

URGENT ACTION

DETAINED PARLIAMENTARIAN RISKS UNFAIR TRIAL

Palestinian parliamentarian Khalida Jarrar is facing an unfair trial before an Israeli military court on several charges. On 4 May an administrative detention order which allowed her to be held without charge expired after the Israeli military reduced her detention period from six months to one month. She remains in detention pending trial.

The Israeli Military Commander did not notify **Khalida Jarrar's** lawyers of the decision to reduce the period of her administrative detention until 5 May, just one day before it was due to be reviewed by a military judge. She remains in HaSharon Prison, Israel, facing charges of 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. A review of her eligibility for bail was also adjourned at the last minute on 29 April and, according to her lawyers, is expected to happen in the week beginning 11 May. During which time the prosecution can submit secret evidence in support of their demand for her continued detention. The military prosecution say that they have testimony from two Palestinian prisoners stating that they heard Khalida Jarrar advocate for the kidnapping of Israeli soldiers for use in exchange for Palestinian prisoners held by Israel. This is something Khalida Jarrar denies vehemently.

Khalida Jarrar is to stand 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. Further, trials are often based on confessions from witnesses who have been known to withdraw them later on grounds they were made under duress. In addition, 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 other choice than to accept a guilty plea which will lead to a reduced sentence.

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

- 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;
- Urging the authorities to ensure that any hearing reviewing her detention meets international standards including the presumption of release prior to trial and disclosure to the defence of any evidence on which a refusal would be based.

PLEASE SEND APPEALS BEFORE 18 JUNE 2015 TO:

Military Judge Advocate General

Brigadier General Danny Efroni

Hakiry, 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 second update of UA 81/15. Further information:

<https://www.amnesty.org/en/documents/mde15/1472/2015/en/>

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ADDITIONAL INFORMATION

Khalida Jarrar has been subjected to decades of harassment and intimidation by the Israeli authorities, who have repeatedly declared her a security risk. Until 15 April 2015, they had never charged her with any criminal offence. She was arrested by Israeli soldiers from her home in Ramallah, in the occupied West Bank on 2 April. They took her to an Israeli settlement, Beit El, and from there to an Israeli military base near Jaba' in Jerusalem before transferring her to Ofer detention centre, near Ramallah, where she was interrogated. She was placed under administrative detention, a system by which the Israeli military can hold Palestinians for prolonged and indefinite periods without charge or prospect of trial. The Israeli military withholds most of its evidence against administrative detainees, claiming this is for security reasons. This prevents detainees from challenging their detention. On 8 April, a review hearing of her administrative detention was adjourned until 15 April, on which date the military prosecution brought 12 charges against her relating to membership of the Popular Front for the Liberation of Palestine (PFLP), a banned political party which has an armed wing, and incitement to kidnap Israeli soldiers, an accusation that her defence team say has no basis. Simultaneously the military judge agreed to the prosecution's request to keep Khalida Jarrar in administrative detention. Meanwhile, a review of her detention under the 12 charges was scheduled for 29 April, but then adjourned.

Khalida Jarrar was arrested soon after her appointment on 7 February 2015 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 in July and August 2014, in which more than 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 and fought for months to travel abroad for diagnostic exams not available in the OPT in 2010. Evidence was never 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.

The Israeli military court system was established to try Palestinians from the OPT charged in connection with security cases. Though in theory it has jurisdiction to try Israeli citizens resident in the OPT this has never happened. The military courts frequently convict on the basis of confessions. It is not uncommon for witnesses for the prosecution and defendants to allege they made statements after being interrogated by 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.

Name: Khalida Jarrar
Gender m/f: f

Further information on UA: 81/15Index: MDE 15/1607/2015 Issue Date: 7 May 2015