

URGENT ACTION

PARLIAMENTARIAN STILL HELD AFTER BAIL GRANTED

A military judge has ruled that Khalida Jarrar can be freed on bail, but then agreed to the Israeli military prosecution's request to keep her in detention while they consider appealing. The judge noted that she could be placed in administrative detention, which allows for indefinite detention without charge.

After hearing **Khalida Jarrar's** bail application on 12 May, the military judge ruled that she should be released on bail of 20,000 Israeli shekels (\$5,160) with third-party guarantees, until the end of her trial proceedings. He said the prosecution had provided insufficient evidence she would be a security risk if released, and that the information was out of date, some of it going back to 2011. The judge pointed out that the prosecution could request that the Military Commander issue an administrative detention order against Khalida Jarrar. Administrative detention allows Israel to hold Palestinians from the Occupied Palestinian Territories (OPT) indefinitely without charge, based on secret evidence, arguing this is for reasons of security, thereby denying them the right to challenge their detention. On her arrest on 2 April 2015, Khalida Jarrar was placed under a six-month administrative detention order, but this expired on 4 May, after the military shortened it to one month after they charged her on 15 April with membership of an illegal organization, participation in protests and incitement to kidnap Israeli soldiers, for which she could be imprisoned for at least two years. Imposing an administrative detention order on Khalida Jarrar would allow the Israeli military to circumvent the judge's decision to release her.

During the bail hearing, at the Ofer military court in the Occupied Palestinian Territories, Khalida Jarrar's lawyer argued that the charges against her did not relate to any direct involvement in activities which could suggest she posed any risk to security, pointing out how long it had taken for the allegations to become charges.

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

- Calling on the authorities to release Khalida Jarrar on bail, immediately, in line with the judge's decision;
- Urging them not to impose an administrative detention order on Khalida Jarrar and to end the use of administrative detention, which is a violation of fair trial safeguards of criminal proceedings;
- Expressing concern that Israeli military court hearings are seriously flawed and calling on them to take all measures to ensure Khalida Jarrar is given a prompt trial in accordance with international fair trial standards.

PLEASE SEND APPEALS BEFORE 3 JULY 2015 TO:

Military Judge Advocate General

Brigadier General Danny Efroni
Hakiryia, 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

A military court judge heard Khalida Jarrar's bail application on 12 May, postponing his decision, first to 18 May and then adjourning it again, finally granting bail on 21 May. She is held in HaSharon prison, Israel, and faces trial before an Israeli military court where procedures 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. As a result of this lack of tenure and the close links between military judges and prosecutors, 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. On 8 April, a review hearing of her administrative detention was adjourned until 15 April, when 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. On 4 May the administrative detention order expired after the Israeli military reduced its period 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" after the judge's decision relied on statements by three children who later retracted them in court, saying that they had been coerced.

Khalida Jarrar was arrested nearly two months after being 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 f

Further information on UA: 81/15 Index: MDE 15/1711/2015 Issue Date: 22 May 2015