

Detained Children: Israel's detention and imprisonment of children in the Occupied Palestinian Territories

The detention and imprisonment of adults traumatise the family and friends of detainees and distract students from their studies. Palestinian children are also being detained and imprisoned. For the past 42 years children have been tried in the same military court jurisdiction as adults.

Over the years, Israel has held thousands of Palestinians in administrative detention, for periods ranging from several months to several years. Administrative detention is detention without charge or trial that is authorised by administrative order rather than by judicial decree.

The cumulative impact of Israel's policy of detention and imprisonment has been immense. Mass arrests and detentions continue to act as a major impediment to Palestinian education and to a child's development.

Detained Children

Since the beginning of the second Intifada in September 2000, around 6700 children have been arrested (DCI/PS, 2009a).

- In February 2010 Defence for Children International/Palestine Section (DCI/PS) recorded that 343 Palestinian children were prisoners in Israeli detention facilities, including 43 children aged between 12 and 15. (DCI/PS, 2010c)
- The average number of Palestinian children held in Israeli detention in 2009 at any one time was 355, 11% higher than in the previous year (DCI/PS, 2010a)



In Hebron, Israeli soldiers treat Palestinian schoolchildren as a security threat and fail to protect them when settlers attack.

Photo Credit: Sultana Begum/ EAPPI

What happens when a Palestinian child is arrested?

- **Palestinian children are routinely arrested at the checkpoints and roadblocks that exist across the West Bank**, on the street and, most commonly, in their homes in the early hours of the morning. In the case of arrests in family homes, Israeli army units will typically surround the house between midnight and 4:00am and force family members onto the street in their nightclothes, regardless of weather conditions (DCI/PS, 2009a, p. 10).
- **The arrest process is often accompanied by yelling, violence and property damage** (DCI/PS, 2009a, p. 10). In May 2009 Col Itai Virob, commander of the Kfir Brigade of the Israeli army, disclosed that to accomplish a mission, "aggressiveness towards every one of the residents in the village is common" (DCI/PS, 2009a, p. 93). The widespread nature of aggression is confirmed by reports from DCI/PS. On one occasion, Shadi H, aged 15, along with his friend, was forced by soldiers to undress by soldiers in an orange grove near Tulkarem while the soldiers threw stones at them. They were then beaten with rifle butts (DCI/PS, 2009a, p. 28).
- **Once arrested, the child is blindfolded and has her or his hands tied tightly behind their back with plastic ties** that have a tendency to cut the flesh. They are frequently left in these for many hours (Noam Hoffstadter, 2008, p. 3).

"A soldier pointed his rifle at me. The rifle barrel was a few centimetres away from my face. I was so terrified that I started to shiver. He made fun of me and said: 'Shivering? Tell me where the pistol is before I shoot you'"

Ezzat H. (10 years old) (DCI/PS, 2009a)

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Article 7 of the UN Convention on Civil and Political Rights (UN, 1966).

How are children interrogated?

- When they arrive at an interrogation and detention centre, children are placed in a cell or are taken directly for interrogation.
- Frequently children are denied access to a lawyer for days or weeks until a confession has been made.
- Sometimes they are told a parent will only be contacted after they sign a confession, which is written in Hebrew - a language few Palestinian children understand. Once obtained, these confessions constitute the primary evidence against Palestinian children in the military courts (DCI/PS, 2009a).

United Against Torture, a coalition of 14 Israeli and Palestinian human rights organisations, declared in a 2008 report that “the use of torture and ill-treatment by Israeli authorities against Palestinians is both widespread and systematic” and has “continued unabated” since the last review (United Against Torture Coalition, 2008, p. 63).

Amongst other violations the report notes the “impunity with which ISA [Israeli Security Agency] interrogators, police officers and members of the Israeli army torture and abuse Palestinian detainees, including children as young as 12. (DCI/PS, 2008)

One of the many incidents they document is that of Abed S, aged 16, who had his hands and feet tied to the wall of an interrogation room in the shape of a cross for a day and was then put in solitary confinement for 15 days (DCI/PS, 2009a, p. 39).

The arrest, detention or imprisonment of a child ... shall be used only as a measure of last resort and for the shortest appropriate period of time.
UN Convention on the Rights of the Child - Article 37(b) (UN, 1989)

Each year, approximately 700 Palestinian children (under 18) from the West Bank are prosecuted through Israeli military courts after being arrested, interrogated and detained by the Israeli army (DCI/PS, 2009a, p. 6).

What happens at the trial?

- **All trials of children arrested by Israeli authorities in the West Bank are heard in military courts.** The judges and prosecutors are in regular or reserve army service. The defence lawyers consist of a few dozen Israelis and Palestinians, some of who are in private practice and some working for non-governmental organisations (DCI/PS, 2009a, p. 14).
- **In 2006 full acquittals were obtained in only 0.29% of cases** (DCI/PS, 2009a, p. 16). This suggests that the presumption of innocence does not exist in these military courts.
- **For the past 42 years Palestinian children have been tried in the same military court jurisdiction as adults,**

Ibrahim's story

Ibrahim is a boy from Beit Omar. He was arrested when he was 15 year old by the Israeli army. After being repeatedly beaten he was taken to the Israeli interrogation and detention centre at Etzion.

Ibrahim's turn for interrogation arrived in the afternoon of the first day. He was led into a shipping container and told to sit on a small stool where he was accused of being a member of Islamic Jihad, writing graffiti, throwing stones and Molotov cocktails.

Ibrahim denied all allegations. He was then led into another room and his blindfold was removed. Ibrahim was able to see two other children and a tall, well-built bald man wearing a t-shirt and army trousers and a tall, blond interrogator. The interrogator told Ibrahim that the other man would beat him if he did not confess. Ibrahim did not confess.

The bald man then started to kick Ibrahim and the other two children on their legs. The man was wearing heavy army boots and kicked him for about five minutes.

After the beating Ibrahim was taken by the bald man to another interrogator named Samir, in a different interrogation room. Samir was alone in the room. He started interrogating Ibrahim about Molotov cocktails. Ibrahim denied the accusation and then the interrogator said: “If you didn't throw the Molotov cocktails then another person with you did.”

Samir then started asking Ibrahim questions about stone-throwing. Samir accused Ibrahim of throwing stones at the Israeli army when it invaded Beit Omar village on the previous day. Ibrahim denied the accusation. Then, after about two hours of questioning, Samir said to Ibrahim:

“If you don't confess, I will send you to somebody who will sexually abuse you. He has a huge penis.”

Ibrahim then made a confession. He was sentenced to 6 months imprisonment and a NIS 1000 (\$300) fine.

Source: (DCI/PS, 2007).

even though Israel is a signatory to the UN Convention on the Rights of the Child, which promotes the establishment of separate Juvenile courts. In July 2009, a military order announced the creation of separate Juvenile Military Courts. However, in reality the distinction is superficial. Children are now separated from the adults in court, but they are tried in the same way and DCI/PS investigators found no evidence of specialist treatment or training. In the court sessions that have been observed several of the children being tried were visibly agitated. One child rocked back and forth banging his head on the rail. (DCI/PS, 2010b).

- **Israel regards Palestinian children over 16 as adults and denies them the specific rights given to child detainees under international law (DCI/PS, 2009a, p. 16).** The Convention on the Rights of the Child, to which Israel is a signatory, defines a child as every human being under the age of 18, unless the local law says otherwise (Convention on the Rights of the Child, 1990). Under Israeli domestic law, Israeli children do not reach majority until 18, whereas the determining age is set at 16 for Palestinian children in the Israeli military courts.
- **The right to prepare an effective defence is infringed** by use of confessions signed under coercive conditions, the use of Hebrew for all court documents, difficulties in access for lawyers with their clients and the provision of incomplete prosecution material (DCI/PS, 2009a).

What is “administrative detention”?

- **“Administrative Detention” is the Israeli legal procedure under which prisoners, including children, can be held without charge or trial.** This applies both to the areas occupied by Israel in 1967 and the area within the 1948 armistice line. In October 2009 it was recorded that 322 detainees were being held by the Israeli Prison Service. It is not known how many are held by the Israeli military as they do not provide statistics (B'Tselem, 2010a).



The number of children arrested in 2006 brings the total number of Palestinian children arrested by Israel since the beginning of the second Intifada in September 2000 to approximately 6,700. (DCI/PS)

- **An administrative detention order can last for up to 6 months but repeat orders can be given indefinitely.** Administrative detention orders are issued either at the time of arrest or at a later date and are often based on secret evidence collected by the ISA (DCI/PS, 2009a, p. 74).
- **Detainees have their case reviewed after 48 hours if they are detained inside the 1948 armistice line and East Jerusalem or after 8 days if they are detained inside the rest of the West Bank or Gaza (B'Tselem, 2010b).**
- **Administrative detention orders are often based on secret evidence.** Neither the detainee, nor the detainee’s lawyers are given access to the secret evidence, and consequently have no means of challenging the detention. (DCI/PS, 2009a, p. 74).

What are conditions like inside the prisons and detention centres?

- **Approximately 6,759 Palestinian prisoners are currently detained in Israel (B'Tselem, 2010c), in violation of Article 76 of the Fourth Geneva Convention** which prohibits the detention of prisoners in the territory of the Occupying Power (UN, 1949). This means that family members must apply for a permit to visit their imprisoned relatives and has a profound psychological affect on child prisoners who are denied access to their families for prolonged periods.



Schoolchildren in the West Bank. Source CAABU Photo Archive.

- **Approximately 1100 Palestinians from Gaza are being held in Israeli prisons and have been denied familial visits since 2007 (PCHR, 2009).** Adalah Attorney Abeer Baker argued that the restrictions on the Gazan prisoners is equivalent to “turning the prisoners into hostages” for the release of an Israeli soldier being held by the Hamas government of Gaza. According to Baker this “is illegal and constitutes collective punishment, prohibited under international law” (Adalah, 2009). The ban on family visits for detainees from Gaza is part of the siege imposed by Israel on the movement of people and goods in and out of the Strip, which constitutes collective punishment for its 1.5 million inhabitants. Collective punishment is proscribed by the Hague Convention and the Fourth Geneva Convention.
- **Palestinian child detainees are not being treated in accordance with the UN’s Rules for the Protection of Juveniles Deprived of their Liberty,**

which sets international standards for the treatment of children when imprisoned or detained. This includes the right to have access to “facilities and services that meet all the requirements of health and human dignity” (Article 31) (UN, 1990). Prisoners are often refused simple medical treatment, such as painkillers, if a doctor is not available in the prison at the time. They do not receive regular medical checkups, and it can take up to 6 months before a prisoner is seen by a specialist if their medical condition warrants it. Toilet facilities are also often inadequate and children are prevented from using them at their will in some circumstances (Adameer).

- **Child prisoners of Israel are frequently imprisoned with Israeli criminal adults.** The design of detention facilities should give “due regard to the need of the juvenile for privacy” (Article 32) and facilities should meet the requirements of “human dignity” (Article 31) (UN, 1990). Numerous child prisoners have been subjected to violent attacks, including sexual violence. One child prisoner who complained to the administration about sexual violence was attacked by Israeli criminal prisoners with knives and injured in his leg (Adameer).
- **Food provided to Palestinian child prisoners is prepared by Israeli criminal prisoners and is poor in both quality and quantity.** The food is often undercooked, lacking in flavour, and does not meet the daily nutritional requirements for children (Adameer). This is in contravention of Article 20 (1) of the UN Standard Minimum Rules for the Treatment of Prisoners, which states that “every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served” (UN, 1977).
- Palestinian child prisoners are **not provided with the conditions or the resources to fulfil their right to education** although Article 77 (1) states that “Provision shall be made for the further education of all prisoners capable of profiting thereby” and that “the education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration” (UN, 1977).
- **Israeli forces detained Palestinians, including children, in “cruel, inhuman and degrading” conditions during the 2008-2009 Winter Attack on Gaza (UAT, 2009, p.3).** Many of these detainees “were held in 2-3 metre deep pits for hours and sometimes days, exposed to extreme weather conditions, handcuffed and blindfolded” (UAT, 2009, p.4). They were held in these pits with no access to sanitary facilities and “food or blankets, to the extent they were available, were provided only in very limited quantities” (UAT, 2009, p.4). Some of these pits were located near the fighting, which is a violation of international law, which prohibits the holding prisoners in areas exposed to danger (UAT, 2009, p.4).

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