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THE TEL AVIV GANG RAPE THAT WASN'T

A tragic story, but not a disgrace for police.

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Sexual harassment victim [Illustrative]. (photo credit: INIMAGE)

Imagine you are a police investigator in Tel Aviv and you get the call.

A woman from south Tel Aviv has complained that her niece, a 22-year-old

woman with a mental disability, was brutally raped by three men who filmed the event – and she knows who they are and where to find them. The victim affirms the allegations under oath given to a special investigator, testimony she also gives under oath an additional time in the days to come.

What do you do? Anyone with any justification for being a sworn law enforcement officer would arrest the suspects as soon as possible.

They also would probably come to the remand extension the next day and request that the suspects' remand be extended as long as possible in order to work the case, due to the severity of the allegations and the difficulties inherent in such an investigation.

Up until this point there was little to criticize in the police handling of the south Tel Aviv gang rape case, which over the past week, became a national story and then a national disgrace – at least for the Israel Police.

On May 16, when the complaint was issued, two of the suspects were arrested, while a third was never found. By then, police already had received testimony from the victim and her aunt that the rape had a “nationalist component” – that is, that during the attack, the suspects shouted anti-Semitic insults, indicating that perhaps hate crime laws could also apply.

Unlike in other rape cases – though certainly not in all – police did not announce the arrests to the press in any way.

The case was kept in the dark, owing perhaps to the security situation in Israel and the sensitivity and potentially explosive nature of the “nationalist angle” – but also quite possibly because this is simply the way of operating under new Police Commissioner Roni Alsheich over the past six months.

The case only surfaced more than a week after the arrest, after reporters got wind and began hammering the police for answers, which were quick to come, if sparingly.

Police did not at this point – nor later – hype the nationalist angle. They gave the bare minimum of details, made no mention of the racial angle, only saying arrests had been made for an alleged rape and that “we are asking all of you to be very cautious with your reports in every aspect of this story because it is still being investigated.”

The racial angle was mentioned in court by police at repeated remand extensions for the main suspect and the minor arrested, but it was not something that they broadcast to the media or public.

Police had just one complainant – the victim’s aunt, who had reportedly already been involved in some sort of feud with the suspects and a week earlier had been questioned on suspicion of stabbing her live-in boyfriend, a drug addict known to police. The complainant also had a prior romantic relationship with the minor arrested in the case.

It goes without saying that violent crimes don’t only happen to good witnesses. They are sometimes problematic people with checkered pasts, poor recollections of events or mental disabilities. Rape complainants should be given the benefit of the doubt and allegations must be investigated in such cases.

In hindsight, now that major discrepancies have been found in the complainant’s testimony and the case has been dropped, it’s easy to accuse the police of failure. This assessment doesn’t propose how police should have handled the case, or how they are supposed to determine a rape complaint is false without first investigating it.

This assessment also disregards the words of Judge Ronit Poznanski-Katz in court during the fourth remand hearing for the adult suspect, in Tel Aviv on Monday when she said in her ruling to extend the remand that “there is evidentiary basis to support the allegations against the suspect and thus there is reason to keep him in custody.” She also said: “It is apparent that the police are being extremely cautious, as can be gleaned from the accompanying letter sent from the prosecution that

relates to the close scrutiny given to the complainant's version of events and how it relates to the other evidence in the case.”

This was a tragic case all around, and one that quickly took on a life of its own, largely due to a facebook post by Prime Minister Benjamin Netanyahu in which he used the rape to take a swipe at the left and the media. In future cases of this nature, greater care must be shown before attaching the hate crime component.

Most importantly, however, even though this case turned out to be false, we must continue to give rape complainants the benefit of the doubt and investigate their claims as long as it takes to get to the truth.

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