



Defence for Children International – Palestine Section

**In their own Words:**  
**A report on the situation facing Palestinian children detained in the  
Israeli military court system**

**Reporting period:**  
**1 July to 31 December 2010**

**Submitted:**  
**29 January 2011**

**Submitted to:**

- 1) UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;
- 2) UN Special Rapporteur on the independence of judges and lawyers; and
- 3) UN Working Group on Arbitrary Detention.

*This report is submitted on behalf of Defence for Children International–Palestine Section (DCI-Palestine), a national section of the international non-governmental child rights organisation and movement, Defence for Children International, established in 1979, with consultative status with ECOSOC.*

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## **1. Executive summary**

- 1.1 Each year, approximately **700** Palestinian children as young as **12** years are arrested, interrogated and prosecuted in the Israeli military court system. Credible reports of ill-treatment and torture within the system are common and persistent. This Report covers a six month period between 1 July and 31 December 2010, and is based on the sworn affidavits of **40** children detained in the military court system during this period. In **62.5** percent of these cases, the children were accused of throwing stones. The common complaints and areas of concern raised by these children are presented in Table 1 below:

*Table 1 – Common complaints and areas of concern – 1 July to 31 December 2010*

#	Common complaints and areas of concern	Number of cases	Percentage of children
1	Hand ties	40	100%
2	Blindfolds	36	90%
3	Beaten or kicked	28	70%
4	Position abuse	24	60%
5	Threats or inducements	22	55%
6	Confession during interrogation	20	50%
7	Arrested between midnight and 4:00 am	18	45%
8	Verbal abuse and humiliation	18	45%
9	Detention inside Israel in violation of Article 76	17	42.5%
10	Signed/shown documents written in Hebrew	11	27.5%
11	Detained with adults	9	22.5%
12	Solitary confinement	7	17.5%
13	Strip searched	7	17.5%
14	Electric shocks	3	7.5%
15	Threat of sexual assault	3	7.5%

- 1.2 The Report also highlights the involvement of illegal Israeli settlements in the military court system, evidenced by the fact that in **47.5** percent of cases, the children report being ill-treated or tortured inside a settlement.
- 1.3 The Report recommends as a minimum safeguard, that all interrogations of children be audio-visually recorded and that parents be permitted to accompany their children during questioning, as is the right afforded to Israeli children. The Report further recommends that an independent inquiry be established to investigate the treatment of children in the Israeli military court system.

## **2. Introduction**

- 2.1 Each year approximately 700 Palestinian children from the occupied West Bank are prosecuted in the Israeli military court system after being arrested, interrogated and detained by the army, police and security agents.<sup>1</sup> It is estimated that since 2000 alone, around 7,000 Palestinian children have been detained and prosecuted in the system. This Report focuses on persistent and credible reports of torture and ill-treatment within a system that has now been operating for 43 years.
- 2.2 In the Israeli military court system, children are frequently arrested from their homes by heavily armed soldiers in the middle of the night and are painfully tied and blindfolded before being placed in the back of a military vehicle and transferred to an interrogation and detention centre. It is rare for a child, or his/her parents to be told the reason for arrest, or where the child is being taken. The arrest and transfer process is frequently accompanied by physical and verbal abuse.
- 2.3 On arrival at the interrogation and detention centre, the child is questioned in the absence of a lawyer or family member, and there is no provision for the audio-visual recording of the interrogation as a means of independent oversight. Children are frequently threatened and physically assaulted during interrogation often resulting in the provision of a coerced confession, or the signing of documents which the child has not had a chance to read or understand.
- 2.4 Following interrogation, children are brought before a military court which has jurisdiction over children as young as 12 years old.<sup>2</sup> Once a child turns 16, they are considered to be an adult.<sup>3</sup> In the overwhelming majority of cases bail will be denied and an order for detention until the end of the legal process will be made.<sup>4</sup> Most children ultimately plead guilty, whether the offence was committed or not, as this is the quickest way out of the system. In 2009, custodial sentences were imposed on children by the military courts in 83 percent of cases, in contrast to a custodial sentence rate of 6.5 percent in the Israeli civilian juvenile justice system.<sup>5</sup>

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<sup>1</sup> Exact figures on the number of Palestinian children detained each year by Israeli authorities are not published. The estimated number of 700 children prosecuted in the Israeli system is based on the figures provided by the IPS of the number of children in prison facilities, and the best estimate of DCI-Palestine lawyers who appear daily in the military courts and conduct regular prison visits.

<sup>2</sup> Military Order 1651 – Sections 1 and 191.

<sup>3</sup> Military Order 1651 – Sections 1, 136 and 168.

<sup>4</sup> In 2009, bail was denied in 87.5 percent of the 164 cases closed by DCI-Palestine.

<sup>5</sup> Based on 164 cases closed by DCI-Palestine in 2009 and the Israeli National Council for the Child, Annual Report (2009) (This figure relates to 2008)

- 2.5 Once detained a significant proportion of children are transferred to prisons and detention facilities inside Israel, in clear violation of Article 76 of the Fourth Geneva Convention which prohibits such transfers out of occupied territories. The practical significance of this is that many children receive infrequent or no family visits.
- 2.6 The findings of this Report are based on 40 sworn affidavits taken from children detained in the military court system in a six month period between 1 July and 31 December 2010 (the reporting period). The Report also makes reference to other sources where relevant, such as media and non-governmental reports. During the reporting period, DCI-Palestine also collected 15 sworn affidavits from Palestinian children arrested in occupied East Jerusalem. These cases will be dealt with in a separate report as Israel generally applies its domestic legal system to these children, and not the military orders that it applies to Palestinian children from the occupied West Bank.<sup>6</sup> All of the quotes presented in this Report are taken from the 40 affidavits collected during the reporting period.

### **3. Previous UN reports**

- 3.1 In the last 10 years, various UN instrumentalities have raised concerns about torture and ill-treatment in the Israeli military court system. These concerns include, but are not limited to, the following:
- (i) In **2001**, the UN Committee against Torture reviewed Israel's Third Periodic Report under the Convention against Torture (CAT).<sup>7</sup> The Committee expressed concern at reports of torture and ill-treatment of Palestinian children, particularly in the Gush Etzion Police Station, located inside an Israeli settlement in the occupied West Bank. The Committee also noted with concern the discrepancy between the age of majority under Israeli domestic legislation (18 years) and the age under Israeli military law (16 years).<sup>8</sup>
  - (ii) In **2002**, the Report of the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, stated that: *'The evidence indicates the following pattern of arrest, interrogation, detention and imprisonment. Arrests occur late at night with the maximum disturbance to the family, and children are often assaulted in the process of arrest and on the way to detention centres. Interrogation in order to secure a confession continues for several days and is accompanied by beating, shaking, threats, sleep deprivation,*

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<sup>6</sup> Israeli purported to annex East Jerusalem following the 1967 war and applies its domestic law to this territory. Under international law, the annexation has no legal validity and runs counter to the prohibition against the acquisition of territory through aggression.

<sup>7</sup> Israel ratified the Convention against Torture in 1991.

<sup>8</sup> UN Committee against Torture, Concluding Observations, Israel, (23 November 2001), CAT/C/XXVII/Concl.5. - paragraph 6(d).

*isolation, blindfolding and handcuffing. Detainees are not permitted to see their lawyers at this stage. Interrogation accompanied by treatment of this kind may continue for several days until a confession is obtained ... Following interrogation, children are often detained for several months awaiting trial. When tried they are sentenced to several months in prison: usually between 7 and 12 months in the case of children over 14 ... They are imprisoned in Israel itself, which makes visits by family and Palestinian lawyers extremely difficult as special permission must be obtained to enter Israel.'* The Special Rapporteur recommended that the Israeli authorities set up an independent investigation into the reports of torture and ill-treatment of children in the military court system.<sup>9</sup>

- (iii) In **2003**, the UN Human Rights Committee reviewed Israel's Second Periodic Report under the Covenant on Civil and Political Rights (CCPR).<sup>10</sup> The Committee expressed concern that the use of prolonged detention without access to a lawyer and interrogation techniques incompatible with the prohibition against torture are reported frequently.<sup>11</sup>
- (iv) In **2005**, the Report of the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, stated that: *'Allegations of torture and inhuman treatment of detainees and prisoners continue. Such treatment includes beatings, shackling in painful positions, kicking, prolonged blindfolding, denial of access to medical care, exposure to extreme temperatures and inadequate provision of food and water.'*<sup>12</sup>
- (v) In **2006**, the Report of the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, stated that: *'Family visits remain a serious problem. As prisoners are held in Israel, and many Palestinians are denied admission to Israel, a majority of prisoners receive no family visits. Allegations of torture and inhuman treatment of detainees and prisoners continue.'*<sup>13</sup>

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<sup>9</sup> Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, (6 March 2002), E/CN.4/2002/32 – page 18.

<sup>10</sup> Israel ratified the Covenant on Civil and Political Rights in 1991.

<sup>11</sup> UN Human Rights Committee, Concluding Observations, Israel (2003), CCPR/CO/78/ISR – paragraph 13.

<sup>12</sup> Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, (18 August 2005), A/60/271 – paragraph 39.

<sup>13</sup> Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, (17 January 2006), E/CN.4/2006/29 - paragraph 42. Palestinian territories occupied since 1967, John Dugard, (6 March 2002), E/CN.4/2002/32 – page 18.

<sup>13</sup> Israel ratified the Covenant on Civil and Political Rights in 1991.

<sup>13</sup> UN Human Rights Committee, Concluding Observations, Israel (2003), CCPR/CO/78/ISR – paragraph 13.

<sup>13</sup> Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, (18 August 2005), A/60/271 – paragraph 39.

- (vi) In **2007**, the Report of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, stated that: *'Troubling reports of the continued use by Israel of interrogation techniques such as beatings, sleep deprivation, use of the 'Shabach' position (where a person's hands are tied behind his back, and he is seated for long periods on a small and low chair tilted forward towards the ground), and excessively tight handcuffs. It is reported that child detainees have been subject to similar treatment, and threats have been made of having the child's family members beaten or their family home destroyed.'*<sup>14</sup>
- (vii) In **2008**, the Report of the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, stated that: *'Following arrest, persons are frequently beaten and stripped in a humiliating manner. The interrogation of subjects is then carried out in a degrading and inhuman manner, sometimes amounting to torture. The treatment of children is equally disturbing.'*<sup>15</sup>
- (viii) In **2009**, the UN Committee against Torture reviewed Israel's Fourth Periodic Report under the Convention against Torture (CAT). The Committee expressed *'deep concern'* at reports that Palestinian children are detained and interrogated in the absence of a lawyer and family member and allegedly subjected to acts in breach of the Convention in order to obtain confessions. The Committee also recommended that Israel should, as a matter of priority, extend the requirement of video recording of interviews to detainees accused of security offences as a further means to prevent torture and ill-treatment.<sup>16</sup>
- (ix) In **2010**, the Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Carina Knaul de Albuquerque e Silva, stated that: *'The exercise of jurisdiction by a military court over civilians not performing military tasks is normally inconsistent with the fair, impartial and independent administration of justice. This should even more evidently apply in the case of children. There appears to be a practice by which Palestinian detainees are being made to sign confessions written in Hebrew. It is reported that once these confessions are obtained, they constitute primary evidence against Palestinians in the military*

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<sup>13</sup> Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, (17 January 2006), E/CN.4/2006/29 - paragraph 42.

<sup>14</sup> Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, (16 November 2007), A/HRC/6/17/Add.4 - paragraph 19.

<sup>15</sup> Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, (21 January 2008), A/HRC/7/17 – paragraph 46.

<sup>16</sup> UN Committee against Torture, Concluding Observations, Israel, (2009), CAT/C/ISR/CO/4.

*courts.* The Special Rapporteur expressed concern that the legal foundations and practices of the military justice system do not comply with international standards.<sup>17</sup>

- (x) In **2010**, the UN Human Rights Committee reviewed Israel's Third Periodic Report under the Covenant on Civil and Political Rights (CCPR).<sup>18</sup> The Committee recommended that Israel refrain from holding criminal proceedings against children in military courts; ensure that children are only detained as a measure of last resort and for the shortest possible period of time; and guarantee that proceedings involving children are audio-visually recorded. Further, the Committee recommended that all reports of torture and ill-treatment are investigated promptly by an independent body.

#### **4. Number of children in detention**

- 4.1 The following figures relate to Palestinian children detained in Israeli prisons and temporary Israeli army detention facilities. The figures are compiled by DCI-Palestine every month from information obtained from the Israeli Prison Service (IPS) and from Israeli army temporary detention facilities. The figures are not cumulative, but a snapshot of the number of children in detention at the end of each month. The shaded area in the table relates to the reporting period.

*Table 2 - Total number of Palestine children in Israeli detention at the end of each month*

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ave
<b>2008</b>	327	307	325	327	337	323	324	293	304	297	327	342	<b>319</b>
<b>2009</b>	389	423	420	391	346	355	342	339	326	325	306	305	<b>355</b>
<b>2010</b>	318	343	342	335	305	291	284	286	269	256	228	213	<b>289</b>

#### **5. Torture and ill-treatment**

- 5.1 The prohibition against torture is universal and absolute. It can be found in both customary international law, and a number of treaties and conventions.<sup>19</sup> There are no exceptional circumstances in which torture is permitted, including security considerations or the threat of war.<sup>20</sup> The Convention against Torture makes a distinction between torture, which involves 'severe pain or suffering, whether physical or mental,'<sup>21</sup> on the

<sup>17</sup> Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Carina Knaul de Albuquerque e Silva, (18 June 2010), A/HRC/14/26/Add.1 - paragraphs 543 to 635.

<sup>18</sup> UN Human Rights Committee, Concluding Observations, Israel, (2010), CCPR/C/ISR/CO/3.

<sup>19</sup> CRC – Article 37(a); CAT – Article 2; CCPR – Article 7; and the Fourth Geneva Convention - common Article 3.

<sup>20</sup> CAT – Article 2(2).

<sup>21</sup> CAT – Article 1(1).



one hand, and ‘acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture,’ (ill-treatment) on the other.<sup>22</sup> The Convention prohibits both.

- 5.2 During the six month reporting period, DCI-Palestine collected 40 sworn affidavits from children arrested and detained in the Israeli military court system. The ages of these children at the date of arrest are presented in Table 3 below:

*Table 3 – Age at arrest - 1 July to 31 December 2010*

Age group	Number	Percentage
12-13 years	2	5%
14-15 years	14	35%
16-17 years	24	60%
<b>Total</b>	<b>40</b>	<b>100%</b>

- 5.3 In 25 out of the 40 cases (62.5 percent), the children were accused of throwing stones. Under Israeli Military Order 1651, throwing stones is punishable as follows:

- (i) Throwing an object, including a stone, at a person or property, with the intent to harm the person or property - maximum penalty 10 years imprisonment;<sup>23</sup> and
- (ii) Throwing an object, including a stone, at a moving vehicle, with the intent to harm it or the person traveling in it - maximum penalty 20 years imprisonment.<sup>24</sup>

In practice, Palestinian children prosecuted in Israeli military courts are currently receiving prison sentences of between two weeks and 10 months for throwing stones in the occupied West Bank.

- 5.4 The most common complaints and areas of concern, raised by these 40 children in their affidavits, are presented in Table 4 below:

*Table 4 – Common complaints and areas of concern – 1 July to 31 December 2010*

#	Common complaints and areas of concern	Number of cases	Percentage of children affected
1	Hand ties	40	100%
2	Blindfolds	36	90%
3	Beaten or kicked	28	70%

<sup>22</sup> CAT – Article 16(1).

<sup>23</sup> Military Order 1651 – Section 212(2).

<sup>24</sup> Military Order 1651 – Section 212(3).

4	Position abuse	24	60%
5	Threats or inducements	22	55%
6	Confession during interrogation	20	50%
7	Arrested between midnight and 4:00 am	18	45%
8	Verbal abuse and humiliation	18	45%
9	Detention inside Israel in violation of Article 76	17	42.5%
10	Signed/shown documents written in Hebrew	11	27.5%
11	Detained with adults	9	22.5%
12	Solitary confinement	7	17.5%
13	Strip searched	7	17.5%
14	Electric shocks	3	7.5%
15	Threat of sexual assault	3	7.5%

#### 5.4 **Arrested between midnight and 4:00 am (45%)**

In 18 out of 40 cases (45%), the children were arrested from their family homes between midnight and 4:00 am. The practice of arresting children in the middle of the night has the tendency to terrify the individual child and the entire family, leading to a lasting sense of insecurity. From the interrogator's perspective, arresting a person in the middle of the night is an effective technique, as explained in the CIA interrogation manual from 1983: *'The ideal time at which to make an arrest is in the early hours of the morning. When arrested at this time, most subjects experience intense feelings of shock, insecurity, and psychological stress and for the most part have great difficulty adjusting to the situation. As to the manner of the arrest. It is very important that the arresting party behave in such a manner as to impress the subject with their efficiency. The subject should be rudely awakened and immediately blindfolded and handcuffed.'*<sup>25</sup> The effectiveness of these techniques is attested to by the children below:

*'At around 1:30 am, all my family and I suddenly woke up to banging on the window of our two-room house. When I opened my eyes, I saw a number of soldiers standing behind the window focusing their flashlights inside where we were all sleeping ... All my siblings and I were shivering*

<sup>25</sup> B'Tselem and Hamoked, 'Kept in the Dark: Treatment of Palestinian Detainees in the Petah Tikva Interrogation Facility of the Israeli Security Agency,' (October 2010) - pages 40 to 46. Available at: [http://www.btselem.org/Download/201010\\_Kept\\_in\\_the\\_Dark\\_Eng.pdf](http://www.btselem.org/Download/201010_Kept_in_the_Dark_Eng.pdf)

*and crying. We were afraid and concerned about what might happen to us and because we woke up terrified as if in a nightmare.'*

(W.A. – 17 years – Hebron, occupied West Bank)

*'At around 3:30 am, I was sleeping alone in our rented one-storey house. I woke up to a sound in the room. I opened my eyes and saw soldiers pointing their rifles at me. They were masked. They focused their flash lights in my eyes. A masked soldier approached me, grabbed my vest, pulled me up a little and pushed me against the wall. He even tore my vest. He twisted my hands behind my back and tied them with plastic cords.'*

(B.S. – 17 years – Tulkarm, occupied West Bank)

*'At around 1:00 am, I was sleeping in my room when I woke up to banging on the door. I saw windows had been smashed. I was very scared. My whole family woke up and my father went to answer the door. When he opened the door, I saw a group of Israeli soldiers standing behind it.'*

(K.Q. – 13 years – Abu Dis, occupied West Bank)

*'At around 2:00 am, I wasn't sleeping when I suddenly heard someone banging on the door and ringing the doorbell. I answered the door and saw 10 Israeli soldiers standing behind it. One of them was an officer. He introduced himself as an officer but without mentioning his name. My mother and siblings woke up. "Which one is M.?" he asked in Arabic. "It's me," I said. "Go inside and change your clothes because you're coming with us," he said. I went inside to change my clothes and overheard my mother asking him why they wanted me but he didn't answer her.'*

(M.J. – 15 years – Abu Dis, occupied West Bank)

## 5.5 **Hand ties (100%) and blindfolds (90%)**

In 40 out of 40 cases (100%), the children had their hands tied, often painfully so, and in 36 out of 40 cases (90%), the children were blindfolded. In practice children are routinely exposed to excessive force during arrest and subjected to the prolonged and painful use of restraints, well beyond what could be considered necessary. The arrest process is typically carried out by heavily armed soldiers, and is often accompanied by yelling, violence and property damage, ending with the child being blindfolded and having his or her hands tied tightly behind his or her back with a single plastic tie that has a tendency to

cut into the child's flesh.<sup>26</sup> Children remain painfully tied and blindfolded during transfer to an interrogation centre, where they are regularly questioned for hours while remaining tied in painful positions.

Following legal action by the Public Committee Against Torture in Israel (PCATI) in early 2010, lawyers for the State of Israel informed the Israeli Supreme Court that the procedures for using restraints had been modified as follows:

- Hands should be tied from the front, unless security considerations require tying from behind;
- Three plastic ties should be used, one around each wrist, and one connecting the two;
- There should be the space of a finger between the ties and the wrist;
- The restraints should avoid causing suffering as much as possible; and
- The officer in charge is responsible for ensuring compliance with these regulations.

However, as of January 2011, there is little evidence to indicate that these new procedures are being effectively implemented by the Israeli army in its operations in the occupied West Bank.

*'When I lowered the blindfold, a soldier saw me and started shouting. He untied me and then tied me again but this time behind my back and really tight. He also tightened up the blindfold and I started to get a headache.'*

(K.Q. – 16 years – Zufin Settlement, occupied West Bank)

*'The ties around my wrists were really tight. They made me sit in the middle with a soldier pointing his rifle at my head and another beating me on the shoulder with the barrel of his rifle.'*

(M.M. – 14 years – Inside a military vehicle, occupied West Bank)

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<sup>26</sup> See B'Tselem and Hamoked, 'Kept in the Dark: Treatment of Palestinian Detainees in the Petah Tikva Interrogation Facility of the Israel Security Agency,' (October 2010) – The report is based on 121 testimonies of which 18 were children. Thirty-six of the detainees (30 percent) report being subjected to physical violence at the time of arrest (page 12); Public Committee Against Torture in Israel, 'Shackling as a Form of Torture and Abuse,' (June 2009) - Defence for Children International-Palestine Section, 'Palestinian Child Prisoners: The Systematic and Institutionalised Ill-Treatment and Torture of Palestinian Children by Israeli Authorities,' (June 2009), pages 9-11, and 26-65; Public Committee Against Torture in Israel, 'No Defense: Soldier Violence against Palestinian Detainees,' (June 2008) - page 3 – '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;' United Against Torture, Torture and Ill-Treatment in Israel & the occupied Palestinian territory (2008), pages 9-17 – <http://www.unitedagainsttorture.org>. See also DCI-Palestine, Voices From The Occupation – 'Nadeem and Jihad', (31 May 2010) - [http://www.dci-pal.org/English/Doc/Press/Voices\\_2010-05-31.pdf](http://www.dci-pal.org/English/Doc/Press/Voices_2010-05-31.pdf); DCI-Palestine, Voices From The Occupation – 'N', (21 July 2010) - [http://www.dci-pal.org/english/doc/press/Voices\\_2010-07-21.pdf](http://www.dci-pal.org/english/doc/press/Voices_2010-07-21.pdf).

*'Then, they tied our hands behind our backs with plastic cords and blindfolded us. The cords were very tight and I felt pain.'*

(A.H. – 16 years – Zufin Settlement, occupied West Bank)

*'They tied our hands behind our backs with plastic cords. The ties were very tight and hurt my hands. They also blindfolded us. Then they took us inside the settlement and we remained there for about two hours.'*

(R.R. – 14 years – Zufin Settlement, occupied West Bank)

*'Soldiers tied my hands behind my back with plastic cords and tightened them up and I felt pain in my hands.'*

(N.I. – 16 years - Zufin Settlement, occupied West Bank)

*'When the officer said they would arrest me, two soldiers approached me and tied my hands behind my back with plastic cords and tightened them really hard. They also blindfolded me and immediately took me down to the first floor.'*

A.S. – 16 years – Qalqiliya, occupied West Bank)

*'Once they took me out of the house, they tied my hands behind my back with plastic cords and tightened them really hard, causing me great pain and my hand went red. But they didn't loosen them up ... When we reached the truck, they blindfolded me and I was no longer able to see anything. They put me in the truck and ordered me to squat. My legs hurt very much. They forced me to sit in that position until we reached a military camp unknown to me, about 15 minutes later.'*

(M.J. – 17 years – Inside a military vehicle, occupied West Bank)

*'On my way out, two soldiers tied my hands behind my back with plastic cords and tightened them up. I asked the soldier to loosen them in Hebrew but he refused. Then they blindfolded me. This was in front of my family.'*

(M.H. – 17 years – Ramallah, occupied West Bank)

*'After that, soldiers pushed me towards the jeep. One of them twisted my arms behind my back and tied them with plastic cords, but I tore them*

*apart, so he replaced them with handcuffs. He also handcuffed my feet and blindfolded me ... I felt the blindfold was really tight and asked them to loosen it, but they refused.'*

(R.S. – 14 years - Bethlehem, occupied West Bank)

*'After that they took me to see a doctor. They removed the blindfold and untied me. I felt pain in my hands. The doctor put a thermometer in my mouth and checked my heartbeat. He didn't check my hands that were all red because of the ties.'*

(N.R. – 17 years – Zufin Settlement, occupied West Bank)

*'Once the policemen caught us, they tied our hands behind our backs with plastic cords so tight that my hands swelled. They kept us tied for four consecutive days and I kept crying and begging them to loosen the ties but they refused. They also blindfolded us.'*

(M.O. – 14 years – Geva Binyamin Settlement, occupied West Bank)

*'After that they took me inside the building and locked me up in a cell for an hour while my hands and feet were still shackled and my eyes blindfolded.'*

(J.E. – 16 years – Ma'ale Adumim Settlement, occupied West Bank)

*'The soldiers tied our hands behind our backs with plastic cords and blindfolded us. The ties were very tight and painful and I still have the marks around my wrists until this day ... while we were sitting on the ground, the soldiers kept kicking us whenever we moved a little. They kicked me in the back with their military boots. I had to move a little because my hands were hurting because of the plastic cords. With any move we made, they would kick us and insult us by saying: "Your mother's a c\*\*t, you son of an adulteress" ... When we arrived at Ofer Prison, the soldiers untied us and removed the blindfolds. My hands had swollen and bled.'*

(A.O. – 14 years – Inside military vehicle and at a checkpoint, occupied West Bank)

*'A soldier tied my hands behind my back with plastic cords and blindfolded me. The ties were very tight and I asked the soldiers several times to loosen them but they kept saying: "Shut up and don't talk." When we reached the truck, the soldiers got me inside and sat around me. I*

*screamed as I felt pain because of the ties and begged them several times to loosen them but they refused.'*

(A.Q. – 17 years – Inside military vehicle, occupied West Bank)

*'When I was brought to the cell, they kept my hands and feet tied for at least one-and-a-half days because I threatened to commit suicide.'*

(M.S. – 17 years – Petah Tikva Interrogation and Detention Centre, near Tel-Aviv, Israel)

*'Then one of them tied my hands behind my back with plastic cords and tightened them up. I started crying and asked him to untie me but suddenly another soldier hit me on the leg and knocked me down on a piece of metal. I hurt my left leg which started to bleed, but they didn't provide me with any medical aid.'*

(Q.I. – 15 years – Jbara Checkpoint, occupied West Bank)

## 5.6 **Beaten or kicked (70%)**

In 28 out of the 40 cases (70%), the children report being beaten or kicked by soldiers or policemen during their arrest and transfer, or by the interrogator during questioning:

*'They tied my hands from the front with plastic cords very tight and blindfolded me. Then they pushed me inside the jeep and I fell down on the floor on my knees. A soldier picked me up and forced me to sit on something which I assumed was a metal box ... When I sat on the metal box, a soldier started kicking and slapping me hard several times on my neck and body.'*

(K.Q. – 16 years – During transfer in an Israeli military vehicle)

*'He barely finished talking when he started kicking, slapping and punching me really hard while shouting: "You're one dirty motherf\*\*ker and your mother's a whore." He also pushed me hard against the wall.'*

(S.H. – 16 years – Ari'el Settlement, occupied West Bank)

*'Every two or three minutes someone would suddenly slap me across the neck from behind. I was slapped six or seven times. Some of the slaps were really painful. I was very scared and tense and expected to be hit at any minute and thought they might hit me harder. I kept shivering and my heart kept beating really fast ... they were laughing while beating me.'*

(W.A. – 17 years - During transfer in an Israeli military vehicle)

*‘Then one of the soldiers grabbed my hand and was about to drag me out of the house when my mother stood in front of him but he pushed her hard and kept dragging me out.’*

(W.A. – 17 years – Hebron, occupied West Bank)

*‘They forced us to sit near one of the jeeps for about five minutes. In the meantime, three other jeeps arrived. There were three soldiers surrounding us. We were sitting on the ground. Then they started beating us and accusing us of throwing stones at the jeep that was travelling on the main road.’*

(N.I. – 16 years – Qalqiliya, occupied West Bank)

*‘After that, the soldier took me to a detention room. He twisted my hand behind my back and that really hurt me and it is still swollen. Conditions at Etzion were really terrible. The room had no fan and I wasn’t allowed to go outside into the yard.’*

(O.A. – 17 years – Etzion Settlement, occupied West Bank)

*‘When we arrived, soldiers pulled me out and a soldier came and took me to an office. When I entered the office, he removed the blindfold and ordered me to sit on a wooden seat. I sat down. Then, a soldier came and started banging on the door behind me with a stick. I got startled whenever he banged with the stick. He kept doing this for like 15 minutes. Then the soldier came inside and started hitting my head with a square object and I felt extreme pain.’*

(M.H. – 17 years – Ofer Prison, occupied West Bank)

*‘The soldiers put me in the jeep. “Don’t breathe a word,” one of them said to me before the jeep started moving. “Now we’ll f\*\*k you,” he added and started slapping me across the face and banging my head against the metal surface of the jeep. He kept doing so for like 20 minutes. Then the jeep started moving and stopped at Ma’ale Adumim Police Station.’*

(J.E. – 16 years – Inside military vehicle)

*‘The policeman then dragged me for a short distance to a small room and kicked me inside. The room was used as a refrigerator with cold vapour coming down from the ceiling. I immediately felt cold and started*



*shivering. I started crying, shouting, and begging him to let me out. “If you don’t shut up, I’ll come and f\*\*k you in there,” he shouted. “I didn’t do anything, I just asked you to let me have a smoke,” I said. The policeman kept me locked inside the refrigerator for at least two-and-a-half hours. I kept crying and begging but no one let me out. I felt my hands were freezing and I kept tucking them under my clothes to warm them up, but it didn’t help because all my body was very cold. Both my hands and feet were tied and I was also blindfolded, but I could see a little from under the blindfold.’*

(A.S. – 14 years – Geva Binyamin Settlement, occupied West Bank)

*‘The two soldiers dragged me quickly and walked me for about 60 metres. They didn’t talk to me or beat me. Then they started punching me on the back and slapping me on the neck but not hard. I was crying and scared. I didn’t know what they would do to me. “You threw stones at a settler’s car,” they said to me in Arabic. “No I didn’t,” I said. They kept beating me for about five minutes.’*

(K.D. – 13 years – Hebron, occupied West Bank)

*‘When soldiers took me to the interrogation room, a man named ‘Omri’ came to the room and tied my hands behind my back with plastic cords and suddenly started slapping me for like five minutes. “Stay put,” he said and went and sat behind the desk. “Tell me everything because if you don’t, I’ll beat you to death,” he said.’*

(H.A. – 16 years – Qalandiya Checkpoint, occupied West Bank)

*‘One of the soldiers hit me in the stomach with his rifle. He grabbed my hair and slammed my head against the metal surface of the jeep. He kept doing this for like 10 minutes for no reason and I didn’t say anything. “Participating in a demo, you dog,” he said. “And throwing stones at us,” he said. “I wasn’t throwing anything,” I said to him and he slapped me hard across the face and said: “Shut up, I don’t want to hear your voice ever.”’*

(A.Z. – 15 years – Inside a military vehicle, occupied West Bank)

## 5.7 **Position abuse (60%)**

In 24 out of 40 cases (60%), the children report some form of position abuse consisting of remaining tied for extended periods of time, including inside the interrogation room, and

being forced to squat in awkward positions. The effectiveness of position abuse was also considered by the CIA interrogation manual for 1983: *‘The torture situation is an external conflict, a contest between the subject and his tormentor. The pain which is being inflicted upon him from outside himself may actually intensify his will to resist. On the other hand, pain which he feels he is inflicting upon himself is more likely to sap his resistance. For example, if he is required to maintain rigid positions such as standing or sitting on a stool for long periods of time, the immediate source of the pain is not the ‘questioner’ but the subject himself.’*<sup>27</sup> This interrogation technique is routinely used by the Israeli authorities on Palestinian children, as attested to below:

*‘Iyad and I tried several times to adjust our position but the soldier would order us to keep sitting the way we were and not move. It was really exhausting to sit in such a position for such a long time. It was painful for the back of my legs.’*

(W.A. – 17 years – military base, unknown location)

*‘I was interrogated with my hands still tied behind my back with plastic cords. No lawyer or family member attended the interrogation and no one informed me of my rights. The interrogation lasted for about three hours.’*

(Y.A. – 15 years – Ari’el Settlement, occupied West Bank)

*‘Soldiers pulled me out and made me sit outside for about four hours while I was still tied and blindfolded ... the interrogation lasted for about an hour ... then he took me out and kept me in the sun for two hours. I was very exhausted. Then they took me inside for the second round of interrogation. They kept me standing up this time for about three hours. I became very exhausted and the interrogator didn’t ask me anything. “You threw stones once in the past and its better for you to confess because it will help you and witnesses have already confessed against you,” he said.’*

(M.B. – 16 years – Etzion Settlement, occupied West Bank)

*‘When we arrived, soldiers pulled me out and made me sit on a chair outside the building for about three hours. It was a really hot day and I sweated a lot. I was still tied and blindfolded.’*

(O.A. – 17 years – Etzion Settlement, occupied West Bank)

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<sup>27</sup> B’Tselem and Hamoked, ‘Kept in the Dark: Treatment of Palestinian Detainees in the Petah Tikva Interrogation Facility of the Israeli Security Agency,’ (October 2010) – page 45.

*'When we arrived at Al Jalame Centre, soldiers took us to two different interrogation rooms. I entered the room and there was an old man with grey hair waiting for me. He was wearing glasses. He made me sit in a low metal chair tied to the floor. He tied my hands behind my back to the chair and started interrogating me.'*

(A.S. – 16 years – Al Jalame Interrogation and Detention Centre, Haifa, Israel)

*'After that, soldiers took me to an interrogation room inside the military camp. Before they did so, one of them slapped me hard on the head. Inside the interrogation room, they removed the blindfold but kept my hands tied behind my back. There was one interrogator inside the room.'*

(O.M. – 15 years – military base, unknown location)

*'He took me to an interrogation room. There was a desk in the room with a low metal chair tied to the floor in front of it. No one was in the room. The jailer sat me in the metal chair and tied my hands behind my back and to the chair. He then left the room.'*

(M.J. – 17 years – Al Jalame Interrogation and Detention Centre, Haifa, Israel)

*'After that, soldiers took me out of the house and immediately blindfolded me and put me in one of the jeeps. They made me sit on the metal floor. I sat on my left leg and I felt extreme pain. I felt there was a rifle pointed at my back whenever I tried to lean back.'*

(B.S. – 17 years – Inside military vehicle)

*'The border policeman searched my bag again and took me to a building in the camp. He handcuffed my hands behind my back and forced me to sit in a chair. Then he tied my feet to the chair and kept me sitting like that until around 10:00 pm, during which time I asked for water and food and to be allowed to use the bathroom but they refused. I was very hungry and thirsty. While I was sitting in the chair, I would fall asleep but a border policeman would come and kick the chair and I would wake up terrified.'*

(E.S. – 16 years – Military base, unknown location)

*'Two days after my detention in Cell 36, I was taken to an interrogation room to be interrogated by two interrogators alternately. When they brought me to the room, they made me sit in a low metal chair in the*

*centre. They tied my hands to the chair and interrogated me for seven hours. The names of the interrogators were 'Shai' and 'Betyon'.*

(A.Q. – 17 years – Al Jalame Interrogation and Detention Centre, Haifa, Israel)

## 5.8 **Verbal abuse and humiliation (45%)**

In 18 out of 40 cases (45%), the children report some form of verbal abuse, or treatment which they found to be humiliating. The children sometimes report hearing the soldiers around them laughing whilst they were being humiliated, and in other cases, having their photographs taken.<sup>28</sup>

*'You're one dirty motherf\*\*ker and your mother's a whore.'*

(S.H. - 16 years – Ari'el Settlement, occupied West Bank)

*'I asked for some water to drink and moments later, water suddenly was poured down my T-shirt and a soldier threw a plastic cup at me. I heard soldiers laughing.'*

(W.A. – 17 years - During transfer in an Israeli military vehicle)

*'After that, the soldiers took me and forced me to stand outside for like an hour. I heard soldiers around me speaking Hebrew. One of them approached me while farting and other soldiers started laughing really loudly and making fun of me. "Sit down," one of them shouted at me. I sat on a paved road for like half-an-hour.'*

(M.J. – 17 years – Unknown location)

*'During the two days, they would open the bathroom door and urinate on us. Our clothes became very wet. From the time of arrest and for four days, we were tied, blindfolded and detained in confined places without food or water. I was very thirsty, so I had to drink directly from the toilet ... I remember that when we were detained in the bathroom, border police would open the door and take pictures of us, or with us. They took our pictures with our clothes wet with urine to humiliate us and break us down.'*

(M.O. – 14 years – Geva Binyamin Settlement, occupied West Bank)

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<sup>28</sup> Jerusalem Post, 'IDF Facebook poster denies wrongdoing,' (17 August 2010) – available at: <http://www.jpost.com/Israel/Article.aspx?id=185011>

*'One of them brought a bottle of water, while another one opened my mouth. The first soldier placed it in my mouth and pressed really hard, making the water rush down my throat really fast and that made me choke. The water came out from my nose and I couldn't drink anything. They did the same to the other children.'*

(A.O. – 14 years – Checkpoint, occupied West Bank)

## 5.9 Threats or inducements (55%)

In 22 out of 40 cases (55%), the children report being threatened or offered inducements by their interrogator. The use of threats as an interrogation technique was also considered in the CIA interrogation manual of 1983: *'The threat of coercion usually weakens or destroys resistance more effectively than coercion itself. For example, the threat to inflict pain can trigger fears more damaging than the immediate sensation of pain. In fact, most people underestimate their capacity to withstand pain.'*<sup>29</sup> Again, the evidence indicates that the technique of threatening children during interrogation is common and quite effective in inducing a confession:

*"I'll break your head if you don't confess," he said, and started beating me hard in the stomach, face and head.'*

(K.Q. – 16 years – Ari'el Settlement, occupied West Bank)

*"If you don't confess, I'll lock you up in the cell for 180 days," the interrogator said. "We'll bring your father for interrogation as well," he said. You'll feel better if you confess and I'll let you talk to your family by phone," he said. Because of the pressure I decided to confess.'*

(A.S. – 16 years – Al Jalame Interrogation and Detention Centre, Haifa, Israel)

*'The following day, they brought me to interrogation and this time another interrogator was waiting for me. He didn't say what his name was. I was tied to the metal chair. He started shouting at me. "You're a dog, an animal, a pig," he shouted. "You must confess because if you don't, I'll smash your head on the floor under my feet," he said. "You have 10 minutes to confess," he added. I became very scared of the interrogator and felt he would do what he said he would to me. About 10 minutes later he came back into the room and I confessed.'*

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<sup>29</sup> B'Tselem and Hamoked, 'Kept in the Dark: Treatment of Palestinian Detainees in the Petah Tikva Interrogation Facility of the Israeli Security Agency,' (October 2010) – page 44.

(M.J. – 17 years - Al Jalame Interrogation and Detention Centre, Haifa, Israel)

*“I’ll beat the hell out of you if you ever speak,” the soldier said in Arabic. When they took me out of the house, one of the soldiers said to me: “Look at your house for the last time because you won’t see it again.”*

(N.R. – 17 years – Qalqiliya, occupied West Bank)

*“You and your brother are accused of throwing stones and hanging out with children who threw stones,” the interrogator said. “It’s better you tell me what you did, where and with whom you threw stones,” he said. “Because if you don’t, I’ll shock you with electricity and take you to the intelligence people who will beat the hell out of you, make your hair stand on end and your ass bleed,” he added.’*

(N.R. – 17 years – Zufin Settlement, occupied West Bank)

*“I want you to confess to what you did,” he said. “Because if you do, I’ll transfer you to Megiddo Prison, which is much better than here,” he added. He wanted me to talk without accusing me of anything.’*

(B.S. – 17 years – Al Jalame Interrogation and Detention Centre, Haifa, Israel)

*“Be straight forward or I’ll f\*\*k you,” the interrogator started the interrogation. “Did you throw Molotov cocktails at the jeep in Abu Dis?” he asked. “No I didn’t and I’ve never thrown anything,” I said. Once he heard this, he jumped up and turned out the lights and kept me standing there in darkness. He picked up a chair and threatened to hit me with it. Then he put it down without hitting me and turned the lights on ... “I’ll lock you up here for five years and now I’ll send your dad away because you haven’t been honest with me.”’*

(K.Q. – 13 years – Ma’ale Adumim Settlement, occupied West Bank)

*“You’re suspected of throwing stones and if you don’t confess, I’ll lock you up in the refrigerator like A.,” he said. I became very scared, so I confessed to throwing stones, even though I didn’t.’*

(H.S. – 17 years – Geva Binyamin Settlement, occupied West Bank)

### 5.10 Threat of sexual assault (7.5%)

In three out of the 40 cases (7.5%) collected during the reporting period, the children report being threatened with some form of sexual assault.

*'If you don't confess I'll take you downstairs so they f\*\*k you.'*

(S.H. – 16 years – Ari'el Settlement, occupied West Bank)

*“If you don't confess that you threw stones, I'll beat the hell out of you,” the interrogator started saying in Arabic. He even raised his hand to hit me. “Don't hit me and I'm not scared of you,” I said. “I'll f\*\*k you with my dick that is bigger than you,” he said. “Your mother's a c\*\*t,” he said. “I'll throw you in Cell 40 if you don't confess,” he added. “You threw stones at Route 443 and some people have confessed against you,” he said, and mentioned some names of people he said had confessed against me.”*

(M.H. – 17 years – Ofer Prison, occupied West Bank)

*'This time an interrogator named 'Sami' handled the interrogation. I entered the room and sat in the chair. “I'll f\*\*k you and I'll f\*\*k your mother and sister,” he said to me. He stood up and came to me and started slapping me across my face and head.'*

(I.M. – 17 years – Kirya Arba Settlement, occupied West Bank)

### 5.11 Electric shocks (7.5%)

In three out of 40 cases (7.5%), the children report being given electric shocks during their interrogation. DCI-Palestine has frequently documented reports of children being threatened with electric shocks in the past, but this is the first time evidence has been collected indicating that the threat was actually carried out:

*'The interrogator returned to the room holding a small electric shock device. He placed the device on my body for like a second and I felt a great powerful shock and my body started shivering. “If you don't confess, I'll keep shocking you,” he said, but I didn't confess, so he shocked me again for longer this time and I started shivering. I didn't feel my arms and legs. I felt extreme pain in my head. I felt I was about to be paralysed. I also felt I was about to die. I still suffer because of that ... I decided to confess.'*

(Y.A. – 15 years – Ari’el Settlement, occupied West Bank)

*‘When my turn came, they took me inside and removed the blindfold but kept my hands tied. “If you don’t confess I’ll give you a shock,” he threatened me. I became very scared and said to him: “I threw stones only once,” but he shouted at me and said: “You need to confess to everything.” He then grabbed my head and slammed it against a metal closet in the room. Then he punched me very hard in my stomach and I felt so much pain that I started shouting and begging him to stop beating me. At that moment, another interrogator walked into the room. He was tall and bald with blonde eyebrows. He had a small electric device that produces electric shocks. “This kid didn’t confess,” the first interrogator said. The second interrogator immediately placed the device on my back and shocked me.’*

R.R. – 14 years – Ari’el Settlement, occupied West Bank)

*‘He was holding a small device that he said releases electrical charges that shocks people. “I’ll shock you with it if you don’t confess,” he said. “I didn’t throw stones and I don’t want to confess,” I said. Immediately afterwards the other interrogator shocked me with the device four times. The shocks were really painful and my body started shivering and I felt I couldn’t control it ... I felt my body was paralysed. I no longer could tolerate the shocks. “I threw stones and I’ll confess to everything you want,” I said.’*

(A.H. – 16 years – Ari’el Settlement, occupied West Bank)

#### 5.12 **Solitary confinement (17.5%)**

In seven out of the 40 cases (17.5%), the children report spending from one to 15 days in solitary confinement. The deprivation of stimuli as an interrogation technique was considered in the CIA interrogation manual of 1963: *‘The deprivation of stimuli induces regression by depriving the subject’s mind of contact with an outer world and thus forcing it upon itself. At the same time, the calculated provision of stimuli during interrogation tends to make the regressed subject view the interrogator as a father-figure. The result, normally, is a strengthening of the subject’s tendencies towards compliance.’*<sup>30</sup> The practice of placing children in solitary confinement and depriving them of external stimuli appears to be most common at the Al Jalame Interrogation and Detention Centre, outside Haifa, in Israel:

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<sup>30</sup> B’Tselem and Hamoked, ‘Kept in the Dark: Treatment of Palestinian Detainees in the Petah Tikva Interrogation Facility of the Israeli Security Agency,’ (October 2010) – page 41.



*'The interrogation lasted for a couple of hours. Then I was taken to Cell 36. It's very small, about two metres long and one metre wide. It has no windows, just two ventilation gaps allowing air in and out. Its walls are grey with rough surfaces, which made it painful to lean against. The light is really dim yellow and hurts the eyes. It has a toilet but no shower. I had to sleep on a thin mattress thrown on the floor which caused backache. They served me food through a gap in the door.'*

(A.S. – 16 years – Al Jalame Interrogation and Detention Centre, Haifa, Israel)

*'About 10 minutes later, soldiers took me to Cell 1. I was alone in the cell which had room for another three detainees. It is relatively big compared to other cells. Its walls had a rough surface. There was a dim yellow light and a mattress on the floor. The cell had an open toilet as well as two ventilation gaps. I was detained in this cell for seven days ... I was then transferred to Cell 36, which is very small, two metres long and one metre wide and similar to Cell 1.'*

(M.J. – 17 years - Al Jalame Interrogation and Detention Centre, Haifa, Israel)

*'We arrived at Al Jalame Interrogation Centre at night. Once we arrived, the jailers strip searched me thoroughly and locked me in Cell 36. It is a very small cell, about two metres long and once metre wide. Its walls are grey and have a rough surface that you can't lean against. The ceiling light is very dim and lit 24 hours and that really hurt my eyes. The cell has no windows, and only two gaps for letting air in and out. It has a toilet and no shower. I had to sleep on a mattress on the floor and they brought me food through a gap in the door. I was detained alone in Cell 36 for 15 days.'*

(B.S. – 17 years - Al Jalame Interrogation and Detention Centre, Haifa, Israel)

*'We arrived at the Centre at around 11:00 pm. The two policemen took me inside and removed all my effects and then detained me in a small cell of about two metres by one metre. The cell had no windows except for two gaps for letting air in and out. The walls were grey and had rough surfaces and I couldn't lean against them. There was a yellow light coming from the ceiling which was on 24 hours. There was also a toilet and had to sleep on a dirty mattress on the floor. The smell of the cell was very bad, especially the toilet. I was detained alone in the cell. I was*

*provided with food from a gap in the door. I was kept detained in that cell for three days, during which time I wasn't interrogated at all.'*

(E.S. – 16 years – Al Mascobiyya Interrogation and Detention Centre, Jerusalem)

*'They kept me detained in the cell alone for two days. It was a very harsh two days. The smell was really nasty. The food was poorly cooked.'*

(M.J. – 15 years – Ma'ale Adumim Settlement, occupied West Bank)

*'Then he detained me alone in a cell for two days after removing the blindfold and the plastic cords. Cell detention was very bad. The cell was small and cold. I was alone. They brought me two meals a day ... The food was poorly cooked.'*

(A.Z. – 15 years – Kirya Arba Settlement, Hebron, occupied West Bank)

#### 5.13 **Confession during interrogation (50%)**

In 20 out of the 40 cases (50%), the children report confessing at the end of what was typically a coercive interrogation. In other cases, the children report refusing to provide a confession, but then being forced to sign documents which were either written in Hebrew, or without being given the opportunity to read the documents. Accordingly, a number of children do not know whether they confessed or not. In theory a detainee is supposed to have the right to silence in the Israeli military court system, but a refusal to answer questions may strengthen the prosecution case.<sup>31</sup> There is little evidence that children are informed of this right:

*'Then he took me back to the room and asked me to confess. I didn't confess at first and he went crazy and started shouting. He pushed me hard against the wall and started punching me in the face without stopping while shouting: "Confess, you motherf\*\*ker." I couldn't take the beating and I immediately shouted: "Yes, I threw stones." I just wanted him to stop beating me.'*

(S.H. – 16 years – Ari'el Settlement, occupied West Bank)

*'He kept beating me for at least 15 minutes, focusing on my head and stomach. I couldn't bear the beating and the pain, so I confessed to throwing stones with S., though I never did that.'*

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<sup>31</sup> This right appears to be based on the Criminal Procedure (Enforcement Powers – Arrests) Law (1996) – Section 28; and Police Order No. 14.01.34 – Section 6.

(K.Q. – 16 years – Ari’el Settlement, occupied West Bank)

*‘The first interrogator started asking me whether I threw stones and I was so scared that I had to confess and on others. They beat me before with the barrels of their rifles, so I had to confess and say that I threw stones twice or three times. I had to confess because of their bad treatment and because I was kept tied since my arrest and during interrogation.’*

(M.M. – 14 years – Etzion Settlement, occupied West Bank)

*‘At that moment, I decided to confess because I was very tired and I couldn’t tolerate him shouting at me. I hadn’t slept in four days. I hadn’t eaten or drunk or used the bathroom for four days. I had to confess to throwing stones. The interrogator wrote at least five pages in Hebrew and forced me to sign them without reading them to me. I signed without knowing their content.’*

(M.O. – 14 years – Geva Binyamin Settlement, occupied West Bank)

#### 5.14 **Signed/shown documents written in Hebrew (27.5%)**

In 11 out of the 40 cases (27.5%), the children report being shown, or asked to sign, documents written in Hebrew. However, very few Palestinian children read or speak Hebrew:

*‘I signed three papers without knowing their contents because they were written in Hebrew. When I asked the interrogator about it, he said: “You’re signing your statement saying that you deny the accusations against you.” I didn’t know what I signed.’*

(O.A. – 17 years – Etzion Settlement, occupied West Bank)

*“‘Did you throw stones at Route 443?’ the interrogator asked. “No I didn’t throw stones at the road,” I said. He repeated the question again. He then got up and slapped me on the head. “Are you going to confess that you threw stones at the road or not?” he asked. How could I confess to something I didn’t do I wondered. “I’m asking you for the last time,” he said, and hit me again. “Because I have witnesses who saw you throwing stones,” he added. I was scared because this was the first time I was arrested and also because of the beating, so I told the interrogator that I*

*threw stones twice at the road but without hitting anyone. This was after an hour of interrogation and suffering ... When the interrogation ended, the interrogator ordered me to sign papers and I did so without knowing their contents ... The papers were written in Hebrew and I know nothing of Hebrew.'*

(O.M. – 15 years – Military camp, unknown location)

*'I saw around 30 Israeli soldiers surrounding the house: "Open up, open up." My brother went downstairs to open the door. "What do you want?" he asked them and they showed him a search warrant against me. I saw the warrant. It was in Hebrew and I know little Hebrew.'*

(M.H. – 17 years – Ramallah, occupied West Bank)

*'After that, the policeman printed out 12 pages written in Hebrew, but I refused to sign them because I was scared it might be something used to convict me. He said that the papers contained what I told him, so I signed them.'*

(R.S. – 14 years – Atarot Police Station, occupied East Jerusalem)

*'About half-an-hour later, the interrogator brought me six pages written in Hebrew, though the interrogation was in Arabic. He ordered me to sign them. "Bring me Arabic papers so I understand what's written in them," I said to him. "It's only papers you need to sign to leave because your father is waiting for you after he bailed you out," he said. When I heard this I immediately signed the papers.'*

(K.Q. – 13 years – Ma'ale Adumim Settlement, occupied West Bank)

*'The interrogator accused me of throwing stones but I didn't confess. He typed a statement in Hebrew and ordered me to sign it but I refused, so he grabbed my hand, pressed my thumb against an inkwell and then onto the statement. He interrogated me for about 10 minutes and I think the statement was already typed. He also made me sign another paper written in Hebrew and I didn't know what was written on it.'*

(M.O. – 16 years – Geva Binyamin Settlement, occupied West Bank)

*'The interrogation lasted for about an hour. Then the interrogator printed out some papers and ordered me to sign them. I asked him about their*

*content and he said they contained what I told him, so I signed them. They were in Hebrew.'*

(J.E. – 16 years – Ma'ale Adumim Settlement, occupied West Bank)

*'After that, the interrogator printed out some papers in Hebrew and ordered me to sign them, but I refused. He signed them for me.'*

(M.J. – 15 years – Ma'ale Adumim Settlement, occupied West Bank)

#### 5.15 **Strip searched (17.5%) and detained with adults (22.5%)**

In seven out of 40 cases (17.5%), the children report being strip searched and in nine out of 40 cases (22.5%), the children report being detained with adults, in contravention of Article 37(c) of the Convention on the Rights of the Child.<sup>32</sup>

*'They took me inside and strip searched me. I was very ashamed ... Then they took me to a detention room and I was detained with six adults.'*

(N.I. – 16 years – Huwwara Interrogation and Detention Centre, occupied West Bank)

*'After that, soldiers untied me and removed my blindfold. They strip searched me. They forced me to take off all my clothes, claiming they wanted to search me. I was totally naked in front of them and felt very ashamed.'*

(M.J. – 17 years – Huwwara Interrogation and Detention Centre, occupied West Bank)

#### 5.16 **Detention inside Israel in violation of the Fourth Geneva Convention (42.5%)**

In 17 out of 40 cases (42.5%), the children report being detained inside Israel in clear violation of Article 76 of the Fourth Geneva Convention. Article 76 provides that *'Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein.'*<sup>33</sup> All but one of the six Israeli prisons currently used to detain Palestinian children from the occupied West Bank are situated inside Israel. The practical consequence of this violation is that many children receive either limited or no family visits due to freedom of movement restrictions imposed on their family members.

<sup>32</sup> Israel ratified the Convention on the Rights of the Child in 1991.

<sup>33</sup> Israel ratified the Fourth Geneva Convention in 1951.

### 5.17 *Presence of a family member during interrogation*

Although Israeli children, including those residing in illegal settlements in the occupied West Bank and East Jerusalem, generally have the right to have a parent present during interrogation,<sup>34</sup> no such right is afforded to Palestinian children detained under military law in the occupied West Bank. In none of the 40 cases referred to in this Report, were the children permitted to have a parent present during their interrogation, and they were only permitted to see a lawyer after their interrogation was over. Further, none of the interrogations were audio-visually recorded as a means of providing independent oversight.<sup>35</sup>

## 6. Impunity for violations

- 6.1 According to a recent report, between January 2001 and late 2010, 645 complaints were filed against Israeli Security Agency (ISA) interrogators for alleged ill-treatment and torture of Palestinian detainees. 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>36</sup>
- 6.2 Further evidence in support of the conclusion that there is currently a general culture of impunity in Israel when it comes to investigating allegations of wrongdoing against Palestinians, includes:
- (i) In the two years since the war in Gaza which killed around 1,400 Palestinians including 352 children, there has been one conviction for credit card fraud and two convictions for using a nine-year-old boy as a human shield. The soldier convicted of credit card fraud is the only person to have actually served time in prison,<sup>37</sup> and

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<sup>34</sup> Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 9H. A parent is allowed to be present at all times, but may not intervene in the interrogation process. An exception to this rule is permitted upon written authorisation of an authorised officer, and in cases in which the well-being of the child requires the parent not to be present.

<sup>35</sup> Israeli children, including those residing in illegal settlements in the occupied West Bank and East Jerusalem, have the right to have their interrogations audio-visually recorded all cases where the maximum penalty is 10 years or more - Criminal Procedure (Suspects Interrogation) Law (2002) – Sections 4 and 17. Note that the penalty for throwing stones under the Israeli military orders ranges from 10 to 20 years.

<sup>36</sup> 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. See also Haaretz, 18 November 2010 - <http://www.haaretz.com/print-edition/news/israel-s-justice-ministry-to-probe-claims-of-shin-bet-torture-and-abuse-1.325282>

<sup>37</sup> DCI-Palestine, 'Suspended sentences for soldiers convicted of using 9-year-old as a human shield,' (21 November 2010), available at: <http://www.dci-pal.org/english/display.cfm?DocId=1705&CategoryId=1>

- (ii) On 27 January 2011, an Israeli military court refused to imprison Lt. Col. Omri Burberg who was convicted of shooting a bound and blindfolded Palestinian detainee at close range in the foot with a rubber coated steel bullet. The court declined to impose a custodial sentence even though this was recommended by the prosecution.<sup>38</sup>

## **7. The role of settlements in the Israeli military court system**

- 7.1 Israeli settlements in the occupied West Bank and East Jerusalem are illegal under international law and an obstacle to peace.<sup>39</sup> Further, there is clear evidence that the settlements play an integral part in the ill-treatment of children within the military court system. In 19 out of 40 cases (47.5%), the children report some form of abuse occurring inside an illegal settlement in the occupied West Bank. In some cases, children report being mistreated in more than one settlement before being handed over to the Israeli Prison Service.

*Table 5– Reports of ill-treatment in settlements - 1 July to 31 December 2010*

<b>Settlement</b>	<b>Number</b>	<b>Percentage</b>
<b>Ari’el Settlement</b>	5	12.5%
<b>Zufin Settlement</b>	3	7.5%
<b>Geva Binyamin Settlement</b>	3	7.5%
<b>Ma’ale Adumim Settlement</b>	3	7.5%
<b>Etzion Settlement</b>	3	7.5%
<b>Kiryat Arba Settlement</b>	2	5%
<b>Total</b>	<b>19</b>	<b>47.5%</b>

## **8. Concluding remarks**

- 8.1 Reports of torture and ill-treatment in the Israeli military court system are not new and have been well publicised for many years.<sup>40</sup> What is perhaps most disturbing however, is

<sup>38</sup> Haaretz, ‘IDF commander involved in shooting bound Palestinian evades jail,’ (27 January 2011) – available at: <http://www.haaretz.com/news/diplomacy-defense/idf-commander-involved-in-shooting-bound-palestinian-evades-jail-term-1.339516>

<sup>39</sup> See the International Court of Justice’s (ICJ) advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2004) (the ICJ Wall Opinion (2004)).

<sup>40</sup> See B’Tselem and Hamoked, ‘Absolute Prohibition: The Torture and Ill-treatment of Palestinian Detainees,’ (2007) – available at: [http://www.btselem.org/Download/200705\\_Utterly\\_Forbidden\\_eng.pdf](http://www.btselem.org/Download/200705_Utterly_Forbidden_eng.pdf); PCATI, ‘Family Matters: Using Family Members to Pressure Detainees Under GSS Interrogation,’ (2008) – available at: <http://www.stoptorture.org.il/files/Family%20Matters%20full%20report%20eng.pdf>; PCATI, ‘No Defense: Soldier Violence Against Palestinian Detainees,’ (2008) – available at: <http://www.stoptorture.org.il/en/node/1136>; DCI-Palestine, ‘Palestinian Child Prisoners: The systematic and institutionalized ill-treatment and torture of Palestinian children by Israeli authorities,’ (2009) – available at: <http://www.dci->

that the pattern of torture and ill-treatment indicates that the practice is widespread, systematic and institutionalised within the system, and against which, childhood affords little or no protection.

## **9. Recommendations**

9.1 It is perhaps unrealistic to expect a significant fall in the reported levels of torture and ill-treatment of Palestinian children in the Israeli military court system whilst the military occupation persists. However, the implementation of the following measures may go some way to reducing the level of abuse:

- (i) The effective implementation of independent oversight within the system, such as the audio-visual recording of all interrogations and the presence of family members and lawyers;
- (ii) Effective accountability measures, to ensure all credible reports of torture and ill-treatment are appropriately investigated, and perpetrators are brought promptly to justice; and
- (iii) In accordance with recommendations made in 2002, by the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, an independent inquiry meeting with international standards be established to investigate reports of torture and ill-treatment of children in the Israeli military court system.

**DCI-Palestine**  
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