

URGENT ACTION

CHILDREN ADMINISTRATIVELY DETAINED

The Israeli military have imposed administrative detention orders on three Palestinian 17-year-olds from East Jerusalem, allowing indefinite detention without charge. Since their arrests between 17 and 19 October, two of them have not been allowed family visits.

Mohammed Ghaith and **Fadi Abbasi**, from Silwan, and **Kathem Sbeih**, from Jabal Mukkaber, all aged 17, are now in administrative detention. According to Palestinian human rights NGO Addameer, the Israeli military authorities accused them of “posing a serious and severe threat to the national security of Israel” and being “violent activists”, apparently for throwing stones at police vehicles and inciting violence via Facebook.

The Israeli military handed down three-month administrative detention orders to Fadi Abbasi and Mohammed Ghaith on 20 and 21 October respectively and the Jerusalem District Court upheld them on 26 October. On 28 October, an Israeli court upheld a three-month order on Kathem Sbeih, given to him by the military on 18 October. Israel’s administrative detention procedures allow it to detain people without charge indefinitely. Detainees cannot defend themselves or effectively challenge the legality of their detention because the authorities largely withhold from them and their lawyers the “evidence” against them.

According to his father, Israel Security Agency (ISA) officers came to arrest Kathem Sbeih at 3am on 17 October, as he slept, and took him to the main police interrogation centre in Jerusalem, known as the Russian Compound. He is now in Megiddo prison, northern Israel, where his father finally visited him on 3 November. Mohammed Ghaith and Fadi Abbasi were also arrested in their bedrooms, in the early hours of 19 October, and taken to a police station in the East Talpiot settlement, East Jerusalem. Mohammed Ghaith’s father has said that the arresting officers told him he could visit his son there, but he was denied access when he tried. Both teenagers were transferred to the Russian Compound. According to the NGO Defence for Children International – Palestine (DCIP), both boys have said they were not advised of their right to silence, or allowed access to legal representation before questioning. Since their arrests, the Israeli authorities have neither notified the families of the two boys of their whereabouts nor given them the opportunity to visit them in detention. All three boys hold Jerusalem identity cards, meaning they can reside in East or West Jerusalem, as well as other parts of Israel.

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

- Urging the authorities to notify the families of Mohammed Ghaith and Fadi Abbasi immediately of the boys’ whereabouts;
- Calling on them to release all three boys unless they are to be charged with recognizably criminal offences and tried fairly and promptly;
- Calling on them, in the meantime, to ensure the boys are allowed to receive regular visits from their families and lawyers and are held separately from adults at all times, unless this is counter to their best interests in line with international law on the rights of the child.

PLEASE SEND APPEALS BEFORE 15 DECEMBER 2015 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
Yehuda Weinstein, 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.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

The use of administrative detention in Israel typically increases when there is greater violence in the Occupied Palestinian Territories (OPT). The practice was introduced ostensibly as an exceptional measure to detain people who posed an extreme and imminent danger to security, but it has been used for years to detain a wide range of people who should have been tried in the usual way, 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/>.)

Dozens of Palestinian children were administratively detained between 2004 and 2008, after which numbers declined steadily until December 2011 when there was only one. Mohammed Ghaith, Fadi Abbasi and Kathem Sbeih are the first children to be subjected to administrative detention since December 2011. As the level of violence in Israel and the OPT has escalated since 1 October 2015, the use by Israel of apparently punitive measures against the Palestinian population has become more widespread. These measures include – as well as mass arrests and arbitrary detention, including administrative detention, of Palestinians – demolition of houses belonging to families of Palestinians accused of carrying out attacks against Israelis and the imposition of additional, arbitrary restrictions on Palestinians' movement. Since October the Israeli forces have made increasing use of excessive, in some cases lethal force, against Palestinians across the occupied West Bank, including East Jerusalem. Israel has failed to protect Palestinians from a wave of attacks by settlers, particularly in Hebron and East Jerusalem. A growing number of Palestinians have targeted Israeli forces and civilians in stabbing and shooting attacks; eight Israeli civilians have been killed in stabbing or shooting attacks by Palestinians. According to the Palestinian Ministry of Health, Israeli forces have killed 65 Palestinians in Israel, the West Bank and Gaza. Jerusalem has seen some of the worst violence, with the Israeli police clashing with stone-throwing Palestinians nearly every day there since the murder in 2014 of Muhammad Abu Khdeir, the 16-year-old Palestinian boy abducted and killed in retaliation for the murder of three Israeli teenagers in June 2014, events which eventually led to the Israel/Gaza conflict later that year. After the three Israeli students were killed, according to Addameer's records, Israel placed nine Jerusalem ID holders in administrative detention. Before that, the last known case of a Jerusalem ID holder being placed in administrative detention was in 2004. During October 2015, some 23 Jerusalem ID holders and one female Palestinian with Israeli nationality, 19-year-old Asma Hamdan, were administratively detained apparently in connection with alleged activity on social media. Jerusalem ID holder Abed Abu Ghazaleh was put under administrative detention in October in connection with statements he made to the media about the killing by Israeli forces of his son, Thaer, who attacked and injured five Israelis in Tel Aviv on 9 October before being shot dead. His father was arrested soon after he protested at the authorities' refusal to return Thaer's body to his family. According to the Israeli newspaper *Haaretz*, Abed Abu Ghazaleh has no criminal record and the Jerusalem Magistrates Court ordered the police to release him. An Israeli military appeal against that decision was rejected, after which Abed Abu Ghazaleh was put under administrative detention.

The administrative detention of Mohammed Ghaith, Fadi Abbasi and Kathem Sbeih signals a worrying move by the Israeli authorities to reintroduce detention of children without any trial proceedings at all. In line with international human rights law, detention of children (under 18s) must always be a measure of last resort and implemented for the shortest appropriate time. Appropriate alternatives to detention must be available. The UN Convention on the Rights of the Child states that "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."

Names: Mohammed Ghaith, Fadi Abbasi, Kathem Sbeih
Gender m/f: m

UA: 248/15 Index: MDE 15/2792/2015 Issue Date: 3 November 2015