

URGENT ACTION

KHALIDA JARRAR'S TRIAL BEGINS, RAISES QUESTIONS

Khalida Jarrar's trial, before an Israeli military court, began on 25 August. Two witnesses for the prosecution retracted their statements, claiming the Israeli authorities had obtained them under duress.

Palestinian parliamentarian **Khalida Jarrar's** much-delayed trial began on 25 August, before a military court. She was arrested by Israeli security forces on 2 April 2015. The charges against her relate to membership of the Popular Front for the Liberation of Palestine (PFLP), a banned political party with an armed wing, and incitement to kidnap Israeli soldiers, an accusation her defence team say has no basis.

The prosecution's evidence against Khalida Jarrar comes from statements made by former and current Palestinian prisoners during interrogations by the Israel Security Agency (ISA). At the hearing on 25 August, however, the first two witnesses retracted the statements they had made, claiming they had made them under duress. According to the NGO Addameer, which advocates for the rights of Palestinian prisoners and is representing Khalida Jarrar in court, the two witnesses described "pressure and ill-treatment during interrogation, including sleep deprivation, being tied in painful stress positions for long hours, being threatened with further torture and with the arrest of family members."

Nevertheless, the prosecution argued that the witnesses were lying and the judge ruled that their original statements would not be excluded. Proceedings in Israeli military courts fall short of international standards for fair trial. The military judiciary lacks independence and there are serious doubts about whether military judges are impartial. Convictions are often primarily based on "confessions" by defendants or statements from witnesses, which are then repudiated as having been coerced. Palestinian prisoners and detainees are routinely tortured or otherwise ill-treated during arrest and interrogation.

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

- Urging the Israeli authorities to ensure prompt, effective investigation by an independent and impartial body into complaints and reports that detainees and prisoners have been tortured or otherwise ill-treated;
- Expressing concern that Israeli military court proceedings are seriously flawed and calling on the authorities to ensure Khalida Jarrar is given a prompt trial in accordance with international fair trial standards, excluding any statements obtained through torture or other ill-treatment.

PLEASE SEND APPEALS BEFORE 9 OCTOBER 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 sixth update of UA 81/15. Further information:

<https://www.amnesty.org/en/documents/mde15/2266/2015/en/>

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ADDITIONAL INFORMATION

Khalida Jarrar is held in Israel's HaSharon prison. The Israeli military court system was established to try Palestinians from the Occupied Palestinian Territories (OPT) charged in connection with security cases. It has jurisdiction to try Israeli citizens resident in the OPT, but this has never happened. 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. There are serious doubts about their impartiality.

The prosecution's case at trials is often primarily based on "confessions" or disputed statements from witnesses, who have in some cases withdrawn them later, saying they were made under duress. 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 they had been coerced. Defendants regularly resort to plea bargains even when they are innocent because they do not believe they will have a fair trial and feel their only option is to plead guilty and thereby obtain a shorter prison sentence.

Palestinian detainees are frequently tortured and otherwise ill-treated by Israeli security officials, particularly Internal Security Agency officials, who frequently hold detainees incommunicado during interrogation for days and sometimes weeks. Methods used include physical assault such as slapping and throttling, prolonged shackling and stress positions, sleep deprivation, and threats against the detainee and their family. The Israeli authorities consistently fail to take adequate steps either to prevent torture or to conduct independent investigations when detainees allege torture, fuelling a climate of impunity.

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 Popular Front for the Liberation of Palestine (PFLP) and incitement to kidnap Israeli soldiers, an accusation that her defence team say has no basis. The Israeli military say they have testimony from 17 former and current Palestinian prisoners that they heard Khalida Jarrar advocate the kidnapping of Israeli soldiers, an accusation that she has denied vehemently.

Name: Khalida Jarrar
Gender m/f: f

Further information on UA: 81/15 Index: MDE 15/2350/2015 Issue Date: 28 August 2015