



lawyers for palestinian
human rights



FOR IMMEDIATE RELEASE

Joint Public Statement

Update on the continued military detention of the Palestinian human rights defender, Murad Shtaiwi, under Israel's repressive protest law

London and Ramallah 26 August 2014 - Lawyers for Palestinian Human Rights (LPHR) and Addameer Prisoner Support and Human Rights Association (Addameer) remain extremely concerned by the continued military detention since 29 April 2014 of the Palestinian human rights defender, Murad Shtaiwi, under Israel's repressive protest law.

In our [first joint public statement](#) on Murad Shtaiwi's case, dated 3 July 2014, we outlined that this prominent Palestinian human rights defender was to stand trial on Sunday 6 July 2014 at Salem Military Court on three charges: participating in and organising unauthorised demonstrations (Israel's Military Order No. 101); causing a public disturbance; and throwing stones at Israeli military authorities.

We can reveal in this update that the court in Murad Shtaiwi's trial has only sat for three days in total since it began on Sunday 6 July 2014 (Sunday 6 July 2014, Wednesday 9 July 2014 and Monday 14 July 2014). On the third day of the trial hearing on Monday 14 July 2014, the trial was adjourned for six weeks until **Wednesday 27 August 2014** without a reason provided by the court. Murad Shtaiwi was again refused bail so he has continued to be detained in remand.

LPHR and Addameer are hugely concerned by the apparently arbitrary orders of the court to repeatedly adjourn the trial of Murad Shtaiwi which has the clear effect of prolonging the trial process. The unfairness of this practice is compounded by the refusal by the court to grant Murad Shtaiwi bail. The practice of arbitrarily prolonging the trial process is not atypical for Palestinians within the Israeli military court system (please see the bottom of our 'more information' section) and is incompatible with the fair trial requirement under international human rights law that a defendant should be tried without undue delay.

LPHR and Addameer have updated the United Nations Special Rapporteur on the situation of Human Rights Defenders, the British Consulate in Jerusalem and EU diplomatic missions on the trial process of Murad Shtaiwi. We reiterate our urgent request that they take appropriate action to end the incidents of human rights violations against Murad Shtaiwi. Our urgent request is made further to commitments to protect human rights defenders contained within the United Nations Declaration on Human Rights Defenders and the European Union Guidelines on Human Rights Defenders.

Contact information:

Tareq Shrourou, LPHR, London | contact@lphr.org.uk

Gavan Kelly, Addameer, Ramallah | gavan@addameer.ps



lawyers for palestinian
human rights



About Lawyers for Palestinian Human Rights (LPHR)

[LPHR](#) is a lawyer-based legal charity in the United Kingdom that works on legal projects aimed at protecting and promoting Palestinian human rights.

About Addameer Prisoner Support and Human Rights Association (Addameer)

[Addameer](#) is a Palestinian non-governmental, civil institution that works to support Palestinian political prisoners held in Israeli and Palestinian prisons.

More Information

Background information on the current arrest and detention of Mr Murad Shtaiwi

On the night of 28 to 29 of April 2014, the Israeli military authorities raided different houses in the village of Kufr Qaddum to arrest five people: Mr Murad Shtaiwi and four young men, Reslan Joma, Ream Harham, Mustafa Shtaiwi and Ahmad Hassan Shtaiwi.

Mr Shtaiwi was held in Huwara military camp. The Israel Security Agency (ISA) only interrogated him briefly immediately before he was presented to a military court at Ofer camp near Ramallah on 2 May 2014.

Mr Shtaiwi was charged with the following three offences (he was presented with the final charge sheet on 12 May 2014):

i) Military Order 101 (participate in or organise demonstrations)

Between 2011 and February 2014, at different opportunities, including 21 February 2014 and 20 December 2014 or around those dates, in Kufr Qaddum or in other areas, Mr Shtaiwi participated in unauthorized demonstrations. He also organized some of the demonstrations. He used a bullhorn to call on people to join the demonstration.

ii) Activities against Public Order

From the beginning of February 2014 until 21 February 2014, or around those dates, on three different occasions, Mr Shtaiwi was with Riyadh Shtaiwi, and they burned tires.

iii) Throwing stones on a person or moving object

On 21 February 2014, or around this date, in Kufr Qaddum, or around it, Mr Shtaiwi was in a demonstration with other people that were in the first accusation, and he threw stones at the Security Forces.

On 12 May 2014, Mr Shtaiwi was informed by Salem Military Court that he would remain in remand until the next court hearing date of Monday 9 June 2014. A petition by his lawyer



lawyers for palestinian
human rights



against the remand order was heard by the military court of appeals on 18 May 2014 and rejected on 22 May 2014.

On 18 June 2014, Mr Shtaiwi's detention was extended and his trial date was listed for Sunday 6 July 2014 at Salem Military Court.

Mr Shtaiwi faces a maximum sentence of 10 years imprisonment should he be found guilty of the first charge of violating Military Order 101 regarding the participation and organisation of demonstrations.

Previous alleged violation incidents by Israeli military authorities against Mr Murad Shtaiwi

LPHR and Addameer are able to specifically report on at least four previous alleged human rights violation incidents by Israeli military authorities against Mr Murad Shtaiwi.

Mr Shtaiwi was arrested on 16 March 2012, after an Israeli security forces dog attacked his nephew Ahmad Shtaiwi during a demonstration. A [video](#) shows him asking soldiers to help his nephew and order the dog to stop attacking him. Israeli military authorities sprayed him in the face with pepper spray and arrested him. Mr Shtaiwi was released after paying bail of around US\$1,500, and was not charged.

Mr Shtaiwi was assaulted and arrested again on 20 December 2013 during a demonstration in Kufr Qaddum, and released four days later after paying bail of around US\$1,500. He was not questioned during this detention and was not charged.

Mr Shtaiwi has been injured a number of times by Israeli military authorities using excessive force. On one occasion, on 6 September 2013, a tear gas canister hit him directly in the leg during a demonstration, and he was treated in hospital for a broken leg.

On 20 February 2014, Mr Shtaiwi was arrested, detained and interrogated for 6 hours and 30 minutes. In a meeting with Addameer just hours after this incident, Mr Shtaiwi gave his account of this incident which included this comment:

Two soldiers interrogated me and the soldiers were very specifically targeting me as a human rights defender. The soldiers lectured me for a long time, saying that I “can stop the demonstrations,” and that I am “influential in Kufr Qaddum.”

Mr Shtaiwi further stated that this arrest was not an isolated incident against him and other protesters; and that he appeared to be specifically targeted because of his role as a human rights defender:



lawyers for palestinian
human rights



I face regular intimidation at checkpoints because of my organizing activities. During a previous encounter with the Israeli forces, at which time occupation soldiers attacked my home with teargas and ransacked all of the belongings, one officer that went by the name "Sabri" told me "you must stop the demonstrations" and threatened me with arrest.

The unfair, arbitrary and prolonged nature of trial proceedings in the Israeli military court system

The nature of trial proceedings in the Israeli Military Court system applied only against Palestinians has unequal and unfair differences with trial processes for Israelis within the Israeli criminal justice system. These stark differences are compounded by the arbitrary and prolonged nature of the trial process within the Israeli military court system.

It is not uncommon for trials within Israel's military court system to last many months due to arbitrary adjournments of the trial process - whether for a few days, weeks or months - being ordered by the military court, often without any reason for the delay being given to the defendant. This normalised practice of the Israeli military trial process conflicts with a fundamental international human rights standard for a fair trial process that a defendant should be tried without undue delay.

The arbitrary prevention of continuity within the trial process dictated by a military court diminishes a Palestinian defendant's prospect of receiving a fair trial in accordance with internationally recognised standards, and further undermines trust and confidence in the fairness of the Israeli military court system.