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# FREE

**Marwan Barghout**  
**THE NEW MANDELA**

## **“Free Marwan Barghouti. Only free men can negotiate”**

This is written on the ten-metre high wall near the Qalandia checkpoint between Ramallah and Jerusalem. It stands next to a huge graffiti portrait of Marwan Barghouti, the former secretary-general of Fatah, who has been held in an Israeli prison for twelve years.

“Only free men can negotiate” were the words of Nelson Mandela when he held out for unconditional release after spending 22 years inside South Africa’s prisons. He finally won his unconditional release after 27 years.

Palestinian and even Israeli politicians have compared Marwan Barghouti to Nelson Mandela – a jailed political leader who has the stature and the ability to negotiate his country’s future – if only he were released from prison.

From Cell 28 in Haradim Prison near the Israeli Mediterranean resort of Herzliya Marwan Barghouti wrote a tribute to Nelson Mandela which you will find on pages one and two.

But who is Marwan Barghouti? What is his role? Why is he so important? What are the chances that he will be released? This pamphlet tries to answer those questions by interviewing Fadwa Barghouti, a member of Fatah’s ruling council and Marwan’s wife, who tells his story from his earliest days to the present day.

*Pictures by Molly Lansman*

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*Fadwa Barghouthi interviewed by Martin Linton*



**In the Ramallah office of the campaign to free Marwan Barghouti an empty chair awaits his release. Photo ©Molly Lansman**

# **Barghouthi's tribute to Mandela: "Our freedom seems possible because you reached yours"**

During the long years of my own struggle, I had the occasion to think many times of you, dear Nelson Mandela. Even more since my arrest in 2002. I think of a man who spent 27 years in a prison cell, only to demonstrate that freedom was within him before becoming a reality his people could enjoy. I think of his capacity to defy oppression and apartheid, but also to defy hatred and to choose justice over vengeance.

How many times did you doubt the outcome of this struggle? How many times did you ask yourself if justice will prevail? How many times did you wonder why is the world so silent? How many times did you wonder whether your enemy could ever become your partner? At the end, your will proved unbreakable making your name one of the most shining names of freedom.

You are much more than an inspiration. You must have known, the day you came out of prison, that you were not only writing history, but contributing to the triumph of light over darkness, and yet you remained humble. And you carried a promise far beyond the limits of your country's borders, a promise that oppression and injustice will be vanquished, paving the way to freedom and peace. In my prison cell, I remind myself daily of this quest, and all sacrifices become bearable by the sole prospect that one day the Palestinian people will also be able to enjoy freedom, return and independence, and this land will finally enjoy peace.

You became an icon to allow your cause to shine and to impose itself on the international stage. Universality to counter isolation. You became a symbol around which all those who believe in the universal values that found your struggle could rally, mobilise and act. Unity is the law of victory for oppressed people. The tiny cell and the hours of forced labour, the solitude and the darkness, did not prevent you from seeing the horizon and sharing your vision. Your country has become a lighthouse and we, as Palestinians, are setting sails to reach its shores.

You said "We know too well that our freedom is incomplete without the freedom of the Palestinians". And from within my prison cell, I tell

you our freedom seems possible because you reached yours. Apartheid did not prevail in South Africa, and apartheid shall not prevail in Palestine. We had the great privilege to welcome in Palestine a few months ago your comrade and companion in struggle Ahmed Kathrada, who launched, following this visit, the International Campaign for the freedom of Palestinian prisoners from your own cell, where an important part of universal history was shaped, demonstrating that the ties between our struggles are everlasting.

Your capacity to be a unifying figure, and to lead from within the prison cell, and to be entrusted with the future of your people while being deprived of your ability to choose your own, are the marks of a great and exceptional leader and of a truly historical figure. I salute the freedom fighter and the peace negotiator and maker, the military commander and the inspirer of peaceful resistance, the relentless militant and the statesman.

You have dedicated your life to ensure freedom and dignity, justice and reconciliation, peace and coexistence can prevail. Many now honour your struggle in their speeches. In Palestine, we promise to pursue the quest for our common values, and to honour your struggle not only through words, but by dedicating our lives to the same goals. Freedom, dear Madiba, shall prevail, and you contributed tremendously in making this belief a certainty. Rest in Peace, and may God bless your unconquerable soul.

*Marwan Barghouti*

*Cell n°28*

*Hadarim Prison*

*December 6, 2013*

# **The Robben Island Declaration for the freedom of Marwan Barghouthi and all Palestinian political prisoners**

We, the signatories, affirm our conviction that freedom and dignity are the essence of civilization. People around the globe, and throughout history, have risen to defend their freedom and dignity against colonial rule, oppression, segregation and apartheid. Generations of men and women have made great sacrifices to forge universal values, uphold fundamental freedoms and advance international law and human rights. There is no greater risk to our civilization than to relinquish these principles and to allow for their breach and denial without accountability.

The Palestinian people have been struggling for decades for justice and the realisation of their inalienable rights. These rights have been repeatedly reaffirmed by countless United Nations resolutions. Universal values, international legality and human rights cannot stop at borders, nor admit double standards, and must be applied in Palestine. This is the way forward to a just and lasting peace in the region, for the benefit of all its peoples.

The realisation of these rights entails the release of Marwan Barghouthi and all Palestinian political prisoners whose ongoing captivity is a reflection of the decades-long deprivation of freedom that the Palestinian people have, and continues, to endure. Hundreds of thousands of Palestinians have been imprisoned at some point in their lives<sup>1</sup>, in one of the most striking examples of mass detention aiming at destroying the national and social fabric of the occupied people, and to break its will to achieve freedom. Thousands of Palestinian political prisoners still languish today in Israeli jails. Some Palestinian prisoners have spent over 30 years in Israeli prisons, making Israel, the Occupying power, responsible for the longest periods of political detention in recent history.

The treatment of Palestinian prisoners, from the moment of their arrest, during interrogation and trial, if one is held, and during their detention, violates the norms and standards prescribed by international law. These violations, including the absence of the most fundamental guarantees of a fair trial, the use of arbitrary detention, the ill-treatment of the

prisoners, including the use of torture, the disregard for children rights, the lack of health care for sick prisoners, the transfer of prisoners into the territory of the Occupying State and the violations of the right to receive visits, as well as the arrest of elected representatives, require our attention and intervention.

Among these prisoners, a name has emerged, both nationally and internationally, as central for unity, freedom and peace. Marwan Barghouthi has spent a total of nearly two decades of his life in Israeli prisons, including the last 11 years. He is the most prominent and renowned Palestinian political prisoner, a symbol of the Palestinian people's quest for freedom, a uniting figure and an advocate of peace based on international law. As international efforts led to the release of Nelson Mandela and of all the anti-apartheid prisoners, we believe that the international community must help to secure the freedom of Marwan Barghouthi and all Palestinian prisoners, as an integral part of its moral, legal and political responsibility to assist the Palestinian people in the realization of their rights.

We therefore call, and pledge to act, for the release of Marwan Barghouthi and all Palestinian prisoners. Until their release, the rights of the Palestinian prisoners, as enshrined in international humanitarian law and human rights law, must be upheld, and the arrest campaigns must cease.

One of the most important indicators of the readiness to make peace with your adversary is the release of all political prisoners, a powerful signal of the recognition of a people's rights and just demands for freedom. It is the marker of a new era, where freedom will pave the way to peace. Occupation and peace are incompatible. Occupation, in all its manifestations, must end, so that freedom and dignity can prevail. Freedom must prevail for the conflict to end and for the peoples of the region to live in peace and security.

AHMED KATHRADA  
*Founder of Release Mandela Campaign,  
26 years in prison*

THEO BEN-GURIRAB  
*Former Prime Minister of Namibia*

ADOLFO PÉREZ ESQUIVEL  
*Artist, leader of non-violent struggle  
against Argentinian dictatorship.*

CHRISTIANE HESSEL  
*Human rights campaigner*

JOHN BRUTON  
*John Bruton is a former Prime Minister  
of Ireland*

ANGELA DAVIS  
*Writer, scholar, former prisoner released  
after international campaign.*

LENA HJELM-WALLÉN  
*Former Deputy Prime Minister of Sweden*

JOSE RAMOS-HORTA  
*Nobel Peace Prize winner and President  
of Timor-Leste*

MAIREAD CORRIGAN MAGUIRE  
*Nobel Peace Prize winner from Northern  
Ireland.*

U WIN TIN  
*With Aung San Suu Kyi founder of  
Burma's League for democracy*

ARCHBISHOP DESMOND TUTU  
*Chairman of South Africa's Truth and  
Reconciliation Commission*

JODY WILLIAMS  
*Nobel Peace Prize winner for work on  
landmines*

# Foreword

## Yahya Idris

“Short, smiling, polite, out of jail and the jail seems to be out of him”. That was my impression after meeting Marwan for the first time. It was when we, a bus load of Bir Zeit University students, went to his house in the village of Kober to congratulate him on his release from his first term in prison in 1982. Nayef Sweitat, who was chairman of the Bir Zeit University Student Council at the time, asked him: “What are you going to do next in your life? I think you should come and study at Bir Zeit.” “That would be great”. “There are women at the University, not like the jail,” I joked. “That makes it even greater,” replied Marwan. So we all laughed.

Later that year, towards the end of the autumn term, we met again in one of the cafés at Bir Zeit. The practice at that time was that the university reserved 20 to 30 places for “special case” students – mostly political prisoners. Applications were submitted through the Student Council and were only available at the beginning of the academic year. This was the Spring Term so the Student Council had to have a very convincing case for Marwan to be admitted. Just being a prisoner was not good enough. That was what we were discussing over a cup of coffee at the café. Marwan was remarkable. He had a unique self-confidence. He told us stories about his first time in jail. His humour, his sparkling eyes, his sophisticated answers were enough to convince us that he would be an asset to the student movement. We pressed for him to be admitted as a “special special case”.

I remember one evening I was helping three of them – Nayef, the Student Council chairman, Abu Amjad Alawneh<sup>2</sup> and Marwan – to revise for their maths and statistics exam. Nayef found maths really difficult. It was all Chinese to him, he said. Abu Amjad puffed away at a cigarette but he tried hard. Marwan kept us laughing all the time and had no problem with the fact that the textbooks were all in English. Marwan was the best of the three at English and he captured the concepts easily.

Abu Amjad decided at 1 o’clock in the morning that he had had enough of maths and started cooking us maqlouba, a traditional Palestinian dish of chicken and rice. Nayef and Marwan finally ended their revision

and declared themselves ready for the exam at 3 o'clock in the morning when we all sat down to eat. I didn't know whether to call it an early breakfast or a very late dinner.

Nayef, Abu Amjad and Marwan were there at the start of "Shabiba", the youth wing of the Palestinian National Liberation Movement. This was the time between 1980 and 1983 when Fatah, as it became known, was emerging into the public arena. The "Shabiba Student Movement" was founded by student leaders from Bir Zeit, near Ramallah, and national leaders from Al-Najah University in Nablus.

At the time Marwan joined the university in 1983 there was a lively debate going on over whether "Shabiba" should remain hidden from public view as a clandestine liberation organisation or should go public, with an open democratic structure and leadership selection process, and what the relationship between "Shabiba" and the Student Council should be. The debate divided the "Shabiba" leadership into two camps, the "democratic" camp and the "keep-it-secret" camp. Those of us in the democratic camp were predominantly younger and more progressive members and we were opposed by an old guard who wanted the movement to stay in the shadows. Marwan, along with many others, joined the new emerging democratic camp. We led the move to turn "Shabiba" into a democratic organisation.

We wrote its first rulebook. Of course, none of us had any experience, but fortunately we managed – after a lot of time, effort, and deliberation – to draw up a set of rules. It was pro-women and pro-democracy and for the first time in 1983 the "Shabiba" representatives on the Student Council were directly and openly elected by "Shabiba" student supporters. The "Shabiba Student Movement" won the Student Council elections. Samir Sbehat became chairman and Marwan was elected Secretary of the Cultural Committee of the Student Council.

In the summer of 1983 the Student Council decided to hold a "Palestine Week", an event that the Israelis had closed down when it was tried two years earlier. The chairman Samir had been placed under house arrest

at the time so Marwan was chosen as acting chairman. “Palestine Week” included cultural events such as folk dancing and singing, a book fair, an art exhibition and a display of the products of Palestinian industries.

But it was more than that. It was a celebration of Palestinian existence and identity that had already become famous as a symbol of defiance against the Israeli occupation. The entire Bir Zeit campus was buzzing with activity day and night. The university basketball court became the home of the exhibition of industrial products and was covered by canvas to protect the exhibited items from sunlight. “Palestine Week” was opened. Everyone was in suspense. What would the Occupation do this time? Would they close the university like last time?

It was a hot Friday morning. An Israeli military helicopter was hovering in the air above the basketball court. We wondered what they had in store for us. At first we thought they were just taking photos. But just as the helicopter flew off, the whole industrial exhibition burst into flames. The students who were there did all they could to put the fire out. Jamal Al-Salqan from the Student Council, who was responsible for the exhibition, almost burned his hands. Marwan fainted in his attempts to fight the fire. But all to no avail. Everything was burnt.

An hour later a meeting of student movement leaders and the Student Council was held on the ashes of the exhibition to decide what to do. The meeting was adjourned after five minutes with a unanimous decision. The industrial exhibition would be rebuilt and the programme would go on. Students volunteered to scour the whole country to replace the exhibits. It was amazing: that night, instead of having a thousand people attending the opening, there were more than 2,000 and they danced away the night to a traditional Palestinian dabka band.

Addressing the crowd that night, Marwan said: “They, the Occupation, represent the ashes. We represent Palestine and Palestinian civilization. Palestine Week will go on. The Industrial Exhibition will be rebuilt.”

Marwan was deported by the Israelis and I saw him again years after his exile. By then he had been elected as a member of the Palestinian

parliament, the Legislative Council. He had graduated and earned his Masters degree and was teaching at Jerusalem's Al-Quds University. He was already a seasoned politician with a passion for national unity. He was very loyal to his friends and even more so to his wife and partner in life, Fadwa. He knew her and was engaged to her before coming to Bir Zeit University.

I saw in him a true leader with a unique vision. He engaged in peace negotiations with a unique optimism. He always respected well-educated, intelligent and successful people. I predicted he would develop into a major player on the national stage with a bright political future.

Finally, with all the experiences he has accumulated and his long walk to freedom: in jail and out of jail, at university, on the Legislative and National Councils, in Palestine or in exile, as the prominent leader of the Intifada, an emblem of national unity, a fighter against corruption, a true believer of peace, a statesman of vision and a grassroots leader who can unite the younger generation with the old guard – could Marwan Barghouthi be the Mandela of Palestine? I will let you, the readers, decide after reading this book. All I can say is that I would like to see him free and back with his family.

*Yahya Idris is a close friend of Marwan Barghouthi and a founder of Shabiba*

# Introduction

Marwan Barghouthi was taken to an Israeli prison on April 15th 2002 and has been there ever since. He is allowed visits from his wife, Fadwa, twice a month, and from his children about once every two years. He has little other contact with the outside world.

Yet to Palestinians he is still a hugely important figure. Opinion polls measure his popularity as though he were a candidate for president. At the time of his imprisonment the polls showed him to be the most popular politician next to Yasser Arafat, the founder of the Palestine Liberation Organisation who died in 2004. Even in 2013, after more than 11 years in prison, some polls have shown that he would win a presidential election beating both the current President and leader of Fatah, Mahmoud Abbas, and the leader of the Hamas administration in Gaza Ismail Haniyeh<sup>3</sup>.

At one level he is unlikely ever to be able to stand for president. He is serving a life sentence. In Israel there is no parole. Lifers die in prison. Pardons can be sought from the President of Israel after 20 years, but a Palestinian is unlikely to get one. In any case Barghouthi was sentenced to prison for not just one life sentence, but for five.

At another level he is seen by many as one of the few people who could bring peace to the Middle East, who could heal the divisions between Fatah and Hamas, who would have the authority to win the support of Palestinians for a peace settlement that will demand great unity and perseverance from a nation that has already renounced its claim to three quarters of its historic land.

When they launched the “Campaign to Free Marwan Barghouthi and All Political Prisoners” on the 11th anniversary of imprisonment on April 15th 2013, they issued a statement calling for his release that was signed by representatives of every political party that won seats in the last election to the Palestinian parliament in 2006.

That included not just leading figures from the two major parties, Fatah and Hamas, but also the leaders of all the smaller parties with one, two or three seats each in the parliament, the PFLP, the DFLP and the PPP,

as well as the two other prominent names in Palestinian politics, Hanan Ashrawi and Mustapha Barghouthi.

In a “Freedom and Dignity statement” they all stated that “our objective is for Marwan Barghouthi and all political prisoners to regain their freedom” and they described him as “the national leader Marwan Barghouthi, a strong advocate of his people’s freedom and dignity, of reconciliation and democracy, of peace based on international law”.

Even prominent Israelis have described Marwan Barghouthi as the “Nelson Mandela” of Palestine. The prominent author and peace activist Uri Avnery sees a parallel: “No one is the same, but I believe that Marwan Barghouthi could fulfill a similar function in reconciliation.”<sup>4</sup>

Alon Liel, who served as Israel’s ambassador to South Africa from 1992 to 1994 and is the only Israeli who has known both Mandela and Barghouthi personally, sees many parallels: “From the point of view of uniting the Palestinians and leading them to real peace, Barghouthi is very important. The comparison is being created by the years in jail. Barghouthi, by spending such a long time in jail and by being 20 years younger than [Palestinian Authority President Mahmoud] Abbas, [is becoming] a legend in the eyes of his people.”<sup>5</sup>

Drawing parallels is not the same as making comparisons. The two men are very different in many respects, from stature to personality. But the parallels are difficult to deny, not only in what they have done in the past but also in what many believe that Marwan Barghouthi could do in the future. Like Nelson Mandela, they believe, he could come out of prison, stand for election, win the presidency, strengthen the liberation movement, negotiate a settlement, put it to his people, win their support and then preside over a process of “truth and reconciliation” in a newly-independent country.

Not long before Nelson Mandela’s death Fadwa Barghouthi sat in his old cell in the B section of Robben Island prison, just off Cape Town and signed an international declaration calling for the release of Marwan Barghouthi and all the other political prisoners in Israeli jails. She was

accompanied by Ahmed Kathrada, Nelson Mandela's close friend who had launched the first Release Mandela campaign many years earlier.

Archbishop Desmond Tutu, the architect of South Africa's own truth and reconciliation process, is among those who believe that if the Israeli government really wanted peace, they agreed to release Marwan Barghouthi. They had a chance when they agreed to release 1,027 Palestinian prisoners in an exchange deal for the captured Israeli soldier Gilad Shalit in 2011. They were asked by both Fatah and Hamas to release him as part of the deal. Hamas, when negotiating the exchange deal, placed Marwan Barghouthi at top of its list, before its own prisoners serving long jail sentences, despite the fact that he is an MP for Fatah. Prisoners who have already been in jail for far longer than Barghouthi, such as Karim Younes, the longest-serving Palestinian prisoner, who has spent over 32 years of his life in Israeli jails, said it was more important to release Barghouthi than to release him.

The Israelis did release 1,027 prisoners, including many who had been convicted of multiple murders and were serving life sentences, but not Barghouthi. They had the opportunity again when they agreed to release 104 long-term prisoners as part of the deal negotiated by US State Secretary John Kerry for peace negotiations in the nine months between August 2013 and April 2014. But, again, they have refused despite a last-minute offer from President Abbas to continue talks if they release Barghouthi with the other 12 Palestinian MPs in Israeli prisons.

The Israeli politicians who have supported his release include the Israeli President Shimon Peres who declared in January 2007 that he would sign a presidential pardon for Marwan Barghouthi if elected to the Israeli presidency. He was elected, but the pardon was never signed.<sup>6</sup>

This was because it was blocked by the vehement opposition of government ministers to Barghouthi's release. Typical is the former foreign minister Silvan Shalom who said: "We must not forget that he is a cold-blooded murderer who was sentenced by the court to five life

sentences... It is out of the question to free an assassin who has blood on his hands and was duly sentenced by a court.”

This is a common view in Israel. For understandable reasons. If someone were in jail in Britain after being convicted of five murders, few of us would be campaigning for their release after ten years.

It's easier for us to sympathise with the child prisoners, who are arrested in the middle of the night, handcuffed and blindfolded, interrogated without parents or lawyers present, pressured into signing confessions in a language they don't understand and then sent to prison for up to 10 months on charges of stone-throwing. The conviction rate is 99.74%.

It's even easier for us to sympathise with the villagers who have been jailed for up to 18 months simply for organising non-violent demonstrations against the route of the Israeli separation barrier which confiscates large tracts of their land.

Their case has been championed by the EU's High Representative for Foreign Affairs, Catherine Ashton, who has named them as “Human Rights Defenders” and condemned the Israeli government for denying them the right of peaceful protest.

We can put our hands on our hearts and say that hundreds of Palestinian prisoners in Israeli jails would not be in jail under our laws. That would apply to most if not all the 154 Palestinian children in Israeli detention.<sup>7</sup> Then there are 132<sup>8</sup> prisoners held in “administrative detention” without charge, without trial and without even being told why they are detained, under powers to hold them for six months at a time, indefinitely renewable. Then there are 1,062<sup>9</sup> awaiting trial. There are the organisers of non-violent protests like Adbullah Abu Rahma from the village of Bil'in and Bassem Tamimi from Nabi Saleh. No one has calculated how many Palestinians are in jail for what we would regard as exercising their right of free speech. Certainly it must be in the hundreds.

But of the 4,227 Palestinian prisoners currently in Israeli jails, the majority are long-term prisoners whose sentences date back to the first

intifada (1987–93), which was a largely unarmed uprising against the occupation, or more often the second intifada (2000–2004) where many more Palestinians took up arms against the occupation of their country.

To the Palestinians they are “soldiers in the war against the occupation”. To the Israelis they are not even political prisoners or prisoners of war. Their treatment is worse than that of common criminals. How do we see them? If we support the right of Palestinians to self-determination, to a state of their own alongside Israel, do we believe they have a right to achieve it by whatever means are necessary?

We may think that taking up arms against the country rated fourth most powerful in the world in terms of military might<sup>10</sup> would be unwise, not to mention futile and counterproductive. The Palestinians themselves came to that conclusion a decade ago when they abandoned the armed struggle in favour of a strategy of non-violent popular protest backed by international pressure.<sup>11</sup>

But every Palestinian – including their very moderate leader President Mahmoud Abbas – believes that the Palestinians still have a right to resist with arms if necessary. In the West Bank the Palestinian Authority has decided not to exercise that right, but they have not given it up. Nor would they guarantee never to exercise it in the future. In Gaza the Hamas administration clearly has no intention of abandoning that right, even when it is observing the truce brokered by the Egyptian government.

We should not forget that the Israelis constantly use arms against the Palestinians. They use not only tear gas (which can kill) but also live ammunition (so-called ‘rubber’ bullets) against largely peaceful demonstrations in the West Bank. They still attack the Gaza Strip, using everything from sniper fire to shells and rockets. And casualties caused by Israeli arms outnumber casualties caused by Palestinian arms by a huge margin.

So if the Palestinians still have the right to resist, surely it follows that those Palestinians who are in Israeli jails for exercising their right to

resist in the past – often as long as 30 years ago – are not common criminals but political prisoners who will have to be released as a part of the peace. The Israelis treat them as terrorists, but could they not also be described as people who fought against a military invasion and resisted an occupation?

Marwan Barghouthi was the secretary-general of Fatah during the second intifada. He was a political leader, not a military one, but he defended – passionately and articulately – the right of Palestinians to resist the occupation by any means, including arms.

His supporters insist that he never carried arms himself and that he never supported violent actions targeted at civilians. They point out that saying the Palestinians have the right to use force is not saying they have an obligation to use it. They point out that he dedicated his life to finding a political solution, not a military solution, to the conflict. They point out that he led the attempt during the Oslo years to heal the divide by meeting Israeli MPs of all parties (he even had a competition with his colleagues to see who could be the first to meet more than half of the 120 members of the Knesset, which he won). They point out that even in jail, he succeeded in getting the imprisoned leaders of all the Palestinian parties and factions to sign a “prisoners’ document” calling for national reconciliation and an end to the use of force.

At his trial in Israel in 2004 the prosecution did not charge him with direct involvement in fighting. Indeed they dropped charges against him involving the deaths of 33 Israelis for lack of evidence. But they proceeded with charges of providing money for military operations.

Barghouthi himself did not enter a plea. He maintained that the Israelis had no right to arrest him (he was abducted from the centre of the Palestinian city of Ramallah by agents of Shin Beit, the Israeli Secret Service, posing as ambulance workers) and no right to try him.

In any case the question we have to answer is not whether he is ‘innocent’ or ‘guilty’ – always an ambiguous question in a military conflict – but whether we should be pressing for his release or not. The

rule followed by British governments in the colonial era was always to let the politicians out of jail first so the negotiations could take place.

In India both Mahatma Gandhi and Jawaharlal Nehru were put in jail by the British in August 1942. Nehru was finally released in May 1944 and two years later the British were negotiating Indian independence with Gandhi and Nehru, who became the first Prime Minister of an independent India in 1947.

In Kenya Jomo Kenyatta was put in prison by the British in 1952 and was released in 1961. One year later the British were negotiating Kenya's independence with Kenyatta and in 1963 he became Prime Minister and later President of an independent Kenya.

In South Africa Nelson Mandela was put in prison in 1962 – he was leader of the armed wing of the African National Congress – and he stayed in prison 27 years till 1990. Within months of his release he was negotiating with his captors and in 1994 he became president.

In each case it took less than four years for the leader of a national liberation struggle to move from prisoner's cell to president's palace.

Closer to home, in Northern Ireland, Martin McGuinness moved in a few short years from H-block to Stormont Castle.

It was a British government that abandoned Palestine in 1948 and left the two communities to fight for supremacy. Although only a third of the population was Jewish, the Jewish militias were better trained and armed. In the ensuing battle they took not just the 55% of the land the United Nations had promised them, but more than three quarters (78%).

It is important to remember that in 1948 when the British left, the state of Israel did not exist and the militias that fought and won what they now call the 'War of Independence' (and the Palestinians call the 'Catastrophe') were acting entirely outside the law, seizing and stockpiling arms, initiating a war and committing massacres against unarmed Palestinian villagers long before there were any Arab armies to fight against. If they had lost the war, they could have been tried as

“terrorists”. It was because they won and they declared themselves a state and were recognised as a state, that they were able to pass the laws that made their actions retrospectively legal. As in any civil war, the winners become “the state”, the losers “terrorists”.

In 1967 the Israeli Defence Forces invaded and occupied the remaining 22%, the West Bank and the Gaza Strip. On this occasion they did not claim the land as part of Israel, other than East Jerusalem. The status of the Israelis remained that of military occupier. Under international law “the Occupying Power shall not ... transfer parts of its own civilian population into the territory it occupies”. It cannot seize land, other than for military purposes. It cannot settle its citizens. It cannot coerce or expel the inhabitants. It cannot force them into military service.

Furthermore, under the Charter of the United Nations, any nation, whether occupied or not, has the right to self-determination and that is why Marwan Barghouthi, as an elected member of the Palestinian parliament, claimed for himself and for all Palestinians the right to resist the occupation of their country, including if necessary by arms.

In the court he challenged the right of Israel to seize him in Ramallah (which was under Palestinian security control), to take him forcibly to Israel, to try him in Israel (he is not Israeli and he was not arrested in Israel) and to put him in an Israeli prison (it is illegal under international law to imprison someone in another country).

Barghouthi never defended himself in court against the charges brought against him. Many believe that he could have refuted the evidence easily. But he refused on principle. His only response to the charges was to make counter-charges against the Israeli government. This he did to such effect that they stopped the television coverage of his trial.

His case is not that he is innocent – this was a war and guilt or innocence depended on who won – but that he is willing and able to play a part in the resolution of the conflict.

Now that the Israelis are sitting down to talks that could lead to a

framework agreement over an independent state of Palestine as early as April 2014, and then to a final status agreement, this is a chance for them to show they really are interested in peace.

If they release Marwan Barghouthi, the world will recognise that they are serious. If they refuse, it will be clear that they are not.

## **‘BARGHOUTHİ WOULD BEAT ABBAS, HANIYEH IN ELECTION’**

**By JPOST.COM STAFF 06/27/2012 14:23**



**Marwan Barghouthi Photo: Oleg Popov/Reuters**

**Convicted Fatah terrorist Marwan Barghouthi, currently serving five life terms in Israeli prison for his role in several terror attacks during the second intifada, would win a presidential election against both Palestinian Authority President Mahmoud Abbas and Hamas Prime Minister Ismail Haniyeh, a poll found.**

## Marwan's story

Marwan Barghouthi was born in a village in Palestine, not far from the city of Ramallah, which serves as the provisional capital of the Palestinian government. The village is called Kobar and it lies more or less in the centre of the West Bank, a mid-point between north and south and also between east and west, and like nearly all villages in the West Bank, it is a small agricultural community surrounded by hills. As a boy Marwan helped his father harvest olives and almonds on his farm.

He was born on the 6th of June 1959, one of seven children. His political life started in 1974, when he was 15. There was a demonstration in his secondary school. The West Bank is under military law, so the Israeli commander of the occupation can issue military orders with the force of law. Marwan was arrested simply for taking part in a demonstration.

At the age of 18 he stood for election as president of the Community and Youth Club in his home village and was elected. Ever since then he has been a passionate believer in democracy.

The Barghouthis are a large clan spread over six villages. Among his more distant cousins are Mustapha Barghouthi, a Palestinian politician and former presidential candidate, who is a fifth cousin, and Omar Barghouthi, the head of the Boycott, Divestment and Sanctions campaign.

Later that year he was re-arrested and sentenced to four and a half years in prison for activism against the occupation. Aged 19, he used his time to complete his school studies, to get his diploma and to broaden his reading and to become fluent in Hebrew. He happened to be sent to a prison near the Palestinian city of Tulkarem where most of leaders of the Palestinian resistance were held at that time.

For him the prison was itself an education. It brought him into contact with all the people and the parties fighting the Israeli occupation and it also gave him another lesson in democracy. Every position inside the jail was elected.

He might have been the youngest of the political prisoners in Tulkarem,

but after six months he was elected by his fellow prisoners to the post of education officer which involved supervising the educational activities of prisoners.

He was more interested at the time in one of his fourth cousins, Fadwa Barghouthi. Fadwa was 18 when Marwan's parents came to her parents' house. The Palestinian tradition is that when a man wants to get married, he doesn't go personally but sends his parents to talk to her parents.

Her parents warned her of the challenges – because he was in jail and no one could be certain when he would come out. They tried to explain the consequences to her. He didn't have a house or a job yet, and life with him would be hard.

But she explained to them that she wanted to take the risk. She thought any hardship would be worth it. Eventually she convinced them. So six months before he was released, his parents asked and it was agreed that they should get married. Despite being engaged, she still couldn't visit him in prison because he had been put in solitary confinement as a punishment, so the first time she saw her fiancé since their engagement was after his release.

He came out in January 1983 and they celebrated their engagement in March. They were due to be married in the village soon, but they had to put the wedding day back several times because the Israelis kept re-arresting him and putting him in jail for short periods. After several postponements Marwan proposed they should get married as soon as possible after his next release, so as not to miss the opportunity, and they got married on October 21st 1984. Before their wedding he sat her down and warned her that he might be sent to prison again: "Perhaps you are not fully aware. I will be imprisoned again. I don't want you to think I didn't tell you."

She told him that she was just as prepared to make sacrifices for her country as he was: "You think Palestine is only yours. No, it's ours." He never questioned her commitment again and promised that, even if they had to be apart during his many absences and prison sentences, "once

we achieve freedom, we'll spend all the time together.”

Having taken his school diploma in prison, Marwan went to Bir Zeit University in the West Bank to study history and political studies. It was at Bir Zeit that he co-founded the Fatah Youth Movement, Shabiba. He was elected to the Bir Zeit student council and became one of its leaders. For two successive years he was elected head of the student council.

This was a time when Bir Zeit was in a ferment of activism with frequent clashes with the Israeli occupation authorities and closures of the university. Marwan Barghouthi was soon put under house arrest for his activities on the student council – much to the secret delight of his wife who was relieved that he would be forced to spend more time at home.

But he was a driven man and when a row broke out between different factions among the students, he felt obliged to go to the university, running the risk of arrest, which duly came.

Fadwa was already pregnant with their first child when Marwan was arrested in August 1985 on charges of participating in a demonstration, printing leaflets, encouraging resistance and belonging to Fatah. He was then put in administrative detention – an Israeli system of detention without charge or trial.

Back out of jail in 1987 he was making speeches predicting that there would be a massive peaceful collective uprising – he was one of the first to use the term “intifada” – against Israeli rule in the occupied territory.

Although he was right, perhaps because he was right, the Israelis sent him into exile in Jordan using the catch-all charge of “incitement against the state of Israel”. His exile began in July 1987 and in September, as he had predicted, the intifada broke out.

Marwan was forced to live in Wadi Araba, the small town close to ancient city of Petra in Jordan, where he was joined by his wife and children, Qassam, a boy of 18 months, and Ruba, a girl of 6 months.

During all this time he kept encouraging Fadwa to study as he had done. He went with her to enrol at Jerusalem (Al Quds) University where she studied maths and science for her college diploma, followed by a BA in Jordan and the Arab University in Beirut and a Masters in law in Jerusalem. She became a practising lawyer.

They were only able to return to the Occupied Palestinian Territory after the end of the intifada and the Oslo agreement which followed. After Oslo, the idea of peace and co-existence and Palestinian statehood were gaining momentum and he threw himself into the task of nation-building, writing new Palestinian laws and discussing how to protect civil and political rights. In the first elections to the new Palestinian Authority in 1996 Marwan Barghouti was elected as a member of the new Palestine Legislative Council – the Palestinian parliament – and in the same year he became Secretary-General of Fatah.

He was a member of the parliament's legal committee and political committee and threw himself into what he saw as two parallel struggles, the first to get independence for Palestine and the second to build the state, to promote civil society's role, to establish workers' rights, to achieve equality of the genders.

In the period from 1996 to 2000 he was one of the few people in the emerging state of Palestine who talked about the danger of corruption within the Palestinian Authority. He used his position as Secretary-General of Fatah to confront corruption.

He was never one to overstate what had been achieved in the peace process. He constantly reminded people that they had not yet won their freedom and that their chances of becoming a state were being daily undermined by the expansion of Israeli settlements.

He was offered ministerial positions in the nascent Palestinian Authority by the late President Arafat, but declined the offers and never became part of the government. As secretary-general of Fatah, he believed in the notion of the separation of Fatah and the PA.

His reasoning was that Fatah was a movement for the liberation of Palestine, which had not yet been accomplished, while the PA was a body elected to administer the West Bank and Gaza pending independence. He believed that the two should be separate. If you were a part of Fatah leadership, you should not be in the PA. Fatah should lead the PA but should not dissolve itself into the PA.

He also believed, and stated publicly, that Palestinians had a right to resist the Israeli occupation of the West Bank and to fight for their independence. International law gave them the right of self-determination and that included the right to resist occupation.

As Secretary-General of Fatah he had responsibility for the political party, and its popular component, the Tanzeem, but not for the Al Aqsa Martyrs' Brigades, the military wing of Fatah founded during the 2nd Intifada, which was operationally autonomous and took its own decisions during the intifada.

This did not stop the Israelis from identifying him as the leader of the armed resistance and targeting him for arrest. Nor were the Israelis inhibited by the fact that Marwan Barghouthi remained throughout in the city of Ramallah, recognised under the Oslo Agreement as being under the full administrative and security control of the Palestinian Authority and a no-go area for the Israelis.

On 15th April 2002 Israel's security service, Shin Bet, organised an audacious operation to smuggle their agents into the centre of Ramallah hiding in an ambulance and to seize Marwan Barghouthi in broad daylight and bring him to Israel.

The operation was successfully (but in the Palestinian view illegally) carried out and he was brought to an Israeli prison. Two years later he was brought before an Israeli court and accused of the military operations that were carried out by the Al Aqsa Brigades.

According to Fadwa, her husband was not only never engaged in planning or carrying out any military operations against the Israelis, but

also always made it clear that he was opposed to any attacks targeting Israeli civilians.

Indeed he was not charged with personally carrying out or personally assisting in armed operations. It was because of his speeches and his role as a prominent figure in the intifada and a leader of Fatah in the West Bank that he was considered responsible for the attacks of the Al Aqsa brigades. He had publicly endorsed resistance, by any means, including military means, as a right given to occupied people by international law within boundaries also prescribed by international law.

Before he was arrested, he made it clear on several occasions that he did not support the targeting of Israeli civilians. In an article in the Washington Post in 2002 he wrote: “While I, and the Fatah movement to which I belong, strongly oppose attacks and the targeting of civilians inside Israel, our future neighbour, I reserve the right to protect myself, to resist the Israeli occupation of my country and to fight for my freedom. I still seek peaceful coexistence between the equal and independent countries of Israel and Palestine based on full withdrawal from Palestinian territories occupied in 1967.”<sup>12</sup>

On many occasions he made clear his opposition to suicide bombings of Israeli civilians that caused widespread outrage during the Second Intifada, but he never condemned actions by Palestinians against military targets, always arguing that Palestinians had the right to defend themselves against a military occupation.

In court he refused to give evidence, arguing that the Israelis did not have the legal jurisdiction to put Palestinian leaders on trial. He could have given evidence which would have reduced his sentence. But he made no attempt in court to distinguish his role from that of the fighters in the intifada. For him it was a matter of principle.

He was the first elected Palestinian MP to appear in front of an Israeli court. For him the idea of a Palestinian leader pleading guilty or even acknowledging the Israeli court would be a humiliation for the

Palestinians, the Palestinian leadership and the Palestinian state. He later told the Russell Tribunal on Palestine, in a message delivered by his wife: “Being the first Palestinian Parliamentarian arrested, I refused to defend myself in front of the occupation courts so as not to create a dangerous precedent, and will never accept that a representative of the Palestinian people would stand trial in front of the Israeli occupation courts.”<sup>13</sup>

The prosecution portrayed him as a terrorist whose hands were steeped in the blood of Israelis. But whenever they charged him with crimes, he accused the Israelis of crimes. It turned the court case into a political debate. Eventually they did not let the rest of the hearings be televised because it was starting to stir up public opinion.

The prosecution withdrew 33 charges of murder for lack of evidence, but proceeded with another five murder charges. Marwan Barghouthi was sentenced to five life sentences plus 40 years.

In his first three years of imprisonment, he was put in solitary confinement and denied visits. He has written about this in his book *A Thousand Days Of Solitary Confinement* based on accounts smuggled out of the prison.

In an interview Barghouthi gave to Al-Monitor in May 2013 he describes how the Israelis had kept him in solitary confinement for over three years “completely isolated from the world in a small cell where soil was falling off the ceiling and where cockroaches, mosquitoes and rats were rife. The cell was windowless, lacking direct sunlight and aeration. I used to go out handcuffed for one hour a day to a small yard where sun rays occasionally infiltrated, depending on the weather.

“I was allowed six books every six months through the Red Cross, in addition to Hebrew newspapers, since I mastered this language during my previous stints in Israeli prisons.”

He went on to describe how he has spent his time in prison since the end of his period in solitary confinement. “I spend my time exercising in the morning, then reading local news, analyses and current developments in

the daily *Al-Quds* – the only newspaper allowed in.

“We are allowed to watch 10 satellite channels, selected by the Israeli prison services, three of which are in Hebrew while the rest are in Arabic. We use these channels to follow up on political developments and general events.

“Additionally, I teach and lecture a number of detainees on politics, economics and history. I read between eight to 10 hours per day and I finish eight books per month, since every detainee is entitled to two books and we swap them with one another. I have read Arab and international novels.”<sup>14</sup>

In the past 7 years he has been allowed to receive visits from his wife twice a month. Each visit is 45 minutes and is behind a glass. They talk through a telephone and she’s not allowed to take in anything to write with or to take anything out.

Visits by his children have been extremely rare. They are currently allowed a special permit once every two years and he is never allowed out of the prison. He missed his daughter’s wedding in August 2012 and the birth of his first granddaughter a few months ago, as well as his mother’s and brother’s funerals.

His eldest son, Qassam, was himself imprisoned in 2003, for no reason other than that he was the son of Marwan Barghouthi, and was actually his father’s cellmate for two months. According to his wife, they were the hardest two months in his life.

“It was difficult for him to see his son handcuffed and in prison. His children used to ask ‘why do you spend so much time in a prison cell?’ He used to tell them ‘I am trying my best so that you can have a better life than the one I had’. So seeing his son in prison going through the same experiences as him was a very difficult moment. He couldn’t help him,” said his wife.

Fadwa is now his only link with the outside world and with the

Palestinian leadership. According to Fadwa, he still endorses the two-state solution and supports coexistence between Palestinians and Israelis, but between two equal peoples, not between an occupier and an occupied people.

He agrees the Palestinians should enter into negotiations with Israel based on international law and with a clear Israeli commitment to end its occupation, but at the same time they should engage in massive popular resistance. Negotiation without resistance would be a sign of weakness and resistance without negotiations would be too risky. There should be both negotiations and resistance.

According to Fadwa, he is critical of the current strategy of focusing so much on negotiations. “The result of this choice, of having only negotiations, has been catastrophic. This reflects also on the internal unity [of the Palestinians] where we have a split between Gaza and the West Bank. The Palestinian economy is going through a very rough time and the Palestinian situation has never been worse.

“On the ground things have been changing dramatically and we’re getting to the point where a Palestinian state is no longer viable because of all the expansion of Israeli settlements.”

If there is a collective uprising, a third intifada, then she hopes people will engage in solidarity movements around the world, not just only a few people talking about Palestinian rights. It will be vital to have people on the streets of cities around the world and people in the Palestinian cities actively engaging in peaceful resistance.

“Now we are talking about peaceful resistance, we are talking about mass demonstrations – something we got from the Arab revolutions, which is a technique that has inspired the whole region, from Egypt to Tunisia.”

“Freedom should not stop on the Palestinians’ doorstep. If freedom is accepted in the Arab world, it should be accepted here.

“The Palestinians would benefit greatly from Marwan’s release and

the Israelis know that. That's why they refused to release him in the Gilad Shalit prisoner exchange in 2011. Israelis don't want Marwan to get out because releasing Marwan would generate a boost to Fatah primarily and to the Palestinians Liberation Organisation. It would be of tremendous importance for reconciliation. Israel does not want Marwan to get out because he has a vision which is accepted internationally. He recognises the two-state solution on 1967 borders and that the two states should live next to one another in peace and equality and respect.

“Helping Marwan is not about Marwan Barghouthi individually. Helping Marwan means helping the Palestinian people. It means restoring unity and ending the occupation. It means helping us build a democratic state that respects individuals. It means helping the Palestinian aspiration to freedom, return and independence.”

## Marwan Barghouthi: A Decade of Defiance



**Jailed Fatah leader Marwan Barghouthi is accompanied by Israeli prison guards after a deliberation at Jerusalem Magistrate's court, in this 25 January 2012 file photo. (Photo: REUTERS - Ammar Awad - Files)**

**Photo: Fadi Abu Saada**

**Published Thursday, March 29, 2012**

Despite spending the past 10 years in prison, Marwan Barghouthi remains at the forefront of the Palestinian liberation movement.

Barghouthi was a member of the Palestinian Legislative Council and the Secretary-General of Fatah in the West Bank.

The verdict of five life sentences is a clear indication of the “threat to Israel” that he represents. One Israeli leader described Barghouthi as a “young Yasser Arafat”.

Former Israeli Prime Minister Ariel Sharon once said that he would rather see Barghouthi dead than in prison, because he was the brains behind the intifada and a symbol of Palestinian unity and resistance.

Despite his imprisonment, the Israelis could not stop Barghouthi's continued struggle as he issued a series of messages to the Palestinian people from inside his prison cell.

On the 10th anniversary of his arrest, Barghouthi called for an end to all forms of cooperation with Israel. "Experience has demonstrated that there is no partner for peace in Israel. Even worse, settlement building multiplied three or four times over the course of two decades of negotiations and the Judaisation of Jerusalem is accelerating in an unprecedented manner," his message read.

"We must confirm the absolute right of our people to resist the occupation by all methods and concentrate this resistance in the territories occupied in 1967," he added.

Barghouthi also spoke in his letter about the importance of achieving reconciliation and national unity and the need for the Palestinian leadership to deal seriously with this issue.

He called for a complete official and popular boycott of Israeli products and goods, and for encouraging people to purchase Palestinian products. He also called for the renewing efforts to achieve Palestinian membership in the United Nations.

Barghouthi did not forget the most important issue and that is battling corruption which he saw as another face of the occupation. He said "the symbols of corruption who have not been held accountable yet must be held to account."

Despite him being in prison for 10 years, he has the final word on many sensitive matters having to do with the issue of prisoners, Fatah, and the Palestinian Authority.

# Endnotes

- 1 These include 800 000 Palestinians having experienced imprisonment since 1967, according to the data made available by the Palestinian Ministry of Detainees and ex-detainees.
- 2 A prominent “Shabiba” leader, who died one day after his release from jail in 1990.
- 3 According to a poll taken by the Palestinian Center for Policy and Survey Research (PSR) between 19-22 December 2013 Marwan would win a three-cornered contest beating Haniyeh and Abbas (by 40 to 31 to 26%). He would win in a straight fight against Haniyeh by 61 to 34%. The turnout would increase by about 10% if Marwan was a candidate.
- 4 <http://forward.com/articles/189148/is-imprisoned-fatah-leader-marwan-Barghouthi-the-ma/?p=all#ixzz2p405Ke4S>
- 5 <http://forward.com/articles/189148/is-imprisoned-fatah-leader-marwan-Barghouthi-the-ma/?p=all#ixzz2p3zuNmHz>
- 6 [http://en.wikipedia.org/wiki/Marwan\\_Barghouthi](http://en.wikipedia.org/wiki/Marwan_Barghouthi)
- 7 DCI Detention Bulletin December 2013
- 8 UN OCHA Humanitarian Monitor October 2013
- 9 UN OCHA Humanitarian Monitor October 2013
- 10 [http://wiki.answers.com/Q/Israel\\_army\\_status\\_in\\_the\\_world](http://wiki.answers.com/Q/Israel_army_status_in_the_world)
- 11 We are talking here of the organisation recognised by the UN as speaking for the whole of the Palestinian people, the PLO.
- 12 Washington Post, January 16, 2002
- 13 [www http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/dplc/dv/address\\_mb\\_russell\\_tribunal\\_/address\\_mb\\_russell\\_tribunal\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/dplc/dv/address_mb_russell_tribunal_/address_mb_russell_tribunal_en.pdf)
- 14 <http://www.al-monitor.com/pulse/originals/2013/05/marwan-Barghouthi-fatah-palestine.html>

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