

Israel Perry appeals: No one testified that his money was stolen, there are no legal grounds for the conviction.

In the appeal, Perry's lawyers claim that the court acted on non-judiciary evidence and considerations, creating a "serious miscarriage of justice"

By Hila Raz

"There has never been such a case in judiciary history, in which a man is convicted of massive theft when there are no absolute facts to support this, and no genuine legal grounds for the conviction, when the core elements were not proved at all" - thus states the appeal of attorney Israel Perry to the Supreme Court, less than one week after he was sentenced to 12 years in prison and fined NIS 22 million.

In a harsh ruling, handed down in October 2007, Perry was convicted of aggravated fraud, on two counts of theft by a bailee, insurance broking without a permit, dealing in insurance without a license, subornation in connection with an investigation and obstructing the course of justice. Perry was convicted of stealing some 320 million deutsche marks from insurance premiums paid in advance to companies under his control, and fraudulently obtaining legal fees amounting to about 150,000 deutsche marks.

In his sentence, District Court Judge Zecharia Caspi harshly criticized Perry's behavior.

"The accused did not make do with just non-disclosure, but rather worked hard and deceived, lied and swindled, distorted and misrepresented. The victims include not only his clients themselves, but also other bodies, including the courts and the Knesset State Control Committee," wrote Caspi. "This was a systematic operation, meticulously devised, channeled in various directions, and wrapped in the guise of respectability, concern for the clients and actions, ostensibly solely for them and their benefit."

Attorneys Jacob Weinroth and Micha Kirsch are representing Perry in his appeal. In their introduction to the appeal, which is 102-pages thick, the attorneys note

that the document was written in haste, as the District Court delayed the execution of the sentence only until this Wednesday (February 27).

The appeal contends that the judge erred in convicting Perry of theft, considering the fact that the court itself stated that no one testified that his money had been stolen.

“Not one person entered the gates of the District Court with the claim that he had been deceived by the appellant in any aspect concerning the matter of the theft of insurance premiums,” wrote the attorneys, who note that, “not one witness was brought before the District Court - which determined that the appellant stole from all his clients, who numbered in the thousands - testifying that he was concerned about the insurance charges, that they interested him, were made without his consent, or that if he had known about the charges he would not have given his consent.”

In the appeal, Perry’s lawyers challenge the evidence on which Judge Caspi based his decision, particularly the judge’s interpretation of the evidence brought before him. The attorney’s argue that the witnesses who were presented by the prosecution never testified that they were defrauded. The attorney’s likewise contend that Judge Caspi was not willing to hear all Perry’s witnesses, and made do with a sweeping rejection of their claims.

Perry’s appeal also rejects the contention that he was engaged in insurance dealings without a permit, because, in his words, he “never brokered insurance, dealt with insurance without a license, and certainly never did this in Israel. The conviction for engaging in insurance dealings is based on the activities of a foreign insurance company that is licensed abroad, that contracted insurance abroad to insure the risks of the two foreign lending companies.”

The appeal contends that Perry and the organization he headed have been caused “a grave injustice in that the court acted on the basis of considerations and evidence that are not judiciary and which it should have ignored completely, but chose not to.”