

AI INDEX: MDE 15/36/97
27 JULY 1997

Israel: Members of Israeli Knesset must not pass draft law which destroys victims' right to compensation

Members of the Israeli Knesset should not aid impunity by passing a draft bill which damages a victim's "enforceable right" to compensation, Amnesty International said today in a letter addressed to every member of the Israeli Parliament.

The worldwide human rights organization urged members not to pass the bill on compensation to be debated tomorrow which the Israeli Government is trying to push through parliament before its recess on 2 August

"By defining most activities of the Israeli Defence Forces as "combatant activity" -- for which neither the state nor individual security service members are liable for damages -- the draft law will outlaw the vast majority of claims for compensation," Amnesty International said.

The organization believes that this bill, if passed, will violate the fundamental principle of international law that states are responsible for the injuries caused by an authority or an official, and that a victim of human rights' violations has the right to compensation and redress.

The only exception to the overall refusal to pay compensation will be if a person is convicted of intentionally inflicting the injury.

"Amnesty International members have written for years on cases of individuals -- many of whom were children -- killed by the Israeli army when they were uninvolved in any demonstration," the organization said.

"However, since very few members of the security services have been found guilty of intentionally inflicting injuries on victims, hardly any of the families of those who have been unlawfully killed will benefit from this exception".

In its letter Amnesty International criticises articles in the bill -- which state that notices for compensation should normally be submitted within 60 days of the act and filed within a year -- stressing that claims for compensation should not be subjected to statutes of limitation.

"The provisions whereby exceptions can be made at the discretion of the court means that compensation for a victim which is an 'enforceable right' becomes something to be granted for special humanitarian reasons -- in effect out of charity," Amnesty International said.

ENDS\