

## 19.2.2017 - a second hearing on Issa Amro's case

**At Palestinian Human Rights Defender Issa Amro's hearing at Ofer military court, the court rejected the defense's claims, and Amro will be tried for all 18 charges.**

**The next hearing will be a reading of the indictment and will be held on 26/3/2017.**

Background: at the first hearing earlier this year, HRDF-funded defense lawyer asked the court to annul 14 old charges (out of 18) from the indictment, claiming they constituted an "abuse of justice" meant to stop Amro's activity.

The prosecution responded that the delay in presenting an indictment on those old charges did not cause the defendant a severe harm, and that it was up to the prosecution to re-consider whether there was public interest in opening two old cases which had previously been closed. According to the prosecution, if the defendant repeated his practices, then collecting all charges to file an indictment was just.

At the second hearing on 19/2/17 the court gave its decision regarding the defense's claims.

This is Adv. Gaby Lasky's summary, for the Human Rights Defenders Fund:

*On 21/02/17 Judea Military Court gave its ruling on preliminary arguments related to 14 of the charges standing against Issa Amro.*

*The court rejected our claim that the extensive delay, which took place in filing the charges against Issa for actions that took place 3-6 years ago, required the amendment of the indictment by deleting those charges.*

*In addition, the court had rejected our claims regarding two additional charges for actions which were previously investigated by the police, who at the time decided not to press charges due to "lack of interest" to the public.*

*While the court did recognize that extensive delay in the filing of indictments narrow defendants' ability to defend themselves, in this particular case the court found that leaving the indictment 'as is' had not led to a severe sense of injustice.*

*In relation to the past closed police files, the court ruled, that due to the fact that the prosecution is authorized and even required to review whether the public now had an interest in indicting Amro (since the defendant repeated past offences), those charges will also remain unchanged.*

*Eventually the court stated that arguments regarding the delay in filing charges will be given weight later, at the sentencing stages.*

**Following this court decision it is important to note the following:**

- Regarding the delay in prosecuting, the court agreed that there was a significant delay and stated that the delay should be taken into account when giving the **sentence** - as if the trial was over and the court **had already convicted** Amro.
- In its decision the court referred several times to the fact that Amro repeats his actions again and again. The court used this argument to strengthen the prosecution's position, that such repetition justifies indictment on old actions too.

In our view, the repetition of Amro's actions - all as part of non-violent protest, rather reinforce Amro's status as a Human Rights Defender that needs to be protected. The court ignored the context in which Amro works, and the severe restrictions imposed on him and on other activists in the West Bank and in Hebron in particular.

- The court also discussed the defense's argument for the need to protect the freedom of speech. It claimed that Amro's conduct carries a potential harm to **public security**, which overcomes freedom of speech. In making this claim, the court included acts of 'disturbing the peace' and 'demonstrating without a license' within the spectrum of 'threats to public security', which is a broadened interpretation of 'public security' which limits the right to protest and the freedom of speech in the occupied Palestinian territories.

Contact HRDF team for any questions.