

URGENT ACTION

END ADMINISTRATIVE DETENTION OF CIRCUS PERFORMER

On 11 December the Israeli military renewed the administrative detention of Palestinian circus performer Mohammad Faisal Abu Sakha for another six months. He has been held without charge or trial by the Israeli authorities for a year.

Palestinian circus performer **Mohammad Faisal Abu Sakha**, aged 24, from Jenin, in the Occupied West Bank, has been held by the Israeli authorities without charge or trial for a year. Israeli forces arrested him on 14 December 2015, at Za'atara checkpoint near Nablus. The order issued on 11 December is his third six-month administrative detention order. Although six months is the maximum period of detention for each order, there is no limit on how many times each order can be renewed. A hearing set for 13 December for a military judge to review the order at Ofer military court in the occupied West Bank was postponed – and no new hearing date was set – but it is extremely unlikely they will cancel the order.

At a hearing on 5 December at the Israeli High Court, the judges told Mohammad Faisal Abu Sakha's lawyer that they believed the secret "evidence" provided by the Israel Security Agency (ISA) justified the ISA's contention that Mohammad Faisal Abu Sakha poses a "threat to the security of the State of Israel." According to his lawyer, this is despite the fact that there has been no new material in the file since December 2015. However, the system of administrative detention means that neither Mohammad Faisal Abu Sakha nor his lawyer gets to review the "evidence", and can therefore not defend against it. This violates a central tenet of fair trial standards.

Amnesty International fears that the Israeli authorities – as they have done in many other such cases – are using administrative detention as a method of punishing Mohammad Faisal Abu Sakha without prosecuting him, which would amount to arbitrary detention. 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.

Please write immediately in Hebrew, English 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 end the practice of administrative detention.

PLEASE SEND APPEALS BEFORE 25 JANUARY 2017 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. HIS EXCELLENCY Deputy Ambassador Eitan Na'eh, 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 fifth update of UA 12/16. Further information: <https://www.amnesty.org/en/documents/MDE15/5283/2016/en/>

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ADDITIONAL INFORMATION

Mohammad Faisal Abu Sakha, a Palestinian circus performer aged 24, was detained by Israeli soldiers on 14 December 2015, on his way to work at the Palestinian Circus School in Birzeit, next to Ramallah in the occupied West Bank. Israeli soldiers detained him at the Za'atara 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 2015. A military judge reviewed and upheld the order on 5 January 2016, at the Ofer military court in the West Bank, near Ramallah. On 21 March a military judge heard an appeal against the six-month order but dismissed it on 31 March. 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 he was moved to Ketziot prison in the Negev/Naqab region of southern Israel, where he is still held.

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 working with 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: 692 Palestinians were in administrative detention by the end of April 2016 – the last month for which reliable Israeli Prison Service Statistics are available – including 13 children.

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. 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.

Further information on UA: 12/16 Index: MDE 15/5328/2016 Issue Date: 14 December 2016