



# Newsletter

## 2014 November Edition

From Addameer Prisoner Support and Human Rights Association

### THE DETENTION OF PALESTINIAN CHILDREN

Approximately 700 Palestinian children under the age of 18 from the occupied West Bank are prosecuted every year through Israeli military courts after being arrested, interrogated and detained by the Israeli army. The most common charge levied against children is throwing stones, a crime that is punishable under military law by up to 20 years in prison. Since 2000, more than 8,000 Palestinian children have been detained.

In practice before the military court system, 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. Palestinian children are also routinely verbally abused. Despite recommendations by the UN Committee against Torture in May 2009 that the interrogations should be video recorded, no provisions to this effect have yet been enacted.

Many Palestinian children even serve time in the same Israeli prisons and detention facilities as adults. Military Order 1644, issued on 29 July 2009, established a separate military court for Palestinian children and ended 42 years of trying children as young as 12 years of age in the same courts as adults. However, the order fails to correct many of the fair trial deficiencies in the military courts relating to children (including insufficient provisions regarding qualifications for the judges, no added protections during interrogations, and discretionary language granting the prosecutor broad authority to suspend protections for children), which indicate that Military Order 1644 will do little to improve the protection of Palestinian children before the Israeli military legal system.

While the UN Convention on the Rights of the Child defines a "child" as "every human being below the age of eighteen years", according to Israeli military order 132, Palestinian children age 16 and older were previously tried and sentenced by Israeli military courts as adults. By comparison, juvenile legislation defines Israeli children as age 18 or younger. What's more, a Palestinian child's sentence is decided on the basis of the child's age at the



time of sentencing, and not at the time when the alleged offense was committed. Thus, a child who is accused of committing an offense when he or she is 15 will therefore be punished as an adult if he or she has a birthday while awaiting sentencing.

On 27 September 2011, the OC Central Comman signed an amendment to raise the age of Palestinian minors in the military court system from 16 to 18 years. Another stipulation of the amendment is a requirement to immediately notify the child's parents upon his or her arrest and interrogation. However, the amendment gives interrogators many openings to avoid the requirement. Furthermore, the amendment requires interrogators to inform minors of their right to attorney, but states that they will only notify an attorney "whose particulars were provided by the minor," which is highly unlikely to occur. An additional provision refers to the length of time that has passed since an offense was committed. Previously, if the offense was committed two or more years earlier, the child could not be prosecuted; the new amendment reduces this period to one year. However, the reduced period is negated in instances of "security offenses," which include some of the most common charges against Palestinian youths, such as stone-throwing and participating in demonstrations. Lastly, despite the minority age being raised to 18, the amendment states that minors over the age of 16 may still be held in detention with adults, which is contradictory to the requirements of international law.

As of 1 September 2012, there were approximately 194 Palestinian children detained in two Israeli prisons and detention centers, including: Ofer and Megiddo. Out of these, at least 30 were under the age of 16.

#### Total number of children in detention at the end of the month since January 2008

(Statistics from 2008-2010 are based on reports from DCI; statistics from 2011 and 2012 are based on reports from the Israeli Prison Service, via B'tselem, and Addameer documentation)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2008	327	307	325	327	337	323	324	293	304	297	327	342
2009	389	423	420	391	346	353	342	339	326	302	310	296
2010	318	343	342	355	305	291	284	286	269	256	228	213
2011	209	221	216	224	217	211	-	201	176	262	150	159
2012	132	166	183	203	218	192	220	210	194	-	-	-

#### ACCESS TO EDUCATION

Very limited provisions are made for the education of Palestinian child detainees. The Israeli Prison Service provides education only in Megiddo and Rimonim prisons but imposes restrictions on what subjects can be taught, allowing children to study only mathematics and humanities, and banning other subjects for "security reasons". Girls under the age of 18 are usually detained with adult female prisoners and receive no formal education. While Israeli

boys who are detained in Rimonim receive approximately 20 hours of taught classes per week and study in a special classroom, Palestinian boys detained in Megiddo prison are forced to study in the prison's courtyard without any protection from weather conditions. Importantly, the Israeli Prison Service refuses to establish any coordination mechanism with the Palestinian Authority and as a consequence, Palestinian child detainees are taught according to the Israeli-Arab curriculum, instead of the official curriculum adopted by the Palestinian Ministry of Education. This has obvious negative consequences on a child detainee's performance in school after he or she is released from prison.

## RECRUITMENT CONCERNS

In the areas of the West Bank and East Jerusalem that are most affected by Israel's colonial occupation policies, particularly including the Annexation Wall, settler violence and house demolitions, youths and children as young as twelve are often the first ones to be arrested in mass arrest campaigns, either during demonstrations, immediately after them or during night raids. Evidence suggests that the purpose of their arrest and detention is threefold. First, targeting the youngest and most vulnerable is intended to exert pressure on their family and the entire community to put an end to all social mobilization. Second, Israeli soldiers and police often arrest children for recruitment purposes. Addameer has collected testimonies suggesting that children from East Jerusalem and Wall and settlement-affected communities are routinely asked to become informants and provide information on both prominent figures involved in advocacy efforts and other children participating in demonstrations. Lastly, arrest is also used as a strategy to deter children from participating in demonstrations and from throwing stones at the Wall or other targets. However, while stone-throwing is the most common charge used against them, children in high-conflict areas are regularly arrested indiscriminately and remanded in detention with little or no evidence, with the military court often relying only on soldiers' testimonies to convict.

## SEXUAL ASSAULT AND THREATS

Increasingly, Israeli soldiers and ISA officers use sexual threats including threats of rape as a way of inflicting fear upon children and coercing them into giving confessions. In 2009, Addameer has documented at least five cases of children who report having been sexually assaulted or threatened with sexual assault during the operation of arrest, transfers to detention centers and during interrogation. Sexual assaults by Israeli interrogators against children take numerous forms, including the form of grabbing a child's testicles and threats of rape or sodomy with an object.

(1) See DCI-Palestine, *Palestinian child prisoners: The systematic and institutionalized ill-treatment and torture of Palestinian children by Israeli authorities*, June 2009, p. 8 (available at: <http://www.dci-pal.org/english/publ/research/CPReport.pdf>)

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