

RELEASED IN PART

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ACTION NEA-01

INFO	LOG-00	AID-01	AMAD-01	CA-02	CIAE-00	OASY-00	DODE-00
	EB-01	H-01	TEDE-00	INR-00	IO-16	L-01	ADS-00
	NSAE-00	NSCE-00	OCS-06	OIC-02	PA-01	PRS-01	P-01
	SP-00	SR-00	SS-00	STR-01	TRSE-00	USIE-00	PRME-01
	DRL-09	G-00	/046W				

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R 030757Z AUG 94
FM AMCONSUL JERUSALEM
TO SECSTATE WASHDC 4718
INFO AMEMBASSY TEL AVIV

LIMITED OFFICIAL USE SECTION 01 OF 02 JERUSALEM 002739

E.O. 12356: N/A
TAGS: CASC, PHUM, IS [REDACTED]
SUBJECT: CONVERSATION WITH [REDACTED]
LAWYER

REP: STATE 176110 AND ALL PREVIOUS

1. SUMMARY: POST WAS VISITED 8/1/94 BY [REDACTED]
[REDACTED] LAWYER FOR [REDACTED] [REDACTED]
TOLD US THAT HE BELIEVES MORE ACTION IS NEEDED
BY THE USG TO ASSURE A FAIR AND TIMELY TRIAL FOR
HIS CLIENT. IN PARTICULAR, [REDACTED] REQUESTED
THAT THE USG RAISE THE PRESSURE ON THE GOI TO
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MOVE [REDACTED] TRIAL FROM THE MILITARY COURT TO A
CIVILIAN COURT AND REQUEST THAT [REDACTED] BE ALLOWED
OUT ON BAIL BECAUSE OF THE EXTRAORDINARILY LONG
TIME THE CASE IS TAKING. [REDACTED] TOLD US THAT
THE ISRAELI PROSECUTION HAS BEEN DISCUSSING A
POSSIBLE PLEA BARGAIN AND THAT THEY MAY WELL NOW
DOUBT THAT [REDACTED] AS THEY
ORIGINALLY THOUGHT." END SUMMARY

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2. ON AUGUST 1, 1994, [REDACTED] ATTORNEY
FOR [REDACTED] MET WITH CONSULAR SECTION

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 CHIEF AND ACS OFFICER TO DISCUSS [REDACTED]

[REDACTED] HE EXPRESSED
 [REDACTED] CONCERN THAT HIS CASE WAS NOT BEING
 SUPPORTED BY THE USG AS MUCH AS IT SHOULD BE.
 IN CONVERSATIONS WITH [REDACTED] [REDACTED] HAS POINTED
 OUT THE WIDESPREAD ATTENTION GIVEN TO THE CASE
 OF THE YOUNG MAN WHO WAS SENTENCED TO CANING IN
 SINGAPORE AND WONDERS WHY
 HIS CASE IS NOT RECEIVING SUCH HIGH LEVEL
 PUBLICITY.

3. [REDACTED] STATED THAT HE WILL BE FILING
 REQUESTS TO IMPROVE THE CIRCUMSTANCES OF THE
 CASE AND THE CONDITIONS OF [REDACTED]
 IMPRISONMENT. HE OPINED THAT WITHOUT HIGH LEVEL
 USG PRESSURE HE DOUBTED THAT ANY POSITIVE ACTION
 WOULD BE FORTHCOMING. SPECIFICALLY, [REDACTED]
 SAID HE WOULD BE REQUESTING THAT [REDACTED] TRIAL
 BE MOVED FROM THE MILITARY COURT TO A CIVILIAN
 ONE. HE EXPLAINED THAT THE ISRAELI MILITARY
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 COURTS AND JUDGES HAVE SIGNIFICANTLY LESS
 INDEPENDENCE THAN CIVILIAN COURTS. THE PRIMARY
 JUDGE IS A MILITARY LAWYER AND THE OTHER
 "JUDGES" ARE NOT REALLY JUDGES, OR EVEN LAWYERS,
 BUT SIMPLY ARMY OFFICERS APPOINTED BY THE
 REGIONAL COMMANDER. AS A RESULT, ACCORDING TO
 [REDACTED] THE MILITARY COURT IS "OBLIGED TO THE
 MILITARY" AND NOT AN INDEPENDENT COURT.

4. [REDACTED] ALSO SAID THAT IF [REDACTED] CASE WAS
 TRANSFERRED TO A CIVILIAN COURT HE COULD FILE A
 REQUEST FOR [REDACTED] TO BE RELEASED ON BAIL. NO
 BAIL IS ALLOWED IN A MILITARY COURT. ACCORDING
 TO [REDACTED] A CIVILIAN COURT WOULD NOT KEEP A
 SUSPECT IN PRISON FOR MORE THAN A YEAR WITHOUT
 POSSIBILITY OF BAIL. THE TRIAL HAS ALREADY
 TAKEN 18 MONTHS AND IS STILL BOGGED DOWN IN THE
 INTERROGATION OF THE FIRST WITNESS. [REDACTED]
 ESTIMATES THAT AT THE CURRENT RATE THE HEARINGS
 COULD TAKE AT LEAST ANOTHER YEAR.

5. [REDACTED] BELIEVES THAT THE CIRCUMSTANCES OF
 BOTH THE TRIAL AND THE INCARCERATION ARE A
 "MISCARRIAGE OF JUSTICE." HE POINTED OUT THE

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ISSUES OF SECRET EVIDENCE, THE CONFESSION OBTAINED UNDER DURESS AND THE GLACIAL PROGRESS OF THE INTERROGATION OF WITNESSES. WE ASSURED [REDACTED] THAT THE U.S. GOVERNMENT IS AWARE OF THESE PROBLEMS IN [REDACTED] TRIAL AND TAKES THEM VERY SERIOUSLY.

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6. [REDACTED] TOLD US THAT THE ISRAELI AUTHORITIES HAD INDICATED SOME INTEREST IN WORKING OUT A PLEA BARGAIN DEAL WITH [REDACTED] THEY HAVE SUGGESTED THAT HE PLEAD GUILTY TO SOME OF THE CHARGES AND SERVE A SIX YEAR SENTENCE. FROM [REDACTED] SIDE, [REDACTED] SAYS [REDACTED] MAY BE WILLING GO ALONG WITH A PLEA BARGAIN WHICH WOULD LEAD TO NO MORE THAN 3 YEARS IN PRISON. [REDACTED] SAYS THAT HE THINKS THE ISRAELI AUTHORITIES NOW THINK THAT [REDACTED] ORGANIZATION AS THEY HAD ORIGINALLY BELIEVED. HOWEVER, THEY HAVE BACKED THEMSELVES INTO A CORNER [REDACTED]

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7. THERE IS STILL SOME QUESTION WHETHER [REDACTED] WOULD EVEN PLEAD GUILTY TO REDUCED CHARGES SINCE HE STEADFASTLY CLAIMS THAT HE DID NOTHING WRONG. HE TOLD [REDACTED] THAT THE WORST HE HAD DONE WAS TO BE "LESS THAN CAREFUL" ABOUT WHAT

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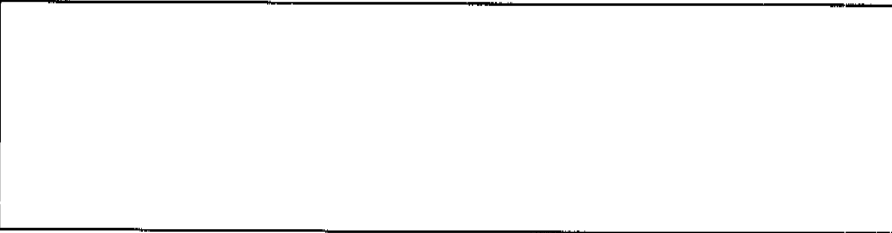
R 030757Z AUG 94
 FM AMCONSUL JERUSALEM
 TO SECSTATE WASHDC 4719
 INFO AMEMBASSY TEL AVIV

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E.O. 12356: N/A
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 LAWYER



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8. COMMENT: [redacted] OBVIOUSLY THINKS [redacted]
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 CASE AS AT A CRUCIAL STAGE AND HE BELIEVES THAT
 USG PRESSURE IS NECESSARY TO PUSH IT IN A
 DIRECTION FAVORABLE TO HIS CLIENT. HE ADMITTED
 THAT THERE IS NO PRECEDENT FOR MOVING A WEST
 BANK SECURITY CASE FROM A MILITARY COURT TO A
 CIVILIAN ONE. HE ALSO SAID HE DOUBTED THE
 SUPREME COURT WOULD BE ANXIOUS TO MOVE THE CASE,
 THUS INDIRECTLY ADMITTING THE MILITARY COURT WAS
 SUBSTANDARD. WE ASSUME HE IS HOPEFUL THAT
 PRESSURE FROM THE U.S. STATE DEPARTMENT AND FROM
 CONGRESSIONAL SOURCES REGARDING THE
 CIRCUMSTANCES SURROUNDING [redacted] TRIAL AND

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INCARCERATION WOULD HELP IN THE ONGOING PLEA
BARGAIN NEGOTIATIONS. END COMMENT.

9. ACTION REQUEST: [REDACTED] WILL BE IN THE
UNITED STATES IN LATE SEPTEMBER. HE WOULD LIKE
AT THAT TIME TO MEET WITH STATE DEPARTMENT
OFFICIALS (NEA AND CA) AND WITH INTERESTED
CONGRESS MEMBERS (PARTICULARLY SENATOR PAUL
SIMON) TO DISCUSS [REDACTED] CASE. PLEASE ADVISE
IF SUCH MEETINGS CAN BE ARRANGED. BARGERON

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