

URGENT ACTION

PALESTINIAN PRISONER OF CONSCIENCE ON TRIAL

Palestinian human rights defender Munther Amira is facing trial before an Israeli military court for peacefully participating in protests. He is facing a prison sentence for exercising his rights to freedom of expression and of assembly. His trial is due to start on 21 February.

Munther Amira was arrested by Israeli soldiers on 27 December 2017 while peacefully participating in a protest. The protest was organized by Palestinian residents and activists in the city of Bethlehem, in the occupied West Bank, and called for the release of activists Ahed and Nariman Tamimi. On 16 January, the Israeli Military Court in Ofer military in the occupied West Bank ordered Munther Amira's release on bail. However, his release was delayed for 72 hours in order to allow the prosecution to appeal the decision. On 18 January, the military prosecution filed an appeal against the decision to release Munther Amira. On 1 February a military judge at the Military Court of Appeals accepted the prosecution's appeal to keep Munther Amira in custody until the end of his trial.

On the day of his arrest, the military court presented Munther Amira with 13 charges relating to his participation in five separate demonstrations. Some of the charges he is facing under Israeli Military Order 101, such as "participating in a march without a permit", are not recognizable criminal offences under international standards. Munther Amira was additionally charged with throwing objects towards people or property and throwing stones at Israeli Border Police officers. The two charges relate to a protest, which took place on 22 December 2017, against US President Donald Trump's decision to recognize Jerusalem as the capital of Israel. They are based on testimonies of two Israeli Border Police officers who describe seeing Munther Amira throwing back a teargas projectile, which had been fired at demonstrators by Israeli forces. However, video footage as well as witnesses who attended the protest, rebut the claim and state that Munther Amira was peacefully holding a placard in front of Israeli soldiers, which he then used to try to push the tear gas canister away from himself. An examination of the charge sheet, witnesses' testimonies and the prosecution's supporting evidence indicate that Munther Amira is being detained and prosecuted solely for peacefully protesting the Israeli occupation.

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

- Calling on the Israeli authorities to immediately and unconditionally release Munther Amira as he is a prisoner of conscience and is solely being held for exercising his human rights to freedom of expression and to peaceful assembly;
- Calling on the Israeli authorities to immediately drop all charges against Munther Amira;
- Calling on them to rescind Military Order 101 and fully respect the right of Palestinians in the occupied West Bank to freedom of expression and peaceful assembly.

PLEASE SEND APPEALS BEFORE 22 MARCH 2018 TO:

Prime Minister
Benjamin Netanyahu
Office of the Prime Minister
3 Kaplan St, PO Box 187
Kiryat Ben-Gurion
Jerusalem 91950, Israel
Email: pm_eng@pmo.gov.il
Salutation: Dear Prime Minister

Commander of the IDF – West Bank
Major-General Roni Numa GOC Central
Command
Military Post 02367, Battalion 877 Israel
Defence Forces, Israel
Fax: +972 2 530 5741, +972 2 530 5724
Salutation: Dear Major-General Roni Numa

And copies to:
Minister of Defence
Avigdor Lieberman
Ministry of Defence
37 Kaplan Street, Hakiryat Tel Aviv
61909, Israel
Email: minister@mod.gov.il
pniot@mod.gov.il
Fax: +972 3 691 6940
Salutation: Dear Minister

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, info@london.mfa.gov.il

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Munther Amira, aged 48, is a Palestinian activist and human rights defender, currently serving as the coordinator of the Popular Struggle Coordination Committee (PSCC). PSCC describes itself as a community-based resistance movement that believes in the power of popular struggle, through various forms, such as strikes, peaceful protests and legal campaigns. The group also provides legal aid, communication and advocacy support to activists and seeks to encourage the emergence of new committees and initiatives in the Occupied Palestinian Territories (OPT).

Munther Amira is a Palestinian refugee from the village of Deir Aban, located on the southern slopes of Jerusalem. He is a resident of Aida Refugee Camp near Bethlehem where he works as a social worker and director of the Aida Youth Community Center. According to PSCC, Munther Amira provides support to Palestinian farmers affected by Israeli settlements through his campaigning and advocacy efforts and promotes locally produced Palestinian products. Munther Amira is committed to a platform of non-violence in his popular struggle and regularly organizes peaceful protests against Israeli actions in the city of Bethlehem. Following his arrest, Munther Amira was presented with 13 charges in relation to five different demonstrations near the Rachel's Tomb checkpoint in Bethlehem. Most of these charges fall under Israeli Military Order 101, which punishes Palestinians for peaceful political expression. The counts of the indictment are as follows: Offense against public order, for having participated in demonstrations and "unlicensed marches" which took place on 1 November, 13 December, 22 December, 23 December and 27 December 2017; obstructing a soldier on 27 December 2017 and throwing an incendiary object and stones towards Israeli soldiers on 22 December 2017. All of the charges in the indictment sheet are strictly concerned with Munther Amira's participation and role in leading marches, except for those on 22 December 2017.

Munther Amira's charge for throwing stones is based on the testimony of only one of the above mentioned officers. In contrast, according to his lawyer, the second officer explicitly denies having seen Munther Amira throwing stones. The lawyer also said that the prosecution has not provided any material evidence to support the soldier's testimony. Additionally, the claim that Munther Amira threw an incendiary object at the Israeli Border Police is based on statements of two Israeli Border Police officers. According to PSCC, both officers mention in their statements knowing Munther Amira from previous events, and state seeing him specifically picking up the projectile with his hand from the ground and throwing it back towards the Israeli forces. However, the prosecution provided as evidence a picture downloaded from Facebook, which lacks chain of custody and is therefore inadmissible in court. Additionally, video footage of the demonstration on 22 December 2017 (<https://www.facebook.com/MohammadAazza/videos/1632948863428537/>) appears to show Munther Amira pushing a tear gas canister away from himself with a placard. According to four witnesses who also attended the 22 December protest, Munther Amira was peacefully protesting. They indicated that he did not throw stones and only attempted to push the tear gas projectile away with the placard he was holding.

Human rights defenders in the OPT have long been the target of Israeli smears and harassment campaigns aimed at delegitimising their struggle. According to PSCC, Israeli forces had been pressuring Munther Amira to stop his activism, and had threatened him with harm and arrest three months before his detention. PSCC believes that Munther Amira's arrest is intended to silence active voices in the nonviolent popular struggle for Palestinians' rights.

Israeli Military Order 101 regulates the right of Palestinians in the West Bank to demonstrate and express themselves freely. It prohibits all gatherings of 10 or more persons "for a political purpose or for a matter that could be interpreted as political" unless they have received authorization from the Israeli military commander in the area. Anyone breaching the order faces imprisonment for up to 10 years and/or a hefty fine.

Further information on UA: 26/18 Index: MDE 15/7841/2018 Issue Date: 08 February 2018