

**STATE OF ISRAEL**

**The Plaintiff**

- Versus -

**MARWAN BIN KHATIB BARGHOUTI**

**The Defendant**

Born 1951, Identification No. 959251745

Ramallah

(in custody since April 15, 2002)

**Petition for Detention Until Completion of Proceedings under Section 21 of the  
Criminal Procedure (Enforcement-Arrest Powers) Law 5656-1996**

1. An indictment was submitted against the Defendant ascribing to the Defendant the offenses of premeditated murder, an offense in accordance with Section 300(A)(2) of the Penal Code, 5737-1977 (hereinafter “**the Penal Code**”); incitement to murder, an offense in accordance with Section 300(A)(2) together with Section 30 of the Penal Code; accessory to murder, an offense in accordance with Section 300(A)(2) together with Section 31 of the Penal Code; attempted murder, an offense in accordance with Section 305(1) of the Penal Code; conspiracy to commit a crime, an offense in accordance with Section 499 of the Penal Code; activity in a terrorist organization, an offense in accordance with Section 2 of the Prevention of Terrorism Ordinance; and membership in a terrorist organization, an offense in accordance with Section 3 of the Prevention of Terrorism Ordinance.

2. The Defendant is currently in custody until August 14, 2002 in accordance with the decision of the Supreme Court (the honorable Judge Rivlin) from July 30, 2002, general criminal petition number 6591/02.
  
3.
  - A. The Defendant is the head the terrorist organizations Fatah, Tanzim and Al-Aqsa Martyrs Brigade in the Judea and Samaria region.
  
  - B. Since the outbreak of the violent events in September 2000 by Palestinian elements, to which these elements refer as the “Al-Aqsa Intifada,” (hereinafter: “the Relevant Period for the Indictment”), the Defendant led, managed and operated intensive terrorist activities against Israeli targets, in accordance with the policies determined at that same time by management of the terrorist organizations in which the Defendant was involved. The Defendant committed the above acts by conspiring with senior field managers of the terrorist organizations, who were responsible for actually committing the terrorist activities together with terror activists who were part of and subordinate to the above organizations.
  
  - C. The terrorist activities included, *inter alia*, suicide attacks and murderous shooting attacks which resulted in hundreds of Israeli citizens and soldiers losing their lives, as well as the injuring and wounding of hundreds of others.
  
  - D. In the framework of the Defendant’s position, as detailed above, the Defendant committed extensive and ongoing activities that were an integral part of the terrorist activities during the Relevant Period for the Indictment, including, enlistment of activists to the terrorist organization, funding and organization of a framework for the activists that committed the terrorist activities, obtaining weaponry, and intensive funding of the purchase of weaponry, funding different needs of the activists who committed the terrorist activities, which freed them from the need to support their families, solicitation and incitement

of members of the terrorist organizations, both via the media and via gatherings and public displays, to commit acts of terror.

- E. The Defendant, who as noted above led, managed and operated the terrorist activities, was updated on everything relevant to the acts of terror committed by the field chiefs, and in some of the cases was directly involved in the terrorist activities perpetrated by those subordinate to him, such as in the attack committed against the “Sea Food Market” in which 3 people were murdered and many other wounded, the murder of the late Yoela Chen, and the wounding of an additional passenger on Route 443 committed as a result of the Defendant’s incitement and call for revenge after the death of Ra’ad Karmi and other instances.
4. The evidence against the Defendant is based on the testimony of field chiefs who were subordinate to him, the Defendant’s statements during the interrogation, documents seized in his office during Operation Defensive Shield, expert opinion, etc.
  5. The offenses for which the Defendant is charged creates a presumption of danger both to the security of the state and the security of the public, in accordance with Section 21(A)(1)(B), Section 21(A)(1)(C)(1), Section 21(A)(1)(C)(2) and Section 21(A)(1)(C)(4) of the Criminal Procedure (Enforcement-Arrest Powers) Law 5656-1996.
  6. The extreme danger posed by the Defendant may be first and foremost discerned from his position as head of the terrorist organizations detailed above, whose goal was the execution of murderous attacks against Israeli citizens and soldiers. Furthermore, the Defendant’s status and widespread activities that he committed in the course of his position which included the leadership, management and operation of terrorist activities as detailed above, are in and of themselves enough to demonstrate the danger posed by the Defendant.

7. As the Defendant is a resident of the Ramallah area, there is reasonable cause for concern that if he is released he will evade judgment by law, and there is real risk that he will continue to pose a threat to the safety and security of the residents of the State.
8. The Defendant has previous criminal convictions in the matter of terrorist activities, for which he has been sentenced to prison.
9. The honorable court is therefore requested to order the detention of the Defendant until the conclusion of the legal proceedings against him.

Tel Aviv  
6 Elul 5762  
August 14, 2002

Devorah Chen,  
Director of the Department for Criminal-Security Affairs  
and Special Affairs  
The State Attorney's Office