

# Palestinian leader found guilty of murder after show trial

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On May 20, an Israeli court found Palestinian leader Marwan Barghouti guilty of five murders in Israel and the West Bank. After the conviction prosecutors asked the court in the city of Tel Aviv to hand down five life sentences. He will be sentenced on June 6, his 44th birthday.

An Israeli Defence Forces (IDF) unit arrested Barghouti in April 2002. He was charged over his alleged role as leader of the militant Tamzin and al-Aqsa Martyrs' Brigades, which is allied with Palestinian Authority leader Yasser Arafat's Fatah organisation. His trial began in August 2003. His last appearance in court was in September 2003, when he announced that he did not recognise the court and warned that violence would end only with the creation of an independent Palestinian state.

He was found guilty of organising four suicide attacks, three of which led to the deaths of four Israelis and a Greek Orthodox monk. He was acquitted of planning attacks which led to the deaths of 33 other people.

In most of the 37 charges judges concluded that the attacks were carried out at the behest of local leaders and that there was no proof to link Barghouti to the operations. The judges said they would have liked to convict him of other attacks, but presently the conviction of a leader of a terrorist organisation for acts carried out by members of the group is only possible if he is directly involved.

Prosecuting attorney, Dvora Hen, head of the Security Affairs department at the State Prosecutor's office, asked the court to sentence Barghouti to five consecutive life-terms in prison, 40 years for attempted murder and the maximum sentence for his membership in a terrorist organisation.

Barghouti had decided not to employ a defense attorney, since he had decided not to cooperate with the system putting him on trial. He rejected the court's right to try him as a member of the Palestinian parliament, saying the

Palestinian intifada is a legitimate struggle. He told the court he was against the killing of innocents, but that Palestinians had to oppose the occupation of the West Bank and Gaza. It was not correct to carry out suicide attacks, he added. He said that the judges had no capacity to rule independently, as they were "receiving instructions from the security services."

Barghouti said, "The way of the intifada was necessary in response to Israeli policy. The real question is why did it take so long for the intifada to begin?"

He was aware of the Jewish people's history but failed to understand how a people who underwent the atrocities of the Holocaust "can take upon themselves the role of an occupier... I am a proud Palestinian leader and I oppose the Israeli occupation, it is my duty to do so. What do you want? For us to cooperate with the Israeli occupiers? We will never live doing that. We the Palestinians believe in peace, the intifada has been an effort to achieve a peace process. It was the only way to free the Palestinian people and it must not end."

The show-trial of Barghouti sets a legal precedent for the prosecution of other political leaders of the Palestinians, including Yasser Arafat himself.

Aged 43, Barghouti is second in popularity only to Arafat and is widely tipped as his successor. He was found guilty of having "led, ran, and set into operation terrorist actions against the state of Israel by conspiring with senior officials in the field who were responsible for their implementation. These actions were conducted in accordance with policy determined by the leadership of the terrorist organisations, and Barghouti was involved with carrying out this policy."

The indictment names field commanders including Ahmed Barghouti, Nasser Awis, Nasser Abu Hamid, Ra'ad Carmi, Mahend Diriyeh, Muhammad Massalah, Manzour Shrim, and Mahmoud Titi. His son Ahmed Barghouti was allegedly Marwan Barghouti's right-hand

man and served as the liaison with field commanders, as well as being a field commander in his own right.

By alleging such a chain of command from field commanders to Barghouti, it is possible for the Israeli occupation forces to attack the topmost leaders of the Palestinian Authority—irrespective of parliamentary immunity and the need to prove actual participation in terror attacks.

Barghouti has a master's degree in international relations. Educated in political science at Beir Zeit University, near Ramallah, and fluent in English and Hebrew, he spent several years as a teenager in an Israeli jail before being exiled to Tunisia during the first intifada in 1988. He returned after the Oslo peace accords were signed in 1993, which he supported, and was elected to the first Palestinian parliament.

He has also backed other interim agreements meant to secure statehood in the West Bank and Gaza. According to supporters, he even used mobile phones smuggled into his prison cell to help broker a short-lived Palestinian cease-fire last year. Arab member of the Israeli parliament (Knesset), MK Taleb a-Sanaa of the United Arab List, said that at least half of the members of Knesset have Barghouti's phone number because he kept in touch with them. He called Barghouti one of the more "pragmatic and moderate" Palestinian leaders: "He deserves an award for his efforts to advance peace in the area."

In August 2001, after an Israeli missile blew up a car in his convoy, however, Barghouti vowed to escalate the Palestinian resistance and promised more military operations against Israel. He therefore became a key target for the IDF.

With no evidence of Barghouti participating in terrorist actions, he was instead accused of supporting his associates or helping them by providing funds and military supplies. The judges said that he did not have full control over the members of the Tanzim cells, but he had significant influence on them and could instruct them to cease or restart their attacks, on the basis of orders received from Arafat. They ruled that since in this position "he was a direct subordinate of Palestinian Authority Chairman Yasser Arafat. His military actions were intrinsically connected to his political work, as secretary general of the Fatah in the West Bank and member of the Palestinian parliament."

The verdict claims that Arafat at times encouraged attacks against Israel, but did not order them specifically. "Yasser Arafat would not give him direct orders but made sure that those under him understood when he was

interested in a ceasefire and when he was interested in attacks against Israel," the verdict states. "Arafat also viewed the defendant as the man who controlled the field operatives and would even rebuke him when an attack was carried out without him knowing of it beforehand."

Justice Minister Yosef Lapid, commenting on Barghouti's conviction, explicitly said, "We may have to consider putting Arafat on trial one of these days," adding that Israel had *not yet* brought Arafat to trial because it had not wanted to prosecute Palestinian public figures.

Right-wing demonstrators outside the court had also got the message. They clashed with Arab MKs Ahmed Tibi and Mohammed Barakeh, telling the lawmakers, "one day you will no longer be here."

Tibi (Hadash-Arab Movement for Change) called the proceeding "illegitimate", saying "the occupation cannot judge the leaders of the Palestinian people and its freedom fighters. Leaders should not be put in prison. Barghouti is a Palestinian national hero."

"This trial epitomises the Israeli occupation and persecution of the Palestinians. It is an illegal and immoral trial from the beginning to the end. Marwan Barghuthi and his tormented people ought to try this diabolic occupation regime, not the other way around," he said.

The Palestinian Authority has strongly denounced the trial, calling it "illegal, immoral and unjust".

"This court is illegitimate and this verdict is an act of escalation" in the Israeli-Palestinian conflict, Arafat's chief advisor, Nabil Abu Rudeina, said. "We are demanding the immediate release of Barghouti as he is an elected member of parliament."

Barghouti has vowed there would be no end to the intifada as long as the Israeli occupation of the West Bank and Gaza Strip continues. Members of the al-Aksa Martyrs' Brigades have warned that they will now make kidnapping Israeli soldiers "their top priority", so they can be used as bargaining chips to negotiate Barghouti's release.



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