



مندوق المدافعين عن حقوق الإنسان
הקרן למגיני זכויות אדם
HUMAN RIGHTS DEFENDERS FUND

HRDF-funded defense lawyer, Adv. Gaby Lasky, asks military court to drop old charges against Palestinian HRD Issa Amro, that resurfaced in present military trial, claiming indictment is an “abuse of justice” meant to prevent Amro’s continued activity.

Issa Amro – Ofer Military Court – First Hearing – 23.11.2016

Adv. Gaby Lasky asked the court to annul the charges regarding to alleged event that took place several years ago. Since it infringed the right to a fair and speedy trial.

Regarding 2 accounts in the indictment the defense asked to annul the charges also on the count that the police has closed the investigation due to lack of public interest.

The events described in the indictment happened years ago. Following those events, the defendant was arrested and later on released. The investigations of those incidents ended a few days later and the files sat untouched at the military prosecutor’s office for years. After the defendant was arrested again in 2016, suddenly the prosecution decided to present an indictment which includes all the past events, in order to bolster the charges. This conduct is an attempt to deter the defendant who is a well-known human rights defender, and to prevent him from continuing his activity, and not for enforcing the rule of law.

Referring the court to several examples of the Israeli court decisions, which acknowledge the process of annulment of indictments due to unreasonable delay to present the indictment. It was also noted that the Attorney General defined regulations regarding this issue. The Minister of justice proposed a new legislation that adopts the regulations of the General Attorney.

The defense asked the court to examine three main considerations: first, whether there was a reasonable justification for the delay. Second, whether the defendant will suffer potential harm in his ability to defend himself because of the delay (for example- since this case is based on eye witnesses which might have trouble remembering incidents from long ago). Third, to balance between the public interests and the right of the defendant to a fair and due process. Taking into account these three elements, the defense asked the court to receive the claim of Abuse of Justice, and to withdraw 14 charges from the indictment.

It was further stressed by the defense, that the acts attributed to the defendant are related to freedom of speech. All those acts were made in the context of legitimate protest and so it is the public interest to protect the right to protest and nonviolently resist occupation

Military prosecution: asked to reply in writing in one month.

Judge: the prosecution will send its response until 21.12.2016.

Outside the courtroom. Lasky noted, that further down in the course of the trial the defense will make fundamental arguments based on the commitment to protect human rights defenders.

Issa Amro thanked all the people attending for their support and expressed great concern about Israeli authorities' use of criminal law to limit the actions of human rights defenders.

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