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January 6, 2016

Ms Elena Poptodorova  
Ambassador of the Republic of Bulgaria  
1621 22nd St NW  
Washington, DC 20008

Re: Extradition of Omar Nayef Zayed

Dear Ms. Poptodorova,

We write today on behalf of the Palestine Subcommittee of the National Lawyers Guild (NLG), formed in 1937 as the United States' first racially-integrated bar association to advocate for the protection of constitutional, human and civil rights, regarding the case of Omar Nayef Zayed, a Bulgarian resident for the past 22 years and a Palestinian former prisoner in Israeli prison.

The Bulgarian government has received an extradition request from the State of Israel, and has indicated its willingness to comply with this request, under the European Convention on Extradition, to which Bulgaria and Israel are both parties.<sup>1</sup>

Under the European Convention on Extradition, "political offenses" are specifically excluded from eligibility for extradition under the Convention.<sup>2</sup> Zayed is a Palestinian, who was arrested by the Israeli military engaged in an ongoing and unlawful occupation of Palestinian land. Bulgarian state policy does not recognize the legitimacy of the Israeli occupation over Palestine in fact it recognizes Palestine's right to self-determination through its recognition of Palestine as a state.<sup>3</sup>

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, which convict 99.74% of the Palestinians who come before them.<sup>4</sup> Evidence is routinely obtained through torture or coercion, the judges themselves are part of the

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<sup>1</sup> European Convention on Extradition, <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/024>

<sup>2</sup> Ibid.

<sup>3</sup> "EU Countries recognizing the State of Palestine," Sadaka.  
[http://www.sadaka.ie/What\\_We\\_Do/Projects/EU\\_RecognitionMap.html](http://www.sadaka.ie/What_We_Do/Projects/EU_RecognitionMap.html)

<sup>4</sup> "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/>

military, and secret evidence asserted by intelligence officials forms a major part of the “evidence” presented against Palestinians.<sup>5</sup>

The matter of Palestinian prisoners is a political issue, as is reflected in the ongoing status of Palestinian prisoners as a subject 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.<sup>6</sup> 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.

Given that the imprisonment of Palestinians is a political matter and a tactic of the Israeli state to sustain its military occupation of Palestine, the escape of Omar Nayef Zayed from Israeli custody in 1990 is itself a political matter and not a criminal matter. It is not a crime to escape from unjust and political imprisonment, nor from the imprisonment of a hostile military.

Zayed is also threatened with torture and mistreatment should he be extradited. Palestinian and Israeli human rights organizations have documented hundreds of cases and complaints of torture in Israeli prisons, especially under interrogation and in detention centers. While over 850 complaints of torture have been submitted to Israeli officials since 2001, no investigations or prosecutions have resulted, indicating the high level of impunity that exists for torture.<sup>7</sup> Zayed has indicated that the Israeli state wishes to interrogate him about additional information and incidents in the 1980s, significantly escalating the risk of torture, mistreatment and abuse. In addition, Palestinian prisoners in Israeli jails have repeatedly reported medical mistreatment or neglect; Zayed continues to suffer from ill health as a result of his 40-day hunger strike 25 years ago and is at risk of medical mistreatment inside Israeli prisons<sup>8</sup>.

Furthermore, Omar Nayef Zayed is married to a Bulgarian woman, with three Bulgarian children. He runs a grocery store and is an exemplary member of the community in Sofia. He has never had any encounters with Bulgarian police or security officials throughout his over two decades in the country. Rather, he is a family man and a father, whose wife and children are now facing the loss of a provider, social support, affection and care. It is not only the rights of Zayed

<sup>5</sup> “Palestinian Detainees: No Security in Injustice,” Caabu, 2012.

[http://caabu.org/sites/default/files/resources/0802\\_CAABU\\_Palestinian%20detainees\\_singles%20SMALL.pdf](http://caabu.org/sites/default/files/resources/0802_CAABU_Palestinian%20detainees_singles%20SMALL.pdf)

<sup>6</sup> 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>

<sup>7</sup> 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>

<sup>8</sup> Addameer, “Medical Negligence.” [http://www.addameer.org/key\\_issues/medical\\_negligence](http://www.addameer.org/key_issues/medical_negligence)

that are implicated in this case, but also the rights of his wife and children to their husband, father and family member.

It should be noted that the state of Israel regularly denies entry to foreigners of Palestinian descent, including those carrying European passports, and particularly to family members of imprisoned Palestinians. In addition, Palestinian prisoners are routinely denied family visits. To extradite Zayed to Israel is essentially to separate him from his wife and children for the rest of his – and their – lives.

We trust that the Bulgarian government will respect the inviolate nature of the Palestinian Embassy as the embassy of a sovereign state under the Vienna Convention on Diplomatic Relations; both the State of Palestine and the Republic of Bulgaria are signatories of the Convention.

We urge the Bulgarian government to reject the extradition request of the State of Israel as it relates to a political offense and not a criminal matter, and thus is ineligible under the European Convention on Extradition. Furthermore, we urge the Bulgarian government to defend its resident Omar Nayef Zayed, cancel any and all orders and warrants for his arrest or questioning, and allow him to live his life with his family in Bulgaria.

Sincerely,

Audrey Bomse, Andrew Dalack and Amanda Ghannam  
National Lawyers Guild  
Palestine Subcommittee

cc: Foreign Minister Mr. Daniel Mitov; Justice Minister Ms. Ekaterina Zaharieva