The UNICEF Report:
Children in Israeli Military Detention

Progress report – 12 months on

Date: 31 March 2014

Copied to:

1. UNICEF
2. UN Committee on the Rights of the Child
3. UN Human Rights Committee
4. UN Special Rapporteur against Torture
5. UN Working Group on Arbitrary Detention
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1. **Executive summary**

1.1 On 6 March 2013, UNICEF published the report – *Children in Israeli Military Detention*. Following a review of over 400 sworn testimonies and after consulting widely, UNICEF arrived at two conclusions:

A. **The ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized throughout the process, from the moment of arrest until the child’s prosecution and eventual conviction and sentencing.**

B. **It is understood that in no other country are children systematically tried by juvenile military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights.**

1.2 In recent years there have been a number of noteworthy developments in the military detention system relating to minors, such as: the provision of some education for Palestinian children held in Israeli detention; the establishment of the Military Juvenile Court; new procedures for the use of hand-ties; a partial rise in the age of majority; a reduction in the time in which children must be brought before a military court judge for the first time; remand hearings for children generally held separately from adults; and a reduction in the time a child can be detained before being indicted.

1.3 However, the ultimate litmus test of the system still remains: how are children treated in practice? In order to assess this, Military Court Watch (MCW) has conducted its own review of developments that have occurred since the publication of UNICEF’s report 12 months ago. As part of this process, MCW analysed 60 sworn testimonies from children detained in the system since March 2013, focusing particularly on the first 24 hours of detention. The findings of this evidentiary review are presented in the following table.

<table>
<thead>
<tr>
<th>#</th>
<th>Description</th>
<th>No</th>
<th>%</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Hand tied</td>
<td>54</td>
<td>90%</td>
</tr>
<tr>
<td>2</td>
<td>Blindfolded</td>
<td>48</td>
<td>80%</td>
</tr>
<tr>
<td>3</td>
<td>Signed/shown documents in Hebrew</td>
<td>34</td>
<td>57%</td>
</tr>
<tr>
<td>4</td>
<td>Physical abuse</td>
<td>33</td>
<td>55%</td>
</tr>
<tr>
<td>5</td>
<td>Arrested at night</td>
<td>28</td>
<td>47%</td>
</tr>
<tr>
<td>6</td>
<td>Verbal abuse</td>
<td>26</td>
<td>43%</td>
</tr>
<tr>
<td>7</td>
<td>Threats</td>
<td>25</td>
<td>42%</td>
</tr>
<tr>
<td>8</td>
<td>Transferred on floor of vehicle</td>
<td>25</td>
<td>42%</td>
</tr>
<tr>
<td>9</td>
<td>Strip searched</td>
<td>15</td>
<td>25%</td>
</tr>
<tr>
<td>10</td>
<td>Informed of right to silence</td>
<td>5</td>
<td>8%</td>
</tr>
<tr>
<td>11</td>
<td>Parent present throughout interrogation</td>
<td>4</td>
<td>7%</td>
</tr>
<tr>
<td>12</td>
<td>Consulted with lawyer before interrogation</td>
<td>3</td>
<td>5%</td>
</tr>
<tr>
<td>13</td>
<td>Solitary confinement</td>
<td>2</td>
<td>3%</td>
</tr>
</tbody>
</table>
1.4 Also as part of MCW’s review, each of UNICEF’s 38 recommendations has been considered and assessed as to whether they have been substantially or partially implemented, or not implemented at all during the past 12 months. The findings of this review are presented in the following table.

<table>
<thead>
<tr>
<th>#</th>
<th>Compliance</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Substantially implemented</td>
<td>1</td>
<td>3%</td>
</tr>
<tr>
<td>2</td>
<td>Partially implemented</td>
<td>4</td>
<td>10%</td>
</tr>
<tr>
<td>3</td>
<td>Not implemented</td>
<td>33</td>
<td>87%</td>
</tr>
</tbody>
</table>

1.5 Whilst it is clear from public statements and certain amendments to the military law that the civilian and military authorities have taken note of UNICEF’s findings and recommendations, it is difficult to point to any changes that have led to any tangible improvement in the way children are being treated during the first 24 hours of their detention when most of the reported violations occur. Accordingly, 12 months on MCW is unable to provide an alternative assessment to UNICEF’s conclusion that the ill-treatment of children in the system still appears to be “widespread, systematic and institutionalized”.

1.6 MCW submits that it is unrealistic to expect any substantive improvement in the way children are being treated until adequate protection is provided during the first 24 hours. There are six core recommendations that, if effectively implemented, would provide additional protection:

(i) Children should only be arrested during daylight hours except in rare and exceptional circumstances. In all other cases summonses should be used;

(ii) All children, and their legal guardian, should be provided on arrest with a written statement in Arabic informing them of their full legal rights in custody;

(iii) All children must consult with a lawyer of their choice prior to questioning;

(iv) All children must be accompanied by a family member throughout their questioning;

(v) Every interrogation must be audio-visually recorded and a copy of the tape must be provided to the defence prior to the first hearing; and

(vi) Breach of any of the above recommendations should result in the discontinuation of the prosecution and the child’s immediate release.
2. **Introduction**

2.1 On 6 March 2013, UNICEF published the report – Children in Israeli Military Detention (UNICEF Report). Following a review of over 400 sworn testimonies collected through the UN’s Monitoring and Reporting Mechanism on Grave Child Rights Violations and after consulting widely with relevant parties, UNICEF arrived at two conclusions:

A. The ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized throughout the process, from the moment of arrest until the child’s prosecution and eventual conviction and sentencing.

B. It is understood that in no other country are children systematically tried by juvenile military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights.

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

### UNICEF Bulletin (October 2013) – Analysis of 19 affidavits

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

2.3 To mark 12 months since the publication of the UNICEF Report, MCW has conducted its own review of developments in both law and practice that have occurred during the intervening period. The review pays particular regard to UNICEF’s primary conclusion that “the ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized throughout the process.” The review also considers what progress has been made in implementing each of UNICEF’s 38 recommendations included in the Report. The findings of this review are presented in the following pages.
3. **Some key developments**

3.1 Since the publication of the UNICEF Report, the UN agency has participated in a number of consultative meetings with the Israeli military authorities in accordance with an announcement made by the Israeli Ministry of Foreign Affairs, which stated that “it would study the conclusions and work to implement them through on-going cooperation with UNICEF.” UNICEF also reports that: “The Military Advocate General (MAG) has designated the Military Prosecutor for Judea and Samaria (West Bank) as the focal point for dialogue on this issue with UNICEF.”

3.2 In recent years there have been a number of noteworthy developments in the military detention system relating to minors, such as:

- the provision of some education for Palestinian children held in Israeli detention; the establishment of the Military Juvenile Court; new procedures for the use of hand-ties; a partial rise in the age of majority; a reduction in the time in which children must be brought before a military court judge for the first time; remand hearings for children generally held separately from adults; a reduction in the time a child can be detained before being indicted; a reduction in the time between indictment and the conclusion of the trial from two years to one; no children held in administrative detention since December 2011; children generally being separated from adults in detention; an average decline of approximately 8 percent in the number of children recorded as being detained in Israeli Prison Service (IPS) facilities over the course of the previous 12 months; and fewer younger children (12-13 years) recorded as being held in IPS facilities.

3.3 Some of these developments require further consideration:

(i) **Education in prison (1997)** – In a landmark ruling in the Tel Aviv Central Court in 1997, the right of Palestinian child detainees to access education on an equal footing with Israeli children was established. However, the decision also held that this right would be subject to “security considerations”. Children continue to report that where education is provided in prison, it is generally limited to Arabic, Hebrew and sometimes mathematics and English. The education that is provided falls short of what is required to ensure that children are able to ease back into the Palestinian education system upon their release and a significant number of children subsequently drop out of school.

(ii) **Military Juvenile Court (September 2009)** – A Military Juvenile Court was established in the West Bank in 2009. In March 2010, the UN Committee on the Rights of the Child expressed concern at this attempt to “incorporate juvenile justice standards within military courts” and recommended that children should never be prosecuted in military courts. Also in 2010, the UN Special Rapporteur on the Independence of Judges and Lawyers stated that: “the exercise of jurisdiction by a military court over civilians not performing military tasks is normally inconsistent with the fair, impartial and independent administration of justice. This should even more evidently apply in the case of children.” In July
2011, B’Tselem concluded that: “the amendments to the military legislation are marginal and have failed to bring about meaningful change in the military system’s treatment of minors.”

This conclusion is shared by MCW primarily due to the fact that no additional protection has been provided to children during the critical first 24 hours following arrest. Further, the Military Juvenile Court continues to admit evidence obtained unfairly during the first 24 hours, thereby providing no incentive to the military or police to adopt appropriate investigative procedures in accordance with accepted international norms.

(iii) **New procedures for hand-ties (March 2010)** – In 2010 the Office of the Israeli Military Advocate General stated that new procedures had been established and disseminated on the use of hand-ties, to prevent pain and injury. Under the new procedures, hands should be tied from the front, unless security considerations require tying from behind. Three plastic ties should be used; one around each wrist and one connecting the two; there should be the space of a finger between the ties and the wrist; the restraints should avoid causing suffering as much as possible; and the officer in charge is responsible for ensuring compliance with these regulations. However, in October 2013, UNICEF reported that in 100 percent of the cases it sampled following the release of its Report, children still alleged being “painfully” hand tied. MCW’s review indicates that in the overwhelming majority of cases children continue to be tied with single plastic ties contrary to army regulations.

(iv) **A rise in the age of majority (September 2011)** – Israeli military law applied to Palestinians in the West Bank was amended to extend the jurisdiction of the Military Juvenile Court to adjudicate in trials involving children aged 16 and 17 years. This amendment largely reflected existing practice. However, this amendment does not apply to the sentencing provisions. Accordingly, for offences carrying a maximum penalty of five years or more, children as young as 14 can still be sentenced as adults. In this context it should be noted that the maximum penalty for throwing stones is 20 years imprisonment, whilst attending an unauthorised protest carries a maximum penalty of 10 years imprisonment.

(v) **Translation (2012-2013)** – In order to ensure a fair trial, it is essential that all relevant materials and laws are translated into the language of the defendant – in this case Arabic. In 2012, some Israeli military orders were translated into Arabic and made available on the website of the Military Advocate General. However, at the time of writing, Military Orders 1711 and 1726 appear not to be available in Arabic, almost one year after the former came into effect. Further, the simultaneous translation provided by non-professional translators in the military courts remains problematic, with one child recently reporting that the translation was sporadic and made no sense. In February 2013, the Israeli Supreme Court, sitting as the High Court of Justice, delivered a judgment in *Khaled el-Arej v Head of the Central Command* in which it ruled that all indictments in the military courts must now be translated into Arabic, although the subsequent amendment to the military law allows for this right to be waived by the defendant – a situation that the Applicant’s
legal counsel pointed out is inappropriate in the circumstances.\textsuperscript{18} The Court did not rule on whether interrogation materials, court transcripts or judgments of the military courts have to be translated into Arabic. The decision of the High Court in \textit{Khaled el-Arej} has itself not been translated into Arabic, even though Arabic is one of the official languages of the State of Israel.

\textbf{(vi) Time periods to be brought before a judge (April 2013)} – Israeli military law applied to Palestinians in the West Bank was amended to reduce the time period in which some children must be brought before a military judge following arrest.\textsuperscript{19} The new time periods are as follows and can be doubled in “special circumstances”:

- 12-13 years – 24 hours
- 14-15 years – 48 hours
- 16-17 years – 4 days (as adults)

It is relevant to note that these new time periods are still twice as long as those applied to Israeli children living in West Bank settlements. As far as MCW is aware, this amendment has not been translated into Arabic.

\textbf{(vii) Maximum period of detention between being indicted and conclusion of trial (April 2013)} – Israeli military law applied to Palestinians in the West Bank was amended to reduce the time period between indictment and the conclusion of the trial from two years to one.\textsuperscript{20} It is relevant to note that the new time period is still twice as long as that applied to Israeli children living in West Bank settlements.\textsuperscript{21}

\textbf{(viii) Remand hearings heard separately from adults (June 2013)} – UNICEF reports that it was notified by the Military Prosecutor that remand hearings for children will be held separately from adults as a result of an oral agreement between the prosecution and the military judges.\textsuperscript{22} MCW can confirm that remand hearings for children are being held separately from adults in about 70 percent of cases.

\textbf{(ix) Time period for remand reduced (October 2013)} – Israeli military law applied to Palestinians in the West Bank was amended to reduce the time period in which a child can be held on remand before being charged from 150 days to 130 days.\textsuperscript{23} It should be noted that the new time period is still more than three times longer than the time period applied to Israeli children living in West Bank settlements. As far as MCW is aware, this amendment has not been translated into Arabic.

\textbf{(x) Pilot scheme to end night arrests (October 2013)} – In October 2013, UNICEF announced that the military authorities had agreed to introduce a pilot scheme to end the night arrest of children in the West Bank.\textsuperscript{24} Israel’s chief military prosecutor in the West Bank repeated this announcement in February 2014.\textsuperscript{25} At the time of writing MCW has received an unconfirmed report that the pilot scheme may have already commenced but no information has been made public that would
enable the proposal to be independently assessed. Further, MCW has also received an unconfirmed report that a summons was recently served by the military on the family of a boy wanted for questioning in the village of Al Mughayyir at approximately 2:00 a.m. If confirmed that summonses are being served by the Israeli military in Palestinian villages in the middle of the night as part of the pilot study then the *bona fides* of the scheme must be called into question. According to the military authorities 170 children were arrested from their homes in night-time military raids in 2013, although this figure cannot be independently verified by MCW.

(xi)  *Audio-visual recording of interrogations* – According to information released by Israel’s chief military prosecutor in the West Bank in February 2014, out of the 1,004 children detained in 2013, 343 had at least part of their interrogations audio-visualy recorded. However, MCW is unaware of a single case in which an audio-visual tape of an interrogation involving a child was handed over to defence counsel prior to the first hearing in accordance with a recommendation made by a delegation of senior lawyers in 2012. Further, the documented practice of conducting multiple interrogations in which only one is recorded renders any audio-visual recording largely ineffectual and highlights the need for the introduction of appropriate protocols for the use of recordings and the rejection of all evidence not collected accordingly. Currently there is still no legal duty to audio-visualy record interrogations involving minors and interrogations by the Israeli Security Agency (ISA) (Shin Bet) are still not recorded.

3.4 Included at the end of this report (Annexure A) is a complete list of all 38 recommendations made by UNICEF with an individual assessment as to whether each one has been substantially or partially implemented, or not implemented at all. A summary of this assessment is presented in the table below.

*UNICEF’s 38 recommendations – Progress made in 12 months*

<table>
<thead>
<tr>
<th>#</th>
<th>Compliance</th>
<th>Number</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>1</td>
<td>Substantially implemented</td>
<td>1</td>
<td>3%</td>
</tr>
<tr>
<td>2</td>
<td>Partially implemented</td>
<td>4</td>
<td>10%</td>
</tr>
<tr>
<td>3</td>
<td>Not implemented</td>
<td>33</td>
<td>87%</td>
</tr>
</tbody>
</table>

3.5 It should also be noted that the UNICEF Report is just one, in a long line of reports issued by various UN agencies, officers and mechanisms relating to the treatment of children held in the Israeli military detention system since 1967. Included at the end of this report is a sample of some of these UN reports dating back to 2001. (Annexure B)
4. Detention figures

4.1 Since the publication of the UNICEF Report the number of Palestinian children detained in Israeli Prison Service (IPS) facilities has fallen by an average of around 8 percent over the course of the year. However, it is unclear whether the IPS data reveals how many children were detained by the military for periods of less than one month between official headcounts. It should also be noted that the latest figures for January 2014 show an increase in child detention of 19 percent compared with the preceding month.

IPS detention figures since March 2013

<table>
<thead>
<tr>
<th>Year</th>
<th>Boys</th>
<th>Girls</th>
<th>12-13</th>
<th>14-15</th>
<th>16-17</th>
<th>Admin Det</th>
<th>Detention in Israel</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013 Mar</td>
<td>235</td>
<td>1</td>
<td>0</td>
<td>39</td>
<td>196</td>
<td>0</td>
<td>132</td>
<td>56%</td>
</tr>
<tr>
<td>Apr</td>
<td>235</td>
<td>1</td>
<td>0</td>
<td>44</td>
<td>191</td>
<td>0</td>
<td>135</td>
<td>57%</td>
</tr>
<tr>
<td>May</td>
<td>222</td>
<td>1</td>
<td>4</td>
<td>44</td>
<td>175</td>
<td>0</td>
<td>128</td>
<td>57%</td>
</tr>
<tr>
<td>Jun</td>
<td>193</td>
<td>0</td>
<td>4</td>
<td>37</td>
<td>152</td>
<td>0</td>
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</tr>
<tr>
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<td>3</td>
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<td>179</td>
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<td>27</td>
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<td>15</td>
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</tr>
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<td>14</td>
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<tr>
<td>2014 Jan</td>
<td>183</td>
<td>0</td>
<td>0</td>
<td>20</td>
<td>163</td>
<td>0</td>
<td>76</td>
<td>42%</td>
</tr>
</tbody>
</table>

4.2 On 26 February 2014, the military authorities released data indicating that 1,004 Palestinian children from the West Bank were detained by the Israeli military in 2013. According to the same source, 349 of these children were transferred to the Palestinian Authority. Out of the remaining 655 children, 465 were indicted. No data was provided as to how long the 539 children who were not indicted remained in Israeli custody. However, under Israeli military law a child can be detained for up to 130 days prior to indictment. MCW is unable to independently verify these figures.

4.3 Concerns remain that the data released by the IPS and the military authorities does not provide a comprehensive picture of the number of children arrested and detained and may understate the true position. For example, the figures published by the IPS only represent the number of children held in its facilities on a single day of each month when the children are counted for the official statistics. Accordingly, children who enter the system immediately after the monthly official head-count, and are released before the next head-count, approximately 30 days later, may not be recorded in the IPS statistics. So for example in November 2013, MCW documented the case of a 13 year-old...
boy who was detained for 8 hours and in December the case of a 12 year-old who was detained for 5 hours. Neither of these boys were held in IPS custody and do not appear in the monthly statistics presented in the table above. In other cases, boys are transferred to IPS facilities for up to one week and then released without ever appearing before a military court judge. It is unclear how many children fall into these categories and whether they appear in any official statistics.

5. Review of the evidence

5.1 As noted there have been a number of key developments in the military detention system in recent years, but the ultimate litmus test still remains: how are children being treated in practice? For many years it has been observed that most complaints of ill-treatment relate to the first 24 hours following arrest. It was during this time frame that some children were arrested in the middle of the night, painfully hand-tied and blindfolded, denied basic care, such as adequate food, water and access to toilets, reported being physically assaulted, and were denied access to lawyers, parents and information about their basic rights, such as the right to silence or access to a lawyer. These children were then interrogated whilst sleep deprived and would frequently provide confessions under coercion. Conviction before a military court judge was then the norm after bail was denied, which would be followed, in many cases, by transfer and detention to prisons inside Israel in violation of the Fourth Geneva Convention.

5.2 Since UNICEF concluded 12 months ago that “the ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized throughout the process,” MCW has collected 60 testimonies from children arrested by the Israeli military in the West Bank, or approximately 6 percent of the total number of children detained in 2013. The testimonies were selected randomly in the sense that no prior enquiry was made as to the nature or seriousness of the allegations. The testimonies focus on the initial period of detention with particular regard to the first 24 hours following arrest.

5.3 A summary of the findings obtained following analysis of this evidence is presented in the table below. A comprehensive table of these findings is available at the end of this report. (Annexure C)
I woke to the sound of loud banging at our door. It was around 2:00 a.m. I heard someone say ‘open the door’. My father opened the door and about 13 soldiers entered the house; some wore masks, others had charcoal camouflage on their face.

– (A.A.M. – 12 November 2013)

I was in pain because of the plastic tie. Although I wasn’t able to see I felt my wrists were bleeding. It was very painful.

– (S.S. – 14 March 2013)

Analysis of 60 affidavits collected by MCW since March 2013

<table>
<thead>
<tr>
<th>#</th>
<th>Description</th>
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<td>3</td>
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<td>34</td>
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<tr>
<td>4</td>
<td>Physical abuse</td>
<td>33</td>
<td>55%</td>
</tr>
<tr>
<td>5</td>
<td>Arrested at night</td>
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<td>6</td>
<td>Verbal abuse</td>
<td>26</td>
<td>43%</td>
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<td>7</td>
<td>Threats</td>
<td>25</td>
<td>42%</td>
</tr>
<tr>
<td>8</td>
<td>Transferred on floor of vehicle</td>
<td>25</td>
<td>42%</td>
</tr>
<tr>
<td>9</td>
<td>Strip searched</td>
<td>15</td>
<td>25%</td>
</tr>
<tr>
<td>10</td>
<td>Informed of right to silence</td>
<td>5</td>
<td>8%</td>
</tr>
<tr>
<td>11</td>
<td>Parent present throughout interrogation</td>
<td>4</td>
<td>7%</td>
</tr>
<tr>
<td>12</td>
<td>Consulted with lawyer before interrogation</td>
<td>3</td>
<td>5%</td>
</tr>
<tr>
<td>13</td>
<td>Solitary confinement</td>
<td>2</td>
<td>3%</td>
</tr>
</tbody>
</table>

5.4 Included at the end of this report is also a sample of 12 testimonies given by children arrested during each of the months following the publication of the UNICEF Report – (Annexure D).

6. **Analysing the evidence**

**The arrest**

6.1 In the sample of 60 cases documented by MCW since the publication of the UNICEF Report, 28 children (47 percent) report being arrested in the middle of the night in what are frequently described as terrifying military raids. According to information recently released by the military authorities a total of 170 children were arrested at night in 2013. Assuming children are not being singled out for special treatment and a similar proportion of adults were arrested at night, these figures suggest that multiple night raids are being conducted in Palestinian villages virtually every night of the year.

6.2 The overwhelming majority of children continue to be restrained with either plastic hand-ties (80 percent) or metal cuffs (10 percent). In the remaining cases (10 percent) children reported not being restrained at all. In the 48 cases in which plastic hand-ties were used, only 13 percent of children reported

“I woke to the sound of loud banging at our door. It was around 2:00 a.m. I heard someone say 'open the door'. My father opened the door and about 13 soldiers entered the house; some wore masks, others had charcoal camouflage on their face.” – (A.A.M. – 12 November 2013)

“I was in pain because of the plastic tie. Although I wasn’t able to see I felt my wrists were bleeding. It was very painful.” – (S.S. – 14 March 2013)
that the ties were fastened in accordance with Israeli military regulations introduced in March 2010.\textsuperscript{37} In the remaining 87 percent of cases where plastic ties were used, most children were tied with their hands behind their backs with a single plastic tie and reported the ties were “painful” or “very painful”. In just one case a child reports that a commanding officer appeared to reprimand soldiers because the child’s hands had turned blue due to the ties. In 26 cases (43 percent) children reported that they were restrained during interrogation in a secure facility and in 4 cases (7 percent) children also reported being blindfolded during questioning. In every case (100 percent) children continue to appear in the military courts wearing leg shackles. In the majority of cases (80 percent) children were also blindfolded or hooded upon arrest, treatment that should never occur according to UNICEF.\textsuperscript{38}

6.3 The overwhelming majority of children continue to report that neither they nor their parents were informed of the reasons for arrest or where the child was being taken. According to UNICEF, the UN agency was given assurances by Israeli officials that the military had introduced forms to notify parents of reasons of arrest and whereabouts of the child in April 2013. In spite of these assurances, as of October 2013 UNICEF was unable to find any evidence that these forms were actually being used in the field.\textsuperscript{39} An Israeli official made a similar assurance in February 2014 suggesting that these forms had now been introduced in January 2014.\textsuperscript{40} In the sample of 60 cases documented by MCW, 4 children (7 percent) reported that their parents were provided with a document, which stated where the child would be taken and a telephone number to call. However, in one of these cases when the boy’s father attempted to call the number provided in the document no one answered the phone.\textsuperscript{41} All four cases in which a document was provided to parents by the army occurred in 2014. A translated copy of the form provided to one of the parents is included at the end of this report. The original form is written in Arabic and Hebrew (Annexure E). The form contains no information about the child’s rights. In a further 3 cases (5 percent) children reported that they were asked to sign a form shortly after being detained stating that they had not been mistreated by the military. In one of these cases the child signed the form even though he alleges that he was mistreated – his explanation for this inconsistency is that he wanted to go home.

The transfer

6.4 Nearly half of all children (45 percent) continue to report being placed on the metal floor of military vehicles during their transfer to an interrogation centre. Whether a child is placed on a seat or transferred on the floor appears to be entirely arbitrary and dependent on whether there are enough seats in the vehicle for the arresting
soldiers. This mode of transport causes additional mental and physical stress to the child who is usually painfully tied and blindfolded at the time.

6.5 Over half of all children (55 percent) report some form of physical abuse during their arrest, transfer or interrogation consisting of beating, slapping and kicking on various parts of the body including to the head and face. In one case documented by MCW, a child reported being tasered during his arrest, and again during interrogation in the police station in Kiryat Arba settlement in April 2013. In 26 cases (43 percent) children also report being verbally abused, which usually consists of insults directed at the child’s mother or sister.

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

The interrogation

6.7 The evidence indicates that the majority of children are interrogated by Israeli policemen inside West Bank settlements. In only 5 cases (8 percent) documented by MCW were children informed of their right to silence prior to being questioned. Also in only 4 cases (7 percent) were parents

“They made me and my cousin sit on the floor of the jeep and they cursed us on the way. A soldier said: ‘Fuck your mother, fuck your sister’.” – (S.S. – 14 March 2013)

“I told the doctor my ankles and wrists hurt because of the tight ties, but he said never mind because that was irrelevant. He just wanted to know if I suffered from any illnesses.” – (H.S. – 14 March 2013)

“There were two soldiers in the room and they kicked me and slapped me in the face. My parents were not there. The interrogation went on for two or three hours. First the interrogator tried to trick me. He told me it wasn’t a big deal to throw stones and if I confessed he would forgive me. He also told me the other boys had confessed against me, which was not true. When I denied the accusation he got angry and kicked me. He didn’t tell me about my rights and I didn’t speak to a lawyer.” – (D.M. – 27 March 2013)

“About two hours later a soldier walked in and asked me to make a sound like a goat. When I refused the soldier slapped me and kicked me on the back and on my legs.” – (Q.J. – 14 February 2014)
permitted to accompany their child during interrogation. In just 3 cases (5 percent) documented by MCW were children either permitted to consult with a lawyer prior to being questioned, or at least given the opportunity to do so. Most children continue to meet with their lawyer for the first time in a military court room after the interrogation has been completed.

6.8 The evidence indicates that children continue to report being physically assaulted, threatened and verbally abused during the course of their interrogation. Although almost all children initially deny the allegations put to them, many ultimately confess citing the manner in which they were treated as being the primary reason for their confession. In the circumstances it is impossible to determine the accuracy or otherwise of this confessional evidence which must be viewed as inherently unreliable in the circumstances. In 26 cases (43 percent) children report that either their hands or ankles (or both) remained shackled during interrogation, and in some cases children report being tied to a chair. In 4 cases (7 percent) children also report that they remained blindfolded during questioning.

6.9 MCW is unaware of any case in which a child’s interrogation was audio-Visually recorded and the tape was provided to the defence lawyer prior to the first hearing in accordance with a recommendation included in a report produced by a delegation of senior UK lawyers in 2012. According to data released by the military in February 2014, of the 1,004 children arrested in 2013, 343 had at least part of their interrogations audio-visually recorded. MCW cannot independently verify this but notes that none of the tapes were handed over to defence counsel prior to the first hearing.

6.10 Although the interrogations are conducted in Arabic, in 34 cases (57 percent) children report being shown, or made to sign, documentation written in Hebrew at the conclusion of their questioning. The
interrogation process takes on a number of different forms and varies from case to case. However, a general description of the manner in which interrogations conducted by the ISA (Shin Bet) and the police are documented is as follows:

(i) **ISA (Shin Bet) interrogations** – ISA interrogations are usually conducted in one of five facilities inside Israel. These interrogations are not audio or visually recorded, or if they are, tapes are never provided to defence counsel. The ISA interrogator generally writes a summary of the interrogation in Hebrew. An interrogation lasting 10 hours will typically be summarised in 4-5 pages. These summaries are generally not signed by the accused.

(ii) **Police interrogations** – Many interrogations conducted by the Israeli police in the West Bank are audio recorded. This is mainly due to the fact that few Israeli police can write in Arabic. The investigations are conducted in Arabic and written in Hebrew. The accused person is then made to sign the document written in Hebrew. Defence lawyers report that most of the time there are significant differences between the audio recording and the statements written in Hebrew. Further, because most of the military court judges do not speak Arabic, they rely on the signed statements written in Hebrew.

(iii) **Double interrogations** – MCW has documented a number of cases in which children report being interrogated by a person in civilian clothes where there is no recording or documentation of any description. These interrogations are generally coercive. If the child confesses, he is taken to another room where there is a policeman in uniform who then tells the child to repeat the confession whilst the policeman writes in Hebrew. The child then signs the document. The second interrogation is generally recorded.
6.11 In 2 cases (3 percent) documented by MCW children reported being held in solitary confinement as part of the interrogation process. If one assumes this percentage rate remained constant throughout 2013 and can be applied to the total number of children arrested (1,004 children), then as many as 30 children may have been subjected to this extreme interrogation technique in 2013.

**Military court proceedings**

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

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

**Imprisonment**

6.14 At some stage following arrest the child will be thoroughly searched. Although UNICEF recommended that *strip-searching* children should only occur in exceptional circumstances and under strict guidelines, this does not appear to be the case. In 15 cases...
(25 percent) children reported being strip-searched and in none of these cases does it appear that the guidelines recommended by UNICEF were followed. In some cases there appears to be a deliberate attempt to humiliate the child whilst he is being strip searched.

6.15 Although UNICEF recommended that the administrative procedures for obtaining a permit to visit a child in prison should take no more than 14 days to process, children continue to report delays sometimes involving several months before their parents are issued permits to visit. In 6 cases (10 percent) children report that they received no visits from their parents due to unspecified “security” reasons whilst in detention for periods ranging from two to six months. In another 4 cases (7 percent) children only received one visit from their parents whilst in detention for periods ranging from three to six months due to the length of time to issue a permit. UNICEF also recommended that children be entitled to regular telephone communication with their families whilst in detention. As far as MCW is aware no steps have been taken to implement this recommendation and there remains a total ban on telephone communication between Palestinian children in detention and their parents.

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

Release and rehabilitation

6.17 In 9 cases (15 percent) children report that their parents were not informed of the date of their release and accordingly had to make their own way home. In 4 cases (7 percent) it was reported that parents were waiting at one checkpoint, whilst the child was released at another checkpoint, often
many kilometres away. Some children who are detained by the army and released within a relatively short period of time report being asked to sign documents prior to release stating that they have not been mistreated whilst in military custody. Some children report signing these documents even though they also allege they were mistreated – the explanation provided by one child being that he just wanted to go home.

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

7. **Unlawful transfer and detention outside the West Bank**

7.1 One of the recommendations made by UNICEF was that Palestinian children from the West Bank must not be transferred or detained in facilities located inside Israel in violation of international law. However, according to data released by the IPS, since the publication of the UNICEF Report an average of 51 percent of Palestinian children held in IPS facilities were transferred and detained inside Israel, rising to over 80 percent in the case of adult Palestinian detainees.

7.2 The transfer and detention of Palestinian prisoners outside the West Bank breaches Article 76 of the Fourth Geneva Convention (the Convention), ratified by Israel in 1951. By virtue of Article 147 of the Convention, the unlawful transfer or confinement of protected persons constitutes a “grave breach” which attracts personal criminal liability for those involved by virtue of Article 146. Individuals directly involved, or who aid and abet this process, are potentially exposing themselves to criminal liability. Unlawful transfer and confinement of detainees is also classified as a war crime under Article 8 of the Rome Statute of the International Criminal Court, which in at least one European jurisdiction carries a maximum penalty of 30 years imprisonment.

8. **Unlawful discrimination**

8.1 Another recommendation made by UNICEF relates to the non-discriminatory application of rights and protections to all children living in the West Bank. This is based on a fundamental legal principle that no State is permitted to discriminate between those over whom it exercises penal jurisdiction based on race or national identity.

8.2 Since 1967, Israel has exercised penal jurisdiction over both Palestinians and Israeli settlers living in the West Bank. Although Israeli military law technically applies to all
individuals in the West Bank, an “Israeli” (as defined) present in the West Bank can be tried before a civilian court. Accordingly, an “Israeli” in the West Bank is in theory subject to concurrent jurisdiction (civilian and military) but is invariably prosecuted in the civilian jurisdiction as a matter of policy. In most conflict situations the issue of unlawful discrimination does not arise. However, in the context of Israel’s occupation of Palestinian territory, the issue of unlawful discrimination has arisen as a direct consequence of settlement activity in the West Bank. Whilst there is no serious dispute that Israel’s settlements are illegal, there is also no lawful justification upon which Israel can discriminate between persons over whom it exercises penal jurisdiction in the West Bank.

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

<table>
<thead>
<tr>
<th>#</th>
<th>Description</th>
<th>Israeli child</th>
<th>Palestinian child</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Minimum age of criminal responsibility</td>
<td>12&lt;sup&gt;57&lt;/sup&gt;</td>
<td>12&lt;sup&gt;58&lt;/sup&gt;</td>
</tr>
<tr>
<td>2</td>
<td>Minimum age for custodial sentences</td>
<td>14&lt;sup&gt;59&lt;/sup&gt;</td>
<td>12&lt;sup&gt;60&lt;/sup&gt;</td>
</tr>
<tr>
<td>3</td>
<td>Age of majority</td>
<td>18&lt;sup&gt;61&lt;/sup&gt;</td>
<td>16-18&lt;sup&gt;62&lt;/sup&gt;</td>
</tr>
<tr>
<td>4</td>
<td>Prohibition against night interrogation</td>
<td>Yes&lt;sup&gt;63&lt;/sup&gt;</td>
<td>No</td>
</tr>
<tr>
<td>5</td>
<td>Legal right to have a parent present during questioning</td>
<td>Yes&lt;sup&gt;64&lt;/sup&gt; (exceptions apply)</td>
<td>No</td>
</tr>
<tr>
<td>6</td>
<td>Legal right to consult with a lawyer prior to questioning</td>
<td>Yes&lt;sup&gt;65&lt;/sup&gt;</td>
<td>Limited&lt;sup&gt;66&lt;/sup&gt;</td>
</tr>
<tr>
<td>7</td>
<td>Legal requirement for interrogations to be audio-visually recorded</td>
<td>Partial&lt;sup&gt;67&lt;/sup&gt;</td>
<td>No</td>
</tr>
<tr>
<td>8</td>
<td>Maximum period of detention before being brought before a judge</td>
<td>12-13 yrs</td>
<td>12 hrs&lt;sup&gt;68&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>14-15 yrs</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>14-17 yrs</td>
</tr>
<tr>
<td>9</td>
<td>Maximum period of detention without access to a lawyer</td>
<td>48 hours&lt;sup&gt;72&lt;/sup&gt;</td>
<td>90 days&lt;sup&gt;73&lt;/sup&gt;</td>
</tr>
<tr>
<td>10</td>
<td>Maximum period of detention without charge</td>
<td>40 days&lt;sup&gt;74&lt;/sup&gt;</td>
<td>130 days&lt;sup&gt;75&lt;/sup&gt;</td>
</tr>
<tr>
<td>11</td>
<td>Maximum period of detention between being charged and conclusion of trial</td>
<td>6 months&lt;sup&gt;76&lt;/sup&gt;</td>
<td>1 year&lt;sup&gt;77&lt;/sup&gt;</td>
</tr>
</tbody>
</table>
9. **Accountability**

9.1 UNICEF made a total of five recommendations relating to accountability in recognition of the importance in holding individuals accountable for their actions. However, according to data released by the Israeli military authorities, out of the 1,004 Palestinian children who were detained by the military in 2013, only **30 children (3 percent)** lodged formal complaints relating to their treatment. The question is whether this relative absence of complaints is an indication that the system is functioning reasonably well in accordance with established international norms, or whether there is some other reason to explain the lack of engagement with formal Israeli complaint mechanisms?

9.2 Some other reasons that may shed some light on this absence of engagement by Palestinians with Israeli complaint mechanisms are:

(i) A common response in reply to the question: “would you like to submit a complaint” is: “why would I submit a complaint to the same authorities that abused me?” Anecdotal evidence suggests that after 46 years of military occupation few Palestinians have any faith in Israeli complaint mechanisms.

(ii) According to a number of Israeli organisations there is some justification for this absence of faith in the official complaint mechanisms. Indeed, the success rate is so low that MCW does not currently file any complaints as there are no reasonable prospects of success.

<table>
<thead>
<tr>
<th>Party</th>
<th>Procedure</th>
<th>Result</th>
</tr>
</thead>
</table>
| Israeli army            | Army regulations require that the Military Advocate General (MAG) conducts a criminal investigation in any case where a complaint of torture or cruelty of a person in custody is reported. | • 97.5% of investigations were closed without indictment between 2009 and 2011.  
                          |                                                                           | • 100% of investigations were closed without indictment in 2012.          |
| Israeli police          | Complaints against the police must be submitted to the Department for the Investigation of Police Officers (DIP) within the Ministry of Justice. | • 95% of cases submitted were closed without indictment between 2000 and 2011. |
| Israeli Security Agency | Complaints Inspector.                                                    | • 100% of cases submitted were closed without a criminal investigation being opened since 2001. |
(iii) When individuals do file complaints they are frequently requested to go to an Israeli police station inside a settlement to provide a statement. Although children can generally be accompanied by an adult for this purpose, they are not permitted to be accompanied whilst their statement is being taken. Sometimes they are required to go to the same police station where the alleged abuse occurred. The lack of accompaniment and the general circumstances discourages the filing of complaints. There is a perception that attempts will be made to recruit the child as an informant or place undue pressure on the child to change his story. Settlements, for most Palestinians, are places to be avoided at all cost, as is Israeli military authority.

(iv) Few complaints are raised in court about mistreatment as this tends to delay the court process potentially prolonging the period spent in custody. For the overwhelming majority of children who are facing relatively short prison sentences (2-4 months) it is quicker to plead guilty than to challenge the system in anyway, including by alleging mistreatment or coercion.

(v) Some families are reluctant to file complaints for fear of retaliation. This is particularly the case in situations where a family member has a permit to work inside Israel. There is little hard evidence of actual retaliation against those who file complaints, but the perception is enough to discourage many.

(vi) In February 2014, Amnesty International reported on the available Israeli complaint mechanisms as follows: “The current Israeli system has proved woefully inadequate. It is neither independent nor impartial and completely lacks transparency.”

9.3 In June 2013, the Israeli Ministry of Justice announced that complaints made against Israeli Security Agency (ISA) (“Shin Bet”) interrogators will no longer be conducted by a serving ISA employee. Instead, complaints will now be handled by a Complaints Inspector independent of the ISA. Reports indicate that this complaint mechanism became operational in January 2014 and it is still too early to say what impact this change will have.


10.1 In March 2014, the US State Department released its annual global report on human rights including details concerning children held in Israeli military detention in 2013. The State Department noted that reports were received: “that Israeli security services continued to abuse, and in some cases torture, minors who they frequently arrested on suspicion of stone throwing to coerce confessions. Tactics included beatings, long-term handcuffing, threats, intimidation, and solitary confinement.”
10.2 The US State Department also noted that: “Israeli authorities operated under military and civilian legal codes in the occupied territories. Israeli military law applied to Palestinians in the West Bank, while Israeli settlers were under the jurisdiction of Israeli civil law.” The report noted significant differences in the rights and protections provided under these two systems of law, giving as one example Military Order 1711, which provides for time limits under which Palestinian children must be brought before a military judge of at least twice as long as those applied to Israeli children living in the settlements.

10.3 The US State Department also noted that the military courts used almost exclusively to prosecute Palestinians in the West Bank have a conviction rate in excess of 99 percent. It remains to be seen what legal implications these reports may have under US domestic law.

11. Concluding words

11.1 Evidence collected by MCW since March 2013 indicates that there have been changes in the way some children are being treated in practice. So for example, some parents (7 percent) were given forms telling them where their child had been taken for interrogation; a minority of children were restrained in accordance with army procedures (13 percent); and some children consulted with a lawyer prior to interrogation (5 percent) or were permitted to be accompanied by a parent (7 percent). However, these developments are presently being observed on such a small scale that they can only be described as *de minimis* at this stage.

11.2 The changes referred to above must also be considered within the totality of the evidence with regard to the cumulative effect of the treatment reported during the first 24 hours (*Annexure C*). So for example, the overwhelming majority of children continue to be tied and blindfolded, whilst over half also report being subjected to physical violence and denied the most basic of legal rights, such as being informed of their right to silence. The evidence gathered by MCW, and the evidence collected by UNICEF following the publication of the Report, indicates that ill-treatment in the system still appears to be “widespread, systematic and institutionalized”.

11.3 The UNICEF Report made 38 recommendations covering all phases of the system. To date, **87 percent** of these recommendations remain un-implemented. Whilst every effort should be made to ensure the implementation of all the recommendations, six changes, if effectively implemented, would provide additional protection at a critical stage:

(i) **Children should only be arrested during daylight hours except in rare and exceptional circumstances.** In all other cases summonses should be used;\(^{86}\)

(ii) **All children, and their legal guardian, should be provided on arrest with a written statement in Arabic informing them of their full legal rights in custody;**\(^{87}\)

(iii) **All children must consult with a lawyer of their choice prior to questioning;**\(^{88}\)
(iv) All children must be accompanied by a family member throughout their questioning.\textsuperscript{89}

(v) Every interrogation must be audio-visually recorded and a copy of the tape must be provided to the defence prior to the first hearing,\textsuperscript{90} and

(vi) Breach of any of the above recommendations should result in the discontinuation of the prosecution and the child’s immediate release.\textsuperscript{91}
Annexure A
UNICEF recommendations and progress

The following table reproduces the 38 specific recommendations made in the UNICEF Report and considers progress made during the intervening 12 months. A conclusion has also been provided based on whether the individual recommendation has been substantially or partially implemented, or not implemented at all.

<table>
<thead>
<tr>
<th>#</th>
<th>Specific recommendations</th>
<th>Progress</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The best interests of the child shall be a primary consideration.</td>
<td>The results of the evidentiary review and the lack of effective protection during the first 24 hours preclude a positive finding of improvement.</td>
<td>Not implemented</td>
</tr>
<tr>
<td>2</td>
<td>Non-discrimination.</td>
<td>Israel concurrently operates both civilian and military legal systems in the West Bank. As a matter of policy the authorities apply civilian law to Israeli settlers and military law to Palestinians.</td>
<td>Not implemented</td>
</tr>
<tr>
<td>3</td>
<td>Use of detention only as a measure of last resort.</td>
<td>There has been some recognition that detaining young children (12-14 years) on remand is undesirable but detention is still not being imposed as a measure of last resort. Recent IPS data indicates a reduction in the number of young children (12-13) recorded as being detained in IPS facilities. However, the evidence indicates that young children are still being detained for short periods of time during which time they frequently allege mistreatment.</td>
<td>Partially implemented</td>
</tr>
<tr>
<td>4</td>
<td>Alternatives to detention.</td>
<td>In a number of recent cases military court judges have requested that the military welfare officer provide a report in order to evaluate alternatives to detention. However, the Chief Military Prosecutor has objected to this course of action and appealed these rulings.</td>
<td>Not implemented</td>
</tr>
<tr>
<td>5</td>
<td>Diversion.</td>
<td>According to Israeli military authorities, out of 1,004 children detained in 2013, 349 were transferred to Palestinian custody</td>
<td>Partially implemented</td>
</tr>
</tbody>
</table>
(35 percent). However, no data was provided as to the length of time these children remained in custody prior to transfer. It should also be noted the evidence indicates that children who are transferred to P.A. custody frequently allege that they were mistreated whilst in Israeli custody. MCW cannot independently verify these figures.

### Notification

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>All children shall be informed of the reasons for their arrest at the time of arrest and in a language they understand.</td>
<td>The overwhelming majority of children are not informed of the reasons for their arrest at the time of arrest.</td>
</tr>
<tr>
<td>7</td>
<td>The competent military authority shall, on its own initiative, notify the legal guardian or close family member of the child about the arrest, reasons for arrest and place of detention, as soon as possible after the arrest, and in Arabic. A legal guardian must be authorized to accompany the child during transfer and stay with the child at all times during interrogation.</td>
<td>In just 7 percent of cases documented by MCW were parents provided with a document informing them where their child was being detained. In just one case (2 percent) was a parent permitted to accompany the child to the interrogation centre and in just 4 cases (7 percent) was a parent permitted to remain with the child throughout the interrogation.</td>
</tr>
<tr>
<td>8</td>
<td>All children and their legal guardian or close family member should be provided with a written statement in Arabic informing them of their full legal rights while in custody.</td>
<td>MCW has not come across a single case where a child was provided with a written statement in Arabic informing him of his full legal rights on arrest.</td>
</tr>
</tbody>
</table>

### Timing of arrests and arrest warrants

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>All arrests of children should be conducted during daylight, notwithstanding exceptional and grave situations.</td>
<td>According to data released by the Israeli military authorities, 170 Palestinian children were arrested in night-time military raids on their homes in the West Bank in 2013. It is unclear whether a proposed pilot scheme to issue summonses in lieu of night arrests has been implemented and terms of reference have not been published.</td>
</tr>
<tr>
<td>10</td>
<td>Copies of all relevant documentation, including arrest</td>
<td>In only 4 cases (7 percent) was there any documentation to accompany</td>
</tr>
</tbody>
</table>
warrants and summons for questioning, should be provided to the child’s legal guardian or close family member at the time of arrest or as soon as possible thereafter, and all documentation should be provided in Arabic.

### Methods and instruments of restraint

<p>| | | |</p>
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<tbody>
<tr>
<td><strong>11</strong></td>
<td>Children should only be restrained for the time that is strictly necessary. Use of restraining methods and instruments should respect the child’s dignity and not cause unnecessary pain or suffering.</td>
<td>90 percent of children continue to be restrained and in 87 percent of cases in which plastic ties are used, they are not used in accordance with Israeli military regulations.</td>
</tr>
<tr>
<td><strong>12</strong></td>
<td>The use of single plastic hand ties should be prohibited in all circumstances, and the prohibition must be effectively monitored and enforced.</td>
<td>The majority of children continue to be tied using single plastic ties.</td>
</tr>
<tr>
<td><strong>13</strong></td>
<td>At all times during transfer, children should be properly seated, not blindfolded and treated with dignity.</td>
<td>In 42 percent of cases children were transferred on the floor of vehicles and in 80 percent of cases the children were blindfolded.</td>
</tr>
<tr>
<td><strong>14</strong></td>
<td>Except in extreme and unusual circumstances, children should never be restrained during interrogation, while detained in a cell or while attending court.</td>
<td>In 43 percent of cases children were shackled during interrogation and in 7 percent of cases children were also blindfolded. In all cases (100 percent) children continue to wear leg shackles when appearing before the military courts.</td>
</tr>
<tr>
<td><strong>15</strong></td>
<td>The practice of blindfolding or hooding children should be prohibited in all circumstances.</td>
<td>In 80 percent of cases children continue to be blindfolded on arrest. In 7 percent of cases children were also blindfolded during their interrogation.</td>
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</table>

### Strip searches

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<td><strong>16</strong></td>
<td>Strip searches should be carried out only under exceptional circumstances and used only as a last resort. When conducted, strip searches should be done with full respect for the dignity of the child and be conducted by more than one person of the same gender as the arrest.</td>
<td>In 25 percent of cases children report being strip-searched. In none of these cases were the recommendations made by UNICEF followed. In some cases there appears to be an element of humiliation associated with strip-searching.</td>
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<td>the child, in the presence of a parent, guardian or other responsible adult, wherever possible. The strip search should be done in a private location and should not involve the removal of all garments at the same time.</td>
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<tr>
<td><strong>Access to a lawyer</strong></td>
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<tr>
<td>17</td>
<td>All children in detention shall have prompt and regular access to an independent lawyer of their choice.</td>
<td>In just 5 percent of cases were children given the opportunity to consult with a lawyer prior to questioning. In the overwhelming majority of cases children continue to meet with their lawyer for the first time in the military courts after the conclusion of their interrogation.</td>
</tr>
<tr>
<td><strong>Judicial review of the arrest and detention</strong></td>
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<tr>
<td>18</td>
<td>All children in detention shall, within 24 hours of their arrest, have prompt and effective access to an independent judicial review of the legality of their arrest and detention.</td>
<td>As a result of amendments to the military law that came into effect in April 2013, children aged 12-13 must now be brought before a military court judge within 24 hours. It should be noted that this amendment affects less than 2 percent of the number of children detained. Under military law children aged 14-17 still need not be brought before a judge for 48-96 hours.</td>
</tr>
<tr>
<td>19</td>
<td>The military courts should review every child’s detention at least every two weeks, to ensure that detention is used only as a measure of last resort and for the shortest time possible; that the child is not being subjected to any form of ill-treatment; and that the child is being granted access to relatives, a lawyer and a medical doctor.</td>
<td>During the investigation phase children are brought to the military court at least every two weeks. However, the only purpose of these court appearances is to determine whether the child should remain in detention and not conditions of treatment or access. Once the child has been indicted and held on remand it can be a month between court appearances.</td>
</tr>
<tr>
<td><strong>Medical examinations</strong></td>
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<td>20</td>
<td>Both prior to and after questioning, as well as upon transfer to another place of detention, the detained child</td>
<td>Most children are questioned about their health once following their arrest. Children are asked questions from a pro-forma list and complaints</td>
</tr>
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</table>
should undergo a medical inspection by an independently qualified medical doctor. The medical inspection should abide by the highest standards of medical ethics, document objectively any complaints and findings, and assess the child’s physical and psychological state. Any immediate medical needs should be attended to.

| 21 | Subject to the consent of the child’s legal guardian, all medical records should be made available to the child’s lawyer. | Provided the lawyer knows how to make such an application medical records are made available. However, there is a question as to how comprehensive these records are and their probative value due to their scope is limited (see recommendation 20 above). | Substantially implemented |
| 22 | Children deprived of their liberty shall have access to prompt and adequate medical care at all times. | Some children continue to report raising the manner in which they have been treated with medical officers only to be told that it is irrelevant. In one case documented by MCW the child reports being hospitalised for one week during detention in which time he was chained to the bed. | Not implemented |

**Questioning or interrogation**

<p>| 23 | The questioning or interrogation of a child should always take place in the presence of a lawyer and a family member, and should always be audio-visually recorded for the purpose of independent oversight. | In no case documented by MCW did an interrogation take place in the presence of a lawyer. In 5 percent of cases children were given the opportunity to consult with a lawyer prior to their questioning. In just 7 percent of cases did an interrogation take place in the presence of a child’s parent. Although some cases are being audio-visually recorded, in no case was a tape of an interrogation provided to defence counsel prior to the first hearing. Further, there appears to be a practice of conducting double interrogations in which only one is | Not implemented |</p>
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>24</td>
<td>At the commencement of each interrogation session, the child should be formally notified of his or her rights in Arabic, and in particular, informed of the privilege against self-incrimination.</td>
<td>Not implemented</td>
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<tr>
<td>25</td>
<td>Each interrogation session should begin with the identification of all persons present. The identity of all persons present should be included in the record and available to the child’s lawyer.</td>
<td>No change</td>
</tr>
<tr>
<td>Solitary confinement</td>
<td>In no circumstances whatsoever should a child be held in solitary confinement.</td>
<td>Not implemented</td>
</tr>
<tr>
<td>Confessional evidence</td>
<td>No statement or confession made by a child deprived of his or her liberty, other than one made in the presence of a judge or the child’s lawyer, should have probative value at any stage of the criminal proceedings, except as evidence against those who are accused of having obtained the confession by unlawful means. Cases involving children in military courts should not be determined solely on the basis of confessions from children.</td>
<td>No change</td>
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<tr>
<td></td>
<td>All confessions written in Hebrew and signed or adopted by a Palestinian child should be rejected as evidence by the military courts.</td>
<td>Not implemented</td>
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<tr>
<td></td>
<td>It is possible that such statements would be rejected by the court if their admissibility was challenged. However, the overwhelming majority of cases end in a plea bargain before the evidentiary trial begins. In the cases documented by MCW, 57 percent of children</td>
<td>Not implemented</td>
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</table>
continue to report being shown or made to sign documentation written in Hebrew. All documentation signed or shown to children during the investigation should be written in Arabic.

### Bail and plea bargains

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<th>No.</th>
<th>Description</th>
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<tbody>
<tr>
<td>29</td>
<td>Incarceration of children should always be a measure of last resort and for the shortest possible time. Except in extreme circumstances, release on bail should be the standard procedure.</td>
<td>Partially implemented</td>
</tr>
<tr>
<td>30</td>
<td>The conditions under which bail and plea bargains are granted should be revised to make them consistent with the Convention on the Rights of the Child.</td>
<td>Not implemented</td>
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### Location of detention and access to relatives

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<th>No.</th>
<th>Description</th>
<th>Status</th>
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<tbody>
<tr>
<td>31</td>
<td>In accordance with international law, all Palestinian children detained in the Israeli military detention system shall be held in facilities located in the occupied Palestinian territory.</td>
<td>Not implemented</td>
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<tr>
<td>32</td>
<td>Wherever a child is detained, the right of family members to visit should be fully respected. All necessary measures should be taken to ensure that the administrative procedures in support of family visits, including all necessary permits, are promptly facilitated no later than 14 days after arrest.</td>
<td>Not implemented</td>
</tr>
<tr>
<td>33</td>
<td>All children should be entitled to regular telephone communication with their families in order to maintain close social relations.</td>
<td>Not implemented</td>
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### Accountability

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<th>No.</th>
<th>Description</th>
<th>Status</th>
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<tbody>
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<td>34</td>
<td>Any complaint by a child, at any stage of his or her detention, regarding any form of violence and unlawful treatment, shall be</td>
<td>No change</td>
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</tbody>
</table>

Partially implemented: There has been some recognition that detaining young children (12-14 years) on remand is undesirable but detention is still not being imposed as a measure of last resort.

No change: There has been some recognition that detaining young children (12-14 years) on remand is undesirable but detention is still not being imposed as a measure of last resort.
<table>
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<th>Prompt</th>
<th>Action</th>
<th>Status</th>
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<td>promptly, diligently and independently investigated in accordance with international standards. All perpetrators shall be brought promptly to justice.</td>
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<td>Not implemented</td>
</tr>
<tr>
<td>Unless the allegations are manifestly unfounded, the personnel allegedly involved in the unlawful treatment of children should be suspended from duties involving contact with children, pending the outcome of an independent investigation and any subsequent legal or disciplinary proceedings.</td>
<td>No change</td>
<td>Not implemented</td>
</tr>
<tr>
<td>In addition to efficient and effective complaint mechanisms, Israeli military authorities should take all necessary measures to establish effective and independent internal oversight mechanisms to monitor the behavior of all personnel in contact with children in Israeli military detention.</td>
<td>No change</td>
<td>Not implemented</td>
</tr>
<tr>
<td>Child victims of ill-treatment should obtain redress and adequate reparation, including rehabilitation, compensation, satisfaction and guarantees of non-repetition.</td>
<td>No change</td>
<td>Not implemented</td>
</tr>
<tr>
<td>The Israeli authorities should give immediate consideration of establishing an independent investigation into reports of ill-treatment of children in the military detention system, in accordance with the 2002 recommendations made by the UN Special Rapporteur on the situation of human rights on Palestinian territories occupied since 1967.</td>
<td>The official designated by the Israeli authorities as the focal point for dialogue with UNICEF with a view to the implementation of these recommendations resides in a settlement in the West Bank and cannot be viewed as independent, impartial or balanced.</td>
<td>Not implemented</td>
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</table>
## Annexure B
Sample of UN reports on ill-treatment of children in Israeli military detention since 2001

<table>
<thead>
<tr>
<th>Year</th>
<th>Body</th>
<th>Report</th>
<th>Brief Description</th>
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<tbody>
<tr>
<td>2001</td>
<td>UN Special Rapporteur (OPT)</td>
<td>Mission Report (March)&lt;sup&gt;92&lt;/sup&gt;</td>
<td>Reports of recent cases of physical abuse include Palestinians held for reasons of security, including some as young as 16 years old.</td>
</tr>
<tr>
<td></td>
<td>UN Committee against Torture</td>
<td>Concluding Observations, Israel&lt;sup&gt;93&lt;/sup&gt;</td>
<td>The Committee expressed concern at reports of torture and ill-treatment of Palestinian children, particularly in the Gush Etzion Police Station.</td>
</tr>
<tr>
<td>2002</td>
<td>UN Special Rapporteur (OPT)</td>
<td>Mission Report (March)&lt;sup&gt;94&lt;/sup&gt;</td>
<td>Arrests occur late at night with the maximum disturbance to the family, and children are often assaulted in the process of arrest and on the way to detention centres. Interrogation in order to secure a confession continues for several days and is accompanied by beating, shaking, threats, sleep deprivation, isolation, blindfolding and handcuffing. Detainees are not permitted to see their lawyers at this stage. Interrogation accompanied by treatment of this kind may continue for several days until a confession is obtained. The Special Rapporteur recommended that the Israeli authorities set up an independent investigation into the reports of torture and ill-treatment of children in the military court system.</td>
</tr>
<tr>
<td></td>
<td>UN Committee on the Rights of the Child</td>
<td>Concluding Observations, Israel&lt;sup&gt;95&lt;/sup&gt;</td>
<td>The Committee expressed ‘serious concern’ at allegations and complaints of inhuman or degrading practices and of torture and ill-treatment of Palestinian children by police officers during arrest and interrogation and in places of detention.</td>
</tr>
<tr>
<td></td>
<td>UN Special Rapporteur (OPT)</td>
<td>Mission Report (December)&lt;sup&gt;96&lt;/sup&gt;</td>
<td>Serious reports of torture and inhuman treatment of juveniles while they await trial or after they have been imprisoned. There can be no justification, legally or morally, for the torture or inhuman treatment of children.</td>
</tr>
<tr>
<td>2003</td>
<td>UN Human Rights Committee</td>
<td>Concluding Observations, Israel&lt;sup&gt;97&lt;/sup&gt;</td>
<td>The Committee expressed its concern that the use of prolonged detention without access to a lawyer and interrogation techniques incompatible with the prohibition against torture are reported frequently.</td>
</tr>
<tr>
<td></td>
<td>UN Special Rapporteur (OPT)</td>
<td>Mission Report (September)&lt;sup&gt;98&lt;/sup&gt;</td>
<td>Allegations of torture and inhuman treatment are supported in varying degrees by highly respected NGOs that have taken statements from prisoners and consulted with lawyers working within the system. There are serious doubts about the impartiality of the investigations of these</td>
</tr>
<tr>
<td>Year</td>
<td>UN Body</td>
<td>Report Type</td>
<td>Allegations</td>
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<tr>
<td>2005</td>
<td>UN Special Rapporteur (OPT)</td>
<td>Mission Report (August)</td>
<td>Allegations of torture and inhuman treatment of detainees and prisoners continue. Such treatment includes beatings, shackling in painful positions, kicking, prolonged blindfolding, denial of access to medical care, exposure to extreme temperatures and inadequate provision of food and water.</td>
</tr>
<tr>
<td>2006</td>
<td>UN Special Rapporteur (OPT)</td>
<td>Mission Report (January)</td>
<td>Family visits remain a serious problem. As prisoners are held in Israel, and many Palestinians are denied admission to Israel, a majority of prisoners receive no family visits. Allegations of torture and inhuman treatment of detainees and prisoners continue.</td>
</tr>
<tr>
<td>2006</td>
<td>UN Special Rapporteur (OPT)</td>
<td>Mission Report (September)</td>
<td>The position of child prisoners is particularly disturbing as they are often compelled to share cells with adult prisoners, denied education and access to family.</td>
</tr>
<tr>
<td>2007</td>
<td>UN Special Rapporteur (OPT)</td>
<td>Mission Report (January)</td>
<td>Serious complaints about the treatment, trial and imprisonment of prisoners. Pretrial detention is accompanied by prolonged isolation and lengthy interrogation in painful positions. Threats, deception and sleep deprivation are essential features of this process. Due process of law is undermined by trial before military courts and the obstructions placed in the way of defence counsel.</td>
</tr>
<tr>
<td>2007</td>
<td>UN Special Rapporteur (counter-terrorism)</td>
<td>Mission Report</td>
<td>Troubling reports of the continued use by Israel of interrogation techniques such as beatings, sleep deprivation, use of the ‘Shabach’ position (where a person’s hands are tied behind his back, and he is seated for long periods on a small and low chair tilted forward towards the ground), and excessively tight handcuffs. It is reported that child detainees have been subject to similar treatment, and threats have been made of having the child’s family members beaten or their family home destroyed.</td>
</tr>
<tr>
<td>2008</td>
<td>UN Special Rapporteur (OPT)</td>
<td>Mission Report (January)</td>
<td>Following arrest, persons are frequently beaten and stripped in a humiliating manner. The interrogation of subjects is then carried out in a degrading and inhuman manner, sometimes amounting to torture. The treatment of children is equally disturbing.</td>
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| 2009 | UN Committee against Torture | Concluding Observations, | The Committee expressed ‘deep concern’ at reports that Palestinian children are detained and
<table>
<thead>
<tr>
<th>Year</th>
<th>Body / Rapporteur</th>
<th>Document</th>
<th>Israel</th>
<th>Description</th>
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<tbody>
<tr>
<td>2010</td>
<td>UN Committee on the Rights of the Child</td>
<td>Concluding Observations, Israel</td>
<td>106</td>
<td>interrogated in the absence of a lawyer and family member and allegedly subjected to acts in breach of the Convention in order to obtain confessions. The Committee also recommended that Israel should, as a matter of priority, extend the requirement of video recording of interviews to detainees accused of security offences as a further means to prevent torture and ill-treatment.</td>
</tr>
<tr>
<td>2010</td>
<td>UN Special Rapporteur on the independence of judges and lawyers</td>
<td>Report</td>
<td>108</td>
<td>The Committee expressed ‘grave concern’ at reports that children detained in the military court system are subjected to abuse and are held in inhumane and degrading conditions.</td>
</tr>
<tr>
<td>2010</td>
<td>UN Human Rights Committee</td>
<td>Concluding Observations, Israel</td>
<td>109</td>
<td>The exercise of jurisdiction by a military court over civilians not performing military tasks is normally inconsistent with the fair, impartial and independent administration of justice. This should even more evidently apply in the case of children. There appears to be a practice by which Palestinian detainees are being made to sign confessions written in Hebrew. It is reported that once these confessions are obtained, they constitute primary evidence against Palestinians in the military courts. The Special Rapporteur expressed concern that the legal foundations and practices of the military justice system do not comply with international standards.</td>
</tr>
<tr>
<td>2011</td>
<td>UN Special Rapporteur (OPT)</td>
<td>Mission Report (September)</td>
<td>110</td>
<td>The Committee recommended that Israel refrain from holding criminal proceedings against children in military courts, ensure that children are only detained as a measure of last resort and for the shortest possible period of time, and guarantee that proceedings involving children are audio-visually recorded. Further, ensure that all reports of torture and ill-treatment are investigated promptly by an independent body.</td>
</tr>
<tr>
<td>2011</td>
<td>UN Special Rapporteur (OPT)</td>
<td></td>
<td></td>
<td>The arrest procedures documented by United Nations agencies and reliable human rights organizations include arrests in the middle of the night without prior notification, removal of the child from parents for questioning, abusive treatment in detention and conviction procedures that appear to preclude findings of not guilty. During our mission we were frequently told that these arrest procedures seemed systematically intended to frighten and humiliate those arrested,</td>
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and to turn them towards collaborating by identifying protest leaders in demonstrations and refraining from anti-occupation activities in the future.

<table>
<thead>
<tr>
<th>Year</th>
<th>Committee/Report</th>
<th>Description</th>
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<tbody>
<tr>
<td>2012</td>
<td>Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People</td>
<td>According to UNICEF in a sample of 40 cases documented through affidavits, including 17 that occurred in January and February 2012. All of the 40 Palestinian boys aged 13 to 16, who provided sworn affidavits, reported being subjected to ill-treatment by Israeli security forces. Sixty-seven percent of the children suffered at least 10 different types of ill-treatment, including, but not limited to, being hand-tied excessively tightly, blindfolded, strip-searched, leg-tied, verbally abused, denied access to water and food and denied access to toilets, not informed of their rights, and not allowed the presence of a parent or lawyer.</td>
</tr>
<tr>
<td>2012</td>
<td>UNICEF Report</td>
<td>The ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized throughout the process, from the moment of arrest until the child’s prosecution and eventual conviction and sentencing.</td>
</tr>
<tr>
<td>2013</td>
<td>UN Committee on the Rights of the Child Concluding Observations</td>
<td>The Committee expressed concern that there are two separate legal systems in the West Bank (military and civilian) leading to an inequality of treatment between Palestinian and settler children. The Committee also expressed concern about night arrests, the extensive use of hand ties and blindfolds, reports of physical and verbal abuse, the use of threats and coercion during interrogation, insufficient access to parents and lawyers during the initial period of detention, and the transfer and detention of children inside Israel in violation of the Fourth Geneva Convention.</td>
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</table>
|      | UN Universal Periodic Review Report                                             | • **UK** - End the solitary confinement of child detainees, and that audio-visual recordings are made of all interviews with child detainees by the Israeli police and security forces.  
• **Netherlands** - Take all steps necessary to ensure that Palestinian children in military custody receive the same level of care and have the same rights as provided by Israeli criminal law to youth offenders.  
• **Ireland** - End urgently night arrests of |
Palestinian children, the admissibility of evidence in military courts of written confessions in Hebrew signed by them, their solitary confinement and the denial of access to family members or to legal representation.

- **Slovenia** - Use alternatives to detaining children, and enact regulations to ensure greater protection of children’s rights particularly such as the use of restraints and strip searches.
Annexure C
Evidence – Key issues of concern

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<tr>
<th></th>
<th>Arrested at night</th>
<th>8</th>
<th>Strip searched</th>
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<th>9</th>
<th>Solitary confinement</th>
<th></th>
<th>10</th>
<th>Not informed of right to silence</th>
<th></th>
<th>11</th>
<th>No lawyer prior to interrogation</th>
<th></th>
<th>12</th>
<th>Parent not present throughout interrogation</th>
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<th>13</th>
<th>Signed/shown documents in Hebrew</th>
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Annexure D
Testimonial evidence – March 2013

Name: U.S.
Age: 16 years
Date: 15 March 2013
Location: Haris, West Bank
Accusation: Throwing stones

A 16-year-old boy from the village of Haris, in the West Bank, is arrested by Israeli soldiers at 5:30 a.m. and accused of throwing stones. He is taken to Al Jalame interrogation centre and held for three days in solitary confinement.

“One on 14 March there was an incident on the main road near my village in which a settler child was hurt. The next morning I woke at 4:30 a.m. to a commotion outside the house. About an hour later I heard banging on our gate. I looked out the window and saw eight Israeli soldiers entering our yard. The soldiers ordered my father to bring my mother, sister, me and my brother out of the house. Once outside our I.D. cards were checked. A soldier, who was talking into his radio, then pointed to me and said they would take me away. My mother then shouted at the soldiers and told them I was young and didn’t do anything wrong, but they ignored her. We were not told where they were taking me or why.”

“I was led from the house and my hands were tied behind my back with one plastic tie. The tie was very painful. One of the soldiers held a taser against my neck as I walked through the village. We walked for about 100 meters and then I was blindfolded. I tripped over because I could not see anything. I was put in an army jeep and had no idea where they were taking me. There was a dog in the back of the jeep which jumped on me and scratched my back and neck. I was scared.”

U.S. was taken to a nearby settlement where he was detained until evening. He was not given any food. He asked for water and was given something to drink that he believes was alcoholic. He spat it out. He was then given hot water to drink. At some point during the day U.S. was given a humiliating strip search. “A soldier asked me to take off my clothes. When he came back and found me in my underwear he screamed and shouted and threatened to punish me if he came back and found my underwear on. I took off my underwear and waited. A soldier came and asked me to crouch. He then asked me to stand up and to crouch again. He repeated this request three or four times while other soldiers watched and laughed at me. I was then told to put on my clothes.”

That evening U.S. was re-tied, blindfolded and transferred to Al Jalame interrogation centre, inside Israel. The following morning he was interrogated. “The interrogator started by telling me he knew everything about me and that my friends had confessed. He kept telling me he wanted to hear the story from me. Three other interrogators entered the room. One was carrying a stick, the other had a tool that looked like a wire clipper and the third one had a bottle of cold water which he poured over me. The interrogator never told me who had confessed against me. I knew it wasn’t true; they just wanted to scare me and to apply pressure on me, but I didn’t confess. One of the interrogators then covered my head with a black cloth bag and took me to a small cell.”
“Inside the cell there were concrete beds and the walls were rough with sharp protrusions. There was a dirty toilet which had a horrible smell and an air conditioner was turned on; it was freezing cold in there. I sat on the bed and I think I snoozed for about five or 10 minutes before I woke up again, I was exhausted. I was left in this cell by myself for three days. The lights were left on all day and night. There were no windows. I only knew it was morning when I heard the birds singing, other than that I had no idea what time of the day it was. Nobody told me how long I was going to stay in that cell. When I asked the guard what time it was he told me I wasn’t allowed to know the time and refused to tell me. I thought about my mother a lot, I was worried that something would happen to me and my family wouldn’t find out. The food they gave me had bits of hair in it and it was very unappetizing. It also wasn’t enough and I felt hungry.”

“On Sunday I was taken for interrogation again. The interrogator told me to say I threw one stone and he would set me free, but I did not confess. I was then taken to another cell with no beds, just a mattress on the floor. I did not sleep at all that night. On Monday I was taken to court and had no idea what was going on. At court I saw a lawyer for the first time. The judge accused me of throwing stones at Israelis and told me that stones endanger lives. The prosecutor then asked to adjourn the case until Thursday, 21 March.”

“I was then taken to different cell where I remained for three days. Another person was brought to the cell and I think he was a collaborator. He stayed in my cell one day and kept asking me questions. I did not tell him anything. I was then interrogated a third time. I hadn’t slept the night before. The interrogator introduced himself as Captain Assaf. He asked me whether I threw stones and whether I knew anybody who threw stones. I did not confess to anything. After this interrogation I was taken to yet another cell.”

“On Thursday I was taken back to court. The judge said I was innocent and ordered my release. I was taken in a car to Salem checkpoint and released, seven days after my arrest. The three days I spent in solitary confinement were the hardest. I am now too scared to leave home. I used to love playing football but most of my friends have also been arrested and I don’t know who to trust. This was a terrible experience.”

Testimonial evidence – April 2013

Name: A. N.
Age: 15
Date: 7 April 2013
Location: Al Arrub refugee camp, West Bank
Accusation: Throwing stones

On 7 April 2013, a 15-year-old boy from the Al Arrub refugee camp, near Bethlehem, is arrested by Israeli soldiers at 3:00 a.m. and accused of throwing stones.
“I was asleep when my brother woke me up and told me soldiers had come to arrest me. It was 3:00 a.m. I was scared and jumped out of bed. My father wasn’t at home that night. I went to the door and saw lots of soldiers, maybe 20, some were masked and looked very scary,” recalls A.N., who was asked for his name by one of the soldiers. “The soldier talked to the commander and then told me they wanted to take me with them. I begged him not to take me because I had an exam in the morning. He told me that if all went well I would be back home the following day. My mother told them I was too young and they wouldn’t want this to happen to their children, but they didn’t listen to her. They didn’t say why they were taking me or where.” A.N. recalls that the soldiers were accompanied by a camera crew from an Israeli television station.

A.N.’s hands were tied from the front using three hand ties and he was blindfolded. He was then led away to a waiting military vehicle, put inside and the doors were shut. “As soon as the camera crew was out of sight a soldier started to shout and yell at me. He swore and said bad things about my mother and sister which I am too embarrassed to repeat. He pinched my cheek, pressed his elbow against my shoulder and pushed me on the floor of the jeep,” recalls A.N.

A.N. was taken to the nearby settlement of Gush Etzion. He was taken to a room and asked some questions about his health by a female doctor. He was not physically examined and remained tied in the presence of the doctor. After about 10 minutes he was led outside and made to sit on the ground, still tied and blindfolded. Sometime later he was led into a room. “Someone said to me in Arabic: ‘Do you throw stones?’ I was still blindfolded and I didn’t know who was talking to me so I asked the person to identify himself. The person replied: ‘It’s none of your business.’ I told him I wasn’t going to answer any questions until the blindfold was removed. I was then made to kneel. Someone lifted the blindfold and I saw a big policeman standing by my side. I saw another person sitting behind a small desk. There was a chair in the room but they didn’t make me sit on it. The person behind the desk asked me: ‘Do you throw stones?’ When I told him I didn’t throw stones he got up and slapped me across the face. I tasted blood in my mouth and I was terrified.” The policeman and the interrogator then left the room for a short time. “When they returned the policeman kicked me while I was kneeling. I lost my balance and fell over. The policeman asked me: ‘Who else was with you when you were throwing stones?’ I said: ‘I already told you I didn’t throw stones.’ The interrogator then kicked me from behind and knocked me over. My shoulder hit the metal chair and I felt severe pain. I was bleeding. At this point I confessed to throwing two stones,” says A.N.

A.N. was then re-blindfolded and taken outside. He was then left in the sun until early afternoon. Sometime later A.N. was taken inside and put in a room with mattresses. He was also brought some food which he found unappetising and did not eat. “I then slept until 1:00 a.m. when a soldier opened the door and told me they were taking me to Ofer prison near Ramallah.” On arrival at Ofer A.N. managed to get a few hours sleep. “At 6:00 a.m. I was woken and told I was going to court. I was taken to a waiting room outside Ofer military court. At around 4:00 p.m. I was taken into the court room. When I saw my mother in the court room I couldn’t hold myself and burst into tears. She cried too. At court I met a lawyer. This was the first time I had seen a lawyer. Nobody told me anything about my rights. My parents later appointed another lawyer for me,” says A.N. “I don’t know exactly what happened in court but the judge adjourned the case for
two days. I think the court was adjourned five more times. A new lawyer told me after three or four sessions that the prosecutor wanted to give me six months in jail for throwing stones.”

“On 23 April the judge ordered my release and a payment of NIS 4,000 ($1,100). I was released to house arrest and only allowed out to go to court. I haven’t been going to school since my release. I don’t like spending time at home doing nothing. I miss school. My parents have asked private teachers to give me lessons but it is not the same as going to school. This situation might go on for a long time,” says A.N.

Testimonial evidence – May 2013

Name: M.H.  
Age: 14 years  
Date: 15 May 2013  
Location: Ash Shuyukh, West Bank  
Accusation: Throwing stones

On 15 May 2013, a 14-year-old boy from Ash Shuyukh, near Hebron, is arrested by Israeli soldiers and held in solitary confinement for two days.

“I left the house at around 8:30 a.m. to go to an optician in Hebron to have my glasses repaired. As I walked to catch a bus I saw lots of Israeli soldiers and stones on the ground. At the time I didn’t think much of it as soldiers are always in our village, which is situated near the settlement of Kiryat Arba. Three girls walked by the soldiers and were not bothered. When I was about three metres from the soldiers one of them shouted at me. I was so scared I started to run. I couldn’t help it. The soldiers chased me and fired tear gas in my direction. A military Jeep then blocked my way. I fell on the ground and they caught me. About eight soldiers started to kick me and beat me with the butts of their rifles. They beat me all over my body, on my head and my back. A soldier dragged me by my arms while another kicked me in the stomach. They dragged me all the way to where an army vehicle was parked. They placed a hood over my head, shackled my feet with metal shackles and tied my hands to the back with metal handcuffs. I was then pushed into the vehicle and made to sit on the metal floor.”

“The vehicle drove away and one of the soldiers kept pushing my head down. On the way soldiers slapped me and verbally abused me saying bad things about my mother and my sister. They called them whores. A soldier also hit me on the upper part of my back with a hard object. It caused me so much pain. I later showed the bruise to the judge in court”

The vehicle drove for about 30 minutes before arriving at the settlement of Kiryat Arba. “I was pushed out of the vehicle and taken to see an interrogator. The interrogator asked me for my personal information whilst I was still hooded and shackled. I was then taken outside where I waited for about five minutes. I asked for water and to use the bathroom. A soldier brought some water but he drank it. He lifted the hood so I could see. He asked me if I wanted some water but again he drank it. I wasn’t allowed to use the bathroom.”
“I was then taken back to the same interrogator. He accused me of throwing stones. He claimed I threw stones sometime ago, but did not say when. I denied the accusation and told the interrogator exactly what I had done that morning. He then told me that if I confessed he would call my father to come and pick me up. He asked me about other children and kept yelling and shouting at me. He interrogated me for about four hours. He kept repeating the same questions and asked me how many stones I had thrown and told me he would release me immediately if I confessed. I wasn’t given any food or water and I didn’t see a lawyer before I was interrogated. Nobody told me anything about any rights.”

“Towards the end of the four hours the interrogator and two guards were shouting louder and louder. They were banging on the table and the walls. I was so tired and scared I confessed to throwing three stones. The interrogator made me sign a document written in Hebrew. When I asked him what it said he told me it was my confession. I was then taken to another interrogator. He removed the hood but kept the shackles and cuffs on. I heard somebody next door call the interrogator Sami. He asked me the same questions. I told him I confessed to throwing three stones. I was then taken to a person in the room next door who took my figure prints and my photo.”

“I was then taken to a room where I waited for about six hours. I was still without food or water and was in desperate need of a bathroom. I had the hood still on, and was shackled and handcuffed. I called for them to remove the hood but no one responded. At around 11:00 p.m. I was taken in a vehicle to Megiddo prison, inside Israel. The journey took about four hours during which the hood was removed. I was physically searched when I arrived and was taken to a cell without windows. There was a metal bed with a very thin mattress and a toilet. I was kept there by myself. My shackles and handcuffs were removed. I spent the whole night there but I couldn’t sleep. I was still without food or drink and was very tired.”

“At 6:00 a.m. I was taken to court in Salem up in the north near Jenin. I waited there until 3:00 p.m. when I was told I needed to leave. They brought some food just as I was leaving so I didn’t eat. I was taken in a military vehicle but I wasn’t told where I was being taken. At around 5:00 p.m. we arrived at Ofer military court. I waited for about five minutes before they called my name. In court I saw my parents but I wasn’t allowed to speak to them. I also saw a lawyer for the first time. After some arguments in court I was told the judge had adjourned the session.”

“I was then taken to Ramle prison inside Israel. I was kept in a small cell without windows for three days. They brought in one person to stay with me on the first day and I think he was an informer. I tried not to engage with him. After the first day I was alone and didn’t see or speak to anyone and I had no idea how long I was going to be kept there for. The guards turned the lights off at night and the cell was pitch dark, I couldn’t see anything, which was scary. Three days later I was moved to another room with nine other people, some of whom were older than my father.”

“All in all I think I had four court hearings. On the last one the judge decided to release me on bail and ordered that I be placed under house arrest for one year. The judge spoke to my father four times during the session making him pledge he would make sure I don’t leave the house except to
come to court. I was very happy to hear I was going to be released and didn’t realise at the time how hard being under house arrest was going to be.”

“When the session ended I was taken back to Ramle prison. At 2:00 a.m. that night I was dropped off at Beit Sira checkpoint west of Ramallah. A soldier untied my feet and hands and walked behind me until I got to the other side of the checkpoint. I walked by myself in the dark and stopped a car that happened to pass by. I asked the driver to take me to my uncle’s house in Ramallah. I got to my uncle’s house around 3:30 a.m. I had to wake them up but they were very happy to see me. My uncle called my parents to let them know I was safe.”

“I was released on 28 May, two weeks after I was first arrested and have stayed home since then. I find it very hard to stay home while all my friends go to places and have fun without me. I cannot stand it. The other day I lost my temper and slammed the door so hard that the wall cracked. My parents were very upset.”

Testimonial evidence – June 2013

Name: M.A.
Age: 15 years
Date: 6 June 2013
Location: Beit Ummar, West Bank
Accusation: Throwing stones

On 6 June 2013, a 15-year-old boy from Beit Ummar, in the West Bank, is arrested by Israeli soldiers whilst helping his family plow their agricultural land.

“I was helping my family plough our land when at around 6:00 p.m. I saw Israeli soldiers in the area, so I went to see what was going on. Clashes were taking place between people from our village and the soldiers. Suddenly three soldiers started running towards me. I was scared of them so I ran away. They kept running after me until I fell on the ground and they caught me. They beat me on my leg and kicked me in the stomach. I was in severe pain. The soldiers then blindfolded me and dragged me to a nearby military vehicle and pushed me inside. Once inside the vehicle my hands were tied in front of me with three plastic ties. The ties were not too tight.”

M.A. was taken to the nearby Israeli settlement of Etzion and made to wait outside an office until 9:00 p.m. During this time his blindfold was removed but his hands remained tied. At around 9:00 p.m. M.A. was led into the office and interrogated. “The interrogator was bald and a bit old. I was alone with him in the room. He had a tape recorder on his desk. He told me his name but I forget what it was. He did not tell me that I had any rights and I didn’t see a lawyer before he started interrogating me. He mentioned some children by name and asked me whether I knew them. I told him I didn’t. He got upset and told me I was too scared to say I knew them. Then he told me that three soldiers saw me throw stones. This is not true at all, this is a lie, I didn’t throw stones so I denied the accusation. He got very upset, held my face with his hand and slapped me. I was a bit scared. He also told me he was going to raid my parents’ home at night. At this point I confessed
to throwing one stone. He didn’t accept this and told me I threw more than 20 stones. I denied this. I told him I threw a stone at the fence of a nearby settlement and that the stone didn’t hit the target. The interrogator wrote something down.”

“The interrogator asked me to sign a document written in Hebrew. I refused to sign because I don’t understand Hebrew. I told him I wouldn’t sign until my lawyer had read the document. He told me not to worry as the document only said what I had told him – so I signed. I was then taken to a prison cell where I was held alone. I wasn’t given any food or drink and I fell asleep. I think it was around 2:00 a.m.”

“Later that morning I was handcuffed and my legs were shackled and I was put in a military vehicle and taken to Ofer prison, near Ramallah. We arrived at Ofer at around 1:00 p.m. I was taken to see a doctor who examined me and then I was taken for a security check. Then I was taken inside the prison where I was held with other children my age. I took a shower and went outside with the other prisoners who were having a break.”

“On Sunday, three days after I was arrested, I was taken to Ofer military court. In court I saw my lawyer for the first time. She read my confession to me and I told her that wasn’t what I had told the interrogator. She told the judge and he adjourned the case. My parents did not attend the first court session; I told them not to come. At the second court hearing I told the judge I was pressured to give a confession. The judge adjourned the case again. On the third session my lawyer was able to get me out on bail. It was Wednesday, 12 June. My father had to pay NIS 3,500 (about $1,000) before I could be released. I spent six nights in prison. My next court hearing is on 21 August 2013. I don’t know what will happen to me.”

Testimonial evidence – July 2013

Name: Z.Q.
Age: 15 years
Date: 2 July 2013
Location: Al 'Arrub refugee camp, West Bank
Accusation: Throwing stones/Molotov cocktails

On 2 July 2013, a 15-year-old boy from the Al Arrub refugee camp, near Bethlehem, is arrested by Israeli soldiers at 2:30 a.m. and accused of throwing stones and Molotov cocktails.

“It was around 2:30 a.m. when I heard the sound of somebody trying to break into our house. My father went downstairs to see who it was. Soon Israeli soldiers were inside our house; they did not say what they wanted. I saw them when they came upstairs; they wore masks and were heavily armed. They asked my father for our names and when my father mentioned my name three soldiers grabbed me by my pyjama top and asked me to turn around and raise my hands. Then they painfully tied my hands behind my back with one plastic tie and blindfolded me. The tie was so tight that I still have marks on my wrists nearly four months on.”
“My mother started to shout and cry. The soldiers didn’t have anything in writing and didn’t tell us why they were taking me. I was dragged downstairs and I banged my head against the front door because I was blindfolded and the soldiers were careless. I was in shock and pain. The impact of the bang was so hard I bled. Soldiers walked me to the entrance of the refugee camp and pushed me into a military jeep.”

“About five or 10 minutes later we arrived in Etzion settlement. It must have been around 3:00 or 3:30 a.m. I waited outside for about an hour before an interrogator came and started questioning me while outside. He removed the blindfold, asked me for my name and asked me if I threw stones or Molotov cocktails. I told him I didn’t throw stones or Molotov cocktails. Then he put the blindfold back on and dragged me to the interrogation room. On the way he pushed me against a parked car and a wall which caused me pain. Inside the interrogation room he removed the blindfold but kept me tied.”

“The interrogator did not introduce himself. He did not inform me that I had any rights and I did not see a lawyer. I was not accompanied by a parent when I was questioned and as far as I could tell, the interrogation was not recorded. The interrogator again asked me if I threw stones or Molotov cocktails and again I denied it. Throughout the interrogation he kept putting on and taking off the blindfold and repeating the same questions. Each time I denied the accusation the interrogator tightened the blindfold until it was very painful. I had an eye injury from school and the tight blindfold caused me pain. The interrogator wanted me to confess to throwing Molotov cocktails and kept saying there were witnesses who saw me. He told me soldiers saw me and also named some adults whom he claimed also saw me. Again I denied the accusation and told him I didn’t know the people he named.”

“The interrogation lasted from around 6:00 a.m. until around 5:00 p.m. – approximately 11 hours. The interrogator mentioned dates when he claimed I was throwing stones. He offered me food but I said no. He allowed me to use the bathroom and grabbed my shoulder, took me to the bathroom and told me I had five minutes to think. About five minutes later he came back and asked me if I had anything to say. I said no. Then he took me back to the interrogation room and asked me whether I wanted to be treated like an animal or a human being. At one point another interrogator entered the room. He was wearing civilian clothes. He punched me in my stomach, slapped me on the face and told me I had to confess. He swore at me and called my mother a whore. He kept removing the blindfold and putting it back on. I did not confess. I was punched and slapped many times and felt very tired. After the interrogation was over, a policeman took me to another room and asked me to sign a document written in Hebrew. The document had some blank spaces on it. I was worried that the blank spaces would be filled in later. I told the interrogator I wasn’t going to sign anything without a lawyer present.”

“After the interrogation I was kept in a room until around 1:30 a.m. I was then handcuffed and shackled and taken to a vehicle and taken to Ofer prison, near Ramallah. On arrival at Ofer I was strip searched. They made me take off all my clothes, even my underwear. They made me crouch and stand up naked three or four times. Then I was taken to the section where other children my
age were held. The children made me some food. It was about 4:00 or 4:30 a.m. I tried to sleep but I couldn’t. My eye was sore and red.”

“The following day I was taken to Ofer military court. It was in court that I saw a lawyer for the first time. My father was in court too. The lawyer asked me what I was accused of, how many interrogators had interrogated me and who had confessed against me. The hearing was adjourned until the 8 July. On 8 July my lawyer reassured me and told me I was going to be ok because I didn’t confess to anything and because I was a minor. I think I attended about seven court hearings during which time I remained in detention. On 2 October, I was sentenced based on confessions by adults who were interrogated in Askalan prison which is known for its harsh conditions. I didn’t pay attention to what the judge said because I was talking to my father who was in court. I spent nearly four months in jail and my parents had to pay a fine of 2,500 shekels. I was released on 27 October 2013 with a suspended sentence of nine months for four years. My parents were not given a permit to visit me in jail. I only saw my parents in court.”

Testimonial evidence – August 2013

Name: K.K.
Age: 16 years
Date: 25 August 2013
Location: Deir Nidham, West Bank
Accusation: Throwing stones

On 25 August 2013, a 16-year-old boy from the village of Deir Nidham is arrested at school by Israeli soldiers and accused of throwing stones.

“I was at school in Deir Nidham when I saw some Israeli soldiers outside. At around 10:30 a.m. some soldiers entered my classroom and took me and two of my friends outside. We were the only three boys in class. They didn’t tell us why they were taking us. The teachers tried to intervene but the soldiers pushed them away. One teacher got hurt. They hand tied me with one plastic tie behind my back which was very painful, and walked us towards a waiting military jeep. They made me sit on the floor of the jeep and then drove me to a nearby military base where we waited for about an hour-and-a-half. During this time I remained tied and sat on the ground. The soldiers also blindfolded me. I was then driven somewhere and asked some questions about my health. I remained tied but my blindfold was removed. After my medical examination I was re-blindfolded and taken to Ofer prison. We did not get out of the jeep at Ofer, and we were then driven to Binyamin police station. On arrival at the police station I was made to sit on the ground outside for about an hour, still tied and blindfolded. Then I was taken to see an interrogator.”

“The interrogator asked me whether I threw stones. I told him I didn’t. He wanted to know who did. The interrogator lied to me and told me that my friends had confessed against me and that he had already released them. He didn’t tell me about my right to silence and didn’t ask me if I wanted to speak to a lawyer. I was alone with the interrogator throughout the interrogation and I don’t know if it was recorded. The interrogator asked me to confess and to apologize in order to be
released. But I refused because I was only willing to tell the truth no matter what. I told him I didn’t do anything wrong and that I wasn’t going to confess or apologize for something I did not do. He got very angry and verbally abused me, calling me a dog. He also called my mother and sisters whores. Then he showed me some documents written in Hebrew and asked me to sign them, but I refused. He shouted at me when I refused to sign. Only then did he ask me for my father’s telephone number and whether I wanted to contact a lawyer. I told him I didn’t know my father’s number."

“The interrogation ended and I was taken outside to the courtyard and made to sit on the ground, tied and blindfolded. Half-an-hour later my picture was taken and I was fingerprinted. I was then transferred to Ofer prison, hand cuffed and blindfolded. I was with the other boys who were arrested with me. On arrival at Ofer we were given prison uniforms and taken to a cell with boys our age. I spent one night in prison and was released the following evening. I never saw a lawyer and didn’t appear in court. I was released without charge and my parents were not asked to pay any money.”

Testimonial evidence – September 2013

Name: M.S.
Age: 14 years
Date: 28 September 2013
Location: Beit Ummar, West Bank
Accusation: Throwing stones

On 28 September 2013, a 14-year-old boy from Beit Ummar, near Bethlehem, is arrested whilst walking by the Israeli military watchtower at the entrance to his village and accused of throwing stones.

“On 28 September 2013, at around 1:00 p.m., I was walking home from school. I was limping because I fell and injured my knee at school. As I walked past the Israeli military watchtower at the entrance to our village, I looked back and saw four Israeli soldiers approaching me. They stopped me and one of them asked me whether I threw stones on Monday. I told him I didn’t. He told me I was a liar and detained me. Somebody told my father I had been detained and he came to the watchtower. My father asked the soldiers why they were holding me. The soldier repeated that they had seen me throwing stones. My father challenged the soldier and his ability to identify me from among hundreds of boys who pass the watchtower each day. Then the Israeli commander came and tried to calm things down. I was very scared. The commander brought me some water and told my father they were going to ask me a few questions at the watchtower and then release me. They took me inside the watchtower where they tied my hands to the front with one plastic tie. They didn’t blindfold me. They kept me at the watchtower for about half-an-hour and sent my father away. After 30 minutes a military vehicle arrived and took me away.”

“The military vehicle drove for about 10 to 15 minutes to a military base, I think it was Etzion. I was taken to room No. 1 to see an interrogator who didn’t introduce himself. I was in the room
with him and the soldier who arrested me. By this time my wrists were swollen and I had lost sensation in my hands. The interrogator cut the tie off and asked me how many stones I threw in my life. I told him I didn’t throw stones. He asked me who throws stones with me but I denied the accusation. Then the interrogator left the room and a big fat man wearing civilian clothes entered. He saw blood on my trousers where I fell and asked me to lift my trousers up. He then kicked me on my injured knee. It was very painful. The interrogator came back and asked me the same questions again. In the end I confessed to throwing stones, I told him I threw 15 stones in my entire life. I was scared that if I didn’t confess the fat guy would kick me again.”

“The interrogator showed me a document written in Hebrew and asked me to sign it. I signed it although I didn’t know what it said. He never told me anything about my rights. I think he had a tape recorder in the room but I am not sure. After I confessed and signed the document he allowed me to speak to an Israeli lawyer who told me not to confess. I told him I had already confessed. The interrogation lasted for about four hours and most of the time the interrogator wanted me to give him names and to confess about other boys but I didn’t.”

“After the interrogation I was taken on foot to a clinic. It took about one hour to get there. I was limping and in pain. On the way, soldiers swore at me and called my mother a whore. About 10 soldiers surrounded me and I thought they were about to attack me but the other soldier who was walking me kept them away. At the clinic the doctor looked at my knee but didn’t do anything. Then they made me sit outside in the cold. They asked me to take off all my clothes except my underwear for a security check. After the security check I was not allowed to put my clothes back on and was made to sit outside from 4:00 p.m. until midnight. It was cold and I was shivering. One soldier put a jacket on my shoulders but then took it away. I had to beg the soldiers to allow me to use the bathroom. I was given some bread to eat.”

“At around midnight I was transported to Ofer prison. I waited in the military vehicle for a long time before it moved. I was very cold and banged the door to get the attention of the soldiers. At Ofer I was photographed, searched and given prison clothes. I was taken to section 13 where I was held with other boys my age. It was 1:30 a.m. and the prisoners made me dinner, some cold cuts and potatoes.”

“The following day I was taken to Ofer military court. I waited in the waiting room for many hours before I was told my hearing was adjourned because there was no lawyer. My family didn’t attend because they were not informed. The following day I was taken back to the military court. This time a lawyer spoke to me in the waiting room. He told me he was going to ask for the hearing to be adjourned because the judge was in a bad mood. On the third court hearing my father was there and a lawyer. The judge yelled at the lawyer and didn’t allow him to speak and in the end the hearing was adjourned. The fourth court hearing was adjourned too, I don’t know why. On the fifth hearing the lawyer told the judge the only evidence against me was my own confession. The judge told the prosecution to come up with a plea bargain; otherwise he was going to release me. My parents were at court and heard all this.”

“In the end I was offered three choices: First, I would be released immediately if my family paid NIS 5,000. Secondly, I would spend one month in prison if my family paid NIS 2,500. Thirdly, I
would spend two months in prison if my family paid NIS 1,000. My family had no choice but to accept the third option because we don’t have much money. At the end of the hearing I asked my father to send me warm clothes. The guard got angry and dragged me outside where he pushed me over and slapped me in the face. He was going to beat me more but the other guards stopped him. I think my mother saw all this. I was worried about her.”

“I was finally released on Monday, 18 November 2013. My parents didn’t visit me in prison because they were not issued with a permit in time. There was something wrong with the name on the application and that is why it was rejected. In prison I missed my parents and my sisters a lot. I used to cry as night fell, I wanted to go home. I had no contact with my family the whole time I was in prison; there were no phone calls and no visits. I managed to write a letter to my parents which I gave to one of the other boys from my village who was released before me. In the letter I asked my parents to forgive me for putting them in trouble. I felt very bad because my father had to pay a lot of money to save me time in prison. My family was not informed of my release date so they were not there to take me home. A taxi driver who was waiting outside Ofer prison took me home. The first thing I did when I got home was to ask my father to pay the driver. My mother couldn’t believe her eyes when she saw me. She cried and gave me a big hug.”

“I now stay away from trouble. When I see soldiers I walk away and try to avoid them. I am scared of soldiers. In prison I was only allowed to study Arabic, English, Hebrew and Mathematics so I am not doing well at school; I found it hard to catch up. Maybe one day I will become a carpenter.”

Testimonial evidence – October 2013

Name: M.I.
Age: 16 years
Date: 6 October 2013
Location: Al Khadr, West Bank
Accusation: Throwing stones

On 6 October 2013, a 16-year-old boy from the village of Al Khadr, is arrested by Israeli soldiers at 1:00 a.m. and accused of throwing stones.

“I was asleep when I woke up at around 1:00 a.m. to the sound of noise outside the house. I got up to see what was going on and found that my parents and siblings were also awake and that Israeli soldiers were at our door. The soldiers were about to break the door when my father rushed to open it. About 10 soldiers then entered the house. One of the soldiers asked my mother for our birth certificates. Once I was identified the commander said they were going to take me. He did not say why or where they were taking me and we were not provided with any documentation. I was in shorts and a T-shirt and my mother insisted on fetching me a warmer top.”

“I was led out into the street where army jeeps and a troop carrier were waiting. My hands were then tied behind my back with a single plastic tie, which wasn’t too painful, and I was pushed into
a vehicle and made to sit on the metal floor. I was also blindfolded. Once inside the vehicle I was
kicked in the back, struck with a weapon and slapped across the face. I screamed in pain. Then the
vehicle started to move and drove for about 20 minutes. I think I was taken to the settlement of
Gilo. Once we arrived I was taken out of the vehicle and made to sit on a bench. It was very cold.
Somebody removed my blindfold and hand ties and gave me a cup of coffee to drink.”

“Sometime later, my hands were re-tied and I was blindfolded and driven for about 30 minutes to
the settlement of Etzion. When we arrived I was made to sit outside on the ground for about 30
minutes before being taken for interrogation. Inside the interrogation room my blindfold was
removed but I remained tied. I was made to sit on a chair. There was one interrogator in civilian
clothes and a soldier. The interrogator accused me of throwing stones at soldiers and told me to
confess. He also wanted me to tell him who else was throwing stones. I told him I didn’t throw
any stones and I didn’t know who did. I was not told that I had any rights. About 30 minutes into
the interrogation the interrogator asked me if I wanted my family to appoint a lawyer for me. I told
him I wanted a lawyer and he then asked for my family’s phone number. He called the number
and spoke to my mother and told her I was refusing to confess and that she should come and
convince me to confess. My mother didn’t come.”

“The interrogator kept insisting that I confess to throwing stones at soldiers and claimed that other
children had confessed against me and that I had to confess. I told him I didn’t see any point in
confessing if other children had already confessed against me. Then the interrogator took me
outside and showed me other boys who were blindfolded and were sitting on the ground in the
distance. He then threatened me saying if I didn’t confess he would give me an electric shock. He
then produced an electric baton and placed it in front of him, but did not hit me with it. I was
scared and then confessed that I threw stones at soldiers.”

“The interrogation lasted for less than an hour. As far as I know it was not recorded. The
interrogator wrote a statement in Arabic and then asked me to sign it, which I did. I was then taken
to another room and was later taken to Ofer prison where I was put in a cell with other boys. I was
told that I would be taken to court the next day, but this never happened. On Thursday, 10
October, I was taken to Ofer military court and waited outside a courtroom. At around noon
soldiers called my name and told me they were going to release me. My mother was waiting
outside and I went home with her. I was released without being sentenced. I never saw a lawyer
and my family didn’t have to pay any money.”

Testimonial evidence – November 2013

Name: K.C.
Age: 13 years
Date: 14 November 2013
Location: Burin, West Bank
Accusation: Throwing stones
On 14 November 2013, a 13-year-old boy from Burin, in the West Bank, is arrested by Israeli soldiers following clashes with settlers.

“At around 2:00 p.m., on 14 November 2013, I came home from school and was going to turn my computer on when I looked out the window and saw a group of about 12 settlers in the village. Some young men had gathered to drive them away and I went out to have a closer look. The minute I got there soldiers arrived and turned the settlers back. Then they chased the young men from the village and fired tear gas and rubber bullets at us. By the time I made it home I was terrified and hardly able to catch my breath. My mother and I went up to the roof to watch. A soldier saw us and told my mother to open the door. First she refused but when he fired a stun grenade at us she went downstairs and opened the door. I stayed on the roof.”

“Within minutes soldiers were on the roof. One of them grabbed my arm and asked me if I threw stones. I told him I didn’t. He told me I was a liar. My mother also told them I don’t throw stones but they didn’t believe her. He asked me about a boy who was wearing a red jumper and I told him I didn’t know him. Then a soldier pushed me into a corner, told me to lift my hands up and to keep my head down. I then heard a lot of shooting and thought they were aiming at me. I was scared and started to cry. I was sure they were going to kill me right there. Then they tied my hands behind my back with one plastic tie, which was very painful, and blindfolded me. I heard my mother shout saying ‘give me back my son where are you taking him? He is young and didn’t do anything wrong.’ I was then led out of the house and pushed me into a jeep. I could hear stones hitting the outside of the jeep and heard my mother shouting ‘give me back my son? Where is my son?’”

“The jeep drove for about an hour and a soldier yelled at me, slapped me on the face and punched me on the head. Then a soldier asked me to state my full name to someone on the telephone. About five minutes later the jeep arrived somewhere. They took me out of the jeep and I tripped and fell on my face because I was blindfolded. I heard soldiers laughing when I fell. Then they made me sit on the ground. It was late in the evening and I was cold. A soldier shouted at me when I tried to find out who was sitting on the ground next to me. He also hit me in my back and slapped me and moved me away from the other people. A soldier asked me if I wanted to eat and I told him no but asked for some water. They brought me water and I drank it.”

“About two or three hours later I was taken inside. They removed the blindfold. Someone wearing a blue uniform started to ask me some questions. He asked me if I threw stones and wanted to know who else was throwing stones. He told me if I told him everything he would release me and if I didn’t he would get upset. Again he asked me if I threw stones and I told him I didn’t. I told him I was at home when soldiers arrested me. He told me I was a liar and wanted to know who else was throwing stones. I told him I was at home and didn’t see anyone. Again he told me I was a liar and hit me on my head and face. Another soldier was in the room. At no time did I speak to a lawyer and no one told me anything about my rights. No one told me about the right to silence except in the jeep when a soldier kept telling me to shut up. I wasn’t given the chance to speak to my parents, not to anyone. After the interrogation I was re-blindfolded and taken outside. My hands were still tied.”
“I was very tired but a soldier kept shouting at me to keep me awake. This startled me and I could hear soldiers laughing. Then a soldier lifted the blindfold and showed me a map on something that looked like an iPad. He showed me an intersection and told me I was going to be dropped off there. He gave me a telephone and asked me to call my father and to tell him to meet me at the intersection. From what I could see on the map I think he meant the main intersection at the entrance to our village. I told my father to wait for me there. I was then put in a jeep and my hand ties and blindfold were removed. I looked around and I think I was taken to Huwwara military base.”

“The jeep took me to the intersection near my village. My father was waiting for me there. He asked me how I was and whether I was beaten. I couldn’t answer his question; I couldn’t speak. We arrived home at about 10 p.m. When we got home I saw my mother in bandages. She was limping and in pain. I cried when I saw her. She told me that soldiers shot rubber bullets at her when she followed the jeep and tried to rescue me. I want to stay out of trouble and I want to study hard and do well at school. I think this is the best way to resist occupation.”

Testimonial evidence – December 2013

Name: Y. T.
Age: 12 years
Date: 31 December 2013
Location: Al Khadr, West Bank
Accusation: Throwing stones

On 31 December 2013, a 12-year-old boy from Al Khadr village is arrested by Israeli soldiers at noon and accused of throwing stones.

“Our house is located in the old part of Al Khadr, near the school, not too far from the Wall. On 31 December 2013, at around noon, my grandmother asked me to accompany her to my aunt’s house. As soon as we left the house I saw four Israeli soldiers running after some young boys. The soldiers stopped not too far from where we were and fired tear gas and stun grenades at people about 200 meters away. Then a boy named Rabi walked by and the soldiers stopped and arrested him. The commanding officer then told the soldiers to arrest me. My grandmother told the soldiers I hadn’t done anything wrong but they ignored her. The soldiers then dragged me towards a jeep that was waiting near the school.”

“I was made to stand by the jeep and then one of the soldiers pushed my head against the vehicle. It was very painful. I think one of the soldiers was filming me with his mobile phone. Then another soldier came and dragged me very aggressively and said things in Hebrew, which I didn’t understand. He then gestured as if he was going to hit me, but he didn’t. I was made to sit on the ground and about 10 minutes later my hands were tied to the front with one plastic tie. I was then placed inside a jeep with Rabi. We were driven to a military base in Beit Jala. Just before entering the base the soldiers blindfolded me. Once inside the base I was made to sit on the ground. While waiting I was sprayed with a hose and somebody swore at us. Then they took us inside and opened
all the windows. The wind was very cold and we felt cold. We remained there for about an hour. There were soldiers guarding us the whole time.”

“After about an hour we were put back in a jeep, still tied and blindfolded. The jeep drove for about 10 minutes and stopped. A soldier told us we were at Etzion. I think it was about 4:00 p.m. We were taken out of the jeep and made to sit on the ground again. We were then taken inside and my blindfold was removed. Rabi was called for interrogation and I was left alone. Then a soldier came and asked me in Arabic: “who pays you money to throw stones?” I told him I didn’t throw stones and no one pays me any money. I asked to use the bathroom and he allowed me. I wasn’t given any food and the soldier who was in the room was eating and making fun of me. At around 5:00 p.m. some Palestinian policemen came and I was released into their custody. Rabi is still in jail.”

**Testimonial evidence – January 2014**

**Name:** A.Q.
**Age:** 15 years
**Date:** 8 January 2014
**Location:** Azzun, West Bank
**Accusation:** Throwing stones

On 8 January 2014, a 15-year-old boy from Azzun is arrested by Israeli soldiers at night and accused of throwing stones.

“I was asleep when I woke up to the sound of banging at the front door. My father came to my bedroom and told me Israeli soldiers were outside. I got up immediately and went to the living room. About 15 soldiers entered the house and a larger number were outside. One of the soldiers asked for my name. When I told him he told me to go and put my shoes on. He also asked my father for my birth certificate and told him they were going to arrest me. They didn’t tell us why they were arresting me but the Commander gave my father a piece of paper with telephone numbers on it, including the number of an interrogator in Ariel settlement and told my father to call this interrogator if he wanted information about me. My father later told me that when he called no one answered the telephone.”

“I was taken outside the house where they tied my hands to the front with one plastic tie which wasn’t painful. Then they walked me for about 1.5 kilometers towards the settlement of Qarne Shomron. They did not beat me or ask me any questions on the way. A troop carrier was waiting at the gate to the settlement. They blindfolded me and took me inside the troop carrier. When the vehicle started to move they made me sit on a seat. The carrier drove for about 30 minutes and then I was taken for a medical examination.”

“The doctor removed the tie and the blindfold and gave me a questionnaire to fill out and asked me if I suffered from any illnesses. He also took my blood pressure. I told the doctor I had a fever but he didn’t take my temperature or give me any medicine. Then he tied my hands again to the
front, blindfolded me and took me outside to a courtyard where I sat on the ground outside the
doctor’s room. I heard a soldier mention that we were in Ariel settlement. I remained in the
courtyard until the early hours of the morning. It was a cold night. Then I was taken to the
interrogator’s room at the police station in Ariel. My father later told me that the interrogator
called him in the morning and told him he could attend the interrogation and that he had to make it
to the police station in 30 minutes. It was a very short notice for my father and he couldn’t make
it.”

“It was around 10:00 a.m. when I was taken into the interrogation room. The interrogator was
wearing civilian clothes and was sitting with another person. I think the other person was also an
interrogator but he was sitting there as an observer and didn’t say much. At one point I felt the two
of them were playing good cop bad cop. During the interrogation they removed the hand tie and
the blindfold. There was a camera and a tape recorder in the room and the interrogator spoke very
good Arabic. The interrogator asked me if I knew why I was there and I told him I didn’t. He told
me I was there because of an allegation that I threw stones at settlers and soldiers on the main
road. I told the interrogator I didn’t throw stones and denied the allegation.”

“Ten minutes into the interrogation the interrogator asked me if I had a lawyer. I told him I didn’t.
Then he called a lawyer and asked me to speak to him. The lawyer spoke to me in Arabic and
asked me for my name and what I was accused of. He also asked me whether I had confessed. I
told him I hadn’t. He told me not to confess. He asked me for my father’s number and I gave it to
him.”

“After I spoke to the lawyer the interrogator insisted that I did throw stones and that I had to
confess, otherwise he was going to take me to another interrogation where there would be beatings
and other problems. Then the interrogator claimed that there were photos showing me throwing
stones. When I asked him to show me the photos he got very angry. The interrogation lasted for an
hour. At the end the interrogator showed me a document written in Arabic and asked me to sign it.
I told him I wanted to read it before signing it. The interrogator told me his hand writing was bad
but I insisted on reading it. When I read it I saw that it was my statement accurately written and
that it specifically said that I denied having thrown stones. I signed the document.”

Then they took my fingerprints and my photo and took me back to the courtyard where they hand
folded me to the front with one plastic tie and blindfolded me. I remained there for about an hour
before they put me on a jeep. The jeep drove for about 30 minutes before it arrived at Huwwara
military camp. They took me to a prison cell where I stayed with other young boys and only then
did they give me some food and water. I remained in Huwwara until Thursday afternoon (9
January) when prison police came and told me they were going to take me to Megiddo prison
inside Israel. I stayed in Megiddo until Friday (10 January) when at around 1:00 p.m. a policeman
came and told me they decided to release me. My parents were not informed so they were not
there to take me home. I was released at Salem checkpoint where I took a taxi home. I never
appeared in court and never met with a lawyer other than the brief phone call during the
interrogation. I was very happy to be home.”
Testimonial evidence – February 2014

Name: B.T.
Age: 15 years
Date: 18 February 2014
Location: An Nabi Saleh, West Bank
Accusation: Demonstrating

On 18 February 2014, a 15-year-old boy from An Nabi Saleh, in the West Bank, is arrested by Israeli soldiers at 1:30 a.m.

“I woke up to the sound of loud banging at our front door. I couldn’t comprehend what was going on and thought I was dreaming. I think it was around 1:30 a.m. Then my mother came and told me to stay in bed because Israeli soldiers were at the door. When my father opened the door I heard one of the soldiers tell him to wake everybody in the house. Minutes later my father told me to come out because the soldiers wanted to photograph me. I went to the living room and saw lots of soldiers. One of the soldiers took a photograph of me and then flipped through a photo album he had with him comparing the photo he took with the photos in the album. The soldier then told me he found three photographs that matched my image but didn’t show them to me or to my parents. I heard them tell my father they wanted to take me for five minutes for questioning and would bring me back. They didn’t have any written documents and didn’t explain what they were going to question me about.”

“The soldiers dragged me outside to the square where a military jeep was waiting. They made me stand behind the jeep so that my parents couldn’t see me. Then they beat me and kicked me in my stomach and on my legs. I was in pain. Then they pulled my hat down to cover my face and tied my hands to the front with three plastic ties: one on each wrist and one connecting them. The ties were not painful. They also shackled my legs with metal chains. They put me on a seat in the back of the jeep which drove to the watchtower at the entrance to the village. On the way a soldier kicked me on my legs. At the watch tower they cut off the plastic ties and replaced them with metal handcuffs. It was around 2:00 a.m. I could hear that other people from the village had also been arrested.”

“I was kept in the watchtower until 6:00 a.m. when the soldiers put me in a jeep and took me to the police station in Binyamin settlement. The jeep went round and round and stopped on the way before it arrived at Binyamin. The drive took about four hours. They took me to a room where I waited. A soldier walked in and told me they were going to bring a lawyer to talk to me and to give me advice. An Israeli lawyer, who spoke Arabic, came and told me he was representing me. He told me to remain silent, and told me not to say anything if the interrogator shows me pictures. When the lawyer left I was taken to the interrogation room.”

“There were four people in the interrogation room; three interrogators and one soldier. I couldn’t tell if there was a camera in the room. They pulled my hat off my face but kept me handcuffed and shackled. The interrogator said his name was Munther. He showed me three photos and pointed to a person in the photos and asked me if that person was me. I told him it wasn’t me. He became
angry. Then he showed me more photos and asked me to tell him who the other people were. I told him I didn’t know them. Then he pulled a gun out of his pocket and put it on the table in front of him. He started to fiddle with the gun. He asked me again whether I knew the people in the photos. Again, I told him I didn’t. He told me my father was waiting outside and if I told him who these people were he would send me home with my father. I told him I didn’t want to go home because I knew he wasn’t going to send me home no matter what. The interrogation lasted for over an hour. At one point the interrogator started to pace in the room. In the end he showed me a document written in Hebrew and asked me to sign it but I refused. I told him I wasn’t going to sign anything in Hebrew because I didn’t trust that it was accurate. Then a soldier came and took me back to the waiting room. I wasn’t given any food or drink, but I was allowed to use the bathroom.”

“In the evening, at around 6:00 p.m., they blindfolded me and put me in a white vehicle which drove to my village. I knew the time because I heard the call to prayer. I could see from under the blindfold that the vehicle was driving in the village, near the petrol station. I thought they were going to release me but I was wrong. They vehicle drove out of the village and I was taken to Ofer prison. I got there around 11:00 p.m. At Ofer they made me take off all my clothes, including my underwear, for a security check. They made me crouch a couple of times while naked. Then they gave me prison clothes and took me to Section 13 where there were other children my age. The prisoners made me some food because I was very hungry. I hadn’t eaten for 24 hours. I ate three sandwiches and went to bed at around 3:00 a.m. At 6:00 a.m. I was woken up and told I had a hearing in the military court.”

“I waited in the waiting room outside the court for about seven hours. I was shackled the whole time. My parents were in court. I was very happy to see them but I wasn’t allowed to speak to them. I didn’t understand much of what was going on in court. There was an interpreter who spoke Arabic but he only translated one out of every 10 words. His translation didn’t make any sense to me. The court hearing was adjourned. All in all I had four court hearings and my parents attended all of them. I didn’t understand a lot but I think they were going to make my parents pay 7,500 shekels to have me released. In the end the lawyer reduced the amount to 2,500 shekels.”

“On Monday, 24 February 2014, I was taken to the military court at 3:00 p.m. where I was told I was going to be released. I accepted a plea bargain and I was given a suspended sentence of three months for two years. I went home with my parents and I arrived home at around 11:00 p.m. It was boring in prison, there wasn’t much to do, but the most difficult part of it all was waiting for long hours outside court with shackles around my ankles. I am worried about my suspended sentence; when I see soldiers in the village I go home to avoid them.”
Annexure E
Copy of form provided to some parents on arrest

Arrest and interrogation notice of a minor detainee

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

| Details of the detained: |  |
| Full Name: | Identity Card Number: |
| Place of arrest: | Time of arrest: |

| Details of accusation(s): |
| 1. |
| 2. |
| 3. |

| Police station where the detainee will be interrogated: |
| 1. Ariel | 03-9065444 |
| 2. Hebron | 02-9969306/02-9969444 |
| 3. Bethlehem (Etzion) | 02-9939405 |
| 4. Ma’ale Adummim | 02-5358444 |
| 5. Binyamin (Ramallah) | 02-9706777 |

| Details of the person who filled out the form: |
| Name: |
| Personal number: |
| Signature: |

| Details of the person who received the notice: |
| Name: |
| I.D. number: |
| Relationship to detainee: |
| Signature: | Date: |

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

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

2 Ibid., page 1.

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

4 Ibid., page 5.

5 Ibid.

6 Ibid., page 1.

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

8 Military Order 1644.

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


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

12 MCW Public Statement: Military justice: paying lip-service to the rule of law, 18 July 2013. Available at: http://is.gd/uT0FEx

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

14 Military Order 1676.

15 The prescribed sentence for stone-throwing under Military Order 1651 (paragraph 212) is 10 years if directed at a person or property, and 20 years if directed at a vehicle. The prescribed sentence of participating in a “political” gathering of 10 persons or more without a permit from the Israeli military authorities is 10 years by pursuant to Military Order 101.

16 IDF MAG Corps - http://is.gd/asKuHZ

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

18 Khaled el-Arej v Head of the Central Command. Available at: http://is.gd/sUYGlY

19 Military Order 1711.

20 Military Order 1711.


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

23 Military Order 1726.

24 UNICEF: Bulletin No.1 (October 2013), page 2. Available at: http://is.gd/1m8mqR
25 Jerusalem Post, Chief West Bank Prosecutor says IDF may end long-standing night-arrests of Palestinians, 18 February 2014. Available at: http://is.gd/qOlj2f

26 MCW Public Statement: Night arrests – Developments assessed, 24 February 2014. Available at: http://is.gd/DnzR5t

27 On 26 February 2014, Lt.-Col. Maurice Hirsch, Israel’s chief military prosecutor in the West Bank provided additional data at a briefing held in Ofer military court regarding the arrest and detention of children in the West Bank. In the briefing Hirsch said that in 2013, the Israeli military arrested 1,004 children in the West Bank of which 170 children were arrested at night (17 percent).

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

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

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

31 Available at: http://is.gd/Hglf1ms and http://is.gd/yqNcnF

32 See for example: http://is.gd/HKKGFd; http://is.gd/CNgAfN; http://is.gd/vBxHtX; and http://is.gd/iEifiJ.

33 According to the Israeli military authorities, 1,004 Palestinian children from the West Bank were detained by the military in 2013. MCW is unable to independently verify this figure.

34 On 26 February 2014, Lt.-Col. Maurice Hirsch, Israel’s chief military prosecutor in the West Bank provided additional data at a briefing held in Ofer military court regarding the arrest and detention of children in the West Bank. In the briefing Hirsch said that in 2013, the Israeli military arrested 1,004 children in the West Bank of which 170 children were arrested at night (17 percent).

35 At a briefing conducted by the Israeli military authorities on 26 February 2014, data was released indicating that approximately 8,000 Palestinians from the West Bank were detained by the military in 2013, of which 1,004 were children. Of the 1,004 children, 170 (17%) were detained in night raids on their homes. Assuming a similar percentage of adults were detained at night, these figures indicate that around 1,360 Palestinian adults and children were detained during night-time arrest operations in 2013 (17% of 8,000).

36 Children in Military Custody (June 2012), Recommendation No. 1. Available at: http://is.gd/bL3w2D

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

38 UNICEF Recommendation No. 15.

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

40 This assurance was given by a spokesperson from the Israeli Embassy in the Hague during a panel discussion on children held in Israeli military detention held at the Asser Institute on 7 February 2014.
There is no right under Israeli military law for a parent to accompany a child during interrogation. Under Israeli civilian law a parent is allowed to be present at all times in circumstances where the child has not been formally arrested, but may not intervene in the interrogation process. Exceptions include: Parents do not present themselves within a reasonable time; waiting for a parent would harm the investigation, the child, or a third party; parents cannot be located after a reasonable attempt; and a parent can be removed from the interrogation if he/she threatens the child or disrupts the interrogation. Reasons why a parent is not present must be documented in writing by an authorized officer (Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 9H). However, the Military Appeals Court has said in the past that the “spirit” of the Youth Law should apply to children detained under military law. Support for the proposition that children should be accompanied by a parent during questioning can be found in the following sources: UNICEF Report, Recommendation No. 23; Children in Military Custody, Recommendation No. 11; UN Committee on the Rights of the Child, General Comment No. 10, paragraph 58; UN Human Rights Committee, Concluding Observations, Israel (2010), paragraph 22; and UN Committee against Torture, Concluding Observations, Israel (2009), paragraphs 15 and 28.

Military Order 1676 – Article 136 b(c) – A child must be notified that he has the right to consult with a lawyer, but this right can be suspended for up to 90 days in “security” related offences. (See Military Order 1651 – Article 58(c)). On arrival at a police station a child must be informed that he has the right to consult with a lawyer but there is no stipulation as to when this consultation should take place. The military courts have said on a number of occasions that a child should consult with a lawyer prior to interrogation but this rarely happens in practice. This is due, in part, to the fact that most children are arrested at night and generally will not have the contact details of a lawyer. Further, it is extremely rare for the military courts to reject evidence obtained from a child during interrogation in circumstances where the child did not first consult with a lawyer.

Children in Military Custody, June 2012. Available at: http://is.gd/bl3w2D. Support for the proposition that all interrogations should be audio-visually recorded can be found in the following sources: UN Committee against Torture, Concluding Observations, Israel (2009), paragraph 16; UN Committee against Torture, General Comment No. 2, paragraph 14; UN Human Rights Committee, Concluding Observations, Israel (2010), paragraph 22. Further, it should be noted that in a number of jurisdictions where police interviews are audio-visually recorded, a tape of the interview is provided to the suspect at the conclusion of questioning.

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

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

UNICEF Recommendation No. 16.

UNICEF Recommendation No. 32.

UNICEF Recommendation No. 37.

UNICEF Recommendation No. 31.

UNICEF Recommendation No. 37.

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

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

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

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

Both international humanitarian law and international human rights law apply during armed conflict subject to the principle of *lex specialis*: International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion (2004), paragraph 106. This co-application of these two branches of law are designed to offer greater protection to the civilian population. See for example: Illegal Occupation: Framing the Occupied Palestinian Territory, Orna Ben-Neftali, Aeyal M. Gross and Karen Michaeli, Berkeley Journal of International Law (2005), Volume 23, Issue 3, Article 2, page 597.

Penal Law (1977) – Section 34F.

Military Order 1651 – Articles 1 and 191.

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

Military Order 1651 – Articles 1, 136 and 168.

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

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

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

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.

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

Military Order 1676 – Article 136 b(c) – A child must be notified that he has the right to consult with a lawyer, but this right can be suspended for up to 90 days in “security” related offences. (See Military Order 1651 – Article 58(c)). On arrival at a police station a child must be informed that he has the right to consult with a lawyer but there is no stipulation as to when this consultation should take place. The military courts have said on a number of occasions that a child should consult with a lawyer prior to interrogation but this rarely happens in practice. This is due, in part, to the fact that most children are arrested at night and generally will not have the contact details of a lawyer. Further, it is extremely rare for the military courts to reject evidence obtained from a child during interrogation in circumstances where the child did not first consult with a lawyer.

In all cases other than security offences where the maximum penalty is 10 years or more (Criminal Procedure (Suspects Interrogation) Law (2002) – Sections 4 and 17). There is no requirement for the audio-visual recording of interrogations in security cases.
Youth (Trial, Punishment and Modes of Treatment) Law (2008) – Amendment 14. Children aged between 12 and 13 must be brought before a judge within 12 hours, and children 14 years and above must be brought before a judge within 24 hours.

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

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

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


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

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


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

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

B’Tselem, Accountability. Available at: http://is.gd/mr92Vn

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

PCATI, Accountability Still Denied, January 2012. Available at: http://is.gd/6FYJXD

Amnesty International: Trigger-Happy: Israel’s use of excessive force in the West Bank, 27 February 2014. Available at: http://is.gd/lt4xCw

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

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

US Department of State, Country Reports on Human Rights Practices (2013) – Israel and the Occupied Territories. Available at: http://is.gd/5U0ozj
86 See for example: UNICEF Report, Recommendation No. 9; Children in Military Custody, Recommendation No. 1; and UN General Assembly, Draft Report of the Working Group on the Universal Periodic Review, Israel, 1 November 2013 – recommendation by Ireland.

87 See for example: UNICEF Report, Recommendation No. 8; and Children in Military Custody, Recommendations Nos. 2 and 10.


89 See for example: UNICEF Report, Recommendation No. 23; Children in Military Custody, Recommendation No. 11; UN Committee on the Rights of the Child, General Comment No. 10, paragraph 58; UN Human Rights Committee, Concluding Observations, Israel (2010), paragraph 22; and UN Committee against Torture, Concluding Observations, Israel (2009), paragraphs 15 and 28.

90 See for example: UNICEF Report, Recommendation No. 23; Children in Military Custody, Recommendations Nos. 14 and 21 (tapes made available to defence counsel prior to first hearing); UN Committee against Torture, Concluding Observations, Israel (2009), paragraph 16; UN Committee against Torture, General Comment No. 2, paragraph 14; UN Human Rights Committee, Concluding Observations, Israel (2010), paragraph 22. It should be noted that in some jurisdictions, such as a number of Australian States, a suspect is provided with a tape of the interview immediately following its conclusion.

91 Children in Military Custody, Recommendation No. 38.

92 Available at: http://is.gd/qG4mMG

93 Available at: http://is.gd/54Hipl

94 Available at: http://is.gd/q4mMG

95 Available at: http://is.gd/huUVbn

96 Available at: http://is.gd/q4mMG

97 Available at: http://is.gd/agugPg

98 Available at: http://is.gd/q4mMG

99 Ibid.

100 Ibid.

101 Ibid.

102 Ibid.

103 Ibid.

104 Available at: http://is.gd/iO2iIX

105 Available at: http://is.gd/q4mMG

106 Available at: http://is.gd/h8sFky

107 Available at: http://is.gd/YaD3Oz


Available at: http://is.gd/qG4mMG

Available at: http://is.gd/zuJWjB

UNICEF: Children in Israeli Military Detention (February 2013). Available at: http://is.gd/Yu59JN

Available at: http://is.gd/smYxlt

Available at: http://is.gd/jyl0Jd