



Mission permanente d'Israël
auprès de l'Office des Nations Unies
et des Organisations Internationales à Genève

משלחת ישראל
ליד משרד האומות המאוחדות
והארגונים הבינלאומיים בג'נבה

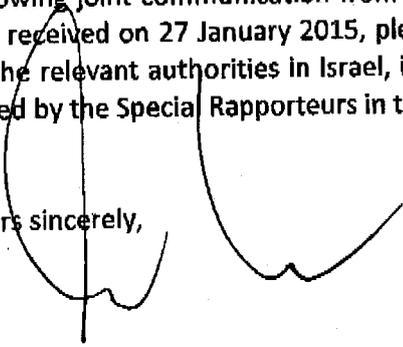
Mr. Ghezraoui Karim
Chief a.i.
Special Procedures Branch

Geneva, 10 March 2015

Dear Mr. Ghezraoui,

Following joint communication from special procedures ref: UA ISR 11/2014, which was received on 27 January 2015, please find enclosed information forwarded to us by the relevant authorities in Israel, in connection to the alleged facts and concerns raised by the Special Rapporteurs in their joint communication.

Yours sincerely,


Eviatar Manor
Ambassador
Permanent Representative

To the attention of:

- ✓ Mr. Mads Andenas, Chair-Rapporteur of the Working Group on Arbitrary Detention;
- ✓ Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders;
- ✓ Mr. Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and of association;
- ✓ H. E. Dr Makarim Wibisono, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967;
- ✓ Mrs. Gabriela Knaul, Special Rapporteur on the independence of judges and lawyers;

Response to Joint Urgent Appeal from Special Procedures dated 27 January 2015,
regarding the arrest of **Mr. Abdallah Abu Rahma**

Excellencies,

We have received your enquiry dated 27 January 2015, regarding the alleged arbitrary arrest of Mr. Abdallah Abu Rahma (hereinafter: Abu Rahma) on 13 May 2012, and would like to address your concerns, according to information forwarded to us by the relevant authorities:

1. The Military Courts in the West Bank were established in accordance with international law (specifically Article 66 of the 4th Geneva Convention). Ever since its establishment, the Military Courts system has opted for maximum transparency, as befitting a judiciary system. Its hearings are conducted openly, cases in deliberation are provided for review and reports on its operations are issued regularly.
2. Additionally, Military Court judges are subject to the similar ethical and professional standards applicable to all criminal and civil judges in Israel, in order to guarantee the right to due process and fair trial. Military Courts are bound by the same evidentiary rules and procedural principles as courts in Israel; during all judicial proceedings suspects and defendants are entitled to representation by an attorney of their choice; defendants are notified of the charges by a written indictment read out in their native language and they are entitled to receive a copy of all evidence against them and to summon witnesses on their behalf.
3. It should also be clarified that the courts system is independent in all judicial matters from the IDF command hierarchy, and subject only to the rule of law. Review of the system is carried out through the appeals instance. Accordingly, local legislation governing the process grants all relevant individuals the right to appeal the order to the Military Court of Appeals, for judicial review. All individuals have the additional right to petition the Israeli High Court of Justice for a repeal of the order. The judicial organs reviewing each and every order carefully examine whether the criteria outlined in case law and legislation are fully met.

4. On 10 May, 2012 IDF forces set up roadblocks (small defensive cement walls) near the Bituniya Checkpoint in order to facilitate the transfer of goods into the West Bank during the expected "Nakba day" demonstrations. Subsequently, a group of 25–30 demonstrators, including Abu Rahma, arrived at the scene, and actively prevented the placement of the roadblocks, as well as the entrance of trucks transferring goods.
5. Abu Rahma was arrested after refusing to comply with orders to evacuate the scene, and after being warned that such refusal would be seen as disturbing a soldier in the performance of his duties.
6. After hearing testimonies both from the prosecution and from the defense, Abu Rahma was convicted of the aforementioned offence, and acquitted on the charge of resisting arrest. In finding him guilty, no reference was made to Abu Rahma's previous record of arrest and detention. Subsequently, Abu Rahma was sentenced to a four month suspended sentence, and a fine of 5,000 New Israeli Shekels (approximately 1,250 USD), payable by April.
7. In conclusion, please allow me to emphasize that The State of Israel's actions in the West Bank are conducted in accordance with applicable international and domestic law. Regarding Abu Rahma, the judicial proceedings leading to his conviction complied with human rights standards, including the right to a fair trial and due process guarantees.