

Briefing: military detention of Palestinian children by Israeli authorities

War on Want is a registered charity¹ campaigning against the root causes of poverty and human rights violation, as part of a worldwide movement for global justice. We have worked for many years on upholding the human rights of Palestinians, including through exposing Israel's violations in the context of its arrest and detention policies in the occupied Palestinian territory (oPt). We welcome the debate in Parliament focussing on the military detention of Palestinian children.

Summary

Israel may be the only country in the world that automatically prosecutes children in military courts that lack basic and fundamental fair trial guarantees. The arrest and detention of Palestinian children is part of a wider context of violence, militarised repression, and deprivation of human rights that is the cornerstone of Israel's occupation. Israel currently holds over 6,000 Palestinians as political prisoners, several hundred of whom are children under the age of 18. Palestinian children, as young as 12 years old, are regularly arrested and tried in Israeli military courts, detained in prisons and detention centres away from their homes and families, and denied their most basic rights. Palestinian human rights organisations, as well as UNICEF, have found that a majority of Palestinian children arrested report being subjected to ill-treatment in Israeli detention. Israel's arrest and detention of Palestinian children involves widespread and systematic violations of international law and UN treaties designed to protect the rights of children.

Recommendations

The UK Government must take active steps to ensure accountability for violations of Palestinian rights, in particular when those violations are breaches of International Humanitarian Law (IHL) and the Fourth Geneva Convention.

To this end, the UK Government should:

- Use all diplomatic channels to press Israel to halt its systematic arrests and detention of Palestinian children.
- Support a delegation of UK lawyers to examine Israel's treatment of Palestinian children in Israeli military detention, as a follow up to the 2011 delegation and subsequent report in 2012 supported by the FCO.
- Implement accountability mechanisms for strict adherence to International Humanitarian Law in the oPt, including the suspension of arms exports to Israel in accordance with the Consolidated EU and national arms export licencing criteria (Criterion 2, “..The respect for human rights and fundamental freedoms in the country of final destination as well as respect by that country for international humanitarian law.”)

Military detention of Palestinian children in numbers

- Israel currently holds **330 Palestinian children** from the oPt in military detention. (as of January 2018)
- Over the past 3 years, the number of Palestinian children in Israeli detention has **effectively doubled**.

¹ Registered charity number 208724

- An average of **500-700 Palestinian children** are arrested and detained by Israeli authorities each year.
- Since the year 2000, **more than 12,000 Palestinian children** have been detained by Israeli authorities, leaving an entire generation traumatised.
- Israel boasts a **conviction rate of over 99%** in its military courts, prompting the UN to raise serious concerns in 2017 about the system meeting international standards of due process required under international human rights and humanitarian law.
- Most Palestinian children are arrested for allegedly throwing stones, an offence **punishable by up to 20 years**.

Military courts: no semblance of justice

Palestinian children arrested from the oPt are tried in Israeli military court where the judge, prosecutor, clerks and even the translators are active-duty soldiers and military personnel. There is no semblance of due process or impartiality in these courts. As a result, Palestinians are compelled to plead guilty to be eligible for plea bargains to limit their sentences. Since they will end up with a record either way, and chances of being exonerated are almost nil, prisoners feel they have no other practical option. The Israeli military boasts over a 99% conviction rate in its military courts.

Israeli military court judges rarely exclude evidence obtained by coercion or torture, including confessions drafted in Hebrew, a language most Palestinian children do not understand.

Ill-treatment of children in detention

In practice, there are no special interrogation procedures for children detained by the Israeli military, nor are there provisions for an attorney or even a family member to be present when a child is questioned. The majority of children report being subjected to ill-treatment and having forced confessions extracted from them during interrogations. Forms of ill-treatment used by the Israeli soldiers during a child's arrest and interrogation usually include slapping, beating, kicking and violent pushing. Children are routinely verbally abused and sexually harassed and threatened with sexual abuse towards themselves or their family members.

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Case Study: Aziz*

'They have stolen his childhood'



Akram holds a photo of Aziz, his 16 year old son. Aziz was arrested after a demonstration for throwing stones at a fence near an illegal settlement.



Akram and Aziz live in Biddu, a village in the West Bank surrounded by illegal Israeli settlements and the Separation Wall. Biddu has lost much of its land to the settlements and the Wall. The only way to reach the village is a single road between two parts of the Wall.



Biddu residents hold frequent demonstrations against the Wall and the settlements. The Israeli authorities often target children in arrest raids after demonstrations. The raids are used to discourage popular and civic resistance to the occupation. Aziz was arrested in one such raid along with two of his friends, accused of throwing stones.



Akram worries about the psychological effect of Aziz's arrest and detention. Aziz was beaten during his arrest. Children are often pressured by interrogators to sign confessions in Hebrew, a language they often cannot read or understand. Akram says: **"The interrogators were pushing him, scaring him, so that he would eventually just sign anything to stop the interrogation."**



Under Israeli military law, early release from prison is possible for sentences of less than 3 months. Aziz was sentenced to 3 months and 1 day. The military court offered Aziz plea bargains which included hefty fines on top of prison time. Akram refused them at first: **"I am not going to give them any money to buy more bullets to shoot us with."**



Aziz's education was disrupted while he was in prison. Very limited provisions are made for education of children in prison, leading to reintegration problems, with many children dropping out of school upon release. The physical conditions of the prisons are harsh. Aziz was held in a cell with 10 children, some as young as 14 years old. **"We didn't have enough blankets or clothes and it was really cold at night, we couldn't keep warm."**



Family visits to prisoners start with early morning bus trips from the West Bank into Israel where the prisoners are held. These visits are only possible if family members are granted permits from the Israeli authorities. Aziz's family members were never granted permission to visit him.



Akram is worried about how Aziz has changed since his release from prison. He says: **"Aziz doesn't want to talk at all, he is very quiet. He used to be out in the streets all the time but now he doesn't go far. The Israeli soldiers come in to the village every night and you can see the stress and fear it causes. They have stolen his childhood."**

*This case study was provided by the Palestinian human rights organisation *Addameer: Prisoner Support and Human Rights Association*, with photos by Rich Wiles.