



The Case of Omar Nayef Zayed

Former Palestinian Prisoner facing Extradition from Europe, Struggling for Justice

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Who is Omar Nayef Zayed?

Omar Nayef Zayed, 52, is a former Palestinian political prisoner. He has lived in Bulgaria for 22 years; he is married to a Bulgarian woman, has raised three Bulgarian children, runs a grocery store and is a respected member of Sofia's Palestinian community.



Omar Nayef Zayed and his wife, Rania Zayed, in their grocery store in Sofia

Today, he is threatened with imprisonment once again - with arrest and extradition to Israel, the reimposition of his sentence, torture and isolation.

Born in Jenin, in Palestine's West Bank, he was arrested in 1986 and sentenced to life imprisonment. After a 40-day hunger strike in 1990, he was hospitalized, where he escaped Israeli imprisonment and Palestine, and eventually traveled to Bulgaria in 1994.

In December 2015, the Israeli embassy in Bulgaria requested the arrest and extradition of Omar Nayef Zayed from the Bulgarian Ministry of Justice, labeling him a "fugitive from justice." His home was raided on December 17 while he was not at home; he has since then taken refuge in the Palestinian embassy in Sofia.

Israel is seeking to extradite Zayed under the European Convention on Extradition, which both it and Bulgaria have signed. The Convention is specifically for "criminal offenses" - it excludes political offenses. Palestinian prisoners imprisoned by Israel are political prisoners. Their imprisonment is an attempt to suppress their struggle against colonialism and

occupation. They are the subject of political negotiations and agreements - which should have secured Zayed's freedom decades ago.

Zayed is demanding to stay with his wife and family in Bulgaria, and calling on the Bulgarian government to reject the extradition request. "I must carry on this struggle, on behalf of all Palestinian prisoners, not just myself. It is my responsibility," Zayed said.

Indeed, his case has significant repercussions for Palestinians in Europe generally, especially former prisoners and veterans of the struggle who may find themselves pursued by Israel on the basis of decades-old charges and allegations.

The case of Omar Nayef Zayed

In 1986, Zayed was arrested by Israeli military forces along with two other Palestinians, including his brother Hamza. They were accused of killing an Israeli settler in occupied East Jerusalem affiliated with the extreme-right Shuvu Banim settler group.¹ Held under interrogation, Zayed and his fellow Palestinian prisoners were tortured physically and psychologically. They faced an Israeli military court – before which 99.74% of Palestinians are convicted² – represented by prominent lawyer Lea Tsemel.



Omar Nayef Zayed and his co-defendants in 1986.

¹ Michael Dumper, "Israeli Settlement in the Old City of Jerusalem," *Journal of Palestine Studies*, Vol. 21 – 1991/92, <http://www.palestine-studies.org/jps/fulltext/39735>

² "Conviction rate for Palestinians in Israeli Military Courts: 99.74%," Noam Sheizaf, +972mag, November 29, 2011. <http://972mag.com/conviction-rate-for-palestinians-in-israels-military-courts-99-74-percent/28579/>

From the inception of the case, it was framed by all sides as explicitly political, motivated by Palestinian nationalism and membership in the Popular Front for the Liberation of Palestine, and part of the Palestinian struggle to end Israeli occupation and settlements in Jerusalem. Despite Tsemel's efforts, like the vast majority of Palestinians to face Israeli military courts, Zayed was convicted on the basis of military claims, secret evidence and evidence produced through torture.

After four years of Israeli imprisonment, in protest of his and thousands of fellow Palestinians' political imprisonment, he engaged in a 40-day hunger strike. Consuming only salt and water for over a month, his health was seriously compromised to the point where he was hospitalized; he continues to experience medical difficulties today that date back to his hunger strike 26 years ago.

During his hospitalization in Bethlehem, in the occupied West Bank, Zayed was able to escape his captors, exit the hospital, and thereafter exit Palestine. After traveling under cover in Arab countries for several years, he entered Bulgaria in 1994. Since that time, he has lived continuously in Bulgaria, where he has never had any encounters with Bulgarian police or security forces. He is married to a Bulgarian woman, Rania, and has raised three Bulgarian children. He and Rania run a grocery store in Sofia and he is well-known in Sofia's small Palestinian community.

Extradition Request

On 15 December 2015, the Bulgarian Ministry of Justice received an extradition request from the State of Israel for Omar Nayef Zayed from the Israeli embassy in Sofia. The Bulgarian government has indicated its willingness to comply with this request, under the European Convention on Extradition, to which Bulgaria and Israel are both parties.³ Zayed's home was raided on 17 December by Bulgarian police when he was not home; his oldest son was briefly detained and then released.

Under the European Convention on Extradition, "political offenses" are specifically excluded from eligibility for extradition under the Convention, which is relevant to "criminal offenses."⁴

All Palestinians who, like Zayed, are charged with "security offenses" are detained on political grounds. They do not face regular civil or criminal courts; on the contrary, they are tried before Israeli military courts. Evidence is routinely obtained through torture or coercion, the judges themselves are part of the military, and secret evidence asserted by intelligence officials forms a major part of the "evidence" presented against Palestinians.⁵

³ European Convention on Extradition, <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/024>

⁴ Ibid.

⁵ "Palestinian Detainees: No Security in Injustice," Caabu, 2012. http://caabu.org/sites/default/files/resources/0802_CAABU_Palestinian%20detainees_singles%20SMALL.pdf

The political nature of the status of all Palestinian “security” prisoners – regardless of their sentences or the charges against them – is reflected in the ongoing status of Palestinian prisoners as a key topic in negotiations between Israel and the Palestine Liberation Organization. In a series of agreements in the 1990s following the 1993 signing of the Declaration of Principles, and proceeding throughout the 2000s, thousands of Palestinian prisoners were released in a series of political agreements between the parties.⁶ The fact that the status of Palestinian prisoners is a constant subject of international negotiations and agreements once again underlines that the case of Omar Nayef Zayed is not a straightforward criminal or civil matter, but is instead a political matter for which extradition is inappropriate.

Official Bulgarian policy does not recognize the legitimacy of the Israeli occupation over Palestine; Bulgaria has recognized Palestine’s right to self-determination through its recognition of Palestine as a state since 1988.⁷

Omar Nayef Zayed has taken refuge in the Palestinian Embassy in Sofia. Under the Vienna Convention on Diplomatic Relations⁸, to which both the State of Palestine and the Republic of Bulgaria are signatories, embassies are protected and inviolate spaces which may not be entered by the host country without explicit invitation from the embassy itself.

Consequences of the Zayed case

Given that the imprisonment of Omar Nayef Zayed came in the context of the Israeli military occupation of Palestine and that Zayed was a political prisoner convicted in a military court maintained by that occupation, his escape from custody was legitimate. As noted by the U.S. National Lawyers Guild, “It is not a crime to escape from unjust and political imprisonment, nor from the imprisonment of a hostile military.”⁹

If Zayed is extradited to Israel, he faces a continuing threat of torture and cruel, inhumane and degrading treatment. Hundreds of complaints of torture and abuse in Israeli interrogation centers and prisons have been documented by Palestinian and Israeli human rights organizations. Over 850 complaints of torture have been submitted to Israeli officials since 2001 regarding treatment of Palestinians, yet no investigations or prosecutions have resulted, indicating the high level of impunity that exists for torture.¹⁰

⁶ Addameer, “Reaching the No-Peace Agreement: The role of Palestinian prisoner releases in final status negotiations between the parties,” 2009. <http://www.addameer.org/files/Reports/addameer-report-reaching-the-no-peace-agreement.pdf>

⁷ “EU Countries recognizing the State of Palestine,” Sadaka. http://www.sadaka.ie/What_We_Do/Projects/EU_RecognitionMap.html

⁸ Vienna Convention on Diplomatic Affairs, http://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf

⁹ National Lawyers Guild Palestine Committee, Letter to Bulgarian Ambassador to the United States, <http://samidoun.net/2016/01/national-lawyers-guild-committee-urges-bulgaria-not-to-extradite-former-palestinian-prisoner-zayed/>

¹⁰ Joint NGO Statement Marking the United Nations International Day in Support of Victims of Torture, June 2014. <http://stoptorture.org.il/wp-content/uploads/2015/10/Joint-Statement-on-International-Torture-Day-26-June-2014.pdf>

There are numerous reports of the medical mistreatment or neglect of Palestinian prisoners in Israeli jails¹¹. As Zayed continues to suffer from ill health as a result of his 40-day hunger strike 25 years ago, he is at risk of medical mistreatment inside Israeli prisons.



Supporters of Omar Nayef Zayed protest in Berlin, Germany, January 2016

Furthermore, the rights of Zayed's family members are also implicated in this case. Zayed's Bulgarian wife and three Bulgarian children will be stripped of the presence of their husband and father, who has by all accounts lived an exemplary life in Bulgaria. Not only would he be imprisoned in a distant country, Palestinian prisoners are regularly denied family visits and travelers of Palestinian descent traveling on European, American and other foreign passports are frequently denied entry at Israeli border crossings and airports. Extraditing Zayed means, in essence, separating him from his family permanently.

Through this extradition request, Israel is also attempting to use the Bulgarian legal system and that of the European Union as an extension of its military courts – which allow evidence obtained through torture, secret evidence, and in no way meet international standards for fair trials. It is attempting to define Palestinian political prisoners as a matter for criminal law and prosecution, and use Bulgarian – and more broadly, European - courts and police as an enforcement arm of the Israeli military occupation in Palestine. At the same time that the European Union is advocating public policy positions against Israeli settlements in the West Bank and Jerusalem and the ongoing Israeli military occupation, the extradition of Omar Nayef Zayed would make the European Union and its constituent countries enforcement agents of just that military occupation and settlement system.

Furthermore, it must be noted that this case is not an individual case, but a matter of concern to Palestinians in Europe more broadly. "Maybe they're trying to purchase some ground for

¹¹ Addameer, "Medical Negligence." http://www.addameer.org/key_issues/medical_negligence

the future" by setting a precedent to extradite former political prisoners, noted Dimi Reider, an Israeli journalist and associate fellow at the European Council on Foreign Relations.¹²

For all of the above reasons, Bulgaria should reject Israel's extradition request, and European parties, political figures and officials should join Sinn Fein of Ireland¹³ in calling on Bulgaria to protect Omar Nayef Zayed, not return him to Israeli military occupation and imprisonment.

Further Resources on the Case of Omar Nayef Zayed

Samidoun

<http://samidoun.net>

Sinn Fein: Bulgaria should reject Israeli extradition request

<http://www.sinnfein.ie/contents/37785>

Al Jazeera: "Palestinian evades extradition in Sofia embassy," Patrick O. Strickland, 8 January 2016

<http://www.aljazeera.com/news/2015/12/palestinian-evades-israel-extradition-sofia-embassy-151229164019733.html>

Electronic Intifada: "Palestinian facing extradition takes refuge in Bulgaria embassy," Charlotte Kates, 21 December 2015

<https://electronicintifada.net/content/palestinian-facing-extradition-takes-refuge-bulgaria-embassy/15082>

Statement on the freedom fighter and liberated prisoner Omar Nayef Zayed, Palestinian Campaign in Solidarity with Omar Nayef Zayed

<http://samidoun.net/2015/12/statement-on-the-freedom-fighter-and-liberated-prisoner-omar-nayef-zayed/>

National Lawyers Guild (U.S.) Letters to Bulgarian Ambassador on the case of Omar Nayef Zayed

<http://samidoun.net/2016/01/national-lawyers-guild-committee-urges-bulgaria-not-to-extradite-former-palestinian-prisoner-zayed/>

¹² Patrick Strickland, "Palestinian evades Israeli extradition in Sofia embassy," Al Jazeera English, <http://www.aljazeera.com/news/2015/12/palestinian-evades-israel-extradition-sofia-embassy-151229164019733.html>

¹³ Sinn Fein, "Bulgaria should reject Israeli extradition request," <http://www.sinnfein.ie/contents/37785>