



Military Court Watch

Monitoring the treatment of children in Israeli military detention

MONITORING THE TREATMENT OF CHILDREN HELD IN ISRAELI MILITARY DETENTION

ANNUAL REPORT – 2019/20

Date: 30 June 2020

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 law.

This publication was produced with the financial support of the Federal Republic of Germany. Its contents are the sole responsibility of Military Court Watch and do not necessarily reflect the views of the Federal Republic of Germany.



Federal Foreign Office



Index

Executive summary	3
Background	3
Detention figures	5
Current evidence of issues of concern	6
Comparative Graph - Issues of Concern (2013-2020)	16
Recent developments	17
Forcible transfer and unlawful detention	18
Unlawful discrimination	20
Accountability	21
A link between child detention and the settlements	21
Recommendations	22
Annexure A – Chronology of major developments	23
Annexure B – Testimonial evidence	27
Annexure C – Summons	44
Annexure D - Arrest document	46
Annexure E – GSS (ISA) rights in custody	47
Annexure F – UK lawyers’ delegation (statement)	49
Endnotes	50

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 2019 and 2020 (reporting period). In addition to reviewing relevant legal and procedural changes in the system the report considers the findings from **100 testimonies** collected from children detained during 2019. The report also includes a comparative graph tracking 13 issues of concern since 2013 based on **795 testimonies** (page 16).
- 1.2 In 2019, there was a **27 percent decline** in the monthly average number of children detained and some improvement was recorded in six out of the 13 issues of concern (**46 percent**) tracked and recorded by MCW in the comparative graph. Seven issues recorded a deterioration during the reporting period (**54 percent**).
- 1.3 While noting a number of positive developments in recent years, the evidence suggests that these have generally not translated into a significant substantive 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 2020.
- 1.4 The evidence discloses that during the reporting period the majority of children continued to be arrested in night-time military raids on their homes; tied and blindfolded; transferred to an interrogation centre on the floor of military vehicles; experience some physical and verbal abuse as well as threats; and continue to be questioned without prior access to a lawyer or being informed of their right to silence – as required under Israeli military law.
- 1.5 Data from the Israeli Prison Service (IPS) confirms that during the reporting period the practice of forcibly transferring Palestinian children out of the West Bank and unlawfully detaining them in prisons in Israel in violation of the Fourth Geneva Convention and potentially the Rome Statute of the International Criminal Court continued as part of a systematic policy. Since the Office of the Prosecutor of the ICC initiated a preliminary examination into Palestine in January 2015, over **1,300 children** have been forcibly transferred and/or unlawfully detained.¹
- 1.6 Finally, as in previous years, the evidence suggests a strong geographic link between Israeli West Bank settlements (and their associated road network) and the military detention of children living nearby. In 2019, the children who were detained, lived on average, within **900 metres** of a West Bank settlement built in violation of the Fourth Geneva Convention - the same Convention relied on by the military authorities to [justify](#) prosecuting these children in military courts.

2. Background

- 2.1 This year marks 53 years since the imposition of Israeli military law in the West Bank and the establishment of military courts for the prosecution of Palestinian civilians, including children aged 12-17 years inclusive. During this period UN estimates and data from the military authorities suggest over 800,000 Palestinians have been imprisoned,² of which about 4 percent were children (32,400).³ Available evidence suggests that approximately 605,000 of those detained, including 26,500 children, were indicted and prosecuted in the military courts, although it is difficult to obtain reliable and constant data covering the entire period.⁴

- 2.2 Since its inception, the military detention system has been plagued by reports of systematic abuse and denial of legal rights guaranteed under applicable law. Concerns have been raised by UN General-Secretaries, UN agencies, the US State Department, members of the US Congress, the EU, governments of the UK, Norway, the Netherlands and Australia, independent lawyer groups, as well as Palestinian, Israeli and international organisations, among others.⁵
- 2.3 In 2012, a delegation of independent UK lawyers reviewed the military detention system in the West Bank. The Foreign Office funded report – [Children in Military Custody](#) (UK Report) – found undisputed evidence that the military detention system violated at least six articles under the UN Convention on the Rights of the Child and two articles under the Fourth Geneva Convention. The following year, UNICEF published the report - [Children in Israeli Military Detention](#) (UNICEF Report) - which concluded that "the ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalised throughout the process."
- 2.4 Following the publication of these reports the Israeli Ministry of Foreign Affairs announced that it would "study the conclusions and work to implement them through on-going co-operation with UNICEF". During the intervening years there have been a number of legal, procedural and administrative developments in the system relevant to the treatment of children including, but not limited to, the following:
- (i) A new military order reducing the period of time within which a child must be brought before a military judge following arrest;⁶
 - (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;
 - (v) The introduction of a pilot scheme to use summonses in lieu of arresting children at night; and
 - (vi) The discretion to order social welfare reports at remand hearings in the military courts.

A chronology of all major developments is included in **Annexure A**.⁷

- 2.5 Based on developments up to June 2020, and the evidence collected during the reporting period, this report considers whether the introduction of these changes by the military authorities have materially improved the conditions for child detainees.

3. Detention figures

- 3.1 According to data provided by the Israeli Prison Service (IPS), the monthly average number of children held in military detention in 2019 was **198**, representing a **27 percent decline** compared with the previous year. During the reporting period average child detention rates returned to 2013 levels following a four-year spike. According to the most recent data published by the IPS, 168 children were held in military detention at the end of April 2020.
- 3.2 The latest IPS data for April 2020 includes one child held without charge or trial in [administrative detention](#). All of the children detained in 2019 were males and during the first four months of 2020, no girls were detained. There are currently no children below the age of 14 in IPS detention. The age breakdown for children in detention for the previous 8 years is as follows:

Age	2013	2014	2015	2016	2017	2018	2019	2020
12-13 years	< 1%	0%	< 1%	< 1%	1%	< 1%	< 1%	< 1%
14-15 years	16%	12%	19%	24%	20%	22%	17%	13%
16-17 years	84%	88%	81%	75%	79%	78%	83%	87%

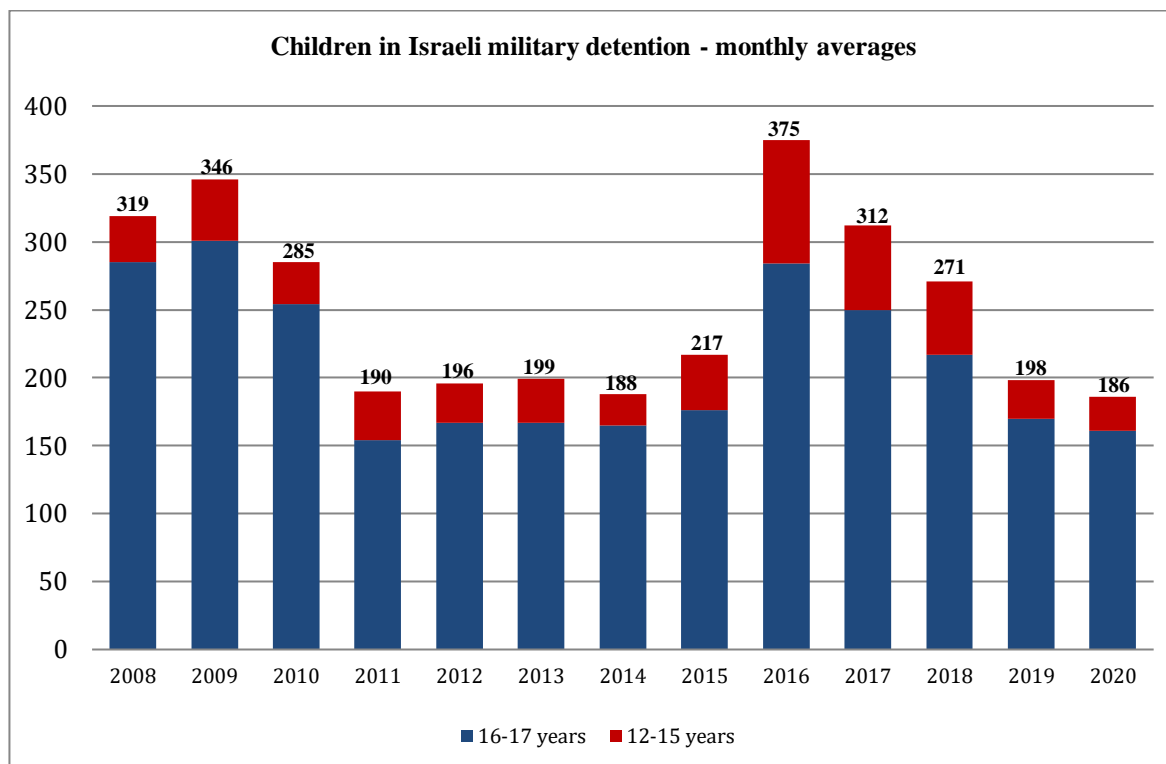
- 3.3 There is a lack of clarity and regularity in the data released by the authorities making it difficult to ascertain with precision the total number of children detained each year. Based on the official data that is available, approximately 800 children were arrested each year between 2013 and 2015, of which 500 were prosecuted in the military courts. A further 350 children were detained for periods of less than 6 hours, as provided for under military law. No accurate official data has been produced for 2016, 2017, 2018 or 2019.⁸

Year	Short detention (3-6 hrs)	Arrested (Indicted)	Total
2013 ⁹	349	655 (465)	1,004
2014 ¹⁰	n/a	861 (499)	n/a
2015 ¹¹	n/a	871 (540)	n/a
Average	349	796 (501)	1,004

- 3.4 The following table summarizes how the 100 cases documented by MCW in 2019 were dealt with by the military authorities and courts.

Issue		Average detention / sentence			Total
Released without charge		5 days			21%
Administrative detention		5 months			2%
Indicted	Released on bail	14 days			12% ¹²
	Sentenced	4 months in prison	NIS 2,000 fine	4 months suspended ¹³	69%
Total					100

- 3.5 Official data relating to the monthly average number of Palestinian children detained by the military authorities and held in IPS prisons between 2008-2020 is presented in the following table. Note that it is not possible to ascertain from this data the total number of children held in in IPS facilities each year and it does not include short detentions of less than 6 hours, which accounted for 35 percent of all cases in 2013. However, this data does provide an indication of general trends.¹⁴



4. Current evidence of issues of concern

- 4.1 As part of MCW's monitoring programme, a number of issues of concern relating to the treatment of children in detention are tracked by reference to recent evidence. It should be noted that in each case children reported multiple violations across a range of issues. Twelve complete testimonies, one for each month in 2019, are included at the end of this report (**Annexure B**). Based on **100 testimonies** collected from children detained in the West Bank in 2019, the evidence indicates as follows:

- (i) **Night arrests – 68 percent** of children reported being arrested by the military at night between the hours of 22:00 and 05:00. This compares with 51 percent at the time UNICEF issued its report in 2013. Night arrest operations have a tendency to intimidate targeted communities and children report being “scared” or “terrified” when confronted with heavily armed soldiers in their homes or bedrooms. This sense of fear only increases in cases where the front door is broken in or explosives are used by the military to gain access to the house.

“My mother woke me up and told me soldiers were trying to break open our front door. It was around 2:30 a.m. My father rushed and opened the door and about 40 soldiers entered our home. I stood and watched in shock.”

[K.M.A.L.](#) (14 years) – Al’Arrub refugee camp, West Bank – 15 December 2019

- (ii) **Summons in lieu of night arrests – 8 percent** of children reported being served with a written summons. A pilot scheme to issue summonses in lieu of night arrests was [introduced](#) in 2014. The scheme’s introduction followed [widespread criticism](#) of the practice of detaining children at night. In cases where summonses were used, **100 percent** were delivered at [night](#) in military raids – largely defeating the purpose of the scheme. In **38 percent** of cases documented by MCW in 2019, the summonses were written in [Hebrew](#). Summonses were [complied with](#) in **88 percent** of cases. During the first year of the pilot scheme the military authorities stated that they kept no statistics relating to the scheme to enable assessment. Since then, the military authorities have been unable, or unwilling, to provide any statistics relating to its operation, calling into question the *bona fides* of the scheme.¹⁵ (**Annexure C**)

“Soldiers raided our home at around 3:00 a.m. and gave my father a summons to take me to the police station later that day for questioning. They also arrested my older brother and took him away. After the soldiers left I could not go back to sleep because I was scared.”

[R.A.M.Q.](#) (12 years) – Al’ Arrub refugee camp, West Bank – 29 December 2019

- (iii) **Written notification of arrest – In 49 percent** of cases where children were arrested from home it was reported that no written notification of the reasons for arrest or place of detention were provided. This is despite the military [informing](#) UNICEF in April 2013 that a standard form written in Arabic and Hebrew must be given to parents of children arrested at home in every case ([Arabic/English](#)). In cases where written notification was provided to parents it was reported that in **61 percent** of cases the details were handwritten in [Hebrew](#). The printed forms used to notify parents still provide no information about the child’s legal rights while in custody. (**Annexure D**).

“I woke up at around 2:30 a.m. when a soldier shone a torchlight into my bedroom. After searching our house the soldiers pushed my mother and sisters into one of the rooms and took me and my father and brother into another. The commander told my father he wanted to arrest me and gave my father a [document](#) with details about my arrest filled out in Hebrew.”

[H.I.R.Z.](#) (16 years) – Qabatiya, West Bank – 26 August 2019

- (iv) **Hand ties – 97 percent** of children reported being hand tied upon arrest. This compares with 96 percent at the time UNICEF issued its report in 2013. The ties are often described as “[painful](#)”; “[very tight and painful](#)” or “[unbearably painful](#)” and in some cases [cut wrists](#), [cause swelling](#) and/or cause hands to [turn blue](#). Children continue to be shackled by the ankles during court appearances. In **87 percent** of cases where children were restrained the evidence indicates non-compliance with the military’s own [Standard Operating Procedures](#) for the use of hand ties introduced in 2010 following a petition to Israel’s High Court of Justice.¹⁶

“My mother woke me up at around 3:00 a.m. and told me soldiers were in our house [...] Then, without giving us any documentation, a soldier tied my hands behind my back with two plastic ties on top of each other and tightened them very hard. The ties were very painful and my hands turned blue and I lost sensation which was scary. The ties left marks on my wrists for days.”

[M.A.M.R.](#) (16 years) – Bethlehem, 25 August 2019

- (v) **Blindfolds – 92 percent** of children reported being blindfolded or hooded upon arrest. This compares with 81 percent at the time UNICEF issued its report in 2013. UNICEF has recommended that this practice be prohibited in all circumstances involving children. In some cases children report that they [remained blindfolded](#) for at least part of their interrogation. Although of questionable legality, the evidence suggests that blindfolding children does effectively “soften them up” for interrogation making it easier to obtain confessions. In August 2019, lawyers for the military authorities [informed](#) Israel’s High Court “that military orders and regulations forbid blindfolding of detainees, and action to clarify the rules has been taken and will continue to be taken on a continuous basis.” Since providing the Court with this undertaking, **88 percent** of child detainees reported being blindfolded.

“Then they tied my hands to the front with one plastic tie which was very painful. It left marks on my wrists for a long time. I was also blindfolded before being taken to a military vehicle and made to sit on the metal floor. I could not find my way easily because I was blindfolded and a soldier got impatient with me and hit me on my head. It was an unexpected shock.”

[A.A.M.R.](#) (13 years) – Al’Arrub refugee camp, West Bank – 19 October 2019

- (vi) **Floor transfer – 51 percent** of children reported being transported on the metal floor of military vehicles from the place of arrest to an interrogation centre. This compares with 45 percent at the time UNICEF issued its report in 2013. The evidence indicates that children are sometimes placed on the floor because there are no available seats, while on other occasions it appears that [seats are available](#). Once on the floor children are sometimes [pushed](#), [kicked](#), [beaten](#), [verbally abused](#) and/or [humiliated](#).

“Later I was taken to the back of a military vehicle and made to sit on the metal floor. I hit my head on something metal because I could not see from under the blindfold. I sat between the soldiers’ legs and one of them stuck his boot in my face. I think he wanted me to smell the horrible smell that came from his feet.”

[S.Y.M.L.](#) (16 years) – Al ‘Arrub refugee camp, West Bank – 2 February 2019

- (vii) **Verbal abuse – 58 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.

“The interrogator did not tell me I had the right to consult with a lawyer and did not say anything about my right to remain silent. He told me if I did not speak he was going to arrest all my family. Then he asked me whether I threw stones at soldiers. I told him I did not. He swore at me and called me “a son of a whore” and he cursed god. Then he pulled out a voice recorder and placed it on the table in front of him.”

[M.A.S.B.](#) (16 years) – Al’ Azza, West Bank – 4 December 2019

- (viii) **Physical abuse – 56 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: [punching](#); [slapping](#); [kicking](#); [punched in the head while blindfolded](#); [fingers stepped on](#); [beaten with the back of a gun](#); [head banged against a wall](#); [slapped while blindfolded](#); [struck on the head with a helmet](#); [pushed to the ground](#); and the [deliberate tightening of hand-ties](#). Some children also report that their complaints of abuse were [ignored](#) by army doctors.

“I was taken to a nearby building which was taken over by settlers where I was given a medical examination. On the way I was slapped on the head and kicked on the legs. The soldiers deliberately tried to trip me and they swore at me. I complained to the doctor who examined me and told him I was beaten by the soldiers but he told me to shut up because I was not beaten. At around 6:00 a.m. I was taken to the police station in Etzion settlement.”

[A.R.N.D.](#) (16 years) – Al ‘Arrub refugee camp, West Bank – 5 August 2019

- (ix) **Threats – 70 percent** of children reported being subjected to threats during arrest, transfer and/or interrogation. This compares with 47 percent at the time UNICEF issued its report in 2013. Threats are most commonly used during interrogation to obtain a

confession and are frequently mixed with [shouting](#) and [aggressive behavior](#). The types of threats reported include: [detention](#); [long-term detention](#); [arresting other family members](#); statements such as [“cooperate if you don’t want to be hurt”](#) and [“if you don’t confess my men will come in and do what they normally do”](#) and [“I’ll bring soldiers to beat you up”](#) and [“you will rot in prison”](#) and [“I’ll break your bones”](#) and [“I will send you to the cells if you don’t confess”](#) and [“any wrong move and I will send you to the hospital”](#); [revoking family work permits](#); [solitary confinement](#); [death threats](#) (shooting); [no family visits](#) in prison; implication in more [serious offences](#), such as murder; suggesting [imminent violence](#); a [harsh interrogation](#); [family members held indefinitely](#) until confession; [electrocution](#) with a taser; [weapon cocked](#) close by while blindfolded; unspecified [humiliation](#); and a [false accusation](#) of stabbing. In other cases children are offered inducements to confess or provide information about others, such as the offer of [work permits](#).

“At the base I was examined by a doctor. He examined me without removing the tie or the blindfold. I waited many hours before I was taken to the police station in Etzion settlement for interrogation. During this time I could hear soldiers cock their guns and say “shoot, shoot”. I was scared because I was blindfolded and could not see what was going on. Sometime later I was interrogated.”

[M.S.M.H.](#) (13 years) – Bethlehem, West Bank – 11 September 2019

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

“My sister told me soldiers were in our home. It was 4:00 a.m. I waited a long time in the military vehicle. A female soldier told me to sit on a seat but another soldier pushed me back to the floor. Then I was taken to the military tower at the entrance to the camp where I waited for a while. Then I was taken to the checkpoint near Beit Jala. Then I was taken to a place I did not recognise. I pulled down the blindfold but a soldier put it back on and tightened it. Then someone asked whether I was given food but before the food arrived I was taken to the police station in Etzion settlement. I was left out in the cold for about two hours and then taken for interrogation.”

[A.A.M.R.](#) (13 years) – Al’ Arrub refugee camp, West Bank – 19 October 2019

- (xi) **Strip searched – 69 percent** of children reported being strip searched on arrival at a detention centre. Some children report having to “[crouch up and down naked](#)” while being searched. Unsurprisingly, many children find this procedure humiliating. The military and prison authorities continue to disregard UNICEF’s [recommendations](#) as to how these searches should be conducted.

“After the interrogation I was taken to Ofer military court. The military judge decided to extend my detention for more interrogation. Then I was taken to Ofer prison where I was strip searched and I was asked to crouch up and down while naked which was very embarrassing.”

[Y.I.M.Z.](#) (17 years) – Al Jalazun refugee camp, West Bank – 14 February 2019

- (xii) **Accompanied by a parent – 2 percent** of children reported being accompanied by a parent or guardian throughout their interrogation. This compares with 4 percent at the time UNICEF issued its report in 2013. While there is no legal right under Israeli military law for a parent to accompany a child during interrogation in security offences, the military authorities have acknowledged that there is a [discretion](#) to permit parents to be present. Be that as it may parents who do show up at an interrogation centre where their child is being questioned are generally [not permitted](#) into the interrogation room with their child.

“Later that morning my father and I went to the police station in Etzion settlement as ordered. We were there at 8:30 a.m. We waited for about 30 minutes and then I was taken inside for interrogation. They did not allow my father to accompany me.”

[M.D.M.N.](#) (14 years) – Al’ Arrub refugee camp, West Bank – 5 August 2019

- (xiii) **Access to lawyers – 66 percent** of children reported being denied access to a lawyer prior to questioning. This compares with 100 percent at the time UNICEF issued its report in 2013. Under Israeli military law a detainee has the right to consult with a lawyer prior to interrogation. There are exceptions but generally these do not apply to children. In **97 percent** of cases where a child did speak to a lawyer prior to interrogation the consultation occurred over the [phone](#) and usually lasted less than [a minute](#) or [two](#). These calls are frequently on [speaker phone](#) with the [interrogator listening](#). The [legal advice provided](#) is sometimes [questionable](#) and some children [report](#) being [suspicious](#) of the [person](#) on the [phone](#). In one case a child reported that he was told to leave the interrogation room while the interrogator spoke [privately](#) with his lawyer. Many children report only consulting with a lawyer [half-way through](#) or at the [conclusion](#) of the interrogation. Further, children who are shown a [document](#) about their legal rights frequently display a lack of [comprehension](#) and are, in any event, [denied](#) the rights [mentioned](#). The military authorities do not provide legal aid in the military courts for security offences and legal representation is paid for by the families, the Palestinian Authority, or foreign donors. The majority of interrogations continue to occur in West Bank settlements.

“The interrogator wore civilian clothes and had a gun on his side. He removed the tie and blindfold and asked me for my name. Then he asked me what I was doing in his office [...] Then he accused me of throwing a Molotov cocktail. I denied the accusation. Then he phoned a lawyer and allowed me to speak to him. The lawyer told me not to be scared and to say what I had to say and then they would send me to Ofer prison. The interrogator remained in the room and listened to the conversation which lasted for about a minute.”

[H.H.S.J.](#) (16 years) – Sa’ir, West Bank – 13 April 2019

- (xiv) **Right to silence – 74 percent** of children reported not being informed of their right to silence. This compares with 96 percent at the time UNICEF issued its report in 2013. As in previous years many children are told that they must talk and are [threatened](#) if they do not. Many children who are informed of the right are only done so at the [conclusion](#) of the interrogation, or after [multiple interrogations](#). Many children who are [informed](#) of their [right to silence display](#) a lack of [comprehension](#) as to what it [means](#). In other cases the children are told they can remain silent but they will be “[the loser](#)” or be “[humiliated](#)” if they exercise the right. In the few cases where a child does attempt to exercise the right to silence they are [threatened](#). A copy of a document (Arabic) provided to children during some interrogations regarding their legal rights is included in **Annexure E**.

“The interrogator wore civilian clothes and had a camera and a voice recorder in the room. He warned me any wrong move by me and he would “send me to the hospital.” I understood this to mean that he would beat me severely. Then he gave me a document about my right to silence which also said he was not allowed to beat me. It also said I had the right to consult with a lawyer. The interrogator made me sign it although I did not consult with a lawyer.”

[I.L.M.J.](#) (15 years) – Bitar Illit police station – 29 December 2019

- (xv) **Solitary confinement – 8 percent** of children reported being held in solitary confinement ranging in periods from 2–19 days. Most children held in solitary confinement are done so as part of the [interrogation process](#), although [two](#) children reported being held in solitary confinement in Damoun prison as [punishment](#) for taking part in protests against poor conditions. Children have reported being held in solitary confinement in prisons and interrogation centres in Israel and the West Bank including: Ramleh, Ashkelon and Damoun prisons, as well as Etzion, Al Jalame and Al Maskobiyya interrogation centres. In 2013 [UNICEF](#) recommended that “in no circumstances whatsoever should a child be held in solitary confinement” while the [UK Report](#) noted that “to hold children routinely and for substantial periods in solitary confinement would, if it occurred, be capable of amounting to torture.”

“Then I was taken to a tiny cell. My legs touched the wall when I slept. It did not have any windows and the sink leaked on the floor. The light in the cell flickered all the time. There was a blanket in the cell but I could not sleep. During this time I was taken back and forth to the interrogation room over about four hours [...] Then I was taken back to the cell where I remained for three days. I found it hard to sleep because of the light and the small size of the cell. I was given terrible food, some rice which was sometimes not cooked properly [...]. I would fall asleep for an hour at a time and then wake up. I was not able to tell whether it was day or night.”

[M.A.M.R.](#) (16 years) – Etzion interrogation centre, West Bank – 25 August 2019

- (xvi) **Recruitment of child informants** – Children are generally cautious about discussing attempts to recruit them as informants during the interrogation phase of their detention although some are forthcoming. It is difficult to estimate how widespread attempts to recruit children as informants are, but estimates provided to MCW by families in towns and villages across the West Bank range from collaboration rates of **20-60 percent** for adults and children. 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.

“Later the interrogator accused me of throwing stones during clashes on 27 October 2019 and showed me a photograph. He told me he got the photograph from an informant. At first I denied the accusation but when he punched me again I confessed.”

[M.A.M.Q.](#) (15 years) – Al’ Arrub refugee camp, West Bank – 29 December 2019

- (xvii) **Documentation in Hebrew** – **73 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. Documentation provided at the time of arrest generally also includes [handwritten information](#) specific to that case written in Hebrew by the arresting officer.

“The interrogator told me I had caused a problem but did not specify exactly what. I denied I had done anything wrong. Then he told me I must have done something because it was inconceivable that I would be brought to his office for nothing and insisted I had to tell him what it was. I told him I had nothing to say. Then he told me other boys had confessed against me but did not tell me what exactly they had confessed. He questioned me for about an hour and banged the table each time I refused to confess. At the end of the interrogation he showed me a document in Hebrew and asked me to sign it and I did because it did not occur to me that I should not have signed it.”

[M.H.M.M.](#) (14 years) – Aida refugee camp, West Bank – 6 November 2019

- (xviii) **Bail** – In **88 percent** of cases documented by MCW in 2019, children who were indicted in the military courts were denied bail and remanded in custody until the end of proceedings. By way of contrast, approximately 18 percent of children indicted in Israel’s civilian juvenile justice system are denied bail.¹⁷ The evidence indicates that children who are released on bail spend, on average, 14 days in prison prior to their release, with one child spending [43 days](#) in custody.
- (xix) **Conviction rate** – According to [data](#) obtained under a freedom of information application, **95 percent** of children indicted in the military courts in 2015 were convicted. This compares with a conviction rate of 98 percent in 2014. At the time of writing MCW has been unable to obtain official data for 2016, 2017, 2018 or 2019.¹⁸ In 2019, MCW did not document any cases where the child was acquitted following an evidentiary hearing.
- (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 2019, an [average](#) of 1.8 children were held in administrative detention at any given time, rising to 2.3 children in the first four months of 2020.

“I had three military court hearings and at the last one I was served with an administrative detention order for four months. I was not charged with anything. It was a very hard experience because I knew the authorities could renew the order at the last minute.”

[S.M.H.A.](#) (16 years) – Ofer prison – 4 September 2019

- (xxi) **Education in prison** - Education opportunities for Palestinian children inside IPS facilities remain limited. Where education is available, it is generally restricted to

Arabic, Hebrew and mathematics, with a prohibition on teaching history, geography and the sciences based on “security considerations”. When education is available, it is insufficient to ensure the child’s smooth reintegration back into the Palestinian school system and children frequently [drop-out](#) of school upon their [release](#).

“During the prison sentence I was transferred to another prison because I had an argument with a prison guard. As punishment they made me sign a document giving up my right to a family visit. I left school about a year ago when I was arrested the first time because I did not want to repeat my class.”

[M.Y.M.D.](#) (16 years) – Qalqiliya – 11 March 2019

- (xxii) **Family visits in prison** – Under IPS regulations children are entitled to a family visit (2 persons) every 2 weeks of 45 minutes duration. 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](#). In one case a child reports being told to sign a document giving up his family visits as [punishment](#) for arguing with a prison guard. In March 2020, all family visits to prisons were halted in response to the Corona virus.

“I spent two months in Ofer prison and then I was transferred to Megiddo prison inside Israel. I found this transition very hard because I had made friends at Ofer. My parents did not visit me in prison at all because they were denied permits for security reasons.”

[Y.Y.Z.D.](#) (14 years) – Megiddo prison, Israel – 9 January 2019

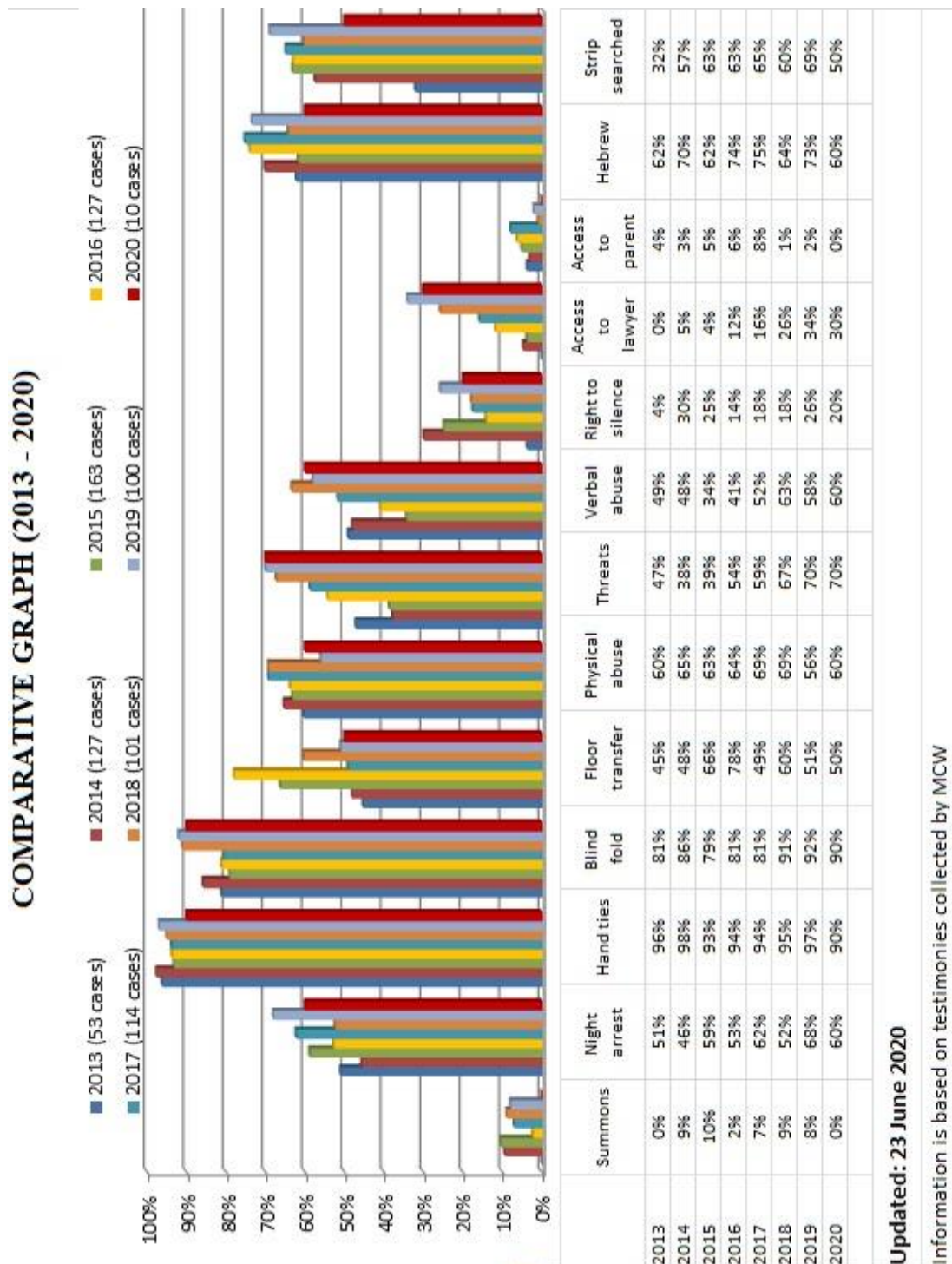
- (xxiii) **Telephone communication in prison** - Unlike Israeli child detainees, Palestinian children were denied official telephone communication with their families while in prison. In March 2019, a petition was filed in the High Court of Justice seeking an order that the IPS allow Palestinian children in detention to maintain regular telephone contact with their families.¹⁹ In response to the ban on family visits due to the Corona virus, the IPS [announced](#) in April 2020 that it had issued a temporary order permitting each child detainee (security prisoner) a single supervised 10-minute call every two weeks while the emergency lasts. Evidence collected by MCW indicates that children held in Damoun prison (Israel) are calling up to 3-times per week and in Megiddo prison (Israel) once per month. MCW has recorded just one case of a child phoning from Ofer prison (West Bank).

“During the last two months the prison management installed pay phones for us and I was able to call my family three times a week for about 15 minutes each time. This was because of the Corona Virus regulations when family visits were suspended.”

[N.A.Y.D.](#) (16 years) – Damoun Prison, Israel – 14 May 2020 (release date)

5. Comparative graph - issues of concern (2013-2020)

- 5.1 The following graph monitors progress across 13 issues of concern and is based on **795 testimonies** collected by MCW between 2013 and 2020 from multiple locations across the West Bank. Out of the 13 issues tracked by the graph in 2019, 6 issues showed some improvement compared to the previous year ([floor transfer](#), [physical abuse](#), [verbal abuse](#), [right to silence](#), [access to lawyers](#) and access to [parents](#)), while 7 issues showed some deterioration ([summonses](#), [night arrests](#), [hand-ties](#), [blindfolds](#), [threats](#), documentation in [Hebrew](#) and [strip searches](#)). This graph is updated each month and is available on MCW's [website](#).



6. Recent developments

- 6.1 **New military orders** – In October 2019, [Military Order 1818](#) came into [effect](#) giving military judges a discretion to order social welfare reports in remand hearings. These reports are mandatory in Israel’s civilian legal system. In September 2019, [Military Order 1822](#) came into [effect](#) limiting access to the military courts in cases involving children. In February 2020, [Military Order 1827](#) came into effect seeking to impose liability on banks holding accounts for Palestinian families receiving funds from the Palestinian Authority relating to detention. In June 2020, [Military Order 1885](#) imposed higher sentences on 12-13-year olds in serious cases.
- 6.2 **Access to minors in the military courts restricted** – During the reporting period access to the military courts was further restricted. While the military authorities continue to [state](#) that: “*As a matter of policy, people who are not direct family members of the defendant can be present as long as the minor and his family agree*” in practice, the policy appears now to be that hearings involving children are closed, even against parents’ wishes. Although this development is framed in terms of the “best interests” of the child, this claim cannot be verified as judges rarely provide adequate reasons for their decisions or attempt to ascertain the child’s best interests. [Read more](#)
- 6.3 **US policy shift undermines Israel’s justification for military courts** – In November 2019, US Secretary of State, Mike Pompeo stated that “the establishment of Israeli civilian settlements in the West Bank is not per se inconsistent with international law”. This statement, by implication, rejects the application of the Fourth Geneva Convention to the West Bank and contradicts Israel’s own [legal rationale](#) for prosecuting Palestinians civilians, including children, in military courts in the West Bank. Were Pompeo’s statement to be correct, there would no legal basis upon which Israel could continue to prosecute Palestinians in military courts. [Read more](#)
- 6.4 **Developments at the International Criminal Court (ICC)** – In December 2019, the Office of the Prosecutor [announced](#) that: “[T]here is a reasonable basis to believe that war crimes have been or are being committed in the West Bank, including East Jerusalem, and the Gaza Strip, and the Prosecution has identified [potential cases](#) arising from the situation which would be admissible.” The Prosecutor has [referred](#) the case to the Court to determine if there is jurisdiction to proceed. Six states (Uganda, Hungary, Czech Republic, Austria, Germany, [Australia](#)) have filed submission seeking to prevent Palestinian access to the Court following [requests](#) by Israel.
- 6.5 **UNICEF report: 7 years on** – In 2013 UNICEF reviewed the treatment of children under Israeli military law and published a [report](#) concluding that “the ill-treatment of children appears to be widespread, systematic and institutionalized”. UNICEF made 38 recommendations and undertook to release regular progress reports which it did in [2013](#) and [2015](#). While both updates noted positive developments, UNICEF concluded that “reports of alleged ill-treatment have not significantly decreased”. MCW estimates that 1 out of 38 recommendations (**2.6 percent**) has been substantially implemented.
- 6.6 **US State Department’s annual report on human rights** – In March 2020, the US State Department published its annual country [report](#) on human rights. The Report is mandated by Congress and documents human rights conditions in 200 countries. The State Department again confirmed that Israel applies two legal systems in the West Bank depending on whether a person is Palestinian or an Israeli settler. The State Department also confirmed that 80 percent of

Palestinians arrested in the West Bank are detained inside Israel. The US maintains sanctions on Russia for similarly transferring Ukrainians out of Crimea to prisons in Russia. [Read more](#)

- 6.7 **UN Secretary-General's Annual Report on Children in Armed Conflict** – In June 2020, the UN released the [Annual Report of the Secretary-General on Children and Armed Conflict](#). In relation to child detention, the report notes that the “United Nations received affidavits from 166 children who reported ill-treatment and breaches of due process by Israeli forces, including physical violence and one threat of sexual violence.” This year’s report again omits to mention that most Palestinian child detainees are forcibly transferred and/or unlawfully detained in prisons located in Israel in violation of the Fourth Geneva Convention. [Read more](#)
- 6.8 **UK Lawyers’ report: 8-years on** – In 2012 a delegation of UK lawyers reviewed the treatment of children under Israeli military law and published their findings and recommendations in a UK Foreign Office funded [report](#). The report found undisputed evidence of violations under at least 6 articles of the UN Convention on the Rights of the Child and 2 articles under the Fourth Geneva Convention. In 2016, a follow-up mission by the delegation, including [Sir Keir Starmer QC MP](#), was [cancelled](#) due to a lack of co-operation by Israeli authorities. MCW estimates that 1 out of the report’s 40 recommendations (**2.5 percent**) has been substantially implemented.
- 6.9 **Formalizing annexation** – While the Trump administration [actively encourages](#) annexation, the wider international response has been largely symbolic. While some states seek to prevent Palestinian access to a judicial process, the EU’s foreign affairs representative, Josep Borrell seeks to [distinguish](#) Israel’s threatened annexation with Russia’s annexation of Crimea – presumably to justify not imposing sanctions should annexation proceed. Meanwhile in the UK, just 9 percent of parliamentarians [endorse](#) sanctions in the event of annexation, although the UK is a strong [proponent](#) of Russian sanctions in order to preserve the so called “rules based order”.

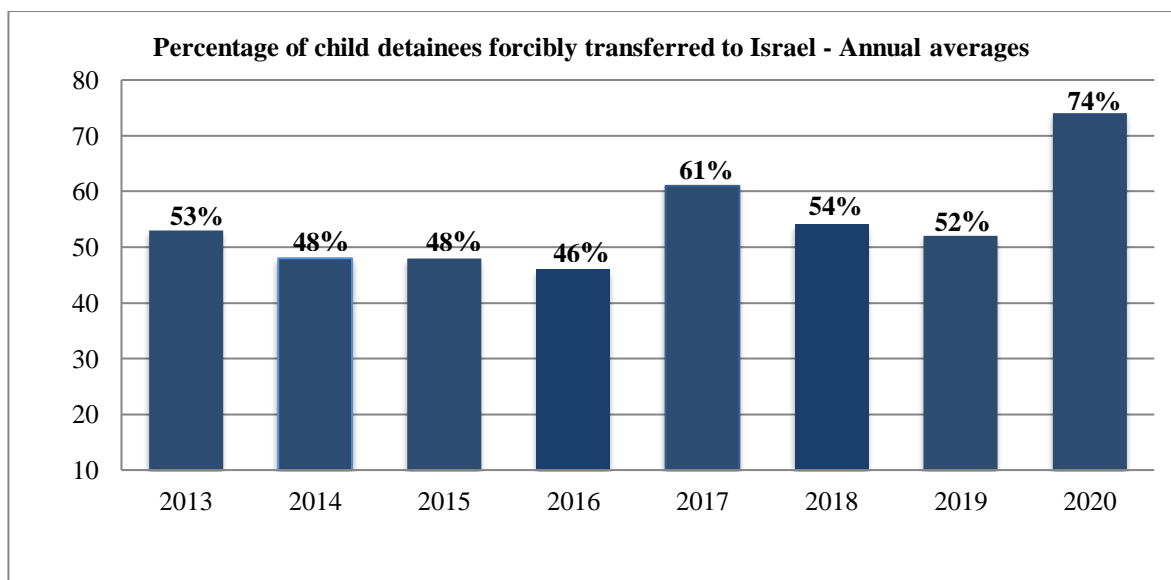
7. Forcible transfer and unlawful detention

- 7.1 According to data released by the IPS, on average **52 percent** of child detainees and 83 percent of adults continued to be forcibly transferred and detained in Israel during 2019. 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 and/or unlawful detention, which commenced in 1967, currently affects around 3,500–4,500 Palestinian detainees annually, including around 260 children.²⁰
- 7.2 The policy of transfer has been challenged in Israel’s Supreme Court twice during the past 30 years (Sejadia (1988) and [Yesh Din](#) (2010) cases). The petitions filed on behalf of the detainees were rejected on both occasions based on the primacy of Israeli domestic law over provisions of international law where the two are in direct conflict. However, this position is not maintainable under international law by virtue of article 27 of the Vienna Convention on the Law of Treaties, reflecting customary international law (Lagrand Case).
- 7.3 Since 2015, MCW has written to a number of diplomatic missions requesting information on each state’s position on the forcible transfer of children from the West Bank.

Request	Date received	Response
US	28 November 2016	Donald A. Blome, US Consul General
Norway	31 January 2017	Jon Hanssen-Bauer, Ambassador
Canada	27 March 2018	Douglas Scott Proudfoot, Representative
Australia	27 March 2018	Matthew Neuhaus, Special Adviser
Netherlands	8 August 2018	Mauritz Verheijden, Charge d'Affaires
EU	26 September 2018	Emanuele Giaufret, EU Ambassador
Australia	18 December 2018	HK Yu, First Assistant Secretary
Netherlands	18 December 2018	Mauritz Verheijden, Deputy Head of Mission
UK	24 July 2019	Philip Hall, Consul General

MCW is still awaiting responses from [Germany](#), [Belgium](#), [Sweden](#), [France](#), [Ireland](#), [Spain](#) and [Denmark](#).

- 7.4 Since the Office of the Prosecutor of the International Criminal Court [announced](#) the opening of a preliminary examination into the situation in Palestine in January 2015, it is estimated that approximately 20,000 Palestinian detainees have been forcibly transferred and/or unlawfully detained inside Israel including over **1,300 children**.²¹



- 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 as the legal basis to do so and in December 2019 the military authorities [continued](#) to rely on the Convention to justify prosecuting Palestinian civilians, including children, in military courts.
- 7.6 In 2013, [UNICEF](#) recommended that: “[I]n accordance with international law, all Palestinian children detained in in the Israeli military detention system shall be held in facilities located in the occupied Palestinian territory.” Based on the data provided by the Israeli Prison Service this recommendation has been rejected, confirming the lack of domestic remedies.

8. Unlawful discrimination

- 8.1 Since 1967, Israel has exercised penal jurisdiction over both Palestinians and Israeli settlers living in the West Bank. Although Israeli military law technically applies to all individuals in the West Bank, in practice, the authorities apply civilian law to settlers and military law to Palestinians at the discretion of the prosecutor. The military law applied to Palestinians, including children, has fewer rights and protections than the civilian law applied to Israeli settlers living in the same territory.
- 8.2 Under international law, no state is entitled to discriminate between those over whom it exercises penal jurisdiction on the basis of their race or nationality. The reasoning being that unequal or differential justice is not justice. It is on this basis that the UK Report recommended that: "Israel should not discriminate between those children over whom it exercises penal jurisdiction. Military law and public administration should deal with Palestinian children on an equal footing with Israeli children."
- 8.3 In most conflict situations the issue of unlawful discrimination does not arise. However, in the context of Israel's occupation of Palestinian territory, the issue of unlawful discrimination has arisen as a direct consequence of settlement activity in occupied territory. Whilst there is no serious dispute that Israel's settlements are illegal, there is also no lawful justification upon which Israel can discriminate between persons over whom it exercises penal jurisdiction in the West Bank.
- 8.4 Although Israel is not permitted to apply its civilian law to Palestinians in the West Bank on the grounds that this would be tantamount to unlawful annexation, the laws that are applied must contain rights and protections no less favourable than those applied to Israelis living in the settlements. Failure to do so violates the principle of non-discrimination.
- 8.5 In 2010, a petition was filed in the Israeli Supreme Court (*Ministry of Palestinian Prisoners v Minister of Defense*) challenging, *inter alia*, the different time periods before which a suspect must be brought before a judge in Israel and the West Bank and within the West Bank depending on whether the suspect is Palestinian or an Israeli citizen living in a settlement. During the intervening 7 years the Court has handed down a number of decisions in the case:
 - (i) In May 2014, the Court handed down a [decision](#) noting that the State and military authorities had taken significant steps to amend the military law applied to Palestinians in the West Bank so as to reduce (but not eliminate) the differences in the law and determined that the differences that remained were "fair and proportional" in the circumstances. The Court did not directly address the Appellants claim regarding discrimination based on whether a suspect is Palestinian or an Israeli settler.
 - (ii) In March 2017, in accordance with a direction from the Court, the State and military authorities submitted additional proposed changes that would further narrow some of the differences between the two sets of laws. These additional changes came into effect on 24 April 2018 with the issuance of Military Order 1798. However, these changes do not eliminate the differentials between the two legal systems and discrimination based on race or national identity remains an issue.

- 8.6 Some of the key differences between the two legal systems relating to children are included in the following table. The information includes changes introduced following the introduction of Military Order 1798 in April 2018. It is relevant to note that the primary time periods under the new amendments remain unchanged (with one exception) while the extension periods to the initial times have been reduced. This table should be read with reference to the Endnotes.

#	Description	Civilian law ²²		Military law	
1	Age of majority	18 yrs		16-18 yrs ²³	
2	Prohibition against night-time interrogation.	Yes ²⁴		No	
3	Legal right to have a parent present during interrogation.	Yes ²⁵		No	
4	Maximum period of detention before being brought before a judge.	12-13 yrs	12 hrs ²⁶	12-13 yrs	24 hrs ²⁷
		14-17 yrs	24 hrs ²⁸	14-15 yrs	48 hrs ²⁹
				16-17 yrs	72 hrs ³⁰
5	Maximum period of detention without access to a lawyer	48 hrs ³¹		96 hrs ³²	
6	Maximum period of detention prior to indictment.	10 days ³³		15 days ³⁴	
7	Maximum period of detention between indictment and conclusion of trial.	6 months		9 months ³⁵	

9. Accountability

- 9.1 In November 2019, the Israeli rights group Yesh Din released [data](#) on accountability arising out of alleged wrongdoing by Israeli soldiers against Palestinians in 2017-2018. According to the data the Military Advocate General's Corps (MAG) received 430 complaints of alleged offences by soldiers against Palestinians or their property. By May 2019, three investigations opened in 2017/18 had led to indictments against soldiers for causing harm to Palestinians – an indictment rate of **3.2 percent**. (Previous indictment rates: 3.1 percent (2015) and 1.7 percent (2016)).
- 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 100 testimonies collected by MCW in 2019, the children lived, on average, within **900 metres** of a West Bank settlement (or associated

infrastructure) built in violation of the Fourth Geneva Convention - the same Convention relied on by the military authorities to [justify](#) prosecuting these same children in military courts

11. Recommendations

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

#	Recommendation	Comments
1	Children should only be arrested during daylight hours except in rare and exceptional circumstances. In all other cases summonses should be used.	In 2019, 68 percent of children reported being arrested at night. Summonses in lieu of night arrests were used in 8 percent of cases.
2	All children, and their legal guardians, should be provided on arrest with a written statement in Arabic informing them of their full legal rights in custody.	In 2019, a form was distributed in 51 percent of cases where children were arrested from home but this form does not include information about the child's legal rights while in custody.
3	All children must consult with a lawyer of their choice prior to questioning.	In 2019, 34 percent of children reported being permitted to consult with a lawyer prior to their interrogation in accordance with their right under military law.
4	All children must be accompanied by a family member throughout their questioning.	In 2019, 2 percent of children reported being accompanied by a parent during interrogation in accordance with a discretion permitted under military law.
5	Every interrogation must be audio-visually recorded and a copy of the tape must be provided to the defence prior to the first hearing.	In 2019 there was no requirement for audio-visual recording of interrogations in "security offences" involving minors in the West Bank. In no cases are tapes of interrogations being provided to defence counsel prior to the first hearing.
6	Breach of any of these recommendations should result in the discontinuation of the prosecution and the child's immediate release.	While some military judges are critical of the manner in which children are arrested and interrogated this does not automatically result in the dismissal of proceedings – a step that is probably essential in order to ensure compliance with existing military regulations.

ANNEXURE A
CHRONOLOGY OF MAJORY DEVELOPMENTS

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

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

December 2013	Notification of legal rights	New form introduced to be used by interrogators to inform children of their right to a lawyer and right to silence.
February 2014	Pilot scheme to issue summonses in lieu of night arrests.	Introduced following criticism of the extent to which children arrested at night in military raids.
April 2014	High Court rules on dual legal systems in the West Bank	The High Court notes that the military authorities have taken steps to reduce some of the differentials between the two legal systems and that the remaining differences were "reasonable and proportional" in the circumstances.
September 2014	Military Order 1745	This order mandates audio-visual recording of all interrogations of children in the West Bank suspected of "non-security" related offences.
November 2014	Parents accompanying children during interrogation	While there is no right under military law the authorities acknowledge that there is a discretion to permit this to occur.
February 2015	UNICEF Bulletin No. 2	UNICEF issues its second update on progress made in implementing the UN agency's 38 recommendations.
October 2015	Military authorities resume issuing administrative detention orders for children.	After a 4-year hiatus the military commander resumed issuing administrative detention orders for children.
February 2016	UK lawyers' return delegation cancelled.	According to a statement published by the delegation the return visit was cancelled due to a lack of co-operation by Israeli authorities.
March 2017	Supreme Court petition to eliminate discriminatory application of laws in the West Bank.	The State and military authorities agreed to reduce some differentials between two sets of laws (military and civilian) applied to Palestinians and Israeli settlers in the West Bank in response to a petition filed May 2010. The changes to the law will come into effect in 2018 but fail to eliminate discrimination.
April 2018	Military Order 1748	This order 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.
June	Military Order 1799	

2018		This order permits victims of crime to attend proceedings in the military courts even in the case of closed hearings involving minors.
October 2018	Military Courts Unit updates briefing note	The Military Courts Unit issues an updated briefing note relying on Article 66 of the Fourth Geneva Convention as the legal basis for prosecuting Palestinian civilians, including children, in military courts.
June 2019	Military Courts Unit updates briefing note	The Military Courts Unit issues an updated briefing note relying on Article 66 of the Fourth Geneva Convention as the legal basis for prosecuting Palestinian civilians, including children, in military courts.
September 2019	Military Order 1822	This order provides that hearings involving minors will be held in camera but "authorizes the court to allow a person or types of persons, including the victim of an offense, to be present at the time of the hearing, all of it or part of it."
October 2019	Military Order 1818	This order gives military judges a discretion to order the production of a social welfare report ("detention report") at remand hearings to determine whether a child should be released on bail, and on what conditions.
December 2019	Military Courts Unit updates briefing note	The Military Courts Unit issues an updated briefing note relying on Article 66 of the Fourth Geneva Convention as the legal basis for prosecuting Palestinian civilians, including children, in the military courts.
February 2020	Military Order 1827	This order seeks to impose liability on banks holding accounts for Palestinian families of prisoners receiving funds from the Palestinian Authority relating to the detention.
June 2020	Military Order 1885	This order increases the maximum sentence that can be given to 12-13-year olds in serious cases. Previously the maximum penalty for this age group was 6-months.

ANNEXURE B
TESTIMONIAL EVIDENCE -
12 TESTIMONIES (JAN-DEC 2019)

Testimony 1

Name: A.A.A.Q.
Age: 14
Date: 9 January 2019
Location: Beit Fajjar, West Bank
Accusation: Throwing Molotov cocktails

On 9 January 2019, a 14-year-old minor from Beit Fajjar was arrested by Israeli soldiers at 1:00 a.m. He reports being interrogated without first being informed of his right to silence or his right to consult with a lawyer.

I was still awake at around 1:00 a.m. because I knew Israeli soldiers were in our village. Then I heard banging at our front door. My father opened the door and three soldiers, accompanied by a person wearing a mask, entered our home.

A soldier told my father to gather all of us in the living room. Then they asked for me by name and told me to get ready because I was under arrest. My mother wanted to know why they wanted to arrest me and one of them told her they wanted to take me for a short while and would bring me back. Then they told my father to come along with me in order to sign a document.

The soldiers led me and my father towards the centre of town where some military jeeps were parked. They gave my father a [document](#) and then sent him home.

A soldier then tied my hands to the front with three plastic ties: one on each wrist and another connecting the two. The ties were not painful but later, when I arrived at Etzion, a soldier tightened them. I was also blindfolded before being taken to the back of a jeep where I sat on a seat.

The jeep drove around for about an hour and then took me to the police station in Etzion settlement. At Etzion I was taken to a room where I sat on a chair until 9:00 a.m. I was allowed to use the toilet once and I was able to sleep for about 10 minutes only. There were lots of soldiers in the room and they were making a lot of noise and I could not sleep longer. I was taken for interrogation at around 9:00 a.m.

The interrogator removed the blindfold. He was in civilian clothes and had a voice recorder on his desk. Without informing me of my rights he accused me of going in a car with other boys to throw a Molotov cocktail at the settlement of Migdal Oz. I denied the accusation.

Later he phoned a lawyer and allowed me to speak to him. The lawyer told me not to confess and informed me of my right to silence. I talked to the lawyer on speaker phone and the interrogator was listening. The conversation lasted maybe a minute or two.

Then the interrogator repeated the accusation and told me he was going to make me stand in the rain if I did not confess. When I denied the accusation he took me outside and made me stand in the rain for about 30 minutes. Then he brought me back in and told me he just wanted me to confess to throwing a stone at soldiers in the village. He pressed on me to confess and in the end I did; I was tired and wanted the whole thing to be over. I told him I threw one stone which missed.

The interrogation lasted for about an hour and I was given documents written in Hebrew and the interrogator asked me to sign them and I did without understanding anything.

After the interrogation I was blindfolded and soldiers led me, for what seemed like an hour, inside the police compound. It was raining. They took me for a medical examination. The doctor removed the blindfold during the examination, took my blood pressure and asked me if I had diabetes. Then I was blindfolded again and taken in a jeep to Ofer prison.

I arrived at Ofer at around 5:00 or 6:00 p.m. I was strip searched before being taken to section 13. I had dinner with the other detainees and went to bed.

The following day I was taken to Ofer military court. My parents were not there and the hearing was adjourned.

In all I had five military court hearings. At the last one I was sentenced in a plea bargain to four months in prison and fined NIS 1,000. I was also given a suspended sentence of eight months valid for two years. My lawyer advised me to accept the plea bargain to avoid a longer sentence.

I spent two months at Ofer and then I was transferred to Megiddo prison, inside Israel. I was released at Al Jalama on 24 April 2019 and I went home with my father, my uncle and my grandmother. I arrived home at around 9:00 p.m.

Testimony 2

Name: Y.I.M.Z.
Age: 17
Date: 14 February 2019
Location: Al Jalazun, West Bank
Accusation: Weapon possession/throwing stones

On 14 February 2019, a 17-year-old minor from Al Jalazun refugee camp was arrested by Israeli soldiers at 3:30 a.m. He reports not being permitted to consult with a lawyer prior to interrogation as required under military law.

About two weeks before I was arrested an Israeli intelligence officer phoned my father at around 8:30 p.m. and told him he wanted me to come to his office at Ofer for “a chat”. I went as requested.

The intelligence officer warned me if I did anything wrong he was going to put me in prison. He told me this time he was going to send me home. About a week after this conversation a Palestinian “security officer” called me and warned me that if I am seen on the main road at the entrance to the refugee camp where I live Israeli soldiers would shoot and kill me.

A week later, on 14 February, there was loud banging at our front door. It was around 3.30 a.m. My mother opened the door and about 30 soldiers entered our home. The Area Commander was with them. He started yelling at me saying he was going to “chop my head off”. The soldiers pushed my mother into one of the rooms and did not allow her to leave. Then the commander told me I was under arrest but he did not say why and did not give my parents any documents.

The soldiers searched our house turning everything upside down causing damage to our furniture. My younger siblings were terrified, especially my younger brother who is 12. Half-an-hour later young men and boys from the camp started to throw stones at the soldiers and there were clashes between the two sides.

Shortly afterwards a soldier tied my hands behind my back with three plastic ties: one on each wrist and another connecting the two. The ties were painful. Then they walked me to the main road at the entrance to the camp where I was blindfolded. On the way the soldiers treated me badly: they kicked me on my leg until I bled and slapped me on the head. They also swore at me calling me “a son of a whore”. Then they pushed me into the back of a military jeep and made me sit on the metal floor. The soldiers in the back of the jeep made fun of me and asked me to sing and dance.

The jeep drove to the nearby settlement of Beit El where I was taken to a shipping container. I was left there for about five hours. During this time a doctor examined me and gave me a glass of water. In the morning I was taken to the police station in Binyamin settlement for interrogation. At around 10:00 a.m. I was taken to an interrogation room.

The interrogator removed the blindfold and showed me a document written in Hebrew and Arabic about my right to consult with a lawyer and my right to silence. Then he accused me of weapon possession and throwing stones. Then he told me they found a gun at my uncle’s house and claimed they found my fingerprints on it. I denied the accusation. He thumped the table and yelled at me and accused me of lying to him. He threatened to lock me up in a small cell if I did not confess.

He questioned me for about four hours and kept repeating the same accusations. He wanted me to confess but I did not. At the end of the interrogation he allowed me to speak to a lawyer. The lawyer told me not to worry and that he was going to speak to my parents and let them know where I was. The conversation was very short and the interrogator was listening.

Then the interrogator showed me documents written in Hebrew and asked me to sign them but I refused to sign something I did not understand.

After the interrogation I was taken to Ofer military court. The military judge decided to extend my detention for more interrogation. Then I was taken to Ofer prison where I was strip searched and I was asked to crouch up and down while naked which was very embarrassing.

Two days later I was taken for another interrogation at the police station in Binyamin settlement. The interrogator showed me the document about my rights. Then he started to question me about the same accusations. When I told him I was going to remain silent he said it was not right and that I would be violating the laws. He also told me remaining silent was disrespectful to him. This interrogator did not allow me to speak to a lawyer. The interrogation lasted for about two hours and I denied all the accusations and refused to sign documents written in Hebrew. The interrogator also named another boy and told me he had confessed against me. After the interrogation I was taken back to prison.

I had two more interrogations. I was given the document about my rights at the beginning of each interrogation but I did not speak to any lawyers. I continued to deny all the accusations and refused to sign any documents.

Between interrogations I had hearings in the military courts. All in all I had about 15 hearings and at the last one I was sentenced in a plea bargain to one year in prison, fined NIS 2,000 and given a suspended sentence of one year valid for 5 years. I accepted the plea bargain because I was told that rejecting it would mean spending more time in prison.

I spent eight months in Ofer prison and then I was transferred to the Negev prison inside Israel. My family visited me twice a month. In prison I exercised and helped cook meals for the other prisoners. My time there was difficult and humiliating.

I was released on 23 January 2020 at Al-Dahiriya checkpoint and I arrived home at around 7:00 p.m.

Testimony 3

Name: M.A.K.R.
Age: 17
Date: 3 March 2019
Location: Tuqu', West Bank
Accusation: Throwing stones

On 3 March 2019, a 17-year-old minor from Tuqu' was arrested by Israeli soldiers at 4:00 a.m. and accused of throwing stones. He reports being interrogated without first consulting with a lawyer or being informed of his right to silence.

A friend phoned me at around 4:00 a.m. and told me Israeli soldiers were in our town. Shortly afterwards there was a knock at our front door. My father opened the door and three soldiers entered our home. More soldiers waited outside.

The soldiers asked whether I lived in the house and then gathered us all in the living room. One of the soldiers asked me for my name and then took my identity card. He then took a photograph of me and told me I was under arrest. Then he gave my father a document filled out on Hebrew with information about my arrest but my father did not understand the Hebrew. Meanwhile, another soldier was taking photos of all the rooms in our house but did not tell us why.

About 30 minutes later they took me outside where they tied my hands behind my back with three plastic ties: one on each wrist and another connecting the two. The ties were not painful. They also blindfolded me. I was then taken to the back of a military jeep and made me sit on the metal floor.

I was taken to a nearby military base where I was left in a room until around 4:00 p.m. Then I was taken to the police station in Etzion settlement for interrogation.

The interrogator removed my blindfold but kept me tied. He wore civilian clothes and told me my file was complete implying he did not even need me to confess. He accused me of throwing stones at soldiers on 11 August 2018 and told me he had photographic evidence of the incident. He questioned me for about 15 minutes without informing me of any rights.

Half-way through the interrogation the interrogator phoned a lawyer and handed me the telephone. The person on the line told me not to confess or speak and to be strong. I told him I did not believe he was a lawyer and I immediately hung up on him.

The interrogator did not show me any documents to sign but he took my photograph and fingerprints. Then I was searched in my boxer shorts before being taken into a cell. About 30 minutes later I was taken to Ofer prison. At Ofer I was searched in my clothes before being taken to section 13.

The following day I was taken to Ofer military court. I was denied bail and the hearing was adjourned.

I had about six military court hearings and at the last one I was sentenced in a plea bargain to 10 months in prison: 2 months for this offence and 8 months of a suspended sentence I had from a previous arrest. I was also fined NIS 3,000 and served with an additional suspended sentence of 15 months valid for a year. My lawyer advised me to accept the plea bargain and told me I would get a longer sentence if I did not accept it.

I spent part of my sentence at Ofer and part at Remon prison inside Israel. I was released on 12 December 2019 at Al-Thahriyeh checkpoint and I went home with my father.

In prison I attended classes and played table tennis and cards. My mother visited me five times. I don't want to go back to prison ever again; I want to become a plumber and I want to focus on that.

Testimony 4

Name: M.F.A.E.
Age: 17
Date: 14 April 2019
Location: Sa'ir, West Bank
Accusation: Throwing stones/Molotov cocktails

On 14 April 2019, the family of a 17-year-old minor is served with a summons during a military raid on their home at 2:30 a.m. The boy reports speaking to a lawyer on the phone prior to interrogation but not being informed of his right to silence.

Israeli soldiers raided our home at around 2:30 a.m. I was already awake because I knew they were conducting military activities in our village. When I noticed soldiers in the neighbourhood I ran away. Shortly afterwards my father phoned me and I told him I was in Ramallah and could not come home. The commander told my father to bring me to Etzion police station later that morning and gave my father a summons.

Later that morning I went with my father to the police station in Etzion settlement as requested. We arrived by 10:00 a.m. A soldier took the summons, took me inside and told my father to go home. I was immediately taken for interrogation.

As soon as I entered the interrogation room I asked to speak to a lawyer. The interrogator phoned a lawyer for me and put him on loud speaker and allowed me to speak to him. The lawyer told me not to confess to anything I did not do. The interrogator listened to the conversation which lasted less than two minutes.

After speaking to the lawyer the interrogator accused me of throwing stones and a Molotov cocktail on Route 60. I denied the accusation. The interrogator did not inform me of my right to silence.

The interrogator claimed that my friends had confessed against me. I told him I did not have any friends. Then he handed me a charge sheet which he took about two hours to type while I waited in his room. The charge sheet included throwing stones at settler cars and injuring a settler child. It also included throwing a Molotov cocktail. When I denied the accusations the interrogator lost his temper and started to shout at me. He picked up the voice recorder which was on his desk and hit me with it on the chest.

He told me again my friends had confessed against me and told me if I confessed he was going to send me home. I did not believe him and I continued to deny the accusations. Then he showed me documents in Hebrew and asked me to sign them but I refused to sign. The interrogation lasted about six hours. During this time the interrogator left the room and came back and took a long time to type the charge sheet.

Also during this time two other interrogators questioned me about the same accusations without informing me of my rights. The second interrogator questioned me about a person from my village and he named him for me. I told him I did not know that person. Then I was taken to see a third interrogator. The third interrogator was aggressive and agitated. He did not inform me of my rights but I thought the best way to handle his anger was to remain silent. He questioned me for about an hour about the same accusations and I did not say much. He spoke to me in a loud voice intended to intimidate and frighten

me. I did not confess. Then he showed me documents in Hebrew and asked me to sign them but again I refused to sign.

After the third interrogator was finished he took my fingerprints and photograph. Then he tied my hands to the front with one plastic tie which was very tight and painful. I could not stand it and managed to snap the tie. I was also blindfolded and taken to a cell where they removed the blindfold. I was strip searched and I remained there until around 8:00 p.m.

During this time I felt a strong need to smoke a cigarette because I am a smoker. I banged the door begging the soldiers for a cigarette but they did not respond. In the end they got fed up with me and moved me to a cell by myself where I remained for about two hours. The cell was small, about 2x2 meters with a very small window high up. Then I was transferred to Ofer prison. At Ofer I was strip searched again before being taken to Section 13.

The following day I was taken to Ofer military court. I was not taken into the court room and I was told I was going to be released. I was taken back to Ofer and the guard woke me up late at night and told me I was going to be released. I was released just before midnight on 15 April 2019. I was released without charge and I went home with my father.

Testimony 5

Name: M.I.M.H.
Age: 16
Date: 15 May 2019
Location: Al Khader, West Bank
Accusation: None

On 15 May 2019, a 16-year-old minor from Al Khader was arrested by Israeli soldiers at 9:00 a.m. while he worked his grandmother's land. He reports being detained for more than 7 hours before being released without charge.

I was with my brother helping my grandmother plough her land when we were approached by a group of Israeli soldiers in military jeeps. It was around 9:00 a.m.

The soldiers stepped out of the jeeps, approached me and pushed me to the ground. A soldier handed me a phone and told me to speak to the area commander, Captain Nassim.

The commander asked me for my name and my brother's name and wanted to know what I was doing on the area. I told him I was helping my grandmother weed and plough her land. The commander told me that the land was not ours and I told him it was and that we spend many hours taking care of it.

A soldier then took the phone away and he spoke to the commander in Hebrew. Then the soldier took my phone and tied my hands behind my back with one plastic tie which was tight and painful. The tie left marks on my wrists and my hands turned blue. I was also blindfolded. I was then taken to the back of a jeep where I sat on a seat.

The jeep drove to the military base at the District Coordination Office. When we arrived a soldier removed the tie and asked me whether I wanted to drink some water. He gave me a glass of water. I was searched in my clothes and I was left there for about 30 minutes. Soldiers who surrounded me were chatting and making fun of me. They swore at me and called my mother and sisters "whores".

After 30 minutes I was driven to the police station in Etzion settlement. At Etzion I was left outside in the sun for many hours. During this time I was examined by a doctor who removed the blindfold and then put it back on after he was finished.

Later I was taken inside and I was so tired I fell asleep on the floor between a couch and a wall. At around 4:30 p.m. I was released and I went home with my cousin who came to pick me and my brother up. I was not interrogated and I was released without charge.

Testimony 6

Name: R.Y.A.J.
Age: 17
Date: 10 June 2019
Location: Sa'ir, West Bank
Accusation: Throwing stones/Molotov cocktails

On 10 June 2019, a 17-year-old minor from Sa'ir presented himself at the police station in Etzion settlement after receiving a summons at 3:00 a.m. He reports being interrogated without first being informed of his right to silence or consulting a lawyer.

On 6 May 2019, Israeli soldiers raided our home at around 3:00 a.m. They asked my father for me and when he told them I was not home they gave him a [summons](#) and asked him to bring me to the police station by 8:00 a.m. the same day.

Later that morning I went with my father to the police station in Etzion settlement as requested. My father and I waited from morning until the evening and then we were told to go home.

A week later I was staying at my friend's house when a group of soldiers raided our home again. It was 2 a.m. and they were looking for me. When they did not find me they told my father to bring me to the police station later in the morning. My father tried to explain to them that we did go to the police station as requested the week before and we were sent home but the soldiers did not speak Arabic and they did not understand what my father told them.

Later that morning I went with my father to the police station as requested but again we were told to go away and come back in two days. Two days later I went with my father to the police station but we were told to come back in three days. This time my father and I decided not to go because it was taking too much of my father's time for nothing.

On 9 June 2019, the Area Commander phoned my father at 8:00 a.m. and told him to bring me to the police station. My father took me to the police station the next day, 10 June 2019, at 8:00 a.m. as requested. I was taken inside but my father was not allowed to accompany me and he was told to go home.

The interrogator asked me whether I knew why I was at his office. I told him I did not. He did not inform me of my rights and accused me of lying and claimed I knew exactly why I was in his office. Then he accused me of throwing stones and Molotov cocktail on Route 60. He wanted me to confess and threatened to arrest my father and brother if I did not. He also threatened to bring in soldiers to beat me up.

Then he told me there were confessions against me by people from my village. When I refused to confess he tied my hands to the back very painfully and blindfolded me. Then he took me to another room and

told me to kneel down facing the wall. Then he beat me on my back and legs and arms and pushed me down to sit on my legs. Then he left the room for a short time.

When the interrogator returned to the room he told me to stand up and he then punched me in the chest. Then he took me back to the first room, removed the tie and the blindfold and told me he had to wait until the following evening but he was not going to leave me alone until I confessed.

About half-way through the interrogation I told the interrogator I wanted to speak to a lawyer. He then phoned a lawyer and allowed me to speak to him. The lawyer told me not to be scared of the interrogator and told me not to volunteer information and not to speak about things he does not ask me about. He told me to remain silent and not to confess and said it is better to be in pain for an hour rather than confess. The interrogator remained in the room and overheard the conversation with the lawyer which lasted about a minute.

Then another interrogator came in and asked me to follow him. He took me to another room and started to address me calmly. He did not inform me of my rights and asked me if I wanted to drink anything. Then he started to read off his computer screen and wanted me to answer him with a “yes or no”. He named someone from my village and told me he had told him I threw stones. He named two more people and told me they said the same thing about me. When I denied the accusation he lost his temper and accused me of lying. He raised his voice and swore at me and called me “a son of a whore” and “a brother of a whore”.

After the verbal abuse the second interrogator showed me documents written in Hebrew and asked me to sign them but I refused to sign. Then he tied my hands painfully behind my back and blindfolded me again and told me I had a military court hearing on Thursday. The two interrogations lasted for about two hours.

After the interrogation I was taken out of the room where I sat on a chair while tied and blindfolded for about three hours. I fell asleep for some of the time. Then I was taken to Ofer prison. The trip to Ofer took many hours. At Ofer I was strip searched before being taken to section 13.

Two days later I had a military court hearing. I was denied bail and the hearing was adjourned. I had four hearings and at the last one I was initially sentenced in a plea bargain to three months in prison. My family decided to pay NIS 2,000 to reduce my sentence by two months. I was also given a suspended sentence but I do not know the details. I accepted the plea bargain because I wanted to go back to school as soon as possible.

I was released on 11 July 2019 and I went home with my father. I arrived home late in the evening.

Testimony 7

Name: K.Z.G.H.
Age: 16
Date: 2 July 2019
Location: Jayyus, West Bank
Accusation: Throwing stones

On 2 July 2019, a 16-year-old minor from Jayyus is arrested by Israeli soldiers at 2:30 a.m. He reports not being informed of his right to silence or his right to consult with a lawyer prior to his questioning.

My friend woke me up with a text message to say Israeli soldiers were in our neighbourhood. It was around 2:30 a.m. I looked out the window and saw a group of soldiers on the street. The commander saw me and asked me for my name and then told me to come down because I was under arrest.

I went inside, took a shower and put some clothes on while the soldiers waited for me in the stairwell; they did not enter our home. I was then taken outside by the soldiers who did not tell me the reason for my arrest and without giving me or my family any documents.

Once outside a soldier tied my hands to the front with one plastic tie which was not painful. Then he blindfolded me and took me to the back of a military jeep and allowed me to sit on a seat.

The jeep drove to the nearby military base at Zufin where I was taken to a room and examined by a doctor. The doctor removed the blindfold during the examination. Then I was re-blindfolded and shackled and taken to the jeep which took me to the settlement of Qedumim for interrogation.

The interrogator removed the blindfold but kept the tie and the shackles on. He spoke politely and showed me some photographs and video footage of clashes and accused me of taking part. He told me the footage and photographs were of clashes on 16 January 2018 during the funeral of a young person from the village that was killed by Israeli soldiers. I denied the accusation.

The interrogator did not inform me of my rights but I knew from a training we had at school that I had the right to remain silent. When the interrogator repeated the accusation I told him I wanted to exercise my right to remain silent. I did not say anything and he repeated the accusation again.

Then he lost his temper when I refused to answer his question and shouted at me and told me to speak. He banged the table aggressively and shouted again telling me to speak. I just nodded and did not say a word.

The interrogation lasted for about two-and-a-half hours. During this time the interrogator took me outside and questioned the other person who was arrested with me. Then he questioned me again. I think he was comparing our testimonies. I continued to deny the accusation and did not confess. He showed me many photographs and two videos and pointed to a person and claimed it was me but I denied it.

Then he showed me a document in Hebrew and asked me to sign it but I told him I was not going to sign anything written in a language I did not understand. He then printed out the document in Arabic. The Arabic document said I had the right to remain silent and the right to consult with a lawyer. This was at the end of the interrogation. He asked me to sign the document and I did.

Then I was blindfolded again and taken to Huwwara military base where I was searched in my underwear and taken into a cell. They removed the blindfold and the tie and the shackles and gave me some unappetising food; old rice and a hard-boiled egg which had turned blue. I spent one night at Huwwara.

In the morning I was taken to Salem military court. At court I saw a lawyer for the first time. Nobody from my family was in court because they were not informed of the hearing. The lawyer spoke and the military judge spoke and a soldier was translating but I did not understand much. The hearing was adjourned and I was taken to Megiddo prison, inside Israel, where I was searched in my underwear before being taken to the juvenile section. I arrived there at around 2:30 p.m.

The following day I had another hearing and another one the day after. My lawyer told me to accept a plea bargain and to confess to throwing stones during the clashes. He also told me to say I was young at the time and was not fully aware of what I was doing. I accepted the plea bargain and I was sentenced to one month and one day in prison and fined NIS 2,000. I was also given a suspended sentence of six months valid for two years.

I qualified for an early release and I was released on 19 July 2019. My family did not visit me in prison because the permit to visit takes at least two months. I was released at Al Jalama and I went home with my uncle.

Testimony 8

Name: M.M.M.R.
Age: 16
Date: 29 August 2019
Location: Nahhalin, West Bank
Accusation: Throwing stones

On 29 August 2019, a 16-year-old minor from Nahhalin was arrested by Israeli soldiers on his way home from school at 12:30 p.m. He reports being interrogated without first consulting with a lawyer or being informed of his right to silence.

I was on my way home after school when an Israeli military jeep drove by and a group of young boys threw stones at it. It was at around 12:30 p.m. The soldiers responded with tear gas and my eyes started to burn so I ran away from the area.

A soldier stopped me and wanted to know why I was running away. Two soldiers stepped out of the jeep and accused me and my friend of throwing stones at them. I denied the accusation and told the soldiers I was running away from the tear gas.

A group of women tried to intervene, including my friend's mother. A friend of my father who was in the area phoned my father and told him to leave everything and come quickly. Both my father and my uncle came and tried to get me released. When the soldiers were talking to my father and the other women my uncle told me to run home and I did.

The soldiers then arrested my father and took him to the police station and told him they were not going to release him unless I turned myself in. The area commander threatened to cancel my father's and brother's work permit if I did not show up. He also told him he was going to raid our house in the middle of the night and arrest me. My uncle came to our house and told me the story and took me to the police station because none of us wanted my father detained or his work permit revoked.

At the entrance to the police station in the settlement of Bitar Illit the soldiers wanted to take a photo of me but I refused and told them I wanted to see my father to make sure they had released him. The soldiers then took me to the back of a jeep and made me sit on a seat. The jeep drove to the police station in Etzion settlement.

At Etzion I was taken out of the jeep and a soldier tied my hands to the front with three plastic ties: one on each wrist and another connecting the two. The ties were not painful. They also blindfolded me and took me to a room. It was around 2 p.m. The person in the room started to question me while I was still blindfolded. I objected but he did not care. He accused me of plotting to stab a soldier. I denied it and told him I was going home after school and had no intention of doing anything of that sort. I told him I wanted to go home because I had not done anything wrong.

Then he accused me of attempting to set fire to the fence surrounding the nearby settlement. I denied the accusation and told him I wanted to go home. Then he asked me whether I knew the names of the boys who threw stones at the soldiers. I told him I did not know the names and asked him to send me home. He did not inform of my rights and threatened to electrocute me with a taser at night and to beat me if I

did not give him names. This lasted for about 10 minutes. Throughout this time I was tied and blindfolded.

After about 10 minutes I was taken to a corridor where a soldier removed the ties and the blindfold. About five minutes later I was taken to another room where they took my fingerprints and photograph, as well as a DNA sample from my mouth. Then I was taken to another room where I was questioned again.

The person who questioned me the second time was in civilian clothes and had a pistol on his side. He told me to sit down and not to be scared of him. He asked me whether I had ever done anything wrong and I told him I had not. Then he phoned a lawyer and handed me the telephone to speak to him. The lawyer told me not to be scared and to say I did not know anything about anyone. The interrogator was in the room as I spoke to the lawyer for less than 30 seconds.

Then I was taken to a cell where I was searched in my underwear. I was left in the cell for three nights and I could not sleep. I cried a lot because I was worried about my father as I did not know whether they had released him and whether they had cancelled his work permit or not.

On Sunday morning I was handcuffed and taken to Ofer military court. My mother and aunt were in court and the hearing was adjourned. After the court I was taken to Ofer prison where I was searched in my clothes and then I was taken to Section 13 with other boys.

Two days later I had another military court hearing. My parents attended and I was told that two soldiers had testified they had seen me throwing stones. My lawyer asked the court to release me on bail in order to go back to school as I am a top student. The military judge agreed to release me but the prosecutor wanted to appeal. The judge gave the prosecutor 24 hours to appeal. The following day I had another hearing and the judge decided to release me on bail. My parents had to pay 3,000 Shekels and an additional 14,000 shekels bond if I violate the conditions of my bail. I was told I have another hearing on 23 September 2019 which I have to attend.

After court I was taken back to prison. At around 9:00 p.m. I was told I was going to be released. At first I did not believe it. I took a shower and put my clothes on and at around 9:30 p.m. I was released. I was released on 4 September 2019 and I arrived home with my parents at around 1:00 a.m. I was very happy to be home and to go back to school.

Testimony 9

Name: M.S.M.H.
Age: 13
Date: 11 September 2019
Location: Bethlehem, West Bank
Accusation: Molotov cocktails

On 11 September 2019, a 13-year-old minor from Bethlehem was arrested by Israeli soldiers at 3:30 a.m. He reports being interrogated without being informed of his right to silence or consulting with a lawyer.

I woke up to the sound of a loud explosion which sounded close by. It was around 3:30 a.m. My mother opened the front door and about 20 Israeli soldiers entered our home and with more spread out around the house.

The commander asked me for my name while the other soldiers searched our house. They even looked inside our washing machine looking for particular items of clothing. The commander then tied my hands to the front with one plastic tie which was very tight and painful.

The commander told my parents I was under arrest but did not say why and did not give us any documents. My younger sister started to cry and one of the soldiers approached her as if he was going to spray pepper spray in her face. She was terrified and I was very worried for her. All this took about 10 minutes; the soldiers seemed to be in a hurry.

Then they took me outside where I was blindfolded and pushed into the back of a jeep and made me sit on a seat. They drove me to a nearby military base and along the way the soldiers swore at me.

At the base I was examined by a doctor. He examined me without removing the tie or the blindfold. I waited many hours before I was taken to the police station in Etzion settlement for interrogation. During this time I could hear soldiers cock their guns and say "shoot, shoot". I was scared because I was blindfolded and could not see what was going on. Sometime later I was interrogated

The interrogator removed the blindfold and turned a voice recorder on and told me I had to say yes to anything I knew and that I had to tell him what I knew. He then phoned a lawyer but the lawyer did not answer his telephone. The interrogator did not inform me of any other rights.

The interrogator asked me about a person he said was my age but I told him I did not know that person. Then he asked me whether I knew where Rachel's Tomb was. He also asked me about the separation fence. I told him I did not know anything. He then turned off the voice recorder and talked to me firmly and said this was the last time he was going to speak nicely to me. Then he turned the voice recorder on again.

Then he told me he wanted me to tell him who made the Molotov cocktail and who threw it. Then he named one of my friends and told me he had confessed against me. Then he showed me pipe bombs and Molotov cocktails and told me he had collected them from the house of the boy who confessed against me. I denied the accusation. He questioned me for about four hours and kept repeating the same thing. I continued to deny the accusation. He did not show me any documents.

After the interrogation I was taken to a cell where I was strip searched. I spent four days in the cell at Etzion. The cell did not have any windows and a bright light which flickered all the time was on 24 hours. I could not sleep and did not know whether it was day or night.

About four days later I was taken to Ofer military court. My mother was in court and my hearing was adjourned. After court I was taken to Ofer prison where I was strip searched again and before being taken to section 13.

I had four military court hearings and at the last one I was sentenced in a plea bargain to two months and two days in prison and fined NIS 1,500. I was also given a suspended sentence of 10 months suspended for five years. This last hearing took place 10 days before I was released and that was why I accepted it. Also my lawyer told me I would have received six months in prison had I rejected the plea bargain.

I was released on 30 October 2019. I arrived home at around 5:00 p.m. My mother visited me once in prison.

Testimony 10

Name: M.W.M.N.
Age: 14
Date: 28 October 2019
Location: Al' Arrub, West Bank
Accusation: Throwing stones

On 28 October 2019, a 14-year-old minor from Al'Arrub refugee camp was arrested by Israeli soldiers at 4:00 a.m. He reports speaking to a lawyer via phone prior to interrogation but not being informed of his right to silence.

At around 4:00 a.m. I heard loud banging at our front door. The front door was open and four Israeli soldiers entered our home. More soldiers surrounded the house. One of the soldiers told my father to gather the family in the living room and asked him to name us.

Then the soldiers searched the house but they did not find anything. The soldiers had photographs with them. My father was also told to present our ID cards and one of the soldiers asked for me. Then he took a photo of me on his mobile phone. He then gave my father a [document](#) and told him they wanted to arrest me but did not say why.

I prepared myself and said goodbye to my family. The soldiers then took me outside where they tied my hands to the front with one plastic tie which was painful. It left marks on my wrists for days. They also blindfolded me.

The soldiers then led me towards a nearby village where military jeeps were waiting. When we arrived they put me in the back of a jeep and made me sit on the metal floor. Inside the jeep a soldier hit me on the arm with the back of his gun and another swore at me and called me “a son of a whore”.

Then they took me to the police station in Etzion settlement where I was left on the ground in an open area with other detainees until around 4:00 p.m. During this time I was given a medical examination. I also asked to use the toilet and they allowed me but I was not given any food. My wrists were painful and I asked a soldier to loosen the tie but he tightened it even more. Then I was taken for interrogation.

The interrogator told me his name was Shimon. He was in civilian clothes. As soon as I entered the room he removed the tie and the blindfold. He had a voice recorder on his desk. He did not inform me of my right to silence but he phoned a lawyer and allowed me to speak to him. The lawyer told me to remain silent and not to answer questions or confess to anything. The conversation lasted for about two minutes and the interrogator left the room during the conversation. Then the interrogator came back and told me he was not going to say anything and I had to tell him everything there was to say.

The interrogator then said I had to tell him what happened on 6 October 2018. I did not say anything and remained silent. He yelled at me and wanted me to speak. He thumped the table and yelled at me urging me to confess. He told me I had to confess to throwing stones and a Molotov cocktail. I told him I did not know what a Molotov was. He questioned me for about 30 minutes and then took me outside. He did not show me any documents.

Then I was taken to a cell where I was strip searched. About half an hour later I was taken to Ofer prison.

At Ofer I was strip searched again before being taken to section 13. The other detainees gave me some food; I had tuna and tomatoes and I went to bed.

The following day I had a military court hearing at Ofer. My parents did not attend the hearing because they did not know it was taking place. The hearing was adjourned and I was taken back to Ofer prison. Two days later I had another hearing and the prosecutor asked for more time to interrogate me.

Two days later I was taken to the police station in Bitar settlement but I was not interrogated and I was taken back to prison.

The following day I had another military court hearing which was adjourned. Two days later I was taken to back to the police station in Bitar settlement and this time I was interrogated.

The interrogator allowed me to speak to a lawyer on the phone who told me to remain silent. Then the interrogator showed me a photo and claimed it was of me throwing stones. I denied the accusation. He questioned me for about five minutes. After the interrogation I was taken back to Ofer prison.

A few days later I had another military court hearing where I accepted a plea bargain because the lawyer told me if I accepted it I could go home. My family had to pay a NIS 1,000 fine and the military judge gave me a suspended sentence of four months in prison valid for five years. I was released on 7 November 2019 and I went home with my father. We arrived home at around 10:00 p.m.

Testimony 11

Name: M.H.M.M.
Age: 14
Date: 6 November 2019
Location: Aida, West Bank
Accusation: Throwing pipe bombs

On 6 November 2019, a 14-year-old minor from Aida refugee camp was arrested by Israeli soldiers at 3:00 a.m. He reports being informed of his right to silence and consulting with a lawyer via phone prior to interrogation.

I woke up at around 3:00 a.m. to the sound of banging at our front door. I remained in bed. My father opened the door and three Israeli soldiers entered our home and came straight into my bedroom.

One of the soldiers told me to get up and go to the living room. They sat me down in the living room by myself. Then I heard a soldier tell my father they wanted to take me for questioning and would bring me back soon. He did not say what they wanted to question me about and did not give us any documents. When my father asked him for the reason he told my father to ask me because I knew exactly what I had done.

The soldiers remained in the house for about 10 minutes and then took me outside. Once outside they painfully handcuffed me with my hands to the back. I was also blindfolded. The soldiers then led me to the military watchtower by Rachel's Tomb. On the way a soldier punched me in the head while I was blindfolded which was a shock because I was not expecting it.

At the watchtower they made me kneel for about 30 minutes in the cold weather and then they took me to the back of a jeep where I sat on a seat. The jeep drove me to a police station somewhere in the Jerusalem area; I think it was in the settlement of Abu Ghneim. There I waited for about 5 minutes and then I was taken for interrogation.

The interrogator removed the blindfold and moved the handcuffs to the front. Then he handed me a telephone and told me to speak to the lawyer. The lawyer told me not to confess and anything I did not do. The conversation lasted for less than a minute and the interrogator left the room during that time.

When the interrogator returned he told me I had the right to remain silent but warned me it might be taken against me in court. He had a voice recorder and he switched it on. He told me his name was Luai and he spoke good Arabic.

The interrogator told me I had caused a problem but did not specify exactly what. I denied I had done anything wrong. Then he told me I must have done something because it is inconceivable that I would be brought to his office for nothing and insisted I had to tell him what it was. I told him I had nothing to say. Then he told me other boys had confessed against me but did not tell me what exactly they had confessed. He questioned me for about an hour and banged the table each time I refused to confess.

At the end of the interrogation he showed me a document in Hebrew and asked me to sign it and I did because it did not occur to me I should not have signed it. Then he took me outside and told me he was going to send me to Ofer prison but this turned out not to be true.

Another interrogator came and took me to a back room and told me if I confessed he was going to send me home. Then he threatened if I did not confess he was going to lock me up in a cell by myself. There was no camera or voice recorder in the room and I was scared of his threats which I believed. I decided to confess to throwing a pipe bomb at Rachel's Tomb.

After I confessed I was taken back to the interrogation room and allowed me to speak to a lawyer again who said the same things and then the interrogator told me I had the right to remain silent. He had a voice recorder in the room and he turned it on. Then he showed me a document in Hebrew and asked me to sign it and I did.

After the second interrogation I was left in an open-air area until around 10:00 p.m. and then I was taken to Ofer prison.

At Ofer I was strip searched and a soldier told me to crouch up and down while naked and then I was taken to section 13.

The following day I had a military court hearing. My parents were not informed and did not attend. I was denied bail and the hearing was adjourned.

In all I had about 11 military court hearings. At the last hearing the military judge decided to release me on bail because my lawyer could prove I had confessed after being threatened. The judge made my father pay bail of NIS 10,000 and told me I was under house arrest and not allowed to leave home except to go to school accompanied by my father. He also told me my next hearing was scheduled on the 13 January 2020.

On the same day an Israeli social worker spoke to me and then spoke to my parents who were waiting outside court. My mother did not like the social worker or the interpreter who was with her and thought the high bail amount and the house arrest punishment were because of them.

My father and brother visited me in prison once and I was released on 19 December 2019. I arrived home with my father at around midnight. It was a tough experience; prison is a horrible place and I am not sure what will happen to me next.

Testimony 12

Name: M.A.M.Q.
Age: 15
Date: 29 December 2019
Location: Al' Arrub, West Bank
Accusation: Throwing stones

On 29 December 2019, a 15-year-old minor from Al Arrub refugee camp was arrested by Israeli soldiers at 3:00 a.m. He reports not being informed of his right to silence but consulting with a lawyer over the phone for 15 seconds.

There was very loud banging at our front door at around 3:00 a.m. which woke me up. My father answered the door and about 10 Israeli soldiers entered our home. They asked to check our ID cards.

After checking our ID cards the commander gave my father a document telling him to bring my 12-year-old brother to the police station later that morning. He told my father he had photographic evidence of my brother throwing stones. Then he told my father he wanted to arrest me for questioning about throwing stones. Then he took a photograph of me and my brother.

My sister brought me some clothes and I got dressed. Then a soldier tied my hands to the front with one plastic tie which was not painful. Then they took me outside and walked me towards a troop carrier where they made me sit on the metal floor. Then they blindfolded me.

Inside the troop carrier a soldier hit me with his gun on my leg. He swore at me and called me a "brother of a whore". Then I was taken somewhere where I was given a medical examination.

The person who examined me removed the blindfold but kept me tied. After he was finished he put the blindfold back on. Then I was taken to the police station in Etzion settlement where I was left outside in the cold for about four hours.

After about four hours I was taken to a room for interrogation. The room did not have any windows and was dark. After a few more hours of waiting I asked to use the toilet and was allowed to. Then I was interrogated.

The interrogator handed me a phone and told me to speak to a lawyer. The lawyer told me to take care of myself but did not inform me of my rights. The conversation lasted for 15 seconds. Then the interrogator accused me of throwing a Molotov cocktail at soldiers. When I denied it he slapped me hard on the face and punched me in the forehead. Then he showed me some pictures and told me to confess to throwing stones. He did not inform me of my right to silence. Then he showed me more pictures and wanted me to give him names. I told him I did not know any of the boys in the pictures.

Later the interrogator accused me of throwing stones during clashes on the 27 October 2019 and showed me a photograph. He told me he got the photograph from an informant. At first I denied the accusation but when he punched me again I confessed to throwing two stones from a distance of 50 meters which missed. He questioned me for about two hours. He did not show me any documents to sign.


Then I was questioned by another interrogator who was in police uniform. He told me to repeat what I had told the first interrogator and I did. He did not inform me of my right to consult with a lawyer and in the end he told me I had the right to remain silent. Then he showed me a document written in both Hebrew and Arabic and asked me to sign. I signed it after I read and found out it was identical to what I had said. Then I was taken to a cell where I was searched in my boxer shorts.

The following day, at around noon, I was taken to Ofer military court. My parents were not there because they were not informed. The hearing was adjourned. After court I was taken to Ofer prison where I was strip searched before being taken to section 13.

I had three military court hearings and at the last one I accepted a plea bargain because the military judge told me I could go home if I did. I was sentenced to one month in prison and fined NIS 1,500. I was also given a suspended sentence of four months valid for three years.

I was released 14 days early on 8 January 2020. Soldiers dropped me off at Al-Jib checkpoint. A young man gave me his phone and I called my father who picked me up an hour later. I arrived home in the evening.

ANNEXURE C
SUMMONS
ISSUED ON 10 JUNE 2019



צבא הגנה לישראל
ג'י'ש הדפא' האסר'אני'א'י

מפקדת כוחות צה"ל
ק'י'א'ד'ת פ'ו'א'ת הג'י'ש הדפא' האסר'אני'א'י

הנדון: הזמנה ל

לכבוד מר: _____
לحضرة السيد _____

כתובת: תל אביב 1038
العنوان _____

הנד מוזמן אל: קפטן ח'י'א'ל
انك مدعوا الى _____
ב'י'ע'ה

בתאריך 65.19 יום ל'א'י שעה 8.00
بتاريخ _____ يوم _____ الساعة _____
2016 19 00

עליך להביא איתך את: ת.ז וזימון זה.

عايك احضار التالي

TRANSLATION (FORMAL PARTS)

Israeli Police

To: _____

Date: _____

File Number: _____

Police Summons

Please come to our office _____ Location: _____

On: _____

At: _____

For _____

Bring with you: _____

Ask for: _____ Room number: _____ Floor: _____

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

Unit stamp

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

ANNEXURE D

STANDARD ARREST DOCUMENT

1. NAME 2. DATE OF BIRTH 3. SEX 4. RELIGION 5. EDUCATION 6. PROFESSION 7. RESIDENCE 8. CONTACT NO. 9. ADDRESS 10. SIGNATURE 11. DATE 12. PLACE 13. WITNESSES 14. NOTARY 15. STAMP 16. SEAL 17. INITIALS 18. MARKS 19. STAMP 20. SEAL 21. INITIALS 22. MARKS 23. STAMP 24. SEAL 25. INITIALS 26. MARKS 27. STAMP 28. SEAL 29. INITIALS 30. MARKS 31. STAMP 32. SEAL 33. INITIALS 34. MARKS 35. STAMP 36. SEAL 37. INITIALS 38. MARKS 39. STAMP 40. SEAL 41. INITIALS 42. MARKS 43. STAMP 44. SEAL 45. INITIALS 46. MARKS 47. STAMP 48. SEAL 49. INITIALS 50. MARKS 51. STAMP 52. SEAL 53. INITIALS 54. MARKS 55. STAMP 56. SEAL 57. INITIALS 58. MARKS 59. STAMP 60. SEAL 61. INITIALS 62. MARKS 63. STAMP 64. SEAL 65. INITIALS 66. MARKS 67. STAMP 68. SEAL 69. INITIALS 70. MARKS 71. STAMP 72. SEAL 73. INITIALS 74. MARKS 75. STAMP 76. SEAL 77. INITIALS 78. MARKS 79. STAMP 80. SEAL 81. INITIALS 82. MARKS 83. STAMP 84. SEAL 85. INITIALS 86. MARKS 87. STAMP 88. SEAL 89. INITIALS 90. MARKS 91. STAMP 92. SEAL 93. INITIALS 94. MARKS 95. STAMP 96. SEAL 97. INITIALS 98. MARKS 99. STAMP 100. SEAL 101. INITIALS 102. MARKS 103. STAMP 104. SEAL 105. INITIALS 106. MARKS 107. STAMP 108. SEAL 109. INITIALS 110. MARKS 111. STAMP 112. SEAL 113. INITIALS 114. MARKS 115. STAMP 116. SEAL 117. INITIALS 118. MARKS 119. STAMP 120. SEAL 121. INITIALS 122. MARKS 123. STAMP 124. SEAL 125. INITIALS 126. MARKS 127. STAMP 128. SEAL 129. INITIALS 130. MARKS 131. STAMP 132. SEAL 133. INITIALS 134. MARKS 135. STAMP 136. SEAL 137. INITIALS 138. MARKS 139. STAMP 140. SEAL 141. INITIALS 142. MARKS 143. STAMP 144. SEAL 145. INITIALS 146. MARKS 147. STAMP 148. SEAL 149. INITIALS 150. MARKS 151. STAMP 152. SEAL 153. INITIALS 154. MARKS 155. STAMP 156. SEAL 157. INITIALS 158. MARKS 159. STAMP 160. SEAL 161. INITIALS 162. MARKS 163. STAMP 164. SEAL 165. INITIALS 166. MARKS 167. STAMP 168. SEAL 169. INITIALS 170. MARKS 171. STAMP 172. SEAL 173. INITIALS 174. MARKS 175. STAMP 176. SEAL 177. INITIALS 178. MARKS 179. STAMP 180. SEAL 181. INITIALS 182. MARKS 183. STAMP 184. SEAL 185. INITIALS 186. MARKS 187. STAMP 188. SEAL 189. INITIALS 190. MARKS 191. STAMP 192. SEAL 193. INITIALS 194. MARKS 195. STAMP 196. SEAL 197. INITIALS 198. MARKS 199. STAMP 200. SEAL 201. INITIALS 202. MARKS 203. STAMP 204. SEAL 205. INITIALS 206. MARKS 207. STAMP 208. SEAL 209. INITIALS 210. MARKS 211. STAMP 212. SEAL 213. INITIALS 214. MARKS 215. STAMP 216. SEAL 217. INITIALS 218. MARKS 219. STAMP 220. SEAL 221. INITIALS 222. MARKS 223. STAMP 224. SEAL 225. INITIALS 226. MARKS 227. STAMP 228. SEAL 229. INITIALS 230. MARKS 231. STAMP 232. SEAL 233. INITIALS 234. MARKS 235. STAMP 236. SEAL 237. INITIALS 238. MARKS 239. STAMP 240. SEAL 241. INITIALS 242. MARKS 243. STAMP	
--	--

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 مشتمها 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 تبليغ الجهة التي تختارها عن اعتقالك.
 2. يحق لك استشارة المحامي الذي تختاره.
 3. يحق لك ان تقدم للمحكمة في اي وقت وبموجب تعاليم القانون المطروحة 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 اذا 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.
- رابعاً: 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

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

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

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

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

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

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

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

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

16 February 2016

End Notes

¹ Assumes an annual detention rate of 500 children each year since January 2015 and applies an average annual transfer rate of 52 percent [provided](#) by the Israeli Prison Service (IPS) in 2019.

² The UN estimates that between June 1967 and January 2008, 700,000 Palestinians were "imprisoned". Assuming a constant rate of detention between June 1967 and January 2008 (39.5 years), this estimate suggests an annual average of 17,721 detentions. Since January 2008, detention rates for adults and children have been [trending downwards](#) – assuming an annual decline of 50 percent in detention rates since January 2008, this would suggest an additional 110,756 detentions during the intervening 12.5 years up to June 2020 – giving a total estimate of 810,756 detentions between June 1967 and June 2020. (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).

³ Based on [data](#) provided by the IPS, 4.1 percent of detainees held in IPS facilities in 2019 were children.

⁴ In relation to indictments in the military courts, 3 data points are available. According to references cited in the IDF Law Review, Vol. 18 (2005), pages 299-300, in the 8 years between 1993 and 2000, 124,000 "prosecutions" were conducted in the military courts, with an annual average of 15,500. According to the Annual Activity Report of the Military Courts, between 2008 and 2013, an average of 8,343 "indictments" were filed. According to information received under a Freedom of Information application, in 2017 there were 10,454 "indictments" in the military courts (<https://is.gd/PNYp44>). Taking the average of these 3 data points (11,432 indictments per annum) suggests a total number of indictments in the military courts during the 53 years since June 1967 as 605,896. In the case of children, the military authorities have released data indicating that between 2013 and 2015, there was an average of 501 indictments each year. Assuming a constant rate for 53 years, this would total 26,553 children indicted since June 1967. This figure does not include children arrested and released without being indicted, or children detained for up to 6 hours without being arrested, as permitted under Israeli military law.

⁵ 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).

⁶ See Military Orders Nos. 1685, 1711, 1726 and 1798. Available at: <https://is.gd/f4Ue7v>

⁷ See also UNICEF: Children in Israeli Military Detention – Bulletin No. 2 (February 2015). Available at: <https://is.gd/miEAI0>

⁸ The Association for Civil Rights in Israel (ACRI) has filed a number of Freedom of Information applications with the police and military for arrest data in the West Bank for 2016, 2017 and 2018. ACRI has received a response from the police for the 3-year period but only received a response from the military for 2016. From the data so far supplied it is not possible to ascertain with precision the total number of Palestinian children detained by Israeli authorities in the West Bank during this 3-year period. MCW and ACRI are currently working on means to obtain accurate arrest data. In January 2020, Hamoked applied for detention/arrest data from the relevant authorities under a Freedom of Information application. At the time of writing no response has been received.

⁹ Data for 2013 was provided by Israel's then military prosecutor in the West Bank, Lt.-Col. Maurice Hirsch, at Ofer Military Court on 26 February 2014 and to UNICEF prior to February 2015. This is the most comprehensive data available and includes short term detentions (up to 6 hours), arrests and indictments. It is not clear whether this data also includes arrests conducted by the Israeli Border Police in the West Bank.

¹⁰ This figure was obtained under a Freedom of Information application filed by ACRI and includes children arrested by both the Israeli military and police in the West Bank.

¹¹ *Ibid.*

¹² Percentage of children indicted released on bail.

¹³ Suspended sentences were suspended for between 1-5 years.

¹⁴ IPS data up to and including April 2020.

¹⁵ 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>. On 5 April 2020, the military authorities sent Hamoked further information regarding the pilot scheme but again failed to provide any data as requested. Available at: <https://is.gd/EpuMWU>

¹⁶ 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.

¹⁷ 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. By way of contrast, 17.9 percent of children indicted in Israel's civilian juvenile justice system were denied bail in 2015. MCW has been unable to obtain accurate official data for 2016, 2017, 2018 or 2019.

¹⁸ Supra note 5.

¹⁹ HaMoked petitions the High Court of Justice - <https://is.gd/RopszB>

²⁰ Supra note 1.

²¹ Supra note 1.

²² Youth (Trial, Punishment and Modes of Treatment) Law (1971)

²³ 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.

²⁴ Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 9J.

²⁵ 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.

²⁶ This time period can be extended by 12 hours for urgent investigation needs.

²⁷ 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.

²⁸ This time period can be extended by 12 hours for urgent investigation needs.

²⁹ 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.

³⁰ 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.

³¹ 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.

³² Military Order 1651 – Article 56(e) (criminal offences). In the case of security offences, the time period is 60 days - Articles 58 and 59.

³³ 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.

³⁴ 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.

³⁵ 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.