



Defence for Children International / Palestine Section

# Palestinian Child Prisoners

The systematic and institutionalised ill-treatment and torture of  
Palestinian children by Israeli authorities



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Defence for Children International – Palestine Section (DCI-Palestine) is a national section of the international non-governmental child rights organisation and movement, Defence for Children International (DCI), established in 1979, with consultative status with ECOSOC. DCI-Palestine was established in 1992, and is dedicated to promoting and protecting the rights of Palestinian children in accordance with the United Nations Convention on the Rights of the Child (CRC), as well as other international, regional and local standards. As part of its ongoing work to uphold the rights of Palestinian children, DCI-Palestine provides free legal assistance, collects evidence, researches and drafts reports and conducts general advocacy targeting various duty bearers. For further information please contact a DCI-Palestine advocacy officer.



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*'I went from having a normal life at home to handcuffs, deprivation of sleep, shouting, threats, rounds of interrogation and serious accusations. In these circumstances, life becomes dark, filled with fear and pessimism – tough days that words cannot describe.'*

Mahmoud D. (17 years)

*A soldier pointed his rifle at me. The rifle barrel was a few centimetres away from my face. I was so terrified that I started to shiver. He made fun of me and said: 'shivering? Tell me where the pistol is before I shoot you.'*

Ezzat H. (10 years)



# Contents

<b>A. Executive summary</b>	06
<b>B. Introduction</b>	08
<b>C. Overview of the Israeli military court system</b>	09
Process of arrest, transfer and interrogation	09
Map of interrogation centres and prisons in Israel and the Occupied Palestinian Territory	12
The military court apparatus	13
Should civilians be tried in military courts?	14
Proceedings in the military courts	15
Denial of fair trial rights	16
The right to prepare an effective defence	16
The right to a presumption of innocence	16
The right to examine witnesses	16
The right to trial without undue delay	17
The right to prompt notice of criminal charges	18
Conditions of detention	18
Complaints and a culture of impunity	20
<b>D. In focus – ill-treatment and torture</b>	21
Legal definition	21
No exceptional circumstances whatsoever	22
Other cruel, inhuman or degrading treatment or punishment	22
Some examples of torture	23
Obligations	24
Personal stories of torture and ill-treatment	24
Arrest and transfer	25
Interrogation	47
‘Cell No. 36’	66
Female detainees	67
Administrative detention	74
Ezzat’s case	88
The soldier’s perspective	92
UN Committee Against Torture – Concluding Observations on Israel (May 2009)	94
<b>E. Facts and figures - 2008</b>	97
Table 1 Monthly figures	97
Table 2 Girls	97
Table 3 Administrative detention	98
Table 4 Age groups	98
Table 5 Sentences	98
Table 6 Charges	98
Table 7 Region	99
Table 8 Trends 2004-2008	99



<b>F. Concluding remarks</b>	101
<b>G. Recommendations</b>	102
<b>H. Take action</b>	103
<b>I. Appendices</b>	105
<i>Appendix I</i>	105
UN Convention on the Rights of the Child (extracts)	
<i>Appendix II</i>	108
UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (extracts)	
<i>Appendix III</i>	110
International Covenant on Civil and Political Rights (extracts)	
<i>Appendix IV</i>	112
Fourth Geneva Convention (extracts)	
<i>Appendix V</i>	114
UN Committee Against Torture – Concluding Observations (Israel) (May 2009)	



## A. Executive summary

The Israeli military court system in the Occupied Palestinian Territory has operated for over 42 years almost devoid of international scrutiny. Each year an average of 9,000 Palestinians are prosecuted in two Israeli military courts operating in the West Bank, including 700 children.

From the moment of arrest, Palestinian children encounter ill-treatment and in some cases torture, at the hands of Israeli soldiers, policemen and interrogators. Children are commonly arrested from the family home in the hours before dawn by heavily armed soldiers. The child is painfully bound, blindfolded and bundled into the back of a military vehicle without any indication as to why or where the child is being taken. Children are commonly mistreated during the transfer process and arrive at the interrogation and detention centres traumatised, tired and alone.

During interrogation, children as young as 12 years are denied access to a lawyer and visits from their families. These children will generally not be permitted to see a lawyer until after they have provided a confession to the interrogator. Whilst under interrogation children are subjected to a number of prohibited techniques, including the excessive use of blindfolds and handcuffs; slapping and kicking; painful position abuse for long periods of time; solitary confinement and sleep deprivation; and a combination of physical and psychological threats to the child, and the child's family. Most children confess and some are forced to sign confessions written in Hebrew, a language they do not comprehend. These interrogations are not video recorded as is required under Israeli domestic law.

Children as young as 12 years are prosecuted in the Israeli military courts and are treated as adults as soon as they turn 16, in contrast to the situation under Israeli domestic law, whereby majority is attained at 18. In 2008 the most common offence Palestinian children were charged with under Israeli military law, was stone throwing. This charge was made in 26.7% of cases and under Israeli Military Order 378 carries a maximum penalty of 20 years imprisonment. In 91% of all cases involving Palestinian children, bail was denied.

Proceedings in the military courts disregard many basic fair trial rights and general principles of juvenile justice are simply not applied. In almost all cases, the primary evidence against the children is the confession extracted during a coercive interrogation. With no faith in the system and the potential for harsh sentences, approximately 95% of cases end in the child pleading guilty, whether the offence was committed or not.

Once sentenced, the overwhelming majority of Palestinian children are detained inside Israel, in clear contravention of the Fourth Geneva Convention. Many children receive no family visits whilst in prison and limited education is only provided in two out of five of the prisons used to detain Palestinian children.

The ill-treatment and torture of Palestinian children by Israeli authorities is widespread, systematic and institutionalised. This system operates within a general culture of brutality and impunity. Between 2001 and 2008, over 600 complaints were filed against Israeli Security Agency (ISA) interrogators for alleged ill-treatment and torture. To date, there has not been a single criminal investigation.

Unless and until there is some level of accountability for what amounts to serious breaches of the Fourth Geneva Convention, the UN Convention Against Torture and the UN Convention on the Rights of the Child, both at the domestic and international level, the ill-treatment and torture of Palestinian children at the hands of Israeli authorities will continue unchecked.

*In all actions concerning children . . . the best interests of the child shall be a primary consideration*

UN Convention on the Rights of the Child - Article 3



## B. Introduction

Each year, approximately 700 Palestinian children (under 18) from the West Bank<sup>1</sup> are prosecuted through Israeli military courts after being arrested, interrogated and detained by the Israeli army. Since 2000, around 6,500 Palestinian children have been detained.

DCI-Palestine lawyers represent between 30-40% of these children in the military courts. Information in this report is based on statements collected by DCI-Palestine lawyers and fieldworkers during 2008/09 from children in Israeli interrogation and detention centres, prisons and upon their release. The report also draws on 45 years of collective experience of the organisations Legal Unit.

The focus of this report<sup>2</sup> is on the issue of the ill-treatment and torture of Palestinian children by Israeli forces in the Occupied Palestinian Territory. The report also contains key recommendations made by the UN Committee Against Torture (the Committee) after its review of Israel's compliance with the Convention Against Torture in May 2009.

This report does not cover ill-treatment and torture under the Palestinian Authority. DCI-Palestine is concerned by all reports of torture regardless of the identity of the perpetrator and will issue a separate report on internal Palestinian ill-treatment and torture of child detainees at a later date, as it involves different considerations and duty bearers.



Israeli soldier in Hebron  
Photo credit: Gergey Pasztor

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1 Palestinian detainees from East Jerusalem are either tried in Israeli domestic courts, or in military courts in the West Bank, depending on where the alleged offence took place. Palestinian detainees from the Gaza Strip are tried in Israeli domestic courts under security legislation, since Israel's so-called disengagement from Gaza in September 2005.

2 The figures and case studies in this report are from 2008.

## C. Overview of the Israeli military court system

Since the Israeli occupation of Palestinian territory in 1967,<sup>3</sup> Palestinians have been charged with offences under Israeli military law and tried in Israeli military courts.

It is estimated that during the last 42 years of occupation, approximately 700,000 Palestinian men, women and children have been detained under Israeli military orders in the Occupied Palestinian Territory.<sup>4</sup> According to a recent report, between 1990 and 2006, more than 150,000 Palestinians were brought before the Israeli military courts. This averages out at well over 9,000 per year, including 700 children.<sup>5</sup>

The Israeli military court system has operated in the Occupied Palestinian Territory for 42 years in a manner almost completely devoid of international scrutiny. Whilst Israel, as an Occupying Power, has the right under international humanitarian law to establish military courts in the Occupied Palestinian Territory, applicable international human rights and humanitarian law restricts the jurisdiction of such courts, and guarantees certain fundamental fair trial rights.

*The arrest, detention or imprisonment of a child ... shall be used only as a measure of last resort and for the shortest appropriate period of time.*

UN Convention on the Rights of the Child – Article 37(b)

### **Process of arrest, transfer and interrogation**

Palestinian children are routinely arrested at checkpoints, off the street and most commonly, from their homes in the early hours of the morning. In the case of

<sup>3</sup> This report is based on the following assumptions: the Gaza Strip and the West Bank, including East Jerusalem, comprise the Occupied Palestinian Territory (the OPT), a territory Israel has held in belligerent occupation since 1967; the occupation takes place within the context of an ongoing international armed conflict; and among the applicable legal regimes are the Third and Fourth Geneva Conventions of 1949, customary international humanitarian law and the international human rights treaties to which Israel is a State Party.

<sup>4</sup> 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>5</sup> Yesh Din, Volunteers for Human Rights, *Backyard Proceedings: The Implementation of Due Process Rights in the Military Courts in the Occupied Territories*, December 2007, page 25: <http://www.yesh-din.org/site/index.php?page=militarycourts&lang=en>



arrest from the family home, units from the Israeli army will typically surround the house between midnight and 4:00am and force family members onto the street in their nightclothes, regardless of weather conditions.

The arrest process is often accompanied by yelling, violence and property damage, ending with the child being blindfolded and having his or her hands tied tightly behind their back with plastic ties that have a tendency to cut the flesh.<sup>6</sup> Mass arrests from homes in entire neighbourhoods continue to take place in the Occupied Palestinian Territory during military incursions.

Once bound and blindfolded, the child is usually placed on the floor of a military jeep, sometimes face down, for transfer to an interrogation and detention centre. Children from the West Bank are usually taken to one of eight interrogation and detention centres or police stations after arrest:

- Huwwara (near Nablus, West Bank)
- Etzion (near Bethlehem, West Bank)
- Salem (near Jenin, West Bank)
- Ofer (near Ramallah, West Bank)
- Ma'ale Adumim (near Jerusalem, West Bank)
- Kiryat Arba (near Hebron, West Bank)
- Al Mascobiyya (Jerusalem)
- Al Jalame (near Haifa, Israel)



Palestinians from East Jerusalem are usually taken to Al Mascobiyya or to one of the West Bank detention centres, depending on where the alleged offence took place.

It is rare for a child or his or her family to be told why he or she is being detained or where he or she is being taken. These journeys can last anywhere between 20 minutes up to several hours during which abuse is common.<sup>7</sup>

On arrival at an interrogation and detention centre the child is either placed in a cell or taken straight for interrogation after a brief medical check. The child is invariably denied access to a lawyer, for days or weeks until the end of the interrogation process,

<sup>6</sup> Public Committee Against Torture in Israel, *No Defense: Soldier Violence against Palestinian Detainees*, June 2008, page 3 - <http://www.stoptorture.org.il/en/node/1136>, 'In 30 of the 90 cases of ill treatment we examined, the detainees testified that they were subjected to painful shackling. The soldiers often leave the detainee shackled for a protracted period – frequently for many hours, which is painful and liable to cause permanent injury.'

<sup>7</sup> See United Against Torture, *Torture and Ill-Treatment in Israel & the occupied Palestinian territory* (2008), pages 9 to 17 - <http://www.unitedagainsttorture.org>



Sebastiya  
Photo credit: Isabella Guttari

and once a confession has been obtained.<sup>8</sup> Organisations working on the ground, including DCI-Palestine, receive numerous reports of abusive and threatening techniques being employed against Palestinians during interrogation.<sup>9</sup>

Of particular concern is the continued practice involving Palestinian children being made to sign confessions written in Hebrew, a language few children comprehend. Once obtained, it is these confessions that constitute the primary evidence against Palestinian children in the military courts.

<sup>8</sup> *Ibid.* page 12.

<sup>9</sup> *Ibid.* pages 13 to 14. Techniques commonly encountered include: excessive use of blindfolds and handcuffs; slapping and kicking; sleep deprivation; solitary confinement; denial of food and water for extended periods of time; denial of access to toilets; denial of access to showers or change of clothes for days or weeks; exposure to extreme cold or heat; position abuse; yelling and exposure to loud noises; insults and cursing; arresting family members or alleging that family members have been arrested. Common threats encountered include: being beaten or having family members harmed; being imprisoned for an indefinite period of time or having family members imprisoned; having work or study permits revoked; being subjected to some form of physical abuse; and having the family home demolished. DCI-Palestine has also recorded instances of sexual abuse and the threat of sexual abuse.



## Map of interrogation centres and prisons in Israel and the Occupied Palestinian Territory

### Military Courts

- A** Ofer Military Court
- B** Salem Military Court

### Interrogation and Detention Centres

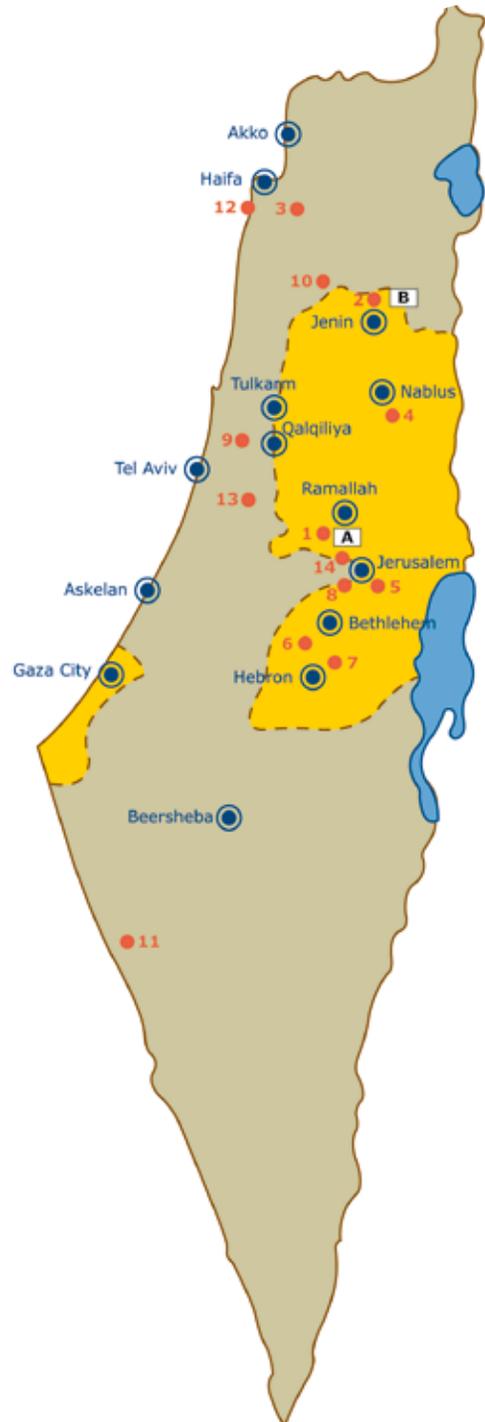
1. Ofer
2. Salem
3. Al Jalame (Israel)
4. Huwwara
5. Ma'ale Adumim (police station)
6. Etzion
7. Kiryat Arba (police station)
8. Al Mascobiyya (Jerusalem)

### Prisons

1. Ofer
9. Telmond Compound (Israel)<sup>1</sup>
10. Megiddo (Israel)
11. Ketziot (Israel)
12. Damoun (Israel)

### Hospitals

13. Ramle Prison Hospital
14. Hadasa Ein Karem Hospital



<sup>1</sup> Telmond Compound includes Hasharon and Ofek Prisons.

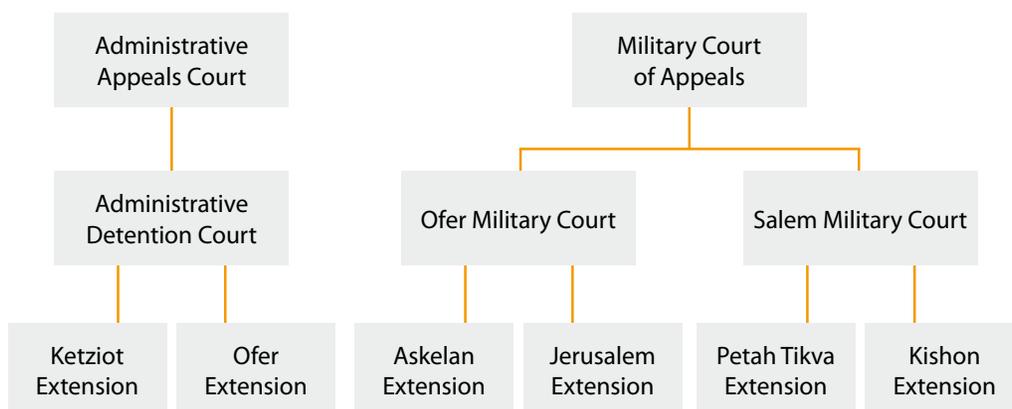
## The military court apparatus

Once the interrogation phase is completed, Palestinian detainees from the West Bank are processed for trial, sentencing and imprisonment in one of two Israeli military courts currently in operation in the Occupied Palestinian Territory:

- Salem Military Court, situated near the city of Jenin, in the north of the West Bank;<sup>10</sup> and
- Ofer Military Court, situated near the city of Ramallah, in the central region of the West Bank.<sup>11</sup>

Both military courts are situated inside Israeli military bases in the Occupied Palestinian Territory and access is strictly limited. Appeals from the military courts are heard by the Military Court of Appeals which is situated in two locations, one inside Ofer military base and the other inside Ketziot Prison, in Israel. Similarly, the Administrative Detention Court and the Administrative Appeals Court are located at Ofer and Ketziot.

The structure of the Israeli military court system in the Occupied Palestinian Territory is illustrated in the following chart.<sup>12</sup>



The two Military Courts and the Administrative Detention Court in the Occupied Palestinian Territory have additional court facilities inside Israel (see bottom row of the chart) which predominantly deal with extension of detention hearings whereby the court can order that detainees be held beyond the initial eight day detention period. Under international law these courts should be situated in the Occupied Palestinian Territory and not inside Israel.<sup>13</sup>

10 Known by Israeli authorities as the Military Court of Samaria.

11 Known by Israeli authorities as the Military Court of Judea.

12 See *supra* note 5, page 40.

13 This violates Article 66 of the Fourth Geneva Convention that requires the courts to be within occupied territory.



The military courts are presided over by judges<sup>14</sup> who are military officers in regular or reserve service. The prosecutors are also in regular or reserve army service, and some of them are not yet certified by the Israeli Bar Association. The defence lawyers consist of a few dozen Israelis and Palestinians, some of who are in private practice and some working for non-governmental organisations.<sup>15</sup>

Since 1989 it has been possible to appeal a decision of the military courts to the Military Court of Appeals, which consists of a single judge for less serious cases, and a panel of three judges in any case where the punishment exceeds five years. A judge of the Military Court of Appeals must hold the rank of Lieutenant Colonel and have at least seven years 'legal experience.'<sup>16</sup>

In rare cases, a petition to the Israeli High Court of Justice can be filed regarding a decision of the military courts on questions of jurisdiction and reasonableness.<sup>16</sup>



Ofer Military Court  
Photo credit: Annie Tritt

### ***Should civilians be tried in military courts?***

While international human rights law does not preclude the trial of civilians by military courts, the UN Human Rights Committee has stated the following:

- A state of emergency may never be invoked as a justification for deviating from fundamental principles of fair trial.<sup>17</sup>
- Resort to military tribunals should be exceptional and limited to cases where regular civilian courts are unable to undertake trials with regard to the specific class of individuals and offences.<sup>18</sup>
- Military tribunals should afford the full guarantees stipulated in Article 14 of the International Covenant on Civil and Political Rights (1966) (ICCPR).<sup>19</sup>

Further, it is questionable whether the use of military courts to try civilians can ever satisfy the requirements under international human rights law to a trial before an

14 According to information obtained by Yesh Din, at the end of 2006 there were 14 Regular Army judges and about 140 reservist judges in the military courts in the OPT.

15 NGOs such as DCI-Palestine, Addameer Prisoner Support and Human Rights Association and Nadi Al-Asir (Palestinian Prisoners Club).

16 See *supra* note 5, page 26.

17 UN Human Rights Committee, General Comment No. 29 – States of Emergency (Article 4), UN Doc: CCPR/C/21/Rev.1/Add.11, 31 August 2001, page 5, paragraph 11.

18 *Ibid.*, page 6, paragraph 22.

19 *Ibid.* The ICCPR was ratified by Israel in 1992. See Appendix III.

independent and impartial tribunal, as the judges are all serving officers subject to military discipline and dependent on superiors for promotion.<sup>20</sup>

These serious legal concerns regarding the prosecution of civilians in military courts are only heightened in the case of children. The UN Convention on the Rights of the Child (1989) (CRC), ratified by Israel in 1991, specifically recognises the particular vulnerability of children by providing that detention should be a measure of last resort (Article 37(c)) and that states should implement measures whenever appropriate that steer children away from judicial proceedings (Article 40(3)). These arguments are all the more compelling when faced with prosecution before a military tribunal where fewer fair trial protections exist, and juvenile justice standards appear almost non-existent.

### ***Proceedings in the military courts***

During 2008, Palestinian children as young as 12 years who were arrested by the Israeli military continued to be prosecuted in the same military court jurisdiction as adults.<sup>21</sup> As in the past, the military courts treat a Palestinian child as an adult as soon as he or she turns 16,<sup>22</sup> in contrast to the situation inside Israel where majority is not attained until the age of 18.

In 2008, the arbitrary nature of the military court system persisted, exemplified by the fact that a Palestinian child's sentence continued to be determined on the basis of the child's age at the time of sentencing and not at the time when the alleged offence was said to have occurred.<sup>23</sup> In this system a child who is accused of committing an offence when he or she is 15, is punished as an adult if he or she has a birthday whilst awaiting sentence.

#### *Sentences for children under Military Order 132*

Age	Maximum sentence	Notes
12 - 13	6 months	-
14 - 15	12 months (For offences that carry a maximum penalty of less than 5 years.)	For more serious offences, the maximum sentence is unlimited. Note that under Military Order 378, the maximum sentence for throwing stones at a moving vehicle is 20 years.
16	Adult	-

20 See Sharon Weill, *The judicial arm of the occupation: the Israeli military courts in the occupied territories*, International Review of the Red Cross, Volume 89, Number 866, June 2007, pages 399 to 400. See also UN Human Rights Committee, *General Comment No. 32. – Article 14: Right to equality before courts and tribunals and to a fair trial*, UN Doc: CCPR/C/GC/32, 23 August 2007, page 6, paragraph 22.

21 Article 40(3) of the CRC provides that "States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law ..."

22 Israeli Military Order 132.

23 *Ibid.*



## **Denial of fair trial rights**

During 2008, DCI-Palestine continued to observe children being denied fundamental fair trial rights in the Israeli military courts. As in previous years, Palestinian children arrested in 2008 were not able to see a lawyer until after they had been interrogated, and in most cases, had already provided a confession, usually under coercion. Some further examples of the breach of a child's right to receive a fair trial in the Israeli military court system include:<sup>24</sup>

### *The right to prepare an effective defence*<sup>25</sup>

Regular complaints from lawyers appearing in the military courts include: difficulties in meeting with their clients in detention;<sup>26</sup> the lack of adequate facilities to take confidential instructions; court documents written in Hebrew; and the provision of incomplete prosecution material, such as the absence of interrogation notes.<sup>27</sup> Under Military Order 378, a Palestinian detainee can be denied access to a lawyer for up to 90 days. In practice, lawyers commonly take instructions from their clients minutes before the hearing in the military court and plea bargains are entered into to avoid harsher sentences.

### *The right to a presumption of innocence*<sup>28</sup>

Although the Israeli law of evidence which provides for a presumption of innocence<sup>29</sup> is supposed to apply to proceedings in the military courts,<sup>30</sup> according to a recent report, in 2006 full acquittals were obtained in just 0.29% of cases, suggesting a presumption of guilt.<sup>31</sup>

### *The right to examine witnesses*<sup>32</sup>

In practice, very few full evidentiary hearings are heard by the military courts. According to Yesh Din, of the 9,123 cases concluded in the courts in 2006, full evidentiary trials were conducted in only 130, or 1.42% of cases.<sup>33</sup> The reason: *"Attorneys representing suspects and defendants in the military courts believe that conducting a full evidentiary trial, including summoning witnesses and presenting testimony, generally results in a far harsher sentence, as a 'punishment' the court imposes on the defense attorney for not securing a plea bargain."*<sup>34</sup>

24 A child's right to a fair trial is guaranteed by Article 14 of the ICCPR, Article 40 of CRC and Articles 71 and 72 of the Fourth Geneva Convention (1949).

25 See Article 72 of the Fourth Geneva Convention and Article 14(3) (b) of the ICCPR.

26 Only Israeli lawyers and residents of East Jerusalem can visit prison facilities inside Israel.

27 See *supra* note 5, pages 100 to 125.

28 See Article 14(b) of the ICCPR and Article 40(b) (1) of the CRC.

29 Evidence Ordinance (New Version), 5731-1971.

30 Military Order 378, Chapter B, Section B – Adjudication Procedures, Article 9.

31 See *supra* note 5, page 70.

32 See Article 72 of the Fourth Geneva Convention and Article 14(3) (e) of the ICCPR.

33 See *supra* note 5, page 136.

34 *Ibid.*, page 140.

This belief is shared by DCI-Palestine lawyers who are reluctant to run full evidentiary hearings for fear the child will remain longer in detention, as is explained by the organisations chief lawyer, Khaled Quzmar: *'There are a number of reasons why we rarely challenge the cases. First, if we challenge the case and argue that the confession before the court was obtained through ill-treatment or torture, the interrogator will come and give evidence and deny any wrongdoing. In over 15 years of experience practising in the Israeli military court system, I can say that the military judge will always believe the military or police interrogator's word over the word of a Palestinian child. Secondly, a child who pleads guilty will normally be sentenced within one month of arrest. A child who challenges the case, won't be sentenced for between five to twelve months, during which time they will normally be kept in detention. Finally, a child who does challenge the case and is found guilty, will typically receive a sentence that is double or even triple what he or she would have received had they pleaded guilty. This is why few cases are challenged in the military courts, it simply makes matters worse for the child.'*

### *The right to trial without undue delay*<sup>35</sup>

The following table compares the permissible periods of detention prior to sentencing under Israeli domestic law to the military orders applied to Palestinians in the West Bank.<sup>36</sup>

*Pre-trial detention comparison between Israeli domestic law and the military orders*

<b>Event</b>	<b>Israeli domestic law</b>	<b>Military orders applied to Palestinians<sup>37</sup></b>
<b>Detention until brought before a judge</b>	<b>24 hours</b>	<b>8 days</b>
<b>Total period of detention before indictment (charge)</b>	<b>30 days</b> (up to 75 days on the authority of the Attorney General)	<b>180 days</b> (up to 90 days on the authority of a judge of the Military Court and a further 90 days on the authority of the Military Court of Appeals)
<b>Detention from the end of investigation until indictment</b>	<b>5 days</b>	<b>10 days</b>
<b>Detention from filing indictment until arraignment (entering of a plea of guilty or not guilty)</b>	<b>30 days</b>	<b>2 years</b>
<b>Detention from arraignment until end of proceedings</b>	<b>9 months</b>	
<b>Judge's approval of extension of detention if proceedings have not concluded</b>	<b>3 months</b> (Supreme Court judge)	<b>6 months</b> (judge of the Military Court of Appeals)

35 See Article 71 of the Fourth Geneva Convention; Article 103 of the Third Geneva Convention; and Article 14(3) (c) of the ICCPR.

36 See *supra* note 5, page 128.

37 Military orders are applied to Palestinians living in the West Bank and in some cases, to those living



## *The right to prompt notice of criminal charges*<sup>38</sup>

In practice, indictments containing the charge are given to the child's lawyer on the day of the hearing to determine whether the child remains in detention until the end of the proceedings.<sup>39</sup> In the vast majority of cases, Palestinian children are denied bail and remain in detention until the conclusion of proceedings.<sup>40</sup>

It should be noted that wilfully depriving a person of their fair trial rights constitutes a grave breach of Article 147 of the Fourth Geneva Convention (1949) for which personal criminal responsibility applies.

## **Conditions of detention**

During 2008, lawyers for DCI-Palestine made 75 visits to Israeli interrogation and detention centres and prisons and met with 169 children in detention. During these visits the children informed the lawyers about the circumstances of their arrest and the conditions in detention. Living conditions for Palestinian children in Israeli detention did not materially improve in 2008. Common complaints received by DCI-Palestine include overcrowding, poor ventilation and access to natural light, poor quality and inadequate amounts of food, harsh treatment by prison officials and boredom.<sup>41</sup>

As in previous years, Palestinian children in Israeli detention only receive limited education in two out of the five prisons and no education whatsoever in any of the interrogation and detention centres, where children are sometimes held for three months or more.<sup>42</sup> In the two prisons where education is provided, it is limited to a few hours per week.<sup>43</sup>

All but one of the prisons where Israel detains Palestinian children are located inside Israel,<sup>44</sup> in breach of Article 76 of the Fourth Geneva Convention, which provides that an occupying power must detain residents of an occupied territory inside that territory.<sup>45</sup> The practical consequence of this violation is that many prisoners do not receive any family visits as their relatives are denied permits to enter Israel.

.....  
in occupied East Jerusalem.

38 See Article 71 of the Fourth Geneva Convention; Article 105 of the Third Geneva Convention; and Article 14(3) (a) of the ICCPR.

39 See *supra* note 5, pages 92 to 99.

40 Ninety-one percent of children represented by DCI-Palestine lawyers in 2008 remained in detention until the end of proceedings even though Israel is a State Party to the CRC which in Article 37(b) provides that detention of a child should be '*used only as a measure of last resort and for the shortest appropriate period of time.*'

41 For further details see DCI-Palestine, *Palestinian Child Prisoners (2007)*, pages 29 to 31 – <http://www.dci-pal.org/english/publ/research/2008/PCPReport.pdf>

42 The two Israeli prisons where Palestinian children receive limited education are Telmond Compound and Damoun Prisons.

43 See *supra* note 41, at pages 33 to 34.

44 The prisons where Palestinian children are detained are: Ofer (West Bank), Telmond Compound (includes Hasharon and Ofek) (Israel), Ketziot (Israel), Megiddo (Israel) and Damoun (Israel).

45 Conversely, Article 49 provides that the Occupying Power must not transfer parts of its own civilian population into the occupied territories as settlers. Israel is also in breach of this legal obligation.

## Case Study No. 1

**Name:** Imad T.  
**Date of arrest:** 7 March 2008  
**Age at arrest:** 15  
**Accusation:** Throwing a Molotov cocktail at a settlement guard room

On 7 March 2008, 15-year-old Imad from a village near Bethlehem, was driving away from the Israeli settlement of Etzion with some friends, when their car was hit by gunfire. Imad and his three friends were all injured.

*Eight days after being arrested, they moved me to Ofer Military Court. When I got there, I was immediately taken to the courtroom without any lawyer. The trial lasted only three minutes, and I was told that my detention period was extended but I did not know for how long, because no one translated what was going on inside the courtroom. They then took me back to hospital.*

22 July 2008



## **Complaints and a culture of impunity**

Between January 2001 and December 2008, over 600 complaints were filed against Israeli Security Agency (ISA) interrogators for alleged ill-treatment and torture. The Police Investigation Department of the Ministry of Justice, the relevant authority charged with investigating these complaints, did not conduct a single criminal investigation.<sup>46</sup>

These statistics accord with the experience of DCI-Palestine lawyers, as chief lawyer Khaled Quzmar explains: *'In my experience, complaints that are lodged with the Israeli authorities result in the file being closed for 'insufficient evidence' and I have had a number of cases in which the Israelis did retaliate against the complainant. For example, in November 2008, I travelled on behalf of DCI-Palestine to Holland with an ex-child detainee for the purposes of speaking to Dutch school children. The child, Mohammad E. had been arrested and ill-treated by the Israeli army earlier in the year and lodged a complaint through the Israeli organisation, Yesh Din. Mohammad was informed that he would only be granted a travel permit if he withdrew his complaint. Accordingly, he withdrew his complaint and was granted a travel permit. In the overwhelming majority of cases, Palestinians do not lodge complaints with the Israeli military or civil administration for fear of retaliation and the knowledge that the process is totally futile.'*

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46 B'Tselem and HaMoked, *Absolute Prohibition: The Torture and Ill-Treatment of Palestinian Detainees*, May 2007, page 79. See also the joint report by Hamoked and B'Tselem, *Supplemental Information for the Consideration of Israel submitted to the UN Committee Against Torture*, dated April 2009, pages 3 to 4.



Qalandiya Checkpoint, West Bank  
Photo credit: Gergely Pasztor

## D. In focus – ill-treatment and torture

The prohibition against torture is universal and absolute. It can be found in both customary international law, as well as in a number of treaties including the Fourth Geneva Convention (1949),<sup>47</sup> the International Covenant on Civil and Political Rights (1966) (ICCPR),<sup>48</sup> the UN Convention on the Rights of the Child (1989) (CRC)<sup>49</sup> and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) (Convention Against Torture).<sup>50</sup> Israel has ratified, and is bound by these treaties.

### **Legal definition**

Torture has been legally defined in Article 1 of the Convention Against Torture and includes the following elements:

- The infliction, by act or omission, of severe pain or suffering, whether physical or mental.
- The act or omission must be intentional;
- The act or omission must have occurred in order to obtain information or a confession, or to punish, intimidate or coerce the victim or a third person, or to discriminate, on any ground, against the victim or a third person; and
- The act or omission must have been committed by, or with the acquiescence of a person acting in an official capacity.

The severity of the pain or suffering required for an act to constitute torture will depend on the circumstances of each individual case. *'In assessing the seriousness of any mistreatment, the objective severity of the harm inflicted must be considered, including the nature, purpose and consistency of the acts committed. Subjective criteria, such as the physical or mental condition of the victim, the effect of the treatment and, in some cases, factors such as the victim's age, sex, state of health and position of inferiority will also be relevant in assessing the gravity of the harm.'*<sup>51</sup>

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47 See Common Article 3.

48 See Article 7.

49 See Article 37(a).

50 See Article 2.

51 See the International Criminal Tribunal for the Former Yugoslavia in *Prosecutor v Brdjanin*, Case No. IT-99-36-T, Trial Chamber, 1 September 2004, paragraphs 83 to 484.



On a number of occasions the UN Committee Against Torture (the Committee), the treaty body mandated to monitor the implementation of the Convention Against Torture, has been prepared to make findings of the systematic practice of torture *'when it is apparent that the torture cases reported have not occurred fortuitously in a particular place or at a particular time, but are seen to be habitual, widespread and deliberate in at least a considerable part of the territory in question. Torture may in fact be of a systematic character without resulting from the direct intention of the government.'*<sup>52</sup>

There is no requirement for an act to constitute torture that any injury suffered be permanent or that evidence of the suffering be visible after the act.<sup>53</sup>

### ***No exceptional circumstances whatsoever***

The prohibition against torture is universally recognised as a peremptory norm or *jus cogens* under customary international law. This means that it ranks above treaty law and ordinary principles of customary international law and cannot be derogated from under any circumstances. Experience has shown that those in positions of authority will, from time to time, be tempted to use prohibited techniques for extracting information that they say is vital to national security and necessary for the protection of the public. These arguments are without legal merit. The Convention Against Torture is clear and unambiguous on this point:

*'No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.'*

Convention Against Torture - Article 2(2)

The Convention has been ratified by 146 countries including Israel, the United States and the United Kingdom.

### ***Other cruel, inhuman or degrading treatment or punishment***

In addition to prohibiting torture, the Convention Against Torture also prohibits other acts of cruel, inhuman or degrading treatment or punishment (ill-treatment).<sup>54</sup> It follows from a combined reading of Article 1 (torture) and Article 16 (ill-treatment) that torture is an aggravated form of cruel, inhuman or degrading treatment or punishment.<sup>55</sup> Both torture and the less serious act of ill-treatment are both

52 *The United Nations Convention Against Torture – A Commentary*, Nowak and McArthur (2008), pages 65 to 66.

53 See *supra* note 51, at paragraph 484.

54 See Article 16 of the Convention Against Torture.

55 See *supra* note 52, page 28.

absolutely prohibited under the Convention Against Torture.<sup>56</sup> However, unlike in cases of torture, a finding of ill-treatment does not require the element of intention and may be caused negligently. Further, degrading treatment or punishment may be defined as the infliction of pain or suffering, whether physical or mental, which aims at humiliating the victim.<sup>57</sup>

### ***Some examples of torture***

What amounts to torture or ill-treatment will depend on the circumstances of each individual case. However, it is useful to list some of the types of circumstances that have been held to amount to torture and ill-treatment by the Committee as a general guidance:

- Restraining in very painful conditions;<sup>58</sup>
- Hooding under special conditions;<sup>59</sup>
- Playing loud music for prolonged periods of time;<sup>60</sup>
- Threats, including death threats;<sup>61</sup>
- Violent shaking;<sup>62</sup>
- Kicking, punching and beating with implements;<sup>63</sup>
- Using cold air to chill;<sup>64</sup>
- Excessive use of force by law enforcement personnel and the military;<sup>65</sup>
- Incommunicado detention (detention without access to a lawyer, doctor or the ability to communicate with family members);<sup>66</sup>
- Solitary confinement;<sup>67</sup>
- Sensorial deprivation and almost total prohibition of communication;<sup>68</sup>
- Poor conditions of detention, including failure to provide food, water, heating in winter, proper washing facilities, overcrowding, lack of amenities, poor hygiene facilities, limited clothing and medical care.<sup>69</sup>

The above list is by no means exhaustive and in every case, the particular vulnerability of the victim, such as his or her young age or medical condition should be taken into consideration.

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56 See Articles 2 and 16 of the Convention Against Torture.

57 See *supra* note 52, page 558.

58 *Ibid.*, page 542.

59 *Ibid.*

60 *Ibid.*

61 *Ibid.*

62 *Ibid.*

63 *Ibid.*, page 62.

64 *Ibid.*, page 542.

65 *Ibid.*, pages 566 to 568.

66 *Ibid.*

67 *Ibid.*, page 559.

68 *Ibid.*, page 557.

69 *Ibid.*, pages 66 and 551.



## **Obligations<sup>70</sup>**

Every state has an obligation to take effective measures to prevent acts of torture in territories under its jurisdiction and to criminalise, investigate and prosecute such acts.<sup>71</sup> Further, signatories to the Fourth Geneva Convention are obliged to search for persons alleged to have committed acts of torture, wherever the acts may have occurred, and to prosecute them in their own courts under the principle of universal jurisdiction.<sup>72</sup> Universal jurisdiction is based on the premise that certain crimes are so serious that in effect they are crimes against all humanity, and so should be prosecuted in any court, regardless of where the crime took place. It must also be noted that the duty to search for alleged perpetrators of such crimes is an active duty:

*As soon as a contracting party realises that there is on its territory a person who has committed ... a [grave] breach, its duty is to ensure that the person concerned is arrested and prosecuted with all speed. The necessary police action should be taken spontaneously, therefore, not merely in pursuance of a request from another State.<sup>73</sup>*

The purpose behind the principle of universal jurisdiction is to ensure that there is no where to hide for perpetrators of the most serious of crimes, such as genocide, slavery and torture. In many countries the laws are already in place, all that is now required is the necessary will and resources to provide effective remedies to the victims of torture and perhaps an effective deterrent against the use of such practices.

## **Personal stories of ill-treatment and torture**

During the course of 2008, lawyers and fieldworkers for DCI-Palestine provided legal representation, prison visits and follow up consultations to Palestinian child detainees, during which sworn testimonies were collected and subsequently translated into English. There follows 33 personal accounts provided by children as young as 10 years old, bearing witness in their own words to the ill-treatment and torture that is the common shared experience of many Palestinian children growing up under military occupation.

These personal testimonies are grouped together under a number of broad headings (arrest and transfer; interrogation; female detainees; and administrative detention).

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70 In compiling this section the authors of this report have referred to a paper given by UK lawyer, Daniel Machover in Brussels on 29 April 2009 – *Universal Jurisdiction & Suspected Israeli war crimes – stocktake after 'Operation Cast Lead'*

71 Under Article 5(2) of Convention Against Torture, each state party is required to take measures to establish universal jurisdiction over persons suspected of torture, or otherwise extradite the suspect.

72 See Articles 146 and 147 of the Fourth Geneva Convention.

73 *Volume IV Geneva Convention relative to the Protection of Civilian Persons in Time of War: commentary*, ICRC, Geneva, 1958, 598.

Due to the nature of the ill-treatment encountered, most cases could be considered under several of these headings.

### *Arrest and transfer*

In 2008, as in previous years, Palestinian children were often arrested by Israeli soldiers or policemen near the villages where they live. Some of these children were walking home from school, tending the olive groves and orchards nearby, or simply outside minding their own business.

In 2008 the most common charge faced by Palestinian children detained by Israeli forces in the Occupied Palestinian Territory was for throwing stones. In 26.7% of cases handled by DCI-Palestine during the year, the charge was stone throwing.

It is not uncommon during the arrest process for Israeli soldiers to strike Palestinian children with their weapons whilst laughing and humiliating them [see Case Study No. 2]. When clashes occur near the Wall between stone throwing Palestinian children and Israeli soldiers, the soldiers tend to respond by arresting any child in the vicinity, regardless of whether that child was actually involved in any unrest or not [see Case Study Nos. 3 to 8]. The threshold of evidence required before an Israeli soldier arrests a Palestinian child on suspicion of throwing stones is so low in some cases as to suggest the existence of a policy of collective punishment, rather than any serious attempt to identify those actually involved in any unrest. It should be noted that all forms of collective punishment are prohibited by the Fourth Geneva Convention [see Case Study No. 5].<sup>74</sup>

In what is usually a terrifying experience, many Palestinian children are arrested by Israeli forces from their beds in the early hours before dawn by heavily armed soldiers. These children are rarely told why they are being arrested, where they are being taken, and in some cases are not even permitted to say goodbye to their parents [see Case Study Nos. 9 to 13].

In 2008, DCI-Palestine received a number of cases in which children were shot and wounded by Israeli soldiers. The majority of these cases occurred very close to illegal Israeli settlements. It was disturbing to note that after being shot, many of these children continued to suffer abuse and in some cases were stripped naked and kept unnecessarily in humiliating circumstances for many hours [see Case Study Nos. 13 and 14]. What all of these cases have in common is that Palestinian children are arrested either near the Wall, an illegal settlement or a settler by-pass road, all of which stand as daily reminders to these children that they are living under occupation.<sup>75</sup>

<sup>74</sup> See Article 33 of the Fourth Geneva Convention.

<sup>75</sup> All Israeli settlements in the West Bank and East Jerusalem are illegal under Article 49 of the Fourth Geneva Convention (see Appendix IV). The Wall has also been found to be illegal in its current form by the International Court of Justice in its 2004 advisory opinion: *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories*, Advisory Opinion, ICJ Reports, 2004.



## Case Study No. 2

**Name:** Yusif T.  
**Date of arrest:** 30 April 2008  
**Age at arrest:** 17  
**Accusation:** Throwing stones

On 30 April 2008, 17-year-old Yusif from a village near the West Bank city of Qalqiliya, which is situated near the Wall and a number of illegal settlements, was walking home from school when he was approached by four Israeli soldiers.

*After walking about 400 metres, I looked to the right to see four soldiers emerging from the olive groves 20 metres away from me, and heading my way. They ordered me to stop in Arabic, so I stopped. They then approached me. [...] The tall soldier and the soldier with the sunglasses approached me. 'Where did you come from?' Asked the soldier with sunglasses. 'From school' I replied. 'Where are you from?' He asked. 'From [name of village]' I answered. 'You are a liar' he shouted 'you were throwing stones on the road.' 'No' I said.*

*It is quite normal for me to use hand gestures when I'm talking to someone to express myself better. I raised my arm but the soldier suddenly became angry and shouted at me: 'You raise your arm at me, you animal!' He then slapped me with his right hand on the left side of my face, gripped my shirt by the collar and started pushing me while accusing me of throwing stones. He was cursing and swearing. I kept telling him it was not me who threw stones but he kept gripping my shirt.*

*A short time later, the short, dark-skinned soldier approached me and kicked me in my right leg. It was very painful [...] he then hit me with his knee on my thigh. It was so painful that I fell on the ground. The four soldiers yelled at me and then kicked me for about two minutes. Both my shirt and trousers were ripped. They put me back on my feet, and one of the soldiers then hit me in my chest with the butt of his weapon. They kept pushing me and then ordered me to sit on a rock by the road. [...] After five minutes, an Israeli military jeep [...] arrived on the scene. A fat soldier, wearing a green military uniform, stepped out of the jeep and headed towards me. 'Don't you want to confess? I have your friends with me in the jeep and they have confessed that you were with them throwing stones,' he said. 'No I wasn't. I want to confront them,' I replied. [...] They made one of the boys step out of the jeep. He was blindfolded and handcuffed, wearing a black shirt and blue jeans, and a bracelet with the Palestinian flag wrapped around his wrist. The soldiers untied the blindfold and asked him if I was with him and the other boys when they were throwing stones. The boy said I did not participate in throwing stones and that the fourth person who was with them had escaped. The boy's face and nose were bleeding. [...]*

*The soldier with the sunglasses then ordered me to return to my house and said that if the boy had not said that I was not with them, I would have been arrested. He also said that next time he saw me in the area, he would arrest me and put me in prison.*



Watchtower, Hebron  
Photo credit: Gerard Horton



## Case Study No. 3

**Name:** Shadi H.  
**Date of arrest:** 22 January 2008  
**Age at arrest:** 15  
**Accusation:** Manufacture of an explosive device, possession of a knife and attempting to throw a Molotov cocktail.

At around 3:00pm, Shadi and his friend, Nihad, F., were picking oranges in an orchard close to their village near the Palestinian city of Tulkarm, in the north of the West Bank. The village is located near the Wall and a number of illegal settlements.

*Suddenly, while we were picking some oranges to eat, five Israeli soldiers entered the orchard and asked us to lift our hands in the air and then told us to lie on the ground. They then tied our hands and blindfolded us [...] They stripped us out of our trousers and T-shirts. They then started to throw stones at our backs while laughing and making fun of us. They then ordered us to walk out of the orchard and go through a gate onto the other side of the Wall.*

*While we were walking to the gate, the soldiers hit us with their rifles in our backs and laughed [...]*

*While we were walking to the gate, the soldiers hit us with their rifles in our backs and laughed [...] the walk lasted for 15 minutes. A vehicle then arrived and they placed us into it and sat us on the floor. I did not know how many soldiers there were. They started stepping on us with their feet. We asked them for some water but they did not respond. Instead, they stepped on Nihad's neck and kept hitting us in our backs.*

*The trip lasted about an hour [...] The vehicle stopped and they pulled us out into a yard paved with small stones. They left us on the ground for three hours until it was dark.*

22 January 2009

## Case Study No. 4

**Name:** Mohammad E.  
**Date of arrest:** 4 February 2008  
**Age at arrest:** 14  
**Accusation:** Throwing stones

The following account is taken from a case study published by DCI-Palestine in June 2008.

On 4 February 2008, Mohammad and a few friends were gathered on a hill near their village watching as some young people threw stones at the Wall. Mohammad and his friends were suddenly approached by four men dressed in civilian clothes. The men grabbed Mohammad knocking him to the ground. A frightened Mohammad tried to resist and was struck several times on the head with a gun whilst his face was sprayed with tear gas. The men then blindfolded him and tied his hands and feet with plastic cuffs before throwing him into the back of a vehicle.

After two hours they arrived at the Israeli operated police station at Atarot, in the West Bank. Throughout the journey Mohammad's head was bleeding from wounds sustained when he was struck with the gun.

18 June 2008



## Case Study No. 5

**Name:** Fadi D.  
**Date of arrest:** 29 February 2008  
**Age at arrest:** 14  
**Accusation:** Throwing stones

On 29 February 2008, 14-year-old Fadi, from Al'Arub Refugee Camp outside Hebron, in the West Bank, was arrested outside the family home and accused of throwing stones at soldiers that morning. At the time, Fadi had a broken hand that was in plaster cast and was not able to throw stones. The soldiers arrested Fadi in any event. There are Israeli settlements in and around Hebron.

*I was leaving Omar bin al Khattab Mosque in the refugee camp after my father and I had finished Friday prayers, when confrontations broke out between a group of boys and Israeli soldiers. The boys were throwing stones at the soldiers who came in two jeeps [...] Two soldiers fired tear-gas canisters and sound bombs, which made the boys run away. The two soldiers chased them and they were followed by the two jeeps. [...]*

*At this point, I had reached the door of my house, 70 metres away from the Mosque. I opened the door to my house and was about to go inside when a soldier ordered me to stop and said 'I saw you throwing stones. You were wearing a red shirt.' I replied, 'I wasn't throwing stones. Look, my left hand is broken and in a cast.' The soldier replied, 'no, I saw you throwing stones.'*

*The soldier approached me and tried to take me with him. At this moment, my uncles came and intervened to persuade the soldier that I did not throw stones and that my hand was broken. About 10 other soldiers then got out of the jeep and approached us. Two of the soldiers pulled me and the others tried to chase away my uncles and the*

*As soon as the jeep started to move the same soldier who had pushed me, kicked me on my broken hand and beat me on my shoulders with his rifle.*

*people who had gathered around. As the soldiers were trying to take me away they beat me with their rifles on my broken hand. They also beat my brother on his head with their rifles.*

*The soldiers placed me in the jeep and seated me on a chair. As soon as I sat down a soldier pushed me hard and I fell on the jeep floor. This was painful and left bruises on my shoulder and leg. As soon as the jeep started to move the same soldier who had pushed me, kicked me on my*

*I opened the door to my house and was about to go inside when a soldier ordered me to stop and said 'I saw you throwing stones. You were wearing a red shirt.' I replied, 'I wasn't throwing stones. Look, my left hand is broken and in a cast.' The soldier replied, 'no, I saw you throwing stones.'*

*broken hand and beat me on my shoulders with his rifle. This was very painful, especially the blows to my hand which I broke three days before when I fell on the ground while I was playing with some classmates at school. A short time later the soldiers tied my hands and feet and blindfolded me, while still beating me.*

*The beating continued for about an hour. The same soldier kept kicking and beating me and also beat me with his rifle in my back, shoulder, hands and legs. The beating was continuous. I asked the soldier several times why he was beating and kicking me. He responded by shouting, swearing, and telling me to shut up [...] Three hours later we arrived at our destination. The soldiers immediately pulled me out of the jeep and took me to the interrogator who told me I was at Kiryat Arba police station.*

9 September 2008

Fadi was charged with throwing stones and released on NIS 3,000 bail (US\$ 750) on 5 April 2008. Fadi spent approximately five weeks in Telmond Prison, inside Israel.





## Case Study No. 6

**Name:** Ahmed Z.  
**Date of arrest:** 17 February 2008  
**Age at arrest:** 16  
**Accusation:** Throwing stones

Ahmed, a 16-year-old boy from the West Bank city of Jenin, was beaten and arrested by Israeli soldiers near the Wall and accused of throwing stones.

*I was arrested near the Wall at 3:00pm while my father was at work. I was with two other boys younger than me. While we were near the Wall we saw a group of Israeli soldiers running towards us and they started beating us. They accused us of throwing stones.*

*I admitted throwing stones to one of the soldiers to stop him beating me. But instead, he started to beat me more. The soldiers arrested us. I was blindfolded and handcuffed and thrown on the floor of a military jeep. I was then transferred to Shakeid military base. During the transfer I was kicked.*

*On arrival at the military base I was left outside until 10:00pm. The weather was very cold and it was raining.*

Ahmed was charged with throwing stones and sentenced by a military court to 15 days imprisonment and a fine of NIS 500 (US\$125) after entering into a plea bargain. He served most of his sentence in Damoun Prison, inside Israel. Ahmed was released on 2 March 2008.

*I admitted throwing stones to one of the soldiers to stop him beating me. But instead, he started to beat me more.*

## Case Study No. 7

**Name:** Jameel K.  
**Date of arrest:** 25 March 2008  
**Age at arrest:** 14  
**Accusation:** Throwing stones

At 4:00pm on 25 March 2008, 14-year-old Jameel was arrested by Israeli soldiers in his village near the West Bank city of Tulkarm, situated near the Wall.

*Three Israeli soldiers came and approached me. They then threw a sound bomb towards me and it exploded at my feet. They asked me to approach them. When I reached them, they slapped me in the face. They then tied my hands and took me to another place inside the village, where there were two military jeeps, 500 metres away from where I was. [...]*

*Inside the clinic, they beat me on the back and neck with their hands. One of the soldiers took a rope that was on the table and placed it around my neck and pressed tightly to suffocate me.*

*The jeep drove to a place unknown to me for half an hour. We then reached a place or a camp full of soldiers. They pulled us out of the jeep and lay us on small stones in a yard from around 6:30pm until 2:00am. A number of soldiers then came and took me to the clinic after removing the handcuffs and blindfold. Inside the clinic, they beat me on the back and neck with their hands. One of the soldiers took a rope that was on the table and placed it around my neck and pressed tightly to suffocate me. They then handcuffed my hands and blindfolded me and took me back to the yard.*

30 August 2008



Nablus, West Bank  
 Photo credit: Gergey Pasztor



## Case Study No. 8

**Name:** Mohammad A.  
**Date of arrest:** 5 February 2008  
**Age at arrest:** 16  
**Accusation:** Throwing stones

On 5 February 2008, Mohammad and a group of friends enjoyed a barbeque at Wadi Yamin, in the West Bank. The Wadi (a valley) is situated near the Wall. After the barbeque, Mohammad and four friends shared a taxi home.

*After a few minutes an Israeli police vehicle arrived and stopped alongside our taxi on the right hand side. Two policemen with machine guns approached our car and asked us to get out and produce our ID cards. We got out of the car ... The policemen asked us to stand up against a wall and they searched us. The policemen then asked the taxi driver to take us and follow them in the taxi. [...]*

*When we arrived at the gate the policemen told us to get out of the taxi [...] we were told to sit on the ground and our hands were handcuffed in front of us. We sat there for around 30 minutes. [...] The driver of the police van got out and approached us. He slapped Ather once on the neck and said in Arabic 'don't raise your head'. A short time later our plastic cuffs were replaced with metal ones. We were all handcuffed together. I remember seeing around 25 policemen at the gate.*

*We were put in the back of the police van on the floor. There were two policemen in the back with us sitting on the chairs and around five in the two rows of seats in the front. During the trip the two policemen in the back kept beating us with their hands on our heads and necks. They kept asking us 'were you throwing stones?' we replied 'no', 'then who was throwing stones?' asked the policemen, 'we don't know'. The two policemen beat us during the whole trip which lasted about 20 minutes. [...] Around 20 minutes later we arrived at the Israeli District Coordination Office (DCO) at Soufin. The time was around 6:00pm. We were told to get out of the van, sit on the ground and keep our heads down. We sat on the ground for about one hour in the cold [...] During the hour that we sat outside we were beaten by the driver of the police van. He slapped me once and I think he slapped my friends too. He was a very big man in his mid forties.*

*During the trip the two policemen in the back kept beating us with their hands on our heads and necks. They kept asking us 'were you throwing stones?' we replied 'no', 'then who was throwing stones?' asked the policemen, 'we don't know'. The two policemen beat us during the whole trip which lasted about 20 minutes.*

*After about one hour we were given a bottle of water. We drank and then asked to go to the toilet. Two policemen took us a few metres away and told us we could urinate on the ground.*

Mohammad was charged with throwing stones and released on NIS 4,000 bail (US\$1,000). He spent one week in Salem Interrogation and Detention Centre and was released on 12 February 2008.



## Case Study No. 9

**Name:** Abdullah O.  
**Date of arrest:** 20 April 2008  
**Age at arrest:** 15  
**Accusation:** Throwing Molotov cocktails and stones

At 3:00am on 20 April 2008, 15 year old Abdullah from a village near the West Bank city of Qalqiliya, situated near the Wall and a number of illegal settlements, was arrested in the family home by Israeli soldiers.

*At around 3:00am I was sleeping at home. I suddenly woke up to the sound of soldiers. One of the soldiers was standing by my bed. He grabbed me by my shoulder and pulled me out of the house. I was still half asleep. I was scared and became extremely nervous. I panicked to the point that I do not know how they put me in the jeep. They punched me all over my body and stepped on me.*

*One of the soldiers asked me if I had thrown stones and Molotov cocktails. I replied that I did not throw anything. Afterwards, they handcuffed my hands and tied my feet and blindfolded me.*

20 August 2008



## Case Study No. 10

**Name:** Mahmoud M.  
**Date of arrest:** 30 November 2008  
**Age at arrest:** 16  
**Accusation:** Throwing stones and Molotov cocktails

At around 2:00am on 30 November 2008, 16-year-old Mahmoud from Nablus, was arrested from his bed by Israeli soldiers.

*I felt someone was waking me. When I woke up I found eight soldiers surrounding me in the room. They were scary; their faces were painted black and one of them was masked. They asked me to stand up. They searched me thoroughly and asked me to get undressed. I took off my clothes except my underwear. They then asked me my name. When I told them my name, one of the soldiers pushed me hard against the wall and tied my hands behind my back with plastic cords [...]*

*They took me out to the living room. Just before one of the soldiers was about to blindfold me, I spotted the soldier with the mask searching the kitchen. He spotted me and rushed to me and hit me hard on my back. He then hit me in the face with the barrel of his rifle and that led to my nose and mouth bleeding profusely. All of this happened in front of my mother who was begging them to let me go. But the soldiers did not listen to her. They blindfolded me and took me downstairs since our apartment is on the second floor. [...]*

*When we reached the detention centre, they pulled me out of the jeep and made me stand in the yard for three hours. It was very cold. I cried because I felt so much pain in my hands. I shouted but they did not untie the cords. As a result my hands swelled and became blue. After three hours of standing in the yard, I was taken to the interrogation room.*

*The soldiers made me sit on the metal floor of the jeep with my head between their legs. The jeep started moving. The driver drove so quickly when reaching bumps that my head rammed twice against the roof of the jeep. Half an hour later the soldiers took me out of the jeep because we arrived at a military camp but I did not know its name. They took me to a room and removed the blindfold. I found myself in a clinic where a doctor asked me general questions about my health without examining me at all. I spent 15 minutes in the clinic. My hands hurt because of the plastic cords. I asked the soldiers to untie or loosen them, but they shouted at me to shut up.*

*Twenty minutes later the soldiers placed me back in the jeep and drove me to Huwwara Detention Centre. When*

*He then hit me in the face with the barrel of his rifle and that led to my nose and mouth bleeding profusely. All of this happened in front of my mother who was begging them to let me go.*



*we reached the detention centre, they pulled me out of the jeep and made me stand in the yard for three hours. It was very cold. I cried because I felt so much pain in my hands. I shouted but they did not untie the cords. As a result my hands swelled and became blue. After three hours of standing in the yard, I was taken to the interrogation room.*

18 December 2008



## Case Study No. 11

**Name:** Abed S.  
**Date of arrest:** 23 October 2008  
**Age at arrest:** 15  
**Accusation:** Throwing Molotov cocktails

At around 2:00am on 23 October 2008, 15-year-old Abed from a village near the West Bank city of Qalqiliya, situated near a number of illegal settlements and the Wall, was arrested along with his friend Ali, by Israeli soldiers and transferred to a military base.

*The seven soldiers banged on the door of the house with the barrels of their rifles [...] The soldiers took me out of the house, tied my hands behind my back, blindfolded me and pushed me into one of the jeeps. They did not allow my family to say goodbye to me and they told them to close the door and stay inside.*

*I felt extreme pain in my neck and back. I felt dizzy and was about to vomit. Whenever I lifted my head up, the soldiers would shout at me.*

*When I entered the jeep, I found that Ali M. was also arrested. They sat me next to him on the floor of the jeep. When I sat down, I felt my hands were about to explode because they were tied so tight. I asked the soldiers to loosen the handcuffs but they responded by shouting and using very obscene language. One of them said in broken Arabic that if I talked he would 'break my head.' [...]*

*The soldiers asked me and Ali to keep our heads down and that increased the pain in my neck, especially as the jeep drove for more than an hour [...] I felt extreme pain in my neck and back. I felt dizzy and was about to vomit. Whenever I lifted my head up, the soldiers would shout at me.*

*I felt my hands were about to explode because they were tied so tight. I asked the soldiers to loosen the handcuffs but they responded by shouting and using very obscene language.*

11 November 2008



## Case Study No. 12

**Name:** Mohammad A.  
**Date of arrest:** 26 November 2008  
**Age at arrest:** 17  
**Accusation:** Throwing stones

At around 2:00am on 26 November 2008, 17-year-old Mohammad from the West Bank city of Nablus, was arrested from his bed by Israeli soldiers. Mohammad had a pre-existing injury to his leg which made it difficult to walk. The soldiers tied and blindfolded him and forced him to walk several kilometres to a checkpoint.

*When we reached Za'tara checkpoint, a military jeep came and one of the soldiers pushed me hard towards the jeep. My body banged into the jeep and another soldier standing nearby pushed my head into the jeep. The soldiers then pushed me inside the jeep and made me sit on the floor. Four soldiers surrounded me and my head was between their feet. The jeep drove away. During the trip, the soldiers kicked me, shouted and insulted me. The trip lasted for about half an hour.*

*The soldiers then pushed me inside the jeep and made me sit on the floor. Four soldiers surrounded me and my head was between their feet. The jeep drove away. During the trip, the soldiers kicked me, shouted and insulted me. The trip lasted for about half an hour.*

18 December 2008



## Case Study No. 13

**Name:** Hamdi A.  
**Date of arrest:** 14 August 2008  
**Age at arrest:** 17  
**Accusation:** Throwing a Molotov cocktail

On 14 August 2008, 17-year-old Hamdi from the Dheisheh Refugee Camp near Bethlehem, situated near the Wall and a number of illegal settlements, was walking home when he was shot twice in the legs by a sniper.

*At around 2:00am on 14 August 2008, my family and I were on our way back home after attending my cousin's wedding. Before reaching our house, I asked my mother to let me go and buy some bread from the bakery that is open around the clock.*

*On my way to the bakery [...] I ran into a group of children who were hiding behind some metal barrels whilst throwing stones at Israeli soldiers on the other side of the street. I was 50 metres away from the bakery. I approached the children and I was not hiding behind anything. Suddenly a sniper standing near a building on the other side of the street fired at me. I was shot twice in my right and left legs, in the knees. I fell to the ground bleeding.*

*While I was lying on the ground, four Israeli soldiers approached and without saying a word, they began beating me. One of the soldiers hit me with the barrel of his assault rifle. I bled heavily from my nose and mouth. My legs kept bleeding as well. Another soldier wearing combat boots kicked me in my back. I felt pain all over my body. The four soldiers kept kicking and slapping me all over my body for five minutes. The soldiers were very scary. Their faces were painted black.*

*The four soldiers stopped kicking me. They tied the wounds in my legs with some bandages to stop the bleeding. Two soldiers grabbed me from my wounded leg and right hand and dragged me on the sidewalk for about 50 metres until we reached a military jeep. They caused many bruises to my back and bottom. I begged them to let me go, but they refused.*

*When we reached the jeep, a military ambulance came and the soldiers placed me on a stretcher and put me inside the ambulance. One of the soldiers inside the ambulance tore all my clothes off with scissors, except my underwear. They installed a glucose tube*

*The four soldiers stopped kicking me. They tied the wounds in my legs with some bandages to stop the bleeding. Two soldiers grabbed me from my wounded leg and right hand and dragged me on the sidewalk for about 50 metres until we reached a military jeep. They caused many bruises to my back and bottom. I begged them to let me go, but they refused.*



and a breathing apparatus on me. The military ambulance drove for 15 minutes until we reached a military checkpoint near Beit Jala, where there was an ordinary ambulance waiting for us. The soldiers pulled me out of the military ambulance and placed me on the ground. Five soldiers began taking pictures of me using their mobile phones and a camera one of them had. They took pictures of themselves next to me while making fun of me. The soldiers then placed me inside the ambulance. [...]

15 minutes later, we reached the hospital of Hadasa Ein Karem in Jerusalem [...] many people were looking at me and I became ashamed because I was only wearing my underwear. [...]

When I woke up I found myself lying on a bed in the intensive care unit. I was handcuffed to the bed and guarded by two soldiers. They must have handcuffed me while I was sleeping. I could not leave the bed. I urinated while lying on the bed. [...]

The two soldiers guarding me were replaced everyday. Some of them treated me well, others treated me badly. Some of the soldiers verbally abused me, using obscene words in front of all the patients who were Jewish. The medical staff protested but the soldiers prevented them from intervening. In some cases, the soldiers prevented the medical staff from treating me. The Jewish patients who were in the same room also insulted me and called me a terrorist and the soldiers did not do anything to stop them. I stayed in the room for seven days. [...]

While being in Hadasa Ein Karem Hospital, the soldiers did not allow any of my family to visit me.

24 December 2008

Hamdi was accused of throwing a Molotov cocktail and spent nine months in detention. He served the majority of his time in detention in Ramle Prison Hospital inside Israel. Hamdi was released on 1 May 2009.



## Case Study No. 14

**Name:** Mahmoud N.  
**Date of arrest:** 15 September 2008  
**Age at arrest:** 17  
**Accusation:** Throwing a Molotov cocktail

On 15 September 2008, 17-year-old Mahmoud and his friend, Iyad, from the al-Jalazan Refugee Camp, near the West Bank city of Ramallah, were shot by Israeli soldiers near the illegal settlement of Bet El.

*We then went to hang out near the settlement of Bet El. We were about 100 metres away from the settlement. While walking there, I noticed that Israeli soldiers were hiding behind trees. Iyad did not see them. I turned to Iyad to warn him about the soldiers and flee. Just before I was about to do so, the soldiers suddenly fired at us, hitting Iyad who fell to the ground. I tried to flee but a bullet hit me in the back. Iyad was shot three times in the left leg.*

*After the shooting we fell to the ground bleeding. I was in great pain. We were both screaming. Many soldiers approached us. I was lying on the ground, four metres away from Iyad. One of the soldiers approached me and kicked me twice in my chest despite my injury [...] they tore off all my clothes and I was completely naked as the day I was born. I was very ashamed especially as there were two female soldiers. The soldiers were laughing at me. I stayed naked until I was admitted to surgery ... The soldiers placed us on stretchers and put us inside a military jeep. The jeep headed towards the settlement where there were two ordinary ambulances. [...]*

*The ambulance reached Hadasa Ein Karem Hospital in Jerusalem and the medical crew pulled me out of the ambulance [...] I was naked and ashamed because the hospital was full of people, so I had to use my hands to cover my genitals. [...]*

*I spent two and a half weeks in Hadasa Hospital during which time the soldiers guarded me the whole time and I did not see any of my family. I learned later from my family that they tried to visit me but were not allowed to do so by the soldiers who also prevented them from sending food to my room.*

*After the shooting we fell to the ground bleeding. I was in great pain. We were both screaming. Many soldiers approached us. I was lying on the ground, four metres away from Iyad. One of the soldiers approached me and kicked me twice in my chest despite my injury [...] they tore off all my clothes and I was completely naked as the day I was born. I was very ashamed especially as there were two female soldiers. The soldiers were laughing at me.*

27 November 2008



## Case Study No. 1 continued

<b>Name:</b>	<b>Imad T.</b>
<b>Date of arrest:</b>	<b>7 March 2008</b>
<b>Age at arrest:</b>	<b>15</b>
<b>Accusation:</b>	<b>Throwing Molotov cocktail and home-made grenades at a settlement</b>

On 7 March 2008, 15-year-old Imad from a village near Bethlehem, was driving away from the Israeli settlement of Etzion with some friends, when their car was hit by gunfire. Imad and his three friends were all injured.

*We decided to keep on driving because we were terrified [...] After driving for around half a kilometre, we reached the centre of the village, got out of the car and lay on the ground. People rushed towards us and put us into another car to take us to the village clinic. [...]*

*After they put us in the Hummer, they tied us tightly to stretchers and removed the bandages from our wounds which caused the bleeding to resume. They started beating us. There were four of them. One of the soldiers applied pressure on our wounds and we were shouting in pain. Whenever we were shouting, the soldiers would slap us on the face and tell us that they did not want to hear our shouts.*

*Ten minutes later, Israeli soldiers stormed the village and surrounded the clinic from all sides. They came in ten jeeps and there were many of them. The soldiers began throwing sound bombs and tear gas canisters to drive people away. They then broke down the front door of the clinic and [...] arrested me and Mahmoud and quickly put us inside a Hummer. [...]*

*After they put us in the Hummer, they tied us tightly to stretchers and removed the bandages from our wounds which caused the bleeding to resume. They started beating us. There were four of them. One of the soldiers applied pressure on our wounds and we were shouting in pain. Whenever we were shouting, the soldiers would slap us on the face and tell us that they did not want to hear our shouts. The*

*bleeding increased because they kept pressing against the wounds [...]*

*After an hour, we arrived at Gush 'Etzion settlement. They took us out of the jeep and placed us in the yard. They tore off all our clothes with scissors. We were totally naked, just like the day we were born. There were more than 40 soldiers there, who started provoking and insulting us. It was very cold [...] During that time in the yard, they did not provide us with any medical assistance, although we were bleeding and in pain.*

*One hour later, an army ambulance arrived and they put us inside it. We were tied naked to stretchers. Once inside the ambulance, the soldiers untied us and placed us on plastic chairs. They tightly tied our hands behind our backs which caused us pain. The soldiers*

*in the ambulance, two female and two male, insulted us and shouted at us on the way to the hospital.*

*Half an hour later, we reached Hadasa Ein Karem Hospital in Jerusalem. The soldiers took us out of the military ambulance and left us at the hospital entrance for a while. We were still naked and we begged them to cover us with something because we were ashamed in front of the pedestrians there, and the hospital was very crowded. This incident traumatised me and I am still suffering psychologically as a result. Fifteen minutes later, they took us to the operating room and removed the plastic ties and placed handcuffs around our hands and feet. [...]*

*The soldiers took us out of the military ambulance and left us at the hospital entrance for a while. We were still naked and we begged them to cover us with something because we were ashamed in front of the pedestrians there, and the hospital was very crowded. This incident traumatised me and I am still suffering psychologically as a result.*

*Three soldiers were guarding me in the room. They tied my hands and legs to the bed. I could not move. They kept insulting me throughout the night and I could not sleep. [...]*

*In the new hospital, the soldiers were replaced by other soldiers. The new soldiers were very bad and they insulted us and shouted at us. They rarely allowed us to use the toilets [...] They did not allow me to take a shower. I would like to mention that we did not have a shower from the day we were arrested until they transferred us to the new hospital [five days after Imad was arrested]. My body had blood on it and it smelt bad. I would like also to mention that we were without clothes for the whole week, and were only covered with light sheets. We were provided with light robes only a week after we were arrested. [...]*

*A week later, at midnight, soldiers from the Nishon Unit [a unit belonging to the Prison Service responsible for transferring detainees between prisons and detention centres] came and ordered us to accompany them. They tied our hands and feet and blindfolded us. They put us in a prison service vehicle and took us to Ramle Prison Hospital. [...]*

*They put me in a room, and I immediately fell asleep. When I woke up, I saw that I had wet my bed; it was the first time this had happened to me. I was ashamed of myself. The other detainees helped me change my clothes and bedding. To this day, I still wet my bed every day. There is nothing I can do about it. I tried not drinking water for several hours before going to bed, as well as going to bed late, but it did not help. I asked the prison administration to take me to a psychiatrist, but they refused.*

22 July 2008



## Case Study No. 15

**Name:** Islam M.  
**Date of arrest:** 31 December 2008  
**Age at arrest:** 12  
**Accusation:** Throwing stones

On 31 December 2008, 12-year-old Islam from a village near the West Bank city of Nablus, was out hunting birds in an olive grove when he and his friends were arrested by Israeli soldiers and accused of throwing stones. The olive grove was located about 500 metres from an Israeli settler bypass road.

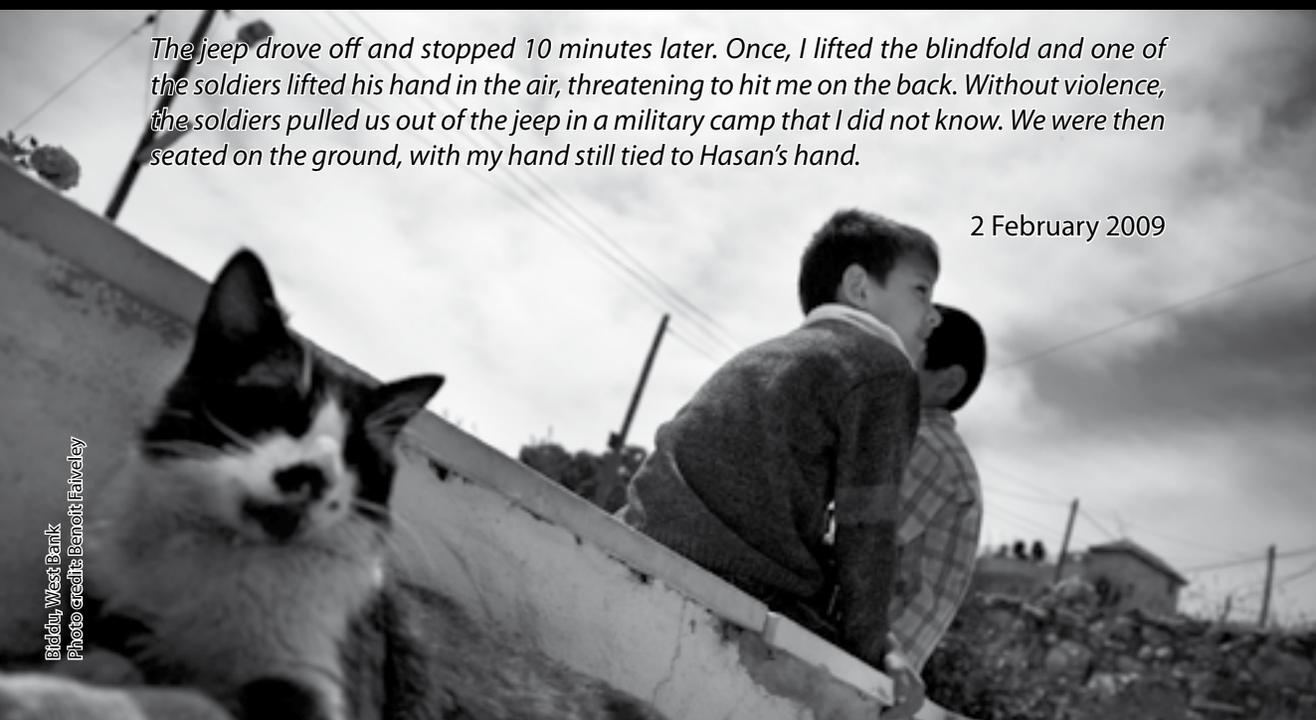
*At around 4:00pm we decided to go home. We collected the nets. Our houses are about one kilometre away. After walking 20 metres we heard a gun shot from the bypass road. We began walking faster towards our houses in the opposite direction to the bypass road. When we reached the edge of the village, we were surprised to see Israeli soldiers, about 10 to 20 metres behind us, with their guns pointed at us. They were shouting at us to stop in Hebrew. We stopped where we were. [...]*

*One of them approached me and grabbed my hand. Another soldier grabbed Hasan's hand. They then tied our hands together with the same plastic cord. They tied my right hand to Hasan's left hand. The soldiers then pushed us and forced us to walk towards our house. The soldiers did not tell me why they were arresting me [...]*

*When we reached the jeep, the soldiers blindfolded me and Hasan with a piece of cloth that the soldiers had. They pushed me inside the jeep. I fell on the ground. I was seated on the floor of the jeep. I lifted the blindfold using my untied left hand and looked around. I saw six soldiers inside the jeep, sitting on seats. Hasan and I were seated between their legs.*

*The jeep drove off and stopped 10 minutes later. Once, I lifted the blindfold and one of the soldiers lifted his hand in the air, threatening to hit me on the back. Without violence, the soldiers pulled us out of the jeep in a military camp that I did not know. We were then seated on the ground, with my hand still tied to Hasan's hand.*

2 February 2009



## Interrogation

Following their arrest and transfer, Palestinian child detainees are usually taken straight to an interrogation and detention centre for questioning. These interrogations always take place in the absence of a lawyer and without any member of the child's family being present. Unlike in Israel, these interrogations are not video recorded, which would be a simple initiative that would deter the use of any improper force whilst protecting the interrogators from any false allegations of abuse.

In most cases, Palestinian children are kept painfully tied and, in some cases, blindfolded unnecessarily during long interrogations. It is not uncommon for children to be physically assaulted whilst in this position. In almost every case, the purpose of the beating appears to be to extract a confession [see Case Study No. 11 continued]. Palestinian children as young as 12 years are not spared the physical abuse or threats in this relentless pursuit by the authorities to extract confessions [see Case Study No. 15 continued].

There is evidence of Palestinian children being tricked into giving confessions during interrogation. Many of these confessions are written in Hebrew, a language few Palestinian children can read, and are then accepted by military court judges to convict the children, when there is clear evidence that the confessions were not given voluntarily [see Case Study No. 4 continued]. It should also be recalled that the Convention Against Torture clearly prohibits the use of any evidence obtained as a result of torture.<sup>76</sup> There is also evidence of Palestinian children being tricked into signing confessions whilst being treated in hospital [see Case Study No. 1 continued].

In addition to beatings, a number of clearly prohibited interrogation techniques continue to be used by Israeli authorities against Palestinian children. These techniques include various forms of position abuse over extended periods of time. A common form of position abuse encountered by DCI-Palestine involves the child being placed in a very small metal chair that is fixed to the floor at an angle. The child's feet are usually shackled and his hands are tied behind his back. The child is often left in this position for many hours causing extreme pain in the back and legs [see Case Study No. 18].

DCI-Palestine has also documented cases where children have been kept in solitary confinement for extended periods of time. This form of punishment can have a particularly devastating effect on children [see Case Study No. 19]. In some cases a combination of position abuse, around the clock interrogation and sleep deprivation is used to obtain a confession [see Case Study No. 20]. In another case, DCI-Palestine has recorded a combination of techniques such as solitary confinement for five days, position abuse using a small metal chair tied to the floor with hands tied behind the back and the threat to arrest the child's mother and siblings [see Case Study No. 21]. Children are regularly threatened with some form of physical violence during

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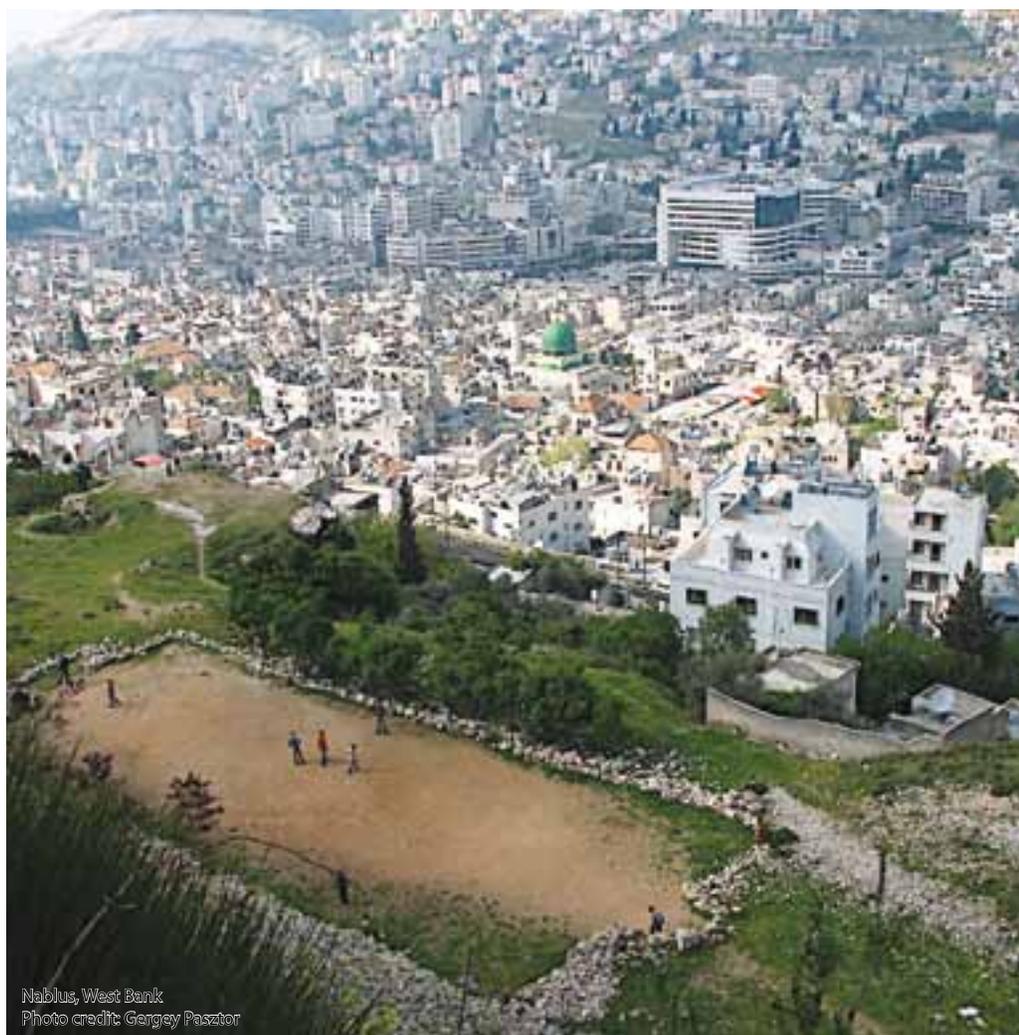
76 See Article 15 of the Convention Against Torture.



interrogation, including a case in which a 17-year-old boy was threatened with being shot in the head [see Case Study No. 12 continued]. Other forms of intimidation documented include the placing of a knife against a 15-year-old boy's neck [see Case Study No. 9 continued].

Generally, on arrival at an interrogation and detention centre, Palestinian children are given a cursory medical check by an army doctor. Disturbingly, these doctors appear to turn a blind eye when informed by the child that they have been mistreated [see Case Study No. 5 continued].

DCI-Palestine has not encountered a single case where an adult in a position of authority, such as a soldier, doctor, judicial officer or prison staff, has intervened on behalf of a child who was mistreated [see Case Study No. 12 continued].



Nablus, West Bank  
Photo credit: Gengay Pasztor

## Case Study No. 3 continued

**Name:** Shadi H.  
**Date of arrest:** 22 January 2008  
**Age at arrest:** 15  
**Accusation:** **Manufacture of an explosive device, possession of a knife and attempting to throw a Molotov cocktail.**

After his arrest in an orange grove, Shadi and his friend Nihad were transferred to an unknown location for interrogation before being taken to Salem Interrogation and Detention Centre.

*We entered a room and I sat on a chair. I felt that there was someone next to me, and I thought it was Nihad. I told him 'do not say anything in case they ask'. When the blindfold was removed, it turned out that he was not Nihad. He was a person wearing the Israeli police uniform. He untied me and started shouting at me. He showed me some home-made explosives and said they were mine and that I should confess. I refused and said 'No! Those things are not mine.' He then took me out of the room [...] they handcuffed and blindfolded me again. [...]*

*I stayed inside the cell until the next day when a soldier in civilian clothes came and took me to the interrogation room. I spent about two hours in the interrogation room without being asked anything. I had to wear black glasses that prevented me from seeing anything. The glasses were removed inside the room but they kept the handcuffs on my hands.*

*After two hours of waiting, an interrogator came and began questioning me. I asked him for some water but he refused [...] he started shouting at me and said that my friend had confessed against me. I told him that my friend and I did not do anything and that they arrested us while we were picking oranges. [...]*

*Once again, I was brought to the interrogation room and the interrogator asked me several questions while shouting at me and insulting me. He said that my friend had confessed against me, so I confessed that I was planning to throw stones.*

22 January 2009

Shadi was interrogated for around four to five hours over the course of several days before confessing. Shadi was charged with manufacturing an explosive device, possession of a knife and attempting to throw a Molotov cocktail. He entered into a plea bargain and was sentenced by a military court to 12 months imprisonment and a fine of NIS 2,000 (US\$500). He served most of his sentence in Telmond Prison, inside Israel and was released on 6 August 2008 in a prisoner exchange deal.



## Case Study No. 11 continued

**Name:** Abed S.  
**Date of arrest:** 23 October 2008  
**Age at arrest:** 15  
**Accusation:** Throwing Molotov cocktails

After being arrested from his bed at 2:00am and prevented from saying goodbye to his parents, 15-year-old Abed was transferred to an Israeli military base for interrogation.

*Suddenly, a man came into the room and said in Arabic that he was an interrogator. From beneath the blindfold I saw he was wearing a blue shirt and jeans. He said that he would interrogate me and that he knew all the members of my family. I saw from beneath the blindfold that he had a stick with him. I asked him to remove my blindfold and untie the plastic cords because my hands were hurting. He refused to do so and said that he would first have to see whether I would cooperate, and then he would decide.*

*The interrogation began while I was still in a harsh situation. I was tired, blindfolded and my hands were tied behind my back. The interrogator said that other children and I threw Molotov cocktails and stones at Israeli cars, which I denied. He said that: 'Your father is an old and respected man. I don't want to bring him here and insult him.' [...] The interrogator also asked me about several people from the village and whether they threw Molotov cocktails and stones at Israeli cars. I told him I did not know any of these people at all.*

*While the interrogator was questioning me, I heard the shouts of my cousin coming from the room next door [...] The interrogator then said: 'If you don't confess, the same thing that's happening to that child outside will happen to you.' I denied all the accusations against me and he said: 'Now you'll see what will happen to you.'*

*I heard the interrogator calling one of the soldiers in Hebrew. I heard the soldier's voice but I could not see him. The soldier started beating, slapping and punching me. I felt my head was about to explode. Blood started coming from my mouth and nose. The soldier then started kicking me with his legs all over my body. I fell to the floor. He kicked me then in my head and abdomen. I screamed and cried. I begged him to let go of me, but he refused. The interrogator was standing next to him and said: 'confess so that he will stop beating you.' The beating lasted about half an hour.*

*While the interrogator was questioning me, I heard the shouts of my cousin coming from the room next door [...] The interrogator then said: 'If you don't confess, the same thing that's happening to that child outside will happen to you.' I denied all the accusations against me and he said: 'Now you'll see what will happen to you.'*



Al-Ram, West Bank  
Photo credit: Gergey Pasztor

*Half an hour later the soldier stopped beating me. The interrogator approached me and asked me to sign a confession he wrote without me knowing what was in it. I asked him to explain what was written but he refused. He asked me to sign it and that if I refused, he would torture and beat me again. Therefore I had to sign two papers even though I did not know what their content was. I refused to sign a third paper. When I refused to sign the third paper the soldier lifted me up and pushed me to the ground. He then started kicking me. He went to the next room and returned a few minutes later. I was able to see that he had a cable in his hands. He started beating me with this cable on my back and legs in a strong and painful manner that left marks on my body. My whole body became blue and stayed that way for the next two days.*

*After beating me with the cable, I asked the interrogator to bring the third paper for me to sign because I wanted to stop the pain. Later, it turned out that I had signed a confession saying that I had prepared and thrown Molotov cocktails, as well as confessing on all the other children accused of throwing Molotov cocktails at Israeli cars. [...]*

*The interrogation lasted more than an hour ... the soldiers took me out and placed me on the ground for about four hours. I asked the soldiers to let me use the toilets but they refused. Their response was to shout and insult me. During this time I was not offered any food or drink.*

11 November 2008

Abed was charged with throwing stones and Molotov cocktails as well as with the manufacture of Molotov cocktails. He was sentenced by a military court to five months imprisonment and a fine of NIS 1,000 (US\$ 250). He served the majority of his sentence in Salem Interrogation and Detention Centre. Abed was released on 1 April 2009.



## Case Study No. 15 continued.

**Name:** Islam M.  
**Date of arrest:** 31 December 2008  
**Age at arrest:** 12  
**Accusation:** Throwing stones

Twelve-year-old Islam was arrested by Israeli soldiers while out hunting birds. He was transferred to an Israeli military base for interrogation.

*Ten minutes later a soldier asked me [...] whether I threw stones at the soldiers. Three minutes later a captain called Hasan, wearing a military uniform, came to us ... He took me to a pine tree and made me sit on the ground. 'Have you seen kids throwing stones at the soldiers?' he asked. 'Yes,' I answered. 'Do you know them?' He asked. 'No,' I said. He threatened to pour hot water on my face. 'I don't know who threw stones,' I said. Five minutes later he took me to a place full of thorny bushes. He ordered me to sit in the bushes. I refused. He pushed me and I fell in the bushes. That really hurt me.*

*He threatened to pour hot water on my face. 'I don't know who threw stones,' I said. Five minutes later he took me to a place full of thorny bushes. He ordered me to sit in the bushes. I refused. He pushed me and I fell in the bushes. That really hurt me.*

*They placed me inside a jeep [...] Captain Hasan approached me and asked me to confess to throwing stones. I refused. 'We'll put you in jail, patriotic boy' he said. [...] A policeman in blue uniform came and took me to interrogation. I was still tied and blindfolded, but managed to see things from beneath the blindfold. In the interrogation room, there was one policeman with a soldier sitting next to him. 'You threw stones. You were photographed while throwing stones' the policeman said. I denied it [...] I asked the soldiers for food. They brought me an apple, one half rotten. I ate the good half and gave the rotten half back to the soldier [...] They seated me on a chair for about five hours without asking me anything.*

*A policeman in blue uniform came and took me to an office. He allowed me to watch a DVD that had children throwing stones at soldiers. 'See yourself throwing stones?' He said. I did not see myself because I had not thrown stones. He then took me out of the room. I was kept alone, tied and blindfolded, sitting on the ground for three hours.*

2 February 2009

Islam was charged with throwing stones and fined NIS 1,000 (US\$ 250) by a military court after entering into a plea bargain. He spent three days in detention in Ofer.

## Case Study No. 4 continued

**Name:** Mohammad E.  
**Date of arrest:** 4 February 2008  
**Age at arrest:** 14  
**Accusation:** Throwing stones

After being beaten and arrested near the Wall, Mohammad was transferred to an Israeli police station at Atarot, in the West Bank, for interrogation. At the interrogation centre, Mohammad was instructed to wash the blood off his face. He was given a piece of dry bread and allowed to use the toilet before being taken for interrogation.

Mohammad was interrogated for around an hour by a single interrogator without a lawyer or family member being present. The interrogator repeatedly accused him of throwing stones at the Wall, which Mohammad denied. The interrogator told Mohammad that if he did not confess he would be taken immediately to a military court for sentencing. At one point during the interrogation Mohammad told his interrogator that he had a headache, but he was not offered any medical assistance until the end of the interrogation.

After approximately one hour, Mohammad was handed a piece of paper written in Hebrew. The interrogator told Mohammad that if he signed the paper he would be released and that it was simply an acknowledgement that if he was caught throwing stones in the future he would be arrested and sentenced. Believing what he was told, Mohammad signed the piece of paper. He was immediately informed that he had just signed a confession and would be sent to prison.



Mohammad's brother, Biddu  
 Photo credit: Benoit Falveley

Shortly after signing the confession, Mohammad started to feel sick from the blows he received to his head and he was taken to hospital for treatment. Mohammad was charged with throwing stones and sentenced by a military court to four months imprisonment and a fine of NIS 1,000 (US\$250) after entering into a plea bargain. He served most of his sentence in Telmond Prison, inside Israel. Mohammad was released on 5 June 2008. He did not receive any family visits whilst in prison.

18 June 2008



## Case Study No. 1 continued

**Name:** Imad T.  
**Date of arrest:** 7 March 2008  
**Age at arrest:** 15  
**Accusation:** Throwing Molotov cocktail at a settlement guard room

Imad was shot near a settlement, stripped naked and taken to hospital in Jerusalem under guard.

*Three days after I was arrested, two interrogators came to Ein Karem Hospital and started questioning me. They accused me of throwing a Molotov cocktail and home made grenades at the security guard's room in the Gush Etzion settlement. I denied these accusations and told them I had never thrown Molotov cocktails or even stones in my whole life. They asked me to sign a paper written in Hebrew, but I refused and asked them*

*After two hours, the interrogator produced another paper written in Hebrew and asked me to sign it, saying it was an approval to perform the operation, so I signed it. It turned out later that I had signed a full confession*

*to read it and translate what it said. The interrogator said that I was accused of throwing a Molotov cocktail at the security guard's room. He said that he would smash my head and press strongly on my wounds if I did not sign the paper. However, I refused to sign it.*

*After two hours, the interrogator produced another paper written in Hebrew and asked me to sign it, saying it was an approval to perform the operation, so I signed it. It turned out later that I had signed a full confession saying that I prepared and threw a Molotov cocktail at the security guard's room at the Gush Etzion settlement. The interrogator had extracted my confession by deceiving me.*

22 July 2008



## Case Study No. 16

**Name:** Abed S.  
**Date of arrest:** 10 February 2008  
**Age at arrest:** 16  
**Accusation:** Throwing stones

On 10 February 2008, Israeli soldiers arrested Abed at 7:00am from the family home in a village near the West Bank city of Qalqiliya, situated near the Wall. After a few days Abed was transferred to Al Jalame Interrogation and Detention Centre, inside Israel.

*Two days after I arrived at Al Jalame, I was interrogated for three days. My hands and feet were tied to the wall in the shape of a cross. I spent one full day in this position. I felt extreme pain and swelling in my hands. The soldiers then moved me to solitary confinement where I spent 15 days. I used to urinate in the cell.*

*I was interrogated for three days. My hands and feet were tied to the wall in the shape of a cross. I spent one full day in this position. I felt extreme pain and swelling in my hands. The soldiers then moved me to solitary confinement where I spent 15 days. I used to urinate in the cell.*

3 September 2008

Abed was charged with throwing stones and sentenced by a military court to three months imprisonment and a fine of NIS 500 ((US\$ 125) after entering into a plea bargain. He served the majority of his sentence in Damoun and Megiddo Prisons inside Israel. Abed was released on 27 April 2008.



## Case Study No. 17

**Name:** Samir K.  
**Date of arrest:** 10 March 2008  
**Age at arrest:** 16  
**Accusation:** Shooting at Israeli soldiers

At 3:00am on 10 March 2008, Israeli soldiers arrested Samir from the family home in a village near the West Bank city of Tulkarm, which is situated near the Wall. Samir was taken to Al Jalame Interrogation and Detention Centre inside Israel for questioning.

*The first time they interrogated me was inside the military jeep in front of my house while I was sitting on the car battery [...] The interrogator [...] asked me why I shot at the soldiers near the Wall but I denied this.*

*On 13 March 2008, at around 12:00 noon, while I was in Al Jalame, I was taken to an interrogator who was sitting in a small room behind a desk with a computer in front of him. The room had a small chair tied to the floor, four metres away from the desk. I was seated on the chair and my hands were tied behind my back which caused pain in my*

*legs. I stayed in this posture until 6:00pm. I was allowed to go to the bathroom once. Ran, a tall, thin, white interrogator with his hair combed back, did the interrogation. He asked me some general questions now and then. He would ask me some questions, then leave the room and come back after a few minutes and pretend to be busy doing something else, while I was still sitting on the small chair, feeling extreme pain.*

*After 6:00pm, they took me back to the cell to spend one week without being asked anything. I cried a lot and my only aim was to get out of this cell. One week later, they brought me back for interrogation. They confronted me with my friend Leith's confession against me. The interrogator wrote a statement in Hebrew and asked me to sign it but I refused. I asked to write my statement in Arabic and in my handwriting.*

10 March 2008

Samir was charged with shooting at Israeli soldiers and was sentenced by a military court to 30 months imprisonment and a fine of NIS 2,000 (US\$ 500) after entering into a plea bargain. He is currently detained in Damoun Prison inside Israel. Samir will be released on 10 September 2010.



## Case Study No. 18

<b>Name:</b>	<b>Abed A.</b>
<b>Date of arrest:</b>	<b>23 April 2008</b>
<b>Age at arrest:</b>	<b>17</b>
<b>Accusation:</b>	<b>Membership of a banned organisation and shooting at a jeep</b>

At 2:00am, on 23 April 2008, 17-year-old Abed was arrested by Israeli soldiers from the family home in the West Bank city of Nablus. He was transferred to Huwwara Interrogation and Detention Centre and then to Al Jalame, inside Israel.

*At around 3:00pm we reached Al Jalame, where a doctor examined me and gave me some clothes. The soldiers made me wear black sunglasses which prevented me from seeing and they then took me to a room, took off my sunglasses and tied my hands from the back to a small chair fixed to the floor [...] the interrogator introduced himself as 'Franco' – he was bald, of medium height and white.*

*The interrogator began by saying that he was the one who sent the soldiers to arrest me. He showed me a map of Palestine and asked me: 'what is this?' to which I replied 'it's a map of Palestine.' He then shouted at me saying 'this is Israel, not Palestine!' The interrogator then asked me some questions about my friend Yusif and other people I knew and my relationship to them. Realising that I was not cooperating, the interrogator accused me of belonging to a military group that carried out activities against Israeli soldiers. I denied these accusations.*

*After four days in solitary confinement, Franco interrogated me again and slapped me once hard across the face. I was traumatised and so confessed to firing at a military jeep with a handgun.*

23 July 2008



## Case Study No. 19

**Name:** Mahmoud D.  
**Date of arrest:** 5 February 2008  
**Age at arrest:** 17  
**Accusation:** Membership of a banned organisation

Mahmoud was arrested at 1:00am from the family home in Hebron, in the West Bank, by Israeli soldiers. Mahmoud was interrogated for five straight days inside Israel (Askelan Prison) and kept in solitary confinement for nine days. The focus of the questioning was on whether Mahmoud knew four men who had been involved in militant activities.

*Inside the prison my handcuffs and blindfold were removed and I was searched all over again [...] I was then put in a cell that measured approximately 2x1 metres. About 15 minutes later a prison guard came and handcuffed my hands behind my back and made me wear black sunglasses which prevented me from seeing [...] I was taken into a room and my sunglasses were removed. There was a man in the room in his fifties with a pony tail. He introduced himself as Abu Wadi. The prison guard made me sit in a very small child's chair which was tied to the floor. I was then handcuffed to the chair and my feet were shackled together.*

*Abu Wadi then gave me a piece of paper which he asked me to read. The paper was written in Arabic and contained my rights and prohibitions, but mostly prohibitions such as no access to a lawyer during interrogation and no visits from my family [...] Abu Wadi then walked out of the room.*

*About 15 minutes later, another man entered the room and introduced himself as Kenny. He was tall and in his forties. He asked me several questions, such as my name, where I live, what I do and where my friends are. He then wrote four names on a board [...] and asked me about them [...] I replied that I did not know any of these people and he replied that I was lying. During this time the interrogator repeatedly called me a liar and verbally abused me and referred to the four as 'pigs'.*

*Every so often the interrogator would leave the room and then come back [...] this lasted for about an hour and then Kenny said 'I am going out for 10 minutes and when I come back, I expect you to tell me your connection with these four men and what you know about them.' About 30 minutes later, Abu*

*Sleep during the five days that I was under interrogation was very difficult because interrogators would continuously enter the room and shout at me, waking me up. I became very tired and suffered from pain in my back and legs from being seated for hours in the interrogation chair. I also suffered from pain in my hands due to the constant use of handcuffs.*



*Wadi came into the room and said 'you have to confess', I said 'I have nothing to confess.' [...]*

*Every five or six minutes, an interrogator would come into the room and shout at me and insult me by saying abusive words such as 'fuck you'. The interrogations continued one after another; short and long rounds. Between rounds, different interrogators would enter the room and shout at me, insult me and ask me to confess. The interrogation went on around the clock sometimes starting at 2:00 or 6:00 in the morning. I had no watch on me but I estimated the time by my meals. It is difficult for me to know for sure but I am sure that interrogation rounds continued day and night. [...]*

*Sami was in charge of my interrogation for the next four days. The interrogation continued, I believe, day and night. During the interrogation, Sami would insult me, my mother and sister. He would shout at me and spit on me. [...]*

*It was during this round of interrogation that I confessed for the first time that the four young men he asked me about were living in my neighbourhood and we were neighbours. I said I knew them only because they were my neighbours [...]. At the end of this round, he called the prison guard and asked him to take me back to the cells. The prison guard took me back to the cell that measured 2x1 metres. I spent nine days in this cell. [...]*

*Sleep during the five days that I was under interrogation was very difficult because interrogators would continuously enter the room and shout at me, waking me up. I became very tired and suffered from pain in my back and legs from being seated for hours in the interrogation chair. I also suffered from pain in my hands due to the constant use of handcuffs. At times I felt that my whole body was collapsing and the only thing preventing me from falling to the ground were the handcuffs which were attached to the chair. [...]*

*Not only did I suffer physically but I also felt the deterioration of my psychological state, with a lack of focus, constant anxiety, fatigue and fear. I went from having a normal life at home to a small chair, handcuffs, deprivation of sleep, shouting, threats, rounds of interrogation and serious accusations. In these circumstances, life becomes dark, filled with fear and pessimism – tough days that words cannot describe.*

Mahmoud was charged with membership of a banned organisation and military activities and sentenced by a military court to two months imprisonment and a fine of NIS 3,500 (US\$ 875) after entering into a plea bargain. He served the majority of his sentence in Ofer Interrogation and Detention Centre. Mahmoud was released on 4 April 2008.

*I went from having a normal life at home to a small chair, handcuffs, deprivation of sleep, shouting, threats, rounds of interrogation and serious accusations. In these circumstances, life becomes dark, filled with fear and pessimism – tough days that words cannot describe.*

## Case Study No. 20

**Name:** Mohammad A.  
**Date of arrest:** 25 February 2008  
**Age at arrest:** 16  
**Accusation:** Throwing stones and Molotov cocktails

On 25 February 2008, Israeli soldiers arrested Mohammad from the family home in Bethlehem at 2:00am. Mohammad was transferred to Etzion Interrogation and Detention Centre, Ofer Prison and finally Al Jalame Interrogation and Detention Centre inside Israel.

*Four days after my arrest I was taken for interrogation. Captain Gideon was in one of the offices and interrogated me. He asked me about several individuals from my area but did not accuse me of anything. About two and a half hours later, Captain Gideon told me that they would release me and I could go home. Another soldier walked with me saying he would give me a lift to the house. Several minutes later, he returned me to the same cell in the detention centre saying 'here is your home.'*

*On the seventh day after my arrest, I was taken to Ofer Prison where I was interrogated again and accused of carrying out some military activities for the al-Aqsa Brigades, manufacturing explosive devices, possessing explosive materials and a weapon. The interrogator said that some people had confessed against me. He said that if I confessed, I would be sent home. The interrogation lasted about an hour, during which time the interrogator kept threatening me that if I did not confess, my family and I would be subjected to danger. However, I did not confess to anything. [...]*

*When we reached Al Jalame I was put in a cell by myself for five days. During these five days I was not interrogated and I did not see anybody. My food was slipped through the door when it was opened a little. After five days, I was taken for interrogation. I was made to sit on a metal chair which was tied to the floor and my hands were tied behind my back. The interrogator's name was 'Chris'. He told me that there were people who had confessed against me. The interrogation lasted about an hour. During the interrogation he was shouting in my face to make me confess, but I refused to.*

*I was kept at Al Jalame for 25 days. On the 18th day, I was once again interrogated. I confessed to throwing stones and Molotov cocktails because the interrogator threatened to arrest my mother and siblings. I confessed because I didn't want them to arrest my mother and siblings and I wanted to leave the cell.*

20 August 2008



## Case Study No. 12 continued

**Name:** Mohammad A.  
**Date of arrest:** 26 November 2008  
**Age at arrest:** 17  
**Accusation:** Throwing stones

Mohammad was arrested from his bed at 2:00am by Israeli soldiers and transferred to an interrogation and detention centre.

*Eight days after being arrested and after being detained in Huwwara Interrogation and Detention Centre, I was transferred to Salem Interrogation and Detention Centre for interrogation. I was taken into a room in which an interrogator named 'Saleh Nasr' was sitting behind a desk. Saleh was tall and had green eyes. I was kept tied with plastic cords behind my back.*

*Saleh began interrogating me by asking me questions about some persons of my age from my village. He said that they said I had participated in throwing stones and Molotov cocktails. I denied this. He began shouting at me and said: 'I will shoot you in the head if you don't confess and stick your head in a bucket full of water until you choke and die.' When he shouted another interrogator came into the room and threatened me. The other interrogator was tall and scary. He would raise his hand as if he wanted to slap me.*

*I was terrified and therefore asked them to let me write my statement on my own. Saleh dictated and I wrote as he spoke. I confessed, as he asked me to, that I threw stones. When he asked me to write that I threw Molotov cocktails, I refused and said: 'I won't do it even if you shoot me in the head.'*

18 December 2008

Mohammad was charged with throwing stones and was sentenced by a military court to five months imprisonment and a fine of NIS 500 (US\$125) after entering into a plea bargain. He served the majority of his sentence in Salem Interrogation and Detention Centre. He was released on 26 April 2009.

## Case Study No. 9 continued

**Name:** Abdullah O.  
**Date of arrest:** 20 April 2008  
**Age at arrest:** 15  
**Accusation:** Throwing Molotov cocktails and stones

*One of the soldiers slapped me on the face during the interrogation. He then placed a blade to my neck and asked me to confess. I moved my neck away from the blade and he put it away [...] I then confessed to throwing Molotov cocktails and stones at the soldiers.*

At 3:00am on 20 April 2008, 15-year-old Abdullah from a village near the West Bank city of Qalqiliya, situated near the Wall, was arrested in the family home by Israeli soldiers.

*They transferred me to Ariel Police Station. Men in civilian clothes interrogated me for about two hours. One of the soldiers slapped me on the face during the interrogation. He then placed a blade to my neck and asked me to confess. I moved my neck away from the blade and he put it away [...] I then confessed to throwing Molotov cocktails and stones at the soldiers.*

20 August 2008

Abdullah was charged with throwing stones and Molotov cocktails and sentenced by a military court to 16 months imprisonment after entering into a plea bargain. He served the majority of his sentence in Telmond Prison inside Israel. Abdullah will be released from prison on 5 September 2009.



## Case Study No. 5 continued

**Name:** Fadi D.  
**Date of arrest:** 29 February 2008  
**Age at arrest:** 14  
**Accusation:** Throwing stones

Fourteen-year-old Fadi was arrested after Friday prayers and accused of throwing stones. Fadi was transferred to Kiryat Arba police station for interrogation.

*Once we reached Kiryat Arba police station, the soldiers seated me on a wooden chair alone in an outside yard. I was blindfolded and my hands and legs were tied. I stayed there for an hour until police officers came and took me to the interrogation room. The first thing they did when I entered the room was to remove my blindfold. They told me to sit on a chair. The interrogator was almost 50 years old. He was bald and wearing a kippa on his head. He was in police uniform with three stars on his shoulder.*

*The interrogator asked me for my name and place of residence. He also asked me about the distance between my house and the main street. I answered his questions. He then said 'you threw stones,' I replied, 'no.' He then said, 'the soldiers took your photograph.' I responded, 'let me have a look.' He said, 'the picture is not clear,' I said, 'I want to see it,' he said, 'I will let you see it in court.' The interrogator then said, 'you don't want to confess then?' I said, 'I won't confess because I didn't throw stones.' He then started shouting and said, 'you must confess! You must confess.' Every once in a while, he would go to his computer and then come back and repeat the questions. He was shouting loudly, and threatened me that if I did not confess, he would put me in prison. He asked me to sign papers written in Hebrew, but I refused to sign.*

*The interrogator then brought a piece of paper for my fingerprints. He grabbed my fingers and pushed them against the paper. I spent almost three hours in the interrogation office. When it was over [...] I was transferred to Ofer Interrogation and Detention Centre. When we arrived at Ofer I was taken to a clinic. I told the doctor that the soldier who arrested me had beaten me on my hand. The doctor said 'I had nothing to do with that.' [...]*

*I was then taken to an office, where there was a man in civilian clothes. He was wearing jeans and a blue shirt. He was about 40 years old. He was overweight, of an average height and with long hair. He said, 'what do you want to say?' I told him that the soldiers who arrested me beat me. He did not comment ... he asked me questions such as, 'you threw stones. Where do you live? What is the distance between your house and the main street?'*

9 September 2008

Fadi was charged with throwing stones and released on NIS 3,000 bail (US\$ 750) on 5 April 2008. Fadi spent approximately five weeks in Telmond Prison, inside Israel.

## Case Study No. 12 continued

**Name:** Mohammad A.  
**Date of arrest:** 26 November 2008  
**Age at arrest:** 17  
**Accusation:** Throwing stones

Mohammad was arrested from his bed at 2:00am and transferred to an Israeli military base.

*Half an hour later we reached a military camp. The soldiers pulled me out of the jeep and took me to a room. They removed the blindfold and I found myself in a clinic. A doctor began asking general questions about my health. I told him I was feeling extreme pain in my left leg. I told him about the pain in my hands because the soldiers did not untie the tight plastic cords even in the clinic. Though I told the doctor about that, he did not offer me any medical treatment.*

18 December 2008

Mohammad was charged with throwing stones and was sentenced by a military court to 5 months imprisonment and a fine of NIS 500 (US\$125). He served the majority of his sentence in Salem Interrogation and Detention Centre. He was released on 26 April 2009.



**'Cell No. 36'**

DCI-Palestine has started to receive disturbing reports from children taken to Al Jalame Interrogation and Detention Centre situated near Haifa, inside Israel. A number of reports have been received of children being kept in solitary confinement in 'cell no. 36'. This cell is small, it has no windows and little ventilation, rough grey coloured walls and a dim yellow light that is kept on 24 hours a day. Children kept in this cell report developing a pain in their eyes.

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**Case Study No. 21**

**Name:** Abdullah A.  
**Date of arrest:** 12 August 2008  
**Age at arrest:** 16  
**Accusation:** Membership of a banned organisation

At around 2:00am on 12 August 2008, 16-year-old Abdullah from Balata Refugee Camp, Nablus, was arrested by Israeli soldiers and transferred to Al Jalame Interrogation and Detention Centre inside Israel.

*I found myself standing before an interrogator who told me I was in Al Jalame Detention Centre. He sat with me for about 10 minutes. He told me he soon would interrogate me and that I should confess to all charges that he would make against me. He said that if I did not confess, they would not change the bandages around my hand and let it rot.*

*Ten minutes later I was taken to the cell. It was small with little ventilation. I recall it was cell no. 36. It had holes for ventilation only. It had no windows. I was sleeping on a mattress on the ground. The room had one dimmed yellow light that was kept on for 24 hours a day, and it really hurt my eyes. The walls were grey, and had rough surfaces making it difficult to lean against.*

*I was kept inside this cell for two days. I was then taken to the interrogation room. I was seated on a small chair. They tied my feet and left hand to the chair and kept my right hand free because of my injury. I was kept tied in this manner for a long time without being interrogated or asked anything. The interrogator would keep me inside the room and leave me for a long time: 'I will keep you alone until you rot,' he would say. During interrogation, the interrogator shouted at me and threatened that he would not change the bandages and let my hand rot. [...] The interrogator interrogated me several times in the same manner. Every time I was interrogated they would send me to the cell and keep me there for several days without asking me any questions. This really affected me psychologically and kept me confused all the time.*

*Due to the difficult situation I had to go through during the interrogation, I confessed to many things that I do not recall in detail. I wanted to end the interrogation and I did it because of my bad health.*

23 February 2009

Abdullah was charged with membership of a banned organisation, conspiracy to buy a weapon and the manufacture of Molotov cocktails. He was sentenced by a military court to 18 months imprisonment and a fine of NIS 2,000 (US\$ 500) after entering into a plea bargain. He has spent much of his detention in Al Jalame Interrogation and Detention Centre inside Israel. Abdullah will be released from detention on 12 April 2010.

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### *Female detainees*

Female child detainees make up a small proportion of the overall number of detainees, although the percentage has increased from 1.1% in 2007 to 4% in 2008 among children represented by DCI-Palestine. Female child detainees are usually imprisoned in Telmond Prison, inside Israel, are detained with adult prisoners and receive no formal education.

During 2008, DCI-Palestine received a report of a girl who was given a pill by another detainee and subsequently gave a recorded confession whilst apparently drugged. It appears that the other detainee was working for the Israeli authorities [see Case Study No. 23].

From time to time, DCI-Palestine receives reports of girls with difficulties at home, deliberately taking knives through metal detectors at Israeli checkpoints in order to be arrested. Although informed by these girls of the circumstances surrounding their actions, Israeli authorities typically charge them with attempting to kill [see Case Study Nos. 23, 24 and 25].



## Case Study No. 22

<b>Name:</b>	<b>Afaf B.</b>
<b>Date of arrest:</b>	<b>5 February 2008</b>
<b>Age at arrest:</b>	<b>16</b>
<b>Accusation:</b>	<b>Contact with a wanted person and the intention to carry out a suicide bombing</b>

On 5 February 2008, Afaf and her father voluntarily went to the Israeli intelligence headquarters at Ras al-Amoud, Jerusalem, after being ordered to attend. Afaf was immediately taken for interrogation where she was accused of having contact with a wanted person and intending to carry out a suicide bombing. Afaf's father was not permitted to remain with her during interrogation. Afaf was then interrogated for 59 consecutive days and then sentenced to 16 months imprisonment inside Israel.

*The interrogator began asking me general questions about myself and how I was doing. I asked him to stop asking such questions and get straight to the reason why they brought me here. He said that I had committed some security offences [...] he then asked me about a young man called Murad ... I agreed that I had never seen Murad but I used to talk to him on the phone [...] The interrogator did not charge me directly with any wrongdoing, and he did not accuse me of a specific accusation. He only said that I had committed some security offences without giving any further details [...] An hour later, the interrogator came back to the room and told me I was under arrest and that they would transfer me to Al Mascobiyya Interrogation and Detention Centre in Jerusalem. [...]*

*Two interrogators named Arsan and David were already in the room. They had a typed paper written in Hebrew. They told me that this paper was sent via fax from the same interrogator who interrogated me earlier in Ras al-Amoud, and that I had confessed to doing many things. I told them that what was in the paper was a lie and that I did not confess to anything and no specific accusation was made against me. They said that the paper says that I knew a young man named Murad and I knew that he was wanted by the intelligence ... This interrogation lasted until midnight.*

*[...] [I]n the morning of 6 February 2008, they came and took me to Jerusalem's Magistrate's Court. My hands and feet were tied. A lawyer hired by the State was waiting for me, but none of my family was there [...] In the court, the prosecution asked for my detention to be extended for 10 days, relying on a secret file submitted to the judge. My lawyer objected and asked for my immediate release. However, the judge decided to extend my detention [...]*

*My interrogation lasted for several hours for 59 consecutive days. In one of the interrogation rounds, a tall interrogator told me that I should confess that I had asked Murad to help me carry out a suicide bombing. I denied that of course, and he slapped me so hard that I fell over to the ground and my mouth began bleeding.*

*On the seventh day of my arrest [...] the interrogator told me that Murad had been arrested, and he had interrogated him. He added that Murad confessed that I asked him to help me to carry out a suicide bombing. [...]*

*After 10 days of interrogation [...] I came back from the court and I was put in a room inside the Centre with another detainee named Nisreen Z. She was detained on a theft case. On the same day I had a stomach ache. Nisreen handed me a white pill, which turned out later to be a narcotic pill. I fainted for some time. When I woke up, Nisreen told me that I had said many things and confessed to many things and that it was recorded. I was then removed from the room and taken to the interrogation room. The tall interrogator asked me to confess to everything but I refused [...] the interrogator played the recording. I heard myself speaking with Nisreen who was asking me many questions about Murad and carrying out a suicide bombing, and I would answer her 'yes' without giving further details [...] I did not sign any confession papers.*

23 December 2008

Afaf was charged with contact with a wanted person and the intention to carry out a suicide bombing. She was sentenced to 16 months imprisonment by a military court after entering into a plea bargain. She is currently detained in Telmond Prison inside Israel. Afaf was released on 7 May 2009.



## Case Study No. 23

**Name:** Simoud A.  
**Date of arrest:** 16 April 2008  
**Age at arrest:** 16  
**Accusation:** Attempting to kill

On 16 April 2008, 16 year old Simoud from Birzeit, near Ramallah, packed a kitchen knife and went to Atara Checkpoint to get herself arrested. Simoud wanted to escape trouble at home.

*One of the soldiers saw me and asked me to stop. When I stopped, seven soldiers approached me and asked me in Hebrew 'where are you going?' [...] I was very scared because they were pointing their weapons at me. I immediately pulled out the knife that I had stashed and threw it on the ground. I also threw the mobile phone and the money that I had on me.*

*When the soldiers saw the knife on the ground, they stepped back and asked me to pull up my shirt. I did so. They then asked me to turn around [...] they then asked me to pull my trousers up above my ankles. After that, they asked me to walk in front of them and they walked behind me. They took me to a room near the checkpoint. I was shivering and crying. Later, a soldier who spoke Arabic came along with three soldiers and gave me some water to drink. He asked me why I came to the checkpoint. I told him that I came so that the soldiers would arrest me because of domestic problems. [...]*

*After 15 minutes, we reached a settlement; I don't know its name [...] they told me I was suspected of possessing a knife and attempting to stab a soldier. I denied that. I told them that I went to the checkpoint to get arrested because of domestic problems and that I am in a very bad situation. They told me that the soldiers were saying that I wanted to stab them and they would testify.*

*After the interrogation ended, I signed a statement in which I confessed to possessing a knife, and denying the use of this knife to stab a soldier. They took me and made me sit on a bench. Several policemen were with me. One of them asked me 'why are you looking at me?' I said 'I'm not looking at you.' He began shouting and saying 'I will smash your head!' I was very scared because he raised his hand threatening to slap me.*

23 December 2008

Simoud was eventually transferred to Telmond prison inside Israel. She was charged with possessing a knife and attempting to kill a soldier. As of May 2009, Simoud is still in detention.

## Case Study No. 24

**Name:** Bara'a M.  
**Date of arrest:** 2 December 2008  
**Age at arrest:** 14  
**Accusation:** Attempting to kill

On 2 December 2008, 14-year-old Bara'a from Al Jalazun Refugee Camp, near the West Bank city of Ramallah, packed a knife and went with a friend to Qalandiya checkpoint in order to be arrested and escape problems at home.

*On 2 December 2008, I woke up and put on my school uniform. I entered the kitchen and took a knife that was about 30 centimetres long and stashed it in my school bag. I left the house to go to school. I met Samah and asked her whether she had brought a knife with her, and she said that everything was good and that she had brought a knife and put it in her school bag.*

*After that we headed to Ramallah. We did not go to school. I invited Samah to breakfast in Ramallah. After breakfast, we hung out in Ramallah until 11:00am. We then decided to go to the checkpoint. When approaching the checkpoint, we took the knives out of our school bags and hid them up the left sleeve of our jackets.*

*We walked to the checkpoint and stood in line like other people to pass through. When it was my turn, I entered through the electric gate that leads to a window where a female soldier was standing to check IDs. When the female soldier looked at me, I took the knife out and placed it in front of her. There was a glass partition separating me from her [Note: the glass partitions at Qalandiya checkpoint are bullet proof]. 'What is the knife for?' She asked. I did not answer.*

*Seconds later a security officer in civilian clothes and speaking Arabic asked me to enter into a room [...] A female soldier then came into the room and searched me. I only took off my jacket. Then a large number of soldiers and security officers came into the room. One of the security officers asked me in a loud voice: 'Why do you have a knife? Do you want to kill one of us?' I told him that: 'I have problems with my family and I came to the checkpoint to get arrested.' I was not beaten or attacked.*

Two hours after being arrested the girls were transferred to Al Mascobiyya Interrogation and Detention Centre in Jerusalem.

*This person, who was an interrogator named Masoud and who spoke Arabic, asked me to sit on a leather chair in front of him [...] He then asked me why I came to the checkpoint holding a knife. I told him that my mother forced me to wear the headscarf since I was in the third grade, when I was only seven years old. My father agreed with her on that and did not object. My parents made me wear Jilbab (a long coat) two years ago which I did not accept. They used to force me to wear it and did not allow me to leave the house*



without wearing it and covering my head. One day, my father walked into my room while I was opening the window and said: 'You are opening the window to talk to your male friend or lover.' My father then slapped me and closed the window. My parents kept asking me whenever I went out or was late after school. Basically, they took away my freedom.

The interrogator did not believe me when I explained these circumstances. He said that I came to the checkpoint to kill a soldier. He would repeat this over and over. 'Yes, my purpose was to kill a soldier and get arrested and stay in prison for ever. I want to get rid of my family.' I said to the interrogator.

1 January 2009

Bara'a was charged with attempting to kill a soldier and was sentenced by a military court to 11 months imprisonment. She is detained in Telmond Prison inside Israel. Bara'a should be released from detention on 2 November 2009.



## Case Study No. 25

**Name:** Samah S.  
**Date of arrest:** 2 December 2008  
**Age at arrest:** 14  
**Accusation:** Attempting to kill

On 2 December 2008, 14-year-old Samah from the Al Jalazun Refugee Camp, near the West Bank city of Ramallah, packed a knife and went with a friend to Qalandiya checkpoint in order to be arrested and escape problems at home.

*Bara'a and I then went to Ramallah. I was not wearing my school uniform. We had breakfast and stayed in Ramallah until 11:00am. Then we took a public transportation service and headed towards Qalandiya checkpoint.*

*Before approaching the checkpoint, I took the knife out of my school bag and hid it in the left pocket of my jacket. Bara'a and I walked towards the checkpoint. When it was my turn to show my ID, I took the knife out of my left pocket and placed it on the table next to the window where a female soldier was standing. She was examining the IDs. She looked shocked to see the knife: 'What is the knife for?' She asked. Immediately a security officer speaking Arabic asked me to enter a room [...] A few seconds later a large number of soldiers and security officers came to the room. One of them asked me why I had the knife with me. I told him I had problems with my family. He shouted at me, but did not beat me.*

[Two hours after being arrested the girls were transferred to Al Mascobiyya Interrogation and Detention Centre in Jerusalem]. *I was then taken to a room that had an interrogator sitting behind a desk. The interrogator asked me to sit on an ordinary chair in front of him. 'Why did you come to the checkpoint holding a knife? What was your purpose?' He asked. 'My family wanted to marry me to a 35-year-old policeman and I refused. It was supposed to take place two or three days from now. I therefore decided to head to the checkpoint and do anything that would get me arrested. I brought the knife with me to the checkpoint so that I would get arrested.' I answered him.*

*I was not beaten during interrogation. Another interrogator came to the room and shouted at me. He said that I wanted to kill a soldier. He emphasised this thing. Half an hour later, I told him that I was intending to kill a soldier so that he would stop shouting at me. After the interrogation, the interrogator, whose name was 'Masoud', asked me to sign papers written in Hebrew after he translated them. The papers said the same thing I said earlier, that I wanted to kill any soldier at the checkpoint.*

1 January 2009

Samah was charged with attempting to kill a soldier and was sentenced by a military court to 11 months imprisonment and fined NIS 3,000 (US\$ 750). She is detained in Telmond Prison inside Israel. Samah should be released from detention on 2 November 2009.



## *Administrative detention*

Administrative detention is a procedure whereby a person is detained without charge or trial. Under Military Order 1591,<sup>77</sup> Israeli military commanders in the West Bank can issue an administrative detention order for renewable periods of up to six months.

Administrative detention is permitted under international law in strictly limited circumstances, only if “the security of the state ... makes it absolutely necessary” and only in accordance with “regular procedure.”<sup>78</sup> Further, international law to which Israel is bound, provides that “[No] child should be deprived of his or her liberty arbitrarily and detention should only be used as a measure of last resort for the shortest appropriate period of time.”<sup>79</sup> Administrative detention should never be used as a substitute for criminal prosecution where there is insufficient evidence to obtain a conviction.

Administrative detention orders are issued either at the time of arrest or at some later date and are often based on “secret evidence” collected by the Israeli Security Agency (ISA).<sup>80</sup> Neither the detainee, nor the detainee’s lawyer are given access to the secret evidence, and therefore have no effective means of challenging the detention, as is required under international law.<sup>81</sup>

In practice, Palestinians under administrative detention orders can be detained for months, if not years, without ever being informed about the reasons or length of their detention; and detainees are routinely informed of the extension of their detention on the day that the former order expires.

At any given time in 2008 there were between 600 and 700 Palestinian men, women and children in administrative detention.<sup>82</sup> Israeli authorities have abused this form of incarceration permitted in times of emergency to justify the detention of thousands of Palestinians over the years, including political leaders<sup>83</sup> and human rights defenders.<sup>84</sup>

It is not uncommon for children to receive multiple administrative detention orders which are often renewed within days of their expected release date. This form of

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77 Formerly known as Military Order 1226.

78 See Article 42 of the Fourth Geneva Convention and Article 4 of the International Covenant on Civil and Political Rights.

79 See Article 37(b) of the CRC.

80 Formerly known as the General Security Service (GSS).

81 See Article 78 of the Fourth Geneva Convention.

82 Israeli Prison Service (date of statistics: 31 July 2008). Statistics available at: [http://btselem.org/english/Administrative\\_Detention/Statistics.asp](http://btselem.org/english/Administrative_Detention/Statistics.asp).

83 In 2007, 45 members (34%) of the Palestinian Legislative Council were detained by Israel, including four in administrative detention.

84 Over recent years a number of leading human rights defenders in the Occupied Palestinian Territory have been held in administrative detention, including: Abdul Latif Gheith (Addameer) (2004 - six months); Ziyad Hmeidan (Al Haq) (2005-2007 - 20 months); Hassan Mustafa Hassan Zaga (PCATI) (2006 - 10 months); and Mohammad Bsharat (Nafha) (2007-2008 - 7 months).

indefinite and in determinative detention has an obvious negative psychological effect on the child [see Case Study No. 28]

In 2008, DCI-Palestine received two cases in which it appeared that boys had been given administrative detention orders on the basis that their fathers had been targeted for assassination by Israel as suspected militants [see Case Study Nos. 29 and 30]. Also during the year, two girls were held without charge or trial in administrative detention. They were both released on 3 January 2009, without being charged with any offence [see Case Study Nos. 31 and 32].

On average approximately 20-30 children are held in administrative detention each year. Most of these children are 16 years or older and many remain in administrative detention after their 18th birthday after which they are no longer included in the official Israeli Prison Service statistics for children being held administratively.



## Case Study No. 26

<b>Name:</b>	<b>Obaidah Asyda</b>
<b>Date of arrest:</b>	<b>23 May 2007</b>
<b>Age at arrest:</b>	<b>17</b>
<b>Accusation:</b>	<b>Membership of a banned organisation</b>

The following account is taken from a case study produced by DCI-Palestine in August 2008.

On 23 May 2007, Obaidah, then 17, was arrested from the family home at 4.00 in the morning by units of the Israeli army. Obaidah was handcuffed and blindfolded before being put in an army jeep for transfer. During transfer to Huwwara Interrogation and Detention Centre, Obaidah was beaten and kicked by the soldiers. After spending 13 days without interrogation, Obaidah was transferred to a detention facility situated inside Israel. There he spent a further nine days in solitary confinement and was held for two months without any contact with his family or a lawyer.



On 26 July 2007, Obaidah was brought before the Israeli Military Court at Salem. He was charged with assisting a person suspected of being a member of Islamic Jihad. It was alleged that this person asked Obaidah to contact a member of Islamic Jihad in Syria and request this person to transfer money. Whether or not Obaidah made the telephone call was not relevant to the offence. The offence was that a conversation regarding assistance had taken place. The evidence contained in the file compiled by the chief interrogator was based on an apparent confession made by Obaidah under interrogation, the confession of another child, and the statements of the interrogator and an Israeli police officer in charge of the investigation.

On 29 July 2007 Obaidah appeared in court for a second time and was granted bail on the grounds of insufficient evidence. Before Obaidah could be released, the prosecutor appealed the decision and on 30 July, the Appeal Court also ordered

Obaidah's release on bail due to insufficient evidence. However, before Obaidah could be released, he was issued with an administrative detention order by the Israeli military commander, which authorises detention without charge or trial for up to six months at a time for undisclosed "security reasons".

On 30 October 2007 Obaidah's case was brought back to the Military Court at the application of his parents who wanted to negotiate a fixed term sentence for Obaidah rather than leaving their son to face the uncertainty of administrative detention. A deal was struck with the prosecutor who agreed that the administrative detention order would be cancelled if Obaidah confessed to a list of charges, accepted a seven month prison sentence and a fine of NIS 2,500 (US\$ 625). Obaidah accepted the terms of the prosecution, which included time already served and was due to be released from prison on 1 December 2007.

On 1 December 2007 Obaidah's release date came and went without his release. On 2 December 2007 following enquiries by his lawyer it was discovered that Obaidah had been issued with a second administrative detention order for six months in breach of his plea bargain agreement with the prosecutor. On questioning from Obaidah's lawyer the prosecutor stated that the second administrative detention order was issued for "activities within the prison". However, on inspecting the second administrative detention order, Obaidah's lawyers discovered that the order made no reference to "activities within the prison" and simply repeated the allegations contained in the first detention order. On 4 March 2008, Obaidah's 18th birthday came and went in an Israeli prison under administrative detention.

On 31 March 2008, Obaidah received his third administrative detention order for a further period of four months. Once again the detention order made no reference to "activities within the prison" and repeated the claims of the initial detention order.

On 31 July 2008, Obaidah received his fourth administrative detention order for being "a threat to the security of the area".

Obaidah was finally released from administrative detention on 27 November 2008, after spending 18 months in Israeli interrogation centres and prisons.

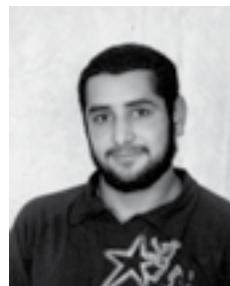


## Case Study No. 27

**Name:** Mohammad Baran  
**Date of arrest:** 1 March 2008  
**Age at arrest:** 17  
**Accusation:** Membership of a banned organisation

The following account is taken from a case study produced by DCI-Palestine in July 2008.

At around 7:00pm on 1 March 2008, 17-year-old Mohammad was at home trying to fix a gasoline heater when it exploded injuring his right hand. Mohammad's parents immediately took him to the village clinic and an ambulance was called. A short time later, an ambulance arrived to take Mohammad and his parents to hospital.



At a road junction near the village the ambulance was stopped by Israeli soldiers. The ambulance driver was assaulted and Mohammad was transferred to an Israeli military ambulance and taken to Hadasa Ein Karem Hospital in Jerusalem. Mohammad's parents were not permitted to accompany him inside the military ambulance. Later on that night Mohammad underwent surgery to his right hand and was informed the next morning that he had lost three fingers. Mohammad spent the next three days in the hospital with his feet and left hand tied to the bed and guarded by three Israeli soldiers. He did not receive any family visits during this time.

On or about 4 March 2008, three men came to the hospital to interrogate Mohammad. One of the men accused Mohammad of attempting to make a home-made explosive device; an allegation Mohammad denied. One of the men then slapped Mohammad across the face and shouted at him, threatening to place Mohammad in solitary confinement unless he confessed. Mohammad refused to confess and the men left after about one hour.

Mohammad was then transferred to Meggido Prison and then Telmond Prison, both inside Israel. In March 2008, Mohammad was taken to Ofer Military Court and informed that he had been given a six month administrative detention order. Mohammad was told that there was evidence in a 'secret file' that he was a member of Islamic Jihad, an organisation banned by the Israeli authorities. Mohammad's administrative detention order was renewed for a second time on 1 September 2008 and for a third time on 28 February 2009.

At the time of writing, Mohammad has received four administrative detention orders and is set for possible release on 26 August 2009. Mohammad has never been charged or tried with any offence.

## Case Study No. 28

**Name:** Entima al-Lahham  
**Date of arrest:** 13 July 2008  
**Age at arrest:** 17  
**Accusation:** Weapon possession

At around 9:30am, on 13 July 2008, Entima voluntarily handed himself to Israeli military authorities at Etzion Interrogation and Detention Centre after his family home had been raided twice by the Israeli army who told family members that they were searching for him. On arrival at the Detention Centre, which is situated between Hebron and Bethlehem in the Occupied Palestinian Territory (OPT), Entima was interrogated and shown two photographs of himself holding a gun. Entima explained that these photographs were taken at a family wedding and the weapons belonged to his brother who works for the Palestinian Security Forces. Entima explained that he was not involved in any military activities and did not belong to any organisation. The interrogation lasted for approximately half an hour after which Entima was kept in detention.

On or about 19 July 2008, six days after arriving at the Detention Centre, a soldier informed Entima that he had been given a four month administrative detention order. At the same time, Entima was charged with weapon possession in the Israeli military courts and on 24 July 2008, was sentenced to seven months and 10 days in prison, and given a fine of 1,000 NIS. It is not clear why Entima was also given an administrative detention order at the same time as being charged and prosecuted in the military courts.

On or about 12 November 2008, a few days before the expiry of the first administrative detention order, Entima was informed by one of his jailers that he had been given a second, four month administrative detention order. On 11 March 2009, Entima received a third administrative detention order for a duration of six months, which was later reduced to four months on appeal.

Entima's third administrative detention order is set to expire on 10 July 2009, when he will either be released or issued with a fourth administrative detention order.

19 March 2009



## Case Study No. 29

**Name:** Hamdi al-Ta'mari  
**Date of arrest:** 25 July 2008  
**Age at arrest:** 15  
**Accusation:** Membership of a banned organisation

On 12 March 2008, Hamdi's father was killed, along with three others, by an Israeli special unit in Bethlehem. The Israeli human rights organisation, B'Tselem, investigated the circumstances of the killing and reported that in defiance of an Israeli High Court ruling, there was strong evidence to suggest that the operation was a targeted assassination. Hamdi's older brother also received an administrative detention order, as did the son of one of the other men killed on 12 March, Mohammad B., who has been in administrative detention since 25 July 2008.



Hamdi was arrested for the first time from the family home in Bethlehem at 4:00am, on 25 July 2008. He was woken by the sound of Israeli soldiers banging on the front door. Hamdi's hands and feet were immediately tied and he was ordered to lie on the floor, as soldiers pointed their assault rifles and torches at him. Whilst on the ground, a number of soldiers slapped, kicked and beat him with their assault rifles. His hands were tied so tightly that they began to swell. After 15 minutes, Hamdi was blindfolded and placed on the floor of a military vehicle.

The military vehicle drove for around two hours during which time Hamdi was insulted, slapped and kicked by the soldiers sitting around him. One of the soldiers told Hamdi that they had killed his father because he was a terrorist and that they were going to kill all terrorists. At around 6:00 am the vehicle arrived at Ofer Interrogation and Detention Centre, near Ramallah. Hamdi was taken to a small room where he was again assaulted by a number of soldiers.

On 28 July 2008, four days after his arrest, Hamdi was interrogated whilst sitting handcuffed in front of a desk. The interrogator asked Hamdi whether he was a member of Islamic Jihad, an organisation banned by the Israeli authorities. Hamdi replied that he had nothing to do with the organisation and he supported independent members of the Fatah movement. The interrogation lasted about one hour and Hamdi was then taken back to his cell.

Several days later Hamdi was informed that he would be detained for three months without charge or trial in administrative detention. On 13 November 2008, Hamdi was released from administrative detention without having been charged with any offence. On 18 December 2008, one month after his release, Hamdi was again woken up at 2:00am by the sound of Israeli soldiers banging on the front door of the family home.

Around five or six soldiers entered the house and Hamdi was tied and blindfolded. He was again placed in a military vehicle and driven for half an hour to Etzion Interrogation and Detention Centre. On 21 December 2008, three days after his arrest, Hamdi was transferred to Ofer for interrogation. The interrogator wanted to know who Hamdi had met with since his release on 13 November, asked him about the flags flying from the roof of his house and what other activities he had been up to since his release. Hamdi replied that he had met with relatives and neighbours and had had no involvement in politics.

On 28 December 2008, Hamdi, without a lawyer or family member present, was taken before the Administrative Detention Court in Ofer Military Base. The military judge told Hamdi that there was a four month administrative detention order against him based on 'secret evidence'. Hamdi told the judge that he had not done anything wrong and was only arrested because his father had been targeted for assassination.

On 15 April 2009 Hamdi received his third administrative order in twelve months. The date for his possible release is now 14 August 2009.

12 March 2009



## Case Study No. 30

**Name:** Mohammad Balbol  
**Date of arrest:** 25 July 2008  
**Age at arrest:** 17  
**Accusation:** Weapon possession and membership of a banned organisation



On 12 March 2008, Mohammad's father was killed, along with three others, by an Israeli special unit in Bethlehem. The Israeli human rights organisation, B'Tselem, investigated the circumstances of the killing and reported that in defiance of an Israeli High Court ruling, there was strong evidence to suggest that the operation was a targeted assassination. Mohammad was then arrested by Israeli authorities on 16 April 2008 and taken to Mascobiyya Interrogation Centre and Prison in East Jerusalem ('The Russian Compound'). He was interrogated and accused of being a member of Islamic Jihad but was released without charge on 7 May 2008, only to be arrested again on 25 July 2008.

Mohammad was arrested from the family home in Bethlehem at 2:00am on 25 July 2008. He was woken by the sound of an explosion as units of the Israeli army blew open the front door of the house. Mohammad was immediately blindfolded and handcuffed by the soldiers and thrown on the floor. He was beaten four times on his back with the butt of a rifle, whilst a soldier shouted at him to tell them where a weapon was kept. He told the soldiers that he did not have a weapon. The soldier who beat him also threatened his family with abuse.

Mohammad was transferred to Etzion Interrogation and Detention Centre, near Bethlehem where he was kept for eight days without interrogation. After eight days, Mohammad was transferred to Ofer Prison where he was informed that he had been issued with a four month administrative detention order. He was interrogated in Ofer Prison where his interrogator threatened him with a long prison term unless he became an informer for the Israeli authorities. Mohammad refused to become an informer and the interrogator then told him that he was accused of possessing weapons and belonging to Islamic Jihad, a banned organisation. The interrogator told him that there was a secret file on him.

On 6 August 2008, twelve days after being arrested, Mohammad saw his lawyer for the first time. He was taken before the Administrative Detention Court in the Israeli military base at Ofer. The Israeli military judge ordered that Mohammad remain in administrative detention until 23 November 2008.

On 24 November 2008, Mohammad was issued with a second administrative detention order for six months. He is now likely to remain in prison until 24 May 2009. He has not been charged with any offence, or been given the benefit of a trial.

12 August 2008



## Case Study No. 31

<b>Name:</b>	<b>Salwa S.</b>
<b>Date of arrest:</b>	<b>5 June 2008</b>
<b>Age at arrest:</b>	<b>16</b>
<b>Accusation:</b>	<b>A danger to the security of the state</b>

On 5 June 2008, 16-year-old Salwa from a village near Bethlehem was arrested by Israeli soldiers with her cousin, Sara (see Case Study No. 32) Salwa and Sara both received two administrative detention orders and were never tried or charged with any offence.

*At 3:00am on 5 June 2008, many soldiers came to our house and surrounded it from all directions. They banged on the door. My grandmother Zeinab opened the door [...] A tall dark intelligence officer with a large nose spoke with me. He said his name was Gideon and that I was 'a criminal and should be punished.' [...]*

*Half an hour later, Gideon placed me in another room with three soldiers [...] 15 minutes later he asked my mother to come. He said to her: 'your daughter is under arrest and I'm taking her with me.' My mother protested against this. He replied: 'you can either hand your daughter over, or I will take her forcibly.' My mother succumbed to him and handed me some clothes.*

*Before leaving the house, a female soldier searched me completely and asked me to say goodbye to my family. However, Gideon prevented me from doing so and dragged me out of the house forcibly.*

*Before leaving the house, a female soldier searched me completely and asked me to say goodbye to my family. However, Gideon prevented me from doing so and dragged me out of the house forcibly. Once we were out of the house a soldier grabbed my hands and tied them with plastic ties in front of me, and then blindfolded me. I was then put into a jeep. [...]*

*Inside the jeep I heard someone calling my name and saying: 'Salwa, don't be afraid! I'm with you.' I knew it was Sara who had also been arrested. The female soldier shouted at us and told us to shut our mouths. [...]*

*The interrogation room was small ... it was very cold because the air conditioner was turned on. The interrogator who began interrogating me first was Israeli and spoke fluent Arabic but with a bad accent [...] I asked him to switch off the air conditioner, but he refused and turned it in his direction.*

*He began asking me general questions about my family, friends, how I spent my time and who I go out with [...] I told him I only cared about school and that I am a good student and wanted to finish my education. He accused me of being a military activist but did not provide any details. I denied this and said I had nothing to do with military activism. [...]*

*On 18 June 2008, once again the soldiers took us to Ofer military court [...] I was accused of 'disrupting public order and endangering the security of the State of Israel.' The judge confirmed my administrative detention order for four months. The judge also confirmed Sara's administrative detention order for five months. Half an hour later they took us back to Telmond Prison. [...]*

*On 6 July 2008, at around 5:30am [...] they drove us back to Ofer military court. We reached Ofer military court at 10:00am. While they were pulling us out of the jeep there was a big dog barking nearby that tried to attack us. We were terrified and asked the guard to keep the dog away but he refused. They shouted at us to get out of the jeep quickly.*

*We were taken into the court where the judge reduced Sarah's administrative detention order to four months and kept mine the same. When we left the court room some guards started to shout at us and one spat on me and Sara.*



*Salwa's grandmother holding a portrait of her granddaughter*  
Photo credit: Christian Minelli

3 August 2008

Salwa and Sara were detained in Telmond and Damoun prisons inside Israel. On 5 October 2008, the girls' administrative detention orders were renewed for a further three months. No official education was provided to the girls while they were detained inside Israel. Both girls were finally released on 3 January 2009, after seven months in detention. Neither girl was ever charged or tried with any offence.



## Case Study No. 32

<b>Name:</b>	<b>Sara S.</b>
<b>Date of arrest:</b>	<b>5 June 2008</b>
<b>Age at arrest:</b>	<b>16</b>
<b>Accusation:</b>	<b>Endangering the security of the state</b>

On 5 June 2008, 16-year-old Sara from a village near Bethlehem was arrested by Israeli soldiers with her cousin, Salwa (see Case Study No. 30) Sara and Salwa both received two administrative detention orders and were never tried or charged with any offence.

*At 3:00am on 5 June 2008, I was sleeping on the second floor of our house [...] we woke up to the sound of knocking on the door. My husband went and opened the door and found soldiers beside his father. [...]*

*The soldiers took me to one of the jeeps. A female soldier was with me the whole time. Before entering the jeep, one of the soldiers tied my hands behind my back with plastic cords, and blindfolded me [...] Five minutes later, the female soldier came back and opened the door of the van. I heard Salwa's voice while she was getting into the van. She is my cousin. I talked to her without seeing her: 'don't be scared, I'm with you now,' I told her [...] 'shut up!' shouted the female soldier. [...]*

*After the strip search, a Druze jailer came to us. 'Why did you bring us here and when will we go home?' we asked him. 'You won't go home. You'll stay here for a long time' he replied [...] Ten days later, at around 10:00am ... they took us and placed us in a van [...] when we reached Ofer court, we were taken to rooms separately. In the room I entered, there was a man sitting behind a desk. He said he was from Israeli intelligence [...] my hands and feet were shackled. He asked me about my uncle Khaled S. who was exiled abroad. He wanted to know whether I speak with my uncle on the phone, especially recently, and if I speak with him, what we speak about. I told him I spoke with my uncle a while ago and he told me he would get married soon. 'Do you know people from Gaza? Do you know any militants?' he asked. 'I don't know anyone from Gaza or any militants,' I replied. 'Why am I here?' I asked. 'You know exactly why you are here. You carry out military activities,' he said. 'I will put you and Salwa in administrative detention for a very long time so that when you get out, you will forget everything about military activities,' he added. The interrogation lasted for almost an hour.*

*After the interrogation, Salwa and I were taken to a room and they took our fingerprints. They brought us papers that had everything said in the interrogation written in Hebrew. Salwa and I signed the papers.*

*After some time, Salwa and I were once again taken to Ofer military court. We were seated in the waiting room. Our lawyer came to us, that was the first time we ever saw a lawyer [...] none of our families were there. A military prosecutor submitted secret documents*

*to the military judge [...] the judge ordered Salwa and me to be locked in administrative detention [...]*

*The administrative detention orders against Salwa and me expired 2 October 2008; the very same day the prison administration told us that the orders were extended three more months until 3 January 2009.*

23 December 2008

Sara and Salwa were finally released on 3 January 2009, after spending seven months in administrative detention. The girls were detained inside Israel and were not provided with any official education during their imprisonment. Neither girl was ever tried or charged with any offence.



## Ezzat's case

From time to time, DCI-Palestine receives cases in which children younger than 12 years have been intimidated, threatened and mistreated by Israeli authorities without actually being arrested. In 2008, DCI-Palestine investigated a particularly disturbing case concerning the physical abuse of a 10-year-old boy by Israeli soldiers for over two hours.

### Case Study No. 33

**Name:** Ezzat H.  
**Date of arrest:** 11 June 2008  
**Age at arrest:** 10  
**Accusation:** None

On 11 June 2008, Israeli soldiers stormed Ezzat's family's shop in a village near the West Bank town of Qalqiliya, situated near the Wall. The soldiers said that they were looking for a hand gun.

*At around 10:30am, I was sitting in my father's shop selling animal feed and eggs. I was wearing a red T-shirt and blue jeans. My brother Makkawi (7) and sister Lara (8) were sitting with me [...] I was surprised by the arrival of two Israeli soldiers to the shop. One of them had dark skin, wearing khaki jeans and a black T-shirt with a blue vest on top. The other one was in green clothes. Both of them were wearing helmets and carrying black weapons. The soldier with the black T-shirt was carrying a pistol around his chest in addition to the assault rifle.*

*They suddenly walked into the shop. Once they entered the shop, the soldier with the black T-shirt began shouting at me, telling me: 'your father has sent us to you and we want the pistol*

*your father has.'* I became terrified and said: 'my father has nothing. He doesn't own such things.' He slapped me hard across my right cheek and he slapped my brother on the face too. He then asked my siblings to get out of the shop. He asked me all over again and I told him we had nothing. He asked me to get out the pistol from the animal feed sacks. I answered him we had no pistol. He slapped me again and this time it was on my left cheek. [...]



Ezzat: re-enacting stress position  
 Photo credit: Al-Wathiq Sleman

A group of locals gathered around the store and some of them tried to enter and help me, but the soldier standing by the door prevented them from doing so. When the other soldier did not find anything, he asked me again to tell him where the pistol was. When I answered him back saying: 'we don't have anything' he punched me hard in my stomach and I fell over onto the empty egg boxes. I was crying and screaming because I could not stand the pain and I was terrified too.

*I was crying and screaming because I could not stand the pain and I was terrified too.*

The soldier with the black T-shirt made fun of me and imitated my crying. He spoke very fluent Arabic. He kept me inside the shop for 15 minutes. He then grabbed me by my T-shirt and dragged me out of the shop. I asked him to let me close the shop but he said leave it open so that it would be robbed. Some of my friends who were at the scene closed the shop.

When he dragged me out of the shop, he ordered me to walk in the street in front of him. He and the other soldier, who was pointing his weapon at me, walked behind me, and some people gathered around. While walking, the soldier in the black T-shirt would slap me hard on my neck now and then ... I was slapped three to four times on my nape while walking towards the house. When we reached the house, 100 metres away, I saw many soldiers around the house and a number of dark green military vehicles. The word 'Police' was written on an olive coloured jeep.

When I entered the house [...] the soldier with the black T-shirt made me stand in the yard and asked me to get the pistol out of the flower basin. When I was about to answer him and say we had no pistol, he slapped me so hard that I fell down on my face in the flower basin. [...]

*He would go for five minutes and then come back to slap me on the face, and punch me several times in my stomach. I would shout and burst into tears. He would imitate me and make fun of me.*

My father was standing by the door of the guest room, where my family was held. The soldier slapped me on my nape in front of my father and I fell to the ground. He slapped me again on my nape and I fell to the ground after I stood up. All of this was in front of my father. He then lifted me in the air after he grabbed my T-shirt. He told my father that he was going to take me to prison [...] He threatened to arrest

my older sister who was 19 years old [...] he then pushed me into the guest room where my mother and siblings were held. My mother was crying. When she saw me crying, she asked me why and I told her that I had been hit. She asked them to leave me alone and hit her instead. They told her that they would take me to prison. [...]

The soldier with the black T-shirt took me to the bedroom and slapped me at the door. He then brought my older sister to search and interrogate her while forcing me to stand



by the kitchen door. They then moved me to another bedroom. While passing me, the soldier with the black T-shirt slapped me so hard on my face that I fell on the ground. He asked me to stay there in the room. He would go for five minutes and then come back to slap me on the face, and punch me several times in my stomach. I would shout and burst into tears. He would imitate me and make fun of me. He continued coming to the room around six times where he would hit me and slap me. [...]

I spent about one hour in the room all alone with the soldiers. During this hour, the soldier with the black T-shirt ordered me to stand on one foot and lift my hands up in the air with my back against the wall. This lasted for about half an hour. I was exhausted but I did not dare to put my foot on the ground because he ordered me not to. [...]

The soldier with the black T-shirt [...] then brought my older sister and asked me whether I cared about her or not. I said: 'yes I do.' He then asked me to tell him where the pistol was and he would not tell my father. I said we did not have a pistol, so he took my sister

*a soldier wearing black sunglasses came into the room where I was held and pointed his rifle at me. The rifle barrel was a few centimetres away from my face. I was so terrified that I started to shiver. He made fun of me and said: 'shivering? Tell me where the pistol is before I shoot you.'*

out, and then came back and hit me all over my body. He left the room and after a while he came back and offered me 10 Shekels if I would tell him where the pistol was. I told him I did not care about money. He really became so angry that he took off his helmet and hit me with it from two metres away. He asked me to bring him the helmet and when I did, he threw it again at me, but this time he missed. He again asked me to bring him the helmet but this time he did not hit me with it.

me twice on my face and pushed me back. He then left the room for a while and came back to repeat it all over again. [...]

Instead, he left the room for five minutes and came back and slapped me on the face and stomach without asking me anything. Once again he left the room and was gone for a while, and I was all alone in the room. He then came back and asked me about the pistol and I answered that we did not have any pistol. He slapped

Afterwards, a soldier wearing black sunglasses came into the room where I was held and pointed his rifle at me. The rifle barrel was a few centimetres away from my face. I was so terrified that I started to shiver. He made fun of me and said: 'shivering? Tell me where the pistol is before I shoot you.' I replied by saying that we had nothing. He lowered his rifle and took out the bullets [...]

21 June 2008

After initially wishing to file a complaint against the soldiers involved, Ezzat's father changed his mind for fear of retaliation.

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During the course of 2008, DCI-Palestine also documented a number of cases involving attacks by illegal Israeli settlers in the West Bank on local Palestinian children. These cases are beyond the scope of the current report but can be found in the DCI-Palestine report – *Under Attack: Settler Violence Against Palestinian Children in the Occupied Palestinian Territory* (2008).<sup>85</sup>

The 33 cases presented above are not unique among the 200-300 cases DCI-Palestine handles annually. These cases reveal a pattern of abusive behaviour being perpetrated by Israeli authorities, and in particular, the Israeli army, in what appears to be a well orchestrated and pre-meditated modus operandi by Israeli authorities in the Occupied Palestinian Territory. This suspicion, based on credible and well documented evidence, is corroborated by the testimony of an Israeli soldier extracted in the next section.

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85 This report can be found online at: <http://www.dci-pal.org/english/publ/display.cfm?DocId=869&CategoryId=8>



Qalandiya, West Bank  
Photo credit: Gerard Horton



### *The soldier's perspective*

The Israeli army is made up of male and female conscripts, each of who is required to serve a minimum of three years and two years national service for men and women respectively, and in the case of males, be eligible for reserve service up to the age of 40. Many of these conscripts serve in the Occupied Palestinian Territory in military bases, at checkpoints and guarding nearly 500,000 illegal settlers.

In an item published on 15 May 2009, and reproduced on the website of the Israeli human rights organisation, B'Tselem, the testimonies of two Israeli commanders given to a military court are reproduced under the title: *A Blow is Sometimes an Integral Part of the Mission*.<sup>86</sup> In one of these testimonies, the commander describes the premeditated policy of using violence against Palestinian civilians.

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86 See: B'Tselem – 29 May 2009: B'Tselem and ACRI demand investigation of officers who testified to a policy of routine use of violence against Palestinian civilians - [http://www.btselem.org/English/Beating\\_and\\_Abuse/20090521\\_Investigate\\_officers\\_testimonies\\_on\\_routine\\_use\\_of\\_violence.asp](http://www.btselem.org/English/Beating_and_Abuse/20090521_Investigate_officers_testimonies_on_routine_use_of_violence.asp)



## Case Study No. 34

**Name:** Itai Virob  
**Occupation:** Soldier, Israeli army  
**Rank:** Commander, Kfir Brigade

*The mission is to try to upset the equilibrium of the neighbourhood, village, or particular location, to get information [...] or to cause a hostile entity inside the village to make mistakes as a result or in reaction to actions of our forces, and thus disrupt his activity and expose it.*

*The acts of disruption can be done at a number of levels. The first is entering the village. Jeeps speed to the entrance of the village. Sometimes, just entering the village disrupts the perpetrator. The second way is to use pressure, throwing stun grenades, breaking into a number of houses or institutions in the village, arresting residents, seizing areas on rooftops, and the like [...]*

*We will detain, interrogate and use suitable pressure on every person to get to the one terrorist. Of all the means of pressure that we use, the vast majority are against persons who are not involved. This is true at the checkpoints, or combing whole neighbourhoods, and also of questioning passers-by [...] Standing them against the wall, pushing, a blow that doesn't cause injury. These are things that certainly are commonly used in an attempt to accomplish the mission.*

*Discretion is dictated by the suspicion that terrorist actions or a disturbance of the peace is taking place [...] Searching for an address can lead to use of pressure on an innocent bystander, search for weapons, a suspicion of a threat to use force on a traffic artery. There is a difference between going to a village where there isn't a threat and you don't suspect anything, and going on a mission given to you, where aggressiveness toward every one of the residents in the village is common.*

2009



The above testimony given by a senior Israeli officer accords with the evidence collected by DCI-Palestine and confirms the suspicion held by many Palestinian and Israeli human rights organisations, that the Israeli army routinely and systematically mistreats Palestinian detainees, often in contravention of the UN Convention Against Torture and the Fourth Geneva Convention, both of which Israel has signed.

### ***UN Committee Against Torture – Concluding Observations on Israel (May 2009)***

The UN Committee Against Torture (the Committee) is the body mandated to monitor the implementation of the Convention Against Torture and is made up of 10 independent experts. On 15 May 2009, the Committee completed its 42<sup>nd</sup> session in Geneva by issuing Concluding Observations and recommendations on periodic reports submitted by five states, including Israel.

Prior to 15 May, the Committee received written and oral submissions from government officials and non-governmental organisations before and during its review of Israel's Fourth Periodic Report on 5 and 6 May 2009.<sup>87</sup> As part of a coalition of non-governmental organisations, DCI-Palestine submitted three reports<sup>88</sup> and over 150 pages of evidence.<sup>89</sup>

In its Concluding Observations and recommendations<sup>90</sup> on Israel's Fourth Periodic Report, the Committee expressed:

- Concern regarding numerous, ongoing and consistent allegations of the use of torture and ill-treatment taking place before, during and after interrogations.
- Deep concern at reports that Palestinian children are detained and interrogated in the absence of a lawyer or family member and are allegedly subjected to acts in breach of the Convention against Torture in order to obtain confessions.
- Concern at reports that approximately 700 Palestinian children are detained annually and are prosecuted in Israeli military courts.
- Concern at reports that in 95% of cases involving Palestinian children before the Israeli military courts, conviction is obtained using confessions extracted during interrogation.
- Concern that all but one of the prisons where Palestinian children are detained

87 See - <http://www2.ohchr.org/english/bodies/cat/docs/cobs/CAT.C.ISR.CO.4.pdf>

88 As part of the UAT Coalition DCI-Palestine submitted three reports to the UN Committee Against Torture:

- 1 September 2008 - [http://www2.ohchr.org/english/bodies/cat/docs/ngos/UAT\\_Israel42\\_1.pdf](http://www2.ohchr.org/english/bodies/cat/docs/ngos/UAT_Israel42_1.pdf)
- April 2009 - [http://www2.ohchr.org/english/bodies/cat/docs/ngos/UAT\\_Israel42.pdf](http://www2.ohchr.org/english/bodies/cat/docs/ngos/UAT_Israel42.pdf)
- April 2009 - [http://www2.ohchr.org/english/bodies/cat/docs/ngos/UATSupp\\_Israel42.pdf](http://www2.ohchr.org/english/bodies/cat/docs/ngos/UATSupp_Israel42.pdf)

89 As part of the UAT Coalition, DCI-Palestine submitted two lists of evidence to the UN Committee Against Torture:

- 1 September 2008 - [http://www2.ohchr.org/english/bodies/cat/docs/ngos/UAT\\_Israel42\\_Annex1.pdf](http://www2.ohchr.org/english/bodies/cat/docs/ngos/UAT_Israel42_Annex1.pdf)
- April 2009 - [http://www2.ohchr.org/english/bodies/cat/docs/ngos/UATSupp\\_Israel42\\_Annex1.pdf](http://www2.ohchr.org/english/bodies/cat/docs/ngos/UATSupp_Israel42_Annex1.pdf)

90 See - <http://www2.ohchr.org/english/bodies/cat/docs/cobs/CAT.C.ISR.CO.4.pdf>

are located in Israel, hindering family visits. (This contravenes Article 76 of the Fourth Geneva Convention).

- Concern that administrative detention does not conform to Article 16 of the Convention Against Torture (cruel, inhuman or degrading treatment or punishment) because, among other reasons, it is used for inordinately lengthy periods of time and detainees are unable to challenge the evidence which is the basis for the detention.

DCI-Palestine welcomes these comments and endorses the recommendations made by the Committee, which include the following:

- All allegations of torture and ill-treatment should be promptly and effectively investigated and all perpetrators should be prosecuted and, if applicable, appropriately punished.
- Military Order 132 should be amended to ensure that the definition of a child is 18, in line with international standards. (Currently under Israeli military law applied to Palestinians in the West Bank, the age of majority is 16).
- All child detainees should be afforded basic safeguards, before and during interrogations, including prompt access to an independent lawyer, an independent doctor and family member from the outset of their detention.
- Children should not be convicted in the military courts based solely on the evidence of a confession given during interrogation.
- A youth court should be established as a matter of priority.
- Israeli authorities should make every effort to facilitate family visits to child detainees, including expanding the right of freedom of movement of relatives to travel to Israel where most children are detained.
- All interrogations should be video recorded as a means to prevent torture and ill-treatment.
- Israeli authorities should review, as a matter of priority, its policies regarding administrative detention (detention without charge or trial) as they currently constitute cruel, inhuman or degrading treatment or punishment in contravention of Article 16 of the Convention Against Torture.

The Committee also emphasised that according to the Convention Against Torture, 'no exceptional circumstances' including security or a war or threat to security of the state justifies torture.

Israel was previously reviewed by the Committee for its compliance with the Convention Against Torture in November 2001. On that occasion, the Committee again expressed concern about reports of ill-treatment and torture, the lack of prompt access to a lawyer and the continued use of incommunicado detention even in the case of children. These concerns were also echoed in 2002 by the Committee on the Rights of the Child in its review of Israel's compliance with the CRC.<sup>91</sup>

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91 See - [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.195.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.195.En?OpenDocument)



It is disappointing to note that Israel continues to disregard the recommendations made by various UN committees that Israeli officials themselves acknowledge to be independent and professional.

On 4 May 2009, the day before the UN Committee Against Torture reviewed Israel's compliance with the Convention Against Torture, Israel's Ambassador to the United Nations in Geneva, Roni Leshno Yaar, said that Israel's scheduled appearance before the Committee was to answer whatever questions were necessary on the issue of torture: *'It is a routine appearance before one of the many UN committees. It is not a political forum. It is a professional one. The committee is composed of a group of independent experts and there is no room for other states to interfere,'* he said. *'I do not expect anything out of the ordinary to happen here,'* Leshno Yaar added.

*Turkish Weekly, 4 May 2009*<sup>92</sup>

Israel's compliance with the Convention Against Torture will next be reviewed by the Committee in 2013.

92 See - <http://www.turkishweekly.net/news/75433/-un-to-probe-israel-s-torture-record.html>



## E. Facts and figures - 2008

It is difficult to obtain precise figures, but DCI-Palestine estimates that the total number of Palestinian children arrested and prosecuted in Israeli military courts in 2008 was around 700. DCI-Palestine acted on behalf of 265 of these children. This accounts for approximately 38% of all cases of Palestinian children charged with an offence by Israeli forces. Of these 265 cases, 229 were before the military courts, 26 cases were appeals before the Israeli Military Court of Appeals and 10 cases involved administrative detention orders.

Of the 265 children represented by DCI-Palestine in 2008, 24 children (9%) were released on bail or had their charges dismissed for lack of evidence. Or to put it another way, in 91% of cases before the Israeli military courts, the child was kept in pre-trial detention.

The figures in the tables below are based on 206 cases closed by DCI-Palestine in 2008.<sup>93</sup> The remainder of the 265 cases in which DCI-Palestine acted in 2008 are still pending before the military courts.

**Table 1 - Monthly figures<sup>94</sup>**

*Number of Palestinian children detained by Israel at the end of each month - 2008*

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2008	327	307	325	327	337	323	324	293	304	297	327	342

**Table 2 – Girls**

*Number of Palestinian girls detained by Israel at the end of each month - 2008*

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2008	2	3	3	4	3	6	6	5	6	6	5	7

<sup>93</sup> This compares with:

- 276 cases in 2007
- 213 cases in 2006

<sup>94</sup> The figures in these tables are obtained through the Israeli Prison Service and visits by DCI-Palestine lawyers to interrogation centres and prisons. The figures represent a snapshot picture of the number of children (under 18) in detention on the last day of each month. The figures are not cumulative and do not include persons who turned 18 while in detention.



**Table 3 – Administrative detention**

Number of Palestinian children in Israeli administrative detention at the end of each month - 2008

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2008	18	3	13	12	10	13	13	13	11	8	5	6

**Table 4 - Age groups**

Breakdown of DCI-Palestine cases by age group - 2008

Age Group	Number	Percentage
12 - 13 years	3	1.4%
14 - 15 years	45	21.9%
16 - 17 years	158	76.7%
<b>TOTAL</b>	<b>206</b>	<b>100%</b>

**Table 5 - Sentences**

Breakdown of DCI-Palestine cases by sentence - 2008

Sentence	Number	Percentage
Under 6 months	71	41.4%
6-12 months	52	30.3%
1-3 years	24	13.7%
Over 3 years	25	14.6%
<b>TOTAL</b>	<b>172*</b>	<b>100%</b>

\* 172 cases were concluded by way of sentence. In 24 cases the child was released on bail and in 10 cases the child received an administrative detention order.

**Table 6 - Charges**

Breakdown of DCI-Palestine cases by charge

Charge	Number	Percentage
Stone throwing	46	26.7%
Possession of and/or throwing a Molotov cocktail	25	14.5%
Membership in a banned organisation	14	8.2%
Conspiracy and attempting to kill	42	24.4%
Possession of explosives	17	9.9%
Possession of weapons	11	6.4%
Assisting a wanted person	12	7.0%
Other	5	2.9%
<b>TOTAL</b>	<b>172*</b>	<b>100%</b>

\* 172 cases were concluded by way of sentence. In 24 cases the child was released on bail and in 10 cases the child received an administrative detention order.

## Table 7 - Region

Breakdown of DCI-Palestine cases by geographic region

Region	Number	Percentage
North West Bank	134	65%
Central West Bank	27	13.2%
South West Bank	45	21.8%
<b>TOTAL</b>	<b>206</b>	<b>100%</b>

## Table 8 - Trends 2004 - 2008

Trends for 2004 – 2008

Gender	2004	2005	2006	2007	2008
Boys	-	-	-	98.9%	96%
Girls	-	-	-	1.1%	4%
Age group <sup>94</sup>	2004	2005	2006	2007	2008
12-13 years	-	-	-	-	1.4%
14-15 years	-	-	-	-	21.9%
16-17 years	-	-	-	-	76.7%
Sentence	2004	2005	2006	2007	2008
Under 6 months	42%	34.8%	28.2%	37%	41.4%
6-12 months	9.8%	13.9%	16.4%	12.3%	30.3%
1–3 years	28.5%	36.4%	47.9%	35.8%	13.7%
Over 3 years	19.7%	14.9%	7.5%	14.9%	14.6%
Charge	2004	2005	2006	2007	2008
Stone throwing	31%	22.2%	63.8%	25.7%	26.7%
Possession of and/or throwing a Molotov cocktail	14.2%	14.3%	6.6%	10.1%	14.5%
Membership in a banned organisation	15.3%	9.7%	18.8%	6.2%	8.2%
Conspiracy and attempting to kill	18.3%	21.3%	3.8%*	30.1%	24.4%
Possession of explosives	7.3%	12.2%	3.2%	10.6%	9.9%
Possession of weapons	13.9%	14.5%	3.8%	11.2%	6.4%
Other	-	5.8%	-	3.6%	2.9%
Region	2004	2005	2006	2007	2008
North West Bank (Jenin/Nablu)	-	-	-	59%	65%
Central West Bank (Ramallah)	-	-	-	14.9%	13.2%
South West Bank (Hebron/Bethlehem)	-	-	-	26.1%	21.8%

\* This figure only represents the charge of “attempting to kill an Israeli” not “conspiracy”.

<sup>95</sup> Data from previous years was based on different categories of age groups (12-14/15-16). In 2008 DCI-Palestine changed the way it categorised the age groups to bring it in to conformity with that categories applicable in the military orders. Accordingly, it is not possible to accurately compare data from the previous years for Age Groups. For previous comparisons, please see DCI-Palestine, *Palestinian Child Prisoners (2007)*, Page 26 - <http://www.dci-pal.org/english/publ/research/2008/PCPReport.pdf>



Based on DCI-Palestine cases in 2008, by the end of the year, the overall number of Palestinian children in Israeli detention had increased by 4.6% compared with the start of the year. The number of girls in detention over the same period increased from two to seven whilst the number of administrative detainees fell from 18 down to six in December 2008. However, it should be noted that five children turned 18 whilst in administrative detention in 2008 and are not reflected in these statistics.

In 2008 the most common offence Palestinian children were charged with in the Israeli military court system was stone throwing. Children were charged in 26.7% of all cases handled by DCI-Palestine with this offence. Under Military Order 378, stone throwing carries a maximum penalty of 20 years imprisonment.

The second most common offence for Palestinian children to be charged with in 2008 was conspiracy and attempting to kill. It appears that all that is required to be charged with this offence is to be in possession of a knife, regardless of whether there was any intention to kill at all. Please refer to case studies 23, 24 and 25 above.

Contrary to well established and legally binding principles of juvenile justice whereby incarceration should be a measure of last resort (CRC Article 37(b)), in 91% of cases handled by DCI-Palestine in 2008, the child was denied bail. In cases where the child was sentenced, the majority (71.7%) received custodial sentences of up to 12 months, whilst in 14.6% of cases, children received custodial sentences in excess of three years.

As in previous years, the overwhelming majority of arrests (65%) still occur in the north of the West Bank, near the cities of Jenin, Nablus and Tulkarm, often close to illegal settlements and the Wall.<sup>96</sup>

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96 All Israeli settlements in the West Bank and East Jerusalem are illegal under Article 49 of the Fourth Geneva Convention (see Appendix IV). The Wall was also found to be illegal in its current form by the International Court of Justice in its 2004 advisory opinion: *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories*, Advisory Opinion, ICJ Reports, 2004.

## F. Concluding remarks

Since DCI-Palestine last published a report on Palestinian child detainees (April 2008), the practice of ill-treatment and torture has continued unabated. During the course of the reporting period DCI-Palestine continued to receive numerous testimonies from Palestinian children speaking of their ill-treatment and torture at the hands of Israeli soldiers, policemen and security operatives. This abuse occurs from the moment of arrest, and continues during transfer, interrogation and detention.

The ill-treatment documented by DCI-Palestine appears to be widespread, systematic and institutionalised, suggesting complicity at all levels of the political and military chain of command. This abusive system operates with the knowledge and assistance of some doctors, and is overseen by a military court system that ignores basic principles of juvenile justice and fair trial rights, whilst willfully turning a blind eye to the presentation in court of one coerced confession after another. This system imposed by Israel in the Occupied Palestinian Territory operates beyond international legal norms and within a general culture of impunity.

DCI-Palestine continues in its efforts to bring this situation to the attention of the international community which is itself bound by a number of legal obligations to ensure that these violations are fully investigated, and where appropriate, prosecuted and that such conduct is not rewarded.<sup>97</sup>

Without some measure of accountability, it is unlikely that the situation endured by Palestinian children described in the pages above, will improve.

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<sup>97</sup> State signatories to the Fourth Geneva Convention (1949) have a duty to prosecute persons alleged to have committed grave breaches (see articles 146 and 147); State signatories to the *UN Convention Against Torture* must establish jurisdiction over offences of torture where the alleged offender is in the jurisdiction under article 5; by virtue of the 2004 Advisory Opinion of the International Court of Justice regarding Legal Consequences of Construction of a Wall in the Occupied Palestinian Territory all states and international actors are obliged not to recognise, aid or assist the illegal situation resulting from Israel's actions in the OPT; finally, under the EU-Israel Association Agreement, European Union members have a duty to promote 'respect for human rights' (article 2) in the partner country.



## G. Recommendations

With a view to ensuring that the rights of Palestinian children arrested, interrogated and detained by Israeli authorities are fully respected, DCI-Palestine recommends that:

1. DCI-Palestine recommends that Israel reforms the military legal system applied to Palestinian children, in order to bring it in conformity with international standards of juvenile justice and the treatment of civilians in conflict, with particular regard to:
  - The right to prompt access to legal assistance, prior to and during interrogation;
  - The rejection of all evidence obtained through coercion; and
  - The right to be detained within the Occupied Palestinian Territory.
2. DCI-Palestine recommends that Israel ends the practice of detaining persons under the age of 18 in administrative detention and promptly charge all child detainees with a recognisable offence or immediately release them.
3. DCI-Palestine recommends that all interrogations of children are audio-visually recorded and conducted in the presence of a lawyer and parent of the child.
4. DCI-Palestine recommends that Israeli Military Order 132 be amended to raise the age of majority for Palestinian children to 18, in accordance with Israeli domestic law.
5. DCI-Palestine recommends that Israel immediately ensures its compliance with the *UN Convention Against Torture* and thoroughly and impartially investigate all allegations of torture and abuse of Palestinian detainees and bring those found responsible for such abuse to justice.

## H. Take action

There are a number of ways you can take action to try and reduce the numbers of Palestinian children being arrested, ill-treated and tortured and detained in Israeli prisons.

- ***Write to your elected representatives and the Israeli authorities***  
Write to the Israeli government and/or contact your elected representatives, wherever you are, and demand action. Relevant addresses can be found on the Freedom Now webpage (see below).
- ***Join our mailing list***  
Sign up to DCI-Palestine's mailing list and receive updates on the situation facing Palestinian children in detention and Urgent Appeals in individual cases. Simply visit [www.dci-pal.org](http://www.dci-pal.org) and go to the mailing list tab.
- ***Visit our website***  
Visit the DCI-Palestine website to keep up-to-date with recent developments and visit the Freedom Now webpage for information on Palestinian child prisoners and suggested ways in which you can get involved - <http://www.dci-pal.org/english/camp/freedomnow/display.cfm?docID=808&categoryid=16>
- ***Make a donation***  
If you would like to make a donation to support the work of DCI-Palestine, you can either donate online through PayPal or make a bank transfer to our account. For instructions, please go to <http://www.dci-pal.org/english/display.cfm?docid=1035&categoryid=16> or for further information, please contact our financial department at [financialaffairs@dci-pal.org](mailto:financialaffairs@dci-pal.org) or 00972 2 2427530 ext. 123.
- ***Volunteer***  
DCI-Palestine provides three month internships to relevantly qualified individuals. Visit the website for further information.





# I. Appendices

## **Appendix I - UN Convention on the Rights of the Child (1989)**

Ratified by the State of Israel in 1991

### **Article 1**

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

### **Article 2**

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

### **Article 3**

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

...

### **Article 4**

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.

...

### **Article 24**

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

...



**Article 37**

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment ...

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

**Article 38**

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

...

**Article 39**

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

**Article 40**

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the

desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

...

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interests of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law and in particular:

...

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.



4. A variety of dispositions, such as care, guidance and supervision orders; counseling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well being and proportionate both to their circumstances and the offence.

## **Appendix II - UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)**

Ratified by the State of Israel in 1991

### **Article 1**

1. For the purposes of this Convention, the term 'torture' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

...

### **Article 2**

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

...

### **Article 4**

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

**Article 5**

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

(a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State;

(c) When the victim is a national of that State if that State considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.

...

**Article 6**

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence ...

2. Such State shall immediately make preliminary inquiry into the facts.

...

**Article 7**

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

...

**Article 10**

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

**Article 11**

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody



and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

**Article 12**

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, whenever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

**Article 13**

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

**Article 14**

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible ...

...

**Article 15**

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

**Article 16**

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity

...

**Appendix III - International Covenant on Civil and Political Rights (1966)**

Ratified by the State of Israel in 1992

**Article 7**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment ...

...

**Article 9**

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial ...

...

**Article 14**

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him ... everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law ...

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;



(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court'

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

### **Appendix IV - Fourth Geneva Convention (1949)**

Ratified by the State of Israel in 1951

#### **Article 3**

[T]he following acts are and shall remain prohibited at any time and in any place whatsoever ...

(a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

#### **Article 27**

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

...

#### **Article 29**

The Party to the conflict in whose hands protected persons may be is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

...

#### **Article 31**

No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

...

#### **Article 33**

No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

...

**Article 37**

Protected persons who are confined pending proceedings or serving a sentence involving loss of liberty shall during their confinement be humanely treated.

...

**Article 42**

The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary.

...

**Article 66**

In case of a breach of the penal provisions ... the Occupying Power may hand over the accused to its properly constituted, non-political military courts, on condition that the said courts sit in the occupied country. Courts of appeal shall preferably sit in the occupied country.

...

**Article 71**

No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial.

Accused persons who are prosecuted by the Occupying power shall be promptly informed, in writing, in a language which they understand, of the particulars of the charges preferred against them, and shall be brought to trial as rapidly as possible ...

**Article 72**

Accused persons shall have the right to present evidence necessary to their defence and may, in particular, call witnesses. They shall have the right to be assisted by a qualified advocate or counsel of their own choice, who shall be able to visit them freely and shall enjoy the necessary facilities for preparing the defence.

...

**Article 76**

Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein ...

...

Proper regard shall be paid to the special treatment due to minors.

...

**Article 146**

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.



Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a prima facie case.

...

**Article 147**

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: ... torture or inhuman treatment ... willfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person ... or willfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention ...

**Article 148**

No High Contracting Party shall be allowed to absolve itself or any other High contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

**Appendix V - UN Committee Against Torture – Concluding Observations (Israel) (May 2009)**

**Juvenile Detainees**

27. While noting the State party's argument that several measures are being implemented to ensure children's rights, including the preparation of a draft bill on the establishment of a new youth court, the Committee remains concerned at the differing definitions of a child in Israel –where legal age is attained at the age of 18- and in the occupied Palestinian territories –where legal age is attained at 16-. The Committee notes the State party's explanation that Palestinian juveniles under age 18 are treated as minors when imprisoned within the state of Israel. Nonetheless, it expresses deep concern at reports from civil society groups that Palestinian minors are detained and interrogated in the absence of a lawyer or family member and allegedly subjected to acts in breach of the convention in order to obtain confessions. The Committee is further concerned by the allegations that approximately 700 Palestinian children annually were charged under military orders and prosecuted by Israeli military courts and that 95% of these cases have relied on confessions as evidence to obtain a conviction.

Military order 132 should be amended to ensure that the definition of minor is set at the age of 18, in line with international standards.

28. The Committee also notes with concern that all but one of the prisons where Palestinian juveniles are detained, are located in Israel, which hinders prisoners from receiving family visits, not only because of the distances, but also since some relatives have been denied necessary permits for security reasons, in 1,500 out of 80,000 cases, according to the State party and more often according to non-governmental sources.

The State party should ensure that juvenile detainees are afforded basic safeguards, before and during interrogations, including prompt access to an independent lawyer, and independent doctor and family member from the outset of their detention. Furthermore, the State party should ensure that cases against juveniles are not decided solely on the basis of confessions, and that the establishment of a youth court is completed as a matter of priority. In addition, every effort should be made to facilitate family visits to juvenile detainees, including by expanding the right to freedom of movement of relatives.

To read the full Concluding Observations, go to:

<http://www2.ohchr.org/english/bodies/cat/docs/cobs/CAT.C.ISR.CO.4.pdf>





Jerusalem  
Photo credit: Isabelle Guitard

Defence for Children International – Palestine Section (DCI-Palestine) is a national section of the international non-governmental child rights organisation and movement, Defence for Children International (DCI), established in 1979, with consultative status with ECOSOC. DCI-Palestine was established in 1992, and is dedicated to promoting and protecting the rights of Palestinian children in accordance with the United Nations Convention on the Rights of the Child (CRC), as well as other international, regional and local standards. As part of its ongoing work to uphold the rights of Palestinian children, DCI-Palestine provides free legal assistance, collects evidence, researches and drafts reports and conducts general advocacy targeting various duty bearers. For further information please contact a DCI-Palestine advocacy officer.



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