation and use of violence against some of the witnesses.

The judges even point out in the verdict regarding E that the interrogators threatened that if she did not say what she was told to say, she would never see her daughter again. E made two detailed statements, that were recorded and filmed (N/5, N/9) that under police threat, she said things that helped the police arrest DA, and this

after the interrogators had locked her up in harsh conditions and threatened her that if she did not speak, they would prevent her from seeing her daughter L. This should have disqualified her whole testimony and arouse suspicion that the other prosecution witnesses received similar threats in order to testify what the police asked them to testify, as the other prosecution witnesses also declared or announced in letters that can be seen by opening this link: <http://www.xn--4dbadf4atpl1g.com/perjury/>

It should also be noted that under “main witnesses” to the proceedings before us, only the prosecution witnesses are mentioned: J, H – the two children of B (second wife of DA from previous marriages), G – who was at the time interested in becoming the seventh wife of DA, E. – the fifth wife of DA, M – the son of DA and the third wife D, who was brought as a prosecution witness against her will to confirm that she wrote the diary that was found in the family’s apartment and her words were used by the prosecution completely removed from their context and their meaning was distorted to the point that they were used to say the opposite of what she meant without asking her at all. For some reason, the testimonies of the prosecution’s witnesses are called “evidence” in the verdict whereas the testimonies of the defense are barely taken into account.

## **PRESENTATION OF THE KEY PROSECUTION WITNESSES**

### **Prosecution witness n° 1**

**G.** She came to the family as a guest, and the judges wrote in their verdict: “Soon she fell in love with DA, a love without limits... a love that, according to her own words, never existed before.” According to the verdict, she left the family following an incident of violence (indictment five). According to the family she left them after she asked Daniel to marry her and he tried to explain to her that it did not seem appropriate to him to marry a 19-year-old girl. According to her version, following the incident of “abuse” of witness E (fifth charge) she “ran away because she was afraid that an invisible hand would catch her and bind her to the family”. Interestingly, a month after this “escape”, she was seen in a video from the Channel 2 archive, that was filmed during the Hillula (commemoration) of Rabbi Israel Odesser. In this video she is praising the family and describing how from the first moment on when she arrived, she felt that she did not want to leave.

She went to the Center for Victims of Cults after she had seen a documentation film of the family that had been made on the initiative of the same center. Did she really think that she was hit by a cult, or was she just angry that the man she loved “with a love that never existed before” got along so well without her?

The Center for Victims of Cults approached the police and arranged a meeting between G and two police investigators from the Jerusalem District Police headquarters at a hotel on a Tel Aviv beach, a meeting that, contrary to the investigation laws, was not documented. There is a proof that that G received several amounts of money from the police investigators (memo June 16, 2011 and memo June 29, 2011) and they even closed a complaint for theft against her (criminal case 21625-11-11: Date of theft: 27/1/11: G stole from a shop in Dizengoff, about five months before the arrest of the Ambash family. G committed the theft together with her friend R.A. On February 3, 2013, a hearing was held on the matter at the Magistrate’s Court, the prosecution announced: “We declare the retraction of the indictment in the case of defendant 2 [G].” The judge decided: “The indictment against defendant 2 is nullified”, defendant 1 [R.A.] was convicted.)

In a police memo dated July 12, 2011, it was written: “Today, around 13:30, G called me. She was crying. She shouted that she was alone in the streets and had nowhere to go. She does not know how to take care of herself and it seems to her that we threw her out and that nobody cares. She also shouted that the bailiff had blocked her bank account and all the several hundred Shekels that she had managed to save are locked in the account now. She added that we do not know what it is to be in her place and that it is difficult for her and all she asks for is simply an apartment so that she will be able to recover mentally and be able to work and live in dignity. I calmed G down and I told her that I understood her heart and that we were not throwing her out and asked her to come to Jerusalem and here we would try to talk and examine things. G calmed down and said that she would come to Jerusalem.”

### **Prosecution witness n° 2**

**E.** The fifth wife. The defense maintains that Daniel’s conviction, which in most or at least in many parts of it is primarily based on the testimony of E, the chief witness of the prosecution, should be cancelled.

First of all, in the initial version she gave to the police, she said that everything that was done by DA was done with consent, and that these were legitimate games between husband and wife. Second, since she should be considered a witness “to turn state’s evidence” her testimony requires significant additional evidence, and there was none.

There is no dispute that E changed her version after being given assurances and/or benefits, which were offered to her by the interrogators, through the use the interrogators made of her daughter L.

The promise that she would not be prosecuted even though the judges said that “there were suspicions and even *prima facie* evidence of her actions, and there may have been the possibility to consider the filing of an indictment against her” together with the explicit threat that her parental rights would be revoked with respect to her daughter if she did not testify against her husband, are clear and unacceptable, and every additional word is superfluous.

It should be emphasized: E is not a reliable witness since there are clear contradictions between her versions, but the backbone of the verdict is based on E’s testimony in many of the charges, relying on prosecution witnesses who were found to be problematic witnesses in the eyes of the lower court, and as far as we can see, the lower court did not give it the due consideration.

In the videos in which she was filmed when she speaks and declares that everything she told to the police is not true, she says:

*“I said, under police’s threats, things that helped them arrest my husband Daniel Ambash on the 4/7/11. He still is under arrest, charged with very heavy charges.*

*On purpose, they forced out of my mouth words against him, they locked me in difficult conditions, they threatened me : if I didn’t talk, they wouldn’t let me see my 6-years-old daughter. And they added: ‘You’d better say what we want you to say.’*

*Of course I’m afraid, till today, to admit that I spoke during the investigations but it was under heavy threats. My conscience doesn’t let me quiet anymore.*

*I admit it and published it online: I just wanted to say freely the truth. But then, the police threatened me again, telling me the social workers who kept my daughter wouldn’t let me see her again because of what I published online. They wouldn’t either let me see my family for Rosh Hashana (Jewish New Year).”*

(See: <https://youtu.be/qAZ-L6pXxJo> and link <https://youtu.be/qHUBRODCByM>)

### **Prosecution witness n° 3**

J. Daniel’s stepson from a previous marriage of the second wife. On 06/19/13, after the period of the summaries, J signed an affidavit declaring that in his testimony he was not telling the truth, because they scared him, that if he did not testify he would sit in jail instead of his father. According to the affidavit, he was interrogated at the time about acts he had allegedly committed against L... The interrogators shouted at him, told him that DA confessed that he had committed sexual offenses against him and his brothers, and when he did not confirm these claims and refused to testify against DA, he received gifts from the policemen: A hat, sunglasses and a perfume worth NIS 700. After receiving the gifts, he was asked questions and confirmed what the interrogators told him

In the case of J, it was mentioned that the interrogators have tried to accuse him of raping the daughter of E, and he was threatened with an indictment against him for rape, at the age of 14.5 years.

As an additional step, the interrogators used his sister, H, to threaten him, during a meeting between the two that was not documented at all, and was even concealed from the defense.

In the verdict the judges concluded that: Considering the personality of the witness, his age and his condition, and also considering the twists there were in his testimony, caution is required and clear evidence may only be determined when there will be evidence supporting the event or the conduct of the family.

Quote from the affidavit mentioned above:

*“I did not tell the truth during the testimony because they scared me that if I did not testify I would sit in jail.*

*In another interrogation, the interrogators told me that my stepfather had admitted acts of offenses against me and my brothers.*

*I told the interrogators that ‘it cannot be’ that he did these acts.*

*The interrogators told me that no matter what I say, he would sit in jail anyway.*

*When I refused to testify about what they wanted me to testify, they began to bring me different presents: a Nike cap, sunglasses and perfume that according to what they told me is worth NIS 700.*

*After giving me gifts they asked me questions and they wanted me to confirm what they say and I did.*

*They asked: He used to beat you up, right? And I answered yes, even though it was not true.*

*I felt uncomfortable talking to them about these issues and so I confirmed all the questions they asked, also because they had become nice to me and this confused me.”*

#### **Prosecution witness n° 4**

**H.** Daniel's stepdaughter from a previous marriage of the second wife. The judges stated in the verdict: “We have before us a witness who, along with the description of many detailed events connected to the characters, events and situations, she admitted that she had performed false tricks to gain attention or some kind of favors in order to get out of the family or to obtain other things. Therefore her testimony has to be interpreted with caution and in order to determine the findings there will be a need of supporting evidence from other sources.”

After her testimony she wrote in a letter:

*“I am listed as one of the four witnesses in the indictment of Daniel Ambash (my stepfather). I grew up in Daniel's house for about 14 years, they became my family, and today I am very sorry that the ‘Yamar’ – the Central Police Department – used me to testify against him by coercion and threat ... They (the police) said very hard things would happen to me if I did not testify against him. They also used my brother, the minor, they forced him to testify as well, and according to what I heard from him, they also threatened him that if he did not testify they would accuse him of raping our sister.*

*Ultimately, under heavy threats upon us, the police got very heavy indictments.*

*I hereby declare that everything written in the indictments and every testimony for which they used me and wrote in my place, I didn't write or say.*

*Furthermore, the fourth prosecution witness (G) is a woman who works for the police and, as far as I know, she uses drugs.”*

#### **Prosecution witness n° 5**

**M.** All the prosecution witnesses we have seen so far are said to be unreliable (except for G, who does not testify as a victim but as a guest who has seen or heard about criminal acts allegedly committed by the family). At first they all insisted that the things DA is accused of did never happen and after a few interrogations and a stay in prison under harsh conditions, some of them decided to adopt the investigator's version. According to the judges' decision, it was not possible to convict the defendants according to the testimony of those freshly made prosecution witnesses alone although in some of the charges this rule was apparently forgotten. In order for the case not to be closed, there was a need for an additional support, which is both, a prosecution witness and a victim, and whose testimony will be defined as “credible”. Therefore a lot of pressure was put on M as he also described in a letter he wrote to the Judges of the Supreme Court.

The moment he told the prosecutor that he felt bad about the lies he had testified in court, he was admitted to the psychiatric hospital. Only thanks to the intervention of the Juge Drori who read his letter to the Supreme Court he was released and asks now to retract the false testimony he was forced to testify against his father.

“In order to relieve myself of the pressure that Sagi Ofir and Lizo Wolfus put on me, and to prevent me from having to lie, I told another reality: I said that my father was responsible for everything, for all the things that I did to \*\*\*\* and in general – I lied.

I was forced to hurt myself before a medical examination \*\*\*\*\* to prove the charges against my father and cause the judges to spare me.”

(See also: <https://www.youtube.com/watch?v=Scu9Fi40dC0>

<http://www.xn--4dbadf4atpl1g.com/perjury/>

And: <http://israelambash.info/?lang=en>

## **DIARIES**

The judges only let the authors confirm that they wrote the diary, but did not let them explain what they meant. As stated, D's statements were completely removed from their context and received an interpretation that contradicted what the author wanted to say and the prosecutors, by falsely interpreting what she said in her diary, turned D without her consent into a prosecution witness, even though she made all the efforts to explain in police investigations and in court how her words were misinterpreted and distorted.

In conclusion, as we have seen, the only witness defined as a "serious and reliable witness" (and who until now did not ask to retract her testimony), is not a victim but only a guest, and according to the content of her words, which sometimes even contradict other prosecution witnesses, it is doubtful whether she spoke about existing facts or simply invented a story or received instructions to say a story which the prosecution witnesses who later joined her did not exactly remember.

As for the other witnesses, the only witness who is not deemed "untrustworthy" (M) was treated with many psychiatric pills that had no medical justification and the treatment was stopped abruptly immediately after his testimony. This prosecution witness was in fact the missing link to the accusation, since he is both, a victim and not "unreliable". He sent a letter to the Supreme Court in which he asks to retract his testimony and states clearly that he had given a false testimony because of threats and pressure to do so.

And as we shall see, even in the charges themselves, there are problems so that we do not understand how the lower court may have ignored them and convicted the accused despite all the contradictions contained in the charges:

## **FIRST CHARGE**

*Detention in conditions of slavery:*

The lack of consent creates the criminal nature of the acts and the agreement is the distinction between permitted activity and criminal activity. The way of life that they have chosen for themselves in the home, even if it is exceptional or different from what we are used to, is based on their personal belief and free will, and the way of life and sexual preferences DA and the women have chosen for themselves must be respected since this is representing their personal autonomy in a free and democratic state.

In order to talk about detention in conditions of slavery, there must be a fence around the "victims" that prevents them from leaving. Since there was no such fence, the term "mental servitude" was used, meaning that the slaves were free to come and go whenever they wished, but that some mental influence prevented them from leaving the place where they were mentally captivated. Without any psychiatric examination, and without any scientific evidence confirming this possibility, the judges ruled that the women who agreed to live in a family with one man and six women were "mental slaves" what allowed them to reject the claim that any form of contact between them and DA was in agreement and what made it possible to convict him on the same occasion of several acts of rape since the judges did not attribute to women the ability to agree to any intimate contact with Daniel.

The District Court in Tel Aviv ruled in another case in which the idea of mental slavery was raised that it was not scientifically based and could not be applied within the meaning of UN international law on slavery, and also determined that forced labor and conditions of servitude must be limited by physical and not mental imprisonment. This ruling was also accepted by the Supreme Court. It also has to be emphasized that providing an expansive and limitless interpretation of the above mentioned offense could lead to absurdity and that is what happened in our case.

In the Ambash case there are proofs that the women are independent and that they continued to maintain contact with their families even after they had married Daniel, proofs that for some reason were ignored. The judgment given in our case was the first in Israel and in the world in which a person was convicted of detaining in conditions of slavery in circumstances of alleged "mental control". In our case it is certainly not possible to argue that the consent has no weight – the consent in this case omits the entire evidentiary basis for conviction for detention in conditions of slavery.

We argue that the attempt to decide for men / women that they are mentally enslaved, lacking free will and unable to decide for themselves is anti-democratic and constitutes a serious violation of their rights



## **SECOND CHARGE**

In the end, the judge himself wrote that it was not clear where the incident happened if it happened at all: "Whether in the Jewish quarter, or in Romema, who hit whom and who was naked. Therefore, the defendants must be acquitted of the offenses attributed to them in the second charge." It is strange why they did not do so in the other charges, since, as we shall see, there is not even one single charge in which there is coordination between two "witnesses" on one incident.

## **THIRD CHARGE**

By studying this charge one can be shocked: How does the court enter into the bedroom of citizens and tell them what to do there?! These are mature and permitted sexual acts and also the prosecution witness E said so to the police before she changed her version because of the reasons mentioned above. Also the other "victims" involved emphasize that nothing ever happened without their consent.

It should be noted that G does not mention the presence of DA regarding this charge. She did not see anything and even said in her testimony: "I just want to emphasize that I did not see much of these situations. I did not even see them at all, but it was something we kept hearing in the home." Since this testimony is a hearsay testimony, it could not support the testimony of E.

E who testified as a "victim" in this charge, clearly denied the use of a stick mentioned in G's testimony.

J testified that he did not see with his own eyes but only heard voices and whispers, and even H's words cannot support the references of E, and both of them are problematic witnesses, as stated above.

If so, there was no evidentiary basis to convict the DA in this charge.

In order to convict Daniel of this accusation nevertheless, the judges decided that the "victims" were "slaves" and not able to agree to anything that happened in their bedroom with DA. And for some reason the judges did not mind that the charge did not have a specific event on which there was more than one testimony that was deemed unreliable or any data about when the event the witnesses supposedly testified on allegedly occurred.

But apparently the judges were also aware of the lack of basis for that charge and accepted the prosecution's claim that "those things were expressed in D's diary". D vehemently objected that this was the intention of what she had written in her journal, but as noted, she was ignored.

## **FOURTH CHARGE**

This is a very strange incident of licking a discreet body part of AM, who was the second defendant. While the majority of the victims allegedly involved in this event explicitly state that such an event never happened.

Even the "testimonies" of the prosecution witnesses contradict each other: G says that she sat with DA on a couch and looked at the event while E mentions a different time, a different place of the alleged event and does not remember G being present in that event and certainly does not describe her "sitting on the couch with DA". E said that DA could not stand the smell and went outside and according to her version the incident was not even done on Daniel's initiative. There is an attempt to claim that D confessed to the police that such an event had occurred, but she explained in court that the interrogator put her words in her mouth and threatened her with arrest if she did not approve, but the investigation was not presented to court and the diary which was supposed to mention the incident, was not cited.

Other incidents of this kind which were mentioned and which have not been proven at the level required by criminal law, neither reinforce nor support the very existence of the incident described in the indictment, and in any case, those events, if they took place, were not made on the initiative or even with the knowledge of DA.

## **FIFTH CHARGE**

During the first interrogation of the police, E vehemently denied the occurrence of the incident and repeatedly said to the investigator: "I do not know what you're talking about." The investigator explained to E, step by step, what version she was asking her to say (see: MT 375/11). After several investigations, E decided to adopt the investigator's version.

No medical examination was conducted to verify the version of the witness E, even though there was no motive not to do so, unless the police and the State Prosecutor's Office were dubious if the event actually took place.

The witness G testifies in an explicit and even shocking description that the victim, E, was full of blood, G demonstrated in court how the blood covered the whole place and used an open hand to show how the blood was spread out all over.

E on the other hand, who is supposed to be the "victim" in the event, said in court: "I do not remember if it was bleeding and how I got up from there."

There are many inconsistencies and discrepancies between the statements E mentioned to the police and her testimony on the same event court, as well as between E's testimony and G's testimony regarding the same event.

During the intermediate days of Sukkot, guests were present. Among other things, there was a woman who was a regular guest of the family and even slept in the same room as E during the holiday. For some reason the police did not invite her for questioning. In court she testified that she was with the family in the Jewish quarter throughout the Sukkot holiday and slept in the same room as E, and she did not see or hear anything or signs of distress or any complaints about an incident of that kind. It is clear, according to common sense, that if E had indeed been harmed so badly, that guest would have heard her screams and / or seen some signs of distress, and it is even likely that E would have shared such an experience with her.

In an incident that according to the indictment took place in the presence of other family members, for some reason there is no other witness to support the versions of G and E.

## **SIXTH CHARGE**

The main "testimony" in this charge is the testimony of E. The additional testimonies that were supposed to support her testimony are not specific and do not refer to a particular event. In this indictment, the judge based the conviction only on the testimony of E, although he noted above that this can only be done when there is supporting evidence, whereas in the indictment before us, this supporting evidence is not found.

There is also a contradiction when the event took place. The indictment relates to 2009, when the family lived in Romema. Elsewhere E said it happened during the fourth month of her pregnancy, in 2004.

The ostensibly supporting witnesses only heard about the events of this indictment and therefore do not constitute a reinforcement.

## **SEVENTH CHARGE**

First of all, Daniel was acquitted in this charge from the second incident mentioned in it (an incident of violence against E due to the fact that she provided a beverage to the second defendant) – an event that was not proven, since no supporting evidence was found to her testimony.

Regarding the incident in which Daniel was convicted, some blurred images of the place of the "event" in black and white that cannot be identified and a diary with a pipe-like painting were submitted as a "piece of evidence". The diary dated from 2006 whereas according to the claims of E, the event took place in 2008. There is also a police memorandum proving that diaries of E were submitted by the investigators at a later stage, through E herself, hence it is possible that she draw the pipe after she became a prosecution witness and that she did this is for the purpose of conviction of DA.

According to the geographic location of the place, the event could not have happened without the neighbors or passing cars seeing them. This is a public park in the middle of a moshav, right next to a main road, and a few minutes' walk away from the houses in the moshav. The defense will claim that displaying an image of the area does not prove that an event occurred in that location. There is also no logic in the story of E and there's no explanation why she did not just get up and go. The defense will also argue that regarding the statement of the court that "it is not convenient for a woman to tell her husband about love affairs and contacts she had with previous men," there is no basis for these statements, since this does not appear to be judicial knowledge, and this comment is sufficient to nullify the conviction in this charge.

## **EIGHTH CHARGE**

It was determined that the first incidents described in this indictment that allegedly have occurred in 2011 had no specific support, and therefore DA was acquitted of this part.

But even with regard to the incident for which Daniel was convicted, it is unclear what the conviction is based on: In this event, E describes an incident that took place outside, on the balcony in front of three witnesses (who were not questioned), while in the supposedly supportive testimony of H, she relates that she was not present at the event and that the incident took place in the room and not outside.

Moreover, E does not say anywhere in her testimony that she was indeed attacked by an electroshock weapon not inside the tub and certainly not outside the tub, since there is no such version at all.

## **NINTH CHARGE**

In this charge, E claims to have been injured by DA.

The medical document from the Shaare Zedek Medical Center, dated November 2010, shows that E did not say anything about any injury caused to her by or because of Daniel, but in the report it appears "bruise, caused by the fall of a wooden box on her neck when she opened a wardrobe."

The medical document states that there is a fracture in the vertebrae in the neck of E and there are no signs of external injury.

In addition, in her police investigation of July 13, 2011, E told that a wooden object fell on her head.

For all of the above, it should be added that the event described by E was not supported by any additional testimony as was required under circumstances that family members and guests were present in the house.

## **TENTH CHARGE**

Regarding this charge, it is claimed that the court acquitted Daniel from the charges, claiming that no evidence was brought to prove it, and therefore the court refrained from convicting him (p. 106 of the verdict) and that the conviction in this charge was a clerical error.

## **ELEVENTH CHARGE**

H says that she still had scars from the electroshock weapon in her genitals, on her hands and chest, but it was registered in the verdict that "no medical documents were submitted".

This is an event that happened, supposedly, one year after that E came to the family, i.e. in 2005. For some reason they did not ask her why she stayed in the family after the incident. The alleged victim, Daniel's step-daughter, talks about scars, but there is no medical document. When the judge asked the witness to show him the scar on her leg, he marked in the protocol that he saw no scar there. There is a video-tape in which one can see clearly that H has no scars on her body.

In addition, J, who claimed that he was present at the event, was supposed to be 8 or 9 years old at that time, and their mother never remembered such an event. He also failed to provide any specific information regarding time, place and people present at the event... The prosecution sees the fact that there were electroshock weapons present in the house as a "proof" that the alleged incidents took place, while the electroshock weapons were intended for the family members to protect themselves from wild boars that were found in Lifta and certainly not to be used against people.

## **TWELFTH CHARGE**

The step daughter H who was defined by the judges as unreliable, speaks of alleged intimate events between her and Daniel, but there is no coordination between the age at which the incident allegedly occurred and the period in which they lived in the apartment where the incident took place, for example, the last event that allegedly happened when she was 16 took place in the apartment where they had lived since she was 18



E describes a sexual event between her, H and DA. But H points the finger at E and says that the act was done at the initiative of E only and without any intervention on the part of Daniel. Obviously E tries to save herself from a criminal complaint and therefore drops everything on Daniel. (Especially since at the beginning of the interrogations, it can be seen that the interrogators threatened her that if she did not cooperate with them, she would be charged with rape of the minor H).

G, whose testimony supposedly supports H's testimony, came to the family when H was already 18 years old, yet she attests to things that were allegedly done to her as a minor.

In J's so-called supportive testimony he says "I do not know what it was exactly ..."

H was bribed before her incriminating statement was delivered against the DA, and this is clearly documented in her case. The interrogator bought her a bathing suit (police memorandum dated 19/7/11), invited her to a cafe and a restaurant and spoke with her for a long time in a conversation that was not recorded at all and immediately after that, H provided an incriminating version. This is compounded by the fact that her testimony was distorted by means of meetings with other prosecution witnesses (E and J).

The police took advantage of a girl who was craving for attention, and who would lie without batting an eye to gain such attention, as the witness herself and others testified about her. It is not by chance that the trial court ruled, that this is a problematic witness.

As stated, the 'witness' H admitted that she had given false testimony, and so did J and E.

### **THIRTEENTH CHARGE**

The incidents on which the various witnesses testify are not the same.

T who according to the testimonies of E and H was incarcerated in the bathroom, said explicitly in her testimony that Daniel had not imprisoned her but that E locked her up, on her own initiative. In light of the fact that the testimonies of E and H were deemed unreliable by the trial court, and the fact that both of these witnesses met each other during the interrogations, T's testimony at least raises a reasonable doubt regarding Daniel's guilt.

According to the verdict regarding the claim that H was incarcerated for several days, it was determined that "it is not possible to accept that she did not drink or eat for nearly a week".

J met with H during the interrogation, he did not raise the issue of thorns before his meeting with H, they met close to the 26.7.11 and there is a real suspect that his testimony was contaminated through his meetings with H and through the fact that the investigations of other witnesses were showed to him.

### **FOURTEENTH CHARGE**

In the incidents mentioned in this charge, often even according to the testimonies of the prosecution witnesses, DA was not present at all and did not know what was going on.

It appears that the shaving of the hair of H was performed at the time she was 16 years old and was done by her mother and contrary to Daniel's consent and / or instructions.

Another incident of the shaving the hair is attributed to the event in which E was the one who shaved the hair of H – according to E's testimony, whereas H does not describe such an event.

There is no description of any case in which Daniel performed the shaving of the hair or used it as a "punishment of H" in addition to the general problem, that the testimony of E is not supported by any additional evidence.

G and H apparently testify to an incident that took place with C in front of her son, K, a different event from the above events. C says vehemently that this event never happened and was not even asked any question about it.

G testified only having heard about a punishment that was done to J as it were, but according to the claims it was made by D and had nothing to do with Daniel.

There are no corresponding testimonies, or there are contradictions between the testimonies that really exclude each other, it might also be assumed that each of the unreliable witnesses attests to a different event, but if so, the testimonies are not usable in order to convict, while some of the events chronologically cannot possibly have happened.

## **FIFTEENTH CHARGE**

For some reason, the offences described in this indictment against J were all carried out by NK and there is a document attesting that DA was at the dentist when the event because of which J called the police took place and he did not even know about the event and the victim J himself said that DA was not present when NK abused him.

At some stage J says in his interrogation: "Dad never hit me... if he had known that, he would have stopped everything, it does not make sense at all that ... he did not know at all" and on the incident for which he eventually called the center 100 he said: "But my father did not hit me ... but my father did not hit me ... When my father heard about that I promise you, he was completely shocked."

Despite all, DA was convicted for the incidents of ill-treatment described in this charge, even though there is no dispute that they were committed by NK.

## **SIXTEENTH CHARGE**

The problematic mental state of M., and the exploitation of this state of mind by the various bodies, the welfare, the prosecution and the different institutions to which he was sent, etc., led him to a desire to please the other side at any price, together with the fact that M took a very large number of psychiatric medications – a fact which was not brought to the attention of the lower court, the fact that he had tried to commit suicide two days before his testimony in court – a fact which was not brought to the attention of the lower court as well and the fact that immediately after the testimony they miraculously stopped giving him the psychiatric pills, a grave thing in itself – all these were not brought to the attention of the lower court, which was not presented with an accurate picture of the very problematic situation of M.

The medical document of the surgeon who examined Israel was not submitted to the trial court, and he said that he had not found any proof of the injuries which M spoke of in court.

This charge contains a number of abusive acts that were allegedly done by DA to his son M. As mentioned before, M wants to retract his testimony and firmly asserts that all he said was a lie and that he only said so because the prosecutors forced him to say so and under the threat that otherwise he was the one who would sit in prison instead of his father.

In view of his psychiatric condition and the various opinions, it appears that M did everything possible to please his interrogators and the court

There are several discrepancies between the testimonies: M speaks of a punishment for some scratching during a swimming lesson, E talks about a punishment for dominating his little brothers.

A was in Jerusalem on 3.7.11, so how could she sit on M?

S.T. was present in the home at that time, and was awake until 4:00 in the morning and testified in court. The house is small and she described a good atmosphere and happy children. (The house is built with plaster walls, if anything had happened she would have heard).

E testified that M was lying on the double bed when they abused him, and H testified that he was lying on the floor.

J said the event happened in a sealed room in the north (where there was no bed).

## **SEVENTEENTH CHARGE**

It is not clear who did what and there are contradictions between the testimonies, so that this charge was canceled. As mentioned above, we still don't know why the other charges that have similar problems were not eliminated for the same reason.

## **EIGHTEENTH CHARGE**

This charge is relating to the abuse of O, Daniel's daughter.

The trial court based its conviction on the testimonies of J and M.

O (the victim) testified that Daniel was not present at the violent incident and that the person who committed the crimes against her were NK and H.

J testified that he saw NK and N (a son of Daniel) filling a bath with water and soap and drowning O.

He did not mention H, who according to her testimony was also present and according to H's testimony she even helped NK drowning the head of O in the bath.

According to M's testimony it is not clear who was responsible for the drowning of O in the bath.

In one place he says that the person who drowned O in the bath was NK together with his two brothers, and later he says that DA at that time took a shower and was not present during the drowning. Therefore, his statement does not support J's testimony.

Regarding the strokes of lash that M mentioned, even the lower court said that M's story was confused, in addition to describing an entirely different event than the one described by J in the matter of the lashes, both in terms of those present at the event and also in terms of the act itself – in this issue as well, the testimony of M does not support the testimony of J.

It is not superfluous to note that H and NK were not charged with this offense, even though O says explicitly that they were the ones who attacked her. This is reinforced by the testimony of E and M.

H said that the one who abused O with a stick was E. But she did not see it because she went in and out and Daniel was acquitted of this detail.

## **NINETEENTH CHARGE**

According to all the testimonies in this indictment, except, of course, the testimony of E, the one who carried out all the acts mentioned in this charge was E and she did them even contrary to Daniel's consent or knowledge. The victim of this charge (O) testified in court that those who harmed her and her sister in this incident and decided to punish them were E and H, whereas DA was not at home and did not know about it.

E is lying brazenly when she says that all she had done was according to Daniel's instructions. This version was unequivocally contradicted by the testimonies of H and O and we saw that the judges determined that there can be no conviction depending only on the testimony of E. However in practice the court convicted DA in this charge on the basis of the testimony of E alone, when there is nothing supporting her testimony. But here there is even clear evidence that contradicts her testimony and proofs, as stated, that she committed the criminal acts herself and without the knowledge of DA.

## **TWENTIETH CHARGE**

This charge involves making phone calls to prosecution witnesses after the filing of the indictment.

DA had no possibility of knowing where the prosecution witnesses were and to contact them on his initiative. He spoke to them at their request and was very careful not to talk about the trial at all and not to ask them not to testify.

The fact that E was in touch with Daniel after the indictment was filed was not hidden, even the fact that E sent letters to Daniel when he was in custody is not in dispute, but unfortunately these letters were shredded by the Israel Prison Service.

G's claim that Daniel said to her, "Sorry, I should have married you", to a certain extent attests to her motive, since he did not say such a thing to her: she (among other things) wanted to take revenge on him for not marrying her.

The decision in the hearing of the women's trial that annulled the same charge of "obstruction of justice" was on December 7, 2012, and the hearing on Daniel's case on the same subject was only on 10.3.13 after the indictment had been canceled in the women's case.

## **SUMMARY**

Before one says that Daniel was convicted, one must examine on what this conviction is based. As stated, there is not even one single section that does not contain enough problems to bring it to fall. Experts who read the

verdict said after a first reading that it sounded like circles painted around an arrow after it hit somewhere.

Six years have elapsed since the affair broke out, and the women are still behind Daniel, supporting him, wanting to make their voices heard in every way possible, frustrated that the court has completely abolished their wishes and rights as independent women and for them the lower court is the one who despised and humiliated them by completely canceling their voices and their status. To this day, these women are behind the appellant and the claim of the lower court that some psychological effect caused their cancellation can no longer stand, and this state of things proves that this is the true and personal wish of the women who for the last six years were not even allowed to visit Daniel.

All of the children were taken from the family and forbidden to get in contact with their father. Some of the children are not even allowed to see their mother solely because their mother did not come out against her husband – which is unthinkable and completely disconnected from the question of parental competence. Furthermore, the appellant's wives who are still interested in living with him, are not allowed to visit him in prison – which is also unacceptable. It should be emphasized that this also applies to women who even according to the indictment no criminal offense against them is attributed to Daniel.

The trial court ruled that the social value that was harmed by Daniel's actions was, among other things, human dignity and liberty – but is not rather the very fact that the lower court totally annulled the position of 5 of 6 wives and completely disregarded their statements, wishes, beliefs, a criminal offense and an infringement of their dignity and their private and personal autonomy?

Decisive weight must be given to the position of the five wives who appeared in the trial court, spoke in his favor, and expressed a strong yearning for his release and return home. These women do not perceive themselves as victims, but rather as women with a healthy self-esteem, having the right to love and establish a family with the man they have chosen to be their husband and a loving and caring friend who shares their faith and their way of life.