



מנדוק המדאפיען מן חקוקא האנסאן  
הקרן למגיני זכויות אדם  
HUMAN RIGHTS DEFENDERS FUND

## Israeli HRDs charged for Protesting in the OPT HRDF update, summary and analysis

Several points are common to the cases of Israeli HRDs charged over their participation in protests in the OPT:

1. Charges presented long after the events
2. The use of relatively trivial charges as a means to criminalize HRDs

These have serious repercussions for HRDs in the long-term. Not only that a lengthy trial causes uncertainty and disruption of life, but the constant threat of indictment, the criminal record, fines and probation, can further put HRDs in risk in future. **Thus they add to the 'chilling effect' on the Israeli community which acts for the human rights of Palestinians.**

### Recent Legal Updates:

The following cases recently concluded with overall good results:

1. On May 13th 2018, the Jerusalem Magistrate court **convicted Ben Ronen, Naomi Lyth and Yifat Doron** (Doron was represented by a private lawyer) of 'Participation in a Illegal Assembly' and sentenced them to a double probation (according to a plea bargain):
  - a 30-day suspended sentence for 'Obstructing a Policeman' for a 2-years probation period; and
  - a 10-day suspended sentence for 'Participation in a Illegal Assembly' for a 1-year probation.

A fourth activist in the same trial, Yuval Yerlicht, was **not convicted**. The three (Ronen, Yerlicht and Lyth) are long-time activists and documentarists. In 2016 they were charged with 'Participation in an Illegal Assembly', 'Disturbing a Soldier' and (Ronen only) 'Assault', allegedly caused during a demonstration in Nabi Saleh three years earlier (in August 2013).

The court this week **dropped the assault and obstruction charges**.

2. On May 9th 2018, the Jerusalem Magistrate court approved a **plea bargain in the case of Udi Segal, Adi Yonathan Bonsel and Reut Waisman-Erel**, and determined **not to convict** Segal and



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Waisman-Erel. The two will serve community hours. The sentence for Bonsel will be given in June 2018.

The three were arrested during a demonstration in Bil'in in February 2015. They were originally charged with 'Rioting', 'Obstructing a Soldier' and 'Violating a Legal Order', but, as part of the plea bargain, the **charges were reduced** to 'Participation in a Illegal Assembly'.

3. In May 2017, The Petah-Tikva Magistrate court **approved a plea bargain, and determined to drop all charges against Koby Snitz**, who was originally indicted with 'Offending and Obstructing a Soldier'. Ari Libro, who was indicted together with Snitz, was left with only one charge to the indictment, of 'Offending a Soldier'. **Libro was not convicted and gave his commitment** not to repeat the same offense for a year.

4. **The trial of Sahar M. Vardi and Lihi Joffe ended in June 2018.** The two were arrested in 2014 during a protest against the restriction of the freedom of movement in Hebron, and a year later charged with 'Entering a Closed Military Zone', 'Obstructing a Soldier' and 'Participating in an Illegal Assembly'.

In December 2017, the court approved a plea bargain, according to which the two admitted to two lesser charges: 'Participating in an Illegal Assembly' and 'Obstructing a lawful arrest,', and were sent for probation service review. In June 2018, the probation service recommended to the court not to convict them and they were sentenced to social service hours. Vardi is a board member of the HRDF and Joffe is a board member of 'Women Coalition for Peace' and the two are long times activists.

One case of women HRDs is still ongoing at the Jerusalem Magistrate court:

**Tal Shapira's trial will continue in October 2018 to the evidence part.** In September 2017, she was charged with 'Rioting' and 'Obstructing a Soldier' occurring allegedly during a March 2015 protest in Nabi Saleh. Shapira is a prominent activist, highly involved in the popular struggle in the village.

### HRDF Analysis



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1. The campaign against Israeli HRDs who protest Israel's occupation of the OPT targets, in particular, **individuals who regularly participate in joint Palestinian-Israeli demonstrations** in the West Bank.
2. Often, as in the cases above, activists are faced with charges **long after the events took place**.
3. 'Disturbing the public order' and 'participating in an illegal assembly', while relatively light charges, are routinely and massively used to **criminalize both Palestinian and Israeli protesters** in the West Bank. It is important to note, that military Order 101 prohibits any gathering of more than 10 people discussing political issues in the West Bank, unless a permit was given by the military commander, and, in practice, these permits are not given. Therefore, no demonstration in the West Bank is ever considered "legal" (i.e. IDF – licensed).
4. That many of the above indictments were eventually changed to more reduced charges shows, that the prosecution's initial accusations were far-fetched, and lacked substantiated evidence. This raises serious questions on the **motivation behind the criminal proceedings against Israeli HRDs**.
5. Despite the unjustified accusations, there is a real dilemma for HRDs and for HRDF-funded lawyers. Against the desire to run a full trial, in order to plead the defense's arguments (in favor of the freedoms and rights of HRDs), we are faced with a realization that **Israeli courts are increasingly less favorable to human rights**. Thus, weighing the risk of a lengthy trial— including the toll it takes on the defendant activists—against the chances of excellent results (erasing charges, acquittal of all charges), HRDs and advocates are more and more inclined to **agree to plea bargains**.
6. For its part, the state agrees to plea bargains because the mere act of **filing charges is enough to cause a significant chilling effect** on the charged HRDs and on others.
7. Cornering Israeli HRDs to accept plea bargains is an alarming process which harms the human rights community. This is akin to the situation of Palestinian HRDs in Israeli military courts, who almost always have to reach a plea bargain, which usually implies admitting to charges and conviction (other differences - such as length of arrest or severity of sentence - not withstanding).



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8. The **lengthy probation**, for Ronen and Lyth, will endanger them in participating in future protests, and can be seen as an attempt to deter other activists and to harm the non-violent popular struggle.
9. Our rapid intervention, providing early legal representation, resulted in relatively good outcomes for the threatened HRDs: avoiding incarceration or other heavy punishments. This is reflected in the feedback of the HRDs, who reported feeling more confident and secure thanks to the backing of the HRDF.