



July 17, 2017

Marwan Barghouti: Partner for Peace Negotiations or Terrorist?¹



Demonstration in Judea and Samaria during the hunger strike of the Palestinian prisoners in Israeli jails, led by Marwan Barghouti. Demonstrators waved yellow Fatah flags and held pictures of Marwan Barghouti. The Arabic reads, "The engineer of the intifada and the symbol of national unity" (Arabs48, May 16, 2017).

This study examines the milestones in the life of Marwan Barghouti in an effort to reveal and **analyze the profound changes that occurred over the years within Fatah and in his positions regarding Israel**. One of the issues examined was **why Barghouti, who supported the Oslo Accords, was perceived as a peace activist and held talks with a broad spectrum of Israeli public figures, later became a terrorist operative (convicted of the premeditated murder of five people and of directing the second intifada)**. This study also tries to evaluate the degree of Marwan Barghouti's popularity within Fatah and Palestinian society, and **his chances of becoming Mahmoud Abbas' successor**. Another issue examined is whether Barghouti, even after having been convicted of terrorist activity during the second intifada, **could be a partner in negotiations for peace between Israel and the Palestinians**.

¹ The full version of this study can be accessed in Hebrew on the ITIC website and is currently be translated into English.

Main Points

1. **Marwan Barghouti (Abu Qassam)** was born in the village of Kobar (northwest of Ramallah) in 1959. He joined the ranks of Fatah in 1974, at the age of 15. When he was 19 he was detained by Israel for the first time and spent two years in prison for being an operative in a Fatah squad that had carried out a terrorist attack. He enrolled in Bir Zeit University in 1983. In 1986 he was detained and expelled to Jordan. He returned to Ramallah in 1994 after the Oslo Accords. He finished his BA with a degree in history and political science. He received an MA from Bir Zeit University in international relations in 1998.

2. **After Marwan Barghouti returned to Judea and Samaria he supported the Oslo Accords**, believing that eventually Israel would withdraw from the territories occupied in 1967 and that a Palestinian state would be established. During that period **he was in contact with a broad spectrum of public figures in Israel's left, center, and security establishment, who regarded him as an authentic Palestinian leader and a central partner for peace.**

3. **In 2000 he headed the Tanzim** (Fatah's ground operatives who spearheaded terrorist attacks against Israel during the second intifada). **However, he lost the May 2000 Tanzim elections to Hussein al-Sheikh. He refused to cede the leadership because of a dispute over the election.** Yasser Arafat, who wanted to encourage competition between the two, **preferred not to tip the scales in favor of one or the other.** Barghouti's power struggles and his frustration with the conduct of Arafat and the veteran Fatah figures who had returned from Tunis also played an important role in radicalizing his positions on Israel.

4. Towards the end of the 1990s, and especially **after the Camp David failure (July 2000), Barghouti jettisoned the expectations he had fostered after the Oslo Accords.** He formed the concept that the only way the Palestinians could realize their rights was through armed struggle. Such a change in perspective made him extremely militant towards Israel when the second intifada broke out, and he became a key figure in fomenting and directing it until he was detained by Israel.

5. **Marwan Barghouti was detained by the IDF on April 15, 2002, during Operation Defensive Shield.** On June 6, 2004, **the Tel Aviv district court convicted him of the premeditated murder of five people** in three shooting attacks carried out in 2001-2002. According to the verdict, **he was directly involved in those attacks, and therefore sentenced to five consecutive terms of life**

imprisonment. He was also sentenced to 20 years in prison for his part in a suicide bombing attack that had been prevented.

6. In addition to being convicted for murder, Marwan Barghouti was accused of **heading a terrorist network that carried out attacks, including those in which he was not personally involved**, for which he was sentenced to an additional 20 years. He was found guilty of aiding the terrorists who planned and carried out the attacks by providing them with money and weapons. According to the verdict, **"he encouraged and influenced his operatives to continue carrying out lethal attacks; in every way possible, he supported the leaders of the terrorist squads who planned or carried out the attacks..."**During the trial he represented himself as a **peace-seeking political figure**; the judges rejected the claim. During sentencing they determined that he was **"up to his neck in terrorist activity"** and that as far as he was concerned, **the road to peace was paved with the blood of terrorism.**

7. Even after Barghouti's conviction and sentencing, there were public figures in Israel, mainly (but not exclusively) on the political left, who called for his release. **They regarded him as a pragmatic Palestinian leader who would one day probably replace Mahmoud Abbas and be Israel's partner for peace.** Some of the **main arguments** for releasing Barghouti are the following:

A. Argument number one: Marwan Barghouti is not a terrorist but rather a pragmatic political leader who lost his way during the second intifada. His release will encourage the moderates in Palestinian society.

B. Argument number two: Marwan Barghouti's political program is moderate, and is based on the solution of two states living side by side with the 1967 borders.

C. Argument number three: Marwan Barghouti is a strong figure. He will be able to lead the Palestinians to peace, despite his actions during the second intifada because **you make peace**, as the argument goes, **with enemies, not friends.**

D. Argument number four: It is not worth Israel's while to keep Marwan Barghouti in prison because he will probably win the Palestinian presidential election. Once he does, **Israel will be subjected to extreme pressure to**

release him as the president-elect of Palestine, and the Israeli government is liable to be forced into releasing him.

8. The findings of this study, as detailed below, contradict the aforementioned arguments:

A. Marwan Barghouti is not a leader who went astray but rather a terrorist convicted by a court of law which determined he was "personally and genuinely involved in terrorist attacks against innocent Israeli civilians," all of them carried out inside the Green Line. At the trial the court determined that he tried to represent himself as a "political figure," claiming he was opposed to killing innocent civilians. However, according to the court, **his statements "contradict his actions, as they have been proved before this court"** (from the sentencing of Marwan Barghouti, June 6, 2004).

B. After the 1990s (and especially during 2000), Barghouti formed the extremist concept that the use of terrorism and violence was key to conducting the conflict with Israel. According to what he has said and done while in jail, he has not changed the concept and his days as a peace activist belong to history (the years immediately following the Oslo Accords). One of his most prominent talking points is that while negotiating with Israel, **the Palestinians must also exert pressure on Israel through terrorism and violence** (the so-called "resistance"). Moreover, according to Barghouti, any agreement with Israel **must include the implementation of the so-called "right of return" of the Palestinian refugees to their former homes in Israel.** Thus there is no way to define Barghouti as a peace activist or pragmatist. Rather, **he is motivated by an extremist worldview which can only interfere with genuine Israeli-Palestinian negotiations.**

C. Marwan Barghouti is not as powerful a figure as the supporters of his release claim:

1) However, he is important and influential, leads public opinion polls and enjoys considerable popularity. In addition, **he has a very good chance of being Mahmoud Abbas' successor** (or of being elected to virtually any other senior political position). However, there is apparently **a great discrepancy between his popularity and his genuine influence:** as opposed to the era of the second intifada, **he does not currently have an organized support network or a firm foothold on the ground to**

translate his popularity into practical achievements in the Palestinian street or inside and the Fatah movement (as seen by the many difficulties he faces in his extensive activities while in jail, as noted below).

2) **Barghouti has no significant influence on Hamas or the Palestinian Islamic Jihad (PIJ).** Even if he becomes the leader of the Palestinian Authority (PA), it is unlikely that PA will be able to enforce its authority on the Hamas-controlled Gaza Strip.

3) Thus even if he is elected to succeed Mahmoud Abbas, in ITIC assessment **it is very unlikely that his power in Fatah, foothold on the ground or status as compared with Hamas and the other terrorist organizations will enable him to lead the Palestinians to peace negotiations in which any Palestinian leadership will have to make controversial and difficult historic decisions.**

D. **It is also argued that if Marwan Barghouti is chosen to succeed Mahmoud Abbas, Israel will receive requests and be under pressure from international agencies to release him.** However, his terrorist record may make it easy for Israel to deny the requests: **he was convicted on five counts of murder** and played a key role in the second intifada (which caused the deaths of more than 1,000 Israelis, most of them civilians), **both weapons in Israel's arsenal of reasons not to release him.** In addition, his extremist political views and blatant support for continuing anti-Israel terrorism ("resistance") may help Israel resist pressure to release him.

9. Marwan Barghouti's extremist concepts regarding the conflict with Israel, coupled with his problematic position within the Fatah movement and with the leaders of the Palestinian street, would seem to indicate that **the expectations of those who regard him as a potential partner for a peace agreement, a kind of Palestinian Nelson Mandela, are somewhat exaggerated.** Given his criminal terrorist record from the era of the second intifada and his extremist views on Israel, which he has continually voiced while in jail, **there is every reason to assume that releasing him would not contribute to or promote peace negotiations.** Rather, releasing him may undermine the negotiations' chances of success because he would raise extremist, unrealistic demands and encourage the continuation of the campaign of terrorism and violence against Israel. Thus in ITIC assessment, **Marwan Barghouti is in no way a suitable partner for peace negotiations with Israel.**

Sources

10. This study is based on **a variety of sources**, which include information about Marwan Barghouti published in the Israeli, Palestinian and Western media; interviews with and statements made by Barghouti; results of investigations conducted into the activities of Barghouti and other terrorist operatives appearing in published legal documents and statements from expert witnesses and seized documents referred to in the documents dealing with his trial (which include verdicts, sentencing and documents published during his trial); documents seized by the IDF during Operation Defensive Shield (which shed light on Barghouti's modus operandi in terrorism during the second intifada); books, academic research and articles written about the second intifada and the era that preceded it.

Structure

11. This study has three parts

A. Part One – Marwan Barghouti's conduct in the internal Palestinian area and towards Israel:

1) Section 1: Profile of Marwan Barghouti:

- ✓ Biography.
- ✓ Milestones in the life of Marwan Barghouti.

2) Section 2: Marwan Barghouti's stance on Israel and his involvement in Fatah's internal power struggles (before the outbreak of the second intifada):

- ✓ Overview.
- ✓ Support for the Oslo Accords and contacts with Israelis.
- ✓ Radicalization during 2000.
- ✓ Message of despair and a veiled threat for his Israeli interlocutors.
- ✓ Marwan Barghouti's internal struggle in Fatah (2000).
- ✓ Nakba Day events: a dress rehearsal for the second intifada (May 2000).

- ✓ Marwan Barghouti's actions at the outbreak of the second intifada (September 28-29, 2000).

- ✓ Conclusion: What led to the radicalization of Marwan Barghouti?

3) Section 3: Detention, Trial and Conviction.

B. Part Two – Marwan Barghouti's involvement in terrorism during the second intifada:

1) Section 4: Felonies of which Marwan Barghouti was convicted.

2) Section 5: Terrorist attacks in which Marwan Barghouti was personally involved:

- ✓ Shooting attack at the gas station near Givat Ze'ev (January 15, 2002).

- ✓ Shooting attack that killed the driver of a car on the Jerusalem-Ma'aleh Adumim road (January 12, 2001).

- ✓ Shooting attack at the Sea Food Market restaurant in Tel Aviv (March 5, 2002).

- ✓ Attempted suicide bombing attack in the Malha shopping mall in Jerusalem (March 26, 2002).

3) Section 6: Marwan Barghouti's modus operandi in directing Fatah's terrorist networks.

4) Section 7: Financial support as a means for handling terrorist squads.

C. Part Three – Imprisonment:

1) Section 8: Marwan Barghouti's activities in the internal Palestinian arena during imprisonment:

- ✓ The campaign for his release.

- ✓ Palestinian presidential election (January 2005).

- ✓ Palestinian Legislative Council elections (January 2006).

- ✓ Winning the Central Committee elections (2009, 2006).

- ✓ Leading figure in Palestinian public opinion polls.
- ✓ Conclusion: What are Barghouti's chances of being Mahmoud Abbas' successor?

2) Section 9: Barghouti's positions on Israel during his imprisonment:

- ✓ Positions on Israel expressed in statements and interviews smuggled out of jail.
- ✓ Involvement in the ceasefire (*hudna*) between the terrorist organizations and Israel (2003).
- ✓ The "prisoners' document" (May 2006).
- ✓ Marketing the "prisoners' document" to Israeli interlocutors.
- ✓ Prisoners' hunger strike led by Marwan Barghouti (April-May 2017).

Part One – Marwan Barghouti's conduct in the internal Palestinian area and towards Israel



Picture of Marwan Barghouti published by the Gaza Strip's Al-Qssa Martyrs Brigades. The Arabic reads, "The prisoner-commander Marwan Barghouti, Abu al-Qassam" (Aqsa Press, February 6, 2016).

Section 1: Profile of Marwan Barghouti

Biographical information

1. **Marwan Hasib Hussein Barghouti (Abu Qassam)** was born on June 5, 1959, in the village of Kobar (northwest of Ramallah), third oldest in a family of six children. The Barghouti clan is large and well-known,² but Marwan grew up in a poor, ordinary Palestinian family. His father was a farmer and worked as a migrant laborer in Lebanon.
2. Marwan Barghouti is married to **Fadwa**, a lawyer whom he met during his studies at Bir Zeit University. Their home is in Ramallah and they have a four children: Qassam (born 1986), a daughter Raba (born in 1987), Sharf (born 1989) and Arab (born 1991). They have one grandchild, the daughter of Raba and her husband Abdallah.
3. **Marwan Barghouti** named his first-born son after **Sheikh Izz al-Din al-Qassam**, an extremist revolutionary cleric from Syria who opposed the British and Jews in northern Samaria and became a legend and symbol of the Palestinian armed

² Leftist politician **Mustafa Barghouti**, head of the National Initiative Movement, is a distant relative of Marwan Barghouti but they apparently had no political connections.

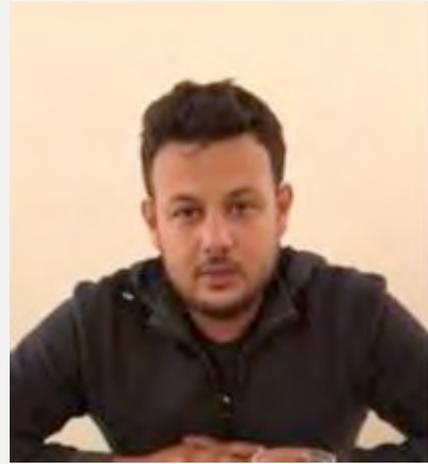
struggle (Hamas' military-terrorist wing, the Izz al-Din Qassam Brigades were named after him). Barghouti told an interviewer that "We named [our first-born] after Izz al-Din Qassam, a star in our history, who came from Syria to fight in Palestine..." (interview in the Hamas-affiliated newspaper Akhbar al-Khalil, March 8, 2000)³.



Marwan Barghouti, his wife Fadwa and their four children (Facebook page of Fadwa Barghouti, April 20, 2011).

4. **Qassam Barghouti**, Marwan Barghouti's first born son was imprisoned for thirty-six months (between 2002 and 2007). He was detained at the Allenby Bridge as he returned from Egypt (via Jordan) on charges of involvement in terrorist attacks and being an operative in the Al-Aqsa Martyrs Brigades (al-Itihad, March 23, 2007). In 2016 he married an Israeli Arab woman named **Mimas Abd al-Hay** from the village of Tira (central Israel) (Panet website, August 30, 2016). During the wedding ceremony Mahmoud Abbas called to congratulate them (Seham, July 14, 2016).

³ The interview was particularly important because it was held about half a year before the outbreak of the second intifada, and Barghouti used it to fully expound his extremist concept of the conflict with Israel. He still supports much of that concept today (see below). He begins the interview with details about his personal life, which were used in this section. For a full Hebrew translation of the interview, see the article by Yonathan Dehoah-Halevy, "Marwan Barghouti sketches the outline of the al-Aqsa intifada" (jcpa.org.il, April 24, 2012).



Left: Qassam Barghouti and his wife (Panet website, August 30, 2016). Right: Qassam Barghouti (Facebook page of Qassam Barghouti, April 24, 2017).

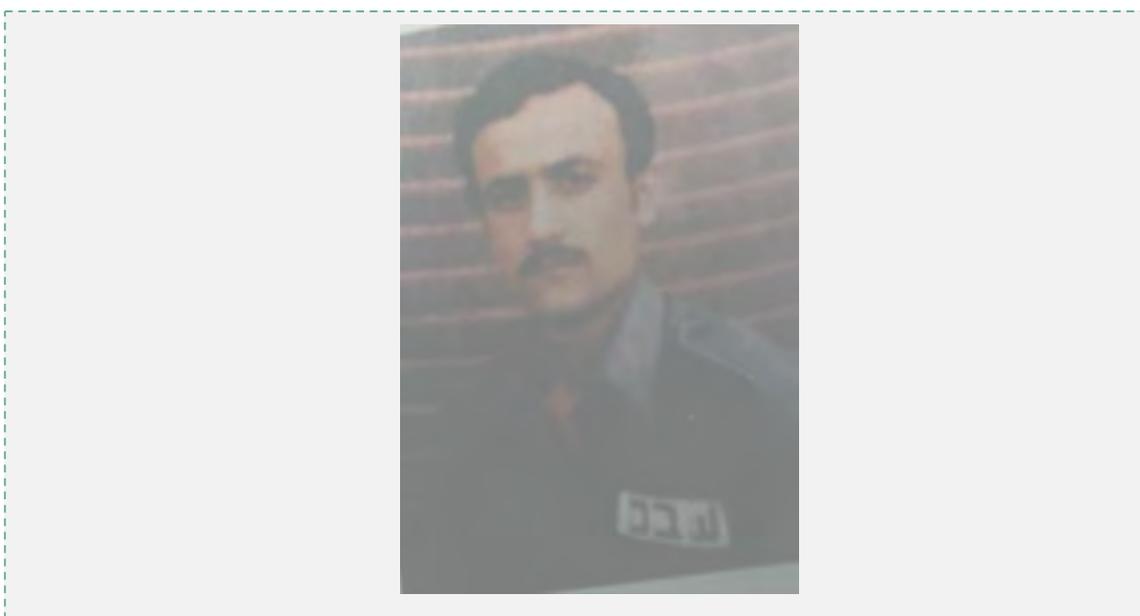


Qassam Barghouti meets with Mahmoud Abbas at his office in Ramallah on the occasion of his release from an Israeli jail (Dunia al-Watan, May 23, 2007).

5. Today Qassam Barghouti and his wife live in Ramallah. In recent years **Qassam Barghouti has been particularly critical of Mahmoud Abbas and Fatah's Central Committee** for their neglect of his father's hardships in jail (Felesteen, April 23, 2015). During the recent prisoner hunger strike led by his father, Qassam Barghouti severely criticized the PA for incompetence in making sure the rights of the Palestinian prisoners were respected (Akhwal al-Balad, May 24, 2017). In a short article written about the BDS movement, Qassam Barghouti called it "smart resistance," and said he supported it. He said the BDS was the best way to restore the hopes of the Palestinian people (Zaman Press, April 6, 2015).

Milestones in the life of Marwan Barghouti

6. In 1974, **at the age of 15, Marwan Barghouti joined the ranks of Fatah**. He was apparently a cofounder of the Shabiba, Fatah's youth movement. **In 1978, at the age of 19, he was detained by Israel for the first time**, charged with being an operative in a Fatah squad that had carried out a terrorist attack. **He was imprisoned in the Tulkarm jail until 1983**. He told an interviewer that "[in jail] I met many Fatah leaders who played important roles in the struggle. **The years in prison had a great influence on me as a person...**" (Akhbar al-Khalil, March 8, 2000). While in jail he completed his high school education and took matriculation exams. He also learned Hebrew, which he speaks well to this day.



Marwan Barghouti when he was in the Tulkarm jail (Facebook page of Fadwa Barghouti, June 23, 2017).

7. In 1983, after he was released from jail, **he enrolled in Bir Zeit University**. **He was elected student council chairman** for two consecutive years. **His activities in Fatah, detention and expulsion from Israel interrupted his studies**. **He completed his degree in history and political science in 1994, when he returned to Ramallah, and received an MA in international relations in 1998**. **In 1984 he married Fadwa Ibrahim, whom he met at Bir Zeit University**.



Left: The student council of Bir Zeit University in 1985. Barghouti, at the time student council chairman, is kneeling at the left (Facebook page of Marwan Barghouti, May 26, 2015). Right: Marwan Barghouti and his wife Fadwa (Facebook page of Fadwa Barghouti, July 8, 2017).

8. In 1985, during his studies, he was held in administrative detention for half a year. In May 1987 he was charged with anti-Israel incitement and expelled to Jordan. While in Jordan he liaised between the PLO, Fatah and operatives of the first intifada. In 1989 he was appointed to Fatah's Revolutionary Council. On April 18, 1994 he returned to Ramallah, with other Palestinians who also returned pursuant the Oslo Accords. On his return he offered to liaise between the internal and external Fatah leaderships, as having experience in both areas.



Left: A delegation from Judea, Samaria and Jerusalem visits Yasser Arafat in Tunis during the first half of the 1990s. Marwan Barghouti sits in front of Arafat (Facebook page of Marwan Barghouti, May 12, 2015). Right: Marwan Barghouti delivers a eulogy on the death of Fatah leader Abu Jihad in Tunis, 1988 (YouTube, January 17, 2016).

9. **After returning to Judea and Samaria Barghouti supported the Oslo Accords**, believing they would eventually lead to Israel's withdrawal from the territories it occupied in 1967, and to the establishment of a Palestinian state. At the time **he was in contact with a broad spectrum of Israeli public figures from the left, center and security establishment**, who regarded him as an authentic Palestinian leader and an important partner for peace talks.

10. **Barghouti began his career in Palestinian politics in 1996, when Palestinian Legislative Council elections** were held for the first time. Hamas boycotted the elections, primarily because of its rejection of the Oslo Accords. Barghouti ran as an independent candidate and **won the seat representing Ramallah**. During the same year he was elected as **secretary general of the Fatah movement's Supreme Committee on the West Bank**. That was the most important Fatah institution, established in 1994 by an independent initiative of the internal leadership.

11. Barghouti was the moving spirit behind the Supreme Committee and headed it throughout most of its existence. Its main role was directing Fatah political, media and popular activities in Judea and Samaria. More than once the Committee expressed independent and even defiant attitudes towards the PA in general and Arafat in particular. Thus Arafat systematically sought to limit its power and make it fully subordinate to his authority. **That resulted in tension between Barghouti and Arafat, who often tried to limit Barghouti's activity.**⁴

12. Marwan Barghouti was one of the **cofounders of the Shabiba**, Fatah's youth movement. He was also **head of the Tanzim**, the Fatah wing responsible for internal popular and security activities.⁵ During the second intifada the Tanzim spearheaded Fatah's terrorist activities against Israel. However **Barghouti lost the May 2000 Tanzim elections to Hussein al-Sheikh. He refused to cede his position to al-Sheikh because of a dispute over the election**. Arafat, who wanted to encourage competition between the two ("divide and conquer") **did not tip the scales**.

13. Towards the end of the 1990s, **especially after the failure of the Camp David summit meeting** (July 2000), **Barghouti no longer had had expectations about the Oslo Accords**. During 2000 he embraced the concept that only with an armed struggle could the Palestinians realize their rights. **When the second intifada broke**

⁴ Michael Milstein, *Between Revolution and State, Fatah and the Palestinian Authority* (Tel Aviv University Press, 2004), Hebrew version, p. 142.

⁵ The Tanzim was established at the beginning of the 1980s by the external leadership. Since the establishment of the PA the Tanzim has been prominent, especially in Judea and Samaria, in fomenting continual unrest against both Israel (initiating violent activity) and against the PA (criticism of its activities); Milstein, *Revolution and State*, p. 143.

out Barghouti adopted a belligerent, extremist stance which was a direct expression of the change in his political position towards Israel. Until he was detained by Israel he was a key person in fomenting and directing the second intifada (his supporters call him the "engineer of the intifada").

14. Because of his extensive involvement in Fatah terrorism, **in 2001 the Israeli security forces put him on their most-wanted list**. The Palestinians claim Israel tried to kill him in 2001. On April 15, 2002, during Operation Defensive Shield, **he was detained, interrogated, tried and sentenced to five consecutive terms of life imprisonment and 40 additional years**.

15. **His trial and imprisonment increased Barghouti's prestige in the Palestinian arena and upgraded his status from a middling Fatah movement operative to that of a member of the movement's leadership. During the 7th General Fatah Conference held in Ramallah in December 2016, won the election, and was tapped as Mahmoud Abbas' successor.**

16. In April-May 2017 **Marwan Barghouti led the hunger strike of Palestinian prisoners in Israeli jails**, most of them Fatah operatives. However, the strike was not overwhelmingly supported by the Fatah leadership and the PA, or the Palestinian public. It ended without most of the striking prisoners demands' being met, a blow to Marwan Barghouti's prestige.

Section 2: Marwan Barghouti's stances on Israel and his involvement in Fatah's internal power struggles (before the outbreak of the second intifada)⁶

Overview

17. **Marwan Barghouti's political conduct towards Israel fluctuated widely.** While during the 1990s he strongly supported the Oslo Accords and the peace process, and had extensive contacts with Israeli public figures, but before and during the second intifada he turned into a terrorist operative and was a key figure in fomenting and directing the second intifada. **In addition, while in prison he voiced extremist anti-Israeli statements, supporting an armed "resistance" [i.e., terrorism] against Israel and calling on the PA to end its security contacts and cut its economic ties with Israel.**

⁶ The second intifada is also called the al-Aqsa intifada by the Palestinians. Here it will be referred to throughout as the second intifada.

Support for the Oslo Accords and contacts with Israelis

18. When Arafat signed the Oslo Accords, Marwan Barghouti, Feisal al-Husseini and most of Fatah's younger generation **supported the Accords in principle**, although they were aware of its disadvantages for the Palestinians. They also supported contacts with the entire spectrum of Israeli politicians. However, **the illusions they harbored concerning the Oslo Accords were rapidly dispelled**. They noticed the significance of the increase in construction over the Green Line after the Accords were signed, became aware of the separation of east Jerusalem from the rest of Judea and Samaria, and were of the opinion that Israel did not intend to withdraw to the 1967 borders in order to make it possible to establish a Palestinian state.⁷

19. In 1996, during the first elections held for the Palestinian Legislative Council (PLC), **Barghouti published notices in favor of the Oslo Accords and the political process**. As a member of the PLC **he formed personal ties with many Israeli politicians from the left and center, and even with members of the defense establishment**. In the mid-1990s he headed the visit of **a Palestinian delegation to the Israeli Knesset** (parliament). He also headed the PLC delegation that participated in a conference held in Greece, along with Knesset members, and he often participated in joint Israeli-Palestinian forums.

20. Examples of Marwan Barghouti's contacts with Israeli public figures and organizations in the years after the Oslo Accords include:

A. **In May 1997 Barghouti spoke before the members of the Israeli Council for Peace and Security, where he expressed optimism about the peace process**. Afterwards the **Council's directors met in Ramallah with Barghouti and the Fatah leadership**. The directors were taken on a tour of Ramallah, and heard complaints that the city was not permitted to expand and build new neighborhoods. Marwan Barghouti asked if "only settlers have the need for more room." According to the Council's report, "there was a tone of despair and loss of faith in the peace process in [Barghouti's] voice, as long as the settlements hemmed Ramallah in from every side."⁸

⁷ Hillel Cohen, *The Rise and Fall of Arab Jerusalem: Palestinian Politics and the City Since 1967* (Routledge Studies on the Arab-Israeli Conflict, 2013).

⁸ Report issued by the Council for Peace and Security, "Twenty-four years of seeking peace and security, 1988-2012," by Shaul Givoni, Major General (ret.) and Brigadier General (res.) Council secretary general from 1994 to 2011. The report was written in March 2012.

B. In ***Guide for a Wounded Dove (Hebrew)***, Yossi Beilin listed a series of meetings Barghouti held with Israeli public figures and organizations⁹:

1) A short time after the Oslo Accords were signed, Marwan Barghouti and Qadoura Fares were in contact with Yossi Beilin as part of the Mashov ("feedback") circle within the Israeli Labor Party. According to Beilin, both "had a concept that incorporated hostility and esteem for Israel and Israelis, and support of the Oslo Accords."

2) In April 1997 there was a meeting attended by Marwan Barghouti, Qadoura Fares and other Fatah activists within the framework of the **Economic Cooperation Foundation (ECF)**.¹⁰ Barghouti and his associates were worried by the disintegration of the peace process. Fatah, they said, was paying the price for institutionalization ("the rebels and fighters of yesterday today wear suits and have chauffeurs"). Those former "rebels and fighters," according to Barghouti, justified compromising and cooperating with Israel. The younger generation, on the other hand, were experiencing a decline in their standard of living, rising unemployment and the non-fulfillment of the Oslo Accords. The role of Fatah was to prevent a mass uprising, but also to continue competing for the public support of the younger generation, which genuinely identified with the extremist organizations opposing the Oslo Accords. At the meeting they agreed to hold a larger forum within a number of weeks.

3) **On May 15, 1997, a European-Israeli-Palestinian meeting was held.** Its participants included the international secretaries of the British Labour Party and German Social Democratic Party. The Palestinian participants were **Hani al-Hassan and Marwan Barghouti. Barghouti recommended initiating a more intense Israeli-Palestinian dialogue, with the support of international agencies for which peace in the Middle East was important.**

4) In **December 1998** a meeting was held with Barghouti and Fares' office in Ramallah. They claimed Fatah had become stronger after the Wye

⁹ Yossi Beilin, *Guide for a Wounded Dove*, (Hebrew), Miskal, Tel Aviv, 2001, (Hebrew), pp. 68-70.

¹⁰ The Economic Cooperation Foundation was established by Yossi Beilin and Yair Hirschfeld at the end of 1990 with the support of the European Community. Its objective was to devise economic and political programs with the Palestinians to accompany in the political process.

River Peace Agreement (October 23, 1998),¹¹ which followed a long period during which it had declined. However, the freezing of the Wye Agreement and the deep disappointment regarding the non-release of the Palestinian prisoners increased the frustration of the Palestinian street. Marwan Barghouti and Qadoura Fares said that frustration was liable to lead to violence unless hope remained and the only hope now the restoration of a peace government to Israel. Such a government, they expected, would freeze [construction in] the settlements and rapidly reach a final status agreement.

Barghouti's radicalization during 2000

Overview

21. In 2000 Marwan Barghouti jettisoned his support for the Oslo Accords in favor of an concept, clearly stated, to achieve maximum Palestinian demands by means of an "armed struggle" [i.e., terrorism]. He disseminated his extremist ideology through public statements, while speaking to Israelis and even by inflaming already-violent events on the ground (for example, the Nakba Day events of May 15, 2000). The radicalization of his positions was accompanied by **hardline power struggles for control of the Tanzim and difficulties in his relations with Yasser Arafat.**

Extremist worldview expounded by Barghouti in an interview with Akhbar al-Khalil

22. The following are **the positions voiced by Marwan Barghouti about key issues in the Israeli-Palestinian conflict in an interview with the Hamas-affiliated Akhbar al-Khalil**, published in Hebron, on March 8, 2000 (**about half a year before the outbreak of the second intifada**). His remarks reflected the changes in his basic concepts from support of the Oslo Accords to support of an "armed struggle" as a means of exerting pressure on Israel to meet the Palestinians' maximum extremist demands. The key issues raised about the Israeli-Palestinian conflict were:

¹¹ The Wye River Peace Agreement between Israel and Fatah was intended to set up steps for implementing the Oslo Accords and designate a schedule for implementing the measures required by the Accords. The Agreement, brokered by American President Bill Clinton, was signed at the White House by Israeli Prime Minister Benyamin Netanyahu and PLO Executive Committee chairman Yasser Arafat.

A. **The so-called "right of return" of the Palestinian refugees:** The "right," according to Barghouti, was a red line for the Palestinians, and **no one could waive it.** He claimed the "right" could not be bargained over, as it was [allegedly] anchored in UN General Assembly Resolution 194.¹² He said, **"we will not sign any agreement that keeps Palestinians from their future in their country, or [waives] the right of all Palestinians refugees in Jordan, Syria, the West Bank and throughout the entire world to return to their homes."** He added that if the refugees returned to a Palestinian state established, that did not mean they had realized the "right of return" but rather the "right of citizenship." That, he claimed was because half of the residents of the West Bank and Gaza Strip were refugees, **"and refugees should be in the houses they were expelled from in the Palestine occupied in 1948, and not in Nablus, Gaza City and Hebron."**

B. **The desirable resolution of the Israeli-Palestinian conflict is not the Oslo Accords but the establishment of one democratic state "within the borders of historical Palestine," or at least the establishment of an independent Palestinian state with the borders of the 1947 Partition Plan.** He added that **"all historical Palestine is a sacred right for us, and we all have the right to live there."** He added that politically the Palestinians recognized the existence of Israel, negotiate with it, and accepted the principle of two states. However, the Israelis rejected the concept of one state and now [they have rejected] the concept of two states. Thus, according to Barghouti, **"the borders of the independent Palestinian state are the borders of [UN General Assembly Resolution] 181, which give us a larger territory than the 1967 area."** He claimed "Resolution 181 has not yet been revoked."¹³

C. **According to Barghouti, no final status arrangement could be reached through negotiations, but only through an armed confrontation on the ground, which, he said, would break out within a year.** He said, "we gave negotiations a chance. **Anyone who thinks a final status arrangement for**

¹² "UN resolutions relating to Palestinians do not vest the Palestinian refugees with a right to return to the State of Israel. The primary resolution upon which the Palestinians base their claim to a right to return is UN General Assembly Resolution 194(III) of 1948. This resolution sought to set out a general strategy for resolving the dispute through the establishment of a Conciliation Commission. Indeed, the return of the refugees is mentioned in Article 11 of the resolution, but this must be seen as part of the general strategy and not as an independent right vested in the Palestinians, particularly in light of the fact that the resolution does not refer to the term 'right.'" ("Return of the Palestinian Refugees to the State of Israel," Yaffa Zilbershatz and Nimra Goren-Amitai, ed. Ruth Gavizon., Metzilah Center, Jerusalem, 2011, p. 11). <http://www.metzilah.org.il/webfiles/fck/file/Shiva%20eng%20final.pdf>

¹³ According to UN Resolution 181 (November 29, 1947), large territories in the central and western Galilee and Negev would be assigned to the future Arab state that was supposed to be established in the Land of Israel.

issues like the refugees, Jerusalem, the settlements and the borders can be determined through negotiations is fooling himself. Those are issues that have to be decided through a campaign on the ground as well as the campaign of negotiations."¹⁴ Asked what he meant by the word "campaign," he said **"I 'confrontation.' We need dozens of battles like the tunnel confrontation [i.e., the riots following Israel's opening of the Western Wall Tunnel to the public in September 1996], where we went out to do battle and we fought.**"¹⁵ Asked whether the option of campaign still existed, Barghouti answered, "We are a fighting movement and we came to [the path of] peace with all our courage and bravery. We want peace, and we are waging the campaign for the sake [of peace]. **We want this peace to bring us the bottom line, that is, an independent Palestinian state with Jerusalem as its capital, the right of the refugees and our right to self-determination, and if it doesn't, then all our options are open.**" Asked about a **time table**, whether one year or two, Barghouti answered, "In my opinion, during one year."¹⁶

D. Support for terrorist attacks on settlers while opposing attacks inside Israel: Asked about his position on a [hypothetical] person in the West Bank or Gaza Strip whose home was confiscated, and that person launched a military-type attack on settlers in revenge for what they had done, he answered, "You don't fight settlements by pleading, **you fight with weapons**, because settlements are the height of terrorism." However, he continued, **"I am against military-type activities inside Israel** [i.e., the type of terrorist attack carried out by Hamas]. **That is the terrorism we condemn, reject and stand opposed to. However, our people have the right to fight Israel in the West Bank, Gaza and Jerusalem, in every way and by every means.**"

E. The effort to minimize the significance of his relations with Israelis and participation with them in peace conferences:

¹⁴ To this day Marwan Barghouti still promotes an armed conflict side by side with negotiations (see below).

¹⁵ Under Barghouti's leadership, the Tanzim gained extensive experience in violent confrontations with Israel. Tanzim operatives played a prominent role in the Western Wall Tunnel riots in September 1996 and Nakba Day events in 2000 (Efraim Karsh, *Arafat's War: The Man and His Battle for Israeli Conquest*, University Bar-Ilan, Ramat Gan, 1994, (Hebrew edition), p. 221).

¹⁶ On another occasion Barghouti expressed himself more **specifically**. He warned that if **by September 13 [2000]** Israel had not withdrawn from Jerusalem and the areas near the border, as it had in Lebanon, it would have to take into consideration that the Palestinian people, who had participated in the [first] intifada, were not afraid of another confrontation (Karsh, *Arafat*, Hebrew edition, p. 209). After the Camp David summit meeting in July 2000, Barghouti said the failure of negotiations opened the door to the Palestinians' use of "all the options." He said Palestinians had a long time to prepare themselves and announce a general mobilization of all the ranks of the Palestinian people (July 31, 2000 edition of the *Palestinuna* newspaper, from the article by Yonatan Dahoah-Halevy, "Evidence of the Palestinian Authority's responsibility for the outbreak of the al-Aqsa intifada," *jcpa.org.il*, February 13, 2013).

1) Barghouti was asked why he called for an end to the normalization [between Arab states and Israel] while **he himself had participated in a conference held a few months previously in Greece about normalization with the Jews**. He answered that the Greek government had sent an invitation, and it had been accepted. "What you are referring to was a political conference organized by the Greek foreign ministry. It was attended by Shimon Peres and members of the Knesset. They left [the conference] after we presented our concept of our right to return to our houses in Haifa, Lod and Ramle..."

2) Asked about his participation in other conferences on normalization, he said, "The goal of those conferences was to discuss specific issues like the settlements, and we wanted [to hear the Israelis'] position, but we did not reach an agreement. **Political discourse is an action of struggle, not normalization.**" However, **he added that he was in favor of discourse with Israel**, saying "The Jew as Jew is not an enemy, but my enemies are the occupation and those who put down its roots. As long as the occupation oppresses our country we have the right to resist and nothing can revoke that right. **We are in favor of discourse with the Israelis, and we may possibly fight them if it becomes necessary.**"

23. During his Israel Security Agency interrogation after his detention, Marwan Barghouti spoke about **the radicalization of his positions and the concept of an armed struggle before the outbreak of the intifada:**

A. Barghouti emphasized that **he supported a peace agreement** and had worked towards one for ten years, but his opinions changed because it was hopeless to try to reach a political solution with Israeli Prime Minister Ariel Sharon. There was therefore no escape from **choosing the path of "the armed struggle against Israel," which would be led by Fatah**. He also explained that the **Fatah leaders were concerned about losing their power in the Palestinian street to the Islamic movements**, and that had also prompted them to take up attacking Israel.

B. He said that in his opinion, **attacks that "were painful for Israel" would advance peace and make Israel understand that it had something to lose**. He added that as far as he was concerned, **Israeli citizens living in the settlements in Judea and Samaria were legitimate targets, even if they were women and children**. The objective of the intifada, he said, was **to hurt [IDF]**

soldiers and settlers to make them leave and to prove to the world that the Palestinians were fighting against the occupation. He added that only after Israel had begun its policy [of targeted killings]," and especially after Israel killed Ra'ed Karmi,¹⁷ **did Fatah begin operating inside Israel with the intention of attacking its civilians, economy and tourism industry.** Fatah's intention, he said, was "to exert pressure on the Israeli street, which would force the government to withdraw from the territories" (from the verdict in Barghouti's trial, May 4, 2004).

Message of despair and a veiled threat for his Israeli interlocutors

24. The radicalization of Marwan Barghouti was also reflected in his contacts with Israelis. In his book, *Guide for a Wounded Dove*, Yossi Beilin described a meeting with Barghouti at the home of a Labor Party MK in **March 2000**. It was attended by six Israeli Knesset members and six members of the PLC. The Palestinians were "all affiliated with Fatah, all of them former prisoners **led by Marwan Barghouti, and all with ties to the Tanzim**" (ITIC emphasis throughout). Beilin described the meeting by saying,¹⁸

"Barghouti was the main speaker, and **he had a message of despair.** He said **the Palestinian street had lost its hope for peace,** and Fatah had lost its faith in [Ehud] Barak's government. Israel continued constructing settlements and paving bypass roads, while the PA remained silent and was accused of collaboration with Israel. **Supporters of peace and Fatah activists found it difficult to stand before the Palestinian people and explain** either the PA corruption or its silence in the face of Israel's actions..."

His remarks also held a veiled threat. Barghouti said **it might be possible to ensure a lull for six more months until September 13, 2000.** However, if by then a permanent agreement had not been reached it would be hard for Arafat not to unilaterally declare a [Palestinian] state. The [current] calm, he said, was the result of PA activities to prevent attacks. The continuation[of [construction in] the settlements and the lack of progress in the peace process would intensify

¹⁷ Ra'ed Karmi was a senior terrorist operative, one of Barghouti's men. He was killed by an explosion near his home in Tulkarm on January 14, 2002. Fatah's military-terrorist wing accused Israel and promised vengeance. Marwan Barghouti ordered his operatives to carry out a revenge attack (see p. 29 in this study).

¹⁸ Beilin, *Wounded Dove*, pp. 104-105.

internal [Palestinian] and pan-Arab criticism [accusing] the PA [of being] a collection of traitors and collaborators."

Marwan Barghouti's internal struggle in Fatah (2000)

25. During 2000, Marwan Barghouti, as the Tanzim secretary general, was involved in **hardline power struggles with Hussein al-Sheikh. Arafat encouraged the competition, using divide and conquer tactics to keep serious opposition to himself from coalescing.** He wanted to undermine Barghouti's status in the Tanzim, following a number of incidents which made Barghouti seem too independent. Barghouti turned the Tanzim into a tool of expression to criticize Fatah's old guard in Judea and Samaria (i.e., the Fatah leadership that had returned from Tunis). **He strongly criticized the corruption rampant in the PA, the way its security forces operated in the wake of the Oslo Accords. It can be assumed that Barghouti's struggle for power inside Fatah at the time also influenced the radicalization of his stance on Israel.**

26. As a result, **Barghouti gained popularity with the Palestinian public.** He represented Fatah's young generation, as opposed to the old guard of those "returning from Tunis." The Nakba Day events he led in May 2000 (see below) strengthened his popularity. The "ex-Tunis" Fatah leadership wanted to hobble him, and held elections in July 2000 for a committee of 11 which would decide the policies of the Supreme Committee. **Hussein al-Sheikh won the election** but the situation became farcical. Hussein al-Sheikh claimed he was the secretary general of the new Tanzim in the West Bank, **while Barghouti claimed the election had been held for membership in the committee, not for the role of Tanzim secretary general.** Thus Barghouti said that without instructions to the contrary from Arafat he would continue as Tanzim secretary general. Arafat, who wanted the two to remain rivals, did not decide the issue one way or the other.¹⁹

¹⁹ Amos Harel and Avi Issacharoff, *The Seventh War – How we won and why we lost the war with the Palestinians*, (Hebrew), Miskal-Yedioth Ahronoth and Hemed Books, Tel Aviv, 2004, pp. 52-53; an article by Gidi Weitz and Jacki Hugi in Haaretz, June 30, 2016). Barghouti publicly expressed the criticism in an interview with the Hamas-affiliated Hebron-based newspaper Akhbar al-Khalil on March 8, 2000. He said, "...there are frameworks in some governmental ministries that function in very substandard way, and sometimes [their functioning is] negative and worse. **The conduct of some members of the security forces is awful** and we in Fatah pay a very high price [for it]. The public considers Fatah responsible, and they have the right to settle accounts at the ballot box..."



Hussein al-Sheikh, Barghouti's rival for Tanzim leadership (Facebook page of Hussein al-Sheikh, February 4, 2014).

27. Yuval Diskin, former head of the Israel Security Agency, said the following about the influence the frustration of Fatah's younger guard in general and Marwan Barghouti in particular had on the outbreak of the second intifada (ITIC emphasis):²⁰

A. "...As far as I understand it, what happened was that the Palestinians were frustrated on several levels. First there was internal frustration. **The younger Fatah generation, headed by Barghouti, was quite displeased by the corruption of Arafat and the Tunis figures, and because they had not integrated into the Palestinian regime** or achieve any position of real influence. The "external" people were enjoying life, took money and clipped coupons, while those who had borne the burden of the first intifada – and paid the price – were thrown out. That led to enormous frustration. **On the eve of the second intifada Fatah elections were held in Judea and Samaria and Barghouti won.** Arafat overturned the results because Barghouti opposed him, and he gave the [advantage] to Barghouti's rival. **That also left Barghouti immensely frustrated, and it was not a matter of chance that he was the one who led the events of the second intifada, not Arafat.**"

B. "...Thus Barghouti did exactly what all the others had done. **He lost the elections to the Fatah Secretariat in the West Bank** but did not pass the scepter to Hussein al-Sheikh, who had won. The [second] intifada broke out on

²⁰ Dror Moreh, *The Gatekeepers, Inside Israel's Security Agency*, (Hebrew edition), (Yedioth Ahronoth, date, 2017) and Hemed Books, Tel Aviv, 2014, pp. 264-265; ITIC translation.

September 29 [2000], and like others, **he quickly saw his opportunity and he took it, turning from a person seeking peace into a terrorist.** He built a hive of terrorism around himself, began orchestrating terrorist attacks, and **suddenly he was riding the wave called 'intifada'...**".

Nakba Day events: a dress rehearsal for the second intifada (May 2000)

28. The riots waged by the Palestinians on Nakba Day, **May 15, 2000, were a dress rehearsal for the second intifada, which broke out about four and half months later. The riots were mainly initiated by Tanzim operatives headed by Marwan Barghouti.** It was the first time since the Western Wall Tunnel events (September 1996) that **large-scale riots had been held during which Palestinians shot at the Israeli security forces.**

29. The mass riots began with Palestinians' throwing stones and Molotov cocktails, and then **shots were fired at IDF security forces, primarily by Tanzim operatives.** The riots were carried out at well-known friction points: Joseph's Tomb (Nablus), the Judea and Samaria Junction (north of Ramallah), the Tomb of Rachel (Bethlehem), the southern entrance to Tulkarm and the Netzarim Junction (central Gaza Strip).²¹ **Eight Palestinians were killed in the riots and hundreds were injured** (according to another version, five Palestinians were killed and 188 wounded). About 30 Israelis were wounded, most of them not seriously.

30. On May 14, 2000, the eve of the Nakba Day, **Yossi Beilin, at the time Israel's Minister of Justice** (with several other Israelis) **met with three prominent Fatah activists** at the Laromme Hotel [renamed Inbal] in Jerusalem: **Marwan Barghouti** (Tanzim leader), **Qadoura Fares** (one of the Tanzim's leaders) and **Mamdouh Nofal** (a member of the leftist Fida Party). Marwan Barghouti complained that "everything was stuck in place." He said "**Arafat genuinely wants to reach an agreement by September 13.**" He said, "**I only hope it is possible, but I'm not sure.** If the prisoners are released, [construction in] the settlements frozen and the interim agreement implemented – then maybe the situation on the ground could become calm, even if there isn't a final status arrangement. **If even that doesn't happen and the final status agreement isn't signed, disappointment and frustration may lead to an explosion**" (ITIC emphasis throughout).

²¹ A "battle day " was held at the Judea and Samaria Junction north of Ramallah, lasting for hours. British intelligence agent Alastair Crooke, positioned on the ground for the EU, saw how armed Tanzim operatives arrived by ambulance, took up positions on tall buildings overlooking the junction, and fired the first shots (Harel and Issacharoff, *The Seventh War*, p. 61).

31. At the meeting Marwan Barghouti expressed sorrow about the violence, claiming it embarrassed the Palestinians and harmed them more than Israel. However, he added, **demonstrations were the minimum Fatah could do to show solidarity and prevent extremists from taking control of the Palestinian street. He refused to agree to Beilin's request to prevent violent clashes on Nakba Day** [the following day, May 15]. According to Beilin, Barghouti threw out his arms as though he were helpless, and said, **"Instructions for tomorrow have already been given, but in the future it will be possible to lead in a different direction"**²².

Marwan Barghouti's actions at the outbreak of the second intifada (September 28-29, 2000)

32. On September 28, 2000, Israeli Prime Minister Ariel Sharon visited the Temple Mount. About 1,400 Palestinians were waiting for him, among them **Marwan Barghouti and Hussein al-Sheikh**, the two rival Fatah leaders in Judea and Samaria. Palestinian demonstrators shouted anti-Sharon slogans and threw stones. The clashes worsened after Sharon and his entourage had already left. The riots spread to various parts of east Jerusalem, and more than 50 Palestinians and policemen were wounded. However, the organizers of the demonstration on the Temple Mount, including Barghouti, regarded it as a failure. Nevertheless, disappointment did not dull his motivation, **because at that early stage he had already identified the potential inherent in the tension, both for himself and his allies in the Tanzim. "This is our opportunity,"** he told his close friend Ziyad Abu Ein, **"we have to act swiftly and strongly to organize demonstrations in Jerusalem."**²³

33. After Sharon left the Temple Mount, Palestinian operatives held a two-hour meeting to discuss how to spread the struggle to all the PA territories. According to Barghouti,

"The night before Sharon's visit I participated in a panel discussion on the local TV station and exploited the opportunity to encourage the public to go to al-Aqsa mosque in the morning. It was unthinkable that Sharon could go to al-Haram al-Sharif [i.e., the Temple Mount]...and leave untouched. I went to al-Aqsa in the

²² Beilin, *Wounded Dove*, p. 113.

²³ Harel and Issacharoff, *The Seventh War*, p. 18.

morning...we tried to cause clashes, but failed because of differences of opinion, which arose all the time with others in the al-Aqsa mosque compound."²⁴

34. **Friday, September 29, 2000**, the following day, **Palestinians rioted on the Temple Mount**. The riots began when Muslim worshippers threw previously-stockpiled stones, iron bars and Molotov cocktails at Israeli policemen. Seven policemen were killed and more than a hundred wounded. **Marwan Barghouti and Hussein al-Sheikh** held a rally in Ramallah. Barghouti and Sheikh Hassan Yusuf (Hamas leader in Judea and Samaria) spoke before a crowd of about 5,000 Palestinians. The news from the Temple Mount inflamed them and a crowd marched towards the "Judea and Samaria Junction" north of Ramallah to clash with IDF soldiers. However, Marwan Barghouti and his aide Ahmed Barghouti rushed away to get to a meeting in Taybeh with Israeli Arab leaders. En route they used their phones to dictate the first notice of the new uprising to their office in al-Bireh. **Thus the second intifada had begun**²⁵.

35. When the second intifada broke out, **the Tanzim leadership in Judea and Samaria was in a severe political crisis. The leadership was split between the rival camps of Marwan Barghouti and Hussein al-Sheikh**. Both sides claimed the title of Tanzim secretary general in the West Bank. Yasser Arafat held sway over both camps, mainly through his control over the allotment of funds. Of the two, **Marwan Barghouti was clever enough to exploit the events of the first days in Jerusalem** to establish his status as the undisputed leader of the Tanzim, and in fact of the entire Palestinian street. According to Harel and Issacharoff.²⁶

"The easiest way to reach the hearts of the operatives was through extremism: **whoever yelled loudest enlisted more armed [Palestinians] to shoot at IDF soldiers and settlers and organized the largest demonstrations, won the support of the street**. Barghouti was the most successful. Through his aide Ahmed Barghouti...[he] enlisted most of the street leaders to his camp, the operatives of the armed gangs...Al-Sheikh had his own armed gang, but it was far smaller and had far less influence."

²⁴ Al-Hayat, September 29, 2001, quoted in Barry and Judith Colp Rubin, *Yasser Arafat, a Political Biography*, (Hebrew), Hemed Books, Tel Aviv, 2006, p. 218.

²⁵ Harel and Issacharoff, *The Seventh War*, p. 21. According to another version, on the night of September 29, Barghouti summoned the Tanzim commanders to his headquarters in al-Bireh to prepare the first day of the clashes and how to continue them. A fax was then sent to Fatah offices throughout Judea and Samaria calling for a general uprising. At a meeting held a week later at Arafat's headquarters in Ramallah, the Fatah leadership adopted a belligerent strategy based on the expectation of a drawn-out confrontation that would exhaust Israel (Karsh, *Arafat's War*, p. 221).

²⁶ Harel and Issacharoff, *The Seventh War*, p. 33.



Marwan Barghouti speaking at the funeral of a Fatah operative killed during the second intifada (YouTube, January 1, 2012).

36. At that time Marwan Barghouti had apparently become the extremist individual of the second intifada, challenging anyone who wanted to curb his activities. Correspondents for the Washington Post and the Daily Telegraph, who followed Barghouti closely as he supervised riots against Israeli soldiers, described the atmosphere and mood at the time. They described how Barghouti screamed into his telephone, saying things like "There is no ceasefire," "The hell with a ceasefire," or "Even if Arafat orders me to send people home it will have no influence."²⁷

37. Raviv Drucker and Ofer Shelah wrote in *Boomerang: The Failure of Leadership during the Second Intifada* that after the second intifada broke out Barghouti continued meeting with Israelis, even those not in government or power.²⁸ He was in contact with Ron Pundak, one of the architects of the Oslo Accords, who continued to consider him a partner for peace.²⁹ In addition, Barghouti became an Israeli media star. He was often interviewed, and besides boasting about the victory, he repeatedly said an agreement would be the only solution. His high profile made him an even more attractive target for the IDF and the Israel Security Agency.³⁰

²⁷ Washington Post, October 4, 2000; Daily Telegraph, October 3, 2000. Ronit Marzan, *Rhetoric of a Lone Leader*, (Hebrew) Resling, Tel Aviv, 2016, p. 83.

²⁸ Raviv Drucker and Ofer Shelah, *Boomerang: The Failure of Leadership during the Second Intifada* (Keter Publishing, Jerusalem, 2005). Hebrew; ITIC translation.

²⁹ According to Drucker and Shelah, in a letter Ron Pundak sent on October 18, 2000 to Gilad Sher, who was conducting negotiations for Ehud Barak, he wrote, "I am more convinced than ever, no matter how paradoxical it may sound, that if all the growing rumors about Marwan Barghouti growing power are true, it is the best news possible for the future of the peace process. In my opinion that we should not try to harm him." Pundak wrote he was holding long conversations with Barghouti every day. Barghouti's message was that they should return to popular demonstrations.

³⁰ Drucker and Shelah, *Boomerang*, p. 250

Conclusion: What led to the radicalization of Marwan Barghouti?

38. **What radicalized Marwan Barghouti and turned him from a peace activist, who supported the Oslo Accords, to a terrorist operative, who directed terrorist squads in Judea and Samaria and sought to escalate terrorism and violence against Israel?**

39. During Israel Security Agency interrogation, Barghouti confirmed that in the five years previous to his detention **Fatah had played a central role in escalating the violence and directing the war. He did not deny his participation, but stressed that he supported a peace agreement and claimed he had worked to advance one for ten years.** He claimed the change in his approach because he felt **it was hopeless to try to achieve a political solution with Prime Minister Ariel Sharon.** However, he said, he thought the Palestinians had made a mistake by rejecting Israel's past offers, especially the suggestions made by President Bill Clinton at Camp David [July 2000]. He claimed that had the Palestinians accepted the suggestions, today they would have had an independent state (from the verdict in Barghouti's trial, handed down on May 20, 2004, p. 15).³¹

40. In ITIC assessment, Barghouti's explanation for his radicalization regarding Israel is **partial and slanted.** In addition his version, which puts the blame exclusively on Israel, there may be **other explanations:**

A. At the time Barghouti was not alone in adopting extreme positions. They reflected the new strategy of confrontation formulated by Yasser Arafat and the Fatah movement. In the year preceding the second intifada there was a school of thought in Israel represented by **Moshe Yaalon, at the time commander of the IDF Central Command,** convinced that **Arafat had chosen a strategy of confrontation as a means of squeezing more concessions from Israel.** According to Yaalon, Barghouti did not have an independent role in preparing the intifada, rather, **Arafat was behind him, "rearing him as a tiger he could unleash when necessary."**³² Accordingly, the radicalization of Marwan

³¹ Marwan Barghouti told the Israeli prison guards, "We were wrong not to accept the 1947 Partition Plan...In the end, we will reach an agreement based on what Barak offered in July 2000..." (Harel and Issacharoff, *The Seventh War*, p. 414). Interviewed by the Hebron-based newspaper al-Akhbar al-Khalil (March 8, 2000), he pointed to the Partition Plan as a minimal alternative to the establishment of one Palestinian state with the borders of "historical Palestine.")

³² Drucker and Shelah, *Boomerang*, p. 80.

Barghouti, his adoption of the concept of "armed struggle" and his belligerent public statements were functions of **a strategy devised and dictated by Yasser Arafat (and not merely the fruit of a Barghouti's personal transformation)**. In addition, Israeli military intelligence analysts are also of the opinion that the second intifada was initiated by Fatah in Judea and Samaria.³³

B. The internal power struggles in Fatah and Barghouti's personal ambitions also played an important role in his radicalization. The tension between him and Arafat, the struggle for his status in the Tanzim after losing the election to Hussein al-Sheikh and concerns about another future blow to his status in Fatah – all **pushed Barghouti in a direction that was extremist, militant, and suited the mood prevalent in Fatah and in the Palestinian public.** He apparently **regarded the intifada as an opportunity to erase his past as a supporter of the Oslo Accords** and a partner in discourse with the Israelis. It would, he felt, strengthen his personal status with the Fatah's ground operatives and the general Palestinian public.

³³ **According to another school of thought, Arafat did not plan the second intifada, rather he rode on its coattails for his greatest benefit.** That was evident in a remark made by Yuval Diskin, former head of the Israel Security Agency, who wrote, "As opposed to what the experts say, Arafat did not put the intifada in motion, but at a later stage rode on its coattails. **Young Fatah operatives initiated the riots, which came as a surprise.** He even tried – not particularly vigorously, but he did try – to contain the events during the first two or three weeks. At some point he decided to join, and he did so elegantly. He thought that now, while [the Israelis] were conducting talks with him, he could force us [i.e., the Israelis] into a corner" (Moreh quoting Diskin in *The Gatekeepers*, 264-265, Hebrew, ITIC translation).

Section 3: Detention, Trial and Conviction



Marwan Barghouti detained by the IDF in Ramallah (Israeli Government Press Office and the IDF spokesman, April 16, 2002).

41. Marwan Barghouti's central role in directing the terrorist attacks of the Al-Aqsa Martyrs Brigades and the Tanzim, and **the extremist anti-Israeli rhetoric of his media appearances, made him one of the Israeli security forces' most wanted individuals.** He went underground when IDF forces entered Ramallah on March 29, 2002, hiding in various safe houses. **His disappearance from the stage at a critical moment in the confrontation led to harsh criticism from the Palestinians, especially from his opponents in the Tanzim, particularly Hussein al-Sheikh** (Amos Harel in Haaretz, April 16 2002).

42. On April 15, 2002, Barghouti was detained by the Israeli security forces. The same day he had called his aide Ahmed Barghouti, asking for a meeting at the house of [Fatah operative] Ziyad Abu Ein a mutual friend, in the northern part of Ramallah. Abu Ein, who had managed, at the last moment, to evade the IDF soldiers who had come to his house the previous day to arrest him, implored Barghouti not to come. Barghouti insisted, and the meeting was held as planned. Twenty minutes later they heard a noise outside, and when they looked out the window of the second floor they saw the house had been surrounded by IDF soldiers. The soldiers entered the building, saw Barghouti and detained him.³⁴

43. The Israel Security Agency interrogated Barghouti in April and May 2002. After the interrogation he was brought before the Tel Aviv district court. Being tried by a

³⁴ Harel and Issacharoff, *The Seventh War*, p. 245-247.

civilian court instead of by the military was an exceptional step for Palestinians suspected of terrorist activities in Judea, Samaria and the Gaza Strip. During his trial Barghouti claimed it was a political trial. He said the court did not have the authority to judge him and he should have been treated as a prisoner of war. The court rejected his claims. For a long time Barghouti engaged in protests, such as refusing to shave or bathe, but the trial continued.

44. Throughout the trial **Barghouti refused to defend himself, refused to summon witnesses, and strongly claimed he did not recognize Israel's authority to try him.** The Tel Aviv district court rejected his claims, convicted him of the murder of five people but found him innocent of the murder of 32 others. In their verdict the judges wrote they had not found a legal basis to convict him of carrying out all the terrorist attacks. However, based on the evidence, they convicted him of premeditated murder (in three terrorist attacks in which five people were killed) and of attempted murder (an attack that had been prevented). He was also convicted of terrorist activity and membership in a terrorist organization, and of conspiracy to carry out a crime (see Part Two).

45. **During the trial Barghouti repeatedly represented himself as a peace-seeking political figure. The judges rejected the claim, saying the following in the verdict** (June 6, 2004) (ITIC translation and emphasis, with one exception, as noted):

A. "While hearing recommendations for punishment **the accused repeatedly stressed that he sought peace.** Apparently, **as far as he is concerned, the path to peace is paved with the blood of terrorism.** The accused wants to represent himself as a 'political figure,' and even declares he is **opposed to the killing of innocent people. His declarations contradict his actions, as has been proved to this court.**"

B. "In addition, according to the statement made by the accused during interrogation, and **in view of a considerable amount of other evidence,** the accused was involved up to his neck in terrorist activity, which he stubbornly described by calling it 'military activity.' Not only **was he personally and actively involved in three murderous attacks carried out and one attempted, all were carried out within the Green Line against innocent civilians, he also directed Fatah terrorist organizations in carrying out innumerable terrorist attacks against Israeli civilians.** It would seem that the accused himself – in view of the evidence presented – is not comfortable claiming he opposes killing

civilians, saying **"In principle I am against murdering civilians on both sides"** (emphasis in the original). **"Theory is one thing, practice is another."**

Part Two: Marwan Barghouti's involvement in terrorism during the second intifada³⁵



Marwan Barghouti, charged with carrying out terrorist attacks, arrives at the Tel Aviv District Court (Israel Government Press Office, Moshe Milner, May 20, 2004).

Section 4: Felonies of which Marwan Barghouti was convicted

1. This section deals with **the involvement of Marwan Barghouti (Abu al-Qassam) in terrorism**, during the first year and a half of the second intifada (September 2000-April 2002).
2. On June 6, 2004, the Tel Aviv-Yafo District Court convicted Marwan Barghouti and sentenced for the following offenses (ITIC emphasis):

A. The deliberate murder of five people in three terrorist attacks carried out in 2001-2002: a shooting attack in **Givat Ze'ev in Jerusalem**, in which a woman was murdered (January 15, 2002); a shooting attack on the **Jerusalem-Ma'aleh Adumim Highway**, in which a Greek monk was murdered (June 12, 2001); and a shooting-hand grenade attack at the **Sea Food Market Restaurant in central Tel Aviv**, in which three people were murdered and 25 wounded (March 5, 2002). The verdict stated that Marwan Barghouti was personally involved in the terrorist attacks and therefore received consecutive life sentences.

³⁵ This part is based mainly on the verdict in the trial of Marwan Barghouti (May 4, 2004, Case No. 1158/02) and sentencing (June 6, 2004, Case No. 1158/02). Documents signed by Marwan Barghouti, which were seized by the IDF during Operation Defensive Shield, were also used.

The five people murdered in terrorist attacks in which Marwan Barghouti was personally involved



Sergeant-Major Salim



Eliyahu (Eli)
Dahan



Yosef Habi



Tsibouktsakis Germanus



Yoela Chen

The five people who were murdered in terrorist attacks in which Marwan Barghouti was personally involved, for which he was sentenced to five cumulative life sentences. Top: The three people who were murdered in the shooting attack at the Sea Food Market Restaurant. Lower right: The woman who was murdered in the shooting attack at the gas station in Givat Ze'ev (LAAD website, National Insurance Institute of Israel, May 17, 2017). Lower left: Greek monk Tsibouktsakis Germanus, who was murdered in the shooting attack (Ministry of Foreign Affairs website).

B. Attempted attack: Marwan Barghouti gave permission to carry out a car bombing suicide attack. The order was to carry out the attack in Judea and Samaria, but **the car blew up near the Malha Mall in Jerusalem, where the terrorists apparently intended to carry out the attack** (March 26, 2002); killing

the two terrorists. **For his complicity in the attempted attack, Barghouti was convicted of attempted murder and sentenced to 20 years in prison.**

C. Activity and membership in terrorist organizations: Marwan Barghouti was convicted of **heading a terrorist apparatus that carried out attacks, including those in which Barghouti was not personally involved.** Barghouti provided the planners and perpetrators of the attacks with **assistance in transferring funds and weapons.** The verdict stated the following: “He instigated and incentivized his men to continue carrying out deadly terrorist attacks; and in every possible way supported the heads of terrorist squads who planned or carried out the attacks [...]” **For his membership and activity in a terrorist organization, Barghouti was sentenced to 20 years in prison.**

3. In total, Barghouti received five life sentences and an additional forty years of imprisonment, all consecutive, from the day of Barghouti’s arrest on April 15, 2002.

Section 5: Terrorist attacks in which Marwan Barghouti was personally involved³⁶

Shooting attack at the gas station near Givat Ze’ev (January 15, 2002)

Description of the attack

4. On the evening of January 15, 2002, two Fatah terrorists carried out a **shooting attack targeting Israelis driving on Highway 443 (the Jerusalem-Modi’in Highway).** The squad members **approached the car of Yoela Chen, which was parked at the gas station near Givat Ze’ev.** They spoke with her to make sure she was Israeli and immediately **fired dozens of bullets at the car.** Yoela Chen, resident of Givat Ze’ev and mother of two, was seriously wounded and died at the scene. Her aunt, who was with her in the car, was seriously injured and taken to the hospital.

³⁶ The summary of the attacks is based on the verdict in the trial of Marwan Barghouti and on Israeli media reports.



Yoela Chen, 45 at the time of her murder at the gas station in Givat Ze'ev (LAAD website in memory of civilians killed in hostile acts, National Insurance Institute of Israel, May 17, 2017).



The scene of the shooting attack near Givat Ze'ev (LAAD website, Ma'ariv Israeli daily).

5. The initial investigation revealed that 9mm bullets were fired at the car. After the attack, the commander of the Binyamin Brigade said the two terrorists had fled to the **village of al-Jib**, some 300 meters (about .18 miles) away. Near the village the two men were picked up by a getaway car, which took them either to al-Jib, or to the nearby village of Bir Nabala, or perhaps into Ramallah in the PA.

Marwan Barghouti's involvement in the attack

6. The murder of Yoela Chen in Givat Ze'ev was a **revenge attack for the killing of Ra'ed al-Karmi**, a senior terrorist and one of Barghouti's closest operatives. Ra'ed al-

Karmi was killed when an IED exploded near his home in Tulkarm on January 14, 2002. Fatah's military wing accused Israel of killing him and promised revenge.

7. **The day after al-Karmi's death, Marwan Barghouti ordered Ahmed Barghouti, a senior terrorist operative under his command, to make preparations for out a revenge attack as quickly as possible. On January 15, 2002,** Ahmed Barghouti supplied weapons to **Muhammad Mosleh** aka **Abu Satha** one of Barghouti's senior operatives. On the evening of January 15, Abu Satha's squad carried out the shooting attack near Givat Ze'ev.

8. **During interrogation Marwan Barghouti admitted that he had ordered the in revenge for the killing of Ra'ed al-Karmi the day before.** He said that **Ahmed Barghouti**, one of the two perpetrators, reported to him about the attack. Marwan Barghouti said during interrogation, "I said in the mourners' tent **that this act must be avenged [...]**" However, Barghouti claimed that he had not given Ahmed Barghouti an explicit order, but merely a **general guideline** ("We kind of told Ahmed to carry out an attack").

Shooting attack that killed the driver of a car on the Jerusalem-Ma'aleh Adumim Highway (June 12, 2001)

Circumstances of the attack

9. On June 12, 2001, **two Fatah operatives ambushed cars traveling on the Jerusalem-Ma'aleh Adumim road in order to carry out a shooting attack.** At around 22:30, fire was opened at a car driven by a Greek monk named Tsibouktsakis Germanus, from the monastery of St. George in Wadi Kelt. The monk was traveling alone in a car bearing Israeli license plates and was shot on the assumption that he was an Israeli. He was critically wounded and died shortly afterwards. The shooters apparently fled to one of the nearby Palestinian villages, al-E'izariya or Abu Dis.



Tsibouktsakis Germanus, 34 at the time of his murder (Ministry of Foreign Affairs website).

Marwan Barghouti's involvement

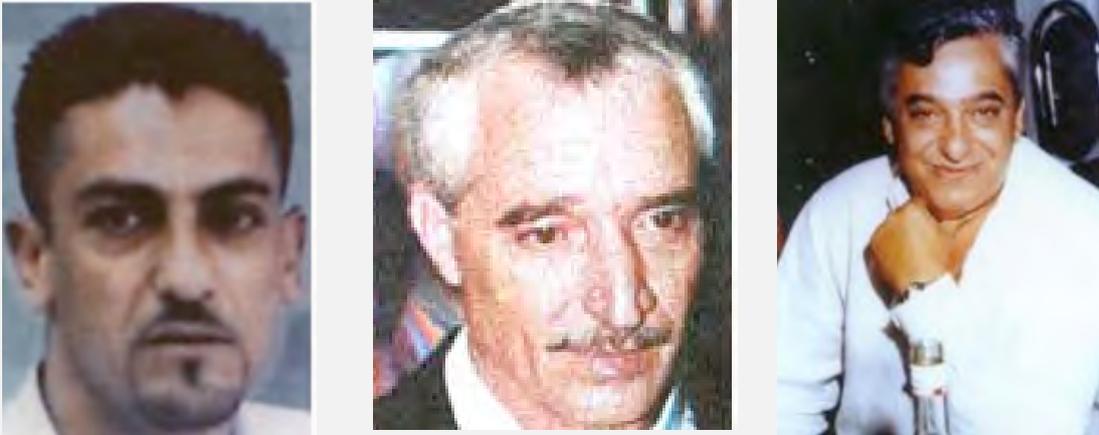
10. A terrorist operative named **Ismail Radaida** admitted during his interrogation that he was one of the perpetrators of the attack in which Greek monk Tsibouktsakis Germanus was murdered. He said that he had **approached Marwan Barghouti about carrying out the attack**, and Barghouti referred him to another terrorist operative codenamed **Muhannad (Abu Halawa)**. Barghouti instructed this operative to transfer weapons to **Ismail Radaida**. Radaida received two Kalashnikov assault rifles from Muhannad, which he used to carry out the shooting attack. Muhannad also showed Radaida and his friend how to operate them. During his interrogation, Marwan Barghouti confirmed Radaida's statements and said that he had referred him to Muhannad after he asked to carry out a suicide bombing attack. Barghouti later heard that the Greek monk was accidentally killed in the attack.

Shooting attack at the Sea Food Market Restaurant in Tel Aviv (March 5, 2002)

Circumstances of the attack

11. On March 5, 2002, at 02:30, a shooting attack was carried out **at the Sea Food Market Restaurant in central Tel Aviv**. It was carried out by a Fatah terrorist operative named **Ibrahim Hassouna**, who arrived at the scene with an M-16 rifle, hand grenades and a knife. He opened fire on the restaurant's patrons. When his rifle jammed and the hand grenades failed to explode, he stabbed people at the restaurant. Police who arrived at the scene shot and killed the him. **Three people were killed in the attack: Police Sergeant-Major Salim Barakat** from the Druze

village of Yarka was killed while attacking the terrorist. Two civilians were killed: **Yosef Habi** of Herzliya and **Eli Dahan** of Lod. Twenty-five people wounded, six of them seriously. Fatah's military wing claimed responsibility for the attack.



The three people killed in the shooting attack at the Sea Food Market Restaurant. Right: Yosef Habi, 52 at the time of his murder. Center: Eli Dahan, 53 at the time of his murder. Left: Sergeant Major Salim Barakat, 32 at the time of his murder (Prime Minister's Office website).

Marwan Barghouti's involvement

12. The attack was planned by three senior terrorist operatives who were members of a an eight-man squad of terrorist operatives led by Marwan Barghouti. The three men were **Ahmed Barghouti**, **Nasser Abu Hamid** (aka Abu Hamid) and **Nasser Oweis** (aka Oweis).



Nasser Oweis, a senior terrorist operative operating commanded by Marwan Barghouti (Asda Network, April 13, 2017).

13. Marwan Barghouti admitted during interrogation that **he had been informed about the attack by his associate Ahmed Barghouti, one of its planners**, about a week before it was carried out. Ahmed Barghouti told Marwan that **Ibrahim Hassouna** was prepared to carry out the attack. Marwan Barghouti stressed that he had instructed Ahmed Barghouti to have the attack carried out in Judea and Samaria, in a settlement or at a military checkpoint, and not inside Israel. **Immediately after the attack, Ahmed Barghouti called Marwan Barghouti to report.** Marwan instructed Oweis not to claim responsibility for the attack because it had been carried out inside Israel. The court ruled that the defendant [Marwan Barghouti] had admitted, as was also evident from statements made by Ahmed Barghouti during interrogation, that he had **authorized the attack in advance, “although the order was to kill other people elsewhere.”**

Attempted suicide bombing attack in the Malha shopping mall in Jerusalem (March 26, 2002)

Circumstances of the attack

14. On March 26, 2002, Israeli security forces prevented a **suicide bombing attack planned for Jerusalem, apparently at the Malha Mall** (south Jerusalem). The security forces noticed the car en route the attack and initiated a chase. There was a loud explosion in the vehicle near the Malha Mall, and **Shadi Ibrahim Hamamra and Musa Yusuf Muhammad Khaled**, the two terrorists in the vehicle, were killed. Two IEDs were found in the car, one of them on the body of one of the terrorists. It was

later reported that another person who was near the scene of the explosion and was suspected of being a member of the squad, was detained after a manhunt.

Marwan Barghouti's involvement

15. Marwan Barghouti stated during interrogation that he had provided assistance, through **Ahmed Barghouti**, to operatives who carried out attacks in the Hebron area. Ahmed Barghouti told him that that an operative named **Jihad Ju'ara** was planning to carry out a suicide bombing attack in Jerusalem. Marwan Barghouti claimed that he had instructed Ahmed Barghouti to have the attack carried out in the "occupied territories" and not inside Israel. The next day he was told that the suicide bombing attack near the Malha Mall in Jerusalem had failed and that the two members of the squad had been killed.

16. According to the verdict, **Marwan Barghouti's involvement in approving the suicide bombing attack had been proven**: "The defendant did indeed order that the attack be carried out elsewhere, but that has no significance in terms of his criminal responsibility for the attempted attack."

Section 6: Marwan Barghouti's modus operandi in directing Fatah's terrorist networks

17. The verdict in Marwan Barghouti's trial **included the expert opinion of Brigadier General Yossi Kuperwasser, the former chief of the Research Division of the IDF Intelligence Corps**. He stated that **Fatah operatives carried out over 1,200 terrorist attacks against Israel during the first two years of the intifada** (between September 2000 and August 18, 2002). A total of **176 Israelis were killed** and many others were wounded. At first, the attacks were carried out mainly with light arms and mortar fire, then later suicide bombing attacks as well.

18. The most deadly types of attack in the second intifada were **the suicide bombing attacks in Israeli territory**. Hamas initiated the use of suicide bombing attacks and was later joined by the PIJ. Subsequently, the Fatah terrorist squads increased the number of suicide bombing attacks carried out in Israeli territory. Fatah's first significant terrorist attack was carried out by a woman (Wafa Idris) on January 27, 2002. She blew herself up on Jaffa Road in Jerusalem, killing one and wounding about 90. The attack was carried out on the order of a Ramallah Fatah/Tanzim operative, and was followed by other suicide bombing attacks.

19. Brigadier General Kuperwasser stated that until his detention Marwan Barghouti **headed Fatah's Supreme Committee in Judea and Samaria, i.e., he was the Fatah leader in the West Bank.** That is also evident in various documents written by and to Barghouti which were seized by the IDF during Operation Defensive Shield. **By virtue of his office, Marwan Barghouti was the main source of authority for Fatah's senior officials and liaised between PA head Yasser Arafat and the ground level operatives.**

20. Furthermore, Brigadier General Kuperwasser stated that when the intifada broke out in September 2000, **Marwan Barghouti played a key role in leading terrorism against Israel by means of Fatah networks,** manifested in various ways. **First, Barghouti was a source of inspiration and set Fatah's policy of terrorist attacks** (as he understood it from Yasser Arafat). That was done in meetings with Fatah terrorist operatives and in public statements. **Second, Barghouti was a source of authority and funding for Fatah terrorist operatives.** He was perceived by the al-Aqsa Martyrs Brigades as the main leader, liaised between them and Arafat, and transferred tens of thousands of shekels to them to fund terrorist activity (see below); **Third, Barghouti conveyed direct orders to Fatah terrorist operatives** at the tactical level about carrying out ad hoc attacks.

21. **Barghouti's sentencing referred to his conduct as a commander who directed Fatah's terrorist activities in Judea and Samaria. Following are excerpts from the sentence** (ITIC emphasis throughout):

A. **"The defendant was the commander of the terrorist networks which operated in the West Bank as part of Fatah, i.e., Tanzim and the al-Aqsa Martyrs Brigades.** He led terrorist squads that were formed within those networks to commit murder and carry out suicide bombing attacks in Israel and in Judea and Samaria. **The defendant set the organizations' policy,** expressed their position to the media, **and dealt with providing them with weapons and funds required to carry out the attacks..."**

B. **"The defendant's declared position was that terrorist attacks against soldiers and settlers, including women and children, in the West Bank, should be carried out.** Indeed, he did express verbal objection to carrying out suicide bombing attacks and [other types of] attacks inside Israel, but he continued to assist operatives of the terrorist squads and support them, even after realizing that they carried out that kind of terrorist attack."

C. **“The defendant had great influence on squad commanders and the perpetrators of the attacks, if only by virtue of the fact that he provided them with funds and weapons. Occasionally he would instruct them to cease the attacks against Israel, but afterwards he would instruct them to resume the attacks – all in accordance with the instructions of the PA head Yasser Arafat.”**

D. **“Indeed, there was no proof that the defendant knew in advance about each and every terrorist attack, or that he was personally involved in planning and carrying out each and every attack perpetrated by the Fatah operatives. However, the attacks that are the subject of the indictment – even those that the defendant was not convicted of– were carried out or planned by the defendant's associates, who took their orders from him and were supported by him. Those associates deliberately did not involve the defendant in the execution of the attacks, and that policy was consistent with the needs of the defendant, who sought – and still seeks – to present himself as a political leader and not as the military leader of a terrorist organization.”³⁷**

E. **“In spite of the circumstances specified above, the defendant went out of his way in four terrorist attacks specified in the indictment, in which he was personally involved. They were the terrorist attack in which Yoela Chen was murdered at the gas station in Givat Ze'ev; the terrorist attack in which the Greek monk Tsibouktsakis Germanus was murdered in Ma'aleh Adumim; and the terrorist attack at the Sea Food Market Restaurant. In addition, he was personally involved in an attempted terrorist attack during which a car with two terrorists en route to the scene of the attack exploded near the Malha Mall in Jerusalem.”**

Section 7: Financial support as a means for handling terrorist squads

22. **Documents seized by the IDF during Operation Defensive Shield, some of them from the office of Marwan Barghouti, dealt with the transfer of payments**

³⁷ Thus the indictment attributed to Marwan Barghouti involvement in 37 different terrorist attacks. However, the court found him guilty of carrying out only four terrorist attacks, in which he had personal involvement. The court ruled that as for 33 terrorist attacks, no evidence was brought before the court to prove that Barghouti was personally and directly related to the attacks. **“Even though there is a real concern that the defendant knew much more than he and his men revealed in their interrogations, it cannot be asserted with the certainty required in a criminal case...”**

to terrorist squads belonging to Fatah (Tanzim, al-Aqsa Martyrs Brigades).³⁸ The documents **demonstrated the great importance of the financial support transferred from Arafat to the Fatah terrorist squads, in many instances through Marwan Barghouti**. The financial assistance was an essential component in continuing and initiating Fatah's terrorist attacks.

23. According to the seized documents, the requests for financial support arrived from Fatah operatives on the ground. **In most cases, the requests were transferred to Marwan Barghouti, who served as the head of Fatah's Supreme Committee in Judea and Samaria**, which the Fatah terrorist squads considered **the main source of authority**. The support for the terrorists included both the transfer of sums of money in cash to terrorist networks in Judea and Samaria and offers of indirect assistance (acquisition of weapons, payment of the rent, arrangement of work, assistance in renovating houses and assistance with marriage expenses).

24. **Marwan Barghouti's name repeatedly appeared in the documents as the main conduit for the money transfer to terrorist operatives**. He served as a **middleman between the ground operatives in Judea and Samaria, and Arafat**, in everything related to the disbursement of funds. The seized documents showed that **Arafat was personally involved in allocating funds to Fatah squads on the ground, to the lowest level**.

25. Marwan Barghouti personally examined the many requests addressed to him. **He gave priority to requests for assistance to operatives who had carried out terrorist attacks against Israel, including those who were wanted by Israel or wounded during their activity**. In some cases, he told the financial personnel working with him, including **Ali Barghouti**, which requests should be approved and the amount of money to be sent. In other cases he passed on the requests, along with his recommendations, to Yasser Arafat. Arafat was the highest authority and decided whether to approve the request and the amounts of money to be paid (he sometimes reduced the amount requested by Barghouti).

³⁸ According to the expert opinion of Brigadier General Yossi Kuperwasser, then chief of the Research Division of the IDF Intelligence Corps, whose opinion which was included in the verdict of Marwan Barghouti, **Tanzim operatives were the spearhead of Fatah's terrorist activity against Israel. The al-Aqsa Martyrs Brigades were a codename for Fatah terrorist networks** which assumed public responsibility for acts of terrorism.



Marwan Barghouti with Yasser Arafat (Paltoday, April 14, 2010).

26. Following are examples of requests for financial assistance for terrorist operatives and terrorist networks, which passed through the hands of Marwan Barghouti:

A. Marwan Barghouti was requested to deal with the **allocation of funds for those “eligible for assistance”** because they were wanted by Israel. The **“eligible” included wanted operatives who had carried out “quality operations”** (i.e., multi-casualty terrorist attacks with unusual significance).

مجلس الإتحاد الفلسطيني - خلية القدس
 لجنة الوطن والحرية
 برهن قار ميدياكم بصراف 3000 دولار مساعدة لكل من الإطروء التالية استنهم حيث
 نظر من استقلت الشلال وسلمون المساعدين

1- محمد بن الشان	2- محمد صالح مصطفى
3- نهر محمد سعيد	4- فؤاد عبد الرحيم لمراد
5- محمد عبد الله صالح	6- خلف عبد الرحمن
7- حسين أبو احمد أبو	8- خالد احمد
9- عبد السلام لمراد	10- خالد محمد
11- محمد الناصر أبو	12- طارق محمد محمد
13- محمد أبو احمد أبو	14- محمد محمود صبراح
15- عبد الرحمن لمراد	16- محمد طلال لمراد
17- محمد محمد لمراد	18- محمد عبد الرحمن
19- محمد لمراد	20- محمد لمراد

رأى المجلس
 محمد الناصر لمراد
 محمد لمراد

Letter from Marwan Barghouti addressed to Yasser Arafat. In the letter, Barghouti requests from Arafat to authorize the transfer of \$3,000 for each of twenty operatives who appear on the list in the letter. The reason for the request was “they are wanted by the authorities of the [Israeli] occupation and are eligible for assistance.”



Letter from Khaled Abd al-Aziz Mohammad Sayf, member of Fatah’s Nablus branch, addressed to Abu Qassam (code name for Marwan Barghouti). The letter is about assistance for a seven-man squad of wanted operatives who carried out “quality operation,” and are facing grave “economic problems” (“we cannot even pay the rent...”).

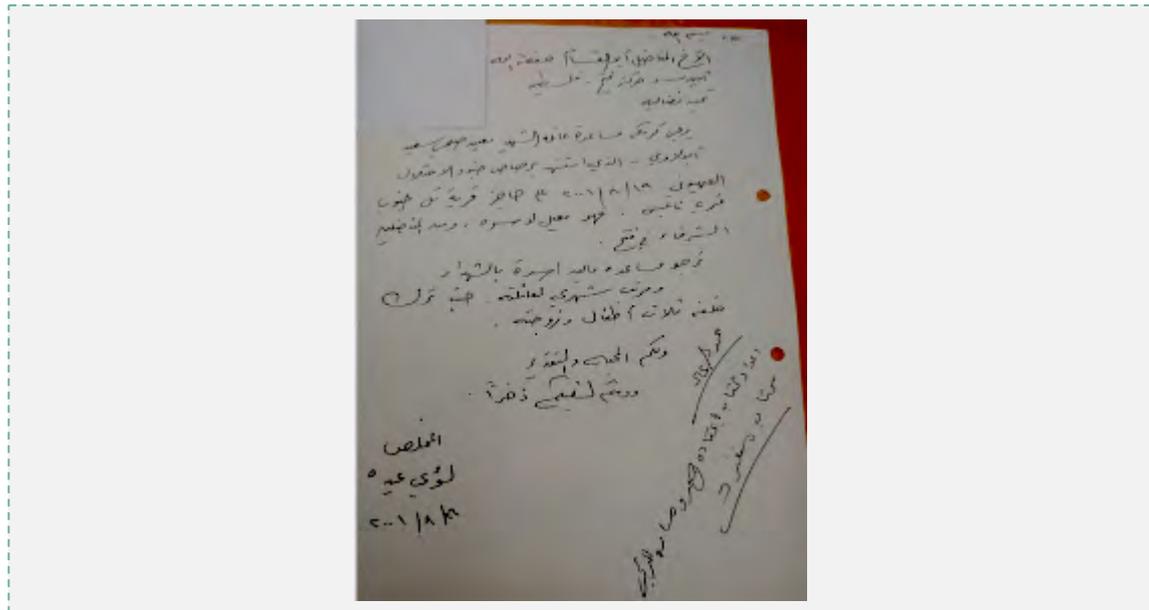


Letter addressed by Marwan Barghouti to Yasser Arafat listing 25 operatives. Barghouti requests to pay each of them the sum of \$2,000 because they are in urgent need of support. Some of those mentioned on the list were known as Fatah/Tanzim operatives. One of them is a Fatah operative from Tulkarm (Ziad Mahmoud Daa’s), who was involved in attempts to infiltrate suicide bombers into Israeli territory. Another Fatah operative from Tulkarm (Firas Sabri Faiz) belonged to Ra’ed Karmi’s squad and participated in the murder of two Israeli restaurant owners in Tulkarm (January 23, 2001).



Request by Barghouti addressed to Arafat to allocate \$2,000 to each of the 15 operatives on the list. Among the names were senior operatives who participated in numerous shooting attacks in the Tulkarm area. One of them took part in a shooting attack where two Israeli Border Policemen were killed and in the murder of a Jew in Baqa al-Gharbiyye. Arafat authorized the allocation of \$800 to each of them.

B. Yasser Arafat was requested to authorize **financial support for families of Fatah operatives** who were killed during the intifada. Among them were senior operatives who were involved in many terrorist attacks, **including the infiltration of suicide bombers into Israeli territory and the murder of Israelis.**



Letter addressed by a Tanzim operative to Abu al-Qassam (Marwan Barghouti) about a shaheed killed by IDF fire in the Nablus area. The operative requests to allocate his family financial support and a monthly salary (January 26, 2001).

C. Marwan Barghouti took a Ramallah squad under his protection. The squad leader was detained during Operation Protective Shield. The squad operatives

were involved in shooting attacks, in planting IEDs and the **direction of suicide bombing attacks in Israeli territory.**

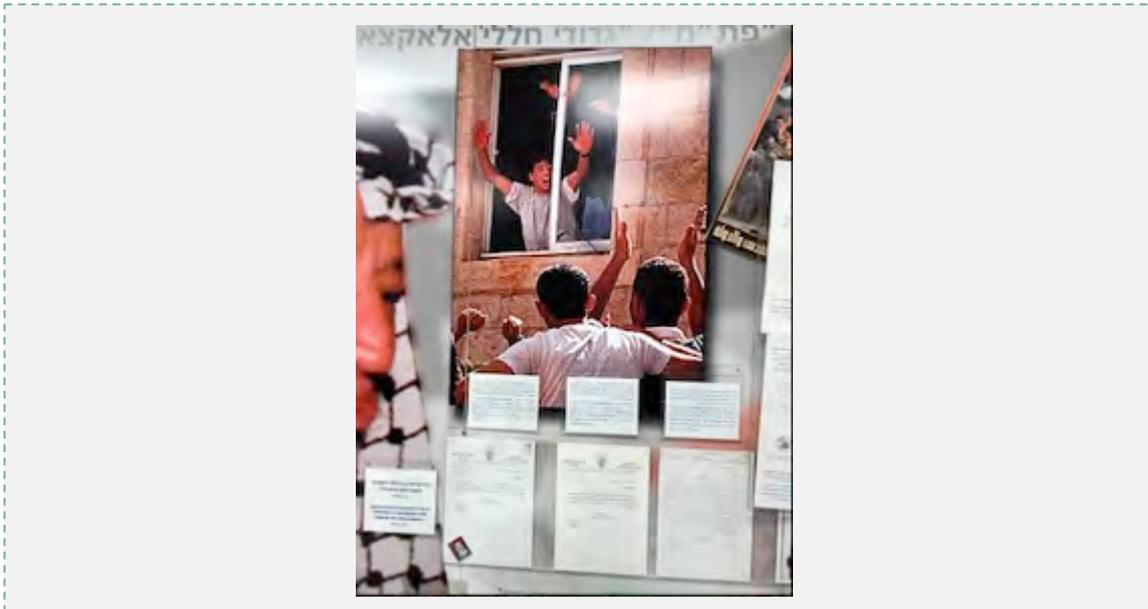


Authorization issued by the Fatah Supreme Committee, signed by Marwan Barghouti. According to this document, nine terrorists whose names are mentioned are Tanzim members, and they must be assisted in carrying out their mission. It was a nine-man terrorist squad from the Ramallah area, some of whom were involved in shooting attacks, planting IEDs and directing suicide attacks in Israel. The head of the squad, Nasser Yousef Abu Hamid, the first on the list, was detained during Operation Protective Shield. He admitted during interrogation that he decided to act under the protection of Barghouti to raise his own status and the status of his operatives.

D. Marwan Barghouti arranged with Arafat to allocate financial support to the son of a Fatah operative who took part in the lynch in Ramallah (October 12, 2000). In addition, Barghouti instructed to give financial support to a Ramallah policeman who was wanted by Israel for involvement in the lynch.



Letter from Marwan Barghouti to Yasser Arafat: Barghouti requests \$6000 from Arafat to cover the lawyer's fee of Mohammad Hashem Nuara, one of the perpetrators of the lynch of the two IDF soldiers in Ramallah (October 12, 2000).



The scene of the lynch in Ramallah and captured documents about Marwan Barghouti's assistance to the families of its perpetrators of the lynch (from a display of seized documents in the Intelligence and Terrorism Information Center in Gellilot).

E. Marwan Barghouti instructed the ministries of the Palestinian Authority to recognize years of membership in Fatah and years served in prison in Israel as “seniority” of operatives working in the ministries of the government of the Palestinian Authority.



Marwan Barghouti’s instruction to consider as “seniority” the years of activity and imprisonment of Bassem Mohammad Abd al-Rahman al-Tamimi, who was arrested on charges of murdering a settler (1993). Al-Tamimi is a director in the PA’s Interior Ministry.



Marwan Barghouti’s instruction to consider as “seniority” the years of activity and imprisonment of Bilal Ibrahim Hassan Abu Rumuz, who was a member of a military squad that blew up a bus near Neve Yaakov. He is a deputy director of the Pioneers Department at the Palestinian Authority’s Ministry of Youth and Sport.

C. Part Three: Imprisonment



Marwan Barghouti in jail (Facebook page of Fadwa Barghouti, June 23, 2017).

Section 8: Marwan Barghouti's activities in the internal Palestinian arena during imprisonment

The campaign for his release



“I am not a terrorist...” is how Marwan Barghouti presents himself to foreign audiences through his wife Fadwa, when accused of terrorism (Facebook page of Fadwa Barghouti, July 9, 2017).

1. During Barghouti's imprisonment in Israel, his wife Fadwa Barghouti began and headed the campaign for his release. Fadwa is a lawyer who lives in Ramallah, and owns a private legal practice. She is also a member of the Fatah Revolutionary

Council. Fadwa heads a fund financed by the PA. **The fund runs a Palestinian and international campaign to exert pressure on Israel to release Barghouti. The campaign cultivates the myth of a “freedom fighter,” presenting Barghouti as the “Palestinian Nelson Mandela.”**

2. **The campaign for the release of Barghouti was launched in 2013** in Nelson Mandela’s cell on Robben Island, the jail where the leaders of resistance to the apartheid regime were incarcerated. The call for the release of Barghouti was signed by eight Nobel Prize laureates, including former American President Jimmy Carter and Archbishop Desmond Tutu. Fadwa often travels around the world and meets with various leaders. She also has a Facebook page with updated information on Marwan Barghouti.



Fadwa Barghouti interviewed in her Ramallah office by a Palestinian TV channel (YouTube, January 21, 2017).



Fadwa Barghouti meets with Ashraf Suleiman, South Africa's ambassador to the PA, as part of the campaign for the release of her husband. The ambassador gave her a picture of Nelson Mandela (Facebook page of Fadwa Barghouti, March 2, 2017).



Photo posted by Fadwa Barghouti on her Facebook page: Yasser Arafat holds a poster calling for the release of Marwan Barghouti (Facebook page of Fadwa Barghouti, November 9, 2016).

3. **The campaign for the glorification and release of Marwan Barghouti has been assisted by many supporters.** The prominent figure in Fatah which is one of Barghouti's outspoken supporters is Qadoura Fares, chairman of the **Palestinian Prisoners Club**. Qadoura Fares was incarcerated in an Israeli prison for 15 years. In a post published on her Facebook page, Fadwa Barghouti praised Qadoura Fares for his loyalty to her husband Marwan. Under Qadoura Fares' picture Fadwa Barghouti wrote: "Loyalty meets loyalty. And you, my brother Qadoura [Fares], are loyal to Marwan the friend, Marwan the commander, the idea, and the path..." (Facebook page of Fadwa Barghouti, February 23, 2017).



Post published by Fadwa Barghouthi on her Facebook page, praising Qadoura Fares for his loyalty to Marwan Barghouti (Facebook page of Fadwa Barghouthi, February 23, 2017).

Palestinian presidential election (January 2005)

4. On November 11, 2004, Yasser Arafat died in Paris. On January 9, 2005, less than two months later, general elections were held in the PA for the office of chairman ("president," in Palestinian terms). Mahmoud Abbas (Mahmoud Abbas) was elected by a majority of 62.5%.

5. Hamas banned the elections, therefore **the only candidate who could have endangered Mahmoud Abbas' win was Marwan Barghouti**. After Arafat's death, Barghouti announced that he would take part in the elections, despite being jailed in Israel. However, persuaded by Fatah senior figures, **Barghouti agreed to withdraw his candidacy**, mainly in order not to cause a rift in Fatah. **On December 12, 2004**, Barghouti announced he was withdrawing from the election. He expressed his support for Mahmoud Abbas, and emphasized the importance of the Palestinian prisoners and the [so-called] "right of return" of the Palestinian refugees.³⁹

6. **Barghouti's withdrawing from the campaign enabled Mahmoud Abbas to win a majority of 62.5% of the votes**. Second was Mustafa Barghouti, who won 19.5% of the votes. Taysir Khaled, member of the Democratic Front for the Liberation of Palestine (DFLP), came in third, with 3.35% of the votes.

³⁹ West bank and Gaza presidential elections, 9 January 2005, European Union Observation Mission, Final Report.

Palestinian Legislative Council elections (January 2006)

7. The elections for the Legislative Council were held on **January 25, 2006**, for the first time since January 25, 1996. Hamas won by a landslide, **gaining 76 out of the 132 council seats (57.5%)**. Fatah gained only 48 seats (36.4%). In retrospect, the election results deepened the rift between Hamas and the PA.

8. **The Fatah Movement entered the elections divided internally between the founders' generation**, whose members arrived in the Gaza Strip and Judea and Samaria after the Oslo Accord; and the **middle generation**, whose members started their political careers during the first Intifada, and established their positions during the second intifada. **One of the outstanding representatives of the middle generation was Marwan Barghouti**. To diminish the influence of the middle generation, Mahmoud Abbas secured the positions of candidates figures from the founders' generation in the Fatah list, who lacked their own support base.⁴⁰

9. The first place in Fatah's electoral list ("Homeland") **was secured by Mahmoud Abbas for Prime Minister Ahmed Qurei (Abu Alaa)**. Contacts were held between Mahmoud Abbas and Barghouti's close associates. Messages were passed on to the Hadarim prison in Israel, where Barghouti is imprisoned. Barghouti's associates demanded his name be put at the top of the list instead of Abu Alaa. Members of Fatah's Central Committee exerted heavy pressure on Mahmoud Abbas to ignore the primaries, in which Barghouti won the first place, and leave Abu Alaa in the first place.

10. Thus **Barghouti announced the establishment of an independent electoral list called *al-Mustaqbal* ("the future")**. It included Fatah members from Judea, Samaria and the Gaza Strip who had won the primaries. However, ultimately (December 25, 2005) the list united with Fatah's electoral list ("Homeland"), to block Hamas' rising power. **The union did not prevent the continuation of the rift in Fatah and Hamas's overwhelming landslide.**

Winning the Central Committee elections (2009, 2016)

11. In August 2009, the sixth Fatah convention was held in Bethlehem, where tensions were again prominent between Fatah's older and younger generations. **The middle and the younger generations won the Central Committee elections. Marwan Barghouti received the largest number of votes.** Also elected were **Muhammad**

⁴⁰ Anat Kurz, "End of inertia, Fatah's loss in the elections" (Strategic Update, Vol. 9, 1, April 2006; Hebrew.).

Dahlan, Jibril Rajoub and Tawfiq Tirawi. Nabil Shaath and Abu Alaa, members of the older generation, were left out.

12. Between November 29 and December 4, 2016, **Fatah's seventh convention** was held. In the Central Committee elections **Marwan Barghouti won the majority of the votes again** (930 votes of 1300). Second place, with a hundred votes fewer, went to Jibril Rajoub. The election results seemingly marked Barghouti as Mahmoud Abbas' designated successor. **However, in practice, Barghouti was unable to translate his victory into a position of power in the Central Committee.** That was because Marwan Barghouti's associates, including Qadoura Fares, lost the elections and **Mahmoud Abbas' wing had full control over the Central Committee, while his opponents barely had a foothold.** Marwan Barghouti had apparently **won the battle again, but lost the war.**



Left: Mahmoud Abbas in his cabinet in Ramallah with members of the elected Fatah's Central Committee (Wafa, December 5, 2016). Right: Mahmoud Abbas casting his vote in the elections for Fatah's Central Committee and Revolutionary Council (Wafa, December 3, 2016).

Leading figure in Palestinian public opinion polls

13. In public opinion polls conducted by Khalil Shikaki's Palestinian Center for Policy and Survey Research Institute (PCPSR), in the years 2004-2016, **respondents in the various periods repeatedly mentioned Marwan Barghouti as the leading candidate for the office of head of the PA** (the latest poll, conducted between June 29 and July 1, 2017, is **consistent with this trend**).



Left: Dr. Khalil Shikaki, head of the institute (PCPSR's website in Arabic, July 5, 2017). Right: The logo of the PCPSR public opinion poll institute of Ramallah.

14. Following are examples from the years 2004-2016:

A. **A poll from December 15, 2004:** The poll was conducted after the death of Arafat. The question “Which candidate would you vote for, had the presidential election taken place today?” revealed **a close race between Mahmoud Abbas and Marwan Barghouti**: Mahmoud Abbas gained **40% of support and Marwan Barghouti – 38%**. In the elections in which Mahmoud al-Zahar (Hamas) was a candidate too, Barghouti would receive 34% of the votes, Mahmoud Abbas 29%, and Mahmud al-Zahar 24%. The same poll demonstrated that the public considered Mahmoud Abbas as the candidate most capable of achieving a peace agreement, whereas **Barghouti was considered the candidate most suitable for protecting the [so-called] "right of return"** (of the Palestinian refugees). In an open questionnaire (where no names were mentioned), **30% said they preferred Marwan Barghouti as head of Fatah, while 26% preferred Mahmoud Abbas.**

B. **A joint Israeli-Palestinian poll from December 2009:** After Mahmoud Abbas announced he had no intention of running in the next presidential elections, 58% believed that Mahmoud Abbas would alter his decision. When asked who was their preferred candidate, Marwan Barghouti or Ismail Haniyeh, **67% were in favor of Haniyeh and 28% were in favor of Barghouti.**

C. **A poll from December 19-22, 2013:** The respondents were asked who they would vote for had the [presidential] elections been between Marwan Barghouti and Ismail Haniyeh. **Barghouti gained 61% of the votes, and Haniyeh 34%.** To

the question had there been three contenders, Mahmoud Abbas, Marwan Barghouti, and Ismail Haniyeh, **Barghouti received 29% of the votes, Mahmoud Abbas 19% and Ismail Haniyeh 48%.**

D. **A public opinion poll from March 22-20, 2014:** To the question had the [presidential] elections been between Marwan Barghouti and Ismail Haniyeh, **Barghouti received 45% of the votes and Haniyeh 49%.** Had the elections been between Mahmoud Abbas, Barghouti, and Haniyeh, **Barghouti received 40% of the votes, Mahmoud Abbas 31% and Haniyeh 34%.**

E. **Poll of August 26-30, 2014:** To the question had the [presidential] elections been between Barghouti and Haniyeh, **Barghouti received 60% of the votes and Haniyeh 34%.**

F. **Poll of September 17-19, 2015:** Respondents were asked about Mahmoud Abbas' preferred replacement. Their responses: **Marwan Barghouti is the preferred replacement (32%), followed by Ismail Haniyeh (19%),** and then Prime Minister **Rami Hamdallah (8%). In the Gaza Strip, Barghouti received 28% and Ismail Haniyeh 20%. In Judea and Samaria, Marwan Barghouti received 35% and Ismail Haniyeh 19%.** When asked what if the elections were held between Marwan Barghouti and Ismail Haniyeh, **Barghouti received 55% and Haniyeh 39%.** When asked what if Mahmoud Abbas had run too, **Mahmoud Abbas received 24%, Barghouti 34% and Haniyeh 36%.**

G. **Poll of December 13, 2016:** The question was who the respondents would support in the event of elections with other candidates running against Mahmoud Abbas for the office of head of the Palestinian Authority. **Mahmoud Abbas won 24% of the votes, Ismail Haniyeh 33% and Marwan Barghouti won 39%.**

H. **Poll conducted between June 29 and July 1, 2017:** in response to the question what will happen if Mahmoud Abbas does not run in new elections: **35% responded that they would vote for Marwan Barghouti as his successor; 19% would vote for Ismail Haniyeh; 7% for Muhammad Dahlan; 5% for Khaled Mashaal and 5% for Rami Hamdallah** (other candidates won less than 5%). In response to the question what if the presidential elections were between Mahmoud Abbas, Marwan Barghouti, and Ismail Haniyeh, the response was: **Marwan Barghouti would win 41%, Mahmoud Abbas 22% and Ismail Haniyeh 32%.** If the elections had been between Marwan Barghouti and Ismail

Haniyeh, **Barghouti would win 59% and Haniyeh 35%** (PCPSR website, July 5, 2017).

15. In addition to the PCPSR polls, there was a public opinion poll published (on May 21, 2014) by the Palestinian Center for Public Opinion (PCPO) institute from Beit Sahour, headed by Dr. Nabil Kukali. According to this survey, **Marwan Barghouti was the preferred candidate, most likely to win the elections of head of the Palestinian Authority if he were released from the Israeli prison.** According to the survey, between the two candidates, the results would be **Mahmoud Abbas – 26.9%, Marwan Barghouti – 30.7%** (30% of the respondents said they would not vote in the elections). Between Ismail Haniyeh and Marwan Barghouti, the results would be: **Marwan Barghouti – 49.7%, Ismail Haniyeh – 16%.**



Dr. Nabil Kukali, director of the PCPO polls institute from Beit Sahour (PCPO's website in English, July 5, 2017).

16. According to the polls, Marwan Barghouti has clearly been continually leading against **Fatah candidates (even against Mahmoud Abbas) and in most cases also against Hamas candidates (most importantly Ismail Haniyeh)**. That was reflected at a meeting between Israeli journalists and Dr. Khalil Shikaki, held in July 2015, in Dr. Shikaki's office in Ramallah. He asserted that **the real leader emerging from the polls conducted by his institution was neither Mahmoud Abbas nor Ismail Haniyeh, but Marwan Barghouti** (Makor Rishon; NRG, July 21, 2015):

✓ According to Shikaki, Barghouti enjoys considerable popularity, mainly among the young. Contrary to the current Palestinian leadership, he is perceived as honest and not corrupt, and as “having the influence and capability to connect between Fatah and Hamas.” The fact that he is a prisoner in an Israeli prison is definitely a main reason for his popularity, since the issue of prisoners is important in the Palestinian society. However, his widespread support also stems from **his readiness to use an armed struggle to achieve the Palestinian goals**.

✓ According to Dr. Shikaki, on the one hand, Barghouti accepted the two-state principle and expressed his readiness to live in peace alongside Israel, **but on the other hand, he refused to rule out the possibility of using weapons if needed** Barghouti is considered the intifada leader and is perceived as the man who could end the Israeli occupation. Like Barghouti, Palestinian youth also believe in a political solution and peace talks, but Barghouti believes that **the possibility of violent resistance as a weapon has to remain on the table**.

Conclusion: What are Barghouti's chances of being Mahmoud Abbas' successor?

17. **What are the Marwan Barghouti's chances of succeeding Mahmoud Abbas?**

There is no doubt that **Barghouti improved his position during his imprisonment** and is now **the most prominent candidate to lead Fatah after Mahmoud Abbas**. His highly publicized trial, his long imprisonment, his central role in the second Intifada, his senior status in Fatah (“number two” following Mahmoud Abbas), the ongoing campaign for his release, while cultivating the image of “the Palestinian Nelson Mandela,” and his good relations with Hamas – all **increased his prestige and made**

him a **Palestinian national icon** who can allegedly lead the Palestinian people to a national unity⁴¹.

18. At the same time, **his long imprisonment in Israel is also a weak point**, since Barghouti has been **continuously cut off from events on the ground and from internal activity in Fatah**. Therefore, he has difficulty **establishing an organized support network** which would translate his prestige and the sympathy felt for him into **practical achievements** that would enable him to overcome his opponents **in the internal competition expected to take place when Mahmoud Abbas leaves office**. In addition, there is a **lack of support from Mahmoud Abbas**, who controls Fatah institutions and the pa, and the **lack of outside support and funding sources** (like those enjoyed by Muhammad Dahlan).

19. **Following are examples from the period of his imprisonment which reflect Barghouti's difficulty in translating his popularity into a position of strength in Fatah**: Although Barghouti won the elections for the Central Committee (2009, 2016), **Mahmoud Abbas' camp maintained control over the Committee**. In the elections for the Legislative Council (2006) as well, where Fatah was defeated by Hamas, Marwan Barghouti came in second (after Abu Alaa), despite his winning in the primaries. In the presidential elections (2005) held after Arafat's death, Barghouti surrendered to the pressures from senior Fatah officials and withdrew his candidacy (thereby allowing Mahmoud Abbas to win by a large majority).

20. On the one hand, Marwan Barghouti does have a common language with Hamas and other organizations, but on the other, as proven during the composition of the "prisoners' document," **he is not capable of bending Hamas to make it alter its positions** (since then the rift between Fatah and Hamas has intensified and Barghouti's capability to promote an effective dialogue with Hamas has diminished further). **In ITIC assessment, calling Marwan Barghouti s a symbol of national Palestinian unity and capable of uniting all the organizations is highly exaggerated.**

21. Barghouti's "assets," as described above, **are expected, in ITIC assessment, to position him as important and influential when Mahmoud Abbas leaves office**. At the same time, Marwan Barghouti's weak points **might make it difficult for him to**

⁴¹ In statements and interviews given by Barghouti, he often calls for internal Palestinian reconciliation. He also believes that the "prisoners' document" (which reflects his concepts) could serve as a solid, authoritative basis for achieving unity among the different organizations. From an interview with Marwan Barghouti, *Journal of Palestine Studies*, Vol. XLIII, No. 4 (Summer 2014).

gain control over Fatah and succeed Mahmoud Abbas. The ITIC believes the middle generation activists who seek to succeed Mahmoud Abbas might accept – faute de mieux – **giving Barghouti a symbolic senior role in the new political leadership once it has been established.** However, they can be expected to oppose electing him to the post of PA chairman or as Fatah leader, which would turn him into Fatah and the PA's the strong man of Fatah, pulling strings from inside prison.

Section 9: Barghouti's positions on Israel during his imprisonment

Positions on Israel expressed in statements and interviews smuggled out of jail

22. Underlying Marwan Barghouti's positions towards Israel, as reflected in statements and interviews given in jail, **is absolute despair of the prospects of negotiations with Israel.** In Barghouti's opinion, **the negotiations in the format in which they have taken place since the Oslo Accords are hopeless and serve Israel's interests.** According to him, along with the negotiations there must be "armed resistance" (i.e., terrorism), which requires all Palestinian organizations, mainly Fatah and Hamas, to unite. **The "resistance" must take place alongside any dialogue with Israel, and should be used by the Palestinians as leverage against Israel.** Such a concept **is contrary to the Oslo Accords, which were supposed to put an end to terrorism and violence.**

23. In January 2014, Marwan Barghouti gave an interview to the **Journal of Palestine Studies**, where he outlined his views regarding Israel and the negotiating with it. The interview was carried out by **smuggling written questions into his cell** through a contact person (whose identity was not revealed) and smuggling out his replies. One of the questions was "Where do you think the **negotiations [with Israel] will lead?**" Barghouti replied, "Twenty years of negotiations, from the Madrid Conference [1991] through the Oslo process, have led only to the growth of settlements, the entrenchment of the occupation, the Judaization of Jerusalem, and an increase in detentions." Therefore, **according to him, the Palestinians must change their approach to negotiations and adopt exert pressure on Israel.**

24. **The following are the main points of Marwan Barghouti's response to that question:**

A. According to Barghouti, **it is clear that there is no partner for peace in Israel.** “There is no de Gaulle or de Klerk; only a fascist band of racists tenaciously holding on to the occupation and the settlements.” According to him, for Israel's political establishment “anything is better than peace. Because of that, **there is no reason to expect negotiations will meet even the lowest threshold of Palestinian national aspirations. Israel is simply using the negotiations to buy time and to end its international isolation.**” Israel also expands the settlement activity in such a way as to obviate the establishment of a Palestinian state within the pre-1967 borders with Jerusalem as its capital.

B. Barghouti's response to the state of affairs: The Palestinians should join international institutions and appeal to the international community to **boycott Israel and isolate it politically, militarily, academically and media-wise [i.e., join the BDS campaign].** On the internal Palestinian level, the Palestinians must boycott all Israeli products **and stop all forms of [PA] coordination with Israel, including security coordination. All that must be accompanied by a large-scale “popular resistance” (i.e., popular terrorism)** in which everyone must participate.

C. Marwan Barghouti was also asked how **“popular resistance” (i.e., popular terrorism) compares with the concept of “armed struggle” (i.e., institutionalized military terrorism, advocated by Hamas and other terrorist organizations).** He responded that **“resistance” (i.e., terrorism and violence) is a “legitimate right,” until an independent Palestinian state is established, the [so-called] “right of return” of Palestinian refugees is guaranteed, and prisoners (i.e., the terrorist operatives in Israeli prisons) are released.** According to him, the “prisoners' document” (see below) makes it clear that **“the resistance, in all its forms” (i.e., institutionalized military terrorism included) is the “right”** of the Palestinian people and that there is no contradiction between the different forms of “resistance.” According to Barghouti, **a comprehensive approach must be adopted in which different types of “resistance” are taken at each stage, without ruling out any type.**

25. The concept of a violent struggle which must accompany any negotiations with Israel was expressed in letters and other messages smuggled by Barghouti during his imprisonment. Thus, for example, **in November 2014**, on the anniversary of Yasser Arafat's death, Barghouti smuggled out a letter in which **he called for the re-adoption of the “resistance” option (i.e., terrorism)** as the shortest way to defeat the Israeli

occupation and achieve freedom. He also called on the Palestinian Authority to make its **support and assistance to the overall “resistance”** its top priority. Barghouti **demanding that the security coordination and cooperation between the PA and Israel be immediately stopped** (al-Mayadeen, November 12, 2014).

26. Barghouti's view that any Palestinian negotiations with Israel must be accompanied with violence is in **complete contradiction to the Oslo Agreement (1993) and to the conflict-resolution mechanism agreed on in the agreement**. The Agreement determined that should disputes arise regarding its implementation, **they shall be resolved by negotiations through the Joint Liaison Committee, to be established**. It was also determined that disputes which could not be settled by negotiation **could be resolved by a mechanism of conciliation to be agreed upon by the parties or by an Arbitration Committee to be set up by both parties** (Article 15, dealing with conflict resolution).⁴²

27. In statements made by Barghouti **it is impossible to find any practical realistic plan that could serve as a basis for negotiations with Israel**. Essentially, **it is a recycling of radical ideas constituting a clear withdrawal from the Oslo Accords**. **The ideas are not new and were raised by Marwan Barghouti in the past** (in the period preceding and during the second Intifada). The motifs recurring in his various statements are **the view of the armed struggle (that is, the perpetration of terrorist attacks against Israel) and the political struggle against Israel should be integrated alongside any Israeli-Palestinian negotiations**. In his view, the goal of political negotiations is the **establishment of a Palestinian state within the pre-1967 borders and with Jerusalem as its capital** (Barghouti is careful to say "Jerusalem," not "East Jerusalem"). **Any agreement reached must include the [so-called] "right of return" of the Palestinian refugees, the dismantling of the settlements, and the release of all Palestinian prisoners**. Needless to say, these terms are **unacceptable to Israel and, in ITIC assessment, also to the international community**.

28. The involvement of Marwan Barghouti during his imprisonment in **three events relating to the Israeli-Palestinian conflict**:

A. The ceasefire agreement (*hudna*) between the terrorist organizations and Israel (2003).

⁴² From the Israeli Knesset website, "The Declaration of Principles on Interim Self-Government Agreements with the PLO," September 13, 1993 (Hebrew). The English version of the agreement can be found on the website of the Israeli Foreign Ministry.

B. The “prisoners' document” (May 2006).

C. The hunger strike by Palestinian prisoners in Israel (April-May 2017).

The ceasefire (*hudna*) between the terrorist organizations and Israel (2003)

29. In the summer of 2003, during the second intifada, Marwan Barghouti was involved in Fatah-Hamas contacts to obtain Hamas's support for a ceasefire (*hudna*) with Israel. Barghouti, who was in solitary confinement in the Beersheba prison, had communication channels open with senior Hamas figures abroad, and raised the issue with them. In mid-June Barghouti decided to send Qadoura Fares and Ahmed Ghanim, two of his close associates in the Tanzim leadership, to negotiate the *hudna* with Hamas.⁴³

30. The two arrived in Damascus where they met with Khaled Mash'al and Ramadan Shallah, leaders of Hamas and the Palestinian Islamic Jihad. At their meeting, a preliminary draft for a *hudna* agreement for six months was formulated. The agreement met with opposition from senior Fatah figures in Gaza and the Fatah Central Committee (where the old generation, Barghouti's rivals, were the majority).

31. In the end, Hamas announced in Damascus its decision to stop the terrorist attacks for six months, in accordance with the formula agreed upon in the discussions with Qadoura Fares and Ahmed Ghanim. The embarrassed Fatah leadership had no choice but devise its own declaration, announcing its own *hudna* two hours later.⁴⁴ **The agreement went into effect on June 29, 2003, but collapsed on August 19 following Hamas's terrorist attack on a number 2 bus in Jerusalem (23 killed).**

The “prisoners' document” (May 2006)

32. Following Fatah's defeat in the Legislative Council elections and the appointment of Ismail Haniyeh as prime minister, **Barghouti held talks with Hamas** (and other organizations). **The dialogue resulted in the “prisoners' document”** (May 10, 2006), **which was composed by five senior prisoners, the most prominent of whom were Marwan Barghouti of Fatah and Abd al-Khaleq al-Natshe of Hamas** (who had been the head of the Hamas movement in Hebron). The document was signed by five senior operatives of Fatah, Hamas, the PIJ, the Popular Front for the Liberation of Palestine (PFLP) and the DFLP. **The “prisoners' document” was intended to**

⁴³ Harel and Issacharoff, *The Seventh War*, pp. 309-310.

⁴⁴ *The Seventh War*, pp. 210-311.

prevent the rift between the PA and Hamas from widening and turning into a full-scale civil war (*fitna*), and to restore the relations between them on the basis of the very low common denominator of their attitude toward Israel.

33. Following are the main points of the “**prisoners' document**,” entitled “**The National Reconciliation Document**.”

A. **The establishment of an independent state with Jerusalem as its capital in the territories occupied by Israel in 1967** (Section 1). (**Note**: The document **does not mention** recognition of the Jewish State of Israel's right to exist alongside the Palestinian state. The wording of the document also leaves a possibility of only expressing a readiness to achieve a temporary settlement and not a final solution to the conflict based on the concept of two states for two peoples).

B. **Ensuring the [so-called] "right of return" for the Palestinian refugees and compensation, while implementing UN Resolution 194** (Sections 1, 9) (**Note**: The text of the document differs from that of the 2002 Arab initiative on the solution of the refugee problem in a manner agreed upon in accordance with UN General Assembly Resolution 194).

C. **The release of all prisoners and detainees held by Israel “using all means,”** describing it as a “sacred national duty” imposed on the “**resistance organizations**” as well (Section 8) (**Note**: The wording legitimizes attempts to bring about the release of terrorist prisoners by means of attacks as well).

D. Emphasis on the “**right**” of the **Palestinian people to adhere to “resistance” “using all means” while focusing on the “territories” occupied in 1967** (Section 3). The document states that the violent campaign against Israel will be conducted by a **united front** that will be called the “**Palestinian Resistance Front**” (Section 10). (**Note**: The document **justifies violence and terrorism** to advance the Palestinian struggle and supports continuing the terrorist campaign).

E. Ending all manifestations of violence, **prohibiting the use of weapons in internal Palestinian struggles**, ending anarchy and **establishing a national unity government** with the participation of all factions represented in the Palestinian Legislative Council, including Fatah and Hamas (Section 6).

F. Negotiations [implicitly, with Israel] on behalf of the Palestinian people is the responsibility of the PLO and the Chairman of the PA. Any “crucial” agreement will be submitted for approval to the new Palestinian National Council, which will be elected by the end of 2006 (Section 2) or will be decided in a referendum “to the extent possible” (Section 7). The “Cairo Agreement” (March 2005) must be implemented and Hamas and the PIJ should be included in the PLO (Section 2).

34. The principles of the “prisoners' document” reflect an attempt to reach a compromise between the various organizations, **mainly Fatah and Hamas, on the basis of a lowest common denominator. The principles included in it correspond to Marwan Barghouti's positions, as described above. However, the common denominator achieved was not consistent with Hamas's more radical positions, nor with Mahmoud Abbas' more moderate positions. Moreover, the document did not meet the minimum requirements of the Israeli government and the international community, as it did not recognize the State of Israel as the national homeland of the Jewish people and its right to exist, and it justified the continuation of terrorism.**

35. **Thus, Fatah and Hamas had no real interest in advancing the agreement.** Fatah ostensibly supported the document, but in reality considered it a tactical means to exert pressure on Hamas. Mahmoud Abbas also adopted the “prisoners' document,” hoping to leverage the document's public support against Hamas, while increasing his relevance as a negotiating partner with Israel. **Hamas disapproved of the document,** both because of opposition in principle its sections which did not conform to the movement's extremist worldview, and because it viewed the prisoners' initiative as an instrument in the hands of Mahmoud Abbas to weaken Hamas. Reservations about the “prisoners' document” and the referendum were also **voiced by Hamas prisoners in the various prisons** (except for the Hadarim prison, where Barghouti was imprisoned).

36. In retrospect, **the “prisoners' document” did not produce any practical results because both sides had no real interest in implementing it, since the deep rift between Fatah and Hamas was unbridgeable.** Although the document illustrated **Barghouti's limitations** in his dialogue with Hamas (and with the Fatah leadership), it **helped cultivate Marwan Barghouti's image as a Palestinian leader who could talk to Hamas and the other organizations, thus promoting the unity of the Palestinian people.**

Marketing the “prisoners' document” to Israeli interlocutors

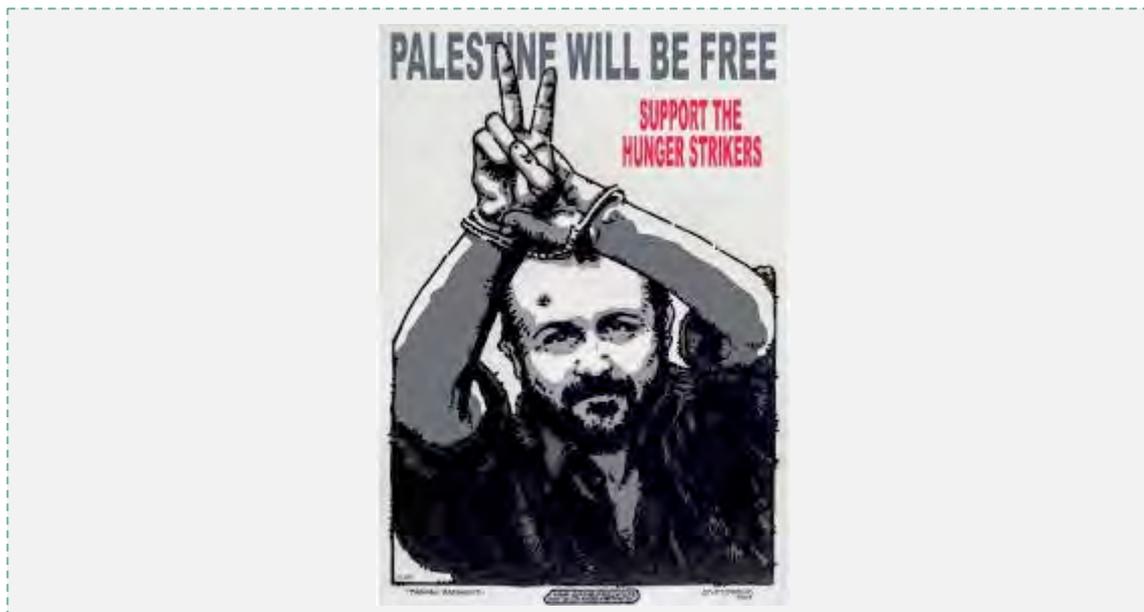
37. Despite his hardline positions regarding Israel, expressed in his statements and activities in prison, Barghouti continued to maintain contact with Israeli interlocutors who visited him even though he was in prison. Thus, for example, he tried to market to the Peace Now movement the alleged “advantages” in the “prisoners' document” (Ynet, April 8, 2008):

A. In a letter sent to mark the 30th anniversary of the establishment of the Peace Now movement, Barghouti referred to the “prisoners' document.” He wrote that the leaders of various Palestinian groups had initiated a national program, the first of its kind in the history of the Palestinian movement, known as the “prisoners' document.” Fatah, Hamas and the PIJ, and all the other PLO organizations had signed it. The plan clearly stated that the goal of the Palestinian people was to end the occupation of the territories occupied in 1967 and to establish a Palestinian state with East Jerusalem as its capital, as well as a solution to the refugee problem based on international legal resolutions. **Note:** The wording makes the “prisoners' document” more pleasant and acceptable for Israeli ears, since the “prisoners' document” does not include recognition of the State of Israel as the national homeland of the Jewish people or its right to exist. The document calls for the return of the Palestinian refugees to Israel and emphasizes the “right” of the Palestinian people to adhere to “resistance” (i.e., terrorism and violence) “using all means” (that is, also institutionalized military-type terrorism).

B. The letter added that the establishment of the Peace Now movement three decades previously gave the Palestinians hope that there were those in Israel who opposed the occupation, the settlements and the oppression of the Palestinian people, that there were those who called for peace between the two peoples, and supported the Palestinians' right to establish an independent state with East Jerusalem as its capital, within the 1967 borders, alongside the State of Israel. Marwan Barghouti also noted that he and the overwhelming majority of the Palestinian people were prepared for a historic reconciliation based on international resolutions that would ensure the existence of two states, Palestinian and Israeli, living side by side in peace and security **Note:** Adherence to the [so-called] “right of return” as a condition for an agreement with Israel

means **striving for the destruction of the State of Israel even after an agreement is reached, not a “historic reconciliation” with it.**

Prisoners' hunger strike led by Marwan Barghouti (April-May 2017)



A picture posted by Fadwa Barghouti, calling for support for the hunger strike of the Palestinian prisoners, with her husband Marwan in the background (Fadwa Barghouti's Facebook page, May 13, 2016).

38. **Marwan Barghouti led a hunger strike of terrorists imprisoned in Israel**, most of them from Fatah, joined by a small number of Hamas terrorist operatives. Most of the hunger strikers were from the Hadarim prison in central Israel, where Barghouti is serving his sentence. **The strike began on April 17, 2017, the Palestinian Prisoners' Day, and ended on May 27, 2017, forty days later**, at the beginning of the month of Ramadan. The prisoners made a large number of demands relating to the conditions of their imprisonment. The Israel Prison Service said that 1,578 prisoners, most of them Fatah operatives, participated in the strike. Over 750 prisoners quit the hunger strike before it ended (Haaretz, May 27, 2017).

39. About three weeks after the start of the hunger strike, the Israel Prison Service published videos showing Barghouti eating cookies, a snack and salt crystals (which helped him in the hunger strike), in the prison toilet. His wife Fadwa held a press conference in which she claimed that the videos were fabricated and that they illustrated Israel's weakness. However, in ITIC assessment is that the videos did not have a significant impact on Barghouti's status, on the conduct of hunger strikers, or on the Palestinian public as a whole.

40. Regarding the results of the hunger strike and their effect on Barghouti's personal status, in ITIC assessment **there is a gap between reality and image, as seen in an opinion poll:**

A. **In reality, in ITIC assessment, the achievements of the prisoners' hunger strike were few:** most of the strikers' demands were not met; the number of prisoners who joined the hunger strike did not meet the expectations of the organizers,⁴⁵ and the strike did not receive vast support from the Palestinian public. Barghouti's opponents in Fatah accused him of organizing the hunger strike out of self-interest to gain power **after he and his supporters were removed from power and the centers of influence after the seventh Fatah convention, in which he won.**⁴⁶

B. On the other hand, a public opinion poll conducted by Khalil Shikaki's press PCPSR showed that **69% of the respondents believed that the hunger strike strengthened Barghouti's position among the Palestinians**, and only 12% believed that the strike did not strengthen his position. **57% believed that the hunger strike was partially successful**, 28% believed that it was a full success, and only 13% thought that it did not succeed (PCPSR website, July 5, 2017).

⁴⁵ According to an article written by **Ashraf al-Ajrami, the former minister of prisoners' affairs in the Palestinian Authority**, the strike exposed "a harsh and disturbing truth," since **only about 10% of all prisoners in Israeli jails joined the strike, thus demonstrating a low level of solidarity among the prisoners**. That indicated that like Palestinian society, the prisoners' movement was divided (al-Ayyam, June 5, 2017).

⁴⁶ That is reflected in a statement issued by the PA at the end of the strike, about the establishment of a committee of strike leaders to continue negotiations with the Israeli Prison Administration. According to the statement, **Karim Yunes**, an Israeli Arab who was sentenced to life imprisonment for the abduction and murder of Israeli soldier Avraham Bromberg (1981), and **not Marwan Barghouti, will head the committee**.