

URGENT ACTION

RELEASE ON BAIL ORDERED, THEN DENIED

Acting on secret evidence, a military judge has reversed a ruling that Palestinian parliamentarian Khalida Jarrar should be released on bail. She will still be in custody when her case comes before a military court on 22 June, where she faces an unfair trial.

On 21 May a military judge ordered Khalida Jarrar's release on bail of 20,000 shekels (US\$5,160) in cash and a guarantee from a third party for the same amount. He ruled that the military prosecution had provided insufficient evidence that she would be a security risk if released and that the prosecution's evidence was out of date, some of it dating back to 2011. The prosecution appealed, and on 28 May a different military judge upheld this appeal, thereby reversing the ruling to release her on bail. He based his decision on secret evidence supplied by the prosecution.

During the 21 May hearing, the prosecution told the judge that, even if he decided to order Khalida Jarrar's release, they would ensure she remained in prison by putting her under an administrative detention order, which would allow them to hold her without charge or prospect of trial, again on the basis of secret evidence, not disclosed to the defence. Charges against Khalida Jarrar include membership of an illegal organization, carrying out services for the illegal organization, participation in protests and incitement to violence. While the Israeli military say they have testimony from two Palestinian prisoners who said they heard Khalida Jarrar advocate the kidnapping of Israeli soldiers, the Israeli newspaper *Haaretz* reported that on 21 May the judge referred to one of those witnesses as saying he "is not certain whether the defendant personally spoke about abducting soldiers, but noted that this matter was mentioned many times during [a] rally".

Khalida Jarrar's legs were shackled throughout the hearing, during which she apparently told foreign diplomats and Israeli and international activists attending the trial, "They want to silence our voice but we will continue the struggle against the oppression until we achieve our freedom." She faces up to two years in prison if convicted.

Please write immediately in Hebrew, English or your own language:

- Expressing concern that Khalida Jarrar has been denied bail on the basis of evidence that she and her defence counsel were not allowed to see, preventing her from effectively challenging her continued detention, which is contrary to international standards;
- Expressing concern that Israeli military court hearings are seriously flawed and calling on the authorities to ensure Khalida Jarrar is given a prompt trial that meets international fair trial standards.

PLEASE SEND APPEALS BEFORE 13 JULY 2015 TO:

Military Judge Advocate General

Brigadier General Danny Efroni

Hakirya, Tel Aviv, Israel

Fax: +972 3 569 4526

Email: avi_n@idf.gov.il

Salutation: Dear Judge Advocate General

Commander of the IDF – West Bank

Major-General Roni Numa

GOC Central Command

Military Post 01149, Battalion 877

Israel Defense Forces, Israel

Fax: +972 2 530 5741, +972 2 530 5724

Salutation: Dear Major-General Roni Numa

Minister of Defence

Moshe Ya'alon

Ministry of Defence

Tel Aviv 61909, Israel

Email: minister@mod.gov.il

pniot@mod.gov.il

Fax: +972 3 691 6940

Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the third update of UA 81/15. Further information:

<https://www.amnesty.org/en/documents/mde15/1607/2015/en/>

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ADDITIONAL INFORMATION

Khalida Jarrar is held in HaSharon prison, Israel, and faces trial before an Israeli military court, whose proceedings fall short of international standards for fair trial. Judges and prosecutors are recruited from the Israeli military. Judges are appointed by the Regional Commander on the Military Advocate General's recommendation and promoted almost exclusively from the ranks of prosecutors. Once appointed, judges have no right of tenure and can be removed by the Regional Commander at any time. Serious doubts have been expressed about their impartiality. Trials are often based on confessions from witnesses who have been known to withdraw them later, saying they were made under duress. Defendants regularly resort to plea bargains even when they are innocent because they do not believe they will have a fair trial and feel they have no choice other than to accept a guilty plea which will lead to a reduced sentence.

Khalida Jarrar has been subjected to decades of harassment and intimidation by the Israeli authorities. They have repeatedly declared her a security risk, but did not charge her with any criminal offence until April 2015. She was arrested by Israeli soldiers at her home in Ramallah, in the occupied West Bank, on 2 April and placed in administrative detention. At a 15 April review hearing of her administrative detention order, the military prosecution brought 12 charges against her relating to membership of the banned political party Popular Front for the Liberation of Palestine (PFLP), which has an armed wing, and incitement to kidnap Israeli soldiers, an accusation that her defence team say has no basis. The military judge agreed to the prosecution's request to keep her in administrative detention. A review of her detention under the 12 charges was scheduled for 29 April, but was adjourned. The administrative detention order expired on 4 May, after the Israeli military reduced its length from six months to one month. The Israeli military say they have testimony from two Palestinian prisoners that they heard Khalida Jarrar advocate the kidnapping of Israeli soldiers, which she denies vehemently. Witnesses in military court cases often allege they have made statements after being interrogated by the Israeli forces for prolonged periods while forced into stress positions and subjected to other methods of torture or other ill-treatment such as sleep deprivation. In 2010 human rights defender Abdallah Abu Rahma was convicted by a military court of "incitement" and "organizing and participating in an illegal demonstration": the judge's decision relied on statements by three children, who retracted them in court, saying they had been coerced.

Khalida Jarrar's arrest came two months after she was appointed to the Higher National Committee to Follow Up with the International Criminal Court (ICC), which was established on the orders of Palestinian President Abbas after his government acceded to the Rome Statute of the ICC. In January 2015, Palestine submitted a declaration accepting ICC jurisdiction over crimes committed in the Occupied Palestinian Territories (OPT) since 13 June 2014, which includes the most recent Israel/Gaza conflict of 2014, when over 1,500 Palestinian civilians were killed in Gaza and six civilians were killed in Israel. Israel retaliated against Palestine's declaration by suspending payments of tax revenues due to the Palestinian authorities of around US\$127 million each month. Despite an Israeli announcement transferring some of the money due, the dispute between the Israeli and Palestinian authorities over the funds has continued. In August 2014, Khalida Jarrar defied a military order ruling that she should move out of her home in Ramallah and confine herself to Jericho. She is subject to an international travel ban though evidence has never been provided to her or her defence team that would justify these restrictions. She was elected to the Palestinian Legislative Council (PLC) in 2006 as a member of the PFLP. She is vice chair of the Palestinian NGO Addameer, which defends prisoners' rights.

Name: Khalida Jarrar
Gender m/f: f

Further information on UA: 81/15 Index: MDE 15/1773/2015 Issue Date: 1 June 2015