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Israel: New Draft Law jeopardizes victim's rights

Members of the Knesset's Law and Constitution Committee should reject a draft law, to be reviewed this week, which threatens a victims' basic human right to seek redress for past violations," Amnesty International stated today.

The Knesset is currently considering a draft law which aims to exempt Israel's security forces from civil liability for most of their activities in the West Bank (with the exception of East Jerusalem) and the Gaza Strip. The law, which defines "combatant activities" very broadly, states that Israel will not be required to pay damages for injuries sustained during such activities, unless the perpetrator is convicted of intentionally inflicting these injuries.

"For years the organization has spoken out against arbitrary killings in the West Bank and Gaza Strip committed by Israeli soldiers, and has been critical of the authorities' failure to bring these perpetrators to justice. This law will only serve to promote such impunity," Amnesty International said.

The Law and Constitution Committee is expected to start reviewing the draft law on 16 December. The bill passed its first reading before the full Knesset in July this year.

"The adoption of this law, as we enter the 50th year of the Universal Declaration of Human Rights, would be a step backwards. It is nothing but an attempt by Israel to evade its international obligations to pay compensation to victims of human rights violations," Amnesty International declared. "We call on the members of the Knesset Law and Constitution Committee to vote against this bill in its current form."

In recent years the Israeli courts have awarded large amounts of damages to individuals, or their families, after they were injured or killed as a result of negligent behaviour by Israel's security forces. Earlier this year the Jerusalem District Court ordered the Israeli government to pay NIS40,000 in damages to the family of a Palestinian child who was killed during the *Intifada*. If the draft law before the Knesset were to be adopted, Israel would not be required to pay compensation in many such cases.

"The draft law would not only affect future operations by Israel's security forces, it would also apply retrospectively to any activities carried out before the law's adoption," observed Amnesty International. "Even individuals with cases already being heard by the Israeli courts would be subject to the new rules. Basic rights for victims of arbitrary killings would disappear overnight."

The draft law gives the Israeli courts discretion to order the payment of damages on humanitarian grounds. However, compensation for a victim of human rights violations is recognized as an enforceable right in international law and should not be discretionary.

The bill is also discriminatory. A person who is injured or killed by the negligent use of force of an Israeli soldier inside Israel will still be able to sue for compensation under the current law. The new law will only apply to claims brought by persons injured by Israel's security forces in the West Bank (with the exception of East Jerusalem) and the Gaza Strip.

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