



Military Court Watch

Monitoring the treatment of children in Israeli military detention

**MONITORING THE TREATMENT OF CHILDREN
HELD IN
ISRAELI MILITARY DETENTION**

ANNUAL REPORT – 2018/19

Date: 24 June 2019

Military Court Watch (MCW) is a registered non-profit organisation founded by a group of lawyers and other professionals from Israel, Palestine, Europe, the US and Australia with a belief in the rule of law. MCW is guided by the principle that all children detained by the Israeli military authorities are entitled to all the rights and protections guaranteed under international and other applicable laws.

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1. Executive summary

- 1.1 This report considers developments relating to the arrest and detention of children by the Israeli military in the West Bank in 2018 and 2019 (reporting period). In addition to reviewing relevant legal and procedural changes in the system the report considers the findings from **101 testimonies** collected from children detained during 2018. The report also includes a comparative graph tracking 13 issues of concern since 2013 based on **698 testimonies** (page 14).
- 1.2 In 2018, there was a **13 percent decline** in the monthly average number of children detained and some improvement was recorded in 5 out of the 13 issues of concern (**38 percent**) tracked and recorded by MCW in the comparative graph (page 14). Six issues recorded a deterioration and no change was observed in 2 issues.
- 1.3 While noting a number of positive developments in recent years, the evidence suggests that these have not translated into a significant improvement in the treatment of children who come in contact with the system. The evidence also suggests that UNICEF's 2013 conclusion that "the ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized" is still valid in June 2019.
- 1.4 The evidence discloses that during the reporting period the majority of children continued to be arrested in night-time military raids on their homes; tied and blindfolded; transferred to an interrogation centre on the floor of military vehicles; experience some physical and verbal abuse as well as threats; and continue to be questioned without prior access to a lawyer or being informed of their right to silence – as required under Israeli military law.
- 1.5 Data from the Israeli Prison Service (IPS) confirms that during the reporting period the practice of forcibly transferring Palestinian children out of the West Bank and unlawfully detaining them in prisons in Israel in violation of the Fourth Geneva Convention and the Rome Statute of the International Criminal Court continued as part of a systematic policy. Since the Office of the Prosecutor of the ICC initiated a preliminary examination into Palestine, over **1,700 children** have been transferred.
- 1.6 Finally, as in previous years, the evidence suggests a strong geographic link between Israeli West Bank settlements (and their associated road network) and the military detention of children living nearby. In 2018, the children who were detained, lived on average, within **900 metres** of a West Bank settlement built in violation of the Fourth Geneva Convention - the same Convention relied on by the military authorities to [justify](#) prosecuting these same children in military courts.

2. Background

- 2.1 This year marks 52 years since the imposition of Israeli military law in the West Bank and the establishment of military courts for the prosecution of Palestinian civilians, including children aged 12-17 years inclusive. During this period UN estimates and data from the military authorities suggest that up to 884,000 Palestinians have been imprisoned, including over 41,000 children. Available evidence suggests that approximately 600,000 of those detained were charged and prosecuted in the military courts, although it is difficult to obtain reliable and consistent data covering the entire period.¹

- 2.2 Since its inception, the military detention system has been plagued by reports of systematic abuse and denial of legal rights guaranteed under applicable law. Concerns have been raised by UN General-Secretaries, UN agencies, the US State Department, members of the US Congress, the EU, governments of the UK, Norway, the Netherlands and Australia, independent lawyer groups, as well as Palestinian, Israeli and international organisations, among others.²
- 2.3 In 2012, a delegation of independent UK lawyers reviewed the military detention system in the West Bank. The Foreign Office funded report – [Children in Military Custody](#) (UK Report) – found undisputed evidence that the military detention system violated at least six articles under the UN Convention on the Rights of the Child and two articles under the Fourth Geneva Convention. The following year, UNICEF published the report - [Children in Israeli Military Detention](#) (UNICEF Report) - which concluded that "the ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalised throughout the process."
- 2.4 Following the publication of these reports the Israeli Ministry of Foreign Affairs announced that it would "study the conclusions and work to implement them through on-going co-operation with UNICEF". During the intervening years there have been a number of legal, procedural and administrative developments in the system relevant to the treatment of children including, but not limited to, the following:
- (i) A new military order reducing the period of time within which a child must be brought before a military judge following arrest;³
 - (ii) The introduction of a [form](#) notifying parents of the reason for a child's arrest and place of detention;
 - (iii) Re-issuance of the military's [standard operating procedures](#) for the arrest of minors to all military units serving in the West Bank including a reminder of the prohibition against physical and verbal abuse and procedures for restraining children;
 - (iv) The introduction of a form notifying children of their legal rights in custody including the right to silence and the right to consult with a lawyer; and
 - (v) The introduction of a pilot scheme to use summonses in lieu of arresting children at night.

A chronology of all major developments is included in **Annexure A**.⁴

- 2.5 Based on developments up to June 2019, and the evidence collected during the reporting period, this report considers whether the introduction of these changes by the military authorities have materially improved the conditions for child detainees.

3. Detention figures

- 3.1 According to data provided by the IPS, the monthly average number of children held in military detention in 2018 was **271**, representing a **13 percent decline** compared with the previous year. However, child detention rates for 2018 remained **36 percent** above 2013 levels when UNICEF

published its report. According to the most recent data published by the IPS, 205 children were held in military detention at the end of April 2019.

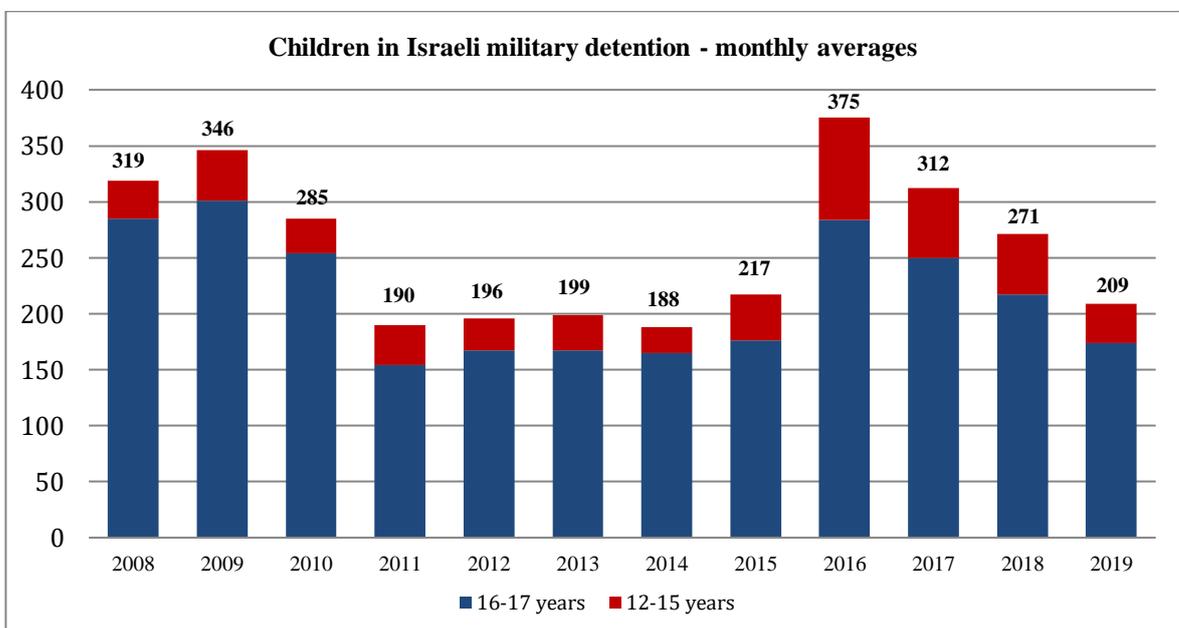
- 3.2 The latest IPS data for April 2019 includes 1 child below the age of 14 years and 2 children held without charge or trial in [administrative detention](#). Consistent with previous years, 98 percent of child detainees in 2018 were males and during the first four months of 2019, no girls were detained. The age breakdown for children in detention for the previous 7 years is as follows:

Age	2013	2014	2015	2016	2017	2018	2019
12-13 years	< 1%	0%	< 1%	< 1%	1%	< 1%	< 1%
14-15 years	16%	12%	19%	24%	20%	22%	17%
16-17 years	84%	88%	81%	75%	79%	78%	83%

- 3.3 There is a lack of clarity and regularity in the data released by the authorities making it difficult to ascertain with precision the total number of children detained each year. Based on the official data that is available, approximately 800 children are arrested each year of which 500 are prosecuted in the military courts. A further 350 children are detained for periods of less than 6 hours, as provided for under military law. No accurate data is currently available for 2016, 2017 or 2018 when figures are likely to have risen substantially based on IPS prisons statistics.⁵

Year	Short detention (3-6 hrs)	Arrested (Indicted)	Total
2013 ⁶	349	655 (465)	1,004
2014 ⁷	n/a	861 (499)	n/a
2015 ⁸	n/a	871 (540)	n/a
Average	349	796 (501)	1,004

- 3.4 Data relating to the monthly average number of Palestinian children detained by the military authorities and held in IPS prisons between 2008-2019 is presented in the following table.



- 3.5 As previously [reported](#), the official IPS statistics most likely understate the number of minors detained and do not include [minors](#) held by the military and released within a few hours– a number that is likely to be substantial and which sometimes includes children below the [minimum age](#) of criminal responsibility. (In 2013, official data indicates that these short-term detentions made up 35 percent of the total).

4. Current evidence of issues of concern

- 4.1 As part of MCW's monitoring programme, a number of issues of concern relating to the treatment of children in detention are tracked by reference to recent evidence. It should be noted that in each case children reported multiple violations across a range of issues. Twelve complete testimonies, one for each month in 2018, are included at the end of this report (**Annexure B**). Based on **101 testimonies** collected from children detained in the West Bank in 2018, the evidence indicates as follows:

- (i) **Night arrests – 52 percent** of children reported being arrested by the military at night between the hours of 22:00 and 05:00. This compares with 51 percent at the time UNICEF issued its report in 2013. Night arrest operations have a tendency to intimidate targeted communities and children report being “[scared](#)” or “[terrified](#)” when confronted with heavily armed soldiers in their homes or [bedrooms](#). This sense of fear only increases in cases where the front door is [broken in](#) or [explosives](#) are used by the military to gain access to the house.

“At around 2:00 a.m. I opened my eyes and saw a gun and a torch pointed at me. A soldier told me to get up. About 20 soldiers were in our home; they had entered through the back door.”

[M.N.M.D.](#) (16 years) – Nahalin, West Bank – 18 October 2018

- (ii) **Summons in lieu of night arrests – 9 percent** of children reported being served with a written summons. A pilot scheme to issue summonses in lieu of night arrests was [introduced](#) in 2014. The scheme's introduction followed [widespread criticism](#) of the practice of detaining children at night. In cases where summonses were used, **92 percent** were delivered at [night](#) in military raids – largely defeating the purpose of the scheme. In **44 percent** of cases documented by MCW in 2018, the summonses were written in [Hebrew](#) and **100 percent** were [complied with](#). In the past the military authorities have stated that no statistics were kept on the use of summonses making assessment impossible and calling into question the *bona fides* of the scheme.⁹

“I woke up at around 2:00 a.m. when I heard loud banging at the front door. About 20 soldiers entered our home. The commander handed me a summons and took a photo of me holding it. The summons was in Arabic and said I had to show up at Etzion settlement at 8:00 a.m.”

[O.M.A.T.](#) (15 years) – Tuqu', West Bank – 19 August 2018

- (iii) **Written notification of arrest** – In **62 percent** of cases where children were arrested from home it was reported that no written notification of the reasons for arrest or place of detention were provided. This is despite the military [informing](#) UNICEF in April 2013 that a standard form written in Arabic and Hebrew must be given to parents of children arrested at home in every case ([Arabic/English](#)). In cases where written notification was provided to parents it was reported that in **47 percent** of cases the details were handwritten in [Hebrew](#) (**Annexure D**). The printed forms used to notify parents still provide no information about legal rights. In **10 percent** of cases documents were briefly shown to parents but they were not provided with copies. In another **10 percent** of cases parents were asked to sign a document stating no damage or violence had occurred.

“I was asleep when 3 soldiers entered my bedroom and woke me up. It was around 3:00 a.m. They were shouting “get up, get up...” I got up and went to the living room. They gave my father a [document](#) with details about my arrest and asked him to sign it. It was a standard form typed in both Hebrew and Arabic but the information was hand written by the commander in Hebrew.”

[Y.I.R.S.](#) (16 years) – Azzun, West Bank – 11 April 2018

- (iv) **Hand ties** – **95 percent** of children reported being hand tied upon arrest. This compares with 96 percent at the time UNICEF issued its report in 2013. The ties are often described as “[painful](#)” or “[very tight and painful](#)” and in some cases [cut wrists](#), [cause swelling](#) and/or cause hands to [turn blue](#). Children continue to be shackled by the ankles during court appearances. In **94 percent** of cases where children were restrained the evidence indicates non-compliance with the military’s own [Standard Operating Procedures](#) for the use of hand ties introduced in 2010 following a petition to the High Court of Justice.¹⁰

“One of the soldiers slapped me hard on the face and then tied my hands to the front with 2 plastic ties on top of each other. The ties were very tight and painful and restricted the flow of blood. I thought my hands were going to fall off. They left marks on my wrists for many weeks.”

[A.K.A.H.](#) (14 years) – Al Mughayyir, West Bank – 28 March 2018

- (v) **Blindfolds** – **91 percent** of children reported being blindfolded or hooded upon arrest. This compares with 81 percent at the time UNICEF issued its report in 2013. UNICEF has recommended that this practice be prohibited in all circumstances involving children. In a small number of cases children report that they [remained blindfolded](#) for at least part of their interrogation with no apparent purpose other than to intimidate. Although of questionable legality, the evidence suggests that blindfolding children does effectively “soften them up” for interrogation making it easier to obtain confessions.

“The soldiers tied my hands to the front with one plastic tie which was very painful and left a mark on my wrists. They also painfully blindfolded me and pushed me into the back of a jeep where I sat on a seat. The jeep drove to a place I did not recognize. By the time we arrived it was dark.”

[R.A.M.S.](#) (13 years) – Beit Fajjar, West Bank – 8 February 2018

- (vi) **Floor transfer – 60 percent** of children reported being transported on the metal floor of military vehicles from the place of arrest to an interrogation centre. This compares with 45 percent at the time UNICEF issued its report in 2013. The evidence indicates that children are sometimes placed on the floor because there are no available seats, while on other occasions it appears that [seats are available](#). Once on the floor children are sometimes [pushed](#), [kicked](#), [beaten](#), [verbally abused](#) and/or [humiliated](#). In some cases children report that the vehicle's [air-conditioner](#) is turned on high, even in winter, adding to their discomfort.

“A military jeep was waiting at the top of the hill. When I got to the jeep a soldier blindfolded me and made me sit on the metal floor of the vehicle. I sat between the soldiers’ legs and the soldiers beat me with the back of their guns on my head and shoulders. They also slapped me and swore at me calling me “a son of a whore”. A soldier called me a “fucking idiot” and wanted to know why I threw stones.”

[A.R.N.B.](#) (15 years) – Al ‘Arrub refugee camp, West Bank – 16 July 2018

- (vii) **Verbal abuse – 63 percent** of children reported being subjected to verbal abuse during arrest, transfer and/or interrogation. This compares with 49 percent at the time UNICEF issued its report in 2013. The majority of the abuse is either directed towards the child’s mother and sister, or the child’s religion.

“Then I was blindfolded and taken to the back of a troop carrier where the soldiers made me sit on the metal floor. Inside the troop carrier soldiers called me “a son of a bitch” and called my mother “a whore”.”

[M.A.O.J.](#) (16 years) – Nahalin, West Bank – 18 October 2018

- (viii) **Physical abuse – 69 percent** of children reported being subjected to various forms of physical abuse during arrest, transfer and/or interrogation. This compares with 60 percent at the time UNICEF issued its report in 2013. The types of reported abuse include: [slapping](#); [kicking](#); [punching](#); [pushing](#); [pushing into objects while blindfolded](#); [grabbing and twisting genitals](#); [twisting ears](#); [hit with a rope](#); [beaten with a broom stick](#); [beaten with a gun](#); [pepper sprayed](#); deliberate [tightening of hand-ties](#); [banging heads](#); made to sit on [thorn bushes](#); and [struck with a chair](#). Occasionally a commanding officer [intervened to stop the abuse](#).

“The interrogator accused me of lying. Then he grabbed my genitals and twisted them hard and caused me a lot of pain. He wanted me to confess against the other two boys he claimed were with me. I was in such pain that I started to cry. He twisted my genitals again and I was in such pain that I confessed to throwing two stones at soldiers which missed. I also gave him the name of a person who was shot dead by soldiers. I was willing to do anything to stop him twisting my genitals.

[Q.W.N.B.](#) (15 years) – Al ‘Arrub refugee camp, West Bank – 2 December 2018

- (ix) **Threats – 67 percent** of children reported being subjected to threats during arrest, transfer and/or interrogation. This compares with 47 percent at the time UNICEF issued its report in 2013. Threats are most commonly used during interrogation to obtain a confession. The types of threats reported include: [long-term detention](#); arresting [parents](#) or [siblings](#); [physical violence](#); sexual violence against a [child](#) or [family](#) member; [revoking](#) work permits; [confiscating property](#), such as a father’s taxi; [home demolition](#); [closing](#) an uncle’s shop; attacked by [dogs](#); locked in a [room](#) without light; [death threats](#); implication in more [serious offences](#); as well as [yelling](#) and [aggressively banging the desk](#) in the interrogation room.

“Then the interrogator continued to accuse me of the same accusations and I continued to deny them. Then he threatened to revoke my father’s work permit if I did not confess.”

[A.I.A.M.](#) (14 years) – Al ‘Arrub refugee camp, West Bank – 24 December 2018

- (x) **Excessive exposure to the elements and general neglect** - As in previous years, the journey from the place of arrest to the interrogation room (usually located in a West Bank settlement) is often indirect involving stops at [military watchtowers](#), [bases](#) and [smaller settlements](#) throughout the West Bank. Accordingly, the journey to interrogation can take up to [14 hours](#). During this time children report being left [tied and blindfolded](#) in [shipping containers](#) or [left outside](#) exposed to the elements. Some children report being treated with respect and dignity, but in many [cases](#), children report [neglect](#), [abuse](#), [sleep deprivation](#), [humiliation](#), prolonged [exposure](#) to the [elements](#), lack of [food and water](#), and limited access to [toilets](#). Accordingly, most children are interrogated in a state of physical and mental exhaustion, sometimes in the [middle of the night](#).

“I woke up at around 3:00 a.m. to the sound of loud banging at the front door ... Inside the jeep a soldier beat me on my head and the jeep drove away. Then we stopped somewhere I did not recognise and I was taken to a shipping container. The soldiers made me sit on the floor and whenever I fell asleep they woke me up and made me stand up. I was not given any water and I was not allowed to use the toilet. At around 8:30 a.m. I was taken to the police station in Etzion settlement.”

[S.M.I.K.](#) (15 years) – Nahalin, West Bank – 1 October 2018

- (xi) **Strip searched – 60 percent** of children reported being strip searched on arrival at a detention centre. Some children report having to “[crouch up and down naked](#)” while being searched. Unsurprisingly, many children find this procedure humiliating. The military and prison authorities continue to disregard UNICEF’s [recommendations](#) as to how these searches should be conducted.

“At around 7:00 p.m. I was taken to Ofer prison where I was strip searched again and I was asked to crouch up and down. Then I was taken to the juvenile section.”

[I.I.M.T.](#) (14 years) – Al ‘Arrub refugee camp, West Bank – 5 December 2018

- (xii) **Accompanied by a parent – 1 percent** of children reported being accompanied by a parent or guardian throughout their interrogation. This compares with 4 percent at the time UNICEF issued its report in 2013. While there is no legal right under Israeli military law for a parent to accompany a child during interrogation in security offences, the military authorities have acknowledged that there is a [discretion](#) to permit parents to be present. Be that as it may parents who do show up at an interrogation centre where their child is being questioned are generally [not permitted](#) into the interrogation room with their child.

“A police woman told my father to leave because they don’t beat up children at the police station. She told my father he could ask me if I was beaten when the interrogation is over. Then she took me to the interrogation room without my father.”

[M.G.A.B.](#) (13 years) – Jayyus, West Bank – 13 January 2018

- (xiii) **Access to lawyers – 74 percent** of children reported being denied access to a lawyer prior to questioning. This compares with 100 percent at the time UNICEF issued its report in 2013. Under Israeli military law a detainee has the right to consult with a lawyer prior to interrogation. There are exceptions but generally these do not apply to children. Some children [report](#) being informed of their right to [consult](#) with a lawyer but are questioned [before the consultation](#) takes place. Other children report being informed of the right [half-way through](#) or at the [conclusion](#) of the interrogation. In other cases the child’s request to speak to a lawyer is [rejected](#) or the interrogator tells the child to [ignore](#) the lawyer’s advice. When a child is permitted to consult with a lawyer before

questioning it generally takes place [over the phone](#) and usually lasts less than [a minute](#). In most cases the interrogator [remained in the room](#) during the [consultation](#) and sometimes the phone was put on [loudspeaker](#). The [legal advice](#) can be [questionable](#) and some children suspect the “lawyer” may be a [collaborator](#). Children are sometimes asked to [sign forms](#) stating that they have been [informed](#) of their legal rights before this occurs. The majority of interrogations continue to occur in West Bank settlements.

“After I confessed the interrogator asked me whether I wanted to see a lawyer. I said I did not. At the time I did not appreciate the importance of having a lawyer. Then I was photographed and fingerprinted and made to sign a document in Hebrew which I was told said that I was informed of my rights.”

[A.S.A.D.](#) (17 years) – Qalqiliya, West Bank – 1 February 2018

- (xiv) **Right to silence – 82 percent** of children reported not being informed of their right to silence. This compares with 96 percent at the time UNICEF issued its report in 2013. As in previous years many children continue to be informed of their right to silence [half-way through](#) or at the [conclusion](#) of the interrogation, or after [multiple interrogations](#). In other cases the child is only informed after they have already [confessed](#). When a child does attempt to exercise the right to silence they can be [threatened](#). A copy of a document (Arabic) provided to children during some interrogations regarding their legal rights is included in **Annexure E**.

“As soon as I entered the room the interrogator removed the blindfold and then phoned a lawyer and allowed me to speak to him. The lawyer told me not to confess to something I did not do. The conversation lasted a few seconds and the interrogator was listening. I was not informed of my right to silence by anyone. Then the interrogator removed the tie and then retied my hands to the chair I was sitting on.”

[J.W.F.B.](#) (15 years) – Etzion police station – 15 December 2018

- (xv) **Solitary confinement** – Historically around 2-3 percent of children detained each year report being placed in solitary confinement as part of the interrogation process. These interrogations tend to be conducted by the Shin Bet and typically involve more serious allegations. Periods of confinement range from days to weeks and usually occur in Al Jalame, Petah Tikva or Al Mascobiyyeh interrogations centres.
- (xvi) **Recruitment of child informants** – Children are generally cautious about discussing attempts to recruit them as informants during the interrogation phase of their detention although some are forthcoming. It is difficult to estimate how widespread attempts to recruit children as informants are, but in one town families told MCW that they believed two-thirds of the residents were collaborating. It should be noted that attempts to recruit children as informants potentially violates article 31 of the Fourth Geneva Convention and article 2 of the Optional Protocol to the Convention on the Rights of the Child.

“The interrogator told me I was like his younger son and that he could help me. He asked me whether I had disputes with other people in the village and told me he could help me. When he said this I was reminded of the large number of collaborators in our village; the authorities have managed to break us with collaborators.

[M.N.M.D.](#) (16 years) – Nahalin, West Bank – 18 October 2018

- (xvii) **Documentation in Hebrew – 64 percent** of children reported being shown, or made to sign, documentation written in Hebrew at some point during the investigation. This compares with 62 percent at the time UNICEF issued its report in 2013. While interrogations are conducted in Arabic, a written record is made in Hebrew which is then generally shown to the suspect for signature. Some children [refuse to sign](#) while others sign acknowledging that they have [no idea](#) about the contents of the document.

“Then the interrogator printed out a document in Hebrew and asked me to sign it. When I asked him what the document was he told me it was necessary for me to sign it because it helped them know “who was who”. I signed the document.”

[A.M.M.K.](#) (14 years) – Ein As Sultan, West Bank – 6 February 2018

- (xviii) **Bail** - According to [data](#) obtained under a freedom of information application, **72 percent** of children indicted in the military courts in 2015 were denied bail and remanded in custody until the end of proceedings. This compares with 71 percent of children denied bail in 2014. However, evidence collected by MCW indicates that in cases where children are released on bail this frequently occurs after they have already spent a number of [weeks](#) or more in custody. By way of contrast, 17.9 percent of children indicted in Israel's civilian juvenile justice system were denied bail in 2015. There is no official data currently available for 2016, 2017 or 2018.¹¹
- (xix) **Conviction rate** – According to [data](#) obtained under a freedom of information application, **95 percent** of children indicted in the military courts in 2015 were convicted. This compares with a conviction rate of 98 percent in 2014. There is no official data currently available for 2016, 2017 or 2018.¹²
- (xx) **Administrative detention** – In October 2015, the military authorities re-commenced issuing [administrative detention](#) orders for children following a four-year hiatus. The procedure provides for the detention of a person without charge or trial by order of a military commander. The UN Committee Against Torture has criticised the military's use of this procedure which in certain circumstances can amount to cruel, inhuman or degrading treatment or punishment. In 2018, an [average](#) of 3.3 children were held in administrative detention at any given time, falling to 2 children in 2019.
- (xxi) **Education in prison** - Education opportunities for Palestinian children inside IPS facilities remain limited. Where education is available, it is generally restricted to Arabic, Hebrew and mathematics, with a prohibition on teaching history, geography

and the sciences based on “security considerations”. When education is available, it is [insufficient](#) to ensure the child’s smooth reintegration back into the Palestinian school system and the subsequent drop-out rate upon release is high.

“I was very bored in prison with not much to do. The routine was boring and the lessons they gave us were not challenging. They taught us the alphabet and told us to draw.”

[A.M.A.I.](#) (14 years) – Ofer prison – 15 April 2018

(xxii) Family visits and telephone communication in prison – Under IPS regulations children are entitled to a family visit (2 persons) every 2 weeks lasting for 45 minutes. As in previous years, some family visits are denied on “[security grounds](#)” or because the [bureaucracy](#) for obtaining permits continues to take up to [2-3 months](#). Unlike Israeli child detainees, Palestinian children continue to be denied official telephone communication with their families while in prison. In March 2019, a petition was filed in the High Court of Justice seeking an order that the IPS allow Palestinian children in detention to maintain regular telephone contact with their families.¹³

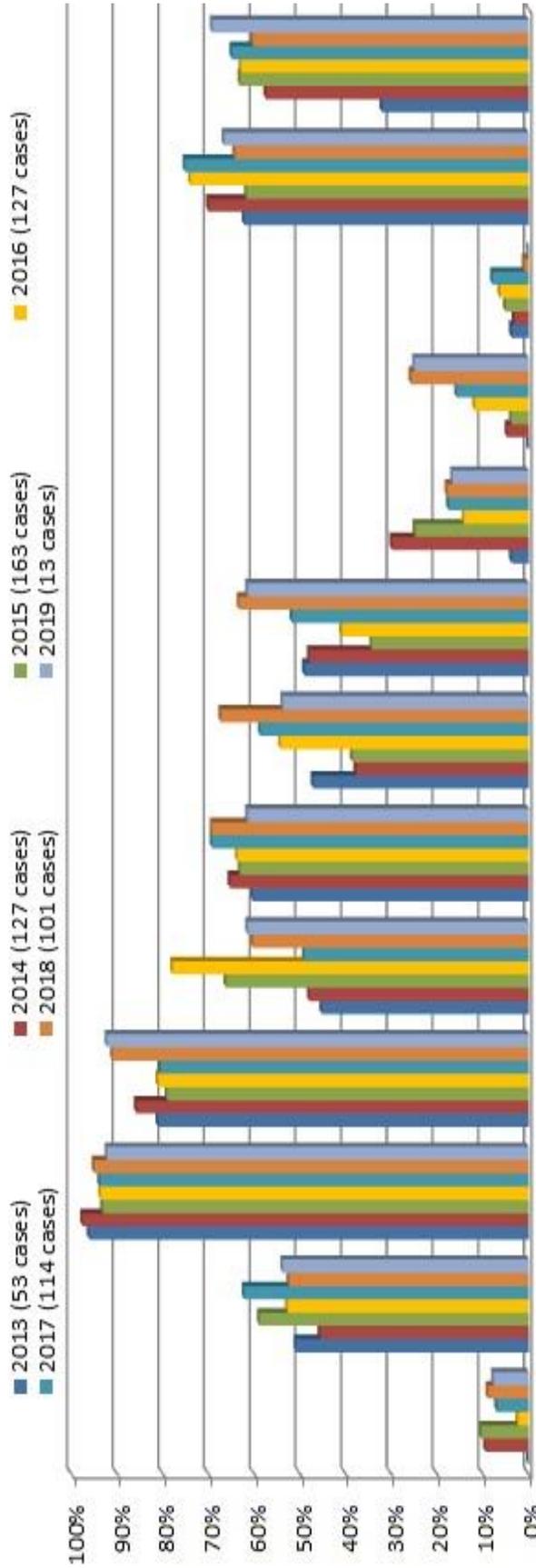
“I spent my entire sentence (3 months) at Megiddo prison in Israel where I attended classes. My parents visited me only once, just nine days before I was released because it took a long time for their permit to be issued.”

[Y.I.R.H.](#) (16 years) – Megiddo Prison – 31 October 2018

5. Comparative graph - issues of concern (2013-2019)

5.1 The following graph monitors progress across 13 issues of concern and is based on **698 testimonies** collected by MCW between 2013 and 2019 from multiple locations across the West Bank. Out of the 13 issues tracked by the graph in 2018, 5 issues showed some improvement compared to the previous year ([summonses](#), [night arrests](#), [access to lawyers](#), documentation in [Hebrew](#) and [strip searches](#)), while 6 issues showed some deterioration ([hand-ties](#), [blindfolds](#), [floor transfer](#), [threats](#), [verbal abuse](#) and [access to parents](#)). Two issues remained unchanged compared to 2017 ([physical violence](#) and the [right to silence](#)). This graph is updated each month and is available on MCW’s [website](#).

COMPARATIVE GRAPH (2013 - 2019)



Updated: 21 June 2019

Information is based on testimonies collected by MCW

6. Recent developments

- 6.1 **UK Lawyers' Report: 7-years on** – In 2012 a delegation of UK lawyers reviewed the treatment of children under Israeli military law and published their findings and recommendations in a UK Foreign Office funded [report](#). The report found undisputed evidence of violations under at least 6 articles of the UN Convention on the Rights of the Child and 2 articles under the Fourth Geneva Convention. In 2016, a follow-up mission by the delegation [announced](#) that their visit to review progress in implementing the report's 40 recommendations had been cancelled due to a lack of co-operation by Israeli authorities. MCW estimates that 1 out of 40 recommendations (**2.5 percent**) has been substantially implemented.
- 6.2 **UNICEF Report: 6-years on** – In 2013 UNICEF reviewed the treatment of children under Israeli military law and published a [report](#) concluding that “the ill-treatment of children appears to be widespread, systematic and institutionalized”. UNICEF made 38 recommendations and undertook to release regular progress reports which it did in [2013](#) and [2015](#). While both updates noted positive developments, UNICEF concluded that “reports of alleged ill-treatment have not significantly decreased”. No further updates have been released. In 2018, 92 Australian politicians [wrote](#) to UNICEF urging the agency to continue reporting (**Annexure G**). MCW estimates that 1 out of 38 recommendations (**2.6 percent**) has been substantially implemented.
- 6.3 **UN Secretary-General's Annual Report on Children in Armed Conflict** – In June 2018, the UN Secretary-General released his [annual report](#) on children in armed conflict. The report highlights global trends regarding the impact of armed conflict on 20 locations, including Israel/Palestine. The UN obtained affidavits from 162 Palestinian boys (12-17 years) who had been detained by Israeli forces, in which they stated that they had been subjected to ill-treatment and breaches of due process. For a second year the Secretary-General's report has dropped, without explanation, all references to the forcible transfer of Palestinian child detainees in violation of the Fourth Geneva Convention carrying a war crimes classification.
- 6.4 **Office of the Prosecutor of the International Criminal Court (ICC): Activities Report** – In December 2018, the ICC Prosecutor published her [annual report](#) covering preliminary examination activities during the past year. The situation in Palestine has been under examination since January 2015. The Office of the Prosecutor (OTP) has received 125 communications pursuant to article 15 of the Rome Statute in relation to Palestine. As part of the examination the OTP stated that it is analyzing the alleged involvement of Israeli authorities in settling Israeli citizens in the West Bank and East Jerusalem as well as the transfer and deportation of civilians from the West Bank – both violations of the Fourth Geneva Convention.
- 6.5 **Military courts raise USD\$6 million in fines** – In January 2019, Israeli [media](#) reported on the results of a Freedom of Information application seeking information from the military courts. According to the application, between 2015-2017 the military courts imposed nearly USD\$6 million in fines each year, representing a 42 percent increase compared with 2011. Also in 2017 there were 10,454 indictments in the military courts, including: traffic offences (56%); hostile terrorist activity (20%) (mostly carrying weapons and belonging to banned organizations); disturbing the peace (10%) (mostly throwing stones); and staying in Israel illegally (10%). There were also 10 indictments for intentional killing, representing 0.096% of cases.

- 6.6 **10 Foreign Ministers seek accountability for war crimes** – In February 2019, 10 Foreign Ministers including those from the UK and Canada published an [opinion piece](#) arguing that Russia’s 5-year occupation of Crimea places in jeopardy “the rules-based system” established after World War II imperiling global security. The piece also condemned the ill-treatment of detainees and their forcible transfer out of Crimea in violation of the Fourth Geneva Convention. The Ministers concluded that “[T]he policy of coordinated international sanctions sends a clear message to Russia that disregard for international law has consequences.” A similar statement has not been issued in relation to Israel/Palestine although the same legal principles apply.
- 6.7 **US State Department’s annual report on human rights** – In March 2019, the State Department released its [annual report](#) on human rights for 2018. The report highlights human rights violations by multiple actors and considers the treatment of Palestinian children in Israeli military detention. The report notes that Israel continues to apply two legal systems in the West Bank depending on whether an individual is Palestinian or Israeli, and that Palestinian detainees, including children, are forcibly transferred out of the territory, violating the Fourth Geneva Convention. The report cites findings from 400 testimonies from children confirming the widespread use of blindfolds, ties, abuse and threats, as well as the denial of basic legal rights.
- 6.8 **2nd child detention bill introduced to Congress** - In April 2019, Rep. Betty McCollum introduced a [bill](#) to Congress (H.R. 2407) - “*Promoting Human Rights for Palestinian Children Living Under Israeli Military Occupation Act*”. The stated purpose of the bill is to “promote human rights for Palestinian children living under Israeli military occupation and require that United States funds do not support military detention, interrogation, abuse, or ill-treatment.” The Bill asserts that the \$3.8 billion provided annually by the US to Israel in military assistance “enables” the abuse of children, but does not present the evidence relied on to establish direct US funding of specific Israeli military units involved in such abuse, as required under [US law](#).

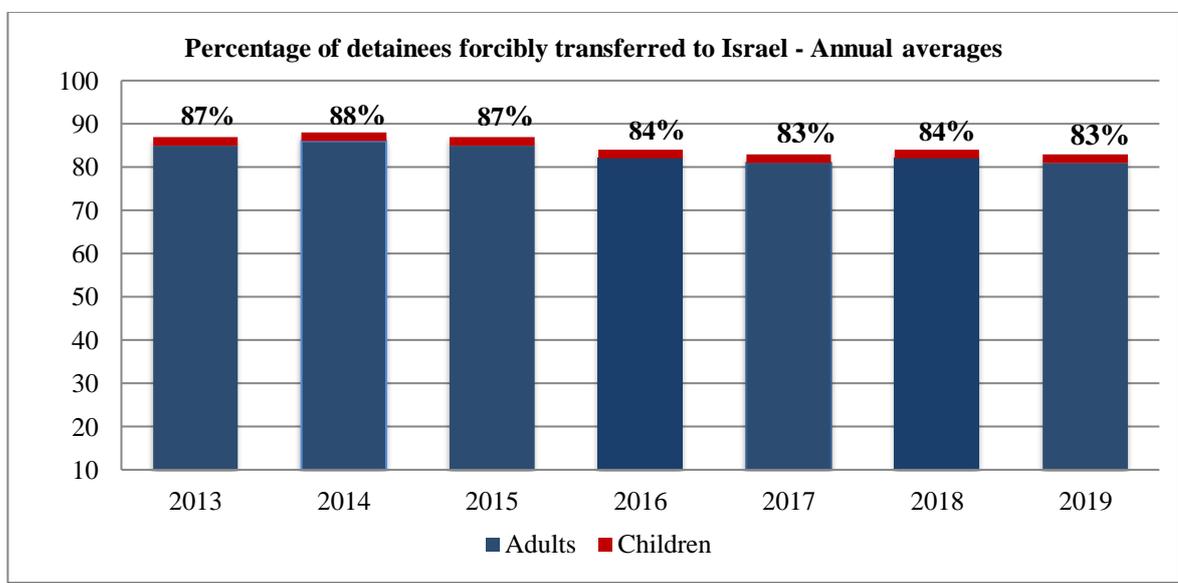
7. Forcible transfer and unlawful detention

- 7.1 According to data released by the IPS, on average **54 percent** of child detainees and 84 percent of adults continued to be forcibly transferred and detained in Israel during 2018. Transferring "protected persons" including detainees out of occupied territory is prohibited by article 76 of the Fourth Geneva Convention and is classified as a war crime under article 8(2)(vii) of the Rome Statute of the International Criminal Court. The policy of transfer, which commenced in 1967, currently affects around 6,000-7,000 Palestinian men, women and children annually.
- 7.2 The policy of transfer has been challenged in Israel’s Supreme Court twice during the past 30 years (Sejadia (1988) and [Yesh Din](#) (2010) cases). The petitions filed on behalf of the detainees were rejected on both occasions based on the primacy of Israeli domestic law over provisions of international law where the two are in direct conflict. However, this position is not maintainable under international law by virtue of article 27 of the Vienna Convention on the Law of Treaties, reflecting customary international law (Lagrand Case).
- 7.3 Since 2015, MCW has written to a number of diplomatic missions requesting information on each state’s position on the forcible transfer of children from the West Bank.

Request	Date received	Response
US	28 November 2016	Donald A. Blome, US Consul General
Norway	31 January 2017	Jon Hanssen-Bauer, Ambassador
Canada	27 March 2018	Douglas Scott Proudfoot, Representative
Australia	27 March 2018	Matthew Neuhaus, Special Adviser
Netherlands	8 August 2018	Mauritz Verheijden, Charge d'Affaires
EU	26 September 2018	Emanuele Giaufret, EU Ambassador
Australia	18 December 2018	HK Yu, First Assistant Secretary
Netherlands	18 December 2018	Mauritz Verheijden, Deputy Head of Mission

MCW is still awaiting responses from the [UK](#), [Belgium](#), [Germany](#), [Sweden](#) and [Denmark](#).

- 7.4 Since the Office of the Prosecutor of the International Criminal Court [announced](#) the opening of a preliminary examination into the situation in Palestine in order to establish whether the Rome Statute criteria for opening an investigation have been met in January 2015, it is estimated that over 20,000 Palestinian detainees have been forcibly transferred and unlawfully detained inside Israel including over **1,700 children**.¹⁴



- 7.5 While the government of Israel publicly rejects the *de jure* application of the Fourth Geneva Convention to the West Bank in relation to settlement construction, Military Order No. 3, which established the military courts on 7 June 1967, expressly relied on the Convention to do so and in 2018 the military authorities [continued](#) to rely on the Convention to justify prosecuting Palestinian civilians, including children, in military courts.

8. Unlawful discrimination

- 8.1 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, in practice, the authorities apply civilian law to settlers and military law to Palestinians at the discretion of the prosecutor. The military law applied to Palestinians,

including children, has fewer rights and protections than the civilian law applied to Israeli settlers living in the same territory.

- 8.2 Under international law, no state is entitled to discriminate between those over whom it exercises penal jurisdiction on the basis of their race or nationality. The reasoning being that unequal or differential justice is not justice. It is on this basis that the UK Report recommended that: "Israel should not discriminate between those children over whom it exercises penal jurisdiction. Military law and public administration should deal with Palestinian children on an equal footing with Israeli children."
- 8.3 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 occupied territory. 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.
- 8.4 Although Israel is not permitted to apply its civilian law to Palestinians in the West Bank on the grounds that this would be tantamount to unlawful annexation, the laws that are applied must contain rights and protections no less favourable than those applied to Israelis living in the settlements. Failure to do so violates the principle of non-discrimination.
- 8.5 In 2010, a petition was filed in the Israeli Supreme Court (*Ministry of Palestinian Prisoners v Minister of Defense*) challenging, *inter alia*, the different time periods before which a suspect must be brought before a judge in Israel and the West Bank and within the West Bank depending on whether the suspect is Palestinian or an Israeli citizen living in a settlement. During the intervening 7 years the Court has handed down a number of decisions in the case:
- (i) In May 2014, the Court handed down a [decision](#) noting that the State and military authorities had taken significant steps to amend the military law applied to Palestinians in the West Bank so as to reduce (but not eliminate) the differences in the law and determined that the differences that remained were "fair and proportional" in the circumstances. The Court did not directly address the Appellants claim regarding discrimination based on whether a suspect is Palestinian or an Israeli settler.
 - (ii) In March 2017, in accordance with a direction from the Court, the State and military authorities submitted additional proposed changes that would further narrow some of the differences between the two sets of laws. These additional changes came into effect on 24 April 2018 with the issuance of Military Order 1798. However, these changes do not eliminate the differentials between the two legal systems and discrimination based on race or national identity remains an issue.
- 8.6 Some of the key differences between the two legal systems relating to children are included in the following table. The information includes changes introduced following the introduction of Military Order 1798 in April 2018. It is relevant to note that the primary time periods under the new amendments remain unchanged (with one exception) while the extension periods to the initial times have been reduced. This table should be read with reference to the Endnotes.

#	Description	Civilian law ¹⁵		Military law	
1	Age of majority	18 yrs		16-18 yrs ¹⁶	
2	Prohibition against night-time interrogation.	Yes ¹⁷		No	
3	Legal right to have a parent present during interrogation.	Yes ¹⁸		No	
4	Maximum period of detention before being brought before a judge.	12-13 yrs	12 hrs ¹⁹	12-13 yrs	24 hrs ²⁰
		14-17 yrs	24 hrs ²¹	14-15 yrs	48 hrs ²²
				16-17 yrs	72 hrs ²³
5	Maximum period of detention without access to a lawyer	48 hrs ²⁴		96 hrs ²⁵	
6	Maximum period of detention prior to indictment.	10 days ²⁶		15 days ²⁷	
7	Maximum period of detention between indictment and conclusion of trial.	6 months		9 months ²⁸	

9. Accountability

- 9.1 In March 2018, the Israeli rights group Yesh Din released [data](#) on accountability arising out of alleged wrongdoing by Israeli soldiers against Palestinians in 2016. According to the data the Military Advocate General's Corps (MAG) received 302 complaints of alleged offences by soldiers against Palestinians or their property. By March 2017, five investigations opened in 2016 had led to indictments against soldiers for causing harm to Palestinians – an indictment rate of **1.7 percent**. (This compares with an indictment rate of 3.1 percent in 2015).
- 9.2 In May 2016, the Israeli rights group B'Tselem announced that after 25 years it would no longer submit complaints on behalf of Palestinians using the military's complaint mechanisms due to a lack of confidence in the system's ability to provide accountability. During the course of 25 years, B'Tselem submitted **739 complaints** in which it was alleged that soldiers killed, injured or beat Palestinians, used them as human shields or damaged their property. In **2 percent** of these cases a soldier was disciplined.

10. A link between child detention and the settlements

- 10.1 As in previous years the evidence collected by MCW suggests a strong geographic link between Israeli settlements in the West Bank and the detention of Palestinian minors living in close proximity to the settlements by the military. Out of 101 testimonies collected by MCW in 2018, the children lived, on average, within **900 metres** of a West Bank settlement (or associated infrastructure) built in violation of the Fourth Geneva Convention - the same Convention relied on by the military authorities to [justify](#) prosecuting these same children in military courts.

11. Recommendations

11.1 MCW continues to advocate for the effective implementation of six non-severable recommendations. The recommendations, and progress in their implementation, are presented in the following table

#	Recommendation	Comments
1	Children should only be arrested during daylight hours except in rare and exceptional circumstances. In all other cases summonses should be used.	In 2018, 52 percent of children reported being arrested at night. Summonses in lieu of night arrests were used in 9 percent of cases.
2	All children, and their legal guardians, should be provided on arrest with a written statement in Arabic informing them of their full legal rights in custody.	In 2018, a form was distributed in 38 percent of cases where children were arrested from home but this form does not include information about the child's legal rights while in custody.
3	All children must consult with a lawyer of their choice prior to questioning.	In 2018, 26 percent of children reported being permitted to consult with a lawyer prior to their interrogation in accordance with their right under military law.
4	All children must be accompanied by a family member throughout their questioning.	In 2018, 1 percent of children reported being accompanied by a parent during interrogation in accordance with a discretion permitted under military law.
5	Every interrogation must be audio-visually recorded and a copy of the tape must be provided to the defence prior to the first hearing.	In 2018 there was no requirement for audio-visual recording of interrogations in "security offences" involving minors in the West Bank. In no cases are tapes of interrogations being provided to defence counsel prior to the first hearing.
6	Breach of any of these recommendations should result in the discontinuation of the prosecution and the child's immediate release.	While some military judges are critical of the manner in which children are arrested and interrogated this does not automatically result in the dismissal of proceedings - a step that is probably essential in order to ensure compliance with existing military regulations.

ANNEXURE A
CHRONOLOGY OF MAJORY DEVELOPMENTS

Date	Event	Comment
June 1967	Military Order No. 3 - Establishes military courts.	The order expressly references the Fourth Geneva Convention as the legal basis for this measure which allows for the prosecution of Palestinian civilians in military courts.
October 1967	Military Order 144	The order amends Military Order No. 3 and removes all references to the Fourth Geneva Convention.
1997	Education in prison	Israeli District Court rules Palestinian child detainees are entitled to the same level of education as Israeli children, "subject to security". The Israeli Prison Service has interpreted "subject to security" to exclude teaching Palestinian children history, geography, religion and the sciences.
September 2009	Military Order No. 1644 - Establishes juvenile military court	Judges for the juvenile court are appointed from the ranks of existing military court judges and must have received "appropriate training".
March 2010	Regulations for hand ties	Following numerous complaints and a petition to the Supreme Court a new military regulation is issued requiring, <i>inter alia</i> , the use of 3 ties.
September 2011	Military Order 1676 - Partially increases age of majority	M.O. 1676 requires that children aged 16-17 must now be tried before a juvenile military judge. The amendment does not apply to provisions relating to arrest, detention, interrogation and sentencing where the age of majority is still 16.
June 2012	Military authorities cease issuing administrative detention orders for children.	This was a voluntary step by the military authorities without amendments to military law.
June 2012	UK lawyers' report	Uncontested evidence found 6 violations under the UN Convention on the Rights of the Child and 2 violations under the Fourth Geneva Convention. The report made 40 recommendations.

August 2012	Military Order 1694 - Time periods	M.O. 1694 reduces the period of time in which adults and children must be brought before a military judge following arrest.
2012	Translation	In 2012, some military orders were translated into Arabic and made available on the website of the Military Advocate General.
February 2013	UNICEF report	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." The report made 38 recommendations.
February 2013	Translation of indictments	Supreme Court rules that indictments in the military courts must be translated into Arabic.
April 2013	Military Order 1711 - Time periods	M.O. 1711 further reduces the period of time in which adults and children must be brought before a military judge following arrest.
April 2013	Notification upon arrest	Military authorities introduce a form to be given to parents when a child is arrested from home providing reasons and place of detention.
May 2013	Regulations for arresting minors re-issued	Military advisor sends letter reminding all military units in the West Bank of existing regulations.
June 2013	ISA complaint procedures	Ministry of Justice announces that ISA employees will no longer investigate complaints against ISA interrogators.
June 2013	Remand hearings	Military prosecutor announces that remand hearings for children will be held separately from adults.
October 2013	UNICEF Bulletin No. 1	UNICEF issues its first update on progress made in implementing the UN agency's 38 recommendations.
October 2013	Military Order 1726 - Time periods	Reduces the extension periods between remand and indictment but does not reduce the overall time period.
November 2013	Regulations for medical checks	Medical officers reminded of regulations for conducting medical checks on children.

December 2013	Notification of legal rights	New form introduced to be used by interrogators to inform children of their right to a lawyer and right to silence.
February 2014	Pilot scheme to issue summonses in lieu of night arrests.	Introduced following criticism of the extent to which children arrested at night in military raids.
April 2014	High Court rules on dual legal systems in the West Bank	The High Court notes that the military authorities have taken steps to reduce some of the differentials between the two legal systems and that the remaining differences were "reasonable and proportional" in the circumstances.
September 2014	Military Order 1745 - Audio-visual recording	M.O. 1745 mandates audio-visual recording of all interrogations of children in the West Bank suspected of "non-security" related offences.
November 2014	Parents accompanying children during interrogation	While there is no right under military law the authorities acknowledge that there is a discretion to permit this to occur.
February 2015	UNICEF Bulletin No. 2	UNICEF issues its second update on progress made in implementing the UN agency's 38 recommendations.
October 2015	Military authorities resume issuing administrative detention orders for children.	After a 4-year hiatus the military commander resumed issuing administrative detention orders for children.
February 2016	Return visit by UK lawyers' delegation cancelled.	According to a statement published by the delegation the return visit was cancelled due to a lack of co-operation by Israeli authorities.
March 2017	Supreme Court petition to eliminate discriminatory application of laws in the West Bank.	The State and military authorities agreed to reduce some differentials between two sets of laws (military and civilian) applied to Palestinians and Israeli settlers in the West Bank in response to a petition filed May 2010. The changes to the law will come into effect in 2018 but fail to eliminate discrimination.
April 2018	Military Order 1748	Reduces further some time periods relating to children in military detention but does not eliminate discrepancies between the laws applied to Israelis and Palestinians in the West Bank.
April	UNICEF bulletins	

2018		UNICEF's Special Representative confirms that UNICEF has no date set to publish further detailed updates to its 2013 report.
June 2018	Military Order 1799	Permits victims of crime to attend proceedings in the military courts even in the case of closed hearings involving minors.
October 2018	Military Courts Unit updated briefing note	The Military Courts Unit issues an updated briefing note relying on Article 66 of the Fourth Geneva Convention as the legal basis for prosecuting Palestinian civilians, including children, in military courts.

**ANNEXURE B
TESTIMONIAL EVIDENCE -
12 TESTIMONIES (JAN-DEC 2018)**

Testimony 1

Name: M.A.I.J.
Age: 15
Date: 2 January 2018
Location: Al ‘Arrub refugee camp, West Bank
Accusation: Throwing Molotov cocktails

On 2 January 2018, a 15-year-old youth from Al’Arrub was arrested by Israeli soldiers at 2:00 a.m. The family was provided with a document in Hebrew. He reports being interrogated without being informed of his right to silence. He was released on 18 January after paying a fine.

I heard loud banging at around 2:00 a.m. and I thought it was the wind. Then I heard a voice saying “open up, open up”. My father opened the door and four Israeli soldiers entered our home. It was raining and the soldiers walked into our house with mud on their boots. My mother was very upset.

The commander called our names and asked for me. Then he told me to get ready because they wanted to take me away. My father asked for the reason and the commander told him he did not know the reason and that his job was to make arrests without asking questions.

My father insisted I had done nothing wrong to justify my arrest but the commander told him he should not worry if I had done nothing wrong. He also told him to check on me at the police station in Etzion settlement. They gave my father a document with information written in Hebrew.

I put on my clothes and wanted to say good bye to my family but the soldiers did not allow me. Outside the house they tied my hands to the front with one plastic tie which was very tight and painful. My hands turned blue after a while and I was in pain. They led me along a dirt road to the main street. Along the way they made me take off my trousers and they wiped their boots with my trousers.

When we arrived at a military jeep I was blindfolded and then pushed aggressively into the back of the jeep. I banged my head against the edge of a seat. I was in pain and I had a bump on my forehead. I wanted to sit on a seat but a soldier told me to sit on the metal floor. I could hear lots of soldiers inside the jeep but I could not see how many. Inside the jeep a soldier kicked me and the commander was very upset. One soldier swore at me and told me I was a “son of a whore”.

The jeep drove to the police station in Etzion settlement where I was left in a shipping container. I was shivering because it was very cold and I did not have my trousers on.

Some soldiers were eating chips and made fun of me and chewed the chips right by my ear so that I could hear the crunching. Later I was given a pair of trousers and was left there for a long time, maybe 10 hours. I was tied and blindfolded and without food or drink the whole time. After about 10 hours I was taken for interrogation.

The interrogator removed the tie and replaced it with metal handcuffs. He also removed the blindfold. He introduced himself as “Captain Moshe” and asked me whether I had eaten and I said no. I asked if I could have some water and he brought me a glass of water. Then he phoned a lawyer and allowed me to speak to him. The lawyer told me not to worry and not to be scared of the interrogator. He also told me not to confess. The interrogator did not inform me of my right to silence.

Then the interrogator asked me how many Molotov cocktails I had thrown. I said none. He told me there were confessions against me and showed me photos of young men and told me to give their names and confess against them. Then he asked me whether I splashed blue paint on a military jeep and how many shots I fired. I told him I had nothing to do with these things.

Then he asked me how I got shot in my knee. I told him I went to the shop to buy some groceries and clashes erupted and I was shot in my knee. He did not like what I said and slapped me hard on my face. Then he told me to get up and leave and called someone from outside who took me to another room.

The second person took a statement from me. He typed on his computer as I repeated the same answers. I did not confess. He was impatient and swore at god and all the residents of Al Arrub and accused all of us of being terrorists. Then he showed me satellite images of the camp and Beit Fajjar, a neighbouring town, on his computer screen. He showed me our house on the screen marked in red and told me he never wanted to see me again. He took my picture but did not ask me to sign any documents.

Then I was taken back to a shipping container where I was shackled and blindfolded, still without food. I was left there for a couple of hours and then I was taken to Ofer prison.

On arrival at Ofer I was strip searched and taken to Section 13. The other detainees gave me some food which I was desperate for and I went to bed. By this time it was around 3:30 a.m.

Later that morning I was taken to Ofer military court. My detention was extended and the hearing adjourned. I had a number of military court hearings.

At the last hearing, which was on 10 January 2018, the military court decided to release me but the prosecutor appealed. In the end I was released on 18 January. My family had to pay a fine of 6,000 shekels and my file was closed. My mother borrowed money from relatives and neighbours.

My father was waiting for me outside Ofer prison and I went home with him. We arrived home at around 4:30 p.m. I don't go to school because I was not doing well; I want to work and support my family.

Testimony 2

Name: F.M.J.S.
Age: 14
Date: 14 February 2018
Location: Kafr Ni'ma, West Bank
Accusation: Throwing stones

On 14 February 2018, a 14-year-old boy from Kafr Ni'ma was arrested by Israeli soldiers at 2.30 a.m. His parents were not provided reasons for his arrest. He reports being permitted to phone a lawyer but not being informed of his right to silence.

At around 2:30 a.m. I woke up to the sound of an explosion coming from our back door. I was terrified and stayed in bed while my father got up to see what was going on. My father opened the door and about six Israeli soldiers entered our home and another 12 remained outside.

The commander asked my father for his children and my father told him his children were very young. The commander told my father to wake his children including my youngest sister who was 4 months old at the time.

Then we all gathered in the living room and the commander told my father he wanted to arrest me. When my father asked for the reason the commander told him the captain “needed to have a word” with me. My father refused to let me go with the soldiers and insisted on accompanying me. When the commander refused to allow my father to accompany me my father told him he would bring me to the police station in the morning but the commander refused.

The commander did not give my parents any documents. I barely had time to put on my clothes before I was taken outside where my hands were tied to the front with one plastic tie which was not painful. I was also blindfolded. The soldiers then walked me towards an intersection where military jeeps were waiting. A soldier removed the blindfold as they led me.

Then I was re-blindfolded and put in the back of a military jeep where I sat on the metal floor. A soldier asked me whether I spoke Hebrew and I told him I did not. On the way soldiers swore at me and called me “a son of a whore”. They also beat me on my head and leg while I was tied and blindfolded and I was in pain.

We arrived at a location and I was taken to a shipping container. I could not tell where I was. I sat on the floor and I could not tell for how long. Then I was taken to see a doctor. The doctor removed the tie and the blindfold and asked me whether I had any illnesses. After the examination I was tied and blindfolded again. I was allowed to use the toilet and a soldier removed the tie and the blindfold when I went to the toilet.

Later that morning I was taken to the police station in Binyamin settlement where I waited on a chair in a room for about 2 hours and then I was taken for interrogation.

The interrogator removed the tie and the blindfold. He was in police uniform and spoke good Arabic. He asked me for my name and whether my father knew where I was. Then he asked me whether my father had appointed a lawyer for me and I told him I did not know. Then he phoned a lawyer and allowed me to speak to him. The lawyer told me his name and told me to be patient because there was a chance I would be released. He also told me not to be afraid and that I could ask for my father to attend my interrogation. The lawyer did not say anything about my other rights. The interrogator left the room while I spoke to the lawyer.

After I spoke with the lawyer on the phone the interrogator entered the room and asked me what I had done. I told him I had not done anything. Then he accused me of throwing stones on the road used by settlers but did not give me a specific date. I denied the accusation. He asked all these questions without informing me of my rights. He became upset and lost his temper when I denied the accusation and raised his voice at me. I think he wanted to put pressure on me to confess. Still I denied the accusation. Then he told me there were confessions against me by other boys from the village.

The interrogation lasted for about 3 hours. During this time the interrogator left the room and came back again multiple times. In the end I confessed to throwing stones because I was tired and wanted the whole thing to end. I felt it would not end unless I confessed. Then the interrogator showed me documents in Hebrew and asked me to sign them and I did without understanding what was written.

Then the interrogator called my father and told him to come to the police station with 2,000 shekels because he was going to release me on bail. My father came within a short period of time with the money. I think my father ended up paying 1,000 shekels and the policeman gave him a [summons](#) for me to go to court on 14 February 2019. The summons did not specify which court or who to see in court.

I was released in the afternoon and I went home with my father. I arrived home at around 5:00 p.m.

Testimony 3

Name: M.K.S.J.
Age: 10
Date: 27 March 2018
Location: Al ‘Arrub refugee camp, West Bank
Accusation: Throwing stones

On 27 March 2018, a 10-year-old boy from Al ‘Arrub was arrested by Israeli soldiers while grazing goats near a military watchtower. He was detained and questioned in Etzion settlement for 6-hours before being released. Children below 12 years should not be detained under Israeli military law.

I was playing with some friends and relatives while our goats grazed in a field near the military watchtower across the road from the refugee camp where I live. It was around 5:00 p.m.

We weren’t paying much attention when the goats started to graze near a group of soldiers. Suddenly about five soldiers approached and accused us of throwing stones at them. They did not listen to us when we explained to them what we were doing; I don’t think their Arabic was very good.

One of my relatives saw that the soldiers had detained us and tried to convince them to release us but they refused. The soldiers separated me from the rest of the boys and made me sit on thorn bushes. A soldier kicked me on the side and I was in pain for two days. He also pushed my head down and my face was scratched on the thorn bush. I was scared and just wanted to go home.

A short time later I was taken to a military vehicle and I sat on the floor. A soldier covered my eyes with his hand. The vehicle drove to the police station in Etzion settlement.

When we arrived at Etzion a commander asked me who was throwing stones and I told him we were playing and watching the goats and no one was throwing stones. The commander questioned me without informing me of any rights. Then he told me he had photographs of the incident and I asked him to show me the photographs but he refused.

At around 11:00 p.m. I was handed over with the other boys to the Palestinian police who asked us to tell them what had happened and told us not to go to that area anymore. Then my uncle took us all home. I was very happy to see my mother who was very worried. I was very tired and I went to bed.

Testimony 4

Name: M.M.O.Q.
Age: 14
Date: 10 April 2018
Location: Azzun, West Bank
Accusation: Throwing stones

On 10 April 2018, a 14-year-old boy from Azzun was arrested by Israeli soldiers on agricultural land belonging to his family at 4:00 p.m. He reports being interrogated about stone throwing without first being informed of his legal rights.

I was with my cousin on agricultural land belonging to my family at around 4:00 p.m. A short time earlier there had been some stone throwing on a nearby road. Suddenly 4 Israeli military jeeps approached us from all directions. About 12 soldiers got out of the jeeps and approached me and my cousin. I was scared.

Without explanation one of the soldiers tied my hands behind my back with 2 plastic ties on top of each other. The ties were tight and painful. I asked the soldier to loosen the ties but he did not listen to me. He also blindfolded me and took me to the back of one of the jeeps and made me sit on a seat.

Inside the jeep the soldier kept pushing my head down which caused me pain. I felt I could not breathe properly and felt very uncomfortable. When I tried to lift my head up to take a deep breath the soldier pushed my head down and banged my head. When I told one of the soldiers I had not done anything wrong he kicked me on my elbow and caused me a lot of pain which lasted for days.

The jeep waited for a short while and I could hear my mother outside asking the soldiers to release me. The soldiers told my mother to go home. Then I heard my mother tell me not to worry and to be strong and brave.

The jeep drove to the nearby military base and I was left inside the jeep with my head bent down for about 4 hours. Then I was taken to a shipping container and a female military doctor examined me. She examined me while I was tied and blindfolded.

After the medical exam I was taken to an office where I sat on a chair, tied and blindfolded. A group of soldiers walked in and made a lot of noise. I bent over a table and tried to sleep but a soldier banged a metal pipe on the table which startled me. I was shocked and did not sleep at all. I was left in the room until around 3:00 a.m. I was not given anything to eat but a soldier brought me a glass with something in it to drink but I refused to take it because I thought it might be alcohol as the soldiers behaved as if they were drunk.

At around 3:00 a.m. I was taken to a shipping container and 2 soldiers came. One of them removed the blindfold and asked me to tell him what I had done and claimed he wanted to help me. He did not inform me of any rights. I told him I did not do anything. Then he told me if I told him everything I would be sent home. He told me not to lie and to tell him everything and he was there to help me. Then he accused me of throwing stones and told me my cousin, who was arrested with me, had confessed against me. When I told him this could not be true he lost his temper and shouted at me.

Then one of the soldiers told me our house would be demolished if I did not confess and that my family would be displaced and would be forced to live next to a rubbish tip. He threatened to drag my grandmother into the police station and to close down my uncle's shop if I did not confess. I was so scared that I confessed to throwing 6 stones on the main road. I did not want any problems between my family and my uncle's family if his shop was closed down and he lost his livelihood. When I confessed the soldier went out. Then he came back and told me I was going to be released and I believed him.

A short time later the soldier returned with an overweight policeman. The policeman asked me for my name and where I was from. He asked me whether I was going to throw stones ever again and I said never again. Then I was taken to a jeep and I thought I was going to be released but instead I was taken to the police station in Ariel settlement where I was interrogated by someone called "Marwan".

Marwan turned a voice recorder on and asked me whether I had confessed to throwing 6 stones and I said yes. He was accompanied by the soldier who questioned me earlier. He then accused me of hitting a vehicle and smashing the nose of a passenger. Then he told me he was going to phone a lawyer for me. He phoned a lawyer and allowed me to speak to him. The lawyer told me not to worry. He also told me to remain silent but I did not understand what he meant. The interrogator did not say anything about the right to silence.

Then he gave me documents in Hebrew and asked me to sign them and I did. Then I was taken to Salem military court.

A lawyer was in the military court but my parents did not attend because they were not informed of the hearing. The hearing was adjourned and I was taken to Megiddo prison inside Israel. At Megiddo I was searched with my clothes on and then taken to Section 4.

I had about 7 military court hearings and at the last one I was sentenced in a plea bargain to 4 months in prison and fined 2,000 shekels. I was also given a suspended sentence of 7 months in prison suspended for 2 years.

I spent my prison sentence at Megiddo where I attended classes and I was the best amongst all the other prisoners. The teacher gave me a certificate acknowledging my achievement. My mother was very pleased when she saw the certificate. My parents visited me 4 times in prison.

I was released on 26 July 2018 at Al Jalama checkpoint and I went home with my father. I arrived home at around 7:00 p.m. My parents organised a small party for me and my mother cooked a nice meal. We stayed up late and I told everyone about my experience in prison.

Testimony 5

Name: I.K.I.R.
Age: 15
Date: 30 May 2018
Location: Bi'lin, West Bank
Accusation: Throwing stones

On 30 May 2018, a 15-year-old boy from Bil'in was arrested by Israeli soldiers at 2:30 a.m. He reports not being informed of his right to silence or his right to consult with a lawyer prior to interrogation.

It was the fasting month of Ramadan and I went to the nearby shop to buy some food at around 2:30 a.m. Shortly afterwards an Israeli military jeep approached me and my father stepped out of the jeep and told me soldiers had come to the house looking for me. The soldiers had forced him to accompany them to look for me.

The soldiers took me to the back of the jeep with my father and made me sit on the metal floor. They also wanted my father to sit on the floor but he refused and told them he had back ache. The jeep drove a short distance to a nearby military base where they let my father off and told him to walk home. They gave him a document written in Hebrew which he did not understand. He walked home in the dark for about 2 kilometres.

The jeep continued driving to the police station in Binyamin settlement. On the way a soldier blindfolded and handcuffed me to the front with metal handcuffs which were not painful. He also shackled my feet. The soldiers then beat me on the back with their guns and swore at me. They swore at god and called me a "son of a whore" and "brother of a whore".

I arrived at Binyamin at around 4:00 a.m. and was taken to a room where I sat on a wooden table until around 9:00 a.m. when I was taken for interrogation. I did not sleep at all.

The interrogator removed the blindfold and the handcuffs but kept the leg shackles on. He was in civilian clothes and had a voice recorder on his desk. He asked me some general questions: my name and my age. He did not inform me of my rights.

The interrogator showed me some photographs during a protest in the village and accused me of taking part and throwing stones. When I denied that I was at the protest he banged the table and smashed two glass cups on the floor. I was shocked because I did not expect it.

He repeated the accusation and told me I was seen in the photos with a sling shot. Still I denied the accusation. Then he showed me another photograph which he claimed was very clear. He told me this would incriminate me in court and I would spend a long time in prison but if I confessed the court might decide to release me. I believed him and confessed to throwing stones during the protest on 8 December 2017 when Trump declared Jerusalem the capital of Israel and decided to move the American Embassy to Jerusalem. I was interrogated for about 2 hours.

After I confessed he phoned a lawyer and allowed me to speak to him. The lawyer told me to remain silent but I told him I had already confessed. Then the interrogator showed me documents in Hebrew and asked me to sign them. When I asked him to tell me what was written in them he refused and told me I had to sign and I did.

After the interrogation I was photographed and fingerprinted. I was then taken to Ofer prison where I was strip searched and then taken to Section 13. By then it was 2:00 p.m. I did not eat because I was fasting.

The following day I was taken to Ofer military court. My mother and uncle were there and the military judge extended my detention and the hearing was adjourned. I had 4 hearings. At the last hearing the military judge decided to release me on bail. My family provided medical reports and I think this was the basis for granting me release on bail. The hearings were in Hebrew and I did not understand anything.

My parents had to pay 5,000 shekels bail and I was released on 19 June 2018. My next hearing is on 2 July 2018. The military judge told me if I don't show up the soldiers would arrest me again.

Testimony 6

Name: M.M.M.Z.
Age: 17
Date: 6 June 2018
Location: Beit Ummar, West Bank
Accusation: Throwing Molotov cocktails

On 6 June 2018, a 17-year-old youth from Beit Ummar was arrested by Israeli soldiers at 6:00 a.m. after the soldiers threatened to take his parents hostage. He reports being interrogated without first consulting with a lawyer.

I ran away from home when I heard that Israeli soldiers were in our neighbourhood. It was at around 4:00 a.m. Shortly after I fled they raided our house and when my father told the commander I was not home the commander phoned me.

The commander asked me where I was and I told him I was at work. He told me if I did not turn myself in immediately he was going to arrest my father and mother. I was scared and worried that he might arrest my parents so I went back home at around 6:00 a.m. The soldiers were still there. I said goodbye to my family and left. The commander gave my father a document and asked him to sign it and he did.

Outside my home the soldiers tied my hands behind my back with 1 plastic tie which was painful. They also blindfolded me. I was then taken to the back of a military jeep where I sat on a spare tire on a box.

Inside the jeep soldiers verbally abused me and called my mother and sisters “whores”. They also kicked and beat me on my back and head using their boots and the back of their guns.

Then the jeep stopped and I was taken out and the commander came and asked me for my name and my father’s name. When the commander left the soldiers were more abusive, they beat me harder and swore at me again. The jeep then drove to the police station in Etzion settlement. The soldiers slapped and beat me the whole way.

At Etzion I was taken to a room where I stayed until around 4:00 p.m. without any food or water. They removed the tie and the blindfold and allowed me to use the toilet. Then I was taken to Ofer prison where I was strip searched. Then I was taken for questioning.

The interrogator told me I had the right to remain silent but if I remained silent it would imply guilt. Then he told me he was going to phone my parents and a lawyer. He phoned my father and allowed me to speak to him. I told my father I was fine and that I was at Ofer. A few seconds into the conversation the interrogator took the phone away and spoke to my father himself. He told him I had a military court hearing the following day. Then he phoned a lawyer and appointed him to defend me. I did not speak to a lawyer.

The interrogator then told me he did not bring me in for an interrogation but rather to ask me some questions. He told me he had all the evidence against me already in my file. Then he asked me whether I threw a Molotov cocktail at soldiers and I told him I did not. Then he said “fine” and left the room. Then he came back and showed me a document in Hebrew and Arabic and asked me to sign it and I did because it was identical to what I had said.

After the interrogation they took my photograph and fingerprints. Then I was taken back to Etzion where I was strip searched and left until around 8:00 p.m. Then I was taken back to Ofer where I was strip searched again before being taken to section 13.

The following day I was taken to Ofer military court. My parents did not attend and the hearing was adjourned. I had 5 more hearings and at the last one I was sentenced in a plea bargain to 1 year in prison and fined NIS 5,000. I also received a suspended sentence of 3 years in prison suspended for 5 years.

In the plea bargain I was charged with throwing a Molotov cocktail at settlers and at a military watchtower and at soldiers during clashes in the village. I accepted the plea bargain because the prosecutor wanted to imprison me for 36 months.

I was released on 13 February 2019. The court decided to release me early because my brother was very sick. They imposed an additional fine of NIS 1,500 and told me I had to appear in court on the 17 March 2019.

In prison my parents only visited me 4 times because it took a long time for their permit to be issued. In prison I cooked for the other prisoners and I exercised a lot to keep fit.

Testimony 7

Name: I.A.F.T.
Age: 16
Date: 15 July 2018
Location: Deir Nidham, West Bank
Accusation: Throwing stones

On 15 July 2018, a 16-year-old youth from Deir Nidham was arrested by Israeli soldiers at 3:00 a.m. He reports being questioned without being informed of his right to silence but is permitted to speak to a lawyer by phone. He is released without charge on 20 July 2018.

A week before I was arrested the military commander of the area phoned me and told me he wanted to have “a chat” and urged me to turn myself in. He threatened that if I did not oblige he would find other ways to get me. I told him I was not going to oblige.

On the 15 July 2018 I was asleep on a mattress on the floor when an Israeli soldier woke me up by kicking me in the side. It was around 3:00 a.m. I got up and saw lots of soldiers in our house. I found out later that they went to my uncle’s house first and then told him to accompany them to our house.

I asked the soldier who kicked me what he wanted and he told me to get up and put some clothes on because I was under arrest. My mother tried to reason with the soldier and told him I was not involved in anything wrong. I felt sorry for my mother who was stressed and I told her not to worry about me. Then the soldiers searched the house but did not cause any damage.

The soldiers then took me outside without giving my parents any documents. They walked me towards a nearby field where I was blindfolded and tied with my hands behind my back with 3 plastic ties: one on each wrist and one connecting the two. The ties were not painful.

Then I was taken to the back of a jeep where I sat on a seat. The jeep drove to the nearby military base and on the way a soldier pushed me off the seat on to the floor and swore at me and called me “a son of a whore”.

At the base I was taken to a room and the military commander for the area came in and told me the fact that I was there is proof that they can find me if they want to. He left and two soldiers entered the room and kicked and beat me using their weapons all over my body. They swore at me and called me “a son of a whore” and then they left.

Shortly afterwards I was taken to the police station in Binyamin settlement where I waited in a room from around 5:00 a.m. until around 3:00 p.m. During this time I was allowed to use the toilet and I was given some food and drink. At around 3:00 p.m. I was taken for interrogation.

I was interrogated by a female policewoman who questioned me through an interpreter. She had a voice recorder on the desk and was typing on a computer. She asked me whether I had a lawyer. I gave her the name of a lawyer and she allowed me to speak to her on the phone. The lawyer told me I had the right to remain silent during interrogation and not say anything.

After I spoke to my lawyer the interrogator began without informing me of my other rights. The interrogator told me there was video evidence showing me throwing stones at a security camera outside the nearby settlement. She claimed my objective was to break the camera so that I could enter the settlement undetected and conduct an attack. I smiled because it was such a ridiculous allegation.

A policeman who was also in the room phoned my father and told him I was in their custody. Then the interrogator told me half of those arrested by the authorities end up confessing and the authorities have respect for those who confess. She also told me it was unethical to tell lies.

Then she asked me whether I was the person seen in the video throwing stones at the security camera and I told her it was not me. When she heard my answer she accused me of lying. I told her I was not going to confess and she responded by telling me she was going to let dogs attack me. She also threatened to send me for interrogation by an intelligence officer at Al Maskobiyeh where I would be forced to confess.

I was interrogated for about an hour and I did not confess. I also refused to sign documents they handed me that were written in Hebrew. I told the interrogator I was not going to sign any documents until and unless a lawyer or my father are present. At around 5:00 p.m. I was taken to Ofer prison where I was strip searched before being put in Section 13.

The following day I was taken to Ofer military court. I did not enter the court room but was left waiting from around 7:00 a.m. until around 7:00 p.m. Then I was taken back to prison. The following day one of the senior prisoners called my name and told me I was going to be released. I was very happy.

Testimony 8

Name: A.K.A.M.
Age: 15
Date: 26 August 2018
Location: Al Mughayyir, West Bank
Accusation: Throwing stones

On 26 August 2018, a 15-year-old youth was arrested after he attended Binyamin Police Station in response to a summons delivered at 2:00 a.m. He was released on 13 September 2018 after his father paid NIS 3,000.

On 20 August 2018, my sister woke up when she heard noises outside our house at 2:00 a.m. Then she heard loud banging at our front door. My mother opened the door and about 13 Israeli soldiers entered and asked for my father and me. My mother told the commander we were sleeping over at a relative's house. The soldiers then searched the house and caused a big mess. An hour-and-a-half later they left.

On 23 August 2018, my mother woke up again at around 2:00 a.m. to the sound of banging at our front door. Before she could open the door, soldiers broke the lock and stormed into our house. About 11 soldiers entered this time and told my mother they were looking for me. My mother told them I was not home. The commander then gave my mother a document [summoning](#) me to Binyamin police station in the morning at 9:00 a.m. The information in the summons was written in Hebrew.

Later that morning my father and I went to the police station as requested. We waited from around 9:00 a.m. until around 11:00 a.m. when a soldier told us to come back on Sunday, 26 August, because the interrogator was not at the police station.

On Sunday, 26 August, my father, my uncle and I went again to the police station inside Binyamin police station. My father waited outside because he wanted to leave to go to work and my uncle and I went in and waited. About an hour later a policeman told my uncle to leave and I was taken for interrogation.

The interrogator wore an Israeli police uniform. He started to question me without informing me of any rights. He accused me of throwing stones and showed me two photos and accused me of being the person shown in the photos. I denied the accusation and denied that the photo was of me. He also accused me of organising young boys and encouraging them to throw stones. When I denied the accusation he swore at me saying I was a "son of a whore". He banged the table and raised his voice at me. Then he asked me whether I had ever harmed settlers and I told him I had not.

The interrogator then threatened to bring my father and mother to the police station if I did not confess. Then he told me somebody had confessed against me. When I asked him to confront me with that person he said he was not going to. Then he told me to say sorry for throwing stones and I told him I did not throw stones and so was not going to say sorry.

At the end of the interrogation the interrogator showed me documents in Hebrew and asked me to sign them but I refused. He told me he would send me home if I signed; still I refused to sign and told him I was not going to sign any documents without a lawyer present.

Then the interrogator called my father and asked him to appoint me a lawyer. My father told him I did not need a lawyer because I was innocent and the interrogator hung up immediately. Then the interrogator phoned a lawyer and allowed me to speak to him. The lawyer told me not to confess to anything even if the interrogator shows me photos.

After the interrogation was over I was shackled and handcuffed. The handcuffs were behind my back and were painful. I was then taken to a small room which was very hot. When I tried to fall asleep a soldier kicked me and woke me up. I complained to the soldier that the handcuffs were causing me pain and he removed them. I was left in that room and I was not given any food or drink and I was not allowed to use a toilet.

The next morning I was taken to Ofer prison where I was left in a room until the evening. My parents tried to find me during this time and called all the police stations but none had any information about me. Then I was searched with my clothes on and taken to Section 13 where I ate and drank for the first time.

Two days later I was taken to Ofer military court. My father attended the hearing and the military court decided to keep me in detention and the hearing was adjourned.

In all I had five military court hearings. My lawyer told the military judge I was sick and needed medical care. My father presented a medical report to the court. At the last hearing the military judge gave my father the option of paying 3,000 shekels for my immediate release or imprisoning me for 3 months. My father objected and told the court there was no evidence against me and that I had not confessed. The military judge told my father 3 soldiers had testified against me.

My lawyer objected to the military court because the charge sheet said I was accused of throwing stones near the village but the prosecutor said I was accused of throwing stones in a village near Jerusalem. In the end my father told the military judge he was willing to pay NIS 3,000 in return for my immediate release. He explained to the military judge he wanted me back at school as quickly as possible.

On the day when I was supposed to be released I was told my file was lost and I had to spend another day in prison. I was finally released on 13 September. I went home with my father and we arrived home after midnight. My mother and sisters were waiting for me and we all had dinner together with some friends and relatives.

In prison I passed time playing table tennis but I was bored most of the time and wanted to go home.

Testimony 9

Name: I.A.I.Z.
Age: 14
Date: 5 September 2018
Location: Qalandia, West Bank
Accusation: Throwing stones

On 5 September 2018, a 14-year-old boy from Qalandiya refugee camp was arrested by Israeli soldiers at 3:00 p.m. during clashes. He reports being interrogated at midnight without consulting with a lawyer or being informed of his right to silence.

I was in the area near Qalandiya checkpoint at around 3:00 p.m. when boys were throwing stones at Israeli soldiers and swearing at them. Then I went to a nearby shop when all of a sudden I was grabbed by the neck by the person who was standing next to me. It turned out he was a soldier in civilian clothes.

The soldier dragged me to a small room at the checkpoint and left me there on a chair. About an hour later my mother came and both of us waited in the room until around 10:00 p.m. when we were taken to Atarot police station.

We were taken the short distance from the checkpoint to the police station in a military vehicle. We both sat on seats in the back. On the way the soldier who was driving told me not to lie to the interrogator because he knows everything. When we arrived at the police station we were left in an outdoor area until around midnight when I was taken for interrogation and my mother was allowed to accompany me.

The interrogator was dressed in civilian clothes. He told my mother he was going to allow her to attend the interrogation but warned her she was not allowed to say a word or intervene in any way. He threatened to throw her out if she opened her mouth. He told her she could listen but she could not speak.

Then the interrogator told me and my mother we had the right to have a lawyer present. My mother told him she did not have a telephone number for a lawyer and that it was a late hour at night to find a lawyer anyway. The interrogator told her in that case he was going to interrogate me without a lawyer present. Then he started to question me without informing me of my right to silence.

The interrogator asked me what I was doing at the checkpoint. I told him I was with my friends. He asked whether my friends and I were throwing stones at soldiers and I told him we were. Then he asked whether there were soldiers at the checkpoint and I said yes. Then he wanted to know how many and whether there were female soldiers. Then he accused me of swearing at the female soldier and insulting her. Then he asked whether the stones had hit soldiers and I said no. He accused me of lying and thumped the table aggressively. I was scared and started to cry. Then he shouted at me again and wanted to know why I was crying.

Then he repeated the accusation. He told me I called the female soldier a “whore”. He also told me soldiers saw me throwing stones. Then he asked me what would happen if I am hit on the head by a stone. He wanted to know whether it is possible I would bleed and be hurt. I said yes. Then he also accused me of throwing stones at the CCTV camera and said all the money of my country would not be enough to compensate for the broken camera. I was shivering as he spoke to me because the air conditioner was blowing cold air and I was tired and scared.

Then he showed my mother documents in Hebrew and asked her to sign. When she asked him to translate he told her the document said she was allowed to attend the interrogation. My mother signed the documents. The interrogation lasted for about 2 hours and I was very tired, hungry and sleepy towards the end.

Then they took my photograph and fingerprints and then took me and my mother to another room where we waited for another 2 hours. I was shackled and handcuffed to the back. The handcuffs were painful and my mother asked the soldier to remove them but he told her he was not allowed to remove them.

I recall a man and woman in military uniform were in the room and they were flirting and kissing and I did not feel comfortable. My mother thought it was disgusting behavior. They were smoking and blowing smoke in our direction.

Then a commander came and told the soldiers to take my mother to the checkpoint. He told her she could attend my military court hearing later that morning. Then I was taken in a vehicle to Ofer prison. I arrived at Ofer at around 4:30 a.m. At Ofer I was strip searched and taken to Section 13. I ate and slept maybe for an hour. At around 7:00 a.m. I was taken to Ofer military court.

My mother was in court and my lawyer. I was taken to court in shackles but the handcuffs were removed. I did not understand much but I was later told by my lawyer I was going to be released. He told me he was able to negotiate a deal with the prosecutor where my family would pay a fine of 2,000 shekels. He told me if I am seen at the checkpoint again I would spend 3 weeks in prison. My mother accepted the deal.

I was released on 6 September 2018 and I went home with my cousin. I arrived home just after midnight. My mother had prepared a nice meal and I ate and went to bed. I was exhausted.

Testimony 10

Name: Z.M.H.A.
Age: 14
Date: 14 October 2018
Location: Tuqu', West Bank
Accusation: Throwing stones

On 13 October 2018, a 14-year-old boy from Tuqu was served with a summons by Israeli soldiers at 3:00 a.m. The boy complied with the summons but was arrested by soldiers on 14 October at 4:00 a.m.

I was fast asleep when I heard loud banging on our front gate downstairs. It was around 3:00 a.m. I jumped out of bed and looked out the window and saw about 5 Israeli military jeeps on the street near our house. My father opened the front door and about 20 soldiers entered our home. Three soldiers were wearing masks which was scary.

A soldier checked my father's identity card and when they saw my name in the annex the commander handed me a summons to go to the police station in Etzion settlement at 8:30 a.m. The summons was filled out in Hebrew. The soldiers left and I was able to sleep for another hour; I wanted to be rested before going to the police station.

My father and I arrived at the police station at around 8:30 a.m. We waited for about 3 hours before a soldier called my father's name. The soldier took the summons and wrote down my father's telephone number and told him we could both go home and that someone called "Captain Imad" would contact us the following day. My father and I went back home. We arrived back home at around noon.

At around 4:00 a.m. the following night I woke up to the sound of very loud banging at our front door. My father opened the door and about 20 soldiers entered our home. The commander checked my father's identity card and when he saw my name he turned to me and told me he wanted me to go with him. The commander told me I was going to be interrogated because I was suspected of throwing stones on the main road. The soldiers did not give my parents any documents.

The commander took my parents to the living room and gave them a lecture about how best to raise children. He told them they were not doing enough to raise us properly. He also told them our village was a dangerous place and that he was seriously considering implementing some harsh decisions to punish the village. He told them he was considering declaring the village a closed military zone and

banning anyone from leaving or entering the village. He also told my parents he was considering using live ammunition and said he wanted to give the village one last chance.

When my mother told the commander her children were well-behaved he told her that was not true and that parents should beat their children and punish them and lock them up inside the house to discipline them. Then my mother asked the commander not to beat me and he looked at her and told her "Israel is a country governed by law".

I put on some clothes and said goodbye to my parents. Then I was taken outside where my hands were tied to the front with 3 plastic ties: one on each wrist and another one connecting the two. The ties were not painful. I was also blindfolded. I was then taken to the back of a military jeep where I sat on a seat and a soldier put a seat belt on me.

The jeep drove to the nearby military base where I was taken to a courtyard and I sat on the ground for about 2 hours. It was a cold night. At around 5:30 a.m. I was taken in a jeep to Etzion police station. At Etzion I waited at the gate for about an hour before I was allowed in and taken for interrogation.

The interrogator wore civilian clothes. He sat in front of an Israeli flag which was hung on the wall behind him. He also had a pistol in front of him.

As soon as I entered the room the interrogator removed the ties and the blindfold and told me he wanted me to confess to throwing stones and to tell him everything. Then he phoned a lawyer and allowed me to speak to him. The lawyer told me to remain silent and not confess. The conversation with the lawyer lasted for about a minute.

Without informing me of my other rights, the interrogator continued to question me about throwing stones and wanted me to tell him the names of boys seen in photographs which he showed me. Then he said he would show me photographs showing me throwing stones and wondered how I would react. When I did not say anything he twisted my ear and thumped the table and raised his voice at me saying I had to confess.

The interrogator then asked me what my father did for a living. When I told him my father was a taxi driver he threatened to bring my father to the police station and to confiscate his taxi if I did not confess. The interrogation lasted for about 30 minutes and I did not confess. Then I was taken to see another interrogator.

The second interrogator did not inform me of my rights. He turned a voice recorder on and told me he was going to show me photographs of me. He showed me a photograph of a boy standing doing nothing. Then he showed me another photograph which was not very clear. He accused me of throwing stones at soldiers but I denied the accusation. Then he lost his temper and raised his voice at me and told me I had to confess. The whole time he was typing on a computer. He questioned me for about 2 hours but I did not confess. During this time the interrogator took me outside the room a couple of times and then brought me back in. I was not given any documents to sign.

After the second interrogation I was photographed and fingerprinted. Then I was taken to a cell. On the way to the cell a group of soldiers in a military vehicle passed me and swore at me saying I was "a son of a whore". They reached out of the window as if they wanted to slap me. Then I was left outside the cell for about an hour on the floor. Later I was searched with my clothes on before being taken into the cell.

A short while later I was taken to Ofer prison where I was strip searched.

The following day I was taken to Ofer military court. My parents were not in court because they were not told about the hearing. The military judge decided to extend my detention. I had 5 more military court hearings.

At the last hearing I was told there was a confession against me by another boy from my village. The military judge decided to release me and to delay my suspended sentence which I had from a previous imprisonment. I was also told that the military judge decided that the photograph presented by the prosecutor was not clear and therefore he did not consider it as valid evidence against me. My family was fined 2,000 shekels which my father paid.

I was released on the 24 October 2018 and I went home with my parents who were waiting for me outside prison. I had dinner and went straight to bed.

Testimony 11

Name: M.A.M.K.
Age: 17
Date: 18 November 2018
Location: Kafr Ni'ma, West Bank
Accusation: Protesting / throwing stones

On 18 November 2018, a 17-year-old youth from Kafr Ni'ma was arrested by Israeli soldiers at 2:15 a.m. His father was provided with a document written in Hebrew. He was released on bail of NIS 2,000 on 26 November 2018.

I was watching television at around 2:15 a.m. when I heard very loud banging at our front door. I rushed to my parents' bedroom to wake them up but they were already awake. My father looked out the window to see who it was and he saw two Israeli soldiers.

When my father opened the front door six soldiers entered our home. The commander told me and my brother and father to sit in the living room and he asked me for my name. Then he told me to fetch my telephone and my identity card and I did.

The commander put my telephone in his pocket and then looked at my ID and compared my details with a list he had. Then he told me to get dressed as I was under arrest. When I asked him for the reason he told me I would soon find out at the police station. He gave my parents a [document](#) which he filled out in Hebrew.

When I went to my bedroom to get dressed a soldier followed me and searched my clothes. My father told the commander he wanted to accompany me to the police station but the commander refused.

I was then taken outside where I was tied with my hands to the front with two plastic ties connected to each other. The ties were not painful. I was also blindfolded. I was then taken to the back of a jeep where I was thrown on the metal floor. I had a cold at the time and when I tried to reach out for a tissue in my pocket a soldier kicked me on my leg.

The jeep drove to a military base which I did not recognise and I was taken to a shipping container. I sat on a chair but I could not sleep because there was a loud noise of an engine which kept me awake.

I asked to use the toilet and an hour later I was allowed to go to the toilet. A soldier cut off the ties and when I came back he tied me again, this time the ties were painful and left a mark on my wrists. I was

left in the shipping container until around 8:00 a.m. and then I was taken in a vehicle to the police station in the settlement of Modi'in Illit.

On arrival at the settlement I was taken to a room for interrogation. The interrogator removed the blindfold but kept me tied. He spoke good Arabic and wore a police uniform. He asked me for my name and whether I worked or was still at school. He had a voice recorder on.

The interrogator showed me a photograph of clashes with soldiers and accused me of taking part. I denied the accusation. Then he pointed to a boy in the photograph and told me it was me. I denied it was me. Then he told me he was going to take the photograph to a lab for analysis to determine whether the boy seen throwing stone in the photograph was me or not.

Half-way through the interrogation he showed me a document written in Arabic about my right to choose a lawyer and my right to remain silent. Then he asked me whether I needed a lawyer and then phoned one and left the room and allowed me to speak to him. The lawyer told me to say I was at a peaceful demonstration if the interrogator showed me photographs. I was suspicious of the lawyer because I felt he had consulted with the interrogator in advance based on what he said.

The interrogation lasted for about two hours. In the end the interrogator showed me documents in Hebrew and asked me to sign them but I refused to sign because I did not understand what was written. Then they took my fingerprints and photograph as well as a DNA sample from my mouth. Then I was taken to Ofer prison.

I arrived at Ofer at around 11:30 a.m. I was strip searched and then taken to Section 19.

Two days later I was taken to Ofer military court. My uncle was there and the hearing was adjourned. On 26 November 2018, I was taken to the waiting room outside the court but I was never taken into court. At around 5:00 p.m. I was taken back to prison where I was told I was going to be released on bail.

I was released from prison later that day and I arrived home after midnight. I found out that my parents had to pay 2,000 shekels bail but no one told me anything about another military court hearing.

I also found out that my father tried to call the numbers on the document he was given when I was arrested many times but there was no answer. He wanted to know how I was but nobody picked up the telephone. I also realised that the police station I was taken to for interrogation was not listed on the document given to my father.

Testimony 12

Name: I.I.M.T.
Age: 14
Date: 5 December 2018
Location: Al 'Arrub refugee camp, West Bank
Accusation: Throwing stones

On 5 December 2018, a 14-year-old boy from Al Arrub refugee camp was arrested by Israeli soldiers at 3:00 a.m. He reports speaking to a lawyer on the phone for 1 minute prior to interrogation but not being informed of his right to silence.

My mother woke me up at around 3:00 a.m. and told me to go downstairs to open the door. I got up and went downstairs and about 15 Israeli soldiers entered the building.

The commander had a document with him and told me someone had to sign the arrest document which had my name on it. My father signed the document and the commander told me I had 1 minute to get dressed.

I barely had time to tie my shoes before the soldiers dragged me outside where they tied my hands behind my back with 2 plastic ties on top of each other. The ties were very tight and painful and left marks on my wrists for weeks. They also blindfolded me.

I was then led towards the metal gate installed by the army at the entrance to our refugee camp. A soldier punched me in the stomach while I was blindfolded and caused me a lot of pain.

Then I was taken to the back of a military vehicle where I sat on the floor between the soldiers' legs. A soldier held my head down all the way to the police station in Etzion settlement.

At Etzion I was taken to a room where I was left on a blanket on the floor until around 6:00 a.m. I could not sleep at all and I was not given any food or drink.

At around 6:00 a.m. I was taken for interrogation. The interrogator removed the ties and the blindfold and allowed me to speak to a lawyer on the phone. He put his phone on speaker while I talked to the lawyer. The lawyer asked me whether it was my first arrest and told me not to worry and not to confess. He told me I had the right to remain silent. The conversation lasted for about 1 minute and the interrogator heard everything.

Without informing me of my right to silence the interrogator asked me whether I wanted to be "straightforward or crooked" with him. I told him I was willing to be straight forward if he was straightforward with me and I explained that I was not going to confess to anything I did not do.

Then the interrogator told me there were confessions against me by 2 boys from the camp. I told him my family had recently moved into the camp and I did not know anyone there. He told me the 2 boys had confessed that I threw stones and a Molotov cocktail at soldiers. He named the 2 boys and I told him I did not know the boys and I denied the accusation.

The interrogator told me that my denial was not going to help me. He kept repeating the same accusations and I kept denying them. He thumped the table several times and called me "a son of a whore". He accused me of being "crooked" and played a voice recording of the two boys confessing against me. In the end he showed me documents in Hebrew and asked me to sign them but I refused to sign.

Then he took me to see another interrogator. The second interrogator did not inform me of my rights and told me to answer "yes or no". He had a voice recorder on his desk and was typing on a computer. He mentioned a specific date and accused me of throwing a Molotov cocktail at soldiers. I denied the accusation. He questioned me for about an hour and was angry the whole time. He showed me documents in Hebrew and asked me to sign them but I refused to sign. He then took me back to see the first interrogator.

The first interrogator accused me of the same accusations and insisted that I had to confess. Then he accused me of possessing a hunting gun and I denied it. In the end I confessed to throwing 1 stone from a distance of 200 meters which missed. I confessed to throwing a stone because I was afraid he would implicate me in more serious offenses. He showed me documents in Hebrew and asked me to sign but I refused to sign.

After the interrogation they took my photograph and fingerprints and then took me to a cell where I was strip searched. They gave me some food which was unappetizing and I could not eat it but I was able to sleep for a couple of hours.

At around 7:00 p.m. I was taken to Ofer prison where I was strip searched again and I was asked to crouch up and down. Then I was taken into the juvenile section.

The following day I was taken to Ofer military court. My parents were not informed about the hearing and so they did not attend. The hearing was adjourned.

In all I had about 13 military court hearings. I asked my lawyer to keep adjourning because I thought by the time I was sentenced I would have little time left to spend in prison. On 20 February 2019 I was sentenced in a plea bargain to 4 months in prison and fined 2,000 shekels. I also received a suspended sentence of 1 year in prison valid for 5 years. I accepted the plea bargain because the prosecutor wanted to sentence me to 6 months in prison.

I spent most of my prison sentence at Ofer where I studied Arabic, Hebrew and Mathematics. I also exercised a lot and lifted weights. 18 days before I was released I was transferred to Megiddo prison inside Israel. I found this very hard to cope with. My parents did not visit me in prison because they were not issued a permit in time.

I was released on the 21 March 2019 and I went home with my family. I arrived home at around 9:00 p.m.

**TRANSLATION
(FORMAL PARTS)**

Israeli Police

To: _____

Date: _____

File Number: _____

Police Summons

Please come to our office _____ Location: _____

On: _____

At: _____

For _____

Bring with you: _____

Ask for: _____ Room number: _____ Floor: _____

If the appointment is inconvenient please call or visit the undersigned or the secretary to re-schedule.

Unit stamp

Name: _____ Personal number: _____ Rank: _____ Signature: _____

**ANNEXURE D
STANDARD ARREST DOCUMENT**

**טופס הודעה על מעצר של קטין ועל חקירתו
במודח אחרון על מניין פאטר והחפץ עם**

חובה למלא טופס זה בכל מעצר של קטין מתחת לגיל 18.
יבט תעט זה המודח פי כל אעקל פאטר מן לון מן ל- 18.
יש להשאיר שותק אחד של הטופס אצל בן המשפחה שחתם עליו.
יבט לרק נספה ואחד מן המודח עת אחר האסרה אשר וקע.

מרטיוס מזהים של העצור
תחבב תפאסיל המעקל

ש.ס. העצור (שם מרובע) האם הרבאטי	ת.ז. / דרכון רמק הורה	
מקום ביצוע המעצר מקל האעקל	שעת המעצר סאעה האעקל	15:00 21/12

מירוט החשדות נגד העצור
תפאסיל האלהמ מנגד המעקל

1	למחבר נעלם בתקום
2	
3	

תחנת המשטרה בו עתידה להתבצע חקירתו של העצור (חקה ביעור)
מרכז השרטה אשר סימם יח החפיק מע המעקל

1	אריאל ריביל	03-9065444
2	חברון העקל	02-9969306 / 02-9969444
3	לציון בית לחם (אשחון)	02-9939405
4	מנולה אדומים מעל הוסימ	02-5358444
5	בנימין רמלה	02-9706777

מרטיוס ממלא הטופס
תפאסיל מעל המודח

שם האם	ש.א. רמק השפטי	09/12/12
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חתימה
הנופיע

מרטיוס מקבל ההודעה
תפאסיל מלפי הגבר

שם האם	ת.ז. רמק הורה	
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קרבה לעצור
שעת הרב המעקל

חתימה	תאריך
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11 אם מקבל ההודעה מטרב לחתום על הטופס. יחתום מטר ההודעה במקומו ויין שמקבל ההודעה מירב לחתום עליה

ANNEXURE E
GSS (ISA) RIGHTS IN CUSTODY DOCUMENT (ARABIC)
PROVIDED IN SOME INTERROGATIONS

دولة اسرائيل

جهاز الأمن العام

صحيفة بيانات للشخص المعتقل

انت موجود الآن في تحقيق لجهاز الأمن العام تشريك فيه شرطة اسرائيل، وتكون مشتمها بارتكاب مخالقات كما جاء في امر الاعتقال.

فيما يلي بيان بالحقوق التي تتمتع بها وكذلك اللبود التي يحق للقائمين على التحقيق والمسؤولين في مركز التوقيف فرضها: أولاً: حقوق قضائية

1. ان يتم تلبيع الجهة التي تختارها عن اعتقالك.
2. يحق لك استشارة المحامي الذي تحاربه.
3. يحق لك ان تقدم للمحكمة في اي وقت وبموجب تعاليم القانون المفروضة عليك باي ادعاء او طلب. بخصوص اعتقالك وذلك إما شخصياً او بواسطة المحامي الذي يوكله.
4. لست مجبراً على الادلاء بحلال التحقيق بما من شأنه ان يدينك، ولكن امتناعك عن الاجابة عن اسئلة قد يقوي الأدلة ضدك ثانياً: الحقوق المتعلقة بطرؤك في المعتقل

1. من حقتك ان تستحم مرة واحدة يومياً، لكن بإمكان القائم على التحقيق وفي ظروف معينة، ان يؤجل ممارسة هذا الحق لفترة لا تزيد عن ثلاثة ايام.
2. يحق لك اسلام ملابس.
3. يحق لك اسلام بطايات لاستعمالك الشخصي.
4. لك الحق بالعلاج الطبي المناسب بعد ان يفحصك طبيب.

ثالثاً: واجبات وقيود

1. حسب القانون، يمكن عدم السماح باجراء مقابلة بينك وبين المحامي الذي وكلته، وذلك بموجب الاسباب المنصوص عليها فيه.
2. في هذه الحالة، يتم تنفيذ فترة اعتقالك بواسطة المحكمة، دون ان تتمكن من مقابلة محاميك، مع العلم انه يستطيع تقديم ادعاء نيابة عنك.
3. استناداً الى القانون فنترك ألا نعهد الي عرقلة التحقيق اذا ان عرقلة التحقيق - او محاولة ذلك - تعتبر عملاً جنائياً.
4. بموجب عليك المحافظة على نظافة العرقلة وعلى سلامة العهدة التي اسلمتها.
5. اذا لم نعلم بأداء الواجبات المتعلقة بالانضاط داخل المعتقل فستعرض لانتحال الاجراءات التي يمس عليها القانون لفرض الانضاط.

رابعاً: تعليمات عامة

بخصوص اي مشكلة او طلب، عليك التوجه الي المسؤول عن التحقيق معك في مكان اعتقالك.

إقرار

أقر اني قرأت ما جاء في صحيفة البيانات هذه واستوعبت قواعدها:

اسم الشخص المعتقل _____ توقيع الشخص المعتقل _____ التاريخ والساعة _____

تم التوقيع أمام الملقب _____

TRANSLATION

State of Israel

General Security Service

Document for Detained Person

You are now being interrogated by the General Security Service which the Israeli Police will take part in, and you are suspected of committing offences as mentioned in the arrest warrant.

Following is a list of the rights that you have and also the restrictions which those conducting the interrogation and those responsible at the detention centre have the right to impose on you.

First: Legal rights

1. To inform someone of your choice of your arrest.
2. You have the right to consult with a lawyer of your choice.
3. You have the right, at any time and in accordance with the applicable law, to submit any request or complaint to the court regarding your arrest, either personally or through the lawyer you appoint.
4. You are not obliged, during the interrogation, to make any statements that might convict you, but abstaining from answering questions may re-enforce evidence against you.

Second: Rights pertaining to your prison conditions

1. You have the right to have a shower once a day, but the person conducting the interrogation, under certain circumstances, has the right to delay granting you this right for no more than three days.
2. You have the right to receive clothes.
3. You have the right to receive blankets for your personal use.
4. You have the right to appropriate medical treatment following your examination by a doctor.

Third: Obligations and restrictions

1. In accordance with the law, it is possible not to grant you a meeting with the lawyer you appoint, for reasons provided for in the law.
2. In this case, your detention will be extended by the court, without being able to see your lawyer, keeping in mind the lawyer can submit a complaint on your behalf.
3. We warn you, in accordance with the law, not to deliberately obstruct the interrogation as obstructing the interrogation – or attempting to do so – is considered an offence.
4. You are obliged to keep your cell clean and to take good care of the items you received.
5. Should you fail to implement the duties concerning good conduct in detention, disciplinary actions will be taken against you to impose order in accordance with the law.

ANNEXURE F
UK LAWYERS' DELEGATION
STATEMENT – 16 FEBRUARY 2016

In June 2012 the report *Children in Military Custody* was published. It concluded that Israel was in breach of at least four Articles of the United Nations Convention on the Rights of the Child and at least two Articles of the Geneva Conventions. The report made 40 recommendations for improvement of the Israeli military law system's treatment of Palestinian children. The Foreign and Commonwealth Office (FCO) funded the report which was produced by a group of independent lawyers that included the former Attorney General, Baroness Scotland QC and retired Court of Appeal Judge, Sir Stephen Sedley.

Following the launch of the report, the Israeli Embassy in London issued a [press release](#) in which, their spokesman, Mr Amir Ofek, said:

‘A wide range of senior Israeli officials met with the delegation and openly shared Israel's dilemmas on these issues. Israel, as an open society, has an ongoing dialogue with civil society representatives in Israel and from the international community, including the UK. 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’.

Since this statement, officials from the FCO and the lawyers themselves have sought to raise the progress of the report's recommendations with Israeli officials. In August 2014, the FCO and delegation coordinated a return trip to Israel and the Occupied Palestinian Territory to discuss the report's recommendations. The trip had to be postponed with officials citing the current war in Gaza as the reason. On 6 January 2016, Under Secretary of State for Foreign and Commonwealth Affairs, Tobias Ellwood MP announced during an adjournment debate in the House of Commons,

"We will continue to make this issue a focus of our engagement with Israel, and we plan to fund a follow-up visit by the delegation in February 2016 to report on further progress."

With some members of the original delegation unavailable for the trip, additional members joined the group. Lord Falconer (former Lord Chancellor), Sir Mark Hedley (former High Court Judge of the Family Division), Sir Keir Starmer QC MP (former Director of Public Prosecutions), Paul Storey QC (Children Law Barrister and Deputy High Court Judge), Martha Cover (Children Law Barrister and Association of Lawyers for Children) all offered their time pro bono to meet with Israeli officials to discuss moving the report's recommendations forward.

The return visit had received the full cooperation of international, Palestinian and Israeli NGOs however in early February 2016, the delegation learned that the Israeli government was unwilling to engage with the lawyers and as a result the trip has been cancelled.

The delegation will do a brief updating report on the 40 recommendations and would welcome the opportunity to meet with Israeli officials in the future.

16th February 2016

ANNEXURE G
LETTER FROM AUSTRALIAN PARLIAMENTARIANS TO UNICEF

OPEN LETTER TO UNICEF

Special Representative,
UNICEF State of Palestine,
Beit Hanina, East Jerusalem

Attention: Ms. Genevieve Boutin

10 December, 2018

Dear Ms. Boutin,

Re: UNICEF Periodic Updates to 2013 Report

We write to share our strong interest in ensuring that UNICEF (State of Palestine) continues to publish periodic updates to the groundbreaking 2013 report – Children in Israeli Military Detention (the Report). These updates are an essential means by which policy makers and stakeholders across the world assess the current situation facing children in Israeli military custody and to monitor progress made in implementing the Report’s 38 recommendations.

We understand that following the release of the Report the Israeli government undertook to work collaboratively with UNICEF to implement the recommendations and UNICEF committed to publish periodic updates as a means to objectively assess progress. In accordance with this commitment UNICEF published two updates in October 2013 and February 2015. However, we understand that UNICEF now has no firm plans to publish a third update in spite of troubling reports that the ill-treatment of children and the denial of their legal rights remains widespread. While we appreciate that these updates are not the only means by which concerns are publicized, they remain the most comprehensive and useful to policy makers and stakeholders.

We appreciate that UNICEF is frequently called upon to work in many challenging environments, and would like to take this opportunity to thank you and your staff for the work you have done to shed light on this issue. We encourage you to continue this important work by continuing publication of these updates. As the international community continues to engage with all parties to the conflict seeking compliance with their international legal obligations, we feel that evidenced based reporting by UNICEF in the form of these periodic bulletins is essential.

Yours sincerely,

Anne Aly MP, Federal member for Cowan
The Hon Mark Bailey MP, Member for Miller, Queensland Parliament
Adam Bandt MP, Federal Member for Melbourne
Michael Berkman MP, Member for Maiwar, Queensland Parliament
Nikki Boyd MP, Member for Pine Rivers, Queensland Parliament
Senator Carol Brown, Senator for Tasmania
Don Brown MP, Member for Capalaba, Queensland Parliament
Mark Butler MP, Federal Member for Port Adelaide
Terri Butler MP, Federal Member for Griffith

Senator the Hon. Doug Cameron, Senator for NSW
 Lisa Chesters MP, Federal Member for Bendigo
 Sharon Claydon MP, Federal Member for Newcastle
 Tim Clifford MLC, Member of the Western Australian Legislative Council
 Pat Conroy MP, Federal Member for Charlton
 The Hon Mark Coulton MP, Federal Member for Parkes
 Mick de Brenni MP, Member for Springwood, Queensland Parliament
 Senator Richard Di Natale, Senator for Victoria
 Senator Pat Dodson, Senator for Western Australia
 Anita Dow MP, Member for Braddon, Tasmanian Parliament
 Maree Edwards MP, Member for Bendigo West, Victorian Parliament
 Cate Faehrmann MLC, Member of the NSW Legislative Council
 Senator Mehreen Faruqi, Senator for NSW
 Hon. Shannon Fentiman, Member for Waterford, Queensland Parliament
 Tammy Franks MLC, Member of the South Australian Legislative Council
 Steve Georganas MP, Federal Member for Hindmarsh
 Andrew Giles MP, Federal Member for Scullin
 Bronwyn Halfpenny MP, Member for Thomastown, Victorian Parliament
 Senator Sarah Hanson-Young, Senator for South Australia
 Ella Haddad MP, Member for Clark, Tasmanian Parliament
 Ross Hart MP, Federal Member for Bass
 Chris Hayes MP, Federal Member for Fowler
 Julian Hill MP, Federal Member for Bruce
 Matthew Hughes JP MLA, Member for Kalamunda, Western Australian Parliament
 Stephen Jones MP, Federal Member for Whitlam
 Ged Kearney MP, Federal Member for Batman/Cooper
 Justine Keay MP, Federal Member for Braddon
 Sonya Kilkenny MP, Member for Carrum, Victorian Parliament
 Shane King MP, Member for Kurwongbah, Queensland Parliament
 Susan Lamb MP, Federal Member for Longman
 The Hon. Craig Laundry MP, Federal Member for Reid
 Caroline Le Couteur MLA, Member for Murrumbidgee, ACT Parliament
 Andrew Leigh MP, Federal Member for Fenner
 Jenny Leong MP, New South Wales Member for Newtown
 Senator Sue Lines, Senator for Western Australia
 Paul Lynch MP, Member for Liverpool, NSW Parliament
 Senator Gavin Marshall, Senator for Victoria
 Senator Jenny McAllister, Senator for NSW
 Senator Nick McKim, Senator for Tasmania
 Melissa McMahan MP, Member for Macalister, Queensland Parliament
 Brian Mitchell MP, Federal Member for Lyons
 Senator Claire Moore, Senator for Queensland
 David O'Byrne, Member for Franklin, Tasmanian Parliament
 Hon Michelle O'Byrne MP, Member for Bass, Tasmanian Parliament
 Cassy O'Connor MP, Member for Clark, Tasmanian Parliament
 Ken O'Dowd MP, Federal Member for Flynn
 Cathy O'Toole MP, Federal Member for Herbert
 Julie Owens MP, Federal Member for Parramatta
 Jamie Parker MP, Member for Balmain, NSW Parliament
 Mark Parnell MLC, Member for Kurrajong, ACT Parliament
 Senator Rex Patrick, Senator for South Australia
 Graham Perrett MP, Federal Member for Moreton
 Senator Louise Pratt, Senator for Western Australia
 Shane Rattenbury MLA, Member for Kurrajong, ACT Parliament
 Senator Janet Rice, Senator for Victoria
 Kim Richards MP, Member for Redlands, Queensland Parliament
 Peter Russo MP, Member for Toohey, Queensland Parliament
 Ellen Sandell MP, Member for Melbourne, Victorian Parliament
 Rebekha Sharkie MP, Federal Member for Mayo
 David Shoebridge MP, NSW Legislative Council
 Jo Siejka MLC, Member for Pembroke, Tasmanian Parliament
 Senator Rachel Siewert, Senator for Western Australia

Senator Lisa Singh, Senator for Tasmania
Hon Warren Snowdon MP, Federal Member for Lingiari
Tamara Smith MP, Member for Ballina, NSW Parliament
Nina Springle MLC, Victorian Legislative Council
Anne Stanley MP, Federal Member for Werriwa
Senator Jordon Steele-John, Senator for Western Australia
Susan Templeman MP, Federal Member for Macquarie
Mary-Anne Thomas MP, Member for Macedon, Victorian Parliament
Jackie Trad MP, Member for South Brisbane, Queensland Parliament
Senator Anne Urquhart, Senator for Tasmania
Maria Vamvakinou MP, Federal Member for Calwell
The Hon. Lynda Voltz, MLC, NSW Legislative Council
Senator Larissa Waters, Senator for Queensland
Senator Murray Watt, Senator for Queensland
Senator Peter Whish-Wilson, Senator for Tasmania
Chris Whiting MP, Federal Member for Murrumba, Queensland Parliament
Andrew Wilkie MP, Federal Member for Denison/Clark
Josh Willie MLC, Member for Elwick, Tasmanian Parliament
Josh Wilson MP, Federal Member for Fremantle
Hon Alison Xamon MLC, Member Western Australian Legislative Council
Tony Zappia MP, Federal Member for Makin

End Notes

¹ The UN estimates that between June 1967 and January 2008, 700,000 Palestinians were "imprisoned". Assuming a constant rate, this estimate suggests an annual average of 17,000 giving a total of 884,000 after 52 years. (See: UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Professor John Dugard, Human Rights Situation in Palestine and Other Occupied Arab Territories, 21 January 2008, A/HRC/7/17, paragraph 45). In relation to indictments in the military courts, 3 data points are available. According to references cited in the IDF Law Review, Vol. 18 (2005), pages 299-300, in the 8 years between 1993 and 2000, 124,000 "prosecutions" were conducted in the military courts, with an annual average of 15,500. According to the Annual Activity Report of the Military Courts, between 2008 and 2013, an average of 8,343 "indictments" were filed. According to information received under a Freedom of Information application, in 2017 there were 10,454 "indictments" in the military courts (<https://is.gd/PNYp44>). Taking the average of these 3 data points (11,432 indictments per annum) suggests a total number of indictments in the military courts since June 1967 of 594,481. In the case of children, between 2013 and 2015, an average of 796 children were arrested with 501 indictments each year. Assuming a constant rate for 52 years, this would total 41,392 child arrests with 26,052 indictments in the military courts since June 1967. These figures do not include short-term detentions of up to 6 hours permitted under Israeli military law, which in the case of children, could amount to an additional 18,148 children since June 1967 (based on data provided by the military authorities for 2013).

² See for example: UN Secretary General's Annual Report on Children and Armed Conflict (April 2016); UNICEF, Children in Israeli Military Detention: Observations and Recommendations (February 2013); US State Department, Country Reports on Human Rights Practices for 2016 - Israel and The Occupied Territories; and Children in Military Custody: A report written by a delegation of British lawyers on the treatment of Palestinian children under Israeli military law (June 2012).

³ See Military Orders Nos. 1685, 1711, 1726 and 1798. Available at: <https://is.gd/f4Ue7v>

⁴ See also UNICEF: Children in Israeli Military Detention – Bulletin No. 2 (February 2015). Available at: <https://is.gd/miEAIO>

⁵ The Association for Civil Rights in Israel (ACRI) has filed a number of Freedom of Information applications with the police and military for arrest data in the West Bank for 2016, 2017 and 2018. ACRI has received a response from the police for the 3-year period but only received a response from the military for 2016. From the data so far supplied it is not possible to ascertain with precision the total number of Palestinian children detained by Israeli authorities in the West Bank during this 3-year period. MCW and ACRI are currently working on means to obtain accurate arrest data.

⁶ Data for 2013 was provided by Israel's then chief military prosecutor in the West Bank, Lt.-Col. Maurice Hirsch, at Ofer Military Court on 26 February 2014 and to UNICEF prior to February 2015. This is the most comprehensive data available and includes short term detentions (up to 6 hours), arrests and indictments. It is not clear whether this data also includes arrests conducted by the Israeli Border Police in the West Bank.

⁷ This figure was obtained under a Freedom of Information application filed by ACRI and includes children arrested by both the Israeli military and police in the West Bank.

⁸ *Ibid.*

⁹ MCW statement dated 22 September 2016. Available at: <https://is.gd/1yO8Oz>. See also Hamoked: Childhood in Chains (April 2018), page 10. Available at: <https://is.gd/NNIc2v>.

¹⁰ The military's standard operating procedures for the use of hand ties introduced in 2010 provide as follows: 1) Hands should be tied in front unless security considerations require tying from behind; 2) Three plastic ties should be used, one around each wrist with one connecting the two; 3) There should be a finger space between the ties and each wrist; 4) The restraints should avoid causing suffering as much as possible; and 5) The officer in charge is responsible for ensuring compliance with these procedures.

¹¹ *Supra* note 5.

¹² *Supra* note 5.

¹³ HaMoked petitions the High Court of Justice - <https://is.gd/RopszB>

¹⁴ Based on an average annual arrest rate of 796 children (see paragraph 3.3) and applying a transfer rate of 54 percent (see paragraph 7.1) from January 2015 to December 2018, gives a total of 1,719 children.

¹⁵ Youth (Trial, Punishment and Modes of Treatment) Law (1971)

¹⁶ 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, provisions relating to arrest, detention, interrogation and sentencing for adults still apply to youths aged 16 and 17.

¹⁷ Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 9J.

¹⁸ Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 9H. A parent is allowed to be present at all times in circumstances where the child has not been formally arrested but may not intervene in the interrogation process. 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.

¹⁹ This time period can be extended by 12 hours for urgent investigation needs.

²⁰ This time period remains the same following the introduction of Military Order 1798 (April 2018) but extension periods will be reduced from 24 to 12 hours in non-security cases.

²¹ This time period can be extended by 12 hours for urgent investigation needs.

²² This time period remains the same following the introduction of Military Order 1798 (April 2018) but extension periods will be reduced from 48 to 24 hours in non-security cases.

²³ This time period was reduced from 96 hours to 72 hours in security cases following the introduction of Military Order 1798 (April 2018). Extension periods have also been reduced from 96 hours to 72 hours.

²⁴ Criminal Procedures (Powers of Enforcement-Arrests) Law (1996) – Section 34 (criminal offences). In the case of security offences, the time period is 21 days - Section 35.

²⁵ Military Order 1651 – Article 56(e) (criminal offences). In the case of security offences, the time period is 60 days - Articles 58 and 59.

²⁶ This period can be extended by 10 days up to a maximum of 20 days by a judge. This period can be further extended up to a maximum of 40 days by the Attorney General. This period can be further extended by 45 days at a time by the Supreme Court.

²⁷ This period can be extended by 10 days up to a maximum of 40 days by a military judge. The Military Appeals Court can further extend this period by 45 days at a time in security cases. Military Order 1798 (April 2018) reduced this last time period down from 90 days.

²⁸ Military Order 1798 (April 2018) reduced this time period down from 12 months, to 6 months for non-security offences and 9 months for security offences.