
WEST BANK NONVIOLENT PROTESTER MUHAMMAD AMIRAH

CASE BRIEFING DOCUMENT

The Association for Civil Rights in Israel (ACRI)

All the evidence in Amirah's trial has been brought before the court and the summaries of the trial is set to Wednesday, 20.6.2012, at 10AM at Ofer Military Court

SUMMARY

- On 20 June 2011 Ni'lin resident Muhammad Amirah was charged with incitement and support for a hostile organization and disturbing a soldier
- Amirah was arrested during a nonviolent protest near the village of Deir Kaddis, against the expansion of the settlement Nili in which he sat down in front of a tractor and demanded that the work cease
- Amirah's case does not include any charges or mentions of violence and is thus an important example of the criminalization of all political activity by Palestinians in the West Bank, including actions recognized by all as nonviolent

THE PROCEEDINGS

Muhammad Amirah, a school teacher by profession, is one of the members of the Popular Committee of the West Bank village of Nil'in. Amirah was arrested on 15 June 2011 during a demonstration in the village of Deir Kaddis, against the expansion of the settlement Nili¹.

On June 19th 2011, 4 days after his arrest, he was brought in front of a judge for the first time. The judge approved the military prosecution's request to extend his arrest for another 3 days. The defense appealed the decision to the Military Court of Appeals, which overruled the Trial Court's decision and ordered the release of Amirah on June 20th, after 6 days of detention, on the condition that he pays 3,000 NIS in bail and would be restricted from entering Deir Kaddis until the end of the proceedings.

The same day Amirah was indicted with two offenses under Military Law:

- **Incitement and support of a hostile organization According to the Military Order Regarding Security Provisions – Chapter G (Offenses), Article 251(B)**: In this charge, it was alleged that Amirah attempted to influence public opinion in a way that may have disturbed the public order – either verbally or in another way. Amirah is accused specifically of attempting to incite participants in the nonviolent action on June 15th 2011 to disrupt the work of the civil administration in various ways, while disrupting the work himself.
- **Disrupting a soldier According to the Military Order Regarding Security Provisions – Chapter G (Offenses), Article 218**: This charge stated that he disturbed a soldier in fulfilling his duties even after being told that he was doing so. Amirah was sitting in front of a tractor that was attempting to create infrastructure for the expansion of the settlement of Nili.

On July 27th 2011 Amirah plead not guilty to the charges against him.

¹ See video of the event: <http://www.youtube.com/watch?v=62hWumbuzk0>

HARSH LIMITATIONS ON FREEDOM OF EXPRESSION IN THE WEST BANK REFLECTED IN THE CASE

Amirah's case exemplifies the extent to which ALL protest action – including explicitly nonviolent actions are criminalized within the Israeli system in the West Bank. Amirah was sitting on the ground in front of a tractor repeating the phrase "I am not engaging in violence, I will not commit a violent deed" and was still arrested and charged.

Even with NO charges of violence against him, the protest action is perceived as a security threat and a criminal act.

In addition, Amirah's case is a great example of the ambiguity of the term "Legal demonstration" in that West Bank that is a result of both the illegal and inapplicable legislation that regulates demonstrations in the West Bank (especially the Order Regarding Prohibition of Incitement and Hostile Propaganda Actions (**Order 101**) from 1967)² that does not recognize any form of protest in the WB as legal protest, and the lack of Judicial Review on this legislation. This case reflects not only the ambiguity of the "legal demonstration", but also the dangerous implications of this ambiguity of freedom of expression and the right to protest in the West Bank.

During the defenses appeal on the decision to extend Amirah's detention, the military prosecutor stated that:

" If one examines the statements by the soldiers, one can see that there had been disturbances a week earlier in this area that ended in stone-throwing, although after the appellant was arrested, but it was he who created the initial friction with the IDF forces. This is not only participating in a demonstration, but leading a group of demonstrators to disrupt the activity of the security forces. Had this taken place in Israel, it is possible that no one would have been arrested, but in Israel an event of this kind does not end in stone-throwing, as it does here. Disturbing the order in this area is inherently volatile.

With respect to the response of the Court, in the disengagement as well people who blocked roads were arrested."

Furthermore, in his decision to extend Amirah's detention for 3 days, judge Tsvi Heilbron (רס"ן צבי היילברון) states:

"This was a case of a suspect who was apparently the driving force behind an illegal demonstration. Despite the orders of the security forces in that location, the suspect refused to leave the area and allow the work to continue. This followed a warning from the officer in the area who gave the demonstrators, including the suspect, 10-15 minutes to leave. It was the suspect who apparently called to the others to sit down opposite the tractor and disrupt the work, and thereby incited the demonstrators.

² The legality of demonstrations in the West Bank is regulated by the "Order Regarding Prohibition of Incitement and Hostile Propaganda Actions" (Order 101) from 1967. This order imposes extreme restrictions on the right of Palestinians to organize or attend demonstrations, demanding that any gathering of more than 10 people requires an advance permit from the Israeli military authorities. According to discussions Israeli human rights organization B'Tselem held with attorneys who represent Palestinian demonstrators arrested by the military, Israel had not used this order consistently over the years until the beginning of 2010, when the military again increased the use of the order. As is the case with all Israeli military legislation, the order applies solely to Palestinians in Areas B and C; Israeli citizens and third party nationals are tried under the Israeli legal system.

This is not the case of an individual who stood on the side and called out against the security forces in a legal demonstration, or who encouraged others to participate in a legal demonstration, but of someone who disrupted the work, which seems to have been legal, and who also did not obey the order of an officer of the security forces despite the time he was given to carry it out. "

RESOURCES

[Rights of Demonstrators in the Occupied Territories](#) – ACRI info-sheet

[The Right to Demonstrate in the West Bank](#) – a B'Tselem report

[“Show of Force”](#) – B’Tselem report on Israeli military conduct in weekly demonstrations in Nabi Saleh

[“This is how Palestinian minors are interrogated”](#) – ACRI briefer on the case of A. from Nabi Saleh

[Bassem Tamimi's Sentence - Injury to Freedom of Expression in the Occupied Territory](#) - ACRI Update/Position paper

[Illegal Use of Closed Military Zone Orders to Restrict Legal Protest in the Occupied Territories](#)