

URGENT ACTION

KHALIDA JARRAR'S TRIAL POSTPONED AGAIN

An Israeli military court has postponed Khalida Jarrar's trial again, because the prosecution had failed to produce witnesses for the third time. The judge rejected a request to have her released on bail until the end of legal proceedings.

Palestinian parliamentarian **Khalida Jarrar** had her trial postponed by a military court for a third time on 10 August, because the prosecution had failed to produce witnesses, for a third time. She has been detained since April 2015 on the basis of secret evidence withheld from her and her defence team. She is facing an unfair trial on charges including membership of an illegal organization, carrying out services for an illegal organization, participation in protests and incitement to violence.

An Israeli military judge had overturned a previous decision to release her on bail, on 21 May. Since then, her case has been adjourned three times when the prosecution failed to bring witnesses from the prison where they were held. The judge also rejected a second request from her lawyer to release her on bail. This violated Khalida Jarrar's right to have proceedings against her conducted with particular speed and promptness.

The prosecution said during the 21 May hearing that they would ensure Khalida Jarrar remained in prison even if bail was granted by putting her under an administrative detention order, which would allow them to hold her without charge or prospect of trial. The Israeli authorities had held Khalida Jarrar in administrative detention after her arrest.

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

- Expressing concern that the continual and unnecessary delays in Khalida Jarrar's trial are punitive, and urging the authorities to bring her to trial promptly in proceedings that meet international fair trial standards;
- Expressing concern that it was contrary to international law and standards to deny Khalida Jarrar 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.

PLEASE SEND APPEALS BEFORE 23 SEPTEMBER 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 fifth update of UA 81/15. Further information:
<https://www.amnesty.org/en/documents/mde15/1773/2015/en/>

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ADDITIONAL INFORMATION

Khalida Jarrar is held in HaSharon prison, Israel, facing unfair 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.

Article 9(3) of the International Covenant on Civil and Political Rights, to which Israel is a state party, states: "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement." It is apparent in this case that the delays are due to the conduct of the prosecution, and that the Israeli authorities have not taken adequate steps to ensure the case is dealt with promptly or to respect the right of Khalida Jarrar to be released pending trial.

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 Israeli military say they have testimony from two Palestinian prisoners that they heard Khalida Jarrar advocate the kidnapping of Israeli soldiers, which she has denied vehemently.

Israel's use of administrative detention of Palestinians is widespread and has led to mass hunger strikes by Palestinian detainees and prisoners, protesting against the conditions they are held in and being detained without charge. According to the Israeli human rights organization B'tselem, at the end of June 2015 there were 370 Palestinians in administrative detention in Israeli Prison Service facilities. While administrative detention has rarely been used against Israeli nationals, three Israelis have been placed under administrative detention orders following the killing of Palestinian father and child Ali and Saad Dawbashe in an arson attack on 1 August 2015. The Israeli parliament, the Knesset, had passed a law on 30 July that allows prisoners on hunger strike to be force fed. Amnesty International opposes non-consensual feeding of hunger strikers without medical supervision, if it is done for reasons other than medical necessity or carried out in a manner that amounts to cruel, inhuman or degrading treatment.

Name: Khalida Jarrar

Gender m/f: f

Further information on UA: 81/15 Index: MDE 15/2266/2015 Issue Date: 12 August 2015