

Netanya rabbi charged with rape will remain in custody

Lawyer describes David Ben-Haham Hafuta as ‘normative’ 63-year-old family man posing "no threat."



311_gavel. (photo credit:Ariel Jerozolimski)

The Central District Court ruled today that David Ben- Haham Hafuta, the Netanya rabbi charged with using mystical threats to make a 13-year-old girl have sex with him, will remain in custody throughout the court proceedings against him.

The state had requested Hafuta remain in custody, rather than being released to house arrest, claiming that the rabbi posed a threat to the public.

Hafuta, a 63-year-old community rabbi from Netanya, was arrested in May and charged with forcing a

13-yearold into having sex with him, by exploiting his authority and using “mystical threats” to intimidate her.

According to the charge sheet, Hafuta is accused of performing sexual acts on three occasions with the girl.

Between July and August 2010, the defendant picked up the girl at a Netanya intersection and drove her to a local beach.

He had sex with the girl after telling her she had to “repair her sins” and that she would be “the mother of the messiah.”

“The defendant used sayings and threats which were apparently based on mystical foundations in order to intimidate and enchant the minor, and convince her to hold sexual relations with him,” said the charge sheet.

He then held a “marriage ceremony” with the girl, and swore her to secrecy.

“He told her on several occasions that she has destructive forces that could cause the deaths of people, and that she must control those forces by having sex with him. He also warned that her mother ‘had to go’ and that she had to save her,” state prosecutors said.

Hafuta had opposed the state's request to keep him in custody.

Attorney Zion Amir, representing the defendant, told the court that Hafuta did not pose a threat but was a “normative, 63-year-old man who had no previous offenses and a family and children.”

Amir told the court that Hafuta had admitted the “vast majority of the allegations made against him in the charge sheet.”

“He also expressed remorse and regret for his failures,” Amir said.

Amir proposed that Hafuta be released to house arrest with his sister and her family in Bnei Brak.

However, state attorney Yair Hershkovitz said that probation service reports on Hafuta noted that the defendant had initiated a relationship of trust between himself and the 13- year-old complainant, which indicated “a degree of risk of recurrence of problem behavior in the future.”

“The probation service noted the defendant’s distorted thinking, that he is manipulative and a seducer, and behaves in an exploitative manner. The report also noted the defendant’s problematic perception of boundaries,” said Hershkovitz, who argued placing the defendant under house arrest in his sister’s home was “not a suitable alternative” to detention.

In ruling that Hafuta should remain in custody for the duration of the court proceedings, Judge Varda Meroz noted that the defendant had been a neighborhood rabbi for 31 years, and had taught Torah in several synagogues.

The complainant had met Hafuta several months before his arrest and had started to turn to him for answers to questions about Judaism. She began to trust him and take him into her confidence on intimate matters.

However, according to the charge sheet, Hafuta had blamed the complainant for his actions, the judge wrote.

“That claim, on the face of it, teaches a great deal about the defendant’s character and behavior,” the judge noted.

“The facts set out in the charge sheet indicate that [Hafuta] poses a danger.”

The judge also noted that there was not a suitable alternative arrangement to Hafuta’s continued detention.

