



Defence for Children International – Palestine Section

European Parliament Sub-Committee on Human Rights

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Palestinian Child Prisoners

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Defence for Children International-Palestine Section (DCI-Palestine) is a national section of the international non-governmental child rights organisation and movement, Defence for Children International (DCI), established in 1979 and based in Geneva. DCI-Palestine was established in 1992 and is dedicated to promoting and protecting the rights of Palestinian children in accordance with the UN Convention on the Rights of the Child (CRC), as well as other international, regional and local standards.

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1. Executive summary

- 1.1 Each year, approximately **700** Palestinian children as young as **12** years are arrested, interrogated and prosecuted in the Israeli military court system. Credible reports of ill-treatment and torture within the system are common and persistent. The data in Table 1 of this report is based on the sworn affidavits of **40** children detained in the military court system between 1 July and 31 December 2011. In **62.5** percent of these cases, the children were accused of throwing stones. The common complaints and areas of concern raised by these children are presented in Table 1 below:

Table 1 – Common complaints and areas of concern – 1 July to 31 December 2010

#	Common complaints and areas of concern	Number of cases	Percentage of children
1	Hand ties	40	100%
2	Blindfolds	36	90%
3	Beaten or kicked	28	70%
4	Position abuse	24	60%
5	Threats or inducements	22	55%
6	Confession during interrogation	20	50%
7	Arrested between midnight and 4:00 am	18	45%
8	Verbal abuse and humiliation	18	45%
9	Signed/shown documents written in Hebrew	11	27%
10	Detained with adults	9	22%
11	Solitary confinement	7	17%
12	Strip searched	7	17%
13	Electric shocks	3	7%
14	Threat of sexual assault	3	7%

- 1.2 The report also highlights the involvement of Israeli settlements in the military court system, evidenced by the fact that in **47.5** percent of the cases, the children report being ill-treated inside a settlement.
- 1.3 The report recommends as a minimum safeguard, that all interrogations of children be audio-visually recorded and that parents be permitted to accompany their children during questioning, as is the right afforded to Israeli children. The report further recommends that an independent inquiry be established to investigate the treatment of children in the Israeli military court system.

2. Introduction

- 2.1 Each year approximately 700 Palestinian children from the occupied West Bank are prosecuted in the Israeli military court system after being arrested, interrogated and detained by the army, police and security agents.¹ It is estimated that since 2000 alone, around 7,000 Palestinian children have been detained and prosecuted in the system. This report focuses on persistent and credible reports of torture and ill-treatment within a system that has now been operating for more than 43 years.
- 2.2 In the Israeli military court system, children are frequently arrested from their homes by heavily armed soldiers in the middle of the night and are painfully tied and blindfolded before being placed in the back of a military vehicle and transferred to an interrogation and detention centre. It is rare for a child, or his or her parents to be told the reason for arrest, or where the child is being taken. The arrest and transfer process is frequently accompanied by physical and verbal abuse.
- 2.3 On arrival at the interrogation and detention centre, the child is questioned in the absence of a lawyer or family member, and there is no provision for the audio-visual recording of the interrogation as a means of independent oversight. Children are frequently threatened and physically assaulted during interrogation often resulting in the provision of a coerced confession, or the signing of documents which the child has not had a chance to read or understand.
- 2.4 Following interrogation, children are brought before a military court which has jurisdiction over children as young as 12 years old.² Once a child turns 16, they are considered to be an adult.³ In the overwhelming majority of cases bail will be denied and an order for detention until the end of the legal process will be made.⁴ Most children ultimately plead guilty, whether the offence was committed or not, as this is the quickest way out of the system. In 2009, custodial sentences were imposed on children by the military courts in 83 percent of cases, in contrast to a custodial sentence rate of 6.5 percent in the Israeli civilian juvenile justice system, which is applied to Israeli settler children living in the occupied West Bank.⁵

¹ Exact figures on the number of Palestinian children detained each year by Israeli authorities are not published. The estimated number of 700 children prosecuted in the Israeli system is based on the figures provided by the IPS of the number of children in prison facilities, and the best estimate of DCI-Palestine lawyers who appear daily in the military courts and conduct regular prison visits.

² Military Order 1651 – Sections 1 and 191.

³ Military Order 1651 – Sections 1, 136 and 168.

⁴ In 2009, bail was denied in 87.5 percent of the 164 cases closed by DCI-Palestine.

⁵ Based on 164 cases closed by DCI-Palestine in 2009 and the Israeli National Council for the Child, Annual Report (2009) (This figure relates to 2008)

Table 2 – Israeli civilian and military court systems - Comparative table

#	Event	Israeli civilian system	Israeli military system
1	Percentage of cases in which bail is denied	20% ⁶	87.5% ⁷
2	Percentage of cases in which a custodial sentence is imposed	6.5% ⁸	83% ⁹

- 2.5 Once detained a significant proportion of children are transferred to prisons and detention facilities inside Israel, in clear violation of Article 76 of the Fourth Geneva Convention which prohibits such transfers out of occupied territories. The practical significance of this is that many children receive infrequent or no family visits.
- 2.6 The data presented in this report is based predominantly on 40 sworn affidavits taken from children detained in the military court system in a six month period between 1 July and 31 December 2010. The report also makes reference to other sources where relevant, including data and affidavits collected by DCI-Palestine c prior to 1 July 2010, as well as non-governmental reports.

Case Study No. 1

Name: R.R.
Date of incident: 5 August 2010
Age: 14 years
Accusation: Stone throwing

On 5 August 2010, a 14-year-old boy is arrested with three other boys by Israeli soldiers near a settler by-pass road between Qalqiliya and Nablus, in the Occupied Palestinian Territory, and accused of throwing stones.

'It was around midday,' recalls R.R., 'and I was hanging out with my friends near the road that passes between Qalqiliya and Nablus, near our village. The road is also used by settlers and soldiers. While we were standing there, a military jeep passed by and Yahia raised his hand and waved at it. The jeep stopped, turned around and drove back towards us. We started running away towards the village.' The boys soon became tired and were caught by a number of soldiers from several jeeps.

⁶ The Israel National Council for the Child, Annual Report, 2009. This figure relates to 2008.

⁷ Source: DCI-Palestine, 2009.

⁸ The Israel National Council for the Child, Annual Report, 2009. This figure relates to 2008.

⁹ Source: DCI-Palestine, 2009.

3.3 *Table 4 - Number of young (12-15) children in Israeli detention at the end of each month*

	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	-	-	-	-	-	-	-	-	-	-	-	

3.4 *Table 5 - Number of Palestinian girls in Israeli detention at the end of each month*

	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	0	-	-	-	-	-	-	-	-	-	-	-	

3.5 *Table 6 - Number of children held in Israeli administrative detention at the end of each month*

	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	0	-	-	-	-	-	-	-	-	-	-	-	

4. Conditions of detention – specific issues

Article 76 of the Fourth Geneva Convention

4.1 In the Israeli military court system, Palestinian child detainees are initially held in Israeli settlements, military interrogation centres and police stations, generally in the occupied West Bank, before being transferred to Israeli prisons operated by the Israeli Prison Service (IPS). Children are detained in interrogation centres for anywhere between several hours to several weeks, before being transferred to IPS operated facilities. All but one of the IPS facilities used to detain Palestinian children are located inside Israel, in contravention of Article 76 of the Fourth Geneva Convention. This violation is enshrined in Military Order 1651 and has been upheld by the Israeli Supreme Court.¹⁰

¹⁰ Military Order 1651 – Section 266(A) – ‘The punishment of a person tried and sentenced by a military court may be executed in Israel, if not formerly executed in the region, in the same manner that punishment imposed by a court

Fourth Geneva Convention

Article 76

Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein.

- 4.2 According to data supplied by the Israeli Prison Service (IPS), as at 31 January 2011, 58 percent of Palestinian child detainees were being held illegally inside Israel in contravention of Article 76 of the Fourth Geneva Convention.

Table 7 - Israeli military court system – Detention inside Israel (31 January 2011)¹¹

IPS prison facility	12-15	16-17	Number of children detained inside Israel in contravention of Article 76 of the Fourth Geneva Convention
Rimonim (Israel)	24	33	57
Ofer (West Bank)	8	85	(West Bank)
Kishon (Israel)	-	3	3
Megiddo (Israel)	2	66	68
Total	221¹²		128
Percentage	100%		58%

Detention with adults

- 4.3 In the Israeli military court system, the law provides that minors (12-15 years) should be detained separately from adults. Further, Military Order 1651 provides that children should, be taken to and from court and detained separately from adults whilst attending court, but with the caveat, ‘to the extent possible.’¹³ The same military order also provides that ‘the child must only be held in a juvenile detention center or prison in a separate section that is allocated specifically for children and has no contact with other sections and must not be close to any other section ... it is allowed to detain a child at a police station only alone and must not have any contact with adult accused or detained persons.’¹⁴

in Israel is executed, and subject to all security legislation.’ See also: *Yesh Din and ors v Minister of Defence and ors* (2009) H CJ 2690/09.

¹¹ Figures obtained by DCI-Palestine from the Israeli Prison Service (IPS).

¹² In addition to the 221 children being held in IPS facilities as at 31 January 2011, one child was also being held in a temporary Israeli army facility in the West Bank, bringing the total number of children in detention to 222.

¹³ Military Order 1651 – Section 143 – ‘(A) The military juvenile court will conduct its hearings, to the extent possible, in a place where other trials are not being conducted, or in the same place but not at the same time. (B) To the extent possible, minor defendants will not be brought to or from the court together with non-minor defendants, and will not be held together there.’

¹⁴ Military Order 1651 – Section 149 – ‘(A) A minor will not be held in detention or imprisonment except in a separate prison or jail facility for minors, or in a wing of a general prison or jail facility provided that the wing is completely separate, designated for minors only and without any access between it and the other wings of the prison

4.4 In practice there is evidence that young children (12-15 years) are still being transferred and detained with adults in Israeli police stations and interrogation and detention centres from time to time.¹⁵ As far as Israeli Prison Service (IPS) facilities are concerned, there has been an improvement in the situation commencing in 2009, with more children being detained in designated sections of Megiddo and Rimonim prisons inside Israel, and fewer young children being detained in Ofer prison, where they are routinely mixed with adults.¹⁶ However, it should be noted that imprisoning Palestinian detainees in Megiddo and Rimonim prisons contravenes Article 76 of the Fourth Geneva Convention which prohibits the transfer of prisoners out of occupied territory.

4.5 The situation facing children aged between 16 and 17 years is less satisfactory, with a higher proportion being mixed with adults.¹⁷ The following table was prepared from data supplied by the Israeli Prison Service (IPS) and suggests that as of 31 January 2011, as many as 96 Palestinian children (43 percent) were being held in the same facilities as adults.¹⁸

or jail facility or their inhabitants – (B) Notwithstanding the provisions of Subsection (A), it is permissible to hold a minor at a police station, as long as he is held separately and there is no contact between him and non-minor suspects or prisoners.’

¹⁵ On 18 February 2010, lawyers for DCI-Palestine collected an affidavit from a 14-year-old boy, A.G., who reports that in February 2010, he was detained in Ofer prison in a room with five other detainees, ranging in age from 15 to 50 years. On 29 April 2010, lawyers for DCI-Palestine collected an affidavit from a 15-year-old boy, H.S., who reports being transferred to Etzion Interrogation and Detention Centre in a military vehicle on 23 April 2010, with four other detainees, including one adult. On 28 November 2010, lawyers for DCI-Palestine collected an affidavit from a 15-year-old girl who reports being detained with adult female prisoners in Hasharon prison, inside Israel.

¹⁶See DCI-Palestine, Urgent Appeal 1/10 - <http://www.dci-pal.org/english/display.cfm?DocId=1377&CategoryId=1>

¹⁷ Under Israeli civilian legislation, the age of majority for children, including settler children living in the occupied West Bank, is 18 years. By contrast, the age of majority for Palestinian children prosecuted in the Israeli military court system is 16 years. On 8 March 2010, lawyers for DCI-Palestine collected an affidavit from a 17-year-old boy, A.A., who reports that in February 2010, he was detained in Ofer prison in a room containing prisoners aged between 14 and 19 years. On 11 April 2010, lawyers for DCI-Palestine collected an affidavit from a 16-year-old boy, M.N., who reports that in March 2010 he was detained in Ofer prison for three days in a room containing prisoners ranging in age from 50 years down to 16 years. On 4 May 2010, lawyers for DCI-Palestine collected an affidavit from a 16-year-old girl, S.J., who reports being detained with adult Israeli female criminal prisoners in Neve Tertze prison, Ramle, Israel, in May 2010. On 5 August 2010, lawyers for DCI-Palestine collected an affidavit from a 16-year-old boy, K.S., who reports being detained with adults and children in Etzion Interrogation and Detention Centre for 12 days, between 1-12 July 2010. K.S. also reports being transferred to Ofer prison where he reports being detained with 10 adults and children.

¹⁸ The number of children likely to be detained with adults is based on the following assumptions:

- Children include persons between the ages of 12 and 17 years inclusive, as is the case for Israeli children.
- Only Rimonim and Megiddo prisons have juvenile sections completely separated from adults.

Table 8 - Israeli military court system – Detention with adults (31 January 2011)

IPS prison facility	12-15	16-17	Number of children likely to be detained with adults
Rimonim (Israel)	24	33	Separate facilities
Ofer (West Bank)	8	85	93
Kishon (Israel)	-	3	3
Megiddo (Israel)	2	66	Separate facilities
Sub-total	34	187	-
Total	221		96
Percentage	100%		43%

Prison conditions

4.6 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.¹⁹ These regulations are modified in respect of ‘security detainees’ (i.e. Palestinians) as follows:²⁰

- The right to a daily walk at the place of detention does not apply to security detainees;
- The right to use a telephone does not apply to security detainees; and²¹
- Security detainees are entitled to visits every two weeks, but only from first degree relatives.

Case Study No. 2

Name: Nehad O.
Date of arrest: 14 June 2010
Age: 14 years
Accusation: Throwing stones

¹⁹ Criminal Procedure (enforcement powers – Arrests) (conditions of detention) Regulations – 1997.

²⁰ Criminal Procedure (enforcement powers – Arrests) (conditions of detention) Regulations – 1997 – Regulation 22.

²¹ Criminal Procedure (enforcement powers – Arrests) (conditions of detention) Regulations – 1997 – Regulation 22(B)(3).

On 14 June 2010, a 14-year-old boy from Balata refugee camp, in the Occupied Palestinian Territory, is arrested by Israeli soldiers at around 5:00 am and accused of throwing stones.

Nehad was arrested by soldiers on his way to work and accused of throwing stones. The soldiers transferred to Nehad to Huwara Interrogation and Detention Centre, in the Occupied Palestinian Territory.

‘When we reached the centre, soldiers pulled us out of the jeep and took Ahmad to a detention room and kept me sitting in the yard for about 36 hours, during which time they didn’t allow me to sleep at all and they provided me with food and water only once. They also allowed me to use the bathroom once but it wasn’t a usual bathroom. I had to urinate behind a concrete wall. During the entire 36 hours, I was still tied with my hands behind my back with plastic cords and blindfolded. I was sitting in the burning sun. Whenever I fell asleep, I would close my eyes a little because of the burning sun but one of the soldiers would push me hard and shout; “Don’t sleep.”’

- 4.7 In practice, common complaints received from Palestinian children detained in the Israeli military court system include overcrowding, poor ventilation and access to natural light, poor quality and inadequate amounts of food, harsh treatment by prison officials and boredom.²² Further, although IPS regulations stipulate that detainees are entitled to visits every two weeks, in reality most Palestinian children held in Israeli detention do not receive any visits for the first three months, and in a number of cases, receive no visits at all, as their relatives are denied permits to enter Israel for ‘security reasons.’²³ The table below highlights a few issues relating to conditions of detention and is based on an analysis of 100 affidavits collected from Palestinian children in 2009 by DCI-Palestine lawyers and fieldworkers.²⁴

Table 9 - Conditions of detention – Sample of 100 cases from 2009

Conditions of detention	Percentage
Inadequate food, water or shelter	55%
Strip searched	22%
Denial of toilet facilities	21%

Visitation rights and family contact

- 4.8 In the Israeli military court system, children receive no visits from their family prior to being charged or sentenced. Family members can usually attend court proceedings and see their

²² DCI-Palestine, *Palestinian Child Prisoners: The Systematic and Institutionalised Ill-Treatment and Torture of Palestinian Children by Israeli Authorities*, (June 2009), pages 56-57. - <http://www.dci-pal.org/english/publ/display.cfm?DocId=1166&CategoryId=8>;

²³ Ibid., at page 18.

²⁴ Analysis conducted by DCI-Palestine on 18 April 2010 of 100 affidavits collected from child detainees in 2009.

child, but physical contact and communication are usually prohibited. Under IPS regulations, children can, in theory, receive family visits every two weeks.²⁵ Prison visits typically last for 45 minutes and the parties are separated by a glass partition with communication conducted through a telephone.²⁶ Palestinian children prosecuted in the military court system are designated by the IPS as ‘security prisoners’, and as such, have fewer rights than ‘criminal prisoners,’ such as:

- No telephone calls; and
- Visits only from first degree relatives.

4.9 In practice, the time it takes to apply for a permit to visit a prison inside Israel means that most children sentenced to three months or less, receive no family visits. Further, restrictions are imposed on families travelling from the West Bank, with entry sometimes being denied, resulting in few or no family visits.²⁷ Reports have also been received of children being denied visitation rights as punishment. Although Israel is responsible for facilitating family visits, in practice, the logistical and financial costs are borne by the International Committee of the Red Cross (ICRC).²⁸

Case Study No. 3

Name: Jihad A.
Date of arrest: 29 April 2010
Age: 16 years
Accusation: Throwing stones and Molotov cocktails

On 29 April 2010, a 16-year-old boy from Salfit, in the Occupied Palestinian Territory, is arrested by soldiers from the family home at 1:00 am.

Jihad was detained in Megiddo prison, inside Israel. *‘I was brought here on 13 May,’* says Jihad. *‘They allowed me a family visit on 10 August, three months later. I am entitled to a family visit every two weeks, but my right was denied to me for unknown reasons. I asked around but they told me it was for “confidential reasons.” I still don’t know what the reasons are. My second family visit was supposed to be on 24 August, but my family didn’t show up. One of the other detainees from my village was told by his family that the Red Cross had called my mother and informed her that they are not allowed to visit me. I still don’t know*

²⁵ IPS Order No. 04.42.00 – Section 5.

²⁶ Affidavit of 16-year-old J.A., collected by lawyers for DCI-Palestine in Megiddo Prison (Israel), on 2 September 2010.

²⁷ Hamoked – Center for the Defence of the Individual, Annual Report 2007, page 53; Fatafteh v Commander of the Army Forces in the West Bank (HCJ 10898/05); and Barghouti v Commander of Army Forces in the West Bank (HCJ 7615/07).

²⁸ See B’Tselem, Barred from Contact: Violation of the Right to Visit Palestinians Held in Israeli Prisons, September 2006, page 2.

why they don't allow my family visits. I don't know the news of my family, my friends and my school because my family visits are denied. I feel that there is a huge gap between me and them because of a lack of communication. I am losing so many details that I consider to be very important to know.'

Education in prison

- 4.10 In the Israeli military court system, the law provides that Palestinian children in Israeli detention facilities are entitled to the same education as Israeli child prisoners, which includes an education programme based on the Palestinian curriculum,²⁹ but that this right is 'subject to the security situation.'³⁰ Israeli prison authorities have interpreted 'subject to the security situation' to permit only very limited education in two of the prisons where Israel detains Palestinian children,³¹ and in none of the interrogation and detention centres where Palestinian children can remain for extended periods of time.³²
- 4.11 In practice, in the two prisons where limited education is provided, a single Arab-Israeli teacher enters the prison to teach Arabic, Hebrew, English and Maths. The children are not separated based on age or ability and 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 the two prisons where education is provided, are receiving about four hours of tuition per day.³³ The education provided in prison is not compulsory. No education whatsoever is provided by the prison authorities to Palestinian female child detainees.³⁴

Case Study No. 4

Name: Malek O.
Date of arrest: 11 February 2010
Age: 14 years
Accusation: Throwing stones and Molotov cocktails

On 11 February 2010, an 11-year-old boy from the Al Jalazun refugee camp, in the Occupied Palestinian Territory, is arrested by soldiers from the family home at 2:15 am.

²⁹ 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.

³⁰ Mohammad Frehat and ors v Israeli Prison Service (1997) 400/97.

³¹ Rimonim, and Megiddo prisons.

³² Ofer, Salem, Al Jalame, Huwwara, Ma'ale Adumim, Etzion, Kiryat Arba, Al Mascobiyya, Pitah Tikva and Ari'el.

³³ Affidavit of M.O., taken by lawyers from DCI-Palestine in Rimonim prison (Israel), on 17 March 2010.

³⁴ Note there are currently no Palestinian child female detainees in Israeli detention.

Malek was detained in Rimonim prison, inside Israel. *'The subjects we study are only Maths, Arabic, English and Hebrew. Each class lasts two hours. We take two classes; four hours per day. There are 16 to 17 children in the class, aged between 14 and 17 years. We are provided with textbooks, notebooks and stationery but every teacher takes them away from us at the end of each class and brings them back at the beginning of the following class and so on. The level of education inside prison is good but ordinary education is much better because you can have your textbooks with you and you are given homework. This is not the case in prison. Sometimes textbooks are not available and teachers have to write on the board and we copy down the material on our notebooks.'*

Medical care

- 4.12 In the Israeli military court system, the law provides that detainees are entitled to medical care.³⁵ In the case of children, this care includes psychological and psychiatric treatment.³⁶ 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. The table below is based on an analysis of 100 affidavits collected from Palestinian children in 2009 by DCI-Palestine lawyers and fieldworkers, who reported being denied some form of medical attention.

Table 10 - Denial of adequate medical treatment – Sample of 100 cases from 2009³⁷

Denial of medical treatment	Number of cases out of 100	Percentage
Denial of adequate medical treatment	17	17%

- 4.13 In practice there are reports of children being ignored when they complain about their health during their medical examinations.³⁸ 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.³⁹ Once Palestinian children are transferred to a prison,

³⁵ 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.

³⁶ Youth (Trial, Punishment and Modes of Treatment) (the Conditions of Minor's detention in group home) Regulations 1976 – Section 9.

³⁷ Analysis conducted by DCI-Palestine on 18 April 2010 of 100 affidavits collected from child detainees in 2009.

³⁸ See DCI-Palestine, *Palestinian Child Prisoners: The Systematic and Institutionalised Ill-Treatment and Torture of Palestinian Children by Israeli Authorities*, (June 2009), pages 37 and 64 - <http://www.dci-pal.org/english/publ/display.cfm?DocId=1166&CategoryId=8>. On 13 July 2009, lawyers for DCI-Palestine collected an affidavit from a 13-year-old boy, N.M., who reported that on 2 June 2009 he was beaten by soldiers at Huwwara checkpoint causing his head to bleed. He was later taken to Huwwara Interrogation and Detention Centre and examined by a doctor: *'A doctor came and asked me some questions. He filled out a questionnaire concerning my health. The doctor saw the marks on my body, especially the wound to my forehead which was bleeding at the time. I asked for his help but he refused to help me.'*

³⁹ *Ibid*, pages 41 to 45.

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.’⁴⁰

Al Jalame Interrogation and Detention Centre

- 4.14 Since February 2008, DCI-Palestine has documented a number of highly disturbing cases involving the ill-treatment and torture of Palestinian children at Al Jalame Interrogation and Detention Centre, outside Haifa, in Israel. The reports indicate that children are being held in solitary confinement, in one case for 65 days, in small, filthy cells in which the light is left on 24 hours a day. The children also report being interrogated at Al Jalame in extreme circumstances. DCI-Palestine submitted 13 of these cases to the UN Special Rapporteur on Torture on 6 January 2010 for further investigation.⁴¹ Similar allegations have been received in relation to Petah Tikva Interrogation and Detention Centre, located near Tel Aviv.⁴²

Case Study No. 5

Name: E.Q.
Date of arrest: 14 January 2011
Age: 17 years
Accusation: Throwing stones and Molotov cocktails

On 14 January 2011, a 17-year-old boy from Ramallah, in the occupied West Bank, is arrested by soldiers at 2:00 am and questioned about membership of a banned organisation:

Soldiers arrived at the family home at 2:00 am and arrested E.Q. His hands were immediately tied behind his back with plastic ties and he was blindfolded. *‘I still have the marks around my wrists because of the plastic cords. He also blindfolded me and put me in a jeep parked near our house. They didn’t tell me why they were arresting me,’* recalls E.Q.

⁴⁰ Criminal Procedure (enforcement powers – Arrests) (conditions of detention) Regulations – 1997 – Regulation 16. On 9 September 2008, lawyers for DCI-Palestine collected an affidavit from a 14-year-old boy, F.D., who reports that he was beaten during his arrest and transfer. On arrival at Ofer prison, he was taken to the clinic: *‘I told the doctor that the soldier who had arrested me had beaten me on my hand. The doctor said “I had nothing to do with that.”’* The doctor then proceeded to fill out a questionnaire form. On 13 July 2009, lawyers for DCI-Palestine collected an affidavit from a 15-year-old boy, I.S., who reports that on 1 March 2009, he and other child detainees, were beaten by prison guards in Telmond Prison (Israel), during a prison disturbance. After he was beaten, I.S. recalls that his hands were then tied behind his back: *‘When he finished tying me, I wanted to go and sit with the others when a security officer approached me holding a big stick. He hit me hard on my head and I fell to the ground. I immediately stood up and wanted to rush and sit with the other three when the security guard put his leg in my way. I tripped and fell on the ground on my face. I severely wounded my forehead and started bleeding. While still bound they took me to the clinic because of the extreme pain in my head and dizziness. I felt I was about to faint. In the clinic I was not provided with anything but iodine ointment.’*

⁴¹ See: <http://www.dci-pal.org/english/display.cfm?DocId=1342&CategoryId=1>

⁴² B’Tselem and Hamoked, ‘Kept in the Dark: Treatment of Palestinian Detainees in the Petah Tikva Interrogation Facility of the Israeli Security Agency’ – Available at: http://www.btselem.org/Download/201010_Kept_in_the_Dark_Eng.pdf

E.Q. was first taken to Al Mascobiyya Interrogation Centre in West Jerusalem where he received a cursory medical check before being transferred to Al Jalame Interrogation and Detention Centre, outside Haifa. *'We arrived at around 1:00 pm,'* recalls E.Q., *'a doctor asked me the same old questions and soldiers strip searched me. They gave me prison clothes and detained me in cell 36; a very small cell with a mattress on the floor and a concrete bench. I was detained in cell 36 for five days before I was taken to cell 32 for two days. Cell 32 was similar to cell 36 ... On the first day of detention in Al Jalame, I was taken to an interrogation room to be interrogated by a man named Shaul. He made me sit in a low metal chair tied to the floor, and tied my hands to that chair for about half an hour.'*

E.Q. was questioned about membership of banned organisations and throwing stones in 2009. He denied the accusations and was interrogated seven times for about four hours on each occasion before being transferred to Megiddo Prison, inside Israel.

5. Concluding remarks

- 5.1 Credible reports of torture and ill-treatment, including of children, within the Israeli military court system have been raised consistently for years. These reports have come from Palestinian and Israeli lawyers, highly respected Israeli and Palestinian human rights organisations, independent UN Observers, UN bodies such as the Committee on the Rights of the Child, the Committee against Torture and the Committee on Human Rights and members of the media to name just a few.
- 5.2 Based on over 40 years combined experience of DCI-Palestine's lawyers and the testimony contained in hundreds of affidavits, DCI has reached the conclusion that torture and ill-treatment of Palestinian children in the custody of the Israeli military court system is widespread, systematic and institutionalised.
- 5.3 DCI-Palestine submits that the EU has sufficient notice of these serious allegations in regards to the ill-treatment and torture of Palestinian children in Israeli detention facilities and must conduct its own investigations and inquiries in order to ensure compliance with the EU's own legal obligations, including compliance with all human rights clauses in its bilateral agreements with Israel.

6. Recommendations

- 6.1 No child should be prosecuted in military courts which lack comprehensive fair trial and juvenile justice standards and children should only be detained as a measure of last resort and for the shortest appropriate period of time. DCI-Palestine recommends that as a minimum safeguard in the light of consistent reports of mistreatment and torture, that the Israeli authorities:

- (i) Ensure that no child is interrogated in the absence of a lawyer of their choice and family member;
- (ii) Ensure that all interrogations of children are audio-visually recorded;
- (iii) Ensure that all evidence suspected of being obtained through ill-treatment or torture be rejected by the military courts;
- (iv) Ensure that all credible allegations of ill-treatment and torture be thoroughly and impartially investigated; and
- (v) No Palestinian child should be detained inside Israel in contravention of Article 76 of the Fourth Geneva Convention.

**DCI-Palestine
9 March 2011**