



Defence for Children International  
Palestine Section

# **Bound, Blindfolded and Convicted:** Children held in military detention



April 2012

# **Bound, Blindfolded and Convicted:**

## Children held in military detention

April 2012



“The test of a democracy is how you treat people incarcerated, people in jail, and especially so with minors.”

*Mark Regev  
Spokesman for the Israeli Prime Minister,  
Benyamin Netanyahu  
The Guardian, 22 January 2012*

# Contents

<b>A.</b>	<b>Executive summary .....</b>	<b>6</b>
<b>B.</b>	<b>Introduction .....</b>	<b>10</b>
	<i>Methodology .....</i>	<i>12</i>
	<i>Map .....</i>	<i>13</i>
<b>C.</b>	<b>Overview of the Israeli military detention system .....</b>	<b>14</b>
	<i>Structural framework .....</i>	<i>15</i>
	<i>Legal framework .....</i>	<i>16</i>
	<i>Establishment of a military juvenile court .....</i>	<i>17</i>
	<i>Recent amendments to the military law – Military Order 1676 .....</i>	<i>18</i>
	<i>Raising the age of majority .....</i>	<i>18</i>
	<i>Notifying parents of arrest .....</i>	<i>18</i>
	<i>Notifying a lawyer of arrest .....</i>	<i>19</i>
	<i>Offences under military law and sentencing .....</i>	<i>19</i>
<b>D.</b>	<b>Children in the Israeli military detention system .....</b>	<b>22</b>
	<b>Arrest .....</b>	<b>24</b>
	<i>Time of arrest .....</i>	<i>24</i>
	<i>Notification of reasons for arrest and location of detention .....</i>	<i>25</i>
	<i>Methods and means of restraint .....</i>	<i>26</i>
	<i>Physical violence: Excessive use of force during arrest .....</i>	<i>27</i>
	<i>Summary of findings: Arrest .....</i>	<i>27</i>
	<b>Transfer .....</b>	<b>30</b>
	<i>Transfer on the floor of a vehicle .....</i>	<i>30</i>
	<i>Physical violence, verbal abuse, humiliation and threats .....</i>	<i>30</i>
	<i>Medical checks, prolonged exposure to the elements and strip searching ...</i>	<i>30</i>
	<i>Summary of findings: Transfer .....</i>	<i>31</i>

	<b>Interrogation .....</b>	34
	<i>Physical violence and the use of restraints .....</i>	35
	<i>Threats and verbal abuse .....</i>	36
	<i>Solitary confinement .....</i>	36
	<i>Confessions and documentation written in Hebrew .....</i>	37
	<i>Summary of findings: Interrogation .....</i>	38
	<b>Military juvenile court proceedings .....</b>	41
	<b>Administrative detention .....</b>	44
	<b>Imprisonment, release and rehabilitation .....</b>	46
	<i>Separation from adults .....</i>	46
	<i>Prison conditions .....</i>	46
	<i>Education .....</i>	46
	<i>Medical care .....</i>	47
	<i>Imprisonment inside Israel and family visits .....</i>	47
	<i>Release and rehabilitation .....</i>	47
<b>E.</b>	<b>Psychological opinion .....</b>	52
<b>F.</b>	<b>The soldier's perspective .....</b>	56
<b>G.</b>	<b>Discrimination and the disparity in treatment .....</b>	60
<b>H.</b>	<b>Accountability .....</b>	62
<b>I.</b>	<b>Summary of findings .....</b>	66
<b>J.</b>	<b>Concluding remarks .....</b>	68
<b>K.</b>	<b>Recommendations .....</b>	72
	<b>Annex 1 – Cumulative table of issues of concern – January 2008 to January 2012 ...</b>	74
	<b>Annex 2 – Additional case studies .....</b>	86
	<b>Annex 3 – DCI-Palestine statistics (2008-2012) .....</b>	118
	<b>Annex 4 – UN reports (2008 – 2011) .....</b>	124
	<b>Annex 5 – Governmental and NGO reports (2008 – 2011) .....</b>	126
	<b>Annex 6 – Sampling of media reports (2009-2012) .....</b>	130
	<b>End notes .....</b>	132

A.

## Executive summary

Since 1967, Palestinians from the West Bank have been living under Israeli military law and prosecuted in military courts. The United Nations (UN) estimates that during the last 44 years, around 726,000 Palestinian men, women and children have been prosecuted and detained under these emergency laws. In the past 11 years alone, around 7,500 children, some as young as 12 years, are estimated to have been detained, interrogated, and imprisoned within this system. This averages out at between 500-700 children per year, or nearly two children, each and every day.

This Report is the culmination of four years' work during which time sworn testimonies were collected from 311 children held in Israeli military detention. The Report focuses on the period of time between the child's arrest and being brought before a military court for the first time. The testimonies reveal that the majority of children are detained in the middle of the night in what are typically described as terrifying raids conducted by the army. Most children have their hands painfully tied behind their backs and are blindfolded, before being taken away to an unknown location for interrogation. The arrest and transfer process is often accompanied by verbal abuse and humiliation, threats as well as physical violence. Hours later the children find themselves in an interrogation room, alone, sleep deprived, bruised and scared. Unlike Israeli children living in settlements in the West Bank, Palestinian children are not accompanied by a parent and are generally interrogated without the benefit of legal advice, or being informed of their right to silence.

The testimonies reveal that most children undergo a coercive interrogation, mixing verbal abuse, threats and physical violence, generally resulting in a confession. The most common offence children confess to is throwing stones. The Report also finds that in 29 percent of cases, the children are either shown, or made to sign, documentation written in Hebrew, a language they do not understand.

Within eight days of their arrest, the children are brought in chains to a military court where, in most cases, they will see a lawyer and their parents for the first time. Although many children maintain their innocence, in the end at least 90 percent will plead guilty, as this is the quickest way out of a system that denies children bail in 87 percent of cases. Within days of their arrest, nearly two-thirds of the children are transferred to prisons inside Israel in violation of Article 76 of the Fourth Geneva Convention, which prohibits such transfers. The practical consequences of this is that many children receive either limited, or no family visits, due to freedom of movement restrictions and the time it takes to issue a permit to visit the prisons.

In addition to an analysis of the 311 testimonies collected from children detained in the military detention system, the Report includes 25 detailed case studies of children, as well as interviews with a lawyer, a rehabilitation expert, a former Israeli soldier and an expert medical report into the mental health implications for the children. The Report also contains a complete list of all 311 testimonies with details of the ill-treatment and issues of concern encountered by each child, as well as a comprehensive list of relevant UN, governmental and NGO reports, and media articles.

The Report finds that when the totality of the evidence is considered, a pattern of systematic ill-treatment emerges, much of which amounts to cruel, inhuman or degrading treatment or punishment, as defined in the UN Convention against Torture, and in some cases, torture – both of which are absolutely prohibited. The Report also finds that there is a general absence of effective complaint mechanisms, which is best summed up in the



following extract taken from a report published by a well respected Israeli organisation: "The chances of a criminal offence carried out by an IDF soldier against a Palestinian successfully navigating the obstacle course of the complaint procedure [...] are almost nil."

Although no child should be prosecuted in a military court which lacks comprehensive fair trial and juvenile justice standards, the Report concludes by making 10 recommendations intended to provide a series of simple and practical protective measures. These recommendations include a call for an end to night time arrests, children to have access to a lawyer prior to questioning, all interrogations to be audio-visually recorded, and every child to be accompanied by a parent.

The following table presents a summary of the findings following analysis of the 311 testimonies and highlights 12 issues of concern that were selected because of the frequency with which they were raised by the children.

**Table 1 – Common complaints and areas of concern – January 2008 January 2012**

#	Common complaints and areas of concern	Number of cases	Percentage of children
1	Hand ties	296	95%
2	Blindfolds	281	90%
3	Physical violence	234	75%
4	Detention inside Israel in violation of Article 76	196	63%
5	Arrested between midnight and 5:00 am	188	60%
6	Confession during interrogation	180	58%
7	Threats	178	57%
8	Verbal abuse and/or humiliation	169	54%
9	Strip searched	102	33%
10	Transferred on floor of vehicle	98	32%
11	Signed/shown documents written in Hebrew	91	29%
12	Solitary confinement	38	12%



# B. Introduction

Since the establishment of Defence for Children International-Palestine Section (DCI-Palestine) in 1991, the organisation has represented over 3,000 Palestinian children in Israeli military courts, and visited a similar number of children held in prisons. Over the past 20 years, the organisation has received reports on a weekly basis from these children alleging that they have been mistreated whilst in the custody of Israeli military and civilian authorities. If proven, many of these reports would violate the UN Convention on the Rights of the Child, and constitute cruel, inhuman or degrading treatment or punishment, for the purposes of the UN Convention against Torture.<sup>1</sup> In some cases, the treatment would amount to torture.

Due to the serious nature of these allegations, and the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment (torture and ill-treatment), DCI-Palestine, with the support of the European Union, has undertaken an extensive documentation project commencing on 1 January 2008.<sup>2</sup> The Report presents the findings of this work so far, between 1 January 2008 and 31 January 2012 (**reporting period**). During the reporting period, in addition to providing free legal assistance and conducting prison visits, lawyers and fieldworkers for DCI-Palestine have collected sworn testimonies from children detained within the system, with a view to better assessing and verifying the reports of torture and ill-treatment, as well as highlighting other issues of concern within the system.

The Report presents the findings of the analysis of **311 testimonies** collected during the reporting period. In addition to these testimonies, DCI-Palestine has collected a further 68 testimonies from children detained in occupied East Jerusalem. The findings of these testimonies are included in a separate report as Israel applies its civilian law in East Jerusalem, as opposed to military law which is applied to Palestinian children living in the West Bank.<sup>3</sup>



Child arrest, Beit Ummar: © Maan News

## Methodology

The Report is based on the testimonies of 311 children from the West Bank, who were detained by the Israeli army or police during the reporting period. A comprehensive list of all 311 testimonies collected during the reporting period, including the child's age, date of arrest and the type of treatment experienced, is contained at the end of the Report in **Annex 1**.

The testimonies were collected by DCI-Palestine lawyers and fieldworkers in accordance with established UN standards.<sup>4</sup> The lawyers and fieldworkers were trained to ask a series of non-leading questions specifically focussing on the period of time between the child's arrest and being brought before a military court for the first time. The overwhelming majority of the testimonies were collected from children while they were in detention, and the events were still fresh in their memories. The age ranges of the children who provided testimonies are presented in Table 2:

**Table 2 – Age ranges of the 311 children who provided testimonies**

Age range	Number of children	Percentage
0 – 11 years <sup>5</sup>	3	1%
12 – 13 years	16	5%
14 – 15 years	116	37%
16 – 17 years	176	57%
<b>Total</b>	<b>311</b>	<b>100%</b>

In the overwhelming majority of cases, the testimonies were provided by boys (**97 percent**), with nine testimonies being provided by girls (**3 percent**) – a split that slightly over represents the number of girls detained in the system at most given times (**Annex 3**).

In their testimonies, the children recount their experiences in chronological order, from the moment of their arrest, through their transfer to a detention facility and their subsequent interrogation and appearance before a military court. The time frame covered in the testimonies generally ranges from several days, up to several weeks, but occasionally longer.

The Report follows these children on their journey through the system and seeks to identify any commonly recurring patterns of ill-treatment, such as the excessive use of force and painful methods of restraint. The Report also seeks to identify other aspects of the system which either alone or cumulatively, may have an adverse physical or mental impact on children, such as conducting arrests in the middle of the night using heavily armed soldiers. This analysis forms the primary evidentiary basis for the Report. Where relevant, the Report also refers to reports by UN agencies and experts, governments and NGOs, media outlets and data obtained from the Israel Prison Service (IPS) (**Annexes 4, 5 and 6**).

## Israeli military juvenile detention system - 2012



C.

## Overview of the Israeli military detention system

Since the occupation of Palestinian territory in 1967, Palestinians have been charged with offences under Israeli military law and tried in military courts. It is estimated that 726,000 Palestinian men, women and children have been detained under these orders during the past 44 years.<sup>6</sup>

Israel, as an occupying power, claims the right under international humanitarian law to establish military courts in the territory it has occupied since 1967.<sup>7</sup> However, applicable international human rights and humanitarian law nevertheless restricts the jurisdiction of such courts and guarantees certain fundamental fair trial rights.<sup>8</sup> Furthermore, it is doubtful whether the use of military courts to try civilians can ever satisfy the requirements under international human rights law to a trial before an independent and impartial tribunal, particularly in the circumstances of a prolonged military occupation that is now of questionable legality.<sup>9</sup>

Generally speaking, the Israeli military courts prosecute Palestinians who live in the West Bank and hold West Bank identity cards. Palestinians with Jerusalem identity cards are generally prosecuted in the Israeli civilian criminal justice system, even though East Jerusalem is considered to be part of the Occupied Palestinian Territory under international law.<sup>10</sup> Since Israel's "disengagement" from the Gaza Strip in September 2005, Palestinians from Gaza detained by Israeli authorities are generally prosecuted in Israel under civilian security legislation, and not under military law. Palestinians living inside Israel, who hold Israeli citizenship or rights of residency, are also prosecuted in the civilian criminal justice system, as are Israeli children, including those living in settlements in the occupied West Bank and East Jerusalem.<sup>11</sup> Palestinians from the West Bank, who are accused of offences against other Palestinians, are generally prosecuted in Palestinian courts.

## *Structural framework*

The Israeli military detention system consists of a network of military bases, interrogation and detention centres and police stations in the West Bank, East Jerusalem and in Israel. Palestinians, predominantly from the West Bank, are initially taken to one of these facilities for questioning and temporary detention.<sup>12</sup> Some of these facilities are inside settlements in the West Bank. Palestinians, including children, remain at these facilities while awaiting sentencing by the military courts, or are transferred to prisons, most of which are located inside Israel, where they wait to be sentenced, or to serve out their prison terms.<sup>13</sup> It should be noted that the transfer of Palestinian detainees, including children, to temporary detention facilities and prisons inside Israel, violates Article 76 of the Fourth Geneva Convention, which prohibits such transfers.<sup>14</sup>

There are currently two military courts used to prosecute Palestinians, including children, both of which are in the West Bank.<sup>15</sup> Access to both military courts is strictly controlled. The military courts are presided over by judges who are military officers in regular or army reserve service.<sup>16</sup> The prosecutors are also in regular or reserve army service, some of who are not yet certified by the Israeli Bar Association.<sup>17</sup> The defence lawyers consist of a few dozen Palestinians and Israelis, some of whom are in private practice and some working for NGOs.<sup>18</sup> Decisions of the military courts can be appealed to a military appeals



court, and in limited circumstances a petition to the Israeli High Court of Justice can be filed on questions of jurisdiction and reasonableness, but the latter rarely intervenes.<sup>19</sup>

## *Legal framework*

The authority of Israel to establish military courts in the Occupied Palestinian Territory in which to prosecute local civilian residents is found in international humanitarian law, otherwise known as the laws of war.<sup>20</sup> Generally speaking, a local population living under military occupation should continue to be bound by their own penal laws and tried in their own courts. However, local laws may be repealed or suspended by the occupying power “in cases where they constitute a threat to its security” and replaced with military orders enforced in “properly constituted, non-political military courts.”<sup>21</sup> However, it is important to note that this authority rests on an underlying principle that military occupations must be temporary in nature, and cannot be legally maintained indefinitely.

Military law was imposed on Palestinians immediately on cessation of hostilities in June 1967, with the issuance of a military order empowering the Israeli area commander with full legislative, executive and judicial authority over the West Bank.<sup>22</sup> Acting on this authority, over the past 44 years, successive Israeli military commanders in the West Bank have issued nearly 1,700 orders. Contrary to basic democratic principles, the local Palestinian population has no say whatsoever in how this legislative, executive or judicial authority is exercised. These orders relate to a range of issues, including the authority to arrest and imprison Palestinians for “security offences,” such as: causing death, personal injury or property damage; public order offences; weapon and explosive offences; and organising and participating in protests.<sup>23</sup> The offence Palestinian children are most commonly accused of is throwing stones.

International human rights law also applies to the Occupied Palestinian Territory.<sup>24</sup> Particularly relevant to this Report, is the Convention on the Rights of the Child (CRC), the Convention against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR), all of which have been ratified by Israel. These treaties relevantly provide that: in all actions concerning children their best interests shall be a primary consideration; children should only be detained as a measure of last resort and for the shortest appropriate period of time;<sup>25</sup> all persons shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal;<sup>26</sup> the rights contained in these treaties must be applied without discrimination;<sup>27</sup> and torture and ill-treatment are absolutely prohibited, without exception.<sup>28</sup>

In addition to this web of international and military law, some provisions of Israeli civilian criminal legislation also apply in the military courts, including laws relating to criminal procedure and evidence.<sup>29</sup>

Finally, under international law, all penal provisions applied by Israel to Palestinians in the Occupied Territory must be translated and widely distributed in Arabic.<sup>30</sup> This legal and practical requirement is frequently ignored and at the date of publication, Military Order 1676 (September 2011) which, among other things, partially raises the age of majority for children in the military courts, has still not been distributed in Arabic. Further, some Israeli

criminal legislation, which also applies in the military courts, has never been translated. The failure to make the applicable laws (as amended) and decisions of the courts readily available in Arabic, places Palestinian defence lawyers at a distinct disadvantage and jeopardises the chance of an accused person receiving a fair trial.

### *Establishment of a military juvenile court*

A military juvenile court was established in September 2009, following mounting criticism relating to the prosecution of children as young as 12 years in the same military courts used to prosecute adults.<sup>31</sup> Under the new provisions, children should now generally be tried separately from adults in a military juvenile court;<sup>32</sup> and after conviction, the court can direct that a social welfare report be prepared into the child's circumstances in order to inform the court as to the appropriate sentence.<sup>33</sup> The new order also provides that children should be detained in separate facilities from adults, and where possible, be brought to court separately.<sup>34</sup> Military juvenile judges have been appointed from the ranks of existing military court judges to hear cases involving children, and under the new order, they must have received "appropriate training."<sup>35</sup>

Significantly, under the new order, bail applications and hearings to determine whether a child remains in detention pending the conclusion of the case can still be heard by adult military courts, where judges have not necessarily received training to handle cases involving children.<sup>36</sup> Further, the new order makes no change to the time period during which a child can be denied access to a lawyer and does not impose specific guidelines relating to the release of children on bail – both of which are governed by the same provisions that apply to adults. Finally, the new order does not introduce any new guidelines specifically addressing the special needs of children when it comes to sentencing.

In practice, the military juvenile courts use the same facilities and court staff as the adult military courts. Children continue to be brought into court in groups of twos and threes, wearing leg chains around their ankles and dressed in the same brown prison uniforms worn by adults. Handcuffs are usually removed from the child on entering the court room, and replaced on exiting. On occasion, adults and child defendants have been observed being brought into court together.<sup>37</sup> The new provisions relating to the preparation of social welfare reports are almost never invoked. According to a recent report published by the Israeli organisation, B'Tselem, there are few improvements in the situation facing children prosecuted in the military courts since the introduction of the military juvenile court, as the following extract highlights:<sup>38</sup>

"The rights of Palestinian minors are flagrantly violated at every stage of the proceedings conducted against them, from the initial arrest and removal from their homes, through interrogation and trial, to serving the prison sentence, and then release [...] The amendments to the military legislation are marginal and have failed to bring about meaningful change in the military system's treatment of minors."

This conclusion is also echoed by a report published by the Israeli organisation, No Legal Frontiers:<sup>39</sup>

“The findings show that the establishment of the military juvenile court brought about only a marginal change in the legal proceedings against Palestinian minors in the West Bank. The amendment of military law that led to the establishment of the military juvenile court had no effect at all on the interrogation and arrest procedures, which are the *de facto* critical stages that dictate the outcome of the whole legal process.”

These conclusions are shared by DCI-Palestine. The establishment of a military juvenile court and recent amendments to the military law in respect of children have had no discernable beneficial impact on the treatment of children during the first 48 hours after their arrest – the period in which the most serious violations occur.

### *Recent amendments to the military law – Military Order 1676*

In September 2011, the Israeli military commander in the West Bank issued an amendment to the military orders, partially raising the age of majority in the military courts, as well as introducing new notification requirements upon the arrest of a child.<sup>40</sup>

### *Raising the age of majority*

Military Order 1676 raises the age of majority in the military courts from 16 to 18 years, in respect of some provisions. After 44 years of military rule, this amendment brings Israeli military law partially in line with international and Israeli civilian law.<sup>41</sup> In practice however, the amendment makes little substantive difference in the way in which older children are treated (16-17 years), and significantly, does not appear to apply to the sentencing provisions. Accordingly, although the military juvenile court now has jurisdiction over older children, the sentencing provisions applicable to adults still apply to children aged 16 and 17 years.<sup>42</sup>

### *Notifying parents of arrest*

Military Order 1676 also makes provision for the notification of a detained child’s parents. Under the new provisions, a police officer must inform a child’s parents, as soon as possible after the child has been brought to the police station, that the child is being detained, provided that the child can supply the parent’s contact information.<sup>43</sup> However, in cases where the child is being investigated, but is not formally under arrest, notification can be delayed for up to eight hours, if the police officer reasonably believes that notification would disrupt the investigation, or if the child is suspected of a “security” offence.<sup>44</sup>

This provision is seriously flawed as it only applies to the Israeli police, and not the army. In practice, it is the Israeli army that conducts arrests in the West Bank, and it is the army that has custody of the child for many hours and sometimes days before they are handed over to the police. Under the new law, there is no notification requirement imposed on the army. Further, although there is now an obligation for the police to notify parents, there is still no legal requirement entitling parents to be present when their child is being questioned – a practical safeguard generally guaranteed in regards to Israeli children.<sup>45</sup> Finally, since the introduction of this limited notification requirement in September 2011, DCI-Palestine is aware of just one case in which this requirement has been followed.

### *Notifying a lawyer of arrest*

Military Order 1676 also makes provision for notifying children that they have the right to consult with a lawyer in private. Prior to commencing the investigation, the police must also contact the lawyer named by the child, provided that this does not delay the investigation.<sup>46</sup>

This provision is also seriously flawed for a number of reasons. First, it assumes that a child will be in possession of the contact details of a lawyer. Secondly, although the police are now obliged to inform a child that he/she can consult with a lawyer, there is no stipulation as to when this consultation must occur, either before, during or after questioning. Finally, since the introduction of this requirement in September 2011, DCI-Palestine has not documented a single case in which a child has consulted privately with a lawyer either before, or during their interrogation. In practice, children continue to be questioned in the absence of their parents; generally do not meet with a lawyer until after the conclusion of their interrogations; and are still not being effectively informed of their right to silence.

### *Offences under military law and sentencing*

Military Order 1651 establishes a minimum age of criminal responsibility at 12 years, so in other words, children under the age of 12 cannot be prosecuted in the military courts.<sup>47</sup> The Order also sets the maximum penalties that can be imposed on children in various age categories from 12 years and upwards. The maximum penalties can vary dramatically depending on the child's age. It is important to note, that although the age of majority was raised to 18 years in September 2011 in respect of some provisions, the amendment does not apply to the provisions relating to sentences.

**Table 3 - Age categories for sentencing under Military Order 1651**

Age	Classification		Criminal responsibility
0 –11 years	Child		No child shall be arrested or prosecuted in the military courts. <sup>48</sup>
12–13 years	Juvenile	Minor <sup>49</sup>	Maximum six months’ imprisonment. <sup>50</sup>
14–15 years <sup>51</sup>	Young adult		Maximum 12 months’ imprisonment, unless the offence carries a maximum penalty of five years or more. <sup>52</sup>
16-17 years	As an adult <sup>53</sup>		Same provisions that apply to adults.

During the reporting period the single most common charge faced by children in the military courts was for throwing stones (**Annex 3**). Throwing stones is an offence under Military Order 1651, which provides as follows:

- (i) Throwing an object, including a stone, at a person or property, with the intent to harm the person or property, carries a maximum penalty of 10 years' imprisonment.<sup>54</sup> Therefore, applying the limitation on sentences that can be imposed on a child presented in Table 3 above, a child aged between 12 and 13 years can receive a maximum sentence of six months, but a child aged 14 and above, can in law, receive the maximum penalty of 10 years, as the maximum penalty for the offence exceeds five years; and
- (ii) Throwing an object, including a stone, at a moving vehicle, with the intent to harm it or the person travelling in it, carries a maximum penalty of 20 years' imprisonment.<sup>55</sup> Again, a child aged between 12 and 13 years can receive a maximum sentence of six months, but a child aged 14 and above, can in law, receive the maximum penalty of 20 years, as the maximum penalty for the offence exceeds five years.

It must be noted that at the time of writing, children charged with throwing stones and prosecuted in the military courts are generally receiving prison sentences in the range of two weeks up to around 10 months. Other offences under Military Order 1651 include:

- (i) Insulting or offending a soldier's honour or harming his or her position as a soldier. The maximum penalty stipulated for this offence is one year imprisonment;<sup>56</sup> and
- (ii) An act or omission which entails harm, damage, disturbance or danger to the security of the region or the security of the Israel Defense Forces (IDF), or to the operation, use or security of a road, dirt path, vehicle or any property of the State of Israel or of the IDF. The maximum penalty stipulated for such an act or omission is life imprisonment.<sup>57</sup>

Again, the maximum penalties stipulated for these offences, must be read in conjunction with Table 3 above.

אסור לעשן  
בפקודה



# D.

## Children in the Israeli military detention system



Each year approximately 500-700 Palestinian children (12-17 years) from the West Bank are prosecuted in military courts after being arrested, interrogated and detained by the Israeli army, police and security agents.<sup>58</sup> It is estimated that since 2000 alone, around 7,500 Palestinian children have been detained and prosecuted in the system. The following figures are compiled by DCI-Palestine every month from information obtained from the IPS and from Israeli army temporary detention facilities. The figures are not cumulative, but a snapshot of the number of children in detention at the end of each month.

**Table 4 - Total number of Palestine children in Israeli detention at the end of each month**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ave
<b>2008</b>	327	307	325	327	337	323	324	293	304	297	327	342	<b>319</b>
<b>2009</b>	389	423	420	391	346	355	342	339	326	325	306	305	<b>355</b>
<b>2010</b>	318	343	342	335	305	291	284	286	269	256	228	213	<b>289</b>
<b>2011</b>	222	221	226	220	211	209	202	180	164	150	161	135	<b>192</b>
<b>2012</b>	170	-	-	-	-	-	-	-	-	-	-	-	<b>170</b>

During the reporting period the average number of Palestinian children (12-17 years) detained by Israeli authorities at any given time was 265, of which on average, 34 (**13 percent**) were young children aged between 12 and 15 years.

The following sections of the Report are based on an analysis of 311 testimonies, and describe the passage of a child through the system, from the moment of arrest, transfer and interrogation, concluding with the prosecution of the child in a military court and imprisonment. These sections are not intended as an exhaustive list of all issues of concern, but instead focus on issues that are repeatedly raised by the children in their testimonies.



Child arrest: © Husam Abu Allan



## Arrest

Most children report being arrested from their family homes in the middle of the night by heavily armed soldiers. Some children are arrested in the streets near where they live, while others are arrested in close proximity to settlements or roads used by the Israeli army and settlers. A smaller proportion of children report being arrested at Israeli army checkpoints. These are the friction points where most arrests occur.

### *Time of arrest*

[Abu Dis] – “At around 1:00 a.m., I was sleeping in my room when I woke up to banging on the door. I saw windows had been smashed. I was very scared. My whole family woke up and my father went to answer the door. When he opened the door, I saw a group of Israeli soldiers standing behind it.”

Khalil Q. (13) – Arrested: 15 September 2010

The testimonies reveal that the majority of children (**60 percent**) are arrested from the family home between midnight and 5:00 a.m. Many children report waking up to the sound of soldiers banging on their front door and shouting instructions to the family to leave the house. In a few cases, children report waking up to see heavily armed soldiers in their bedroom with flashlights and weapons pointed at them. Most children report being scared and some say they were terrified.

There are no specific guarantees or safeguards under international law that specifically regulate the times at which a child can be arrested. Israeli civilian law, on the other hand, does restrict the times at which children can be interrogated, which in turn, influences the times at which Israeli children are arrested.<sup>59</sup> However, no such protection is included in the Israeli military orders applied to Palestinian children living in the West Bank.

In any event, it is difficult to reconcile these night time arrests with one of the guiding principles of the UN Convention on the Rights of the Child, which provides that “in all actions concerning children [...] the best interests of the child shall be a primary consideration.” To give effect to this guiding legal principle, children should generally only be arrested and questioned during day light hours, in order to minimise the sense of fear which is evident from the testimonies. A

[Bethlehem] – “At around 2:30 a.m., I was sleeping [...] when I woke up to soldiers screaming through loud-speakers and saying: ‘Open up immediately.’ I looked out of the window and saw many military jeeps and soldiers with their lights focused on the house [...]. When the soldiers saw me, they pointed their weapons at me.”

Hamza K. (15) – Arrested: 5 January 2011

practical alternative to arresting children at night would be to issue a summons to appear at a police station during the day – a procedure that has been successfully employed by the Israeli authorities in a limited number of cases.

On 3 October 2010, the Israeli organisation, B’Tselem, wrote to the attorney-general demanding that children not be arrested at night. As of February 2012, the organisation had not received a substantive response to its letter.<sup>60</sup>

## *Notification of reasons for arrest and location of detention<sup>61</sup>*

The testimonies reveal that once all family members, including children, have been woken up, the soldiers generally require all the occupants of the house, regardless of age, to assemble in one room or to gather outside. The commanding officer will then usually demand to see all I.D. cards for inspection. In some cases, the house will be searched while the family members are held in one room, and the testimonies reveal some evidence of property damage. In few cases do children or parents report being informed of the reasons for arrest, or where the child is being taken, at the time of arrest.

[Osarin village] – “At around 4:00 a.m., my mother woke me up and told me that Israeli soldiers had stormed the house [...]. They gathered us on the balcony and one of them was reading from a piece of paper: ‘Where are Deia’ and Fadel?’ My father pointed at us. ‘You’ll be arrested and taken with us,’ the soldier said, without telling us where they would take us.”

Fadel A. (16) – Arrested: 28 November 2011

In a small minority of cases, there is evidence that the arresting soldiers are in possession of documentation that the families assume are arrest warrants, but the paperwork is generally written in Hebrew. Following the mistaken issuing of documentation written in Hebrew on a family of a seven-year-old boy in June 2010, which required the child to attend an interrogation conducted by the Shin Bet (Israel’s internal security agency), the military authorities gave an undertaking in the media that they would ensure that all future documentation would be written in both Arabic and Hebrew (Case study 6).<sup>62</sup> In spite of this undertaking, documentation written only in Hebrew continues to be issued.

Once the child’s identity has been verified from his I.D. card, his family will often only be told words to the effect that: “He is coming with us and we will return him later,” or simply that the child is “wanted.” Many children report only finding out why they have been arrested during their subsequent interrogation. Further, there is no official notification process to inform parents where their child has been taken to, often in the middle of the night – a situation that could foreseeably cause acute stress to parents and children. In practice, many parents find out the whereabouts of their children through lawyers who have seen the child in the military courts, or via other unofficial communication channels.<sup>63</sup>

Under international law and relevant norms, children and their parents should always be informed immediately of the reasons for arrest, or in the shortest possible time thereafter if immediate notification is not possible.<sup>64</sup> This information should be conveyed in a language they can clearly understand (Arabic in this case) and preferably in writing. As a further safeguard, both the child and parents should be provided with a statement written in Arabic, informing them of their rights whilst in custody. Under recent amendments

[An Nabi Saleh] – “At around 1:15 a.m., I woke up to soldiers shouting and banging on our door [...]. One soldier asked for my I.D. He checked it and started talking on the radio. I heard him saying my name as he was reading from a paper that had names written on it [...]. They ordered me to put on some shoes and come with them. I was still wearing my pyjamas. My mother objected and asked them to let me change my clothes, and their officer agreed. I changed my clothes and they took me away.”

Mo’tasem (15) – Arrested: 24 November 2011

to Israeli military law, the police are supposed to notify parents that a child has been detained once the child arrives at a police station. However, this notification requirement may be delayed for a number of reasons, including “security.” Further, these amendments impose no obligations whatsoever on the Israeli army, which is the authority that generally conducts the arrest and which often has custody of the child for many hours, and sometimes days, before being transferred to a police station.<sup>65</sup>

## *Methods and means of restraint*

[Hebron] – “After the soldiers verified my identity, one of them grabbed me by the arm and violently twisted it behind my back and tied my hands with two sets of plastic ties and tightened them up. They kept me tied this way until around 10:00 p.m.” [19 hours]

Abdullah E. (15) – Arrested: 12 Sep 2011

Once the soldiers have identified the child they want to arrest, in the overwhelming majority of cases (**95 percent**), he will have his hands tied, or in a small number of cases, be restrained using metal handcuffs. The most common method of restraining a child is by tying his hands behind his back with a single plastic tie. Many of the children report in their testimonies experiencing pain sometimes referred to as “extreme pain” as a result of these ties. In some cases children report

that the blood circulation to their hands was cut off by the ties, causing their hands to swell and turn blue. Many children report remaining tied for lengthy periods of time, including throughout their interrogation. In a small number of cases, children also report having their feet shackled shortly after arrest.

In April 2010, new procedures for tying detainees were introduced after numerous complaints and the initiation of legal action by the Israeli organisation, the Public Committee Against Torture in Israel (PCATI). The new procedures for using restraints were stated as follows:

- Hands should be tied from the front, unless security considerations require tying from behind;
- Three plastic ties should be used, one around each wrist, and one connecting the two;
- There should be a finger space between the ties and the wrist;
- The restraints should avoid causing suffering as much as possible; and
- The officer in charge is responsible for ensuring compliance with these procedures.

[Gush Etzion police station - Following a lengthy interrogation] – “When David forced me to sign, he wanted to remove the ties but they were embedded in the skin. When he removed them, pieces of flesh came off and my wrists started bleeding.”

Malek S. (16) – Arrested: 9 January 2011

Since 1 April 2010, DCI-Palestine has documented four cases in which children were tied using three hand ties. In one of these cases the child reports that the ties were very tight causing “much pain” indicating that the finger space requirement between the wrist and the tie was not implemented. In the remaining three cases the new procedures appear to have been followed, indicating a compliance rate of less than **two percent**.

## Physical violence: Excessive use of force during arrest

Nearly one-third of the children reported in their testimonies that they were subjected to physical violence during their arrest (**30 percent**). The violence usually consists of being pushed, slapped or kicked. Although law enforcement officers conducting a lawful arrest are permitted to use reasonable and proportional force in order to affect an arrest, some testimonies reveal that children were subjected to physical violence after being tied and blindfolded, in circumstances where there could be no possible justification for the force used.

[Qalqiliya - Soldiers entered the child's home at 1:30 a.m.] – "Soldiers took me downstairs to the first floor [...]. One of them tied my hands behind my back with one set of plastic cords, and tightened them. He also blindfolded me. They took me out and forced me to stop near a military truck near the house. While I was standing there, one of them hit me so hard in my testicles and I felt much pain."

Malek S. (16) – Arrested: 9 January 2011

The UN Committee against Torture has concluded that in circumstances where law enforcement or military personnel use excessive force, this may amount to torture and/or ill-treatment.<sup>66</sup> In order to make this determination, the particular facts and circumstances of each individual case must be considered, including taking into account certain subjective factors, such as the victim's age and position of inferiority.<sup>67</sup>

## Summary of findings: Arrest

The testimonies reveal that the ill-treatment starts from the moment of arrest when many children report experiencing terrifying night-time raids on the family home, before being tied, often painfully so, and blindfolded. The destabilising effect of these night-time arrests is compounded by the fact that few children or parents are informed where the child is being taken.

**Table 5 - Analysis of 311 cases: Issues of concern during arrest**

#	Issues of concern during arrest	Number of children	Percentage
1	Use of hand restraints	296	95%
2	Use of blindfolds	281	90%
3	Arrested between midnight and 5:00 am	188	60%
4	Physical violence	94	30%
5	Verbal abuse and/or humiliation	29	9%
6	Threats	15	5%

## Case study: 1

---

<b>Name:</b>	Ahmad F.
<b>Date of Incident:</b>	6 July 2011
<b>Age:</b>	15
<b>Location:</b>	'Iraq Burin village, occupied West Bank
<b>Accusation:</b>	Throwing stones

---

**On 6 July 2011, a 15-year-old boy from 'Iraq Burin village, near Nablus, is arrested by Israeli soldiers from the family home at 2:00 am.**

At around 2:00 am, on 6 July, 15-year-old Ahmad was up late socialising with family members who had just arrived from Jordan. "We were all sitting on the balcony [...] when we heard people climbing up the stairs," recalls Ahmad. "Suddenly, many soldiers stormed the house. We were surprised to see them. They started shouting at us and ordering us into the living room." Some soldiers started searching the house causing a big mess. Ahmad's two-year-old nephew started crying which "annoyed the soldiers who started shouting and asking his mother to shut him up."



Approximately one hour after the soldiers arrived Ahmad was informed that he was "wanted for interrogation". "One of the soldiers immediately tied my hands from the front with three sets of plastic cords. One cord for each hand and one cord connecting the two. The ties were very tight and caused me much pain. Then another soldier grabbed me by the arm and took me out of the house." Ahmad's brother asked the soldiers where he was being taken and was attacked by a soldier. "He started hitting him hard with the barrel of his rifle in front of the family, including the children who became horrified and started crying," recalls Ahmad. On exiting the house Ahmad was also blindfolded.

Ahmad reports being led about 50 metres to some waiting vehicles which then transported him to Huwwara interrogation centre, on the outskirts of Nablus. On arrival at the centre Ahmad was pulled out of the vehicle and made to stand beside it. "They were chanting, laughing and shouting in my ears," recalls Ahmad. "They were making fun of me. One of them placed his mobile phone beside my ear and played a police siren so loud. Then one of them grabbed me by the arm and placed my head against the car engine, as another one kept stepping on the accelerator. They did this several times. My whole body started shaking." Ahmad reports that he was then taken inside the gates of the centre but left outside from about 5:00 am until 3:00 pm the following day. He was not brought any food. Whilst waiting outside, Ahmad reports being verbally abused and told: "We want you to die out here." Whenever Ahmad tried to sleep a soldier would start shouting and kicking him to keep him awake.

At one point whilst Ahmad was waiting outside some soldiers brought a dog and Ahmad was pushed to the ground. "I managed to see the dog from under my blindfold," he says. "They brought the dog's food and put it on my head. I think it was a piece of bread, and the dog had to eat it off my head. His saliva started drooling all over my head and that

freaked me out. I was so scared my body started shaking because I thought he was going to bite me. They saw me shaking and started laughing and making fun of me. Then they put another piece of bread on my trousers near my genitals, so I tried to move away but he started barking. I was terrified.”

Later that day Ahmad was taken to the police station in Ari’el settlement and interrogated. “The interrogator removed my blindfold but kept me tied,” recalls Ahmad. “The interrogator accused me of throwing stones, but I denied it.” The following day Ahmad was placed inside another vehicle and transferred to Megiddo prison, inside Israel, in violation of Article 76 of the Fourth Geneva Convention which prohibits such transfers. “The air conditioner was turned on and it was freezing inside. I asked them to turn it off, but they refused even though my body started shivering.” The vehicle made a number of stops before arriving at Megiddo at around 11:00 pm. Ahmad was not provided with any food during the eight hour journey, and was strip searched on arrival at the prison.



Beit Ummar: © Maan News

## Transfer

Once a child has been identified, tied and blindfolded, he will usually be led to a waiting military vehicle for transfer to an interrogation facility. Some children report being prevented from saying goodbye to their parents and prevented from putting on warm clothes for the journey.

### *Transfer on the floor of a vehicle*

[Bethlehem] – “When we got to the jeeps, one of them pushed me hard inside and knocked me down on the floor. They made me sit on the floor near their feet. When the jeep started travelling, one of the soldiers forced me to lie down and my head would hit a metal object whenever the jeep sped up. I felt pain all over my body because they kept me lying down on the metal floor.”

Hamza K. (15) – Arrested: 5 January 2011

In **32 percent** of cases, the children report being placed on the metal floor of a military vehicle for the duration of the journey from their home to an interrogation centre, which in some cases can take many hours. The overwhelming majority of these children are also tied and blindfolded, adding to their discomfort and distress. Children often report suffering additional injuries as a result of being transferred on the floor of a vehicle, particularly when the roads are uneven.

### *Physical violence, verbal abuse, humiliation and threats*

[Qalandiya refugee camp] – “One of the soldiers pushed me hard inside one of the jeeps and I hit the metal floor. They kept me sitting on the metal floor. There were other soldiers inside and they started punching me hard all over my body. They were slapping and kicking me as well.”

Mahmoud S. (15) – Arrested: 4 July 2011

In **38 percent** of cases, the children report being subjected to some form of physical violence during their transfer to an interrogation centre. In the overwhelming majority of cases, these violent acts occur while the child’s hands are tied and he is blindfolded. The nature of the reported violence usually involves slapping and kicking the child. Children also report being verbally abused or humiliated (**23 percent**) during transfer, and in some cases, threatened (**6**

**percent**). The verbal abuse usually consists of derogatory statements directed against the child’s mother or sister.

### *Medical checks, prolonged exposure to the elements and strip searching*

The testimonies reveal that the children are frequently not transferred directly to an interrogation centre, but stop off at a military base or small settlement in the West Bank, where they wait until daybreak. During these intermediate stops, many children report



being taken to what they describe as a “clinic” and being asked a series of questions about their health by a person they assume to be a military doctor. In very few cases is the child physically examined. During this medical questioning, the child’s blindfold is usually removed, but his hands often remain tied. In some cases, the children report that they informed the doctor that they have been ill-treated, but their complaints are ignored.<sup>68</sup> The children are usually asked a series of questions whilst the doctor fills in a form. The whole process generally takes less than 10 minutes following which the child’s blindfold is replaced before he is taken outside again.

[Haris village] – “I was transferred to a clinic where a military doctor removed my blindfold, but kept my hands tied. The doctor just asked me a few questions about my health and filled out a questionnaire. Then they took me back to the truck and kept me inside until around 3:00 p.m.”

Wadda’ B. (16) – Arrested: 21 Nov 2011

In some cases children report being left outside in the cold, rain or burning sun for extended periods of time, usually at one of the intermediate stops on the way to an interrogation centre. Some children also report being denied food, water or the use of a toilet for extended periods of time.

In **33 percent** of cases, children report being strip-searched at some point during their progression through the system, and many of these children describe experiencing feelings of embarrassment and shame as a result.

In addition to the absolute prohibition against torture and ill-treatment, there are internationally recognised norms relating to the treatment of detainees during transfer, which stipulate that unnecessary physical hardship is prohibited.<sup>69</sup> In the Israeli military detention system, children are transferred at various stages of their detention by the army, police and the IPS. The regulations governing the transfer procedures of the army are not publicly available, but the testimonies indicate that the current practice falls far short of any acceptable standard.

[Azzun village] – “The jeep arrived at the settlement of Karni Shamron. Soldiers pulled me out and took me to a room where they strip-searched me. Then they kept me and Ahmad in the hot sun until noon without giving us any water even though we asked them for some water, but they refused.”

Sabra S. (17) – Arrested: 3 May 2010

## *Summary of findings: Transfer*

The testimonies reveal that the common experience of many children is that the journey to the interrogation centre is routinely accompanied by further ill-treatment, either because of the way the child is restrained and positioned in the vehicle, or because of further physical or verbal abuse. The transfer process can take many hours and often includes intermediate stops at settlements or military bases where further ill-treatment is reported, including in some cases, prolonged exposure to the elements, and a lack of water or access to toilets.



Table 6 - Analysis of 311 cases: Issues of concern during transfer

#	Issues of concern during transfer	Number of children	Percentage
1	Physical violence	117	38%
2	Strip searched	102	33%
3	Transfer on floor of a vehicle	98	32%
4	Verbal abuse and/or humiliation	72	23%
5	Threats	18	6%

## Case study: 2

<b>Name:</b>	Thaer B.
<b>Date of Incident:</b>	16 December 2011
<b>Age:</b>	15
<b>Location:</b>	Azzun village, occupied West Bank
<b>Accusation:</b>	Throwing stones

**On 16 December 2011, a 15-year-old boy from Azzun village is detained by Israeli soldiers whilst on his way to collect firewood.**

“On Friday, 16 December 2011, at around 2:00 pm, I headed west to our land to collect some wood for heating and baking,” recalls 15-year-old Thaer. “My friends were already there as they had gone with the donkey cart about an hour before. I was walking on a dirt road at around 2:30 pm, and I saw around six Israeli soldiers walking towards me. I was surprised to see them. I was very scared,” says Thaer. “They were about 150 metres away from me. ‘Boa, boa,’ one of them shouted at me, but I did not respond. I turned around and ran back to the village, and a small military jeep chased me.”



The military jeep soon caught up with Thaer and he stopped and was surrounded by soldiers. “They signaled for me to raise my hands. They kept ordering me to do things in Hebrew, but I did not understand [...] I saw one of them cocking his rifle and I became very scared because I thought they would shoot me,” says Thaer. A short time later Thaer was taken to the jeep and made to sit on the metal floor. “Two of the soldiers then got inside and stepped on my body as I was lying on the floor, and that hurt me a lot. The jeep started moving and they started kicking me and hitting me in the face and arms with their hands and rifles, as they were laughing and speaking to each other in Hebrew.” The jeep stopped at a gate near Thaer’s village and he was taken out and searched. He was then tied with a single plastic tie with his hands behind his back and blindfolded.

A short time later somebody approached Thaer. "I'm the officer. Talk to me," he said in fluent Arabic. 'Tell me you threw stones and I promise I'll let you go home,' he said. 'But I didn't,' I said, and he then asked me about certain older boys from the village. He ordered me to give him a list of my friends, but I told him I didn't have any," says Thaer. "If you don't talk, I'll take you to Tel Aviv and who knows where you're going to end up after that. We'll detain you and beat you," he said. 'What were you doing if you were not throwing stones?' he asked. 'I was on my way to our land,' I said. 'Then why didn't you respond to the soldiers when they called you?' he asked. 'Because I was scared of them,' I said. At that point he started slapping me across the face and hitting me with his rifle in my stomach, and that really hurt," says Thaer. "I was very scared, especially when the officer said they would shoot me if I did not talk and would take me to a place where no one would find me."

Although terrified, Thaer refused to confess to throwing stones because he says he did not throw any stones. Thaer was then put back in the military jeep and made to sit on the floor. He reports that he was beaten again inside the vehicle. Thaer does not know where he was taken but recalls being pulled out of the jeep and taken inside a room, still tied and blindfolded. Once inside the room, the ties and blindfold were removed. "Then they tied my hands behind my back to a chair and my feet in front. Then they put the blindfold back on and started beating me." Thaer was kept inside this room for around five to six hours. He was not given anything to eat or drink, and was not permitted to use the toilet. Later that evening Thaer was again put into a vehicle which travelled for about half-an-hour. He was then handed over to Palestinian security and was then released into the custody of his father. Thaer arrived home with his father at 10:30 pm.



Hebron: © DCI

## Interrogation

[Police station] – “He removed my blindfold but kept my hands tied. He accused me of throwing stones and starting a fire near the settlement of Kochav Ya’akov, and I denied it but he slapped me hard on the face. ‘Denying it won’t do you any good because everyone who was with you has already confessed,’ he said. I didn’t confess, so he grabbed me by the hand and took me to another room to another interrogator. ‘Tell me everything from A to Z,’ said the second interrogator. ‘All your friends already confessed, so you better confess or we’ll lock you up for two years in prison,’ he said. He was shouting and threatening to beat me. I became very scared of the second interrogator, so I confessed to throwing stones.”

Mahmoud S. (15) – Arrested: 4 July 2011

The child’s journey to an interrogation centre can take anywhere from one hour, up to an entire day.<sup>70</sup> In most cases, the child is taken to an interrogation room soon after arriving at the centre. Many children report being interrogated by men in civilian clothes, making it difficult to identify the responsible authority. However, many children also report being interrogated by Israeli policemen inside a settlement in the West Bank, identified by the children from their blue uniforms and the fact that they are inside a police station. In other cases, children report being interrogated by men in military uniform.

Out of 311 testimonies, no child was accompanied by a lawyer during their interrogation, and only two children (**0.6 percent**) were accompanied by a parent. This is significant because third-party scrutiny of the methods of interrogation can be an effective measure to limit the use of torture, ill-treatment and other coercive techniques during questioning.<sup>71</sup>

This oversight can be provided by having the child’s lawyer and/or family member present during questioning, as well as having the proceedings audio-visually recorded. The practice of audio-visually recording, which is used in a number of jurisdictions, including the Israeli civilian legal system in certain circumstances, provides some measure of protection to the detainee against torture and ill-treatment, as well as protecting the interrogator against false allegations of wrongdoing.<sup>72</sup>

In recent amendments to the military orders which came into effect in September 2011, a child is now supposed to be informed before he is interrogated that he has the right to consult with a lawyer. Further, if

[Kiryat Arba’ settlement] – “The interrogation lasted for an hour, during which time a policeman came to the room. He grabbed my neck and pushed so hard that it nearly choked me. He kept pushing down on my neck for about two minutes for no reason. He wasn’t interrogating me at all. The other interrogator didn’t interfere at all. He just kept laughing and making fun of me.”

Yaswer S. (15) – Arrested: 7 January 2011

the child informs the interrogator that he has a lawyer, the interrogator should contact the lawyer, assuming the child has the lawyer’s contact details, and inform the lawyer of the details of the investigation. However, under these new amendments, the investigation can still proceed in the absence of the lawyer.<sup>73</sup> The above amendment must also be read in the context of existing military orders, which provide that although the child has the right to meet with a lawyer,<sup>74</sup> if he or she is arrested “during operational activity in the fight against terror

where circumstances of detention raise suspicion that he [...] endangers the security of the region," he or she has no right to see a lawyer within the first 48 hours after arrest.<sup>75</sup>

Further, any child can be denied access to a lawyer for up to 90 days on the order of the relevant authorities.<sup>76</sup>

On even a cursory reading of these military orders, it is apparent that a detained child has few effective rights to see a lawyer prior to interrogation, and in practice, in the overwhelming majority of cases, children do not see a lawyer until they are inside a military court, long after they have been interrogated. During the reporting period, in no case in which DCI-Palestine provided legal assistance did a child see a lawyer prior to, or during his or her interrogation, and children are still not being effectively informed of their right to silence.

Under the same amendments to the military orders, parents are now supposed to be notified of their child's detention "Upon the arrival [...] to a police station." However, this notification requirement can be delayed for up to eight hours if the police interrogator believes that notifying the parents would disrupt the investigation, or if the offence relates to "security."<sup>77</sup> Significantly, there is still no provision in the military orders that permit a parent to be present during interrogation, a right which Israeli children are entitled to in most cases.<sup>78</sup>

Further, as previously mentioned, these amendments do not apply to the Israeli army, which is the authority which carries out the overwhelming majority of arrests in the West Bank. Again, on even a cursory reading of these amendments, it is clear they provide little effective protection to children in custody.

### *Physical violence and the use of restraints*

The interrogation usually begins with the child being led, still tied and blindfolded, into a room and placed on a chair. The blindfold is generally removed and the child sees his interrogator for the first time. In **57 percent** of cases, children report remaining tied, often painfully so, throughout the duration of the interrogation, which can last for many hours. In some cases, children also report being tied to the chair they are sitting on for extended periods of time, causing pain to their hands, backs and legs.

[Hebron] – "The two interrogators kept me standing and never allowed me to sit in a chair. They kept slapping me around, but I never confessed. The interrogation lasted about two hours. After that, they printed out some papers in Hebrew and forced me to sign them. Later on it turned out that I had signed a confession saying I threw stones. This is what my lawyer told me later in court."

Husam S. (15) – Arrested: 12 September 2011

[Gush Etzion] – "David blindfolded me and ordered me to kneel down. He immediately slapped me hard across the face. The huge man came from behind, grabbed my ties and lifted me up and I felt sharp and terrible pain. He also put his foot on the ties and pressed down so hard that made me scream more. To shut me up, he gagged me while David was standing there watching. 'Confess so we can spare you the pressure,' David said. 'I'll give you 15 minutes to think,' he added. 'I have nothing to confess,' I said, and he went crazy and started screaming. He started slapping me and kicking me. He even grabbed my head and slammed it against the metal wall of the room where we were. My forehead swelled and I felt my hands bleeding because of the pressure."

Malek S. (16) – Arrested: 9 January 2011

Restraints should only be used for as long as is strictly necessary, and it is difficult to ascertain from the testimonies any legitimate reason why so many children remain tied during interrogation whilst inside a secure military or police facility. In **37 percent** of cases, children also report experiencing some form of physical violence during the interrogation. The violence most commonly reported includes pushing, slapping and kicking. In a smaller number of cases the violence is significantly more serious, including punching, slamming the child's head against a wall and in three cases during the reporting period, children say they were given electric shocks from a handheld device by a police interrogator in Ari'el settlement (case study 7).<sup>79</sup>

### *Threats and verbal abuse*

[Osarin village] – “The interrogator started shouting at me and accusing me of being a liar. He threatened to beat me. ‘I’ll break your head if you don’t confess,’ he said. I’ll put you in prison for a long time,’ he added. He kept shouting and threatening me for about an hour. Sometimes he would raise his hand to hit me. I became very scared of the interrogator, so I had to confess to throwing stones.”

Abdullah E. (15) – Arrested: 12 September 2011

The testimonies reveal that many interrogations involve a combination of physical violence, threats and verbal abuse. The prohibition against torture and ill-treatment also covers acts that cause mental suffering to the victim, such as intimidation and other forms of threats. As with physical forms of torture and ill-treatment, in assessing the severity of psychological forms of ill-treatment, the victim's age and relative position of inferiority must be taken into consideration. In **52 percent** of cases, children report being threatened at some point during their interrogation. The types of threats reported by the children in their testimonies include:

- Threat of physical violence;
- Threat of long-term imprisonment;
- Unspecified threats, such as: “It’s better that you confess, or I’ll make you.”
- Threat of sexual assault;
- Threats against family members;
- Threat of electric shocks;
- Threat of being held in solitary confinement; and
- Death threats.

In addition to being threatened, many children also report being shouted at and verbally abused (**31 percent**) during interrogation. These psychological methods of interrogation, such as making threats and constant shouting and verbal abuse, can have a profound effect on a child under interrogation, potentially leading to the provision of false confessions.<sup>80</sup>

### *Solitary confinement*

In **12 percent** of cases children report being held in solitary confinement for an average period of 11 days. The purpose behind placing children in solitary confinement appears to be to facilitate the obtaining of a confession, and most commonly occurs at

the Al Jalame, Petah Tikva and Al Mascobiyya interrogation centres inside Israel.<sup>81</sup> The detrimental psychological and physical effects of detaining persons in solitary confinement are well documented and include: panic attacks; fear of impending death; depression, including clinical depression; social withdrawal; a sense of hopelessness; unprovoked anger; short attention span; disorientation; paranoia; psychotic episodes; self-mutilation; and attempted suicide.<sup>82</sup>

For these reasons, the UN Special Rapporteur on Torture, Mr Juan Méndez, called for a complete ban on the use of solitary confinement on children, in a report submitted to the UN General Assembly in October 2011.<sup>83</sup>

In his report, Mr. Méndez concluded that the use of solitary confinement “can amount to torture or cruel, inhuman or degrading treatment or punishment when used as a punishment, during pretrial detention, indefinitely or for a prolonged period, for persons with mental disabilities or juveniles.” The call for the prohibition on the use of solitary confinement for children echoes a similar demand made by the UN Committee on the Rights of the Child in 2007, which recommended that the practice be “strictly forbidden” in the case of children (see: General Comment No. 10 – paragraph 89).<sup>84</sup>

[Al Jalame] – “I was strip searched and given a prison uniform. Then they took me to an interrogation room with a low metal chair tied to the floor in the middle of the room [...] he tied my hands to it. After that an interrogator came into the room and introduced himself as ‘Assaf’. He said he would interrogate me and hoped I would cooperate [...]. About an hour later I was detained in Cell No. 36. It is a very small cell, which had a mattress on the floor and a toilet with a horrible smell, as well as two concrete chairs. The lights in the ceiling were dim yellow and on 24 hours, and they hurt my eyes. The walls were grey and had a rough surface. The cell had no windows, just two gaps for letting air in and out. The food was served through a flap in the door [...]. Assaf and Amos interrogated me for several days and I eventually decided to confess because of the pressure they put on me. I was in a bad psychological state because they kept my hands tied for several hours during interrogation and detained me in a small cell.”

Rami J. (17) – Arrested: 24 October 2011  
(Held in solitary confinement for 24 days)

## *Confessions and documentation written in Hebrew*

In **58 percent** of cases children provided a confession at the end of what was typically a coercive interrogation. In other cases, children report being forced to sign documents without being given the opportunity to read them. Further, in **29 percent** of cases, children report being shown, or forced to sign, documentation written in Hebrew – a language the overwhelming majority of Palestinian children do not understand. These documents are then included in the court files which are in the possession of both the military prosecutors and military juvenile court judges, neither of who express surprise or criticism regarding this practice.<sup>85</sup>

[Qalandiya refugee camp] – “‘Liar,’ the interrogator shouted. ‘You better confess,’ he shouted, but I never confessed. He was typing what I was saying in the computer. Then he printed it out in Hebrew and ordered me to sign it, but I refused so he slapped me hard across the face while shouting. He got up and pushed me towards the wall and I slammed against it. I was so scared of him I immediately signed the papers.”

Malek Z (15) – Arrested: 4 July 2011



Summary of findings: Interrogation

The testimonies reveal that the common experience of many children is that they are brought to an interrogation centre tied and blindfolded, sleep deprived and in a state of fear. Unlike their Israeli counterparts, Palestinian children have no right to be accompanied by their parents during interrogation, and in practice, do not get to meet with a lawyer until long after their interrogation is over. Although children in the military detention system are supposed to have the right to silence, few are ever informed of this right in a manner in which they can understand. Many children remain painfully tied for the duration of their interrogation, which is generally mentally and physically coercive, resulting in the provision of confessions, some of which are written in Hebrew, and many of which are of dubious veracity.

Table 7 - Analysis of 311 cases: Issues of concern during interrogation

#	Issues of concern during interrogation	Number of children	Percentage
1	Confession	180	58%
2	Use of restraints	176	57%
3	Threats	161	52%
4	Physical violence	115	37%
5	Verbal abuse and/or humiliation	97	31%
6	Signed or shown documentation in Hebrew	91	29%
7	Solitary confinement	38	12%
8	Accompanied by a parent	2	0.6%



## Case study: 3

---

<b>Name:</b>	Rami J.
<b>Date of Incident:</b>	24 October 2011
<b>Age:</b>	17
<b>Location:</b>	Haris village, occupied West Bank
<b>Accusation:</b>	Throwing stones and Molotov cocktails

---

**On 24 October 2011, a 17-year-old boy from Haris village is arrested by Israeli soldiers at 2:00 am and taken to Al Jalame interrogation centre, inside Israel, and held in solitary confinement for 24 days.**

"At around 2:00 am, I was sleeping when I woke up to banging on the door: 'Open up, it's the IDF.' I opened the door and soldiers pointed their rifles at me, ordering me to step aside and they stormed the house," recalls 17-year-old Rami. The soldiers ordered the family to gather in one room while they searched the house.



Around half-an-hour later an intelligence officer arrived and asked to see the family's ID cards. When the officer looked at Rami's ID card he simply said "we're taking you with us." Rami's hands were then tied behind his back with three sets of plastic ties and he was blindfolded. Rami was then led out of the house to a military vehicle which was parked approximately 600 metres away. "Two of the soldiers grabbed me and pushed me hard inside one of the jeeps and I fell on the metal floor," recalls Rami. "The soldiers kept me lying on my back on the metal floor of the jeep, with my hands tied behind my back and my eyes blindfolded for about two hours. I was kept tied and blindfolded for at least 18 hours, during which time I was never provided with any food or water, and they never allowed me to use the bathroom," says Rami. Whilst on the floor Rami says that soldiers pushed him about with their boots. "Whenever I felt pain they would laugh loudly and insult me."

The jeep travelled for around two hours and then stopped. Rami was pulled out and asked some questions about his health. His hand ties and blindfold were briefly removed so that he could sign a medical form. He was then re-tied and blindfolded and taken back to the jeep and put on the metal floor. Rami reports that the jeep then travelled to several more locations. At one location he was taken out and made to sit on the ground for about one-and-a-half hours. He says that it was cold and he was shivering. At around 5:00 pm, the jeep arrived at Huwwara interrogation centre, near Nablus, in the West Bank. Rami reports being made to sit on the ground for another hour, still tied and blindfolded. Later on that evening, Rami was transferred to Al Jalame interrogation centre, inside Israel. The removal of Rami out of the occupied West Bank to an interrogation centre inside Israel, violates Article 76 of the Fourth Geneva Convention, which prohibits such transfers.

On arrival at Al Jalame, Rami was strip searched and taken for interrogation. "There was a low metal chair tied to the floor in the middle of the room," recalls Rami. "A jailer forced me to sit on the chair and tied my hands to it. After that an interrogator came into the room and introduced himself as Assaf. He said he would interrogate me and hoped that



I would cooperate with him. 'I'm very hungry because I haven't had any food,' I said. The interrogator brought me a piece of bread and a small piece of cheese and a glass of water. He untied me so I could eat. 'I want you to tell me what you did,' Assaf said before I started eating. 'I didn't do anything,' I said. 'Liar,' he shouted. 'Put down the bread,' he shouted and took it away. He did not give me the glass of water. He even re-tied my hands to the back of the chair," says Rami. The interrogation lasted about an hour during which time Assaf kept shouting and threatening to hit Rami, "but I did not tell him anything."

"About an hour later, I was detained in Cell No. 36. It is a very small cell, which had a mattress on the floor and toilet with a horrible smell, as well as two concrete chairs. The lights in the ceiling were dim yellow and on 24 hours, and they hurt my eyes. The walls were gray and had a rough surface. The cell did not have windows, just two gaps for letting air in and out. The food was served through a flap in the door." Rami reports that he was held in solitary confinement in Cell No. 36, and a similar cell (Cell No. 1) for a total of 24 days.

"During my detention in Al Jalame I knocked on the door of my cell and asked for more bread because the bread they gave me was not enough. An old jailer immediately opened the door and started shouting. He approached me and put his arm around my neck and started choking me, saying: 'I've worked here for a long time and no one has ever knocked on the door. If you ever do that again, I'll wring your neck.' The following day, the same jailer brought me a bucket of water and ordered me to clean up the cell. I did what he asked. When I finished cleaning, I put the empty bucket near the door. He opened the door and kicked it away. He shouted at me and ordered me to bring it back to him. He wanted to humiliate me. I refused to do it, so he came in and stepped on my right foot with his boot – I was barefooted. I felt a lot of pain and my foot was swollen for three days [...] I wrote a complaint but I don't know what happened to it."

"During my detention in Al Jalame, another interrogator named Amos also interrogated me. He and Assaf interrogated me everyday for about nine hours, except on Fridays and Saturdays. They accused me of throwing stones and Molotov cocktails. I denied it. They said I was a liar and said that a man from my village had said in a statement that I had thrown stones and Molotov cocktails with him [...] Eventually a list of charges was made against me that included throwing stones. I had to confess to throwing stones because of the painful interrogation and the harsh conditions of my detention."

After approximately one month in Al Jalame, Rami was transferred to Megiddo, another prison also situated inside Israel.

## Military juvenile court proceedings

Following their interrogation, children are brought before a military court within eight days of their arrest, although this time period will be reduced to four days by an amendment to the military law which comes into effect on 1 August 2012.<sup>86</sup> It is inside the military court room where children generally see their lawyer and parents for the first time following their arrest. A child will generally appear in the military court on multiple occasions before the conclusion of his or her case. On each occasion, the child will be brought from prison with his hands cuffed and chains around his ankles. In some cases the journey to and from the prison, with waiting time at court, can take an entire day leaving the child physically and emotionally exhausted.

A critical feature of the system is that in the overwhelming majority of cases (**87 percent**), children will not be released on bail but remanded in custody until the conclusion of the legal process.<sup>87</sup> In practical terms, although the evidence against many children is weak, consisting primarily of the child's own confession and sometimes the confession of another child, the overwhelming majority will plead guilty (**90 percent**) in return for a lighter sentence, rather than remain in prolonged pre-trial detention for a period that will frequently exceed the sentence that would have been imposed had a plea of guilty been accepted – in short, pleading guilty is the quickest way out of the system whether the offence was committed or not.<sup>88</sup>

The denial of bail for children in the military courts removes any incentive to challenge the system. In the rare cases where lawyers do challenge the system, the results are rarely favourable.<sup>89</sup> This point is perhaps best made by reference to the military courts' own records which indicate that in 2010, the courts achieved a conviction rate of **99.74 percent**.<sup>90</sup>

**Table 8 - Legal rights of children under Israeli military law**

#	Event	Military court system
1	Minimum age of criminal responsibility. <sup>91</sup>	12
2	Minimum age for a custodial sentence. <sup>92</sup>	12
3	Age of majority. <sup>93</sup>	16-18
4	Legal right to have a parent present during interrogation.	No
5	Legal right to consult with a lawyer prior to, or during interrogation. <sup>94</sup>	No
6	Legal right to have interrogation audio-visually recorded.	No
7	Maximum period of detention before being brought before a judge. <sup>95</sup>	8 days
8	Maximum period of detention without access to a lawyer. <sup>96</sup>	90 days
9	Maximum period of detention without charge. <sup>97</sup>	188 days
10	Maximum period of time between charge and trial. <sup>98</sup>	2 years

## Interview: 1

---

**Name:** Iyad Misk  
**Occupation:** Lawyer  
**Organisation:** DCI-Palestine  
**Date:** 29 February 2012

---

**DCI-Palestine has been providing legal aid services to Palestinian children detained in the Israeli military detention system since 1991. During the past 20 years, DCI lawyers have represented over 3,000 children.**

**Question:-** "How long have you been representing children in the military courts?"

**Iyad:-** "I started with DCI in 2005, and I have been representing children since 2008."

**Question:-** "What do you do when you hear a child has been arrested?"

**Iyad:-** "As soon as the parents or other parties inform me that a child has been arrested and detained, I contact the detention centres and the police stations to find the child, and to get initial information about the arrest, place of detention and the date of the trial. Once these basic facts are established, I try to coordinate a visit to the child as soon as possible to obtain details of the arrest and the interrogation."



**Question:-** "As his lawyer is it easy to get access to the child?"

**Iyad:-** "No. In reality due to coordination difficulties with the Israeli authorities, the first time I see most of the children is when the child appears in the military court after they've been interrogated. Under Israeli military law a child can be legally denied access to his lawyer for up to 90 days."

**Question:-** "In the court, do you try to get the child released on bail?"

**Iyad:-** "Yes, the first thing I do is ask the judge to release the child. In some cases I suggest various alternatives to detention, such as bail, a third party guarantee, or even house arrest until the end of the legal proceedings."

**Question:-** "What usually happens, does the judge release the child?"

**Iyad:-** "In most cases the request is denied. The judge claims that there is no appropriate alternative to detention and that the release of these children endangers the community. They see the child as guilty until proven innocent, not vice versa."

**Question:-** "How common is it for children to be found innocent?"

**Iyad:-** "Not common. In most cases children are either found guilty, or plead guilty."

**Question:-** "So, what happens if the child pleads innocent?"

**Iyad:-** "If the child decides to plead innocent, this will prolong the proceedings and he will spend a much longer time in detention. It could be twice as long as it would have been if the case ended in a plea bargain. Our experience in the courts shows that in the end, he will almost certainly receive a guilty verdict, with a stiffer sentence than if he had pleaded guilty to begin with. I explain this to the child and the family, and in most cases the child chooses not to plead innocent and concludes a deal with the prosecutor to end the case and reach a verdict."

**Question:-** "So, you have to advise children to plead guilty in order to be released sooner. How does that make you feel when your work is reduced to plea bargaining?"

**Iyad:-** "I reiterate, the cases are concluded this way due to one key reason: the child and the family are afraid of prolonging the proceedings, keeping the child in prison for a much longer time than he would have been were he to plead guilty and reach a plea bargain. Of course I feel frustrated and at times overwhelmed by a sense of injustice in this system which does not take the best interests of the child into account."

**Question:-** "What motivates you to keep going?"

**Iyad:-** "I still have hope that it is possible in some cases to improve the situation and help these children, even if we are just talking about a change on the psychological level. At the end of the day, I consider any child I meet in prison or in court as a relative of mine or even a son, because these children rely heavily on the lawyer and they believe he is their sole saviour in their time of hardship, especially if they are detained for the first time. If it's their first time they see me as if I'm a god, as if I can do anything. But actually I'm just like him."

**Question:-** "Do you believe the system is intrinsically flawed?"

**Iyad:-** "As a lawyer, I believe in the principle of the separation of powers: the judiciary, the legislature, and the executive, however in the case of the military courts they are all the same entity: the Israeli army."

## Administrative detention

[Ofer prison] – “On the eighth day of my detention, one of the jailers told me that I had a six-month administrative detention order. He handed me the order that was written in Hebrew and ordered me to sign it [...]. Four days after the issuance of the administrative detention order, I was taken to Ofer military court and the order was confirmed. Then I was taken to the appeals court and the order was reduced to two months. In May the order was extended for four months and in November it was extended for another four months. I still don’t know why they arrested and detained me. I didn’t do anything.”

Imad A. (17) – Arrested: 21 February 2010

In a relative small proportion of cases during the reporting period, children were held in administrative detention. Administrative detention is a procedure whereby a person is detained without charge or trial, by order of a military commander. Administrative detention is permitted under international law in strictly limited circumstances, and only if “the security of the state [...] makes it absolutely necessary” and in accordance with “regular procedure.”<sup>99</sup> Further, under the Convention on the Rights of the Child, “no child should be deprived of his or her liberty arbitrarily and detention should only be used as a measure of last resort for the shortest appropriate period of time.”<sup>100</sup> Administrative detention should never be used as a substitute for criminal prosecution where there is insufficient evidence to obtain a conviction.

In the military detention system, administrative detention orders are authorised under Military Order 1651, for a period of up to six months, with an indefinite number of renewals permitted.<sup>101</sup> Administrative detention orders are issued at the time of arrest or at some later date, and are often based on “secret evidence” collected by the Israeli Security Agency (ISA). The detainee must be brought before a military judge within eight days of the issuing of an administrative detention order at which point the order can be confirmed, reduced or cancelled. Neither the detainee, nor the detainee’s lawyer are given access to the secret evidence, and therefore have no effective means of challenging the detention, as is required under international law.<sup>102</sup>

In 2009, the UN Committee against Torture expressed the view that Israel’s extensive use of administrative detention on Palestinians frequently amounts to cruel, inhuman or degrading treatment or punishment and deprives detainees of basic safeguards including the right to challenge the evidence. The Committee found that the procedure was being used for “inordinately lengthy periods.”<sup>103</sup> In 2010, the UN Human Rights Committee also expressed concern at the “frequent and extensive” use of administrative detention and recommended that Israel refrain from using the procedure, in particular, for children.<sup>104</sup>

During the reporting period, the number of children held in Israeli administrative detention has fallen dramatically, and DCI-Palestine recommends that the Israeli authorities now amend the military orders to prohibit the use of administrative detention orders in all cases of persons below the age of 18.

Table 9 - Total number of Palestine children held in Israeli administrative detention

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ave
2008	18	3	13	12	10	13	13	13	11	8	5	6	10
2009	5	6	2	2	1	1	1	1	1	1	1	0	1.8
2010	0	0	2	2	2	2	2	2	2	2	2	1	1.6
2011	1	0	0	0	0	0	0	0	0	0	0	1	0.2
2012	0	-	-	-	-	-	-	-	-	-	-	-	0



Za'tara checkpoint: © DCI

## Imprisonment, release and rehabilitation

Immediately following arrest, children are held briefly in temporary detention facilities in the West Bank before being transferred to prison facilities operated by the Israeli Prison Service (IPS). At the time of publication Palestinian child detainees are being held in Ofer prison, in the West Bank, and Megiddo prison, inside Israel.

### *Separation from adults*

During the reporting period, significant improvements have been made in ensuring children are separated from adults. These improvements are most notable in Megiddo prison, where children are held in a separate area from adults. In Ofer prison, attempts are made to separate adults from children, but mixing does still occur from time to time.

### *Prison conditions*

The conditions of detention for Palestinian detainees in IPS facilities are regulated by Israeli domestic law and general IPS regulations as well as regulations specific to “security detainees.” Specific regulations apply to various aspects of the conditions of detention, including: physical conditions; medical care; personal hygiene; possession of personal belongings; food; daily exercise; use of telephones; family visits; letters; religion; restraint and disciplinary measures.<sup>105</sup> Significantly, Palestinian child detainees are not permitted to have telephone contact with their families. In practice, common complaints received from Palestinian children detained in the Israeli military court system include overcrowding, poor ventilation and access to natural light, poor quality and inadequate amounts of food, harsh treatment by prison officials and boredom.

### *Education*

In the military detention system, the law provides that Palestinian children in Israeli detention facilities are entitled to the same education as Israeli child prisoners, which includes an education programme based on the Palestinian curriculum,<sup>106</sup> but that this right is “subject to the security situation.”<sup>107</sup>

The prison authorities have interpreted “subject to the security situation” to permit only very limited education in one of the prisons where Israel detains Palestinian children,<sup>108</sup> and in none of the interrogation and detention centres.<sup>109</sup>

At the date of publication, three Arab-Israeli teachers enter Megiddo prison to teach Arabic and Maths. Children are separated into three classes based on their age. The children are only given exercise books and pencils for the duration of the class and then made to return these resources at the end of the lesson. According to recent reports, children in Megiddo prison are receiving about five hours of tuition per day, five days per week. The education provided is not compulsory. No education whatsoever is provided by the prison authorities to Palestinian female child detainees, or in other detention facilities.<sup>110</sup>



## *Medical care*

In the prisons operated by the IPS, the law provides that detainees are entitled to medical care.<sup>111</sup> In the case of children, this care includes psychological and psychiatric treatment.<sup>112</sup> Palestinian children are typically given a cursory medical examination on arrival at a temporary detention facility. These medical examinations are conducted by military doctors and generally last several minutes and involve reading through a checklist of illnesses and injuries, frequently whilst the child remains tied by the hands.

In practice there are reports of children being ignored when they complain about their health during their medical examinations.<sup>113</sup>

There are also reports that some children have been denied adequate medical care, and in some cases, undue force has been applied to existing wounds causing additional suffering. Once Palestinian children are transferred to a prison, their medical care is governed by IPS regulations which provide that “every detainee is entitled to receive the medical treatment he requires to maintain his health.”<sup>114</sup>

## *Imprisonment inside Israel and family visits*

The imprisonment of Palestinian children in facilities inside Israel violates article 76 of the Fourth Geneva Convention which prohibits the transfer of prisoners out of occupied territory.<sup>115</sup> The practical consequences of this violation is that many children receive either limited, or no family visits, due to freedom of movement restrictions, and the time it takes to issue permits to visit a prison. After being sentenced, the IPS prison regulations provide that children are entitled to a family visit every two weeks, for 45 minutes. These visits take place behind reinforced glass and no physical contact is permitted. However, as prison visit permits can take as much as two months to process, some children sentenced for short periods of time receive no visits at all whilst detained.

[Megiddo prison] – “One of the detainees from my village was told by his family that the Red Cross had called my mother and informed her that they could not visit me. I still don’t know why they don’t allow family visits. When the children in my room receive family visits, I feel terrible because they get to see their families and I don’t. When they return to the room they have money and clothes and things get a little better for them. I don’t know the news of my family, my friends or my school. I feel a huge gap because of the lack of communication. I’m losing so many details that I consider important to know.”

Jihad A. (16) – Arrested: 29 April 2010

## *Release and rehabilitation*

In some cases, parents are informed in advance the date when their child will be released and wait for them at the nearest checkpoint. Sometimes they may wait for the best part of a day as a precise time for release is generally not given. In other cases, children are simply dropped off at checkpoints by the army, and then must find their own way home, sometimes many hours away (case study 5).



The Israeli authorities provide no assistance for the rehabilitation of Palestinian children held in its detention facilities. Since its establishment in 1989, the East Jerusalem YMCA has provided rehabilitation services to children, and now provides counselling services to approximately 350 ex-child detainees each year under the motto – “Giving hope to the hopeless.”<sup>116</sup> The programme operates from facilities in Beit Sahour, near Bethlehem, in the West Bank, and it also has an outreach programme.

## Interview: 2

---

**Name:** Nader Abu Amsha  
**Occupation:** Director  
**Organisation:** YMCA rehabilitation programme  
**Date:** 29 February 2012

---

**Nader Abu Amsha is the director of the Beit Sahour branch of the East Jerusalem YMCA rehabilitation programme. Each year the programme provides counseling to around 350 Palestinian children released from Israeli detention facilities.**

**Question:-** “Can you tell me a little bit about the programme?”

**Nader:-** “The programme started three years ago. At the moment, we are treating on average 350 children per year through 11 counselling teams that work all across the West Bank, including East Jerusalem.”

**Question:-** “How does the work begin?”

**Nader:-** “Our work starts from the moment the child is arrested. Our counsellors start working with the family to help them cope with the situation and advise them on how to deal with the child when he or she is released from prison. The parents tend to think that when their child is released, that is the end of the story. We always tell them it is only the beginning. The family needs to understand that the experience of arrest and imprisonment might have changed the child and affected his development.

**Question:-** “In what ways does prison change a child?”

**Nader:-** “When children come out of prison they feel old and mature and they think they know it all. For the parents though, he is still the same child who left three, four or five months ago, so they tend to become over-protective. This causes problems and disputes



within the family. Through our programme, we try to help both the child and the family so that the home remains a place where the child feels comfortable and safe."

**Question:-** "What are some of the things you notice when a child is released from prison?"

**Nader:-** "In most cases we notice that when children are released from prison they want to talk about what happened to them; they want to narrate the sequence of events from the moment of arrest as if it was a movie. They do not talk much about their feelings. But when we start digging and asking specific questions, the children start talking about their feelings. They get very emotional and start sharing their frustration, their anger, perhaps their desire for revenge etc."

**Question:-** "What are some of the other things you notice?"

**Nader:-** "We have noticed that one of the most traumatising experiences for the children is being arrested in the middle of the night in big raids, finding the soldiers in their rooms pointing their weapons at them, the shouting, and the breaking of things in many cases. This makes the detention very traumatic from the first minute. Also, the handcuffing, the blindfolding, being transferred in the floor of the military jeeps, being beaten, threatened and humiliated during interrogation. Being alone during all this process is a terrifying experience for the children. The child feels that the whole Israeli military system is against him, and he has no one to protect or accompany him. Then, being imprisoned for months far from the family, with people he doesn't know, sometimes even with adults, not being able to talk about his feelings, and having to deal with the conflict between the different political affiliations of other prisoners, it's all a very difficult experience for the child."

**Question:-** "What are some of the methods you use to help the children?"

**Nader:-** "Our counsellors and social workers are trained to help the children disclose all their feelings, because once they start talking, that's when the therapy really begins. This is how the children release all the stress and reduce their anxiety. The therapy helps them organise their thoughts and channel their feelings in a positive direction."

**Question:-** "Does this always work?"

**Nader:-** "In some cases the children are too traumatised by the experience, by the ill-treatment, and they refuse to open up. Being tortured might lead the children not to trust anyone. Many times our counsellors have to make a big effort to earn the child's trust, because without trust there can be no counselling or therapy. In cases where despite all our efforts the child refuses to open up, we still help him return to school or with vocational rehabilitation and re-integration into the community."

**Question:-** "What other issues have you come across?"

**Nader:-** "When treating the children, we have also noticed that one of the most difficult issues for them to deal with - and this is very sensitive - is Israel's attempt to recruit them as informants or collaborators, and the use of the 'stick and carrot' method to get information out of them. Many children often say the Israelis tried to recruit them, but they never say they accepted, although in some cases they might have due to fear and the desire

to end the ill-treatment and to get out of the situation. It is very hard to deal with these cases, because they are related to many other issues, such as the security of the child, community values, the fear it generates in the child and the need for protection."

**Question:-** "When do you approach the children about joining the programme?"

**Nader:-** "We invite children to enrol in our programme as soon as they are released from prison. We offer them our help in getting back to school, we do vocational assessment, facilitate their re-integration into the community, and give them psychological counselling."

**Question:-** "What are some of the biggest challenges you encounter when the children are released?"

**Nader:-** "The issue of returning to school is one of the most difficult, because these children tend to look for all kinds of excuses not to go back to school. Most of them come from poor families, so they say they want to start working to help the household. We challenge their arguments and make them see the advantages of completing their education, as well as the difficulties in finding a good job without the necessary qualifications. However, if the child decides not to go back to school, we have to respect his decision, so we help with vocational training."

**Question:-** "Can you tell me a little bit about the vocational training?"

**Nader:-** "We use a very effective system for vocational assessment, and have signed agreements with a number of companies, workshops etc. where the children can have training in different areas, such as carpentry, mechanics, etc. It is important that the children undergo this training within a system, because this is pivotal for the success of the counselling process. These children should not be left alone."

**Question:-** "How would you rate the success of the programme?"

**Nader:-** "In general the programme is very successful. Most children recover from the trauma and re-integrate well into the community, but of course they never forget what happened to them. They will have flashbacks all their lives, but they learn how to cope with these memories. In some cases the children get re-arrested, and as soon as they are released they immediately come back to our programme."



# E. Psychological opinion

Psychoactive is a group of practising and academic mental health professionals who are active in areas of social and political concern, particularly in regards to the Palestinian/Israeli conflict.<sup>117</sup> In preparation of the Report, DCI-Palestine provided a group within Psychoactive, who are currently investigating the issue of military detention of Palestinian minors, with 15 randomly selected testimonies relied on by the Report for the purpose of obtaining an insight into some of the psychological effects on children of being held in the Israeli military detention system. The full psychological opinion will be available on Psychoactive's website, with a summary presented below:





## Opinion: 1

---

<b>Organisation:</b>	Psychoactive-Mental Health Professionals for Human Rights
<b>Sample:</b>	15 testimonies
<b>Age range:</b>	9-17
<b>Date:</b>	March 2012

---

1. From the testimonies it emerges that from the moment of an often traumatic night time arrest, the child or youth is cut off from family, from everyday life, and we suspect that in many ways, from the experience of himself as he was before. We learn from the testimonies that the boys are alone and often exposed to violence, and thus to fear, physical and psychic pain, as well as to a chain of experiences which are likely to give rise to disorientation, humiliation, and helplessness, all the more so once having witnessed the helplessness, and perhaps also the fear, of their parents.
2. The boys' descriptions of the conditions leading up to the interrogation and the way in which the interrogations are conducted cast serious doubts as to the credibility of the confessions extracted as suggested in the PHR-Israel report, dated May 2011.<sup>118</sup> But more importantly, exposure to such potentially traumatic events is liable to have lasting debilitating psychological and physiological effects.
3. According to the Diagnostic and Statistical Manual for Mental Disorders (DSM-IV) criteria for Post Traumatic Stress Disorder (PTSD), a potentially traumatizing event is one in which an individual experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others and in which the individual's response involved intense fear, helplessness or horror. Lack of control in painful and distressing situations is known to engender feelings of intense helplessness which is one of the factors in causing trauma. The arrests and interrogations as described in the boys' testimonies are potentially traumatic events, and in many of the testimonies a sense of helplessness and horror is evident.
4. Since most of the statements were taken while the boy was still in detention, within a short time from the arrest and interrogation, only short term effects are described in the testimonies. However, the concentration and severity of potentially traumatic events described in the testimonies raises the likelihood that these boys may suffer lasting psychological traumatisation which may result in the impairment of important areas of daily functioning, at home, at school and with their peers. Even without considering PTSD, there may be emotional and psychosomatic reactions, such as difficulties in falling asleep, nightmares, bedwetting, increased startle response, difficulties in concentrating, loss of interest, loss of self worth, anxiety disorders and depression.

5. Family support is very important in contributing to the child's sense of safety, which is likely to have been severely damaged during the arrest and detention. Such support is mostly denied by restricting the families' visits while the boys are in detention. In addition, after their release the children and youth will return to a home that in many ways is no longer the safe haven it had been and to parents whose authority and dignity is likely to have been damaged, who presumably suffer a great deal of guilt at not having been able to protect their child, and whose ability to help the youths process their experiences and recover their psychic equilibrium may, therefore, be severely handicapped.
6. It is striking that emotions are only rarely expressed directly in these testimonies. There are several possible explanations for this. Firstly, the lack of emotive expression could be cultural, and especially for adolescent boys on their way to manhood. Also, the testimonies were taken by lawyers and field workers whose questioning may have been directed towards a more factual account. However, as the testimonies were given for the most part while still in detention, this lack of emotional description may reflect the continuing need to keep feelings at bay in order to cope with the situation. The shame surrounding the feelings engendered by traumatic experience may inhibit the children and adolescents ability to share their emotions, and when detained in groups they are likely to develop among themselves a language of bravado to describe their situation. Shame about feelings of vulnerability may later seriously impair the possibility of healing. The factual dryness of the testimonies may in some cases reflect emotional dissociation, one of the more harmful and dangerous results of trauma.
7. The most expressions of emotion are found in the descriptions of the way in which the confession was extracted. The boys report being very scared and confessing or surrendering information in order to stop the psychological or physical abuse. This might suggest that most of the boys who confess, and especially those who were induced to give names of others, often friends and relatives, feel a need, perhaps due to embarrassment or guilt, to present some sort of justification for having succumbed to the pressure.
8. There are many open questions about the potential individual repercussions to the children and adolescents in terms of coping with parental helplessness, with their own helplessness, fear and guilt feelings, with harsh memories, with the interruption of the school curriculum and with the many emotional and psychosomatic manifestations characteristic of persons who undergo traumatic events. In addition, in order to understand these events in the full context of these boys' lives it is important to take into account that what they describe in their testimonies is not simply a detached onetime event. This specific experience is embedded in the collective and personal experience of life under occupation and military threat. It is very difficult to estimate the psychological and social repercussions for those maltreated and humiliated children and adolescents after their return home. And yet we can assume that forced reciprocal incriminations scar the vulnerable fabric of family and social life within the community, and diminish the possibility for social support.



# F.

## The soldier's perspective

**B**reaking the Silence is an organisation of veteran combatants who have served in the Israeli military since the start of the Second Intifada and have taken it upon themselves to expose the Israeli public to the reality of everyday life in the Occupied Palestinian Territory. According to the organisation's website:<sup>119</sup>

"Soldiers who serve in the Territories witness and participate in military actions which change them immensely. Cases of abuse towards Palestinians, looting, and destruction of property have been the norm for years, but are still explained as extreme and unique cases. Our testimonies portray a different, and much grimmer picture in which deterioration of moral standards finds expression in the character of orders and the rules of engagement, and are justified in the name of Israel's security. While this reality is known to Israeli soldiers and commanders, Israeli society continues to turn a blind eye, and to deny that what is done in its name. Discharged soldiers returning to civilian life discover the gap between the reality they encountered in the Territories, and the silence about this reality they encounter at home. In order to become civilians again, soldiers are forced to ignore what they have seen and done. We strive to make heard the voices of these soldiers, pushing Israeli society to face the reality whose creation it has enabled."

DCI-Palestine is grateful to Breaking the Silence for providing three testimonies taken from soldiers involved in the arrest of Palestinian children. One of these testimonies is presented below:



## Interview: 3

---

**Reference:** Breaking the Silence – Z5/002  
**Occupation:** Soldier  
**Location:** Hebron, occupied West Bank  
**Date:** 2010

---

### **An Israeli soldier provides a testimony to Breaking the Silence about arresting a Palestinian child in the Hebron area in 2010.**

**Soldier:** - "Once there was this stone throwing at Gross Square so we headed out there and this kid suddenly appeared. The lookout came over the radio and said: 'Stop, he's right there next to you.'"

**Question:** - "How old was this kid?"

**Soldier:** - "Fifteen-years-old. His name was Daoud. Anyway, we arrested him. We stopped our vehicle, ran, and he was in total shock. We took him to the Jewish side of Gross, and he began to cry, to scream, sweat and tears streaming from him onto the floor. There was nothing we could do with him, suddenly you've got this crying kid on your hands, a second ago he was throwing tiles at Gross Square army post and you were dying to beat him to a pulp, after being alerted there in this heat. You're dying to kill him but he's crying his heart out. We didn't know what to do so we began to stand watch over him. Once a guy who was with him lost it and hurt him, and then he ran off. So at some point when I was with him I tried to calm this kid down because he was tied up, blindfolded, and crying, as if all of him was just dripping from tears and sweat. I began to shake him, then the deputy company commander took him and shook him, too. 'Shut up already! Cut it out!' Then we took him to the Hill of the Patriarchs, and he went on and on crying because the police didn't come and he wasn't taken in for questioning. This went on, was so annoying, totally insane. In the middle of this mess, as he was creeping on the floor, the communications man takes out his Motorola, you know what that is?"

**Question:** - "The communications gear?"

**Soldier:** - "Yes. Boom, hits him over the head with it. Not with any ill intentions, it was simply after over two hours of unbearable crying."

**Question:** - "This was still at Gross Square?"

**Soldier:** - "No, at the Hill of the Patriarchs."

**Question:** - "At the police station?"

**Soldier:** - "Yes."

**Question:** - "Somewhere off to the side or [...]?"

**Soldier:** - "No, in the area where all the police cars are [...] Outside the interrogation

rooms. There was a point when I was with him and the communications took a picture of me. I didn't want to be photographed with him, it was a fucked up situation. You just don't know what to do with your life at that point. We were terribly confused. And angry. Because you saw the stones he threw, you know what he'd done, you know it's dangerous. Again, you keep experiencing bad things but those who do them are just people, I don't know [...]"

**Question:** - "How long was he at Gross Square until you took him to the Hill of the Patriarchs?"

**Soldier:** - "I don't remember if it was an hour or a quarter of an hour. It was a serious amount of time. The worse thing was that he spent a lot of time at the Hill of the Patriarchs. The worst thing when you are in contact with those people, every time someone, one of the Arabs, does something bad, you take him up to the Hill of the Patriarchs (police station) and there he vanishes. He's either taken to some base or something for three-four days."

**Question:** - "Have you any idea where?"

**Soldier:** - "No. We were always told it was somewhere in the territories."

**Question:** - "Offer camp?"

**Soldier:** - "Maybe. I don't know. We'd just drop them at the police station and forget about them. They would come back after a while. They don't really go anywhere."

**Question:** - "Earlier you mentioned that at Gross Square the deputy company commander shook this boy."

**Soldier:** - "Right. We all did. He blew up at him."

**Question:** - "What does that mean? Why?"

**Soldier:** - "Because they were such worms, from a certain point on I remember we literally loathed them. I did. I was such a racist out there, too, I was so angry at them for their filth, their misery, the whole fucking situation: you threw a stone, now why did you do it? Why did you have to make me bring you here? Just don't do it. He is there on the floor crying. Hands tied. At some point we unshackled his hands because he wept and pleaded. He screamed there, and was all wet from tears and sweat and mucus. You just don't know what to do about it. We were shaking him out of desperation. It wasn't necessarily an act motivated by violence. I think we even began to laugh already, even now when I think about it, you get so lost out there in a situation like this."

**Question:** - "You're saying that not only you and the communications man did it, right? The deputy company commander was involved, too?"

**Soldier:** - "Sure. What does it do? We didn't shake him to such an extent that [...] It was like, cut it out, you're driving us crazy, we kept yelling 'stop it!' at him in Arabic, every word we knew in Arabic. "Great" and "what's your name" and stuff like that."

G.

## Discrimination and the disparity in treatment

At the time of publication, there are well over 311,000 Israeli settlers living in the West Bank and nearly 200,000 in East Jerusalem in violation of international law.<sup>120</sup> Although technically the settlers are subject to the same military orders as the Palestinian population, in reality, settlers are governed by Israeli civilian law, which contains significantly more safeguards and protections than military law. Since June 1967, Palestinians and Israelis living in the occupied West Bank have been judged under different laws, and by different standards. Furthermore, no Palestinian has any say or influence over the manner in which Israeli military commanders exercise executive, legislative and judicial power over them, or say in the contents of nearly 1,700 military orders affecting their rights over the past 44 years.

The discriminatory nature of the legal systems is perhaps best illustrated by way of an example involving two children living in the West Bank who start throwing stones at each other. If one of these children happens to be Palestinian, he will be prosecuted under military law and treated in a manner described in the preceding pages. If the other child is an Israeli settler, he will be dealt with in Israel's civilian juvenile justice system, with significantly more rights and protections.<sup>121</sup> This disparity in treatment could be justified during the first few years of the occupation based on principles of humanitarian law, but after 44 years this situation is now untenable. Some of the key differences between the two legal systems are presented in Table 10.

**Table 10 – Rights of Palestinian and Israeli children: Comparative table**

#	Event	Civilian juvenile justice system	Military court system
1	Minimum age of criminal responsibility.	12 <sup>122</sup>	12 <sup>123</sup>
2	Minimum age for a custodial sentence.	14 <sup>124</sup>	12 <sup>125</sup>
3	Age of majority.	18 <sup>126</sup>	16-18 <sup>127</sup>
4	Legal right to have a parent present during interrogation.	Generally yes <sup>128</sup>	No
5	Legal right to have a lawyer present during interrogation.	No	No <sup>129</sup>
6	Legal right to have interrogation audio-visually recorded.	Partial <sup>130</sup>	No
7	Maximum period of detention before being brought before a judge.	12-24 hours <sup>131</sup>	8 days <sup>132</sup>
8	Maximum period of detention without access to a lawyer.	48 hours <sup>133</sup>	90 days <sup>134</sup>
9	Maximum period of detention without charge.	40 days <sup>135</sup>	188 days <sup>136</sup>
10	Maximum period of time between charge and trial.	6 months <sup>137</sup>	2 years <sup>138</sup>
11	Percentage of cases in which bail is denied.	20% <sup>139</sup>	87%
12	Percentage of cases in which a custodial sentence is imposed.	6.5% <sup>140</sup>	90%

# H. Accountability

In an interview given to The Guardian newspaper in January 2012, Mark Regev, spokesman for the Israeli Prime Minister, Binyamin Netanyahu, said:<sup>141</sup>

“If detainees believe they have been mistreated, especially in the case of minors [...] it’s very important that these people, or people representing them, come forward and raise these issues. The test of a democracy is how you treat people incarcerated, people in jail, and especially so with minors.”

In reality, many Palestinian families refuse to file complaints against the Israeli authorities for fear of retaliation, or simply because they do not believe the complaint process will be fair or impartial. There is some evidence to support this last concern:

- (i) Between January 2001 and late 2010, 645 complaints were filed against Israeli Security Agency (ISA) interrogators for alleged ill-treatment and torture of Palestinian detainees. No criminal investigations were conducted.<sup>142</sup>
- (ii) Between 2000 and 2010, a complaint lodged by a Palestinian against an Israeli soldier had a 96.5 percent chance of being dismissed without an indictment being filed.<sup>143</sup>
- (iii) On 27 January 2011, an Israeli military court refused to imprison Lt. Col. Omri Burberg who was convicted of shooting a bound and blindfolded Palestinian detainee at close range in the foot with a rubber coated steel bullet. The court declined to impose a custodial sentence even though this was recommended by the prosecution.<sup>144</sup>

Since 2010, DCI-Palestine has submitted four complaints to the Israeli authorities on behalf of Palestinian children who allege they were mistreated whilst in detention. The results of these complaints are presented in Table 11 below:





**Table 11 – Complaints submitted by DCI-Palestine on behalf of child detainees**

#	Name	Age	Details	Date of complaint	Status
1	I.M.	15	I.M. was arrested at 1:30 am, on 25 May 2010. I.M. reports that an interrogator named “Da’ud” in Gush Etzion settlement attached a pair of car battery jump leads to his genitals and threatened to electrify the cable.	15 Aug 10	Investigation closed - due to a “lack of evidence.”
2	A.R.	17	A.R. was arrested at 1:30 am, on 20 May 2011. A.R. was ordered out of the house with the rest of his family and made to strip naked in front of everybody and was then tied and blindfolded. A.R. reports being beaten by soldiers inside a military vehicle. On arrival at Zufin settlement, A.R. was dragged out of the vehicle and fell, causing both his mouth and nose to bleed.	7 Sep 11	Unknown
3	A.F.	15	A.F. was arrested by Israeli soldiers at 2:00 am, on 6 July 2011. A.F. was taken to Huwwara interrogation centre where he reports that soldiers placed food on his body and then brought a dog over to eat the food, in what A.F. describes as a terrifying experience.	11 Oct 11	Investigation opened on 27 November 2011
4	R.J.	16	R.J. was arrested by Israeli soldiers on 4 November 2011, and transferred to the Al Jalame facility, inside Israel. R.J. reports being held in solitary confinement in a windowless cell for 13 days and was repeatedly interrogated whilst tied to a chair. R.J. also reports being verbally abused and spat on in an attempt to make him confess.	14 Feb 12	Receipt acknowledged

In a recent report published by B’Tselem, the organisation investigated two complaint files opened by the Israeli Department of Investigation of the Police (DIP) in cases where Palestinian children alleged wrongdoing by police interrogators. B’Tselem concluded that: “The investigative material in the two cases indicates that DIP carried out a superficial investigation and made no real attempt to get to the bottom of the matter.”<sup>145</sup>



Child arrested at Beit Ummar: © Husam Abu Allan



# Summary of findings

The following table presents a summary of findings following the analysis of 311 testimonies collected from children detained during the reporting period. The findings focus on 12 issues of concern that were selected because of the frequency with which they were raised by children in their testimonies. The table combines the findings of ill-treatment from each stage of the system considered in the preceding pages. It is important to note that all of the children were subjected to multiple types of ill-treatment, and the cumulative effect on the children must be kept in mind (see **Annex 1**).

**Table 12 – Common complaints and areas of concern – January 2008 January 2012**

#	Common complaints and areas of concern	Number of cases	Percentage of children
1	Hand ties	296	95%
2	Blindfolds	281	90%
3	Physical violence	234	75%
4	Detention inside Israel in violation of Article 76	196	63%
5	Arrested between midnight and 5:00 am	188	60%
6	Confession during interrogation	180	58%
7	Threats	178	57%
8	Verbal abuse and/or humiliation	169	54%
9	Strip searched	102	33%
10	Transferred on floor of vehicle	98	32%
11	Signed/shown documents written in Hebrew	91	29%
12	Solitary confinement	38	12%



# J.

## Concluding remarks

The body of evidence presented in this report reveals a systematic pattern of ill-treatment, and in some cases torture, of children held in Israeli military detention.

The ill-treatment starts at the moment of arrest, when many children report experiencing terrifying night-time raids on the family home, before being tied, often painfully so, and blindfolded. The destabilising effect of these night-time arrests is compounded by the fact that parents and children are generally not informed of the reasons for arrest or where the child is being taken, often in the middle of the night. The common experience of many children is that the journey to the interrogation centre is routinely accompanied by further avoidable suffering, either because of the way the child is restrained or positioned in the vehicle, or because of further physical or verbal abuse. As reported in many testimonies, the transfer process can take many hours and often includes intermediate stops at settlements or military bases where further ill-treatment is reported, including in some cases, prolonged exposure to the elements, and a lack of water or toilet facilities.

On arrival at the interrogation centres, children are questioned alone and rarely appear to be informed of their rights, particularly their right to silence. The testimonies reveal a method of interrogation that frequently mixes intimidation, threats and physical violence with the clear intention of obtaining a confession from the child. From the time of arrest to interrogation, three-quarters of the children report being subjected to some form of physical violence, with over half reporting being verbally abused or threatened. This treatment culminates in most children providing confessions which could not be used as evidence in the courts of most modern democracies, whilst in nearly one-third of cases, children are shown, or made to sign, documentation in a language they do not understand.

Once the interrogation stage of the system is concluded, 87 percent of children remain in pre-trial detention awaiting their prosecution before a military court. The primary evidence against most children in the military courts is their confession, or the confession of another child who has been subjected to similar treatment. For reasons explained in the Report, at least 90 percent of children end up pleading guilty and accepting a plea bargain, even if they insist they are innocent of the charges for which they stand accused, as this is the quickest way out of the system. Once sentenced, nearly two-thirds of the children will be transferred to prisons inside Israel, in violation of the Fourth Geneva Convention. In practical terms this makes family visits difficult, and in some cases impossible, due to freedom of movement restrictions placed on Palestinians with West Bank ID cards.

In assessing the gravity of the ill-treatment reported by the children in their testimonies, it is important to consider the totality of the evidence from the moment of arrest to their appearance in the military court, as well as taking into account their age, physical and psychological development and relative position of inferiority. It is important to note that in all 311 cases, children report experiencing multiple forms of ill-treatment, as opposed to a single incident. This feature of the system is particularly relevant when assessing the gravity of the ill-treatment, as the cumulative effect must be taken into consideration, rather than viewing any individual act in isolation. Accordingly, when the totality of the evidence is considered, a pattern of systematic ill-treatment emerges, much of which amounts to cruel, inhuman or degrading treatment or punishment, as defined in the UN Convention against Torture, and in some cases, torture – both of which are absolutely prohibited. Evidence of the cumulative effect of the treatment is presented in **Annex 1**.

Reports of ill-treatment and torture within the military detention system are not new. Numerous reports have been documented and published by Palestinian and Israeli lawyers, as well as human rights' organisations working in the field. UN bodies, such as the Committee on the Rights of the Child, the Committee against Torture and the Human Rights Committee, as well as numerous UN independent experts, have also frequently reported ill-treatment for many years (**Annexes 4 and 5**). One reason for the persistence and frequency of these reports can perhaps be attributed to the lack of any effective accountability mechanisms, where in the words of one Israeli organisation: "The chances of a criminal offence carried out by an IDF soldier against a Palestinian successfully navigating the obstacle course of the complaint procedure [...] are almost nil."<sup>146</sup>

Finally, the testimonies reveal that most children held in the military detention system are arrested from villages located close to friction points, namely settlements built in violation of international law, and roads used by the Israeli army or settlers. The final section of the Report makes a number of recommendations intended to reduce the level of ill-treatment, but no one should be under any illusion that the treatment documented in this report can be eliminated so long as the friction points remain and Palestinian children are treated as second-class individuals.







# K. Recommendations

DCI-Palestine maintains the view that no child should be prosecuted in military courts which lack comprehensive fair trial and juvenile justice standards. However as a minimum safeguard, the following recommendations are intended to provide a series of simple and practical measures to assist in the protection of children held in the Israeli military detention system, and to curtail the practices that breach the absolute prohibition against torture and ill-treatment.

1. Except in extreme and unusual circumstances children should only be arrested during daylight hours.
2. In all cases the use of single plastic hand ties and blindfolds should be prohibited and the prohibition must be effectively enforced.
3. All children must have access to a lawyer of their choice prior to interrogation, and preferably, throughout the interrogation process.<sup>147</sup>
4. All children must be entitled to have a parent present at all times during their interrogation.<sup>148</sup>
5. In every case the interrogation of children must be audio-visually recorded, and a copy of the recording must be given to the child's legal representative at the conclusion of the interrogation.<sup>149</sup>
6. In all cases evidence obtained as a result of torture or ill-treatment must be excluded by the military courts.<sup>150</sup>
7. In all cases where incriminating evidence is obtained during interrogation when the child was not appropriately informed of his/her right to silence, this evidence must be excluded by the military courts.
8. The practice of using solitary confinement and administrative detention orders on children in Israeli detention facilities must be stopped immediately, and the prohibition must be enshrined in law.
9. Effective accountability measures must be introduced to ensure all credible reports of torture and ill-treatment are properly investigated in accordance with international standards, perpetrators are brought promptly to justice, and appropriate sanctions are given.
10. In accordance with recommendations made in 2002 by the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, an independent inquiry meeting with international standards should be established to investigate reports of torture and ill-treatment of children in the Israeli military detention system.

# Annex 1

**Cumulative table of issues  
of concern – January 2008  
to January 2012**

### Key

1	Arrested between midnight and 5:00 am.	7	Verbal abuse and/or humiliation
2	Hand ties	8	Solitary confinement
3	Blindfolds	9	Strip searched
4	Transferred on floor of vehicle	10	Signed/shown documents in Hebrew
5	Physical violence	11	Confession
6	Threats	12	Detained inside Israel

[illegible]

[illegible]

[illegible]

[illegible]



[illegible]

[illegible]

[illegible]

[illegible]

251	Abed S.	16	13 Apr
252	Abdullah S.	15	16 Apr
253	Ahmad K.	16	24 Apr
254	Mohammad K.	15	24 Apr
255	Said H.	15	18 May
256	Ihab M.	14	18 May
257	Omar H.	13	18 May
258	Thaer R.	15	18 May
259	Khaled H.	16	18 May
260	Ahmad R.	17	20 May
261	Mohammad H.	17	31 May
262	Othman H.	17	1 Jun
263	Saji O.	16	7 Jun
264	Ahmad R.	17	26 Jun
265	Sameer S.	12	29 Jun
266	Kamal E.	16	4 July
267	Ahmad Z.	16	4 July
268	Abdullah S.	15	4 July
269	Mahmoud S.	15	4 July
270	Ahmad F.	15	6 July
271	Malek Z.	15	11 July
272	Deia' S.	15	11 July
273	Mohammad A.	16	22 July
274	Anas M.	14	1 Aug
275	Said Z.	14	1 Aug
276	Ezz J.	17	16 Aug
277	Suhaib S.	17	31 Aug
278	Husam S.	16	4 Sep
279	Abdullah E.	15	12 Sep
280	Husam S.	15	12 Sep
281	Mazen Z.	14	12 Sep
282	Amir M.	16	13 Sep
283	Abed D.	15	14 Sep

[illegible]

## 2012

303	Mahmoud R.	15	1 Jan												
304	Abdullah H.	16	1 Jan												
305	Sa'd M.	15	4 Jan												
306	Mahmoud R.	15	4 Jan												
307	'Ala D.	17	9 Jan												
308	Ghaleb E.	16	16 Jan												
309	Mahmoud F.	16	17 Jan												
310	Khader A.	16	18 Jan												
311	Baha M.	17	18 Jan												
Totals				188	296	281	98	234	178	169	38	102	91	180	196
				60%	95%	90%	32%	75%	57%	54%	12%	33%	29%	58%	63%





# Annex 2

## Additional case studies

## Case study: 4

---

<b>Name:</b>	Nadeem and Jihad
<b>Date of Incident:</b>	24 April 2010
<b>Age:</b>	14 and 15
<b>Location:</b>	Tuqu' village, occupied West Bank
<b>Accusation:</b>	Throwing stones

---

**At around 3:00 am, on the morning of 24 April 2010, two brothers are arrested by Israeli soldiers from their family home, near Bethlehem.**

"I was sleeping," recalls 14-year-old Nadeem, and "I woke up to the voice of my father trying to wake up Jihad and me. He told us to get dressed. When I put on my clothes, I came out of the room and saw many Israeli soldiers in military uniforms. They were scary and I felt very scared." Nadeem recalls bursting into tears when a soldier told his father that they would take Nadeem, and his 15-year-old brother, Jihad, for interrogation, but "it was pointless" as the two boys were led out of the house, tied and blindfolded.



The boys were put into a military vehicle and made to sit on the metal floor during the 30 minute drive to Etzion interrogation centre, located in the Israeli settlement of Gush Etzion. On arrival at the interrogation centre, the two boys were made to sit in a corridor for about three hours, still tied and blindfolded. Later that morning, the boys were untied and taken separately for interrogation. Jihad recalls being slapped twice across the face by a soldier who told him "I'll fuck you if you don't confess you son of a whore." Jihad recalls becoming very scared and starting to cry, but was told to "shut up" by the soldier, but "I kept crying in a low voice."

The boys were accused of throwing stones at Israeli settler cars travelling on a road near their village. Both boys were interrogated in the absence of a lawyer and both boys confessed and signed papers written in Hebrew without knowing the contents. Both boys say they confessed because they were threatened with further violence. After interrogation, the boys were re-tied and blindfolded and made to sit in the corridor again for several hours. "While I was sitting there," recalls Jihad, "I was expecting to be released because the interrogator didn't tell me that I would be sent to prison. I kept sitting there with this hope to be released." However, after several hours of waiting, both boys were taken to Ofer Prison and placed in a cell with 10 other detainees, including adults and children.

Ofer Prison is located next door to one of two military courts operated by the Israeli military authorities in the West Bank. According to court documents written in Hebrew, the boys were charged with throwing stones at Israeli vehicles near their village with the intention of injuring the passengers. Nadeem's charge sheet alleges that "at an unknown time, on or about October 20, he threw 17 stones in the company of others." On 29 April 2010, the boys' lawyer entered into a plea bargain deal with the prosecution, in order to

minimise their time in detention, under which both boys were sentenced to 31 days imprisonment, with a further four months imprisonment suspended for three years, and a fine of NIS 1,500. If the boys could not pay the fine, they would have to serve an additional one month in an Israeli prison.

## Case study: 5

---

<b>Name:</b>	Mohammad M.
<b>Date of Incident:</b>	10 June 2010
<b>Age:</b>	16
<b>Location:</b>	'Asira al Qibliya village, occupied West Bank
<b>Accusation:</b>	Starting a fire near a settlement

---

**On 1 July 2010, two 16-year-old boys are released without charge after spending 22 days in detention, including six days in solitary confinement at the Petah Tikva facility.**

"I was in our living room with my children on Thursday evening, 1 July 2010, when my husband, Ibrahim, walked in and said Mohammad had been released from prison," recalls Mohammad's mother, Khadra. At first, Khadra did not know whether to believe her husband and told him not to joke about Mohammad, "but he smiled and told me he wasn't joking. He told me he had received a phone call from Mohammad who had been dropped off at Azzun Checkpoint by soldiers. I couldn't believe it and began to cry with joy. It was totally unexpected."

Three weeks earlier, Mohammad was woken up at 2:00 am by somebody shouting "army, army" in Hebrew. "At that point I realised that Israeli soldiers had come to our house, which is the nearest house in the village to the settlement of Yizhar, which is built on lands taken from our village," recalls Mohammad. He and his family exited the house and following a brief discussion, Mohammad's hands were tied with plastic ties and he was blindfolded. Mohammad was terrified and started to cry. "Don't be scared, be a man and stop crying," Mohammad's father called out, and Mohammad stopped crying.



Mohammad and his friend, Fadi, were first taken to Huwwara and Salem interrogation centres in the north of the West Bank, where they were held for around eight days and taken briefly before a military court. During this time, Mohammad was interrogated by a man who called himself "Jihad" who accused him of starting a fire which had spread up the hillside from the village and threatened the settlement of Yizhar – "he accused me of starting the fire and threatened to shock me with electricity if I didn't confess to what he wanted

me to confess," recalls Mohammad. Fadi was similarly threatened, but was also told that "if you don't confess, we'll accuse you of having a hunting gun, and detain you on possession and stone-throwing." Mohammad also recalls signing some papers but without knowing their contents.

On 17 June the boys were taken before Salem Military Court and their detention was extended for a further eight days. The boys' parents were present in court but the soldiers prevented them from talking. On 21 June, soldiers came and handcuffed the boys and shackled their feet together before transferring them to Petah Tikva, an interrogation centre and prison inside Israel, located near Tel Aviv. The transfer of the boys out of the Occupied Palestinian Territory and into Israel contravened Article 76 of the Fourth Geneva Convention, which prohibits such transfers. On arrival at Petah Tikva, Mohammad was again interrogated by a man who called himself 'Nirva' or 'Durva' – "Who started the fire on the mountain?" Mohammad recalls being asked, "not me," replied Mohammad, "I was at school sitting an exam and after that I went with my friends to buy some food and I didn't know anything about the fire." The fact that Mohammad was at school sitting an exam when the fire started is confirmed by his mother.

Both boys were brought before a military court in Petah Tikva on two further occasions (23 and 30 June) to have their detention extended by a military court judge. On these

occasions the boys were represented by a lawyer but their parents were not present as they are not able to travel inside Israel without a special permit which is difficult to obtain. The families were in constant contact with the boys' lawyer who updated them on their situation. "Throughout the three weeks the lawyer brought us bad news," recalls Khadra, "he told us the court had secret evidence against Mohammad and that things were not looking good. He told us there is nothing a lawyer can do when the court relies on secret evidence. I couldn't sleep for two days when I heard this. It felt like a dark black cloud had descended on me."



It was whilst in Petah Tikva, that both boys were placed in solitary confinement for six days. "He told me that on the sixth day in solitary confinement he began to bang on the door and to scream and shout, begging the guards to take him back to the other cell to be with other prisoners," recalls Khadra, who describes Mohammad as a very sociable boy who is always surrounded by children his own age and younger. "The guards shouted back at him, cursed him and showed no sympathy. He was on his own for six days; he didn't see anyone and didn't talk to anyone. He was in a small room with a mattress on the floor and two blankets. He didn't have a pillow. The room didn't have any windows and he couldn't tell whether it was day or night. The guards kept the lights on the whole time and he had difficulty falling asleep. He told me he hung his underwear on the light bulb to make it dimmer in order to fall asleep. They gave him prison clothes that were too big for him, and the trousers kept falling off. He had no idea how long he was going to be there and that alone made him lose his mind."

The ordeal of Mohammad's detention was difficult for his mother to bear. "I cried most when I saw his friends flying kites in the empty piece of land behind the house without him. I knew Mohammad was innocent but I also knew that wasn't going to make it any less of an ordeal for him. I blamed myself for not talking to him about prison, to make sure he never confesses to anything he did not do," says Khadra. According to Mohammad, the boys considered confessing because they could not stand it any longer, but because they were not involved in the fire, they did not know what story to tell.

On 1 July 2010, without prior notice, Israeli soldiers dropped the two boys off at a check-point far from home at 8:30 pm and told them to "go home." "I cannot believe he has been released," says Khadra, "but he is not the same boy anymore. He has changed a lot. He spends hours alone, gazing and doing nothing. He does not eat with us and spends a lot of time sleeping. He listens to adult prison songs. He breaks my heart. I don't know what to do [...] I will do anything to make Mohammad happy again."

## Case study: 6

---

<b>Name:</b>	Muhsen M.
<b>Date of Incident:</b>	10 June 2010
<b>Age:</b>	7
<b>Location:</b>	Beit Ummar, occupied West Bank
<b>Accusation:</b>	Unknown

---

**At around 2:45 am, on the morning of 10 June 2010, Israeli soldiers deliver a summons to the family of a seven-year-old boy from Beit Ummar.**

"We woke up to banging on the front door of our house accompanied by people shouting in Hebrew: 'open the door, it's the IDF,'" recalls 'Alia, the mother of seven-year-old Muhsen. "My husband answered the door and three Israeli soldiers stormed the house. One of the soldiers asked my husband, in mixed Arabic and Hebrew, for our son Muhsen, our youngest child."

'Alia's husband informed the soldier that Muhsen was seven-years-old, and showed the soldier his birth certificate.

"The officer read the date of birth, which is on 17 September 2002, and laughed, but still handed him the summons 'inviting' my son to Etzion interrogation centre the next morning because he is 'wanted for interview,'" recalls 'Alia.



The document handed to 'Alia's husband is a standard form document printed in Hebrew and Arabic with specific details filled in handwritten Hebrew. The unsigned document appears to have been issued by the Israeli District Coordination Office on behalf of the "Israeli Defense Forces" at Etzion. The document is an "invitation" for Muhsen to attend to meet Captain Tamir at Etzion Centre at 2:00 pm, later on the same day. Etzion Centre is a

place well known to the local residents as an Israeli interrogation and detention centre, located inside the settlement of Gush Etzion, halfway between Hebron and Bethlehem.

Seven-year-old Muhsen slept through the night time raid by the Israeli army, but was told what had happened the next morning by his mother. "My siblings and my mother were shocked to know that the soldiers wanted me to go to Etzion centre because I am very young," says Muhsen, "I am still in the second grade and after the summer break I'll be in the third grade. I don't want my father to take me to the centre because I know, and hear people saying, that it is a prison, and if I go there, they will take me away from my family." Muhsen's father had to visit a relative in hospital later that day and did not take his son to the interrogation centre as requested. "I still don't know if my father will take me there or not," worries Muhsen, "my family doesn't know whether the soldiers will come back to the house and ask me why I haven't gone. Israeli soldiers often come to our town. Six months ago they came and took my uncle, and he's still in prison. They also took my cousin, and he's still in prison."

Subsequent enquiries found that the summons was not intended for seven-year-old Muhsen, and the name on the document, written in Hebrew, is that of another person. It appears the Israeli army delivered the summons to the wrong house, in the wrong village. The family has not received an explanation or apology from the Israeli authorities.

## Case study: 7

---

<b>Name:</b>	Abed H.
<b>Date of Incident:</b>	5 August 2010
<b>Age:</b>	16
<b>Location:</b>	Azzun village, occupied West Bank
<b>Accusation:</b>	Throwing stones

---

**On 5 August 2010, a 16-year-old boy from Azzun village, is arrested with three other children outside his village near a road used by Israeli settlers. Abed was accused of throwing stones and reports being given electric shocks in Ari'el settlement.**

"I was hanging out with my friends Yahia, Nahar and Raed," recalls Abed. "It was around 12 noon and we were near the road which connects Qalqiliya to Nablus, near our village. Israeli settlers and soldiers travel on this road. While we were hanging out, an Israeli jeep passed by and Yahia jokingly waved at it." The soldiers turned the jeep around and started chasing the boys who ran away. The jeep was joined by another vehicle and soon the boys grew tired and stopped running. "Two soldiers got out of the jeep and started running towards us," recalls Abed. "They searched us then ordered us to walk with them until we reached the jeep." A number of other jeeps soon arrived and the four boys were loaded into them and taken to the nearby Israeli settlement of Zufin.



On arrival at Zufin settlement, the boys were pulled out of the jeeps and made to sit on the ground. "Then they tied our hands behind our backs with plastic cords and blindfolded us," says Abed. "The cords were very tight and I felt pain." Abed was not beaten at the settlement but he recalls hearing the sound of beating and his friend Yahia shouting: "Don't beat me." The boys were left sitting on the ground for about two hours, during which time Abed was briefly taken to see a doctor who asked him a few questions about his health whilst filling out a questionnaire. Abed's blindfold was removed in the presence of the doctor, but his hands remained tied behind his back. About two hours after arriving at Zufin settlement, the boys were loaded into a truck and transferred to a police station in Ari'el settlement.

On arrival at Ari'el settlement, Abed was led up some stairs and made to sit on a chair for 15 minutes before being taken for interrogation. "They removed my blindfold," recalls Abed, "but kept my hands tied. I saw two interrogators in the room. One spoke Arabic and was called 'Josef'. Josef accused me of throwing stones which I denied. He then called the other interrogator who spoke to me in Hebrew, which Josef translated. 'If you don't confess,' said the other interrogator, 'I'll chop you into pieces.' He was holding a small device which he said produced an electric shock. 'I'll shock you with it if you don't confess,' he said. 'I didn't throw stones and I don't want to confess,' I replied. The second interrogator then shocked me twice. The shocks were really painful and my body started shivering, but I didn't confess. 'This time I will shock you for longer,' said the interrogator. The second interrogator then shocked me twice for longer than previously and I could no longer feel my arms or legs. My body started shivering and I started shouting. I felt my body was paralysed and I could no longer tolerate the shocks. 'I threw stones and I'll confess to anything you want,' I said. The interrogator stopped shocking me and then Josef took my statement in which I confessed to throwing stones. The statement was written in Arabic but I wasn't allowed to read it. The interrogation lasted about two hours during which time my hands remained tied behind my back."

After interrogation, Abed was transferred to Salem interrogation centre for seven days, and was then transferred to Megiddo Prison, inside Israel, in violation of Article 76 of the Fourth Geneva Convention which prohibits such transfers.



Case study: 8

Name:	Karam D.
Date of Incident:	22 September 2010
Age:	13
Location:	Hebron, occupied West Bank
Accusation:	Throwing stones

**On 22 September 2010, a 13-year-old boy from Hebron, is arrested by Israeli soldiers on his way home from school and later accused of throwing stones at a settler car. A military court orders house detention and no school.**

Thirteen-year-old Karam lives in the old city of Hebron. “My house is only 100 metres away from the settlement of Kirya Arba, and settlers walk by our house every day,” says Karam. On 22 September 2010, at around 12 noon, Karam was walking home from school. “I was in front of my grandfather’s store located near the road used by settlers. Suddenly, two Israeli soldiers grabbed me. Things were calm at the time and I hadn’t done anything wrong.” Karam was dragged 60 metres by the soldiers and was then punched and slapped, but ‘not hard’ he says. “I was scared and crying. I didn’t know what they would do to me.”The soldiers accused Karam of throwing stones at a settler car, which he denies, and they continued to beat him for about five minutes.



Shortly afterwards, Karam’s hands were tied in front of him with plastic ties and he was blindfolded. He was then made to sit on the ground against a wall for two hours. “I felt very exhausted,” recalls Karam, “and kept wondering what would happen to me. I was very scared. It was the first time I went through something like this. I was hungry and thirsty because I had been at school all morning.” After about two hours, Karam was put in an Israeli police car and taken to nearby police station. “I knew it was a police car,” says Karam, “because a policeman lifted my blindfold and asked for my name.” A short time later Karam arrived at the police station and after another 30 minutes, was taken for interrogation. “I was made to sit on a wooden seat in front of the table. He [the interrogator] sat behind the table. ‘Why do you throw stones?’ he asked. ‘I didn’t,’ I said. ‘Yes you did, you threw stones at a settler’s car,’ he said. ‘No I didn’t,’ I said once again. He then started shouting at me: ‘Liar,’ he shouted. ‘I’m not a liar,’ I said.”

Karam was interrogated for around 15 minutes and was then made to sit in a corridor. Shortly afterwards, one of Karam’s neighbours came to the police station and tried to persuade the police to release Karam because he is young and didn’t do anything wrong. Karam’s father was still at work at the time. After another hour of discussion, the police eventually released Karam into the custody of his neighbour. As they walked home, the pair bumped into Karam’s father who had heard about his son’s arrest and was rushing to the police station.

“The next day,” recalls Karam, “I skipped school because of my eldest sister’s engagement party. At around 10:00 am, Israeli soldiers surrounded our house and an officer ordered my grandfather to bring me outside. I wasn’t scared that much,” says Karam, “because we’ve got used to soldiers.” Karam was again put in a police car and taken to the police station. Karam’s father, Khaled, insisted on accompanying his son, and the soldiers allowed him to do so. On arrival at the police station, father and son were separated, and Karam was again taken for interrogation. “I want you to tell me how you threw stones at a settler’s car and with whom,” asked the interrogator. Again, Karam denied that he had any involvement in throwing stones. After the interrogation, Karam was made to sit in a corridor for about four hours until two policemen came and shackled his hands and blindfolded him before placing him in a vehicle and transporting him to Ofer prison, near Ramallah. Whilst his son was being interrogated, Khaled was being held in a shipping container before being sent home alone. On arrival at Ofer prison, Karam was placed in Room Number 5 with six adult detainees.

Over the course of the next week, Karam was taken to Ofer Military Court on three separate occasions before being released on a surety of 2,000 shekels (US \$500) on 28 September 2010. Karam’s father says the court also imposed an additional condition of “putting Karam under home arrest at his uncle’s house, which is about 100 metres away from our house and further away from the road used by the settlers. Karam is not allowed to go to school during the home arrest.” Karam says the ruling is “very tough and I don’t know whether I will be able to handle it. I don’t know how I can be away from my house. I won’t pass the semester. I won’t be able to go to the store or my friend’s house. I’m very upset because of this. My family is very upset as well.” The military court ordered that Karam remain under home arrest at his uncle’s house until further notice.

## Case study: 9

<b>Name:</b>	Mohammad S.
<b>Date of Incident:</b>	11 January 2011
<b>Age:</b>	16
<b>Location:</b>	Tulkarm, occupied West Bank
<b>Accusation:</b>	Membership of a banned organization

**On 11 January 2011, a 16-year-old boy from Tulkarm, is arrested by Israeli soldiers at 2:30 am.**

“At around 2:30 am, I was sleeping when I woke up to a noise outside the house,” recalls 16-year-old Mohammad. “A short time later I heard the door opening and soldiers stormed our apartment. Even before I got out of bed, soldiers entered my bedroom and surrounded me. One of the soldiers grabbed me by my shirt and lifted me. He asked for my name and ID number. After examining my ID he ordered me to get dressed because they would be taking me, but he didn’t tell me why.” Mohammad reports that whilst this was going on, Ibrahim, his 21-year-old brother was being beaten by soldiers.



Mohammad got dressed and his hands were then tied behind his back before being made to sit in the living room. "Meanwhile, my mother tried to come out of the kitchen and approach me, but the soldiers shouted at her and didn't allow her to move," recalls Mohammad. "The soldiers then started to tear down pictures of my relatives hanging on the wall and I asked them to stop, but they shouted at me and ordered me to 'shut-up.'" Mohammad reports that the soldiers confiscated a computer and also took down a Palestinian flag. About 30 minutes later, Mohammad was blindfolded and taken out of the house to a waiting military vehicle. "I think it was a military truck," says Mohammad, "because they made me climb up a small ladder and forced me to sit on the metal floor. That caused me harsh pain because I have problems with my left leg. I told them about my leg but they ordered me to 'shut-up,'" says Mohammad. During his transfer, Mohammad says that he was insulted and verbally abused by the soldiers who were laughing loudly: "Your mother's a cunt, you son of a whore" they said to me."

Mohammad reports that the truck travelled for about 20 minutes before stopping. "Soldiers pulled me out and made me sit on the ground in the cold weather [...] for about an hour." Once the sun came up, Mohammad was put in a military jeep and taken to Huwwara interrogation centre, near the city of Nablus, in the West Bank. Mohammad estimates that they arrived at Huwwara at around 11:00 am, and after being strip searched, he was able to drink some water and use the toilet for the first time since his arrest. In the afternoon, Mohammad was tied and blindfolded and transferred to Al Jalame interrogation centre, inside Israel. Mohammad's transfer out of occupied territory was in violation of Article 76 of the Fourth Geneva Convention which prohibits such transfers.

"We arrived at Al Jalame late at night," recalls Mohammad. He was then photographed and asked some general questions about his health. "Immediately after that they took me to an interrogation room to spend about 10 minutes with a man who spoke fluent Arabic. He told me that another interrogator would interrogate me the following day and that I should cooperate with him. I was then detained in Cell No. 37 which was small, measuring about 2x1 metres with two dim lights in the ceiling. There was an air conditioner which would switch from cold to hot air every five minutes, for 24 hours. I had to sleep on the floor until the morning because there was no mattress or blanket. It was very cold. They brought me a mattress and a blanket in the morning. They detained me in that cell for two weeks then moved me to Cell No. 38, which was similar to Cell 37," recalls Mohammad.

"On the second day of my detention, I was taken to an interrogation room and an interrogator named 'Amous' was waiting for me. He interrogated me for four hours at least. He made me sit on a low metal chair tied to the floor, and tied my hand to the chair. Amous interrogated me almost every day for two to three hours in the same manner. I didn't confess at first, but then couldn't handle the pressure and the harsh interrogation, so I had to confess to trying to join Islamic Jihad. I got tired of life and wanted to be arrested and put in prison," says Mohammad.

Mohammad reports that on 8 February 2011, he was transferred from Al Jalame interrogation centre, to Megiddo prison, also inside Israel. On 13 February, Mohammad was charged with attempting to join a banned organisation. On 24 February 2011, Salem military court released Mohammad on bail of NIS 7,500 and on 3 April 2011, he pleaded guilty. Mohammad was sentenced by military court to 45 days in prison (time already served), an additional three month suspended sentence, and a fine of NIS 2,000.

## Case study: 10

---

<b>Name:</b>	Moawia R.
<b>Date of Incident:</b>	28 January 2011
<b>Age:</b>	16
<b>Location:</b>	Azzun village, occupied West Bank
<b>Accusation:</b>	Throwing stones

---

**On 28 January 2011, a 16-year-old boy from Azzun village is arrested by Israeli soldiers from his family home and accused of throwing stones.**

"At around 11:30 am I was on my way home from our land near the village, when I was surprised to see two soldiers rushing towards me," recalls Moawia. "They grabbed me and dragged me away without saying anything. One of them beat me and pushed me against an electricity pole causing me harsh pain. He also kept pressing down on my hand and slapped me across the face whenever I asked him to stop."



The soldiers accused Moawia of throwing stones at Israeli settler cars travelling near his village. "I denied it immediately," says Moawia, "but he started shouting at me and insulting me: 'Your sister's a cunt,' he said. 'Don't say that,' I said, but he kicked me hard in the legs and made me sit on the ground for about five minutes until three military jeeps arrived." Moawia's hands were then twisted behind his back and he was tied with plastic cords, before being placed inside one of the vehicles. Whilst inside the vehicle, Moawia reports becoming scared and so decided to confess. He was then blindfolded and transferred to the settlement of Zufin, close to his village. Following a brief medical check, Moawia was then transferred to Ari'el settlement. "When we arrived they took me to an interrogation room and forced me to sit in a chair. They untied me and removed the blindfold. I was then interrogated by a person speaking Arabic who kept shouting at me and insulting me by saying: 'Your sister's a cunt.' He pushed me several times and wanted to knock me down even though I had already confessed to the accusations against me. He interrogated me for about three hours, during which time I confessed to throwing stones at Israeli cars travelling on the main road near my village."

Following his interrogation, Moawia was transferred to Huwwara Interrogation Centre and strip searched. Five days later, Moawia reports being taken back to Ari'el settlement and interrogated again and accused of throwing Molotov cocktails, which he denied. Moawia recalls that the interrogator's name was Issa. "Issa started kicking me hard and slapping me," recalls Moawia. "Then he forced me to stand against the wall on one leg with my hands in the air. He kept me like this for 20 minutes and whenever I lowered my leg he would shout at me. I felt harsh pain in my leg. Despite this, I didn't confess. 'I won't confess to something I didn't do even if you shoot me,' I said to him, and he started shouting at me and beating me on the neck." Moawia reports being interrogated by Issa again the next day in a similar manner.

On 10 February 2011, a military court denied Moawia bail, and shortly afterwards he was transferred to Megiddo prison inside Israel, in violation of Article 76 of the Fourth Geneva Convention.

## Case study: 11

---

<b>Name:</b>	Mahmoud A.
<b>Date of Incident:</b>	18 February 2011
<b>Age:</b>	9
<b>Location:</b>	Beit Ummar, occupied West Bank
<b>Accusation:</b>	Throwing stones

---

**On 18 February 2011, a nine-year-old boy from Beit Ummar, is arrested by Israeli soldiers and taken to the settlements of Kirya Arba and Gush Etzion.**

"I live in Beit Ummar, about 70 metres away from the main road that connects Bethlehem with Hebron," says Mahmoud. "Settler cars as well as Palestinian cars travel on that road, day and night, which means that Israeli military jeeps are always around to protect the settlers. That is what I've been seeing since I became aware of things around me and the circumstances in the village where I live."



On Friday, 18 February 2011, Mahmoud, his 15-year-old brother and their 13-year-old cousin were playing in front of their house at around 1:00 pm. Mahmoud recalls that four Israeli soldiers suddenly came running towards them shouting "stop, stop," in Arabic. "We became very scared and ran to our uncle's house, about 30 metres away from our house," recalls Mahmoud. Their cousin managed to run inside the house, but the soldiers grabbed Mahmoud and his brother. Soon afterwards, two of the boys' uncles arrived on the scene. "I was very scared and kept screaming: 'I didn't do anything.' 'You threw stones at the jeep,' one of the soldiers said in Arabic. I didn't know what jeep he was talking about. I didn't know who threw stones or when. My uncles and the soldiers started arguing with each other and a few seconds later my father came. One of the soldiers was grabbing my left arm and my uncle Ibrahim was grabbing me from the other arm [...] I was very scared and trying to hide behind my uncle and kept telling him and my father, 'please don't let them take me away.'"

A short time later, six more Israeli soldiers arrived on the scene with two Israeli Border Policemen. "They shouted at my father and uncles and pointed their weapons at them and forced them to enter my uncle's house. At the same time a soldier picked me up

on his shoulder and started running,” recalls Mahmoud, who was soon placed inside an armoured jeep. Inside the jeep, Mahmoud reports that he was slapped across his face once, “but not hard.” His hands were then tied in front of him with a piece of cloth and he was blindfolded.

Mahmoud was first taken to the settlement of Kirya Arba and made to sit on a chair outside a building whilst still tied and blindfolded. Mahmoud reports that somebody walked by and slapped him three times on each cheek, “but the slaps were not painful.” Mahmoud recalls that as time went by, “I felt less scared and less worried, but more tired and bored as they kept me sitting in the chair for about two hours.” Mahmoud was permitted to use the toilet and was offered food and water. At around 7:30 pm, Mahmoud was placed inside another military vehicle and transferred to the settlement of Gush Etzion, closer to Bethlehem. On arrival at Etzion, his blindfold was removed and he was released into the custody of his father at 8:00 pm.

## Case study: 12

---

<b>Name:</b>	Tareq M.
<b>Date of Incident:</b>	22 February 2011
<b>Age:</b>	16
<b>Location:</b>	Beit Ummar, occupied West Bank
<b>Accusation:</b>	Throwing stones

---

**On 22 February 2011, a 16-year-old boy from Beit Ummar is arrested by Israeli soldiers and accused of throwing stones during a demonstration against land confiscation.**

Tareq dropped out of school and works as a farm labourer to help support his family. At around 3:00 pm, on 22 February 2011, Tareq was returning home from work with two friends. “There was a peaceful demonstration going on near Karmi Zur, protesting the confiscation of village lands,” recalls Tareq. Karmi Zur is an Israeli settlement built close to Tareq’s village. “We saw the demonstration but kept walking to our houses after a long hard day at work. We approached the demonstrators and came near to a house, when a group of soldiers suddenly stormed out,” says Tareq.



“I was so scared of the soldiers I decided to run away to the fields with my friends. At that point, another group of soldiers suddenly appeared and fired in the air. I was so scared I froze in my place. Three soldiers approached me while pointing their rifles at me and my friends. They knocked me down, tied my hands behind my back with plastic cords and blindfolded me,” recalls Tareq. “They kept me on the ground for about half-an-hour until a military jeep arrived. They put me in the jeep and started beating me with the barrels of their rifles in my back and stomach. They also insulted me: ‘You dog, throwing stones at us and running away,’ they shouted. ‘I didn’t throw stones,’ I said.”



Tareq was taken to an unknown location. On arrival, Tareq was taken out of the vehicle and was kept standing for about three hours whilst still tied and blindfolded. After three hours, Tareq recalls being dragged by the shirt to another location. "He removed the blindfold and I found myself in an interrogation room. There was a man in police uniform in the room," recalls Tareq. "The interrogator slapped me across the face and kicked me on my bottom. 'What did you do to be brought here you dog?' he asked. 'I didn't do anything,' I said, and he ordered the soldiers to leave the room. He sat behind the desk and kept me standing in front of him. 'You are accused of throwing stones today at settlers and soldiers,' the interrogator said. 'I didn't throw stones,' I said. 'I was on my way home from work,' I said, and explained what had happened. 'You're a liar. Confess so I can help you out,' he said. 'I can't confess to something I didn't do,' I said. 'You want to teach me how to do my job?' he replied. The interrogator approached me and started slapping and kicking me. He even knocked me down. 'Get up and tell me how you threw stones at soldiers,' he ordered me. 'I threw stones at soldiers and settlers today in Karmi Zur,' I said. 'Why?' he asked. 'Because they took our land,' I said. 'What? You want to liberate Palestine now?' he said. 'It's our land,' I said. 'Shut up dog,' he replied, 'you'll see whose land it is.'"

The interrogator then called a soldier into the room and ordered him to blindfold Tareq and take him to a cell. "He kept me tied and blindfolded in the cell for four hours," says Tareq. After four hours Tareq was taken back to the interrogation room and ordered to sign papers without knowing their contents. "I had to confess because I was very scared," says Tareq.

## Case study: 13

---

<b>Name:</b>	Sami H.
<b>Date of Incident:</b>	8 March 2011
<b>Age:</b>	15
<b>Location:</b>	Beit Ummar, occupied West Bank
<b>Accusation:</b>	Throwing stones

---

**On 8 March 2011, a 15-year-old boy from Beit Ummar is arrested by Israeli soldiers from the family home at 1:00 am.**

"At around 1:00 am I woke up to banging on the door," recalls Sami. "I went out to the living room and saw many soldiers who asked us for our names. They said they wanted to arrest me and my brother, M. The soldiers immediately took me and M. outside without allowing us to say goodbye to the family. They didn't allow me to put on a jacket since it was very cold outside. Then they tied my hands behind my back with one set of plastic cords and tightened them up." Sami reports that the soldiers then made them walk for about an hour, during which time they were kicked in the legs for no reason.





"About an hour later," recalls Sami, "we arrived at the settlement of Karmi Zur and the soldiers forced us to sit on the ground. They slapped us. They lifted our shirts and punched us in the chest. One of them punched me so hard in the chest I felt harsh pain. They kept us sitting there for about an hour, during which time they assaulted us. One of them kicked me hard with his boots. It was very cold outside." About an hour later, the boys were put in the back of a vehicle and transferred to Etzion settlement. According to Sami, they were slapped along the way.

Sami reports that he was interrogated at Etzion about an hour after arrival. "I was taken to an interrogation room to be interrogated by four interrogators. They removed the blindfold and untied me. Two of them introduced themselves as Sharif and Dawoud. They accused me of throwing stones and Molotov cocktails and I denied it. But Dawoud started shouting at me and that made me so scared I confessed to throwing stones only. I was interrogated for about two hours. After that the interrogators ordered me to sign papers written in Hebrew. They said it was my statement. I asked them to explain it to me but they refused and forced me to sign it."

Following the interrogation, Sami was taken outside, where he remained until 7:00 pm. He was not tied or blindfolded during this period. "At around 7:00 pm, soldiers tied my hands with one set of plastic cords. They did the same to another boy. They put the two of us in one jeep, and the jeep travelled for a short distance. Then they pulled us out and made us walk with them for about half-an-hour until we reached a room and detained us inside. On the way to the room, one of them slapped Ihab three times for no reason. He also tightened up our ties so hard that my hands swelled and I started to scream. Ihab was feeling dizzy and he vomited. I was screaming in pain because of the tight ties. Shortly after that soldiers took us out to another room and untied us. A doctor asked us some general questions. Then they took us back to the first room but without tying us. We fell asleep. They kept us in the room until around 1:00 am when they came and woke us up by pushing us hard. Soldiers tied us with plastic cords and blindfolded us. They then put us in a jeep and transferred us to Ofer prison. They insulted both of us on the way. We arrived at around 2:00 am and were strip searched before being taken to the detention rooms."

Sami was detained in Ofer prison for 20 days before being transferred to Rimonim prison, inside Israel, in violation of Article 76 of the Fourth Geneva Convention.

## Case study: 14

---

<b>Name:</b>	As'ad M.
<b>Date of Incident:</b>	11 March 2011
<b>Age:</b>	16
<b>Location:</b>	Azzun village, occupied West Bank
<b>Accusation:</b>	Throwing stones

---

**On 11 March 2011, a 16-year-old boy from Azzun is arrested by Israeli soldiers and accused of throwing stones.**

"At around 6:00 pm I was sitting near the main road connecting Qalqil-ya to Nablus near our village with my friend Adam," recalls As'ad. "Suddenly, a military jeep arrived and stopped in front of us. Two soldiers got out and ordered us to approach them. We approached them and they forced us to sit on the ground near the jeep." A short time later more jeeps arrived and the boys report being questioned by an officer speaking Arabic. "Then he spoke with a soldier in Hebrew and the soldier tied my hands behind my back with one plastic cord and tightened it up, which was painful. I asked them to loosen it but they refused. They shouted at me, insulted me and beat me," recalls As'ad, who was also blindfolded.



Both boys were then placed inside a military jeep. "Some of them kicked me and slapped me several times because I complained about the tight plastic cords," recalls As'ad. "The jeep travelled to several places unknown to me. At one point, they pulled us out and forced us to sit on the ground. While we were sitting there, one of them kept kicking me hard for no reason. He kicked Adam as well. Many soldiers passed by and they would slap and kick us. They kept us sitting there for a few hours before transferring us to Ari'el police station."

As'ad reports arriving at Ari'el police station at around 10:00 pm and being taken straight for interrogation. "I was interrogated by a man speaking Arabic who accused me of throwing stones. At first I didn't confess, but he kept shouting and that made me scared, so I decided to confess to throwing stones in the past. He untied me when I confessed to throwing stones about two months ago," says As'ad. "I was interrogated for about 30 minutes. Then the interrogator ordered me to sign a statement written in Arabic and I did so, but he didn't allow me to read it. Then he tied my hands again."

After their interrogation, As'ad and Adam were both transferred to Zufin settlement, where they were both asked some general questions about their health by a military doctor. As'ad reports that his blindfold was removed but he remained tied whilst questioned by the doctor. The boys were then transferred to another location, where they were made to stand by the jeep, still tied and blindfolded, for approximately one hour, before being transferred again. "I had a headache," recalls As'ad, "and I felt dizzy and started vomiting. The soldiers just insulted me." At around 7:00 am, the boys were transferred again to another military base. "They made us sit near toilets that smelled horrible," says As'ad. "It was very cold. It even started raining and our clothes became wet, so they moved us under a metal sunshade. They didn't allow us to use the bathroom at all. They didn't provide us

with any water, though we asked several times. They kept us sitting there until the evening. I want to say that they kept us tied for almost 24 hours.”

That evening the boys were transferred to Huwwara interrogation centre, near Nablus in the West Bank. Four days later, the boys were transferred to Megiddo prison inside Israel, in violation of Article 76 of the Fourth Geneva Convention.

## Case study: 15

---

<b>Name:</b>	Jameel Z.
<b>Date of Incident:</b>	28 March 2011
<b>Age:</b>	12
<b>Location:</b>	Beit Ummar, occupied West Bank
<b>Accusation:</b>	Throwing stones

---

**On 28 March 2011, a 12-year-old boy from Beit Ummar is arrested by Israeli soldiers from his family home at 2:00 am.**

“At around 2:00 am I woke up to banging on the door of our house,” recalls Jameel’s father, Ahmad. “I headed to the door and shouted: ‘Who is it?’ I heard someone saying in Arabic: ‘Open up, it’s the Israeli army.’ I opened the door and a soldier pushed me back. Then around 12 soldiers in uniform with their faces covered in black masks stormed the house. They had two big scary dogs.”

Once inside, the soldiers immediately deployed around the house. “I stopped them from entering the bedroom because my wife was still inside. I told them they had to wait,” recalls Ahmad. “Then I rushed to the girls’ room after seeing three soldiers entering with a dog. The girls were crying and screaming. The soldiers were looking around while the dog was sniffing the room. The girls were sitting close to each other on the mattress. I calmed them down and told them the dog wouldn’t approach them and that it’s trained to listen to his handler. The dog didn’t approach them and the soldiers didn’t move anything in the room. They just kept looking around. About two minutes later I asked the girls to go out to the hall. They were feeling a little better, but they were struggling in general. Both girls wet themselves because they were very scared.”



Ahmad recalls being very tense. “I couldn’t focus on what exactly was going on around me. Then, I noticed that an officer was talking to Jameel in Arabic. He asked Jameel for his name and then told him he was under arrest. Jameel was so shocked he burst into tears and started shivering. It was a shock for us as well. It never occurred to me that they had come to arrest Jameel. ‘Are you serious?’ I asked the officer. ‘Yes, we want Jameel,’ he said. ‘If you want to arrest him, arrest me as well,’ I said. I was very tense and anxious. He

talked to the soldiers in Hebrew and signalled them to take me away. I don't understand Hebrew. Then four soldiers surrounded me and took me to one of the balconies. 'We don't want any trouble,' one of them said to me in Arabic. I understood they wanted me to stay on the balcony. About two minutes later the officer came to me and said: 'Stay calm and we'll take care of the child.' I had to calm down," recalls Ahmad, "I mean there was no need to be anxious and worried. They would arrest him anyway no matter what."

Ahmad again asked the officer if he could accompany Jameel but his request was refused. "After that the soldiers took Jameel and left the house. My wife and I wanted to follow them but they stopped us. They ordered us to go inside the house and close the door. We headed for the balcony and saw them tying Jameel's hands behind his back with plastic cords. They didn't blindfold him or beat him and they took him away on foot."

Later on that morning other residents of Beit Ummar told Ahmad that the soldiers had arrested another 13 children and taken them on foot to the nearby settlement of Karmi Zur. "On the third day of his detention, I spoke to Jameel in the military court," recalls Ahmad. "He told me that the soldiers had kept him and the other children sitting on the ground in the settlement all night, before being transferred to Etzion interrogation centre." Jameel was later charged with throwing stones at settler cars based on the confessional evidence of the other children.

## Case study: 16

<b>Name:</b>	Ihab M.
<b>Date of Incident:</b>	18 May 2011
<b>Age:</b>	14
<b>Location:</b>	Azzun village, occupied West Bank
<b>Accusation:</b>	Throwing stones

**On 18 May 2011, a 14-year-old boy from Azzun village is arrested by Israeli soldiers from the family home at 2:00 am, and accused of throwing stones.**

"At around 2:00 am I was sleeping when I woke up to soldiers banging on our door and throwing stones at it as well," says Ihab. "Open the door and come out; they were shouting. I immediately realised they had come to arrest me because they have already arrested me twice before, but released me shortly afterwards." Ihab's father opened the door and the family was ordered to sit in the garden whilst the house was searched. After about 20 minutes, the family was ordered inside and asked for their names. "When I told him my name, he said: 'We'll take you with us.' Immediately after that he tied my hands behind my back with one set of plastic cords and tightened them. He also blindfolded me. He did this in the living room in front of my family," recalls Ihab.



Ihab was then led out of the house and placed inside a military vehicle and taken to an unknown location. "When we arrived, the soldiers pulled me out of the jeep and made me sit nearby for one-and-a-half hours, during which time I was taken to a clinic. I want to say that while I was sitting there, I asked the soldiers to allow me to use the bathroom but they refused. I only used the bathroom after my interrogation at around noon," says Ihab. Sometime later, Ihab was placed in a truck and transferred to Ari'el settlement. "When we arrived, I was taken to an interrogation room and questioned by two interrogators. The tall, thin interrogator started by shouting and threatening me: 'You better confess to throwing stones,' he said, and I immediately denied it. He then punched me in the stomach and that really hurt me very much. He then started slapping me hard across the face. I was still tied with my hands behind my back but he removed the blindfold," recalls Ihab. "After that, the tall thin interrogator tightened the plastic cords and I felt the blood had stopped flowing. I felt he wanted to paralyse me. I begged him to loosen the cords, but he said he would do it only if I confessed to throwing stones. 'I didn't throw stones,' I said, but he started shouting at me and slapping me across the face very hard and in an insane manner. That scared me very much and I had to confess. 'I want to confess,' I said to him. I just wanted him to stop beating me. At that moment the other interrogator started interrogating me and he took my statement in Arabic. I confessed to throwing stones at settler cars. He finished writing the statement and forced me to sign it without reading it to me. I didn't know what he wrote," says Ihab.

A short time later, Ihab was placed in a truck and taken to Ofer prison, near Ramallah. "We arrived around noon," recalls Ihab. "They detained me in a room outside the prison with the others. It was a metal open room and exposed to the sun. It was very hot inside. They kept me inside the room until around 10:00 pm before they took me inside the prison. I was then strip searched." The following day, Ihab was transferred to Megiddo prison inside Israel, in violation of Article 76 of the Fourth Geneva Convention.

## Case study: 17

---

<b>Name:</b>	Thaer R.
<b>Date of Incident:</b>	18 May 2011
<b>Age:</b>	15
<b>Location:</b>	Azzun village, occupied West Bank
<b>Accusation:</b>	Throwing stones

---

**On 18 May 2011, a 15-year-old boy from Azzun village is arrested by Israeli soldiers from the family home at 2:00 am, and accused of throwing stones.**

"At around 2:00 am, I was sleeping in the same room with my brothers when my mother came and woke us up to say there were soldiers outside the house," recalls Thaer. "I got up and quickly got dressed, even though I didn't know they were coming to arrest me. My mother went downstairs to open the door. Then she came back alone to say the soldiers had come to arrest me. I took out my birth certificate and went downstairs with my



father. We came out of the house and I saw so many soldiers and became very scared. A soldier asked me for my ID and I gave him my birth certificate. Immediately, a soldier grabbed me without telling my father where they would take me.”

The soldiers led Thaer away towards a military vehicle. “One of them tied my hands behind my back with one set of plastic cords and blindfolded me. The ties were very tight and hurt my hands. Then one of them grabbed me hard and pushed me inside a military truck. I fell on the metal floor and that hurt. They kept me sitting on the floor and didn’t allow me to sit on the seats. I heard so many soldiers talking around me. One of them insulted me and said: ‘Your mother’s a cunt, you motherfucker.’” The truck travelled a short distance to the nearby settlement of Zufin. “When we arrived, they pulled me out and forced me to sit on the ground. While I was sitting there, one of them approached me and started beating me for no reason. He punched and slapped me several times, while shouting in Hebrew. I didn’t understand what he was saying. I think he hit me like seven times at least.” After being taken to a clinic and asked some brief medical questions, Thaer was left tied and blindfolded outside and was not permitted to use the toilet.

About an hour-and-a-half later, Thaer was placed in a truck with another child and transferred to Ari’el settlement. On arrival at Ari’el, Thaer was taken straight for interrogation. The interrogator removed his blindfold but kept him tied with his hands behind his back. “‘You’re accused of throwing stones and you better confess,’ the interrogator immediately said. ‘But I didn’t do anything,’ I replied and he started beating me hard. He slapped me several times and pushed me against the wall and that hurt my body. ‘You better confess because your friend confessed on you in his statement,’ he was saying. The interrogation lasted for about three hours during which time another interrogator came into the room. He never hit me, but he took my statement. He wrote it in Arabic. After he finished writing it, he ordered me to sign it but I refused, but he forced me to sign it. After that, he allowed me to use the bathroom,” recalls Thaer.

Shortly afterwards, Thaer and another boy were placed in a truck and transferred to Ofer prison, near Ramallah. “One of the soldiers kept beating me hard for no reason. He slapped me hard several times,” says Thaer. “At around noon, we arrived at Ofer prison and the soldiers detained me in a small room in the yard outside the prison with two other children. It was very hot outside. They kept us in the room until 10:00 pm. Then they took us inside and strip searched us separately.” The next day, Thaer was transferred to Megiddo prison inside Israel, in violation of Article 76 of the Fourth Geneva Convention.

## Case study: 18

---

<b>Name:</b>	Sameer S.
<b>Date of Incident:</b>	29 June 2011
<b>Age:</b>	12
<b>Location:</b>	Azzun village, occupied West Bank
<b>Accusation:</b>	Throwing stones

---

**On 29 June 2011, a 12-year-old boy from Azzun village is arrested by Israeli soldiers from the family home at 2:00 am.**

"At around 2:00 am I was sleeping when I woke up to banging on the outside door," says Sameer. "Someone was banging hard on the door and I didn't know why. I got up and went to the living room and saw my parents and siblings. We were very scared." Sameer's father went and opened the door. "About five minutes later I heard my father saying: 'Bring the boys downstairs and keep the girls upstairs.' I felt so scared I started shivering. Me and my brother went downstairs with my mother and saw around six soldiers with my father. I was very scared of the soldiers whose faces were covered in black showing only their eyes. One of them did not cover his face and he was holding a digital camera." The soldiers spoke to Sameer's father in Hebrew and he translated. The boys were ordered to raise their hands and the soldier with the camera took their photo.



"The soldier talking to my father took a piece of paper out of his pocket and started checking it and my father's ID. 'Where's Sameer?' he asked. I became terrified but I didn't think they would take me. He talked to my father in Hebrew and then pointed at me and said: 'Bau, bau,' which I think means come here in Hebrew. At that moment I realised they wanted me. I was so shocked and horrified I couldn't breathe a single word. My father comforted me and asked me not to be scared. Meanwhile, two soldiers grabbed me by the arms and took me out of the house. They all left the house and closed the door behind. I saw more than 15 soldiers around the house in the yard and near the front door. Two soldiers blindfolded me and they also tied my hands behind my back with one set of plastic cords. The soldiers were talking to each other in Hebrew."

Sameer was then led to a vehicle and made to sit on the floor. About 15 minutes later the vehicle arrived at an unknown location. Sameer was pulled out of the vehicle and made to sit on the ground. "Meanwhile, I heard dogs approaching us," recalls Sameer. "I became terrified to hear dogs approaching. Soldiers were saying things in Hebrew and I didn't understand. I felt they were getting closer and I shouted: 'The dogs, the dogs,' trying to move away, but I couldn't because my hands were still tied behind my back. 'Keep them away,' I heard others shouting. 'Keep the dogs away, we haven't done anything to you,' I cried. I was petrified because the dogs could jump at me at any moment. This continued for



about 20 minutes, during which time I kept crying and shouting. Others were shouting as well. Male and female soldiers were laughing and saying things in Hebrew," says Sameer. After 20 minutes, Sameer was taken into a clinic and briefly asked some questions about his health. After the questions, Sameer was re-blindfolded and his plastic ties were replaced with metal cuffs tied to the front. Sameer was then placed on the ground for about one-and-a-half hours. "I felt very cold," says Sameer. After sitting on the ground for more than an hour, Sameer was placed in another vehicle and transferred to Ari'el settlement for interrogation.

"I was taken to a room measuring 3x3 metres," recalls Sameer. "They removed the blindfold once I entered the room. There was a man in civilian clothes sitting behind one of the desks. He was short, bald and plump. He ordered me to sit in a wooden chair in front of him. There were another two men in civilian clothes in the room. 'You threw stones at the bypass road near the gate,' the short man said once I sat down. 'No I didn't,' I said. 'Where were you on Nakba day?' He asked. 'I was home because my father didn't allow me to leave the house,' I said. He spoke fluent Arabic. 'I'll beat you up if you don't tell the truth and confess to throwing stones,' the interrogator said. 'I didn't throw any stones and I didn't do anything to you,' I said while shaking with fear. He got up and approached me to slap me on the face and neck. 'You'll confess to everything,' he shouted. He kicked me while I was sitting in the chair with my hands handcuffed to the front. 'If you don't confess, I'll beat you more and throw you out of the window,' he said. He then grabbed me by the shirt and said he would throw me out of the window. There was a big window in the room. I was terrified but I didn't confess. 'I didn't do anything to you and I didn't throw stones,' I told him. He started talking to the other men in Hebrew. They never talked to me. They just kept coming in and out,' recalls Sameer.

Sameer then recalls signing papers written in Arabic and Hebrew without reading them. He was then taken out and made to sit in a corridor. It was about 2:00 or 3:00 pm. Sameer was untied and his blindfold was removed and he was given a meal. About an hour later a car arrived and he was driven to Qalqiliya. He was handed over to the Palestinian police and released.

"I'm still afraid of soldiers and I can't sleep at night. I'm anxious and still traumatized because of what happened. This was the first time I went through such a horrible experience which terrified me. I'm scared of the darkness. I keep thinking soldiers will come back and arrest me," says Sameer.



## Case study: 19

---

<b>Name:</b>	Malek Z.
<b>Date of Incident:</b>	11 July 2011
<b>Age:</b>	15
<b>Location:</b>	Qalandiya refugee camp, occupied West Bank
<b>Accusation:</b>	Throwing stones and starting a fire

---

**On 11 July 2011, a 15-year-old boy from Qalandiya refugee camp, near Ramallah, is arrested by Israeli soldiers from the family home at 3:00 am.**

"At around 3:00 am on 11 July, I was sleeping when I woke up to noise outside my room," recalls Malek. "I opened my eyes and saw soldiers and my father. I don't know how they got into the house. There were so many of them. 'Get dressed because you're coming with us,' one of them said to me in Arabic."

Malek reports that he quickly got dressed and was then led out of the house by some soldiers. "When they took me out, one of them tied my hands behind my back with two sets of plastic cords that were very tight. He also blindfolded me." Malek was then led to a waiting military vehicle and pushed inside. He recalls what happened next: "[The] soldiers started punching me in the face and kicking me all over my body while shouting things in Hebrew. I didn't understand what they were saying but I believe they were insulting me."



Malek reports that the vehicle travelled for about an hour until they arrived at a military camp. "They pulled me out and had me sit on the ground for like three hours." Malek says he asked the soldiers for some water to drink but his requests were refused. After three hours, Malek was placed inside another military vehicle and transferred to a police station. On arrival at the police station, Malek says that he was again made to sit on the ground; this time for about an hour, after which he was placed in a cell.

"At around 4:00 pm I was taken to an interrogation room where my blindfold and ties were removed," he recalls. "I was seated in a chair in front of a desk. There was an interrogator wearing a cap worn by Orthodox Jews. He spoke fluent Arabic. He accused me of starting a fire near the settlement of Kochav Ya'akov and throwing stones, but I didn't confess. 'You better confess,' he shouted. Then he printed a document in Hebrew and ordered me to sign it, but I refused, so he slapped me hard across the face while shouting. He stood me up and pushed me towards the wall and I slammed against it. I was so scared of him I immediately signed the papers. He didn't explain what was written."

After the papers were signed, the interrogator handcuffed Malek's hands in front of his body and about 30 minutes later he was put in another vehicle with an adult detainee. Malek and the other man were then driven a short distance and placed together in a single cell. They were not given anything to eat or drink. Shortly after midnight, Malek and the other man were placed in a vehicle and transferred to Ofer prison. On arrival outside the prison they were both placed in a small cage and left for around three hours. After

three hours, Malek was taken inside the prison and strip searched before being taken to a cell where other children were being detained.

On 12 July 2011, Malek appeared for the first time before Ofer military court and on 25 July, he was transferred to Rimonim prison, inside Israel. The transfer of children out of the West Bank to prisons inside Israel contravenes Article 76 of the Fourth Geneva Convention.

## Case study: 20

---

<b>Name:</b>	Abed D.
<b>Date of Incident:</b>	14 September 2011
<b>Age:</b>	15
<b>Location:</b>	Azzun village, occupied West Bank
<b>Accusation:</b>	Throwing stones

---

**On 14 September 2011, a 15-year-old boy from Azzun village is arrested by Israeli soldiers from the family home at 2:00 am, and accused of throwing stones.**

"At around 2:00 am, I was sleeping [...] when I woke up to banging on the front door," recalls 15-year-old Abed. His father opened the door and there were four Israeli soldiers waiting outside. The soldiers ordered the family outside and then checked everybody's I.D. cards. "One of them asked me for my name and when I told him he said to my father that they wanted to take me with them," recalls Abed.



Abed was then taken out of the house by the soldiers. "They closed the door and did not allow anyone to come out. They tied my hands behind my back with one plastic cord and tightened it." Abed reports that he was then asked some questions about the neighbours and was slapped "hard" across his face when he said he did not know anything. A short time later Abed reports being knocked to the ground. "While I was on the ground, one of the soldiers grabbed me hard by the neck and started pressing on it with one hand, while pressing down on my head with the other. My face was facing the ground and that hurt me very much," says Abed. He was then led to a waiting military vehicle, blindfolded and pushed inside and on the floor. "There were soldiers inside the jeep and they kept me sitting on the floor."

During the trip to the interrogation centre, Abed reports that a soldier first placed his leg on him, and then sat on his back. "He was so heavy I started shouting because it was painful, but he put his hand on my mouth and started pressing to shut me up. 'I'll kill you if I ever hear your voice,' he said."

Abed was taken to the settlement of Zufin where he was given a cursory medical check. After the check, Abed was made to sit outside for about an hour, still tied and blindfolded,

before being transferred to the police station in Ari'el settlement. Along the way Abed reports that he asked a soldier to loosen his hand ties, but he refused. On arrival at Ari'el, Abed was taken for interrogation. "A man approached me and grabbed me hard by the neck. He spoke Arabic. 'You're going to interrogation now so you can either talk the easy way or the hard way.' I've got nothing to tell you," I said to him and he became very upset. He hit me hard on the leg and I fell." Abed reports being left on the ground for about an hour, still tied and blindfolded, until a man came and took him to the interrogation room. Once inside the interrogation room Abed's hand ties and blindfold were removed. He was accused of throwing stones and Molotov cocktails which he denied. "'You better confess or I'll break your head,' said the interrogator raising his hand, but he did not do it," reports Abed. "I was so scared of the interrogator I confessed to throwing stones once [...] 'You threw stones more than that,'" the interrogator shouted, and Abed says he then confessed to throwing stones four times because he was scared. Abed says the interrogation lasted about two hours during which time he was alone with the interrogator. Later that day, Abed was transferred to Megiddo prison inside Israel, in violation of Article 76 of the Fourth Geneva Convention that prohibits transferring detainees out of occupied territory. On 19 September 2011, Abed was charged in a military court with throwing four stones.

## Case study: 21

---

<b>Name:</b>	Rashad S.
<b>Date of Incident:</b>	17 November 2011
<b>Age:</b>	13
<b>Location:</b>	Azzun village, occupied West Bank
<b>Accusation:</b>	Throwing stones

---

**On 17 November 2011, a 13-year-old boy from Azzun village is arrested by Israeli soldiers from the family home at 2:45 am, and accused of throwing stones.**

"At around 2:45 am, my mother woke me up and told me there were Israeli soldiers in the house," recalls 13-year-old Rashad. "I was wearing my pyjamas. I got up and went out to the hall where I saw soldiers with my father and my two sisters."

"'Are you Rashad?' one of the soldiers asked me in Arabic. 'Yes I am,' I said. 'You have 10 minutes to change your clothes and come with us or we'll take you my force,' he said. I went to my room and changed my clothes and came back to the soldiers." Whilst Rashad was changing his father and uncle tried to convince the soldiers not to arrest him, but they refused. Rashad was then taken out of the house and made to walk about 500 metres in the rain. "My father and uncle followed us but the soldiers kept shouting at them and pointing their weapons at them and ordering them to go back," recalls Rashad. "We kept walking until we reached two military jeeps and a troop carrier. They then tied my hands with one plastic cord and tightened it up. They also blindfolded me with a piece of cloth." Rashad was then helped into one of the jeeps.



Rashad estimates that the jeep traveled for around an hour before it stopped and he was taken out of the vehicle. He was then given a cursory medical check whilst still tied. Rashad estimates that he remained at this site for about two hours before being placed back in the jeep for another hour. On arrival at a second location, Rashad was taken out of the jeep. "They kept me tied and blindfolded. My hands hurt because of the ties," he recalls. Sometime later Rashad recalls being interrogated whilst still tied. "The interrogator accused me of throwing stones at a settler car and I strongly denied it. 'You're a liar,' he said. 'No I'm not. Check your sources,' I said. 'Every dog has his day,' he said as he took me out of the room." Rashad then sat in a corridor before being interrogated for a second time.

"A man took me to another room and removed the blindfold," recalls Rashad. "He was wearing a light blue uniform. 'Did you throw stones at Israeli cars near your village?' he asked in Arabic and I denied it [...] A short time later the blindfold was removed and the ties were cut off. He took me to another room and took all my fingerprints. He also forced me to sign a paper written in Hebrew." Rashad was then released into the custody of his father – it was 4:00 pm. Rashad was not provided with anything to eat or drink during his detention.

## Case study: 22

---

<b>Name:</b>	Wadda' B.
<b>Date of Incident:</b>	21 November 2011
<b>Age:</b>	16
<b>Location:</b>	Haris village, occupied West Bank
<b>Accusation:</b>	Throwing Molotov cocktails

---

**On 21 November 2011, a 16-year-old boy from Haris village is arrested by Israeli soldiers at 4:00 am, and held for 12 days in solitary confinement at Al Jalame interrogation centre, inside Israel.**

"At around 4:00 am, the Israeli army came to our house and took my father hostage until I turned myself in. I was not at home that night," says 16-year-old Wadda'. "They took him to a place in the village and forced him to call me and tell me to turn myself in. He told me that they would not release him unless I turned myself in."



Wadda' went to the designated area in the village and turned himself in to the soldiers as arranged. "I approached the soldiers and they searched me and one of them grabbed me and dragged me to a military vehicle where my father was standing [...] Soldiers tied my hands behind my back with one plastic cord and tightened it so hard that I still feel pain in my right thumb which sometimes goes numb. I shouted because of the pain but they shouted back in Hebrew and I did not understand what they were saying. Then they blindfolded me," says Wadda'.

Wadda' was then put in the back of a military vehicle where he remained for about four hours. At some point he was taken out of the vehicle and given a cursory medical check

by a military doctor whilst still tied. He was then placed back in the military vehicle which parked outside Huwwara interrogation centre until around 3:00 pm. At around 3:00 pm, Wadda' was transferred to another vehicle and taken to Al Jalame interrogation centre, inside Israel. During this entire time, Wadda' was not given anything to eat or drink, and was not permitted to use the toilet. Wadda' reports arriving at Al Jalame at around 7:00 pm and being strip searched on arrival. He was permitted to use the toilet for the first time since his arrest and was then taken for interrogation.

"An intelligence officer was already in the interrogation room," recalls Wadda'. "He told me his name but I forget it. There was a low metal chair tied to the floor in the middle of the room and he tied me to it. He gave me a piece of paper and ordered me to read it and sign it. He told me it contained my rights, but I did not read or sign it. The interrogator accused me of throwing Molotov cocktails, but I denied it, and he accused me of lying to him. 'Let's not waste each other's time because eventually you'll confess,' he shouted. But I did not confess at all on day one. At around 9:00 pm he untied me and locked me in Cell No. 36." Wadda' describes Cell No. 36 as follows: "The cell was very small and had a toilet, a sink and two concrete chairs. The walls were rough and in the ceiling there were two yellow lights that hurt my eyes. It had no windows, just gaps to let the air in and out. The air inside the cell was very cold."

Wadda' recalls that he was taken back to the interrogation room the following morning at 8:00 am. "The interrogator tied me to the same chair and questioned me until noon. He kept shouting to intimidate me and force me to confess. At around noon, I was taken back to the cell for a while to eat, before I was taken back to the interrogation room where I was questioned until around 5:00 pm. I was then given a half-an-hour break before being interrogated again until around 9:00 pm." The following day Wadda' was taken before a military court judge who extended his detention for eight days.

Wadda' reports being detained at Al Jalame for 15 days, of which 12 days were spent in solitary confinement. "I decided to confess," says Wadda', "because I could not take it any-more. I got fed up with the interrogation and detention." On or about 4 December 2011, Wadda' was transferred to Megiddo prison, inside Israel, where he is detained in violation of Article 76 of the Fourth Geneva Convention, which prohibits transfers out of occupied territory.

## Case study: 23

---

<b>Name:</b>	Mahmoud R.
<b>Date of Incident:</b>	1 January 2012
<b>Age:</b>	15
<b>Location:</b>	Azzun village, occupied West Bank
<b>Accusation:</b>	Shooting, throwing stones and Molotov cocktails

---

**On 1 January 2012, a 15-year-old boy from Azzun village is arrested by Israeli soldiers from his family home at 3:00 am and is held for six days in solitary confinement at the Al Jalame interrogation centre.**

"On 1 January 2012, at around 3:00 am, I was awake when I heard noises outside," recalls Mahmoud. "I looked out the window and saw many military jeeps and soldiers walking towards the house. I realised they had come to arrest me because they had already arrested two of my friends." Mahmoud started changing his clothes quickly, but before he had finished, "the soldiers broke down the door with hammers. They didn't even knock," he says.



The soldiers stormed the house, and one of them grabbed Mahmoud by the arm and took him outside. "They tied my hands behind my back with a single plastic cord and tightened it up so hard I still have the marks around my wrists," he reports. The soldiers then ordered Mahmoud's brother, Ahmad, to come out of the house. Once he came out, "they started beating him very hard for no reason in front of my family, terrifying them."

After around two hours, Mahmoud was taken to a jeep and made to sit on the metal floor. Ahmad was left behind. "The jeep started travelling," he recalls. "I was surrounded by soldiers who stepped on my head and kept shouting at me." Mahmoud was taken first to the settlement of Zufn, and then to Huwwara interrogation and detention centre near Nabulus. There, he was left waiting on the metal floor of the jeep for hours. "In the afternoon," he continues, "members of the Nihshon unit came to take me away. They handcuffed me from the front, shackled my feet, and transferred me to the Al Jalame interrogation centre."

At Al Jalame, Mahmoud was allowed to use the toilet for the first time since he was arrested. Then, he was placed in solitary confinement. "I was strip searched and detained in cell 30. The cell was very small and had a mattress on the floor. The toilet had a horrible smell. The cell had no windows, except some gaps for ventilation. I was given food through a gap in the door." Two days later, Mahmoud was taken for interrogation. He recalls: "The interrogator was called 'Oz' and spoke fluent Arabic. He made me sit on a chair and accused me of opening fire at soldiers and Israeli vehicles, as well as throwing Molotov cocktails and stones at Israeli cars travelling on the road near the village. I denied all that. 'Denying it won't do you any good because your friends have already confessed,' Oz said, but I insisted on denying the accusations. The following day I was taken back to interrogation, and this time I decided to confess because I wanted to get out of that cell and end the solitary confinement, and because my friends had already confessed. I was

interrogated several times and asked the same questions. They never explained to me my rights,” Mahmoud says.

Mahmoud was held in solitary confinement at Al Jalame for six days. On 16 January, he was transferred to Megiddo prison inside Israel. The transfer of Mahmoud out of the West Bank to Al Jalame was in violation of Article 76 of the Fourth Geneva Convention, which prohibits transfers out of occupied territory.

## Case study: 24

---

<b>Name:</b>	‘Ala D.
<b>Date of Incident:</b>	9 January 2012
<b>Age:</b>	17
<b>Location:</b>	Haris village, occupied West Bank
<b>Accusation:</b>	Throwing stones

---

**On 9 January 2012, a 17-year-old boy from Haris village is arrested by Israeli soldiers at 2:00 am and accused of throwing stones.**

“At around 2:00 am, I was sleeping when I woke up to a noise in my room,” says 17-year-old ‘Ala. “I opened my eyes and saw many soldiers surrounding me. Apparently they had broken down the door to our apartment. ‘Where’s ‘Ala’ they were shouting. I answered them while I was still getting out of bed. ‘Get up,’ one of them shouted and ordered me to lift my shirt to make sure I was not hiding anything. Then he pushed me hard against the wall while shouting at me and tied my hands behind my back with a single plastic cord and tightened it up so hard I shouted and asked him to loosen it a little, but he shouted back and ordered me to shut up. He even tightened it up harder.”



*Photo credit: Sylvie le Clezio*

‘Ala was then blindfolded and taken outside. He was not permitted to put on warm clothes and he recalls that it was cold outside. ‘Ala remained outside for about 30 minutes and was then questioned by a man in civilian clothes who introduced himself as “Ha-fer”. The man removed ‘Ala’s blindfold. “Why are you causing trouble?” he asked. ‘I haven’t done anything,’ I said. ‘Liar. I’ve encountered many like you; say they didn’t do anything at first, then come clean during interrogation. So it’s better you confess.’ He shouted and ordered my father to approach him. He told my father that they would arrest me and release me if it turned out that I hadn’t done anything. But he did not tell my father where they would take me,” recalls ‘Ala.



'Ala was then placed on the metal floor of a military vehicle, tied and blindfolded, for about one hour. 'Ala recalls that soldiers kept shouting at him until they arrived at an unknown location. 'Ala was taken out of the vehicle and he was taken to see a doctor. His blindfold and ties were removed and he was asked some general health questions. 'Ala asked the doctor for some water, but his request was refused. About 30 minutes later 'Ala was re-tied and blindfolded and placed back in the vehicle, this time on a seat. The vehicle traveled for approximately three hours and stopped at a number of locations, before arriving at the settlement of Gush Etzion. 'Ala was taken out of the vehicle and made to stand outside in the cold for about 30 minutes. 'Ala was then placed in another vehicle and transferred to the settlement of Zufin, before being transferred to Megiddo prison, inside Israel. 'Ala's transfer into Israel was in violation of Article 76 of the Fourth Geneva Convention which prohibits such transfers. 'Ala arrived at Megiddo prison at around 5:00 pm, having been tied and blindfolded for nearly 15 hours. 'Ala was strip searched and says this made him feel humiliated.

The next day, 'Ala was transferred back into the West Bank to the Salem interrogation centre. He was interrogated by a man called "Hashem" and his hands and feet remained shackled throughout his questioning. 'Ala reports being interrogated for about three hours and was accused of throwing stones, which he denies. 'Ala reports that he first appeared before a military court accused of throwing stones on 15 January, and was remanded in custody.

## Case study: 25

---

<b>Name:</b>	Khader A.
<b>Date of Incident:</b>	18 January 2012
<b>Age:</b>	16
<b>Location:</b>	Beit Ummar, occupied West Bank
<b>Accusation:</b>	Throwing stones

---

**On 18 January 2012, a 16-year-old boy from Beit Ummar is detained by Israeli soldiers at around 3:00 am before being released.**

"At around 2:55 am, I woke up to the sound of stun grenades and laser sights focused on my window," recalls Khader. "I could hear soldiers shouting through loudspeakers: 'It's the IDF, get out.'" Khader's house is located in Beit Ummar, about 50 metres from the main road between Bethlehem and Hebron, used by the Israeli army and settlers. "I also heard a soldier calling us through a loudspeaker to come out or they would blow-up the house," says Khader.



Khader and his 18-year-old brother exited the house with their hands in the air. "We climbed down the stairs to the yard outside the house, and around eight soldiers surrounded us and others were surrounding the house. I saw around seven military jeeps.



I was very scared. The officer ordered my brother to take off his clothes, and he did so, except for his underwear. They searched him for a couple of minutes and the officer then ordered him to put his clothes back on. He ordered him to put his hands on his head and step three metres back. Then two soldiers tied his hands and blindfolded him," recalls Khader. "The officer then ordered me to take off my clothes, and I took them off except for my underwear. He then ordered me to kneel which I did for about 10 minutes. It was very cold that night and I was shaking."

"The officer asked me some general questions and whether I had thrown stones at soldiers or not, and those sorts of questions," recalls Khader. "After that, he ordered me to put my clothes back on and a soldier tied my hands in the front and ordered me to walk with him to the jeeps. Before we reached the jeeps, the soldier stopped me, untied me, and ordered me to go home and not to look out of the window, saying that he would shoot me if I stood by the window. They arrested my brother and he is now detained in Etzion interrogation centre."

"I was very scared at the beginning, then I realised they had come to arrest my brother, not both of us. The worst part was the cold weather, even though we were only out of the house for a short time," says Khader.



Qalandiya checkpoint: © Mariana Santarelli

# Annex 3

## DCI Statistics (2008-2012)

**A. Monthly detention figures – totals<sup>151</sup>**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ave
<b>2008</b>	327	307	325	327	337	323	324	293	304	297	327	342	<b>319</b>
<b>2009</b>	389	423	420	391	346	355	342	339	326	325	306	305	<b>355</b>
<b>2010</b>	318	343	342	335	305	291	284	286	269	256	228	213	<b>289</b>
<b>2011</b>	222	221	226	220	211	209	202	180	164	150	161	135	<b>192</b>
<b>2012</b>	170	-	-	-	-	-	-	-	-	-	-	-	<b>170</b>

**B. Monthly detention figures – young children (12-15 years)<sup>152</sup>**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ave
<b>2008</b>	38	40	45	39	37	34	33	21	23	23	25	30	<b>32</b>
<b>2009</b>	50	54	53	47	39	47	42	39	40	44	41	42	<b>44</b>
<b>2010</b>	44	41	39	32	25	23	18	20	32	34	32	30	<b>31</b>
<b>2011</b>	34	45	45	37	38	38	40	34	35	30	33	19	<b>36</b>
<b>2012</b>	26	-	-	-	-	-	-	-	-	-	-	-	<b>26</b>

**C. Monthly detention figures – girls in detention<sup>153</sup>**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ave
<b>2008</b>	2	3	3	4	3	6	6	5	6	6	5	7	<b>4.7</b>
<b>2009</b>	5	7	6	6	6	5	4	3	3	0	0	0	<b>3.8</b>
<b>2010</b>	0	0	0	1	0	0	0	0	0	0	1	1	<b>0.3</b>
<b>2011</b>	1	0	0	0	0	0	0	0	0	0	0	1	<b>0.2</b>
<b>2012</b>	0	-	-	-	-	-	-	-	-	-	-	-	<b>0</b>

**D. Monthly detention figures – administrative detention<sup>154</sup>**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ave
<b>2008</b>	18	3	13	12	10	13	13	13	11	8	5	6	<b>10</b>
<b>2009</b>	5	6	2	2	1	1	1	1	1	1	1	0	<b>1.8</b>
<b>2010</b>	0	0	2	2	2	2	2	2	2	2	2	1	<b>1.6</b>
<b>2011</b>	1	0	0	0	0	0	0	0	0	0	0	1	<b>0.2</b>
<b>2012</b>	0	-	-	-	-	-	-	-	-	-	-	-	<b>0</b>

**E. Breakdown of DCI-Palestine cases by age group<sup>155</sup>**

	12-13 years	14-15 years	16-17 years	Total
<b>2008</b>	3	45	158	206
<b>2009</b>	23	46	123	192
<b>2010</b>	3	39	91	133
<b>2011</b>	2	52	57	111
<b>Totals</b>	<b>31</b>	<b>182</b>	<b>429</b>	<b>642</b>
<b>Percent</b>	<b>5%</b>	<b>28%</b>	<b>67%</b>	<b>100%</b>

**F. Breakdown of DCI-Palestine cases – released on bail<sup>156</sup>**

	Released on bail	Total	Percentage
<b>2008</b>	-	-	-
<b>2009</b>	28	192	15%
<b>2010</b>	14	133	11%
<b>2011</b>	13	111	12%
<b>Totals</b>	<b>55</b>	<b>436</b>	<b>13%</b>

**G. Breakdown of DCI-Palestine cases – completed cases<sup>157</sup>**

	Released without charge	Plea bargain	Hearing		Total
			Guilty	Acquitted	
<b>2008</b>	-	-	-	-	-
<b>2009</b>	12	177	-	3	192
<b>2010</b>	18	113	-	2	133
<b>2011</b>	5	104 <sup>158</sup>	2	0	111
<b>Totals</b>	<b>35</b>	<b>394</b>	<b>2</b>	<b>5</b>	<b>436</b>
<b>Percent</b>	<b>8%</b>	<b>90%</b>	<b>0.5%</b>	<b>1.2%</b>	-

**H. Breakdown of DCI-Palestine cases – charges<sup>159</sup>**

#	Charges	2008	2009	2010	2011	Totals	%
1	Throwing stones	46	1	60	53	<b>268</b>	<b>47%</b>
2	Throwing Molotov cocktails	25	30	18	19	<b>92</b>	<b>16%</b>
3	Conspiracy and/or attempting to kill	42	8	2	3	<b>55</b>	<b>10%</b>
4	Membership of a banned organisation	14	10	9	5	<b>38</b>	<b>7%</b>
5	Possession of explosives	17	7	7	6	<b>37</b>	<b>6%</b>
6	Possession of a weapon	11	16	5	4	<b>36</b>	<b>5%</b>
7	Assisting the enemy or fugitives	12	0	3	3	<b>18</b>	<b>3%</b>
8	Entering Israel without a permit	-	0	2	4	<b>6</b>	<b>1%</b>
9	Trading in weapons	-	0	2	3	<b>5</b>	<b>1%</b>
10	Disturbing public order	-	0	2	3	<b>5</b>	<b>1%</b>
11	Entering a closed military zone	-	0	3	2	<b>5</b>	<b>1%</b>
12	Other	5	0	0	0	<b>5</b>	<b>1%</b>
13	Military training	-	0	2	1	<b>3</b>	<b>1%</b>
<b>Total</b>		<b>172</b>	<b>180</b>	<b>115</b>	<b>106</b>	<b>573</b>	<b>100%</b>

### I. Breakdown of DCI-Palestine cases - sentences<sup>160</sup>

Sentence	2008	2009	2010	2011	Total	%
Under 6 months	71	110	59	45	285	50%
6-12 months	52	30	33	34	149	26%
1-3 years	24	32	19	22	97	17%
Over 3 years	25	8	4	5	42	7%
<b>Total</b>	172 <sup>161</sup>	180	115	106	573	100%

### J. Breakdown of DCI-Palestine cases – region<sup>162</sup>

Region of West Bank	2008	2009	2010	2011	Total	%
North – Jenin/Nablus	134	116	51	61	362	56%
Central - Ramallah	27	28	27	19	101	16%
South – Bethlehem/Hebron	45	48	55	31	179	28%
<b>Total</b>	206	192	133	111	642	100%



Parents in Ofer military court: © Sylvie Le Clezio

**K. Long term trends – DCI-Palestine cases – 2004 to 2011**<sup>163</sup>

<b>Gender</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Boys	-	-	-	99%	96%	99%	98%	100%
Girls	-	-	-	1%	4%	1%	2%	0%
<b>Age groups</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
12-13 years	-	-	-	-	1%	12%	2%	2%
14-15 years	-	-	-	-	22%	24%	29%	47%
16-17 years	-	-	-	-	77%	64%	69%	51%
<b>Released without charge</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Released no charge	-	-	-	-	-	6%	12%	4%
<b>Bail</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Released on bail	-	-	-	-	-	15%	11%	12%
<b>Plea bargain</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Plea of guilty	-	-	-	-	-	80%	77%	85%
<b>Full hearing - acquitted</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Found not guilty	-	-	-	-	-	1.6%	1.5%	0%
<b>Full hearing – convicted</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Found guilty	-	-	-	-	-	0%	0%	1.8%
<b>Sentence</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Under 6 months	42%	35%	28%	37%	41%	61%	51%	43%
6-12 months	10%	14%	16%	12%	30%	17%	29%	32%
1-3 years	29%	36%	48%	36%	14%	18%	17%	21%
Over 3 years	20%	15%	8%	15%	15%	4%	4%	5%
<b>Charge</b> <sup>164</sup>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Throwing stones	31%	22%	64%	26%	27%	60%	52%	50%
Throwing Molotov cocktails	14%	14%	7%	10%	15%	17%	16%	18%
Conspiracy/attempt to kill	18%	21%	4% <sup>165</sup>	30%	24%	4%	2%	3%
Membership of a banned org.	15%	10%	19%	6%	8%	6%	8%	5%
Possession of explosives	7%	12%	3%	11%	10%	4%	6%	6%
Possession of a weapon	14%	15%	4%	11%	6%	9%	4%	4%
<b>Region of the West Bank</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
North - Jenin/Nablus	-	-	-	59%	65%	60%	38%	55%
Central – Ramallah	-	-	-	15%	13%	15%	20%	17%
South – Bethlehem/Hebron	-	-	-	26%	22%	25%	41%	28%







# Annex 4

## UN reports (2008–2012)

Date	Agency	Brief description
2008	UN Special Rapporteur (OPT)	Mission report –Following arrest, persons are frequently beaten and stripped in a humiliating manner. The interrogation of subjects is then carried out in a degrading and inhuman manner, sometimes amounting to torture. The treatment of children is equally disturbing. <sup>166</sup>
2009	UN Committee against Torture	Concluding Observations - The Committee expressed ‘deep concern’ at reports that Palestinian children are detained and interrogated in the absence of a lawyer and family member and allegedly subjected to acts in breach of the Convention in order to obtain confessions. The Committee also recommended that Israel should, as a matter of priority, extend the requirement of video recording of interviews to detainees accused of security offences as a further means to prevent torture and ill-treatment. <sup>167</sup>
	UN Committee on the Rights of the Child	Concluding Observations - The Committee expressed “grave concern” at reports that children detained in the military court system are subjected to abuse and are held in inhumane and degrading conditions. <sup>168</sup>
2010	UN Special Rapporteur on the independence of judges and lawyers	Annual Report - The exercise of jurisdiction by a military court over civilians not performing military tasks is normally inconsistent with the fair, impartial and independent administration of justice. This should even more evidently apply in the case of children. There appears to be a practice by which Palestinian detainees are being made to sign confessions written in Hebrew. It is reported that once these confessions are obtained, they constitute primary evidence against Palestinians in the military courts. The Special Rapporteur expressed concern that the legal foundations and practices of the military justice system do not comply with international standards. <sup>169</sup>
	UN Human Rights Committee	Concluding Observations - The Committee recommended that Israel refrain from holding criminal proceedings against children in military courts, ensure that children are only detained as a measure of last resort and for the shortest possible period of time, and guarantee that proceedings involving children are audio-visually recorded. Further, ensure that all reports of torture and ill-treatment are investigated promptly by an independent body. <sup>170</sup>
2011	UN Special Rapporteur (OPT)	Mission Report - The Rapporteur is further dismayed at the continual arrests and detention of Palestinian children by Israeli authorities. Children were beaten or kicked at the time of arrest and put at the back of a military vehicle where they were subject to further physical and psychological abuse on the way to the interrogation and detention centre. Upon arrest, children and their families were seldom informed of the charges against them. Children were often subject to abuse during interrogation. The continued reports of inhumane and degrading treatment, including sexual assault, of children in detention is further deplorable. <sup>171</sup>
	Un Special Rapporteur on Torture	Annual Report - Includes allegations of torture and ill-treatment of Palestinian children following their arrest by Israeli forces in 20 and 2010. As of the date of the Special Rapporteur’s report, the government of Israel has not responded. The allegations submitted to the Special Rapporteur affect more than 100 children. <sup>172</sup>
	UN Special Rapporteur (OPT)	Mission Report - Many of the arrests of Palestinian children arise out of allegations of stone-throwing aimed at settlers or Israeli security personnel in the West Bank. Those accused, unlike Israeli children in the West Bank, are subject to Israeli military law, which offers far fewer protections for minors than are present in Israeli criminal law. Most relevantly, in military law there is an absence of protective provisions regarding the presence of a parent during interrogation, the hours that the interrogation must be conducted or respect for the dignity of the child during the arrest process. <sup>173</sup>

# Annex 5

## Governmental and NGO reports (2008–2012)

Date	Agency	Title and brief description
2008	PCATI	No Defense: Soldier Violence against Palestinian Detainees – This report describes the ill-treatment of shackled Palestinian detainees by Israeli soldiers. <sup>174</sup>
	PCATI	Family Members to Pressure Detainees Under GSS Interrogation - This report focuses on the actual or threatened ill-treatment of family members of a detainee during interrogation as a form of psychological pressure to induce a confession. <sup>175</sup>
2009	DCI-Palestine	Palestinian Child Prisoners: The systematic and institutionalized ill-treatment and torture of Palestinian children by Israeli authorities - This report focuses on children in the military court system and the alleged widespread use of torture and ill-treatment within the system. The report includes 33 case studies derived from affidavits taken from children detained in 2008. <sup>176</sup>
	PCATI	Shackling as a Form of Torture and Abuse - This report focuses on the use of shackling as a form of ill-treatment and torture and is based on 574 cases documented over the course of a 12 month period. <sup>177</sup>
	Amnesty International	Submission to the Human Rights Committee - This report includes a section on the administrative detention of a 16-year-old boy. <sup>178</sup>
	B'Tselem and Hamoked	Without Trial: Administrative Detention of Palestinians by Israel and the Internment of Unlawful Combatants Law - This report focuses on the administrative detention of Palestinians, held without charge or trial. <sup>179</sup>
	PCATI	Accountability Denied: The Absence of Investigation and Punishment of Torture in Israel - This report focuses on the lack of accountability in Israel in regards to allegations of torture and ill-treatment. <sup>180</sup>
2010	Yesh Din	IDF Investigations of IDF Offenses against Palestinians: figures for 2000-20 - This report focuses on accountability. Between 2000 and 20, some 1805 criminal investigations were opened by the Israeli Military Police Criminal Investigations Division (MPCID) into allegations that Israeli soldiers had committed criminal offenses against Palestinian civilians and their property. In only 105 cases, (5.8%), did the MPCID find sufficient evidence to serve indictments on one or more defendants. <sup>181</sup>
	World Organisation Against Torture	Letter to the Israeli Prime Minister - This letter raises serious concerns involving reports of torture and ill-treatment of children aged between 13 and 16 years. <sup>182</sup>
	Adalah /PCATI/DCI	Letter to the Israeli Prime Minister - This letter raises Palestinian and Israeli NGO concerns regarding alleged torture and ill-treatment in the military court system, and calls for remedial action. <sup>183</sup>
	B'Tselem and Hamoked	Kept in the Dark: Treatment of Palestinian Detainees in the Petah Tikva Interrogation Facility of the Israel Security Agency - This report (October 2010) focuses on allegations of torture and ill-treatment of 121 Palestinian detainees, including 18 children, at the Petah Tikva detention facility near Tel Aviv, in the first and last quarters of 20. <sup>184</sup>
	US State Department	2010 Human Rights Report: Israel and the occupied territories. <sup>185</sup>

2011	DCI- Palestine	In their own Words: A report on the situation facing Palestinian children detained in the Israeli military court system (July 2011) - This report analysis the cases of 45 children prosecuted in Israeli military courts between 1 January and 30 June 2011. <sup>186</sup>
	Physicians for Human Rights-Israel (PHR)	Coerced False Confessions: The Case of Palestinian Children (July 2011) -This report considers the psychological and social factors that affect children and adolescents who are in custody and undergoing police interrogation. <sup>187</sup>
	B'Tselem	No Minor Matter: Violation of the Rights of Palestinian Minors Arrested by Israel on Suspicion of Stone Throwing - This report (August 2011) focuses on the violation of the rights of Palestinian children arrested and prosecuted in the Israeli military detention system. <sup>188</sup>
	No Legal Frontiers	All Guilty! Observations in the Military Juvenile Court - This report (August (2011) presents the findings of observations in the military juvenile courts over a 12 month periods. <sup>189</sup>
	Yesh Din	Alleged Investigation: The Failure of Investigations into Offenses Committed by IDF Soldiers Against Palestinians – This report considers issues of accountability. <sup>190</sup>
	PCATI/PHR	Doctoring the Evidence, Abandoning the Victim: The involvement of medical professionals in torture and ill treatment in Israel – This report is based on over 100 complaints. <sup>191</sup>
	DCI-Palestine	UN submission – The use of solitary confinement on Palestinian children held in Israeli detention. <sup>192</sup>
2012	DCI-Palestine	In their own Words: A report on the situation facing Palestinian children detained in the Israeli military court system (January 2012) –This report analysis the cases of 36 children prosecuted in Israeli military courts between 1 July and 31 December 2011. <sup>193</sup>
	ACRI	Case Briefing Document: "Minor A' from Nabi Saleh (February 2012). <sup>194</sup>



# Annex 6

## Sampling of media reports (20–2012)

Date	Agency	Article title
2009	The Independent	"Bound, blindfolded and beaten – by Israeli troops" <sup>195</sup>
	Time World	"Does Israel Mistreat Child Prisoners?" <sup>196</sup>
	BBC	"Israeli troops 'ill-treat kids'" <sup>197</sup>
2010	Haaretz	"Over 100 Palestinian minors reported abuse in IDF, police custody in 20" <sup>198</sup>
	Aljazeera	"Israel faces child abuse claims" <sup>199</sup>
	Haaretz	"IDF mistakenly summons 7-year-old Palestinian boy for Shin Bet interrogation" <sup>200</sup>
	Haaretz	"Twilight Zone / A night in Hebron" <sup>201</sup>
	Haaretz	"Shin Bet turns to Arabic after inadvertently summoning 7-year-old Palestinian" <sup>202</sup>
	Haaretz	"Eight Palestinian youths and the crime they didn't commit" <sup>203</sup>
	Haaretz	"An appalling army experience" <sup>204</sup>
	Haaretz	"Palestinian minors held 3 weeks on suspicion of arson" <sup>205</sup>
	Haaretz	"UN receives over 100 complaints of police, IDF abuse of West Bank teenagers this year" <sup>206</sup>
	CNN	"Israel accused of mistreating kids" <sup>207</sup>
	Politics.co.uk	"Time to get serious with Israel" <sup>208</sup>
	Haaretz	"Another country" <sup>209</sup>
	Haaretz	"Judge remands Palestinian teen despite suspicions that soldiers beat him" <sup>210</sup>
2011	BBC	"B'tselem raps Israel for jailing Palestinian children" <sup>211</sup>
	The Guardian	"Hundreds of Palestinian minors jailed for throwing stones, says report" <sup>212</sup>
	The National	"Palestinian children endure systematic abuse from Israel's military courts, say reports" <sup>213</sup>
	Haaretz	"Officer who defended beating Palestinians to take over infantry" <sup>214</sup>
	The Independent	"How Israel takes revenge on boys who throw stones" <sup>215</sup>
	The Independent	"Military whistleblower tells of 'indiscriminate' Israeli attacks" <sup>216</sup>
	The Guardian	"Palestinian children woken in night to be photographed by soldiers" <sup>217</sup>
	Haaretz	"Following criticism, IDF raises age for Palestinians to be tried as minors to 18" <sup>218</sup>
	Haaretz	"UN rights expert: Palestinian children subject to arrests, violence by Israel" <sup>219</sup>
	The Guardian	"Israeli doctors 'failing to report torture of Palestinian detainees'" <sup>220</sup>
	The Australian	"Stone cold justice" <sup>221</sup>
	Haaretz	"Virtually all military court cases in the West Bank end in conviction" <sup>222</sup>
2012	The Guardian	"The Palestinian children – alone and bewildered – in Israel's Al Jalame jail" <sup>223</sup>
	The New York Times	"Palestinian's Trial Shines Light on Military Justice" <sup>224</sup>



# Endnotes

- 1 Israel ratified the UN Convention on the Rights of the Child and the Convention against Torture in 1991.
- 2 The EU provided funding for the project between 1 April 2009 to 31 March 2012.
- 3 DCI-Palestine, *Voices from East Jerusalem: The situation facing Palestinian children* (August 2011). Available at: <http://www.dci-palestine.org/documents/new-dci-report-voices-east-jerusalem-situation-facing-palestinian-children-2011>
- 4 Training Manual on Human Rights Monitoring developed by the UN Office of the High Commissioner for Human Rights (OHCHR).
- 5 The minimum age of criminal responsibility in Israeli military courts is 12 years. However, children younger than 12 years are sometimes detained by the Israeli army and police and released within 12 hours.
- 6 UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Professor John Dugard, "Human Rights Situation in Palestine and Other Occupied Arab Territories" (21 January 2008, A/HRC/7/17 – paragraph 45; and B'Tselem – Statistics on Palestinians in the custody of Israeli security forces (2008 to 2011).
- 7 Regulations concerning the Laws and Customs of War on Land annexed to the Fourth Hague Convention of 18 October 1907 (The Hague Regulations (1907)) – Article 43; and the Fourth Geneva Convention – Articles 64 and 66.
- 8 UN Human Rights Committee, General Comment No. 32 – paragraph 22.
- 9 UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Professor Richard Falk, "Situation of human rights in the Palestinian territories occupied since 1967," (30 August 2010), A/65/331 – paragraphs 1 to 7; Sharon Weill, "The judicial arm of the occupation: the Israeli military courts in the occupied territories," *International Review of the Red Cross*, Volume 89, Number 866, (June 2007), pages 399-400; and Orna Ben-Naftali, Aeyal M. Gross and Karen Michaeli, "Illegal Occupation: Framing the Occupied Palestinian Territory," (2006), *Berkeley Journal of International Law*, Vol. 23:3, page 551.
- 10 International Court of Justice (ICJ), advisory opinion (2004): *Legal Consequences of the Construction of a Wall in the occupied Palestinian Territories* (ICJ Wall opinion).
- 11 Approximately 20 percent of the population of Israel is made up of Palestinians, sometimes known as Arab Israelis.
- 12 At the time of publication, the principal places used for the temporary detention of Palestinians from the West Bank, are: Huwwara interrogation centre (West Bank); Salem interrogation centre (West Bank); Gush Etzion settlement (West Bank); Ari'el settlement (West Bank); Ofer prison (West Bank); Al Jalame interrogation centre (Israel); Petah Tikva interrogation centre (Israel); and Al Mascobiyya interrogation centre (Israel).
- 13 At the time of publication, the principal prisons used by the Israeli authorities to detain Palestinian children are: Ofer prison (West Bank); and Megiddo prison (Israel). Other prisons that have recently been used are: Rimoni prison (Israel); and Hasharon prison (Israel).
- 14 Article 76 of the Fourth Geneva Convention provides that: "Protected persons accused of offences shall be detained in the occupied country, and if convicted shall serve their sentences therein." The applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory has been confirmed by the ICJ's Wall opinion; various UN Security Council and General Assembly resolutions; and the International Committee of the Red Cross. Pursuant to Article 147 of the Fourth Geneva Convention, unlawfully transferring a protected person is a grave breach of the Convention and attracts personal criminal responsibility. Further, under Article 146, all parties to the Convention have a positive legal obligation to search out and prosecute those responsible for grave breaches.
- 15 Salem military court (near Jenin) and Ofer military court (near Ramallah).

- 16 According to the 2008 annual report of the military courts, there were 16 regular army judges, with an additional 233 reserve personnel enlisted in the unit.
- 17 Just as in civilian settings, legal interns (meaning law graduates doing their mandatory apprenticeships) practise law under the supervision of an attorney and after six months are allowed to appear in court. Many Israelis who want to go into law postpone their military service, go to law school, then serve in the military court system as part of their military service. Others do it in the reverse order and have just one year of internship. But in any case, some of those serving for the prosecution and appearing in court are not yet certified, but are interns.
- 18 NGOs such as DCI-Palestine, Addameer Prisoner Support and Human Rights Association and Nadi al-Asir (Palestinian Prisoners' Club).
- 19 Yesh Din, "Backyard Proceedings: The Implementation of Due Process Rights in the Military Courts in the Occupied Territories," (December 2007) – page 26.
- 20 The Hague Regulations of 1907 (Regulations concerning the Laws and Customs of War on Land) – Article 43; and the Fourth Geneva Convention (1949) – Articles 64 and 66.
- 21 Ibid.
- 22 Israeli Defense Forces Proclamation No. 2 – "Proclamation Regarding Law and Administration," (7 June 1967).
- 23 The Israeli military order most relevant to this Report is Military Orders 1651.
- 24 Israel has consistently argued that the human rights treaties it has ratified do not apply to Palestinians living in the Occupied Palestinian Territory. Two arguments are usually presented to support this position. First, it is argued that the human rights conventions were only ever intended to apply vis-a-vis governments and their own citizens. Secondly, it is argued that in a conflict situation the appropriate law is humanitarian law, not human rights law. These arguments have found no international support and have been consistently rejected: See the ICJ's Wall opinion; UN Committee on the Rights of the Child, Concluding Observations, Israel (March 2010) – CRC/OPAC/ISR/CO/1 – Paragraph 4; and UN Human Rights Committee, Concluding Observations, Israel (July 2010).
- 25 CRC – Articles 3(1) and 37(b).
- 26 ICCPR – Article 14.
- 27 ICCPR – Article 2; and CRC – Article 2.
- 28 CAT – Articles 2 and 16; CRC – Article 37(a).
- 29 Military Order 1651 – Section 86: "Concerning the laws of evidence, the military court will act in accordance with the obligatory ruled in criminal matters in courts within the State of Israel." The relevant Israeli domestic criminal legislation is: Evidence Ordinance [New Version], 1971; Criminal Procedure Ordinance (Testimony), 1927 Sections 1-3. Military Order 1651 – Section 88: "The military court is authorized to order, in any matters of trial procedure not determined under this order, trial procedures that appear to it most appropriate for ensuring a just trial." This section is frequently used to import criminal procedure elements from Israeli civilian legislation, including: Criminal Procedure Law [Consolidated Version] 1982; Criminal Procedure Law (Powers of Enforcement – Arrest) 1996; and Criminal Procedure Law (Interrogation of Suspects) 2002.
- 30 Fourth Geneva Convention – Article 65: "The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language."
- 31 Military Order 1651 – Article G. As to criticisms, see: UN Committee against Torture, Concluding Observations (20), CAT/C/ISR/CO/4 – Paragraph 28. As to criticism for attempting to incorporate principles of juvenile justice into military courts see: UN Committee on the Rights of the Child, Concluding Observations (2010), CRC/C/OPAC/ISR/CO/1 – Paragraph 33.
- 32 Military Order 1651 – Section 139. Adults and children can be tried together with the consent of the chief military prosecutor.

- 33 Military Order 1651 – Section 148. Following conviction, a military juvenile judge can order an officer of the Social Welfare Affairs staff at the Civil Administration to prepare a social welfare report, also known as a pre-sentencing report. It is relevant to note that the Civil Administration is part of larger entity known as the Coordinator of Government Activities in the Territories (COGAT), which is a unit of the Israeli Defence Ministry, whose function is to assist in the administration of the occupation.
- 34 Military Order 1651 – Sections 143 and 149.
- 35 Military Order 1651 – Section 137.
- 36 Military Order 1651 – Section 138(A) and (B).
- 37 Interview conducted with DCI-Palestine lawyer, Iyad Misk, on 9 January 2012. See also: The Australian, “Stone Cold Justice” (26 November 2011) – Available at: <http://www.dci-palestine.org/documents/australian-stone-cold-justice>
- 38 B’Tselem, No Minor Matter: Violation of the Rights of Palestinian Minors Arrested by Israel on Suspicion of Stone Throwing (July 2011), pages 25 and 65.
- 39 No Legal Frontiers, All Guilty! Observations in the Military Juvenile Court (April 2010 – March 2011), page 7. Available at: <http://nolegalfrontiers.org/en/reports/77-report-juvenile-court>
- 40 Military Order 1676 amends, and is incorporated into, Military Order 1651.
- 41 Article 1 of the CRC provides that: “a child means every human being below the age of eighteen unless under the law applicable to the child, majority is attained earlier.” See also the Israeli civilian law: Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 1.
- 42 The amendment is stated only to apply to Military Order 1651 - Article G – Adjudicating Juveniles – This article relates to the establishment and jurisdiction of the Military Juvenile Court. The amendment does not apply to Article J – the section dealing with sentencing.
- 43 Military Order 1651 – Section 136(a) - (as amended by Military Order 1676).
- 44 Military Order 1651 – Section 136(b) - (as amended by Military Order 1676).
- 45 Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 9H. Under Israeli civilian law, a parent is allowed to be present at all times during police questioning of a child in circumstances where the child is not formally under arrest, but may not interfere with the interrogation process. An exception to this rule is permitted upon written authority from an authorised officer, and in cases in which the well-being of the child requires that the parent not be present.
- 46 Military Order 1651 – Section 136(c) - (as amended by Military Order 1676).
- 47 The minimum age of criminal responsibility in Israeli military courts is 12 years. However, children younger than 12 years are sometimes detained by the Israeli army and police and are generally released within 12 hours.
- 48 Military Order 1651 – Section 191.
- 49 Military Order 1651 – Section 136.
- 50 Military Order 1651 – Section 168(B).
- 51 Military Order 1676.
- 52 Military Order 1651 – Section 168(C).
- 53 Recent amendments relating to the age of majority are not specified to apply to Military Order 1651 – Article J – which is the article relating to sentencing.
- 54 Military Order 1651 – Section 212(2).
- 55 Military Order 1651 – Section 212(3).

- 56 Military Order 1651 – Section 215(D).
- 57 Military Order 1651 – Section 222(A) and (D).
- 58 Exact figures on the number of Palestinian children detained each year by Israeli authorities are not published by the Israel Prison Service (IPS). The estimate of 500-700 children is based on figures provided by the IPS of the number of children in prison facilities at the end of each month, and the best estimate of DCI-Palestine lawyers who appear weekly in the military courts and conduct regular prison visits. In January 2012, DCI-Palestine lowered its estimate from 700 children per year to reflect the reduction in the monthly detention figures issued by the IPS during the reporting period.
- 59 Youth Law – Section 9J. Confirmed by B'Tselem in February 2012.
- 60 B'Tselem, 'No Minor Matter: Violation of the Rights of Palestinian Minors Arrested by Israel on Suspicion of Stone Throwing' (July 2011), page 29.
- 61 Notification and reasons for arrest – Children should be given reasons, at the time of arrest, and parents or legal guardians, should be informed of the arrest within the shortest possible time thereafter, in a language understood by the child and the parents. See: ICCPR – Articles 9(1) and (2); and the Beijing Rules – Rule 10.1.
- 62 Haaretz, "Shin Bet turns to Arabic after inadvertently summoning 7-year-old Palestinian," 25 July 2010. Available at: <http://www.haaretz.com/print-edition/news/idf-mistakenly-summons-7-year-old-palestinian-boy-to-shin-bet-interrogation-1.299266>
- 63 Interview conducted by DCI-Palestine with lawyer Iyad Misk, on 29 February 2012. The Israeli NGO, Hamoked, also operates a service to locate detainees when families are unaware of their whereabouts.
- 64 The primary sources for this guarantee and safeguard are: ICCPR – Articles 9(1) and (2); and the Beijing Rules - Rule 10.1.
- 65 Military Order 1676.
- 66 United Nations Convention Against Torture – A Commentary, Nowak and McArthur, 2008 – Pages 62, 66, 542, 551, 557, 559 and 566 to 568.
- 67 International Criminal Tribunal for the Former Yugoslavia, Prosecutor v Brdjanin, Case No. IT-99-38-T, Trial Chamber, 1 September 2004 – Paragraphs 83 to 484.
- 68 The Guardian, "Israeli doctors 'failing to report torture of Palestinian detainees'" - (3 November 2011) – Available at: <http://www.guardian.co.uk/world/2011/nov/03/israeli-doctors-report-torture-palestinian>
- 69 The primary sources for this norm are: The Beijing Rules – Rule 5.1 and commentary; and the UN Standard Minimum Rules for the Treatment of Prisoners (1955) – Rule 45(2).
- 70 At the time of publication, the places of detention most commonly used to interrogate Palestinian children from the West Bank are: Gush Etzion police station (West Bank settlement); Ari'el police station (West Bank settlement); Huwwara interrogation centre (West Bank military base); Salem interrogation centre (West Bank military base); Ofer prison (West Bank); Al Jalame interrogation centre (Israel); Petah Tikva interrogation centre (Israel); and Al Mascobiyya interrogation centre (Israel).
- 71 Authority for the proposition that lawyers and parents should be present during interrogations and proceedings should be audio-visually recorded can be found from the following sources: CRC – Article 40(2)(b)(ii) and (iv); UN Committee on the Rights of the Child, General Comment No. 10 – Paragraph 58; ICCPR – Article 14(3)(b); UN Human Rights Committee, General Comment No. 20 – Paragraph 11; UN Human Rights Committee, Concluding Observations, Israel (29 July 2010), ICCPR/C/ISR/CO/3 – Paragraph 22; CAT – Article 2; UN Committee against Torture, General Comment No. 2 – Paragraph 14; and the UN Committee against Torture, Concluding Observations, Israel (14 May 20), CAT/C/ISR/CO/4 – Paragraphs 15, 16, 27 and 28.
- 72 In the Israeli civilian legal system, interrogations are audio-visually recorded in all cases other than security offences where the maximum penalty is 10 years or more – Criminal Procedure (Suspects Interrogation) Law (2002) – Sections 4 and 17. There is no requirement to audio-visually record interrogations in security offences.

- 73 Military Order 1676 – Article 136(c).
- 74 Military Order 1651 – Article 56(A).
- 75 Military Order 1651 – Article 33(D) (1).
- 76 See Military Order 1651 – Article 58(C) – The “Supervisor of Interrogation” may prevent a detainee meeting with a lawyer for a period of up to 15 days. Under Military Order 1651 – Section 58(D) – the “Permitting Authority” may extend the initial 15 day period by another 15 days, and the period may be further extended by 30 days by a judge and another 30 days by the “President of the Court” up to a total period of 90 days (Section 59).
- 77 Military Order 1676 – Section 136 a and b.
- 78 In a judgment of the President of the Military Court of Appeals, Colonel Aharon Mishnayot, the President suggested that the “spirit” of the Israeli civilian Youth Law applies to children in the military courts, including all its additional protections. This decision is interesting in that it appears to be uniformly ignored by all the judges of the military court on a daily basis: Mil. Ct. App. (Judea and Samaria) 2912/: “Although the provisions of Amendment No. 14 to the Youth Law do not apply in the Region, it is impossible to ignore their spirit or the principles underlying the protection of a minor’s rights, even if he is suspected of committing offenses, and dominant weight must be given to the supreme principal of the best interest of the minor, as stated in the proposed law. Ultimately, a minor is a minor is a minor, whether he lives in a place where Israeli law applies in its entirety, or in another place, where, although Israeli law does not apply in its entirety, it is subject to the significant influence of the Israeli legal system [...] Amendment No. 14 includes, as aforesaid, also restrictions on the interrogation of minors. These are restrictions that should be implemented, in principle, in every properly administered court, even where there is no explicit legislative requirement. I am referring primarily to the prohibition on interrogation late at night and the right of the minor to have a parent or other relative present during the interrogation, who can take action to realize the minor’s rights.”
- 79 DCI-Palestine, Voices from the Occupation, Yahia A. – Available at: <http://www.dci-palestine.org/documents/voices-occupation-yahia-detention>
- 80 PHR-Israeli, Coerced False Confessions: The Case of Palestinian Children (July 2011) – Available at: <http://www.phr.org.il/default.asp?PageID=116&ItemID=1323>; The New York Times, Why do innocent people confess? David K. Shipler, 23 February 2012 – Available at: [http://www.nytimes.com/2012/02/26/opinion/sunday/why-do-innocent-people-confess.html?\\_r=1](http://www.nytimes.com/2012/02/26/opinion/sunday/why-do-innocent-people-confess.html?_r=1)
- 81 The Guardian, The Palestinian children – alone and bewildered – in Israel’s Al Jalame jail, 22 January 2012 – Available at: <http://www.guardian.co.uk/world/2012/jan/22/palestinian-children-detained-jail-israel>
- 82 Al Jalame – 100 professionals speak out against the use of solitary confinement on children, 30 January 2012 – Available at: [http://www.dci-palestine.org/sites/default/files/ejcf\\_letter-jan\\_30.pdf](http://www.dci-palestine.org/sites/default/files/ejcf_letter-jan_30.pdf)
- 83 Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, 5 August 2011, A/66/268. Available at: [http://www.dci-palestine.org/sites/default/files/sr\\_report\\_aug\\_2011\\_solitary\\_confinement.pdf](http://www.dci-palestine.org/sites/default/files/sr_report_aug_2011_solitary_confinement.pdf)
- 84 See also DCI-Palestine, Urgent Appeal (UA 1/12) – Solitary Confinement, 5 January 2012. Available at: [http://www.dci-palestine.org/sites/default/files/ua\\_1-12\\_-\\_solitary\\_confinement.pdf](http://www.dci-palestine.org/sites/default/files/ua_1-12_-_solitary_confinement.pdf) ; and B’Tselem and Hamoked, Kept in Darkness: Treatment of Palestinian Detainees in the Petah Tikva Interrogation Facility of the Israel Security Agency (October 2010). Available at: [http://www.btselem.org/publications/summaries/201010\\_kept\\_in\\_the\\_dark](http://www.btselem.org/publications/summaries/201010_kept_in_the_dark)
- 85 Pursuant to Article 147 of the Fourth Geneva Convention, wilfully depriving a protected person of the rights of a fair and regular trial is a grave breach of the Convention and attracts personal criminal responsibility. Further, under Article 146, all parties to the Convention have a positive legal obligation to search out and prosecute those responsible for grave breaches.
- 86 Military Order 1685 will reduce the period of time within which a person, including a child, has to be brought before a military court judge following arrest from eight days down to four days. In contrast, Israeli children, including those living in the settlements, must be brought before a judge within 12 hours, for children under 14 years, and 24 hours, for children 14 years and above. This order is scheduled to come into effect on 1 August 2012.
- 87 This figure is based on cases in which DCI-Palestine provided legal assistance. The Israeli military authorities do not keep accurate data on the number of children released on bail: B’Tselem, No Minor Matter (July 2011) – Page 48. According to a sample of cases collected by one Israeli organisation, children are denied bail in 93 percent of cases: No Legal Frontiers, All Guilty! (2011) – Page 22.

- 88 B'Tselem, No Minor Matter (July 2011) – Page 54.
- 89 ACRI, Case Briefing Document: “Minor A’ from Nabi Saleh (2012) – Available at: <http://www.acri.org.il/en/wp-content/uploads/2012/02/Minors.pdf>
- 90 Haaretz (29 November 2011) – Available at: <http://www.haaretz.com/print-edition/news/nearly-100-of-all-military-court-cases-in-west-bank-end-in-conviction-haaretz-learns-1.398369>
- 91 Military Order 1651 – Articles 1 and 191.
- 92 Military Order 1651 – Articles 1, 136 and 168.
- 93 On 27 September 2011, General Avi Mizrahi, the Israeli military commander in the occupied West Bank, issued Military Order 1676 partially raising the age of majority in the military courts from 16 to 18 years. This amendment does not apply to the provisions relating to sentencing.
- 94 Military Order 1676 – Article 136b(c) – A child must be notified that he has the right to consult with a lawyer, but this right can be suspended for up to 90 days in “security” related offences - See Military Order 1651 – Article 58(C).
- 95 Military Order 1685 will reduce the time period during which a person has to be brought before a military court judge from eight to four days. The order will come into effect on 1 August 2012.
- 96 Military Order 1651 – Articles 58(C) and (D), 59(B) and (C).
- 97 Military Order 1651 – Articles 32(A), 37 and 38.
- 98 Military Order 1651 – Article 44(A). The two year period can be extended by a judge of the Military Court of Appeals.
- 99 Fourth Geneva Convention – Articles 42 and 78; and ICCPR – Article 4.
- 100 CRC – Article 37(b); and ICCPR – Article 9.
- 101 Military Order 1651 – Sections 273(A) and 285(A) (as amended by Military Order 1591).
- 102 Fourth Geneva Convention – Article 78.
- 103 UN Committee against Torture, Concluding Observations (Israel), 14 May 2009, paragraph 17 – CAT/C/ISR/CO/4.
- 104 UN Human Rights Committee, Concluding Observations (Israel), 29 July 2010, paragraph 7 – CCPR/C/ISR/CO/3.
- 105 Criminal Procedure (enforcement powers – Arrests) (conditions of detention) Regulations – 1997.
- 106 Education for Palestinian children up to grade 10 (16 years) is compulsory and the curriculum consists of 13 subjects: Religious education; Arabic; English; Maths, Science; Technology/computer; National education; Civic education; History; Geography; Health and environment or home economy; Art; and Physical education. Palestinian children who remain in school beyond grade 10 are divided into a scientific or art stream. Each stream consists of nine subjects which are studied for a further two years and culminate in the Tawjehe exam.
- 107 Mohammad Frehat and ors v Israeli Prison Service (1997) 400/97.
- 108 Megiddo prison.
- 109 Ofer, Salem, Al Jalame, Huwwara, Ma’ale Adumim, Etzion, Kiryat Arba, Al Mascobiyya, Pitah Tikva and Ari’el.
- 110 Note there are currently no Palestinian child female detainees in Israeli detention.
- 111 Criminal Procedure (Enforcement Powers – Arrests) Law (1996) – Section 9; Criminal Procedure (enforcement powers – Arrests) (conditions of detention) Regulations – 1997; and IPS Order No. 04.44.00 – Section 1.
- 112 Youth (Trial, Punishment and Modes of Treatment) (the Conditions of Minor’s detention in group home) Regulations 1976 – Section 9.

- 113 On 13 July 2009, lawyers for DCI-Palestine collected an affidavit from a 13-year-old boy, N.M., who reported that on 2 June 2009 he was beaten by soldiers at Huwwara checkpoint causing his head to bleed. He was later taken to Huwwara Interrogation and Detention Centre and examined by a doctor: "A doctor came and asked me some questions. He filled out a questionnaire concerning my health. The doctor saw the marks on my body, especially the wound to my forehead which was bleeding at the time. I asked for his help but he refused to help me."
- 114 Criminal Procedure (enforcement powers – Arrests) (conditions of detention) Regulations – 1997 – Regulation 16. On 9 September 2008, lawyers for DCI-Palestine collected an affidavit from a 14-year-old boy, F.D., who reports that he was beaten during his arrest and transfer. On arrival at Ofer prison, he was taken to the clinic: 'I told the doctor that the soldier who had arrested me had beaten me on my hand. The doctor said "I had nothing to do with that." The doctor then proceeded to fill out a questionnaire form. On 13 July 2009, lawyers for DCI-Palestine collected an affidavit from a 15-year-old boy, I.S., who reports that on 1 March 2009, he and other child detainees, were beaten by prison guards in Telmond Prison (Israel), during a prison disturbance. After he was beaten, I.S. recalls that his hands were then tied behind his back: 'When he finished tying me, I wanted to go and sit with the others when a security officer approached me holding a big stick. He hit me hard on my head and I fell to the ground. I immediately stood up and wanted to rush and sit with the other three when the security guard put his leg in my way. I tripped and fell on the ground on my face. I severely wounded my forehead and started bleeding. While still bound they took me to the clinic because of the extreme pain in my head and dizziness. I felt I was about to faint. In the clinic I was not provided with anything but iodine ointment.'
- 115 Fourth Geneva Convention – Article 76: "Protected person accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein."
- 116 The East Jerusalem YMCA has a website at: [http://www.ej-ymca.org/index.php?option=com\\_content&view=article&id=68:east-jerusalem-ymca-rehabilitation-program&catid=31:general&Itemid=90](http://www.ej-ymca.org/index.php?option=com_content&view=article&id=68:east-jerusalem-ymca-rehabilitation-program&catid=31:general&Itemid=90)
- 117 Psychoactive - <http://www.psychoactive.org.il/?lat=en>
- 118 PHR-Israel - <http://www.phr.org.il/default.asp?PageID=116&ItemID=1323>
- 119 Breaking the Silence - <http://www.breakingthesilence.org.il/>
- 120 B'Tselem: Over 311,000 settlers are living in the West Bank and over 186,000 living in East Jerusalem. As to legality, see article 49 of the Fourth Geneva Convention and the ICJ advisory opinion on the legality of the Wall.
- 121 In practice, Israeli settler children are unlikely to be prosecuted at all for offences committed against Palestinians in the West Bank. See Yesh Din, Criminal Accountability for Israeli Civilians – Available at: <http://www.yesh-din.org/cat.asp?catid=3>
- 122 Penal Law (1977) – Section 34F.
- 123 Military Order 1651 – Articles 1 and 191.
- 124 Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 1.
- 125 Military Order 1651 – Articles 1, 136 and 168.
- 126 Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 1.
- 127 On 27 September 2011, General Avi Mizrahi, the Israeli military commander in the occupied West Bank, issued Military Order 1676 raising the age of majority in the military courts from 16 to 18 years.
- 128 Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 9H. A parent is allowed to be present at all times in circumstances where the child has not been formally arrested, but may not intervene in the interrogation process. An exception to this rule is permitted upon written authorisation of an authorised officer, and in cases in which the well-being of the child requires the parent not to be present.
- 129 Military Order 1676 – Article 136b(c) – A child must be notified that he has the right to consult with a lawyer, but this right can be suspended for up to 90 days in "security" related offences - See Military Order 1651 – Article 58(C).
- 130 In all cases other than security offences where the maximum penalty is 10 years or more – Criminal Procedure (Suspects Interrogation) Law (2002) – Sections 4 and 17. There is no requirement for the audio-visual recording of interrogations in security offences.

- 131 Amendment 14 to the Youth (Trial, Punishment and Modes of Treatment) Law (2008). Children aged between 12 and 13 must be brought before a judge within 12 hours, and children 14 years and over must be brought before a judge within 24 hours.
- 132 Military Order 1685 reduces the time period during which a person has to be brought before a military court judge from eight to four days. This provision comes into effect on 1 August 2012.
- 133 Criminal Procedures (Powers of Enforcement-Arrests) Law (1996) – Section 34.
- 134 Military Order 1651 – Articles 58(C) and (D), 59(B) and (C).
- 135 Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 10K; and the Criminal Procedure (Enforcement Powers-Arrests) Law (1996) – Section 59.
- 136 Military Order 1651 – Articles 32(A), 37 and 38.
- 137 Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 10L; and the Criminal Procedure (Enforcement Powers-Arrests) Law (1996) – Section 61 – 9 months for adults, with possible indefinite extensions.
- 138 Military Order 1651 – Article 44(A). The two year period can be extended by a judge of the Military Court of Appeals.
- 139 The Israel National Council for the Child, Annual Report (2009). This figure relates to 2008.
- 140 The Israel National Council for the Child, Annual Report (2009). This figure relates to 2008.
- 141 The Guardian (22 January 2012) – Available at: <http://www.guardian.co.uk/world/2012/jan/22/palestinian-children-detained-jail-israel>
- 142 B'Tselem and HaMoked, Absolute Prohibition: The Torture and Ill-Treatment of Palestinian Detainees, May 2007 - Page 79. See also the joint report by Hamoked and B'Tselem, Supplemental Information for the Consideration of Israel submitted to the UN Committee Against Torture, April 20 - Pages 3 to 4. See also Haaretz, 'Israel's Justice Ministry to probe claims of Shin Bet torture and abuse' (18 November 2010) - <http://www.haaretz.com/print-edition/news/israel-s-justice-ministry-to-probe-claims-of-shin-bet-torture-and-abuse-1.325282>
- 143 Yesh Din, Alleged Investigation: The Failure of Investigations into Offenses Committed by IDF Soldiers Against Palestinians (August 2011).
- 144 Haaretz, 'IDF commander involved in shooting bound Palestinian evades jail,' (27 January 2011) – available at: <http://www.haaretz.com/news/diplomacy-defense/idf-commander-involved-in-shooting-bound-palestinian-evades-jail-term-1.339516>
- 145 B'Tselem, No Minor Matter (July 2011) – Pages 39-42.
- 146 Yesh Din, Alleged Investigation: The Failure of Investigations into Offenses Committed by IDF Soldiers Against Palestinians (August 2011), page 101. See also Haaretz, 'Officer who defended beating Palestinians to take over infantry' (16 August 2011). Available at: <http://www.haaretz.com/print-edition/news/officer-who-defended-beating-palestinians-to-take-over-infantry-1.378802>
- 147 These recommendations have been endorsed by the UN Committee Against Torture, Concluding Observations, Israel, May 2009, CAT/C/ISR/CO/4 – paragraphs 16 and 27; and the UN Human Rights Committee, Concluding Observations, July 2010, CCPR/C/ISR/CO/3 – paragraph 22. On 15 June 2011, ACRI, Yesh Din and DCI-Palestine wrote to the Israeli Chief Military Advocate General with similar demands. At the time of publication no substantive response has been received. The letter is available on-line at: <http://www.dci-palestine.org/documents/acri-dci-palestine-and-yesh-din-demand-equality-palestinian-children>
- 148 Ibid.
- 149 Ibid.
- 150 UN Convention against Torture – Article 15.



151 These figures are compiled by DCI-Palestine each month from sources including the Israeli Prison Service (IPS) and Israeli army temporary detention facilities.

152 Ibid.

153 Ibid.

154 Ibid.

155 These statistics are based on cases in which DCI-Palestine provided legal assistance.

156 Ibid.

157 Ibid.

158 In five of these cases, the prosecution and defence lawyer could not reach an agreement as to sentence, which was then determined by the judge.

159 These statistics are based on cases in which DCI-Palestine provided legal assistance. In most cases, children in the military courts are charged with a number of offences. DCI-Palestine's statistics relating to charges are calculated by including only the most serious charge, in each individual case. So for example, if a child is charged with throwing stones and Molotov cocktails, the Molotov cocktail charge will be included in the statistics, not the charge of throwing stones.

160 These statistics are based on cases in which DCI-Palestine provided legal assistance.

161 172 cases were concluded by way of sentence. In 24 cases the child was released on bail and in 10 cases the child received an administrative detention order – therefore the total number of cases closed by DCI-Palestine in 2008 was 206.

162 Ibid.

163 Ibid.

164 This list includes the top six charges only.

165 This figure only represents the charge of attempting to kill, not conspiracy.

166 Available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?c=140](http://ap.ohchr.org/documents/dpage_e.aspx?c=140)

167 Available at: <http://www2.ohchr.org/english/bodies/cat/cats42.htm>

168 Available at: <http://www2.ohchr.org/english/bodies/crc/docs/CRC-C-OPAC-ISR-CO-1.pdf>

169 Available at: <http://www.ohchr.org/EN/Issues/Judiciary/Pages/Annual.aspx>

170 Available at: <http://www2.ohchr.org/english/bodies/hrc/hrcs99.htm>

171 Available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?c=140](http://ap.ohchr.org/documents/dpage_e.aspx?c=140)

172 Available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?m=103](http://ap.ohchr.org/documents/dpage_e.aspx?m=103)

173 DCI-Palestine - Available at: <http://www.dci-palestine.org/sites/default/files/unsropt.pdf>

174 PCATI – Available at: <http://www.stoptorture.org.il/en/node/1136>

175 PCATI - Available at: <http://www.stoptorture.org.il/files/Fmily%20Matters%20full%20report%20eng.pdf>

176 DCI-Palestine - Available at: <http://www.dci-pal.org/english/publ/display.cfm?DocId=1166&CategoryId=8>

177 PCATI - Available at: [http://www.stoptorture.org.il/files/eng\\_report.pdf](http://www.stoptorture.org.il/files/eng_report.pdf)

178 Available at: <http://www2.ohchr.org/english/bodies/hrc/hrcs99.htm>

- 179 B'Tselem - Available at: [http://www.btselem.org/Download/2010\\_Without\\_Trial\\_Eng.pdf](http://www.btselem.org/Download/2010_Without_Trial_Eng.pdf)
- 180 PCATI - Available at: [http://www.stoptorture.org.il/files/Accountability\\_Denied\\_Eng.pdf](http://www.stoptorture.org.il/files/Accountability_Denied_Eng.pdf)
- 181 Yesh Din - Available at:  
<http://www.yesh-din.org/userfiles/file/datasheets/Investigations%20and%20Indictments%20DataSheet%202000-20%20ENG.pdf>
- 182 DCI-Palestine - Available at:  
[http://www.dci-pal.org/english/doc/related/OMCT\\_open\\_letter\\_to\\_Israeli\\_gvt\\_re\\_sexual\\_abuse\\_of\\_children.pdf](http://www.dci-pal.org/english/doc/related/OMCT_open_letter_to_Israeli_gvt_re_sexual_abuse_of_children.pdf)
- 183 DCI-Palestine - Available at: <http://www.dci-pal.org/English/doc/Press/ADP.pdf>
- 184 B'Tselem - Available at: [http://www.btselem.org/Download/201010\\_Kept\\_in\\_the\\_Dark\\_Eng.pdf](http://www.btselem.org/Download/201010_Kept_in_the_Dark_Eng.pdf)
- 185 US State Department - <http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154463.htm>
- 186 DCI-Palestine - Available at: [http://www.dci-palestine.org/sites/default/files/un\\_sp\\_-\\_detention\\_-\\_west\\_bank\\_-\\_july\\_2011.pdf](http://www.dci-palestine.org/sites/default/files/un_sp_-_detention_-_west_bank_-_july_2011.pdf)
- 187 PHR-Israel - Available at: <http://www.phr.org.il/default.asp?PageID=116&ItemID=1323>
- 188 B'Tselem - Available at: [http://www.btselem.org/sites/default/files/201107\\_no\\_minor\\_matter\\_eng.pdf](http://www.btselem.org/sites/default/files/201107_no_minor_matter_eng.pdf)
- 189 No Legal Frontiers - Available at: <http://nolegalfrontiers.org/en>
- 190 Yesh Din - Available at: <http://www.yesh-din.org/infoitem.asp?infocatid=166>
- 191 PCATI/PHR - Available at: [http://www.stoptorture.org.il/files/Doctoring%20the%20Evidence%20Abandoning%20the%20Victim\\_November2011\\_0.pdf](http://www.stoptorture.org.il/files/Doctoring%20the%20Evidence%20Abandoning%20the%20Victim_November2011_0.pdf)
- 192 DCI - Available at: [http://www.dci-palestine.org/sites/default/files/solitary\\_confinement\\_website\\_dec\\_2011.pdf](http://www.dci-palestine.org/sites/default/files/solitary_confinement_website_dec_2011.pdf)
- 193 DCI-Palestine - Available at: [http://www.dci-palestine.org/sites/default/files/un\\_sp\\_-\\_detention\\_-\\_west\\_bank\\_-\\_jan\\_2012.pdf](http://www.dci-palestine.org/sites/default/files/un_sp_-_detention_-_west_bank_-_jan_2012.pdf)
- 194 ACRI - Available at: <http://www.acri.org.il/en/wp-content/uploads/2012/02/Minors.pdf>
- 195 The Independent (9 June 2009) - Available at: <http://www.independent.co.uk/news/world/middle-east/bound-blindfolded-and-beaten-ndash-by-israeli-troops-1700194.html>
- 196 Time World (30 June 2009) - Available at: <http://www.time.com/time/world/article/0,8599,1906664-1,00.html>
- 197 BBC (6 August 2009) - Available at: [http://news.bbc.co.uk/2/hi/middle\\_east/8186905.stm](http://news.bbc.co.uk/2/hi/middle_east/8186905.stm)
- 198 Haaretz (28 May 2010) - Available at: <http://www.haaretz.com/print-edition/news/over-100-palestinian-minors-reported-abuse-in-idf-police-custody-in-20-1.292679>
- 199 Aljazeera (30 May 2010) - Available at: <http://www.youtube.com/watch?v=gKuqGOiBQIE>
- 200 Haaretz (1 July 2010) - Available at: <http://www.haaretz.com/print-edition/news/idf-mistakenly-summons-7-year-old-palestinian-boy-to-shin-bet-interrogation-1.299266>
- 201 Haaretz (1 July 2010) - Available at: <http://www.haaretz.com/weekend/magazine/twilight-zone-a-night-in-hebron-1.299478>
- 202 Haaretz (25 July 2010) - Available at: <http://www.haaretz.com/print-edition/news/shin-bet-turns-to-arabic-after-inadvertently-summoning-7-year-old-palestinian-1.303848>
- 203 Haaretz (8 August 2010) - Available at: <http://www.haaretz.com/print-edition/features/amira-hass-eight-palestinian-youths-and-the-crime-they-didn-t-commit-1.306641>
- 204 Haaretz (18 August 2010) - Available at: <http://www.haaretz.com/print-edition/opinion/an-appalling-army-experience-1.308691>

- 205 Haaretz (18 August 2010) – Available at: <http://www.haaretz.com/print-edition/news/palestinian-minors-held-3-weeks-on-suspicion-of-arson-1.308657>
- 206 Haaretz (20 August 2010) – Available at: <http://www.haaretz.com/print-edition/news/un-receives-over-100-complaints-of-police-idf-abuse-of-west-bank-teenagers-this-year-1.3104>
- 207 CNN (2010) – Available at: <http://www.dci-palestine.org/content/videos>
- 208 Politics.co.uk (10 December 2010) – Available at: <http://www.politics.co.uk/comment-analysis/2010/12/10/comment-time-to-get-serious-with-israel>
- 209 Haaretz (15 April 2011) – Available at: <http://www.haaretz.com/weekend/magazine/another-country-1.356147>
- 210 Haaretz (11 May 2011) – Available at: <http://www.haaretz.com/print-edition/news/judge-remands-palestinian-teen-despite-suspicious-that-soldiers-beat-him-1.3644>
- 211 BBC (18 July 2011) – Available at: <http://www.bbc.co.uk/news/world-middle-east-14189730>
- 212 The Guardian (18 July 2011) – Available at: <http://www.guardian.co.uk/world/2011/jul/18/israel-detained-835-palestinian-minors>
- 213 The National (27 July 2011) – Available at: <http://www.thenational.ae/news/world/middle-east/palestinian-children-endure-systematic-abuse-from-israels-military-courts-say-reports>
- 214 Haaretz (16 August 2011) – Available at: <http://www.haaretz.com/print-edition/news/officer-who-defended-beating-palestinians-to-take-over-infantry-1.378802>
- 215 The Independent (26 August 2011) – Available at: <http://www.independent.co.uk/news/world/middle-east/how-israel-takes-its-revenge-on-boys-who-throw-stones-2344037.html>
- 216 The Independent (16 September 2011) – Available at: <http://www.independent.co.uk/news/world/middle-east/military-whistleblower-tells-of-indiscriminate-israeli-attacks-2355436.html>
- 217 The Guardian (28 September 2011) – Available at: <http://www.guardian.co.uk/world/view-from-jerusalem-with-harriet-sherwood/2011/sep/28/palestinian-territories-israel>
- 218 Haaretz (5 October 2011) – Available at: <http://www.haaretz.com/print-edition/news/following-criticism-idf-raises-age-for-palestinians-to-be-tried-as-minors-to-18-1.388197>
- 219 Haaretz (20 October 2011) – Available at: <http://www.haaretz.com/news/diplomacy-defense/un-rights-expert-palestinian-children-subject-to-arrests-violence-by-israel-1.391147>
- 220 The Guardian (3 November 2011) – Available at: <http://www.guardian.co.uk/world/2011/nov/03/israeli-doctors-report-torture-palestinian>
- 221 The Australian (26 November 2011) – Available at: <http://www.dci-palestine.org/documents/australian-stone-cold-justice>
- 222 Haaretz (29 November 2011) – Available at: <http://www.haaretz.com/print-edition/news/nearly-100-of-all-military-court-cases-in-west-bank-end-in-conviction-haaretz-learns-1.398369>
- 223 The Guardian (22 January 2012) – Available at: <http://www.guardian.co.uk/world/2012/jan/22/palestinian-children-detained-jail-israel>
- 224 The New York Times (18 February 2012) – Available at: [http://www.nytimes.com/2012/02/19/world/middleeast/palestinians-trial-shines-light-on-justice-system.html?\\_r=3&pagewanted=1&hp](http://www.nytimes.com/2012/02/19/world/middleeast/palestinians-trial-shines-light-on-justice-system.html?_r=3&pagewanted=1&hp)

# Notes

# Notes



"I never arrested anyone younger than 9 or 10, but 14, 13, 11 for me, they're still kids. But they're arrested like adults. Every soldier who was in the Occupied Territories can tell you the same story. The first months after I left the army I dreamed about kids all the time. Jewish kids. Arab kids. Screaming. Maybe the kid is blindfolded for him not to see the base and how we're working [...]. But I believe maybe we put the blindfold on because we don't want to see his eyes. You don't want him to look at us – you know, beg us to stop, or cry in front of us. It's a lot easier if we don't see his eyes."

Former Commander Eran Efrati  
Israeli army  
BBC News  
August 2009