

URGENT ACTION

CIRCUS PERFORMER DETAINED FOR 554 DAYS IN ISRAEL

On 12 June, Ofer Military Court, in the occupied West Bank near Ramallah, renewed the administrative detention order of Mohammad Faisal Abu Sakha for three months. The Palestinian circus performer and teacher has been detained without charge or trial since 14 December 2015.

Ofer Military Court in the occupied West Bank renewed on 12 June the administrative detention order of 25-year-old **Mohammad Faisal Abu Sakha** for a period of three months. His previous six-month administrative detention order expired on 11 June. This comes after the Israeli High Court in Jerusalem ruled on 10 May that the renewal of his administrative detention should be limited to only one additional three-month period. The High Court ruling came after Mohammad Faisal Abu Sakha's lawyer, Mahmoud Hassan who works for the Palestinian prisoners' rights NGO Addameer, filed an appeal against the renewal of his administrative detention order.

On 12 June, Mohammad Faisal Abu Sakha was not present during the court hearing. Amnesty International opposes the use of administrative detention because it violates the right to liberty and to a fair trial. Individuals can be held indefinitely without charge or trial, without being told the accusations against them or an opportunity to review the evidence and prepare a defence. Amnesty International also considers that Israel's use of administrative detention itself may amount to cruel, inhuman and degrading treatment, given the detainee's inability to know why they are being detained or when they will be released.

Mohammad Faisal Abu Sakha continues to be held in Ketziot prison inside Israel in flagrant violation of the Fourth Geneva Convention, which provides that detainees from the population of an occupied territory must be detained within that territory. His family, who lives in the occupied West Bank, must apply for permits from the Israeli authorities to visit him and have faced problems obtaining them. Permits for his mother and father were denied on "security" grounds for almost all of the last three months of 2016.

Please write immediately in Hebrew, English, Arabic, or your own language:

- Calling on the Israeli authorities to release Mohammad Faisal Abu Sakha and all other administrative detainees or charge them with a recognizable criminal offence and try them fairly and promptly;
- Calling on them to transfer Mohammad Faisal Abu Sakha to a detention facility in the occupied West Bank, in line with Israel's obligations under the Fourth Geneva Convention;
- Calling on them to end the practice of administrative detention.

PLEASE SEND APPEALS BEFORE 31 JULY 2017 TO:

Military Judge Advocate General

Brigadier General Sharon Afek

Hakirya, Tel Aviv, Israel

Fax: +972 3 569 4526

Email: Mag@idf.gov.il

Salutation: Dear Judge Advocate General

Commander of the IDF – West Bank

Major-General Roni Numa

GOC Central Command

Military Post 01149, Battalion 877

Israel Defense Forces, Israel

Fax: +972 2 530 5741 or

+972 2 530 5724

Salutation: Dear Major-General Roni Numa

And copies to:

Minister of Defence

Avigdor Liberman

Ministry of Defence

37 Kaplan Street, Hakirya

Tel Aviv 61909, Israel

Fax: +972 3 691 6940

Email: minister@mod.gov.il

Twitter handle: @AvigdorLiberman

Also send copies to diplomatic representatives accredited to your country.

HIS EXCELLENCY MR MARK REGEV,
Embassy of Israel, 2 Palace Green Kensington W8 4QB
020 7957 9500

Please check with your section office if sending appeals after the above date. This is the sixth update of UA 12/16. Further information:

<https://www.amnesty.org/en/documents/mde15/5328/2016/en/>

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ADDITIONAL INFORMATION

Mohammad Faisal Abu Sakha was detained by Israeli soldiers on 14 December 2015 in the occupied West Bank, while he was crossing the Zaatara military checkpoint near Nablus to go to his work in the town of Birzeit near Ramallah. He was taken to the nearby Hawara military detention centre. Later, his parents were informed by the International Committee of the Red Cross that he had been moved to Megiddo prison in northern Israel. The Israeli military handed him a six-month administrative detention order on 25 December 2015. A military judge reviewed and upheld the order on 5 January 2016 at the Ofer Military Court in the occupied West Bank, near Ramallah. On 21 March 2016, a military judge heard an appeal against the six-month order but dismissed it on 31 March 2016. During the hearing, the military prosecution maintained that Mohammad Faisal Abu Sakha is a security threat alleging that he carried out illegal activities with the Popular Front for the Liberation of Palestine (PFLP, a left-wing political party with an armed wing which is banned by Israel), but failed to provide information about these activities. Mohammad Faisal Abu Sakha denies the accusation, but he and his lawyers are in the impossible position of trying to challenge the detention without having access to the necessary information for his defence. In mid-March 2016, he was transferred to Ketziot prison, in southern Israel.

Mohammad Faisal Abu Sakha began studying at the Palestinian Circus School in 2007, and became one of its performers in 2011. He also trains children in circus acts, specializing in teaching those with learning difficulties, who make up 30 of the more than 300 students at the school. The Palestinian Circus School, which is funded by various charities and other bodies, including the European Commission, maintains that there is absolutely no basis to claims that Mohammad Faisal Abu Sakha is a security threat, that his only crime is “making children happy” and that his life is dedicated to the circus. The school’s mission is to train Palestinian children and youth in circus arts and thereby “strengthen the social, creative and physical potential of the Palestinians, seeking to engage and empower them to become constructive actors in society.”

The 25-year-old circus performer took part in a 40-day hunger strike between 17 April and 27 May in protest at his administrative detention. He was among approximately 1,500 Palestinian prisoners and detainees who took part in the hunger strike in an act of protest at Israel’s unlawful policies. The hunger strikers made a series of demands, including calling for an end to Israel’s restrictions on family visits, and an end to the practices of administrative detention and solitary confinement. The strike was suspended on 27 May as a committee representing the prisoners negotiates with Israel’s Prison Service their demands during the Muslim holy month of Ramadan, which is due to end on 24 June. Mohammad Faisal Abu Sakha’s mother, Rajaa, also took part in the hunger strike in solidarity with her son and the other Palestinian hunger strikers.

Since Israel’s military occupation of the West Bank, including East Jerusalem, and Gaza began in 1967, the Israeli authorities have arbitrarily detained tens of thousands of Palestinians, including prisoners of conscience, holding them indefinitely in administrative detention without charge or trial. Administrative detention – ostensibly introduced as an exceptional measure to detain people who pose an extreme and imminent danger to security – is used by Israel as an alternative to the criminal justice system to arrest, charge and prosecute people suspected of criminal offence, or to detain people who should not have been arrested at all. Orders can be renewed indefinitely and Amnesty International believes that some Palestinians held in administrative detention by Israel are prisoners of conscience, held solely for the peaceful exercise of their rights.

Israeli courts – including the high court – have failed, over many years, to provide effective legal recourse to the thousands of Palestinian administrative detainees held without charge or trial on the basis of “secret evidence” withheld from them and their lawyers. To Amnesty International’s knowledge, the High Court has only ever annulled an administrative detention order in one case (in 1990) despite the fact that the practice violates the detainee’s right to a fair trial and can constitute arbitrary detention. As of the beginning of June 2017, there were 477 administrative detainees held without charge or trial by Israel, according to Israeli human rights organization Hamoked citing figures from the Israel Prison Service.