Extract of www.acdn.net

https://acdn.net/spip/spip.php?article229

International Spotlight on Vanunu's Appeal

NEXT YEAR IN JERUSALEM

Publication date: Sunday 17 September 2006

Copyright © www.acdn.net - All rights reserved

INTERNATIONAL SPOTLIGHT ON NEW ISRAELI SUPREME COURT PRESIDENT DORIT BEINISCH ON MORDECHAI VANUNU'S APPEAL

September 2006

On 7 September 2006, upon hearing of her unanimous appointment as the next Israeli Supreme Court President, Justice Dorit Beinisch said she would preserve "the Supreme Court's culture of values." She went on to say, "As for the talk of eroding public confidence in the court system, everyone from all walks of life comes to Court to ask for its help." She said the Supreme Court had no political agenda and protected basic values. I found these interesting comments from Justice Beinisch, who just the day before sat in the Israeli Court (together with Justices Chesine and Brunis) hearing the third appeal of Mordechai Vanunu, the Israeli nuclear whistleblower, against his restrictions.

In l986, Mordechai Vanunu, acting out of conscience, revealed to the world that Israel had a nuclear weapons program. Sentenced to 18 years in prison, the first 12 years in solitary confinement in a tiny cell, and eventually was released in April 2004, having completed the entire 18 years. Upon his release, the Israeli Government imposed draconian restrictions on his freedom. He is forbidden to speak to foreigners or foreign press or to leave Israel. Each year for the past two years, on the 2lst of April, these restrictions have been renewed and Vanunu remains a virtual prisoner, living within a couple of square miles of East Jerusalem and under constant security surveillance everywhere he goes.

On this, my fourth visit to support Mordechai Vanunu (whom I have nominated many times for the Nobel Peace Prize), I attended the Israeli Supreme Court hearings on Vanunu's restrictions on 6 September 2006. Vanunu's defense lawyer, Avigdor Feldman, argued that in all the interviews Mordechai gave to the international media since his release in April 2004, there were no new secrets revealed and nothing he said was endangering the security of the State. He said that the Supreme Court stated in its judgment last year, that "the no breaches of restrictions together with the 'passing of time' factor are the base in deciding the continuing or ending of the restrictions." Now after two-and-a-half years and in light of the fact that Mordechai did not breach the restrictions for eight months, Feldman argued, the Court should consider the ending of the restrictions. Mr. Feldman said that the ban on Mordechai to leave the country is a serious breach of his fundamental constitutional human rights. The attorney for the State came to the Court with four or five men, secret expert witnesses from the Secret Services and from the secret Israeli Nuclear Committee, to give the three judges a testimony behind closed doors, without Mordechai and his lawyers present, as they have done in the previous discussions in the Supreme Court. Their aim would be to convince the Court that Vanunu still has more information to reveal and he is a serious danger to the security of the State.

Justice Beinisch, said that there is no need to hear these secret testimonies as their position was well accepted by the previous bench of the Court, and "it is accepted on this bench too." The attorney for the State disputed Feldman's statements, arguing that "Vanunu is still a danger to the State security; he has more unpublished information and he wanted to make it public." He also said that it is not true that Vanunu did not breach the restrictions in the past eight months and that he has material on that, but he wants it to be heard in closed doors. Mr. Feldman said only if the State has a proper order should it make it closed doors evidence. In the end, the Court asked the State to obtain the certificate for secrecy and make a new date to continue the hearing of the appeal.

One thing was clear from both the State Attorney and from the Judge's statements in the Court, that with or without Vanunu breaching the restrictions, eight months or a year's time (since the previous decision of the Court) is not enough time to end restrictions. The President of the Court said that "the Court in its decision left the term 'time' undefined" and asked the State what is their position to how much longer the restrictions could continue, but there was no clear answer from the State Prosecutor as to how long was long enough!

Copyright © www.acdn.net

As I sat in the Israeli Court, I was surprised at one of the comments by President Beinisch to the effect that two years of restrictions do not seem too long! I thought to myself that it is, two-and-a-half years of restrictions, plus 18 years in prison (12 in solitary) and every day that goes by now, Mordechai Vanunu is a virtual prisoner, whose life is constantly in danger, being re-punished again and again (itself an action forbidden by law). How long is it going to be before it is finally long enough? Vanunu has no secrets; Israel and the world know it. His situation is now worse than a prison term, when at least he could look forward to getting out at a given time. Now he knows the Israeli government, directed by the Security Services of Israel, can keep him in Israel forever if they like, and no one outside Israeli, or inside, apart from the Israeli Supreme Court, if they really are a Court of Justice, can do anything about it! Vanunu has gone (yet again, as this is the third appeal!) to the Israeli Court to ask for its help, and the question is: Will they help give him justice NOW, and if not now, WHEN? Or must he live out the rest of his life incarcerated within Israel, a victim of secret court hearings, and security bureaucrats, and a victim of an allegedly democratic country with a sham justice system, offering no hope to Vanunu or any of its citizens who come looking for justice from their Courts of Justice.

Both inside Israel and in the international community, many people wait and watch to see if President Beinisch and her two Justice colleagues will have the courage to uphold international law and basic common decency and justice and restore Mordechai Vanunu's right to his basic freedom of speech and movement. The result of this appeal will indeed give us an indication of the future strength of Israeli justice for those who go to ask for its help. We wait in hope that we may yet see JUSTICE IN JERUSALEM.

Mairead Corrigan Maguire, Nobel Peace Laureate, is Hon. President of Peace People, Northern Ireland (www.peacepeople.com).

COURT REPORT

Today the 6th of September in the Supreme Court in Jerusalem, the appeal of Mordechai Vanunu against the restrictions imposed on him by the Israeli Government. Avigdor Feldman , representing Mordechai, argued that in all the interviews Mordechai gave to the international media since his release, in April 2004, two and half years ago, there was no new secrets revealed and nothing he said was endangering the security of the state. He said that the Supreme Court stated in its judgment last year, that "the no breaches of restrictions together with the "Passing of Time" factor, are the base in deciding the continuing or ending of the restrictions", and now after two and a half years and in light of the fact that Mordechai did not breach the restrictions for eight months, Feldman argued, the court should consider the ending of the restrictions.
\Mr Feldman said that the ban on Mordechai to leave the country, is a serious breach of his fundamental constitutional human rights.

The attorney for the State came to the court with four or five men, secret expert witnesses, from the Secret Services and from the secret Israeli Nuclear Committee, to give the three judges a testimony behind

closed doors, without Mordechai and his lawyers present, as they have done in the previous discussions in the Supreme Court. Their aim would be to convince the court that Vanunu still has more information to reveal and he is a serious danger to the security of the state.

The President of the Supreme Court Dorit Beinish, said that there is no need to hear these secret testimonies as their position was well accepted by the previous bench of the court and " it is accepted on this bench too". The attorney for the state disputed Feldman's statements, "Vanunu is still a danger to the State Security, he has more unpublished information and he wants to make it public". He also said that it is not true that Vanunu did not breach the restrictions in the past eight months and that he has material on that but he wants it to be heard in closed doors. Mr Feldman said that it can be heard in close doors only if the State has a the proper orders to make it closed doors evidence. In the end the court asked the State to obtain the certificate for secrecy and make a new date to continue the hearing of the appeal.

One thing was clear from both the State attorney and from the Judges statements in the court, that " with or without Vanunu breaching the restrictions, eight months or a year time (since the previous decision of the court) is not enough time to end the restrictions". The President of the court said that "the court in its decision left the term "time" undefined" and asked the State to what is their position to how long more the restrictions could continue but there was no clear answer and it is understood that nothing positive will come out from the state or from the court in the near future

Copyright © www.acdn.net