



Defence for Children International – Palestine Section

Convention on the Rights of the Child (1989)
(CRC)

**Alternative Report for Consideration Regarding Israel’s Second
Periodic Report to the UN Committee on the Rights of the Child**

Submitted: 4 June 2012

This report is submitted on behalf of Defence for Children International–Palestine Section (DCI-Palestine), a national section of the international non-governmental child rights organisation and movement, Defence for Children International, established in 1979, with consultative status with ECOSOC. DCI-Palestine is a non-governmental, non-profit, independent Palestinian organisation established in 1991. Its vision is “A Palestinian community fit for all children” – a community that is free and independent, where justice, equality and respect for human dignity prevail; and where children can enjoy and exercise their human rights without any kind of discrimination.

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1. Introduction

- 1.1 As a leading child rights organisation based in the region, DCI-Palestine (DCI) wishes to bring to the attention of the Committee on the Rights of the Child (the Committee) certain specific issues relating to the treatment of Palestinian children in the Occupied Palestinian Territory. This report does not intend to comprehensively cover all relevant issues under the Convention on the Rights of the Child (1989) (the Convention), but will focus instead on some of the issues DCI considers to be the most serious in relation to Palestinian children living under military occupation.
- 1.2 The report specifically focuses on the following issues and articles of the Convention:
- | | | | |
|----|------------------|---|---|
| A. | Fatalities | - | Articles 6 and 38; ¹ |
| B. | Injuries | - | Article 38; ² |
| C. | Detention | - | Articles 1, 2, 3, 37, 38, 39 and 40; ³ |
| D. | Recruitment | - | Article 38; ⁴ and |
| E. | Settler violence | - | Article 38. ⁵ |
- 1.3 The report focuses exclusively on issues affecting Palestinian children in the Occupied Palestinian Territory and those detained in prisons inside Israel.⁶ The report does not otherwise deal with issues inside Israel or contraventions of the Convention by the Palestinian National Authority.
- 1.4 The report covers the period immediately following the review of the State party's first report under the Convention, and includes the period from 5 October 2002 to 31 May 2012 (**reporting period**).

2. Issues and articles

- 2.1 The report considers the State party's compliance with the Convention with regard to the following issues. As previously noted, this is not intended to be an exhaustive list of all issues of concern.

A. Fatalities

- 2.2 During the reporting period, DCI documented **1,020 cases** in which Palestinian children were killed as a result of Israeli military activity. This figure does not include children killed whilst taking part in hostilities (see Table 2). In **81 percent** of the 1,020 cases documented by DCI, the children were killed in the Gaza Strip.

- 2.3 In most cases involving fatalities, the children were killed during large scale Israeli military operations. For example, in **35 percent** of cases documented by DCI during the reporting period, the children were killed during the State party's invasion of the Gaza Strip in December 2008 ("Operation Cast Lead").

DCI data and evidence

- 2.4 The following statistics were compiled by DCI and show the number of Palestinian children killed during the reporting period as a result of the conflict. Table 1 does not include children killed while participating in hostilities at the time of death.

Table 1 - Palestinian child fatalities: not participating in hostilities – 2002 to 2012

	J	F	M	A	M	J	J	A	S	O	N	D	Total
2002	-	-	-	-	-	-	-	-	-	18	16	14	48
2003	11	12	18	14	17	8	1	6	7	15	9	12	130
2004	6	3	15	14	36	8	13	9	25	21	6	6	162
2005	20	4	2	3	2	1	6	6	3	4	1	0	52
2006	3	3	5	6	2	9	40	14	10	5	24	3	124
2007	4	1	5	2	9	10	2	8	4	2	3	0	50
2008	6	10	22	21	4	4	2	1	2	0	0	40	112
2009	301	4	1	1	0	2	1	1	2	1	1	0	315
2010	1	0	2	0	1	0	0	0	2	0	0	2	8
2011	2	0	4	2	1	0	0	4	1	0	0	1	15
2012	0	0	4	0	0	-	-	-	-	-	-	-	4
Total													1,020

- 2.5 The following table shows the number of children killed while actively participating in hostilities at the time of death. DCI only has data on this issue from January 2008.

Table 2 - Palestinian child fatalities: participating in hostilities – 2008 to 2012

	J	F	M	A	M	J	J	A	S	O	N	D	Total
2008	4	0	7	0	3	0	0	0	1	1	0	0	16
2009	15	0	1	1	0	0	0	1	0	0	0	0	18
2010	0	0	0	0	2	0	0	0	0	0	0	0	2
2011	0	0	0	0	1	0	0	0	0	0	0	0	1
2012	0	0	1	1	0	0	0	0	0	0	0	0	2
Total													39

- 2.6 Additional evidence relating to fatalities is contained in **Annex 1 - Case Studies 1-2**, and is available on DCI's website and in the following reports:⁷
- (i) B'Tselem - Human Rights in the Occupied Territories – 2011 Annual Report;⁸
 - (ii) DCI and Al Mezan - Bearing the Brunt Again: Child Rights Violations during Operation Cast Lead (September 2009);⁹
 - (iii) UNOCHA - Locked in: The Humanitarian Impact of Two Years of Blockade on the Gaza Strip (August 2009);¹⁰ and
 - (iv) The Guardian - "Child casualties of Israel's war on Gaza".¹¹

B. Injuries

Overview

- 2.7 During the reporting period, DCI has documented multiple cases of children injured during Israeli military ground operations, airstrikes, arrest operations, settler attacks as well as from unexploded ordnance. Israeli children have also been injured and killed during the reporting period but are not included in the report as this is beyond the mandate of DCI.
- 2.8 In this report, DCI wishes to highlight the cases of children shot whilst collecting building material or working near the border fence between the Gaza Strip and Israel. According to a UN study, over the past 10 years, the Israeli military has gradually expanded restrictions on access to land on the Gaza side of the border, with the stated intention of preventing attacks from Palestinian armed factions.¹² In May 2009, the Israeli air force dropped thousands of pamphlets over Gaza stating that anybody approaching within **300 metres** of the border endangers his or her life. The findings of the UN study indicate that these restrictions have had a devastating impact on the physical security and livelihoods of around 180,000 people, exasperating an already bleak humanitarian situation caused by the blockade imposed by the State party in June 2007.
- 2.9 Between 26 March 2010 and 27 December 2011, DCI documented **30 cases** of children shot whilst collecting building material or working near the border. Most of the children were shot whilst collecting gravel. Due to a severe lack of job opportunities and a shortage of construction material entering Gaza from Israel, hundreds of men and boys scavenge for building gravel and other items amongst the destroyed buildings close to the border fence. The gravel is collected into sacks, loaded onto donkey drawn carts and sold

to builders for use in concrete. Children can earn between 30 and 50 shekels (US \$8-14) per day which is used to help support their families.

- 2.10 Reports indicate that Israeli soldiers on duty in the observation towers which line the border frequently fire warning shots to scare workers away. Reports also indicate that these soldiers sometimes shoot and kill the donkeys used by the workers, and also target the workers, usually, but not always, shooting at their legs. In the cases documented by DCI, the children report being shot whilst working between 30 to 1,000 metres from the border fence. It is important to note that in 20 out of the 30 cases (**67 percent**) documented by DCI, the children estimate that they were on, or outside the 300 metre exclusion zone unilaterally imposed by the Israeli army when they were shot.¹³

DCI data and evidence

- 2.11 The following statistics relating to Palestinian children injured while working close to the border between the Gaza Strip and Israel were compiled by DCI. Please note that DCI only has data on this issue from March 2010, and cannot exclude the possibility that additional children were shot in similar circumstances in previous years.

Table 3 - Children shot working near the border between Gaza and Israel – 2010 to 2012

	J	F	M	A	M	J	J	A	S	O	N	D	Total
2010	-	-	1	0	1	4	4	1	0	3	2	7	23
2011	1	3	0	0	0	0	0	0	0	1	0	2	7
2012	0	0	0	0	0	-	-	-	-	-	-	-	0
Total													30

- 2.12 Additional evidence relating to children shot while working close to the border between Gaza and Israel is contained in **Annex 1 - Case Studies 3-4**, and is available on DCI's website and in the following reports:¹⁴
- (i) DCI Urgent Appeal – Children of the Gravel (January 2012);¹⁵
 - (ii) UN OCHA – Between the Fence and a Hard Place: The humanitarian impact of Israeli-imposed restrictions on access to land and sea in the Gaza Strip (August 2010);¹⁶ and
 - (iii) Haaretz – “Gaza teens brave IDF fire to collect salvaged building materials.”¹⁷

C. Detention

Overview – military detention system

2.13 Since June 1967, Palestinians from the West Bank have been living under Israeli military law and prosecuted in military courts.¹⁸ It is conservatively estimated that during the past 45 years over 730,000 men, women and children have been imprisoned in this system.¹⁹ At the time of writing, around 500-700 Palestinian children (12-17 years) from the West Bank are prosecuted and imprisoned each year.²⁰ This amounts to approximately 7,000 children during the reporting period, or two children, each and every day.

Israeli military juvenile detention system - 2012



Recent developments – Establishment of a military juvenile court

- 2.14 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.²¹ Under the new provisions, children should now generally be tried separately from adults in a military juvenile court;²² 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.²³ The new order also provides that children should be detained in separate facilities from adults, and where possible, be brought to court separately.²⁴ Military juvenile judges have now 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."²⁵
- 2.15 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.²⁶ Further, the new order makes no changes 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.
- 2.16 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.²⁷ 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:²⁸

“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.”

2.17 These conclusions are shared by DCI. 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 – it is during this time frame that the evidence indicates the most serious violations occur.

Recent developments – Raising the age of majority

2.18 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.²⁹ Military Order 1676 raises the age of majority in the military courts from 16 to 18 years, in respect of some provisions. After 45 years of military rule, this amendment brings Israeli military law partially in line with international and Israeli civilian law.³⁰ 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 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.³¹

Table 4 - 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. ³²
12–13 years	Juvenile	Minor ³³	Maximum six months' imprisonment. ³⁴
14–15 years ³⁵	Young adult		Maximum 12 months' imprisonment, unless the offence carries a maximum penalty of five years or more. ³⁶
16-17 years	As an adult ³⁷		Same provisions that apply to adults.

Recent developments – Notifying parents of arrest

2.19 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.³⁸ 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.³⁹

- 2.20 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.⁴⁰ Finally, since the introduction of this limited notification requirement in September 2011, DCI is aware of just one case in which this requirement has been followed.

Recent developments – Notifying lawyers of arrest

- 2.21 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.⁴¹
- 2.22 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 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.

Torture and other cruel, inhuman or degrading treatment or punishment

- 2.23 In April 2012, DCI published a report (the DCI report) which presented the findings of an analysis of **311 testimonies** collected from Palestinian children held in Israeli military detention during a four year period between 2008 and 2012. The DCI report found a systematic pattern of ill-treatment, and in some cases torture, of children within the system.

- 2.24 The DCI report found that 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.
- [Abu Dis] – “At around 1:00 am, I was sleeping 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 Sep 2010
- 2.25 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 written in Hebrew.
- “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 Sep 2011
- 2.26 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 will be their confession, or the confession of another child who has been subjected to similar treatment. Finally, 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.

2.27 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 and in some cases, torture – both of which are absolutely prohibited. Evidence of the cumulative effect of the treatment is presented in **Annex 2**.

“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

2.28 The following table presents a summary of findings following the analysis of the 311 testimonies collected by DCI. The findings focus on 11 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 up to conviction.

Table 5 – Common complaints and issues of concern – Jan 2008 to Jan 2012

#	Common complaints and issues of concern	Number of cases	Percentage of children
1	Hand ties	296	95%
2	Blindfolds	281	90%
3	Physical violence	234	75%
4	Detention in Israel (Geneva Convention violation)	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%

Solitary confinement

2.29 Between 2008 and 31 May 2012, DCI has documented **50 cases** in which children report being held in solitary confinement for an average period of nine 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.⁴²

2.30 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.⁴³ For these reasons, the

[Al Jalame] – “The interrogator accused me of throwing Molotov cocktails, but I denied it. ‘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. 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 except holes to let air in and out. The air inside the cell was very cold and unbearable.”

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

Imprisonment, release and rehabilitation

2.34 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.

Detention inside Israel – Fourth Geneva Convention violation

2.35 Once sentenced, the majority of children are transferred to prisons inside Israel, in violation of article 76 of the Fourth Geneva Convention, which prohibits transfer out of occupied territory.⁴⁹ 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.⁵⁰ After being sentenced, the Israeli Prison Service (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

[Megiddo prison] – “One of the detainees from my village was told by his family that the Red Cross 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

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.

Prison conditions

2.36 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.⁵¹ Significantly, Palestinian child detainees are not permitted to have telephone contact with their families. In practice, common complaints received from Palestinian children detained by the State party include

overcrowding, poor ventilation and access to natural light, poor quality and inadequate amounts of food, harsh treatment by prison officials and boredom.

Education

- 2.37 In the State party's military detention system, the law provides that Palestinian children are entitled to the same education as Israeli child prisoners, which includes an education programme based on the Palestinian curriculum,⁵² but that this right is "subject to the security situation."⁵³ Israeli prison authorities have interpreted "subject to the security situation" to permit only very limited education in one of the prisons where the State party detains Palestinian children,⁵⁴ and in none of the interrogation and detention centres.⁵⁵
- 2.38 In practice, where limited education is provided, a single Arab-Israeli teacher enters the prison to teach Arabic and Maths. 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, where education is provided, are receiving about four hours of tuition per day. The education provided in prison is not compulsory. No education whatsoever is provided by the prison authorities to Palestinian female child detainees.⁵⁶

Medical care

- 2.39 In the prisons operated by the IPS, the law provides that detainees are entitled to medical care.⁵⁷ In the case of children, this care includes psychological and psychiatric treatment.⁵⁸ 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.
- 2.40 In practice there are reports of children being ignored when they complain about their health during these medical examinations.⁵⁹ 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."⁶⁰

Discrimination within the legal system

- 2.41 At the time of writing, there are around 500,000 Israeli settlers living in the West Bank and East Jerusalem in violation of international law.⁶¹ 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 Israeli military commanders who have issued nearly 1,700 military orders affecting their rights over the course of the past 45 years.

- 2.42 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 above. If the other child is an Israeli settler child, he will be dealt with under the State party's civilian juvenile justice system, with significantly more rights and protections.⁶² Some of the key differences between these two legal systems are presented in the following table.

Table 7 – Rights of Palestinian and Israeli children: Comparative table

#	Event	Civilian juvenile justice system	Military court system
1	Minimum age of criminal responsibility.	12 ⁶³	12 ⁶⁴
2	Minimum age for a custodial sentence.	14 ⁶⁵	12 ⁶⁶
3	Age of majority.	18 ⁶⁷	16-18 ⁶⁸
4	Legal right to have a parent present during interrogation.	Generally yes ⁶⁹	No
5	Legal right to have a lawyer present during interrogation.	No	No ⁷⁰
6	Legal right to have interrogation audio-visually recorded.	Partial ⁷¹	No
7	Maximum period of detention before being brought before a judge.	12-24 hours ⁷²	8 days ⁷³
8	Maximum period of detention without access to a lawyer.	48 hours ⁷⁴	90 days ⁷⁵
9	Maximum period of detention without charge.	40 days ⁷⁶	188 days ⁷⁷
10	Maximum period of time between charge and trial.	6 months ⁷⁸	2 years ⁷⁹
11	Percentage of cases in which bail is denied.	20% ⁸⁰	87% ⁸¹
12	Percentage of cases in which a custodial sentence is imposed.	6.5% ⁸²	90% ⁸³

East Jerusalem

2.43 The paragraphs above describe the situation facing Palestinian children from the West Bank prosecuted under Israeli military law. Since 1967, the State party has applied its civilian legal system to occupied East Jerusalem, including provisions of the Youth Law. Although Israeli civilian law provides for far greater safeguards and protections than military law, recent reports indicate that many of these rights are violated when it comes to Palestinian children living in East Jerusalem. Additional evidence relating to children detained in East Jerusalem is available in the following reports:

- (i) DCI-Palestine - In their own Words: A report on the situation facing Palestinian children detained in occupied East Jerusalem (January 2012);⁸⁴ and
- (ii) B'Tselem - Caution: Children Ahead – The Illegal Behavior of the Police towards Minors in Silwan Suspected of Stone Throwing (December 2010).⁸⁵

DCI data and evidence

2.44 The following statistics are compiled by DCI and B'Tselem 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 8 - Palestine children in Israeli detention at the end of each month – 2002 to 2012

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ave
2002	-	-	-	-	-	-	-	-	-	186	46	280	171
2003	193	212	188	224	328	174	218	238	261	255	220	236	229
2004	275	316	256	319	210	321	279	318	386	116	538	355	307
2005	394	202	188	373	491	43	446	451	196	192	210	226	248
2006	228	n/a	n/a	n/a	n/a	n/a	281	n/a	271	409	382	361	322
2007	363	n/a	409	384	390	394	2	327	313	341	318	300	322
2008	327	307	325	327	337	323	324	293	304	297	327	342	319
2009	389	423	420	391	346	355	342	339	326	325	306	305	355
2010	318	343	342	335	305	291	284	286	269	256	228	213	289
2011	222	221	226	220	211	209	202	180	164	150	161	135	192
2012	170	187	206	220	-	-	-	-	-	-	-	-	196

2.45 Additional evidence relating to detention is contained in **Annex 1 - Case Studies 5-6**, and a comprehensive list of all 311 testimonies contained in the DCI report, including the child's age, date of arrest and type of treatment experienced, is presented in **Annex 2**.

Further comprehensive statistics compiled by DCI relating to child detention are included in **Annex 3**. Further evidence is available on DCI's website and in the following reports:⁸⁶

- (i) DCI-Palestine - Bound, Blindfolded and Convicted: Children held in military detention (April 2012);⁸⁷
- (ii) B'Tselem - No Minor Matter: Violation of the Rights of Palestinian Minors Arrested by Israel on Suspicion of Stone Throwing (August 2011);⁸⁸
- (iii) Breaking the Silence – Video: “Everything was filmed”;⁸⁹
- (iv) ACRI - “Minor A.” from Nabi Saleh (2012);⁹⁰
- (v) Physicians for Human Rights (Israel) – Coerced False Confessions: The Case of Palestinian Children (2011);⁹¹
- (vi) No Legal Frontiers - All Guilty! Observations in the Military Juvenile Court (2010-2011);⁹²
- (vii) The Australian – “Stone cold justice;”⁹³
- (viii) Haaretz – “Nearly 100% of all military court cases in the West Bank end in conviction, Haaretz learns;”⁹⁴
- (ix) The Guardian – “The Palestinian children – alone and bewildered – in Israel’s Al Jalame jail;”⁹⁵
- (x) DCI-Palestine: Urgent Appeal – Children held in solitary confinement; and⁹⁶
- (xi) DCI-Palestine: Urgent Appeal – Forcible transfer of children.⁹⁷

D. Recruitment

2.46 The report considers two ways in which Palestinian children are used by the State party to assist in their military activities. First, children are sometimes used as human shields in military operations, and secondly, children are coerced into becoming informants to provide intelligence.

Human shields

2.47 The practice of using human shields involves forcing civilians to directly assist in military operations or using them to shield troops from attack. Civilians are usually threatened or physically coerced into performing these tasks, most of the time at gunpoint. The practice is illegal under both international and Israeli law.⁹⁸

[Nablus] - “‘You lift the mattress, and we step away.’ I did what he said and I was quivering because I was very scared. They moved three metres backwards towards the door while aiming their weapons at me. They also ordered me to search the closets and other items in the room while they were aiming their weapons at me.”

Dua’a (16) – 18 February 2010

2.48 Since April 2004, DCI and other human rights organisations, have documented **19 cases** of Palestinian children used as human shields by the Israeli army. In 18 out of the 19 cases (**95 percent**), the event occurred after October 2005, when the Israeli High Court of Justice ruled the practice illegal under its domestic law.⁹⁹ This suggests that the Israeli army is not effectively implementing the Court's decision, or is simply disregarding the order altogether.

2.49 Evidence in support of the conclusion that the Israeli army is disregarding the Court's order can also be found in the testimonies collected by the Israeli organisation Breaking the Silence, from soldiers who served in Gaza in 2008 during “Operation Cast Lead”.¹⁰⁰

DCI data and evidence

2.50 The following statistics relating to the State party's use of children as human shields were compiled by DCI and other human rights organisations. Please note that DCI only has data on this issue from April 2004, and cannot exclude the possibility that additional children were used as human shields during the reporting period as the data is not exhaustive.

Table 9 - Children used as human shields – 2004 to 2012

	J	F	M	A	M	J	J	A	S	O	N	D	Total
2004	0	0	0	1	0	0	0	0	0	0	0	0	1
2005	0	0	0	0	0	0	0	0	0	0	0	0	0
2006	0	0	0	0	1	0	0	0	0	0	0	0	1
2007	0	2	0	2	0	0	1	0	0	0	0	0	5
2008	0	0	0	0	0	0	0	0	0	0	0	0	0
2009	7	0	0	0	0	0	0	0	0	0	0	0	7
2010	0	1	0	1	0	0	0	1	0	0	0	0	3
2011	0	0	0	0	0	0	0	0	0	0	0	0	0
2012	0	2	0	0	0	-	-	-	-	-	-	-	2
Total													19

2.51 Additional evidence relating to the use of children as human shields is contained in **Annex 1 - Case Study 7**, and comprehensive statistics compiled by DCI are contained in **Annex 4**. Further evidence is also available on DCI's website and in the following reports:¹⁰¹

- (i) DCI-Palestine - Recruitment and Use of Palestinian Children in Armed Conflict (February 2012);¹⁰²
- (ii) Adalah – Update report on the Israeli's military routine use of Palestinian civilians, including minors, as human shields (July 2009);¹⁰³
- (iii) The Independent – “Soldiers who made boy search ‘bomb’ bags freed;”¹⁰⁴
- (iv) The Guardian – “Guardian investigation uncovers evidence of alleged Israeli war crimes in Gaza;”¹⁰⁵ and
- (v) The BBC – “Israeli soldiers using Palestinians as human shields.”¹⁰⁶

Informants

2.52 The State party employs a number of techniques to maintain control over the Occupied Palestinian Territory, including the recruitment of Palestinians as informants. The task of the informant is to monitor the movement and activities of people living in the neighbourhood and to pass this information onto Israeli forces. The types of activities that

are monitored cover a wide spectrum, ranging from involvement in armed resistance and political activism, to children throwing stones. The practice is illegal under international law.¹⁰⁷

- 2.53 Since June 2006, DCI has documented **20 cases** in which the State party has attempted to recruit Palestinian children as informants under some form of coercion or inducement. The primary means by which Israeli forces seek to recruit Palestinians, including children, as informants appears to occur during their interrogation following arrest. The arrest and transfer process is frequently accompanied by both physical and verbal abuse. During interrogation children are frequently threatened and physically assaulted which often results in the provision of a coerced confession, or the signing of documents which the child has not been given a chance to read or understand.¹⁰⁸ It is also at this point in the system that attempts to recruit children as informants occur.

[Qalqiliya] – “‘Tell me about the military activists in your village,’ he said. ‘I want you to cooperate with us and in return we’ll give you money and make things easier for you.’”

A.O. (17) – Arrested: 1 February 2012

- 2.54 Attempts to recruit children during interrogation usually involve a combination of inducements and threats. Examples of the types of threats and inducements used in attempts to recruit children as informants include:

- Offering early release;
- Offering money or other benefits in return for information; and
- Threatening the child with imprisonment if he/she does not become an informant.

- 2.55 Due to the sensitive nature of this issue within Palestinian society, it is very difficult to ascertain the scale of the problem as many people either refuse to discuss it altogether, or deny that any attempt was made to recruit them for fear that they will come under suspicion in their local community. However, there is anecdotal evidence to suggest that the practice may be widespread.¹⁰⁹

DCI data and evidence

- 2.56 The following statistics relating to the attempted recruitment of children by the State party as informants were compiled by DCI. Please note that DCI only has data on this issue from June 2006, and cannot exclude the possibility that additional children were recruited as informants during the reporting period.

Table 10 – Attempted recruitment of children as informants – 2006 to 2012

	J	F	M	A	M	J	J	A	S	O	N	D	Total
2006	0	0	0	0	0	1	0	0	0	0	0	0	1
2007	0	0	0	0	1	0	0	1	0	0	0	0	2
2008	0	0	0	0	0	0	1	0	0	0	0	0	1
2009	0	0	2	0	2	0	0	0	1	0	0	0	5
2010	0	1	0	1	0	0	0	0	0	0	0	0	2
2011	0	0	0	0	0	0	0	0	1	1	3	0	5
2012	3	1	0	0	0	0	0	0	0	0	0	0	4
Total													20

2.57 Additional evidence relating to attempts to recruit children as informants is contained in **Annex 1 - Case Study 8**, and comprehensive statistics compiled by DCI are contained in **Annex 5**. Further evidence is also available on DCI’s website and in the following reports:¹¹⁰

- (i) DCI-Palestine - Recruitment and Use of Palestinian Children in Armed Conflict (February 2012);¹¹¹
- (ii) Physicians for Human Rights – Israel: Use and Lose: Israel’s Palestinian collaborators (August 2010);¹¹² and
- (iii) Counterpunch – “Israel and the Dark Arts”.¹¹³

E. Settler violence

Overview

2.58 Since the State party last submitted a report to the Committee in 2002, the number of Israeli settlers living in the West Bank has increased by approximately 50 percent.¹¹⁴ There are now approximately 500,000 Israeli settlers living in 200 settlements in the West Bank and East Jerusalem.¹¹⁵ The presence of settlers in occupied territory is a constant source of friction which sometimes leads to violence.¹¹⁶ These settlements are permanent civilian communities established in occupied territory and are illegal under international law.¹¹⁷ The illegality of the settlements has also been confirmed on a number of occasions by the UN Security Council and the International Court of Justice.¹¹⁸ According to the Israeli organisation, B’Tselem, the settlements now control 42 percent of the land area of the West Bank, on the site of what is meant to be a future

Palestinian state.¹¹⁹

2.59 Under the law of occupation, Israel does not acquire sovereignty over the territory it occupies and there is a presumption that the occupation will be temporary.¹²⁰ Further, the law aims to ensure that Israel, as the occupying power, protects Palestinian civilians living in the occupied territories from violence. In spite of this legal obligation to provide protection, there was a 40 percent increase in settler

[Hebron] – “Then they started beating me, punching me in the chest and stomach and kicking me in the legs. I fought back in self defence. The little settler was holding a thick metal wire and he beat my arms and shoulders with it. I tried to defend myself and push them away but they outnumbered me. I was in a lot of pain.”

Awni (10) – 20 March 2011

violence against Palestinians and their property in 2011.¹²¹ The UN attributes increasing settler violence to lax law enforcement measures.¹²² This view is supported by the Israeli organisation, Yesh Din, which found that over 90 percent of police investigations arising out of complaints filed on behalf of Palestinians in the West Bank, end in failure.¹²³

2.60 Each of the cases documented by DCI occurred near Palestinian neighbourhoods, villages or roads located close to Israeli settlements. The nature of the violence reported by the children includes being shot at, beaten, pelted with stones and sprayed with gas. According to the Israeli organisation, Yesh Din, “acts of violence are being committed by Israeli civilians in the West Bank on a daily basis, manifesting in many forms of attacks against people and destruction of their property. These acts of violence are not isolated incidents, nor are they simply acts of hate or anger. Rather this brand of violence is part of a sophisticated, wider strategy designed to assert territorial domination over Palestinians in the West Bank.”¹²⁴

DCI data and evidence

2.61 The following statistics relating to settler violence against children were compiled by DCI and cover the period from January 2008 to May 2012. In four of these cases, the children died from their injuries. Please note these figures do not record the full extent of settler violence incidents against Palestinian children during the reporting period.

Table 11 - Children injured in settler attacks – 2008 to 2012

	J	F	M	A	M	J	J	A	S	O	N	D	Total
2008	1	0	1	1	2	0	0	1	1	5	4	2	18
2009	2	1	0	5	0	1	2	0	2	5	1	3	22
2010	1	1	1	0	1	2	0	2	0	3	2	2	15
2011	3	4	4	3	2	2	3	1	3	1	1	4	31
2012	1	12	1	6	0	-	-	-	-	-	-	-	20
Total													106

2.62 Additional evidence relating to settler violence is contained in **Annex 1 - Case Studies 9-10**. Further evidence is also available on DCI's website and in the following recent reports:¹²⁵

- (i) US State Department's Annual Human Rights' Report (May 2012);¹²⁶
- (ii) EU Heads of Mission Report on Settler Violence (February 2012);¹²⁷
- (iii) DCI-Palestine - Under Attack: Settler Violence against Palestinian Children in the Occupied Palestinian Territory (July 2010);¹²⁸ and
- (iv) Haaretz – "Israeli settler shoots at Palestinians while IDF soldiers stand by".¹²⁹

3. Accountability

3.1 It is generally accepted that those responsible for planning, ordering or participating in serious breaches of international law, must be held accountable for their actions, whoever they may be. Although domestic complaint mechanisms are available to Palestinians wishing to raise issues about their treatment by the Israeli army, police, intelligence agencies or settlers, in reality, many Palestinian families refuse to file complaints for fear of retaliation. In other cases, Palestinians do not file complaints because they do not believe the process will be fair or impartial. There is some evidence to support this last concern:

- (i) According to Israeli organisations, 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.¹³⁰

- (ii) According to an Israeli organisation, 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.¹³¹
- (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.¹³²
- (iv) On 1 May 2012, Israel’s military prosecution announced that no legal steps would be taken against those responsible for the killing of 21 members of the Samouni family during “Operation Cast Lead” the 2009.¹³³
- (v) Three years after the end Operation Cast Lead, only three indictments have been filed against soldiers who took part in the operation: for theft of a credit card from a Palestinian civilian, for use of a nine-year-old Palestinian child as a human shield, and for “manslaughter of an anonymous person.”¹³⁴

DCI data and evidence

3.2 During the reporting period, DCI has submitted 11 complaints on behalf of Palestinian children. In one case (Majed R.), two soldiers were convicted of using a nine-year-old boy as a human shield. The soldiers received three month suspended sentences and were demoted in rank. The results of these complaints are presented in the following table.

Table 12 - Complaints submitted by DCI – 2009 to 2012

#	Name	Age	Details	Complaint filed	Status
1	Majed R. ¹³⁵	9	On 15 January 2009, nine-year-old Majed was forced at gunpoint by Israeli soldiers to search bags suspected of containing explosives.	28/04/09	Conviction ¹³⁶
2	Dua A. ¹³⁷	16	On 18 February 2010, Dua was forced at gunpoint by Israeli soldiers to search for a weapon during a raid on her house.	30/09/10	Unknown
3	Ibrahim M. ¹³⁸	15	On 25 May 2010, Ibrahim was arrested at 1:30 am. He reports that an interrogator in Gush	15/08/10	Closed

			Etzion attached a pair of car battery jump leads to his genitals and threatened to electrify the cable.		
4	Ahmad R. ¹³⁹	17	On 20 May 2011, Ahmad was arrested at 1:30 am. He 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. Ahmad reports being beaten by soldiers inside a military vehicle.	07/09/11	Unknown
5	Ahmad F. ¹⁴⁰	15	On 6 July 2011, Ahmad F. was arrested from his family home at around 2:00 am. Amongst other things, he reports that soldiers placed food on his body and then brought a dog over to eat the food.	11/10/11	Opened
6	Rasheed J. ¹⁴¹	16	On 4 November 2011, Rasheed was arrested by Israeli soldiers and transferred to the Al Jalame facility, inside Israel. He reports being held in solitary confinement in a windowless cell for 13 days and being repeatedly interrogated whilst tied to a chair.	14/02/12	Opened
7	Mahmoud S. ¹⁴²	17	On 10 March 2012, Mahmoud was arrested by Israeli soldiers when he was walking beside a road near the village of Azzun, where he lives. He reports being ill-treated during the process of arrest, transfer and interrogation.	09/05/12	Unknown
8	Mohammad H. ¹⁴³	14	On 15 March 2012, Mohammad H. was arrested from his family home in East Jerusalem at 4:00 am. He reports being ill-treated	16/05/12	Unknown

			during the process of arrest, transfer and interrogation by the Israeli authorities.		
9	Sadem D ¹⁴⁴	16	On 16 March 2012, Sadem was arrested while he was grazing sheep with two other boys. He reports being beaten and remaining tied for 19 hours.	17/05/12	Unknown
10	'Ala H. ¹⁴⁵	15	On 10 May 2012, 'Ala and two of his friends were arrested by Israeli soldiers. They were accused of throwing stones at settler cars and report being repeatedly beaten by the soldiers.	26/05/12	Unknown
11	Mohammad J.	16	On 10 May 2012, Mohammad and two of his friends were arrested by Israeli soldiers. They were accused of throwing stones at settler cars and report being repeatedly beaten by the soldiers.	26/05/12	Unknown

3.3 Additional evidence relating to accountability is available on DCI's website and in the following reports:¹⁴⁶

- (i) Yesh Din - Law Enforcement upon Israeli Civilians in the West Bank (March 2012);¹⁴⁷
- (ii) PCATI - Accountability Still Denied (January 2012);¹⁴⁸
- (iii) Yesh Din - Alleged Investigation: The failure of investigations into offenses committed by IDF soldiers against Palestinians (December 2011);¹⁴⁹
- (iv) B'Tselem - Void of Responsibility: Israel Military Policy Not to Investigate Killings of Palestinians by Soldiers (October 2010);¹⁵⁰ and
- (v) The Guardian – "Israel closes inquiry into Palestinian family killed during Gaza war".¹⁵¹

4. Recommendations

Fatalities

1. The State party should conduct impartial investigations that meet international standards into the killing of civilians, and impose suitable sanctions where appropriate. These investigations should not only address the responsibility of individual soldiers, but also military and civilian chains of command.

Injuries

2. The State party should immediately cease the practice of targeting unarmed children in the buffer zone on the Gaza side of the border.
3. The State party should conduct an immediate review of the orders and procedures relating to firing on persons in the buffer zone on the Gaza side of the border for compliance with international law.

Detention

DCI 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.

4. Except in extreme and unusual circumstances children should only be arrested during daylight hours.
5. In all cases the use of single plastic hand ties and blindfolds should be prohibited and the prohibition must be effectively enforced.
6. All children must have access to a lawyer of their choice prior to the interrogation, and preferably, throughout the interrogation process.
7. All children must be entitled to have a parent present at all times during their interrogation.
8. 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.

9. In all cases evidence obtained as a result of torture or ill-treatment must be excluded by the military courts.
10. 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.
11. The practice of using solitary confinement and administrative detention orders on children in detention facilities operated by the State party must be stopped immediately, and the prohibition must be enshrined in law.
12. 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 imposed.

Recruitment – Human shields

13. The State party should take immediate steps to ensure that all Israeli forces operating in the Occupied Palestinian Territory are aware of the prohibition against using civilians as human shields.
14. The State party must ensure that all cases involving the use of civilians as human shields are thoroughly and impartially investigated and those found responsible are brought promptly to justice, and the penalties imposed are commensurate with the gravity of the offence.

Recruitment – Informants

15. The State party should take immediate steps to ensure that the prohibition against the use of coercion (physical or moral) of civilians, in order to obtain intelligence, is enforced.
16. In order to facilitate this prohibition, the State party should take immediate steps to ensure that all interrogations of children are audio-visually recorded and conducted in the presence of a lawyer and parent of the child.
17. The State party must ensure that all cases involving the attempted recruitment of children as informants are thoroughly and impartially investigated and those found responsible are brought promptly to justice, and the penalties imposed are commensurate with the gravity of the offence.

Settler violence

18. The State party must ensure that its army, police and security forces in the West Bank, including East Jerusalem, provide appropriate protection to the Palestinian civilian population against attacks by settlers; and
19. All incidents of settler violence against Palestinians be promptly, diligently and independently investigated in accordance with international standards, and all perpetrators be brought promptly to justice, and any penalties imposed must be commensurate with the gravity of the offence.

Annex 1 – Case studies

Fatalities – Case study 1

Name: Khaled ad-Debari
Date of Incident: 7 April 2011
Age: 17
Location: Gaza Strip
Nature of incident: Fatality

On 7 April 2011, a 17-year-old boy is killed and four are injured by an explosion in the Gaza Strip.

At around 4:00 pm, on Thursday 7 April 2011, Mohammad met his friend Khaled in the street and invited him to go motorcycling on a hill north of the Egyptian border and west of the Israeli border, near the Karm Abu Salem Crossing. “The hill is about eight to 10 metres high. I usually ride my motorcycle there and fly in the air because of the slopes, just like what you see on television. I enjoy my time there very much. A lot of motorcyclists come to race and have fun as well,” says Mohammad.



“Khaled and I reached the hill and started taking turns riding the motorcycle,” Mohammad recalls. “Khaled didn’t have a motorcycle because he was the only boy in the family and his father was very worried about him. But Khaled loved motorcycles and was good at riding them. Shortly after that, Murad, Basem and Issa all arrived on Balsam’s motorcycle. They are my friends and relatives. They came to ride on the hill, as they always do. Murad and I started riding on the slopes, while Khaled, Issa and Basem waited for their turns.”

As they were riding, Murad and Mohammad came across a hole with black sand and shrapnel in it, so they called the others to come and see the hole where a tank shell had landed. As the others were approaching, there was a huge explosion. Mohammed recalls: “I felt something hitting me on the left side of my head above the ear, as well as my left foot. It was a powerful explosion that threw me off the hill and was caused by an Israeli shell.”

From the bottom of the hill, Mohammad could not see his friends. His foot and head were bleeding. “I was terrified,” he says. At that moment, another shell landed on the hill. Then, an Apache helicopter “coming from the east, from the Israeli border” appeared and started firing at the hill. “It stopped in the air and opened fire at the hill where my friends and I were standing when the first shell landed,” Mohammad recalls. “I didn’t know what had happened to them. I didn’t know what would happen to me. The Apache helicopter kept shooting for about half-an-hour. The sound of the gunshots was horrifying.”

Mohammad heard an ambulance coming towards the hill, and saw five motorcycles approaching with the

ambulance to rescue the injured. “Once the five motorcycles and the ambulance reached the hill, a third shell landed, targeting the people who had come to rescue me and my friends.”

Sixteen-year-old Saleh was among those who rushed on their motorcycles to help the injured. Saleh says: “I saw three people on the ground. I couldn’t recognise them. One of them was my age, lying on his back and wearing a shirt with white and black stripes. His chest and stomach were covered in blood. The most terrifying part was that his eyes were coming out of his face. I assumed he had been shot in the head because of the amount of blood around his head. There were two motorcycles on top of him. I think he was Khaled ad-Debari, but I’m not sure.”

As Saleh struggled to help the injured, “two shells landed beside us and I felt a strange pressure weighing on me as if my head had exploded [...] I felt my head was spinning [...] I collapsed. I was no longer able to stand on my feet. I was terrified and in pain,” he says.

Mohammad, Saleh, Issa and Murad were taken to hospital for treatment. Issa recalls: “The hospital was a mess, with ambulances rushing in and out. People were terrified because of the explosions, shooting, drone planes, Apache helicopters and ambulances. I thought another war would erupt any minute just like the one we had two years ago.” Khalid’s body was found later on. It was burned. “I think the motorcycle exploded and burned him,” says Saleh.

Speaking to DCI five days after the incident, Murad says: “We always go there and soldiers see us playing since the area is high. They have surveillance cameras at the Crossing and balloons flying over the area. I don’t know why they attacked us this time. We were the only ones there.”

Fatalities – Case study 2

Name: Wafi and Ayoub Asaliya
Date of Incident: 11 March 2012
Age: 5 and 12
Location: Gaza Strip
Nature of incident: Fatality and injury

On 11 March 2012, a 12-year-old boy is killed and his five-year-old cousin is injured in an Israeli airstrike on the Gaza Strip.

Twelve-year old Ayoub Asaliya lived in Jabalia, North Gaza, with his extended family. He used to play in a citrus orchard and a patch of waste land located behind his house with his relatives and friends, including his cousin Wafi.

On Sunday, 11 March 2012, the neighbourhood woke up to the sound of drone planes and F16s overhead. Ayoub's mother recalls: "It was very frightening, and reminded us of 'Operation Cast Lead'." Ayoub helped her prepare breakfast "joking with his brothers and making them laugh, as was his nature," recalls his mother. He left the house for school at around 7:00 am.



At around 7:10 am, Kolthoum, their neighbour, heard that "a home-made rocket was fired from the town cemetery, about one kilometre to the west of my house." Kolthoum's four-year-old grandson, Khader, was playing outside with Wafi, so she rushed to the window to tell him to come inside immediately. "Just then," she says, "I saw Ayoub coming out of the orchard and standing in the empty land in front of the orchard." Within minutes, there was a huge explosion. Kolthoum rushed outside to find Khader at the main door, "crying and terrified by the bombing, [...] at the same time, Wafi's sister rushed out of her house, picked up Wafi and rushed back into the house. Wafi was shaking with fear." Kolthoum followed them inside. "I could see that his leg was bleeding," she says. "His family called an ambulance."

The ambulance arrived a few minutes later and took Wafi to the hospital. He had to be treated for injuries in his leg. "I told the paramedics to look for Ayoub, as he was near the fence at the time of the bombing," Kolthoum continues, "I think he was on his way to school because he was wearing his school uniform. One of the paramedics went to the orchard and found Ayoub in the orchard, just two metres away from the fence. They carried him out and the lower part of his body was severely injured. He was not moving."

When Ayoub's mother heard the explosion she rushed out of the house to the bombsite, worried for Ayoub. She watched as the paramedics put her son on a stretcher. "I started shouting as I saw them putting him on the stretchers with his body blown in two. Some of them were carrying his legs. I could not believe it. I collapsed." Ayoub was pronounced dead on arrival at the hospital.

“What was his fault to be brutally bombed?” says his mother. “He was not a fighter. There were no fighters in the orchard in the first place. They assassinated my little child just because, as I was told by Kolthoum, he and Wafi were chasing a small dog [...] This is his destiny; to be blown into pieces that are still scattered on the leaves of the trees in the orchard. He promised to get me a present for Mother’s Day. He said he would get me a bottle of perfume and a rose. But it was me who bought the perfume and the roses to put on his body,” says Ayoub’s mother.

Injuries – Case study 3

Name: Nedal H.
Date of Incident: 13 December 2011
Age: 13
Location: Gaza Strip
Nature of incident: Shot while collecting scrap metal

On 13 December 2011, a 13-year-old boy from Gaza is shot in the shoulder whilst collecting scrap metal, about 400 metres from the border with Israel.

Thirteen-year-old Nedal describes his family's financial situation as "very harsh". "I was very weak at school," says Nedal, "and had to drop out last year after only finishing the fifth grade because I failed three times. I dropped out and tried to learn a trade to help me support my family and myself, but I failed."



"Ahmad is my cousin and my best friend. He is like me, a drop-out. Every day he collects scrap metal from Erez and earns 30 to 40 shekels, depending on how much he collects," says Nedal. "I saw Ahmad yesterday evening, 12 December, and told him I would like to join him in collecting scrap metal from the industrial zone, and share the 15 shekel rent for the donkey cart. He told me to be ready the following morning at 7:30 am." The next morning the two boys set off to collect scrap metal from the industrial zone as agreed. "We approached Erez Crossing and got off the cart and started walking and looking for scrap metal, about 400 metres from the border fence," recalls Nedal. "We were not alone. There were around 30 collectors my age. I also saw two Israeli observation towers on the border, but I did not see any soldiers inside."

"We stopped the cart on the paved road and walked to the industrial zone to the west. Suddenly, shooting erupted from one of the observation towers. I was about 40 to 50 metres west of the paved road, and about 400 metres away from the border fence. The collectors started running because of it. I myself got scared. I turned around and started running away from the border, and headed back to the cart that was parked to the southeast. I kept running fast because the shooting was intensive," says Nedal. "I ran about 10 metres when I felt something hitting me on the back of my left shoulder, and I felt my left arm had been paralysed. I looked at it and saw my shoulder bleeding, and realised I had been injured by bullets from the observation towers."

Another scrap metal collector carried Nedal to a nearby horse cart and he was transferred to Balsam Hospital, and then to Kamal Odwan Hospital. Doctors at the hospital operated to remove the bullet and told Nedal that he would be hospitalised for two to three days. "I will never go back to the industrial zone. I went there to collect scrap metal to help my family, and I got shot on the first day. It is a very dangerous thing to do, and I do not recommend it," says Nedal. "As for Ahmad, I was told he went back to the industrial zone to get the donkey cart."

Injuries – Case study 4

Name: Hamzi T.
Date of Incident: 27 December 2011
Age: 12
Location: Gaza Strip
Nature of incident: Shot on his way to a vegetable market

On 27 December 2011, a 12-year-old boy from Gaza is shot in his left leg whilst travelling to a vegetable market on a donkey cart, approximately 1,000 metres from the border with Israel.

Hamzi lives in Central Gaza, “with my parents and seven siblings, about 700 metres away from the border.” Hamzi explains that “as we live near the eastern border, we are used to hearing gunshots and tanks moving across the border.”

“On the morning of 27 December 2011,” Hamzi recalls, “I heard sporadic gunshots from the observation towers across the border, but I did not give it much thought. At around 9:00 am, my father asked me to go to the vegetable market, about one kilometre to the west, to buy some vegetables.” Hamzi fetched the donkey cart and set off. “I had travelled for about 300 metres when I started hearing gunshots, and I felt bullets whizzing by my head, so I ducked down to avoid them.” However, within seconds Hamzi was hit. “I felt severe pain in my left leg. I looked at it and it was bleeding. I threw myself on the ground shouting ‘Help me! Help me!’” At the time of the shooting, Hamzi was approximately 1,000 metres from the border with Israel.



Hamzi explains that “there were some people working in their fields nearby, and they rushed towards me. I told them I had been shot in the leg. At this stage the shooting had stopped. They said that one of the neighbours was an ambulance driver, so they called for him to take me to hospital. He came and took me to Shuhada’ Al Aqsa Hospital in Deir Al Balah. The doctors took me to the operating room immediately. I was screaming in pain. They gave me an anaesthetic and removed the bullet from my thigh. After that, I was transferred to the orthopaedic ward on the first floor. At around 6:00 pm, I was discharged and the doctors told my father to bring me back to the hospital so they could check on my injury. I am home now and on a sick leave from school until I can walk again.”

Detention – Case study 5

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

On 29 June 2011, a 12-year-old boy from Azzun village, in the occupied West Bank, 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.

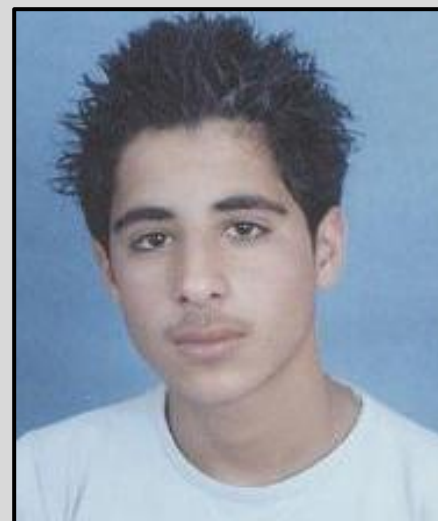
Detention – Case study 6

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

On 6 July 2011, a 15-year-old boy from 'Iraq Burin village, near Nablus, in the occupied West Bank, 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.

Recruitment (Human shields) – Case study 7

Names: Mohammad H. and Muhab M.
Date of Incident: 21 February 2012
Ages: 16
Location: Beit Ummar, West Bank
Nature of incident: Human shield

On 21 February 2012, two 16-year-old boys from Beit Ummar, in the occupied West Bank, are arrested by Israeli soldiers at 2:30 am, and are used as human shields when stones are thrown at the soldiers.

“On 21 February 2012, at around 2:30 am, my brother woke me up and told me that Israeli soldiers were knocking on the door,” recalls Mohammad. “My father opened the door and an officer told him they wanted me. ‘But he’s just a child,’ my father said, but the officer said: ‘He’s under arrest.’ I was actually expecting this to happen, because a guy from the village that was released recently from Ofer prison told me that one of the detainees there had confessed against me,” says Mohammad.



Mohammad rushed to change his clothes. Outside the house, there were around 20 soldiers waiting for him. “My father talked to the officer and asked him not to beat me or hurt me,” he recalls. Mohammad’s hands were tied behind his back and he was placed on the floor of a military jeep with another 16-year-old boy from the village, Muhab M., who had also been arrested.

As soon as the boys entered the vehicle, stones started hitting the jeep. Immediately, “one of the soldiers grabbed me from behind by the jacket and pulled me out, and another soldier pulled out Muhab. They made us face the area where the stones were coming from, and two soldiers grabbed me by the arms and kept pushing me forward so they could take cover. They did the same to Muhab. Some of them were standing behind us, and two of them, including the driver, were still inside the jeep. Then, two or three soldiers started firing tear gas canisters and stun bombs, while others started shouting and insulting the stone-throwers in Hebrew. Two stones hit me on the left knee; Muhab was hit on the chest. I felt pain on my knee for about an hour, but fortunately my injury wasn’t serious. I was very worried and scared of being hit on the face or the head.”

When the stone-throwing ended, Mohammad and Muhab were placed once again on the floor of the military jeep, and they were transferred to the Etzion interrogation and detention centre, inside the Israeli settlement of Gush Etzion. Mohammad reports being physically and verbally abused by the soldiers during transfer. He was interrogated several times by different interrogators but refused to confess to throwing stones. Mohammad was then transferred to Ofer prison, and was released on bail the following day.

Recruitment (Informants) – Case study 8

Name: A.O.
Date of Incident: 1 February 2012
Age: 17
Location: Qalqiliya, West Bank
Nature of incident: Attempted recruitment as informer

On 1 February 2012, a 17-year-old boy from Qalqiliya, in the occupied West Bank, is arrested from his house at 3:30 am and offered money to become an informant.

On 1 February 2012, at around 3:30 am, A.O.'s family was woken up by Israeli forces banging on their door. They stormed the house, and told A.O. he was under arrest. A.O. was blindfolded and his hands were tied behind his back with a single plastic tie. He was first taken to the settlement of Qedumim, then to Huwwara interrogation and detention centre, and then to Megiddo prison inside Israel. A.O. reports he was kept tied and blindfolded for about 18 hours, with no food or access to toilets. At Megiddo prison, he was stripped searched. "They even ordered me to take off my underwear [...]. I became naked like the day I was born. I felt extremely humiliated and offended," says A.O.



The following day, A.O. was taken to Salem interrogation centre. "The interrogator forced me to sit on a chair and kept my hands and feet tied," says A.O., who was interrogated without being informed of his rights. Then, another interrogator came into the room and threatened A.O.: "If you don't confess, you'll be sent to Al Jalame prison for a very long time and will be interrogated by the Israeli intelligence." When A.O. denied throwing stones, he was slapped on the face and threatened again: "I'll go out for a while, but when I come back I want you to come clean. Otherwise I'll beat the hell out of you and put you in a cell for a very long time." A.O. decided to confess.

"On 9 February, a list of charges was made against me," continues A.O. "When the session was over, I was taken to interrogation again, although I had already confessed and a list of charges had been made against me. When I entered the interrogation room, I was surprised to see again Shukri, the intelligence officer I had met earlier in Qedumim military camp. 'Tell me about the military activists in your village,' he said. 'I want you to cooperate with us and in return we'll give you money and make things easier for you. All you have to do is tell us about those who carry out activities against Israel.' I refused to cooperate and he started putting pressure on me and telling me: 'a lot of people in your village already cooperate with us and they're leading a good life. You can be one of them and have a better life.' I told him I would never work for them. He started shouting at me and insulting me, calling me 'despicable and lowlife scum' and ordering me to get the hell out of here." A.O. was then transferred back to Megiddo prison.

Settler violence – Case study 9

Names: Hala, ‘Attalla, Baha’, and Hanan
Date of Incident: 27 February 2012
Ages: 4, 6, 7 and 11
Location: Burin village, West Bank
Nature of incident: Settler violence

On 27 February 2012, a group of 40 settlers from Yitzhar settlement attack the home of four children in Burin village, in the occupied West Bank, throwing stones and shouting at them to leave.

Fifty-three-year-old Hanan Sofan lives just outside the village of Burin, approximately five kilometres south of Nablus. She lives with five of her sons and four grandchildren: Hanan, Baha’, ‘Attalla and Hala. The Israeli settlement of Yitzhar, built on village land, is about one kilometre away from their house.



According to Hanan, “the house is frequently attacked by settlers from Yitzhar, who have been trying to kick us out and get our house demolished since 2000. They throw stones and Molotov cocktails at the house, and we had to install metal mesh to protect the windows.

Our house has been set on fire twice by Molotov cocktails and gasoline since 2000. Both times we were trapped inside the house, because the settlers were outside, armed and ready to shoot.” The settlers have also cut down many of their olive trees, and have killed around 20 of their sheep. “Since the beginning of the second Intifada,” explains Hanan, “most of my children, if not all of them, have been beaten and had stones thrown at them by settlers and soldiers. My grandchildren live in fear.”

On Monday, 27 February 2012, “at around 3:00 pm, we were in the house when we saw around 40 settlers coming down the hill from Yitzhar settlement, with their faces covered, only their eyes were visible,” recalls Hanan. “They all seemed young - from 20 to 25 years old - and were carrying sticks, stones, metal pipes, pliers and knives. When they got near they started throwing stones at the house. We were inside, and got ready to defend ourselves. The settlers kept shouting things we did not understand in Hebrew. They were also saying things in broken Arabic like ‘Get out of the house. It’s our house.’ I shouted back and said: ‘It’s our house. Go away!’ They kept throwing stones at us, and we threw stones back at them to prevent them from coming any closer. We keep stones on the roof so we can defend ourselves.”

During the attack, “my grandchildren kept crying and shouting because they were terrified. They wet themselves, as they do every time we are attacked,” says Hanan. At some point, men from the village arrived to help Hanan and her family confront the settlers. The confrontations lasted for about an hour. Some settlers “also cut down olive trees.” Then the Israeli army arrived and the settlers retreated back to Yitzhar.

According to Hanan, the villagers often clash with the army, because “the soldiers come to protect the settlers and fire tear gas canisters at us to prevent us from throwing stones at the settlers. Every time there is an attack, we file a complaint at the Israeli District Coordination Office (DCO), but it is useless. According to the Israeli organization B’Tselem, we have filed around 120 complaints as a result of settler attacks but to no avail.”

Hanan says that the children live “in a state of constant dread, waiting for the next settler attack. They are always watching the settlement, trying to be careful in case the settlers come.” In fact, the whole family lives like this. “When some of us go to bed,” she continues, “others stay up to keep watch and protect us all in case the settlers attack us. They often take us by surprise and attack when we are asleep, making us very tense and constantly waiting for the next attack. This affects the children; they live in fear and have bad dreams all the time.” In addition, they have to walk long distances to school because the settlers burned three of the family’s cars and there is no point in buying another. Hanan concludes: “We are always thinking of ways to help the children and we keep encouraging them not to get worried or scared. Eventually, they will get used to our way of life. We have no other place to go. We will stay in our land, in the house we inherited from our ancestors, no matter the price we have to pay.”

Settler violence – Case study 10

Names: Hammam and Odai S.
Date of Incident: 21 April 2012
Ages: 3 and 12
Location: Hebron, West Bank
Nature of incident: Settler violence

On 21 April 2012, a 12-year-old boy and his three-year-old brother go with their father to their land south of Hebron, in the occupied West Bank, and are attacked by a group of settlers.

“On 21 April 2012, at around 9:00 am, I went with my father and my three year old brother, Hammam, to our land in Kherbat Shwaikeh, about seven kilometres from where we live,” says Odai. “My father started clearing the land; I helped him for a while and then I went to play with Hammam.”



“At around 1:00 pm, I saw six men approaching us. They were carrying sticks and their faces were covered. I stayed where I was and didn’t feel scared because I didn’t know they were settlers. When they were about 20 metres from us, they started throwing stones at us. Four of them attacked my father, and the other two attacked me and my brother. I felt terrified. Hammam started screaming and shivering. He was also terrified.”

Odai’s father tried to defend his children and was hit by stones several times. “A stone also hit me in the left leg and it hurt a lot,” Odai says. “Luckily, Hammam was not hit.” While they were being attacked, Odai’s father called his brothers to come and help them. “When the settlers noticed that two cars had arrived, they fled.”

Odai and his father were taken to the nearest medical centre for treatment. “I was told they were settlers from the settlement of Shim’a, located about one and a half kilometre south of Kherbat Shwaikeh,” explains Odai. “What happened terrified me and my brother. This is the first time I have had such a terrifying experience,” he says.

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												
284	Ibrahim Q.	17	20 Sep												
285	Karam S.	17	20 Sep												
286	Moataz H.	15	8 Oct												
287	Odai A.	17	15 Oct												
288	Rami J.	17	24 Oct												
289	Rasheed J.	16	4 Nov												
290	Saleh N.	17	11 Nov												
291	Muayyad A.	17	12 Nov												
292	Thaer A.	17	13 Nov												
293	Rashad S.	13	17 Nov												
294	Wadda' B.	16	21 Nov												
295	Mo'tasem T.	15	24 Nov												
296	Deia' A.	17	28 Nov												
297	Rebhi A.	17	28 Nov												
298	Fadel A.	16	28 Nov												
299	Osaid H.	17	7 Dec												
300	Ala' J. (Girl)	17	7 Dec												
301	Ali D.	16	14 Dec												
302	Thaer B.	15	16 Dec												
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	99	234	178	169	38	102	91	180	196
				60%	95%	90%	32%	75%	57%	54%	12%	33%	29%	58%	63%

Annex 3 – DCI statistics – 2008 to 2012**A. Monthly detention figures - total**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ave
2008	327	307	325	327	337	323	324	293	304	297	327	342	319
2009	389	423	420	391	346	355	342	339	326	325	306	305	355
2010	318	343	342	335	305	291	284	286	269	256	228	213	289
2011	222	221	226	220	211	209	202	180	164	150	161	135	192
2012	170	187	206	220	-	-	-	-	-	-	-	-	196

B. Monthly detention figures – young children (12-15 years)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ave
2008	38	40	45	39	37	34	33	21	23	23	25	30	32
2009	50	54	53	47	39	47	42	39	40	44	41	42	44
2010	44	41	39	32	25	23	18	20	32	34	32	30	31
2011	34	45	45	37	38	38	40	34	35	30	33	19	36
2012	26	24	31	33	-	-	-	-	-	-	-	-	29

C. Monthly detention figures – girls in detention

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

D. Monthly detention figures – 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	0	0	-	-	-	-	-	-	-	-	0

E. Breakdown of DCI-Palestine cases by age group

	12-13 years	14-15 years	16-17 years	Total
2008	3	45	158	206

2009	23	46	123	192
2010	3	39	91	133
2011	2	52	57	111
Totals	31	182	429	642
Percent	5%	28%	67%	100%

F. Breakdown of DCI-Palestine cases – released on bail

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

G. Breakdown of DCI-Palestine cases – completed cases

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

H. Breakdown of DCI-Palestine cases – charges

#	Charges	2008	2009	2010	2011	Totals	%
1	Throwing stones	46	109	60	53	268	47%
2	Throwing Molotov cocktails	25	30	18	19	92	16%
3	Conspiracy and/or attempting to kill	42	8	2	3	55	10%
4	Membership of a banned organisation	14	10	9	5	38	7%
5	Possession of explosives	17	7	7	6	37	6%
6	Possession of a weapon	11	16	5	4	36	5%

7	Assisting the enemy or fugitives	12	0	3	3		18	3%
8	Entering Israel without a permit	-	0	2	4		6	1%
9	Trading in weapons	-	0	2	3		5	1%
10	Disturbing public order	-	0	2	3		5	1%
11	Entering a closed military zone	-	0	3	2		5	1%
12	Other	5	0	0	0		5	1%
13	Military training	-	0	2	1		3	1%
Total		172	180	115	106		573	100%

I. Breakdown of DCI-Palestine cases - sentences

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%	
Total		172	180	115	106		573	100%

J. Breakdown of DCI-Palestine cases – region

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%	
Total		206	192	133	111		642	100%

K. Long term trends – DCI-Palestine cases – 2004 to 2011

Gender	2004	2005	2006	2007	2008	2009	2010	2011
Boys	-	-	-	99%	96%	99%	98%	100%
Girls	-	-	-	1%	4%	1%	2%	0%
Age groups	2004	2005	2006	2007	2008	2009	2010	2011
12-13 years	-	-	-	-	1%	12%	2%	2%
14-15 years	-	-	-	-	22%	24%	29%	47%
16-17 years	-	-	-	-	77%	64%	69%	51%
Released without charge	2004	2005	2006	2007	2008	2009	2010	2011
Released no charge	-	-	-	-	-	6%	12%	4%
Bail	2004	2005	2006	2007	2008	2009	2010	2011

Released on bail	-	-	-	-	-	15%	11%	12%
Plea bargain	2004	2005	2006	2007	2008	2009	2010	2011
Plea of guilty	-	-	-	-	-	80%	77%	85%
Full hearing - acquitted	2004	2005	2006	2007	2008	2009	2010	2011
Found not guilty	-	-	-	-	-	1.6%	1.5%	0%
Full hearing – convicted	2004	2005	2006	2007	2008	2009	2010	2011
Found guilty	-	-	-	-	-	0%	0%	1.8%
Sentence	2004	2005	2006	2007	2008	2009	2010	2011
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%
Charge	2004	2005	2006	2007	2008	2009	2010	2011
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%	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%
Region of the West Bank	2004	2005	2006	2007	2008	2009	2010	2011
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 – DCI-Palestine data on human shields

#	Name	Date	Age	Details
1.	Mohammad B.	15/04/04	13	Tied to the bonnet of a military jeep for four hours during clashes.
2.	Shehadi T.	02/05/06	16	Forced to walk in front of soldiers and enter a house in search of combatants.
3.	Ameed E.	26/02/07	15	Forced at gunpoint to walk in front of soldiers during clashes.
4.	Jihan D.	28/02/07	11	Forced at gunpoint to walk in front of soldiers and enter an abandoned house in search of combatants.
5.	Ismail M.	11/04/07	14	Forced to sit for 15 minutes on the bonnet of a jeep during clashes.
6.	Oday G.	11/04/07	15	Forced to sit for 10 minutes on the bonnet of a jeep during clashes.
7.	Rana N.	11/07/07	14	Wounded whilst being forced to evacuate others from a house.
8.	Amin S.	04/01/09	14	Detained for 10 days and forced to search houses during war in Gaza.
9.	Ala A.	05/01/09	15	Detained close to military operations for four days during war in Gaza.
10.	Ali A.	05/01/09	16	Detained close to military operations for four days during war in Gaza.
11.	Nafiz A.	05/01/09	17	Detained close to military operations for four days during war in Gaza.
12.	Khalil A.	05/01/09	15	Detained close to military operations for four days during war in Gaza.
13.	Hussein A.	05/01/09	12	Detained close to military operations for four days during war in Gaza.
14.	Majed R.	15/01/09	9	Forced at gunpoint to search bags thought to contain explosives during war in Gaza.
15.	Dua A.	18/02/10	16	Forced at gunpoint to search for a weapon.
16.	Sabri A.	16/04/10	14	Forced at gunpoint to walk in front of soldiers during clashes.
17.	Nazzal A.	19/08/10	13	Forced at gunpoint to walk in front of soldiers and enter a house in search of combatants.
18.	Mohammad H.	21/02/12	15	Forced to shield soldiers from stone-throwing.
19.	Muhab M.	21/02/12	16	Forced to shield soldiers from stone-throwing.

Annex 5 – DCI cases of attempted recruitment

#	Name	Date of arrest	Age	Details
1	Mahdi H.	18/06/06	17	Interrogator at Ofer offered Mahdi money and assistance in studying abroad if he agreed to become an informant.
2	Abdullah J.	28/05/07	17	Interrogator at Askelan asked Abdullah to become an informant.
3	Marwan S.	01/08/07	15	Interrogator at Al Jalame asked Marwan to become an informant.
4	Mohammad B.	25/07/08	17	Interrogator at Ofer threatened Mohammad that he would remain in detention if he did not collaborate and would be released immediately if he became an informant.
5	Rashad F.	21/03/09	14	Interrogator at Ethana Jaba' offered Rashad money and immediate release if he became an informant.
6	Ma'zouz K.	26/03/09	16	Interrogator asked Ma'zouz to become an informant.
7	Ismail Z.	04/05/09	16	Interrogator at Gush Etzion told Ismail that if he wanted to go home he would have to become an informant.
8	Ibrahim H.	14/05/09	16	Interrogator at Huwwara offered Ibrahim immediate release, a car and a house if he became an informant.
9	Imran D.	30/09/09	17	Interrogator at Ofer asked Imran to become an informant and then shouted at him when he refused.
10.	Imad A.	21/02/10	17	Soldier at a checkpoint asked Imad if he wanted to work with the Israeli border police.
11	Ahmad S.	23/04/10	17	Interrogator at Al Jalame offered Ahmad early release, money and a car if he agreed to become an informant.
12	Mohammad B.	11/09/11	17	Interrogators at Ashdod and Eretz offered Mohammad money if he agreed to become an informant.
13	Khalil J.	19/10/11	16	Interrogators at Al Mascobiyya offered Khalil money and a car if he agreed to become an informant.
14	Muayyad A.	12/11/11	17	Interrogator at Salem offered Muayyad a permit to enter Israel and money if he agreed to become an informant.
15	Deia A.	28/11/11	17	Interrogator at Salem offered Deia a permit to enter Israel and money if he agreed to become an informant.
16	Rebhi A.	28/11/11	17	Interrogator at Salem offered Rebhi a mobile phone and money if he agreed to become an informant.
17	Mahmoud R.	04/01/12	15	Officer at Zufin settlement asked Mahmoud to become an informant.
18	Baha M.	18/01/12	17	Interrogator at Al Jalame offered Baha money if he agreed to become an informant.
19	Isam M.	18/01/12	17	Interrogator at Al Jalame offered Isam money if he agreed to become an informant.
20	Abdul O.	01/02/12	17	Intelligence officer at Salem offered Abdul money if he agreed to become an informant.

End notes

¹ See for example: Fourth Geneva Convention (1949) – Articles 4 and 27.

² *Ibid.*

³ See for example: Fourth Geneva Convention (1949) – Article 76.

⁴ See: Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000) (OPAC) – Article 2; Fourth Geneva Convention (1949) – Articles 28 and 51; and First Additional Protocol to the Fourth Geneva Convention (1977) – Article 51(7).

⁵ See: Fourth Geneva Convention (1949) – Articles 4 and 27.

⁶ The report uses the internationally accepted legal definition of the Occupied Palestinian Territory, which includes the West Bank, East Jerusalem and the Gaza Strip.

⁷ DCI - <http://www.dci-palestine.org/theme/fatalities-and-injuries>

⁸ B'Tselem - http://www.btselem.org/download/2011_annual_report_eng.pdf

⁹ DCI - <http://www.dci-palestine.org/sites/default/files/bearingthebruntagain.pdf>

¹⁰ UNOCHA - http://www.ochaopt.org/documents/Ocha_opt_Gaza_impact_of_two_years_of_blockade_August_2009_english.pdf
- See also OCHA's Protection of Civilians weekly reports at: <http://www.ochaopt.org/reports.aspx?id=104>

¹¹ The Guardian - <http://www.guardian.co.uk/world/2009/jan/23/gaza-children-casualties-israeli-attacks>

¹² UN Study - http://www.ochaopt.org/documents/ocha_opt_special_focus_2010_08_19_english.pdf

¹³ These cases have also been reported in [Haaretz](#), [The Guardian](#), [The Independent](#), [AFP](#) and [CNN](#) media outlets, as well as being raised on the floor of the [US House of Representatives](#).

¹⁴ DCI - <http://www.dci-palestine.org/theme/fatalities-and-injuries>

¹⁵ DCI, Urgent Appeal (UA 4/10) – Children of the Gravel. Available at: http://www.dci-palestine.org/sites/default/files/ua_4_10_children_of_the_gravel_update_17_jan_2012.pdf

¹⁶ UN OCHA – Available at: http://www.ochaopt.org/documents/ocha_opt_special_focus_2010_08_19_english.pdf

¹⁷ Haaretz - <http://www.haaretz.com/print-edition/news/gaza-teens-brave-idf-fire-to-collect-salvaged-building-materials-1.318121>

¹⁸ 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. 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. Palestinians from the West Bank, who are accused of offences against other Palestinians, are generally prosecuted in Palestinian courts.

¹⁹ 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 2012).

²⁰ 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 lawyers who appear weekly in the military courts and conduct regular prison visits. In January 2012, DCI lowered its estimate from 700 to reflect the reduction in the monthly detention figures issued by the IPS during the reporting period.

²¹ Military Order 1651 – Article G. As to criticisms, see: UN Committee against Torture, Concluding Observations (2009), 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. Military Order 1651 is available online - <http://www.dci-palestine.org/content/relevant-international-and-domestic-law>

²² Military Order 1651 – Section 139. Adults and children can be tried together with the consent of the chief military prosecutor.

²³ 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.

²⁴ Military Order 1651 – Sections 143 and 149.

²⁵ Military Order 1651 – Section 137.

²⁶ Military Order 1651 – Section 138(A) and (B).

²⁷ Interview conducted with DCI 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>

²⁸ 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.

²⁹ Military Order 1676 amends, and is incorporated into, Military Order 1651.

³⁰ 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.

³¹ 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 sentences.

³² Military Order 1651 – Section 191.

³³ Military Order 1651 – Section 136.

³⁴ Military Order 1651 – Section 168(B).

³⁵ Military Order 1676.

³⁶ Military Order 1651 – Section 168(C).

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- ³⁷ 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.
- ³⁸ Military Order 1651 – Section 136(a) - (as amended by Military Order 1676).
- ³⁹ Military Order 1651 – Section 136(b) - (as amended by Military Order 1676).
- ⁴⁰ 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.
- ⁴¹ Military Order 1651 – Section 136(c) - (as amended by Military Order 1676).
- ⁴² 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>
- ⁴³ 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
- ⁴⁴ 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
- ⁴⁵ Fourth Geneva Convention (1949) – Articles 42 and 78; and ICCPR – Article 4.
- ⁴⁶ CRC – Article 37(b); and ICCPR – Article 9.
- ⁴⁷ Military Order 1651 – Sections 273(A) and 285(A) (as amended by Military Order 1591).
- ⁴⁸ Fourth Geneva Convention (1949) – Article 78.
- ⁴⁹ Fourth Geneva Convention (1949) – Article 76: “Protected person accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein.”
- ⁵⁰ DCI Urgent Appeal – Forcible transfer of children. Available at: http://www.dci-palestine.org/sites/default/files/ua_2_12_article_76_26_may_12.pdf
- ⁵¹ Criminal Procedure (enforcement powers – Arrests) (conditions of detention) Regulations – 1997.
- ⁵² 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.
- ⁵³ Mohammad Frehat and ors v Israeli Prison Service (1997) 400/97.
- ⁵⁴ Megiddo prison.
- ⁵⁵ Ofer, Salem, Al Jalame, Huwwara, Ma’ale Adumim, Etzion, Kiryat Arba, Al Mascobiyya, Pitah Tikva and Ari’el.
- ⁵⁶ Note there are currently no Palestinian child female detainees in Israeli detention – see Annex 3 - Table C.

⁵⁷ 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.

⁵⁸ Youth (Trial, Punishment and Modes of Treatment) (the Conditions of Minor's detention in group home) Regulations 1976 – Section 9.

⁵⁹ On 13 July 2009, lawyers for DCI 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.”

⁶⁰ Criminal Procedure (enforcement powers – Arrests) (conditions of detention) Regulations – 1997 – Regulation 16. On 9 September 2008, lawyers for DCI 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 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.’

⁶¹ 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.

⁶² 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>

⁶³ Penal Law (1977) – Section 34F.

⁶⁴ Military Order 1651 – Articles 1 and 191.

⁶⁵ Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 1.

⁶⁶ Military Order 1651 – Articles 1, 136 and 168.

⁶⁷ Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 1.

⁶⁸ 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.

⁶⁹ 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.

⁷⁰ 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).

⁷¹ 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.

⁷² 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.

⁷³ 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.

⁷⁴ Criminal Procedures (Powers of Enforcement-Arrests) Law (1996) – Section 34.

⁷⁵ Military Order 1651 – Articles 58(C) and (D), 59(B) and (C).

⁷⁶ Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 10K; and the Criminal Procedure (Enforcement Powers-Arrests) Law (1996) – Section 59.

⁷⁷ Military Order 1651 – Articles 32(A), 37 and 38.

⁷⁸ 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.

⁷⁹ Military Order 1651 – Article 44(A). The two year period can be extended by a judge of the Military Court of Appeals.

⁸⁰ The Israel National Council for the Child, Annual Report (2009). This figure relates to 2008.

⁸¹ DCI - <http://www.dci-palestine.org/documents/new-dci-report-bound-blindfolded-and-convicted-children-held-military-detention-2012>

⁸² The Israel National Council for the Child, Annual Report (2009). This figure relates to 2008.

⁸³ DCI - <http://www.dci-palestine.org/documents/new-dci-report-bound-blindfolded-and-convicted-children-held-military-detention-2012>

⁸⁴ DCI - http://www.dci-palestine.org/sites/default/files/un_sp_-_east_jerusalem_-_jan_2012.pdf

⁸⁵ B'Tselem - http://www.btselem.org/publications/summaries/201012_caution_children_ahead

⁸⁶ DCI - <http://www.dci-palestine.org/theme/detention>

⁸⁷ DCI – http://www.dci-palestine.org/sites/default/files/report_0.pdf

⁸⁸ B'Tselem - http://www.btselem.org/download/201107_no_minor_matter_eng.pdf

⁸⁹ Breaking the Silence - <http://www.breakingthesilence.org.il/testimonies/videos/56098>

⁹⁰ ACRI - <http://www.acri.org.il/en/wp-content/uploads/2012/02/Minors.pdf>

⁹¹ Physicians for Human Rights (Israel) - <http://www.phr.org.il/default.asp?PageID=116&ItemID=1323>

⁹² No Legal Frontiers - <http://nolegalfrontiers.org/en/reports/77-report-juvenile-court>

⁹³ The Australian - <http://www.dci-palestine.org/documents/australian-stone-cold-justice>

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- ⁹⁴ Haaretz - <http://www.haaretz.com/print-edition/news/nearly-100-of-all-military-court-cases-in-west-bank-end-in-conviction-haaretz-learns-1.398369>
- ⁹⁵ The Guardian - <http://www.guardian.co.uk/world/2012/jan/22/palestinian-children-detained-jail-israel>
- ⁹⁶ DCI - http://www.dci-palestine.org/sites/default/files/ua_1_12_solitary_confinement_26_mar_12_0.pdf
- ⁹⁷ DCI - http://www.dci-palestine.org/sites/default/files/ua_2_12_article_76_26_may_12.pdf
- ⁹⁸ See: Fourth Geneva Convention (1949) – Articles 28 and 51; First Optional Protocol to the Fourth Geneva Convention (1977) – Article 51(7); and Adalah v Military Commander of the West Bank (Israeli High Court of Justice) (2005) – Barak CJ at paragraph 24.
- ⁹⁹ Adalah v Military Commander of the West Bank (HCJ 3799) (6 October 2005)
- ¹⁰⁰ Breaking the Silence, Soldiers' Testimonies from Operation Cast Lead, Gaza 2009, pages 7, 46 and 107 - Available at: http://www.breakingthesilence.org.il/wp-content/uploads/2011/02/Operation_Cast_Lead_Gaza_2009_Eng.pdf
- ¹⁰¹ DCI - <http://www.dci-palestine.org/theme/child-recruitment>
- ¹⁰² DCI, Recruitment and Use of Palestinian Children in Armed Conflict. Available at: http://www.dci-palestine.org/sites/default/files/recruitment_report_-_final.pdf
- ¹⁰³ Adalah - http://www.adalah.org/newsletter/eng/jul09/Rana_Human_Shields_update_report_English_july_2009.pdf
- ¹⁰⁴ The Independent - <http://www.independent.co.uk/news/world/middle-east/soldiers-who-made-boy-search-bomb-bags-freed-2140329.html>
- ¹⁰⁵ The Guardian - DCI - <http://www.dci-palestine.org/documents/new-dci-report-bound-blindfolded-and-convicted-children-held-military-detention-2012>
- ¹⁰⁶ BBC - http://www.youtube.com/watch?v=FjEd4hJNVCE&feature=results_video&playnext=1&list=PLF09F18BFE0E8B967
- ¹⁰⁷ See: Fourth Geneva Convention (1949) – Article 31; and Adalah v Military Commander of the West Bank (HCJ 3799) (6 October 2005).
- ¹⁰⁸ DCI – Bound, Blindfolded and Convicted: Children held in military detention (April 2012) - http://www.dci-palestine.org/sites/default/files/report_0.pdf
- ¹⁰⁹ Interviews conducted by DCI with six ex-child detainees at the YMCA rehabilitation centre in Beit Sahour on 17 November 2011. See also Physicians for Human Rights (Israel): 'Use and Lose: Israel's Palestinian collaborators,' available at: <http://www.phr.org.il/default.asp?PageID=184&ItemID=636>; and Jonathan Cook, Israel and the Dark Arts, September 2008, available at: <http://www.counterpunch.org/cook09122008.html>
- ¹¹⁰ DCI - <http://www.dci-palestine.org/theme/child-recruitment>
- ¹¹¹ DCI, Recruitment and Use of Palestinian Children in Armed Conflict. Available at: http://www.dci-palestine.org/sites/default/files/recruitment_report_-_final.pdf
- ¹¹² Physicians for Human Rights – Israel - <http://www.phr.org.il/default.asp?PageID=32&ItemID=636>

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- ¹¹³ Counterpunch - <http://www.counterpunch.org/2008/09/12/israel-and-the-dark-arts/>
- ¹¹⁴ B'Tselem - http://www.btselem.org/download/201007_by_hook_and_by_crook_eng.pdf
- ¹¹⁵ B'Tselem - http://www.btselem.org/download/201007_by_hook_and_by_crook_eng.pdf
- ¹¹⁶ DCI - http://www.dci-palestine.org/sites/default/files/violations_bulletin_april_2012.pdf
- ¹¹⁷ ICRC - <http://www.icrc.org/eng/resources/documents/faq/occupation-faq-051010.htm>
- ¹¹⁸ ICJ - <http://www.icj-cij.org/docket/files/131/1671.pdf?PHPSESSID=faf8ea68f32d1c813958e74964ef3a71>
- ¹¹⁹ B'Tselem - http://www.btselem.org/publications/summaries/201007_by_hook_and_by_crook
- ¹²⁰ ICRC - <http://www.icrc.org/eng/resources/documents/misc/634kfc.htm>
- ¹²¹ UNOCHA - http://www.ochaopt.org/documents/ocha_opt_settler_violence_FactSheet_October_2011_english.pdf
- ¹²² UNOCHA - http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2011_01_19_english.pdf
- ¹²³ Yesh Din - <http://www.yesh-din.org/infoitem.asp?infocaid=190>
- ¹²⁴ Yesh Din - <http://www.yesh-din.org/cat.asp?catid=3>
- ¹²⁵ DCI - <http://www.dci-palestine.org/theme/settler-violence>
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