



# Military Court Watch

Monitoring the treatment of children in Israeli military detention

---

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

---

### ANNUAL REPORT – 2021/22

---

**Date: 3 October 2022**

*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.*

## **Index**

<b>Executive summary .....</b>	<b>3</b>
<b>Background .....</b>	<b>4</b>
<b>Detention figures .....</b>	<b>5</b>
<b>Current evidence of issues of concern .....</b>	<b>6</b>
<b>Comparative Graph - Issues of Concern (2013-2022) .....</b>	<b>25</b>
<b>Recent developments .....</b>	<b>26</b>
<b>Forcible transfer and unlawful detention .....</b>	<b>27</b>
<b>Unlawful discrimination .....</b>	<b>29</b>
<b>Accountability .....</b>	<b>30</b>
<b>A link between child detention and the settlements .....</b>	<b>30</b>
<b>Recommendations .....</b>	<b>31</b>
<b>Annexure A - 12 Testimonies .....</b>	<b>32</b>
<b>Annexure B - Standard arrest document .....</b>	<b>55</b>
<b>Annexure C - Rights in custody document .....</b>	<b>56</b>
<b>Annexure D - Table of solitary confinement cases .....</b>	<b>58</b>
<b>End notes .....</b>	<b>59</b>

## **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 2021 and 2022 (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 2021. The report also includes a comparative graph tracking 13 issues of concern since 2013 based on **1,002 testimonies**.
- 1.2 In 2021 the monthly average number of children held in Israeli military detention declined by **8 percent** compared with the previous year. In regards to the 13 issues of concern tracked by MCW and recorded in the [Comparative Graph](#), 10 issues (**77 percent**) recorded a deterioration compared with the long-term average.<sup>1</sup> Two issues (**15 percent**) recorded some improvement and 1 issue (**8 percent**) recorded no change. Of particular concern was the level of physical abuse (**74 percent**) and a surge in the use of solitary confinement (**42 percent**).
- 1.3 While noting a number of positive developments since 2013, the evidence suggests that these changes have generally not translated into significant substantive improvement in the treatment of children who come in contact with the system and largely amount to form over substance. 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 2022.
- 1.4 The evidence discloses that during the reporting period many children continue to be arrested from home in night-time military raids; tied and blindfolded; transferred to an interrogation centre on the floor of military vehicles; experience physical and verbal abuse as well as threats; and continue to be questioned without prior access to lawyers or being informed of their right to silence – as required under Israeli military law. Confessional evidence continues to play a dominant role and most cases are concluded by way of plea bargains - being the quickest way out of the system. Accordingly, the evidence against the children is rarely tested in court.
- 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 inside Israel in violation of the Fourth Geneva Convention and the Rome Statute of the International Criminal Court continued as part of a systematic policy. Since the Office of the Prosecutor of the ICC initiated a preliminary examination into Palestine in January 2015, between **2,175** and **4,350 children** have been forcibly transferred and/or unlawfully detained.<sup>2</sup>
- 1.6 As in previous years, the evidence suggests a strong geographic link between illegal Israeli West Bank settlements (and associated infrastructure) and the military detention of children living nearby. In 2021, 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 the same children in military courts.
- 1.7 Finally, the lack of domestic remedies coupled with international resistance towards legal accountability at the International Criminal Court continues to erode faith and confidence in a credible "rules-based order" - setting the stage for a dangerous vacuum to develop. Picking and choosing who the rules apply to is not a rules-based order and is undermining the principle.

## **2. Background**

- 2.1 This year marks 55 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 around 825,000 Palestinians have been imprisoned,<sup>3</sup> of which about 4 percent were children (33,000).<sup>4</sup> Available evidence suggests that around 629,000 of those detained, including 28,000 children, were indicted and prosecuted in the military courts, although it is difficult to obtain reliable and constant data covering the entire period.<sup>5</sup>
- 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, UK, Norway, the Netherlands and Australia, independent lawyers, as well as Palestinian, Israeli and international organisations, among others.<sup>6</sup>
- 2.3 In 2012, a delegation of independent lawyers from the UK 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.<sup>7</sup> 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 institutionalized 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;<sup>8</sup>
  - (ii) The introduction of a [form](#) notifying parents of the reason for a child's arrest and place of detention;
  - (iii) Re-issuance of the military's [standard operating procedures](#) for the arrest of minors to all military units serving in the West Bank including a reminder of the prohibition against physical and verbal abuse and procedures for restraining children;
  - (iv) The introduction of a form notifying children of their legal rights in custody including the right to silence and the right to consult with a lawyer (**Annexure C**);
  - (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.

- 2.5 Based on developments up to September 2022, and the evidence collected during the reporting period, this report considers whether the introduction of these, and other 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 2021 was **151**, representing an **8 percent decline** compared with the previous year. During the reporting period average child detention rates fell to their lowest levels since at least 2008. According to the most recent IPS data, 137 children were held in military detention at the end of June 2022. Since October 2020, the IPS has replaced publishing monthly data on Palestinians held in military detention with quarterly data.
- 3.2 All of the children detained in 2021 were males. However, during the first six months of 2022, a small number of girls (< 1%) were again being detained. As of June 2022, five children were being held without charge or trial in [administrative detention](#), while in the first six months of 2022 only one child under 14 years was held in IPS detention. The age breakdown of children in detention for the previous 10 years is as follows:

Age	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
<b>12-13 years</b>	< 1%	0%	< 1%	< 1%	1%	< 1%	< 1%	< 1%	< 1%	< 1%
<b>14-15 years</b>	16%	12%	19%	24%	20%	22%	17%	13%	17%	17%
<b>16-17 years</b>	84%	88%	81%	75%	79%	78%	83%	87%	82%	82%

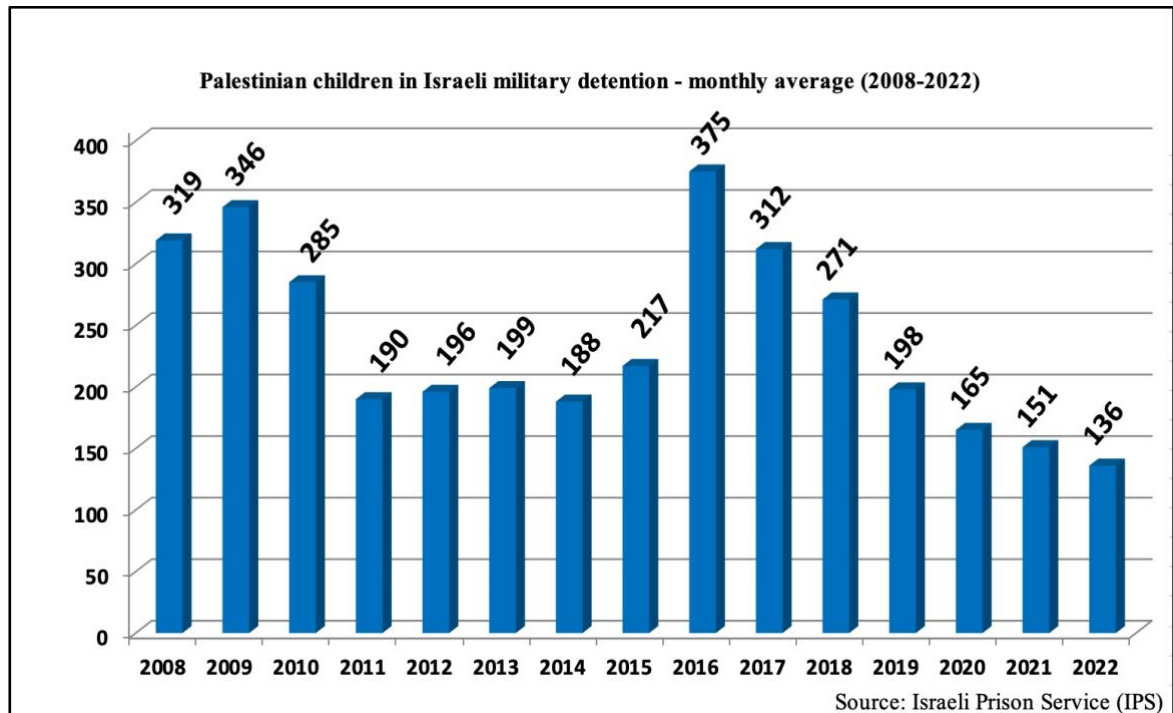
- 3.3 It is not possible to ascertain from the data published by the IPS the total number of children detained each year. Based on the data that is available, approximately 800 children were arrested each year between 2013 and 2015, of which 500 were prosecuted in the military courts. A further 350 children were detained for periods of less than 6 hours, as provided for under military law.

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

- 3.4 The following table summarizes how the 100 cases documented by MCW in 2021 were dealt with by the military authorities and courts.

Issue		Average detention / sentence			Total
<b>Released without indictment</b>		15 hours			<b>5%</b>
<b>Administrative detention</b>		3.5 months			<b>2%</b>
<b>Indicted</b>	<b>Released on bail</b>	53 days			<b>3%</b>
	<b>Sentenced</b>	6 months in prison	NIS 2,200	9 months suspended <sup>12</sup>	<b>90%</b>
<b>Total</b>					<b>100%</b>

- 3.5 Official data relating to the monthly average number of Palestinian children detained by the military authorities and held in IPS prisons between 2008-2022 is presented in the following graph. 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.<sup>13</sup> For the most part, detention rates fluctuate depending on prevailing tensions.



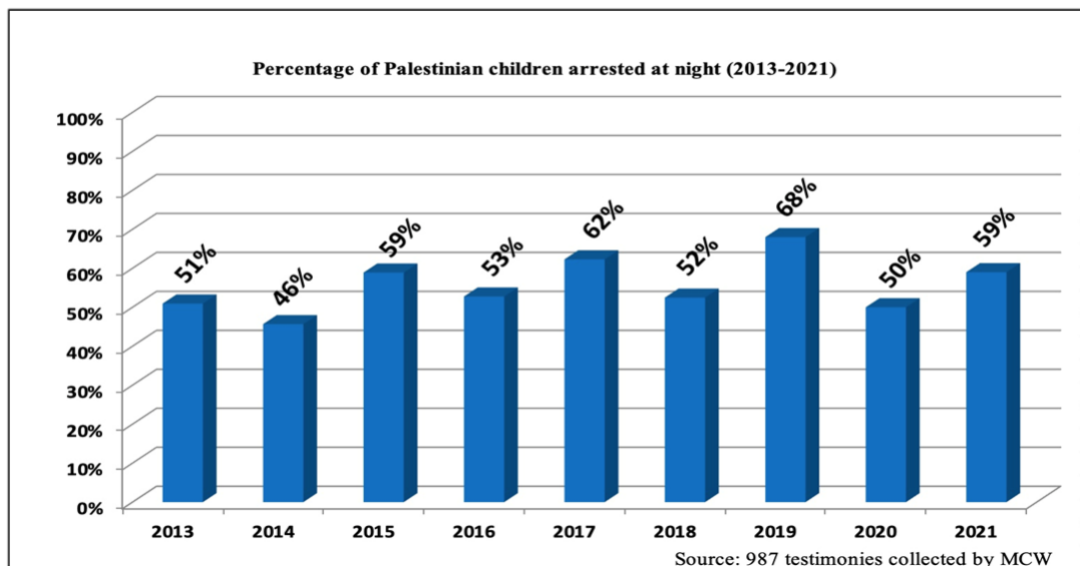
#### **4. Current evidence of issues of concern**

- 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 2021, are included at the end of this report (**Annexure A**). Based on **100 testimonies** collected from children detained in the West Bank in 2021, the evidence indicates as follows:

- (i) **Night arrests – 59 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 tend to intimidate targeted communities and children report being "[shocked](#)" 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 blown open using [explosives](#). In some cases [hydraulic jacks](#) are used to open doors quietly while families sleep. Sometimes houses are searched and property [damaged](#). In cases where children are not at home, family members have been held [hostage](#) until the child turns himself in. When [describing](#) his night arrest, one boy said: "This is what usually happens in the village; whenever an incident happens, the soldiers round up all the boys who have recently been in prison."<sup>14</sup>

*"I was not home when Israeli soldiers blew off our front door at 3:00 A.M. They asked my parents for me and then took my two younger brothers (aged 8 years and 12 years) to my aunt's house nearby. Then they searched our house ... Then they gave my parents a verbal summons ordering that I go to the police station for questioning. Two days later an Israeli intelligence officer rang my father and told him if I did not turn myself in they were going to kill a family member and destroy our house."*

[M.A.M.W.](#) (16 years) – Kafr Ni'meh, West Bank – 17 March 2021



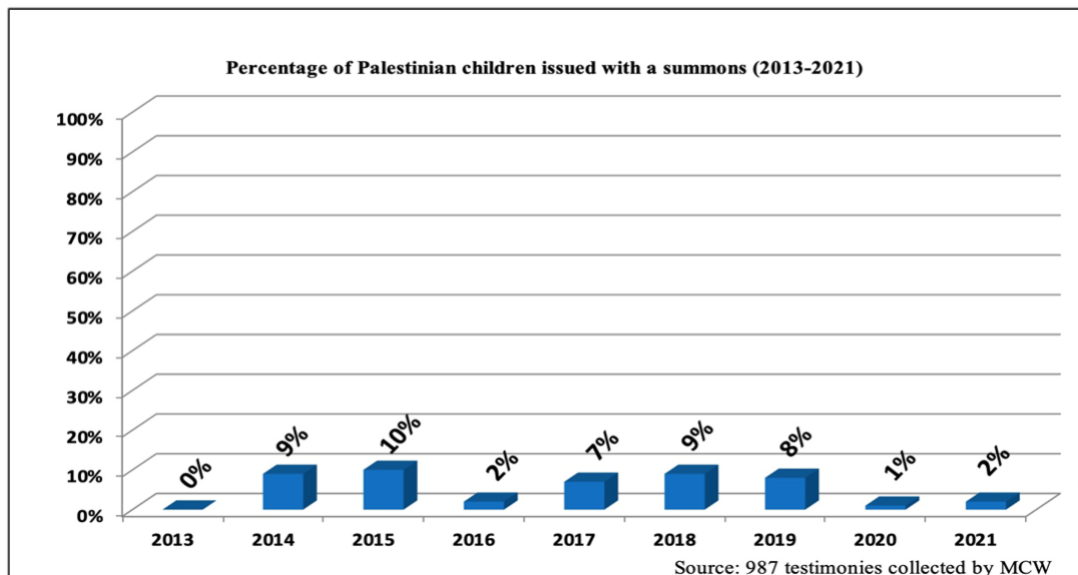
- (ii) **Summons in lieu of night arrests** – 2 percent of children reported being served with a written summons. A pilot scheme to issue summonses in lieu of night arrests was [introduced](#) in 2014. The scheme's introduction followed [widespread criticism](#) of the practice of detaining children at night. During the reporting period the pilot scheme was largely [defunct](#) and according to the military authorities [no records](#) were maintained making internal assessment impossible. On 1 August 2021, the military authorities announced that they had introduced [new procedures](#) for summoning children. While the procedures remain classified, the authorities have indicated that summonses will not be used if:

- (a) The child is wanted for interrogation by an agency other than the police; or
- (b) The child is suspected of a "severe offence" (undefined) or has a record of committing "severe offences".

Since August 2021, MCW has documented one case where a written summons was used - the summons was served at 3:15 a.m. during a military raid.

*"My father woke me up at around 3:15 a.m. and told me Israeli soldiers were inside our home. I got up and saw five soldiers in our living room. One of them told my father to collect all the mobile phones in the house ... Then he checked our identity cards and called my name. A soldier then gave my father a document summoning me to the police station in the morning. The summons was written in Hebrew and we could not read it but the soldier explained it to us. He did not give us any reasons as to why I was being summonsed."*

[N.N.R.T.](#) (14 years) – Beit Fajjar, West Bank – 24 October 2021

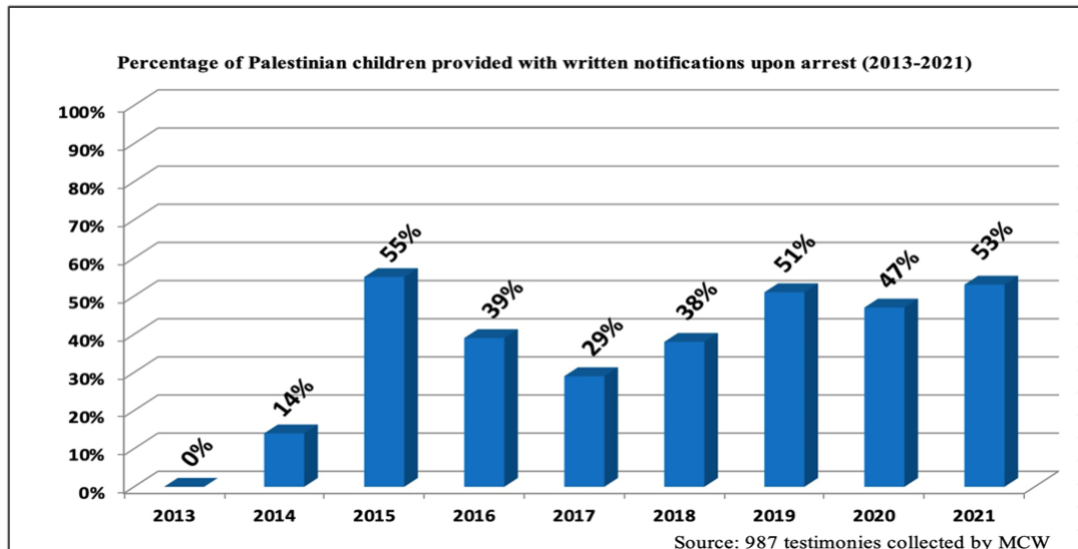


- (iii) **Written notification of arrest** – In **47 percent** of cases where children were arrested from home it was reported that no written notification about the arrest was provided. This is despite the military [informing](#) UNICEF in April 2013 that a standard form written in Arabic and Hebrew 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 B**).

*"I woke up to banging at our door. It was around 3:00 a.m. I got up and heard Israeli soldiers outside trying to break open our front door with a hydraulic jack. They broke the door and about 10 soldiers entered our home. The soldiers immediately took me aside, separating me from the rest of the family. Then they gave my father a document written in Hebrew and asked him to sign it. My father refused to sign."*

[M.A.M.Z.](#) (17 years) – Assileh Alharithiyeh, West Bank – 23 December 2021

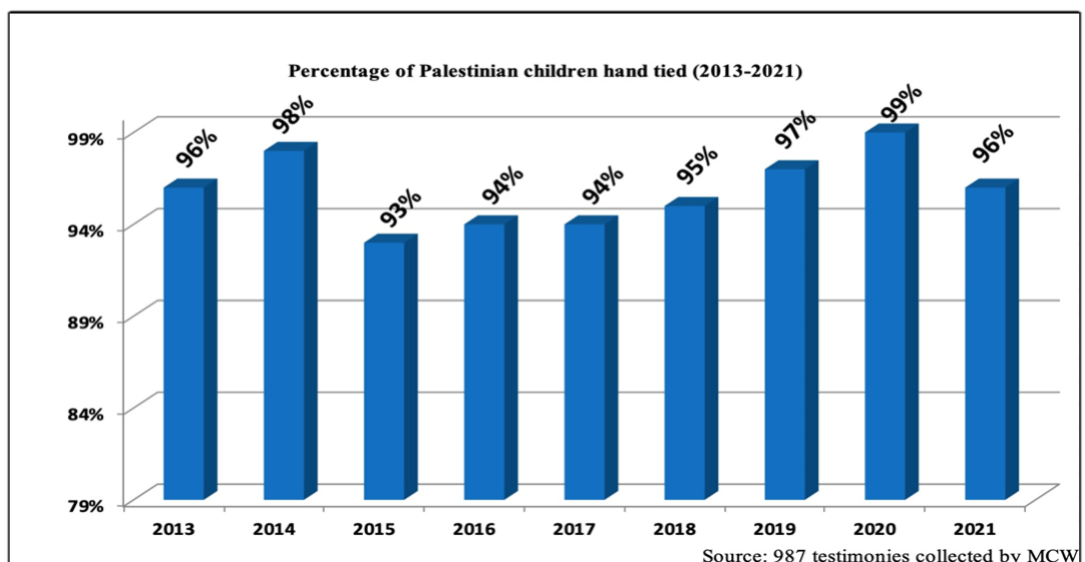




- (iv) **Hand ties – 96 percent** of children reported being hand tied upon arrest. This is the same percentage as at the time UNICEF issued its report in 2013. The ties are often described as “[painful](#)” or “[very tight and painful](#)” and in some cases [cut wrists](#), [cause swelling](#) and/or cause hands to [turn blue](#). Complaints from the child are generally [ignored](#). In some cases soldiers [threaten to tighten](#) the ties if the child causes "trouble". In one case a soldier used [twisted metal wire](#) to tie the child. In **93 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 Supreme Court in which this issue was raised.<sup>15</sup>

*“Then the soldier wanted to tie my hands behind my back but I refused. He then tied my hands to the front with three plastic ties on top of each other. The ties were tight and painful. I was tied for three days and the ties left marks on my wrists. Blood flow was severely restricted and my hands swelled and turned blue.”*

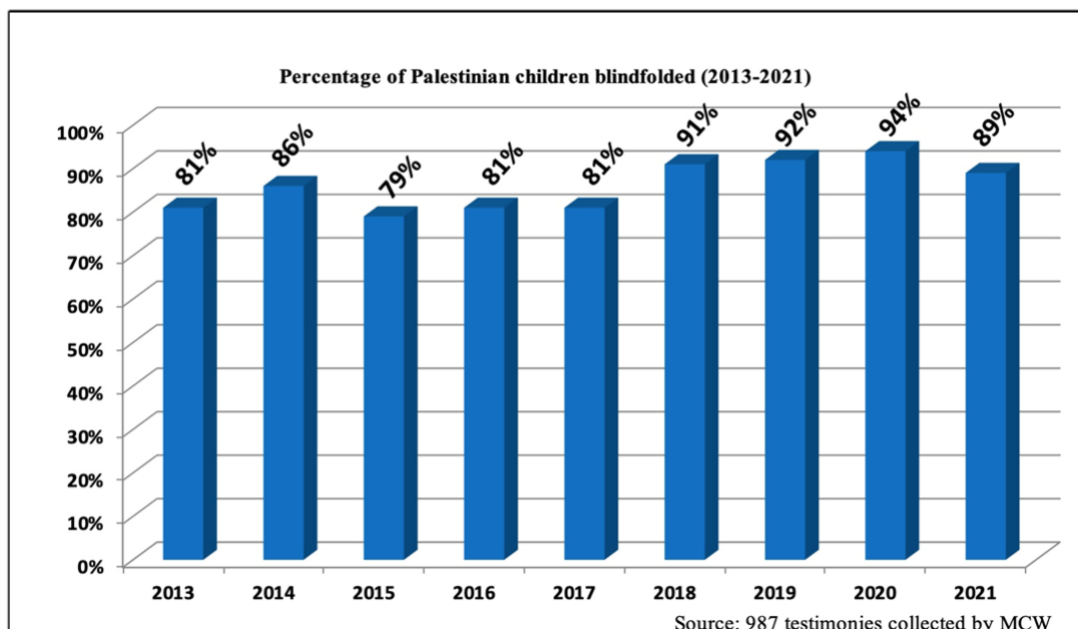
[M.A.I.H.](#) (14 years) – Al Jalazun refugee camp, 5 September 2021



- (v) **Blindfolds – 89 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 recommended that this practice be prohibited in all circumstances involving children. The evidence suggests that blindfolding children effectively “softens them up” for interrogation making it easier to obtain confessions. In August 2019, lawyers for the military authorities [informed](#) Israel’s Supreme 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.” This statement cannot be reconciled with the evidence.

*“Once outside the soldiers tied my hands behind my back with three plastic ties on top of each other. They were tight and painful. My hands swelled and the ties left marks on my wrists. They took me to the back of the jeep and made me sit on the metal floor. Inside the jeep the soldiers blindfolded me and then started to beat and swear at me.”*

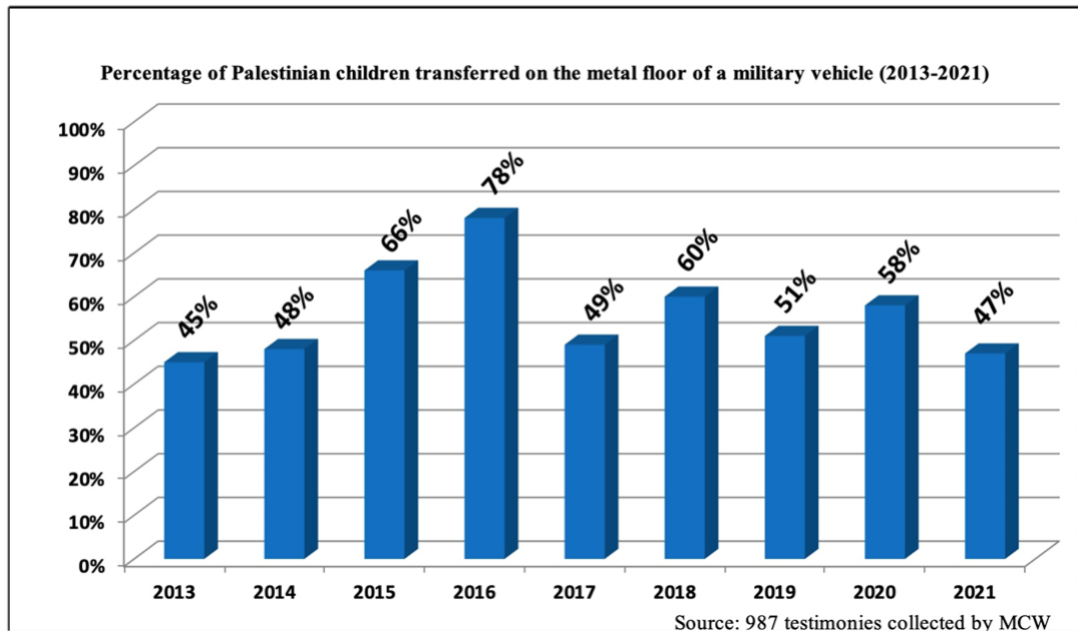
[Q.R.N.A.](#) (15 years) – Husan, West Bank – 24 October 2021



- (vi) **Floor transfer – 47 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](#), [slapped](#), [struck with rifle butts](#), [thrown on top](#) of other detainees and [verbally abused](#).

*"I was put in the back of a jeep where I sat on the metal floor. Inside the jeep soldiers struck me with the back of their guns and broke a rib. I found it hard to breathe and could not take a deep breath. They took me to a military base near the entrance to my village. Then I was left on the floor of a shipping container for 3 days."*

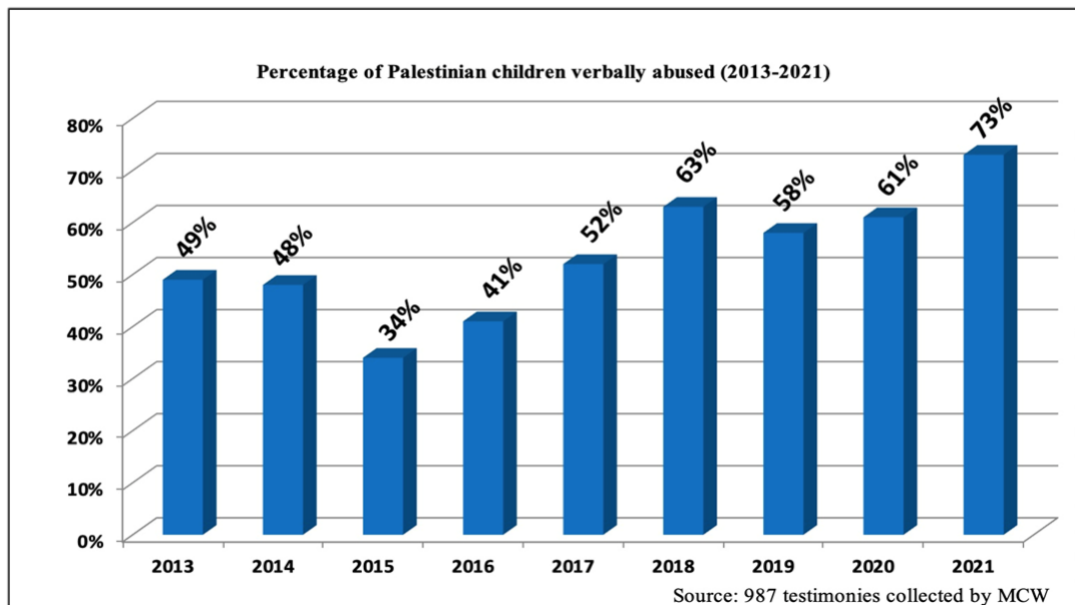
[M.S.N.A.](#) (16 years) – Beit Jala – 31 August 2021



- (vii) **Verbal abuse – 73 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.

*"A soldier pressed his knee on my neck and I felt I was going to pass out. Soldiers swore at me and called me "a fucking son of a whore". I passed out for a few seconds but the soldiers woke me up. I think I nearly choked on my tongue but a paramedic soldier made sure I was ok."*

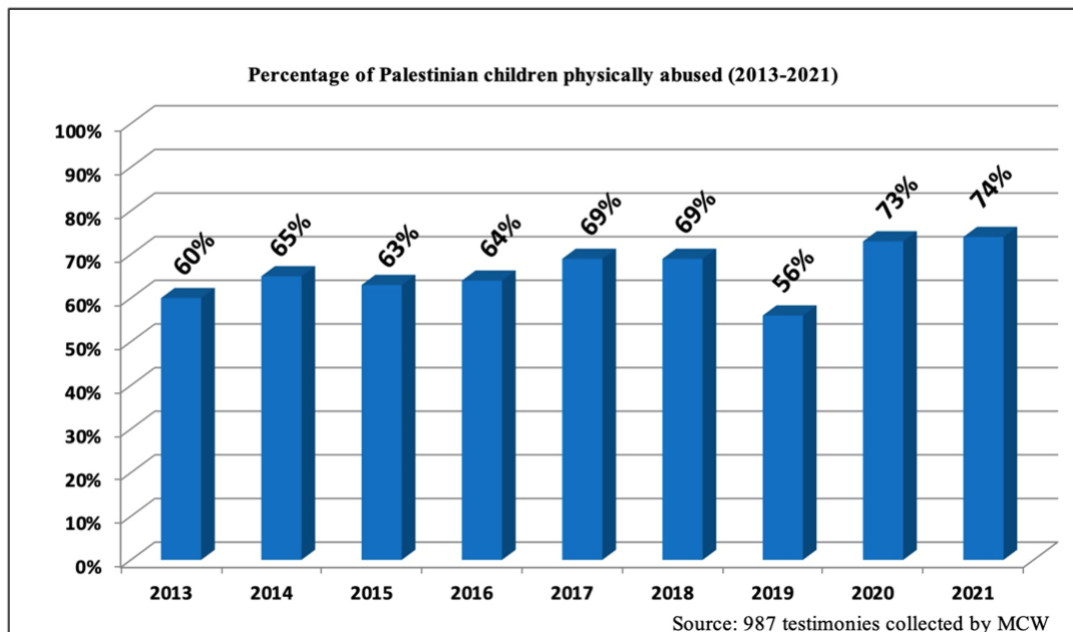
[K.M.A.N.](#) (17 years) – Habla, West Bank – 18 May 2021



- (viii) **Physical abuse – 74 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. During 2021, reports of physical abuse reached their highest levels since MCW started collecting testimonies. The types of reported abuse include: [punching](#); [slapping](#); [position abuse](#); [shooting](#); [choking](#); [kicking](#) including [kicking genitals](#); [striking with objects](#), such as guns; banging heads against objects, such as [walls](#), [metal cabinets](#), [windows](#) or the [heads of other detainees](#); [spat on](#); deliberately beaten on a [pre-existing injury](#); or injuries sustained as a result of being used as a [human shield](#). In some cases children required [medical attention](#) and/or [hospitalisation](#) after being assaulted. Most of the abuse occurs whilst the child is being [transferred](#) from the point of arrest to an interrogation centre, with some abuse also occurring in the [interrogation](#) room - one child [reporting](#) that an interrogator switched off an audio-visual device before starting to slap and punch him.

*"I was taken to a nearby military checkpoint where the soldiers continued to slap and kick me. One of them struck me hard with his gun on my back and caused me severe pain. Inside the checkpoint a soldier blindfolded me and swore at me. The soldiers beat me so hard that I passed out and the soldiers called an ambulance. I woke up when the soldiers poured Coca Cola on my face. The paramedics examined me but did not look at my back which hurt the most."*

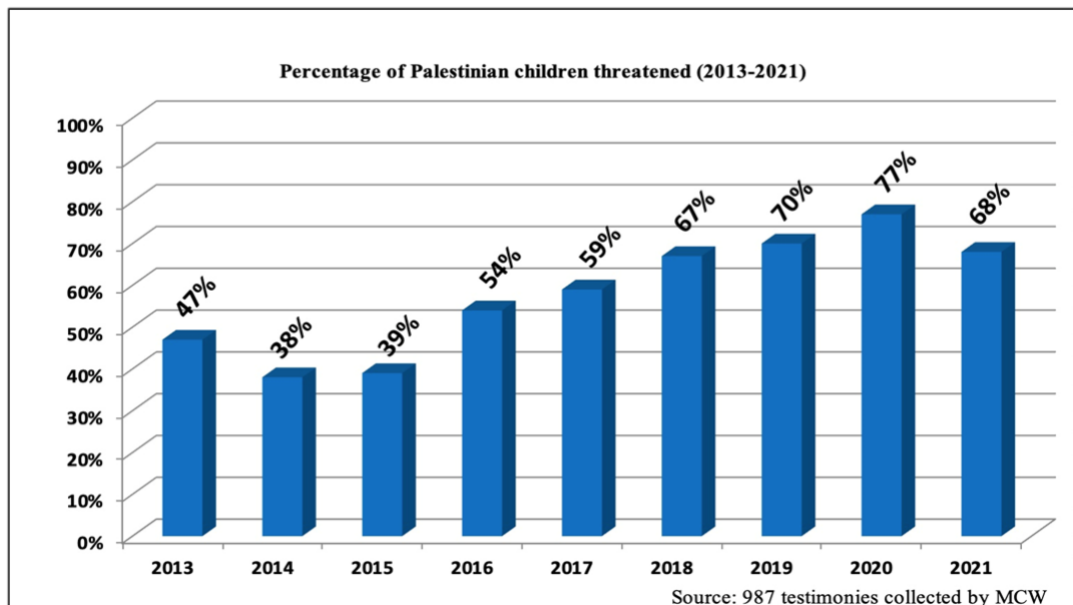
[A.M.T.H.](#) (14 years) – Hebron, West Bank – 5 October 2021



- (ix) **Threats – 68 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: [denial](#) or [cancellation](#) of work permits; [home demolition](#); [administrative detention](#); [arrest of parents](#) or a [brother](#); [harsher interrogation](#) if the child does not confess; [long-term detention](#) or [life imprisonment](#); [death threats](#); [threats of torture](#); [solitary confinement](#) or [locking-up family members in solitary confinement](#); [threat of rape](#); [taser](#); a threat to impose [travel restrictions](#); [no release until confession](#); threats of [physical violence](#); [cocking a rifle](#) near the child; [denial of food and drink for a month](#); [spraying with gas](#) if the child continued to bang on the cell door while in solitary confinement; and a threat to [paralyze a brother](#) who was also in custody. It should be recalled that these threats are generally made whilst the child is restrained, hungry and sleep deprived.

*"I was interrogated on a daily basis; sometimes up to five interrogators took part. I never spoke to a lawyer and was informed of my rights only before the first interrogation. The interrogators threatened to lock me up in prison for 10 years if I did not confess. They applied a lot of psychological pressure on me to extract a confession. I was tired and sleep deprived and, in the end, I could not take it anymore and I confessed to throwing stones at soldiers back in 2018 and setting an Israeli flag on fire during a protest."*

[A.I.A.J.](#) (17 years) – Salem, West Bank – 19 January 2021



- (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](#), [checkpoints](#), [army bases](#) and [smaller settlements](#) throughout the West Bank. Accordingly, the journey to interrogation can take many hours or [days](#). During this time children frequently report being left [tied and blindfolded](#) in [shipping containers](#), [tents](#) or [left outside](#) sitting or [kneeling](#) on the [ground](#) or in [cages](#) for [extended periods](#) exposed to [summer](#) and [winter](#) elements. In some cases [air-conditioners](#) are unnecessarily turned on causing children discomfort prior to interrogation. Some children report being treated with [dignity](#), but in most cases, children report [physical violence](#), [sleep deprivation](#), [humiliation](#), denial of [food](#) and [water](#), and limited or no access to [toilets](#). In some cases military doctors ignore [complaints](#) of [injuries](#). The result is that most children arrive in the interrogation room in a state of physical and mental exhaustion.

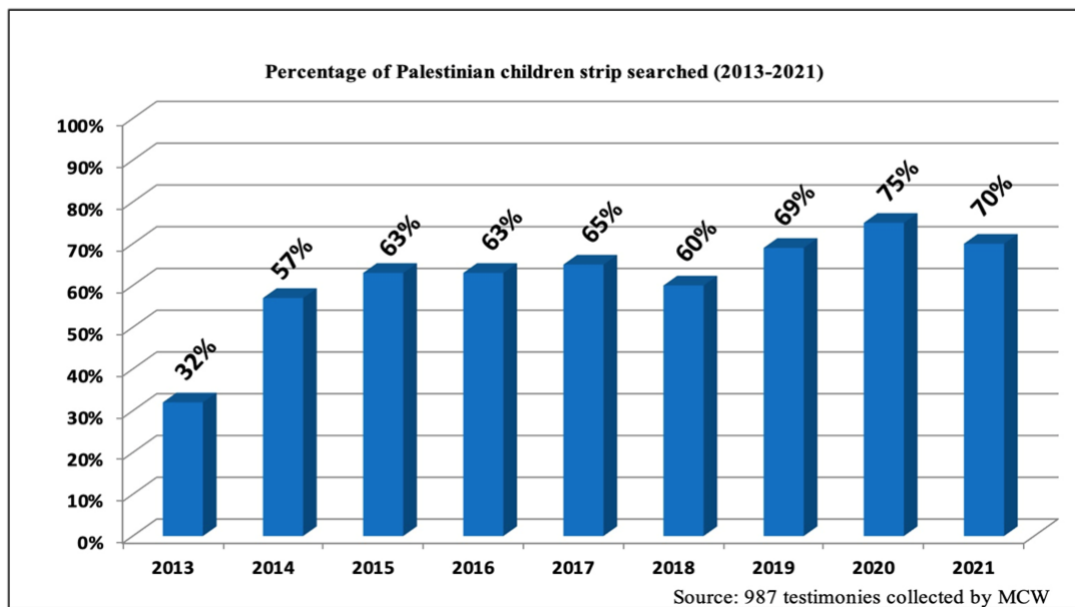
*"Then they drove me to the police station in Etzion settlement where I was left outside on the tarmac. I asked to use the toilet but they did not allow me. I asked the soldiers to loosen up the ties but they refused. Then a soldier who spoke Arabic came by. I asked him to loosen the ties and he did, but then when he left the other soldiers tightened them again and left me alone. I could not sleep because my hands swelled and were hurting. I was left out in the cold weather from around 3:30 a.m. until around 9:00 a.m. Then I was taken for interrogation."*

[S.A.M.H.](#) (14 years) – Beit Fajjar, West Bank – 18 October 2021

- (xi) **Strip searched – 70 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.

*"On arrival at the military base I was taken to a shipping container and they turned the air-conditioner on cold, it felt like a freezer. Inside the shipping container I was strip searched. Then they let me put on my undershirt but I was left there without my boxer shorts in the freezing shipping container for about 20 minutes. I felt humiliated. Then a soldier helped me put my clothes on because my hands were tied. Then he handed me a telephone and told me the Area Commander wanted to speak to me."*

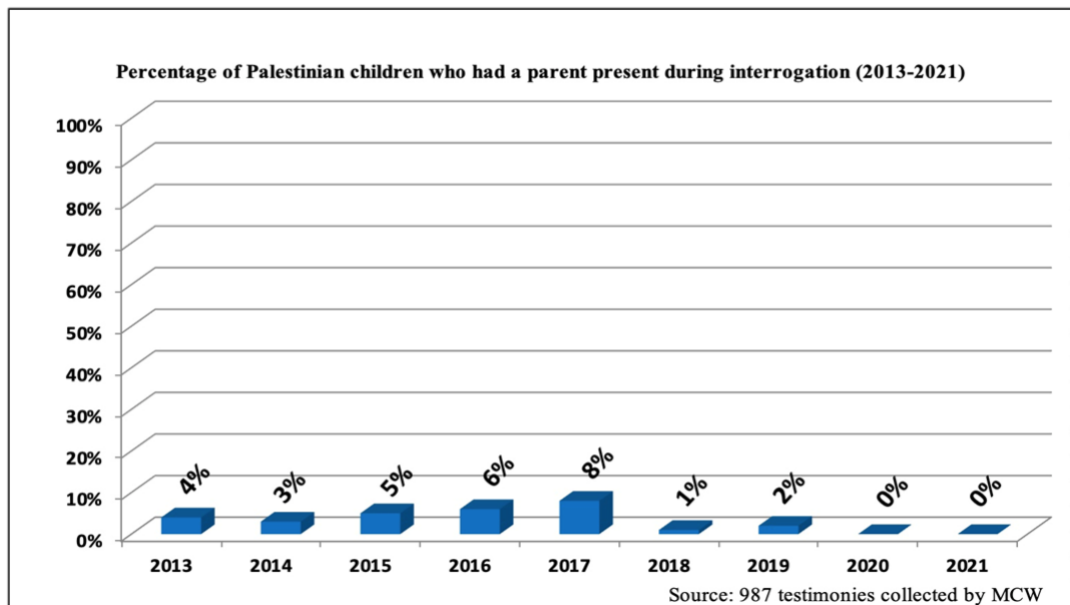
[M.S.M.Z.](#) (17 years) – Ein Qinya, West Bank – 17 October 2021



- (xii) **Accompanied by a parent** – **No child** 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. In some cases [parents](#) or [grandparents](#) took their children to the interrogation centres after being ordered to do so by an intelligence officer but were prevented from attending the interrogation even though they were on site. In **14 percent** of cases children were interrogated at night between [12 midnight](#) and [5:00 a.m.](#)

*"Later that morning, at 9:00 a.m., my parents and I went to the police station in Etzion settlement as ordered. We waited by a door but then were told to go somewhere else. We went but they sent us back to the first place. Finally, two people came and took me inside and told my parents to go home. It was around 11:00 a.m."*

[N.N.R.T.](#) (14 years) – Beit Fajjar, West Bank – 24 October 2021

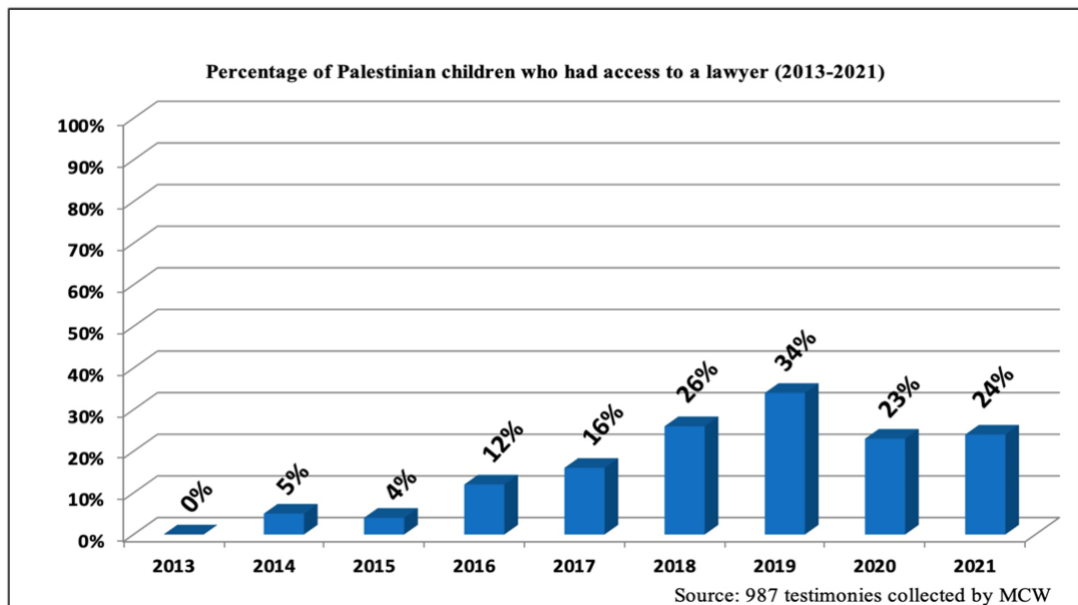


- (xiii) **Access to lawyers – 76 percent** of children reported being denied access to a lawyer prior to questioning. This compares with 100 percent at the time UNICEF issued its report in 2013. Under Israeli military law a detainee has the right to consult with a lawyer prior to interrogation. There are exceptions but generally these do not apply to children. Although Israel's Supreme Court has identified this to be a fundamental right, it is only afforded to Palestinian children in 24 percent of cases.<sup>16</sup> In cases where a child does consult with a lawyer prior to interrogation, this usually amounts to a [brief phone conversation](#) lasting several minutes or less, sometimes while the interrogator [listens](#) on speaker phone. Many children report only being informed of the right [half-way through](#) or at the [conclusion](#) of the interrogation. In some cases children are [handed a document](#) in the interrogation room about their rights even as these rights are being [withheld](#). Only in **2 percent** of cases did a child [physically meet](#) with a lawyer prior to interrogation. Most children continue to consult with a lawyer for the [first time](#) at a military court.

*"I was handcuffed when I was taken to the interrogation room and the interrogator questioned me while I was handcuffed. He asked me if I wanted to speak to a lawyer. When I asked him whether a lawyer would be useful, he said no. Then I told him I did not want to speak to a lawyer if he was not going to be useful."*

[I.A.S.L.](#) (17 years) – Huwwara military base, West Bank – 7 February 2021

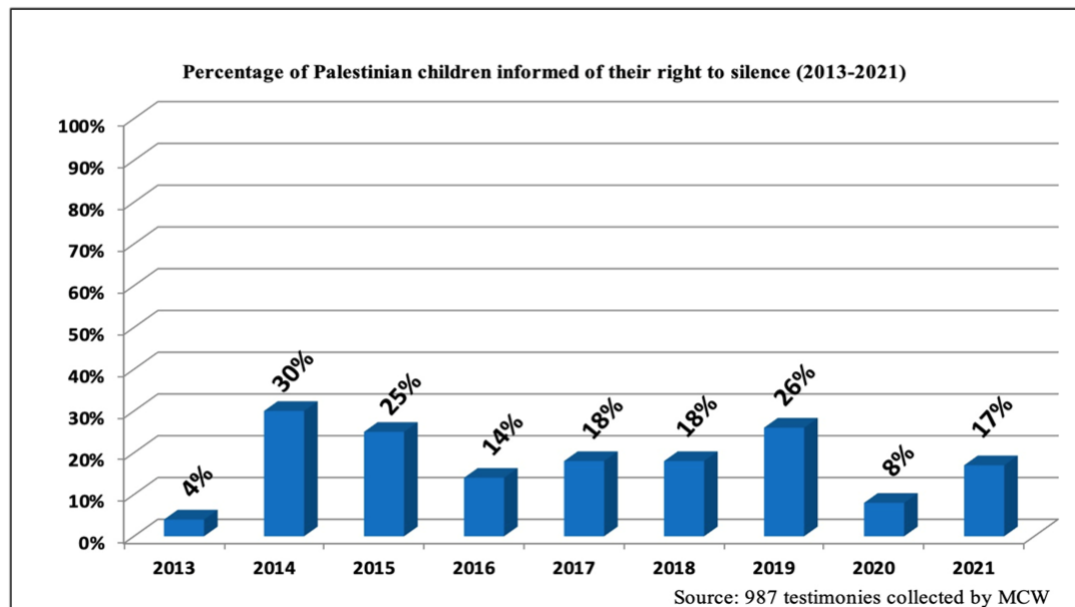




- (xiv) **Right to silence – 83 percent** of children reported not being informed of their right to silence under Israeli military law. This compares with 96 percent at the time UNICEF issued its report in 2013. As in previous years most children are not informed of this right and/or are told they [must confess](#) or "[you're a terrorist and not entitled to any rights](#)". In other cases children are informed of their right to silence but then [threatened](#) making the right all but illusory. In other cases children are informed of the right but the statement is then immediately qualified with comments such as: "[if you remain silent I will arrest you again](#)"; or "[it's not in your interests to remain silent](#)"; or "[if you do remain silent it will be interpreted as guilt](#)". In other cases children are only informed of the right on one occasion even though they are interrogated [multiple times](#) over the course of days or weeks. In some cases children are informed of their right to silence but simply [do not understand](#) what is meant. A copy of a document (Arabic) provided to children during some interrogations regarding their legal rights is included in **Annexure C**.

*"The interrogator removed the blindfold but kept me tied. He later took off the ties during the interrogation. I told the interrogator I wanted to call my parents. He told me I had to confess first and then he would allow me to call my parents. Then he phoned a lawyer and allowed me to speak to him. The lawyer told me not to confess and not to worry. The interrogator left the room during the conversation which lasted less than two minutes. Then the interrogator came back and told me I had the right to remain silent. Later, when I wanted to practice my right to silence, he yelled at me and thumped the table aggressively."*

[S.A.M.H.](#) (14 years) – Etzion interrogation centre, West Bank – 18 October 2021



- (xv) **Solitary confinement** – **42 percent** of children reported being held in solitary confinement for an average of **12.5 days** (Range: 2-31 days).<sup>17</sup> This compares with 17 percent in 2020 and 8 percent in 2019. MCW estimates that in 2021, between **210 - 420 children** were held in solitary confinement.<sup>18</sup> This represents a dramatic surge in the use of this practice and well above the long-term average of 2 percent. In 96 percent of solitary confinement cases children were placed in isolation as part of the interrogation process - in the remaining 4 percent of cases, isolation was imposed as [punishment](#) for breaking prison regulations. In 2013, [UNICEF](#) recommended that “in no circumstances whatsoever should a child be held in solitary confinement” while in Israeli military detention - at the time 4 percent of children were being held in solitary confinement.

Children held in solitary confinement describe being kept in [small, windowless cells](#) sometimes with a [light left on 24 hours](#) and round the clock [CCTV](#) surveillance. In such conditions children report not being able to tell [day from night](#). One boy describes how he covered the light in the cell with his [shirt](#) until a guard confiscated it. Children report that some cells are [painted black with a rough surface](#) which appears to contribute to a state of [depression and distress](#). Most children report receiving [limited](#) and/or [poor quality food](#) with one boy saying he was treated like a “[dog](#)”, another describing the food as “[disgusting](#)”. Some children also report significant [weight loss](#). In other cases children report limited or “[smelly](#)” bedding. In some cases, stints in solitary confinement are followed up with the child being placed in a cell with [collaborators](#) seeking to obtain a confession.

Most children report detrimental [psychological effects](#) from the experience, variously describing their mental, emotional and physical states as: “[scared](#)”; “[depressed](#)”; “[very stressed](#)”; “[distressed](#)”; “[loss of interest in life](#)”; “[weak morale](#)”; “[screaming to get attention](#)”; experiencing “[heart palpitations](#)”; “[deep mental and psychological distress](#)”; a [choking](#) sensation; and a sense of going “[crazy or mad](#)”. Many children also report having [difficulty sleeping](#) and feeling [exhausted](#) while in isolation and under

interrogation. A number of children engaged in [self-harm](#) and [attempted suicide](#). Even [after release](#) children report not fully recovering from the experience.

It should be recalled that placing children in solitary confinement may support a finding of torture in-line with [statements](#) made by the UN Special Rapporteur on Torture and consistent with the prohibitions contained within the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the UN Convention on the Rights of the Child, the Fourth Geneva Convention and the Rome Statute of the International Criminal Court. The evidence suggests that this practice is now being employed by Israeli military authorities as part of a widespread and systematic policy. A full list of solitary confinement cases documented by MCW in 2021 is included in **Annexure D**.

*"I lost my mind in that cell and was desperate to get out. I was psychologically stressed especially since I could hear other detainees chatting to each other in the next cell. I was depressed and lost hope. I spent time staring at the walls and did not sleep well although I spent a lot of time lying down trying to sleep. I pulled off the metal piece of my zippers and used it to write and draw on the wall. I wrote poems by Mahmoud Darwish - "I miss my mother. I miss my mother's bread" and I drew a broken heart. My time in solitary confinement destroyed me psychologically. The cell was monitored by a moving camera 24 hours a day and I had zero privacy, even when I went to the toilet."*

[K.M.A.N.](#) (17 years) – Meggido prison, Israel – 18 May 2021

*"On average I was interrogated three times a day and each interrogation lasted about two hours. I was never informed of my rights and I was not allowed to speak to a lawyer. I was accused of the same accusation and the interrogator wanted me to confess. He told me if I confessed he would get me out of solitary confinement immediately. He told me if I did not confess he would be forced to change his technique and it would become much harder for me. I did not confess. He also asked me to give names of boys and young men who were "active" in our village. I did not give him any names."*

[M.A.H.M.](#) (17 years) – Al Jalama interrogation centre, Israel – 12 May 2021

*"The time I spent in solitary confinement destroyed me. I no longer trust anyone because I estimate about 80 percent of the children who are arrested are placed in solitary confinement and many of them become collaborators because they believe it is the only way to end their ordeal."*

[A.L.F.M.](#) (17 years) – Al Jalama interrogation centre, Israel – 16 March 2021

*"While in solitary confinement I was in deep distress and kept thinking about ways to kill myself to end my loneliness and intense suffering. I tied a blanket to the metal handle of the door and then wrapped the blanket around my neck. I acted completely out of control and was not thinking of the consequences. When my plan did not work I removed the blanket and went to sleep."*

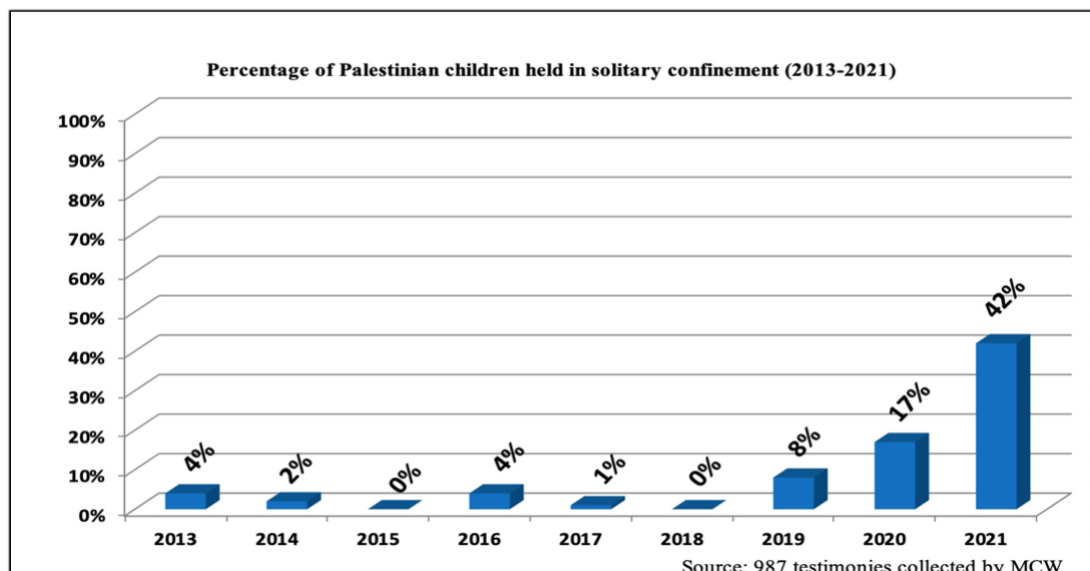
[A.R.S.Z.](#) (17 years) – Etzion interrogation centre, West Bank – 31 March 2021

*"I arrived at Al Jalama at 1:30 a.m. I was left outside at the gate until around 3:30 a.m. and then I was given a quick medical examination before being taken to a small cell measuring around 2x2 metres that did not have any windows. I was left there in solitary confinement for 17 days. I did not know what time it was and could not tell day from night. The walls were dark and rough. I cried because I was depressed and did not know when I was going to be taken out. I made strange noises and tried to sleep most of the time to stop thinking about my situation. I told myself I was willing to confess to anything they accuse me of in order to get out of solitary confinement."*

[M.R.F.Q.](#) (17 years) – Al Jalama interrogation centre, Israel – 16 March 2021

*"I felt so terrible that I wanted to kill myself. I broke a plastic fork they had brought with the food and I cut my wrist and made more cuts along the inside of my arm until my elbow. The guards saw what I had done on the CCTV camera and they quickly came to the cell. One of them yelled at me and wanted to beat me up. Then they took me to the clinic."*

[A.N.H.H.](#) (17 years) – Petah Tikva interrogation centre, Israel – 29 January 2021



- (xvi) **Recruitment of child informants** – Children are generally cautious about discussing attempts to recruit them as informants although some are forthcoming. It is difficult to estimate how widespread this issue is but estimates of collaboration rates provided to MCW by families in towns and villages across the West Bank range from **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.

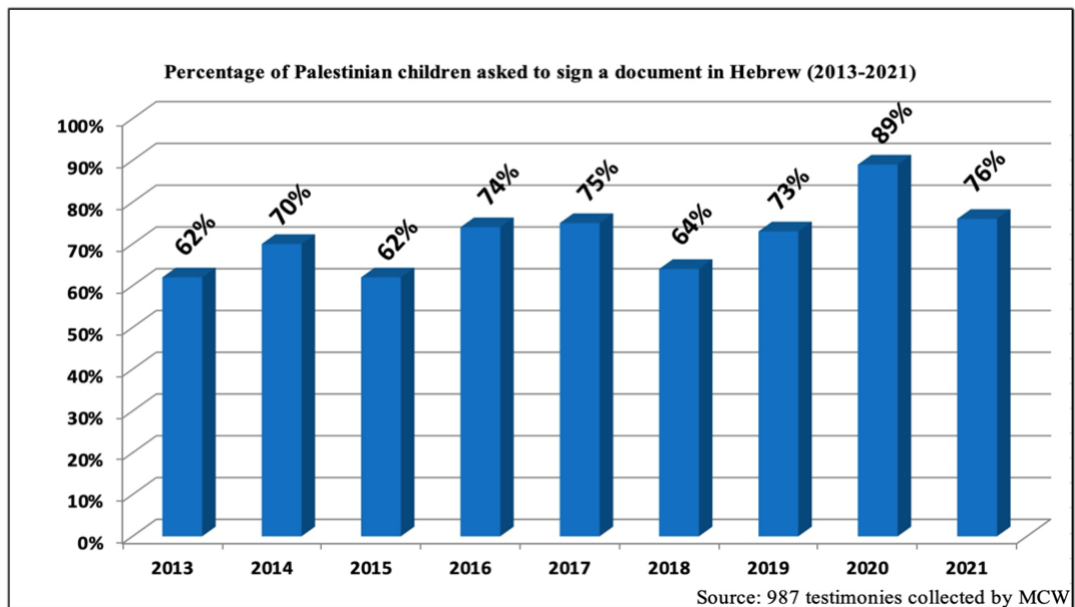
*“During one of the interrogations the interrogator tried to recruit me. He told me when I am released he wanted me to get his phone number from a Facebook page and call him to tell him my whereabouts. He kept insisting that was all he wanted from me, and that it was not a big deal. He threatened if I did not call him he was going to put me under administrative detention for six months. He told me he had already revoked my father's work permit but promised to give it back to him if I agreed to call him once I'm released. Then he put his hand on my shoulder and told me not to be a fool and that everyone else is happy while I was rotting in prison - all I had to do was call him.”*

[A.A.N.Z.](#) (17 years) – Al Jalazun refugee camp, West Bank – 21 June 2021

- (xvii) **Documentation in Hebrew** – **76 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 child for signature. Some children [refuse to sign](#) while others sign acknowledging they [do not understand](#) the contents of the document. Sometimes documentation is provided in [both Arabic and Hebrew](#). In some cases children ask for documents to be translated - the evidence indicates that these requests are met with both [positive](#) and [negative](#) responses. Documentation provided at the time of arrest generally also includes [handwritten information](#) specific to that case written in Hebrew.

*“The interrogator was aggressive and spoke to me in a loud voice. He thumped the table and threatened to beat me. He told me I was never ever going to be issued a work permit. He questioned me for about one-and-a-half hours. I denied the accusation. At the end he asked me to sign a document written in Hebrew and told me it was in my interest to sign - so I signed.”*

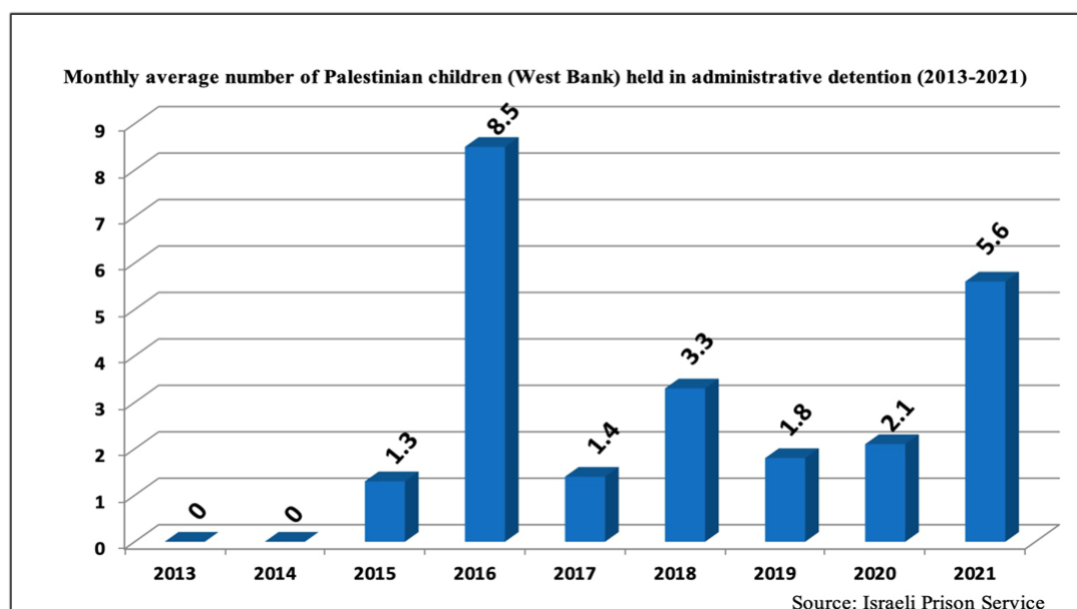
[A.A.M.S.](#) (17 years) – Beit Fajjar, West Bank – 2 January 2021



- (xviii) **Bail** – In **97 percent** of cases documented by MCW in 2021, 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.<sup>19</sup> The evidence indicates that children who are released on bail spend, on average, **53 days** in prison prior to their release.
- (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, 2019, 2020 or 2021. In 2021, MCW did not document any cases where the child was acquitted following a full 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 2021 an average of **5.6 children** were held in administrative detention at any given time - this compares with 2.1 in 2020. Some children are also [threatened](#) with administrative detention during interrogation.

*"The interrogator removed the blindfold and the tie. He phoned my father and allowed me to speak to him. I told my father where I was and told him not to worry. Then the interrogator phoned a lawyer and allowed me to speak to him. The lawyer told me I was going to be given a six-month administrative detention order. I was terrified. The conversation lasted for about a minute and the interrogator was listening on speaker phone [...] I had two military court hearings. At the second one my lawyer told me I was going to be released the following day. Instead of releasing me they gave me a four-month administrative detention order."*

[A.A.A.B.](#) (17years) – Megiddo prison, Israel – 12 May 2021



- (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.

*"I spent my time in Ofer prison [...] In prison I helped in the kitchen and was in charge of distributing food to the other prisoners. I also attended classes in Arabic, Hebrew and mathematics but I did not find the classes useful; they were at the level of first graders and I was in eleventh grade."*

[Q.R.N.A.](#) (15 years) – Ofer prison, West Bank – 24 October 2021



- (xxii) **Family visits in prison** – Under IPS regulations children are entitled to a family visit (2 persons) every 2 weeks of 45 minutes duration. Some family visits are denied on "[security grounds](#)" or because the bureaucracy for obtaining permits continues to take up to [2-3 months](#). In some cases parents only receive the permit to visit their child in prison [after](#) the child has been released. In other cases children have no [family visits](#) or phone calls but do not know why. In some cases children ask their parents not to visit because they do not want to "[trouble](#)" them or "[bother them](#)" because it is a long-tiring trip."

*"I was sentenced in a plea bargain to three months in prison [...] I did not have any family visits because the permit to visit was issued after my release."*

[A.F.M.D.](#) (16 years) – Ofer prison, West Bank - 7 August 2021

- (xxiii) **Telephone communication in prison** - Following the cancellation of family visits to prisons during the Covid-19 virus, most prisons introduced monitored telephones which children could use to contact their parents. Depending on the prison, phone communication is generally permitted every [two weeks](#). However, this does vary from prison to prison and within [each prison](#), for no obvious reason. One boy reports that the prison authorities told his parents to [call back](#) so that they would pay for the call. Some children continue to report having [little](#) or [no telephone](#) communication.

*"I was sentenced in a plea bargain to four-and-a-half months in prison [...] My parents did not visit me in prison because they are both sick with Diabetes. I managed to call home once from a telephone provided by the prison authorities."*

[K.I.K.H.](#) (17 years) – Ofer prison, West Bank– 13 January 2022 (release date)

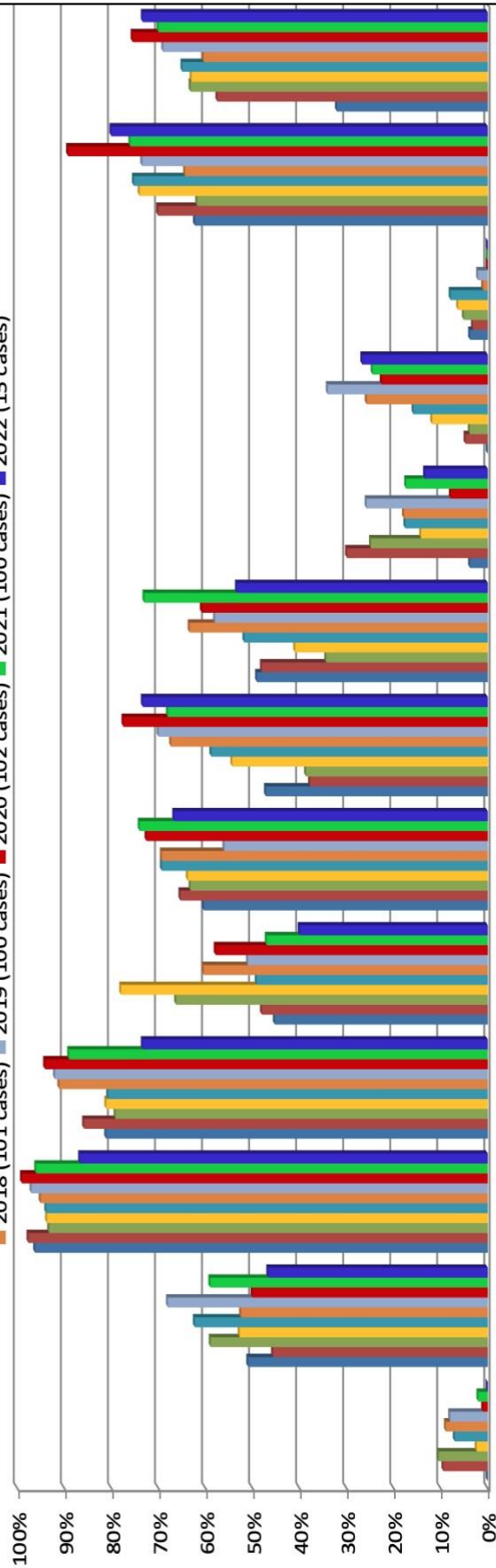
## **5. Comparative graph - issues of concern (2013-2022)**

- 5.1 The following graph monitors progress across 13 issues of concern and is based on **1,002 testimonies** collected by MCW between 2013 and 2022 from multiple locations across the West Bank. Out of the 13 issues tracked in 2021, 10 issues (**77 percent**) recorded a deterioration compared with the long-term average ([summons](#), [night arrests](#), [blindfolds](#), [physical abuse](#), [threats](#), [verbal abuse](#), [right to silence](#), [access to parents](#), [Hebrew](#) and [strip-searched](#)).<sup>20</sup> Two issues recorded some improvement ([floor transfer](#) and [access to lawyers](#)) and one issue ([hand-ties](#)) recorded no change. This graph is updated each month and is available on MCW's [website](#).



### COMPARATIVE GRAPH (2013 - 2022)

■ 2013 (53 cases) ■ 2014 (127 cases) ■ 2015 (163 cases) ■ 2016 (127 cases) ■ 2017 (114 cases)  
 ■ 2018 (101 cases) ■ 2019 (100 cases) ■ 2020 (102 cases) ■ 2021 (100 cases) ■ 2022 (15 cases)



**Updated: 2 October 2022**

Information is based on testimonies collected by MCW

## **6. Recent developments**

- 6.1 **Formal investigation opened after International Criminal Court (ICC) finds jurisdiction -** In March 2021, the Office of the Prosecutor of the ICC [announced](#) the opening of a formal investigation into the Situation in Palestine following a [decision](#) by the Court in February that it possessed territorial jurisdiction. The investigation will cover alleged war crimes committed by all parties since June 2014 and potentially includes: settlement construction; and the forcible transfer of prisoners, including children, from the West Bank. In June, [Fatou Bensouda's](#) nine-year term as ICC prosecutor concluded and she was replaced by [Karim Khan KC](#).
- 6.2 **Obstruction of justice at the ICC -** Following the ICC's ruling on jurisdiction, Israeli [media](#) reported that "senior security officials said a number of ICC member states have agreed to give advance warning to Israel of any intent to arrest Israelis on their arrival in those countries or if a request for an arrest warrant is issued against them." Shortly afterwards, the governments of the [UK](#), [Germany](#), [Canada](#) and [Australia](#) (a non-exhaustive list) - all member states of the ICC - issued statements rejecting the ruling of the Court regarding jurisdiction over the Israeli/Palestinian conflict. Although not a party to the Rome Statute, the [US](#) under the Biden Administration also appears to be seeking to undermine the work and independence of the Court.
- 6.3 **UNICEF report: 9 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 throughout the process". UNICEF made 38 recommendations and undertook to publish 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 and UNICEF's 2013 conclusion remains valid in September 2022.
- 6.4 **US State Department's annual report on human rights –** In April 2022, 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 Report again confirmed that Israel applies two legal systems in the West Bank depending on whether a person is Palestinian (military law), or an Israeli settler (civilian law). The Report also confirmed that 80 percent of Palestinians arrested by Israel in the West Bank are detained in prisons inside Israel. This violates provisions in the [Fourth Geneva Convention](#) and [Rome Statute of the International Criminal Court](#) prohibiting the transfer of prisoners from occupied territory.
- 6.5 **UN Secretary-General's Annual Report on Children in Armed Conflict –** In July 2022, 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 UN verified the detention of 637 Palestinian children for alleged security offences by Israeli forces in the occupied West Bank" of which "75 percent reported physical violence." This year's report again omits to mention that most Palestinian child detainees are transferred out of the West Bank and detained in prisons located in Israel in violation of the Fourth Geneva Convention. Although classified as a war crime, the Secretary-General's report has omitted to mention forcible transfer since [2014](#).

- 6.6 **UK Lawyers' report: 10 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.<sup>21</sup> In 2014 and 2016, follow-up missions by the delegation, which included [Sir Keir Starmer MP](#), were [cancelled](#) due to a lack of co-operation by the Israeli authorities even though fully supported by the UK government. MCW estimates that 1 out of the report's 40 recommendations (**2.5 percent**) has been substantially implemented.<sup>22</sup>
- 6.7 **Israel's Supreme Court confirms only Palestinian homes can be entered without a warrant** - In 2021, the Supreme Court gave a decision in a [petition](#) seeking to limit the military's power to enter Palestinian homes in the West Bank. Since 1967, Israeli military law has permitted Israeli soldiers to enter Palestinian homes, day or night, "if there may be reason to suspect that public order may be harmed". The petition sought to impose limitations by requiring the military to first obtain a warrant from a judge, unless urgency made this impracticable. In dismissing the petition, the Court noted that a claim of discrimination due to the disparity between provisions relating to Palestinians and Israeli settlers was "beyond the scope of the petition".
- 6.8 **"Two Kids a Day" - A film by David Wachsmann - Jerusalem Film Festival (official selection)** - Each year, over 700 Palestinian minors are arrested throughout the West Bank. UNICEF concluded that "the ill-treatment of children who come in contact with the system appears to be widespread, systematic and institutionalized throughout the process, from the moment of arrest until the child's prosecution and eventual conviction and sentencing." "TWO KIDS A DAY" presents the mechanism behind the Israeli detention of Palestinian minors, showing points of view of the parties contributing to the system, documentation from the interrogation rooms and the bereft homes of those, that lose their childhood. [Trailer](#)

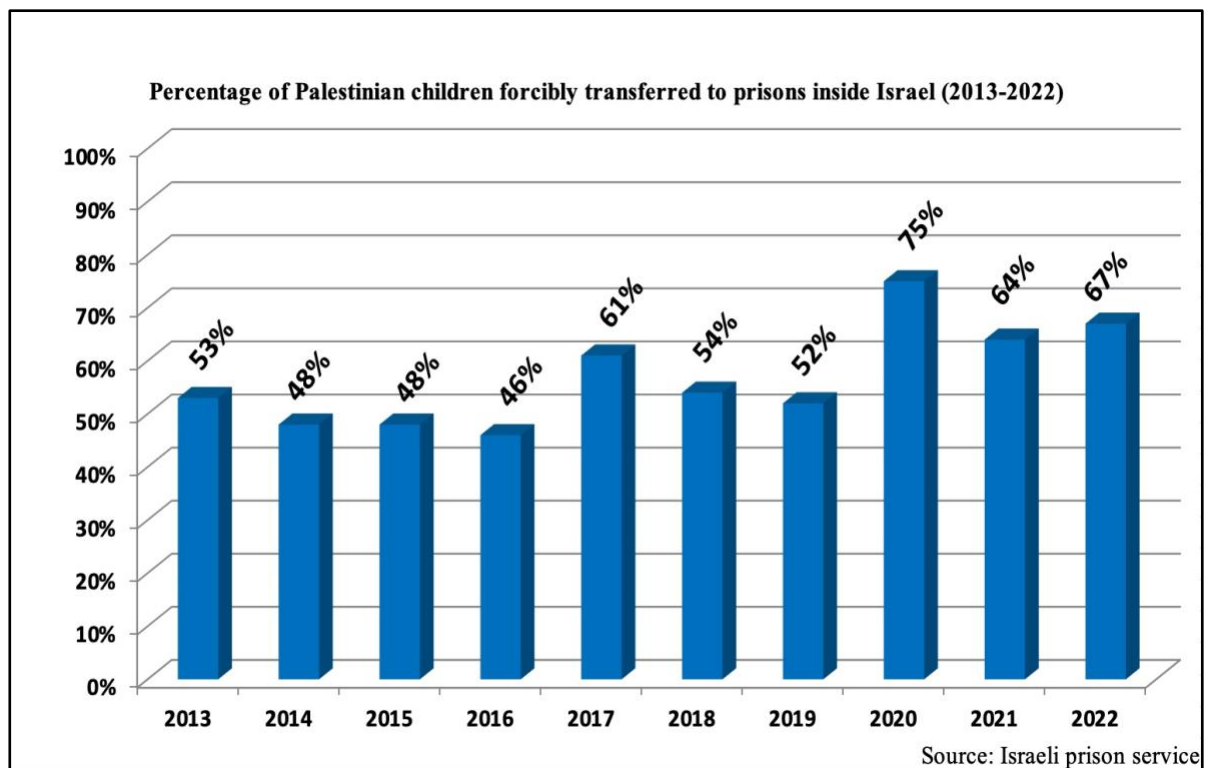
## **7. Forcible transfer and unlawful detention**

- 7.1 According to data released by the IPS, on average **67 percent** of child detainees and 80 percent of adults continue to be forcibly transferred and detained inside Israel.<sup>23</sup> 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 between **335 and 670 children** a year.<sup>24</sup>
- 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 MCW has written to a number of diplomatic missions seeking information on each state's position re transfer of children. While most responses (US/Australia excepted) acknowledge the applicable law, no state appears enthusiastic about enforcement or accountability in accordance with their own legal obligations as third-party states.

Request	Date received	Response
<a href="#">US</a>	28 November 2016	<a href="#">Donald A. Blome, US Consul General</a>
<a href="#">Norway</a>	31 January 2017	<a href="#">Jon Hanssen-Bauer, Ambassador</a>
<a href="#">Canada</a>	27 March 2018	<a href="#">Douglas Scott Proudfoot, Representative</a>
<a href="#">Australia</a>	27 March 2018	<a href="#">Matthew Neuhaus, Special Adviser</a>
<a href="#">Netherlands</a>	8 August 2018	<a href="#">Mauritz Verheijden, Charge d'Affaires</a>
<a href="#">EU</a>	26 September 2018	<a href="#">Emanuele Giaufret, EU Ambassador</a>
<a href="#">UK</a>	24 July 2019	<a href="#">Philip Hall, Consul General</a>

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 between **2,175** and **4,350 children** have been forcibly transferred and/or unlawfully detained inside Israel.<sup>25</sup>



- 7.5 While the government of Israel publicly rejects the *de jure* application of the Fourth Geneva Convention to the West Bank in relation to settlement construction, Military Order No. 3, which established the military courts on 7 June 1967, expressly relied on the Convention as the legal basis to do so, and as of September 2022, the military authorities continue to distribute a [briefing paper](#) at Ofer military court relying 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 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 that transfer continues to be a systematic policy.

## **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 Israeli 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 should 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 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 <sup>26</sup>		Military law	
1	Age of majority	18 yrs		16-18 yrs <sup>27</sup>	
2	Prohibition against night-time interrogation.	Yes <sup>28</sup>		No	
3	Legal right to have a parent present during interrogation.	Yes <sup>29</sup>		No	
4	Maximum period of detention before being brought before a judge.	12-13 yrs	12 hrs <sup>30</sup>	12-13 yrs	24 hrs <sup>31</sup>
		14-17 yrs	24 hrs <sup>32</sup>	14-15 yrs	48 hrs <sup>33</sup>
				16-17 yrs	72 hrs <sup>34</sup>
5	Maximum period of detention without access to a lawyer	48 hrs <sup>35</sup>		96 hrs <sup>36</sup>	
6	Maximum period of detention prior to indictment.	10 days <sup>37</sup>		15 days <sup>38</sup>	
7	Maximum period of detention between indictment and conclusion of trial.	6 months		9 months <sup>39</sup>	

## **9. Accountability**

- 9.1 In May 2022, the Israeli rights group Yesh Din released [data](#) on accountability arising out of alleged wrongdoing by Israeli soldiers against Palestinians in 2019-2020. According to the data the Military Advocate General's Corps (MAG) received 273 complaints of alleged offences by soldiers against Palestinians or their property. In 144 cases (72 percent) complaints were closed with no criminal investigation. According to Yesh Din, the chance of a complaint leading to a prosecution is just **2 percent**. Yesh Din also noted that there was a **26 percent** decline in the number of criminal investigations opened compared with 2017/18.
- 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 illegal settlements**

- 10.1 As in previous years the evidence collected by MCW suggests a strong geographic link between illegal Israeli settlements in the West Bank and the detention of Palestinian minors living in close proximity by the military. Out of 100 testimonies collected by MCW in 2021, **95 percent** of 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 the same children in military courts. In the remaining 5 percent of cases the children were detained in close proximity to the Wall, military checkpoints or in Area A.



- 10.2 Many settlements also play a key logistical role in the detention of children, acting as staging posts for military raids on Palestinian villages, hosting military bases, checkpoints, police stations, interrogation centres and prisons. These settlements and military bases include: [Al Ram](#), [Atarot](#), [Bet El](#), [Binyamin](#), [Bitar Illit](#), [Dotan](#), [Etzion](#), [Huwwara](#), [Karmi Zur](#), [Kedumim](#), [Kiryat Arba](#), [Modin Illit](#), [Ofer](#), [Salem](#), [Shave Shomron](#) and [Zatara](#).

## **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	<b>Children should only be arrested during daylight hours except in rare and exceptional circumstances. In all other cases summonses should be used.</b>	In 2021, <b>59 percent</b> of children reported being arrested at night. Summonses in lieu of night arrests were used in <b>2 percent</b> of cases.
2	<b>All children, and their legal guardians, should be provided on arrest with a written statement in Arabic informing them of their full legal rights in custody.</b>	In 2021, a form was distributed in <b>53 percent</b> of cases where children were arrested from home but this form does not include information about the child's legal rights while in custody.
3	<b>All children must consult with a lawyer of their choice prior to questioning.</b>	In 2021, <b>24 percent</b> of children reported being permitted to consult with a lawyer prior to their interrogation in accordance with their right under military law.
4	<b>All children must be accompanied by a family member throughout their questioning.</b>	In 2021, <b>no children</b> reported being accompanied by a parent during interrogation in accordance with a discretion permitted under military law.
5	<b>Every interrogation must be audio-visually recorded and a copy of the tape must be provided to the defence prior to the first hearing.</b>	In 2021 there was no requirement for audio-visual recording of interrogations in "security offences" involving minors in the West Bank. In <b>no cases</b> are tapes of interrogations being provided to defence counsel prior to the first hearing.
6	<b>Breach of any of these recommendations should result in the discontinuation of the prosecution and the child's immediate release.</b>	While some military judges have been <a href="#">critical</a> of the manner in which children are arrested and interrogated this does not automatically result in the dismissal of proceedings – a step that is probably essential in order to ensure compliance with existing military regulations.

**ANNEXURE A  
TESTIMONIAL EVIDENCE -  
12 TESTIMONIES  
(January - December 2021)**

**Testimony 1 - January**

**Name:** M.A.A.D.  
**Age:** 17  
**Date:** 8 January 2021  
**Location:** Qabatiya, West Bank  
**Accusation:** Throwing stones

**On 8 January 2021, a 17-year-old minor from Qabatiya was arrested from home by Israeli soldiers at 5:30 a.m. He reports being held at Al Jalama interrogation centre in solitary confinement for 16 days.**

I was arrested at around 5:30 a.m. Israeli soldiers raided our home accompanied by special forces. I woke up to the sound of the soldiers talking. One of them told me to hand over the weapons and then they started to search our house. They pulled out the tiles in the bathroom, broke wardrobes and cupboards. They did not find anything.

During the search some soldiers had an argument with my older brother which ended up getting physical. They beat my brother up so hard that they had to take him away in an Ambulance. We were worried about him.

Later the commander told me I was under arrest. One of the soldiers tied my hands behind my back with two plastic ties on top of each other. The ties were not painful. Then they took me outside. They did not give us any documents. Once outside the soldiers led me for about 30 minutes to where the military jeeps were waiting. The commander made sure that the soldiers did not beat me up.

When we arrived at the military jeeps I was put on the metal floor of one of them. They brought in a service dog into the back of the jeep and then blindfolded me. Then they drove me to the nearby settlement of Dotan. At the settlement I was taken to a shipping container where I was given a medical examination. During the examination they removed the ties and the blindfold. Then I was taken to Al Jalama interrogation centre, inside Israel, where I was left in a small cell in solitary confinement for 16 days.

The cell measured about 1.5 x 1.5 meters and did not have any windows. It had an air conditioning unit which blew cold air the whole time. The inside walls were rough and depressing. They sometimes left the light on, other times they turned it off. I had no idea whether it was day or night. During this time I did not sleep well and my morale was weak. I was interrogated once a day, five days a week.

The first interrogation was on the second day. The interrogator was in civilian clothes. As far as I could tell he did not record the interrogation. He did not allow me to speak to a lawyer but handed me a piece of paper with my rights written on it, including my right to silence. I read the document.



Then he accused me of throwing stones and wanted to know the names of the others who threw stones with me. I denied the accusation and did not give him any names. He was aggressive and thumped the table many times. He raised his voice at me and threatened to arrest my family members if I did not confess. He questioned me on and off for about two hours and claimed my friends had confessed against me. At the end he asked me to sign a document written in Arabic. I read the documents and then I signed. Then I was taken back to the cell.

The following interrogations were similar. I was not informed of my right to silence again and did not speak to a lawyer until after a week of daily interrogations. After a week I spoke to a lawyer who told me not to confess and not to say much. He also told me he would see me in court. The interrogations lasted for about an hour each. During one of them, the interrogator threatened that if I did not confess he would paralyze my older brother who was also in custody. On three occasions I was asked to sign documents written in Arabic.

My first military court hearing was a week after my arrest. It was conducted via zoom and my older brother attended. I attended about 20 military court hearings. At the last one, which was on 8 June 2021, I was sentenced in a plea bargain to nine months in prison and fined NIS 3,000. I was also given a suspended sentence of one year suspended for three years. I accepted the plea bargain because I was told I would be facing a much longer prison sentence if I rejected it.

After spending 16 days in solitary confinement I was taken to a cell with collaborators. They tried to get information from me and I became very suspicious of them. They also gave me false information about my family. One of them told me my mother was sick with COVID and was taken to hospital in a serious condition. I was worried.

I spent 22 days in the cell with collaborators and then I was transferred to the quarantine section at Megiddo prison, also in Israel. I spent 14 days in quarantine with other detainees and then I was transferred to the minors' section. I was later transferred to a prison in the Negev, inside Israel, where I was released from.

I was released on 17 August 2021, and went home with my brother. I arrived home in the evening. In prison I exercised and played table tennis and chatted to the other prisoners to pass the time. I also attended classes in Arabic, Hebrew and mathematics. I did not have any family visits but when I was still a minor I was allowed to call home twice a month from a monitored telephone provided by the prison authorities. I dropped out of school but I want to study by myself and sit for the final high school exams.

[This testimony was produced with the financial support of the German Federal Foreign Office. Its contents are the sole responsibility of Military Court Watch]

## Testimony 2 - February

**Name:** S.H.S.Y.  
**Age:** 15  
**Date:** 14 February 2021  
**Location:** Al Araqa, West Bank  
**Accusation:** Throwing stones

**On 14 February 2021, a 15-year-old minor from Al Araqa was arrested by Israeli soldiers from home at 2:00 a.m. He reports being interrogated several times without being informed of his full legal rights prior to each interrogation.**

I was arrested from home at around 2:00 a.m. I was asleep when my mother woke me up to tell me my grandfather had died. Then we heard loud banging at our front door. My mother opened the door and three Israeli soldiers and a commander entered our home.

The commander told my mother there was a charge sheet against me and that I was accused of cutting the fence and throwing stones. My father was not at home at the time as he was with my grandfather. The soldiers gave us a document filled out in Hebrew about my arrest and they asked my uncle to sign it which he did.

Then I was taken outside where my hands were tied to the front with two plastic ties on top of each other. They were tight and painful. They also blindfolded me and then led me about 200 meters to where the military jeeps were waiting. They took me to the back of a jeep where I sat on a seat. Inside the jeep a soldier shone a laser light into my eyes. When I told him to stop he slapped me on the neck.

I was taken to Salem checkpoint where I was left outdoors in the cold weather for a few minutes. Then I was taken inside where the air conditioner was turned on cold. This was meant as a punishment because I put my feet on the table. Then other soldiers came in and one of them puffed cigarette smoke in my face and another swung his pocket knife over my head to scare me. Then he pulled out another pocket knife and started to sharpen the two against each other. A female soldier cocked her gun right over my head which terrified me. They did not allow me to fall asleep.

I was left in that room until around 7:00 a.m. when I was taken to a troop carrier which took me to Ofer for interrogation. I was taken to an interrogation room at around 4:00 p.m.

There was an interrogator and an interpreter in the room. The interpreter removed the ties and the blindfold. He told me they knew everything about me. I told him if they knew everything why was I there. He got angry and pushed me on the chair aggressively and told me I had to confess to all the accusations.

Then he phoned a lawyer and allowed me to speak to him. The lawyer told me to confess. The interrogator was listening to the conversation that lasted about a minute. The interrogator did not inform me of my right to silence and started to question me.

The interrogator accused me of throwing stones at a checkpoint. When I denied the accusation, he banged the table aggressively and showed me photographs and video footage of clashes at the checkpoint. I was questioned for about three hours and in the end I confessed.

After I confessed the interrogator told me to sign a document written in both Hebrew and Arabic. I signed it after reading it. Then I was taken to the quarantine section at Megiddo prison, inside Israel, where I spent seven days. During this time, I had my first military court hearing. My detention was extended. My parents did not attend the hearing because they were not informed.

After my first court hearing I had another interrogation. This time I did not speak to a lawyer and was not informed of my right to silence. The interrogator showed me more video footage of boys throwing stones at settlers. He accused me of taking part but I denied it. He questioned me for about 30 minutes and did not ask me to sign any documents.

On 22 February 2021, I had another military court hearing in which I accepted a plea bargain. I was convicted of throwing stones and sentenced to time already served and fined NIS 1,000. I was also given a suspended sentence of three months valid for two years. I accepted the plea bargain because I wanted to go home.

I was released at Al Jalama checkpoint on 22 February 2021. My father was at his parent's house following the death of my grandfather. I called him and he came and picked me up. I arrived home at around 5:30 p.m.

[This testimony was produced with the financial support of the German Federal Foreign Office. Its contents are the sole responsibility of Military Court Watch]

### Testimony 3 - March

**Name:** M.A.M.W.  
**Age:** 16  
**Date:** 17 March 2021  
**Location:** Kafr Ni'meh, West Bank  
**Accusation:** Throwing stones

**On 17 March 2021, a 16-year-old minor from Kafr Ni'meh was arrested after reporting to an Israeli police station in the West Bank as ordered. He reports spending 29 days in solitary confinement in Al Mascobiyyeh interrogation centre in Jerusalem.**

I was not home when Israeli soldiers blew off our front door at 3:00 a.m. They asked my parents for me and then took my two younger brothers (aged 8 years and 12 years) to my aunt's house nearby. Then they searched our house. Then they went to my uncle's house asking for me and checked my name against my cousin's name. Then they went back to our house and gave my parents a verbal summons ordering that I go to the police station for questioning.

Two days later an Israeli intelligence officer rang my father and told him if I did not turn myself in they were going to kill a family member and destroy our home. He also told him they would come and arrest me at night. My father was terrified and decided to accompany me to the police station.

We went to Ni'lin police station on 17 March 2021. We arrived at the checkpoint at around 9:00 a.m. and then a military jeep took me and my father to the police station.

At the police station I was handcuffed to the front with metal handcuffs which were tight and painful. I was also shackled. Then my father and I were taken to the interrogation room. The interrogator asked my father if he wanted to appoint a lawyer. He told him he did. Then he phoned my aunt, who is a lawyer, but she did not answer. Then he phoned another lawyer. The lawyer told me not to be scared and that I had the right to remain silent. He also told me to take care of myself. The interrogator was listening to the conversation which lasted about three minutes.

Then the interrogator asked my father to leave and told him a military vehicle was going to take him back. He did not allow me to say goodbye to him. Then the interrogator told me I had the right to remain silent and said not to worry because he was not going to hurt me.

The interrogator accused me of throwing stones at a roundabout on a road used by settlers. When I denied the accusation, he yelled at me and told me I was a liar. Then he tightened the handcuffs and refused to give me some water and refused to allow me to use the toilet. Then he threatened to lock me up in a small cell in solitary confinement if I did not confess. Then he noticed a scar on my head where I had had a head surgery when I was young and he banged my head against a metal cabinet. I told him I had head surgery and threatened to report him. There was a camera in the room and later I found out everything was filmed and the tape was given to my lawyer.

He questioned me for about two-and-a-half hours and told me my friends had confessed against me. He wanted to know why I threw stones at innocent people and claimed I had threatened their lives. In the

end he gave me a document written in three languages: Arabic, Hebrew and English and asked me to sign it. I refused to sign because he did not give me enough time to read it.

Then the interrogator apologised for hurting me and justified it by saying it was his job. He then told me he was paid NIS 27,000 a month to do this job. Then he asked me which prison I would prefer to go to.

After the interrogation he took me outside and started to joke with me. Then he named some of my friends and then warned me about one of them and said he was not a good person. Then he asked me if I wanted to be with my friends at Ofer prison. Then, instead of taking me to Ofer I was taken to Al Mascobiyyeh police station in Jerusalem. At the police station I was strip searched before being taken to a small cell where I spent 29 days in solitary confinement.

The cell measured about 3 x 3 meters and did not have any windows. A light was left on 24 hours. I did not know day from night, but when I occasionally asked the guards for the time they told me. I could not sleep and I thought of my family the whole time, especially my younger brothers whom I missed. I was psychologically distressed. They sometimes brought in a detainee for a couple of hours until they found another place for them, but most of the time I was by myself.

My first military court hearing was on 18 March 2021. It was on zoom and my mother attended. I had about 12 military court hearings. My lawyer who saw the interrogation tape wanted to cross examine the interrogator who was seen banging my head against the metal cabinet. He was also seen threatening me. The interrogator never showed up in court.

At the last hearing, which was on 19 November 2021, I was sentenced in a plea bargain to 10 months in prison and fined NIS 2,000. I was also given another 18 months in prison suspended for five years. My lawyer advised me to accept the plea bargain and told me the alternative was two years in prison. This sentence was based on a report by a social worker who told the court I needed to be home because of my head injury and in order to go back to school.

After spending 29 days in solitary confinement I was transferred to Ofer prison. I was strip searched and then I was taken to the minors' section. In prison I was in charge of the ward and I kept it clean and tidy and distributed food to the other boys. This kept me busy and involved. I cleaned the courtyard and attended classes in Arabic, Hebrew and mathematics. I missed my final high school exams. I don't want to repeat my class, instead I want to work at a garage painting cars.

I was released at Ofer on 6 December 2021 and I went home with my father, my brothers and my friends who were all waiting for me outside Ofer. I arrived home at around midnight.

In prison I had four family visits and I called home from a telephone provided by the prison authorities twice a month.

#### Testimony 4 - April

**Name:** M.H.M.Z.  
**Age:** 16  
**Date:** 7 April, 2021  
**Location:** Beit Ummar, West Bank  
**Accusation:** Throwing pipe bombs

**On 7 April 2021, a 16-year-old minor from Beit Ummar was arrested by Israeli soldiers at 1:30 a.m. He reports being informed of his right to silence and consulting with a lawyer. He also reports being held in solitary confinement for 18 days.**

I had a painful back injury which was keeping me awake. At around 1:30 a.m. I heard banging and heavy footsteps. I looked out the window and saw about 30 Israeli soldiers running towards our house. They banged the door downstairs and told my father he had five seconds to open or else they were going to break it open. My father rushed downstairs and opened the door.

About 15 soldiers entered our home and asked my father for our names. When he mentioned my name, the commander told him I was under arrest. Four soldiers followed me upstairs to my bedroom and searched it. They found a yellow T-shirt and a pair of boots and took them. Then they took me downstairs. They did not give us any documents.

I barely had time to say good bye to my family before the soldiers took me outside where they tied my hands to the front with two plastic ties on top of each other. The ties were very tight and painful. Then they blindfolded me and made me sit outside the front door for about one-and-a-half hours while the soldiers remained inside the house doing nothing.

After about one-and-a-half hours a police car pulled up and a policeman asked me to hand over my mobile phone. When I told him I did not have it on me he went inside and took the phone from my nine-year-old sister who had hidden it under her pajamas. The policeman took the telephone and left.

After the policeman left the soldiers walked me towards the military watchtower at the entrance to my village and left me there for about an hour. Then I was taken to the back of a troop carrier. A soldier beat me on the back with the butt of his gun. When I sat on a seat a soldier banged my head against the window.

The troop carrier drove to the nearby settlement of Karmi Zur where they dropped soldiers off and then continued on to the police station in Etzion settlement. We arrived at Etzion at around 4:00 a.m. I was left outside a clinic for about 30 minutes and then I was given a medical examination. The doctor asked me whether I had been beaten up by soldiers and I told him I had. Then he gave me a medical report to sign and I saw he had circled the wrong answer to the question about physical abuse. I told him I was not going to sign it until he corrected the answer. He then circled the other answer and I crossed the first one to make sure it was clear I was subjected to physical abuse. At around 6:30 a.m. I was taken for interrogation.

The interrogator removed the ties and the blindfold and handed me a telephone to speak to a lawyer. He turned the speaker on and was listening. The lawyer told me I had the right to remain silent and then the

line was cut off. Then, without informing me of my right to silence, the interrogator accused me of making pipe bombs and throwing them at soldiers. Then he claimed he had video footage of the incident and then played it for me. The footage showed a boy doing nothing but wearing an identical T-shirt to mine. I denied the accusation and told him the boy was not me.

I was interrogated non-stop from around 6:30 a.m. until around 4:30 p.m. and I continued to deny the accusation. The interrogator was aggressive and raised his voice at me and verbally abused me. He questioned me about things that had nothing to do with the accusation. He wanted to get information from me about people from my village. I told him I did not know anyone and did not interfere in other peoples' business. He also told me my friends had confessed against me but I continued to deny the accusation. Then he threatened to arrest my parents and brother. I later found out he had summoned my older brother and questioned him about me for about eight hours before he released him. He told my brother he was willing to issue my mother a permit to go for medical treatment in Israel if he cooperated with him.

Towards the end I was exhausted as I had not slept at all and was not given anything to eat. The interrogator did not ask me to sign any documents. After the interrogation I was strip searched before being taken to a cell. I was left in the cell in solitary confinement for 18 days. During this time, I was interrogated 11 times by four interrogators.

Before each interrogation session I asked to speak to a lawyer. The lawyer told me to stick to my position. The interrogators never informed me of my right to silence. Each round lasted for about 2-3 hours. During this time, I lost about 10 kg of my weight. I was not shown any documents to sign except on the last interrogation when I refused to sign a document written in Hebrew.

My first military court hearing was a day after I was arrested. It was conducted via video link. My parents did not attend. In all I had about 20 military court hearings and at the last one, which was on the day when I was released, I was sentenced in a plea bargain. The court was satisfied with the time I had already spent in prison for lack of evidence. By then I had spent three months in prison. My parents were fined NIS 2,000. I was also given a suspended sentence of eight months suspended for three years. Part of this suspended sentence was from a previous arrest. I accepted the plea bargain because I was desperate to go home.

After 18 days in solitary confinement I was transferred to the quarantine section at Megiddo prison, inside Israel. I was strip searched and I spent 10 days there before being transferred to the juvenile section. I was released at Salem checkpoint on 16 June 2021 and I took a taxi to Huwwara because I was released before my parents arrived. I met my parents at Huwwara and we all arrived home at around 9:00 p.m. In prison I cooked and I played table tennis. I did not have any family visits.

[This testimony was produced with the financial support of the German Federal Foreign Office. Its contents are the sole responsibility of Military Court Watch]

### Testimony 5 - May

**Name:** A.I.M.H.  
**Age:** 12  
**Date:** 17 May 2021  
**Location:** Tulkarem, West Bank  
**Accusation:** Throwing stones

**On 17 May 2021, a 12-year-old minor from Tulkarem was arrested by Israeli soldiers during clashes near his village at 9:00 p.m. He reports speaking to a lawyer on the phone prior to interrogation but not being informed of his right to silence.**

I was watching clashes between Palestinians and Israeli soldiers when I was ambushed by a soldier. It was around 9:00 p.m. He pushed me to the ground and then another soldier came. He tied my hands to the back with two plastic ties on top of each other. The ties were tight and painful and left marks on my wrists for days. Then he blindfolded me and left me on the ground. The soldiers did not beat me and did not swear at me.

After a while they led me to a place I did not know and made me crouch for about two hours. I was tired and uncomfortable. Then I was taken to a military watchtower where I was given a quick medical examination after which I was taken to a troop carrier where I sat on a seat.

I think they took me to a place inside Israel. I was taken to a small room together with another boy who was arrested with me. They brought me some baked beans and I ate but I could not sleep. I was cold and there were lots of mosquitos. At around 11:00 a.m. the following day I was taken for interrogation.

The interrogator was in civilian clothes. He phoned a lawyer for me and I spoke to him. The lawyer told me not to be afraid and that I was going to be sent home soon. The interrogator was in another room while I spoke to the lawyer.

Then the interrogator started to question me without informing me of my right to silence. He had a voice recorder on his desk. The interrogator asked me who was with me in the area where I was arrested and wanted to know why I threw stones. I told him I did not throw stones. Then he became angry and thumped the table aggressively. Then he told me he was going to keep me in prison if I did not confess.

He questioned me for about an hour and I did not confess. At the end of the interrogation he asked me to sign a document written in both Hebrew and Arabic. I don't think I read it but I signed it.

Then, at around 7:00 p.m., my father came and paid NIS 1,500. Then they took my photograph and fingerprints and I went home with my father. We arrived home at around 9:00 p.m.

[This testimony was produced with the financial support of the German Federal Foreign Office. Its contents are the sole responsibility of Military Court Watch]



## Testimony 6 - June

**Name:** Q.K.M.A.  
**Age:** 15  
**Date:** 1 June 2021  
**Location:** Beit Ummar, West Bank  
**Accusation:** Throwing stones

**On 1 June 2021, a 15-year-old minor from Beit Ummar was questioned at Etzion police station following a telephone summons from an Israeli intelligence officer. He was held for 5 hours and questioned without legal rights before being released without charge.**

"Captain Khaled", the Israeli intelligence officer in charge of my village, phoned my father a day before my arrest and told him to bring me to his office in Etzion settlement. It was around 4:00 p.m. He told my father he would "regret it" if he did not bring me to his office and that our home would be raided and damaged if he did not bring me.

The next morning I went with my father to the police station in Etzion settlement at 9:00 a.m. "Captain Khaled" and "Captain Hamza" came to the gate where we were waiting and started to question me. I was not informed of any legal rights. "Captain Khaled" accused me of throwing stones on Route 60. I denied the accusation. He threatened to revoke my father's and my cousins' work permits if I did not stop throwing stones. He talked to me for about 30 minutes without allowing me to speak to a lawyer and without informing me of my right to silence. Then he told my father to wait by the gate and I was taken inside.

"Captain Khaled" took me to a room where another interrogator joined him. Then he started to yell at me. He raised his hand up as if he was going to slap me and told me not to look him in the eye. Then he accused me of throwing stones every day at the nearby settlement of Karmi Zur and on Route 60. I denied the accusation. He told me he had photographic evidence against me and video footage. I continued to deny the accusation. I still was not informed of any legal rights.

Then he took me to another small room and left me there for about two hours with another detainee from my village. Then he came back and threatened again to raid our home and destroy it if I did not stop throwing stones. He also threatened to beat me to death if I did not change my behavior. I denied the accusation and told him he did not have any evidence against me otherwise he was welcome to arrest me at home.

After about two hours he took a photo of my face and another one of my shirt and then took me back to the gate without asking me to sign any documents. He told my father he could take me home. My father and I took a taxi home, we arrived at around 2:00 p.m.

[This testimony was produced with the financial support of the German Federal Foreign Office. Its contents are the sole responsibility of Military Court Watch]

## Testimony 7 - July

**Name:** A.J.A.F.  
**Age:** 17  
**Date:** 31 July 2020  
**Location:** Tubas, West Bank  
**Accusation:** Throwing stones

**On 31 July 2021, a 17-year-old minor from Tubas was arrested by Israeli soldiers at a military checkpoint at 4:00 p.m. He reports being denied his legal rights and being held in solitary confinement for 7 days in Ofer prison.**

I was at Tayaseer military checkpoint when I was approached by an Israeli military jeep. It was around 4:00 p.m. About six soldiers got out of the jeep and grabbed me. They swore at me and started to kick me. Then one of the soldiers tied my hands to the front with two plastic ties: one around my wrists and another higher up near my elbows. The ties were very tight and painful. Then I was blindfolded and made me sit by the jeep for about an hour.

After an hour they took me to the back of the jeep and made me sit on the metal floor. I felt claustrophobic inside the small jeep. The jeep drove to the police station in Etzion settlement where I was left in a room, tied and blindfolded until around noon the following day. The soldiers who guarded me did not allow me to sleep and woke me up when I nodded off. I was not given any food or drink. At around 12:00 p.m. on 1 August I was taken for interrogation.

The interrogator removed the blindfold and the ties and shackled my feet. He did not allow me to speak to a lawyer and did not inform me of my right to remain silent. He showed me images of boys throwing stones at soldiers and accused me of taking part. When I denied the accusation, he swore at god and told me a soldier had seen me throwing stones at soldiers. He told me if I confessed he would send me home, he promised he would.

He questioned me for about 30 minutes and swore the whole time. At one point he blindfolded me again because I refused to confess. At the end of the interrogation he asked me to sign a document written in Hebrew and I did. Then I was given a COVID test and they took a DNA sample from my mouth. Afterwards I was strip searched and taken to a cell with other boys.

I spent two days at Etzion and then I was taken to Ofer prison where I spent seven days in solitary confinement. Then they brought in another boy and I spent another five days there. The seven days were very hard. I was treated like a dog. They gave me dry bread and threw the food on the floor. I lost interest in life and was desperate to get out. About a week after my arrest I had a military court hearing via zoom. My mother attended and the military judge extended my detention.

Then, after spending 12 days at Ofer I was taken to Ramla prison, inside Israel, where I had another interrogation. This time I was asked strange questions. The interrogator asked me what I knew about Hamas and whether they were strong in the West Bank. The interrogator also asked me about Jihad Islami and whether they had lots of followers in the West Bank. I told him I knew nothing. The interrogator did not allow me to speak to a lawyer and did not inform me of my right to silence.

In all I had four military court hearings and at the last one I was sentenced in a plea bargain to two months in prison and fined NIS 2,000. I was also told I was banned from entering Israel or Jerusalem and from crossing any checkpoint.

I spent two days at Ramla prison and then I was transferred to the quarantine section at Ofer where I spent 14 days. Then I was transferred to section 13 where I spent the rest of my prison sentence. In prison I played table tennis and chatted to the other prisoners. I did not have any family visits.

I was released from Ofer on 20 September 2021 and I went home with my parents and cousins. We arrived home at midnight.

### Testimony 8 - August

**Name:** A.M.A.M.  
**Age:** 17  
**Date:** 9 August 2021  
**Location:** Beita, West Bank  
**Accusation:** Throwing stones

**On 9 August 2021, a 17-year-old minor from Beita was arrested by Israeli soldiers at 5:00 a.m. from home. He reports being held in solitary confinement at Huwwara military base for nine days during interrogation.**

I woke up at around 5:00 a.m. to the sound of Israeli soldiers in my bedroom. About 10 soldiers were in my bedroom and many others were spread out around our house. They had climbed up the balcony, opened the window to my brother's bedroom and told him to open up the front door. I was shocked as I tried to comprehend what was going on.

One of the soldiers told me to get ready because I was under arrest. They did not give my parents any documents and did not tell us why they wanted to arrest me. Within 10 minutes I was taken to the front porch where a soldier tied my hands behind my back with three plastic ties: one on each wrist and another connecting the two. The ties were tight and painful.

After I was tied the soldiers took me outside and led me for about a kilometer to where a military jeep was waiting. When my parents could no longer see me, the soldiers started to kick and slap me. When we arrived at the jeep a soldier blindfolded me and pushed me into the back and made me sit on the metal floor between the soldiers' legs.

Inside the jeep a soldier hit me on the head and broke my glasses. I was taken to Zatara checkpoint where I was left by a shipping container for about two hours. The soldiers who were nearby swore at me. I asked for some water and a soldier gave me some. After a couple of hours I was taken to Huwwara military base where I was searched in my boxer shorts. Then I was taken to a clinic inside Israel where I was given a Corona test because I was coughing. When I tested negative I was taken back to Huwwara.

At Huwwara I was put in a cell where I was left in solitary confinement for nine days. The cell measured about 3 x 3 meters and had three metal bunkbeds. There was a window which let in some light. The walls were rough and painted black. The toilet was in the room. I was depressed in the cell and I was psychologically distressed. The following day I was taken to Salem for an interrogation.

The interrogator did not allow me to speak to a lawyer but told me I had the right to remain silent. He accused me of throwing stones at soldiers and told me two of my friends had confessed against me. He named my friends and I denied the accusation. He questioned me for about 45 minutes and was calm. He gave me the date of the incident which took place on a hill near my village. He did not show me any photographs or videos. At the end of the interrogation he asked me to sign a document written in Hebrew. I asked for a translation which he provided, and then I signed it after reading. After the interrogation I was taken back to solitary confinement.

The following day I had my first military court hearing. I was taken to Salem. My parents were not informed and they did not attend. The military judge refused to release me on bail and extended my detention.

After spending nine days in solitary confinement I was taken to the quarantine section at Megiddo prison, inside Israel, where I was searched in my clothes. I spent nine more days in a cell by myself.

I had three more hearings and at the last one, which was 17 days following my arrest, I was sentenced in a plea bargain to two months in prison and fined NIS 1,000. I was also given a suspended sentence. I thought the plea bargain was good because the prosecutor was asking for eight months in prison.

After spending nine days at the quarantine section I was taken to the minors' section at Megiddo where I spent the rest of my prison sentence. In prison I did not have any family visits because my sentence was too short. I played table tennis to pass the time and watched television. There were no classes because it was the summer holidays.

## Testimony 9 - September

**Name:** A.A.M.M.  
**Age:** 14  
**Date:** 1 September 2021  
**Location:** Bethlehem, West Bank  
**Accusation:** Throwing Molotov cocktail/pipe bomb

**On 1 September 2021, a 14-year-old minor from Bethlehem was arrested by Israeli soldiers from home at 3:30 a.m. He reports being interrogated several times without first being informed of his full legal rights prior to each interrogation.**

Israeli soldiers broke open our front door with a metal tool at around 3:30 a.m. I was still awake because I had just got home from a party. Lots of soldiers entered our home and almost immediately dragged me aside. I hardly had time to put my clothes on. They pushed me against a wall and pushed my father because he stood in their way. One of the soldiers asked me for my name and aimed his gun at my mother and younger brother.

Once they identified me they tied my hands behind my back with two plastic ties on top of each other. The ties were tight and painful and constricted the blood flow to my wrists. They remained inside our house for about 15 minutes. They gave my father a document filled out in Hebrew and made him sign it. Then they swore at me, my mother and sister.

After 15 minutes they took me outside where they pushed me into the back of a military jeep and made me sit on a metal seat. Inside the jeep I was blindfolded, pushed and struck with the back of a gun.

Then the jeep drove to Atarot police station in East Jerusalem where I was left in an outdoor cage, in the sun, until around noon before being taken for interrogation. During this time, I was given some food and drink and I was allowed to use a toilet. Then a soldier removed the blindfold and shackled me and took me to an interrogation room.

The interrogator was wearing civilian clothes and had a camera and a voice recorder in the room. He phoned a lawyer and allowed me to speak to him. The lawyer told me not to give the interrogator a hard time and advised me to confess in order to be sent home. We spoke for about two minutes and the interrogator was listening to the conversation on speaker phone. Then the interrogator told me all I was allowed to do was answer his questions. He did not inform me of my right to silence.

The interrogator accused me of throwing a Molotov cocktail and pipe bombs at a road tunnel used by settlers. I denied the accusation. Then he showed me some photographs and video footage and told me soldiers had testified against me. He was rough and spoke with a loud aggressive voice. He threatened to arrest my father if I did not confess and told me my friends had confessed against me. I continued to deny the accusation. He questioned me in three sessions over about four hours in all.

At the end of the interrogation I was told to sign a large number of documents written in Hebrew. At first, I refused to sign and asked for a translation. When he refused to provide a translation, I signed because I wanted the process to end.

After the interrogation I was taken to Ofer prison. I arrived there at around 10:00 p.m. I was strip searched before being taken to the quarantine section where I spent 14 days.

About 10 days later I was handcuffed to the front and taken for a second interrogation. I did not speak with a lawyer prior to the interrogation and the interrogator did not inform me of my right to silence. He had a camera and a voice recorder in the room. He warned me against lying and told me he had photographic evidence against me. He accused me of the same accusations and told me if I confessed he would send me home. He was calm and questioned me for about 30 minutes. At the end he asked me to sign a document written in Hebrew and I signed.

After the interrogation I was taken back to the quarantine section. On the way back, a soldier offered me an alcoholic drink but I refused to take it. Then he showed me video footage of a stone throwing incident and told me I was going to prison while he was going to the shopping Mall.

My first military court hearing was two days after my arrest. It was conducted on zoom. My parents did not attend because they were not informed about the hearing. I had about 10 hearings in all. About two months before I was released I was sentenced in a plea bargain to six months in prison and fined NIS 2,000. I was also given another 14 months in prison suspended for five years. My parents also had to pay a NIS 10,000 bond payable if I am arrested again within five years. I accepted the offer because I thought it was better than the 18 months in prison the prosecutor was asking for.

I spent 14 days at the quarantine section before being taken to section 13 at Ofer where I served the remaining time. In prison I passed the time cooking in the kitchen. I made ice cream from sour cream and juice. I had a family visit on average once a month and I called home from a phone provided by the prison authorities once every 14 days. I also attended classes in Arabic, Hebrew and mathematics and I played table tennis.

I was released at Ofer on 8 February 2022 and I went home with my brother and his friends. I arrived home at round 10:00 p.m.

## Testimony 10 - October

**Name:** M.M.J.H.  
**Age:** 16  
**Date:** 29 October 2021  
**Location:** Dheisheh, West Bank  
**Accusation:** Throwing stones

**On 29 October 2021, a 16-year-old minor from Dheisheh refugee camp was arrested by Israeli soldiers by Route 60 at 4:00 p.m. He reports being interrogated several times without being informed of his full legal rights prior to each interrogation.**

I was walking with some friends along Route 60 when a group of Israeli soldiers ambushed us. It was around 4:00 p.m. They were hiding inside a house and when we walked by they rushed out. Two of the soldiers grabbed me and beat me up. Then they led me away while still beating me. We walked for about an hour. My eye swelled and I bled from my nose and cheek. I was in pain and could no longer walk. The soldiers also swore at me.

At one point the soldiers called an ambulance because I was bleeding heavily. The paramedics arrived and treated me on site. Then a soldier blindfolded me and tied my hands behind my back with three plastic ties: one on each wrist and another connecting the two. The ties were very tight and caused me a lot of pain and left marks on my wrists for a long time. Then they took me to the back of a military jeep and made me sit on the metal floor. Inside the jeep a soldier aimed his gun at me while the other soldiers continued to beat me and swear at me.

They took me to a nearby Israeli police station where I waited for a short while before I was taken to a room where they removed the ties and the blindfold. Then they phoned a lawyer for me and I spoke to him. The lawyer spoke for a short time and told me to take care of myself. Then I was taken to an interrogation room.

The interrogator wore a police uniform and spoke to me through an interpreter. The interrogator saw my injured face but did not ask about it. He did not inform me of my right to silence and started to ask me about my friends. He wanted to know their names. Then he showed me video footage of clashes with soldiers and accused me of intending to throw stones at soldiers. I denied the accusation. At first, he was calm but when I denied the accusation he changed his behaviour. He thumped the table and shouted at me telling me I was a liar. Then he wanted to know the names of my friends. He repeated the same questions and accusations many times.

At one point I asked to use the toilet and he allowed me but while accompanied by a soldier who did not leave me alone for a second.

At the end of the interrogation, the interrogator asked me to sign a document written in Hebrew and I refused to sign and asked for a translation but he refused. Then he told a soldier to take me out and told him to beat me up. The soldiers beat me while I waited outside.



After the interrogation I was taken to the police station in Etzion settlement. I was searched in my clothes and then I was taken to a cell with other boys. I was left there for five days. During this time, I had my first military court hearing via zoom. My parents were there and my detention was extended.

After five days I was taken to a separate cell where I spent 10 days in solitary confinement. The cell was the size of a small bathroom and had one small window which let some light in. They left a light on at night and I could not sleep well. I was bored and tired and short-tempered because of the small space. The food was not good, it was mostly bread and sweetened yogurt, the kind given to infants. Sometimes I could speak to other detainees held in solitary confinement in other cells on the same floor when the guards were not around. They told me they might take me to the informants' cell and warned me not to say anything. I was worried about this possibility the whole time and the thought of being in the same cell with informants stressed me. Thankfully, I was not taken there.

After 10 days in solitary confinement I spent three more days in a cell with other detainees.

After three days I was taken to Ofer and interrogated again. A person started to threaten me and I did not realise at first that he was the interrogator. He told me he was going to drive me nuts. Then I was taken to another room and the same person walked in. He did not allow me to speak to a lawyer and did not inform me of my right to silence. He sat me down on a chair and we were separated by a glass barrier.

He wanted to know the names of my friends. Then he accused me of being a member of Hamas. I denied the accusation. He kept me there until around 9:00 p.m. and then asked me to sign some documents written in Hebrew. I signed some but not all. Then I was searched in my clothes before being taken to the quarantine section where I spent 10 days with other boys. Then I was taken to another section where I was with adults.

I had about 12 military court hearings. At the last one, which was about two months before my release, I was sentenced in a plea bargain to six months in prison and fined NIS 2,000. I was also given a suspended sentence. My lawyer told me to accept the bargain and I did.

In prison I exercised and lifted weights and I attended classes in Arabic, Hebrew and Mathematics. I had one family visit and I called home from a telephone provided by the prison authorities once every 14 days.

I was released at Ofer on 8 March 2022. My parents were not there and I called a friend who is a taxi driver who took me home. I arrived home at around midnight. My mother did not celebrate my home coming because my grandmother had died just a few weeks earlier. I was very sad that I did not have a chance to see her before she died. I also found out that my father's work permit had been cancelled. We have no income and my father did not have a job for months. This caused a lot of tension between my parents and they now want to divorce. My father blames my mother for everything.

About a week after I was released an intelligence officer phoned my father and told him to bring me for a chat. My father and I went to Ofer and waited for a long time but no one let us in, so we went home. The same thing happened four times; the intelligence officer kept calling my father asking him to bring me for a chat and when we went we were not let in.

I hardly leave home these days because of the suspended sentence. I am scared that they might arrest me again and I am worried about the phone calls from the intelligence officer. I want to study for my final high school exams and I don't want to be thinking about anything else.

## Testimony 11 - November

**Name:** H.A.M.H.  
**Age:** 17  
**Date:** 18 November 2021  
**Location:** Hosan, West Bank  
**Accusation:** Throwing stones / Molotov cocktails

**On 18 November 2021, a 17-year-old minor from Hosan was arrested by Israeli soldiers at 3:30 a.m. He reports being interrogated several times without consulting with a lawyer or being informed of his right to silence and spending six days in solitary confinement.**

My father phoned me at work at around 3:30 a.m. and told me to come home. I was working as a guard. I knew there was something wrong so I did not comply. He phoned me again and I did not answer. About 10 minutes later the Israeli commander phoned me and told me he had taken my father and brother as hostages until I turn myself in. I told him to come and arrest me from work.

Shortly afterwards, a military jeep showed up at my work. A soldier said they were going to take me for questioning for a short while and would release me soon.

A soldier then tied my hands behind my back with one plastic tie which was not painful. He threatened if I caused him troubles he would tighten it. He also blindfolded me. The soldiers then walked me to a nearby military base at the settlement of Bitar Illit. They left me outside the settlement and my father came and brought my identity card. Then I was taken to the back of a troop carrier which took me to the police station in Etzion settlement.

At Etzion I was left outside in the hot sun for about six hours; until around noon. I was not given any food or drink and I was not allowed to use the toilet. Then I was searched in my boxer shorts before being taken to a cell where I was left in solitary confinement for six days. After six days they brought my brother in. I found the six days in solitary confinement hard to take as I had no idea how long it was going to last.

The following day I had a military court hearing which was conducted via video link. My parents did not attend because they were not notified. My detention was extended. On the fifth day I was handcuffed and shackled and then I was taken to Ofer for interrogation.

The interrogator asked me how I was and asked me to sit down on a chair. He asked me if I wanted to call a lawyer and I told him I did not. He did not call one for me. Then without informing me of my right to silence, he told me two of my friends had confessed against me. He accused me of throwing stones and Molotov cocktails. I denied the accusation and told him I did not know the boys whom he claimed had confessed against me.

Then the interrogator wanted to know why, in my opinion, my friends had confessed against me if I did not do anything. When he asked me this question I mistakenly told the interrogator I had a fight with the two boys and that was why they confessed against me. The interrogator then realised I actually knew the two boys very well.

I was questioned for about an hour and the interrogator was calm. He did not threaten or abuse me. At the end, the interrogator asked me to sign a document written in Hebrew. I signed without understanding what was written in it. After the interrogation I was taken back to Etzion police station.

I had seven military court hearings and at the last one, which was on 23 February 2022, I was sentenced in a plea bargain to four months in prison and fined NIS 4,000. I was also given a suspended sentence of a further 10 months in prison, suspended for five years. I accepted the plea bargain because my lawyer told me it was the best I was going to get.

After spending eight days at Etzion of which I spent six days in solitary confinement and two days with my brother, I was taken to Ofer prison. At Ofer I was strip searched before being taken to the juveniles' section where I spent the rest of my prison sentence.

In prison I had one family visit. I exercised and attended classes in Arabic and Hebrew, but then the teacher was sacked because she was too nice to us and brought us cakes. I was released from Ofer on 13 March 2022, and I went home with my friend. I arrived home at around noon.

## Testimony 12 - December

**Name:** M.A.M.Z.  
**Age:** 17  
**Date:** 23 December 2021  
**Location:** Assileh Alharithiyeh, West Bank  
**Accusation:** Shooting, weapon possession

**On 23 December 2021, a 17-year-old minor from Assileh Alharithiyeh was arrested from home by Israeli soldiers at 3:00 a.m. He reports being interrogated multiple times without being informed of his legal rights and spending 31 days in solitary confinement.**

I woke up to the sound of loud banging at our front door. It was around 3:00 a.m. I got up and heard Israeli soldiers outside trying to break open our front door with a hydraulic jack. They broke the door open and about 10 soldiers entered our home.

The soldiers immediately took me aside and separated me from the rest of my family. Then they gave my father a document written in Hebrew and asked him to sign it. My father refused to sign.

Then the soldiers searched our home for about two hours, turning things upside down. They knocked things off the shelves and broke glass and threw clothes on the floor. They spilled our olive oil on the kitchen floor. They told us they were looking for weapons but they did not find anything.

Then they took me outside where a soldier tied my hands to the front with two plastic tied on top of each other. The ties were painful and when I asked them to loosen them they refused. Then they blindfolded me and took me to the back of a military jeep. A soldier swore at me and made me sit on the metal floor. When I asked to sit on a seat he slapped me.

I was taken to Salem interrogation centre where I was left in an open area for about five hours. A soldier removed the ties and then re-tied me and shackled my feet and connected the hand-ties to the shackles. This caused me to be bent backwards in an uncomfortable position. I did not sleep at all. I was not given anything to eat or drink and I was not allowed to use the toilet.

At around 9:30 a.m. I was taken to Al Jalama interrogation centre, inside Israel. At Al Jalama I was strip searched before being taken to an interrogation room. I was still tied and blindfolded. The interrogator, who had a camera in the room, removed the blindfold but did not untie me. Instead, he asked me to sit on a chair and tied me to the chair. He did not call a lawyer for me and told me I would see a lawyer in court. He said I had to remain silent in court. He also told me I was not allowed to speak except in response to a question.

Then he accused me of taking part in a Jihad Islami demonstration and shooting at soldiers and weapon possession. I denied the accusations. Then he told me lots of boys and young men had confessed against me. He was aggressive and thumped the table and raised his voice at me. He threatened to demolish our house and make my family homeless. He said my mother would have a heart attack.

At one point three other interrogators joined him and they were all shouting at me telling me I was a liar. In all I was questioned for about seven hours. Sometimes the interrogators left me in the room by myself. At the end the interrogator asked me to sign a document written in Hebrew but I refused to sign.

After the interrogation I was taken to an underground cell measuring about 1 x 1 meters. There were no windows and the walls were rough and painted black. There was a torn mattress on the floor and a long hole in the ground which was the toilet. There was also a small metal sink. I was left in this cell for 31 days in solitary confinement. I was interrogated on a daily basis, sometimes every other day. In total I think I was interrogated 20 times.

On two occasions they allowed me to call my parents to tell them I was ok. Only on the fourth day was I allowed to speak to a lawyer. The lawyer told me to answer the questions they ask me and told me he would see me in court. The interrogations focused on the same accusations. They wanted to know who was shooting at soldiers. They accused me of trading in weapons and wanted me to confess. After each interrogation I was asked to sign documents in Hebrew. Sometimes I signed and sometimes I did not. I was never informed of my right to silence and when I did remain silent the interrogator yelled at me.

The time I spent in solitary confinement was hard. I did not sleep well and I thought about my parents. I felt I had become autistic because of lack of interaction with other people. I recited the Quran. A dim light was left on 24 hours and I did not know day from night. I had no idea what day of the week it was. When I could not take it any longer I refused to eat and went on hunger strike demanding to be taken out of solitary confinement. For three days I did not eat anything and I lost about 12 kilos. The interrogators kept telling me to confess if I wanted to be taken out of solitary confinement. I did not confess.

After spending 31 days in solitary confinement I was taken to Megiddo prison, also inside Israel, where I was searched in my clothes before being taken to the quarantine section. I spent a few days there and then I was put in the minors' section.

My first military court hearing was a week after I had been arrested. It was on zoom and my parents did not attend because they were not informed. My detention was extended. I had 11 hearings. My last hearing was about a month before I was released. I was sentenced in plea bargain to four months in prison and fined NIS 3,000. I was also given another year in prison suspended for three years. My lawyer told me the deal was good and I accepted it.

I spent the rest of my prison sentence at Megiddo. I was happy to be with other detainees where I could at least see the sun and know what day of the week it was. I did not have any family visits and my parents were not able to deposit money for me with the canteen.

I was released at Salem on 8 April 2022. My parents did not know I was going to be released on that day. I called them and they met me half way. I arrived home in the afternoon. I had a nice meal with family and friends and was happy to see everyone. I left school when I was in eighth grade. I now paint walls and work as a plasterer.

## ANNEXURE B

### STANDARD ARREST DOCUMENT

**טופס הודעה על מעצר של נטיון ועל חקירתו**  
**نموذج إخطار عن اعتقال قاصر والتحقيق معه**

חובה למלא טופס זה בכל מעצר של נטיון מותרת כדול 18.  
 يجب تعبئة هذا النموذج في كل اعتقال قاصر من دون سن 18.  
 יש לחשואר עותק אחד של הטופס אצל כל חשפתה שחתם עליו.  
 يجب ترك نسخة واحدة من النموذج عند أحد المراكز التي وقع.

**פרטים מזוהים של העצור:**  
**تحديد تفاصيل المعتقل:**

שם העצור (שם מרובע) الاسم الرباعي	ת.ז. דרכון رقم الهوية	מקום ביצוע המעצר מקן الاعتقال
מ.י. חתום	שעת המעצר ساعة الاعتقال	

**פרוט חשדות נגד העצור:**  
**تفاصيل الاتهام ضد المعتقل:**

1. מ.י. חתום
2. מ.י. חתום
3. מ.י. חתום

**הגנת המשטרה כי עתידה להתבצע חקירתו של העצור (הקר בעיניו):**  
**تتخذ الشرطة تدابير لمحاكمة المعتقل (الاعتقال في عينه):**

1. אריאל ארזי
2. חברון הלייל
3. עציון בית לחם (עציון)
4. מעלה אדומים מעלי אדומים
5. בנימין רמלה

**פרטי ממלא הטופס:**  
**تفاصيل معبئ النموذج:**

שם الاسم	מ.י. חתום
חתימה التوقيع	מ.י. חתום

**פרטי מקבל ההודעה:**  
**تفاصيل متلقي الخبر:**

שם الاسم	ת.ז. דרכון رقم الهوية
קרבה לעצור صلة القرابة للمعتقل	חתימה التوقيع

**ANNEXURE C**  
**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 تلبيع الجهة التي تختارها عن اعتقالك.
  2. يحق لك استشارة المحامي الذي تختاره.
  3. يحق لك ان تقدم للمحكمة في اي وقت وبموجب تعاليم القانون المفروضة عليك باي ادعاء او طلب. بخصوص اعتقالك وذلك إما شخصياً او بواسطة المحامي الذي يوكله.
  4. لست مجبراً على الادلاء خلال التحقيق بما من شأنه ان يدينك، ولكن امتناعك عن الاجابة عن اسئلة قد يقوي الأدلة ضدك.
- ثانياً: الحقوق المتعلقة بطرقك 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 بطاقات 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 محاميك، 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 لانتهاك 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 اني قرأت ما جاء في صحيفة البيانات هذه واستوعبت قواها:

التاريخ والساعة

توقيع الشخص المعتقل

اسم الشخص المعتقل

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 D**  
**CHILDREN HELD IN SOLITARY CONFINEMENT (2021)**

#	Name	Age	Date of Arrest	Residence	Facility	Location	Solitary (days)
<b>2021</b>							
1	<a href="#">M.A.A.D.</a>	17	8 Jan	Qabatiya	Al Jalama	Israel	16
2	<a href="#">T.R.M.H.</a>	17	10 Jan	Aida	Al Mascobiyyeh	Israel	3
3	<a href="#">A.T.R.A.</a>	17	11 Jan	Qabatiya	Al Jalama	Israel	15
4	<a href="#">L.A.Y.A.</a>	17	13 Jan	Jenin	Ofek	Israel	20
5	<a href="#">H.A.M.A.</a>	17	16 Jan	Hebron	Askalan	Israel	24
6	<a href="#">A.S.E.K.</a>	16	19 Jan	Hizma	Ashkelon	Israel	14
7	<a href="#">A.I.A.J.</a>	17	19 Jan	Salem	Petah Tikva	Israel	14
8	<a href="#">M.R.K.M.</a>	16	28 Jan	Al Jalazun	Etzion	Palestine	16
9	<a href="#">M.O.A.S.</a>	17	28 Jan	Qabatiya	Kishon/Megiddo	Israel	23 + 13
10	<a href="#">A.N.H.H.</a>	17	29 Jan	Balata	Petah Tikva	Israel	8
11	<a href="#">H.M.H.H.</a>	17	29 Jan	Balata	Petah Tikva	Israel	8
12	<a href="#">O.O.M.H.</a>	17	29 Jan	Balata	Petah Tikva	Israel	11
13	<a href="#">M.A.K.U.</a>	16	31 Jan	Qabatiya	Al Jalama/Petah	Israel	15 + 10
14	<a href="#">I.A.S.L.</a>	17	7 Feb	Qabatiya	Huwvara	Palestine	15
15	<a href="#">Y.B.M.K.</a>	16	10 Feb	Qabitya	Settlement	Palestine	14
16	<a href="#">M.S.Y.S.</a>	17	19 Feb	Atara	Etzion	Palestine	8
17	<a href="#">H.Y.H.M.</a>	16	24 Feb	Al Jalazun	Etzion	Palestine	16
18	<a href="#">A.L.F.M.</a>	17	16 Mar	Qabitya	Al Jalama	Israel	7
19	<a href="#">M.R.F.Q.</a>	17	16 Mar	Kifl Haris	Al Jalama	Israel	17
20	<a href="#">M.A.M.W.</a>	16	17 Mar	Kafr Ni'meh	Al Mascobiyyeh	Israel	29
21	<a href="#">A.G.M.J.</a>	16	18 Mar	Hebron	Etzion	Palestine	3
22	<a href="#">M.M.A.S.</a>	17	24 Mar	Jenin	Huwvara	Palestine	17
23	<a href="#">A.R.S.Z.</a>	17	31 Mar	Al Jalazun	Etzion	Palestine	25
24	<a href="#">M.H.M.Z.</a>	16	7 Apr	Beit Ummar	Etzion	Palestine	18
25	<a href="#">H.A.M.C.</a>	16	25 Apr	Bethlehem	Al Mascobiyyeh	Israel	20
26	<a href="#">M.M.A.Z.</a>	16	30 Apr	Jerusalem	Al Mascobiyyeh	Israel	7
27	<a href="#">A.N.S.J.</a>	16	10 May	Jenin	Huwvara	Palestine	5
28	<a href="#">M.A.H.M.</a>	17	12 May	Qarawa B' Zaid	Al Jalama	Israel	7 + 3
29	<a href="#">M.O.A.N.</a>	17	17 May	Tulkarem	Huwvara	Palestine	10
30	<a href="#">K.M.A.N.</a>	17	18 May	Habla	Megiddo	Israel	5
31	<a href="#">A.M.S.H.</a>	16	25 May	Al Araqa	Huwvara	Palestine	8
32	<a href="#">A.A.A.R.</a>	17	26 May	Qalandiya	Al Mascobiyyeh	Israel	7
33	<a href="#">S.M.Y.M.</a>	17	16 Jun	Ramallah	Askalan	Israel	15
34	<a href="#">A.J.A.F.</a>	17	31 Jul	Tubas	Ofer	Palestine	7
35	<a href="#">A.F.M.D.</a>	16	7 Aug	Beit Fajjar	Etzion	Palestine	9
36	<a href="#">A.M.A.M.</a>	17	9 Aug	Beita	Huwvara	Palestine	9
37	<a href="#">A.M.T.H.</a>	14	5 Oct	Hebron	Ofer	Palestine	9
38	<a href="#">M.S.M.Z.</a>	17	17 Oct	Ein Qinya	Huwvara	Palestine	15
39	<a href="#">Q.R.N.A.</a>	15	24 Oct	Husan	Ofer	Palestine	2
40	<a href="#">M.M.J.H.</a>	16	29 Oct	Dheisheh	Etzion	Palestine	10
41	<a href="#">H.A.M.H.</a>	17	18 Nov	Husan	Etzion	Palestine	6
42	<a href="#">M.A.M.Z.</a>	17	23 Dec	Assileh	Al Jalama	Israel	31

## End Notes

<sup>1</sup> The "long-term average" is based on the data included in MCW's Comparative Graph for each of the 13 issues between 2013 and 2021.

<sup>2</sup> Assumes an annual detention rate of 500-1,000 children each year since January 2015 and applies an average annual transfer rate of 58 percent [provided](#) by the Israeli Prison Service (IPS) for the period January 2015 to June 2022.

<sup>3</sup> The UN estimates that between June 1967 and January 2008, 700,000 Palestinian adults and children were "imprisoned". Assuming a constant rate of detention between June 1967 and January 2008 (40.5 years), this estimate suggests an annual average of 17,284 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 125,309 detentions during the intervening 14.5 years up to June 2022 – giving a total estimate of 825,309 detentions between June 1967 and June 2022. (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).

<sup>4</sup> Based on [data](#) provided by the IPS, approximately 4 percent of detainees held in IPS facilities are children (based on a 10-year average (2013-2022)).

<sup>5</sup> 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 each year. 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 55 years since June 1967 as 628,760. 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 55 years, this would total 27,555 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.

<sup>6</sup> See for example: UN Secretary General's Annual Report on Children and Armed Conflict (April 2016); UNICEF, Children in Israeli Military Detention: Observations and Recommendations (February 2013); US State Department, Country Reports on Human Rights Practices for 2016 - Israel and The Occupied Territories (see also the reports for 2017-2021); 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); and B'Tselem - No Minor Matter: Violation of the Rights of Palestinian Minors Arrested by Israel on Suspicion of Stone Throwing (July 2011).

<sup>7</sup> The report found that Israel's military child detention system violates at least 6 articles under the UN Convention on the Rights of the Child:

- (i) Article 2 – discrimination;
- (ii) Article 3 – best interests;
- (iii) Article 37(b) – premature resort to detention;
- (iv) Article 37(c) – non-separation from adults;
- (v) Article 37(d) – prompt access to lawyers;
- (vi) Article 40 – use of shackles.

The report also found that Israel will be in breach of the prohibition on cruel, inhuman or degrading treatment in Article 37(a) of the Convention if multiple reports of ill-treatment are, to a significant extent, correct.

The report also found violations of 2 articles under the Fourth Geneva Convention:

- (i) Article 65 - Failure to translate all military orders from Hebrew to Arabic;
- (ii) Article 76 - Transportation of child prisoners out of the West Bank to prisons inside Israel.

---

<sup>8</sup> See Military Orders Nos. 1685, 1711, 1726 and 1798. Available at: <https://is.gd/f4Ue7v>

<sup>9</sup> 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.

<sup>10</sup> 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.

<sup>11</sup> Supra note 10.

<sup>12</sup> The average suspended sentence was 3.3 years.

<sup>13</sup> IPS data up to and including June 2021.

<sup>14</sup> Video footage of a night arrest is included in a new film by David Wachsmann: "Two Kids a Day". The trailer is available at: <https://vimeo.com/723697009>

<sup>15</sup> The military's standard operating procedures for the use of hand ties introduced in 2010 provide as follows: 1) Hands should be tied in front unless security considerations require tying from behind; 2) Three plastic ties should be used, one around each wrist with one connecting the two; 3) There should be a finger space between the ties and each wrist; 4) The restraints should avoid causing suffering as much as possible; and 5) The officer in charge is responsible for ensuring compliance with these procedures.

<sup>16</sup> Yisascharov v The Head Military Prosecutor (2006)

<sup>17</sup> MCW issued a report on solitary confinement in December 2021 - available at <https://is.gd/ah2xQM>

<sup>18</sup> This estimate is based on applying a solitary confinement rate of 42 percent to an annual child detention rate of 500-1,000 children.

<sup>19</sup> 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.

<sup>20</sup> Supra note 1.

<sup>21</sup> Supra note 7.

<sup>22</sup> The recommendation that children in detention be separated from adults (subject to their best interests) (recommendation No. 33) has been substantially implemented.

<sup>23</sup> IPS data as of 30 June 2022.

<sup>24</sup> This estimate is based on applying a transfer rate of 67 percent (2022) to an annual child detention rate of 500-1,000 children.

<sup>25</sup> Supra note 2.

<sup>26</sup> Youth (Trial, Punishment and Modes of Treatment) Law (1971)

<sup>27</sup> In September 2011, Military Order 1676 came into effect requiring that all children below the age of 18 be tried before a military juvenile judge. However, provisions relating to arrest, detention, interrogation and sentencing for adults still apply to youths aged 16 and 17.

<sup>28</sup> Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 9J.

---

<sup>29</sup> Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 9H. A parent is allowed to be present at all times in circumstances where the child has not been formally arrested but may not intervene in the interrogation process. Exceptions include: Parents do not present themselves within a reasonable time; waiting for a parent would harm the investigation, the child, or a third party; parents cannot be located after a reasonable attempt; and a parent can be removed from the interrogation if he/she threatens the child or disrupts the interrogation. Reasons why a parent is not present must be documented in writing by an authorized officer.

<sup>30</sup> This time period can be extended by 12 hours for urgent investigation needs.

<sup>31</sup> This time period remains the same following the introduction of Military Order 1798 (April 2018) but extension periods will be reduced from 24 to 12 hours in non-security cases.

<sup>32</sup> This time period can be extended by 12 hours for urgent investigation needs.

<sup>33</sup> This time period remains the same following the introduction of Military Order 1798 (April 2018) but extension periods will be reduced from 48 to 24 hours in non-security cases.

<sup>34</sup> This time period was reduced from 96 hours to 72 hours in security cases following the introduction of Military Order 1798 (April 2018). Extension periods have also been reduced from 96 hours to 72 hours.

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

<sup>36</sup> Military Order 1651 – Article 56(e) (criminal offences). In the case of security offences, the time period is 60 days - Articles 58 and 59.

<sup>37</sup> This period can be extended by 10 days up to a maximum of 20 days by a judge. This period can be further extended up to a maximum of 40 days by the Attorney General. This period can be further extended by 45 days at a time by the Supreme Court.

<sup>38</sup> This period can be extended by 10 days up to a maximum of 40 days by a military judge. The Military Appeals Court can further extend this period by 45 days at a time in security cases. Military Order 1798 (April 2018) reduced this last time period down from 90 days.

<sup>39</sup> Military Order 1798 (April 2018) reduced this time period down from 12 months, to 6 months for non-security offences and 9 months for security offences.