

Prosecutor State of Israel

via State Prosecutor's Office, Tel Aviv District – Criminal
1 Henrietta Szold Street, Tel Aviv 64924
Tel: 03-6940637 Fax: 03-6919108

– versus –

Defendant Mohammed bin Sa'id Barakeh

ID no. XXX, born 1955
Shfaram

Indictment

General chapter: The defendant has been serving as a member of the Knesset since 7 June 1999, and he was serving as a member of Knesset during the relevant dates pertaining to this indictment.

First charge: (Police File 2928/05 Binyamin District)

A. The facts:

1. On April 28, 2005, a demonstration was held by leftist activists to protest the construction of the separation fence [The Wall] adjacent to the town of Bil'in. At the time, the area where the demonstration took place was declared "a closed military area" by the military commander of the Judea and Samaria [West Bank] region.
2. During the demonstration, one of the soldiers in the Masada unit – referred to as "Combatant 134" – arrested one of the demonstrators as duly authorized, and led the demonstrator to a police vehicle that was waiting nearby.
3. While Combatant 134 was leading the arrested person to the vehicle, the defendant assaulted him, without his consent and unlawfully; he approached him from behind, choked him with his right arm, while calling to others in Arabic: "Free him, free him." And with his left hand, he struck Combatant 134 in the arms and chest.
4. In these actions, the defendant unlawfully assaulted Combatant 134 in the course of discharging his duties as required by law.

B. Statute under which the defendant is accused:

Assaulting a person performing his duties as authorized by law – a criminal offense under Section 381(B) of the Penal Code, 1977.

Second charge: (Police File 453/06 National Unit for International Investigations)

A. The facts:

1. On August 5, 2006, a demonstration was held adjacent to the Carmel Market in Tel Aviv to express protest against the Second Lebanon War. The defendant and his minor son, S. B., were among the participants.
2. During the demonstration, the defendant's son was arrested by police officer Sharon Harpaz (hereinafter: "the officer") under suspicion that he had assaulted him.
3. Soon afterwards, the defendant stood facing the officer, with their faces just centimeters apart, and yelled at him in anger: "You're violent" and "You'll pay dearly." The defendant later cursed the officer, calling him a "bastard" and slapping his face with his finger. The officer asked the defendant to stop his actions, but the defendant, in response, again slapped the officer's face with his finger two times and said: "I'm a member of Knesset. I'll make sure to destroy you."
4. When the officer asked the defendant to calm down, he shouted at him: "Who do you think you are? I'll do whatever I want," and he asked for the officer's details.
5. The officer indeed gave the defendant his details, but when he asked him to move off the street and onto the sidewalk, the defendant shouted at him: "You bastard. You've got a lot of nerve. You don't know who you're dealing with." And he continued to wave his finger at the officer.
6. The defendant did this while fully cognizant of the fact that the officer was carrying out his duty, and that his words and behavior were insulting toward the officer since this occurred in the presence of a group of people, including other policemen and the officer's subordinates.

B. Statute under which the defendant is accused:

Insulting a public servant – a criminal offense under Section 288 of the aforementioned law.

Third charge: (Police File 459/06 National Unit for International Investigations)

A. The facts:

1. On July 22, 2006, a demonstration was held in Rabin Square in Tel Aviv to express protest against the Second Lebanon War. The defendant participated in the demonstration, and Mr. Uri Avnery also participated in it.
2. At 18:30 or thereabouts, Mr. Hananya (hereinafter "**the complainant**") was also present at the scene of the demonstration and he documented the event with a camera.
3. When Mr. Uri Avnery passed by him, the complainant shouted at him that he is an ugly person and that he is "not wanted here." At this stage, the defendant approached the complainant and assaulted him, without his consent and unlawfully, by striking

the complainant's ribs with his elbow and punching the complainant's shoulder with his fist.

B. Statute under which the defendant is accused:

Assault – a criminal offense under Section 379 of the Penal Code, 1977.

Fourth charge: (Police File 7835/07)

A. The facts:

1. On July 7, 2007, the defendant participated in a demonstration held adjacent to the Golden Crown Hotel in Nazareth, where the Labor Party was slated to meet for a party convention. Policemen from Israel Police deployed in the area of the demonstration in order to maintain order at the location.
2. During the course of the demonstration, the policemen arrested Ayman Adal Odeh (hereinafter – “Odeh”), the secretary general of the Hadash party, which is the defendant's party.
3. During Odeh's arrest, the defendant approached Chief Superintendent Avraham Haliwa, the head of the Investigations Branch of the Northern District, and demanded that he release Odeh. Chief Superintendent Haliwa explained to the defendant that Odeh was suspected of assaulting policemen. But the defendant attempted to use his body to block Odeh from being escorted into the police vehicle.
4. When Chief Superintendent Haliwa asked the defendant to help calm the situation, the defendant responded by shouting: “I'm not your marshal. You are causing provocations.” When Chief Superintendent Haliwa asked him to calm down, the defendant responded: “Shut your mouth, you idiot” and added: “What are you doing? You're crazy, go to hell.”
5. In these actions, the defendant disturbed the policemen in carrying out their lawful duties and thus hindered them.

B. Statute under which the defendant is accused:

Hindering a policeman in carrying out his duties – a criminal offense under Section 275 of the Penal Code, 1977.

Yossi Korntzberg, Attorney
Senior Deputy A and Director of
State Prosecutor's Office, Tel Aviv District – Criminal

Tel Aviv - 9 December 2009