



FROM ABDUCTION TO PRISON

Israeli Cruelty to Palestinian Children



Euro-Mid Observer for Human Rights

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Introduction

When Jewish Israeli youth go missing, as occurred with the June 12 disappearance of three yeshiva students near an illegal West Bank settlement, it is international news and a mass effort is launched to bring them home and hold the perpetrators to account.

Israeli occupation authorities seized an estimated 2,500 Palestinian children and youth between January 2010 and June 2014 – with approximately 400 just 12-15 years old. Under the Israeli military regime, reports the United Nations Children’s Fund (UNICEF), a child as young as 14 or 15 years old can potentially receive a sentence as long as 20 years.

Palestinian children are typically seized off the streets or from the privacy of their homes -- sometimes for no stated reason at all, other times to obtain intelligence for use against their own family members, and still others as punishment for acts such as peaceful protests that are not considered criminal under international law. Such practices contradict the Convention on the Rights of the Child, which Israel ratified in 1991. Article 37(b) states,(Children should not be deprived of their rights arbitrarily and illegally...and they should be arrested legally only as a last resort and for as short a period of time as possible).

Once they are seized, Palestinian children are interrogated, threatened and often beaten. International humanitarian agencies have documented that 75 percent of Palestinian children detained by Israeli forces are subjected to treatment that meets the definition of torture. Once detained, a military tribunal sentences a quarter of these children, who are deprived of the opportunity for support from their parents or an attorney. Contrary to international law, these proceedings typically take place in Israel, far from and inaccessible to their homes.

In a February 2013 report, UNICEF concluded that “ ill-treatment of children who come into contact with the Israeli military detention system appears to be widespread, systematic and institutionalized throughout the process. ” The purpose of this report is to further document the ongoing abductions of Palestinian children by Israeli forces, followed by systematic violations of their human rights throughout their time in detention.

It is hoped that this report will inspire as much international concern and outrage as shown upon the disappearance of the three Israeli teens. Are not the lives and liberties of Palestinian children worth as much?

Arrest

Israeli forces orchestrate their actions to humiliate and terrorize Palestinian children. Fearing they are in grave danger, the children are “primed” to plead guilty to the accusations against them or to implicate others in their community – even when the charges are false.

In more than half of the cases, Palestinian children are seized from their beds after midnight, typically between 2 and 5 a.m. It is not uncommon for Israeli forces to surround the houses with tanks and other military vehicles, bomb the front doors open and enter with masked faces. Even mature adults would be traumatized.

According to the International Covenant on Civil and Political Rights, all persons, including children, must be advised of the reasons for their arrest at the time they are detained. Likewise, their parents should be informed, in a language they can understand, as soon as possible. This rarely happens, however.

Testimonies

A group of West Bank children who had been detained by Israeli forces described their ordeal to a Euro-Mid team: After the soldiers checked their IDs, they were blind folded and their hands and feet were chained – often for hours on end. They then were transported to a temporary detention center. Their parents were prevented from accompanying them and were not told the reason for their seizure or where they were being taken.

A 17-year-old youth named Samer (surname withheld at the request of his father) testified that Israeli soldiers forced him to walk about 20 hours while his arms were chained together, until they reached a waiting military vehicle. One of the soldiers called him and his mother profane names.



Rasheed Rasmy Al Resheq, 14 years old.

Rasheed Rasmi Al-Rishq, a 14-year-old child from the Old City of Jerusalem, told this story:

“On Feb. 10 (2014), while I was going to Alwad Street in Jerusalem to buy some necessities for home, a group of Israeli soldiers detained and violently beat me. I was taken to the Alqashla police station where I was interrogated.

Although the army charged that Rasheed had earlier thrown stones and Molotov cocktails during a clash at the Al-Aqsa Mosque, he denies the accusations.

On March 25, the Israeli occupation authorities released him, but Rasheed was kept under house confinement for six weeks, forcing the formerly excellent student to miss school and opt out of the entire semester.

About a month and a half after his release, Israeli occupation forces detained Rasheed once again. His family reports that a group of Israeli soldiers suddenly raided and ransacked their house. They arrested Rasheed, saying only that he was being detained on “security grounds.”

Another child from Qattash family (first name withheld at request of his parents), described to the Euro-Mid team how Israeli soldiers seized him at the age of 16. He recounted how the soldiers blindfolded him and tied his hands with a plastic chain, then kicked and beat him with their guns. The child was dragged along the ground for several meters, causing extensive bruises and other wounds.



Mohammed Farid Subih, 17 years old.

Mohammed Farid Subih, a 17-year-old youth from Ras Alain in Nablus, was detained by Israeli occupation forces in January 2014. According to his mother, a large number of Israeli army soldiers burst through their door. They checked Mohammed’s ID, chained his hands, blindfolded him and took him away. “We were unaware of the reasons of his detention, and we knew absolutely nothing about him for eight days,” she said. A lawyer later called the family to tell them Mohammed would be put on trial on charges of shooting at Israeli vehicles, based on the coerced confessions of others. It was three months before she was allowed to visit him in Mjedo Prison.



Rami Rajabi, a six-year-old child, was held in the street for approximately 20 minutes by Israeli soldiers, on charges of throwing pebbles in Hebron

Interrogation

Once children are detained, they often are transported to interrogation centers inside Israel, such as BitahTikfa, Almaskubeyya or Aljalma. This violates the Geneva Conventions, since the practice separates detainees from their attorneys, who are usually Palestinians and thus have difficulty entering Israel. Both the Convention on the Rights of the Child [article 37(b)] and the Convention against Torture state that children have a right to legal representation and the support of their parents during interrogation.

Solitary Confinement

One out of every five detained Palestinian children are subjected to solitary confinement in an attempt to force them to confess during interrogation. The period of solitary confinement averages 10 days, but can be as long as 30.

The children are confined to a very small room without windows, tables or chairs. Detainees must eat their meals while sitting on the ground or their beds. The walls of their prison rooms are usually gray-colored, with a surface so rough that it is difficult to lean against them. No visitors, even their attorneys, are permitted. It is obvious that the goal of solitary confinement is to pressure children to admit to the charges brought against them.

Richard Falk, the U.N.'s special rapporteur on the situation of human rights in the occupied Palestinian territories, commented on Israel's use of solitary confinement against Palestinian children: ([Solitary confinement] is a gross violation of the international norms of human rights. Such treatment is severe and inhumane, and it may affect children's mental and physical health).

Torture and Other Violations of Human Rights

Solitary confinement is not the only violation of children's rights committed during interrogation to force them to confess, whether guilty or not. Others include physical torture and deliberate acts of humiliation. The latter is the most common, with three of every four detained children reporting this experience. Yet such treatment clearly violates the Convention on the Rights of Child, which Israel ratified; International Covenant on Civil and Political Rights; and Fourth Geneva Convention.

Most of the children and youth interviewed by the Euro-Mid team reported that they were subjected to interrogations lasting for many hours, during which they were forbidden from sleeping or going to the bathroom and bound to short, small iron chairs (called the “alshabash” position). Yet the Convention on the Rights of the Child clearly states that children should be restrained only if they pose an imminent threat to themselves or others and all other alternatives have been exhausted.

The children also revealed that when they were frisked, they were forced to strip naked. If they attempted to refuse, they were violently beaten and some were threatened with sexual abuse.

Martin Scheinin, the U.N. special rapporteur on human rights and counter-terrorism, has stated that he continues to receive reports that Israeli authorities beat Palestinian children, prevent them from sleeping and force them to stay for prolonged periods in the “alshabash” position.¹ Israeli interrogators also sometimes threaten to beat the children’s family members or demolish their houses.

Likewise, Richard Goldstone’s Fact-Finding Mission on the Gaza Conflict revealed evidence that underage Palestinian detainees are not treated as required by international law.²

Denial of Legal Aid

The majority of Palestinian children are denied legal aid when being interrogated. In most cases, Israeli authorities immediately interrogate detainees, without waiting for the presence of an attorney. Israeli authorities also never allow children’s parents to accompany them and do not inform them of the reasons for their detention. Yet article 37 of the Convention on the Rights of the Child states that youth and their parents must be informed of the reasons behind their detention, as well as allowed legal assistance.

UNICEF, the World Health Organization, the U.N. Commission on Human Rights, and local and international institutions for protecting children’s rights (members of the working group created by decision 1612 of the Security Council, which prohibits gross violations against children) all have found that Israel bases its punishments on confessions its interrogators coerce from children who are not represented by lawyers. It is estimated that 95 percent of children are forced to admit to charges, even when false.³

1. Martin Scheinin, Report of the Special Rapporteur on Human Rights and Counter-Terrorism, 2007, paragraphs 19 and 23-24, pages 10 and 11.

2. Human Rights Council, Report of the United Nations Fact-Finding Mission on the Gaza Conflict, Session 12, A/HRC/12/48, 25 September 2009, paragraphs 1496-1499, pages 310-311.

3. Annual report, Defence for Children International-Palestine Section, 9 June 2009. http://www.unicef.org/oPt/1612_STATEMENT_JUNE__9.pdf.

Testimonies



Abedel Moaty Marwan Salhab, 14 years old.

Abdel Muti Marwan Salhab, a 14-year-old Palestinian, has been detained twice by Israeli occupation authorities. His first detention was in November 2013 and the second was in April 2014, when he was accused of throwing stones at army troops.

During the second, most recent, detention, he said the interrogators placed him with 10 others in a cell that could comfortably accommodate just four people. While interviewing Abdel Muti at his home in Hebron, the Euro-Mid team noticed he was wearing a hearing aid. We asked him whether he wore it during interrogation, and he said: “No; I told them that I needed it to hear, but they refused. I was beaten more than once, because I did not hear them well and they also did not speak Arabic.”

The boy said his interrogator claimed that his cousin had informed against him. The moment Abdel Muti denied the accusation, the interrogator slapped him on the face, grabbed his neck and jabbed him in the shoulder with a nail. The interrogator told the boy he would be released if he confessed; desperate for relief, he did. However, Abdel Muti was then moved to Ofer Prison, near Ramallah.

The boy’s family confirmed that the prison administration informed them that their child was in Ofer and that a court hearing would be held the same day. There was no time for the family to bring in a lawyer. Although the prison administration claimed it had appointed an advocate to represent him, Abdel Muti said no lawyer was present in court.

Likewise, 14-year-old Rasheed Al Resheq, informed Euro-Mid team: “an interrogator ordered me to completely strip off my clothes. I was naked from 9 in the morning until 3 a.m. the next day. I was trembling with cold, since the air conditioner was on high. Afterwards, I was moved to the Almaskubeyya police station for more questioning. My family didn’t know where I was, and the Israeli soldiers threatened to detain and interrogate my mother and get my father fired from his work.” The interrogator, moreover, bound him to a small chair, tied his hands and tortured him with electric shocks to his feet. On the fourth day of interrogation, his shoulder was dislocated and the doctor treated him only with ointment.

Laws and Military Orders Used to Justify Cruelty to Children

It's clear that the Israeli military orders applied exclusively to Palestinians, including children, substantially violate international law. They deprive Palestinians of rights enshrined as "natural" and "human," and criminalize all forms of resistance and the most minor of infractions.

For example, the Israeli military regime considers carrying the Palestinian flag to be a punishable act, along with the removal of stones and waste left by Israeli soldiers. Even painting a political faction's logo on a wall, or offering coffee to a member of a group labeled as a troublemaker by Israel, is considered a crime. In light of this, most Palestinian organizations and institutions, as well as others that merely support their cause, are illegal according to Israeli authorities.

Youth are thus frequently convicted on the basis of article 85 of the Defence(Emergency) Regulations of 1945 issued by the British Mandate of Palestine, which condemns anyone who owns, possesses or controls any account, book, magazine, periodical publication, announcement or newspaper belonging to or benefiting an institution considered illegal. The penalty in such cases is imprisonment of three to 10 years.⁴

It seems at first glance that the article applies only to "illegal organizations." However, examination of the incidents in which it has been applied reveals that the terms interpreted very broadly, as arbitrarily determined by the administrator of the Israeli army. For example, 159 institutions, associations and organizations were shut down by the Israeli military administration between 1986 and mid-2008. This list includes many educational institutions, orphanages and other charities. Even institutions affiliated with the Palestinian Authority have been targeted. This means that interacting with these institutions in any way can be punishable by law, resulting in sentences up to 10 years.

Another example of an overly broad prohibition is article 68 of Military Order No. 378, which states that "he who commits any act of violation, or is likely to violate the system or public security, is considered to be a criminal..." Although it is universally accepted that there must be reasonable grounds for suspecting commission of a crime before detaining someone, article 31(a) of the Order Regarding Security Directive No. 1651 states that a soldier has the right to detain any person based on his or her suspicion alone.⁵

In its concluding report on Israeli conformance to international law on civil and political rights, the U.N.'s Committee Concerned with Human Rights declared its belief that Israel's anti-terrorism orders are overly vague. Even though their application is subject to judicial examination, in practice they are interpreted as broad enough to cover a wide range of behavior.⁶

4. Defence (Emergency) Regulations for 1945 issued by the British Mandate of Palestine, article 85.

5. Order Regarding Security Directive, No. 1651, article 31(a), 2009.

6. Official documents of the UN General Assembly, Session 58, Appendix No. 40 (40/58/A), folder 1, chapter 4, paragraph 14

Charge and Trial

Indictment

Israeli military courts charge the majority of detained Palestinian children with throwing stones at Israeli occupation forces. It is true that throwing stones is considered a crime according to Israeli law, but typically a large number of children are randomly detained. In most cases, stones are thrown at Israeli patrols while groups of children are gathering before or after school. Arrests usually are made without any witnesses to the alleged crime.

Thus, at court, the only information introduced by the military are the month and year in which the alleged act occurred and the name of the village or city in which the children were present. No other details are offered that could help the child defend himself.

Another common reason for the detention of Palestinian children is their participation in nonviolent demonstrations against the apartheid wall, including carrying posters that reject the occupation. These deeds are not crimes according to international law.

UNICEF reports that “most children confess at the end of interrogation,” due to Israeli exploitation of their fear and confusion. Typically, the confessions children are asked to sign, as well as their indictments, are in Hebrew and thus cannot be understood by the accused. Detained children and youth must sign confession papers without knowing if they are correct. The Convention on the Rights of the Child guarantees detained minors the right to silence and warns that many factors – including a child’s lack of understanding and fear of the unknown – may cause him or her to give a confession that is not true. Yet coerced signatures are used as evidence for conviction and sentencing.

Consider the case of Palestinian activist Basem al-Tamimi, who was seized while participating in a demonstration against the apartheid separation wall. On May 20, 2012, an Israeli court charged him with leading illegal demonstrations and encouraging children to throw stones. The latter conviction was based on a confession coerced from a 15-year-old child, who later retracted it in court. The boy reported that the Israeli police forced him to accuse al-Tamimi, and to sign papers written in Hebrew.

Trial

Israel operates the only juvenile military court in the world. However, it is “juvenile” in name only, since it relies on the same facilities and court staff as the adult military court.

Most of the trials take place inside Israel, in violation of article 76 of the Fourth Geneva Convention, which prohibits moving detainees out of occupied territory because it hinders the ability of Palestinian lawyers to defend their clients.

The U.N.'s Committee on the Exercise of the Inalienable Rights of the Palestinian People has concluded that Israeli military courts "headed by military judges who lack independence" are located in inaccessible places, sometimes operating behind closed doors.⁷

Examples of Sentences

The Convention on the Rights of the Child emphasizes that imprisonment should be the last resort. However, it is a routine punishment imposed on Palestinian children. Below are a few examples of sentences meted out to Palestinian minors, illustrating their draconian nature:

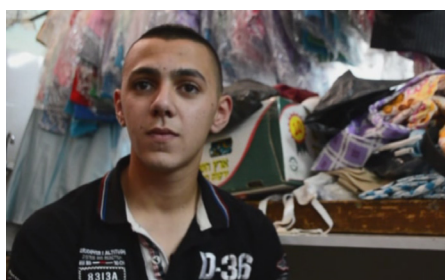
1. A 16-year-old youth, who was accused of two infractions of stone-throwing and had been beaten by his interrogators, was sentenced to five months in prison and levied a fine of 1,000 shekels (or a month in prison if he could not afford it).
2. A 17-year-old youth was sentenced to one year in prison and fined 5,000 shekels (or five months in prison) on charges of stone-throwing and serving as a "spotter" for militants.
3. A 15-year-old boy was sentenced to a month and a half in prison and fined 2,000 shekels (or two months in prison) after he was accused of throwing *one* stone at Israeli soldiers.
4. A 16-year-old boy was sentenced to a year and a half imprisonment and fined 3,000 shekels (or three months in jail) on charges of throwing stones and Molotov cocktails, without causing any damage or injuries.⁸

7. United Nations Office at Geneva, Committee on the Exercise of the Inalienable Rights of the Palestinian People, International meeting on question of Palestine discusses torture and ill treatment in Israeli places of detention, Suggest requesting the International Court of Justice to give an advisory opinion on the question of the status of Palestinian prisoners, 4 April 2012.

8. No Legal Frontiers, All Guilty! Observations in the Military Juvenile Court, April 2010-March 2011. <http://nolegalfrontiers.org/reports/77-report-juvenile-court?lang=en&sidelang=en>

‘Special’ Treatment of Children from Jerusalem

Palestinian children from Jerusalem are frequently subjected to house arrest as an alternative to prison, while still limiting their freedom. The children of Jerusalem are in ongoing contact with Israeli soldiers, leaving them continuously vulnerable to arrest and detention. House arrest can last for several months, in violation of article 37(d) of the Convention on the Rights of the Child, which stipulates that detention should be brief.



Wahid Bakri, 17 years old.

House arrests of Jerusalem children increased dramatically at the end of March 2014, following the clashes that took place at the Al-Aqsa Mosque. Wahid Bakri, a 17-year-old and one of the children we interviewed, was detained for a second time on April 17, charged with throwing stones and entering Al-Aqsa Mosque in spite of an earlier ban. (Wahid told us this charge was false, saying he had not left his house that day in April.) He was released five days after his detention and was sentenced to house arrest from 7 a.m. to 4 p.m. for 10 days. This prevented him from taking his high school exams.



Mahmoud Maher Najib, 16 years old.

Maher Mahmoud Najib, a 16-year-old, lives in the Old City of Jerusalem. He was summoned by Israeli intelligence when he was at school. He obeyed, and was detained and harshly interrogated. He told us: “They covered my head so I could not see, chained my hands, then put me in a car. They knocked me down to the floor inside the car, and when they removed the cover from my head, I found myself sitting on a chair in an interrogation room. The interrogation began at 12 in the afternoon and lasted until 7 in the evening. They kept asking me about the activities related to Al-Aqsa and stone throwing, but I denied all the charges.” A week later, Mahmoud was sentenced to 12 days of house arrest, fined 1,000 shekels and banned from visiting Al-Aqsa for three months.



Mohammed Abu Sunaina, 15 years old.

Mohammed Abu Sunaina, a 15-year-old, was detained for the first time when he was just 14. He was detained a second time a year later, when he tried to flee his house before five Israeli policemen chained him and took him to the nearby police station. He was kept for an hour under the hot sun until the intelligence team took him to interrogation room. After seven days, the Israeli court sentenced him to house arrest for 10 days and banned him from visiting Al-Aqsa for three months.

Euro-Mid Recommendations

- Pressure must be exerted on the Israeli government to treat Palestinian children as they would their own, and to immediately halt violations of minors' rights except in the limited circumstances stipulated by international law and conventions. We call for action in the strongest possible terms by the member states of the Geneva Conventions, the U.N. Human Rights Council and other international organizations – particularly UNICEF.
- When there are grounds for detaining Palestinian children, trials must be held promptly at locations near their homes, with the opportunity to be supported by and consult with their families and lawyers.
- The demands made upon the Israeli occupation authorities should include amendment of their laws and military orders to be compatible with international law – including an abolition of torture and compensation when detention is found to be without just cause. Enforcement must be required.
- When covering charges by Israeli officials of Palestinian wrongdoing, reporters and producers should ask for concrete evidence as well as include information on the conditions of the occupation that shape the behavior of its victims.





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