

USA: New Trial for Palestinian community activist Rasmea Odeh

Monday 2 January 2017, by [FINKEL David](#), [Solidarity \(USA\)](#) (Date first published: 1 January 2017).

RASMEA ODEH, THE Palestinian community activist in Chicago who was convicted in 2015 for “fraudulent procurement of naturalization” when she obtained her U.S. citizenship in 2004, has won a new trial.

This is an important victory for Odeh and her defense team, who successfully argued on appeal that the Federal Judge Gershwin Drain hadn't properly considered the admissibility of testimony about her torture under Israeli interrogation in 1969, and her expert witness, Dr. Mary Fabri, regarding post-traumatic stress that affected her memory of what happened.

When an appeals court panel in Cincinnati sent the case back to the trial judge for review, Judge Drain scheduled a hearing for November 29. The day before it was to take place, the court announced that the hearing was cancelled and the judge would rule in writing.

A December 6, 2016 statement from the Rasmea Defense Committee explained:

“Michigan Federal Judge Gershwin Drain reviewed written arguments, and ruled today that Palestinian American community organizer Rasmea Odeh will be granted a new trial.

“Last year, Rasmea was sentenced to 18 months in prison and deportation after being convicted in 2014 of Unlawful Procurement of Naturalization, a politically-motivated immigration charge, for failing to disclose on applications for U.S. citizenship that she had been arrested decades earlier in Palestine by Israeli authorities.

“At the original trial, Rasmea was not allowed to tell the entire story of Israel forcing her to falsely confess to alleged bombings in 1969, when she endured over three weeks of vicious sexual, physical, and psychological torture at the hands of the Israeli military.

“The government argued that Judge Drain should again exclude Fabri's testimony. Despite recently subjecting her to 17 hours of clinical mental examination[ordered by the court to test her PTSD claim — ed.], the government's own expert affirmed the diagnosis of PTSD, and reported that Rasmea was not faking any symptoms.”

The new trial is scheduled to begin January 10. Defense attorneys are hopeful a jury that finally gets the opportunity to hear testimony about torture and PTSD will find Rasmea not guilty. In what has always appeared to be a politically motivated prosecution, how the pending change of federal administration may affect the government's stance is difficult to assess.

UPDATE: As we go to press, U.S. attorney Barbara McQuade has announced a “superseding indictment” bringing a new charge of “terrorist activity” against Rasmea. Please call McQuade's office (313-226-9100) and ask her to drop the charges. For information visit www.justice4rasmea.org or email justice4rasmea.uspcn.org.

Solidarity

* Against the Current n° 186, January-February 2017:

<http://www.solidarity-us.org/site/node/4850>

Rasmea Odeh's Sentence/Appeal

RASMEA ODEH, A Palestinian activist and Chicago community leader who turns 68 in May and has lived in the United States for the past 20 years, faces 18 months in federal prison and deportation, following her March 12 sentencing in Detroit for “unlawful procurement of naturalization.”

Odeh was convicted for not disclosing on immigration and citizenship applications her imprisonment in Israel in the 1970s for a fatal Jerusalem supermarket bombing in 1969. [1]

That makes it sound like a straightforward case of immigration fraud — just as it was presented to the jury in her federal trial last year — until you begin to peel back the layers. For example, Rasmea Odeh's account of 25 days of physical, psychological and sexual torture by Israeli interrogators to obtain her “confession” in the supermarket bombing was not allowed. Expert testimony that she suffers from post-traumatic stress disorder, affecting her memory and emotional balance at the time of her citizenship application, was also excluded by judge Gershwin Drain.

These rulings, which effectively denied her the possibility of mounting a defense, will be the subject of the appeal to be mounted in the coming months by Rasmea's legal team, headed by attorney Michael Deutsch. It is a difficult uphill struggle, especially in the intimidating U.S. political climate around anything to do with Palestine, the Middle East, Arabs or Muslims. But that climate is exactly why her presence is so precious for Arab immigrant women in Chicago, among whom her community work is concentrated as associate director of the Arab American Action Network.

In a partial victory, judge Drain continued Rasmea's bond on her appeal, so that she was able to return home with the supporters who flocked to Detroit for the hearing. The fact that prosecutor Jonathan Tukel — who asked for a five-to-seven-year prison sentence — did not contest her appeal bond suggests to this observer some decision-making at a higher level in the Justice Department, reflecting the visibility that the defense campaign brought to this case. The judge agreed that “looking at Ms. Odeh's recent history, she's been involved in a lot of good works” and that he'd received numerous support letters from “people from all over the country.”

Observing this trial and the sentencing, in an overflow courtroom filled with Rasmea Odeh's supporters, was an emotional experience that brought home the realities of selective and politically motivated prosecution. While a three-year U.S. investigation into her history appears to have been triggered by tips from an Israeli organization, her Israeli interrogators of course were never investigated, let alone charged — or even identified — for torture and rape. Israeli doctors who, in the course of their annual military service, have routinely signed documents stating that Palestinian prisoners beaten to death had suffered a “heart attack,” can quite truthfully state that they were never arrested or convicted of a crime.

As Hatem Abudayyeh of the defense campaign stated, “We know there is a lot of work still to do and we will continue to educate people about the case, and about Palestine support work in the cause of

liberation.” Information on how to support and contribute to the defense campaign are online at www.justice4rasmea.org.

David Finkel

* Against the Current n° 176, May/June 2015:

<https://solidarity-us.org/node/4412>

Footnotes

[1] For an account of the sentencing and for background on the case, see Ali Abunimah, <http://electronicintifada.net/blogs/ali-abunimah/judge-sentences-rasmea-odeh-insisting-case-not-political>, and David Finkel, ESSF (article 34128), [USA & Palestine Solidarity: Rasmea Odeh's Long Struggle](#).