

URGENT ACTION

END HARASSMENT OF PALESTINIAN HUMAN RIGHTS LAWYER

Israeli authorities have their final chance to take forward the prosecution of Palestinian human rights defender Anas Barghouti at a hearing on 6 December. Arrested and bailed three years ago, he has had to attend a court hearing every three months since then, only for the case to be postponed each time. He is facing a maximum of 18 months in prison.

Anas Barghouti, 33, is a lawyer and human rights defender who was arrested by the Israeli authorities on 15 September 2013. Amnesty International considered him a prisoner of conscience at the time because his arrest was based solely on his peaceful work as a human rights defender, representing Palestinians detained by Palestinian security forces. The Israeli military prosecution charged him with “membership of the Palestinian Front for the Liberation of Palestine” (PFLP), an organization which Israel has banned, and “leadership of a committee to organize demonstrations”. He denies both these charges. On 23 October 2013, a military judge ordered him released on bail because there was not sufficient evidence against him to consider him a security threat.

Since he was charged on 24 September 2013, Anas Barghouti has had to attend a court hearing every three months at Ofer Military Court in the occupied West Bank. However, each time he has attended the court, the prosecution has failed to produce the witnesses against him, and the case has been postponed for another three months. Each hearing means a lost day of work for Anas Barghouti, who has now set up his own legal practice in Ramallah, where he continues to represent Palestinians arrested by the Palestinian authorities. It is also a day of uncertainty for him and his family about whether he will be coming home. The hearing on 6 December is the last chance for the prosecution to produce the witnesses against Anas Barghouti, or the case will be dismissed.

Anas Barghouti told Amnesty International at his office in Ramallah on 8 November: “I would be happy if this case ends as it should – that I will not return to prison. That idea, no matter how much you have come to terms with it, is still extremely difficult.” He also hopes that the ban on travel the Israeli authorities placed on him since his arrest will be lifted.

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

- Calling on the Israeli authorities to drop all charges against Anas Barghouti, and pointing out that if convicted and imprisoned Amnesty International would consider him a prisoner of conscience, detained solely for his work as a lawyer on behalf of prisoners and for the peaceful expression of his political views;
- Calling on them to put an immediate end to harassment of Anas Barghouti and other human rights defenders in the Occupied Palestinian Territories.
- Calling on them to immediately lift the travel ban imposed on Anas Barghouti

PLEASE SEND APPEALS BEFORE 6 DECEMBER 2016 TO:

Prime Minister
Benjamin Netanyahu
Office of the Prime Minister
3 Kaplan St, PO Box 187
Kiryat Ben-Gurion
Jerusalem 91950, Israel
Email: b.netanyahu@pmo.gov.il
pm_eng@pmo.gov.il
Salutation: Dear Prime Minister

Military Judge Advocate General
Brigadier General Sharon Afek
6 David Elazar Street
Hakiryia
Tel Aviv,
Israel
Fax: +972 3 569 4526
Email: Mag@idf.gov.il
Salutation: Dear Brigadier General

And copies to:
Minister of Defence
Avigdor Liberman
Ministry of Defence
37 Kaplan Street
Hakiryia
Tel Aviv 61909, Israel
Fax: +972 73 323 3300
Email: minister@mod.gov.il

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY Deputy Ambassador Eitan Na'eh, Embassy of Israel, 2 Palace Green Kensington W8 4QB, 020 7957 9500

Please check with your section office if sending appeals after the above date. This is the second update of UA 276/13. Further information: <https://www.amnesty.org/en/documents/MDE15/018/2013/en/>

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ADDITIONAL INFORMATION

Anas Barghouti was arrested by the Israeli army at a military checkpoint north of Bethlehem in the Occupied Palestinian Territories on 15 September 2013. He had been on his way home to Ramallah after a visit to friends and family. At around 7pm Israeli soldiers stopped the car in which he was travelling and arrested him after he said he was a lawyer and presented his Palestinian Bar Association card. The soldiers confiscated his phone and questioned him, then blindfolded and handcuffed him and transferred him to a detention centre in the illegal Israeli settlement of Etzion. He was then taken to Ofer military complex where he was held until his release on bail. He was first presented to a military court on 16 September when a judge agreed to the military prosecutor's request to extend his detention without charge until 22 September. On that date, his detention was again extended until 24 September when he was charged. He had a court hearing on 1 October at which his trial was postponed until 9 October and then adjourned again until 23 October, when he was released on bail.

At the time of his arrest, Anas Barghouti was working for Addameer Association for Prisoner Support and Human Rights, an NGO based in Ramallah, and, through this work, was providing legal support and representation for Palestinians held by the Palestinian security forces. His main responsibility was to follow up on cases of arbitrary arrests by the Palestinian authorities in the West Bank and represent victims in court, including the Palestinian Supreme Court. Anas Barghouti says he faces ongoing harassment by the Palestinian security forces for his work in defending the human rights of Palestinian detainees, for example obstructing his visits to Palestinian prisons and telling his clients not to work with him. Anas Barghouti's other human rights work included organizing and participating in events and activities calling for the protection and respect of the human rights of Palestinian detainees and prisoners in Israeli prisons.

Anas Barghouti spoke to Amnesty International about the effect his ongoing case has had on him: "The day of the court is a day gone, and it creates a tension within me and with my family. Especially when you're in the court from 10am-4pm and your phone is taken away from you, so there's no way for my family to know what is happening. When I have a hearing I make sure I clear my calendar, I make sure I have no work or social commitments. I am a lawyer, but when I go to court, this is nullified. The travel ban also makes me feel as if I am in a big prison – I can neither go inside Israel nor abroad."

Military trials at Ofer Military Court are frequently postponed when the prosecution has failed to produce their witnesses – who are often other Palestinian prisoners, or members of the Israeli forces. Amnesty International has in the past expressed concern in certain cases that repeated and unjustified delays in trials were themselves a method of punishing Palestinians who were either detained or on bail. Palestinians face 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 maintain 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.

Further information on UA: 276/13 Index: MDE 15/5182/2016 Issue Date: 29 November 2016