

To: The Association for Civil rights in Israel (ACRI)

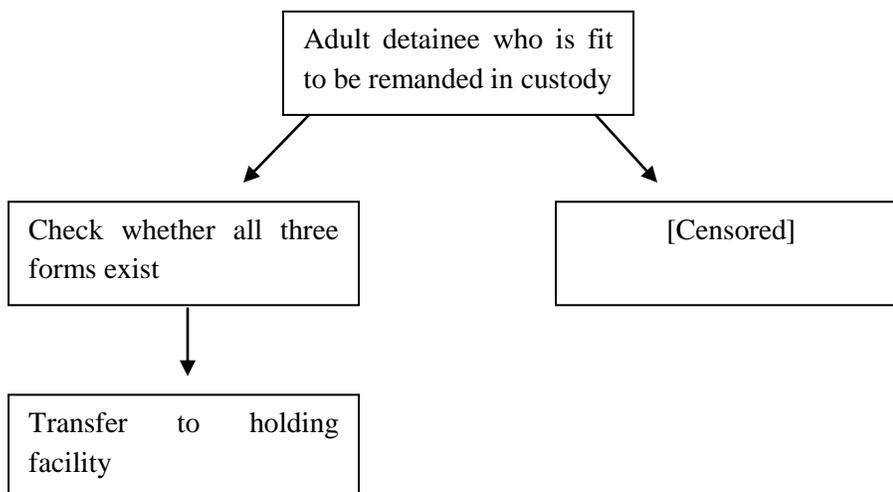
Subject: A request for the disclosure of complementary information, in accordance with the Freedom of Information Act - The procedure for arresting minors

1. In your request for the disclosure of information, you have requested the following details:
 - a. The procedure for launching [an operational] mission
 - b. A specification of all obtainable procedures, related to the arrest of minors
 - c. The procedure regulating the holding of a minor in detention
 - d. The procedure regulating the holding of minors under the age of criminal responsibility in detention
 - e. A clarification of the arrow scheme [flowchart] in the procedure which had been disclosed
2. The request for complementary information also includes new questions, in addition to [requests for] clarifications of previous questions.
3. A response, approved by those authorised [to issue it], follows.

Part A: Flowcharts with a legend and an explanation.

1. Adult detainee who is fit to be remanded in custody

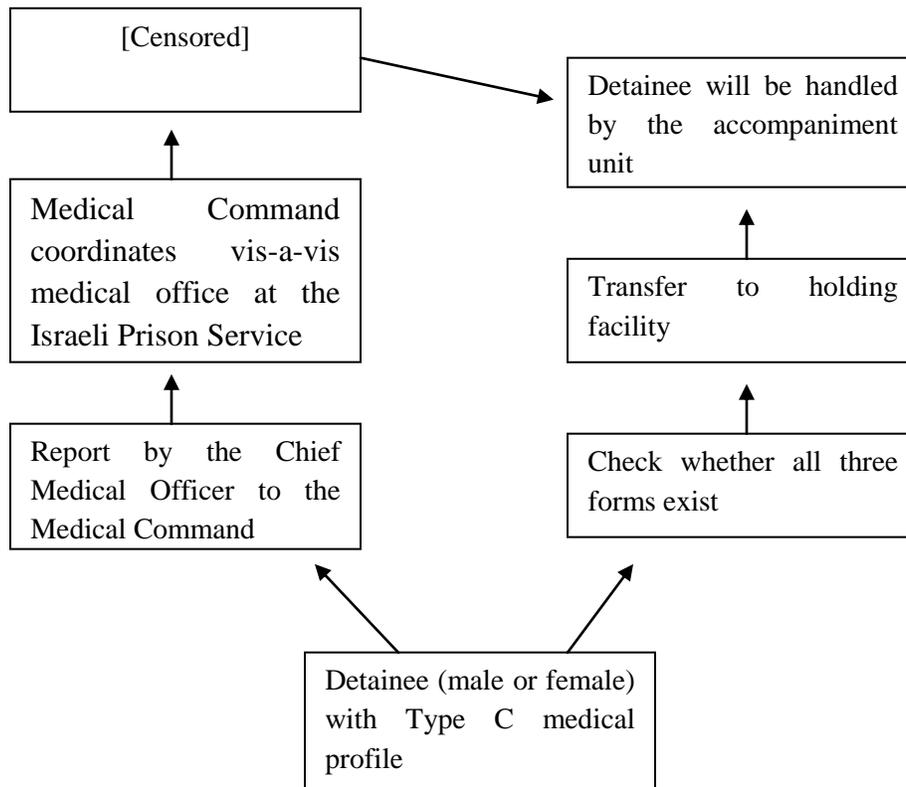
Adult detainee who is fit to be remanded in custody?



Comment: (Accompaniment of female detainees by a female soldier): From the moment of the arrest by the force, the female detainee will be accompanied by a female soldier from the detaining unit, including [when] at the detention facility, and then the detainee will be handled by the accompaniment unit

4. Detainee (male or female) with a Type C medical profile (adult or minor)

Detainee (male or female) with a Type C medical profile, adult or minor?



Part B: Clarifications as to procedures

5. Regarding minors under the age of criminal responsibility: In the region, a minor is defined as a person under the age of 18. However, one must of course take note of the specific minor's age, since sensitivity, in the matter of a minor tends to intensify, and this is only natural, when a younger minor is involved. These distinctions also exist within the security legislation which applies to the region, and thus for example, a minor below the age of 12 cannot be arrested or indicted at all.

6. A procedure regulating the holding of minors for interrogation - Usually, the utmost effort is made not to hold minors for interrogation, and there are procedures for this - [so that minors] can be held for only up to 3 hours, and with the approval of a Lt. Colonel - for up to 6 hours.
7. Until the minor is transferred to the Israeli Prison Service, he will be held in a cell without adult detainees, in all holding facilities. The order signed by the Commander of the Judea and Samaria region, which applies to the entire region, allows the Military Police to hold minor detainees in a separate detention cell, in all holding facilities, for up to 12 hours until the detainee is transferred to the Israeli Prison Service, regardless of whether the detainee's case has been reviewed by a judge.
8. As a rule, minor detainees will be held in a detention facility under the authority of the Israeli Prison Service, and from that point, all legal processes in their matter will proceed.
9. Procedure for launching an arrest mission

1. Transfer from place of arrest to the detention facility:

- a. The commander of the force must ensure that at all stages, the transfer of detainees from the place of arrest to the interrogation or detention facility the detainee's dignity is upheld, including:
 1. Ensuring that the detainee is held in reasonable conditions (shaded area/sheltered from the rain), and it is hereby stressed that detainees are not to be held at the entrance to military camps.
 2. Provision of food and water, using the toilet and warm clothing, according to necessity.
 3. Ensuring that no physical or verbal violence is inflicted on the detainee, or that any other inappropriate behavior takes place.
- b. All detainees will be taken to the detention facility that is nearest to the place of arrest, as soon as possible and in accordance with circumstances.
- c. The arresting force is responsible for transferring the detainee to a detention facility.

- d. If the nearest detention facility is full and exceeds capacity, the brigade in the area where the arrest takes place is responsible for coordinating with the Command Centre of the IDF Military Police, in order to have the detainee admitted to another detention facility in the [regional] division's area or in Ofer Prison.
- e. Upon arrival at the detention facility, the accompanying force will deliver the detainee to the supervision of facility's guards. The force is not allowed to leave the detention facility until the detainee is admitted and the admission is approved by the facility staff.
- f. One must make sure that the detainee's belongings are documented in full.
- g. One must make sure that the details of the accompanying force are recorded accurately at the entrance to the detention facility. Documentation will be carried out by the detention facility staff.
- h. Following arrival at the detention facility, an arrest reference will be filled out by an officer ranked captain or higher, in accordance with the enclosed version
- i. Every detainee must undergo a medical examination to confirm that he is fit to be admitted into the detention facility.
- j. The arresting force must make sure, prior to the detainee's transfer into the facility, or alternatively his transfer to Ofer Prison, that all stages and instructions have been carried out, as detailed above.

Important:

- a. If it is not possible to reach the detention facility immediately following the arrest, due to operational actions on the ground, the detainees will be held in a well secured room in the [regional] brigade command until the operational activity comes to an end.
- b. In the case of malfunctions in the vehicle which is transferring the detainee, the vehicle must be secured, and an alternative vehicle must be brought, for the purpose of transferring the detainee to the detention facility as soon as possible.

- c. If it is required that the detainee be transferred directly to interrogation by the Israeli Police, the arresting force must wait at the place of the interrogation until it comes to an end. Following the interrogation, this force is to transfer the detainee to the detention facility / prison facility.
- d. In any case, detainees must be provided with food and drink if necessary, and be kept in a shaded place.

2. Special population groups:

- a. Minors will be transferred to the temporary holding facilities by the arresting force, and from there they will be transferred by the detainee escort unit to detention facilities run by the Israeli Prison Service.
- b. Women will be transferred to detention facilities escorted by a female soldier who will stay with the detainee until the Border Police Detainee Escort Unit arrives and transfers the detainee to prisons run by the Israeli Prison Service
- c. Wounded detainees will be transferred to the hospital, following coordination with the military police command and the medical officer. The detainees are to be brought to the hospital to which their transfer has been coordinated. The military police will be in charge of guarding the detainees.

In the cases of criminal offenses [not terror related], suspects will be transferred to a police detention centre, following coordination with the Israeli police and the Israeli Prison Service's command and control centre.

10. The following relevant procedures have been obtained following a request from those responsible:
- A form used for notification about the arrest of a minor and the interrogation of such a minor detainee - has been shared [with ACRI]
 - The procedure regulating the arrest of minors who are suspected of terror related activity - has been shared [with ACRI], subject to revisions/ edits by Mahba'm [the Information Security Department].

- A debriefing paper for commanders and soldiers - is being shared [with ACRI] subject to an approval by the Information Security Department.
- A procedure regulating the admission of detainees at the holding facilities - is being shared [with ACRI] subject to an approval by the Information Security Department.

11. We will be glad to be at your service in the future

Major Zohar Halevy
Head of the Public Enquiries Section

Judea and Samaria Region
Bureau of the Legal Adviser

A debriefing paper for commanders and soldiers - carrying out an arrest of a minor

General

IDF soldiers operating in the Judea and Samaria area are often required to arrest civilians who are suspected of having committed offenses or terrorist acts. Some of these detainees, whose age is below 18, require special attention - whether because the legal rules which apply to them are different or because their very arrest and the way in which they are treated, require high sensitivity in view of their young age.

The instructions in the matter of arresting minors can be found in the Central Command regulations - and primarily in the Procedure for Admitting Minor Detainees, which is a part of the general procedure regarding arrests - "*Detention from holding to imprisonment in detention facilities*". The aim of these regulations is to ensure that minors suspected of violating the law be treated appropriately and in an efficient manner. In this debriefing paper, we wish to clarify the instructions regarding the way in which minors should be arrested, addressing those aspects that are relevant to the forces conducting the arrest and the procedure for the arrest.

The special sensitivity in the case of arresting minors

There is a special importance to the setting of norms of behaviour which would conform to the detainee's age, all the more so when the detainee's age is less than 18. The reality in the region requires, indeed and quite often, the arrest of minors, but the legal standards and the specific legal instructions impose a duty on the IDF forces to treat these minors with the due sensitivity while taking into consideration the meaning of their young age. This sensitivity follows from both the system of legal norms and laws which apply to the IDF in its actions in the Judea and Samaria area, but also from the values of the IDF as the army of a Jewish and democratic state.

In addition to this, International bodies and various human rights groups have criticized sharply, time and again, the way in which minors are treated in the Judea and Samaria area - from the stage of arrest, through the interrogation and up to the trial - and this criticism has increased significantly in the past year, being expressed by a sequence of reports, publications and articles in key international and Israeli media outlets. The cumulative weight of such reports and publications may inflict real harm on the legitimacy of Israel and its actions in the area.

In view of the sensitivity of the issue of arresting minors, it is always appropriate to consider the possibility of serving them [the minors] with a summons to an interrogation following their

arrest, and do so in the appropriate cases. If the circumstances do not allow for the summoning of a minor to an interrogation, or if there is reason to fear that the summons will be ineffective - here are detailed instructions and focus points regarding the arrest of minors.

The minor's age

In the area, a minor is defined as a person whose age is below 18. However, one must of course take note of the specific minor's age, since the sensitivity in the cases of minors is heightened, naturally, if a younger minor is involved. These distinctions also exist in the security legislation which applies in the area. Thus for example, a minor whose age is below 12 cannot be arrested or put on trial.

The treatment of a minor during arrest

As stated, the arrest of a minor requires special sensitivity, as early as the arrest stage itself, considering his young age. In this respect, there are no special procedures which apply only in the case of minors, and one has to follow the regular arrest procedures, but one also has to take note, as previously stated, of the proper treatment of detainees considering their age. Thus for example,

- a. In every case, one has to consider whether there is a security need in covering the eyes of a detainee, and do so only if the commander of the force believes that this is necessary for the protection of the accompanying forces or to prevent the detainee from escaping
- b. One has to ensure more meticulously that the detainees be handcuffed according to the binding orders, that is - the detainee may be handcuffed only if the commander of the force believes that this is necessary for the protection of the accompanying forces or to prevent the detainee from escaping. The detainee will be handcuffed with three plastic cuffs, with both hands of the detainee being kept in front. When this is required from an operational aspect the detainee may also be tied behind his back, but only under approval by an officer ranked Lt. Colonel (or higher).
- c. In any case, it is strictly forbidden to use unnecessary physical or verbal violence against the detainee! Using violence towards a detainee is a criminal offense, which may even lead to the indictment of a soldier who is suspected of carrying out this action. It is important to ensure that complaints about such conduct be investigated quickly and efficiently, and that allegations of such an incident having taken place be reported promptly to senior commanders and to the IDF Military Advocate General.

Notifying the minor's parents about the arrest

When a minor is arrested, it is the responsibility of the arresting force (i.e. IDF soldiers) to fill out a form for the notification about a minor's arrest and his interrogation, in two copies. One copy has to be delivered to a member of the detainee's family while ensuring that he/ she sign to confirm the reception of the form. The second copy has to be delivered to the Israeli Police, when the detainee is brought to the interrogation (see below). The form also has to include the grounds for the arrest.

The form in its current version is attached, translated into Arabic - as part of the command procedures. One has to make sure to use the most up to date form which has been circulated by the Central Command, one which also includes an Arabic translation.

Transferring the minor to the relevant authorities for the purpose of ongoing detention

At the moment of a minor's arrest, he has to be brought without any delay to a medical examination. The physician will examine the detainee's medical fitness, and then the detainee has to be transferred without any delay to an interrogation [which would be conducted] by an authorized interrogator in the Israeli Police - The Judea and Samaria, and from there - to a military detention facility or to an Israeli Prison Service detention facility.

As previously stated, the minor may be transferred to a military detention facility or to an Israeli Prison Service detention facility, following instructions from the relevant commanders on the ground and relevant authorities. It should be stated that the minor may be held in military detention facilities for only hours from the moment of his arrest, and therefore, it is especially important to transfer him to the detention facility as soon as possible, when the necessary processes come to an end.

It is important to ensure that all required permits are received, before a minor is assigned to the staff of the military detention facility, even if the minor is suspected of grave offenses.

Night arrests

The commander of the detaining force must ensure that his soldiers carry out all the previously stated instructions, and that the minor detainee receives the proper treatment in accordance with the law, considering his young age.

Instructions of the Chief Military Police Officer – (October 2013)

A procedure for receiving detainees in the detention facilities - Order of the Commander of the Central Command Security Order (Amendment Number 25) - 2012

General

1. The admission process for detainees in the detention facilities is a process which requires due consideration since it also carries security risks.
2. The commander of the detention facility will specify in the orders the manner in which detainees are to be admitted, the place where this will happen, the participating staff and the details regarding the roles carried out by each of them.
3. In the admission process, care has to be taken to verify precisely the identity of the detainees. In case of doubt, assistance should be asked for, by addressing the control centre at the IDF Military Police and, as well as authorities involved in interrogations (Shabak and Israeli Police).
4. The refusal to admit a detainee for any reason requires a permit from the commander of the detention centre or his/her deputy.
5. The detainees will be taken to the detention cells after they had been through all registration and admission procedures, including receiving personal hygiene products and clothes.
6. The data regarding the admission of detainees or their release must be fed into the computerized database.
7. A unit which wishes to transfer detainees will coordinate this with the Detention Control Centre at the Central Command, including the time of arrival and the number of detainees.
8. As a rule, the initial detention order/ warrant for a detainee will be [valid for] up to 96 hours. Exceptional cases will be specified in article 15 below.
9. For the purpose of this document, a minor is defined as one whose age is below 18. In accordance with the amendment introduced by the commander of the Central Command in 2012, detainees are to be divided into several subgroups, as follows:

- a. A “youth”- A minor whose age is below 14
- b. A “soft adult” - detainees aged between 14 - 16.

Purpose

- 10. The purpose of this procedure is to specify the required actions for the admission process in the case of security detainees in the detention facilities.

The method of admission

- 11. When the vehicle transporting the detainees arrives at the detention centre, the accompanying officer will come up to the commander of the facility, or his deputy, or the duty sergeant, and provide him with the detention references. A detainee or prisoner will not be admitted by a facility without a legal arrest or imprisonment warrant with all the require details written in the required manner (date of arrest etc.), or without an identifying document, or a medical fitness document.
- 12. The admission process for every detainee will be carried out strictly by the Detainee Admission Form, as detailed in appendix B of this instruction.
- 13. Following the examination of references as specified in article 11 above, the accompanying officer will sign the relevant line on the Detainee Admission Form, and the detainees will be taken out of the accompaniment vehicle and handed over to the staff of the detention facility.
- 14. The officer in charge of admission of detainees will carry out the following actions:
 - a. Counting the detainees and check their number against the list of names (based on ID numbers)
 - b. Taking the detainees, together with the security staff at the facility, to the admission zones, when the detainee is handcuffed and his eyes are covered, while abiding by the maximal precautions to prevent escape.
 - c. For every detainee, a detention file will be opened, containing all the forms and references related to his detention.

- d. For every detainee, a body search as well as a search of his personal belongings, will be carried out, while upholding the individuals privacy. The search will be conducted manually, using a metal detector.
- e. The search will be carried out in the admission room, attended by a minimal number of staff members (at least two detainee supervisors).
- f. Every detainee will provide his details and respond to questions of the registering officer, for the purpose of filling out details on the detainee file, as specified in appendix B of this instruction (Detainee Admission Form).
- g. The details of the detainee will be fed into the computer database:
 - Full name
 - Date and place of arrest
 - ID number
 - Arresting unit
 - Date of birth
 - Details about the private belongings the detainee will deposit
 - Address
 - Documentation of a medical fitness examination and the name of the physician who performed this examination
 - Legal status
 - Place within the detention facility
- h. A detainee's personal belongings will be taken from him, and he will be given a copy of a form signed by the detainee and the warden who received the belongings (which will be handled in accordance with the instructions of the IDF Military Police Command).
- i. A photo of every detainee will be taken, and his photo will be added to the detainee card which he is to carry with him as long as he is in the facility. The photo will be taken from the detainee when he is released.
- j. Every detainee will be given provisions and essential articles (toiletry).
- k. The regular orders of the detention facility will be read to the detainee, or he will be referred to read them in Arabic, on the designated bulletin board. In addition, the detainee will be given additional instructions, with an emphasis on the following topics:

1. Regimen and discipline
 2. Daily schedule
 3. Religious matters
 4. Addressing the detention facility staff
 5. Additional topics, according to the decisions of the detention centre commander.
-
1. A detainee's precise place in the cell will be determined, and he will be taken to the cell by two detention supervisors or a security guard and a detention supervisor, according to the security principles.

The manner in which minors are to be held in detention facilities

- a. As a rule, minors will be kept in a separate cell. The commander of the detention facility may instruct that an adult be held in a cell designated for minors, if this is best for the minors held in that section.
 - b. There is no restriction on the age of minors held in the minors section
 - c. If a "youth" is arrested (under 14), he will be admitted by the detention facility only after a detention order against him, valid for 24 hours, is issued, with the possibility of extension by a police officer, for up to 48 hours altogether, for the purpose of carrying out urgent investigation activities.
 - d. An arrest of a detainee defined as a "soft adult" (aged under 16), will be valid for 48 hour, with the possibility of extension by a police officer, for up to 96 hours altogether, for the purpose of carrying out urgent investigation activities.
 - e. Minors can be held in the detention facilities, as long as they are held in a separate cell, without any contact between them and detainees or prisoners who are not minors, for a time which would not exceed 12 hours from the moment of the minor's arrest.
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15. Handling cases of injured detainees arriving at the facility:
 - a. During a detainee's admission by a detention facility, he will be asked "Was everything OK during arrest?", and the detainee will be given the opportunity to present his claims regarding the manner in which the arrest was carried out.

- b. If the detainee responds that “Everything was OK”, the detainee’s admission will continue as usual, but if the detainee raises allegations regarding the arrest procedure, he will be questioned according to the questions which appear in the admission report under the headline “Questioning a detainee” (appendix B of these instructions).
- c. If bruises or injuries can be seen on a detainee’s body, or if he shows such bruises and injuries at his own initiative, these have to be photographed as long as the detainee does not object, and an action report has to be filled out, with the following info:
 - Who took the photos?
 - When and where was the photo taken?
 - Why was the photo taken?
- d. In case of suspected violence, a report will be submitted to the interrogation supervision officer at the IDF Military Police. The report will include a copy of the detainee’s admission report, with a photo of the injuries or bruises on the detainee’s body, with the knowledge of the commander of the IDF Military Police at the Central Command and the head of the Detention Section.
- e. The interrogation supervision officer at the IDF Military Police will pass the notification to the relevant investigative unit at the IDF Military Police, for further treatment.

An interview with the detainee

- 16. A detainee has the right to submit a request for an interview with the commander of the facility.
- 17. The request will be submitted in a language in which the detainee is proficient.
- 18. The commander, or whoever is authorized for this purpose will receive the detainee for an interview no later than 96 hours from the submission of the request.
- 19. A summary of the interview will be added to the detainee’s file.

Ensuring a detainee's personal safety

20. A detainee will never be alone on a cell or a tent unless he was sentenced to solitary confinement, and in that case one has to take proper action - solitary confinement for detainees in detention facilities.
21. At least two detainees will be kept in a cell.

Instructions for the case of a detainee with a foreign passport

22. The detention facility will admit any detainee for whom there is a properly signed arrest warrant, even if he is a foreign national, with a foreign passport only.
23. Such a detainee should be given the early opportunity to inform the diplomatic representative of his state in Israel of his arrest, and a representative of his state will be given the opportunity to visit him soon.
24. In any case in which a detainee arrives at the facility with only foreign passport - the commander of the facility will inform the legal advisor of the [military-designated] area from which the detainee has come, the zone in which the arrest warrant was issued.

Identifying detainees without an ID card

25. The commander of the detention facility has to receive any detainee who arrives with a proper arrest or imprisonment warrant, provided the detainee can be identified.
26. Identification will be carried out by any means possible (memorandum by the Ministry of the Interior, the police, a driver's license or any other identifying document).
27. Following the admission of the detainee, the commander of the detention facility is required to provide him with an identifying paper of some sort.

A notification about arrests and the place of detention

28. Article 53 of the Security Order (2009) specifies the duty imposed on IDF forces to notify without any delay about the arrest and whereabouts of a detainee to a relative, unless the detainee has asked that this not be done.
29. This duty applies to the initial arrest stage, and from this follows the emphasis on implementing this duty in the detention facilities.

30. The message will be delivered without any delay and no later than 24 hours from the time of the detainee's admission.
31. The relatives of the detainee will be notified by the Detention Control Centre in the Central Command and or directly by the detention facilities.
32. By a detainee's request, a notification according to article 29 above will also be delivered to an attorney whom the detainee had named.
33. A notification about the report will be filed in the detainee's file in the designated part, that is, in the internal admission report as well as in the detainee's file.
34. The representative of the facility who carries out this conversation, will approve, by his signature the verity of having made the conversation (phone number, time of conversation, the person with whom it was conducted etc.)
35. If it is impossible to establish contact with the detainee's family for any reason, the commander of the facility or his deputy will pass a written report to the relevant DCO in the area, to the local station of the Israeli Police, and to the Command Centre at the Israeli Military Police Command, about the detention.
36. The report has to be filed in a designated file titled "Detention Notification File", containing details which confirm that a notification has been delivered, as specified in appendix C attached to this instruction.

Appendix A (page 13 in the source)

A Detainee Card

Detainee card in the IDF

Details:

Detainee number

Detainee photo

First name, name of father, name of grandfather, last name

Organization,

Date of birth

Appendix B

Detainee Admission Form

ID

Name father grandfather last name

Details of accompanying (Israeli personnel)

Personal number, full name, rank, unit, cellular number, place of arrest, signature

Identification of detainee: /carried out/ not carried out proper/improper

Arresting authority: Shabak/ Police/ IDF Other: [specify which one]

Questioning of the detainee: Proper/ improper Detainee's signature

At this stage, if the detainee raises allegation of violence inflicted on him, one has to record the details from him, as much as possible, while ensuring the [noting of] the following details:

- The number of soldiers who carried out the arrest
- At what stage was violence inflicted on the detainee (during the arrest, during his transfer to the detention facility etc.)
- In what vehicle was the detainee transferred to the detention facility and how many soldiers were with him inside the vehicle?
- What violent means were used against him?

Documentation in the admission registry: carried out/ not carried out

Identifying document: ID/ computer output other

Photo of detainee: available/ unavailable photographing of detainee: carried out/ not carried out

Arrest warrant/order: arrest form /96 hours

Medical fitness: Physician/ medic/ paramedic

[body] Search: carried out/ not carried out

Depositing personal belongings: carried out/ nothing to deposit deposit number

Provision of toiletry and basics Spoon/ tray/ soap/ Israeli Prison Service uniform / toothbrush/ shirt/ towel/ underwear/ socks/ light shoes

Smoking: yes/ no detainee signature

[Detainee is] aware of the rights and duties in detention detainee's signature

Home phone number details of the notifying official date of notification

whom was notified? time of notification

Comments:

Personal details of the admitting commanding soldier (non-officer):

personal number, rank, first name and last name, signature

Personal details of the admitting sergeant:

personal number, rank, first name and last name, signature

