

# URGENT ACTION

## PALESTINIAN CIRCUS PERFORMER'S APPEAL REJECTED

**An Israeli military court dismissed Palestinian circus performer Mohammad Faisal Abu Sakha's appeal against his detention without trial on 31 March. The military prosecution again denied him his right to challenge his detention by withholding much of their "evidence".**

Palestinian circus performer **Mohammad Faisal Abu Sakha's** appeal against his six month administrative detention order was rejected on 31 March by a military judge. Administrative detention allows Israel to detain people without charge or trial while denying them the right to defend themselves or effectively challenge the legality of their detention because the authorities largely withhold from them and their lawyers the "evidence" against them. Mohammad Faisal Abu Sakha's detention order will expire on 13 June 2016, although it is renewable indefinitely.

During the hearing the military prosecution maintained that Mohammed 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 and his lawyers were in the impossible position of trying to challenge his detention without having access to the necessary information for his defence.

In mid-March, Mohammed Faisal Abu Sakha was moved from Megiddo prison in northern Israel to Ketziot prison in the Negev (in Hebrew)/Naqab (in Arabic), southern Israel. Israel's detention of Palestinians from the occupied West Bank inside Israel violates their rights under 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. Mohammed Faisal Abu Sakha has asked his family to thank all those who are campaigning on his behalf but reiterated his particular concern for Palestinian children detained by Israel, particularly those with mental and physical disabilities. As a circus performer and teacher at the Palestinian Circus School in Birzeit, he specializes in working with children with learning difficulties.

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

- Calling on the authorities to release Mohammad Faisal Abu Sakha, and all other administrative detainees, unless they are to be charged with a recognizable criminal offence and tried fairly and promptly;
- Urging them to take immediate steps to end the practice of administrative detention.

### **PLEASE SEND APPEALS BEFORE 19 MAY 2016 TO:**

Military Judge Advocate General

Brigadier General Sharon Afek

Hakiryia, 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, +972 2 530 5724

**Salutation: Dear Major-General Roni Numa**

Minister of Public Security

Gilad Erdan

Kiryat Hamemshala

PO Box 18182

Jerusalem 91181, Israel

Fax: +972 2 584 7872

Email: gerdan@knesset.gov.il

**Salutation: Dear Minister**

### **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. This is the second update of UA 12/16. Further information:

<https://www.amnesty.org/en/documents/MDE15/3567/2016/en/>

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### ADDITIONAL INFORMATION

Mohammad Faisal Abu Sakha, (23 years old) was detained by Israeli soldiers on 14 December 2015, on his way to his work at the Palestinian Circus School in Birzeit, next to Ramallah. Israeli soldiers detained him at the Zaatara checkpoint, close to the West Bank city of Nablus, and took him to the nearby Hawara military detention centre. Later his parents were informed by the International Committee of the Red Cross (ICRC) 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. A military judge reviewed and upheld the order on 5 January, at the Ofer military court in the north of the West Bank. On 21 March, a military judge heard an appeal against the six month order but dismissed it on 31 March. The Al Jazeera news website quoted an Israeli military spokesperson that day as saying that Mohammad Faisal Abu Sakha was being held because he posed a "danger... to the security of the region" and that the details of his case were "confidential".

Mohammad Faisal Abu Sakha began studying at the Palestinian Circus School in 2007 becoming one of its performers in 2011. He also trains children in circus acts and specializes in children 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".

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 using the criminal justice system to arrest, charge and prosecute people suspected of criminal offences, 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 right to freedom of expression and association. The Israeli authorities increased their use of administrative detention dramatically since October 2015: over 580 Palestinians were in administrative detention by the end of 2015. The increase coincided with a resumption of administrative detention against children. In October 2015, three 17-year-old Jerusalem ID holders became the first children to be administratively detained in almost four years. In all, nine children were administratively detained between October 2015 and March 2016. One was later charged with an offence on expiry of his detention order, five were released on expiry of their orders and four remain in administrative detention as of April 2015. Defence for Children International-Palestine (DCIP) say that 422 Palestinian children between 12 and 17 years were held in Israeli military detention as of December 2015. They estimate that 500 – 700 are detained and prosecuted by Israeli military courts, most commonly on charges of stone throwing.

All but one of the Israeli prisons where Palestinian administrative detainees are held is located inside Israel. The detention of Palestinians inside Israel violates international law. Articles 49 and 76 of Fourth Geneva Convention stipulate that detainees from occupied territories must be detained in the occupied territory, not in the territory of the occupying power. This practice makes it very difficult for families of detainees, who require permits to enter Israel, to visit their relatives. Israeli authorities routinely refuse such permits in what amounts to punishment both of the families and the detainees. If all Palestinian detainees were held in the OPT, their families would not need to enter Israel to visit them and the issue of permits would not arise. Mohammad Faisal Abu Sakha's family have visited him three times since his arrest.

Amnesty International activists around the world continue to call for justice for Mohammad Faisal Abu Sakha. See for example <http://tinyurl.com/gsoe2fq> and <http://tinyurl.com/jls6qoy>.

Name: Mohammad Faisal Abu Sakha

Gender m/f: M

Further information on UA: 12/16 Index: MDE 15/3791/2016 Issue Date: 7 April 2016