

URGENT ACTION

APPEAL DATE SET FOR DETAINED CIRCUS PERFORMER

An Israeli military court will hear an appeal against the detention without charge of Palestinian circus performer Mohammad Faisal Abu Sakha on 21 March. His mother was permitted to visit him in Israeli detention for the first time in over two months.

On 21 March, an Israeli military court will consider **Mohammad Faisal Abu Sakha's** appeal against his six-month administrative detention order. Administrative detention allows Israel to detain people without charge or trial while simultaneously 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.

His mother - unable to see her son for over two months – visited Mohammad Faisal Abu Sakha on 29 February in Megiddo prison in Israel, after the Israeli military authorities finally gave her a permit to travel. His detention inside Israel violates his 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. Relatives of Palestinians residing in the occupied West Bank have great difficulty obtaining permits to visit their family members detained in Israel. After her visit, Mohammad Faisal Abu Sakha's mother posted a message on Facebook (<http://tinyurl.com/gvm6o46>) where she spoke of the humiliating treatment parents visiting their Palestinian children in custody face, sometimes from soldiers not much over 20 years old who shout and insult them. She said that they bear it "for the sake of a 40 minute visit that passes in a glimpse of an eye". Mohammad Faisal Abu Sakha asked her to thank everyone who has worked on his case throughout his detention but said that the children (some as young as 12 or 13) and disabled people held in Israeli prisons "deserve solidarity campaigns". Despite his detention, he continues to entertain his fellow inmates with circus performances to make the "days pass ... quickly".

Mohammad Faisal Abu Sakha was arrested on 14 December 2015 at the Zaatara checkpoint in the Israeli-occupied West Bank. He is accused of membership of the Popular Front for the Liberation of Palestine (PFLP), a political party with an armed wing. He is greatly missed at the Palestinian Circus School in Birzeit, where he is a circus performer and teacher specializing 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 recognizably criminal offences and tried fairly and promptly;
- Urging them – in light of requirements under the Fourth Geneva Convention – to transfer him to a prison in the West Bank and ensure he has regular access to his family and lawyers.

PLEASE SEND APPEALS BEFORE 14 APRIL 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 first update of UA 12/16. Further information:

www.amnesty.org/en/documents/mde15/3214/2016/en/

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ADDITIONAL INFORMATION

Mohammad Faisal Abu Sakha, 23, was detained by Israeli soldiers on 14 December 2015, as he was on his way from his parents' home, in the occupied West Bank city of Jenin, 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 around 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. A military judge can cancel, reduce or uphold an administrative detention order. 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 and became one of its performers in 2011, also training children in circus acts. He specializes in teaching 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. Established in 2006, 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 – has for years been 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 have increased their use of administrative detention dramatically since October 2015: over 580 Palestinians were in administrative detention by the end of the year.

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. 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. The Israeli authorities' refusal to grant permits to thousands of relatives of Palestinian detainees is a punitive policy that penalizes both Palestinian detainees, by denying them regular visits or any visits at all, and their relatives. No such prohibition exists for relatives of Israeli prisoners.

Name: Mohammad Faisal Abu Sakha

Gender m:

Further information on UA: 12/16 Index: MDE 15/3567/2016 Issue Date: 3 March 2016