

## Human Rights Alert (NGO)

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סייג לזכויות האדם

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12-06-04 Human Right Alert's **Submission**; 15th UPR Working Group Session (Jan-Feb 2013): [State of Israel](#)

## **Integrity, or lack thereof, of the electronic record systems of the courts of the State of Israel**

*~A court, which refuses to certify its own records, is certified corrupt~*

### **Executive Summary**

The Human Rights Alert submission is narrowly focused on Integrity, or lack thereof, of the electronic record systems of the Supreme Court, District Courts, and Detainees' Courts of the State of Israel.

**Allegations:** Conditions, now prevailing in the electronic record systems of the national courts of the State of Israel, are in violation of any article of the *Universal Declaration of Human Rights*, where integrity of the courts and the justice system is a prerequisite, as is the rule of law. Conditions, which have been established over the past decade, should be deemed a simulated justice system, reflecting corruption of the courts, the Ministry of Justice, and the legal profession.

**Evidence:** The underlying research was inspired by data mining and zero knowledge proofs. Serious deficiencies were identified in all systems, which were inspected. Three senior Israeli computing/cryptography experts expressed their concern and alarm. **Supreme Court:** On or about March 7, 2002, with the untimely death of Supreme Court Chief Clerk Shmaryahu Cohen, integrity of the electronic records was seriously compromised. IBM and EDS, two large, US-based corporations were involved. Around that date, increased irregularity is seen in certification authorities and numerous falsified decision records were discovered. Today, all electronic records are published with no certification at all, "subject to editing and phrasing changes". As part of the preparation of instant report, current Chief Clerk of the Supreme Court Sarah Lifschitz produced false and deliberately misleading certifications of decisions of the Supreme Court. At the time of signing this report, a crisis is ongoing, resulting from refusal of the government to obey a "final" decision of the Supreme Court, purportedly entered a year ago, pertaining to demolition of a settlement, unlawfully constructed on Palestinian land.

**Conclusions:** The findings hold serious implications relative to local socioeconomic trends, banking regulation, and the Israeli-Palestinian conflict:

1. The validity of any legal public records, originating in the courts of the State of Israel should be re-assessed;
2. Nations, including but not limited to those, who are parties to the *Hague Apostille Convention* (1961), should re-assess any faith and credit, given to legal public records originating in the courts of the State of Israel;
3. Attempts to address the crisis would likely be compounded by conflicts of rivaling security, legal, and financial groups.

**Recommendation:** Major efforts should be made to address what amounts to a constitutional crisis in a nation with no constitution:

1. The electronic records systems of the courts should be examined and repaired by Israeli computing/legal experts, under accountability to the legislature.
2. A Truth and Reconciliation Commission should be established relative to events surrounding the 2002 death of Supreme Court Chief Clerk Shmaryahu Cohen and the role of the judiciary in implementation of the invalid, false and deliberately misleading electronic record systems in the courts;
3. No court of any nation should be permitted to develop and implement its own electronic record systems.

**Online Appendix:** Expanded report, enlarged and additional figures, links to online support records, responses by authorities, updates: <http://www.scribd.com/doc/82927700/>

For ease of reference, section and figure numbers were kept consistent between the Submission and the Appendix.

## **A. Human Rights Alert (NGO)**

The 2010 submission of Human Rights Alert for the UPR of the United States focused on conditions in Los Angeles County, California. The submission provided documentation of large-scale false imprisonment and real estate and financial institution fraud by California state judges, and refusal of the US federal government to initiate corrective actions. The submission was incorporated by reference into the official HRC Professional Staff Report with a note referring to “corruption of the courts and the legal profession and discrimination by law enforcement in California.” Joseph Zernik, PhD, the primary author of instant submission, has specialized over the past decade in analyzing the electronic record systems of courts, prisons, and banks. His reports on these subjects were peer-reviewed, published and presented in international computer science and criminology conferences.

## **B. Allegations**

Conditions, now prevailing in the electronic records of the national courts of the State of Israel, amount to violation of any article of the *Universal Declaration of Human Rights*, where integrity of the courts and the justice system is a prerequisite. Such violations undermine the rule of law. Likewise, prevailing conditions violate international treaties and conventions, to which the State of Israel is a party, including, but not limited to the *Hague Apostille Convention* (1961). Conditions, which have been established over the past decade in the courts should be deemed a simulated justice system.

## **C. Evidence**

Human Rights Alert’s (NGO) Submission is narrowly focused on analysis of the electronic record systems in national courts (Supreme Court, district courts, detainees courts), in particular, public access to court records and integrity of the records, which are made accessible to the public. The analysis uses methods inspired by data-mining and zero-knowledge proofs; on consultations with Israeli law and computing experts, and on attempts to obtain relevant public information or solicit investigation/corrective actions by relevant national agencies.

### **1. The legal foundation for the operation of the office of the clerk**

While the primary responsibility of the judicial arm is in adjudication, the primary responsibility of the ministerial arm (clerks) is in the maintenance of honest court records, service and notice of judicial records, guaranteeing public access, and certification of judicial records. The authority, duties and responsibilities of the clerks and or registrars in the state of Israel were defined in a series of acts and respective regulations. The Regulations, which were promulgated in 2003-5, during the period of implementation of the electronic record systems of the courts of the State of Israel are of particular interest. The Basic Laws and the respective Regulations are at times inconsistent in their basic terms and leave considerable amount of ambiguity in the procedures of the Office of the Clerk and the duties and responsibilities of the Chief Clerk and/or Registrar. On the background of this state of affairs, it is also clear, that in developing and implementing the electronic record systems of the courts, the first step, e.g., defining the specifications of the electronic record systems, was particularly sensitive. Either the authorities, duties and responsibilities of the Chief Clerk and/or Registrar, and the respective procedures were to be unequivocally and unambiguously defined, or else an invalid electronic records system would be developed and implemented.

### **2. The Supreme Court**

- a) The March 7, 2002 untimely death of Chief Clerk of the Supreme Court Shmaryahu Cohen is tightly correlated with precipitous corruption of the electronic records of the Supreme Court. **(Figure 2)**
- b) Today, identity of the Supreme Court's servers is not verified **(Figure 1)**
- c) Today, all Supreme Court decisions are published uncertified, and subject to "editing and phrasing changes" **(Figure 2)**
- d) In the transition period (2001-2003), numerous Supreme Court decisions were falsified. **(Figure 3)**

**Figure 2: Changes in Supreme Court Clerk's certifications of electronic decisions 2001-2003**



**Left:** Until early 2002, all electronic decisions of the Supreme Court carried certification by the late Chief Clerk Shmaryahu Cohen. **Right:** Since 2003, none of the electronic decision records carries any certification, or any reference to the Office of the Clerk. Instead they carry a disclaimer "subject to editing and phrasing changes", and reference to an "Information Center", which has no foundation in the law. The Administration of Courts refuses to disclose the legal foundation for such profound change in the records of the Supreme Court in 2001-2003.

**Figure 3: Adulterated electronic decision record of the Supreme Court of the State of Israel**



The Decision, in *Judith Franco Sidi et al v Authority pursuant to the Persons Disabled by Nazi Persecutions Act* (1582/02) in the Supreme Court in part says:

**Issued this date, February 14, 2007**  
**Boaz Okon**  
**Registrar**

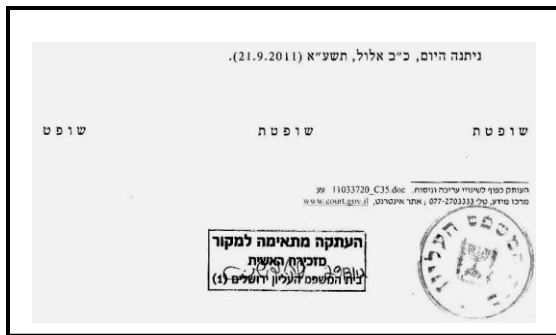
**This version is subject to editing and phrasing changes.**  
**Shmaryahu Cohen – Chief Clerk**  
**In the Supreme Court an information center is operated, Tel: 02-6750444**  
**The Court is open to comments and suggestions: [pniof@supreme.court.gov.il](mailto:pniof@supreme.court.gov.il)**  
**The courts' web site: [www.court.gov.il](http://www.court.gov.il)**

By February 2007, Boaz Okon was no longer Registrar of the Supreme Court, and Shmaryahu Cohen was dead for about five years. Numerous other records of the same nature were discovered.

- e) Today, the Supreme Court refuses to comply with the law regarding service of its decisions by the Clerk, and denies public access to the authentication records – the certificates of delivery, even to a party in own case.
- f) False and deliberately misleading certifications of Supreme Court decisions, issued by current Chief Clerk Sarah Lifschitz, were the subject of criminal fraud complaint filed with the Israel Police. **(Figures 5,6)**
- g) The Supreme Court established a triple-book record system, where the public and parties to litigation are not permitted to distinguish between valid and simulated decisions.

- h) Ongoing refusal by the Government to obey a purportedly “final”, entered decision of the Supreme Court, pertaining to Palestinian lands, amounts to a constitutional crisis, in a nation with no constitution.

**Figure 6: Fraud in certification of Supreme Court decisions**



Excerpt from one of the three records, provided by Chief Clerk SARAH LIFSCHITZ, Supreme Court of the State of Israel. The excerpt says: "Issued today, September 21, 2011", then shows spaces for the signatures of three justices. The footnote says, "copy subject to editing and phrasing changes", then shows the Seal of the Court, and the invalid, false certification stamp, "Copying Corresponds to the Original," with the hand signature of the Chief Clerk and the date of March 29, 2012.

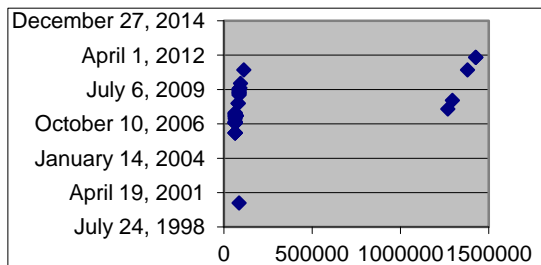
### 3. District Courts

The evidence shows that implementation of Net Ha-Mishpat, the electronic record system of the district courts undermined the integrity of the records of the courts of the State of Israel, and in particular, the accountability of the Chief Clerks relative to the integrity of the records.

### 4. Detainees’ Courts

The failure to disclose the number and locations of such courts, and the invalid Detainees’ ID Numbers should raise concerns that ‘black hole’ prisons with makeshift ‘field courts’ have been established. (Chart 1)

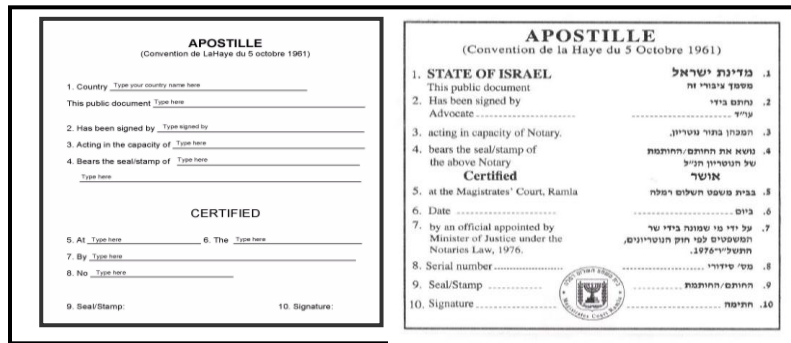
**Chart 1: Lack of integrity in Detainees’ ID Numbers**



The lack of correlation between dates of issuance and Detainee Numbers, and the apparent discontinuity in record numbers, should be deemed a fundamental failure of integrity of the Detainees Courts electronic record system. (See the raw data at Table 3 in the complete Detainees Court report). Only a selection of the Detainees Courts records is published online, as insecure Word files, most of which were created a long time after the fact (at times – years). The Ministry of Justice refuses to disclose, how many Detainees Courts are operating in the State of Israel, their names and locations, and the names of the Chief Clerks, if any exist. Combined, the findings should raise concern that “black hole” prisons and makeshift “field courts” have been established.

### 5. Administration of Courts; 6. Ministry of Justice; 7. The Knesset (legislature); 8. The Legal Profession; 9. Compliance with relevant State laws; 10. Compliance with relevant treaties and conventions (see Appendix)

**Figure 8: Fraud in Apostille certification arrangement, published online by the “Judicial Authority”.**



**Left:** True apostille form, as authorized by the *Hague Apostille Convention* (1961); **Right:** A sample apostille form, published on the web site of the “Judicial Authority” of the State of Israel, falsely represented as the true apostille form, as authorized by the Convention. The form, published by the “Judicial Authority”, purports that an “Advocate”, acting as a Notary, is permitted to certify court decisions, which the *Regulations of the Courts – Office of the Clerk* (2004) authorize the Chief Clerks to certify. Furthermore, the latter form permits a member of the staff of the Office of the Clerk, to sign the apostille form, as certification of the signature of the Notary, with the Seal of the Court, in a manner that appears as a valid certification by a clerk of the attached court decision. In fact, the arrangement, published online, specifically states that in executing the apostille, the Office of the Clerk certified ONLY the signature of the notary, but not the attached court record. The arrangement is opined as fraud on the People of Israel, and also on the People and the courts of other nations, who are parties to the Convention. It is part of a pattern of false certifications on records of the courts of the State of Israel. Both the Administration of Courts and the Ministry of Justice refuse to disclose, who authorized this arrangement, and who and when authorized its online publication. The Chief Clerk of the Supreme Court refused to provide apostille certification of judicial records of the Supreme Court.

## 11. Law enforcement; 12. Responses by National Authorities (see Appendix)

### B. Conclusions

The findings hold serious implications relative to local socioeconomic trends, banking regulation, and the Israeli-Palestinian conflict:

1. The validity of any legal public records, originating in the courts of the State of Israel should be re-assessed;
2. Nations, including but not limited to those, who are parties to the *Hague Apostille Convention* (1961), should re-assess any faith and credit, given to legal public records originating in the courts of the State of Israel;
3. Attempts to address the crisis would likely be compounded by conflicts of rivaling security, legal, and financial groups.

### C. Recommendations

The findings hold serious implications relative to local socioeconomic trends, stability of financial markets, and the Israel-Palestinian conflict.

1. The validity of any legal public records, originating in the State of Israel, and employed in the UPR process, should be re-assessed;
2. Nations, including but not limited to those, who are parties to the *Hague Apostille Convention* (1961), should re-assess any faith and credit, given to legal public records originating in the courts of the State of Israel;
3. Attempts to address the crisis would likely be compounded by conflicts of rivaling security, legal, financial, and computing groups.

May 10, 2012

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