

URGENT ACTION

ISRAELIS DETAIN TEENAGE BOY WITHOUT CHARGE

A 17-year-old Palestinian boy, Mohammad al-Hashlamoun, is facing indefinite detention without charge. After an Israeli judge ordered his transfer to house arrest, the Israeli authorities promptly imposed a six-month administrative detention order on him, which expires on 20 June but is renewable indefinitely.

Mohammad al-Hashlamoun, a 17-year-old Palestinian boy, was arrested by Israeli forces in the early hours of 3 December 2015 at his home in Ras al-Amud in occupied East Jerusalem. Around 40 border police officers and members of the Israel Security Agency (ISA) raided the building where he lives, which contains three apartments. They went into the apartment of Mohammad al-Hashlamoun's uncle first, and dragged the uncle from his bed into the street without letting him dress. While his uncle was being held outside, the border police and ISA officers arrested Mohammad al-Hashlamoun and took him to the ISA interrogation centre in Jerusalem, within a detention centre known as the Russian Compound. He was held there for 18 days and then transferred to Ashkelon prison in southern Israel for four days. He was asked repeatedly about planning attacks in Jerusalem, which he denied. He was brought before the Jerusalem Magistrates Court twice and, after the second hearing on 20 January, the court ordered him to be transferred to house arrest for one week and pay around US\$1,260. Instead of transferring him, however, the Israeli Minister of Defence handed him a six-month administrative detention order the next day. Administrative detention orders allow the authorities to hold people without charge, are renewable indefinitely, and do not require the state authorities to divulge their evidence, leaving detainees unable to defend themselves or challenge their detention.

Mohammad al-Hashlamoun's mother visited him in Megiddo prison, in northern Israel, and found him tired and anxious. He holds a Jerusalem identity card, meaning he can reside in occupied Palestinian East or Israeli West Jerusalem, as well as other parts of Israel. He is one of two children in administrative detention: four were released in January.

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

- Calling on the authorities to release Mohammad al-Hashlamoun promptly unless he is charged with an internationally recognizable offence and tried in accordance with international standards of fairness, including those specific to children;
- Calling on them to ensure he is allowed regular visits from his family and lawyers and is held separately from adults at all times unless this is counter to his best interests, in line with international law on the rights of the child.

PLEASE SEND APPEALS BEFORE 18 MARCH 2016 TO:

Minister of Defence

Moshe Ya'alon Ministry of Defence
37 Kaplan Street, Hakiryia
Tel Aviv 61909, Israel
Email: minister@mod.gov.il
pniot@mod.gov.il
Fax: +972 3 691 6940

Salutation: Dear Minister

Minister of Justice

Ayelet Shaked
Ministry of Justice
29 Salah al-Din Street
Jerusalem 91010, Israel
Fax: +972 2 640 8402
Email: sar@justice.gov.il

Salutation: Dear Minister

And copies to:

Attorney-General

Avichai Mendelblit, Ministry of Justice
29 Salah al-Din Street
Jerusalem 91010, Israel
Email: lishkat-yoetz@justice.gov.il

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

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

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INTERNATIONAL**



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ADDITIONAL INFORMATION

Mohammad al-Hashlamoun was arrested around the middle of 2014, and was charged with and convicted of throwing stones, for which he served a 101-day prison sentence. Just before he was arrested on 3 December 2015, police officers and ISA officials began visiting his home nearly every day asking about him and his activities.

He is now being detained inside Israel in violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, which stipulates that detainees from the population of an occupied territory must be detained within that territory.

Administrative detention was introduced originally under colonial British rule, and incorporated into Israeli law and military orders ostensibly as an exceptional measure to detain people who posed an extreme and imminent danger to security. However, it has been used for years to detain people, mostly Palestinians from the Occupied Palestinian Territories (OPT), who should have been tried according to international standards, or people who should not have been arrested at all. (Read more on Israel's use of administrative detention here: <https://www.amnesty.org/en/documents/MDE15/026/2012/en/>)

Since October 2015, violence in Israel and the OPT has increased dramatically. As during other periods of heightened tension in the OPT, the Israeli authorities have responded by carrying out mass arrests, and issuing more and more administrative detention orders. By the end of 2015 Israel was holding more than 580 Palestinian administrative detainees, the highest number since 2008, according to statistics provided by the Israeli authorities to Israeli human rights organization B'Tselem. At the same time, the practice of holding children in administrative detention has resumed. While dozens of children were administratively detained between 2004 and 2008, numbers declined steadily until December 2011, when there was only one. In October 2015, Mohammed Ghaith, Fadi Abbasi and Kathem Sbeih, all 17 years old and Jerusalem ID holders, became the first children to be subjected to administrative detention since December 2011. They were released in January, when their three-month administrative detention orders expired. According to local human rights organization Defence for Children International – Palestine, two other children, Bassar Mohammad al-Atrash and Mohammad Sharif Abu-Turki, both from the West Bank, were also released in January, while Ibrahim Safi Sawafta, from the West Bank, is serving a three-month order which is due to expire in April. While, historically, administrative detention has rarely been used against Israeli Jews, several were also subjected to this practice in 2015. In February 2016, an administrative detention order against Israeli Jew Meir Ettinger was renewed for four months. He had been arrested in August 2015 in connection with his membership of an extremist Jewish organization.

Under international human rights law, the detention of children (people aged under 18) must always be a measure of last resort and implemented for the shortest appropriate time. Appropriate alternatives to detention must be available. Under the UN Convention on the Rights of the Child, to which Israel is a state party, "No child shall be deprived of his or her liberty unlawfully or arbitrarily" and detention of a child "shall be used only as a measure of last resort and for the shortest appropriate period of time". It also stipulates that the child must "have the right to maintain contact with... [their] family through correspondence and visits, save in exceptional circumstances". Detained children "have the right to challenge the legality of their detention before a court or other competent, independent and impartial authority and have the right to a prompt decision on any challenge. Further, they have the right to be assisted by counsel for this purpose."

Amnesty International opposes all forms of administrative detention and calls on Israel to end the practice, which constitutes arbitrary detention prohibited under international human rights law, both within Israel and in the OPT.

Name: Mohammad al-Hashlamoun

Gender: m

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