

Israel: The show-trial of Arab Knesset member Azmi Bishara

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16 April 2002

On November 7 last year, the Israeli parliament, or Knesset, voted to lift the parliamentary immunity of Knesset Member (MK) Azmi Bishara. This was the first ever occasion that an MK has had his or her parliamentary immunity lifted so that the member could be put on trial for political reasons.

Bishara is the founding member and leader of the Balad Party (National Democratic Assembly) and is a well-known spokesman for the one million Palestinians who reside in Israel. A former philosophy lecturer, he has been a MK since 1996. He is the only member of his party to be elected to the Knesset and is one of only nine Arabs in the 120-member Knesset. His trial began on December 10 in Nazareth.

The lifting of Bishara's parliamentary immunity signifies a fundamental attack on the democratic rights of Palestinians, but also has grave implication in the longer term for the Jewish population.

Up until November, all previous cases where immunity has been lifted were in circumstances where the individual MK was suspected of corruption or criminal activities. But the lifting of Bishara's immunity was done in order to facilitate Israeli Attorney General Elyakim Rubinstein's, commencement of legal action against him on a number of counts. Charges against Bishara are based upon statements he made on the issue of the Palestinian struggle against Israeli occupation and oppression and upon assistance he has given to allow Palestinians to visit relatives in refugee camps. Rubinstein submitted a recommendation that Bishara's parliamentary immunity be removed so that he could be charged under 2 acts; the Prevention of Terror Ordinance (1948) and Regulation 5 of the Emergency Regulations (Exiting the Country) of 1948.

Two specific charges are being made against Bishara in the legal action. The first is that he delivered a speech in Kardaha, Syria on the one-year anniversary of the death of former Syrian President, Hafez Assad. In this speech he called on Arab countries to take a unified stance in supporting the struggle of the Palestinians against the Israeli occupation. "After the victory of the resistance [in southern Lebanon], after Geneva [the failed meeting between Assad and President Clinton] and after the failure at Camp David [the Israeli-Palestinian talks on a permanent settlement], the Israeli government began to hobble this sphere of activity [of resistance] and to posit an

alternative: Accept the Israeli terms, and if not — full-scale war. And there is no possibility of continuing with the third option, the way of resistance, other than by means of the renewed expansion of this sphere, so that people will be able to struggle and carry out resistance."

Bishara is being indicted for making that statement and for the contents of a speech he delivered in the Israeli village of Umm al-Fahm to commemorate the 33rd anniversary of the Six-Day War.

Referring to his speech on the anniversary of Assad's death, Bishara has rejected the charges and said, "The target audience was an Arab audience. The political statements I made were not new. The paragraph that caused all the fuss was the only one in the speech that was not written in advance."

The second charge leveled against him is that he has organised excursions for Arab/Israeli families to visit their parents and relatives in Palestinian refugee camps in Syria. Some of these relatives had not seen each other since their initial separation some 53 years ago. The majority of those going on these family reunion trips were elderly people who had stated their desire to visit their long lost relatives living as refugees. Bishara's two assistants, Ashraf Kortam and Musa Diab, were also indicted on this charge. Under repressive Israeli law, visits to Syria by an Israeli citizen have to be rubber stamped by the Ministry of the Interior.

If convicted of the charges, Bishara faces a maximum jail term of three years and he would be effectively barred from holding public office.

In the same Knesset session that voted to remove Bishara's immunity, a resolution was passed after its first reading forbidding "support of the armed struggle against Israel" by an overwhelming majority.

Bishara's speech in Syria was based on themes and political views he has held for a long time. These views are the policies of the Balad Party and Bishara had made such statements in public on numerous occasions, including within the chambers of the Knesset. He stated that the Palestinian people had a right to resist occupation and cited the recent Intifada in this respect. He also illustrated his point by referring to the resistance to the Israeli force of occupation in southern Lebanon. He made his comments at a time when Prime Minister Ariel Sharon had

made clear statements that the Palestinians must either submit to Israel's dictates or face direct military repression.

Members of the Knesset are explicitly protected under an act entitled the "Law of Immunity of MKs, Their Rights and Their Duties". That act states that it is the responsibility of a MK to exercise their freedom of speech and therefore to express their own political opinions.

The Sharon government's assault on the democratic rights of an elected MK is an extension of its military war against the Palestinian people and terror campaign against the Palestinian Authority (PA) within Israel itself. The ruling is a clear signal that the Sharon government will not tolerate any criticism or dissent to be voiced regarding its murderous activities in the West Bank and Gaza Strip or of its policies domestically.

Many Palestinian and Arab groups have challenged the spurious legal basis of the Attorney General's case. Adalah, the Legal Centre for Arab Minority Rights in Israel, has also opposed the ruling. The body pointed out that Israeli Supreme Court precedent and Israeli law bars legal action being taken against a MK for his/her political statements.

In an interview with the *Ha'aretz* newspaper on November 8 last year Bishara stated that he intended to protest against his indictment by making it a global issue. He said, "If there is a trial, I will bring witnesses from the French resistance, who will testify to what 'resistance' means. I will bring people from South Africa, who will testify about what occupation means. It will be the first trial in Israel about world-views. It won't be an easy trial. Let's say that if they were thinking pragmatically, they would drop the idea."

At the December 10 opening of the trial, the first session lasted two hours. Outside the court dozens of supporters of Bishara condemned the trial with one of the demonstrators pointing out, "It is not just Azmi that is on trial but the whole one million Palestinians living in Israel."

State prosecutor Yael Kochavi said in her opening remarks that there was no political conspiracy against Bishara. In reference to the trips to Syria with the relatives, Kochavi read the charge sheet that said that Bishara had assisted the "unlawful departure" of some 800 Israeli citizens to make trips to Syria whom she referred to as "our enemy".

Bishara responded to the charges by stating that their aim was "to shut up me and other Arab parliamentarians". He said that the work he had done in taking the relatives to Syria and back was an act of a purely humanitarian character. Of the charge against him, he said, "It is like bringing the Red Cross to court." His lawyers called for the charges to be dropped on the basis that the law relating to people travelling to other countries was unclear.

Bishara warned at a subsequent press conference, "This trial marks the crossroads in our relations as Arab citizens with the Israeli government. It is not only my party, but all Palestinians in Israel who are being targeted. The right wing in Israel is trying to politicise the issue of Palestinian citizenship."

The trial resumed on February 28, when two of Bishara's advocates, Hassan Jabareen and Riyad Anees, filed an application to dismiss the indictment after a series of preliminary arguments. They stated that the trial was motivated by political considerations only and was therefore invalid. Both lawyers cited a number of the defendant's speeches that had been delivered in the Knesset in which he had made the same points, sometimes more explicitly, as those for which he is now being indicted.

The trial was then adjourned until March 11 when Bishara was charged with "incitement" for the speeches he gave in Syria and with supporting the Lebanese group Hezbollah, which is a criminal offence in Israel. At that hearing Bishara's defence attorneys stated that the trial was politically motivated and requested that the panel of three judges allow a discussion to proceed on the nature of these motives. They specifically named Attorney General Elyakim Rubinstein as the instigator of the trial. The prosecution objected to this request, demanding that the charge sheet be read out and that Bishara enter a plea. After consultation with his co-judges, the president of the panel Justice Tawfik Katli agreed to accept the request of Bishara's lawyers.

Bishara's legal representatives then presented documents revealing that the police previously decided in September 2000 not to take action concerning his speech at Umm al-Fahm. According to Hassan Jabareen the attorney general who had initially decided not to prosecute, issued the letter of indictment after consulting with the prime minister, senior political figures and Shin Bet (the Israeli secret police).

Some 250 supporters of Bishara again protested outside the court and there were reports of some minor scuffles breaking out between demonstrators and members of the court security staff. A further demonstration of 200 Palestinians was held in Gaza City in support of Bishara.

On April 3, a hearing due for April 7 was postponed and rescheduled for June 9. An international campaign to defend Bishara has been established and has won support from many working people, human rights figures and intellectuals. The organisation is known as the Committee of International Support for the Defence of Azmi Bishara and its website can be found at <http://www.azmibishara.info>.



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