



# Military Court Watch

Monitoring the treatment of children in Israeli military detention

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

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### ANNUAL REPORT – 2017/18

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**Date: 14 June 2018**

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

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## **1. Executive summary**

- 1.1 This report considers developments relating to the arrest and detention of children by the Israeli military in the West Bank in 2017 and 2018. In addition to reviewing relevant legal and procedural changes in the system the report considers the findings from **114 testimonies** collected from children detained during the course of 2017.
- 1.2 While noting a number of relevant changes to the system in recent years, the evidence suggests that this has not translated into a significant improvement in the treatment of children who come in contact with the system. The evidence also suggests that UNICEF's 2013 conclusion that "the ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized" is still valid in June 2018.
- 1.3 In 2017, the evidence discloses that the majority of children continue to be arrested from their homes at night in military raids; tied and blindfolded; transferred, in most cases, on the floor of military vehicles to an interrogation centre; experience, in most cases, physical and verbal abuse as well as threats; and continue to be questioned without first being informed of their right to consult with a lawyer or the right to silence.
- 1.4 Official data (IPS) also confirms that in 2017 the policy of systematically transferring Palestinian children out of the West Bank to prisons inside Israel in violation of article 76 of the Fourth Geneva Convention continued to occur in **61 percent** of cases.
- 1.5 Finally, as in previous years, the evidence suggests a strong geographic link between Israeli settlements in the West Bank and the military detention of children living in close proximity arising out of the inevitable friction that occurs at these locations. In **97 percent** of cases of child detention documented in 2017, the children live, and were arrested, on average within **800 metres** of a settlement built in violation the Fourth Geneva Convention – the same Convention relied on to justify prosecuting Palestinian civilians, including children, in military courts.

## **2. Background**

- 2.1 This year marks 51 years since the imposition of Israeli martial law in the West Bank and the establishment of military courts for the prosecution of Palestinian civilians, including children aged between 12-17 years inclusive. During this time frame it is estimated that between 790,500 and 867,000 Palestinians have been detained by the military, including 46,512 children. Available evidence suggests that at least half of those detained by the military were charged and prosecuted in the military courts, although it is difficult to obtain reliable and consistent data covering the entire period.<sup>1</sup>
- 2.2 Since its inception, the military detention system has been dogged by reports of systematic abuse and denial of legal rights guaranteed under the applicable law. Concerns have been raised by UN General-Secretaries, UN agencies, US State Department, members of the US Congress, the EU, governments of the UK, Norway, the Netherlands and Australia, independent lawyer groups, as well as Palestinian and Israeli organisations, among others.<sup>2</sup>

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

A chronology of all major developments relevant to the prosecution of children in the military courts is included in **Annexure A**.<sup>4</sup>

- 2.5 Based on developments up to June 2018, and the evidence collected during the course of 2017, this report considers whether the introduction of these changes by the military authorities have materially improved the conditions for child detainees.

### **3. Detention figures**

- 3.1 According to the most recent data provided by the Israeli Prison Service (IPS) at the end of April 2018, 315 children were held in military detention, giving an annual monthly average of **332 children** for 2018. This represents a 6 percent increase compared with the monthly average for 2016 (312 children) and a 67 percent increase since the publication of the UNICEF report in 2013 (199 children). The latest data for April includes 7 girls and 3 children held without charge or trial in [administrative detention](#). Consistent with previous years, 97 percent of child detainees in 2017 were males. The age breakdown for children in detention is as follows:

*Age breakdown of children held in IPS facilities (2016-2018) (Source: IPS)*

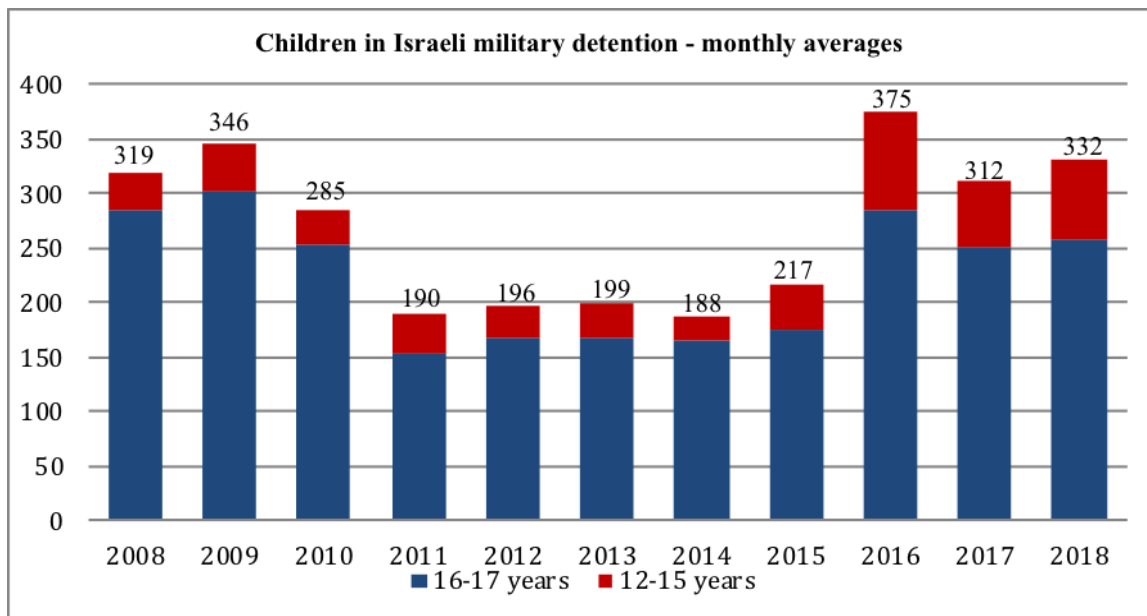
Age	2016	2017	2018
12-13 years	< 1%	1%	< 1%
14-15 years	24%	20%	22%
16-17 years	75%	79%	78%

3.2 According to data released by the military and police authorities the total number of Palestinian children arrested in the West Bank since 2013 is as follows:

- 2013 - 1,004 children
- 2014 - 861 children
- 2015 - 871 children
- 2016 - not available<sup>5</sup>
- 2017 - not available<sup>6</sup>

This data suggests an average arrest rate of **912 children per annum**.

3.3 Data relating to the monthly average number of Palestinian children detained by the military authorities and held in IPS prison facilities between 2008-2018 is presented in the following table.



3.4 As previously [reported](#), the official statistics (IPS and military) most likely understate the number of minors detained and generally do not include [minors](#) held by the military and released within a few hours or a day – a number that is likely to be substantial and which sometimes includes children below the [minimum age](#) of criminal responsibility.

#### **4. Current evidence of issues of concern**

4.1 As part of MCW's continuing monitoring programme, a number of issues of concern relating to the treatment of children in detention are tracked by reference to recent evidence. It should be noted that in each case children reported multiple violations across a range of issues. Twelve complete testimonies, one for each month of 2017, are included in **Annexure B**. Based on **114 testimonies** collected from children detained in the West Bank in 2017, the evidence indicates as follows:

- (i) **Night arrests – 62 percent** of children reported being arrested by the military at night between the hours of 22:00 and 05:00. This compares with 51 percent at the time UNICEF issued its report in 2013. Night arrest operations have a tendency intimidate and terrify targeted communities and children report being “[scared](#)” or “[terrified](#)” when confronted with heavily armed soldiers in their homes and [bedrooms](#). This sense of fear only increases in cases where the front door is [broken in](#).

*“I woke up terrified to the sound of loud banging on the front door. It was 2:30 a.m. My father opened the door and about 20 soldiers entered our home. Three of the soldiers were wearing face masks.”*

M.H.J.B. (16 yrs) – Al ‘Arrub – 25/9/17

- (ii) **Summons in lieu of night arrests – 7 percent** of children reported being served with a summons as an alternative to night arrest. A pilot scheme to issue summonses in lieu of night arrests was [introduced](#) in 2014 and appears to have reached its peak in 2015 with summonses used in 10 percent of cases. The scheme’s introduction followed [widespread criticism](#) of the practice of detaining children at night. In the cases documented by MCW in 2017 where summonses were used, **63 percent** were delivered in the [middle of the night](#) during a military raid; and **38 percent** were [not in writing](#) as required. In just **13 percent** of cases was a written summons delivered during [daylight hours](#). On a number of occasions, the military authorities have stated that they have not keep statistics on the use of summonses making any official assessment impossible and calling into question the *bona fides* of the pilot scheme.<sup>7</sup> In fact the frequency and manner in which summonses are currently being used makes it difficult to identify any systematically functioning scheme. A copy of a police summons issued in August 2017 is included in **Annexure C**. The summons is handwritten in both Arabic and Hebrew but lacks specificity beyond the time and place the child should surrender himself. The reason given for the summons is stated as: “to surrender himself to Israeli forces”. There is no mention of the child’s legal rights while in custody.

*“Israeli soldiers raided our house at around 2:30 a.m. and arrested my brother. They also gave my father a piece of paper summoning me to the police station in Kiryat Arba settlement later that morning.”*

Q.H.H.H. (13 yrs) – Husan – 26/2/17

- (iii) **Written notification of arrest** – In **71 percent** of cases where children were arrested from home it was reported that no written notification of the reasons for arrest or place of detention were provided. This is despite the military [informing](#) UNICEF in April 2013 that a standard form written in Arabic and Hebrew must be given to parents of children arrested at home in every case ([Arabic/English](#)). In cases where written notification was provided to the parents it was reported that in **60 percent** of cases the details relevant to that particular child were handwritten in [Hebrew](#) (**Annexure D**). It should be noted that the standard printed forms used to notify parents still do not include any information about the child's legal rights while in custody.

*“At around 3:00 a.m. I heard loud banging at our front door ... The soldiers gave my parents a form filled out in Hebrew with details about my arrest. Then they tied my hands to the front with one plastic tie which was painful.”*

A.S.A.T. (15 yrs) – Beit Fajjar – 25/6/17

- (iv) **Hand ties** – **94 percent** of children reported being hand tied upon arrest often being described as [“painful”](#), [“very tight and painful”](#) or causing [“severe pain”](#). This compares with 96 percent at the time UNICEF issued its report in 2013. In **4 percent** of cases it was reported that the ties caused the child's wrists to [bleed](#) and in other cases it was reported that hands became [swollen](#) and turned blue. Children continue to be shackled by the ankles during military court appearances. In **64 percent** of cases where children were restrained the evidence indicates non-compliance with the military's own [Standard Operating Procedures](#) for the use of hand ties introduced in 2010 following a Supreme Court petition.<sup>8</sup>

*“When I woke a soldier tied my hands behind my back with five plastic ties on top of each other because the first two snapped. The ties were very tight and painful and caused my wrists to bleed.”*

M.M.O.K. (17 yrs) – Hebron – 7/12/17

- (v) **Blindfolds** – **81 percent** of children reported being blindfolded or hooded upon arrest contrary to a recommendation made by UNICEF that this practice should be prohibited in all circumstances involving children. This is the same percentage as when UNICEF issued its report in 2013. In a small number of cases children report that they [remained blindfolded](#) for at least part of their interrogation with no apparent purpose other than to intimidate. Although of questionable legality, the evidence suggests that blindfolding children does effectively “soften them up” for interrogation.

*“Once inside the jeep I was blindfolded and the jeep drove to the nearby military base. On the way soldiers slapped me many times ... and each time it was a shock. Each time they slapped me they laughed.”*

A.M.I.R. (16 yrs) – Bili'in – 19/11/17

- (vi) **Floor transfer – 49 percent** of children reported being transported on the metal floor of military vehicles from the place of arrest to an interrogation centre. This compares with 45 percent at the time UNICEF issued its report in 2013. The evidence indicates that children are sometimes placed on the floor because there are [no available seats](#), while on other occasions it appears that [seats are available](#). Once on the floor children sometimes report being [pushed](#), [kicked](#), [beaten](#), [verbally abused](#) and/or [humiliated](#). In some cases children report that the vehicle's air-conditioner is turned on high, even in winter, adding to their discomfort.

*“Then they took us to a jeep where I sat on the metal floor. By this time the whole neighbourhood was awake and young men started to throw stones at the jeep. With each stone that hit the jeep I was slapped on the face by a soldier.”*

A.B.N.H. (15 yrs) – Qalqiliya – 25/9/17

- (vii) **Physical abuse – 69 percent** of children reported being subjected to various forms of physical abuse during arrest, transfer and/or interrogation. This compares with 60 percent at the time UNICEF issued its report in 2013. The types of reported abuse include: struck with the back of a [gun](#); struck on the head with a [torch](#); beaten with a [baton](#); [sat on](#); [kicked](#); [slapped](#); [shot](#) with a rubber bullet while on the ground; [stepped on](#) causing a fractured arm; [punched](#); [pushed](#) off a bike; [pushed](#) into furniture; [twisting](#) a broken arm; [pushed](#) into a wall and barbed wire; handcuffs deliberately [tightened](#); holding a [stress position](#); and kicked in the [genitals](#). On some occasions a commanding officer [intervenes to stop the abuse](#), while at other times it is the commander [engaging in the abuse](#). Some children also report being left tied and blindfolded for [extended periods](#) of time exposed to the elements before being taken for interrogation.

*“As soon as I approached the checkpoint soldiers beat me thinking I was taking part in the protest. They punched me in the chest and a soldier, who was wearing metal mittens, punched me from both sides. I was in such pain that I vomited and passed out for a short time and fell to the ground.”*

M.M.O.K. (17 yrs) – Hebron – 7/12/17

- (viii) **Verbal abuse – 52 percent** of children reported being subjected to verbal abuse during arrest, transfer and/or interrogation. This compares with 49 percent at the time UNICEF issued its report in 2013. The majority of the abuse is either directed towards the child's mother and sister, or the child's religion.



- (ix) **Threats – 59 percent** of children reported being subjected to threats during arrest, transfer and/or interrogation. This compares with 47 percent at the time UNICEF issued its report in 2013. The types of threats reported include: [long-term detention](#); [shot](#); [solitary confinement](#); [arrest of father](#); [administrative detention](#); [physical violence](#); [confess or remain in detention](#); [indefinite detention](#); [harsh treatment](#); [castration](#); [if you don't cooperate I will give you a hard time](#); [I will discipline you and the whole village](#); [denial of work permits](#); [revoking work permits](#); [house demolition](#); as well as [yelling](#) and aggressively [banging](#) the table in the interrogation room.
- “Then he showed me footage of the clashes and asked me to name the boys. When I refused to give him the names he threatened to shoot me and demolish our house. Then another interrogator came and took me to a separate room. This interrogator pretended to be the nice guy.”*

H.M.H.Z. (16 yrs) – Qaddura – 17/4/17
- (x) **Excessive exposure to the elements and neglect** - As in previous years, the journey from the place of arrest to the interrogation room (generally police stations inside West Bank settlements) is frequently time consuming and indirect involving stops at military watchtowers, bases and smaller settlements throughout the West Bank. Accordingly, it is not uncommon for the journey to interrogation to take up to 12 hours. During this time children report being left tied and blindfolded in shipping containers or left outside exposed to the elements. Some children report commanding officers ensuring that they are treated with respect and dignity, but in many cases, children report neglect, abuse, sleep deprivation, prolonged exposure to the elements, lack of food and sometimes no access to toilets. The result being that most children arrive in the interrogation room in a state of physical and mental exhaustion.
- “I remained at Zufin for about an hour before being taken to another military base where I spent the night in a shipping container with my father. I was given some Humus and water and slept on the floor with my hands tied. I was very uncomfortable. The next day we were taken to Ariel settlement for interrogation.”*

H.M.N.O. (13 yrs) – Azzun – 23/10/17
- (xi) **Strip searched – 65 percent** of children reported being strip searched on arrival at a detention centre. Some children report having to [crouch up and down naked](#) while being searched. Unsurprisingly, many children find this procedure to be humiliating. The military and prison authorities continue to disregard UNICEF's [recommendations](#) as to how these searches should be conducted.
- (xii) **Accompanied by a parent – 92 percent** of children reported not being accompanied by a parent or guardian throughout their interrogation. This compares with 96 percent at the time UNICEF issued its report in 2013. While there is no legal right under Israeli military

law for a parent to accompany a child during interrogation in security offences, the military authorities have acknowledged that there is a [discretion](#) to permit parents to accompany their children. Be that as it may parents who do show up at an interrogation centre where their child is being questioned are frequently [not permitted](#) into the interrogation room with their child.

*“At the police station my father and I were locked up in an outdoor cage. We were left there for about 4 hours. My father felt claustrophobic and asked for some water but was not given any. About 4 hours later we were taken to an interrogation room.”*

M.M.M.T. (14 yrs) – Atarot – 9/11/17

- (xiii) **Access to lawyers – 84 percent** of children reported being denied access to a lawyer prior to questioning. This compares with 100 percent at the time UNICEF issued its report in 2013. Under Israeli military law a detainee must be informed of the right to consult with a lawyer on arrival at a police station, and to be meaningful the consultation must take place prior to questioning. Some children [report](#) being informed of their right to consult with a lawyer but our questioned before the consultation can take place. Other children report only being informed of this right [half-way through](#) or at the [conclusion](#) of the interrogation. In some cases children are asked to sign a document [falsely acknowledging](#) that they have been appropriately informed of their rights or are simply [denied access](#) to a lawyer when requested. When a child is permitted to consult with a lawyer prior to questioning it generally takes place [over the phone](#) and lasts less than a minute. Further, there is no way for the child to [confirm](#) whether the person on the phone is in fact a lawyer. The majority of interrogations continued to occur in the West Bank settlements of Etzion, Kiryat Arba, Binyamin, Male Adumim, Ariel and Atarot.

*“At the end of the second interrogation the interrogator phoned a lawyer and allowed me to speak to him. The lawyer told me not to confess. I told him I had already confessed. Then he told me he would see me in the military court.”*

A.B.M.T. (15 yrs) – Etzion – 1/11/17

- (xiv) **Right to silence – 82 percent** of children reported not being informed of their right to silence. This compares with 96 percent at the time UNICEF issued its report in 2013. In the 18 percent of cases where children were informed of this right the [manner](#) and [circumstances](#) in which the information was conveyed raises serious questions as to whether the notification was sufficient. For instance, in one case a child understood that his right to silence meant that he could not [interrupt](#) the interrogator. In some cases children report being informed of the right to silence [half-way through](#) or at the [conclusion](#) of their interrogation, or

*“In the beginning he showed me a document which said I had the right to remain silent and the right to consult with a lawyer. He also told me that remaining silent would be interpreted by the court as guilt of the accusations against me. He asked me to sign the document and I did.”*

U.A.A.T. (15 yrs) – Etzion – 3/1/17

after [multiple interrogations](#). A copy of a document (Arabic) provided to children during some interrogations regarding their legal rights is included in **Annexure E**.

(xv) **Solitary confinement** – Historically around 2-3 percent of children detained each year report being placed in solitary confinement as part of the interrogation process. These interrogations tend to be conducted by the Shin Bet and typically involve more serious allegations. Periods of confinement range from days to weeks and typically occur in Al Jalame and Al Mascobiyyeh interrogations centres. In a departure from previous years UNICEF has not released any data on solitary confinement for 2017.

(xvi) **Recruitment of child informants** – Children are generally cautious about discussing attempts to recruit them as informants during the interrogation phase of their detention although some are forthcoming. While attempts are generally made in the overwhelming majority of interrogations to persuade children to provide names of others who might be of interest, active attempts to recruit children as collaborators also occurs in some cases. It is impossible to estimate how widespread or effective these attempts are. It should be noted that attempts to recruit children as informants potentially violates Article 31 of the Fourth Geneva Convention and Article 2 of the Optional Protocol to the Convention on the Rights of the Child.

*“I was worried that if I did not confess to something I would be released a few days later and people in the village would suspect me of being a collaborator because I was arrested earlier in the year and released within four days.”*

N.S.M.S. (14 yrs) – Azzun – 16/5/17

(xvii) **Documentation in Hebrew – 75 percent** of children reported being shown, or made to sign, documentation written in Hebrew at some point during the investigation. This compares with 62 percent at the time UNICEF issued its report in 2013. While interrogations are conducted in Arabic, a written record is made in Hebrew which is then generally shown to the suspect for signature. Some children [refuse to sign](#) while others sign acknowledging that they have [no idea](#) about the contents of the document. In cases where an audio-recording of the interrogation is reviewed, [exculpatory evidence](#) is sometimes omitted from the police statement written in Hebrew and included in the investigative file presented in court.

*“At the end of the second interrogation he showed me a document which said I had the right to silence and the right to consult with a lawyer. The document was in Arabic and Hebrew and I signed it. He also showed me another document in Hebrew which I signed without understanding what it said.”*

M.H.M.T. (13 yrs) – Etzion – 1/11/17

(xviii) **Bail** - According to [data](#) obtained under a freedom of information application, **72 percent** of children indicted in the military courts in 2015 were denied bail and remanded in custody until the end of proceedings. This compares with 71 percent of children denied bail in 2014. However, evidence collected by MCW indicates that in cases where children are released on bail this frequently occurs only after they have already spent a

number of [weeks](#) or more in custody. By way of contrast, 17.9 percent of children indicted in Israel's civilian juvenile justice system were denied bail in 2015. There is no official data currently available for 2016 or 2017.<sup>9</sup>

- (xix) **Conviction rate** – According to [data](#) obtained under a freedom of information application, **95 percent** of children indicted in the military courts in 2015 were convicted. This compares with a conviction rate in cases involving children of 98 percent in 2014. There is no official data currently available for 2016 or 2017.<sup>10</sup>
- (xx) **Administrative detention** – In October 2015, the military authorities re-commenced issuing [administrative detention](#) orders for children following a four-year hiatus. The procedure provides for the detention of a person without charge or trial by order of a military commander. The UN Committee Against Torture has criticised the military's use of this procedure which in certain circumstances can amount to cruel, inhuman or degrading treatment or punishment. In 2017, an [average](#) of 1.4 children were held in administrative detention at any given time, rising to 3.3 children in 2018.
- (xxi) **Education in prison** - Education opportunities for Palestinian children inside IPS facilities remain limited. Where education is available, it is generally restricted to Arabic, Hebrew and mathematics, with a prohibition on teaching history, geography and the sciences based on “security considerations”. When education is available, it is insufficient to ensure the child's smooth reintegration back into the Palestinian school system and the subsequent drop-out rate upon release is high.
- “In prison I studied the alphabet which was not very useful or interesting.”*

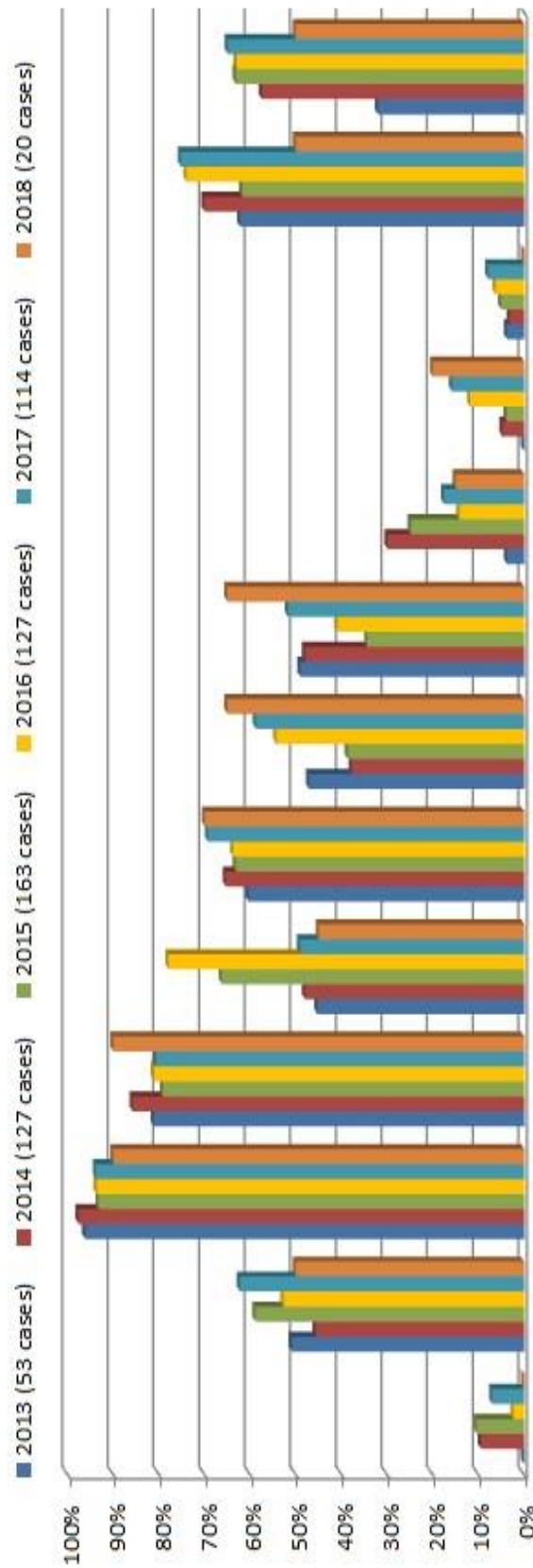
A.K.A.J. (16 yrs) – Ofer prison – 4/4/17
- (xxii) **Family visits and telephone communication in prison** – Under IPS regulations children are entitled to a family visit (2 persons) every 2 weeks lasting for 45 minutes. As in previous years, some family visits are denied on “[security grounds](#)” or because the [bureaucracy](#) for obtaining permits continues to take up to [2-3 months](#). Unlike Israeli child detainees, Palestinian children continue to be denied official telephone communication with their families while in prison.
- “My parents did not visit me in prison because their permit was issued on the day I was released.”*

M.M.M.T. (14 yrs) – Ofer prison – 9/11/17

## **5. Comparative graph - issues of concern (2013-2018)**

- 5.1 The following graph monitors progress across 13 issues of concern and is based on **604 testimonies** collected by MCW between 2013 and 2018 from multiple locations across the West Bank.

### COMPARATIVE GRAPH (2013 - 2018)



**Updated: 11 June 2018**

Information is based on testimonies collected by MCW



## 6. Developments - January 2017 to June 2018

- 6.1 **UK Lawyers' Report – 6-years on** – June 2018 marks 6 years since a delegation of UK lawyers reviewed the treatment of Palestinian children under Israeli military law and published their findings and recommendations in a report. The Foreign Office funded report – [Children in Military Custody](#) – found undisputed evidence that the military detention system violates at least 6 articles under the UN Convention on the Rights of the Child and 2 articles under the Fourth Geneva Convention. In February 2016, a follow-up mission by the legal delegation [announced](#) that their imminent visit to the region to review progress in implementing the report's 40 recommendations had been cancelled due to a lack of co-operation by Israeli authorities (**Annexure F**). MCW estimates that 1 of the Report's 40 recommendations has been substantially implemented in 6 years – an implementation rate of **2.5 percent**.
- 6.2 **Military Order 1798** – In April 2018, Military Order 1798 came into effect reducing a number of time periods relating to children in the military system. This follows a number of amendments to the military orders relating to time periods after the filing of a petition in Israel's Supreme Court in 2010 (*Ministry of Palestinian Prisoners v Minister of Defense*).

### *Amendments introduced by Military Order 1798 (April 2018)*

#	Description	Military law (Pre-amendment)		Military law (MO 1798)
1	Maximum period of detention before being brought before a judge.	12-13 yrs	24 hrs <sup>11</sup>	Remains the same but extension periods will be reduced from 24 to 12 hours in non-security cases.
		14-15 yrs	48 hrs <sup>12</sup>	Remains the same but extension periods will be reduced from 48 to 24 hours in non-security cases.
		16-17 yrs	96 hrs <sup>13</sup>	Reduced to 72 hours in security cases.
2	Maximum period of detention prior to indictment.	15 days		Remains the same but 90-day extensions approved by the Military Appeals Court will be reduced to 45 days at a time in security cases.
3	Maximum period of detention between indictment and conclusion of trial.	12 months		Reduced to 9 months for security offences and 6 months for non-security offences.

- 6.3 **US State Department's annual report on human rights** – In April 2018, the State Department released its [annual report](#) on human rights for 2017. As in previous years the Report highlights human rights violations by multiple actors in the region and considers the treatment of Palestinian children held in Israeli military detention in detail. The State Department referred to UNICEF's 2013 report which concluded that the "mistreatment of Palestinian children in the Israeli military detention system appears to be widespread, systematic and institutionalized" before referring to a substantial body of evidence collected after 2013 which "confirmed UNICEF's conclusion". For the first time since the State Department commenced issuing reports in 1999, the West Bank, East Jerusalem and Gaza are [not referred](#) to as "Occupied Territories".

- 6.4 **Hamoked: Childhood in Chains** – In April 2018, the Israeli rights group Hamoked released a [report](#) on children held in Israeli military detention. The report reviews the findings from 29 affidavits taken from children arrested by the Israeli military in the West Bank in 2017. The affidavits focus on the children's arrest, the hours between the arrests and their interrogation, and the interrogations themselves. The affidavits portray a grim picture: following their arrest in the middle of the night, the minors are taken, alone, on an exhausting night-time journey, during which some suffer violence by the security forces. The minors are brought to an interrogation room when they are in a state of fear and exhaustion. In the majority of cases, the minors are not granted access to legal counsel prior to their interrogation, and in the few cases where some sort of consultation is enabled, it is cursory at best.
- 6.5 **Supreme Court petition – Social welfare reports** – In March 2018, Israel's Supreme Court handed down a [decision](#) in a petition seeking an order requiring the production of social welfare reports at remand hearings in the military courts. The petition sought to address a fundamental shortcoming in the military courts whereby most children continue to be denied bail and are held in custody pending the conclusion of the legal proceedings. While there is no provision under military law for the production of social welfare reports at remand hearings, Israel's civilian juvenile justice system mandates the production of such reports in every case. The Court noted that the military authorities have drafted an amendment to the military law granting a discretion to the military courts to order a social welfare report at remand hearings. However, a copy of the draft law is not currently available and no date has been set for its introduction.
- 6.6 **The UNICEF Report – 5-years on** – March 2018 marked 5 years since UNICEF published the report – [Children in Israeli Military Detention](#). The report concluded 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". Following publication, the Israeli Ministry of Foreign Affairs stated that it would "study the conclusions and work to implement them through on-going cooperation with UNICEF". There followed a number of [developments](#) which were documented by UNICEF in two updates published in 2013 ([Bulletin No. 1](#)) and 2015 ([Bulletin No. 2](#)). While both bulletins noted positive developments, UNICEF concluded that "reports of alleged ill-treatment of children during arrest, transfer, interrogation and detention have not significantly decreased." Although UNICEF [publicly committed](#) to releasing regular updates, the UN agency has not released an update for over 3 years although it continues to collect evidence from the field. MCW estimates that 1 of UNICEF's 38 recommendations has been substantially implemented in the past 5 years – an implementation rate of **2.6 percent**.
- 6.7 **B'Tselem: Minors in Jeopardy** – In March 2018, the Israeli rights group B'Tselem released a [report](#) on children held in Israeli military detention. In particular, the report focuses on the impact of recent reforms to the system. The report concludes, *inter alia*, that: "the establishment of a Military Juvenile Court, the institution of special detention periods for minors, issuing soldiers with procedures on the arrest of minors and even the military judges' adoption of Israeli case law, are superficial, and affect nothing more than form. The system continues to ignore the basic tenets that are the cornerstone of juvenile justice systems under both international law as well as in many countries around the world, including Israel. Among these tenets are the principle of the best interests of the child, that arrest and detention must be measures of last resort in the absence of any other choice, and a preference for rehabilitation over legal proceedings."

- 6.8 **UK parliamentary debate** – In February 2018, the UK parliament held a second debate on Palestinian children held in Israeli military detention ([January 2016](#) / [February 2018](#)). After contributions from MPs across the political spectrum, the Foreign and Commonwealth Minister, Alistair Burt, gave a response on behalf of the Government, including the following points: The Minister noted that just one out of the 40 recommendations included in the UK report has been implemented. A trilateral committee on issues of incitement, previously rejected by Israel, should be reconsidered. A UK offer to Israel to share expertise gained by the Metropolitan police regarding the treatment of children in custody was also rejected. Finally, the Minister undertook to respond to specific questions raised in the debate in writing.
- 6.9 **Office of the Prosecutor of the International Criminal Court (ICC): Activities Report** – In December 2017, the ICC Prosecutor published her [annual report](#) covering preliminary examination activities during the past year. The situation in Palestine has been under preliminary examination since January 2015. According to the report, the Office of the Prosecutor (“OTP”) has received 98 communications pursuant to article 15 of the Rome Statute in relation to Palestine. It is estimated that since the OTP started its preliminary examination, the settler population in the West Bank and East Jerusalem has increased by around 86,000 in violation of article 8(2)(b)(viii) of the Statute and 23,000 Palestinian detainees, including over 1,900 children, have been transferred and detained inside Israel in violation of article 8(2)(a)(vii). These estimates are increasing on a daily basis.
- 6.10 **US House of Representatives: Promoting Human Rights by Ending Israeli Military Detention of Palestinian Children Act** – In November 2017, Congresswoman Betty McCollum (DFL-Minn.) introduced legislation—the *Promoting Human Rights by Ending Israeli Military Detention of Palestinian Children Act*, H.R. 4391 — to prevent United States tax dollars from supporting the Israeli military’s ongoing detention and mistreatment of Palestinian children. The full text of the bill can be found [here](#). The Bill was co-sponsored by Representatives Mark Pocan, Earl Blumenauer, André Carson, John Conyers, Jr., Danny K. Davis, Peter A. DeFazio, Raul Grijalva, Luis V. Gutiérrez, and Chellie Pingree.
- 6.11 **Legality of occupation: UN articulates 4-point test** – In October 2017, to mark 50 years of occupation the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Professor Michael Lynk, [articulated](#) a 4-point test to determine at what point a lawful military occupation becomes unlawful under international law. The four elements of the lawful occupant test articulated by the Special Rapporteur are as follows. First, an occupying power cannot, under any circumstances, annex occupied territory. Secondly, an occupation must be temporary. Thirdly, an occupying power must act in the best interests of the occupied population. And fourthly, an occupation must be administered in good faith.
- 6.12 **The right to a lawyer and admissibility of evidence in the military courts** – In August 2017, a judge at Ofer military court [rejected](#) the admissibility of a statement given by a Palestinian minor during a police interrogation in the West Bank on the basis that, *inter alia*, the boy was denied access to a lawyer prior to interrogation as required under Israeli military law. This is at least the second time that Judge Lt. Col. Yair Tirosh has rejected evidence based on a lack of access to a lawyer prior to interrogation. However, [recent evidence](#) indicates that over 80 percent of minors continue to report being interrogated without prior access to a lawyer. As most cases in the military courts conclude by way of plea bargain, this issue is rarely litigated.



- 6.13 **UN Secretary-General's Annual Report on Children in Armed Conflict** – In August 2017 the UN Secretary-General released his [annual report](#) on children in armed conflict. The report highlights global trends regarding the impact of armed conflict on children in 20 locations, including Israel and Palestine. According to the report, in 2016 there was an increase in the number of Palestinian children arrested and detained by Israeli forces and prosecuted by juvenile military courts in the West Bank. The UN documented a total of 185 incidents of ill-treatment of children by Israeli forces during arrests and detention.

## **7. Unlawful detention inside Israel**

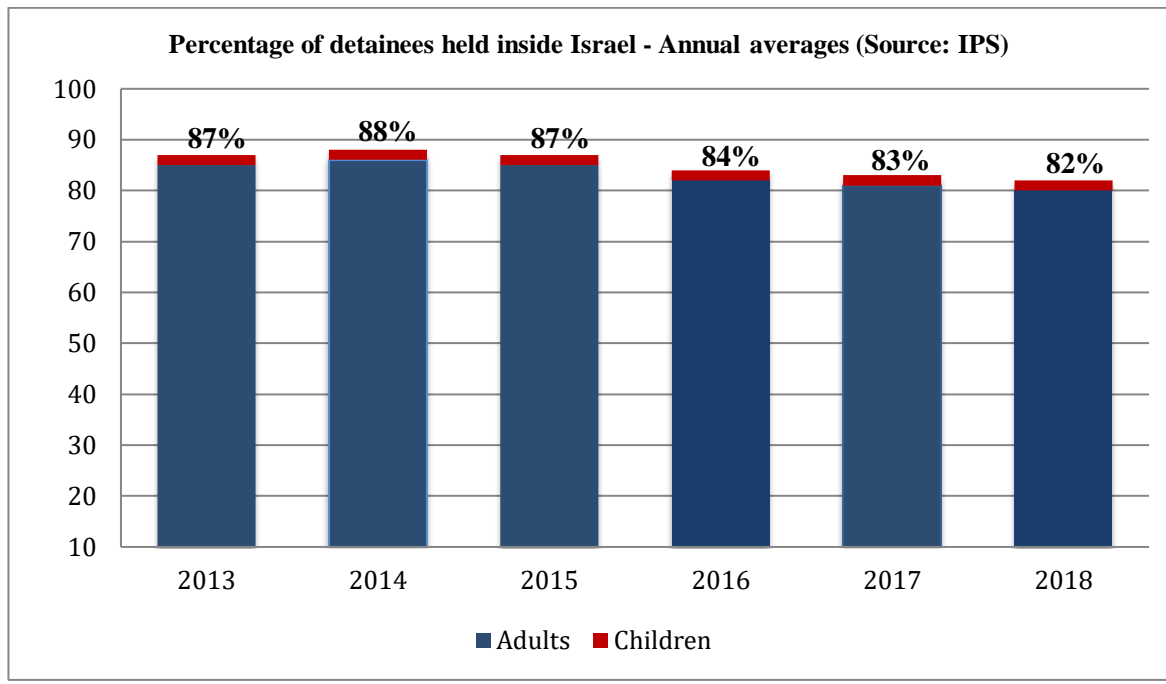
- 7.1 According to data released by the IPS, on average **61 percent** of child detainees and 83 percent of adults continued to be transferred and detained in Israel during 2017. Transferring "protected persons" including detainees out of occupied territory is prohibited by article 76 of the Fourth Geneva Convention and is classified as a war crime under article 8(2)(vii) of the Rome Statute of the International Criminal Court. The policy of transfer, which commenced in 1967, currently affects around 7,000 Palestinian men, women and children annually.
- 7.2 The policy of transfer has been challenged in Israel's Supreme Court twice during the past 30 years (Sejadia (1988) and [Yesh Din](#) (2010) cases). The petitions filed on behalf of the detainees were rejected on both occasions based on the primacy of Israeli domestic law over provisions of international law where the two are in direct conflict. However, this position is not maintainable under international law by virtue of article 27 of the Vienna Convention on the Law of Treaties, reflecting customary international law (Lagrand Case).
- 7.3 In 2015, MCW wrote to a number of diplomatic missions in the region requesting information on each state's position on the unlawful transfer and detention of children out of the West Bank. To date, five responses have been received.

State	Date received	Response
<a href="#">UK</a>	27 June 2016	<a href="#">Tobias Ellwood MP, Undersecretary of State</a>
<a href="#">US</a>	28 November 2016	<a href="#">Donald A. Blome, US Consul General</a>
<a href="#">Norway</a>	31 January 2017	<a href="#">Jon Hanssen-Bauer, Ambassador</a>
<a href="#">Canada</a>	27 March 2018	<a href="#">Douglas Scott Proudfoot, Representative</a>
<a href="#">Australia</a>	27 March 2018	<a href="#">Matthew Neuhaus, Special Adviser</a>

MCW is still awaiting responses from the [EU](#), [Netherlands](#), [Belgium](#), [Germany](#), [Sweden](#), [Slovenia](#), [Denmark](#), [Finland](#) and [Croatia](#) all of who are members of the EU Children and Armed Conflict sub-cluster in Israel/Palestine made up of diplomatic missions with a focus on, *inter alia*, child detention issues.

- 7.4 Since the Office of the Prosecutor of the International Criminal Court [announced](#) the opening of a preliminary examination into the situation in Palestine in order to establish whether the Rome

Statute criteria for opening an investigation have been met in January 2015, it is estimated that up to 23,000 Palestinian detainees have been unlawfully transferred and detained inside Israel including over **1,900 children**.<sup>14</sup>



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

## **8. Unlawful discrimination**

- 8.1 Since 1967, Israel has exercised penal jurisdiction over both Palestinians and Israeli settlers living in the West Bank. Although Israeli military law technically applies to all individuals in the West Bank, in practice, the authorities apply civilian law to settlers and military law to Palestinians at the discretion of the prosecutor. The military law applied to Palestinians, including children, has fewer rights and protections than the civilian law applied to Israeli settlers living in the same territory.
- 8.2 Under international law, no state is entitled to discriminate between those over whom it exercises penal jurisdiction on the basis of their race or nationality. The reasoning being unequal or differential justice is not justice. It is on this basis that the UK Report recommended that: "Israel should not discriminate between those children over whom it exercises penal jurisdiction. Military law and public administration should deal with Palestinian children on an equal footing with Israeli children."

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

*Comparison between civilian and military law (security offences) for children (June 2018)*

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

## **9. Accountability**

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

## **10. A link between child detention and the settlements**

- 10.1 As in previous years the evidence collected by MCW suggests a strong geographic link between Israeli settlements in the West Bank and the detention of Palestinian minors living in close proximity to the settlements by the military. Out of 114 testimonies collected by MCW in 2017 from children detained by the military, **97 percent** of these children live, and were detained, within **800 metres** of a settlement.

## **11. Recommendations**

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

*MCW - 6 non-severable recommendations*

#	Recommendation	Comments
1	<b>Children should only be arrested during daylight hours except in rare and exceptional circumstances. In all other cases summonses should be used.</b>	In 2017, <b>62 percent</b> of children reported being arrested at night. Summonses in lieu of night arrests were used in 7 percent of cases.
2	<b>All children, and their legal guardians, should be provided on arrest with a written statement in Arabic informing them of their full legal rights in custody.</b>	In 2017, a form was distributed in <b>29 percent</b> of cases where children were arrested from home but this form does not include information about the child's legal rights while in custody.
3	<b>All children must consult with a lawyer of their choice prior to questioning.</b>	In 2017, <b>16 percent</b> of children reported being permitted to consult with a lawyer prior to their interrogation in accordance with their right under military law.
4	<b>All children must be accompanied by a family member throughout their questioning.</b>	In 2017, <b>8 percent</b> of children reported being accompanied by a parent during interrogation in accordance with a discretion permitted under military law.
5	<b>Every interrogation must be audio-visually recorded and a copy of the tape must be provided to the defence prior to the first hearing.</b>	In 2017 there was no requirement for the audio-visual recording of interrogations in "security offences" involving minors in the West Bank. In <b>no cases</b> are audio-visual tapes of interrogations being provided to defence counsel prior to the first hearing.
6	<b>Breach of any of these recommendations should result in the discontinuation of the prosecution and the child's immediate release.</b>	While some military judges are <a href="#">critical</a> of the manner in which children are arrested and interrogated this does not automatically result in the dismissal of proceedings - a step that is probably essential in order to ensure compliance with existing military regulations.

**ANNEXURE A**  
**CHRONOLOGY OF MAJORY DEVELOPMENTS**

<b>Date</b>	<b>Event</b>	<b>Comment</b>
<b>7 June 1967</b>	Military Order No. 3 - Establishes military courts.	The order expressly references the Fourth Geneva Convention as the legal basis for this measure which allows for the prosecution of Palestinian civilians in military courts.
<b>1997</b>	Education in prison	Israeli District Court rules Palestinian child detainees are entitled to the same level of education as Israeli children, "subject to security". The Israeli Prison Service has interpreted "subject to security" to exclude teaching Palestinian children history, geography, religion and the sciences.
<b>September 2009</b>	Military Order No. 1644 - Establishes juvenile military court	Judges for the juvenile court are appointed from the ranks of existing military court judges and must have received "appropriate training".
<b>March 2010</b>	Regulations for hand ties	Following numerous complaints and a petition to the Supreme Court a new military regulation is issued requiring, <i>inter alia</i> , the use of 3 ties.
<b>September 2011</b>	Military Order 1676 - Partially increases age of majority	M.O. 1676 requires that children aged 16-17 must now be tried before a juvenile military judge. The amendment does not apply to provisions relating to arrest, detention, interrogation and sentencing where the age of majority is still 16.
<b>June 2012</b>	Military authorities cease issuing administrative detention orders for children.	This was a voluntary step by the military authorities without amendments to military law.
<b>June 2012</b>	UK lawyers' report	Uncontested evidence found 6 violations under the UN Convention on the Rights of the Child and 2 violations under the Fourth Geneva Convention. The report made 40 recommendations.
<b>August 2012</b>	Military Order 1694 - Time periods	M.O. 1694 reduces the period of time in which adults and children must be brought before a military judge following arrest.
<b>2012</b>	Translation	In 2012, some military orders were translated into Arabic and made <a href="#">available on the website</a> of the Military Advocate General.

<b>February 2013</b>	UNICEF report	UNICEF concluded that: "[T]he ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized throughout the process." The report made 38 recommendations.
<b>February 2013</b>	Translation of indictments	Supreme Court rules that indictments in the military courts must be translated into Arabic.
<b>April 2013</b>	Military Order 1711 - Time periods	M.O. 1711 further reduces the period of time in which adults and children must be brought before a military judge following arrest.
<b>April 2013</b>	Notification upon arrest	Military authorities introduce a form to be given to parents when a child is arrested from home providing reasons and place of detention.
<b>May 2013</b>	Regulations for arresting minors re-issued	Military advisor sends letter reminding all military units in the West Bank of existing regulations.
<b>June 2013</b>	ISA complaint procedures	Ministry of Justice announces that ISA employees will no longer investigate complaints against ISA interrogators.
<b>June 2013</b>	Remand hearings	Military prosecutor announces that remand hearings for children will be held separately from adults.
<b>October 2013</b>	Military Order 1726 - Time periods	Reduces the extension periods between remand and indictment but does not reduce the overall time period.
<b>November 2013</b>	Regulations for medical checks	Medical officers reminded of regulations for conducting medical checks on children.
<b>December 2013</b>	Notification of legal rights	New form introduced to be used by interrogators to inform children of their right to a lawyer and right to silence.
<b>February 2014</b>	Pilot scheme to issue summonses in lieu of night arrests.	Introduced following criticism of the extent to which children arrested at night in military raids.
<b>April 2014</b>	High Court rules on dual legal systems in the West Bank	The High Court notes that the military authorities have taken steps to reduce some of the differentials between the two legal systems and that the remaining differences were "reasonable and proportional" in the circumstances.

<b>September 2014</b>	Military Order 1745 - Audio-visual recording	M.O. 1745 mandates audio-visual recording of all interrogations of children in the West Bank suspected of "non-security" related offences.
<b>November 2014</b>	Parents accompanying children during interrogation	While there is no right under military law the authorities acknowledge that there is a discretion to permit this to occur.
<b>October 2015</b>	Military authorities resume issuing administrative detention orders for children.	After a 4-year hiatus the military commander resumed issuing administrative detention orders for children.
<b>February 2016</b>	Return visit by UK lawyers' delegation cancelled.	According to a statement published by the delegation the return visit was cancelled due to a lack of co-operation by Israeli authorities.
<b>May 2016</b>	Regular publication of prison statistics ceases.	Despite repeated requests this is the first time in over 15 years that the IPS has not disclosed the number of adults and children held in its facilities on a regular basis.
<b>May 2016</b>	B'tselem ceases filing complaints.	After 25 years of filing complaints arising out of allegations raised against soldiers, B'tselem announces that it does not have faith in the system.
<b>March 2017</b>	Supreme Court petition to eliminate discriminatory application of laws in the West Bank.	The State and military authorities agreed to reduce some differentials between two sets of laws (military and civilian) applied to Palestinians and Israeli settlers in the West Bank in response to a petition filed May 2010. The changes to the law will come into effect in 2018 but fail to eliminate discrimination.
<b>April 2018</b>	Military Order 1748	Reduces further some time periods relating to children in military detention but does not eliminate discrepancies between the laws applied to Israelis and Palestinians in the West Bank.
<b>7 June 2018</b>	51 years since establishment of the military courts.	Estimates suggest that between 790,500 - 867,000 Palestinians have been detained including 46,500 children. The military authorities continue to rely on Article 66 of the Fourth Geneva Convention as the jurisdictional basis and justification for the courts.



**ANNEXURE B**  
**TESTIMONIAL EVIDENCE -**  
**12 TESTIMONIES (JAN-DEC 2017)**

**Testimony 1**

**Name:** H.Y.O.E.  
**Age:** 13  
**Date:** 10 January 2017  
**Location:** Beit Ijza, West Bank  
**Accusation:** Throwing stones

**On 10 January 2017, a 13-year-old boy was arrested by Israeli soldiers at 10:00 a.m. during clashes in his village. He was taken to Atarot police station in East Jerusalem and interrogated about throwing stones. His father attended part of his interrogation but was later removed.**

I went to the village shop to buy some groceries at around 10:00 a.m. At the time there were clashes going on with Israeli soldiers near the shop. The soldiers chased some boys who were throwing stones. I was scared and started to run but I fell over and the soldiers caught me.

The soldiers searched me and took me to the back of a jeep where I was handcuffed with my hands to the front. The handcuffs were not painful. I was made to sit on the metal floor of the jeep which drove for about 90 minutes to Atarot police station in East Jerusalem.

When we arrived at Atarot I was taken to a room where I waited until around 6:00 p.m. During this time, I asked to use the toilet but my request was denied. At around 6:00 p.m. my father arrived and we both were taken to the interrogation room.

The interrogator told me I had the right to remain silent and the right to consult with a lawyer. He removed the handcuffs and told my father not to interfere in the interrogation. Then he asked me about throwing stones and wanted to know why I took part in the clashes. He also wanted to know the names of the boys who threw stones. I denied the accusation and refused to give him any names. Then he showed me black and white video footage and asked me to identify the boys but I told him I did not know anyone. An hour into the interrogation he told my father to leave the room.

After my father left the interrogator repeated the same questions and I continued to deny the accusation and did not give him any names. He then printed out my statement in Hebrew and asked me to sign it but I refused to sign because I did not understand what it said.

After the interrogation I was photographed and fingerprinted. Then they handcuffed me again and took me to Ofer prison. At Ofer prison I was strip searched and taken into Section 13.

The following day I was taken to Ofer military court. My parents and my lawyer attended. The military court decided to release me on bail and told my parents to pay 1,000 shekels bail. After the hearing I was taken back to Ofer prison. Just after midnight I was released from prison after my parents paid the amount and I went home. I was released on 12 January 2017.

## Testimony 2

**Name:** K.W.H.A.  
**Age:** 14  
**Date:** 1 February 2017  
**Location:** Beit Ummar, West Bank  
**Accusation:** Throwing stones

**On 1 February 2017, A 14-year-old boy from Beit Ummar was arrested by Israeli soldiers at 3:00 a.m. He was interrogated for 2 hours before being informed of his right to silence. He was charged with throwing stones, fined NIS 2,000 and released on 9 February 2017.**

My brother woke me up at around 3:00 a.m. to tell me that Israeli soldiers were in the house and they wanted us all to go to the living room. I could hear the voices of the soldiers inside the house. The soldiers examined my father's identity card and told him they wanted to arrest me. They told me to prepare myself to be arrested. They did not tell me why they wanted to arrest me or where they were taking me and did not give us any written documents.

The soldiers took me outside the house where they tied my hands to the front with three plastic ties: one on each wrist and one connecting the two. Then they walked me for about 10 minutes towards Route 60 and took me to a bus for troops with other detainees. I sat on a seat.

The bus drove to the nearby settlement of Karmi Zur and then to Etzion. At Etzion I was taken to a room where I sat on a bed but I could not sleep because the soldiers were making a lot of noise. Then I was taken to a doctor who examined me while I was still tied. I remained in the room until around 9:00 a.m. when I was taken for interrogation.

I was interrogated while tied. The interrogator accused me of throwing Molotov cocktails and pipe bombs at soldiers. He interrogated me for about four hours.

About half way through the interrogation he showed me document which said I had the right to remain silent but he did not say anything about the right to consult with a lawyer. When I denied the accusations, he slapped me on the face and painfully twisted my ear.

During the interrogation three other interrogators joined in but they did not say much. The interrogator kept repeating the same accusations but I denied them all. He told me there were confessions against me from two other boys but I told him this could not be true. I was scared during the interrogation especially when the interrogator slapped me. In the end I confessed to throwing stones at soldiers on one occasion.

Then I was taken to see a policeman who printed out my statement after he asked me the same questions and told me I had the right to silence and the right to consult with a lawyer. The statement was written in Hebrew and the interrogator asked me to sign it and I did without understanding what it said. Then they took my fingerprints and my photograph and then strip searched me and took me into a cell. There they removed the ties and I remained in the cell until around 8:00 p.m.

At around 8:00 a.m. some soldiers shackled and handcuffed me and took me to the back of a police car where I sat on a seat. The car drove for about 90 minutes to Ofer prison. At Ofer I was strip searched again and taken into Section 13.

The following day I was taken to Ofer military court. My parents were not notified so they did not attend but my lawyer was there. I had four additional hearings which my parents attended and I was allowed to speak to them.

On the last hearing I was sentenced to two months in prison but my lawyer was able to get me out in return for a fine of 2,000 Shekels. I also received a suspended sentence of three months valid for two years. I was released from Ofer on 9 February 2017 and I arrived home with my parents at around 6:00 p.m.

### Testimony 3

**Name:** A.A.A.A.  
**Age:** 16  
**Date:** 29 March 2017  
**Location:** Tuqu', West Bank  
**Accusation:** Throwing stones

**On 29 March 2017 a 16-year-old youth from Tuqu' was arrested by Israeli soldiers at 2:00 a.m. He reports being physically assaulted and threatened and questioned without being informed of his legal rights.**

I was awake at around 2:00 a.m. following the news about our village on Facebook. People were posting messages saying that Israeli soldiers were in the village making arrests. Shortly afterwards I looked out the window and saw about 20 soldiers around our house. Then there was very loud banging at our front door.

My brother quickly went to answer the door and about 10 soldiers entered the house. Most of the soldiers were masked. At the time I was at home with my brother and aunt. The soldiers asked to see my brother's identity card. Then the commander looked at me, took my identity card and told me to get ready because I was under arrest. They did not give us any written documents and did not tell us why they wanted to arrest me.

The soldiers took me outside before I was able to say goodbye to my family. Once outside a soldier searched me and then I was blindfolded and my hands were tied to the front with three plastic ties: one on each wrist and another connecting the two. The ties were not painful. I was then taken to the back of a jeep and made to sit on a metal box on the floor which was very uncomfortable.

Inside the jeep a soldier accused me of throwing stones and verbally abused me swearing at my religion and god. The jeep drove a short distance to the nearby military base where a doctor examined me. He removed the blindfold and put it back on when he was finished.

Then I was taken to a troop carrier where I sat on the metal floor. The soldiers in the troop carrier kicked and swore at me and asked me why I threw stones at them. They told me there was no justification to throw stones at them because they liked Arabs.

The troop carrier drove to a nearby settlement where I was put in a shipping container until around 6:30 a.m. Then I was taken in a vehicle to the police station in Etzion settlement where I was taken to a shipping container. I waited in the shipping container until around 7:00 a.m. I was not given any food or drink and I was not allowed to use the toilet. At around 7:00 a.m. I was taken for interrogation.

The interrogator removed the ties and replaced them behind my back. He kept me blindfolded and made me kneel. He immediately asked me for names of boys who throw stones without informing me of any rights. When I told him, I did not know any boys he kicked and slapped me while I was blindfolded which was a shock. Then I heard the sound of a taser against the metal wall of the container. He did this while shouting at me telling me to confess. I was terrified. This went on from around 7:00 a.m. until around noon. In the end I confessed to throwing one stone from a distance of 50 meters which missed.

After I confessed the interrogator phoned a lawyer and allowed me to speak to him. The lawyer told me not to confess. When I told the lawyer, I had already confessed he spoke to the interrogator but the interrogator denied he had interrogated me. When the lawyer hung up the interrogator was upset with me for telling the lawyer I had already confessed.

Then the interrogator gave me a document written in Hebrew and asked me to sign it but I refused and I asked him to translate it for me. He told me it was about my right to remain silent and my right to consult with a lawyer. Still I refused to sign it because it was too late.

Then the interrogator took me to see another interrogator who had a camera and a tape recorder in the room. The second interrogator did not inform me of my rights. He typed up a piece of paper which the first interrogator gave him. Then he asked me to repeat what I had told the first interrogator. I told him I had confessed to throwing one stone which missed. Then he showed me documents in Hebrew and asked me to sign them but I refused. I did not trust the document would be truthful to what I had said.

Then they took my fingerprints and photograph. Then I was left in a shipping container until around 3:00 p.m. when I was taken to Ofer prison.

The trip to Ofer took about four hours. The vehicle drove a few minutes then stopped for a long time. During this time, I was still without anything to eat or drink. I pleaded with them to allow me to use the toilet and they finally did. When we arrived at Ofer I was strip searched and told to crouch up and down while naked. Then I was taken to Section 13.

The following day I was taken to Ofer military court. My family did not attend because they did not know I was in court and the case was adjourned. In all I had about 20 appearances in the military court.

In the end I was sentenced to six months in prison and fined 2,000 shekels. They told me if I did not pay the fine I would spend 8 months in prison. I was also given a suspended sentence of one year in prison valid for 5 years.

I spent my prison sentence at Ofer and my family visited me for the first time four months after my arrest because the permit took too long to be issued. In prison I studied Arabic and mathematics. I was released on 18 September 2017 and I went home with my family.

When soldiers come to our village now I stay home and watch through the window.

#### **Testimony 4**

**Name:** M.A.A.H.  
**Age:** 16  
**Date:** 4 April 2017  
**Location:** Al 'Arrub refugee camp, West Bank  
**Accusation:** Throwing stones

**On 4 April 2017, a 16-year-old youth from Al 'Arrub refugee camp is arrested by Israeli soldiers at 1:30 a.m. and accused of throwing stones. He reports only being told of his right to consult with a lawyer half way through his interrogation.**

My mother woke me up at around 1:30 a.m. and told me Israeli soldiers were in the neighbourhood; she wanted me to get dressed and be prepared in case they came to arrest me. The soldiers went to my uncle's

house and then to my grandparent's house before my father went downstairs and found out they were looking for me.

About seven soldiers entered our house and around a dozen others surrounded the house. Some of the soldiers were wearing face masks. One soldier showed me some photographs of clashes with soldiers and I told him I was not among the stone throwers in the photos. Then they went into my bedroom looking for a particular jumper seen in the photographs. When they realised I was wearing a similar jumper they told me I was under arrest. They did not give us any written documents and did not tell my parents where they were taking me.

The soldiers then pushed my siblings into the living room and did not allow them to leave. Outside the house they tied my hands behind my back with two plastic ties; one on top of the other. The ties were not painful. I was also blindfolded. I could hear my sisters crying and shouting as they argued with the soldiers and tried to prevent them from taking me away. One soldier told my sister they were arresting me because I threw stones during clashes between the village and soldiers.

The soldiers led me along a dirt road and I fell on the ground many times. Then I was put in the back of a military jeep where I sat on the metal floor because the jeep was full of soldiers. Inside the jeep the soldiers were singing and shouting as if they were having a party.

The jeep drove for about two hours to the police station in the settlement of Kiryat Arba where I was examined by a doctor with the ties and blindfold still on. Then I was taken back into the jeep where I sat on the floor and the jeep drove for about 30 minutes to the police station in Etzion settlement. At Etzion I was taken to a room where I waited for about an hour. During this time I used the toilet but I was not given any food or drink. Then I was taken for interrogation.

The interrogator was in civilian clothes and had a tape recorder on the table. He removed the blindfold and replaced the plastic ties with metal handcuffs and handcuffed me to the front. He did not inform me of my rights and started by telling me he would send me home if I confessed against the boys who threw stones with me. I told him I did not throw stones and therefore I had nothing to say. He was upset with my answer and banged the table with his gun. He insisted I did throw stones and wanted me to confess and to give him names of other boys. I continued to deny the accusation.

He interrogated me for more than three hours and I continued to deny the accusation and did not give any names. He was typing on his computer during the interrogation. About half way through the interrogation he asked me whether I wanted a lawyer. He asked me if I knew one and I gave him the name of a lawyer I knew. Then he called the lawyer and allowed me to speak to him. The lawyer told me not to confess and not to be afraid but did not tell me I had the right to silence.

Then the interrogator showed me a document written in Hebrew and wanted me to sign it but I refused to sign and asked for a translation. Then he left the room and came back with a document in Arabic. The document said I was brought to Etzion police station and that I was going to be taken to Ofer prison and that I was not hurt. I signed the Arabic document.

Then I was taken to another room where I was searched in my clothes. I was then driven to Ofer prison. At Ofer I was searched again in my clothes and then I was put in Section 13.

Two days later I was taken to Ofer military court. My father was in court and my lawyer asked for my release on bail but the judge rejected the request. I had five appearances in the military court and during this time I was transferred to Megiddo prison inside Israel.

On the last hearing I was sentenced in a plea bargain to six months in prison fined 1,000 shekels. In addition was given a suspended sentence of three months valid for three years. I was sentenced without

a lawyer present because the lawyers were on strike. I accepted the plea bargain because I wanted the whole thing to be over because the trip from Megiddo to Ofer for the hearings was exhausting and I could not take it any longer.

I spent three months in Megiddo prison and then I was transferred back to Ofer prison. My parents visited me about two months after my arrest because the permit took that long to be issued.

I was released from Ofer prison on 13 September 2017 and I arrived home after midnight. Lots of family and friends were waiting to greet me. In prison I studied Hebrew, Arabic and mathematics. I want to quit school because I am finding it hard.

### **Testimony 5**

**Name:** M.R.D.S.  
**Age:** 15  
**Date:** 7 May 2017  
**Location:** Tuqu', West Bank  
**Accusation:** Throwing stones/Molotov cocktails

**On 7 May 2017, a 16-year-old youth from Tuqu' was arrested by Israeli soldiers at 2:00 a.m. He reports not being informed of his right to silence or his right to consult with a lawyer until after his interrogation was over.**

I woke up at around 2:00 a.m. to the sound of banging at our front door. I don't know who answered but I got up and went to the living room where I found a group of Israeli soldiers inside the house asking for me. They talked to my father and gave him a document in Hebrew but we didn't understand what it said. Then the soldiers asked to see my birth certificate and then told me to get dressed because I was under arrest.

After I dressed I was taken out of the house where I was blindfolded and my hands were tied behind my back with one plastic tie. The tie was very tight and painful. By this time young men from the neighbourhood started to throw stones at the soldiers. In response the soldiers put me in front and used me as a human shield. I was lucky not to be hurt.

I was then put in the back of a jeep where I sat on a seat. The jeep drove towards the entrance to the village where I was examined by a doctor. The doctor removed the blindfold during the examination and then he put it back on afterwards. I was then taken to the military watchtower where I sat on a chair for about three hours.

After about three hours I was taken back to the jeep which drove towards the nearby military base where I was put in a shipping container until around 8:00 a.m. Then I was taken back to the jeep which drove for about 30 minutes to the police station in Etzion settlement. I was immediately taken for interrogation.

The interrogator did not immediately remove the tie and the blindfold and did not inform me of my rights. He started by saying he was like a father to me and that I had to tell him the truth and tell him everything. I told him I did not understand what he wanted from me. Then he accused me of throwing stones and Molotov cocktail at soldiers. When I denied the accusation he became very angry and asked me to lift my hands up and then stuck his fingers in my stomach. He also slapped me. I was terrified.

He interrogated me for about four hours and in the end, I confessed to throwing stones at soldiers because I did not want him to implicate me in more serious offences. I was also very scared and did not want him to physically abuse me anymore. I confessed to throwing a stone with a slingshot but missed the target.

After I had confessed the interrogator gave me a document which said I had the right to remain silent and the right to consult with a lawyer. Then he printed out a document in Hebrew and when I asked him what it was he told me it was a document about my release. He asked me to sign it and I did. I later realised it was my statement and had nothing to do with my release.

After the interrogation I was photographed and fingerprinted. Then the interrogator showed me an aerial image of my village and pointed to some houses and wanted me to tell him who lived in those houses. I told him I did not know. He also asked me to confess against other boys from the village and to say that they throw stones but I told him I did not know anyone. Then they searched me in my underwear and then took me to a room where I waited for about two hours.

After about two hours I was handcuffed and shackled and taken to the back of a troop carrier where I sat on a seat. The carrier drove me to Ofer prison. On arrival at Ofer I was strip searched and taken to Section 13.

The following day I was taken to Ofer military court. My parents did not attend the hearing but my lawyer was there and the hearing was adjourned. I had more than 10 military court hearings which my parents attended and I was allowed to speak to them. At the last hearing I was sentenced to four months in prison and fined 1,500 shekels. I was also given a suspended sentence of four months suspended for three years. I do not know whether there was a plea bargain or not.

I spent my entire prison sentence at Ofer where I studied Arabic, Hebrew and mathematics. I was released on 23 August 2017.

## Testimony 6

**Name:** J.M.A.B.  
**Age:** 16  
**Date:** 16 June 2017  
**Location:** Kafr Malik, West Bank  
**Accusation:** Throwing stones

**On 16 June 2017, a 16-year-old youth from Kafr Malik was arrested by Israeli soldiers at 5:00 a.m. from a vehicle near his village. He reports being interrogated without first being informed of his right to silence or his right to consult with a lawyer.**

It was during the fasting month of Ramadan when people stay up all night. I went for an outing just after dawn with my friends to a nearby water spring. It was around 5:00 a.m. when we sat down in a field to enjoy the view.

Shortly afterwards I saw a group of Israeli soldiers nearby and I had a feeling they were about to provoke us. My friends and I decided to get into the car and go home. Just as we were driving away we were

surprised by a flying checkpoint. The soldiers started to shoot in our direction when they saw our car. I think they shot more than 20 bullets and we were terrified.

When we stopped the car the soldiers told us to get out. As I got out of the car a soldier kicked me in the back and threw me down on the ground. About five minutes later another soldier brought plastic ties and I was tied to the back with one plastic tie which was very tight and painful. My wrists swelled and turned blue and the tie cut through my wrists and I was bleeding. It left a mark on my wrists for about two months. Then soldiers started to kick me all over my body. About 15-20 soldiers kicked and beat me with the back of their guns. I was scared and in pain. Then they covered my head with the T-shirt I was wearing, bending my head forward. I had neck pain for about two weeks from this position.

Then I was taken to the back of a troop carrier. My stomach was exposed and I was shivering because it was cold and I was scared. I sat on a seat and the troop carrier drove to a nearby military base.

At the base I asked the soldiers to remove the painful tie but they did not respond. They made me sit on barbed wire and poured cold and then hot water on me. I felt sick. I asked to use the toilet and it took them two hours to allow me to use the toilet.

At around 9:00 a.m. I was examined by a doctor. The doctor removed the tie and then tied my hands to the front using three plastic ties, one on each wrist and another connecting the two. He also pulled my T-shirt down and blindfolded me with a white cloth. My neck hurt so much from bending forward for a long time.

Then I was taken to the police station in the settlement of Binyamin where I waited in a room until around 7:00 p.m. I was fasting and I asked for some water to break my fast and they brought me some water. Soldiers made fun of me and started to shout “Allahu Akbar”. They turned the air conditioner on cold and I was freezing. At around 10:30 p.m. I was taken for interrogation.

The interrogator wore a police uniform. He turned a tape recorder on. He removed the blindfold and the plastic ties and replaced them with another three ties which were tighter. When I asked him to remove the ties because I was in pain he swore at me and called me a “son of a whore” and a “brother of a whore” and told me he was going to lock me up in prison until “god frees me”. Then he threw his pen at me and hit me in the chest.

The interrogator then accused me of waiting for a military jeep to pass by in order to throw stones at it. I denied the accusation. Then he told me the soldiers should have shot me instead of arresting me and that I was not worthy even of a prison cell. Then he showed me a document written in both Hebrew and Arabic saying I had the right to contact a lawyer and the right to remain silent during interrogation. It also said choosing to remain silent could be used against me in court. When I asked for a lawyer he told me he would allow me to speak to a lawyer later.

Then he repeated the same accusation and I continued to deny it. During the interrogation he swore at me again and called me a “son of a whore”. He interrogated me for about 40 minutes and I continued to deny the accusation. In the end he called a lawyer and allowed me to speak to him. The lawyer told me to remain silent. Then he showed me a document written in Hebrew and asked me to sign it and I did without understanding what it said.



After the interrogation I was taken to a room full of soldiers. The air conditioner was very cold and the soldiers slapped me each time I asked them to turn it up. I sat on the floor and I was freezing cold.

Later I was taken in a vehicle to Ofer prison. I arrived at Ofer just after midnight. I was strip searched and taken to Section 13. The other detainees prepared some food for me and I slept until dawn.

On 19 June 2017 I had my first hearing in the military court. My father was in court and the hearing was adjourned. I had about 14 hearings.

During this time I was taken twice to Binyamin police station for two more interrogation. The first interrogator did not inform me of my rights and wanted me to confess on myself and other boys. He interrogated me for 45 minutes. He swore at me and called son of a “whore” and spat at me. He also raised his voice to scare me and wanted me to sign documents in Hebrew but I refused to sign.

The second interrogator questioned me for about 30 minutes and was not aggressive. He did not inform me of my rights and told me one of my friends had confessed against me.

At the last hearing, which was on 8 January 2018, I was sentenced in a plea bargain to eight months in prison and fined 5,000 shekels. I was also given a suspended sentence of 18 months suspended for five years.

I spent my entire sentence in Ofer prison. In prison I attended classes but they were not very useful because the level was low. My parents visited me in prison seven times.

I was released on 25 January 2018 and I went home with lots of people from my village who had come to greet me. I arrived home at around 3:30 p.m. and had a nice meal with my friends and family.

## Testimony 7

**Name:** S.M.S.O.  
**Age:** 16  
**Date:** 3 July 2017  
**Location:** Kafr Qaddum, West Bank  
**Accusation:** Throwing stones

**On 3 July 2017, a 16-year-old youth was arrested by Israeli soldiers at 5:00 a.m. and accused of throwing stones. He was released on bail of NIS 1,500 due to insufficient evidence on 12 July 2017 after 9 days in detention.**

I woke up at around 5:00 a.m. to the sound of banging on the front door. My father answered and a group of Israeli soldiers entered our house and told my father they wanted to arrest me and my younger brother.

My father told the commander I was not feeling well because I had an injury and my arm was in plaster. The commander told my father I could take my medicine with me. Then he told me and my brother to prepare ourselves and then immediately took us outside the house. The soldiers did not give us any written documents and did not tell us the reason for my arrest or where they were going to take me.

Once outside the soldiers tied my hand to my brother's hand with a plastic tie which was not painful. They also blindfolded me. We were then taken to the back of the jeep where I sat on a seat while my brother sat on the floor. The jeep drove for about five minutes to a nearby settlement.

On arrival at the settlement my brother and I were taken to a shipping container where they removed the blindfold and a doctor examined me. He checked my arm but did not say anything. Then I was blindfolded again. I was left inside the shipping container with my brother for about an hour.

After an hour me and my brother were taken back to the jeep which drove for about 30 minutes to the police station in Ariel settlement. At Ariel I was put in a courtyard with my brother where we remained for about four hours. After four hours and interrogator cut off the tie and took me for interrogation.

Before he started to question me, the interrogator contacted a lawyer and allowed me to speak to him. The lawyer told me to remain silent and not to sign any documents. Then the interrogator accused me of throwing stones at soldiers and showed me a picture and told me it was a picture of me throwing stones. I denied the accusation. I was questioned for about 30 minutes. Then the interrogator printed out my statement in Hebrew and asked me to sign it but I refused to sign because I did not understand what was written in it.

After the interrogation I was taken back to the courtyard where I remained for another two hours. Then I was taken to a jeep together with my brother and we were tied together again and blindfolded. The jeep took us to Huwwara military base.

On arrival at Huwwara the tie was cutoff and the blindfold removed and then I was strip searched. They told me to crouch up and down while naked and I felt embarrassed. At first, I refused to take off my clothes but I was scared they might beat me if I didn't. I spent a night at Huwwara.

The following day soldiers shackled and handcuffed me and I was taken to Salem military base. I waited in a room for about an hour. Then I was driven to Afula hospital but I was never taken inside the hospital, I just waited outside in the vehicle. Then I was taken back to Salem, where I waited in a room before being taken to Megiddo prison inside Israel. I arrived at Megiddo at around 10:00 p.m. and I was without food or drink all this time.

At Megiddo I was searched in my clothes and then I was taken to the juvenile section.

The following day I was taken to Salem military court. My parents did not attend the hearing but a lawyer was there and the hearing was adjourned. My parents attended the next hearing and my lawyer was able to prove that the person in the picture the interrogator showed me was not me and the judge decided to release me on bail. My parents had to sign a document guaranteeing I won't be involved in any actions that would lead to my arrest and had to pay 1,500 shekels bail. After the hearing I was taken back to Megiddo.

I was released at Al Jalama checkpoint on 12 July 2017 at around 6:00 p.m. and I went home with my parents.

## Testimony 8

**Name:** M.M.S.A.  
**Age:** 16  
**Date:** 2 August 2017  
**Location:** Tuqu', West Bank  
**Accusation:** Intention to stab a soldier

**On 2 August 2017 an Israeli intelligence officer summonsed a 16-year-old youth from Tuqu' to an interrogation in Etzion settlement the next day. That night the youth was arrested by soldiers at 2:30 a.m. before he could respond to the summons.**

The day before my arrest an Israeli intelligence officer phoned my father around noon and asked him to bring me over to the Bethlehem checkpoint the following day for questioning. My father and I were planning to go the following day but the soldiers came to our house that night and arrested me.

At around 2:30 a.m. the day after the intelligence office phoned I woke up to the sound of commotion outside our house. Soon I heard banging at our front door and my father answered. Around 10 Israeli soldiers entered our home and asked to see my identity card. Then they told me I was under arrest. They did not give my father any written documents and did not tell him why they were arresting me.

Once I was dressed the soldiers took me outside the house where they pulled my T-shirt over my head so I could not see. I was also handcuffed with my hands in front. The metal handcuffs were tight and painful.

I was then led on foot towards the centre of the village where I was put in the back of a jeep and sat on a seat. The jeep drove towards the military watchtower at the entrance to the village where I was examined by a doctor. Then they made me sit on the ground for about an hour before putting me back in the jeep.

The jeep drove to a military base near Beit Sahour where I was taken to a room and I sat on a chair until around 9:00 a.m. At around 9:00 a.m. I was put in the back of a jeep and taken to a police station - I don't know which one. On arrival at the police station I was taken for interrogation.

There were four intelligence officers in the interrogation room. Before they started to question me one of them told he was going to allow me to speak to a lawyer and he was about to call a lawyer but he never did. Another one told me it was in my interest to speak frankly and to tell the truth. When I asked him what truth he was talking about he told me they had information I intended to stab a soldier at the military base at the entrance to the village following a row with my brother. I told him this was not true and I never made any statements about intending to stab a soldier. Then he told me if I did not confess he was going to lock me up in solitary confinement where he would also beat me.

I was interrogated for about 10 minutes and the whole time they were trying to understand the reason for the row between me and my brother. They also asked me about boys who throw stones and wanted me to give names and I gave names of some boys I knew were involved in throwing stones at soldiers.

After 10 minutes I was taken to see a policeman who asked me the same questions and I gave the same answers. Then he printed out my statement in Hebrew and told me it was identical to what I had told him and asked me to sign it and I did.

Then I was taken to the police station in Etzion settlement where I was released at around 4:00 p.m. However, as I was leaving the settlement the soldiers at the entrance stopped me and checked my identity card and told me I was wanted for questioning. I told them I had already been questioned but they did not believe me.

The soldiers blindfolded me and tied my hands to the front with one plastic tie and made me sit on the ground. Then a commander spoke to me and when he realised what had happened he told the soldiers to release me. I went home by myself at around 5:00 p.m.

### **Testimony 9**

**Name:** M.F.F.A.  
**Age:** 16  
**Date:** 6 September 2017  
**Location:** Hebron, West Bank  
**Accusation:** Attempted stabbing

**On 6 September 2017, a 16-year-old youth from Hebron was stopped by an Israeli soldier outside the Mosque and searched. After a penknife was found in his pocket he was accused of an attempted stabbing. He was released on bail on 25 September 2017.**

I was near the mosque in Hebron at around 1:00 p.m. when an Israeli soldier stopped me and asked to see my identity card. When I told him I had forgotten it at home he accused me of lying and wanted to search me. When he put his hand in my pocket and found a pen knife he went crazy. He took away my telephone and my money and made me take my shoes and my top off.

About five minutes later around six soldiers walked towards me and the soldier who conducted the search pointed at me. Another soldier then tied my hands behind my back with one plastic tie which was very tight and painful and cut into my wrists. He also blindfolded me and pushed me to the ground.

Once I was on the ground the other soldiers started to kick and beat me all over my body. They also swore at me saying I was a "son of a whore". Then they removed the blindfold and made me walk a short distance and made me stand in a corner. One of the soldiers then beat me with the back of his gun and pushed me to the ground. I fell on my jaw because my hands were tied which caused me severe pain.

A soldier noticed my wrists were bleeding because of the tie and he replaced it with metal handcuffs to the front. I remained like this for about 30 minutes.

After 30 minutes I was taken to the back of a jeep where I sat on a seat. The jeep took me to the police station in the settlement of Kiryat Arba. At the police station they made me sit on a metal stool for about

three hours while handcuffed. During this time I was allowed to use the toilet and to drink some water. Then I was taken for interrogation. It was around 5:00 p.m.

The interrogator wore a police uniform. He turned a tape recorder on but did not remove my handcuffs. He asked me if I knew a lawyer and I told him I did not. He then phoned a lawyer and allowed me to speak to her. The lawyer told me not to confess. The interrogator also phoned my mother. He also told me I had the right to remain silent and the right not to sign any documents.

The interrogator accused me of attempting to stab a soldier while reciting “Allahu Akbar” and claimed he had photographic evidence of this. I denied the accusation and asked him to show me the photographs but he never did. He repeated the accusation; this time he raised his voice at me and accused me of lying. I continued to deny the accusation. Then he asked me to sign some documents in Hebrew. When I asked him to explain what was written in the documents he told me not to be afraid of signing. I signed without understanding anything.

Then they took my photograph and fingerprints. I was then taken to a room where I sat for about three hours. During this time I was examined by a doctor. Then I was taken to the police station in Etzion settlement where I was strip searched. I was then taken to a cell where they removed my handcuffs. I was not given anything to eat.

The following day I was taken to the military court at Ofer. My parents were not in court because they did not know I had a hearing. My lawyer was there and my detention was extended and the hearing adjourned.

I had four more appearances in the military courts which my parents attended. At the last hearing the military court wanted my father to pay 5,000 shekels for bail but my father told the court he did not have that kind of money. The judge decided to reduce the amount to 3,500 shekels. My father paid the amount on the same day and I was released on bail on 25 September 2017. I arrived home at around 2:00 a.m. but I was very happy to be home especially because I would be able to attend my sister’s wedding.

I have attended two more military court hearings since I was released on bail but they were both adjourned and nothing happened. My next hearing will be on 21 February 2018. I have dropped out of school and I now have a job as a painter.

## **Testimony 10**

**Name:** A.N.A.B.  
**Age:** 13  
**Date:** 12 October 2017  
**Location:** Rachel’s Tomb, West Bank  
**Accusation:** Attempting to throw a Molotov cocktail

**On 12 October 2017, a 13-year-old boy was arrested at noon by Israeli soldiers at Rachel’s Tomb. He was accused of attempting to throw a Molotov cocktail. He reports being interrogated without first being informed of his legal rights under Israeli military law.**

I was with two friends in the area near Rachel's Tomb at around noon when an Israeli military jeep pulled over. The soldiers arrested me while my other two friends ran away.

A soldier immediately handcuffed my hands painfully behind my back and walked me towards the nearby military base where I was blindfolded. Some soldiers verbally abused me and called me a "son of a whore".

I remained in a courtyard inside the base for about three hours. Soldiers were eating in front of me but did not offer me any food. They did not bring me any water and did not allow me to use the toilet.

After about three hours I was taken to the back of a military jeep where I sat on a seat. The jeep drove to the police station in Etzion settlement where I was immediately taken for interrogation. By then it was dark.

The interrogator wore civilian clothes and had a voice recorder on his desk. He showed me a document in Hebrew and asked me to sign it but I refused. He did not inform me of my rights and was quite polite in the beginning. Then he showed me video footage of me and my friends which also showed one of us dropping a bottle as soon as the jeep approached us. I denied it was me and I refused to give him the names of my friends.

Sometime into the interrogation, at around 10:00 p.m., my father arrived and the interrogator asked him whether I was his son. Then another interrogator joined and both questioned me about the bottle and wanted me to give the names of my friends.

One of the interrogators hit me with his pen on my face in front of my father. Then he banged the table aggressively. In the end I was worried they might arrest my two friends and I confessed to attempting to throw a Molotov cocktail at the jeep. After the interrogation I was photographed and finger printed.

My father left and at around midnight I was taken to Ofer prison where I was strip searched before being taken to Section 13. I was exhausted and I went straight to bed.

The following day I was taken to Ofer military court. My mother and sister attended as well as my lawyer. The hearing was adjourned.

In all I had about nine military court hearings. At the last hearing I was sentenced in a plea bargain to five months in prison and fined 4,000 shekels. I also received a five-month sentence suspended for three years.

I was released a few weeks early on 26 March 2018. I arrived home at around 7:00 p.m. My mother had decorated our house with flags and posters and I was very happy to be home. I served my sentence at Ofer where I attended classes. My parents visited me four times.

## Testimony 11

**Name:** M.M.M.T.  
**Age:** 14  
**Date:** 9 November 2017  
**Location:** Al 'Azza, West Bank  
**Accusation:** Throwing stones

**On 9 November 2017, a 14-year-old boy from Al 'Azza was detained by Israeli soldiers on his way home from school. He reports being accompanied by his father during interrogation but not being informed of his right to silence or right to consult with a lawyer.**

I was walking home from school with my 13-year-old brother and 11-year-old sister at around 12:30 p.m. when clashes broke out with Israeli soldiers near Rachel's Tomb. A soldier called me over to him and told me not to be afraid. I went with my sister and brother but the soldier told them to go home and he kept me.

The soldier took me inside a military watchtower where he tied my hands behind my back with one plastic tie which was very tight and painful. It left a mark on my wrists. Then soldiers slapped me on the face and beat me all over my body. A short time later my father came to the watchtower and I could hear his voice outside calling my name.

When I asked to use the toilet an Israeli settler followed me to the toilet and punched me in the stomach. A soldier saw all this but did not intervene. They also poured water on me and I was soaked.

After I went to the toilet the soldiers allowed my father into the watchtower. He was shocked when he saw the marks on my face. He asked the soldiers to release me immediately but they refused. Then the two of us were taken in a police car to Atarot police station. My father and I sat on a seat in the back. To get to the car we had to walk through a group of settlers who verbally abused us. They called us "sons of whores".

At the police station my father and I were locked up in an outdoor cage. We were left there for about four hours. My father felt claustrophobic and asked for some water but we were not given any water. About four hours later my father and I were taken to an interrogation room.

My father and I sat next to each other in the interrogation room. I remember there was a camera in the room. The interrogator told my father he wanted to question me in his presence and that he was not going to force me to say anything. Then he looked at me and told me to speak only in response to his questions and that I was not allowed to speak otherwise. He also told me not to look at my father. He did not say anything else about my rights and I did not speak to a lawyer at all. The first time I saw my lawyer was in the military court.

The interrogator accused me of throwing stones. I denied the accusation. Then he wanted to know why I was brought to the police station and I told him a soldier pulled me aside and told me not to be afraid and then he detained me. Then he told me a soldier had seen me throwing stones and testified against me. Then he started to raise his voice at me. When my father intervened and told him not to raise his voice at me the interrogator told my father I was impolite and rude just like my father.

Then he showed my father photographs on his laptop and told him I had taken part in the clashes and threw stones at soldiers. My father denied that it was me in the photographs. My father asked me whether I was among the boys seen in the photographs and I told him I was not. Then the interrogator said both me and my father were liars.

The interrogator then left the room and came back with a document written in both Hebrew and Arabic. He showed it to my father and my father signed it after he made sure it did not include a false confession.

Then my father and I were taken outside and the interrogator told my father to have a private word with me so that I tell the truth about what happened. Privately my father told me not to be scared. He thought the interrogator was listening in on our conversation.

My father then left and I was taken to Ofer prison. I arrived there at around 6:00p.m. A lawyer took me straight to the military court. The hearing was adjourned and I was taken back to Atarot police station where I remained until around 2:00 a.m. Then I was taken back to Ofer prison where I was strip searched and asked to crouch up and down while naked. Then I was taken to Section 13.

The following day I spoke to my father from prison. I was very sad when he told me he could not sleep all night. In all I had five military court hearings.

At the last hearing I was sentenced in a plea bargain to two months in prison and fined 2,000 shekels. I also received a suspended sentence of eight months in prison valid for four years. I accepted the plea bargain because the lawyer told my father if I rejected it I would be sentenced to eight months in prison and fined 8,000 shekels.

I spent the last seven days of my sentence in Megiddo prison inside Israel, the rest of the time I was in Ofer prison. I was released two weeks early for good conduct on 25 December 2017 and I went home with my family who picked me up from Al Jalama checkpoint. My mother had prepared a nice meal and I was very pleased. In the morning I woke up very early thinking I was still in prison. I couldn't believe it when I realised I was at home.

My parents did not visit me in prison because their permit was issued on the day when I was released.

In prison I studied Arabic and attended drawing classes. My father told me his work permit was revoked because of my imprisonment. One day he went to work in the morning as usual but the soldiers at the checkpoint stopped him and told him his permit was no longer valid. My family depended on my father's work permit for more than 15 years. We are eight people at home and my father cannot provide for us anymore.

## Testimony 12

**Name:** R.I.M.M.  
**Age:** 15  
**Date:** 30 December 2017  
**Location:** Rachel's Tomb, West Bank  
**Accusation:** Throwing stones



**On 30 December 2017, a 15-year-old youth from Al Khadr was arrested at Rachel's Tomb by Israeli soldiers at 10:00 a.m. He was interrogated in the presence of his mother but reports not being informed of his right to silence or his right to consult with a lawyer.**

I was very upset after Trump announced he was moving the American Embassy to Jerusalem and felt I needed to do something. On 24 April 2018, I took a sling shot and went to Rachel's Tomb, at the entrance to Bethlehem, at around 10:00 a.m. I wanted to do something to show my disapproval.

As soon as I arrived at Rachel's Tomb an Israeli soldier aimed his gun at me and ordered me to stop. Then a group of soldiers overpowered me, pushed me to the ground and handcuffed my hands to the front. The handcuffs were not painful. Then they took me to the military base nearby and left me there for a few hours.

While I was at the military base the soldiers contacted my mother and told her to come and take me home. My mother arrived but instead of sending me home with her they left her waiting for about three hours.

After a few hours I was taken to the back of a military jeep where I sat on a seat. My mother was allowed to accompany me. The jeep drove us to Atarot police station. At around 4:00 p.m. I was taken for interrogation and they allowed me mother into the interrogation room with me.

The interrogator did not inform me of my rights and wanted to know what I was doing near Rachel's Tomb. Then he and accused me of throwing stones at soldiers. I denied the accusation but he repeated it again and again and I was provoked. I was stressed and my mother intervened and told the interrogator I had told him I did not throw stones so why was he repeating the question. The interrogator raised his voice at my mother and told her not to intervene. I could not tolerate the pressure any longer and I was trembling. I felt I could no longer control my behavior.

Then he showed me some images on his computer screen and wanted me to confess to throwing stones and to give him names of boys in the images. I told him I did not throw stones and refused to give him any names. Then I found myself pulling my hair in frustration and I had a nervous condition which was out of my control and I started to shiver and shake.

My mother started to scream when she saw me in this state of mind. The interrogator opened the door and threw my mother out. The interrogator left too and I was left in the room alone, I don't know for how long. I was hungry and tired. Then he came back and showed me documents in Hebrew and asked me to sign them. I signed without understanding what they said.

At around 8:00 p.m. I was taken to Ofer prison where I was strip searched. I was then taken to Section 13.

Two days later I was taken to Ofer military court. My mother was in court and the hearing was adjourned. I had about four military court hearings. At the last hearing I was sentenced in a plea bargain to 6 months in prison and fined 2,000 shekels. My mother and my lawyer objected and we presented medical reports from the mental health clinic and the judge reduced the sentence to 3 months in prison and a 500 shekel fine. I also received a suspended sentence of 6 months valid for a year.

I spent my sentence in Ofer prison where I did a lot of weight lifting. I also attended some classes. My parents only visited me twice because it took a long time for their permit to be issued.

I was released on 31 March 2018 and I arrived home with my parents at around noon.



# TRANSLATION (FORMAL PARTS)

## Israeli Police

To: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_  
 File Number: \_\_\_\_\_

## Police Summons

Please come to our office \_\_\_\_\_ Location: \_\_\_\_\_  
 \_\_\_\_\_

On: \_\_\_\_\_ At: \_\_\_\_\_

For \_\_\_\_\_

Bring with you: \_\_\_\_\_

Ask for: \_\_\_\_\_ Room number: \_\_\_\_\_ Floor: \_\_\_\_\_

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

Unit stamp

Name: \_\_\_\_\_ Personal number: \_\_\_\_\_ Rank: \_\_\_\_\_ Signature: \_\_\_\_\_

**ANNEXURE D**  
**STANDARD FOR ARREST DOCUMENT**  
**HANDWRITTEN DETAILS IN HEBREW**

**טופס הודעה על מעצר של קטין ועל חקירתו**  
**במודח אחריות על מעצרו, פאטר והנחקר, מע**

חובה למלא טופס זה בכל מעצר של קטין מתחת לגיל 18.  
 יש להשאיר עותק אחד של הטופס אצל בן המשפחה שחתם עליו.  
 מרשים מזהים של העצור:

שם העצור (שם מרובע) الاسم الرباعي	[Redacted]
מקום ביצוע המעצר מקום الاعتقال	בית פז
מירוט החשדות נגד העצור תفاصيل الاتهام ضد المعتقل	1. חשד בלתי חוקי 2. חשד בלתי חוקי 3. חשד בלתי חוקי
תחנת המשטרה בו עתידה להתבצע חקירתו של העצור (חקר בעיגול) مركز الشرطة الذي سيتم به التحقيق مع المعتقل:	1. [Redacted] 2. [Redacted] 3. [Redacted] 4. [Redacted] 5. [Redacted]
פרטי ממלא הטופס تفاصيل معني النموذج:	1. [Redacted] 2. [Redacted] 3. [Redacted] 4. [Redacted] 5. [Redacted]
שם الاسم	מר. [Redacted]
חתימה التوقيع	[Redacted]
פרטי מקבל ההודעה تفاصيل متلقي الخبر:	[Redacted]
שם الاسم	[Redacted]
קרבה לעצור صلة القرابة للمعتقل	אב
חתימתו التوقيع	[Redacted]
ת.ז. رقم الهوية	[Redacted]
תאריך تاريخ	25/06/17

אם מקבל ההודעה מוכן לחתום על הטופס, יחתום מוסר ההודעה במקומו וימין שחבר ההודעה סיד

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

دولة اسرائيل

جهاز الأمن العام

صحيفة بيانات للشخص المعتقل

انت موجود الآن في تحقيق لجهاز الأمن العام تشترك فيه شرطة اسرائيل، وتكون مشتبها بارتكاب مخالفات كما جاء في امر الاعتقال.

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

1. ان يتم تليغ الجهة التي تختارها عن اعتقالك.
  2. يحق لك استشارة المحامي الذي تختاره.
  3. يحق لك ان تقدم للمحكمة في اي وقت وبموجب تعاليم القانون المفروضة عليك باي ادعاء او طلب، بخصوص اعتقالك وذلك إما شخصياً او بواسطة المحامي الذي يوكله.
  4. لست مجبراً على الادلاء خلال التحقيق بما من شأنه ان يدينك، ولكن امتناعك عن الاجابة عن اسئلة قد يقوي الأدلة ضدك.
- ثانياً: الحقوق المتعلقة بطرؤفك في المعتقل
1. من حقتك ان تستحم مرة واحدة يومياً، لكن بإمكان القائم على التحقيق وفي ظروف معينة، ان يؤجل ممارسة هذا الحق لفترة لا تزيد عن ثلاثة ايام.
  2. يحق لك اسلام ملابس.
  3. يحق لك اسلام بطايات لاستعمالك الشخصي.
  4. لك الحق بالعلاج الطبي المناسب بعد ان يفحصك طبيب.
- ثالثاً: واجبات وقيود
1. حسب القانون، يمكن عدم السماح باجراء مقابلة بينك وبين المحامي الذي وكلته، وذلك بموجب الاسباب المنصوص عليها فيه.
  2. في هذه الحالة، يتم تمديد فترة اعتقالك بواسطة المحكمة، دون ان تتمكن من مقابلة محاميتك، مع العلم انه يستطيع تقديم ادعاء نيابة عنك.
  3. استناداً الى القانون ننذكرك ألا تعتمد الى غرفة التحقيق اذ ان غرفة التحقيق -او محاولة ذلك- تعتبر عدلاً جانبياً.
  4. بموجب عليك المحافظة على نظافة الغرفة وعلى سلامة العهدة التي اسلمتها.
  5. اذا لم نعلم بأداء الواجبات المتعلقة بالانضباط داخل المعتقل فستعرض لانتخالل الاجراءات التي ينص عليها القانون لفرض الانضباط.
- وأخيراً: تعليمات عامة
- بخصوص اي مشكلة او طلب، عليك التوجه الى المسؤول عن التحقيق معك في مكان اعتقالك.

إقرار

أقر ابي قرأت ما جاء في صحيفة البيانات هذه واستوعبت قواها:

اسم الشخص المعتقل \_\_\_\_\_ توقيع الشخص المعتقل \_\_\_\_\_ التاريخ والساعة \_\_\_\_\_

تم التوقيع أمام الملقب \_\_\_\_\_

## TRANSLATION

State of Israel

General Security Service

Document for Detained Person

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

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

### First: Legal rights

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

### Second: Rights pertaining to your prison conditions

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

### Third: Obligations and restrictions

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

**ANNEXURE F**  
**UK LAWYERS' DELEGATION**  
**STATEMENT – 16 FEBRUARY 2016**

## Children in Military Custody

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

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

‘A wide range of senior Israeli officials met with the delegation and openly shared Israel's dilemmas on these issues. Israel, as an open society, has an ongoing dialogue with civil society representatives in Israel and from the international community, including the UK. Israel notes the detailed recommendations in the report and will study them closely as part of its ongoing efforts to find the most appropriate balance between preventing violence and treating perpetrators with humanity’.<sup>1</sup>

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

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

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

<sup>1</sup><http://embassies.gov.il/london/NewsAndEvents/press-release/Pages/Israeli-Response-to-British-lawyers%E2%80%99-report-on-Minors-in-Custody.aspx>

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

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

16<sup>th</sup> February 2016



## End Notes

<sup>1</sup> The UN estimates that between June 1967 and January 2008, 700,000 Palestinians were "imprisoned". This estimate suggests an annual average of 17,000 giving a total of 867,000 after 51 years (See: UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Professor John Dugard, Human Rights Situation in Palestine and Other Occupied Arab Territories, 21 January 2008, A/HRC/7/17, paragraph 45). According to references cited in the IDF Law Review, Vol. 18 (2005), page 299 at page 300, in the 8 years between 1993 and 2000, 124,000 "prosecutions" were conducted in the military courts, with an annual average of 15,500. This would translate into 790,500 prosecutions since June 1967 if one assumes a constant rate for the past 51 years. According to the Annual Activity Report of the Military Courts, between 2008 and 2013, an average of 8,343 "indictments" were filed, or 425,493 indictments since 1967, assuming a constant rate. This figure does not include those detained but released without indictment - a number that is likely to be substantial. In the case of children according to information provided by the Israeli military authorities pursuant to a Freedom of Information application, between 2013 and 2015 an annual average of 912 children were arrested by the military in the West Bank over the course of 3 years. Assuming a constant rate for 51 years, this would total 46,512 children.

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

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

<sup>4</sup> See also UNICEF: Children in Israeli Military Detention – Bulletin No. 2 (February 2015). Available at: <https://is.gd/miEAI0>

<sup>5</sup> In November 2017, Association for Civil Rights in Israel (ACRI) filed Freedom of Information applications with the police and military for arrest data in the West Bank for 2016. ACRI received an incomplete response in March 2018 which contained inherent inconsistencies between information provided by the military and the police. It is hoped that a follow-up FOI application will resolve these issues.

<sup>6</sup> *Ibid.*

<sup>7</sup> MCW statement dated 22 September 2016. Available at: <https://is.gd/1yO8Oz>. See also Hamoked: Childhood in Chains (April 2018), page 10. Available at: <https://is.gd/NNIc2v>.

<sup>8</sup> The military's standard operating procedures for the use of hand ties introduced in 2010 provide as follows: 1) Hands should be tied in front unless security considerations require tying from behind; 2) Three plastic ties should be used, one around each wrist with one connecting the two; 3) There should be a finger space between the ties and each wrist; 4) The restraints should avoid causing suffering as much as possible; and 5) The officer in charge is responsible for ensuring compliance with these procedures.

<sup>9</sup> Supra note 5.

<sup>10</sup> Supra note 5.

<sup>11</sup> This time period can be extended by 24 hours for urgent investigation needs.

<sup>12</sup> This time period can be extended by 48 hours for urgent investigation needs.

<sup>13</sup> This time period can be extended by 96 hours for urgent investigation needs.

<sup>14</sup> Based on an average annual detention rate of 912 children (see paragraph 3.2) and applying a transfer rate of 61 percent (see paragraph 7.1) from January 2015 to June 2018 (556 children multiplied by 3.5 years = 1,946).

<sup>15</sup> Youth (Trial, Punishment and Modes of Treatment) Law (1971)

<sup>16</sup> In September 2011, Military Order 1676 came into effect requiring that all children below the age of 18 be tried before a military juvenile judge. However, provisions relating to arrest, detention, interrogation and sentencing for adults still apply to youths aged 16 and 17.

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

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<sup>18</sup> 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.

<sup>19</sup> This time period can be extended by 12 hours for urgent investigation needs.

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

<sup>21</sup> This time period can be extended by 12 hours for urgent investigation needs.

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

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

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

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

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

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

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