

# **BROKEN CHILDHOOD**

## **Palestinian minors in the fire line of Israeli repression**

(March 2016)

**Report submitted by:**

**Action of Christians against Torture**

**French – Palestine Solidarity Association**

**French Platform of NGOs for Palestine**

**French Human Rights League**

**Yes Theatre**

With the support of

Defence for Children International - Palestine

La Voix de l'enfant

## **REPORT METHODOLOGY**

This report is based on documentary research as well as ground experience and the many affidavits collected by the Platform of French NGOs for Palestine over the course of two missions in the West Bank from April to the end of June 2014 and in June 2015 with the help of the Yes Theatre<sup>1</sup> in its day-to-day work with detainees or ex-detainees minors and their families.

Violations inflicted on Palestinian minors in detention were noted and corroborated by reports from other Palestinian, Israeli and international NGOs as well as reports from the United Nations' bodies.

The names of witnesses have been withheld to protect the safety of the minors and their families.

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<sup>1</sup> The Yes Theatre is implementing a psychological program with Palestinian minors based on drama therapy and theatre. The program aims at improving minor's mental health situation, returning them to schools and re-integrating them within the Palestinian society.

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## ACRONYMS

- CAT – Covenant Against Torture
- ICRC – International Committee of the Red Cross
- HRC – United Nations Human Rights Committee
- DCIP – Defence for Children International Palestine
- NGOs – Non Governmental Organisations
- Plateforme Palestine – Platform of French NGOs for Palestine
- PCATI – Public Committee Against Torture in Israel
- ICCPR – International Covenant on Civil and Political Rights
- OPT – Occupied Palestinian Territory
- UNICEF – The United Nations Children's Fund
- YMCA – The Young Men Christian Association Rehabilitation Program

## Introduction

“When soldiers came for the first time, he was 13.

I wrapped him up warm because it was cold. I was scared because he was too young.

Ayed clung to us and begged us not to let the soldiers take him, to tell them he was only a child. Ayed told them: “I’m a child and I have to go to school tomorrow”.

They separated us and took him.”

(Mother of Ayed, arrested at the age of 13, Beit Umar<sup>2</sup>)

Like Ayed, over 8,500 Palestinian children have fallen into the Israeli security forces’ hands since 2000. Arrested, assaulted and sometimes tortured, interrogated, detained, prosecuted and most often convicted at the end of an inequitable trial, these minors are broken by the Israeli military detention system.

Those who do not experience prison directly do so via the imprisonment of their fathers, brothers, cousins, or even their mothers or sisters. Since 1967, over 850,000 Palestinians (20% of the total population and 40% of the male population) have been detained by the Israeli authorities.

« Are you scared that you might be detained and arrested for the third time?

No.

And what if it happened again?

It’s normal! For me, or any Palestinian, It is part of our routine. If it is not me, then it is my father; if not my father, then it is my brother, if not my brother, then it is my cousin. So we all have an idea of what the jail is all about. »

(Ahmed, arrested at the age of 13, Al Aroub refugee camp<sup>3</sup>)

Each new outbreak of tension between Israelis and Palestinians triggers a surge in arrests. Consequently, between early October and late December 2015, Israel arrested more than 2,663 Palestinians, 479 of whom

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<sup>2</sup> Interview carried out by Plateforme Palestine in June 2015.

<sup>3</sup> Testimony of Ahmed during a workshop organised by the Yes Theater in Al-Aroub, in June 2015.

were children.<sup>4</sup> The mass arrests and accompanying violence they experience point to a military detention system used by the Israeli authorities as a tool with which they collectively punish the Palestinian society for opposing the occupation.

The army, police and military justice system are the main perpetrators of this system that targets a broad range of Palestinians, men and women, adults and children, journalists, academics and parliamentarians alike.

Children represent the primary victims of repression. Arrests of minors rose by 15% on average in 2015, and by 179% between October and December 2015. At the end of January 2016, 406 minors were still in detention including 2 children under the age of 14, 112 between 14 and 16 years old and 292 between 16 and 18 years old<sup>5</sup>. Based on information collected on the ground by Palestinian, Israeli and international associations working with these minors, the Israeli authorities deliberately target Palestinian youth. Arrests, interrogations and convictions aim to punish children as much as to dissuade them, as well as their families, from protesting against the occupation.

The affidavits and witness accounts from psychologists, lawyers, social workers, human rights defenders and ex-detainee minors as well as from their parents, reveal that arresting their children weakens the Palestinian society as a whole. Detention hangs like the sword of Damocles over the community and undermines it from within through the scars it leaves among those subjected to it and their beloved ones: early school-leaving, depression, fear of another arrest, fear of torture and the disintegration of family and social ties, are just some of the devastating effects of child detention.

The trauma experienced by ex-detainees is kept alive by a feeling of injustice. The breaches of human rights that accompany the arrests, interrogations, and trials before a military court and that occur again and again throughout the detention process go systematically unpunished.

As a result, over and above the immediate damage caused to the community, this policy of child repression seriously jeopardizes the future of the Palestinian society, and by extension, the future of any peace process.

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<sup>4</sup> Statistics published by Addameer, <http://www.addameer.org/news/addameer-israeli-occupation-proceeds-mass-arrests-and-collective-punishment>.

<sup>5</sup> B'Tselem, *Statistics on Palestinian minors in the custody of the Israeli security forces, 15 mars 2016*, [http://www.btselem.org/statistics/minors\\_in\\_custody](http://www.btselem.org/statistics/minors_in_custody).

The cessation of the generalized detention policy and the end of impunity are necessary prerequisites to establishing any lasting peace. They should therefore be included in the core issues to be solved by the various parties during negotiations, rather than being handled as an afterthought.

This report aims to call the Israeli authorities, as well as the international community, to implement all necessary means to stop the future-destroying machine that the Israeli military detention system is.

The authors of the report call on Israel, as the occupying power, to respect the civil rights of Palestinian minors in application of the international human rights law and the international humanitarian law it is bound to comply with.

## **The West Bank and a legal exception system**

On 7 June 1967, Israeli forces published Military Proclamation n°1 under which full legal authority over the Occupied Palestinian Territory (OPT) was given over to the Israeli military commander “in the interests of security and public order”. Since then, occupied Palestine has been governed by a special regime that has continued to grow more complex over the decades. with varying forms of occupation, the annexation of East Jerusalem, the 2005 withdrawal from the Gaza strip and its current blockade.

Today, the OPT is governed by several legal regimes that differ between areas. East Jerusalem residents suspected of having committed an offence of any nature are prosecuted in Israeli civil courts and are governed by the Israeli civil law. The inhabitants of Gaza, on the other hand, are governed by the local Palestinian law for crimes committed within the Gaza Strip. Yet those arrested by Israeli security forces on suspicion of having committed a crime against Israel or its nationals may be prosecuted under Israeli civil law, in the same way as East Jerusalem residents.

West Bank residents are governed by both the Palestinian law and the Israeli military law. The latter permeates practically all aspects of their lives through more than 1,700 military orders enacted by the Israeli authorities since 1967. Violation of some of these military orders is constituent of common crimes while for others it is considered security breaches. All are prosecuted before the military courts.

Punishable offences vary from road traffic offences (the majority falling under this category) to the participation in unauthorised gatherings and assemblies. The vast majority of these cases described by the military justice system as posing a threat to the security of the State of Israel are actually peaceful participation in student and political unions, all of which are consistently prohibited by Israel. Thus, out of the vast number of Palestinians brought before the Israeli military courts every year, only a handful are suspected of having committed murder.

### **“Military order 1651”:**

“Security offense” – Any offense stipulated in security legislation, and any offense in contravention of emergency legislation<sup>6</sup> as defined in the Order Regarding Interpretation (Additional Directives) (No. 5) (Judea and Samaria) (No. 224), 1968, is punishable by five years imprisonment or more.

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<sup>6</sup> The emergency situation originally declared in Israel in May 1948 has never been abolished.

Israeli settlements residents in the West Bank are governed by Israeli criminal and civil law as applied by the Israeli civil courts. They are not governed by Israeli military orders. Israel therefore discriminates between individuals living in the territory it administers, depending on whether or not they are Israeli nationals, a discrepancy made all the more glaring by procedural application. As an example, a West Bank Palestinian may be interrogated for 90 days before being charged, while an Israeli citizen cannot be interrogated for more than 64 days. Similarly, Palestinian defendants can spend up to 18 months held on remand before being brought before a court – a period that may be extended for six renewable months by the military Appeal Court. In contrast, an Israeli's trial must take place within nine months following the date on which he (she) was taken into custody.

Submitting West Bank Palestinians to a justice of exception is made all the more reprehensible when we consider that international law restricts the jurisdiction of military courts to serious threats to State security, which does not encompass most of the offences that Israel makes liable to prosecution by the military justice system.

## **Palestinian minors: prime targets**

West Bank minors do not escape the Israeli military justice system, and in fact appear to be its primary target. According to the Commission of Detainees and Ex-Detainees of Hebron, over the last four years the Israeli army has arrested 3,800 minors in the West Bank. Defence for Children International-Palestine (DCIP) estimates that every year, 500 to 700 Palestinian minors aged between 12 and 18 are detained in Israeli military prisons and prosecuted by the military justice system<sup>7</sup>. In most cases, they are accused of having thrown stones and are sentenced to prison sentences that vary from a few days to several months and even years. Although almost 70% of these minors are aged 16 to 17 when they are arrested, over a quarter are aged just 14 to 15, and sometimes younger<sup>8</sup>. Over the last four years, 14 children aged 12 to 13 were arrested, as well as one child who was just 8 years old<sup>9</sup>. Abed, who is 4 years younger than the age of criminal responsibility, was arrested at his parents' home on the 24<sup>th</sup> of November 2015 in violation of the law and without his parents being allowed to accompany him although they were at home. Interrogated on suspicion of stone throwing he was held for hours before being handed to the Palestinian police.

The Israeli authorities's objectives in targeting minors are to discourage them from protesting, to intimidate their families in a bid to stop them from taking part in protest movements too, and finally, to recruit young informants who are threatened with prosecution and thus forced to spy on those fighting to end the occupation.

The State of Israel is subject to the international legislation it has ratified, and notably the IVth Geneva Convention, the International Convention on the Rights of the Child, the Convention against Torture and the International Covenant on Civil and Political Rights<sup>10</sup>.

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<sup>7</sup> Defence for Children International-Palestine (DCIP), *No Way to Treat a Child: Palestinian Children in the Israeli Military Detention System*, 2016, p.1.

<sup>8</sup> Statistics established by DCIP, *op. cit.*, 2016, p.11. These statistics include arrests in the West Bank and in East Jerusalem.

<sup>9</sup> B'Tselem, *Israeli security forces violently arrest two young boys (8 and 12), interrogate and hold them for hours*, 21 December 2015, [http://www.btselem.org/detainees\\_and\\_prisoners/20151221\\_children\\_detained\\_in\\_beit\\_omar](http://www.btselem.org/detainees_and_prisoners/20151221_children_detained_in_beit_omar).

<sup>10</sup> On 9 July 2004, the International Court of Justice issued an advisory opinion entitled *Legal consequences of the construction of a wall in the Occupied Palestinian Territory*, in which it reminded Israel of its duty to concomitantly comply with International Humanitarian Law and International Human Rights in occupied territories, <http://www.icj-cij.org/docket/files/131/1671.pdf>.

Yet for a number of years now, local and international NGOs as well as a number of the United Nations' bodies<sup>11</sup> have regularly denounced the conditions under which Palestinian children are arrested and detained by the Israeli army, as well as the inequalities of the justice system by which they are governed. Throughout the detention process, minors are subjected to a plethora of breaches of international human rights and humanitarian rights.

Statistical data concerning a number of violations frequently experienced by Palestinian minors upon arrest and interrogation.

<b>Violations</b>	<b>Working Group on Grave Violations against Children/UNICEF<sup>12</sup></b>
Hand ties	91%
Not properly informed of rights	78%
Blindfolds	78%
Physical violence	82%
Strip searched	71%
Night arrest	38%
Transfer on vehicle floor	43%
Shown or signed document in Hebrew	30%
Solitary confinement for more than two days	13%

<sup>11</sup> Human Rights Committee, *Concluding observations – Israel*, 2014, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/ISR/CO/4&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/ISR/CO/4&Lang=En); Committee against Torture, *Concluding observations – Israel*, 2009, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/ISR/CO/4&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/ISR/CO/4&Lang=En); Committee on the Rights of the Child, *Concluding observations – Israel*, 2013, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1510923.pdf> ; General Assembly, Security Council, *Report of the Secretary-General on Children and Armed Conflict*, 2015, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1510923.pdf>.

<sup>12</sup> Statistics based on the affidavits of 208 minors collected by the working group on grave violations against children between January 2013 and September 2014 and published by UNICEF, UNICEF, *Children in Israeli Military Detention*, Bulletin n°2, 2015, pp.3-4, [http://www.unicef.org/oPt/Children\\_in\\_Israeli\\_Military\\_Detention\\_-\\_Observations\\_and\\_Recommendations\\_-\\_Bulletin\\_No.\\_2\\_-\\_February\\_2015.pdf](http://www.unicef.org/oPt/Children_in_Israeli_Military_Detention_-_Observations_and_Recommendations_-_Bulletin_No._2_-_February_2015.pdf).

## The widespread use of violence

### Brutal arrests

Accounts from West Bank children arrested by Israeli security forces all reveal the same use of extreme brutality. They generally start with night arrests at home, or arrests made near a settlement or a checkpoint, most often by the army but sometimes also by the Israeli police.

Home arrests in the dead of night are particularly traumatic and therefore synonymous with mistreatment in light of the vulnerability of their victims. Children are sometimes woken up in their bedrooms by soldiers bearing arms and flashlights. The entire family is affected by the violence associated with having heavily armed soldiers storm into the home, using threatening language and wearing masks.

“I remember the first time they came to arrest Ayed, it was as if they'd come to arrest an entire army and not just a child. One group was outside the house while another remained inside. One of the soldiers pointed his gun at my chest and the other really humiliated his mother. The situation was very difficult for her.

They used a tool to open the doors quietly, we didn't hear them.”

(Father of Ayed, arrested at the age of 13, Beit Umar<sup>13</sup>)

« On 1 February 2015, around 3:00 a.m, while I was sleeping I woke up suddenly because of screaming coming from the first floor of our house which consists of two floors. When I woke up from my bed, my mother was shouting at us “*Wake up, kids.*” All at once I saw my mother in front of me and she was afraid and after a second, ten Israeli soldiers entered, their faces were covered with black masks and they were wearing their military uniforms. One of them screamed “*Where is the wounded, where is the wounded.*” And my father was behind them, they were grabbing him and he told them that there was no wounded. One of the soldiers pulled me from my mother's hands and slapped me on my face then he pushed me against the wall. I begged him not to hit my father because he is sick, then he asked me “Are you the wounded?” I told him no, so he took my identity card and examined if I was wounded or not. He discovered that I was not wounded (...)

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<sup>13</sup> Interview carried out by Plateforme Palestine in June 2015.

Another masked soldier came and told me that they wanted to take me with them. He tied my hands behind my back with three plastic cuffs and they were so tight on my hands. He also blindfolded me with a piece of cloth. He didn't allow me to wear my winter clothes either, or to say goodbye to my family before leaving. They didn't tell me where they were going to take me or the reason behind my arrest. »

(Hani, arrested at the age of 17, Nablus<sup>14</sup>)

Faced with growing criticism concerning the night arrests of Palestinian minors, the Israeli authorities announced in February 2014 their intention to issue written summons instead. Yet the effects of this reform remain limited. Summons are sometimes served by the army at the minor's home in the middle of the night. They do not prevent the use of ill-treatment or even torture either. Often minors who go to the police station following a summons are handcuffed and blindfolded after arriving and are interrogated without the presence of their parents or lawyer<sup>15</sup>. They are subjected to the same violence as that inflicted on those arrested without summons.

Night arrests remain very frequent. Justified officially for security reasons, in fact they clearly contribute to a general policy of intimidation.

Arrests are often accompanied by shoving, slaps, punches or beatings with firearms, even in cases where the minor has already been handcuffed<sup>16</sup>.

“I opened the door and saw a soldier standing in front of me. “Are you Tayeb?” he asked. I said yes, he caught me, twisted my hands and beat me against the door. We moved towards the door that gave out onto the street and my neighbor threw an object at the soldier, which put him in a bad mood. He began hitting me, he hit me in the face very hard.”

(Tayeb, arrested at the age of 14, Al-Fawar refugee camp<sup>17</sup>)

“The soldiers arrived at the house, broke the door and brought us all into a room. “Where is Salah?” they asked us. I replied: “That's me”.

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<sup>14</sup> Interview carried out by DCIP in February 2015.

<sup>15</sup> DCIP, *op. cit.*, 2016, p.27.

<sup>16</sup> DCIP, *op. cit.*, 2016, p.23.

<sup>17</sup> Interview carried out by Plateforme Palestine in June 2015.

They asked me to get changed and told me they were taking me away. They warned my father of my arrest and told him he could come and pick me up at 7am the next day.

I left with them. They put me in the car. Beforehand, they handcuffed me and blindfolded me.

In the car, on the way to Etzion, they began hitting me. They hit me in the stomach and the head.”

(Salah, arrested at the age of 15, Beit Umar<sup>18</sup>)

### **Handcuffed and blindfolded**

As soon as a minor is arrested, whether at home or in the street, he is blindfolded and handcuffed. The hands are generally tied behind the back with plastic ties that are bound so tightly that they cut off the blood circulation and cut into the skin.

In March 2010, following an appeal submitted to the Israeli Supreme Court by the NGO Public Committee against Torture in Israel (PCATI), the military authorities adopted a new restraint procedure. In theory, they are now prohibited from using a single plastic restraint tie and must use three ties, one around each wrist and a third one linking the other two<sup>19</sup>. The ties must be loose enough to slip one finger between the tie and the wrist. Detainees must be handcuffed to the front and not behind their back, except when made necessary for security purposes. More recently, in May 2013, the legal counsel for the West Bank military commander issued instructions to the Israeli security forces aimed to limit blindfolding of minors to cases where security renders it vital.

Despite these moves by the Israeli authorities, minors blindfolding and handcuffing remain practically systematic. After their arrest, almost all minors are handcuffed with tight plastic ties – generally a single tie – and nine out of ten are blindfolded<sup>20</sup>.

### **Lack of notification delivered to the detainees and to their parents**

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<sup>18</sup> Interview carried out by Plateforme Palestine in June 2014.

<sup>19</sup> UNICEF, *op. cit.*, 2015, p.9. In April 2010, following an appeal brought before the Israeli Supreme Court by the NGO PCATI, the military authorities adopted a new restraint procedure for the use of three ties, one around each wrist and a third linking the two.

<sup>20</sup> DCIP, *op. cit.*, 2016, p. 29.

Arrested minors are then taken to an interrogation centre, without informing them or their parents of the reason for their arrest or the place of detention.

“Military order 1676” currently in force in the West Bank compels the Israeli authorities to notify a parent of the minor's arrest. This obligation is nevertheless tempered by two non-negligible restrictions. On the one hand, the obligation only applies to Israeli police officers, and not to the soldiers who generally proceed to the arrests. Detainees therefore spend many hours and even days in the hands of the army, until they are handed over to police officers or information units for interrogation. In addition, the obligation of notification does not apply if the minor is suspected of being a threat to the area's security, as is the case for most young people arrested for throwing stones or taking part in protests.

In April 2013, the Israeli military authorities introduced a form mentioning the reason for the arrest and where the child is detained<sup>21</sup>. This form is supposed to be delivered to the child's parents in Arabic. In practice, in most cases the parents are informed of the reasons for the arrest and the location of their child's detention via a lawyer or someone who was with the child at the moment of the arrest and not by the authorities. During home arrests, the soldiers often neglect to provide the parents with the form stating the reasons for the arrest and the location where the detainee is to be taken<sup>22</sup>.

### **The transfer: a harrowing journey**

During the journey to the interrogation site, a trip that can take several hours, detainees are insulted, humiliated and sometimes threatened and beaten despite the fact that they are sitting or lying on the vehicle floor.

Detainees may be taken to several different locations before reaching the interrogation centre<sup>23</sup>. Over the course of this journey, they are sometimes left for hours unable to move in the vehicle, or left outside in the rain, the cold, or under the beating sun, without water, food, or access to toilets.

“...I spent two hours in the Jeep, handcuffed and blindfolded. The soldiers were laughing and talking among themselves. Afterwards, the Jeep went to a place called

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<sup>21</sup> UNICEF, *op. cit.*, 2015, p.1.

<sup>22</sup> *Ibid.*, p. 9.

<sup>23</sup> Many minors spend several hours in the Kiryat Arba settlement before being taken to the Etzion detention centre in the Gush Etzion settlement.

Jalame, another boy got in and someone from the camp, too. Afterwards I think we went to Kiryat Arba. Once we got there, we were left sitting there for four hours. It was so cold.”

(Tayeb, arrested at the age of 14, Al-Fawar refugee camp<sup>24</sup>)

During these transfers, young detainees are often brought before an army doctor who merely asks a few questions without examining them and without ever recording any evidence of the beatings that sometimes can be seen on minors' bodies.

« My problem started in front of our house. I was hit so badly by the soldiers, and then they took me to Gush Etzion for a week.

(...) When I arrived in Gush Etzion, the doctor looked at me and I was almost dead, he asked “Did anybody hit you?” that was the most provoking thing in my whole story, because the doctor was ignoring the fact that almost all my bones were broken, and pretending that it was not obvious that I was beaten so badly. Then the doctor said to me, “Is anything hurting you?” I said “no! When I die God will take care of me.” Then they put me in a room there, and at 2:00 am, someone came to transfer me and two other guys into a prison, and on our way, one of them provoked the soldiers, so they stopped and started hitting and beating the three of us. And then they continued the way to Ofer.

(...) Hitting me so badly caused blood spots on the lungs. »

(Youssef, arrested at the age of 15, Al Aroub<sup>25</sup> refugee camp)

Almost 70% of minors are also subjected to strip searches following their arrest which are particularly humiliating, despite claims of the contrary made by the police, who insist this practice is rare<sup>26</sup>. Similar searches are systematically inflicted on detainees when they get to the prison.

### **Alone and without a lawyer**

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<sup>24</sup> Interview carried out by Plateforme Palestine in June 2015.

<sup>25</sup> Interview of Youssef during a workshop organised by the Yes Theatre in May 2015.

<sup>26</sup> UNICEF, *op. cit.*, 2015, p.10.

According to “military order 1676”, prior to all interrogations, minors must be informed of their right to consult with a lawyer of their choice. In almost 85% of cases, this right is not respected<sup>27</sup>. Police officers force the detainee to sign a document in Arabic stating he has been informed of his rights, but do not allow him to read it. When a detainee is allowed to read it, the technical content is not explained<sup>28</sup>.

“Military order 1676” does not specify when detainees may consult with their lawyers. This right can be suspended for up to 90 days following approval by the president or vice-president of the military court. The text does not require the detainee to be informed of his right to remain silent. The detention can be extended for 48 days for interrogation purposes. During this period they can be barred from meeting their lawyers. In practice, very few minors are granted access, anyway limited, to a lawyer, whether before or during interrogation. The Israeli Supreme Court recognized that declarations made by a detainee being interrogated without a lawyer's counsel may be considered inadmissible in court<sup>29</sup>. Yet as minors' lawyers observe, the declarations signed under these conditions and often by force, are almost never rendered invalid and are used as the basis for sentencing.

Both the lawyer and the minor's parents<sup>30</sup> are denied access to attend the detainee's interrogation. Sometimes, a parent is allowed to attend the interrogation or to wait outside the room, but this is unusual and permission to do so is left to the discretion of the interrogators.

### **The interrogation, forging the confession**

Most of the time, interrogations are carried out by police officers and sometimes by soldiers or members of Israeli security agency. Most West Bank minors are interrogated in one of the police stations in Gush Etzion and Ariel or inside the Ofer prison. Some, however, are transferred to the Al Mascobiyya interrogation centre in Jerusalem or to the Jalame centre, near Haifa in Israel.

They are sometimes illegally subjected to a double interrogation. The first is an unofficial interrogation and is carried out by a plain-clothed agent or less frequently by a soldier. The second official interrogation is carried out by a uniformed police officer<sup>31</sup>.

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<sup>27</sup> DCIP, *op. cit.*, 2016, p.22.

<sup>28</sup> DCIP, *op. cit.*, 2016, p.38.

<sup>29</sup> UNICEF, *op. cit.*, 2015, p.10.

<sup>30</sup> Only 3% according to DCIP, *op. cit.*, 2016, p.49.

<sup>31</sup> DCIP, *op. cit.*, 2016, p.38.

The interrogation period varies from a few hours to several weeks: in April 2013, the Israeli authorities adopted “military order 1711” which reduced the period from arrest to the first appearance before a military judge. This period cannot exceed 24 hours for children aged 12 to 13 and 48 hours for children aged 14 to 15. For minors aged between 16 and 17, the maximum period is 96 hours – the same as for adults. This is twice as long as for an Israeli child living in a West Bank settlement, and it can be doubled if the officer “believes there is a need for the conduct of a necessary interrogation that cannot be conducted without the arrest” of the minor but it occurs only in very unusual cases.

Once the minor appears before a military judge, the latter may deem, it necessary, to extend the interrogation period to 15 renewable days, up to a maximum of 40 days (“military order 1726”). Following on from this, the military court of appeal may authorize the detention to be extended beyond 40 days for interrogation purposes. Throughout this process, the minor remains at the disposal of the investigators.

In most cases, during the interrogation the child remains handcuffed and sometimes tied to a chair for hours, provoking intense pain at the wrists and in the hands, the back and legs. Almost a quarter of the minors are insulted and threatened with beatings, sexual harassment, a longer sentence, or their house being demolished and their parents arrested<sup>32</sup>. More than one child out of four is slapped, kicked, and sometimes subjected to worse. From the beginning of the arrest to the end of the detention, 82% of the minors suffer physical violence<sup>33</sup>.

“The United Nations obtained the affidavits of 122 Palestinian children from the West Bank, who had been detained by the Israeli security forces, in which they stated that they had been submitted to ill-treatment, such as beatings, being hit with sticks, being blindfolded, being kicked and being subjected to verbal abuse and threats of sexual violence.” (General Assembly, Security Council, Report of the Secretary-General on Children and Armed Conflict, 2015).

Israeli authorities also use psychological torture, such as sleep deprivation and solitary confinement<sup>34</sup>. The interrogators scream at the detainee, insult him and threaten him with arresting his parents or withdrawing their work permit, among other threats. More than one in ten arrested minors<sup>35</sup> are kept in solitary confinement for an average period of thirteen days. They are kept in small windowless cells, sometimes

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<sup>32</sup> DCIP, *op. cit.*, 2016, p.40.

<sup>33</sup> UNICEF, *op. cit.*, 2015 p. 3.

<sup>34</sup> Interview carried out by the Plateforme Palestine with Amani Dayif, who heads Physicians for Human Rights-Israel's Prisoners and Detainees Department, June 2015.

<sup>35</sup> DCIP, *op. cit.*, 2016, p.45; UNICEF, *op. cit.*, 2015, p. 4.

without beds, with stark lighting that is permanently switched on, resulting in physical disruption and psychological effects that can sometimes be serious. As with solitary confinement, sleep deprivation disrupts detainees' sensory bearings and annihilates their ability to concentrate, especially during interrogations.

Solitary confinement is especially used by the Israel Security Agency during interrogations carried out in the Petah Tikva and Kishon (also known as Al-Jalame) detention centres and at the Shikma prison in Ashkelon.

Insults, threats and beatings inflicted on detainees are at the very least considered to be ill-treatment. Because the victims are minors, these practices may sometimes be qualified as torture, depending in particular on their aim, severity, duration, the suffering experienced and the age of the victim. Vulnerability is a decisive factor in making a distinction between torture and ill-treatment<sup>36</sup>. As a result, threats made to a 15-year-old teenager interrogated for several hours, sometimes at night, with no contact with the outside world, in order to force a confession, may in some cases be qualified as torture.

In some cases, at the end of the confinement period, the minor is transferred to prison and is quickly approached by a Palestinian detainee working as an Israeli informant. The latter gradually gains the trust of the child in a bid to extract information that will then be used against the minor during the ensuing interrogations.

The goal is to extract the names of friends, leading to more arrests, as well as confessions to later set the main, if not only, basis for a conviction.

“He (the interrogator) said: “I have photos of you throwing stones”.

I said: “No, I don't throw stones and I don't know the people in these photos”.

He said: “You're lying”.

He began beating me, he removed my handcuffs and beat me.

He knocked over the chair I was sitting on and beat me.

He said: “You need to confess right now. Otherwise, we're going to kill your friend Mohammad”.

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<sup>36</sup> ACAT, *Investigation and Justice for Torture Victims*, 2014, p.7, [http://www.unmondetortionnaire.com/IMG/pdf/kit\\_formation-va-complet-web-pp.pdf](http://www.unmondetortionnaire.com/IMG/pdf/kit_formation-va-complet-web-pp.pdf).

He hit me on the head and I repeated “I can't confess because I didn't do anything. I can't confess to something I didn't do”.”  
(Salah, arrested at the age of 15, Beit Omar<sup>37</sup>)

Interrogations also aim to recruit informants among the arrested minors. The Israeli officers offer to provide a job or a driving license in exchange for information. In some cases, they give up in view of the minor's refusal, in others they are very insistent<sup>38</sup>. This policy of recruiting informants instils distrust among Palestinians and puts the child at serious risk of severe retaliation if his community suspects him of treason. One also needs to take into account the psychological distress caused for betraying the family or the community.

In September 2014, the Israeli authorities adopted “military order 1745” which rules that interrogations of minors must be carried out and recorded in the detainee's language and must be filmed with sound. These guarantees could indeed contribute to preventing the use of force in getting detainees to sign declarations they don't understand. However, this only applies to police interrogations for offences that are not related to security. This therefore excludes the vast majority of interrogations of minors, who are most often suspected of throwing stones or taking part in unauthorized marches and protests. While interrogations are mostly carried out in Arabic, in almost a third of cases, minors are given documents in Hebrew, a language which most of them cannot read.

### **Military harassment**

In some cases, minors are arrested for a short period, with the arrest serving no other purpose than to intimidate and create a permanent atmosphere of insecurity. Children in Hebron's old city grow up with the permanent presence of Israeli security services, due to the proximity of a high number of checkpoints. They are often arrested, especially on their way to school, and are taken to a police station where they are detained for a few hours before being released<sup>39</sup>. Detention therefore generally lasts a brief amount of time, nevertheless it maintains a constant state of worry about when the next arrest will take place.

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<sup>37</sup> Interview carried out by Plateforme Palestine in June 2014.

<sup>38</sup> Interview with Bashar Jamal from DCIP carried out by the Plateforme Palestine, February 2016.

<sup>39</sup> Interviews with minors aged 13 to 15 carried out by Plateforme Palestine during a psychosocial support session led by the YMCA in Hebron's old town, June 2015.

“Once, at the checkpoint on the way to school, a soldier arrested me because I had a compass in my bag for my geometry class, I had pen ink on my hands. He said I wasn't allowed through. I missed my class and the whole school day.”

(Riad, 12 years old, Hebron old city<sup>40</sup>)

“When we sit our final exams, the soldiers arrest us. They take us to the station, and after forty-five minutes when the exam is over, they let us go.”

(Mohammed, 13 years old, Hebron old city<sup>41</sup>)

### **Total impunity**

Most minors who are victims of abuse refuse to file complaints, for several reasons. They fear retaliation against themselves or against their families and believe they have no chance of seeing justice done, which the statistics confirm.

Those who do file complaints are sometimes forced to do so in the very same station where they were subjected to violations, or in another police station in the settlements, with all the risks and obstacles that making that journey entails. If allegations of torture or ill-treatment are made directly to the military court in charge of sentencing the minor, this can delay proceedings, thus resulting in a longer remand period.

Minors who testify as part of an investigation into torture or ill-treatment cannot be accompanied by a parent or lawyer during their hearing and are sometimes mocked or intimidated during the process.

Finally, complaints are generally filed without follow-up for lack of proof, without any investigation or at the end of an investigation consisting of a brief hearing of the victim and of the alleged perpetrator.

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<sup>40</sup> Interview carried out by Plateforme Palestine in May 2015.

<sup>41</sup> Interview carried out by Plateforme Palestine in May 2015.

To date, no complaint made against the Israel Security Agency has resulted in any outcome<sup>42</sup>. Complaints made against soldiers from the military police's criminal investigations unit are no more successful. Out of the 133 complaints filed by PCATI between 2007 and 2013, only two resulted in assault proceedings<sup>43</sup>.

The same applies to investigations into the police forces led by the Department of Investigations. Out of the 244 complaints filed by B'Tselem between 2000 and 2011 relating to violence committed by police officers, only 12 resulted in proceedings<sup>44</sup>. The vast majority were dropped, and 77 were not even investigated.

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<sup>42</sup> Human Rights Committee, *Concluding Observations – Israel*, 2014, p. 7; PCATI, *Israel - Briefing to the Human Rights Committee*, 2014, pp. 12-13, [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/ISR/INT\\_CCPR\\_CSS\\_ISR\\_18197\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/ISR/INT_CCPR_CSS_ISR_18197_E.pdf).

<sup>43</sup> PCATI, *Prosecutorial indifference: Systematic Failures in the Investigation of Soldier Violence against Detainees in the Occupied Palestinian Territory*, 2014, p.6, <http://stoptorture.org.il/wp-content/uploads/2015/10/%D7%91%D7%9E%D7%A6%D7%97-%D7%9C%D7%90-%D7%A0%D7%97%D7%95%D7%A9%D7%94-%D7%92%D7%A8%D7%A1%D7%94-%D7%91%D7%90%D7%A0%D7%92%D7%9C%D7%99%D7%AAProsecutorial-Indifference.pdf>.

<sup>44</sup> B'Tselem, *Human Rights in the Occupied Territories, Annual report 2011*, 2012, p. 14, [http://www.btselem.org/download/2011\\_annual\\_report\\_eng.pdf](http://www.btselem.org/download/2011_annual_report_eng.pdf).

## Mock justice

In July 2009, faced with the criticism surrounding West Bank minors being tried in military courts, Israel set up a special military court for minors in Ofer (“military order 1644”). This represents very limited progress in the sense that defendants remain subjected to a military justice system of exception.

### The inequalities of Israeli military justice

International law does not prohibit the practice of civilians being tried in a military court. However, as the United Nations Human Rights Committee noted, “the trial of civilians in military or special courts may raise serious problems as far as the equitable, impartial and independent administration of justice is concerned<sup>45</sup>”. For this reason, the Committee specifies that the use of military justice must be exceptional and justified by objective and serious reasons that show that regular civil courts are unable to undertake these trials.

For West Bank Palestinians, Israeli military justice is the general rule and not the exception. Military courts rule over a broad range of offences that extend well beyond serious threats to the security of Israel. In addition, the conditions necessary to ensure their equitable, impartial and independent nature are far from being met.

The equality of the trial and impartiality of the court are seriously compromised by the absence of any presumption of innocence<sup>46</sup>. This fundamental right is not enshrined in Israeli military law applicable in the West Bank. In practice, it is hindered by the near permanent use of remand and a low acquittal rate.

Thus, defendants who refuse to plead guilty and persist in their claims of innocence until the trial itself, are almost systematically held on remand. Rare are the cases in which judges agree to a release on bail. The latter generally concerns minors aged under 14 and the financial amount asked from the parents is sometimes too high to be paid. The widespread use of holding defendants on remand contravenes the Convention on

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<sup>45</sup> Human Rights Committee, *General Comment n°32, Article 14. Right to equality before courts and tribunals and to a fair trial*, 2007, para 22,  
<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrdB0H115979OVGGb%2bWPAXhRj0XNTTvkGFHbxAcZSvX1OsJj%2fyRmVA4liMvUt2NIM%2faca34jcDIZX9fT%2fZidf1IcFxfsofMTw2B1mj3zj69U>.

<sup>46</sup> Addameer, *Shadow Report for Consideration Regarding Israel's Fourth Periodic Report to the UN Human Rights Committee*, 2014, p.23,  
[http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/ISR/INT\\_CCPR\\_CSS\\_ISR\\_18199\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/ISR/INT_CCPR_CSS_ISR_18199_E.pdf).

the Rights of the Child in particular, which stipulates that children must only be detained as a last resort, and for as short a period as possible (Article 37.b)<sup>47</sup>).

Adopted in April 2013, “military order 1711” reduced the maximum remand period from two years to one, yet this period remains twice as long as those applied to Israeli minors. Furthermore, it may be extended by decision by the military Court of Appeal.

The remand until the trial shapes the verdict. In the vast majority of cases, Palestinians – including minors – prosecuted by the Israeli military justice system are convicted following trials that barely respect the rights of the defence and that don’t exceed a few minutes.

The United Nations Human Rights Committee (HRC) in charge of the application of the International Covenant on Civil and Political Rights ratified by Israel requires “that each party have the opportunity to contest all arguments and evidence presented by the other party<sup>48</sup>”. Article 72 of the IVth Geneva Convention is also applicable in the Occupied Territories, and requires that the occupying power – in this case Israel – provide the detainee's lawyer with “the necessary facilities for preparing the defence”. This requirement implies that the lawyer be granted the opportunity to “consult documents of the case file, visit the detainee, meet with the detainee in private and contact the persons named as witnesses<sup>49</sup>”. The HRC stipulates that the guarantee of “facilities for the preparation of his defence” (Article 14.3.b of the ICCPR) implies that “if the defendant claims that evidence has been obtained in violation of Article 7 of the Covenant, information on the conditions in which the evidence in question was gathered must be made available in order to examine this allegation<sup>50</sup>”.

In practice, the lawyers of Palestinian detainees do not always have access to the entire case file and a substantial amount of supporting documentation is provided in Hebrew alone, often including the defendant's confessions. Furthermore, during the interrogation period contact between the lawyers and their client in detention is sometimes hindered and interview confidentiality is not always respected<sup>51</sup>.

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<sup>47</sup> The Human Rights Committee recommends that in regards to minors, "detention before and during the trial must be avoided as far as possible" (HRC, *General Comment n°32, op.cit.*, para 42).

<sup>48</sup> *Ibid*, para 13.

<sup>49</sup> Geneva Convention (IV) relative to the protection of civilian persons in time of war, 12 August 1949, art. 72, comment 1958.

<sup>50</sup> HRC, *General Comment n°32, op.cit.*, para 32.

<sup>51</sup> Addameer, *op. cit.*, 2014, pp.22-23.

In addition, the independence of military courts is undermined by their fundamental structure. The army is both judge and party, and collusion between the prosecutor and the trial judges, often to the defendant's detriment, are sufficient to call the system unequal.

### **Minors' courts: a cosmetic reform**

Minors' courts show the same pitfalls as military courts for adults. The premises and magistrates are the same as those used in military courts for adults. In addition, although “military order 1676” increased the age of majority from 16 to 18, minors aged between 16 and 17 continue to face adult sentences.

As for adult detainees, minors are brought before the court in groups of two or three, chained at the ankles and wrists and dressed in the same uniforms as prisoners. They are sometimes left to wait in the courthouse jail for several days in a row, from morning to night, before they are heard by a judge. The transfer to the prison and the long wait at the courthouse often leave the child physically and emotionally drained. In addition, hearings for remands are always held in military courts for adults, where the judges haven't necessarily received training in handling cases involving minors.

### **Constructing a plea bargain**

All of these conditions combine to push detainees to plead guilty and to reach an agreement with the prosecutor before a case goes to trial. Self-incrimination is not forbidden under international law, but it must be voluntary<sup>52</sup>.

The Convention on the Rights of the Child requires that a child be not compelled to give testimony or to confess or acknowledge guilt (...). The term “compelled” should be interpreted in a broad manner and not be limited to physical force or other clear violations of human rights. The age of the child, the child's development, the length of the interrogation, the child's lack of understanding, the fear of unknown consequences or of a suggested possibility of imprisonment may lead him/her to a confession that is not true. This may get even more likely if rewards are promised such as: “You can go home as soon as you have given us the true story”, or lighter sanctions or release are promised<sup>53</sup>.

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<sup>52</sup> Article 14.3.g of the ICCPR and Article 40.2.b.iv of the Convention on the Rights of the Child.

<sup>53</sup> Children's Rights Committee, *General Comment n°10: Children's rights in juvenile justice*, 2007, para 56-57, <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf>.

In the cases of Palestinian minors prosecuted by the Israeli military justice, plea bargains are muddled by several factors:

- The psychological and sometimes physical pressure put on minors from the moment they are arrested and throughout the interrogation and detention stages;
- Forced confessions signed during interrogation and later used by the military court to sentence them if they persist until a trial;
- Inequalities in trials and the lack of impartiality of the military justice system;
- Proceedings before the military court, during which they remain in detention<sup>54</sup>, can last longer than the prison sentence they might be able to negotiate with the prosecutor by pleading guilty;
- If the lawyer goes to trial the sentence might be harsher than the one which can be negotiated with the prosecutor.

All child defendants are convicted, with three quarters receiving a custodial sentence. In less than 10% of cases, convictions are handed down by the military court for minors while in the vast majority of cases, convictions are the result of an agreement reached between the military prosecutor and the defendant, at the end of which the latter pleads guilty in exchange for a lighter sentence.

“Military order 1651”, which sets the sentences applicable to crimes against security committed in the West Bank, lists a range of maximum sentences applicable to minors depending on their age. Thus, children aged 12 to 13 face a maximum sentence of six months in prison and those aged 14 to 15 face a one-year sentence, or more for crimes that carry a sentence of five years or more (as is the case with stone throwing ). Finally, teenagers aged 16 to 17 face the same sentences as those handed down to adults.

Most convicted minors are convicted of throwing stones or Molotov cocktails<sup>55</sup>. This carries a sentence of over five years, and is applicable to minors aged 14 and over. In most cases, the sentences vary from three months to a year and are therefore below the maximum sentence limits<sup>56</sup>. In practice, convictions with custodial sentences are always applied with a conditional sentence that can vary from three to five years. In over three quarters of cases, it is also accompanied by a fine.

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<sup>54</sup> B’Tselem, *Presumed Guilty: Remand in Custody by Military Courts in the West Bank*, 2015, pp.36-37, [http://www.btselem.org/download/201506\\_presumed\\_guilty\\_eng.pdf](http://www.btselem.org/download/201506_presumed_guilty_eng.pdf).

<sup>55</sup> No legal frontier, *All Guilty: Observations in the Military Juvenile Court*, 2011, p.40 and p.44, <http://nolegalfrontiers.org/reports/77-report-juvenile-court?lang=en>.

<sup>56</sup> DCIP, *op. cit.*, 2016, p.58.

**“Military order 1651”**

“Throwing of objects

212. A person who throws an object, including a stone –

- (1) In a manner that harms or may harm traffic in a transportation lane will be sentenced to ten years imprisonment;
- (2) At a person or property, with the intent to harm the person or property will be sentenced to ten years imprisonment;
- (3) At a moving vehicle, with the intent to harm it or the person traveling in it will be sentenced to twenty years imprisonment.”

## **Renewed administrative detention for minors**

Since October 2015, the Israeli authorities have put 8 Palestinian minors under administrative detention for the first time in four years. This form of detention allows the Israeli authorities to detain a person for a maximum period of six months, indefinitely renewable. Administrative detainees are therefore imprisoned with no charges or trials, most often based on “secret” information to which neither they nor their lawyers have access, in breach of international law. In such circumstances, challenging the detention is made impossible. As it is used in Israel, administrative detention equals arbitrary detention.

Four of the minors detained under this system since last October are East Jerusalem residents. Their arrest was ordered based on the *Emergency Power Detention Law* which applies to the residents of East Jerusalem.

The other five are West Bank Palestinians. They were put in administrative detention based on “military order 1591”.

The use of this form of detention sky-rockets with each new outbreak of tension between Israelis and Palestinians. Thus, at the end of January 2016, 660 Palestinians were detained under this system<sup>57</sup>.

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<sup>57</sup> Based on data collected by Addameer, [http://www.addameer.org/israeli\\_military\\_judicial\\_system/administrative\\_detention](http://www.addameer.org/israeli_military_judicial_system/administrative_detention).

## **Behind bars**

While some of the convicted children serve their sentences in the West Bank Ofer prison, most are transferred to the Megiddo or Hasharon prisons, both located in Israel, in violation of Article 76 of the IVth Geneva Convention which states that nationals of occupied territories must serve their sentences in their own country.

Because of the difficulties involved in acquiring entry permits to Israel, the parents of minors imprisoned in Megiddo or Hasharon struggle, or simply fail, to enjoy the 45-minute bimonthly visits they are afforded with their children, who are therefore completely cut off from all contact with the outside world. By the time the administrative procedures have been followed via the International Committee of the Red Cross (ICRC), the first family visit takes place on average three months after the minor's incarceration. Only close relatives who have never been incarcerated are permitted to visit the detainee.

Inside the prisons, conditions for children have improved since 2009 with the establishment of a system of supervision for minors by adult Palestinian prisoners serving long sentences. These prisoners serve as an interface between young detainees and the wardens, thus limiting the interactions between them significantly, and therefore any potential violations that may occur. However detention conditions are far from satisfactory.

Access to education is limited, in Ofer, Megiddo and Hasharon prisons and the difficulties are similar: a small number of teachers is available, the teaching is restricted to a handful of subjects such as mathematics and Arabic, purportedly for security reasons. The prison does not coordinate with the Palestinian Ministry of Education, to the extent that detainees are unable to pursue their education. Palestinian girls have no access to education. For all these reasons children are not prepared to return to school after their release.

Detention conditions in Israeli prisons are governed by Israeli civil law. It ensures detainees have access to medical care, including psychological and psychiatric check-ups. In practice, in comparison to Israeli minors in detention, Palestinian minors have very little therapeutic care, despite the trauma most of them suffer. In terms of medical care, in some cases minors do not receive any appropriate treatment.

### **Life after detention: the impossible task of rehabilitating broken youth**

Upon their release, minors are welcomed back into their community as heroes of the resistance to the occupation. This dynamic of treating them as 'little heroes' is an obstacle to rehabilitating ex-detainees.

Although they require urgent psychological care to help them manage the trauma of being arrested and detained, these children are treated as adults and do not feel “socially permitted” to show weakness.

Yet the scars left by the Israeli military detention system are often deep and serious. After their release, Palestinian minors often experience the symptomatic consequences of post-traumatic stress disorder (PTSD): disrupted sleep (nightmares, difficulties falling asleep), terror, over-excitement, bed-wetting, loss of interest in their surroundings, difficulties concentrating, anxiety, depression, low self-esteem and aggression towards others. The development of PTSD is not linked to the duration of the detention period nor the severity of the physical suffering inflicted on the detainee during arrest or detention, but rather on the degree of emotional distress experienced.

These consequences can seriously harm the minor's emotional development and social integration. As a result, the experience of detention has a long-lasting effect on the ex-detainee's psychosocial well-being, as well as their families, and impacts the community as a whole.

### **Drop-out culture**

In many ways, detention destroys minors' self-development. There is life before and after arrest – and both are very different. After being released, minors often have a bleaker outlook on the future. Their professional futures are also compromised by the fact that a large number of them decide to leave school depending on how far they fall behind during detention. Only 10% of the minors interviewed expressed a desire to study at the university.

Most minors are in school when they are first arrested. Many leave school following their release. Returning to school is complicated by a number of factors.

Minors who have been detained for a significant period of time have difficulties concentrating and keeping up with their classmates. Sometimes, this lack of concentration is due to the physical scars left by the ill-treatment inflicted during detention.

“Three days before my arrest, my head was operated on and I needed stitches. A soldier hit me with the butt of his gun and I had internal bleeding. I was taken to the intensive care unit. Since then I've been having migraines and find it difficult to concentrate at school.”

(Mohammed, 14 years old, Al-Fawar refugee camp<sup>58</sup>)

In the Palestinian education system, after 70 days of absence, pupils are required to repeat the year. In these cases, most prefer to simply leave school, because they don't want to study alongside pupils younger than them.

“Zahid was 15 when he was arrested for the first time. He was in Grade10 at the time. Because his detention lasted (80 days), he left school. He doesn't do anything now, he has no qualifications and no trade. His future has been completely ruined.”

(Zahid's mother, Beit Umar<sup>59</sup>)

Some ex-detainees leave school because they can no longer stand authority and are unable to follow strict institutional rules.

### **Mood and behavioral disruption: isolating factors**

Ex-detainees have a tendency to isolate themselves from friends they had before their arrest, and to come together<sup>60</sup> with others they met in prison, or with whom they have empathy due to their shared experiences.

“Before, I had such a strong and deep relationship with my friends, but it has become very superficial. I didn't want my negativity to get them down. You know...sometimes if they [the soldiers] arrest someone, they can also arrest their friends. Also, there's something bad in the people in the refugee camp. For example, if Ayham is arrested and Sameer is arrested two days later, people start gossiping that Ayham gave the soldiers information about Sameer during his interrogation. That's why I keep a very superficial relationship with everyone.”  
(Youssef, arrested at the age of 15, Al Aroub refugee camp<sup>61</sup>)

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<sup>58</sup> Interview carried out by Plateforme Palestine in June 2015.

<sup>59</sup> Interview carried out by Plateforme Palestine in June 2015.

<sup>60</sup> Affidavits of six of the eight minors interviewed by Plateforme Palestine in June 2015 at the Al-Aroub refugee camp.

<sup>61</sup> Interview of Youssef during a workshop organised by the Yes Theatre in May 2015.

After their release, many minors find it difficult to communicate with their families as they once did. The fear triggered by prison violence causes them to develop self-defence mechanisms in order to protect themselves from this perpetual state of fear. When they return home, many ex-detainees notice that they have become very sensitive, tense and anxious, that they are quick to anger and even become violent. This damages relationships with their families.

“Our relationship is very complicated, he's always on edge, about everything. He rejects any advice on his life and his future, he always says “I'm a big boy now and I'm the only one who should be taking care of myself and my future”.”  
(Nabila, mother of Yazid, arrested when he was 14 years old, Beit Umar<sup>62</sup>)

“No prisoner is the same after detention. Personalities and attitudes change during detention because of the dehumanising treatment and torture that Israeli soldiers inflict. They aim to hurt us mentally, physically or psychologically, to try and destabilise us.”  
(Zahid, arrested when he was 15 years old, Beit Umar<sup>63</sup>).

### **A permanent sense of insecurity**

Ex-detainees are haunted by a strong sense of insecurity in their day-to-day lives. The fear of being arrested is omnipresent, in the public spaces they usually frequent (on the way to school, neighbourhood shops, etc.) as well as in their own homes. The presence of their families is not enough to reassure them, because those who were arrested at home saw how powerless their parents were to prevent their arrest. Some even witnessed members of their family being beaten by the army or police.

Arresting a minor in the family home is also traumatic for close relatives who live in fear of another arrest.

“Every time Israeli soldiers come into the city, I quickly hide Ziad in his room and lock the door to stop him getting out.”  
(Ferial, mother of Ziad, 13 years old, Beit Umar<sup>64</sup>)

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<sup>62</sup> Interview carried out by Plateforme Palestine in June 2015.

<sup>63</sup> Interview carried out by Plateforme Palestine in June 2015.

<sup>64</sup> Interview carried out by Plateforme Palestine in June 2015.

The sudden appearance of soldiers, often in the middle of the night, is a shocking and humiliating experience for families. Those who attempt to intervene are verbally and physically attacked by soldiers before the minor's eyes. Parents watch helplessly as their child is arrested and taken away by force, handcuffed and blindfolded.

“When they came for the first time, he was 13. We were almost certain that they would be coming to arrest him because a detainee had named Ayed during his interrogation. I had been very anxious and nervous all month. Every night, I waited for them to come and arrest him.

That evening, the children didn't know that the soldiers had arrived. I got dressed and went to the children's room to prepare them so they wouldn't be scared. The soldiers asked to see Ayed, I was shaking as I asked him to get up. I was devastated. I wrapped him up warm because it was cold. I was scared because he was too young. I told his father, Mershid, to go down with the soldiers and Ayed, to help him calm down and make sure he wasn't scared.

Ayed clung to us and begged us not to let the soldiers take him, to tell them he was only a child. Ayed told them: “I'm a child and I have to go to school tomorrow”, and he begged them not to take him. I asked my husband to tell the soldiers not to take him, as he was still clinging to me. I tried to talk to the soldiers but it was in vain. They separated us and took him. Ayed was shouting, crying and screaming that he didn't want to go with them.”

(Mother of Ayed arrested at the age of 13, Beit Umar<sup>65</sup>)

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<sup>65</sup> Interview carried out by Plateforme Palestine in June 2015.

## Recommendations

The authors of the report want to emphasize that the occupation of Palestine by the State of Israel is the primary reason for the policy of arrests of Palestinian minors.

They have consistently requested the end of the occupation, for many years, and insist that, until the occupation ends, every effort must be made to ensure that minors' arrests and detention conditions apply the standards of the international law, humanitarian law and the international convention on child rights.

Israel applies two different legal systems to the residents of the same territory: The West Bank. Israeli citizens living in the settlements are governed by Israeli civil law, while Palestinian residents are subjected to military law, which affords them much less protection. This is a discrimination that breaches Article 26 of the International Covenant on Civil and Political Rights as well as Article 2 of the Convention on the Rights of the Child.

Without losing sight of the Palestinian people's right to self-determination and the creation of a Palestinian state, the authors of this report call on Israel, as the occupying power, to afford Palestinian minors the same rights as those enjoyed by Israeli minors in the settlements.

In addition, the authors of the report request that the Israeli authorities bring applicable law and its practice in line with international human rights law and international humanitarian law applicable in the occupied territories by taking the following measures:

- Cease night arrests in minors' homes, except in cases of absolute necessity defined in an arrest report made available to the detainee's lawyer;
- Ban the use of handcuffing and blindfolding. In the event of absolute necessity defined in the arrest report, agents carrying out the arrest may handcuff the person using three plastic ties;
- Amend the legislation in force to require that the security forces (soldiers and police officers) notify the minor's parent or legal guardian, the reasons for the arrest and the place of detention in Arabic.
- Amend the legislation in force in order to:
  - ensure the arrested minor is granted immediate access to a lawyer prior to any form of interrogation,

- authorise the lawyer to attend their client's interrogations,
  - notify the minor of their right to remain silent;
- Incorporate into applicable legislation the right of the parent or legal guardian to accompany the minor during their transfer to a detention centre and during the interrogation, unless otherwise instructed by the minor;
  - Reduce the period between the minor's arrest and their presentation at the court, as well as the period of interrogation and remand; to bring these periods in line with those applicable to Israeli minors;
  - Consistently exclude confessions signed by minors in the absence of their lawyers ;
  - Ensure all interrogations of minors are video recorded with sound whatever the offence they are accused of, no exception allowed; make the recording available to the minor's lawyer;
  - Prohibit the use of placing minors in solitary confinement;
  - Ensure the minor has the right to a medical examination carried out upon his (her) arrest as well as after his(her) interrogation by a doctor who is wholly independent from the Ministry of Defence and the Ministry of the Interior, with security forces agents prohibited from attending the medical examination and a copy of the report provided to the detainee's lawyer;
  - Upon arrest, provide the minor with the support of an independent psychologist;
  - Ensure the minor is never detained outside Palestinian land, both during the interrogation and during remand or imprisonment; take the necessary precautions to ensure regular contact is maintained between the detained minor and his (her) family;
  - Prohibit minors being placed in administrative detention, and this without exception;
  - Put an end to placing minors in remand custody excepting in exceptional circumstances related to the risk of evidence disappearing, the suspect escaping or the imminent committing of a crime by the suspect;

- A serious, prompt, independent and impartial investigation must be carried out each and every time a minor makes a complaint or allegation of having been a victim of ill-treatment or torture;
- Ensure minors who are victims of violations of their fundamental rights under international human rights law are compensated, paid damages and rehabilitated.