

URGENT ACTION

HUMAN RIGHTS DEFENDER'S TRIAL POSTPONED

A hearing on 6 December should have been the last opportunity for the Israeli military prosecution to produce the witnesses in the case against Palestinian lawyer – and former prisoner of conscience – Anas Barghouti. The hearing was again adjourned until 24 January despite the prosecution failing to bring the witnesses to court.

Anas Barghouti, aged 33, is a Palestinian lawyer and human rights defender. A hearing on 6 December at Ofer military court, in the occupied West Bank, should have been the last opportunity for the Israeli military prosecutor to bring the witnesses in a case against Anas Barghouti on charges of “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 charges. Originally arrested on 15 September 2013, Anas Barghouti was released on bail on 23 October 2013 because a military judge ruled that there was not sufficient evidence against him to consider him a security threat. Anas Barghouti has had to attend court every three months since he was released on bail, but each time the military prosecution has failed to produce the witnesses against him.

At the 6 December 2016 hearing, the judge granted the prosecution another chance by issuing an arrest warrant for one of the witnesses. The witness had previously not responded to summons to the court. Palestinians frequently do not respond to such summons because they do not want to cooperate with an institution of the Israeli military occupation. It is unclear why the judge waited three years to issue such a warrant, a commonly used tool. Anas Barghouti's legal team from Addameer, a Palestinian prisoners' rights organization, fear that this will allow the case to continue for a long period of time, as judges often accept reasons such as “lack of forces” or “security” for subsequent failures by the prosecution to present the witnesses. This would necessitate further hearings, meaning more days in court for Anas Barghouti. 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 in the occupied West Bank face unfair trial before an Israeli military court, whose proceedings fall short of international standards.

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 25 JANUARY 2017 TO:

Prime Minister
Benjamin Netanyahu
Office of the Prime Minister
3 Kaplan St, PO Box 187
Kiryat Ben-Gurion
Jerusalem 91950, Israel
Email: pm_eng@pmo.gov.il
PM_ENG2@pmo.gov.il
Salutation: Dear Prime Minister

Military Judge Advocate General
Brigadier General Sharon Afek
6 David Elazar Street
Hakiryat
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
Hakiryat
Tel Aviv 61909, Israel
Fax: +972 73 323 3300
Email: aliberman@knesset.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 third update of UA 276/13. Further information: www.amnesty.org/en/documents/mde15/5182/2016/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. 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. 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. After his arrest, the Israeli authorities placed him under a travel ban.

Since he was charged, Anas Barghouti has had to attend a court hearing every three months at Ofer Military Court in the occupied West Bank. Each hearing means a lost day of work for Anas Barghouti, who has his own legal practice in Ramallah, where he represents 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.

Anas Barghouti told Amnesty International at his office in Ramallah on 8 November 2016: "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.

Anas Barghouti also 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 in the occupied West Bank 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 security of tenure and can be removed by the Regional Commander at any time. Serious doubts have been expressed about their independence and impartiality. Trials are often based on statements 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 15/5329/2016 Issue Date: 14 December 2016