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Amnesty International
International Secretariat
1 Easton Street
London WC1X 8DJ
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ISRAEL AND THE OCCUPIED TERRITORIES

'IZZAT MUHAMMAD SHEHADAH ZAYDAN GHAZZAWI

PRISONER OF CONSCIENCE

'Izzat Ghazzawi (ID 979962537), from al-Bireh on the West Bank, is an English Language Instructor at the West Bank university of Bir Zeit. He is also a member of the Executive Committee of the Palestinian Writers' Union in the West Bank and Gaza since 1987.

He has published extensively in the fields of fiction and literary criticism. He is aged 40 and is married with six children. He is currently detained in Ashqelon Prison. Amnesty International believes him to be a prisoner of conscience and is calling for his immediate and unconditional release.

'Izzat Ghazzawi was arrested from his home in al-Bireh on 22 February 1989. He was taken to the police detention centre in Petah Tikva where he was apparently held for one month without being permitted to see a lawyer. During this time he was allegedly hooded, forced to stand for long periods and deprived of sleep.

On 2 March 1989 he made a confession and on 4 May a charge sheet was issued against him. He was indicted on two counts: membership of an illegal organization and providing a service to an illegal organization, under Regulations 85(a) (1) and 85(a) (3) of the 1945 Emergency (Defence) Regulations.

'Izzat Ghazzawi was specifically accused of being a member of al-Fatah, a faction of the Palestine Liberation Organization (PLO), since 1985, and to have received money for expenses from the organization. In July 1987 he joined the Palestinian Writers' Union and was elected Treasurer. He allegedly continued to support the PLO while in office.

'Izzat Ghazzawi was also accused of having made contact in 1988 with the representative of al-Fatah in France and to have received instructions to supervise the representative of al-Fatah within the Unified National Leadership of the intifada in the preparation of leaflets. He was allegedly asked to correct Leaflet No. 32, which called for the establishment of a Palestinian Popular Army, apparently in contradiction with the position taken

by al-Fatah on the matter, and to propose topics for inclusion in other leaflets.

In his confession and testimony in court, 'Izzat Ghazzawi said that he and another Bir Zeit professor had drafted a correction to Leaflet No. 32 and proposed topics for inclusions in leaflets No. 33 and 34. He specified that the topics proposed for Leaflet No. 34 included expressing support for talks between Jews and Arabs; encouraging the involvement of European countries in the peace process; and calling for a reduction in the number of strike days.

'Izzat Ghazzawi also said that he himself had proposed some topics for Leaflet No. 35. These included again encouraging talks between Palestinians and Jews; calling for a reduction in the cost of living; and calling for a strike day on 9 March 1989, an anniversary of the beginning of the intifada. However, he said he was arrested before the publication of the leaflet and did not know whether his topics had been included.

The leaflets of the Unified National Leadership have all been issued underground, and their authenticity in all their aspects cannot be verified. However, copies generally considered authentic of leaflets No. 32, 33, 34 and 35 contain calls for violence, in addition to calls for non-violent actions and topics relating to the international and local political situation.

'Izzat Ghazzawi was tried before the Lod military court in Israel. At his trial, which concluded on 19 April 1990, he pleaded guilty to the charges against him and did not object to his confession being used as evidence.

According to the court records, in his testimony in court he presented himself as a pacifist and said he had written several pieces advocating non-violence. During his cross-examination he claimed that the reason for his involvement in the drafting of the leaflets was his wish to introduce political items reflecting his own views, such as advocating a dialogue between Jews and Palestinians. He did not deny knowing that the leaflets contained calls for violence, and described such calls as "regrettable". He explained that by repeatedly proposing items he hoped that his views would eventually be reflected in the leaflets.

The Military Prosecutor noted that the leaflets contained calls to perform acts of violence. He argued that even if 'Izzat Ghazzawi tried to include a moderate stand, he had nevertheless participated in the drafting of these leaflets and should therefore be held responsible for their whole content, including the parts inciting violence that 'Izzat Ghazzawi does not support. He said that his role in this matter indicated that he was a prominent PLO member.

The defence said that 'Izzat Ghazzawi opposes violence and attempted to use the leaflets, which are an effective means of expression, to convey his position in favour of negotiations between Israelis and Palestinians. He succeeded only in part because he is not prominent. He worked to delete the reference

to the Palestinian Popular Army in Leaflet No. 32, and Leaflet No. 34 contains items proposed by him.

The court reviewed the text of Leaflets No. 33 and 34, pointing out the calls for violent acts as well as those for negotiations which are present in both. It expressed doubts that 'Izzat Ghazzawi was sincere when he argued in court that his aim in agreeing to be involved in the drafting of the leaflets was to include moderate views, as he had not clarified that in his confession. The court said it was under the impression that this had been a last-minute excuse.

In summing up, the court noted that 'Izzat Ghazzawi participated in the drafting of four leaflets and supervised the work of the representative of one of the Palestinian factions within the Unified National Leadership of the intifada. It argued that the leaflets cumulatively exerted an inciting influence, even if one disregards the calls for actual acts of violence contained in them, and concluded that on this basis 'Izzat Ghazzawi must be held criminally responsible for the leaflets.

'Izzat Ghazzawi was sentenced to five years' imprisonment, 27 months of which to be actually served in prison from the date of his arrest on 22 February. The remaining 33 months were suspended for three years. He is expected to be released on 21 May 1991.

'Izzat Ghazzawi appealed against the severity of his sentence and the appeal hearing took place before the Military Court of Appeal on 28 June 1990. At the hearing, the defence stressed that 'Izzat Ghazzawi was an academic who held moderate views, and whose only goal had been to achieve peace between the Israeli and Palestinian peoples. He had been reluctantly compelled by the circumstances to express his positive motivation in an illegal way, by joining an illegal organization. The defence argued that the lower court had been mistaken in not considering 'Izzat Ghazzawi's activity as essentially political. In this light, his actions were well intentioned and deserved a lesser punishment than had been meted out by the lower court.

The judges found that in deciding on the sentence the lower court had considered all the elements of the case. They pointed out in particular that the lower court had rejected the appellant's claim that his actions were aimed at establishing peace between the two peoples, since in its view this was in contradiction with the inciting content of the leaflets that the appellant had contributed to draft. The judges also recalled that the appellant was found to be a prominent member of an illegal organization and that he had been active for some years. The appeal was rejected.

Amnesty International's concerns

Amnesty International believes that 'Izzat Ghazzawi is a prisoner of conscience, held solely on account of his non-violent expression of his right to freedom of expression and association. It therefore calls for his immediate and unconditional release.

'Izzat Ghazzawi admitted to being a member of al-Fatah, which is an offence under Israeli law. Amnesty International acknowledges that various PLO factions and other Palestinian groupings do advocate armed struggle and have carried out acts of violence against Israel. However, it does not accept that membership of or other forms of association with the PLO, its factions, or other groups, in itself constitutes conclusive evidence that a certain individual has used or advocated violence. Some PLO members or sympathizers, like 'Izzat Ghazzawi, are engaged exclusively in non-violent political activities and have also dissociated themselves from acts involving the use or advocacy of violence.

Amnesty International notes that 'Izzat Ghazzawi was not accused of having carried out any act of violence. Also, he was not accused of having advocated violence. He is in prison because the court found that he should be held responsible for the overall content and effect of several leaflets which included calls for violence, even though there was no evidence at any point that he was aware of such calls before they were published. His specific role in the production of these leaflets, as established by the court, was limited to proposing items calling for negotiations or for non-violent actions of protest such as strikes. In court he clearly dissociated himself from the calls for violence.

Amnesty International sees 'Izzat Ghazzawi's actions in this regard as a legitimate exercise of his internationally recognized right to freedom of expression and association. As such he should be freed.