

**EMBASSY OF ISRAEL**

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שגרירות ישראל  
לונדון

1 June 2009

Mr Daniel Machover  
Chair- Lawyers for Palestinian Human Rights  
Garden Court Chambers  
57-60 Lincoln's Inn Fields  
London WC2A 3LS

**Re: Arrest of Mr Ezra Nawi**

Dear Mr Machover,

Thank you for your letter. Following your inquiry concerning the arrest of Mr Ezra Nawi, I have received the following response from the Ministry of Foreign Affairs.

Mr Nawi appeared before the Jerusalem Magistrates court on 19 March 2009. The transcript included the following:

1. The Civil Administration attested that a demolition notice was sent to the residents of Um al-Kher a few days before Mr Nawi's arrest, which in previous experience had been shown to be enough time for residents to evacuate peacefully from illegal structures. Residents were invited in this notice to submit an opposition to the order to the courts, but chose not to do so. The demolition was therefore to be carried out as notified.
2. On 14 February 2007, a protest gathered in Um al-Kher. The protesters entered a structure which was being demolished and refused to be evicted. After being forcibly removed, they threw stones and steel joists at the police and army officers, and lay down in front of the JCBs used for the demolition in order to prevent them from continuing with the demolition. After a JCB partly demolished the structure, Mr Nawi entered it, pursued by two police officers. Mr Nawi attacked the officers while they tried to remove him from the structure. Mr Nawi was arrested on grounds of a disturbance of public order and assault on a police officer.
3. Mr Nawi was also observed inciting other protesters at the scene to violence against the security forces.
4. Mr Nawi admitted to encouraging others, including women, to enter the structure. In his testimony he explained that most encounters between Israeli security forces and Palestinians end in violence. He predicted that the gathering would end with a

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5. violent disturbance. The court inferred from these statements that Mr Nawi knew he would be participating in a potentially violent demonstration.
6. Mr Nawi was also observed insulting a number of security officers in reference to their ethnic origins.

In delivering the verdict, the court noted:

7. **By law, disturbance of the peace results in up to two years imprisonment.**
8. According to the Israeli Supreme Court: "Every person in Israel is entitled to freedom of expression and demonstration. This freedom is the essence of democracy [...] The freedom of expression is the freedom to express one's opinion without reservations. Thus, not all expression wins the defence of the state. The state's interest is to keep the balance between clashing morals and interests. For this cause of keeping this balance, or preventing harm to public interests, the state can restrict this freedom".
9. The trial judge reiterated that Mr Nawi had the option to ask for a prevention or stay of the demolition order; he chose not to do so and furthermore chose to take the law into his own hands.
10. After considering both sides' testimonies, the judge ruled in favour of the prosecutors, the State of Israel. The verdict convicts Mr Nawi both for a disturbance of the peace and assault of a police officer.

During the trial, the court was shown a 16 minute video which included footage of these incidents. This video, amongst other sources of evidence, convinced the court of Mr Nawi's complicity in this incident. The 3 minute 32 second video to which you refer in your letter appears to have been edited to remove all observations of the actions of Mr Nawi and others against the security forces.

Furthermore, the trial transcript notes that the original video records evidence which implies that the demonstration was not intended to be peaceful from the start. The edited online version removes all references to violent intent.

I hope you find the information above helpful. I also hope that you recognise that any stance of a private person in Israel towards government policy is acceptable as long as it is expressed in a way that does not contradict the law and does not harm another being.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Ma'ayan Israeli'.

Ma'ayan Israeli  
Public Affairs Department