



Military Court Watch

Monitoring the treatment of children in Israeli military detention

Children in Military Custody

**A report written by a delegation of British lawyers on the treatment of Palestinian children
under Israeli military law**

MCW progress report – 2 years on

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Copied to:

1. Delegation of British lawyers on the treatment of children under Israeli military law
2. United Kingdom Foreign & Commonwealth Office
3. UNICEF

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1. Executive summary

- 1.1 On 26 June 2012, a delegation of British lawyers published the report – Children in Military Custody (UK Report). The Foreign Office funded report reviewed how children are treated in Israel’s military detention system taking into account both law and practice. The delegation noted that although it was given “two radically different accounts of Israeli practice” it was able to conclude, based on certain undisputed facts, that Israel was in breach of at least six articles under the UN Convention on the Rights of the Child and two articles under the Fourth Geneva Convention.
- 1.2 Following the publication of the UK Report, the system also came under the scrutiny of UNICEF, which in March 2013 published the report – Children in Israeli Military Detention (UNICEF Report). After reviewing over 400 sworn testimonies, UNICEF concluded that: “[T]he ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized throughout the process.”
- 1.3 It should be noted that in recent years there have been a number of developments in the military detention system relating to minors, such as: the provision of some education; the establishment of a juvenile court; new procedures for the use of hand-ties; a partial rise in the age of majority; a reduction in the time in which children must be brought before a military court judge for the first time; a reduction in the time a child can be detained before being indicted; and the introduction of a pilot scheme to issue summonses in lieu of night-time arrests.
- 1.4 However, in spite of these developments, the ultimate litmus test of the system still remains: how are children treated in practice? In order to assess this, Military Court Watch (MCW) has conducted its own review of developments that have occurred since the publication of the UK Report over two years ago. As part of this review, each of the UK Report’s 40 recommendations has been individually considered and assessed as to whether it has been substantially or partially implemented, or not implemented at all. The findings of this review are presented in the following table.

Table 1 - Progress made in implementing the UK Report’s 40 recommendations

#	Compliance	Number	Percentage
1	Substantially implemented	2	5%
2	Partially implemented	4	10%
3	Not implemented	34	85%

- 1.5 Also as part of the review process, MCW has collected and analysed 105 testimonies taken from children detained in the system since November 2012, focusing particularly on treatment during the first 24 hours after arrest. The findings of this evidentiary review are presented in the following table.

Table 2 - Analysis of 105 testimonies collected by MCW since November 2012

#	Description	No	%
1	Hand tied	99	94%
2	Blindfolded	89	85%
3	Signed/shown documents in Hebrew	72	69%
4	Physical abuse	63	60%
5	Arrested at night	49	47%
6	Transferred on floor of vehicle	48	46%
7	Threats	47	45%
8	Verbal abuse	41	39%
9	Strip searched	27	26%
10	Informed of right to silence	13	12%
11	Summons in lieu of night arrest ¹	6	12%
12	Parent present throughout interrogation	6	6%
13	Consulted with lawyer before interrogation	5	5%
14	Solitary confinement	3	3%

- 1.6 Whilst it is clear from public statements and certain amendments to the military law that the civilian and military authorities have taken note of the findings and recommendations contained in the UK and UNICEF reports, it is difficult to point to any systematic change that has led to consistent improvement in the way children are being treated during the first 24 hours. Accordingly, MCW concludes that UNICEF's assessment that "ill-treatment appears to be widespread, systematic and institutionalized" remains valid in late 2014.
- 1.7 MCW submits that it is unrealistic to expect any substantive improvement in the way children are treated until adequate protection is provided during the first 24 hours. There are six recommendations that, if effectively implemented, would provide such protection:
- (i) Children should only be arrested during daylight hours except in rare and exceptional circumstances.
 - (ii) All children, and their legal guardian, should be provided with a written statement in Arabic informing them of their legal rights in custody.
 - (iii) All children must consult with a lawyer of their choice prior to questioning.
 - (iv) All children must be accompanied by a family member throughout their questioning.
 - (v) Every interrogation must be audio-visually recorded and a copy of the tape must be provided to defence counsel prior to the first hearing.
 - (vi) Breach of any of the above recommendations should result in the discontinuation of the prosecution and the child's immediate released.

2. Introduction

- 2.1 In September 2011, a delegation of nine lawyers from the UK visited Israel and Palestine for the purpose of conducting an evaluative analysis of Israeli military law and practice as they affect Palestinian children in the West Bank by reference to the law and standards of international law and international children's rights.²
- 2.2 The visit was funded by the United Kingdom Foreign & Commonwealth Office (FCO), which also provided diplomatic support throughout the visit, on the shared understanding that the delegation was to be entirely independent.
- 2.3 In June 2012, the delegation published their findings in a report – *Children in Military Custody* (UK Report). The UK Report made 40 recommendations and found undisputed evidence that:
 - A. Israel's military detention of Palestinian minors violates at least six articles of the UN Convention on the Rights of the Child relating to discrimination, best interests, premature resort to detention, non-separation from adults, prompt access to lawyers and use of shackles.
 - B. Israel's military detention of Palestinian minors breaches two articles of the Fourth Geneva Convention in relation to the unlawful transfer and detention of minors out of occupied territory and the lack of translation of relevant laws.
 - C. The Report also noted that if the allegations of ill-treatment presented to the delegation from numerous sources were true, then Israel's military detention of Palestinian minors would also be in breach of the prohibition on torture and other cruel, inhuman or degrading treatment.
- 2.4 Since the publication of the UK Report a number of UN agencies, and the US State Department, have also released reports covering the issue of children held in Israeli military custody. These reports are summarised in chronological order below:

(i) UNICEF: *Children in Israeli Military Detention* (March 2013)

In March 2013, UNICEF published the report – *Children in Israeli Military Detention* (UNICEF Report).³ Following a review of over 400 sworn testimonies collected through the UN's Monitoring and Reporting Mechanism on Grave Child Rights Violations and after consulting widely with relevant parties, UNICEF arrived at two conclusions:

- A. The ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalised throughout the process, from the moment of arrest until the child's prosecution and eventual conviction and sentencing; and
- B. It is understood that in no other country are children systematically tried by juvenile military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights.

(ii) UN Secretary General's Annual Report on Children in Armed Conflict (May 2013)

The Secretary General's annual report to the Security Council highlights global trends regarding the impact of armed conflict on children in 21 locations including Israel and Palestine.⁴ The report covers the period January to December 2012. In all 115 cases documented by the UN the children held in Israeli military custody reported being subjected to "cruel and degrading ill-treatment". This treatment included, but was not limited to, the practice of blindfolding and painful restraint during arrest, transfer and interrogation; strip-searching, verbal abuse; physical violence, including beating and kicking; and threats of violence. The UN also noted that 21 boys were held in solitary confinement ranging from 1-20 days inside Israel.

(iii) UN Committee on the Rights of the Child (June 2013)

In its Concluding Observations of Israel's second, third and fourth periodic reports under the Convention on the Rights of the Child, the Committee recognised Israel's security concerns but expressed deep concern at the treatment of children held in military detention.⁵ The Committee noted that the Israeli government applies two distinct legal systems to children living in the West Bank depending on whether the child is Palestinian or an Israeli child living in a settlement. The Committee expressed concern that Palestinian children continue to be arrested in the middle of the night; tied and blindfolded; not informed of their rights; are denied access to lawyers; and are often subjected to torture and/or ill-treatment leading to the provision of coerced confessions, some of which are written in Hebrew. The Committee also expressed concern that Palestinian children from the West Bank continue to be transferred and imprisoned inside Israel, in violation of article 76 of the Fourth Geneva Convention.

(iv) UNICEF: Bulletin No. 1 (October 2013)

Seven months after the publication of the UNICEF Report, the UN agency released an update (UNICEF Bulletin) reviewing progress made in implementing the Report's 38 recommendations during the intervening period.⁶ In the Bulletin, UNICEF presented additional affidavit evidence collected since the publication of the UNICEF Report.⁷ Although the Bulletin highlights some procedural developments, proposals and consultations, the additional affidavit material presented by UNICEF (19 affidavits) suggested that there had been little change in how children were treated following their arrest by the military. A summary of the new evidence collected by UNICEF is presented in the following table.

Table 3 - UNICEF Bulletin (October 2013) – Analysis of 19 affidavits⁸

#	Description	No	%
1	Painfully hand tied	19	100%
2	Physical abuse	19	100%
3	Verbal abuse	17	89%
4	Blindfolded	16	84%
5	Strip searched	13	68%
6	Consulted with lawyer before interrogation	0	0%
7	Parent present throughout interrogation	0	0%

(v) UN Human Rights Council – Universal Periodic Review (Israel) (November 2013)

On 1 November the UN Working Group on the Universal Periodic Review (UPR) adopted a Report following their review of Israel's submission under the UPR human rights mechanism.⁹ The UPR is a unique process, which involves a review of the human rights records of all UN Member States. As one of the main features of the Council, the UPR is designed to ensure equal treatment for every country when their human rights situations are assessed. Following an interactive dialogue with Member States, the Working Group made 229 conclusions and/or recommendations, including recommendations relating to the treatment of children held in military detention. There were specific recommendations relating to the inequality of treatment under Israel's military and civilian legal systems; night arrests; the use of restraints and strip searches; solitary confinement; denial of legal representation and access to family members; confessions in Hebrew; and the audio-visual recording of all interrogations involving children.

(vi) US State Department – Country Reports on Human Rights Practices (March 2014)

In March 2014, the US State Department released its annual global report on human rights including details concerning children held in Israeli military custody in 2013.¹⁰ The State Department noted that it had received reports that: "Israeli security services continued to abuse, and in some cases torture, minors who they frequently arrested on suspicion of stone throwing to coerce confessions. Tactics included beatings, long-term handcuffing, threats, intimidation, and solitary confinement." The report also noted that: "Israeli authorities operated under military and civilian legal codes in the occupied territories. Israeli military law applied to Palestinians in the West Bank, while Israeli settlers were under the jurisdiction of Israeli civil law." The report noted significant differences in the rights and protections provided under these two systems of law, giving as one example Military Order 1711, which provides for time limits under which Palestinian children must be brought before a military judge of at least twice as long as those applied to Israeli children living in the settlements. Finally, the report noted that the military courts used almost exclusively to prosecute Palestinians in the West Bank have a conviction rate in excess of 99 percent.

(vii) UN Secretary General's Annual Report on Children in Armed Conflict (May 2014)

The Secretary General's annual report to the Security Council highlights global trends regarding the impact of armed conflict on children in 23 locations including Israel and Palestine.¹¹ The report covers the period January to December 2013. In all 107 cases documented by the UN, children held in Israeli military custody reported being subjected to "cruel and degrading ill-treatment". The treatment included painful restraint, blindfolding, strip-searching, verbal and physical abuse, solitary confinement and threats of violence. The UN noted that there was an increase in the percentage of children reporting being subjected to physical violence and in 48 per cent of the cases the children were arrested at night. In five cases (5 per cent) threats of sexual violence were reported, compared with two cases (2 per cent) in 2012.

- 2.5 The purpose of this report is to provide a current assessment of developments in Israel's military detention system and to present new testimonial evidence collected since the

publication of the UK Report focusing on the treatment of children during the first 24 hours following their arrest, as this is the time frame during which the most egregious violations appear to occur.

3. Detention figures

- 3.1 Since the publication of the UK Report the number of Palestinian children detained in Israeli Prison Service (IPS) facilities has fluctuated between a low of 154 and a high of 236 per month. The annual monthly average has risen slightly since the publication of the UK Report from 196 children per month (2012) to 200 children per month (2014) – an increase of 2 per cent over the course of two years.¹²

Table 4 - IPS detention figures since July 2012

2012	Boys	Girls	12-13	14-15	16-17	Admin Det	Detention in Israel in violation of Fourth Geneva Convention		Total
Jul	209	1	34		176	0	-	-	210
Aug	193	1	30		164	0	-	-	194
Sep	188	1	28		161	0	-	-	189
Oct	163	1	21		143	0	-	-	164
Nov	176	1	21		156	0	-	-	177
Dec	192	1	23		170	0	-	-	193
2013									
Jan	218	1	0	31	188	0	131	60%	219
Feb	234	1	0	39	196	0	141	60%	235
Mar	235	1	0	39	196	0	132	56%	236
Apr	235	1	0	44	191	0	135	57%	236
May	222	1	4	44	175	0	128	57%	223
Jun	193	0	4	37	152	0	102	53%	193
Jul	195	0	3	32	160	0	96	49%	195
Aug	180	0	1	30	149	0	83	46%	180
Sep	179	0	0	27	152	0	93	52%	179
Oct	159	0	0	15	144	0	81	51%	159
Nov	173	0	0	16	157	0	89	51%	173
Dec	154	0	0	14	140	0	75	49%	154
2014									
Jan	183	0	0	20	163	0	76	42%	183
Feb	210	0	0	28	182	0	104	49%	210
Mar	202	0	0	24	178	0	104	52%	202
Apr	196	0	0	27	169	0	100	51%	196
May	214	1	0	33	182	0	112	52%	215
Jun	201	1	0	32	170	0	99	49%	202
Jul	191	1	0	22	170	0	93	48%	192

- 3.2 On 26 February 2014, the military authorities released data indicating that 1,004 Palestinian children from the West Bank were detained by the Israeli military in 2013.¹³ According to the same source, 349 of these children were transferred to the Palestinian Authority. Out of the remaining 655 children, 465 were indicted. No data was provided as to how long the 539 children who were not indicted remained in Israeli custody. However, under Israeli military

law a child can be detained for up to 130 days prior to indictment. MCW is unable to independently verify these figures.

3.3 Concerns remain that the data released by the IPS and the military authorities does not provide a comprehensive picture of the number of children arrested and detained and may understate the true position. For example, the figures published by the IPS only represent the number of children held in its facilities on a single day of each month when the children are counted for the official statistics. Accordingly, children who enter the system immediately after the monthly head-count, and are released before the next count, approximately 30 days later, may not be recorded in the IPS statistics. In other cases, boys are transferred to IPS facilities for up to one week and then released without ever appearing before a military court judge.¹⁴ It is unclear how many children fall into these categories and whether they appear in any official statistics.

3.4 The shortcomings in the available data can be readily observed by reference to some recent cases. According to the IPS data, no Palestinian child below the age of 14 has been detained in its prisons since August 2013 (see Table 4 above). This data is capable of creating the impression that no Palestinian child below the age of 14 was detained by the Israeli military in the West Bank during the same period. However, as the examples below indicate, this is not the case. In one instance presented below, in March 2014 a 13-year-old was held for eight days in an IPS operated facility in Jerusalem (Al Mascobiyya).¹⁵ However, this boy does not appear in the IPS statistics for that month. It should be noted that the list below is not exhaustive and MCW has no way of knowing how many children, including children below the age of 14, are being detained at any given time.

Table 5 - Evidence of children detained by the military and not recorded in public data

#	Name	Age	Date of arrest	Detention period
1	K.C.	13	14 Nov 2013	8 hours
2	Y.T.	12	31 Dec 2013	5 hours
3	A.M.	13	1 Jan 2014	8 hours
4	F.Z.	12	26 Feb 2014	10 hours
5	J.M.	13	12 Mar 2014	19 hours
6	M.A.	13	16 Mar 2014	9 hours
7	K.T.	13	17 Mar 2014	8 days
8	I.W.	13	19 May 2014	11 hours

4. Some key developments

4.1 In recent years there have been a number of developments in the military detention system relating to minors worth noting, such as: the provision of some education for Palestinian children held in Israeli detention; the establishment of the Military Juvenile Court; new procedures for the use of hand-ties; a partial rise in the age of majority; a reduction in the time in which children must be brought before a military court judge for the first time; remand hearings for children generally held separately from adults; a reduction in the time a child can be detained before being indicted; a reduction in the time between indictment and the conclusion of the trial from two years to one; no children held in administrative detention since December 2011; children generally being separated from adults in detention; and the introduction of a pilot scheme to issue summonses in lieu of night-time arrests.

4.2 Some of these developments require further consideration:

- (i) ***Education in prison (1997)*** – In a landmark ruling in the Tel Aviv Central Court in 1997, the right of Palestinian child detainees to access education on an equal footing with Israeli children was established.¹⁶ However, the decision also held that this right would be subject to “security considerations”. Children continue to report that where education is provided in prison, it is generally limited to Arabic, Hebrew and sometimes mathematics and English. The education that is provided falls short of what is required to ensure that children are able to ease back into the Palestinian education system upon their release and a significant number of children subsequently drop out of school.
- (ii) ***Military Juvenile Court (September 2009)*** – A Military Juvenile Court was established in the West Bank in 2009.¹⁷ In March 2010, the UN Committee on the Rights of the Child expressed concern at this attempt to “incorporate juvenile justice standards within military courts” and recommended that children should never be prosecuted in military courts.¹⁸ Also in 2010, the UN Special Rapporteur on the Independence of Judges and Lawyers stated that: “the exercise of jurisdiction by a military court over civilians not performing military tasks is normally inconsistent with the fair, impartial and independent administration of justice. This should even more evidently apply in the case of children.”¹⁹ In July 2011, B’Tselem concluded that: “the amendments to the military legislation are marginal and have failed to bring about meaningful change in the military system’s treatment of minors.”²⁰ This conclusion is shared by MCW primarily due to the fact that no additional protection has been provided to children during the critical first 24 hours following arrest. Further, the Military Juvenile Court continues to admit evidence obtained unfairly during the first 24 hours, thereby providing no incentive for the military or police to adopt appropriate investigative procedures in accordance with accepted international norms.²¹
- (iii) ***New procedures for hand-ties (March 2010)*** – In 2010 the Office of the Israeli Military Advocate General stated that new procedures had been established and disseminated on the use of hand-ties, to prevent pain and injury. Under the new procedures, hands should be tied from the front, unless security considerations require tying from behind. Three plastic ties should be used; one around each wrist and one

connecting the two; there should be the space of a finger between the ties and the wrist; the restraints should avoid causing suffering as much as possible; and the officer in charge is responsible for ensuring compliance with these regulations. However, in October 2013, UNICEF reported that in 100 percent of the cases it sampled following the release of its Report, children still alleged being “painfully” hand tied.²² MCW’s own review indicates that the overwhelming majority of children continue to be tied in a manner contrary to army regulations.

- (iv) ***A rise in the age of majority (September 2011)*** – Israeli military law applied to Palestinians in the West Bank was amended to extend the jurisdiction of the Military Juvenile Court to adjudicate in trials involving children aged 16 and 17 years.²³ This amendment largely reflected existing practice. However, this amendment does not apply to the sentencing provisions. Accordingly, for offences carrying a maximum penalty of five years or more, children as young as 14 can still be sentenced as adults. In this context it should be noted that the maximum penalty for throwing stones is 20 years imprisonment, whilst attending an unauthorised protest carries a maximum penalty of 10 years imprisonment.²⁴
 - (v) ***Translation (2012-2014)*** – In order to ensure a fair trial, it is essential that all relevant materials and laws are translated into the language of the defendant – in this case Arabic. In 2012, some Israeli military orders were translated into Arabic and made available on the website of the Military Advocate General.²⁵ However, Military Orders 1711 and 1726 were only made available in Arabic on the Military Advocate General’s website on 30 June and 14 August 2014 respectively, some 10 to 15 months after they purportedly came into effect. Further, the simultaneous translation provided by non-professional translators in the military courts remains problematic, with one child complaining that the translation was sporadic and made no sense to him.²⁶ In February 2013, the Israeli Supreme Court, sitting as the High Court of Justice, delivered a judgment in *Khaled el-Arej v Head of the Central Command* in which it ruled that all indictments in the military courts must now be translated into Arabic, although the subsequent amendment to the military law allows for this right to be waived by the defendant – a situation that the Applicant’s legal counsel pointed out is inappropriate in the circumstances.²⁷ The Court did not rule on whether interrogation materials, court transcripts or judgments of the military courts have to be translated into Arabic. The decision of the High Court in *Khaled el-Arej* has itself not been translated into Arabic, even though Arabic is one of the official languages of the State of Israel.
 - (vi) ***Time periods to be brought before a judge (April 2013)*** – Israeli military law applied to Palestinians in the West Bank was amended to reduce the time period in which some children accused of “security” offences must be brought before a military judge following arrest.²⁸ The new time periods are as follows and can be doubled in “special circumstances”:
- 12-13 years – 24 hours
 - 14-15 years – 48 hours
 - 16-17 years – 4 days (as adults)

It is relevant to note that these new time periods are still twice as long as those applied to Israeli children living in West Bank settlements. As noted, this amendment to the law was translated into Arabic 15 months after it purportedly came into effect.

- (vii) ***Maximum period of detention between being indicted and conclusion of trial (April 2013)*** – Israeli military law applied to Palestinians in the West Bank was amended to reduce the time period between indictment and the conclusion of the trial from two years to one.²⁹ It is relevant to note that the new time period is still twice as long as that applied to Israeli children living in West Bank settlements.³⁰

- (viii) ***Remand hearings heard separately from adults (June 2013)*** – UNICEF has reported that it was notified by the Military Prosecutor in June 2013 that remand hearings for children will be held separately from adults as a result of an oral agreement between the prosecution and the military judges.³¹ MCW can confirm that remand hearings for children are being held separately from adults in about 70 percent of cases.

- (ix) ***Time period for remand reduced (October 2013)*** – Israeli military law applied to Palestinians in the West Bank was amended to reduce the time period in which a child can be held on remand before being charged from 150 days to 130 days.³² It should be noted that the new time period is still more than three times longer than the time period applied to Israeli children living in West Bank settlements. As noted, this amendment to the law was translated into Arabic 10 months after it purportedly came into effect.

- (x) ***Audio-visual recording of interrogations*** – According to information released by Israel's chief military prosecutor in the West Bank in February 2014, out of the 1,004 children detained in 2013, 343 had at least part of their interrogations audio-visually recorded. However, MCW is unaware of a single case in which an audio-visual tape of an interrogation involving a child was handed over to defence counsel prior to the first hearing in accordance with the recommendation included in the UK Report.³³ Further, the documented practice of conducting multiple interrogations in which only one is recorded renders any audio-visual recording largely ineffectual and highlights the need for the introduction of appropriate protocols for the use of recordings and the rejection of all evidence not obtained accordingly.³⁴ Currently there is still no legal duty to audio-visually record interrogations involving minors and interrogations by the Israeli Security Agency (ISA) (Shin Bet) are still not officially recorded.

- (xi) ***High Court tacitly endorses unlawful discrimination (Ministry of Palestinian Prisoners v Minister of Defence) (April 2014)*** – The Appellants argued that applying different time periods under which an accused person must be brought before a judge depending on whether that person is Palestinian (subject to military law) or an Israeli settler (subject to civilian law) violates both international and Israeli law on discrimination and the relevant laws should be equal. In largely dismissing the petition, the Court noted that the military authorities had gone some way to reducing the gap between the two legal systems, and given the prevailing security situation in the West Bank, the differences were "reasonable and proportional".³⁵

(xii) **Pilot scheme to end night arrests (April 2014)** – Due to the adverse psychological and physical impact of night arrests, the UK Report recommended that children should not be arrested at night “save for in extreme and unusual circumstances” and that a pilot study of issuing summonses as an alternative should be carried out.³⁶ UNICEF also made a similar recommendation in March 2013.³⁷ Although few details have been made public it would appear that the pilot scheme was introduced in or about April 2014. So far in 2014, in **44 per cent** of cases documented by MCW children were arrested at night, compared with **49 per cent** in 2013.³⁸ Although there has been a small reduction in the percentage of children being detained at night, there are a number of issues of concern that cast doubt on the *bona fides* of the pilot study:

- a) In **67 per cent** of cases where summonses were used, they were delivered by the military after midnight in a process that continues to terrify the civilian population;

Table 6 - Evidence of summonses in lieu of night arrests

Name	Age	Date	Location	Time of delivery	Method of delivery	Complied with
R.A.	16	23 Apr	Beit Ummar	Day	Phone	Yes
M.W.	16	14 May	Al Fawwar	Night	Military	No
I.W.	13	19 May	Al Fawwar	Night	Military	No
A.A.	14	19 May	Aida	Night	Military	Yes
J.M.	13	22 May	Deir Nidham	Day	Phone	No
S.M.	15	26 May	Beit Awwa	Night	Military	Yes

- b) In **33 per cent** of night arrest cases documented by MCW since April 2014, the child was released within 24 hours and in **60 per cent** of cases, within one week. In **93 per cent** of cases the child was released in less than three months. This data would suggest that a significant proportion of children arrested at night do not fall into the “extreme and unusual circumstances” category thereby calling into question why it was deemed necessary to arrest them at night in the first place;
- c) In a standard form summons printed in Hebrew and Arabic obtained by MCW in May 2014, relevant handwritten information has been inserted in Hebrew without any Arabic translation. A copy of this summons is included in **Annexure A**; and
- d) It should be noted that the military continues to enter Palestinian villages at night in circumstances where no arrests are made. During these night time incursions, villagers report that soldiers frequently fire tear gas and stun grenades in an exercise which generally terrifies the local community. For example, in May 2014, during the middle of school exams, the Israeli military entered the Palestinian village of Deir Nidham, located approximately 15

kilometres north of Ramallah, on 16 separate nights only on two of which was anybody arrested.³⁹

- (xiii) *Military Appeals Court considers the right to professional assessment prior to detention on remand (K.T. v Military Prosecutor) (June 2014)* - The Military Appeals Court upheld the appeal and rejected the chief prosecutor's argument that the court had no authority to order the pre-trial assessment of minors by a social worker.⁴⁰ On 19 August 2014, Israel's Attorney General added his support for an amendment to the military law to ensure that a Palestinian minor could be psychiatrically assessed prior to the military court's determination whether or not to hold the minor on remand pending the conclusion of the legal proceedings. However, according to media reports the Military Advocate General has refused to say whether he will adopt the Attorney General's position.⁴¹

5. Current review of the evidence

- 5.1 As noted there have been a number of key developments in the military detention system in recent years, but the ultimate litmus test still remains: how are children being treated in practice? For many years it has been observed that most complaints of ill-treatment relate to the first 24 hours following arrest. It was during this time frame that some children were arrested in the middle of the night, painfully hand-tied and blindfolded, denied basic care, such as adequate food, water and access to toilets, reported being physically assaulted, and were denied access to lawyers, parents and information about their basic rights, such as the right to silence or access to a lawyer. These children were then interrogated whilst sleep deprived and would frequently provide confessions under coercion. Conviction before a military court judge was then the norm after bail was denied, which would be followed, in many cases, by transfer and detention to prisons inside Israel in violation of the Fourth Geneva Convention.
- 5.2 Since UNICEF concluded in March 2013 that "the ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized throughout the process," MCW has continued to collect testimonies from children arrested by the Israeli military in the West Bank. The testimonies were selected randomly in the sense that no prior enquiry was made as to the nature or seriousness of the allegations. Further, the children who provided the testimonies come from all regions of the West Bank. The testimonies focus on the initial period of detention with particular regard to the first 24 hours following arrest.
- 5.3 A summary of the findings obtained following analysis of this evidence is presented in the tables below. The first table presents the findings following an analysis of all evidence collected by MCW since November 2012. The second table provides a comparison between children arrested in 2013 and 2014. A comprehensive table of these findings is available at the end of the report. (**Annexure C**)

Table 7 - Analysis of 105 testimonies collected by MCW since November 2012

#	Description	No	%
1	Hand tied	99	94%
2	Blindfolded	89	85%
3	Signed/shown documents in Hebrew	72	69%
4	Physical abuse	63	60%
5	Arrested at night	49	47%
6	Transferred on floor of vehicle	48	46%
7	Threats	47	45%
8	Verbal abuse	41	39%
9	Strip searched	27	26%
10	Informed of right to silence	13	12%
11	Summons in lieu of night arrest ⁴²	6	12%
12	Parent present throughout interrogation	6	6%
13	Consulted with lawyer before interrogation	5	5%
14	Solitary confinement	3	3%

Table 8 - Comparisons between 2013 (53 testimonies) and 2014 (50 testimonies)

#	Description	2013		2014		Progress
		No	%	No	%	
1	Hand tied	49	92%	48	96%	No
2	Blindfolded	44	83%	44	88%	No
3	Signed/shown documents in Hebrew	33	62%	38	76%	No
4	Physical abuse	30	57%	31	62%	No
5	Arrested at night	26	49%	22	44%	Yes
6	Verbal abuse	24	45%	16	32%	Yes
7	Transferred on floor of vehicle	24	45%	23	46%	No
8	Threats	22	42%	24	48%	No
9	Strip searched	16	30%	11	22%	Yes
10	Informed of right to silence	2	4%	11	22%	Yes
11	Parent present throughout interrogation	2	4%	4	8%	Yes
12	Solitary confinement	2	4%	1	2%	Yes
13	Consulted with lawyer before interrogation	0	0%	5	10%	Yes
14	Summons in lieu of night arrest	0	0%	6	12%	Yes

5.4 Included at the end of this report is also a sample of 10 testimonies provided by children arrested in 2014 (**Annexure E**).

6. Analysis of the evidence

The arrest

- 6.1 In 2014, **44 per cent** of children continue to report being arrested in the middle of the night in what are frequently described as terrifying military raids, compared with **49 per cent** in 2013. Although a pilot scheme to issue summonses in lieu of night arrests was finally introduced in or about April of this year, the reduction in the number of children that report being arrested at night is so far marginal. According to information released by the military authorities in February, a total of 170 children were arrested at night in 2013.⁴³ Assuming children are not being singled out for special treatment and a similar proportion of adults were arrested at night, these figures suggest that multiple night raids are being conducted in Palestinian villages virtually every night of the year.⁴⁴
- “I was asleep when my brother woke me up telling me there were Israeli soldiers around the house. It was around 4:00 a.m. I heard loud banging at our front door. My father went to answer but the soldiers broke it down and stormed into the house before he managed to open it.” – (M.F. – 29 July 2014)*
- 6.2 So far this year, **96 per cent** of children still report being restrained upon arrest, up from **92 per cent** in 2013. In the overwhelming majority of cases children are initially tied with plastic ties, which are replaced sometime later with metal handcuffs. In **77 per cent** of cases where plastic ties are being used, Israeli military regulations for their use are not being followed.⁴⁵ The majority of children continue to report that their hands are tied using a single plastic tie, which is frequently described as “painful” or “very painful”. In **34 cases (68 per cent)** children reported that they were restrained during interrogation in a secure facility and in **2 cases (4 per cent)** children also reported being blindfolded during questioning. In every case (**100 per cent**) children continue to appear in the military courts wearing leg shackles. In the overwhelming majority of cases (**88 per cent**) children were also blindfolded or hooded upon arrest, compared with 83 per cent in 2013, treatment that should never occur according to the UK Report and UNICEF.⁴⁶
- “Inside the troop carrier I was tied to the front with one plastic tie which was painful. When I complained to the soldier he just ignored me.” – (N.N. – 24 July 2014)*
- 6.3 The majority of children also report that neither they nor their parents were informed in writing of the reasons for arrest or where the child was being taken. According to UNICEF, the UN agency was given assurances by Israeli officials that the military had introduced forms to notify parents of reasons for arrest and whereabouts of the child in April 2013. In spite of these assurances, as of October 2013 UNICEF was unable to find any evidence that these forms were actually being used in the field.⁴⁷ An Israeli official made a similar assurance in February 2014 suggesting that these forms were in fact introduced in January 2014.⁴⁸ So far in 2014, MCW has documented **7 cases (14 per cent)** in which parents were provided with a document stating
- “He also blindfolded me and told me I was under arrest. He didn’t tell us why and didn’t present us with any written documents. They also tied my father and my brother but didn’t arrest them.” – (M.F. – 29 July 2014)*

where the child would be taken and a telephone number to call. However, in one of these cases when the boy's father attempted to call the number provided in the document no one answered the phone.⁴⁹ A translated copy of the form provided to one of the parents is included at the end of this report (**Annexure D**). Occasionally, children and parents also report being asked by the military to sign a document stating that the child was not mistreated. In a further **4 cases (8 per cent)** parents were served with written summons at night in which the particulars were written in Hebrew (**Annexure A**). MCW has seen no evidence of any forms being provided to adults or children upon arrest with information about their rights whilst in custody.

The transfer

- 6.4 Nearly half of all children (**46 per cent**) continue to report being placed on the metal floor of military vehicles during their transfer to an interrogation centre – this compares with 45 per cent in 2013.

“They made me sit on the metal floor of the jeep, which was wet. I could smell urine. My clothes got wet but I was too scared to complain.” – (Q.J. – 14 February 2014)

Whether a child is placed on a seat or transferred on the floor appears to be entirely arbitrary and dependent on whether there are enough seats in the vehicle for the arresting soldiers. This mode of transport causes additional mental and physical stress to the child who is usually painfully tied and blindfolded at the time.

- 6.5 Nearly two-thirds of all children (**62 per cent**) report some form of physical abuse during their arrest, transfer or interrogation consisting of beating, slapping and kicking on various parts of the body including to the head and face – this compares with 57 per cent in 2013.

“A soldier tightened the plastic tie even more. I screamed in pain and he hit me hard in the back. I remained in the caravan until 3:00 a.m. when a policeman took me for interrogation.” – (R.J. – 26 June 2014)

In one case documented by MCW, a child reported being tasered during his arrest, and again during interrogation in the police station in Kiryat Arba settlement in April 2013. In **32 per cent** of cases children also report being verbally abused, which usually consists of insults directed at the child's mother or sister – this compares with 45 per cent in 2013.

- 6.6 In many cases the journey to the interrogation centre continues to be drawn out over many hours. During this time children are taken to military bases or settlements throughout the West Bank and put in shipping containers or left outside for a number of hours. Children generally remain tied and blindfolded and are sometimes kicked or slapped to keep them awake before interrogation. At this stage children frequently go without food or water. It also appears to depend very much on the individual soldier guarding the child as to whether he will be permitted to use the toilet facilities or not at this stage in the process. Children are usually taken to see a medical officer at this point and asked some questions about their health. In the presence of the medical officer the child's blindfold is usually removed but the hands sometimes remain tied. Later on during

“About two hours later a soldier walked in and asked me to make a sound like a goat. When I refused the soldier slapped me and kicked me in the back and on my legs.” – (Q.J. – 14 February 2014)

the day, the child will be loaded back into a military vehicle and the journey to the interrogation centre will resume.

The interrogation

- 6.7 The evidence indicates that the majority of children are interrogated by Israeli policemen inside West Bank settlements. In **78 per cent** of cases documented by MCW in 2014, the child was not informed of his right to silence – this compares with 96 per cent in 2013. In only **8 per cent** of cases were parents permitted to accompany their child during interrogation – compared with 4 per cent in 2013.⁵⁰ Whilst more children are at some point being informed of their right to consult with a lawyer, in **90 per cent** of cases children are still unable to obtain legal advice prior to questioning.⁵¹ Most frequently children are told that they have a right to consult with a lawyer once their interrogation is complete and most continue to meet their lawyer for the first time inside the military court complex.
- 6.8 In 2014, children continue to report being physically assaulted, threatened and/or verbally abused during the course of their interrogation. Although almost all children initially deny the allegations put to them, whether innocent or not, many ultimately confess citing the manner in which they were treated as being the primary reason for their confession. In the circumstances it is impossible to determine the accuracy or otherwise of this confessional evidence which must be viewed as inherently unreliable in the circumstances. In **68 per cent** of cases children report that either their hands or ankles (or both) remained shackled during interrogation, and in some cases children report being tied to a chair. In **4 per cent** of cases children also report that they remained blindfolded during questioning.
- 6.9 MCW is unaware of any case in which a child's interrogation was audio-visually recorded and the tape was provided to defence counsel prior to the first hearing in accordance with a recommendation included in the UK Report.⁵² According to data released by the military in February 2014, of the 1,004 children arrested in 2013, 343 had at least part of their interrogations

“The interrogator told me his name was Rafi. He was wearing a police uniform. He did not tell me about my right to silence and immediately asked me if I remembered the day when my uncle’s agricultural shack was demolished by the Israeli army. I told him I did remember that day. Then he told me I was accused of throwing stones at the soldiers who were demolishing the shack [...] When the interrogation was over he asked me whether I wanted to consult with a lawyer.” – (S.M. – 26 May 2014)

“Then I was interrogated again by another interrogator inside the watchtower. I was still blindfolded. He tied me to a chair with a rope. He cocked his gun and made other terrifying sounds with metal chains and an electric taser.” - (N.A. – 19 March 2014)

“The interrogator cut off the ties and removed the blindfold. He did not inform me of my right to silence. He immediately started to laugh at me. He threatened to bring someone called Abu Ali to beat me up. Then he told me to take off my clothes because he wanted to have sex. Then he started to interrogate me.” – (M.A.T. – 7 April 2014)

audio-visually recorded.⁵³ MCW cannot independently verify this data but notes that none of the tapes were handed over to defence counsel prior to the first hearing.

- 6.10 Although the interrogations are conducted in Arabic, in **76 per cent** of cases documented by MCW in 2014, children report being shown, or made to sign, documentation written in Hebrew at the conclusion of their questioning – this compares with 62 per cent in 2013. The interrogation process takes on

“The interrogation lasted for about an hour and in the end the interrogator showed me a document written in Hebrew and asked me to sign it. I signed it even though I didn’t understand its contents.” – (H.T. – 17 March 2014)

a number of different forms and varies from case to case. However, a general description of the manner in which interrogations conducted by the ISA (Shin Bet) and the police are documented is as follows:

- (i) **ISA (Shin Bet) interrogations** – ISA interrogations are usually conducted in one of five facilities inside Israel. These interrogations are not audio or visually recorded, or if they are, tapes are never provided to defence counsel.

“Then he threatened that if I didn’t confess he was going to arrest my elder brother and put back in prison. He also threatened to put me in prison for three years if I didn’t confess.” – (O.A. – 1 January 2014)

The ISA interrogator generally writes a summary of the interrogation in Hebrew. An interrogation lasting 10 hours will typically be summarised in 4-5 pages. These summaries are generally not signed by the accused.

- (ii) **Police interrogations** – Many interrogations conducted by the Israeli police in the West Bank are audio recorded. This is mainly due to the fact that few Israeli police can write in Arabic. The investigations are conducted in Arabic and written in Hebrew. The accused person is then made to sign the document written in

“I was alone in the room with the interrogator. He did not inform me of any rights. He was holding a metal chain, pliers and something that looked like an electric taser. He asked me whether I knew why I was there. I told him I thought the soldiers had made a mistake and they were probably after someone else. The interrogator told me the soldiers don’t make mistakes.” – (M.B. – 2 February 2014)

Hebrew. Defence lawyers report that most of the time there are significant differences between the audio recording and the statements written in Hebrew. Further, because most of the military court judges do not speak Arabic, they rely on the signed statements written in Hebrew.

- (iii) **Double interrogations** – MCW has documented a number of cases in which children report being interrogated by a person in civilian clothes where there is no recording or documentation of any description. These interrogations are generally coercive. If the child confesses, he is taken to another room where there is a policeman in uniform who then tells the child to repeat the confession whilst the policeman writes in Hebrew. The child then signs the document. The second interrogation is generally recorded.⁵⁴

- 6.11 In **2 per cent** of cases documented by MCW in 2014, children report being held in solitary confinement. If this percentage rate remains constant throughout 2014 and a similar number of children are detained as in 2013 (1,004), then one can expect approximately 20 children to be subjected to this form of treatment in 2014, which according to the UN frequently amounts to torture when applied to children and must be absolutely prohibited.⁵⁵

“I also spent two days in solitary confinement as punishment because the prison authorities found pebbles next to my bed which I had carved and made into shapes. During solitary confinement I was kept in a cell measuring 2x2 metres.” – (S.S. – 21 February 2014)

Military court proceedings

- 6.12 In the overwhelming majority of cases children continue to meet their lawyer for the first time in court, after the conclusion of their interrogation. Children are still brought to court in

“There was an interpreter who spoke Arabic but he only translated one out of every 10 words. His translation didn’t make any sense to me.” – (B.T. – 18 February 2014)

brown prison uniforms, handcuffed and shackled by the ankles. Once inside the courtroom, handcuffs are removed but the ankle shackles remain. Although information published by the Military Courts Unit (Updated – April 2013) states that “as a rule, proceedings in the Military Courts are open to the public” and that in camera hearings are “done only in special circumstances and where specific strict grounds are met”, MCW has observed that since mid-September 2013, an increasing tendency by some military court judges to exclude observers from attending hearings involving minors, in some cases even when the family has expressed a wish for them to be present.

- 6.13 The outcome of the entire court process is generally determined early on during the initial application for bail. Bail is frequently denied with the result that the quickest way out of the system for less serious offences is to plead guilty, whether or not the offence was committed. For the same reason, few children raise allegations of mistreatment before the military courts as this will simply delay the process.

“On 19 March, soldiers came in the morning and said they would take me to Ofer military court. I was handcuffed and shackled and driven for about an hour. When we arrived at Ofer I was immediately taken into court where I saw a lawyer for the first time. My parents were not in court because they were not informed. The court hearing was adjourned until 23 March, and I was taken back to Al-Mascobiye. On 23 March I was taken back to Ofer military court. This time my father was there and a different lawyer.” – (K.T. – 17 March 2014)

Imprisonment

- 6.14 At some stage following arrest the child will be thoroughly searched. Although UNICEF recommended that strip-searching children should

“At Etzion a soldier told me to strip because he wanted to search me. When I refused to take off my underwear he slapped me hard on my face. I then took my underwear off.” – (N.N. – 24 July 2014)

only occur in exceptional circumstances and under strict guidelines, this does not appear to be the case.⁵⁶ In **22 per cent** of cases children continue to report being strip-searched and in none of these cases does it appear that the guidelines recommended by UNICEF were followed. This compares with 30 per cent in 2013. In some cases there appears to be a deliberate attempt to humiliate the child whilst he is being strip searched.⁵⁷

- 6.15 Although UNICEF recommended that the administrative procedures for obtaining a permit to visit a child in prison should take no more than 14 days to process, children continue to report delays sometimes involving several months before their parents are issued with visitation permits.⁵⁸ In some cases children report receiving no visits either because

“I had six other court hearings. On the last one the judge sentenced me to three months in prison with a suspended sentence of one year for three years. I was also fined 2,000 shekels. I spent my prison sentence in Ofer. I was allowed to study Arabic and Hebrew. My family did not visit me in prison because the permit procedures are complicated. I was released on 10 August 2014.” – (M.W. – 14 May 2014)

permits are denied on “security” grounds, or because the procedure for the permit takes longer than the actual prison term. In one case, a child reported that he was denied family visits as a punishment imposed by the prison authorities for not obeying prison directions.⁵⁹ UNICEF also recommended that children be entitled to regular telephone communication with their families whilst in detention. As far as MCW is aware no steps have been taken to implement this recommendation and there remains a total ban on telephone communication between Palestinian children in detention and their parents.

- 6.16 As noted above, the education provided to Palestinian children in Israeli prisons remains limited and fails to ensure the child’s smooth transition back into the Palestinian school system upon release.

“I found it hard to fall asleep the first few nights back at home. Whenever I hear the sound of stun grenades or tear gas in the village my heart sinks. I used to hang out with my friends a lot but now I don’t. I stay away from them. I also missed four days of school just before my final high school exams. I have a lot of catching up to do.” – (J.T. – 23 May 2014).

Release and rehabilitation

- 6.17 Some children continue to report that their parents were not informed of their release date and accordingly had to make their own way home. In other cases parents are given the wrong location for their child’s release and wait for many hours at a checkpoint whilst their child is released at another location, often many kilometres away. As in 2013, some children who are detained by the army and released within a relatively short period of time

“A policeman drove me and the other boy to the bus station in Jerusalem. We didn’t have any money on us so we explained to the bus driver our situation and he gave us a free lift to Bethlehem. In Bethlehem we went to the other boy’s relatives who ordered a taxi, which took us home to the village. When I got home I found out that my parents had gone to Ofer prison thinking I was going to be released there. They waited until late at night before they gave up. When they got home I was already there.” – (H.T. – 17 March 2014)

report being asked to sign documents prior to release stating that they have not been mistreated whilst in military custody. Some children report signing these documents even though they also allege they were mistreated – the explanation provided by one child being that he just wanted to go home.

- 6.18 Although UNICEF recommended that child victims of ill-treatment should obtain redress and adequate reparation, including rehabilitation and compensation, no steps have been taken to implement this suggestion.⁶⁰ The primary rehabilitation services that are available to Palestinian children are provided by Palestinian and international organisations largely funded by U.S. and E.U. donors.

“Then I was taken in a jeep and dropped at Atara checkpoint at around midnight. I waited for a short while before the Palestinian police arrived and took me home. I arrived home at around 12:30 a.m. It was a tough experience. I am now scared when I see soldiers in the village. I don’t want to go through the same experience ever again.” – (I.T. – 16 March 2014)

7. Unlawful transfer and detention outside the West Bank

- 7.1 One of the recommendations made in the UK Report was that Palestinian children from the West Bank must not be transferred or detained in facilities located inside Israel in violation of international law.⁶¹ The view that Israel’s detention of Palestinian prisoners inside Israel violates article 76 of the Fourth Geneva Convention is also shared by the UK Government.⁶² However, according to data released by the IPS, around **50 per cent** of Palestinian child detainees and 90 per cent of adults continue to be transferred and unlawfully detained inside Israel every month (see Table 4 above).
- 7.2 Evidence in the public domain indicates that the UK registered security company, G4S, continues to provide a material contribution, in terms of equipment and maintenance services, to Israeli prisons where Palestinians from the West Bank are being unlawfully detained and intends to continue doing so until 2017.⁶³ Whilst the UK Government maintains that international law does not impose obligations on corporations, the Geneva Conventions Act (1957) (UK) and the International Criminal Court Act (2001) (UK) make it a criminal offence for an individual, including company directors, to aid and abet grave breaches of the Convention.⁶⁴ As far as MCW is aware, no formal investigation has yet been undertaken by UK authorities as to whether the UK directors of G4S are committing offences under these provisions.

8. Unlawful discrimination

- 8.1 Another recommendation included in the UK Report relates to the non-discriminatory application of rights and protections to all children living in the West Bank.⁶⁵ This is based on the fundamental legal principle that no State is permitted to discriminate between those over whom it exercises penal jurisdiction based on race or national identity.⁶⁶
- 8.2 Since 1967, Israel has exercised penal jurisdiction over both Palestinians and Israeli settlers living in the West Bank. Although Israeli military law technically applies to all individuals in

the West Bank, an “Israeli” (as defined) present in the West Bank can be tried before a civilian court.⁶⁷ Accordingly, an “Israeli” in the West Bank is in theory subject to concurrent jurisdiction (civilian and military) but is invariably prosecuted in the civilian jurisdiction as a matter of policy.⁶⁸ In most conflict situations the issue of unlawful discrimination does not arise. However, in the context of Israel’s occupation of Palestinian territory, the issue of unlawful discrimination has arisen as a direct consequence of settlement activity in the West Bank. Whilst there is no serious dispute that Israel’s settlements are illegal, there is also no lawful justification upon which Israel can discriminate between persons over whom it exercises penal jurisdiction in the West Bank.

- 8.3 It should be noted that this does not mean that Israel must apply its civilian law to Palestinians in the West Bank, as this would be viewed as an element of *de jure* annexation. However, it does mean that the laws applied to Palestinians in the West Bank must contain rights no less favourable than those applied to Israelis in the settlements. It must also be noted that the rights and protections afforded to Palestinians living under occupation are ultimately derived from international law, which may in some cases exceed the rights and protections provided under Israeli civilian law, particularly in the current circumstances of a military occupation that has now entered its 48th year.⁶⁹ The following table presents examples of how Palestinian and Israeli children living in the West Bank are treated differently under the applicable laws. The discrepancies widen when actual practice is taken into consideration.

Table 9 - Rights of Palestinian and Israeli children in the West Bank – Comparative table

#	Description	Israeli child		Palestinian child	
1	Minimum age of criminal responsibility	12 ⁷⁰		12 ⁷¹	
2	Minimum age for custodial sentences	14 ⁷²		12 ⁷³	
3	Age of majority	18 ⁷⁴		16-18 ⁷⁵	
4	Prohibition against night interrogation	Yes ⁷⁶		No	
5	Legal right to have a parent present during questioning	Yes ⁷⁷ (exceptions apply)		No	
6	Legal right to consult with a lawyer prior to questioning	Yes ⁷⁸		Limited ⁷⁹	
7	Legal requirement for interrogations to be audio-visually recorded	Partial ⁸⁰		No	
8	Maximum period of detention before being brought before a judge	12-13 yrs	12 hrs ⁸¹	12-13 yrs	24 hrs ⁸²
				14-15 yrs	48 hrs ⁸³
		14-17 yrs	24 hrs	16-17 hrs	4 days ⁸⁴
9	Maximum period of detention without access to a lawyer	48 hours ⁸⁵		90 days ⁸⁶	
10	Maximum period of detention without charge	40 days ⁸⁷		130 days ⁸⁸	
11	Maximum period of detention between being charged and conclusion of trial	6 months ⁸⁹		1 year ⁹⁰	

- 8.4 As already noted, the Israeli Supreme Court, sitting as the High Court of Justice, recently considered the application of different legal provisions in the West Bank in the context of the time periods within which an accused person must be brought before a judge (*Ministry of Palestinian Prisoners v Minister of Defence*).⁹¹ The Appellants argued that applying different time periods under which an accused person must be brought before a judge depending on whether that person was Palestinian (subject to military law) or an Israeli settler (subject to civilian law) violates both international and Israeli law and the relevant laws must be equal. In largely dismissing the petition, the Court noted that the military authorities had gone some way to reducing the gap between the two legal systems, and given the prevailing security situation, the differences are "reasonable and proportional" – effectively giving the Court's *imprimatur* to unlawful discrimination.

9. Accountability

- 9.1 The UK and UNICEF reports combined made seven recommendations relating to accountability in recognition of the importance in holding individuals accountable for their actions. However, according to data released by the Israeli military authorities, out of the 1,004 Palestinian children who were detained by the military in 2013, only **30 children (3 per cent)** lodged formal complaints relating to their treatment.⁹² The question is whether this relative absence of complaints is an indication that the system is functioning reasonably well in accordance with established international norms, or whether there are other reasons to explain this lack of engagement with formal Israeli complaint mechanisms?
- 9.2 Other reasons that may shed some light on this absence of engagement by Palestinians with Israeli complaint mechanisms are:
- (i) A common response in reply to the question: "would you like to submit a complaint" is: "why would I submit a complaint to the same authorities that abused my child?" Anecdotal evidence suggests that after 47 years of military occupation few Palestinians have any faith in Israeli institutions.
 - (ii) According to a number of Israeli organisations there is some justification for this absence of faith in the official complaint mechanisms. Indeed, the success rate is so low that MCW does not currently file any complaints, as there are no reasonable prospects of success (see Table 10 below).
 - (iii) When individuals do file complaints they are generally requested to go to an Israeli police station located inside a settlement to provide a statement. Although an adult can generally accompany children for this purpose, the adult is not permitted to be present whilst the statement is being taken. There have even been cases where complainants were told to go to the same police station where the alleged abuse occurred. The lack of accompaniment and the general circumstances discourages the filing of complaints. There is also a fear that attempts will be made to recruit the child as an informant or place undue pressure on the child to change his story should he go alone to the authorities. Settlements, for most Palestinians, are places to be avoided, as is Israeli military authority.

- (iv) Few complaints are raised in court about mistreatment as this tends to delay the court process potentially prolonging the period spent in custody. For the overwhelming majority of children who are facing relatively short prison sentences (2-4 months) it is quicker to plead guilty than to challenge the system in anyway, including by alleging mistreatment or coercion.
- (v) Some families are reluctant to file complaints for fear of retaliation. This is particularly the case in situations where a family member has a permit to work inside Israel. There is little hard evidence of actual retaliation against those who file complaints, but the perception is enough to discourage many.
- (vi) In February 2014, Amnesty International reported on the available Israeli complaint mechanisms as follows: “The current Israeli system has proved woefully inadequate. It is neither independent nor impartial and completely lacks transparency.”⁹³

Table 10 - Accountability for complaints lodged against the military, police and ISA.

Party	Procedure	Result
Israeli army	Army regulations require that the Military Advocate General (MAG) conduct a criminal investigation in any case where a complaint of torture or cruelty of a person in custody is reported.	<ul style="list-style-type: none"> 97.5% of investigations were closed without indictment between 2009 and 2011. 100% of investigations were closed without indictment in 2012.⁹⁴ In 2013, one soldier was indicted and convicted of negligent homicide. 1.5% of the 133 cases alleging ill-treatment submitted by PCATI against soldiers between 2007 and 2013 resulted in indictments.⁹⁵
Israeli police	Complaints against the police must be submitted to the Department for the Investigation of Police Officers (DIP) within the Ministry of Justice.	<ul style="list-style-type: none"> 95% of cases submitted were closed without indictment between 2000 and 2011.⁹⁶
Israeli Security Agency	Complaints Inspector. ⁹⁷	<ul style="list-style-type: none"> 100% of cases submitted were closed without a criminal investigation being opened since 2001.⁹⁸

- 9.3 In June 2013, the Israeli Ministry of Justice announced that complaints made against Israeli Security Agency (ISA) (“Shin Bet”) interrogators will no longer be conducted by a serving ISA employee. Instead, complaints will now be handled by a Complaints Inspector independent of the ISA.⁹⁹ Reports indicate that this complaint mechanism became operational in January 2014.¹⁰⁰ However, according to a recent report published by PCATI, over 800 complaints have now been filed against ISA interrogators since 2001 and still there have been no criminal investigations.¹⁰¹

10. Concluding words

- 10.1 When the UK Report was published in June 2012, a representative from the Israeli Embassy in London stated that: “Israel notes the detailed recommendations in the report and will study them closely as part of its ongoing efforts to find the most appropriate balance between preventing violence and treating perpetrators with humanity”.¹⁰² Following the release of UNICEF’s report in March 2013, the Israeli Ministry of Foreign Affairs stated that it would “study the conclusions and work to implement them through on-going cooperation with UNICEF”.¹⁰³ Since these statements were made, the Israeli authorities have delegated the task of implementing the recommendations to the chief military prosecutor in the West Bank, himself a resident of a West Bank settlement built in violation of the Fourth Geneva Convention - the same Convention that establishes the jurisdiction of the military courts.¹⁰⁴ This fact alone raises a question mark over how genuine the civilian and military authorities are about implementing real and lasting change in accordance with international law.
- 10.2 As noted there have been a number of noteworthy developments in the system since the publication of the UK Report, including: a reduction in the time in which children must be brought before a military court judge for the first time; remand hearings for children generally held separately from adults; a reduction in the time a child can be detained before being indicted; a reduction in the time between indictment and the conclusion of the trial; children generally being separated from adults in detention; and the introduction of a pilot scheme to issue summonses in lieu of night-time arrests. But the litmus test remains: how are children actually being treated in practice?
- 10.3 Based on a review of the most recent evidence of children detained in 2014:
- (i) More children than last year report being tied and blindfolded upon arrest;
 - (ii) More children than last year report being transported on the metal floor of vehicles; and
 - (iii) More children than last year report being subjected to physical violence.
- 10.4 Whilst there has been a slight decrease in the number of children arrested at night following the introduction of the pilot scheme to issue summonses, 67 per cent of these summonses were served in the middle of the night by the military. And whilst it is the case that slightly more children are now being informed of their rights, 78 per cent of children are still not being informed of their right to silence and 90 per cent are prevented from consulting with a lawyer prior to questioning. At the conclusion of the interrogation stage, more children than ever

before are being shown, or made to sign, documentation written in a foreign language before appearing before military courts that still boast an overall conviction rate above 99 per cent.

- 10.5 As part of MCW's review, each of the UK Report's recommendations has been considered and assessed as to whether it has been substantially or partially implemented, or not implemented at all. After more than two years this review indicates that a mere **5 per cent** of the recommendations have been substantially implemented.

Table 11 - UK Report's 40 recommendations – Progress made in 2 years

#	Compliance	Number	Percentage
1	Substantially implemented	2	5%
2	Partially implemented	4	10%
3	Not implemented	34	85%

- 10.6 Based on the evidence, and the cumulative impact of the treatment on children (**Annexure C**), MCW is unable to provide an alternative assessment to UNICEF's conclusion that: "[T]he ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized throughout the process, from the moment of arrest until the child's prosecution and eventual conviction and sentencing."
- 10.7 MCW submits that it is unrealistic to expect any substantive improvement in the way children are being treated until adequate protection is provided during the first 24 hours. There are six core recommendations that, if effectively implemented, would provide this protection:
- (i) Children should only be arrested during daylight hours except in rare and exceptional circumstances.
 - (ii) All children, and their legal guardian, should be provided with a written statement in Arabic informing them of their legal rights in custody.
 - (iii) All children must consult with a lawyer of their choice prior to questioning.
 - (iv) All children must be accompanied by a family member throughout their questioning.
 - (v) Every interrogation must be audio-visually recorded and a copy of the tape must be provided to defence counsel prior to the first hearing.
 - (vi) Breach of any of the above recommendations should result in the discontinuation of the prosecution and the child's immediate released.
- 10.8 In August 2014, the UK delegation of British lawyers was booked to return to Israel/Palestine with a view to assessing progress made since the publication of the UK Report in June 2012. The return visit had to be postponed indefinitely due to the lack of availability of Israeli officials to meet with the delegation. The reason given for the lack of availability of any Israeli officials was the war in Gaza.¹⁰⁵ MCW will continue to monitor developments.

Annexure A
Summons – May 2014

צבא הגנה לישראל
ג'י'ש ה'נ'פ'א'ל א'ס'ר'א'ני'א'י

מ'ת"ק
מ'כ'ט'ב הא'ר'ת'ב'א'ט ו'ה'ת'ס'י'ק א'ס'ר'א'ני'א'י

ל'כ'בו'ד מ'ר':
ל'ע'ז'ר'ة الس'ف'ر
מ'ת'ו'ב'ת:
الع'נו'א'ן

ה'נ'ד'ו'ך: ה'ז'מ'נ'ה ל'מ'ת"ק

א'מו'ז'ו'ע: ד'ע'ו'ה א'ל'י מ'כ'ט'ב הא'ר'ת'ב'א'ט ו'ה'ת'ס'י'ק א'ס'ר'א'ני'א'י

1. ה'י'ב'ן מ'ז'מ'ן א'ל': ק'פ'ט'ן
ב'מ'ת"ק

א'נ'ך ה'ד'ע'ו א'ל':
ב'ת'א'ר'י'ד: 14.5 י'ו'ם: 09:00
י'ת'א'ר'י'ג: י'ו'ם: הש'ע'ה:

2. ע'ל'י'ך ל'ה'ב'יא א'ית'ך : ת.ז. ו'די'מ'ו'ך ז'ה
ع'ا'ي'ک ا'ح'ص'ار الت'ال'ي:

ח'ז'ת'מ'ות ה'מ'ת"ק
ח'ז'ת'מ'ות

ח'ת'מ' מ'כ'ט'ב הא'ר'ת'ב'א'ט ו'ה'ת'ס'י'ק א'ס'ר'א'ני'א'י
الت'و'ق'يع

Summons – Translation of formal parts

[Insignia]

Israel Defense Forces

District Coordination Office in _____

To: _____

Address: _____

Subject: Summons to the Israeli District Coordination Office in _____

1. You are summoned to meet with: _____ at the District Coordination Office

On: _____ Day: _____ Hour: _____

2. You have to bring the following with you: _____

Stamp of the District Coordination Office: _____ Signature: _____

Annexure B
UK recommendations - progress

The following table reproduces the 40 specific recommendations made in the UK Report and considers progress made during the intervening 2 years. A conclusion has also been provided based on whether the individual recommendation has been substantially or partially implemented, or not implemented at all.

Table 12 – Progress made in implementing the UK Report’s 40 recommendations

#	Specific recommendations	Progress	Conclusion
Arrest			
1	Arrests of children should not be carried out at night save for in extreme and unusual circumstances. A pilot study of issuing summonses as an alternative means or arrest should be carried out.	<p>Although few details have been made public it would appear that the pilot scheme was introduced in or about April 2014. So far in 2014, in 44 per cent of cases documented by MCW the children were arrested at night, compared with 49 per cent in 2013. Although there has been a small reduction in the percentage of children being detained at night, there are a number of issues that remain of concern and cast doubt on the <i>bona fides</i> of the pilot study:</p> <ul style="list-style-type: none"> • In 67 per cent of cases the summons was delivered at night.¹⁰⁶ • In 60 per cent of cases involving night arrests the child was released within one week indicating night arrests are not limited to “extreme and unusual circumstances”. • Where summonses are in writing, there is evidence that relevant details are written in Hebrew (Annexure A). • General lack of transparency. <p>It should be noted that according to data released by the military authorities, 170 Palestinian children were arrested in night-time raids on their homes in 2013. This figure cannot be independently verified.</p>	Partially implemented ¹⁰⁷
2	At the time of their arrest, all children should be informed, in their own language, of the reasons for their arrest and their right to silence, and relevant documents should be provided to them in that language.	So far in 2014, 14 per cent of children were informed of the reasons for their arrest in writing but in no case was a child informed of his right to silence upon arrest. As far as family members are concerned the overwhelming majority of arrests are not accompanied by any	Not implemented

		documentation whatsoever. ¹⁰⁸	
3	The parent or guardian of the child should be promptly notified, in their own language, of the arrest, the reasons for it and place of detention.	In only 14 per cent of cases documented by MCW in 2014, were parents promptly notified of the reasons for their child's arrest and the place of detention. In cases where parents were so informed, written notification was provided using a form written in Arabic (Annexure E). ¹⁰⁹	Partially implemented
4	Children should never be blindfolded or hooded.	In 88 per cent of cases documented by MCW in 2014, children continue to be blindfolded on arrest. In 4 per cent of cases children were also blindfolded during interrogation. ¹¹⁰	Not implemented
5	Methods of restraint should not be used unless strictly necessary. If used, they should respect the child's dignity and not cause pain or suffering.	In 96 per cent of cases documented by MCW in 2014, children continue to report being restrained upon arrest. This compares with 92 per cent in 2013. Children frequently report that the restraints are "painful" or "very painful". In 68 per cent of cases children remain restrained during interrogation in a secure military or police facility. In 100 per cent of cases children continue to wear leg shackles inside the military court. ¹¹¹	Not implemented
6	Single plastic hand ties should never be used. The existing prohibition should be monitored and enforced, and arresting personnel should be trained accordingly.	In 77 per cent of cases where plastic ties are being used, Israeli military regulations for their use are not being followed, most commonly because a single hand tie is used and/or because pain is inflicted due to their tightness. ¹¹²	Not implemented
7	Children should not be transported on the floor of vehicles. They should be properly seated and treated with dignity at all times.	In 46 per cent of cases documented by MCW in 2014, children continue to report being transferred on the floor of military vehicles. This compares with 45 per cent in 2013. ¹¹³	Not implemented
8	Children should be conveyed to the place of interrogation or detention without delay and provided with food and water.	Children continue to experience delays involving many hours before being conveyed to a place of interrogation or detention and reports continue to be received of a lack of water, food, toilet facilities and shelter from the elements. ¹¹⁴	Not implemented
9	The prohibition on violent, threatening or coercive conduct towards children should be strictly observed throughout all stages of arrest.	In 62 per cent of cases documented by MCW in 2014, children continue to report being subjected to physical violence. This compares with 57 per cent in 2013. ¹¹⁵	Not implemented
Interrogation			

10	On arrival at a place of detention, children should be immediately reminded of their right to silence. Their right to consult a lawyer prior to interrogation (in accordance with Military Order 1676) should be respected.	In 78 per cent of cases documented by MCW in 2014, children were not informed of their right to silence. In 90 per cent of cases children were not given the opportunity to consult with a lawyer prior to being interrogated. In order to ensure substantial compliance with this recommendation, it is submitted that the military courts must reject all evidence obtained in violation of these rights. ¹¹⁶	Not implemented
11	Children should have a parent or guardian present prior to and during their interrogation.	In 92 per cent of cases documented by MCW in 2014, children were interrogated in the absence of a parent or guardian. ¹¹⁷	Not implemented
12	Children should have access to a full medical examination both prior to and after interrogation. The assessment should document any complaints and findings and consider both the psychological and physical state of the child. The child's lawyer should have access to the assessment.	Children generally receive a cursory medical examination prior to their interrogation but not afterwards. There is no evidence that the medical examinations take into consideration the child's psychological state. Medical records are made available to the child's lawyer provided the lawyer knows how to make the application. However, due to the limited nature of the medical examination the probative value of these records is limited. ¹¹⁸	Not implemented
13	Interrogations should be conducted during daytime (in accordance with Israeli youth law), after an appropriate period of rest and refreshment, and only by specially trained youth interviewers.	In 16 per cent of cases documented by MCW in 2014, children were interrogated at night. ¹¹⁹ Further, in the 44 per cent of cases in which children are arrested at night, they are frequently prevented from sleeping until they are questioned many hours later during daylight hours. ¹²⁰ Few children are given an appropriate period of rest and refreshment before being questioned. ¹²¹ Finally, whether or not interrogations are being conducted by specially trained youth interviewers, it is clear that many interrogations do not comply with basic norms. ¹²²	Not implemented
14	Interrogations should be audio-visually recorded and the tapes should be made available to the child's lawyer.	According to information released by the military authorities, 343 interrogations involving minors were at least partially audio-visually recorded in 2013. MCW is unable to independently verify this figure. However, MCW is unaware of a single case in which the tapes of an interrogation were made available to defence counsel	Not implemented

		prior to the first hearing in accordance with recommendation 21. The military law has not been amended to reflect this recommendation and MCW continues to document cases suggesting a practice of conducting double interrogations in which only one is recorded. ¹²³	
15	Children should not be required to sign confessions and statements written in a language other than their own.	In 76 per cent of cases documented by MCW in 2014, children report either being shown or made to sign documents written in Hebrew at the conclusion of their interrogation. This compares with 62 per cent in 2013. ¹²⁴	Not implemented
16	The prohibition on violent, threatening or coercive conduct towards children should be strictly observed throughout all stages of interrogation and detention.	In 62 per cent of cases documented by MCW in 2014, children continue to report being subjected to physical violence. This compares with 57 per cent in 2013. ¹²⁵	Not implemented
Bail hearings, plea bargains and trial			
17	The maximum period of detention before production at court should be reduced to 24 hours and the periods of detention without charge should be reduced in line with Israeli youth law.	In April 2013, Military Order 1711 came into effect reducing the time period in which children aged 12-13 must be brought before a judge to 24 hours. Children aged 14 and above need not be brought before a judge for 48-96 hours. The time periods for all children can be doubled in “special circumstances”. In October 2013, Military Order 1726 came into effect reducing the time period in which a child can be held without charge to 130 days. This time period is more than twice as long as the time period permitted under the Israeli youth law. It should be noted that “partial implementation” only relates to children aged 12-13. ¹²⁶	Partially implemented
18	The Israeli Government should develop and implement procedures and programmes for children that constitute viable alternatives to custody.	In the context of a prolonged military occupation it is difficult to envisage “procedures and programmes” that could be implemented to satisfy this recommendation that would not involve a level of co-operation with the Palestinian Authority that would be politically difficult to implement. Whilst according to the military authorities approximately 35 per cent of detained children are transferred to the Palestinian Authority	Not implemented

		within a few days of their arrest, these children are subjected to the same treatment upon arrest. These cases generally involve situations where there is no evidence whatsoever against the child and accordingly cannot be viewed as “procedures and programmes” in the nature of diversion.	
19	All hearings, including applications for bail, should be heard in the youth court. Children should not be shackled at any time.	All military court judges have now been classified as “youth judges” and so technically all court appearances could be described as being before a youth court. However, all children appearing before the military courts continue to wear ankle shackles.	Partially implemented
20	There should be a presumption in favour of bail. At the first hearing, the court should only order custody as a last resort and should provide its reasons for any denial of bail.	Release on bail continues to be the exception and there appears to be a presumption against bail in cases involving an allegation of stone throwing.	Not implemented
21	The audio-visual tapes of the interrogations and viewing equipment should be provided to the defence prior to the first hearing.	MCW is unaware of a single case in which the tapes of an interrogation were made available to defence counsel prior to the first hearing in accordance with recommendation 21. The military law has not been amended to reflect this recommendation and MCW continues to document cases suggesting a practice of conducting double interrogations in which only one is recorded. ¹²⁷	Not implemented
22	Military prosecutors should not base prosecutions of children solely on confession evidence without first adopting a system of the kind set out in these recommendations, and should fully assess the conditions under which any confession was obtained.	No developments	Not implemented
23	Allegations or evidence from other children should not be relied upon if obtained in breach of these recommendations.	No developments	Not implemented
24	Any confession written in any language other than the child’s own should not be accepted as	There have been no developments. In 76 per cent of cases documented by MCW in 2014, children report either being	Not implemented

	evidence.	shown or made to sign documents written in Hebrew at the conclusion of their interrogation. It is unclear how many of these documents constitute confessions. ¹²⁸	
25	Trials should be dealt with expeditiously and in full compliance with international standards of justice.	No developments ¹²⁹	Not implemented
Sentencing and detention			
26	The Israeli prohibition against imprisoning children under the age of 14 should be extended to include Palestinian children.	No amendments have been made to the military law which still allows for the imprisoning of children aged 12 and 13 inclusive. The failure to amend the law results in continued discrimination between children in the West Bank depending on whether the child is Palestinian (subject to military law) or an Israeli settler child (subject to civilian law). Although data released by the IPS (Table 4) suggests that no Palestinian children aged 12 or 13 have been held in its prison facilities since August 2013, evidence collected by MCW (Table 5) indicates that children under 14 continue to be detained, and in one case, held for up to eight days in a facility operated by the IPS. ¹³⁰	Not implemented ¹³¹
27	Children should only be deprived of their liberty pending trial as a measure of last resort and for the shortest possible period of time.	The majority of children continue to be held on remand pending their trial. To date, the chief military prosecutor in the West Bank has resisted attempts to allow children to be professionally assessed prior to a determination whether or not to hold them on remand until the conclusion of the legal process. ¹³²	Not implemented
28	Solitary confinement should never be used as a standard mode of detention or imprisonment.	Evidence collected by MCW indicates that around 2 to 3 per cent of children continue to be held in solitary confinement, translating into 20 to 30 children per year. According to the UN this practice can amount to torture and must be absolutely prohibited in the case of children. This prohibition must be enshrined in law to ensure that this recommendation is implemented. ¹³³	Not implemented
29	The Israeli Government should develop and implement	In the context of a prolonged military occupation it is difficult to envisage	Not implemented

	procedures and programmes for children that constitute viable alternatives to custody focusing on rehabilitation and development.	“procedures and programmes” that could be implemented to satisfy this recommendation that do not involve a substantial level of co-operation from the Palestinian Authority that would be viewed by many as unwarranted collaboration with the occupying power. Or to put it another way, what “procedures or programmes” could effectively “rehabilitate” an individual who considers his or her actions in the context of a struggle for self-determination?	
30	Probation reports should be mandatory in all cases, unless the defence waives the right to have a report.	Defence lawyers report that social welfare reports are not mandatory and applications to obtain one are sometimes denied by the military courts. The court only accepts private probation reports from the defence. Most children have no access to this kind of service or money to pay for it	Not implemented
31	At sentencing hearings all alternatives to custody should be fully considered. If a custodial sentence is passed, it should be for the minimum possible term.	No developments	Not implemented
32	All Palestinian children detained under Israeli military law should be held in facilities in the Occupied Palestinian Territories and not in Israel, which constitutes a breach of article 76 of the Fourth Geneva Convention.	According to figures published by the IPS, around 50 per cent of Palestinian children continue to be unlawfully transferred and detained inside Israel in violation of article 76 of the Fourth Geneva Convention and article 8 of the Rome Statute of the International Criminal Court.	Not implemented
33	There should be separate detention for children and adults subject to an independent assessment to the contrary based on the best interests of the child.	Over the years substantial improvement has occurred in ensuring separation between adults and children. Some mixing still occurs during the early stages of detention and in Ofer prison. ¹³⁴	Substantially implemented
34	Children should be able to access a full education whilst in detention.	Children’s education in prison continues to be restricted based on “security” considerations and is generally limited to two to four subjects (Arabic, Hebrew, English and Mathematics). When education is available, it is insufficient to ensure the child’s smooth reintegration into the Palestinian school system. ¹³⁵	Not implemented

35	Parents or guardians should be granted regular access and visiting rights to children in detention.	A number of children continue to report receiving no or limited prison visits due to denial of permits on “security” grounds or because the procedures for obtaining a permit continues to take up to several months. In one case documented by MCW, a child reports being denied family visits by the prison authorities as a punishment. Palestinian child detainees continue to be denied telephone communication with their families whilst held in IPS facilities. ¹³⁶	Not implemented
36	Parents or guardians should be informed of release dates and places in good time and given proper facilities for meeting the children.	Some children continue to report that their parents were not informed of their release date or were given incorrect information regarding the location of release. ¹³⁷	Not implemented.
37	No child should be the subject of administrative detention.	No child has been held in administrative detention since December 2011. A prohibition against imposing administrative detention on persons under 18 should now be incorporated into military law with binding legal effect.	Substantially implemented ¹³⁸
38	Breach of these principles should result in the discontinuation of the prosecution and the child’s release.	Military court judges are more frequently prepared to criticize the manner in which children are being arrested and interrogated but continue to allow evidence obtained in breach of these recommendations to be used to convict. ¹³⁹	Not implemented
Complaints and monitoring			
39	There should be prompt independent investigation of any complaint made by, or in respect of, a child about unlawful or ill-treatment.	The data continues to point towards a lack of genuine accountability relating to the unlawful treatment of children held in military detention.	Not implemented
40	There needs to be a comprehensive and independent monitoring system.	In June 2013, the Israeli Ministry of Justice announced that complaints against ISA interrogators will no longer be investigated by ISA employees. It is too early to say whether this development will lead to genuine accountability. However, it should be noted that the results arising out of complaints made against the army, police and ISA are discouraging.	Not implemented ¹⁴⁰

Annexure C
Evidence (105 testimonies) – Key issues of concern

1	Summons	8	Verbal abuse
2	Arrested at night (12 am – 5 am)	9	Strip searched
3	Hand ties	10	Solitary confinement
4	Blindfolds	11	Not informed of right to silence
5	Transferred on floor of vehicle	12	No lawyer prior to interrogation
6	Physical violence	13	Parent not present throughout interrogation
7	Threats	14	Signed/shown documents in Hebrew

#	Name	Age	Date	1	2	3	4	5	6	7	8	9	10	11	12	13	14
2012																	
1	W.T.	17	2 Nov														
2	N.M.	15	28 Dec														
2013																	
3	M.Z.	14	2 Jan														
4	A.I.	14	3 Jan														
5	Y.M.	17	7 Jan														
6	B.H.	14	21 Feb														
7	S.S.	15	14 Mar														
8	H.S.	14	14 Mar														
9	U.S.	16	15 Mar														
10	D.M.	16	27 Mar														
11	S.M.	14	31 Mar														
12	A.M.	-	5 Apr														
13	A.N.	15	7 Apr														
14	B.S.	16	9 Apr														
15	F.M.	15	10 Apr														
16	K.A.	15	10 Apr														
17	M.B.	15	10 Apr														
18	M.T.	17	10 Apr														
19	A.J.	15	11 Apr														
20	M.A.	15	14 Apr														
21	Q.Z.	14	22 Apr														
22	M.H.	14	15 May														
23	H.A.	16	16 May														
24	H.W.	15	5 Jun														
25	M.A.	15	6 Jun														
26	M.J.	17	10 Jun														
27	Z.Q.	15	2 Jul														
28	S.D.	16	2 Jul														
29	H.I.	16	2 Jul														
30	M.B.	15	6 Jul														
31	R.F.	17	8 Jul														
32	A.S.	15	29 Jul														

33	A.T.	16	29 Jul																
34	M.I.	16	3 Aug																
35	S.W.	15	6 Aug																
36	H.K.	13	6 Aug																
37	S.H.	12	6 Aug																
38	M.T.	16	25 Aug																
39	A.K.	15	25 Aug																
40	K.K.	16	25 Aug																
41	M.T.	16	25 Aug																
42	M.S.	17	25 Aug																
43	M.B.	16	9 Sep																
44	M.S.	14	28 Sep																
45	I.H.	16	2 Oct																
46	M.H.	15	2 Oct																
47	M.I.	16	6 Oct																
48	Y.S.	16	6 Oct																
49	H.H.	16	5 Nov																
50	J.M.	16	6 Nov																
51	O.T.	14	10 Nov																
52	A.A.M.	17	12 Nov																
53	K.C.	13	14 Nov																
54	M.A.	16	16 Nov																
55	Y.T.	12	31 Dec																
2014																			
56	Q.A.	15	1 Jan																
57	Y.M.	16	1 Jan																
58	A.M.	13	1 Jan																
59	M.A.A.	15	6 Jan																
60	A.Q.	15	8 Jan																
61	I.T.	16	11 Jan																
62	M.A.	16	1 Feb																
63	M.J.	15	1 Feb																
64	M.B.	16	2 Feb																
65	M.H.B.	14	2 Feb																
66	M.Q.	16	5 Feb																
67	A.Z.	16	13 Feb																
68	A.S.	15	14 Feb																
69	Q.Y.	16	14 Feb																
70	Q.J.	16	14 Feb																
71	B.T.	14	18 Feb																
72	A.K.	14	20 Feb																
73	S.S.	14	21 Feb																
74	M.Z.	14	26 Feb																
75	F.Z.	12	26 Feb																
76	O.S.	16	3 Mar																
77	J.M.	13	12 Mar																

78	H.D.	17	12 Mar														
79	K.T.	13	15 Mar														
80	M.A.	13	16 Mar														
81	I.T.	15	16 Mar														
82	H.T.	15	17 Mar														
83	N.A.	16	19 Mar														
84	A.H.	14	1 Apr														
85	A.H.	16	3 Apr														
86	M.T.	16	7 Apr														
87	R.A.	16	23 Apr														
88	M.T.	15	27 Apr														
89	M.W.	16	14 May														
90	M.D.	16	15 May														
91	M.R.	17	15 May														
92	M.O.	14	15 May														
93	I.W.	13	19 May														
94	A.A.	14	19 May														
95	J.M.	13	22 May														
96	J.T.	17	23 May														
97	Y.A.	14	25 May														
98	S.M.	15	26 May														
99	M.H.	15	1 Jun														
100	F.S.	13	3 Jun														
101	M.H.	14	5 Jun														
102	M.M.	16	9 Jun														
103	R.J.	16	26 Jun														
104	N.N.	15	24 Jul														
105	M.F.	17	29 Jul														

Annexure D
Copy of form provided to some parents on arrest

Arrest and interrogation notice of a minor detainee

This form must be filled out in every case of an arrest of a minor below 18 years of age. A copy of this notice must be left with the family member who signs it.

Details of the detained:

Full Name:		Identity Card Number:
Place of arrest:		Time of arrest:

Details of accusation(s):

1.	
2.	
3.	

Police station where the detainee will be interrogated:

1.	Ariel	03-9065444
2.	Hebron	02-9969306/02-9969444
3.	Bethlehem (Etzion)	02-9939405
4.	Ma'ale Adummim	02-5358444
5.	Binyamin (Ramallah)	02-9706777

Details of the person who filled out the form:

Name:		Personal number:	
Signature:			

Details of the person who received the notice:

Name:		I.D. number:	
Relationship to detainee:			
Signature:		Date:	

If the recipient of this notice refuses to sign it then the person who delivers it can sign it instead explaining that the recipient refused to sign.

Annexure E

Testimonial evidence

Testimony 1

Name: N.M.N.
Age: 15 years
Date of incident: 24 July 2014
Location: Nahhalin, West Bank
Accusation: Starting a fire

On 24 July 2014, a 15-year-old boy from Nahhalin, in the West Bank, is arrested by Israeli soldiers at 4:00 a.m. and accused of starting a fire near an Israeli settlement.

“I was asleep when my sister woke me up. It was around 4:00 a.m. She told me to get up because Israeli soldiers were in the house. I was at home with my sister who is 18 and my younger brothers aged 13, 11 and 6. My mother was in Jordan and my father died five years ago. Four soldiers had entered the house and lots more were outside. The soldiers asked us to gather in the sitting room. The commander asked for my name and immediately told me to get dressed because they were going to arrest me. They showed my sister a document and asked her to sign it as proof that I was arrested without being physically assaulted. The document was in both Arabic and Hebrew. My sister signed it. The commander told her they were going to ask me some questions and would return me in a few hours. Of course they never did.”

“I was blindfolded and taken outside. They walked me to where a troop carrier was waiting. They put me inside the carrier and made me sit on a seat. Inside the carrier I was tied to the front with one plastic tie which was painful. When I complained to the soldier he just ignored me. The vehicle drove away to a nearby neighbourhood to arrest another person but they didn’t find the person they were looking for. The vehicle then took me to a nearby Israeli military base. Once inside the military base I was taken to see a doctor who removed the blindfold and the tie. He gave me a questionnaire with a list of illnesses. He asked me to answer the questions. I deliberately ticked all 38 illnesses that were listed. The doctor just laughed. I was then re-blindfolded and tied and taken to a shipping container. The commander told me not to make a sound. There were no seats so I sat on the ground.”

“At around 8:00 a.m. I was taken in a jeep to the police station in the settlement of Etzion. The trip took about 10-15 minutes. Soldiers verbally abused me on the way and told me I was the son of a whore. I was immediately taken for interrogation.”

“The interrogator introduced himself but I don’t remember his name. He removed the blindfold. He was wearing a police uniform and spoke good Arabic. He had a camera in the room and a tape recorder. The interrogator did not inform me of my right to silence and did not tell me I had the right to see a lawyer. He accused me of starting a fire in the forest near the settlement and the wall about two weeks ago. He told me my friends had testified against me and told me to confess. He asked me where I was at the time when the fire started. I told him I was at home with my mother. He told me if I confessed he would accompany me to court and make sure I was treated leniently. He put the tape recorder very close to my face and told me to confess but I refused. When I denied the accusation he

got angry. Towards the end he asked me if I wanted a lawyer. He also made me look out the window and I could see my mother who had come back from Jordan when she heard I was arrested. In the end I was asked to sign a document written in Hebrew after the interrogator showed me a translation on his computer screen. I signed the document because the Arabic translation matched what I had told him. Another interrogator heard the shouting and came and took me to another room.”

“The second interrogator offered me a cigarette and made me a cup of coffee. He gave me a piece of paper and asked me to write down my name. He asked me to write numbers on the paper and to write down names of people who were involved in the fire. He told me he would send me home to celebrate the Eid holiday with my family if I confessed. He never informed me of my right to silence or the right to see a lawyer. He had a camera in the room. He threatened to arrest my sister and mother if I didn’t confess and “play with them”. I denied the accusation and refused to confess. I was again asked to sign a document I Hebrew after I was shown a translation on the computer screen. I signed the document.”

“I was then taken to a third interrogator. By then it was around noon. I asked the third interrogator for some food and he brought me some. He turned his computer screen towards me and showed me a map of our village. He showed me our house marked in red with my name written in English next to the mark. He asked me for names of people who live in the other houses in the village. He pointed to a house and asked me whose house it was. He told me he would send me home if I told him. He put some candy on the table in front of me and offered me some. The interrogation lasted for about one hour. I did not confess and I signed a document in Hebrew after being shown a translation on a computer screen.”

“At around 1:00 p.m I was taken in a vehicle to Ofer military court. I was shackled and handcuffed. I was immediately taken into the military court. A lawyer was in court. The hearing was adjourned and I was taken back to the settlement of Etzion where I spent the night. I was told I wasn’t taken to Ofer prison because of all the illnesses they thought I had when I ticked the medical questionnaire. At Etzion a soldier told me to strip because he wanted to search me. When I refused to take off my underwear he slapped me hard on my face. I then took my underwear off. I was given the medical questionnaire again. This time I filled it out correctly. The following day I was taken to Ofer prison. I was strip searched again. I was told to crouch up and down while naked. I was then taken to Cell Number 13 where I was put with other children.”

“The following day I was taken to the settlement of Kiryat Arba for interrogation. This time it was the Shin Bet who interrogated me. The interrogator did not inform me of my rights and asked me the same questions as the previous interrogators. I continued to deny the accusation. At one point the interrogator got angry and pushed the table into the corner in a very threatening manner. The interrogation lasted about half-an-hour. I was then taken back to Ofer prison.”

“The following day I was taken to the military court again. My mother was there with a lawyer. The hearing was adjourned because the prosecutor asked for more time. Four or five other people were being tried for the involvement in the same incident and the prosecution convinced the court they needed more time. The following day I was taken back to the settlement of Etzion for another interrogation. This time the interrogator brought my friends to testify against me but they didn’t. I denied that I knew them. I was taken back to Kiryat Arba settlement and then to Ofer prison. The following day I was taken back to the military court. My mother was there and the lawyer. I didn’t understand much of what was going on in court but it was clear that there was an argument between

the judge and the prosecutor. My mother told me later that the judge wasn't happy with the files that the prosecutor presented because they included contradictory material. The judge refused to admit the documents and he wasn't happy with the evidence. It was decided that my family would pay 1,000 shekels and I would be released on bail. I was told the military court might call me back anytime but my lawyer told me it is very unlikely that they will. I was released on 7 August, at around 9:30 p.m."

Testimony 2

Name: R.B.J.
Age: 16 years
Date of incident: 26 June 2014
Location: Hebron, West Bank
Accusation: Assaulting soldiers

On 26 June 2014, a 16-year-old boy from Hebron, in the West Bank, is detained by Israeli soldiers at 10:00 p.m. and accused of assaulting three soldiers. He is released six days later.

"I was at home with my relatives at 10:00 p.m. when we heard that my cousin was being beaten up by Israeli soldiers near our house. We immediately went outside and tried to help my cousin but were ourselves attacked by the soldiers. I was taken to some military jeeps that were parked outside a settler's house nearby. My hands were tied to the front with one plastic tie that caused me a lot of pain. I was also blindfolded. I was held by the jeeps for about 30 minutes with around seven other detainees."

"At around 11:00 p.m. an Israeli police car arrived. I was put in the back of the car and driven away for about five minutes. I could see from under my blindfold that we were outside the police station in Kiryat Arba settlement. I was led into a caravan and a soldier tightened the plastic hand tie even more. I screamed out in pain and the soldier hit me hard in the back. I remained in the caravan until around 3:00 a.m. when a policeman took me for interrogation."

"Once inside the interrogation room my blindfold was removed but my hands remained tied. The interrogator asked me for my name and age and other general questions. I don't recall whether he had a camera or a tape recorder in the room. He did not inform me of my right to silence and did not tell me I could speak with a lawyer. The first interrogation lasted for about five minutes after which I was taken back to the caravan. About 30 minutes later, at around 3:30 a.m., I was taken back to the interrogation room. The interrogator photographed me and told me I was accused of assaulting three Israeli soldiers. I told him this wasn't true and I asked to confront the soldiers with this allegation. Five minutes into the interrogation I was asked if I wanted a lawyer and I said yes. The interrogator asked me if I had a lawyer in mind and I said no, and then he continued to interrogate me. The interrogator repeated the same accusation and I denied it again. The interrogation lasted for about 10 minutes. At the end he printed out a statement written in Hebrew and asked me to sign it. I signed it after he verbally translated it for me and I realised it was what I had told him. I was then photographed again and finger printed and taken back to the caravan where I remained until 11:00 a.m."

"At around 11:00 a.m. I was re-blindfolded and taken to a jeep. I was still tied to the front. I was made to sit on the metal floor of the jeep. The jeep drove for about five minutes before it stopped and I was

taken out. My blindfold was removed and I was at an Israeli military base near the settlement of Kiryat Arba. I was made to sit on the ground for about 30 minutes. I was then taken to see a doctor who asked me if I suffered from any illnesses or allergies. I told the doctor that I had been beaten by a soldier but he ignored this. I was taken back outside where I sat on the ground until around 1:00 p.m. I wasn't given any food but they gave me water and allowed me to use the bathroom. Occasionally, soldiers would turn loud music on and would come and dance around me."

"At around 1:00 p.m. I was put into the back of a jeep and made to sit on the floor. The jeep drove for about 30 minutes before stopping. A soldier told me we were at the police station in the settlement of Etzion. I was taken into a room and given some food. I was by myself. Then a soldier removed the plastic tie and replaced it with metal handcuffs. I was also shackled by the ankles and taken to another vehicle. We drove for another 30 minutes or so and stopped at Ofer prison, near Ramallah. On arrival I was strip searched and told to remove my underwear. I was then given a prison uniform and taken to Cell Number 13 where I other youth were being held."

"On Monday, 30 June, I was taken to Ofer military court. My father was there and a lawyer. I was allowed to speak to my father across the courtroom. The judge agreed to release me on bail because he could not find any evidence that I had assaulted soldiers. My father had to pay 2,500 Shekels pending the submission of a charge sheet by the prosecution. The judge said if the prosecution fails to present a charge sheet the money would be given back. My father didn't have this amount of money on him, so I remained in Ofer prison until the next day. I was released on Tuesday, 1 July, at 2:00 p.m. My father was waiting for me outside the prison and he took me home."

Testimony 3

Name: M.Z.M.
Age: 16 years
Date of incident: 9 June 2014
Location: Al 'Arrub, West Bank
Accusation: Throwing stones

On 9 June 2014, a 16-year-old boy from the Al 'Arrub refugee camp, in the West Bank, is arrested by Israeli soldiers at 2:00 a.m. and accused of throwing stones.

"I was in bed when all of a sudden I woke up after Israeli soldiers entered my bedroom and woke me up aggressively. I thought I was dreaming. It was 2:00 a.m. My father came in and told me the soldiers had stormed the house and they wanted to arrest me. One of the soldiers told me to get dressed. The soldiers did not tell me why I was being arrested. The commanding officer told my father they were going to take me to the police station in Etzion settlement for interrogation. My father told the officer he was willing to bring me to the police station later that morning and that there was no need to arrest me in the middle of the night. The commanding officer told my father they were going to arrest me now."

"A soldier stayed with me in my bedroom as I got dressed. I was then taken outside and my hands were tied to the front with three plastic ties: one on each wrist and one connecting the two. The ties were not painful. They did not blindfold me at this stage. Then they led me to the entrance of the camp where a number of military jeeps were waiting. This took about 15 minutes. I was then put in the back

of one of the jeeps and sat on a seat. The jeep drove for about 15 minutes before stopping inside Etzion settlement outside the police station. I was then immediately taken for a medical examination. The doctor took my pulse and asked me if I suffered from any illnesses or allergies. I was then blindfolded and taken to a room where two other adult detainees from the camp were detained. There were no chairs in the room so I sat on the floor. I was still tied. I stayed in the room from 3:00 a.m. until around 8:30 a.m. The soldier who was guarding us did not allow me to sleep. Each time he saw me nodding off he shouted at me to wake me up. He brought me some water and allowed me to use the bathroom.”

“At around 8:30 a.m. I was taken to a courtyard where they made me sit on the ground. Soldiers brought me some food at around 2:00 p.m. At around 2:30 p.m. I was taken to the interrogation room. I was alone with the interrogator. I don’t remember if he had a camera but I saw that he had a tape recorder. The interrogator was in police uniform. He did not speak good Arabic. He removed the ties and the blindfold. He did not inform me of my right to silence and did not tell me I had the right to see a lawyer. He immediately accused me of throwing stones at soldiers and at the main road. I denied the accusation and told him this was untrue. I told him I don’t throw stones at anyone. The interrogator then showed me a picture on his computer of a boy that looked a little like me. He claimed this was a picture of me throwing stones. I denied it and told him this wasn’t me and that I didn’t throw stones. I also told him I didn’t know who the boy in the picture was. The interrogation lasted for about two hours during which the interrogator was typing on his computer. When the interrogation was over he called a lawyer from the refugee camp and allowed me to speak to him. The lawyer told me not to be afraid and not to confess to anything. Then the interrogator printed out a document in Hebrew and asked me if I wanted to sign it or not. He said it was up to me. I told him I didn’t want to sign it.”

“At the end of the interrogation I was photographed and fingerprinted. The interrogator then told me they had decided to release me. I was released at around 5:30 p.m. The interrogator took me outside the settlement and told me to go home. I walked home which was about 3 kilometers away.”

Testimony 4

Name: S.M.
Age: 15 years
Date of incident: 26 May 2014
Location: Beit Awwa, West Bank
Accusation: Throwing stones

On 26 May 2014, a 15-year-old boy from Beit Awwa, in the West Bank, is served with a summons by Israeli soldiers at 2:00 a.m.

“It was 2:00 a.m. when we woke up to the sound of Israeli soldiers banging at our front door. We were all asleep. My father opened the door and the soldiers gave him a written summons for me to show up at the Israeli police station in the settlement of Kiryat Arba the following morning for interrogation. The soldiers then left.”

“Later that morning, I went with my uncle to the settlement of Kiryat Arba as requested. My father couldn’t accompany me because he was at work. My uncle and I arrived at the police station at around 11:00 a.m. We rang the bell and a soldier took us into the waiting room where we waited. Two hours

later a policeman took me to the interrogation room. My uncle asked to accompany me during the interrogation but the policeman refused and asked another policeman to take my uncle outside the police station.”

“The interrogator told me his name was Rafi. He was wearing a police uniform. He asked me to sit on the chair in front of him. I wasn’t handcuffed and I don’t recall whether there was a camera or a tape recorder in the room. He did not tell me about my right to silence and immediately asked me if I remembered the day when a shack owned by my uncle was demolished by the Israeli army. I told him I did remember that day. Then he told me I was accused of throwing stones at the soldiers who were demolishing the shack. I told him this wasn’t true. I told him I was at the site but I didn’t throw stones at anyone. The interrogation lasted for about two hours and the whole time the interrogator insisted that I threw stones at soldiers. He told me they arrested me based on video footage the soldiers took two months earlier during the demolition showing me throwing stones. He told me they waited all this time because they were not sure of the identity of the person in the footage. The interrogator showed me the footage on his computer screen but it wasn’t clear at all. I continued to deny the accusation.”

“When the interrogation was over the interrogator asked me if I wanted to consult with a lawyer. Then he asked me for my father’s telephone number. Then he showed me a document written in Hebrew and asked me to sign it. I signed it after he explained to me what was written in it and I realised he had written exactly what I had told him. The interrogator then took me for fingerprinting and photographing. During this time he advised me not to be involved in stone throwing in the future and to take care of myself. He then took me for a medical examination where a doctor asked me if I suffered from illnesses or allergies. He also took my pulse and blood pressure and asked me to fill in a questionnaire. Then he asked me if I was hungry and brought me some food. Then he told me he was going to take me to a room until a vehicle arrived to take me to Ofer where the military court would decide what to do with me.”

“At around 7:00 p.m. soldiers shackled and handcuffed me and took me to a jeep where I sat on a seat. The jeep drove for about an hour before it arrived at Ofer prison, near Ramallah. I was taken for a security check where I was searched. They made me take off my clothes but I was allowed to keep my underwear on. I was given prison clothes and taken to Section 13 where I was put with other prisoners my age.”

“The following morning, Tuesday, 27 May, a soldier told me to get ready as I was being taken to the military court. I got ready but I was never taken to court. At around 12:00 p.m. a soldier told me the court hearing took place without me and that I was going to be released on bail. My family had to pay 500 Shekels to get me released on bail. My uncle was waiting for me outside court. I went home with him. I was told that the next military court hearing is scheduled on 10 December 2014.”

Testimony 5

Name:	A.A.B.
Age:	15 years
Date of incident:	25 May 2014
Location:	Abud, West Bank
Accusation:	Throwing stones

On 25 May 2014, a 15-year-old boy from Deir Abu Mash'al , in the West Bank is arrested by Israeli soldiers whilst at school in the neighbouring village.

“I was at my school in the nearby village of Abud, helping arrange the chairs in the halls for the final school exams. It was around 10:00 a.m. Earlier that day there were clashes and some boys were throwing stones at Israeli settler cars. As I left the school I saw Israeli soldiers about 200 meters away from the school. All the other boys ran away except me. I didn't see any reason to runaway. A group of soldiers came from behind and grabbed me. I was ambushed and very surprised.”

“The soldiers dragged me to where a military jeep was parked. They arrested two other boys but then let them go. I think they kept me because I am taller. They took me back to the school and spoke to one of my teachers. The teacher told the soldiers I was in the school at the time of the incident and that I wasn't involved in throwing stones. The soldiers told the teacher they wanted me to tell them names of boys who were throwing stones. Then they started to fire stun grenades at students inside the school.”

“I was then taken to the back of a military jeep and a soldier tied my hands to the front with one plastic tie. I complained to the soldier that the tie caused me a lot of pain and instead of doing something to loosen the tie he tightened it even more. I was also blindfolded. A soldier inside the jeep started to ask me questions. He wanted to know the names of the boys who throw stones. He slapped me when I told him I didn't know any of the boys. It hurt. He kept asking me the same questions for about five minutes and then got off the jeep. Another soldier came and asked me the same questions. I told him I didn't know any names. He kicked and slapped me all the time. He hit me with the back of his gun and swore at my father and my mother calling her a whore.”

“Some boys and young men from the village now started to throw stones at the military jeep I was in and the whole thing turned into chaos, with soldiers firing stun grenades. The jeep drove away and the soldiers opened the back door. The jeep waited for about 30 minutes before an Israeli commander from the District Coordination Office (DCO) came and he set me free. By then it was around 3:00 p.m. It was a very frightening experience which lasted for about five hours.”

Testimony 6

Name: J.T.
Age: 17 years
Date of incident: 23 May 2014
Location: Deir Nidham, West Bank
Accusation: Throwing stones/Molotovs

On 23 May 2014, a 17-year-old boy from Deir Nidham, in the West Bank, is arrested by Israeli soldiers at 2:30 a.m. and accused of throwing stones and Molotov cocktails.

“I woke up at around 2:30 a.m. to the sound of loud banging at our front door. I went to wake my father up but before I managed to do so Israeli soldiers broke the front door and five soldiers stormed into the house. Two of the soldiers were masked. They told all of us to gather in the living room and

one soldier asked my father for his identity card. Then the soldier asked my father for my name and told me to get dressed. He told my father they were going to take me for questioning and would return me later that morning. They did not have anything in writing. I was scared and worried about my school exams. The soldiers took me outside the house and I saw three military jeeps with lots of soldiers around. The soldiers blindfolded me and tied my hands behind my back with one plastic tie. The tie was very tight and caused me a lot of pain. I still have marks on my wrists nearly two weeks later. They pushed me into the back of the jeep and made me sit on the seat. The jeep drove for about 30 minutes before it stopped at the military camp near our village. During the journey the soldiers swore at me and called me son of a whore. They also slapped and kicked me.”

“At the camp they made me sit on the ground outside and soldiers who passed by slapped me and swore at me as they passed. I felt they were having fun because I heard them laughing. They made me take my jacket off and I felt cold. They also dragged me from one place to another. I remained in that place for about nine hours until around 12:00 p.m. I wasn’t given any food or drink and I was tied and blindfolded the whole time.”

“At around noon I was taken in a jeep to the Israeli police station at Binyamin settlement. The trip took about an hour. At Binyamin I was kept outside until around 4:30 p.m. I was still blindfolded and tied and wasn’t given any food or drink. At around 4:30 p.m. I was taken inside where the blindfold and the tie were removed and I was taken to see a lawyer. The lawyer told me I had the right to silence and explained to me what it meant. He also told me not to confess to anything and not to sign any documents. Then I was taken to the interrogation room without the lawyer.”

“There were four cameras in the interrogation room. The interrogator handcuffed me to the front and started by accusing me of throwing stones and Molotov cocktails and told me young men from the village had provided testimonies against me. He did not inform me of my rights. I denied the accusation and told the interrogator I had the right to silence. He got angry and told me I was a liar and that there were pictures of me throwing stones. I asked him to show me the pictures and all he could come up with were pictures of me blindfolded and hand tied in the courtyard at Binyamin. Then he showed me a document written in Hebrew and asked me to sign it but I refused. I told him I didn’t understand Hebrew and asked for the document to be translated into Arabic. The interrogator got angry and threatened that he would detain me for a long time if I continued to refuse to sign the paper. The interrogation lasted for about 30 minutes. The interrogator did not beat me.”

“After the interrogation I was taken to a prison cell in Binyamin where I stayed with another boy from my village. There were cameras in the cell and it was evening by the time I got there. I was still without any food or drink. I asked to use the bathroom and I was allowed but the handcuffs were kept on. When I got back from the bathroom the handcuffs were removed. At around 8:00 p.m. I was taken in a jeep to Ofer prison. I was tired and hungry. On the way I was slapped and kicked by the soldiers. They also swore at me and called my mother a whore. When we arrived I was searched in my underwear and was given prison clothes and taken to Section 13 where I was put with other children. The other children prepared some food for me. I ate and went to bed.”

“I spent the following day, 24 May, in Ofer. In the evening, at around 8:00 p.m. I was told I had a military court hearing the following day but that never happened. Instead, the following day, 25 May, I was taken back to the police station at Benyamin settlement. At Benyamin I was kept in a cell for about two hours and then I was taken for interrogation by the same interrogator once again. I was

shackled and handcuffed and another boy aged 14 from my village was brought into the interrogation room with me. The interrogator did not tell me about my right to silence. He asked the other boy whether he knew me and whether I was the one whom he had confessed against. The boy denied ever having confessed against me and told the interrogator his testimony had been tampered with. Then the interrogator showed the boy a document written in Hebrew and asked him to sign it but the boy refused. Then the interrogator asked me whether I knew the boy. He also showed me a document written in Hebrew and asked me to sign it but I refused.”

“After the interrogation I was fingerprinted and taken to a prison cell. At around midnight I was taken back to Ofer prison. I sat in the jeep for an hour and then the jeep drove for about an hour before it arrived at Ofer. The whole time at Binyamin I was without food. I was allowed to drink and use the bathroom once. I arrived at Ofer at around 1:00 a.m. on 26 May and went straight to bed. Later that morning, at around 8:00 a.m., I was taken to Ofer Military Court near the prison. I waited in the waiting room until the evening. During this time I was given a sandwich. At around 11:00 p.m. I was told I was going to be released. I was put on a bus with other prisoners who were going to be released that day. The process took more than an hour and I was out of the prison compound at around 12:30 a.m. on 27 May. I was released without charge and without having to pay any money. My uncle was waiting for me. We arrived home at around 1:30 a.m. My mother had cooked a special meal for me.”

“I found it hard to fall asleep the first few nights back at home. Whenever I hear the sound of stun grenades or tear gas in the village my heart sinks. I used to hang out with my friends a lot but now I don’t. I stay away from them. I also missed four days of school just before my final high school exams. I have a lot of catching up to do. When I graduate I would like to study to become an accountant. This is the second time I have been arrested this year. The first time was in January 2014. I think other boys in the village find it hard to withstand the pressure during interrogation and they just give names of other boys in the village. I think this is the reason why I was arrested.”

Testimony 7

Name: J.A.M.
Age: 13 years
Date of incident: 22 May 2014
Location: Deir Nidham, West Bank
Accusation: Throwing stones/Molotovs

On 22 May 2014, a 13-year-old boy from Deir Nidham, in the West Bank, is arrested by Israeli soldiers at 2:30 a.m. and accused of throwing stones and Molotov cocktails.

“I was asleep when I heard loud banging at our front door at around 2:30 a.m. Seconds later there were Israeli soldiers inside our house telling us to gather in the living room. My father was away and the soldiers broke down the front door and the door to my parents’ bedroom before my mother could answer the door. Four days earlier, on 19 May, [my two brothers](#) were detained for five hours at the entrance to our village. One of my brothers called me and told me the soldiers wanted me to come to where they were being held. When I arrived at the entrance to our village a soldier handed me a phone and I spoke to an Israeli policeman stationed in Binyamin settlement. He told me that I had to come to the police station the next day with another boy from the village. After I spoke to the policeman the

soldiers released me and my brothers. My family decided that I shouldn't go to the police station because my father was away and I was in the middle of school exams."

"I sat on the couch in the living room and one of the soldiers asked me for my date of birth and told me to get dressed because they were going to take me away for questioning. They didn't say why and didn't show me any written documents. I hardly had time to put on some clothes before I was pushed outside the house where a soldier painfully twisted my arms behind my back and tied my wrists together with one plastic tie which was very painful. They also pulled down my hat to cover my eyes. Then I was pushed into the back of a jeep that was waiting outside. I was lying on my side on the floor of the jeep. Another boy was in the jeep too. The jeep drove away and I was kicked and slapped. Soldiers hit the metal floor with their guns and made frightening loud sounds. The jeep drove for about 10 minutes before it arrived at the nearby military base. I waited outside for about 30 minutes before I was taken for a medical examination. After the doctor asked me some questions about my health I was taken out again where I waited until it was daylight. I was without any food or drink. They didn't allow me to use the bathroom. A soldier told me there were no bathrooms there."

"At daybreak I was blindfolded and taken in a military vehicle to a Israeli police station inside Binyamin settlement. I was still hand tied. A soldier made the tie even tighter. The vehicle drove for about an hour. At Binyamin I was held in an outdoor area for about an hour before I was taken for interrogation. The interrogator introduced himself and told me I had the right to remain silent. He removed the plastic tie and replaced it with metal handcuffs. My hands were restrained from the back. He also told me I had the right to see a lawyer and that if I didn't have my own lawyer he was going to appoint me one. He told me I was accused of throwing stones and Molotov cocktails and that there were two witnesses; a soldier and someone from our village. He claimed the soldier and the other person were eye witnesses and that he had photographs in his possession. He also told me a stone thrown at a vehicle can cause an accident and even death. I denied the accusation and challenged him to show me the photographs. He never did. I also asked him to name the person he claimed was an eyewitness but he refused. The interrogation lasted for about 15 minutes. Then the interrogator left the room and I was left alone for about an hour. I wasn't given any papers to sign. Then I was taken to a prison cell. It was around 10:00 or 11:00 a.m. I was given a glass of water and an apple."

"Then I was taken in a military vehicle to Ofer prison. Soldiers swore at me on the way and said bad things about my mother and sisters and called them whores. We arrived at Ofer at around 1:00 p.m. I waited in the vehicle outside Ofer until 3:00 p.m. I was taken inside for a security check, my photograph was taken and I was given prison clothes. I was then taken to a prison cell where there were other children my age. The other children prepared some food for me and then I went to sleep."

"The following day (Friday, 23 May), I was taken to Ofer military court. In court a lawyer advised me if I don't confess in the second round of interrogation I would be released. The hearing was adjourned. On Sunday (25 May) I was taken back to the military court where I waited in the waiting room from around 6:00 a.m. until late in the evening. I wasn't taken for a second interrogation. At around 10:00 p.m. a soldier told me I was going to be released. I was released without charge and my family didn't have to pay any money. I went home with the father of another boy from my village. I arrived home at around 11:00 p.m. I missed two of my final school exams; English language and science. I now avoid soldiers as much as I can."

Testimony 8

Name: I.F.W.
Age: 13 years
Date of incident: 19 May 2014
Location: Al Fawwar, West Bank
Accusation: Throwing stones

On 19 May 2014, a 13-year-old boy from the Al Fawwar refugee camp, in the West Bank, is arrested by Israeli soldiers at 3:00 a.m. and accused of throwing stones.

“One week before I was arrested three Israeli soldiers came to our house at midnight and handed my father a summons in my name. They asked my father to bring me to the police station in the settlement of Kiryat Arba. My father told them he wasn’t going to bring me to the police station because I was too young and because I hadn’t done anything wrong. A week later they came to arrest me at 3:00 a.m.”

“I was asleep at around 3:00 a.m. on the night of my arrest. Israel soldiers surrounded our house and banged on the door very loudly. My father answered. More than 10 soldiers entered the house. My father woke me up and took me to the living room where the soldiers were waiting. The commander told my father they were going to arrest me. He had a list with names of people he wanted to arrest. They did not tell my father why they were arresting me. My father asked the commander if I could put on some clothes and the commander said yes. The soldiers then took me out of the house and walked me for about five minutes towards the Israeli military watchtower on the main street at the entrance to our camp. When we arrived at the watchtower soldiers tied my hands to the front with three plastic ties; one on each wrist and a third one connecting the two. The ties were not painful. They also blindfolded me. Then they pushed me into the back of a jeep and made me sit on the metal floor. The jeep drove for about 10 minutes before it stopped. I was able to see from under the blindfold and I think the jeep stopped at a nearby settlement.”

“At the settlement the soldiers made me stand in an open area for about 30 minutes. I was still tied and blindfolded. Then I was taken to see a doctor. The doctor removed the blindfold and the ties and gave me a questionnaire with some medical questions to answer. Then I was blindfolded and tied with three plastic ties and taken back to the jeep where I was made to sit on the metal floor again. The jeep drove for about 30 minutes before it stopped and I was taken out into an outdoor area. I was told I was in the settlement of Kiryat Arba. It was a very cold night. Then a policeman removed the blindfold and took me to the interrogation room. I was alone with the interrogator and I was still tied.”

“The interrogator asked me if I wanted a lawyer and I told him yes. He asked me if I knew one and I told him I didn’t. He then asked me for my father’s telephone number and called him and asked him to appoint me a lawyer. The interrogator then told me he was going to question me about stone throwing and that my words were going to be used against me in court. I don’t remember if the interrogator informed me of my right to silence. The interrogator accused me of throwing stones at soldiers and settler cars on Route 60. I told him this wasn’t true. He told me there were soldiers who saw me throw stones. I told him this couldn’t be true. He didn’t show me any pictures. I asked him to bring the soldiers who claim they saw me throw stones. He told me the soldiers were going to provide their testimony to the military court. I continued to deny the accusation and the interrogator was writing my

statement. Then he gave it to me written in Hebrew and asked me to sign it. I signed it after he verbally translated it.”

“I was then photographed and fingerprinted and taken to a caravan with a chair, a mattress and a bathroom. I slept in the caravan. At around noon a policeman brought me some food. At around 4:00 p.m. a policeman told me I was going to be released. He took me to the front gate where my father was waiting for me. I went home with my father. We arrived home at around 5:00 p.m.”

Testimony 9

Name: M.A.T.
Age: 16 years
Date of incident: 7 April 2014
Location: Al ‘Arrub, West Bank
Accusation: Throwing stones

On 7 April 2014, a 16-year-old boy from the Al 'Arrub refugee camp in the West Bank is arrested by Israeli soldiers at 2:00 a.m.

“It was 2:00 a.m. when a group of Israeli soldiers entered our house and told my father to bring all the family members to the living room. The commander asked us for our names. When I told him my name he told me to get dressed because I was under arrest. He did not tell us the reason for my arrest. The soldiers took me outside and my hands were tied behind my back with three plastic ties: one on each wrist and one connecting the two. The ties caused me a lot of pain. I was also blindfolded.”

“The soldiers then led me through the camp to the centre where many Israeli military jeeps were parked. I was made to stand next to another person who had been arrested. At one point a soldier swore at me and the other detainee. I got very upset and shouted back at the soldier. The soldier then beat me all over with the back of his gun. I was then put into the back of a jeep where I sat on the metal floor. The jeep drove away and was speeding. I couldn’t sit upright because of the speed the jeep was driving at. I tried to hold on but a soldier hit me on the hands to prevent me from doing so.”

“The jeep drove for about 30 minutes before it stopped outside an Israeli police station in the settlement of Kiryat Arba. It was around 4:00 a.m. I was led into a caravan together with the other detainee. Two soldiers remained in the caravan to guard us. There were no seats so we sat on the ground. When I fell asleep a soldier poured water on my face to wake me up. I was kept in the caravan for nearly 16 hours, from around 4:00 a.m. until around 8:00 p.m. During this time I wasn’t given any food although I had asked for some. Soldiers told us there wasn’t any food around. There was no toilet in the caravan and when I asked the soldiers to use the bathroom they told me to pee in my pants. I took advantage of the soldiers leaving the caravan and I peed in the corner. When I asked for water a soldier gave me a glass of water and poured some coke in it.”

“At around 8:00 p.m. I was taken out of the caravan and put into the back of a jeep. The jeep drove for about 30 minutes before it stopped outside the police station in the settlement of Etzion. I was made to sit on the ground next to the jeep for about 30 minutes before an interrogator in civilian clothes took me for interrogation. He cut off the ties and removed the blindfold and made me sit on a chair. He did

not inform me of my right to silence. He immediately started to laugh at me. He threatened to bring someone called Abu Ali to beat me up. Then he told me to take off my clothes because he wanted to have sex with me. He then started to interrogate me. He told me that on 13 March 2014, soldiers saw me shut the gate at the entrance to the camp with the aim of throwing stones at the main road and to prevent soldiers from entering the camp. I told him this wasn't true and challenged him to provide the evidence for these claims. He never provided me with any evidence. Then he accused me of throwing stones at settlers near the camp. Half way through the interrogation he told me he was going to call a lawyer for me to consult with. I told him there was no need for a lawyer because I hadn't done anything wrong and asked him to call my father to tell him I was in Etzion. The interrogator refused to call my father. Then he sent me to another room where another interrogator in police uniform was sitting. The policeman told me he was going to print out my statement for me to sign and continued to interrogate me. He told me he wanted to hear the truth from me and that he was only interested in the truth. He told me if I did indeed throw stones that I needed to be frank and tell him. I told the policeman I didn't throw stones at anyone and didn't break the law. The interrogation lasted for about four hours. He printed my statement in Hebrew, verbally translated it for me and asked me to sign it. I refused to sign it."

"The policeman then took me to a caravan by the gate where I remained until around 4:00 p.m. when he came back and told me they had decided to release me. I walked about two kilometres back home."

Testimony 10

Name: A.H.
Age: 16 years
Date of incident: 3 April 2014
Location: Al Fawwar, West Bank
Accusation: Throwing stones

On 3 April 2014, a 16-year-old boy from the Al Fawwar refugee camp, in the West Bank, is arrested by Israeli soldiers at 2:00 a.m.

"I was arrested from home at 2:00 a.m. A large number of Israeli soldiers surrounded our house and banged forcefully at our front door. My father opened the door and about 10 fully armed soldiers entered the house. I think there was an intelligence officer among them. The commander asked my father to wake up my siblings. I was up by then. Then he asked my father for me by name and my father pointed at me. The commander told my father they were going to arrest me. When my father asked for the reason, the commander told him I was accused of throwing stones at soldiers and settlers. The commander gave my father a document and asked him to sign it but my father refused and objected to my arrest. The commander then signed the document himself. Then the commander asked me to get dressed. Two soldiers took me outside the house and immediately tied my hands to the front with one plastic tie, which was painful. I did not object for fear that they might beat me if I did."

"The soldiers then escorted me for about 500 meters towards the Israeli military watchtower on Route 60. As soon as we got there I was blindfolded and made me sit on the ground. It was a cold and rainy night. They also cut off the plastic tie and tied my hands to the back with another plastic tie. This time it wasn't as tight. While sitting on the ground a soldier punched me in the back."

“About one hour later, at around 3:30 a.m., one of the soldiers put me into the back of a jeep and made me sit on the metal floor. The jeep drove away for about five minutes and I think we were at the Israeli settlement of Haggai. Soldiers took me out of the jeep and made me wait outside for about 30 minutes. Then I was taken inside for a medical checkup. A soldier removed the tie and the blindfold and the doctor gave me a quick checkup. He asked me if I suffered from any illnesses or allergies. After the examination I was blindfolded and tied to the front with one plastic tie. I was taken back into the jeep. They made me sit on the metal floor of the jeep again. The jeep drove away for about 30 minutes before it stopped. The soldiers then put me in a shipping container. One of the soldiers remained with me and I sat on the floor. I was still tied and blindfolded. I remained there for about two hours.”

“At around 9:00 a.m. an Israeli policeman removed the blindfold and took me to the interrogation room. I asked the policeman to tell me where I was and he said I was at Kiryat Arba police station. The interrogator did not tell me I had the right to silence or the right to consult with a lawyer. He asked me for my father’s telephone number. I was still tied during the interrogation. I don’t recall whether there was a camera or a tape recorder in the room. The interrogator started by accusing me of throwing stones at soldiers near Route 60. I denied the accusation. He insisted that I did and repeated the same accusation. Again, I denied the accusation. Then he told me other boys who were arrested from the camp testified against me. I asked him to name the boys. He named one boy from the camp whom I knew. I asked the interrogator to bring that boy so that I could confront him but the interrogator told me he wasn’t going to bring the boy and that a military court was going to decide what to do with me. At the end of the questioning the interrogator printed out my statement in Hebrew and asked me to sign it. I refused to sign and told him I wanted to understand what exactly it said. The interrogator verbally translated it for me and I signed it. The interrogation lasted for about one hour. In the end he asked me whether I was hungry and brought me some food. Then he took me to be photographed and fingerprinted. Then I was taken back to the shipping container where I remained until around 10:00 a.m.”

“At around 10:00 a.m. a soldier shackled and handcuffed me and took me to the back of a vehicle. The vehicle drove for about 30 minutes before it stopped at Etzion police station. The vehicle stopped at the entrance for nearly 30 minutes and then drove away. One hour later the vehicle arrived at Ofer prison, near Ramallah. We arrived at around noon. On arrival I was given a security check and had to strip down to my underwear. I was then given prison clothes and taken to Cell 13 where there were other children my age.”

“The following morning a soldier told me they were going to take me to the military court. I waited in the court waiting room until around 10:00 a.m. Then I was taken inside the courtroom. My parents were not there because they were not informed but a lawyer was there who told me he was representing me. The court hearing was adjourned until Sunday. On Sunday I was taken to court again. This time my father was there in addition to the lawyer. I was allowed to talk to my father across the courtroom. My lawyer asked for my release but the judge refused and the hearing was adjourned. I had three other court hearings and on the last one the court decided to release me on bail. My lawyer told me I would be summoned to court again if necessary. I don’t know if a date had been fixed or not. I was released on 26 May 2014. My father was waiting for me outside prison and I went home with him.”

End notes

¹ This calculation is based on the number of summonses issued as a percentage of the number of night arrests.

² The delegation comprised of the following lawyers: The Rt Hon Sir Stephen Sedley, The Rt Hon the Baroness Patricia Scotland of Asthal QC, Frances Oldham QC, Marianna Hildyard QC, Judy Khan QC, Jayne Harrill, Jude Lanchin, Greg Davies and Marc Mason.

³ UNICEF: Children in Israeli Military Detention (February 2013). Available at: <http://is.gd/Yu59IN>

⁴ UN Secretary General's annual report on children in armed conflict (May 2013). Available at: <http://is.gd/G6tffC>

⁵ UN Committee on the Rights of the Child (June 2013). Available at: <http://is.gd/smYxlt>

⁶ UNICEF: Bulletin No.1 (October 2013). Available at: <http://is.gd/1m8mqR>

⁷ *Ibid.*, page 5.

⁸ *Ibid.*

⁹ UN General Assembly, Draft report of the Working Group on the Universal Periodic Review (1 November 2013) – Israel. Available at: <http://is.gd/mSSUag>

¹⁰ US Department of State, Country Reports on Human Rights Practices (2013) – Israel and the Occupied Territories. Available at: <http://is.gd/5U0ozj>

¹¹ UN Secretary General's annual report on children in armed conflict (May 2014). Available at: <http://is.gd/pLamaa>

¹² See MCW statistics at: <http://is.gd/M3B8Q2>

¹³ The data was provided by Israel's chief military prosecutor in the West Bank, Lt.-Col. Maurice Hirsch, at Ofer Military Court on 26 February 2014.

¹⁴ See for example: <http://is.gd/HKKGFd>; <http://is.gd/CNgAfN>; <http://is.gd/vBxHtX>; and <http://is.gd/iEifIJ>.

¹⁵ MCW Testimony, K.T. (17 March 2014). Available at: <http://is.gd/4jFBKm>

¹⁶ Farahat & Ors v Israeli Prison Service, petition no. 97/400.

¹⁷ Military Order 1644.

¹⁸ UN Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict, Concluding Observations – Israel (March 2010), paragraphs 33-35. Available at: <http://is.gd/NU5I6G>

¹⁹ 14th Session of the Human Rights Council – Annual Report.

²⁰ B'Tselem, No Minor Matter: Violation of the Rights of Palestinian Minors Arrested by Israel on Suspicion of Stone Throwing, July 2011, page 65. Available at: <http://is.gd/2vz0or>

²¹ MCW Public Statement: Military justice: paying lip-service to the rule of law, 18 July 2013. Available at: <http://is.gd/uTOFEx>

²² UNICEF: Bulletin No.1 (October 2013), page 5. Available at: <http://is.gd/1m8mqR>

²³ Military Order 1676.

²⁴ The prescribed sentence for stone-throwing under Military Order 1651 (paragraph 212) is 10 years if directed at a person or property, and 20 years if directed at a vehicle. The prescribed sentence of participating in a “political”

gathering of 10 persons or more without a permit from the Israeli military authorities is 10 years by pursuant to Military Order 101.

²⁵ IDF MAG Corps - <http://is.gd/asKuHZ>

²⁶ MCW Public Statement: Translation in the military courts, 10 March 2014. Available at: <http://is.gd/GqZX52>. See also: Yesh Din, Backyard Proceedings: the implementation of due process rights in the Military Courts in the Occupied Territories (2007), pages 144 and following. Available at: <http://is.gd/HtwmVf>

²⁷ *Khaled el-Arej v Head of the Central Command*. Available at: <http://is.gd/sUYGly>. The appellants were represented by Advocate Smadar Ben Natan.

²⁸ Military Order 1711.

²⁹ Military Order 1711.

³⁰ Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 10L; Criminal Procedure (Enforcement Powers-Arrests) Law (1996) – Section 61 – 9 months for adults, with possible extensions.

³¹ UNICEF: Bulletin No.1 (October 2013), page 1. Available at: <http://is.gd/1m8mqR>

³² Military Order 1726.

³³ Children in Military Custody (2012), Recommendation Nos. 14 and 21 (tapes made available to defence counsel prior to first hearing). Available at: <http://is.gd/bL3w2D>. See also: UN Committee against Torture, Concluding Observations, Israel (2009), paragraph 16; UN Committee against Torture, General Comment No. 2, paragraph 14; UN Human Rights Committee, Concluding Observations, Israel (2010), paragraph 22. It should be noted that in some jurisdictions, such as a number of Australian States, a suspect is provided with a tape of the interview immediately following its conclusion.

³⁴ MCW Public statement: A call for an end to the double interrogation, 26 August 2013. Available at: <http://is.gd/RWMAFa>

³⁵ The appellants were represented by Advocates Smadar Ben Natan and Laila Margalit. See MCW civilian legal system. Available at: <http://is.gd/KqSPrx>

³⁶ UK Report – Recommendation No. 1.

³⁷ UNICEF Report – Recommendation No. 3(i).

³⁸ On 26 February 2014, Lt.-Col. Maurice Hirsch, Israel's chief military prosecutor in the West Bank provided additional data at a briefing held in Ofer military court regarding the arrest and detention of children in the West Bank. In the briefing Hirsch said that in 2013, the Israeli military arrested 1,004 children in the West Bank of which 170 children were arrested at night (17 per cent). This figure cannot be independently verified by MCW.

³⁹ WCLAC, Israeli military conducts 16 night raids on Palestinian village in May. Available at: <http://is.gd/pdfbgs>

⁴⁰ The appellants were represented by Attorney Nery Ramati of Gaby Lasky & Partners. See MCW military court decisions. Available at: <http://is.gd/PBHhvN>

⁴¹ Haaretz, "AG recommends psychiatric evaluations of Palestinian minors in custody, 19 August 2014. Available at: <http://is.gd/mR12Bt>

⁴² This calculation is based on the number of summonses issued as a percentage of the number of night arrests.

⁴³ On 26 February 2014, Lt.-Col. Maurice Hirsch, Israel's chief military prosecutor in the West Bank provided additional data at a briefing held in Ofer military court regarding the arrest and detention of children in the West Bank.

In the briefing Hirsch said that in 2013, the Israeli military arrested 1,004 children in the West Bank of which 170 children were arrested at night (17 percent).

⁴⁴ At a briefing conducted by the Israeli military authorities on 26 February 2014, data was released indicating that approximately 8,000 Palestinians from the West Bank were detained by the military in 2013, of which 1,004 were children. Of the 1,004 children, 170 (17%) were detained in night raids on their homes. Assuming a similar percentage of adults were detained at night, these figures indicate that around 1,360 Palestinian adults and children were detained during night-time arrest operations in 2013 (17% of 8,000). The data released by the military authorities cannot be independently verified.

⁴⁵ In 2009, the Public Committee Against Torture filed a petition in the Supreme Court (Public Committee Against Torture in Israel v Prime Minister of Israel (HCJ 5553/09)). Prior to judgment, lawyers for the State informed the Supreme Court that new procedures relating to the use of hand ties had been introduced to prevent pain and injury, thereby making further court action unnecessary. See also paragraph 3.3 (iii) above.

⁴⁶ UNICEF Recommendation No. 15.

⁴⁷ UNICEF: Bulletin No.1 (October 2013), page 2. Available at: <http://is.gd/1m8mqR>

⁴⁸ This assurance was given by a spokesperson from the Israeli Embassy in the Hague during a panel discussion on children held in Israeli military detention held at the Asser Institute on 7 February 2014.

⁴⁹ MCW Testimony: A.Q. – 8 January 2014. Available at: <http://is.gd/YjZUof>

⁵⁰ There is no right under Israeli military law for a parent to accompany a child during interrogation. Under Israeli civilian law 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. Exceptions include: Parents do not present themselves within a reasonable time; waiting for a parent would harm the investigation, the child, or a third party; parents cannot be located after a reasonable attempt; and a parent can be removed from the interrogation if he/she threatens the child or disrupts the interrogation. Reasons why a parent is not present must be documented in writing by an authorized officer (Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 9H). However, the Military Appeals Court has said in the past that the “spirit” of the Youth Law should apply to children detained under military law. Support for the proposition that children should be accompanied by a parent during questioning can be found in the following sources: UNICEF Report, Recommendation No. 23; Children in Military Custody, Recommendation No. 11; UN Committee on the Rights of the Child, General Comment No. 10, paragraph 58; UN Human Rights Committee, Concluding Observations, Israel (2010), paragraph 22; and UN Committee against Torture, Concluding Observations, Israel (2009), paragraphs 15 and 28.

⁵¹ Military Order 1676 – Article 136 b(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)). On arrival at a police station a child must be informed that he has the right to consult with a lawyer but there is no stipulation as to when this consultation should take place. The military courts have said on a number of occasions that a child should consult with a lawyer prior to interrogation but this rarely happens in practice. This is due, in part, to the fact that most children are arrested at night and generally will not have the contact details of a lawyer. Further, it is extremely rare for the military courts to reject evidence obtained from a child during interrogation in circumstances where the child did not first consult with a lawyer.

⁵² Children in Military Custody, June 2012. Available at: <http://is.gd/bL3w2D> . Support for the proposition that all interrogations should be audio-visually recorded can be found in the following sources: UN Committee against Torture, Concluding Observations, Israel (2009), paragraph 16; UN Committee against Torture, General Comment No. 2, paragraph 14; UN Human Rights Committee, Concluding Observations, Israel (2010), paragraph 22. Further, it should be noted that in a number of jurisdictions where police interviews are audio-visually recorded, a tape of the interview is provided to the suspect at the conclusion of questioning.

⁵³ Haaretz: Key witness aimed gun at Palestinian teen during police interview, 13 March 2014. Available at: <http://is.gd/hQh3j5>

⁵⁴ Se MCW, “Double interrogations continue”, 6 May 2014. Available at: <http://is.gd/LkAyKw>. The practice of using double interrogations in which only one is recorded was also recently documented by the Israeli organization B’Tselem in their report: Abuse and torture in interrogations of dozens of Palestinian minors in the Israel Police Etzion facility, 22 August 2013. The report noted that: “In addition, twelve interrogatees stated that their initial confession had been taken by an interrogator in civilian clothes and that, to the best of their knowledge, at that stage, it had not been recorded. Only after they confessed to stone-throwing, they were transferred to another room, where an interrogator in police uniform asked them to repeat their confession, this time recording them. Later, the interrogators told them to sign a document in Hebrew, a language they do not understand, without knowing what they were signing.” Available at: <http://is.gd/7qiZIT>

⁵⁵ Interim report of the UN Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, 5 August 2011 (A/66/268).

⁵⁶ UNICEF Recommendation No. 16.

⁵⁷ MCW Testimonies, F.Z.S. (3 June 2014): “At Ofer I was strip searched and asked to crouch up and down a couple of times. I felt humiliated and objected to this kind of search. The soldier insisted that I do it and threatened to beat me if I didn’t.” Available at: <http://is.gd/ovX4Ig>

⁵⁸ UNICEF Recommendation No. 32.

⁵⁹ MCW Testimonies, M.A.Q. (5 February 2014): “My father couldn’t visit me in prison because he was denied a permit for security reasons. My mother visited me a few times but then I was punished and denied family visits on three occasions because I was accused of not obeying orders and answering back.” Available at: <http://is.gd/LO5MuV>

⁶⁰ UNICEF Recommendation No. 37.

⁶¹ UK Report – Recommendation No. 32.

⁶² See statement in Parliament by Baroness Warsi on 28 July 2014. Available here – <http://is.gd/cBzgyy>

⁶³ MCW Statements, G4S announcement to continue involvement with unlawful detention for three years may amount to aggravating circumstance, 9 June 2014. Available at: <http://is.gd/1HPdH0>

⁶⁴ See for example: the Geneva Conventions Act (1957) (UK), Sections 1 and 1A; and the International Criminal Court Act (2001) (UK).

⁶⁵ Non-discrimination was one of three core recommendations included in the UK Report (paragraph 119). The recommendation has also been made by UNICEF (Recommendation No. 2); and by the Netherlands in the UN General Assembly, Draft Report of the Working Group on the Universal Periodic Review, Israel, 1 November 2013.

⁶⁶ See for example Article 2 of the UN Convention on the Rights of the Child and Article 2 of the International Covenant on Civil and Political Rights.

⁶⁷ Law for Amending and Extending the Validity of Emergency Regulations (Judea and Samaria – Jurisdiction in Offenses and Legal Aid), 2007, Chapter B, Section 2. Available at: <http://is.gd/2icwlY>

⁶⁸ Yesh Din, Backyard Proceedings, 2007, page 59. Available at: <http://is.gd/HtwmVf>

⁶⁹ Both international humanitarian law and international human rights law apply during armed conflict subject to the principle of *lex specialis*: International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion (2004), paragraph 106. This co-application of these two branches of law are designed to offer greater protection to the civilian population. See for example: Illegal Occupation: Framing

the Occupied Palestinian Territory, Orna Ben-Neftali, Aeyal M. Gross and Karen Michaeli, *Berkeley Journal of International Law* (2005), Volume 23, Issue 3, Article 2, page 597.

⁷⁰Penal Law (1977) – Section 34F.

⁷¹ Military Order 1651 – Articles 1 and 191.

⁷²Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 1.

⁷³Military Order 1651 – Articles 1, 136 and 168.

⁷⁴Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 1.

⁷⁵ In September 2011, Military Order 1676 came into effect requiring that all children below the age of 18 be tried before a military juvenile judge. However, the sentencing provisions applicable to adults still apply to children aged 16 and 17.

⁷⁶Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 9J.

⁷⁷Youth (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. Exceptions include: Parents do not present themselves within a reasonable time; waiting for a parent would harm the investigation, the child, or a third party; parents cannot be located after a reasonable attempt; and a parent can be removed from the interrogation if he/she threatens the child or disrupts the interrogation. Reasons why a parent is not present must be documented in writing by an authorized officer.

⁷⁸ Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section I(a)(1).

⁷⁹ Military Order 1676 – Article 136 b(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)). On arrival at a police station a child must be informed that he has the right to consult with a lawyer but there is no stipulation as to when this consultation should take place. The military courts have said on a number of occasions that a child should consult with a lawyer prior to interrogation but this rarely happens in practice. This is due, in part, to the fact that most children are arrested at night and generally will not have the contact details of a lawyer. Further, it is extremely rare for the military courts to reject evidence obtained from a child during interrogation in circumstances where the child did not first consult with a lawyer.

⁸⁰ 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 cases.

⁸¹Youth (Trial, Punishment and Modes of Treatment) Law (2008) – Amendment 14. Children aged between 12 and 13 must be brought before a judge within 12 hours, and children 14 years and above must be brought before a judge within 24 hours.

⁸² Military Order 1685 as amended by Military Order 1711 (effective April 2013).

⁸³ Military Order 1685 as amended by Military Order 1711 (effective April 2013).

⁸⁴ Military Order 1685 as amended by Military Order 1694 (effective August 2012). Note that these time periods in which a Palestinian child must be brought before a military court judge for the first time can be doubled in “special circumstances”.

⁸⁵Criminal Procedures (Powers of Enforcement-Arrests) Law (1996) – Section 34.

⁸⁶ Military Order 1651 – Articles 58(C) and (D), 59(B) and (C).

⁸⁷ Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 10K; Criminal Procedure (Enforcement Powers-Arrests) Law (1996) – Section 59.

⁸⁸ Military Order 1685 (effective 1 March 2012) reduces the time period a detainee can be held without charge from 180 days to 150 days. Under the new order, a military court judge can extend the detention period in which a person can be held without charge up to a maximum of 60 days. After 60 days, the period can be further extended up to a maximum of 90 days by a judge of the Military Appeals Court. The cumulative effect of these provisions is that a person can be detained for up to 150 days before he/she must be charged. This time does not include the initial period of detention between arrest and the first appearance before a judge, which can range from 24 hours up to 4 days, depending on the age of the detainee, although these time periods can be doubled in “special circumstances”. This time period was further reduced in October 2013 to 130 days by virtue of Military Order 1726.

⁸⁹ Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 10L; Criminal Procedure (Enforcement Powers-Arrests) Law (1996) – Section 61 – 9 months for adults, with possible extensions.

⁹⁰ Military Order 1651 as amended by Military Order 1711 (effective April 2013). A minor now can be detained for up to one year between being charged and the conclusion of his/her trial. After one year, a judge of the Military Appeals Court can extend the period of detention every three months, with no limit on the number of extensions.

⁹¹ See MCW civilian legal system. Available at: <http://is.gd/KqSPrx>

⁹² This data was provided by the Israeli military authorities to the Foreign and Commonwealth Office in or about February 2014.

⁹³ Amnesty International: Trigger-Happy: Israel's use of excessive force in the West Bank, 27 February 2014. Available at: <http://is.gd/tt4xCw>

⁹⁴ Yesh Din, Significant drop in number of indictments, 3 February 2013. Available at: <http://is.gd/1F25Ci>

⁹⁵ PCATI, Prosecutorial Indifference: Systematic Failures in the Investigation of Soldier Violence against Detainees in the Occupied Palestinian Territory, June 2014. Available at: <http://is.gd/05fDUS>. According to PCATI, the Military Prosecutor takes an average of 30 months – two and a half years – from the moment of the complaint's filing until notification is provided to the complainant or their representative regarding the closing or shelving of the investigation file.

⁹⁶ B'Tselem, Accountability. Available at: <http://is.gd/mn92Vn>

⁹⁷ MCW Public statement: New procedure for complaints against ISA interrogators, 11 June 2013. Available at: <http://is.gd/FfBOZQ>. The body now responsible for investigations complaints against the ISA is the Examiner of GSS Interrogee Complaints (EGIC).

⁹⁸ PCATI, Prosecutorial Indifference: Systematic Failures in the Investigation of Soldier Violence against Detainees in the Occupied Palestinian Territory, June 2014. Available at: <http://is.gd/05fDUS>; and PCATI, Accountability Still Denied, January 2012. Available at: <http://is.gd/6FYJXD>

⁹⁹ MCW Public statement: New procedure for complaints against ISA interrogators, 11 June 2013. Available at: <http://is.gd/FfBOZQ>

¹⁰⁰ Jerusalem Post: State: Body for probing Shin Bet active since January, 7 March 2014. Available at: <http://is.gd/e56gBu>

¹⁰¹ PCATI, Prosecutorial Indifference: Systematic Failures in the Investigation of Soldier Violence against Detainees in the Occupied Palestinian Territory, June 2014. Available at: <http://is.gd/05fDUS>

¹⁰² The Independent, “UK ready to take on Israel over fate of children clapped in irons” (27 June 2012). Available at: <http://is.gd/wtEua8>

¹⁰³ UNICEF: Bulletin No.1 (October 2013), page 1. Available at: <http://is.gd/1m8mqR>

¹⁰⁴ Haaretz, “In Israel, a different fate for detained Palestinian youths”, (23 May 2014). Available at: <http://is.gd/7dpDzR>

¹⁰⁵ In November 2013, a delegation of Dutch experts travelled to Israel/Palestine for the purpose of preparing a report on Palestinian children held in Israeli military detention. According to their report (Palestinian Children and Military Detention), which was published in April 2014: “Despite numerous attempts and requests, the Israeli authorities did not provide the group any opportunity to speak with representatives from the Israeli government or members of the Israeli parliament.” Available at: <http://is.gd/HDgIgS>

¹⁰⁶ MCW Testimony – S.M. (26 May 2014): “It was 2:00 a.m. when we woke up to the sound of Israeli soldiers banging at our front door. We were all asleep. My father opened the door and the soldiers gave him a written summons for me to show up at the Israeli police station in the settlement of Kiryat Arba the following morning for interrogation. The soldiers then left.” Available at: <http://is.gd/7w2xmH>

¹⁰⁷ Although there has only been a marginal reduction in the percentage of children that report being arrested at night, this recommendation receives a “partially implemented” assessment in acknowledgement that a pilot scheme to issue summonses was introduced in or about April 2014. However, this assessment is likely to revert to “not implemented” by the next progress report unless we see a significant fall in the number of children arrested at night and night arrests only being used in “extreme and unusual circumstances”. Further, it must be noted that there are a number of issues of concern relating to the pilot scheme which raise questions about the *bona fides* of its implementation.

¹⁰⁸ MCW Testimony – M.S.F. (29 July 2014): “I was asleep when my brother woke me up telling me there were Israeli soldiers around the house. It was around 4:00 a.m. I heard loud banging at our front door. My father went to answer but the soldiers broke it down and stormed into the house before he managed to open it. Five soldiers entered the house and about 30 others remained outside. They ordered all of us to leave the house and checked our identity cards. When a soldier checked mine he tied my hands behind my back with one plastic tie. The tie caused me a lot of pain. He also blindfolded me and told me I was under arrest. He didn’t tell us why and didn’t present us with any written documents. They also tied my father and my brother but didn’t arrest them.” Available at: <http://is.gd/YP1FUI>

¹⁰⁹ MCW Testimony, Y.K.A. (25 May 2014): “I was about to fall asleep when my father came to tell me there were Israeli soldiers in our house. It was 2:00 a.m. My father told me to go to the living room immediately. There were lots of soldiers there. The commander asked my father for the names of his children. When my father mentioned my name the commander wanted to know which one I was and told me to get dressed. The commander told my father they wanted to arrest me and that I was accused of throwing stones. He told my father they were going to take me to the Israeli settlement of Kiyat Arba for interrogation. The commander gave my father a piece of paper with the details of my arrest and asked him to sign it which he did.” Available at: <http://is.gd/KU6Ec9>

¹¹⁰ MCW Testimony, A.A.B. (25 May 2014): “I was then taken to the back of a military jeep and a soldier tied my hands to the front with one plastic tie. I complained to the soldier that the tie caused me a lot of pain and instead of doing something to loosen the tie he tightened it even more. I was also blindfolded. A soldier inside the jeep started to ask me questions. He wanted to know the names of the boys who throw stones. He slapped me when I told him I didn’t know any of the boys.” Available at: <http://is.gd/7XBWVY>

¹¹¹ MCW Testimony, J.T. (23 May 2014): “The soldiers took me outside the house and I saw three military jeeps with lots of soldiers around. The soldiers blindfolded me and tied my hands behind my back with one plastic tie. The tie was very tight and caused me a lot of pain. I still have marks on my wrists nearly two weeks later. They pushed me into the back of the jeep and made me sit on the seat. The jeep drove for about 30 minutes before it stopped at the military camp near our village. During the journey the soldiers swore at me and called me son of a whore. They also slapped and kicked me.” Available at: <http://is.gd/Oo98xD>

¹¹² MCW Testimony, J.A.M. (22 May 2014): “I was asleep when I heard loud banging at our front door at around 2:30 a.m. Seconds later there were Israeli soldiers inside our house telling us to gather in the living room... I sat on the couch in the living room and one of the soldiers asked me for my date of birth and told me to get dressed because

they were going to take me away for questioning. They didn't say why and didn't show me any written documents. I hardly had time to put on some clothes before I was pushed outside the house where a soldier painfully twisted my arms behind my back and tied my wrists together with one plastic tie which was very painful." Available at: <http://is.gd/57XPhC>

¹¹³ MCW Testimony, Y.A.K. (19 May 2014): "Once inside the jeep my hands were tied behind my back with one plastic tie which was tight and painful. A soldier also blindfolded but I could still see through the blindfold. He made me sit on the metal floor of the jeep and pointed his gun at me. The soldiers did the same to my friend. A short while later my parents came and tried to reason with the soldiers and to get us released but they did not succeed. I explained to the soldier that I had had surgery to my leg and couldn't run; I wanted him to be careful not to cause me an injury, but I don't think he paid any attention to what I was telling him. The jeep then drove to a nearby water spring where we waited on the ground for about 30 minutes. The soldiers slapped me on the way for no reason." Available at: <http://is.gd/12Z3tK>

¹¹⁴ MCW Testimony, M.S.F. (29 July 2014): "I was asleep when my brother woke me up telling me there were Israeli soldiers around the house. It was around 4:00 a.m. [...] I was led out of the house and across agricultural land to the nearby Israeli settlement of Betar Illit. It was hard to walk because I couldn't see where I was stepping and I tripped a number of times. We walked for about 30 minutes. When we arrived at the settlement they made me sit on the ground for another 30 minutes until a military jeep came. They put me in the back of the jeep and made me sit on a seat. When I tried to sit properly a soldier kicked me with his boots. The jeep drove to an unknown destination. When I asked where we were the soldiers ignored me. I was taken to see a doctor who removed the hand tie and the blindfold and asked me some medical questions. After the examination I was re-tied and blindfolded and taken to the police station inside the settlement of Etzion. We arrived at the settlement of Etzion at 7:30 a.m. They made me sit in the hot sun without any food or water for about two hours. They later allowed me to use the bathroom. At around 9:30 a.m. the interrogator came, kicked me with his boots and told me to get up because he was going to interrogate me. He told me it was up to me whether I will be treated well or not." Available at: <http://is.gd/TKC8R0>

¹¹⁵ MCW Testimony, M.B.H. (5 June 2014): "At around 10:30 p.m. the jeep drove to the nearby Israeli settlement of Mevo Dotan. I was taken out of the jeep and made to sit on the ground for about an hour. I was still tied and blindfolded. At around 11:30 p.m. I was taken to see a doctor. The doctor did not examine but asked me some questions about my health. I was then taken to a small storage room. I was still tied and blindfolded. My friend, who was arrested with me, was also in the room. We spent the night on the benches in that room but we didn't sleep at all. The soldier who was guarding us did not allow us to sleep. Each time my friend and I fell asleep the soldier would either kick and slap us or take us outside for about 30 minutes before returning us to the room. We were given some water to drink but no food." Available at: <http://is.gd/WhzzEB>

¹¹⁶ MCW Testimony, R.B.J. (26 June 2014): "Once inside the interrogation room my blindfold was removed but my hands remained tied. The interrogator asked me for my name and age and other general questions. I don't recall whether he had a camera or a tape recorder in the room. He did not inform me of my right to silence and did not tell me I could speak with a lawyer." Available at: <http://is.gd/ZwREvh>

¹¹⁷ MCW Testimony, F.Z.S. (3 June 2014): "The interrogator told me his name was Fadi and he removed the handcuffs. He was wearing civilian clothes. He asked my father to sit down and not to speak. Before he started to interrogate me he told me I had the right to silence and to consult with a lawyer, although I didn't consult with a lawyer. He had a tape recorder and everything was recorded. He told me I was accused of throwing stones at soldiers. I denied the accusation but the interrogator insisted that I did and claimed he had pictures of me throwing stones. He didn't show me any pictures and I continued to deny the accusation. The interrogator then said there were eyewitnesses who saw me throwing stones. At this point my father got angry and asked the interrogator to be satisfied with the answers I was giving him. My father also asked that I be released and he promised to guarantee that I wouldn't do anything that violates the law. The interrogator rejected this offer. The interrogator then shouted at me and threatened to put me in prison for a long time. He turned the tape recorder off each time he shouted because he didn't want to record the shouting. Then he decided to kick my father out. I was in the room with the interrogator by myself. I was scared and decided to confess to throwing stones. Then the interrogator brought my father back into the room and told him I had confessed." Available at: <http://is.gd/PYvquC>

¹¹⁸ MCW Testimony, M.A.Q. (5 February 2014): “The vehicle drove for about 10 minutes before it stopped at the settlement of Etzion. I was immediately taken to see a doctor and my blindfold was removed. The doctor asked me if I suffered from any illnesses but he did not really examine me.” Available at: <http://is.gd/Gw0TZp>

¹¹⁹ MCW Testimony, R.B.J. (26 June 2014): “At around 11:00 p.m. an Israeli police car arrived. I was put in the back of the car and driven away for about five minutes. I could see from under my blindfold that we were outside the police station in Kiryat Arba settlement. I was led into a caravan and a soldier tightened the plastic hand tie even more. I screamed out in pain and the soldier hit me hard in the back. I remained in the caravan until around 3:00 a.m. when a policeman took me for interrogation.” Available at: <http://is.gd/UQY8zn>

¹²⁰ MCW Testimony, M.A.T. (7 April 2014): “The jeep drove for about 30 minutes before it stopped outside an Israeli police station in the settlement of Kiryat Arba. It was around 4:00 a.m. I was led into a caravan together with the other detainee. Two soldiers remained in the caravan to guard us. There were no seats so we sat on the ground. When I fell asleep a soldier poured water on my face to wake me up. I was kept in the caravan for nearly 16 hours, from around 4:00 a.m. until around 8:00 p.m. During this time I wasn’t given any food although I had asked for some. Soldiers told us there wasn’t any food around. There was no toilet in the caravan and when I asked the soldiers to use the bathroom they told me to pee in my pants [...] At around 8:00 p.m. I was taken out of the caravan and put into the back of a jeep. The jeep drove for about 30 minutes before it stopped outside the police station in the settlement of Etzion. I was made to sit on the ground next to the jeep for about 30 minutes before an interrogator in civilian clothes took me for interrogation.” Available at: <http://is.gd/61cpVb>

¹²¹ M.C.W. Testimony, A.M.M. (1 January 2014): “The bus drove for about five minutes and stopped at an Israeli military base near my village. One of the soldiers removed my blindfold and showed me some photographs on his mobile phone of boys throwing stones. The soldier wanted me to tell him the names of the boys. I told him I didn’t know the boys in the photos. Soldiers then took me off the bus and made me sit on the ground in an outdoor area for about three hours. It was a very cold night. After about three hours I was taken to an interrogation room where an interrogator wearing a military uniform was sitting. He did not inform me of my right to silence and that I had the right to consult with a lawyer.” Available at: <http://is.gd/EZrs0l>

¹²² MCW Testimony, M.B.H. (5 June 2014): “At around 2:00 a.m. a soldier walked into the room and started to interrogate me. He wanted to know why I was in the area where I was arrested. He spoke good Arabic. I told him I going for a walk with my friend and that we didn’t do anything wrong. The soldier got very angry and started to swear at me. He said bad things about God and religion. He also motioned to hit me but backed off at the last minute.” Available at: <http://is.gd/qhX7zK>

¹²³ See MCW, “Double interrogations continue”, 6 May 2014. Available at: <http://is.gd/LkAyKw>

¹²⁴ MCW Testimony, M.S.H. (1 June 2014): “Then the interrogator printed out a document written in Hebrew and read it out to me in Arabic. I signed it because it matched what I had told him.” Available at: <http://is.gd/TdoYT0>

¹²⁵ MCW Testimony, N.M.N. (25 May 2014): “A soldier inside the jeep started to ask me questions. He wanted to know the names of the boys who throw stones. He slapped me when I told him I didn’t know any of the boys. It hurt. He kept asking me the same questions for about five minutes and then got off the jeep. Another soldier came and asked me the same questions. I told him I didn’t know any names. He kicked and slapped me all the time. He hit me with the back of his gun and swore at my father and my mother calling her a whore.” Available at: <http://is.gd/k90evp>

¹²⁶ In April 2014, the Israeli High Court upheld the application of different time periods being applied to Palestinian and Israeli settler children in the West Bank in *Ministry of Palestinian Prisoners v Minister of Defence*. Available at: <http://is.gd/KqSPrx>

¹²⁷ See MCW, “Double interrogations continue”, 6 May 2014. Available at: <http://is.gd/LkAyKw>

¹²⁸ MCW Testimony, A.Q.A. (19 May 2014): “The interrogator then asked me to sign a document written in Hebrew, a language I don’t understand. When I asked him to translate it for me he said there was no need for translation since it said exactly what I had told him.” Available at: <http://is.gd/HvaT6T>

¹²⁹ MCW Statement: Military justice – paying lip service to the rule of law (18 July 2013). Available at: <http://is.gd/iHiKvb>

¹³⁰ MCW Testimony, K.T. (17 March 2014). Available at: <http://is.gd/5QbDbw>

¹³¹ Recommendation 26 was reviewed by MCW in December 2013 and graded as “partially implemented”. Eight months later this assessment has been downgraded to “not implemented” for two reasons: first, the military law has still not been amended to ensure that children are not being unlawfully discriminated against based on race or national identity in the West Bank; and secondly, because 12 per cent of cases documented by MCW in 2014 relate to children below the age of 14, none of whom appear in any publicly available statistics.

¹³² Haaretz, “IDF court: Palestinian minors have the right to see a social worker before remand” (5 June 2014). Available at: <http://is.gd/uh5Zgj>

¹³³ MCW Testimony, U.S. (15 March 2013): “Inside the cell there were concrete beds and the walls were rough with sharp protrusions. There was a dirty toilet which had a horrible smell and an air conditioner was turned on; it was freezing cold in there. I sat on the bed and I think I snoozed for about five or 10 minutes before I woke up again, I was exhausted. I was left in this cell by myself for three days. The lights were left on all day and night. There were no windows.” Available at: <http://is.gd/IP4Syc>.

MCW Testimony, M.H. (15 May 2013): “I was then taken to Ramle prison inside Israel. I was kept in a small cell without windows for three days.” Available at: <http://is.gd/NNQix9>

MCW Testimony, S.S. (21 February 2014): “I also spent two days in solitary confinement as punishment because prison authorities found pebbles next to my bed which I had carved and made into shapes. During solitary confinement I was kept in a cell measuring 2x2 metres.” Available at: <http://is.gd/sBurHC>

¹³⁴ MCW Testimony, M.Z.M. (9 June 2014): “The jeep drove for about 15 minutes before stopping inside Etzion settlement outside the police station. I was then immediately taken for a medical examination. The doctor took my pulse and asked me if I suffered from any illnesses or allergies. I was then blindfolded and taken to a room where two other adult detainees from the camp were detained. There were no chairs in the room so I sat on the floor. I was still tied. I stayed in the room from 3:00 a.m. until around 8:30 a.m. The soldier who was guarding us did not allow me to sleep. Each time he saw me nodding off he shouted at me to wake me up. He brought me some water and allowed me to use the bathroom.” Available at: <http://is.gd/GI7ICO>

¹³⁵ MCW Testimony, A.M.K. (20 February 2014): “In prison I was allowed to study Arabic and mathematics.” Available at: <http://is.gd/ATrNna>

¹³⁶ MCW Testimony, Y.K.A. (25 May 2014): On 25 May 2014, a 14-year-old boy from the village of Al Fawwar is arrested by Israeli soldiers at 2:00 a.m. “My parents were not allowed to visit me in prison. I was released on 6 August 2014.” Available at: <http://is.gd/bL3Vih>

¹³⁷ MCW Testimony, H.R.T. (17 March 2014): “A policeman drove me and the other boy to the bus station in Jerusalem. We didn’t have any money on us so we explained to the bus driver our situation and he gave us a free lift to Bethlehem. In Bethlehem we went to the other boy’s relatives who ordered a taxi which took us home in the village. When I got home I found out that my parents had gone to Ofer prison thinking I was going to be released from there. They waited until late at night before they gave up. When they got home I was already there.” Available at: <http://is.gd/psV7AG>

¹³⁸ Recommendation 37 may need to be re-evaluated at the next review if there has been no amendment to the military law prohibiting the use of administrative detention on children.

¹³⁹ MCW Statement: Military justice – paying lip service to the rule of law (18 July 2013). Available at: <http://is.gd/iHiKvb>

¹⁴⁰ Recommendation 40 was reviewed by MCW in December 2013 and graded as “partially implemented” in recognition of an announcement made by the Israeli Ministry of Justice in June 2013 that complaints against ISA interrogators will no longer be investigated by ISA employees. However, eight months on their appears to be no improvement in the level of accountability for the actions of the police, the military and security agents in cases involving allegations of abuse against Palestinian detainees. See for example: PCATI, Prosecutorial Indifference: Systematic Failures in the Investigation of Soldier Violence against Detainees in the Occupied Palestinian Territory, June 2014. Available at: <http://is.gd/05fDUS>