

Alternative Report to the State of Israel's First Periodic Report
to the Committee on the Rights of the Child

Submitted by Defence for Children International/ Palestine
Section and Endorsed by
The Palestinian Child Rights Coalition

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Alternative Report

1. Introduction

This report is prepared according to Article 45 (a) of the Convention on the Rights of the Child (CRC) and aims to present a critical assessment of Israel's compliance and implementation with the CRC in the Occupied Palestinian Territories (OPTs). It was prepared over a 12-month period as part of a larger project to document and analyze Israel's practice towards Palestinian children in the West Bank and Gaza Strip over the last decade. It has been drafted by a team of researchers from a range of Palestinian NGOs, and coordinated by Defence for Children International/Palestine Section (DCI/PS). This report has been endorsed by Palestinian Child Rights Coalition, a group of fifteen organizations.

Although the Guide for Non-Governmental Organizations Reporting to the Committee on the Rights of the Child suggests that an NGO Report to the Committee should contain a section by section analysis of the State party report¹, Palestinian NGOs find themselves in a rather unique position vis-à-vis the Israeli report. This uniqueness stems from the fact that the Israeli report ignores completely the situation of Palestinian children living in the West Bank and Gaza Strip. There is no discussion in the Israeli report of Palestinian children in these areas, despite the fact that these territories have been occupied by Israel since 1967. Furthermore, the Israeli report makes no attempt to explain or justify this omission.

For this reason, a direct comparison between positions and claims advanced within the Israeli State Report and Israel's actual practice on the ground is difficult, as the Israeli report does not in any way deal with the subject matter of this Alternative Report. Israeli governments have made the argument in other forums that international conventions do not apply to the West Bank and Gaza Strip. Presumably, a similar logic explains the rather startling omission of Palestinian children in Israel's State Party report. Consequently, we have devoted the first section of this report to an examination of the question of jurisdiction and a reiteration of the reasons why Palestinian children in the West Bank and Gaza Strip must unequivocally be considered under the jurisdiction of the Convention on the Rights of the Child.

The remainder of the report follows the guidelines suggested by the Committee, namely a thematic structure that contains eight clusters of articles: general measures of implementation (articles 4, 42, 44.6), definition of the child (article 1), general principles (articles 2, 3, 6, 12), civil rights and freedoms (articles 7, 8, 13, 14, 15, 16, 17, 19, 37(a)), family environment and alternative care (articles 5, 9, 10, 11, 18, 20, 21, 25, 27.4), basic health and welfare (articles 18, 23, 24, 26, 27), education, leisure and cultural activities (articles 28, 29, 31), and special protection measures (articles 22, 30, 32, 33, 34, 35, 37, 38, 39, 40).

2. The Question of Jurisdiction

Israel signed the Convention on the Rights of the Child on 3 July 1990. The Convention entered into force for Israel on 2 November 1991.

Article 2 of the Convention obliges State Parties to "respect and ensure the rights set forth in the present Convention to each child *within their jurisdiction*" (emphasis added).

In Israel's report to the Committee on the Rights of the Child for the period from 1991 through 2000, Israel failed to report on its compliance record in the Occupied Palestinian Territories (OPTs). Israel has traditionally argued before UN treaty monitoring bodies that it has no obligation to ensure compliance with the major human rights conventions in the OPTs. Israel usually bases this argument on several grounds. First, Israel traditionally argues that the majority of the Palestinians living in the OPTs reside in the "A Areas," which under the Oslo process have ostensibly been transferred to the security control of the Palestinian Authority (PA). Secondly, Israel has also argued in the past that human rights law generally does not apply in the OPTs and that only international humanitarian law applies.

¹ Guide for Non-Governmental Organizations Reporting to the Committee on the Rights of the Child, p. 5

Major UN bodies, including treaty-monitoring bodies, have uniformly rejected such arguments by Israel in the past. It is clear legally speaking, and as a matter of common sense, that Israel has not relinquished full sovereign control over the OPTs to the PA. While many powers have been transferred by Israel to the Palestinian Authority it is abundantly clear that Israel still retains the ability to intervene in those areas under the administrative control of the PA. In fact, not only does Israel have the ability to do so, they have in actual fact done precisely that within the last few months. Furthermore, as UN Special Rapporteur John Dugard remarked in his report on the situation of human rights in the Palestinian territories occupied by Israel since 1967(E/CN.4/2002/32) following his visit to the region in February 2002, such an argument “takes no account of article 47 of the Fourth Geneva Convention, which provides that protected persons in an occupied territory shall not be deprived “in any case or in any manner whatsoever” of the benefits of the Convention by any change to the government of the territory resulting from an agreement concluded between the authorities of the occupied territories and the Occupying Power.” (p.6)

Legally speaking, Israel still maintains full control over entry into and exit from the entire OPTs. Israel has retained the power to block transit into and out of these areas to Palestinian residents of these areas. Foreign visitors to any area in the West Bank and Gaza Strip must obtain a visa and permission to enter the area from the Israeli authorities, there is no equivalent Palestinian authority able to authorize visits. Figuratively speaking, the OPTs resemble a jail, with the Israeli military occupation authorities holding all the keys.

The final evidence that Israel does indeed have jurisdiction over these areas is conclusively indicated by Israel’s own Military Orders. The system of Israel military orders in place over the West Bank and Gaza Strip apply only to Palestinian residents of these areas. According to Israel’s own judgment, these Military Orders apply equally to all areas of the West Bank and Gaza Strip including Area A. It should be stressed that these orders cover administrative as well as security-related issues. When children are arrested according to these orders, they are charged for offenses supposedly committed inside areas under the administrative control of the Palestinian Authority. It is thus abundantly clear that Israeli policy itself considers Area A as part of its ultimate jurisdiction – in both the security and administrative spheres.

Finally, even if we admit the argument that since the arrival of the PA Israel no longer has jurisdiction over the Palestinian residents in the OPT, it must be pointed out that Palestinian Authority administrative control over the main Palestinian population areas did not take place until after 1995. The CRC came into effect in November 1991, thus at the very least there is a period of four years in which Israel exercised direct military control over almost the entire Palestinian population in the OPTs. This period is not discussed within the Israeli report despite the fact that it clearly falls within the reporting period.

The second argument Israel traditionally offers to treaty monitoring bodies is that since the OPTs are occupied territories, then international humanitarian law applies. The curious conclusion Israel draws from this observation is that international humanitarian law and human rights law are “subject to separate international regimes” and therefore human rights law does not apply.

This argument has also been rejected by major UN bodies, including treaty-monitoring bodies. While it is true that international humanitarian law is binding in situations of military occupation, it is *supplementary* to international human rights law. Individuals do not lose their human rights just by coming under military occupation. Rather, they gain the extra protections of humanitarian law. While it is true that certain human rights conventions do contain derogation clauses, there are none in the Convention on the Rights of the Child that are applicable in Israel's case to relieve it of its duty to comply with the Convention in its actions in the OPTs.

3. General Measures of Implementation (articles 4, 42, 44.6)

This cluster of articles is concerned with the general spirit in which the State Party works to implement the Convention. As outlined above, Israel denies the applicability of the Convention to the West Bank and Gaza Strip despite the fact that these areas are quite clearly under Israeli jurisdiction. It should be pointed out Israel considers the CRC to be applicable to Israeli settlers living in the West Bank and Gaza Strip, despite the fact that Israeli settlement is considered illegal by the international community.

Israel also considers Palestinian residents of East Jerusalem as being covered by the CRC despite Israel's illegal annexation of the city.

Indeed, rather than any attempt to implement the CRC within the OPTs we are faced with overwhelming evidence of Israel's massive violation of the articles of the convention. These are discussed in detail below.

4. Definition of the Child (Article 1)

Israeli law for Israeli citizens complies with the CRC in regards to the definition of a child. Thus Section 3 of the Guardianship and Legal Capacity Law 1962 stipulates that "an individual who has not reached the age of 18 is a minor; an individual who has reached the age of 18 is an adult",² subject to specific rulings. In this, Israeli law upholds the UN Convention on the Rights of the Child.

However, Palestinian children in the West Bank and Gaza Strip are not covered by this or any similar law. Instead, Israeli Military Order #132 defines by omission Palestinian children who are 16 or 17 years old as adults. It should be noted that Israeli settlers are not covered by this military order.

According to the Israeli law, Youth (Trial, Punishment and Modes of Treatment) Law 1971, it is possible to impose a punishment of imprisonment on an Israeli child who is age 14 at the time of his sentencing. However, as the Israeli report has made clear, "In sentencing a minor, the Juvenile Court must consider, *inter alia*, the age of the minor when he committed the offense. For minors, the tendency of the court is to prefer methods of treatment that are not imprisonment."³

The case of Palestinian children in the West Bank and Gaza Strip differs dramatically in this regard. Palestinian children aged between 14-17 are detained and imprisoned as a matter of course. There are no Israeli juvenile courts in the West Bank and Gaza Strip, and instead children are tried in the same Military Courts as adults. DCI/PS has never dealt with a single case over the last 10 years in which a child over the age 14 received a sentence other than imprisonment. This represents well over 1000 cases. It should be pointed out that over 95% of children are detained on the accusation of stone throwing. Thus imprisonment for children is considered a "first resort" and DCI/PS fails to see how this guaranteed imprisonment can be considered in the "best interests of the child."

The redefinition of 16 and 17 year old children as adults is illustrated in the fact that children of these ages are incarcerated alongside adults in Megiddo Prison, a prison under the control of the Israeli military (see below). Megiddo Prison denies that any children are held there despite the fact that at least 70 Palestinian children (16 and 17 years old) were detained there as of February 2002.

Thus it should be reiterated – Israel's definition of a child is consistent with the CRC in the case of children with Israeli citizenship. In the case of Palestinian children in the West Bank and Gaza Strip (numbering approximately 1.5 million children) Israel's definition of a child is a clear violation of the CRC definition. While the CRC offers a caveat in Article 1 regarding definition of the child, this was clearly not intended to allow a state to define children of one ethnic/national group differently from other children under the jurisdiction of the state because the latter happen to live under military occupation.

5. General Principles (Articles 2,3,6,12)

5.1 Discrimination

Article 2, paragraph 1, of the CRC deals with the question of jurisdiction that has been discussed above. It should be reiterated that despite the CRC's emphasis that the Convention should be applied without "discrimination of any kind, irrespective of race, language, national, ethnic or social origin" a different set of laws apply for Palestinian children in the OPTs, as compared to children of Israeli settlers in the OPTs. The laws applying to Palestinian children are military orders and are much harsher than those applying to Israeli children.

² Israeli Report to the Committee on the CRC , p.53

³ Israeli Report to Committee on the CRC, p.60

An example of this discrimination is the laws concerning detention and sentencing. Thus, despite the fact that the Israeli law, Youth (Trial, Punishment and Modes of Treatment) Law 1971, makes no express reference to arrest until the termination of trial proceedings, it is acknowledged in the Israeli report that "a suspect's being a minor must be considered when deciding upon arrest until the termination of proceedings, although this does not in itself create grounds for immunity (Miscellaneous Applications 190/79 *State of Israel v. Doron*, P.D. 33(3) 589).. The Supreme Court has also held that there is no obligation to keep a minor under arrest until the termination of proceedings, even in the case of murder (Miscellaneous Criminal Applications 23/89 *Ben Shimon v. State of Israel*, P.D. 42(4) 770)."

Palestinian children from West Bank and Gaza Strip however, are almost always held in prison while awaiting trial. This detention may extend for months and considering that the vast majority of Palestinian children are arrested for the "crime" of stone throwing it is clear that a double standard exists with respect to the different laws for Israeli and Palestinian children.

Paragraph 2 of article 2 requires States Parties to ensure that children are protected from discrimination or punishment because of acts committed or beliefs of their parents or members of their families. This requirement has been seriously violated by Israel on many different occasions since the entry into force of the CRC in 1991.

One example of this form of violation is the policy of making children homeless through the deliberate demolition of family homes of people accused of participating in resistance activities. It should be stressed that this is a conscious, state-backed decision aimed at punishing family members (including children) for acts believed to have been committed by relatives. There is no recourse to appeal and often houses have been demolished with personal belongings still inside the house. In the first four years of the first Intifada (1988-1991), Israel demolished 786 homes for this reason.⁴ Between May and December 1997, 63 houses were demolished for punishment reasons leaving 150 people homeless.⁵ This punitive practice of house demolitions continue as of the time of writing this report.

Other examples of violations of Article 2, paragraph 2 include arrest of children in order to pressure another family member and most seriously of all, killing of children during assassination attempts on other family members (discussed below).

The Right to Life for children that is upheld in Article 6 of the CRC has been consistently violated in the most serious manner by the Israeli authorities. Because of the primacy of this right, and the most brazen way in which it has been violated since the entering into force of the CRC in Israel in 1991, this right will be dealt with in detail in the next section.

5.2 Right to Life

Over the last ten years Palestinian children have been the continual target of Israeli aggression and violence. From 1990-2001, 492 Palestinian children have been killed as a direct result of actions by Israeli soldiers, settlers or undercover units. The breakdown of these deaths as a percentage of total Palestinian deaths is as follows⁶:

Year	Palestinian Children Killed By Israeli Soldiers, Settlers or Undercover Units	Percentage of Total Palestinian Deaths Represented by Children
1990	45	29.8%
1991	42	40%
1992	35	24.6%
1993	54	29.67%
1994	39	27.08%

⁴ See: Welchmann, Lynn, A Thousand and One Homes: Israel's Demolition and Sealing of Houses in the Occupied Palestinian Territories, Al Haq, 1993.

⁵ Bulldozed into Cantons, Israel's House Demolition Policy in the West Bank Since the Signing of the Oslo Agreements, LAW, Palestinian Society for the Protection of Human Rights and the Environment, 1998, pg. 2

⁶ Figures for 1990-1995 compiled from Al Haq documentation and fieldwork, figures for 1995-1997 from B'Tselem and the Jerusalem Media and Communication Centre, figures for 1998 – 2001, Defence for Children International/Palestine Section.

1995	10	22.7%
1996	29	40.27%
1997	17	85%
1998	14	51.85%
1999	4	50%
2000	105	35.96%
2001	98	21.26%

A cursory examination of these figures indicates that despite a relative decline in aggregate child deaths from 1997-1999, Israeli forces have consistently targeted Palestinian children since 1990. Looking at these deaths as a percentage of total deaths, we see that Palestinian children accounted for more than 20% of total deaths for every year since 1990. Between 1997-1999, they represented more than 50% of total deaths.

5.2.1 From The First Intifada to the Oslo Process and Beyond 1990-1999

Child death statistics in the period immediately preceding the Oslo Accords and including the first Intifada (1990 – September 1993) indicate that the majority of children were killed by live ammunition (84.7%) and by Israeli soldiers (68.5%).⁷ Over 18% were aged 12 and under (18.5%).

At the time of the first Intifada, the Israeli army claimed that its policy forbid shooting at children under all circumstances. Instead, child deaths were accidental, “because of the children’s stature and their frontal position during public disturbances, they sometimes suffer injury from bullets fired at the legs of adult rioters who are endangering the lives of civilians or IDF soldiers.”⁸

In contrast to these claims, research from the time of the first Intifada indicates that the majority of children killed by ammunition were not participating in a stone-throwing demonstration at the time of death.⁹ Most children killed by gunshot were shot in the head or neck and a large proportion suffered multiple gunshot wounds to the upper areas of their bodies.¹⁰

The Israeli military’s use of live ammunition is in clear contravention of its own policies. According to Israeli Army Open-Fire Regulations, “A soldier will use a weapon in the event of immediate threat to life, his own or that of others, and when it is impossible to effectively defend himself from the assailant other than by use of a weapon. The firing is intended to hit the assailant alone, in the measure necessary for preventing the threat. No shooting should be done except while the danger still exists.”¹¹ According to the Israeli human rights organization, B’Tselem, the regulations for the use of live ammunition also state that, “It is forbidden to fire at women and children.”¹²

According to official IDF sources, every case of death is investigated by senior commanders in order to determine operational lessons for future activities, and secondly by a criminal investigation branch of the IDF whose findings are passed on to the IDF’s Advocate General’s Unit. If deviations are found from the rules of procedure, the soldiers are placed on trial.¹³

However, statistics indicate that of the 178 children killed between 1990-1993, 51 of these were children aged under 14 years.¹⁴ Eleven were girls. On a prima facie level, it would seem that these 51 children were killed in contravention of Israeli rules of engagement. Precise figures for the number of investigations carried out during this period is difficult to determine, however certain indications are available:

⁷ See Appendix 1, Table 2 for a breakdown of child deaths by age, cause, year and perpetrator

⁸ Israeli Justice Ministry Paper, quoted in Status of Palestinian Children During the Uprising in the Occupied Territories, Part 1, Child Death and Injury, Radda Barnen-Sweden, p. xv

⁹ Status of Palestinian Children During the Uprising in the Occupied Territories, Part 1, Child Death and Injury, Radda Barnen-Sweden, p. xv

¹⁰ Status of Palestinian Children, Radda Barnen-Sweden, p. xv

¹¹ See the B’Tselem report, *Illusions of Restraint*, December 2000, for more detail on the Open Fire Regulations.

¹² See for example, *Illusions of Restraint*, B’Tselem

¹³ IDF Spokesman’s Response to B’Tselem’s June 1993 Report

¹⁴ See Appendix 1, Table 2

- ? A B'Tselem report of July 1990 indicates that more than 10% of cases involving death of children under the age of 14 between 1987 and 1990 were not investigated.¹⁵
- ? The same B'Tselem report indicates that over 50% of cases that were investigated found a deviation from the Rules of Engagement.
- ? Between December 1987-1997 there were only 55 cases in which a Palestinian was killed (adults and children alike) and a responsible member of the security forces prosecuted. Only 19 were convicted of causing death. A total of 1318 Palestinians were killed by Israeli security forces in this period. Thus, of the total number of Palestinians killed by Israeli security forces in this period, in less than 2% of these cases was a member of the security forces convicted of causing death in violation of the Rules of Engagement.¹⁶

These findings indicate widespread violation of the rules of engagement yet almost no attempt by the Israeli military to rectify this situation or punish those responsible.

5.2.2 The Second Intifada, 2000-2002

Over 40% of Palestinian child deaths over the last 10 years occurred in the years 2000 and 2001. Over the last two years, and in particular since the beginning of the Palestinian uprising on 29 September 2000, Israeli military forces have employed violent, excessive and disproportionate force against the Palestinian civilian population. Because of the large numbers of child deaths in this period, the years 2000 and 2001 will be dealt with separately.

The Year 2000

DCI/PS field research recorded 105 deaths of children (under the age of 18) killed as a result of the Israeli occupation during the year 2000.¹⁷ Ninety-four of these deaths occurred during the Palestinian Intifada in the last 3 months of the year. This figure represents a significant proportion of total deaths during the uprising – approximately 30% of total deaths were minors under the age of 18 years.¹⁸

It becomes clear from an examination of fieldwork statistics that Israeli forces utilized a shoot to kill policy and despite the large number of deaths refused to alter their open-fire procedures. DCI/PS fieldwork indicates that 27% of total child deaths were a result of live ammunition fired to the head.¹⁹ Seventy-two percent (72%) of deaths resulted from injuries to the head, chest or eye.²⁰ Such a high proportion of lethal injuries to the upper part of the body would seem to indicate the deliberate targeting of Palestinian children.

DCI/PS fieldwork indicates that many of those killed or injured were not involved in demonstrations at the time. One illustration of this was the killing of 14-year old Mo'ayyad Osaama Al-Jowareesh, of Aida Refugee Camp, in Bethlehem, as he was walking to school. At approximately 2:30pm, 16 October 2000, Israeli military forces shot Mo'ayyad in the head with a rubber coated steel bullet, a metal bullet surrounded by a thin rubber layer. According to eyewitnesses, an Israeli soldier posted in the watchtower at Rachel's Tomb shot Mo'ayyad at close range, as he was walking beneath the tower. The bullet entered the apex of the skull and exited the other side. Mo'ayyad was a 9th grade student at the UNRWA Basic School for Boys, which holds classes in morning and afternoon sessions due to capacity restrictions. At the time of his killing, Mo'ayyad was passing through the area on his way to the afternoon session, with his school bag on his back.²¹

¹⁵ The Use of Firearms by the Security Forces in the Occupied Territories, B'Tselem, July 1990

¹⁶ Based on information from B'Tselem, 1987-1997 A Decade of Human Rights Violations, January 1998, pg. 9

¹⁷ Figures taken from DCI/PS fieldwork in 2000 and published previously in the DCI/PS publication A Generation Denied.

¹⁸ See Table 2: Child Deaths by Month (1 January – 31 December 2000) in Appendix 1 for breakdown by month for the year 2000.

¹⁹ See TABLE 4: Cause of Death According to Injury Location on Body 1 January – 31 December 2000 and TABLE 5: Location of Fatal Injuries of Children Killed 1 January 2000 – 31 December 2000 in Appendix 1 for more information.

²⁰ See TABLE 4: Cause of Death According to Injury Location on Body 1 January – 31 December 2000 and TABLE 5: Location of Fatal Injuries of Children Killed 1 January 2000 – 31 December 2000 in Appendix 1 for more information.

²¹ DCI/PS has on file a signed affidavit from an eyewitness to Mo'ayyad's killing as well as a report from a fieldworker in Bethlehem.

The circumstances surrounding Mo'ayyad's death are additional evidence of a clear policy on the part of Israeli soldiers to shoot to kill or seriously injure. Moreover, his death demonstrates that rubber coated steel bullets, which are routinely used by Israeli military forces to disperse demonstrations, are deadly, despite the misleading terminology.

Examining the statistics of injury location on body, we see a sharp rise in injuries to the upper body during the Intifada (the last three months of the year 2000) compared with injuries prior to the Intifada - 19% prior to Intifada compared to 31.7% during the Intifada.²² Nearly 32% of injuries sustained were to the upper body during the Intifada. More than one-quarter of children injured by Israeli forces in the year 2000 were aged below 12 years.²³

An examination of injury location on body between September- December 2000 further illustrates the escalating use of force over this period. These figures demonstrate a significant increase in the targeting of the head area (neck, eyes, head) by Israeli soldiers. Between September- November 2000 the number of injuries to the head area were extremely high but remained relatively constant. However, during December 2000, this percentage increased by 8.7%.²⁴

The Israeli assault has also witnessed the use of anti-tank weaponry against the civilian population. DCI/PS has documented the killing of nine children as a result of machine guns firing 500-bullets in the year 2000. These bullets are approximately 12.5 mm in diameter and are designed for use against tanks and armoured personnel carriers. These facts contradict Israeli claims that this type of weaponry has not been employed against civilian demonstrators.

Mohammed Adel Abu Talhoun, a 9th grade student from Tulkarem, was participating in a demonstration on 20th October, 2000 with his eldest brother. He picked up his first stone and was immediately shot in the chest with a 500-bullet followed by another bullet to his head.²⁵

According to official Israeli sources there were no armed confrontations occurring at the time of this demonstration.²⁶

5.2.3 The Year 2001 – Israeli Attacks on Palestinian Children Escalate

Over the two years 2000 and 2001, DCI/PS field research has recorded 203 deaths of children (under the age of 18) killed as a result of the Israeli occupation.²⁷ Of this total, 105 Palestinian children were killed in 2000 and 98 in 2001.

Two characteristics of the Israeli violence stand out in a comparison of child deaths and injuries between 2000 and 2001. *Israeli forces killed significantly younger children in 2001 than in comparison with the year 2000 and they did so with a much higher level of force.*

DCI/PS research indicates that the percentage of Palestinian children killed under the age of thirteen doubled from the year 2000 to the year 2001. More than 1/3 of children killed in the year 2001 were under the age of 12.

Age Group	2000		2001	
	Number	Percentage	Number	Percentage
0-8	7	6.66	12	12.24

²² See TABLE 6: Israeli Violations through Violation Type (% of total for period) – 1 January 2000-31 December 2000 and TABLE 7: Detailed Breakdown of Injury Location on Palestinian Children 1 January – 31 December 2000 in Appendix 1 for more information.

²³ See Appendix 1, TABLE 8: Injury Breakdown by Age Group 1 January 2000 – 31 December 2000 for more information

²⁴ See Appendix 1, TABLE 9: Injury Location on Child's Body, September-December 2000 for more information

²⁵ Taken from DCI/PS fieldwork.

²⁶ See for example *Summary of Events of the Day According to the Official IDF Spokesman*, October 20, 2000, which notes the "light wounding of two soldiers due to stone throwing" near Tulkarem and no mention of armed clashes.

²⁷ See Tables 12-15 at the end of this section for statistical breakdown of child deaths and injuries.

9-12	12	11.43	21	21.43%
13-15	36	34.29	31	31.63%
16-17	50	47.62	34	34.69%
Total	105	100	98	100%

The level of force used in killing these children has also increased. In the year 2001, 32% of children were killed by injuries to the head, an 11% drop in comparison with the year 2000. This apparent drop however, was compensated by the large increase in the number of children who received multiple deadly wounds to more than one bodily location (33.33% of child deaths).

Location of Injury	2000		2001	
	Number	Percentage	Number	Percentage
Head	44	43.14	31	32.29
Chest	32	31.37	20	20.8
Back	2	1.96	4	4.17
Stomach	2	1.96	9	9.38
More than one location	22	21.57	32	33.33
Total²⁸	102	100%	96	100

Further indication of this increase in the level of force is indicated through an examination of the injury statistics. In the year 2001, DCI/PS collected information on 3750 child injuries. The Palestinian Red Crescent estimates between 6000-7000 children were injured during the year 2001.²⁹ Of those 3750 injuries, more than 1/5 were to the upper part of the body (head, chest, eye, neck and back).

In a qualitative shift from any other period in the last ten years (and indeed since the onset of the occupation in 1967), a large proportion of injuries were a direct result of the use of heavy artillery (rockets, shells, missiles) fired by helicopters and warplanes. Over 14% of child injuries occurred as a result of such attacks on the civilian population. This same trend is confirmed by child death statistics. Over 20% of child deaths occurred as a result of being hit directly or by shrapnel from rockets, shells, bombs or missiles.

On 5 May 2001 in Beit Jala near Bethlehem, over 80 rockets were fired at residential buildings during an incursion by the Israeli army into Palestinian areas. Three children were seriously injured in the attack, including a six-year old child who lost his arm when he was hit by a 500-anti tank bullet as he fled from his house with his mother. Another 10-year old child lost her eye when she was hit by shrapnel from a tank shell. On 7 May 2001, 4 month old baby girl Iman Mohammed Ibrahim Hajjo, was killed by shrapnel during the hour long shelling of Khan Yunis refugee camp. Iman and her mother were in the house of her grandfather at the time when the shelling occurred. The 2-story house was destroyed and Iman's mother and three other children were also injured during the shelling. Also during this shelling, seven schools and a kindergarten in Khan Yunis were damaged by rockets and bullets fired by the Israeli military. The seven schools are attended by over 5,000 students and were in session at the time of the attack. Over 20 students were injured in the attack, including 3 seriously.³⁰

According to DCI/PS documentation, in the year 2001, twenty-seven Palestinian children lost a body part as a result of their injury (limbs or internal organs). Of these, nine children lost their eye. Twenty-

²⁸ It should be noted that in both 2000 and 2001 two children died due to closure. They are not included in this table.

²⁹ See <http://www.palestinercs.org>, the website of the Palestinian Red Crescent for more information.

³⁰ Excerpt from a letter to the Chairperson, Committee on the Rights of the Child, Office of the High Commissioner for Human Rights from DCI/PS, 9 May 2001. Available on DCI/PS website at <http://www.dci-pal.org/english/index.htm>

four percent (24%) of children who were injured were shot by live ammunition. Over 20% of child injuries from live ammunition in 2001 were to the upper part of the body. Nearly 40% of children injured were 12 years old or younger (39.73%).³¹

Doctors report many injuries due to fragmenting bullets fired from M-16 rifles. The injury types caused by these bullets, 5.66mm in diameter, resemble those of the internationally banned dum-dum bullets. They are designed to splinter on impact – tearing tissue and muscles and causing multiple internal injuries.

5.2.4 Palestinian Children killed by Israeli Settlers During the Year 2001

Three Palestinian children were killed by Israeli settlers during the year 2001. According to DCI/PS' information, in none of these cases were the perpetrators brought to justice or the cases investigated in a serious manner.

On 1 May 2001, 16 year old Kifah Zorab was playing on the beach near his home near Khan Younis in the Gaza Strip. A settler approached him and set a group of dogs on Kifah, seriously wounding him. The settler then proceeded to beat Kifah. Kifah was carried to his house and was then prevented from reaching a hospital for 9 days. He died from his wounds on 10 May, 2001.³²

On 19 July 2001, Dia A.-Tmaizy from Ithna village near Hebron, aged 3 and a half months, was going home with his family from a party to celebrate his recent birth. A group of armed settlers ambushed their car and opened fire on those inside. Dia and two adults were killed and three other children injured.³³

5.2.5 Deaths due to Israeli Closure in the Year 2001

Two Palestinian children died as a result of the Israeli imposed closure on Palestinian areas in the year 2001. In both these cases, the children were under five years old and suffering from serious medical problems. They were prevented by Israeli soldiers from obtaining medical assistance and died as a result of this. Four year old Abdul Fattah Sbakhi from Khan Yunis was suffering serious heart problems and was connected to a respirator at Nasir Hospital in Khan Yunis. He was connected to the respirator for 1 month and then moved to intensive care. He urgently needed treatment in a hospital outside the country but Israeli authorities refused to allow him to travel and he died as a result on 20 March 2001.³⁴

On 12 August, two-year old Azhar Sa'id Shalafi from Rafah was suffering from difficulties breathing. Her father tried to take her to hospital but they were prevented from passing a checkpoint for 2 hours. When Azhar reached the hospital she died as a result of the delay at the checkpoint.³⁵

5.2.6 Child Deaths as a Result of Extra-Judicial Killings

During the year 2001, 12 children were killed during Israeli assassination attempts against Palestinian activists. Most of these children were killed in crowded, populated areas where it was abundantly clear that other casualties would result from the Israeli assassination attempt.

On 31 July, two Palestinian children, Ashraf Abd Al Manaam Abu Khader, five years old, and Bilal Abd Al Manaam Abu Khader, eight years old, were killed as a result of Israeli missiles fired from Apache Helicopters at an apartment building in a busy residential area in the northern West Bank town of

³¹ See Tables 11-13 Appendix 1 for more information

³² Based on DCI/PS fieldwork and a sworn affidavit from a representative of the Palestinian General Intelligence who was responsible for following up the case in Gaza and attempting to arrange for the transfer of Kifah to a hospital that was refused for a period of 9 days.

³³ Information based on a sworn and signed affidavit from Dia's aunt who was carrying Dia at the time and was injured during the attack, a medical report from the hospital, and DCI/PS fieldwork.

³⁴ Information based on (1) a sworn and signed affidavit by Abdul Fattah Sbakhi's mother, (2) a letter requesting Abdul Fattah's transfer from Al Nasr Hospital to a hospital in Egypt signed by the director of Al Nasr Hospital, the Head of the Child Section, and a doctor in charge of treatment, (3) a letter from the Palestinian Ministry of Health to the Palestine Hospital in Cairo, Egypt and (4) articles in local newspapers.

³⁵ Based on a report from the Palestinian Ministry of Health and articles in local newspapers.

Nablus. Ashraf and Bilal lived in Jenin, and had gone to Nablus with their parents in order to buy items for school. Their mother was visiting a doctor at the time and the children were on their way to the house of their uncle who lived in Nablus. As they stood outside a building that housed the office of the Palestinian Center for Information, Israeli helicopters fired missiles at the building with the aim of assassinating the director of the center, Jamal Mansour and Jamal Salim. In addition to the two children, six other people were killed by the Israeli attack, including two journalists who were interviewing Jamal Mansour at the time.³⁶

On 10 December 2001, two Palestinian children were killed during a failed Israeli assassination attempt in Hebron. According to affidavits provided to DCI/PS by eyewitnesses, at approximately 2:20pm, three year old Burhan Mohammad Ibrahim Al-Himouni, from Hebron, was killed when an Israeli missile hit the car in which he was riding, dismembering the three year old child. At the same time, 15 year old Shadi Ahmad Abdel Mu'ati Arafa, also from Hebron, sustained fatal injuries to the neck and head as a result of the explosion. The killings took place during the failed extra-judicial killing of a Palestinian activist in Hebron. Both children were on a crowded Hebron street when the assassination attempt occurred.³⁷

On 4 March 2002, five Palestinian children during an assassination attempt in Al-Bireh. The following five children from two families were instantly killed when the Israeli military attacked the cars in which they were riding:

Mohammed Hussein Abu Kweik, 8 years old
Bara' Hussein Abu Kweik, 14 years old
Aziza Hussein Abu Kweik, 17 years old
Shayma' Azz Eldin Khalil Al Masri, 4 years old
Arafat Ibrahim Khalil Al Masri, 16 years old

In response, the Israeli army spokesperson made the following statement:

"This afternoon an IDF force identified a vehicle carrying armed Palestinian PoliceMen [sic] in Al Bira. The force fired a tank shell toward the vehicle. The shell hit a civilian vehicle that was near by and apparently several civilians were harmed. The IDF Spokesperson express [sic] sorrow and apologizes for the harm caused to innocent Palestinian civilians."³⁸

5.2.7 Israeli Claims Around Palestinian Child Deaths

Israel has attempted to justify child deaths by claiming that these children were killed during demonstrations because Israeli soldiers were forced to defend themselves against armed attacks by Palestinian demonstrators. Thus the official Israeli Foreign Ministry explanation for Palestinian child deaths is as follows:

"Armed Palestinian policemen and members of the Fatah militia, the Tanzim, often stand just behind this human shield of juvenile martyrs and direct gunfire at Israeli soldiers, knowing they can exploit the children's wounds for their propaganda purposes."³⁹

Thus, according to Israeli logic, Palestinian children are not being deliberately targeted by Israeli soldiers (which is, after all, against their own Open Fire Regulations), but rather are caught in crossfire between "Palestinian gunmen" and the Israeli military. This line has been repeated *ad nauseum* by Israeli military and government spokespersons. It should be noted that the above justification is taken

³⁶ See DCI/PS Press Release 2 August 2001 ref: 0019/01 A Palestinian Child is Killed Every Five Days - DCI/PS Urges Immediate International Action, information based on DCI/PS fieldwork.

³⁷ See DCI/PS Press Release, 11 December 2001 ref: 0031/01 TWO PALESTINIAN CHILDREN KILLED DURING ISRAELI ASSASSINATION ATTEMPT; 15 YEAR OLD GIRL SENTENCED TO FIVE YEARS IN PRISON

³⁸ See statement of the IDF Spokesperson, at <http://www.idf.il/english/announcements/2002/march/4.stm#1>

³⁹ *Why are Palestinian children being wounded in the conflict?* Israeli Ministry of Foreign Affairs <http://www.mfa.gov.il/mfa/go.asp?MFAH0i9o0#children>.

directly from an official Israeli government source – the Ministry of Foreign Affairs – and therefore cannot be taken as a misrepresentation of the Israeli government position.

These claims are not a new invention of the Israeli government. During the first Intifada, an Israeli Justice Ministry paper entitled “Children as Participants in the Intifada”, stated,

“Children of all ages are recruited by the PLO and extremist Islamic elements to participate in the street violence... Since the outset, the intifada has exploited children by placing them in harm’s way. Thus it is the inciters and not the IDF, who must be ultimately held responsible for the injury and death of rioting children.”

Do these allegations stand up to an examination of the evidence? Documentation from the first Intifada indicates that the picture presented by the Israeli government and army is completely false. As pointed out above, the majority of children killed by gunshot during the first Intifada were not participating in any form of demonstration when killed. In fact, a composite picture of the average child killed by gunfire in the first Intifada shows a non-refugee boy from Nablus of 12 years age who was not participating in a stone-throwing demonstration when a soldier shot him in the face.⁴⁰

The question must also be asked: Why should a child who throws a stone be shot? It must be unequivocally stressed that according to international law, the Israeli government and its soldiers are responsible for child injury and death even during stone-throwing demonstrations.

One would have hoped that when similar spurious claims of so-called Palestinian culpability for child deaths were echoed during the second Intifada, the international community would have been less willing to accept these fabrications so uncritically. Unfortunately, these myths have been widely spread throughout the media and are rarely challenged despite the fact that the evidence completely contradicts these claims.

According to DCI/PS fieldwork, of the 98 children killed directly by Israeli soldiers or settlers in the year 2001, 56 of those killed were not participating in a demonstration or any form of confrontation at the time of their death. This represents 57% of those children killed by Israeli soldiers or settlers.

Circumstance of Death	Number	Percentage
Clashes	42	42.86
Shelling/ Missile Attack	17	17.35
During assassination attempt	12	12.24
Attack	18	18.37
Closure	2	2.04
Mine/Explosive	7	7.14
Total	98	100%

Furthermore, of those 42 children killed during clashes, only 26 of them were actually participating in clashes at the time according to DCI/PS documentation. The remaining 16 were passing nearby. Of the total 98 children killed, 39 were killed inside their houses, on the way to school, or in school.

What is clear from all objective accounts of demonstrations is that Israeli soldiers have widely employed live ammunition in contravention of the above regulations. Over 2/3 of children were killed as a result of injuries to the head or multiple fatal wounds to many parts of the body in 2001. DCI/PS statistics for 2001 indicate that 21 children died as a result of live ammunition to the head. There was only one case in which a child died as a result of a ricocheting bullet. Thus judging by the bodily location of fatal bullet injuries, it would appear that children are deliberately targeted by Israeli soldiers. Furthermore, there does not seem to be a single case of a child being killed in a demonstration because a soldier was forced to open fire in order to protect his life.

These figures indicate that the Israeli justification for child deaths is nothing short of a complete fabrication. In fact the evidence points overwhelmingly in the opposite direction. The vast majority of Palestinian children were killed going about their daily lives in circumstances where they should have been completely safe from Israeli aggression. They were not presenting any threat to the lives of

⁴⁰ Status of Palestinian Children, pg. xv

Israeli soldiers or settlers. More than 1/3 of these children were under the age of 12. There can be no moral justification for these deaths. They must be unequivocally condemned and the perpetrators brought to justice.

5.2.8 “Riot Dispersal Methods”

The phrases “employed dispersal methods”, “responded with crowd dispersal methods”, and “responded with measures for dispersing demonstrations” are repeatedly used by the IDF when describing the response of the Israeli army to demonstrations. These terms are in actual fact euphemisms for employing lethal techniques.

According to the IDF Rules of Engagement, in the case of “violent riots”, the following techniques of dispersal should be used:

“If the riot does not end within a reasonable period of time, it is permitted to employ means for dispersing demonstrations according to the following stages:

- 1) Means such as: tear gas, water jets, blasting cap, stun grenades.
- 2) Warning shots in the air.
- 3) Firing rubber ammunition.⁴¹

The passage from one stage to the next will be done, only if the previous stage did not lead to the ending of the violent riot. A stage may be skipped, if certain means are not at the disposal of the force, or if they are not applicable in the circumstances of the event.”

Any observer of the recent demonstrations can testify that these rules have not been adhered to by the Israeli military. This is confirmed by countless eyewitnesses, media coverage, various reports from human rights organizations and of course- the wounded themselves.

There has been increased understanding on behalf of the international community that so-called “rubber ammunition” is actually a euphemism for rubber coated steel bullets. Provisions governing the use of this ammunition are explicitly spelt out in the IDF Open-fire Regulations. These bullets are supposed to be fired from a minimum distance of 40m and “is to be aimed solely at the legs of a person who has been identified as one of the rioters or stone-throwers.”

Injury statistics indicate the blatant disregard of these regulations. In 2000, DCI/PS gathered information concerning 793 children shot by rubber-coated steel bullets in the year 2000, 672 of these were during the Intifada.⁴² Of these 672, 319 or 47.47% were wounded in the upper part of the body. Forty-seven, or 7% were hit in the eye. Seven children lost their eye as a result of rubber-coated steel bullets. DCI/PS documented three cases of deaths in the year 2000 as a result of the use of rubber-coated steel bullets.

In the year 2001, 535 children were hit by rubber-coated steel bullets according to injury statistics from DCI/PS. Of this 535, 206 were hit in the upper part of their body. This represents 39% of injuries by this type of bullet. There were 22 serious eye injuries as a result of rubber-coated steel bullets. It is absolutely unthinkable that the Israeli army’s own rules of engagement were accidentally violated in nearly 40% of cases.

6. Civil Rights and Freedoms (Articles 7, 8, 13, 14, 15, 16, 17, 19, 37(a))

International law categorically prohibits selective denationalization of ethnic minorities (or majorities) based upon discriminatory grounds. International law recognizes that refugees have the right to return to their places of origin. States are not permitted to circumvent their obligation to repatriate refugees to their place of habitual residence by arbitrarily denationalizing them on discriminatory grounds.

Nevertheless, Israel selectively denationalized the 1948 Palestinian refugees through its 1952 Nationality Law, which it enacted four years after Israel involuntarily displaced the 1948 Palestinian

⁴¹ Codes RRNM and Roma GG, RM.

⁴² These figures should not be taken to represent total injuries by rubber-coated steel bullets but represent the number recorded by DCI/PS. The actual figure is probably much higher.

refugees. The 1952 Nationality Law was written in such a way as to "screen out" the 1948 refugees based upon the fact of their displacement. Israel has based its refusal to readmit or repatriate the 1948 Palestinian refugees on the 1952 Nationality Law ever since. However, since Israel deliberately involuntarily displaced the 1948 Palestinian refugees based upon discriminatory grounds (ethnicity, race, religion, political belief), its 1952 Nationality Law which attempts to make permanent that illegal displacement is itself illegal under international law. Selective denationalization based upon discriminatory grounds is categorically prohibited under international law.

Article 8(2) explicitly states that "[w]here a child is illegally deprived of some or all of the elements of his or her identity [which was defined in Article 8(1) to include "nationality"], *States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity*" (emphasis added). All the refugees in the OPTs are 1948 Palestinian refugees and their descendants. All of them -- including the child descendants -- have been barred from repatriating to their places of origin based upon the selective denationalization accomplished by Israel's 1952 Nationality Law.

Article 8(2) of the Convention expressly obligates Israel to reverse its "illegal deprivation" of the "nationality" status of the Palestinian refugee children under its jurisdiction to "speedily" reestablish such nationality status. Thus, Article 8(2) expressly obligates Israel to annul or amend its 1952 Nationality Law in such a way as to permit the 1948 Palestinian refugees -- and their descendants, including the children -- to regain the nationality of which they were illegally deprived. This would allow them to return to their places of origin inside the 1949 armistice lines (that currently serve as Israel's *de facto* borders).

Thus, Article 8(2) expressly recognizes the 1948 Palestinian refugees' right to return to their places of origin lying inside the 1949 armistice lines. This Article 8(2) recognition of the right of return of the *descendants* of Palestinian refugees is in complete conformity with the international community's recognition of the right of return of *all* the 1948 Palestinian refugees. The right of return of the 1948 Palestinian refugees has been recognized by the international community ever since the General Assembly passed Resolution 194 (11 December 1948).

These Article 8 obligations are supported by the Article 7 obligations to allow children "to acquire a nationality" and "in particular where the child would otherwise be stateless."

In conclusion, Article 8(2) and Article 7 of the Convention obligate Israel to reverse its illegal selective denationalization of the 1948 Palestinian refugees, which its 1952 Nationality Law was drafted to accomplish. Therefore, in order to come into compliance with the Convention, Israel must amend or annul its 1952 Nationality Law so as to restore the nationality status of the 1948 Palestinian refugees, thereby allowing them and their descendants to return to their places and homes of origin inside the 1949 armistice lines. Such a remedy would fully conform with the right of return as grounded in international law and guaranteed since 1948 by General Assembly Resolution 194.

7. Basic Health and Welfare (articles 18, 23, 24,26,27)

7.1 Environmental Factory Pollution

Article 24.1 of the CRC asserts that, "state parties shall strive to ensure that no child is deprived of his or her rights of access to such health care services." Article 24.2b also asserts that states shall pursue full implementation and take appropriate measures to ensure the provision of necessary medical assistance and health care to all children with the emphasis on the development of primary health care.

Israel, as an occupying power, is required to ensure that the health-care needs of the Palestinian population in the West Bank and Gaza Strip are met. In contrast, evidence from the last 10 years indicates a deliberate disregard of the basic health rights of Palestinian children. This disregard is characterized by policies that on one hand directly increase serious health risks for children, and secondly, those that indirectly prevent children and Palestinian society as a whole from ensuring adequate health care. Both the direct and indirect forms of these policies are discussed below.

Strict environmental laws inside Israel do not apply in the West Bank and Gaza Strip. For this reason, many Israeli companies use the occupied territories as a dumping ground for toxic materials and hazardous manufacturing processes. The establishment of Israeli factories inside the occupied territories is attractive to Israeli businesses both because of the lax environmental regulations and also because tax breaks and other financial incentives are offered for investment in these areas. It should be stressed that the environmental regulations in these areas are under Israeli jurisdiction – not Palestinian – and they differ dramatically from environmental legislation inside Israel proper.

The establishment of these Israeli factories has serious consequences for the environmental health of Palestinian residents in the surrounding areas. This is particularly problematic for Palestinian children, because the danger posed by toxic materials is much greater than for adults due to children's smaller frame and body size.

The transfer of environmentally hazardous factories to the West Bank was particularly marked from 1995 onwards, particularly in the northern regions of Tulkarem, Jenin and Nablus. It is noticed that the percentage of children suffering cancer in the Salfet Area (consisting of approximately 23 residential areas) is the highest in the region of Nablus.⁴³ There is considerable probability that this high incidence of cancer is caused by toxic emissions from the large numbers of Israeli industrial establishments located in the settlement Burkan. This settlement is built on a relatively small area (840 dunums⁴⁴) and inhabited by a few hundred Israeli settlers most of whom work in the factories.⁴⁵ These factories produce huge amounts of solid and liquid toxic waste that are emitted into the villages of Kufr Ed-Deek, Sarata, Broukeen, and Deir Ballout. Around 11,000 Palestinians live in these four villages of whom approximately 4,750 are children between 0 and 14 years of age.⁴⁶

The entire Nablus area is affected by hazardous waste from Israeli industries, particularly the aluminum, leather tanning, chemical detergents, plastics, and fiberglass industries. These factories form adjuncts to the Israeli settlements of Alon Moray, Maali Afrime, Itamar, Ariel, Homesh, Maghdalim, Koni Shameron, Kadoumim, and Shilo. Palestinian villages most affected are Wadi Albathan, Beit Foureek, Awarta, Arabeh, Qalqilia, Burqa, Sabastia, Silet Elthaher, Karyout, and Turmos Ayya. Toxic solid waste is spread throughout the lands of these villages while fluids mix with valley waters and streams contaminating local springs whose waters are used for agriculture. The total number of Palestinians living in these areas is 65,000 with more than 28,000 children between 0 and 14 years of age.

Many Palestinian children from the Jenin area near the settlement of Homesh have suffered in recent years from sudden dehydration accompanied by vomiting and diarrhea. This is particularly apparent in the village of Silt Athaher.⁴⁷ Other children in the same area report respiratory problems. Factories in nearby settlements produce aluminum, chemical detergents, batteries and car accessories. Medical experts report that these factories emit heavy metal residues such as cadmium that are known to be extremely poisonous and possible cause of severe vomiting, diarrhea and dehydration in addition to damage of lung tissue. Children are particularly susceptible to this type of poisoning.⁴⁸

Many of the factories in the Tulkarem area were transferred there because of protests by Israeli citizens over the dangerous pollution to which they were continually exposed when the factories were located inside Israel. The presence of factories in the area of Tulkarem and the toxic waste they released caused respiratory infections to children living in the city and its surroundings.⁴⁹ Dumping of toxic waste from Israeli factories in the area of Azzoun, a village in the Tulkarem region which is populated by some 20,000 Palestinians, led to the increase in the percentage of lead in the only

⁴³ Nablus hospitals' records, 1999.

⁴⁴ 4 dunams = 1 acre

⁴⁵ Kurzum, George and Muhammad Sa'id Alhumeidi. Development Need Assessment Study in Salfet Region, Ramallah, MA'AN Development Center, 1997, p. 125.

⁴⁶ The Palestinian Central Bureau of Statistics, 1999. the General Census

⁴⁷ Applied Research Institute.

⁴⁸ Abu Qare', Aqel and Waheed.

⁴⁹ "Israel Buries its Toxic Industrial Waste in the West Bank and the Strip". dm: Environment and Development, July/August, 2000, p.14.

drinking well in the area.⁵⁰ This means that thousands of children are drinking water contaminated with lead, proven conclusively to be detrimental to health and a cause of mental retardation.⁵¹

Hospital records in Bethlehem and Hebron show that compared to the 1980s; there was an increased number of cancer cases in the 1990s amongst Palestinian children living near stone cutting factories and quarries. It is known that continued inhalation of dust resulting from quarries can cause cancer in humans. Due to the danger these industries bring about, Israel has imposed a rule that no further such industries can be established within its borders. Thus, quarries in the West Bank fulfill all Israeli needs of stones and rocks.⁵²

Moreover, the rise in the percentage of lead, nitrogen and carbon oxides, and sulfur carried by the western winds from Israel into the West Bank are additional factors causing an increase in respiratory system diseases, lung infections, breathing difficulties, eye infections and sight disorders among children. Respiratory disorders (including lung cancer) are considered common among Palestinian children under five years of age in the West Bank taking into account that these diseases are mainly caused by air pollution. These diseases are the main cause of child mortality. The percentage of children under five years old who died as a result of respiratory system infections in the West Bank had increased to 19.7%⁵³ in the year 1999 compared to 18.3% in 1996.⁵⁴

7.2 Wastewater

Most Israeli settlements are located on hills and mountaintops of Palestinian lands occupied in 1967. Because of this elevated position, partly processed or unprocessed wastewater from these settlements flows towards homes, valleys, low lying agricultural lands, and water sources of nearby Palestinian towns and villages.

Chemicals carried by wastewater leaking from Israeli factories often seeps into groundwater in the vicinity. Children are the most severely affected by toxic heavy metals contained in this wastewater such as lead, mercury, cadmium, and chromium in addition to inorganic material such as phosphate, nitrate, and fluoride.⁵⁵

Among the effects of pollution from settlements in the Wadi Qana area (a valley in the district of Salfet) is the red colored rash that appears on the skin of Palestinian children as a result of their swimming, on hot summer days, in the only pond in the area.⁵⁶ The pond water collects from a number of natural springs present in the area. It is contaminated by wastewater emanating from the settlement.⁵⁷

Children of Nahalin, a village to the southwest of Bethlehem, play in the village lands that are filled with harmful insects, mosquitoes, and flies. This insect presence is attributed to piles of refuse dumped by the Israeli nearby settlement known as Rosh Tsurim exposing children to dangerous infectious diseases.⁵⁸

Children of Beit Ummar to the west of Hebron, as well, play in lands of their village that are filled with wastewater and animal dung discarded from nearby Israeli settlements (Gush Etzion and Karmi Tsour) that yearly destroy vast cultivated areas and vineyards.⁵⁹

In addition, the flow of wastewater from "Irgman", a settlement to the East of Zbeidat by Nablus, is contaminating the groundwater in the area. All inhabitants depend on this water for agricultural and

⁵⁰ Ibid.

⁵¹ Abu Qare'. Previous source, p.32.

⁵² Ishaq, Jad and Violet Qumsieh. Previous source.

⁵³ The Palestinian Central Bureau of Statistics, 2001. Children of Palestine – Issues and Statistics. The annual report. 2001. Executive Summary. Ramallah – Palestine, p.10.

⁵⁴ The Palestinian Central Bureau of Statistics, 1998. Children of Palestine – Issues and Statistics. Children Statistical Series. Ramallah – Palestine, p.10.

⁵⁵ Ibid. pp. 22-23.

⁵⁶ Fosini, Abdelrahim. "Israelis are Creative...", previous source.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

household uses.⁶⁰ Currently, all nine wells in the village and all children are prevented from drinking water from these wells. Instead, this water is used for cleaning and agricultural purposes while drinking water is purchased and transported by tanks from other areas.⁶¹

It has been observed that hundreds of children living in villages and towns of Nablus, Salfeet, and Qalqilya, which are particularly affected by the pouring of wastewater from the settlement of Burkan, suffer diseases caused by certain bacteria such as gastro-intestinal infections in addition to viral infections such as bronchitis, hepatitis and polio, and parasitic diseases like bilharzias (Schistosomiasis) and amoebic dysentery.⁶² It is not a coincidence that the number of infections of such diseases among children increased in polluted areas. These diseases are usually transmitted through using contaminated water for drinking, bathing, cooking and dishwashing in addition to eating fruits and vegetables that were irrigated with contaminated water.⁶³ Tens of children are also infected with meningitis on a yearly basis in the villages of Kafr Ed- Deik, Broukeen, Sarta, Deir Ballout, Beit Amin, Habla and Zbeidat in the districts of Salfeet, Nablus and Qalqeelia as well as many cases in the villages of Nahalin, Husan, Khader, Walajeh, Jaba', Dura, Beit Ummar, and others in the districts of Hebron and Bethlehem, which also suffer pollution from wastewater emitted by Israeli settlements. It is known that meningitis⁶⁴ is contagious and its primary cause is contamination especially of food, water and sewage.⁶⁵

Palestinian children suffer from a lack of clean drinking due to the fact that Israel controls water resources and allows only a limited amount to Palestinians. The gap between water demand and the permitted supply broadens over time since the latter is not consistent with the natural growth of Palestinians.⁶⁶ Israel discards about thirty thousand cubic meters per year of wastewater into inhabited areas of Gaza and Gaza Valley, which adds to the saltiness of the underground water and the contamination of the Valley.⁶⁷

More than 220 Palestinian villages are not provided with water supply networks.⁶⁸ Many of them depend on portable water tanks for their needs. As a consequence, the closure imposed by Israel prevents water distributors from reaching people in need. This means tens of thousands of people live in villages without the minimal supply of water. Other villages, such as Salfit, Akraba, Awarta and Aja in the Nablus district lack water distribution networks and have difficulty reaching water supplies because of settler attacks.⁶⁹ Approximately 9,500 children living in these villages thus suffer from severe lack of drinking water and are at risk of the resulting diseases.⁷⁰

According to the Jerusalem Water Undertaking (the official Palestinian water supplier), Palestinians in the Gaza Strip currently obtain only about 30% of their water needs.⁷¹ Israel supplies Hebron with about 5,000 cubic meters of water daily, knowing that the actual need of the city is 25,000 cubic meters per day.⁷² This leaves thousands of children in Gaza and Hebron suffering on a daily basis from severe lack of drinking water.

8. Education, Leisure and Cultural Activities (Articles 28,29, 31)

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² ⁶² Alhayek, Nuha and others. Environment, Health and Life, Jerusalem: Education for Awareness and Participation Program, (the Anglican Lutheran Schools), 1992, p.27.

⁶³ Ibid.

⁶⁴ Meningitis is a disease caused by bacteria that attacks the brain's membrane causing its inflammation. In many cases it affects the brain through by means of the blood. Its symptoms are very high fever, severe headache, nausea, hallucination, and concussions.

⁶⁵ Alhayek, Nuha. Previous source, p. 67.

⁶⁶ Kurzum, George. "Dehydration of the Palestinian People" Albeidar, (Al-Ayyam Newspaper supplement published by the Development Studies Program at Bir Zeit University), 6/3/2000.

⁶⁷ Ibid.

⁶⁸ Applied Research Institute. "Israeli Violations...", previous source.

⁶⁹ Palestinian Hydrology Group.

⁷⁰ The Palestinian Central Bureau of Statistics, 1999, Population, Housing and Establishment Census -1997, Final Results - Summary- Population, Housing, Buildings and Establishments) – Jenin Governorate. Ramallah - Palestine

⁷¹ Kurzum, George. "Dehydration of Palestinian...", previous source.

⁷² Ibid.

CRC articles 28 and 29 outline the basic rights of children to receive an unobstructed education that encourages their development and learning. It is important to emphasize that the Israeli occupation is experienced by Palestinian children as an ongoing characteristic of daily life. It is impossible to escape this reality despite repeated Israeli claims that children are “manipulated” into confrontations with Israeli soldiers. Rather, the extensive and systematic policies of occupation in regards to education: killing and maiming of school-age children; widespread destruction of schools and school property; the forced closure of schools; the ever-present danger faced by staff and students while attempting to fulfill their right to education; the arrest of students and teachers – these policies demonstrate the utter disdain of the Israeli government towards the educational future of Palestinian children.

In 1981, the Israeli Authorities issued Military Order 854 which gave the head of the Israeli Military sweeping powers to intervene in the educational process. This law remains in effect and allows the Israeli military to order a school closed. As a result, the education system is beholden to the decisions of the Israeli military overriding the provision of compulsory education as a right guaranteed by the CRC.⁷³

In the year 2000, four schools in the Al Khader region were closed by Israeli military orders - Al Khader Secondary school for Boys, Sa'eed Al As Primary, Al Khader Girls High and Al Khader Girl's Primary. These four schools serve approximately 2500 students and were closed for a total of 45 days. The Israeli military claims that these schools were closed for security reasons, a similar argument to one that was made in the first Intifada during the regular school closures by the Israeli military.

This “security” argument is clearly false and a blatant violation of the CRC, the Fourth Geneva Convention and the Universal Declaration of Human Rights, all of which uphold the right to education. The fact that children who are aged 6 and 7 years old are prevented from going to school because they are deemed a “security” risk is one indication of the falsity of the Israeli argument. Rather, the breadth of the Military Orders indicates that school closure is another means of collective punishment designed to punish communities as a whole. The fact that first grade students are treated in the same manner as twelfth grade students is overwhelming indication of this intent.

Another means by which Palestinian children are denied the right to education are the periodic curfews placed on Palestinian areas. This has been particularly prevalent in the Old City of Hebron, home to 35 000 Palestinians but controlled by 300 Israeli settlers. Curfews placed on this area do not apply to the Israeli settlers only to the Palestinian residents. A complete or partial curfew on the Old City was in place for 82 consecutive days during the last 3 months of the year 2000.

During periods of curfew, Palestinian residents are confined to their houses for extended periods of time. In cases where Palestinians venture outside their houses, even for an emergency, he or she could be shot dead on the spot "for violating the curfew" and "obstructing the function of the Israeli Defence Force."

The enormity of this closure is dramatically illustrated in the table below, which indicates the period of closure and the times when it was lifted in the Israeli-controlled H2 area.

Date	Details of Curfew
4 October – 15 November	24 hour curfew
16 November	Partial Curfew (residents allowed outside between 8:30am – 1:00pm)
17 November – 25 November	24 hour curfew
26 November	Partial curfew (residents allowed outside between 12:00pm – 4:00pm)
30 November – 2 December	24 hour curfew
3 December	Partial curfew (residents allowed outside between 8:00am – 1:00pm)
4 December	24 hour curfew

⁷³ Kuttah, Attallah. Military Order 854 and Other Orders. Al-Haq.

5 December	Partial curfew (residents allowed outside between 8:00am – 1:00pm)
6 December – 11 December	24 hour curfew
12 December	Partial curfew (residents allowed outside between 8:00am – 1:00pm)
13 December	24 hour curfew
14 December	Partial curfew (residents allowed outside between 8:00am – 1:00pm)
15 December	24 hour curfew
16 December	Partial curfew (residents allowed outside between 3:00pm-3:00am)
17 December - 24 December	24 hour curfew
25 December	Curfew lifted
26 December – 31 December	Intermittent curfew

In terms of the right to education, at least 27 schools in the Old City were forced to close during this 84-day long curfew. Included in this figure are three schools which were taken over by the Israeli military and transformed into military installations: Ossamma bin Munqith, (584 students, 13 teachers), Al Maa'ref Boys (871 students, 30 teachers), and Jawhar Girls (380 students 13 teachers).⁷⁴ These schools had their bathrooms, kitchens and other facilities destroyed. A total of 2386 students and around 80 teachers attended these schools.

One of the most serious examples of collective punishment implemented by the Israeli government is the ongoing attacks carried out on schools by the Israeli military and settlers. These attacks involve shooting at school buildings, raids of schools carried out by Israeli soldiers and settlers, and most worrying of all – systematic shelling of schools using heavy artillery.

In a 1996 report, DCI/PS documented three attacks on the Al-Nahdah Al-Islamiya School in Al-Ram. These attacks resulted in damage of files, computers, books and destruction of offices. Following the second attack, the Israeli military closed the school for six months (April through October).⁷⁵ This closure deprived 650 students ranging in age between 4 and 12 years of their education.⁷⁵ During March 1996, Israeli security forces destroyed and confiscated property from the Al-Iman Kindergarten in Beit Hanina. One-hundred-ninety children ranging in age between 3 and 5 years were deprived of their education.⁷⁶

From 1996 through 1998, students of Yaqoub'iyah Primary School for Girls faced 11 attacks, including the invasion of their school and its transformation into a military base, as well as individual attacks against the students themselves. Qortaba School suffered ten attacks. A large number of these attacks were perpetrated by settlers and yet the perpetrators were never punished or brought to justice.⁷⁷

DCI/PS research documented 49 cases of schools hit by Israeli ammunition or raided by Israeli settlers or soldiers in the year 2000. In other words, 2.7% of the 1838 Palestinian schools were affected by this form of collective punishment. A large number of these attacks took place while students were in class. To put this figure in perspective, it is equivalent to over 3100 elementary and secondary schools in the US coming under attack by a foreign army in the last 3 months of the year 2000.

During the year 2001, 98 schools were fired at by Israeli soldiers using live ammunition, rubber-coated steel bullets or tear gas. 71 Palestinian schools came under Israeli attack either through tank shelling or rockets fired from helicopters. In some cases, school students were present during these attacks.

⁷⁴ See Appendix 1, Table 21 for detailed information on Palestinian schools affected by curfew.

⁷⁵ DCI/PS 1996 report (fill in)

⁷⁶ ibid

⁷⁷ DCI/PS, Children Victims of Torture, March 1999

Thirty-seven school students were killed by the Israeli military or settlers during the year 2001. Six of these were killed on their way to school or inside their classroom. On 18 October 2001, 10-year old Riham Nabeel Ward was killed by live ammunition to the chest while attending school in the German Area, Jenin. According to DCI/PS sources in Jenin, Riham and other students of the Shahidayn Al Ibrahimiyeh Basic Girls School arrived for class in the morning and found Israeli tanks and soldiers positioned near the school following an Israeli incursion into the area the previous night. Israeli soldiers opened fire while the students were attempting to take cover on the floor of one of the classrooms. Riham died in her older sister's arms while five other students and a teacher were also injured.

In 2001, eight schools were closed by Israeli military orders and five schools were taken over by the Israeli army and turned into military bases. Thirty-two schools were placed under curfew, preventing students from attending classes.

9. Special Protection Measures (Articles 22,30,32,33,34,35,37,38,39,40)

9.1 Palestinian Child Prisoners

Since 1967, the Israeli occupation authorities have arrested, interrogated, tortured and incarcerated Palestinian children for their political activity.⁷⁸ These arrests form a small component of total arrests by the Israeli authorities and each year, DCI/PS represents hundreds of these minors before the Israeli military courts and follows up their conditions of detention. Virtually every detained child DCI/PS represents reports having been subjected to torture.

It is a universally accepted standard of international law that the detention of a child should be used only as a measure of last resort and for the shortest appropriate period of time. It has been DCI/PS's repeated experience that the Israeli policy towards Palestinian children is that detention is a measure of "first resort." A prison sentence is the only sentence given to Palestinian children. Since its establishment, DCI/PS has not had one case of a Palestinian child, between 14 and 17 years of age, who was found guilty of committing an offence by an Israeli military court, receiving a sentence of anything either than a prison sentence. In addition, experience from the last two years alone indicates that instead of adhering to the principle of the "shortest appropriate period of time," the length of sentences issue to Palestinian children is actually getting longer. In 1999, 43.51% of the cases we represented, received a sentence of less than one month. In the year 2001, that percentage has decreased to 20.21%. Conversely, in 1999 only 19.08% of cases received a sentence of six months to one year, and 6.88% received sentences of more than one year. In 2001, however, 48.94% of cases were sentenced to between six months and one year and 15.96% to more than one year.⁷⁹

Of the utmost importance when considering this issue is that the phenomena of child arrests is not a result of the recent Intifada. Though the numbers of detained children have increased since September 2000, this practice has been repeatedly carried out since the onset of the Israeli occupation in 1967. With regard to the recent period, there has been an increase in child arrests and length of sentences *prior* to the beginning of the Intifada. Beginning in the summer of 1999, increased numbers of children were being arrested, children of younger ages, and 'group arrests' were initiated, wherein numerous children from a particular village or refugee camp were arrested at the same time.

In terms of other violations stemming from this practice, Palestinian children are routinely tortured, detained outside of the occupied territories, denied access to family visits (as a result of the policy of closure) and often times attorney visits as well, and are often detained with criminal prisoners. Moreover, they are frequently subjected to attacks by both prison staff and criminal prisoners. They are not allowed to continue their education while in prison.

This practice not only constitutes a systematic and grave violation of children's rights during the time of their arrest and imprisonment, it impacts their ability to develop in a healthy manner and to achieve a bright future.

⁷⁸ See TABLE 14: Arrests, Child Arrests, Women Arrests by the Israeli Authorities, 1992-2001, Appendix 1 for a breakdown of arrests 1992-2001.

⁷⁹ See Tables 15-20 Appendix 1, for detailed statistical breakdown for children arrested in 2001

This section of the report is divided into three sections: the first section provides an overview of statistics concerning the cases of detained minors which the organization represented in 2001, in order to highlight trends; the second section provides a general overview of the process of arrest through incarceration, focusing on the issue of torture; and the third section highlights the main international norms and standards which are violated by Israeli practice in this regard.

9.2 Arrest, Interrogation and Incarceration: Structures and Strategies

The fact that Palestinians of this region are not citizens of the Israeli state is key to understanding the form that punishment of Palestinians has taken. Torture of Palestinians under occupation is explicitly accepted by Israeli law. Since 1987, 66 Palestinian detainees have died in incarceration (twelve of these deaths occurred between 9 February 1988 and 2 November 1990, and seven deaths between 1992 and 17 January 1998). Because their status is comparable to that of alien residents, and because Israel views Palestinians foremost in terms of their supposed potential to bring down that state (as is evident in judicial statements about the use of torture)⁸⁰, Israel simultaneously is able to justify--even while denying--state-sponsored abuses against Palestinians. The military legal system which has been the primary arbiter in the occupied territories, "condones and facilitates abusive interrogation methods through policies that allow for prolonged incommunicado detention, the unaccountability of interrogators, and heavy reliance on confessions for convictions."⁸¹

Virtually every child arrested undergoes a terrifying and abusive process which constitutes torture. Attorneys assert that many of those children arrested withstand even more severe forms of torture such as beating and shabeh.⁸² Isolation and the use of psychological pressure from collaborators⁸³ have become mainstays of Israeli tactics against child detainees. In addition, families from the West Bank have been prevented from visiting their relatives in Israeli prisons. So not only are children in prison separated from their families, children whose parents are incarcerated are also denied access to their fathers.

Palestinian child political detainees incarcerated by Israelis routinely pass through procedures of interrogation which have a standard pattern and regular structure. The outline provided below follows a progression typical of prisoners' testimonies recorded by human rights groups. The torture process moves from the moment of arrest, to transfer, interrogation and imprisonment.

9.2.1 Arrest

One. *Arrest/Removal from Home:* Palestinian children suspected of committing "security" violations are usually arrested in their homes in the middle of the night as Israeli soldiers forcibly enter the home, conduct a 'search' during which contents of the home are upset and family members are threatened and verbally abused. This verbal abuse is often sexualized and directed either towards the children or towards female members of the family. Sometimes Israeli soldiers make crude sexual gestures also directed towards either the child or the female relatives of the one being arrested. Children arrested from their homes in the middle of the night are taken straight to interrogation, without the chance to sleep or rest. The following excerpt from the affidavit provided to DCI/PS by 17 year old Murad Abu Judeh is typical of what many Palestinian children arrested from their homes endure:

"At 12:40am on 15 December 2000, my family and I were asleep at home. We heard a very loud knock on the door of the house that woke the whole family. After five minutes my father went to the

⁸⁰ Also see B'Tselem, *Legislation Allowing the Use of Physical Force and Mental Coercion in Interrogations by the General Security Service*, Position Paper, Jerusalem 2000.

⁸¹ Lisa Hajjar, *Authority, Resistance and the Law: A Study of the Israeli Military Court System in the Occupied Territories*, Ph.D. dissertation, Department of Sociology, The American University, 1995, p. 657.

⁸² Position abuse, or *shabeh* in Arabic, is a form of torture in which extremes of bodily pain and psychological abuse are combined with physical isolation and immobilization of prisoners. Briefly put, shabeh is a form of torture that uses time and the prisoner's own body, shackled and bound, as the primary elements for inflicting pain. In position abuse, prisoners are tied up in painful positions, fettered to walls or small chairs that force them to contort and cramp their bodies for extended periods of time--each passing moment heightens the pain of stillness. In addition to the psychological effects of the entire torture process on its victims, long-term damage to internal organs, joints and limbs can result from this form of abuse. Most adult Palestinians who are tortured, including those who are physically brutalized in any other way, are also subject to position abuse.

⁸³ Israeli occupation authorities regularly pressure Palestinians to collaborate with Israeli security. In many cases these collaborators are used to attempt to extract confessions from Palestinian children.

door and we discovered that Israeli soldiers had broken the glass in the door. Fifteen soldiers entered the house, three of them were masked and wearing civilian clothes. There were also two members of the Israeli Intelligence dressed in civilian clothes. One of the masked soldiers asked me my name and my ID card. I went to my room in order to bring the ID and one of the soldiers followed me. When I lent over to get the key for my drawer he kicked me on my back six times, pushing me to the ground. After that I got my ID and gave it to the soldier. The soldier saw a ticket I had from a trip to Canada that I made in September for study purposes. The soldier said I went there to learn how to throw stones. He searched my drawer, then grabbed me by my neck and took me back to the main room where I found the soldier had upturned our furniture. The masked soldier whispered in my ear, "We'll rape you one by one" ...⁸⁴

b. Arrest from the Street

A second place of arrest is on the street: either during a demonstration or as a child is walking down the street. The latter often involves a soldier "remembering" a face or clothing of a child that they believe participated in a demonstration. These children are not informed of the reason for their arrest or given the opportunity to contact a lawyer or relative. DCI/PS affidavits indicate that many of these children are often forced to wait handcuffed for long periods of time without food, drink or shelter and sometimes in the direct sun.

c. Arrest at Checkpoints

Children whose names appear on "wanted" lists are sometimes arrested at checkpoints or at border crossings. There is no way for a child to know if their name appears on such a list. These lists are periodically renewed with the aim of gathering information about political activities in the occupied territories. Again children are not informed of the reason for their arrest and are often forced to stand blindfolded with their hands tied as they wait for transportation to an interrogation center

9.2.2 Transfer

Once apprehended, the suspect often has his or her identity card taken. He or she is most often blindfolded, handcuffed, and placed into a military van, usually made to sit on the floor, and transported to an interrogation center. As the case of 17 year old Mohammed Al-Jaberi indicates, the individual is sometimes beaten in this vehicle and verbally insulted. In the affidavit provided to DCI/PS, Mohammed recounts the initial period after his forced removal and arrest from home in the middle of the night:

"After that they took me to the street, blindfolded me and tied my hands with plastic ties behind my back... they forced me to walk quickly for around 1km. If I slowed down they pushed me. When we reached the jeep they pushed me inside and I hit my head on the roof. My brother Abed was inside the jeep. They forced us both to sit on the floor of the jeep. There were four soldiers who beat us while the jeep drove for about half an hour. They swore and insulted us throughout the journey and threatened to sexually assault us..."⁸⁵

Families are most often not told where their child has been imprisoned. During extended prison sentences prisoners are often relocated to new prisons and their families are not notified. This phase continues the process of isolation and disorientation of the prisoner which had begun in the home, intensified now by the child's knowledge that his or her family might not be able to track them down for some time.

9.2.3 Interrogation

⁸⁴ DCI/PS affidavit, Murad Abu Judeh, from Al Arroub Refugee Camp. Date of Arrest, 15 December 2000. Murad was charged with throwing stones several times. He was sentenced to ten months in Megiddo Prison in addition to one year suspended sentence for the next five years. He also received a fine of 3000 NIS (approximately US\$690).]

⁸⁵ DCI/PS affidavit of 17 year old Mohammed Al-Jaberi. Arrested 17 August 2001. This was Mohammed's second arrest. He was first arrested in December 2000 and sentenced to 8 1/2 months in Megiddo Military Prison.

When a child is arrested, they are transferred to one of the seven Israeli Civil Administration centers in the West Bank and Gaza. There, the child is either interrogated within one of the military camps or settlements, or in special cases they are sent to one of four GSS⁸⁶ Interrogation Centers. Palestinian children from East Jerusalem are treated differently than those from the West Bank and Gaza Strip due to Israel's illegal annexation of the area and the imposition of Israeli domestic law on the Palestinian population residing there. East Jerusalemite children arrested for activities outside of the West Bank or Gaza can be detained for a maximum of 24 hours and are brought before a specialized juvenile court, rather than before a military court. If they are arrested for activities in the West Bank or Gaza Strip, they are dealt with under the Israeli military law in effect in those areas.

There are three main bodies that may carry out the interrogation of Palestinian child detainees, as follows:

- One. *Police*: The Israeli Police, under the responsibility of the Ministry of Public Security, deal with the vast majority of child detainees. Children brought to police stations are mostly accused of less serious offences, such as stone-throwing. Here, interrogation is carried out by police, although there are often GSS agents supervising the process. Torture is widespread in these situations.
- Two. *Military Intelligence*: The Israeli Military Intelligence, under the authority of the Ministry of Defence, is widely known for its use of highly physical forms of torture, such as severe beatings, burning with cigarette butts and other painful, physical abuse. As in the case of police interrogations, GSS agents are often present. If a confession is extracted from the child during interrogation, they are sent to the police station in order to make the same confession. This is done in order to cast a veneer of legality over the interrogation as only confessions signed in the presence of police officers are allowed before the court. If a child refuses to make the same confession in the presence of the police, they are sent back to interrogation by the Military Intelligence.
- Three. *General Security Services (GSS or Shabak)*: The GSS is a quasi-independent body within the Israeli State and reports directly to the Israeli Prime Minister. The GSS generally supervises the interrogation under the Israeli Police of Military Intelligence, or directly carries out interrogation in cases of Palestinians who are accused of more serious offences, or are particularly politically active. Torture is regularly carried out by the GSS, and includes particularly insidious forms of psychological torture such as sleep deprivation and prolonged position abuse. As in the case of interrogation by Israeli Military Intelligence, children who confess during interrogation by the GSS are sent to the police to make the same confession. If they refuse, they are returned to interrogation carried out by the GSS. It is important to note here that the 1999 Supreme Court ruling that banned specific forms of torture, was directed only towards the GSS and does not constitute a comprehensive ban against torture, in the opinion of the UN Committee Against Torture.

9.3 Treatment during Arrest and Interrogation

During arrest and interrogation, Palestinian child political detainees are exposed to violent physical and psychological mistreatment. The overwhelming majority of children with whom the DCI/PS Legal and Social Programs deal with attest to having been subjected to one or more forms of mistreatment during their period of arrest and interrogation, including:

Beating, Isolation, Sleep Deprivation, Threats, Position Abuse (shabeh), Exposure to Humiliation and Degrading Situations, Deprivation from food and drink, Prevented from using the bathroom, being doused with cold and hot Water, Shaking, Deprivation of family and attorney visits, Pressuring child detainees to collaborate with the Israeli security services, Forced signing of confessions, Collective Interrogation.⁸⁷

Children are often placed for long periods of time (from 1-3 days), in isolation cells approximately 2mX2m in size, with a small window or ventilation space and an open toilet. Given the open toilet, the room is permeated with an overwhelming stench and, once inside, the child is unable to communicate with anyone else. Often times the floor of the cell is wet or has open sewage flowing through it. The

⁸⁶ In 2001, the name of the General Security Services was changed to Israel Security Agency. The acronym GSS has been retained throughout this report.

⁸⁷ For additional details about these forms of abuse, please see Appendix 3.

cell may either be almost completely devoid of light, or have the light on at all times. If the prisoner tries to sleep, a guard will come and wake him or her.

Children are also repeatedly threatened with long prison terms, imprisonment of family members, demolition of family home, and/or rape or the rape of female members of the family.

As the following excerpt from the case study of 15 year old Mohammed Fawzi Sa'dy Rajabi indicates, such treatment is often contextualized within a pattern of other abuses:

Mohammed Fawzi Sa'dy Rajabi, 15 years old

"After five minutes the jeep reached Ja'abara, a military base for police and soldiers. They took me out of the jeep, forced me to put my hands on the back of my head and sit under a low metal roof. After that one of the soldiers pulled me and tried to force me to put my hands behind my back. He asked me to stand and salute him. He asked me to stand saluting for 30 minutes. After this time, he asked me to sit down and stand up more than 20 times. When I said to him that I felt tired, he kicked my lower leg with his foot. Then he let me sit...

"When we reached Ja'abara, one of the soldiers asked me to raise my head to the sky and count the stars. It was dark. After five minutes he allowed me to put my head down ... They took us out and took off the handcuffs. Then they tied us up individually with ropes. They pulled me by my belt and threw me into a narrow caravan along with the other two boys as well. They beat us with their gun butts, electrical cord and sticks all over my body. One of the men pushed his gun painfully against my backside, but did not ask me to take my clothes off. He did this more than once.⁸⁸

As the above-description of the interrogation process should make clear, terrorizing the victim is the first form of mental suffering inflicted. In addition to the physical beatings, violent arrest in the middle of the night, blindfolding, verbal threats, and sleep deprivation are methods of coercion clearly violating the international injunction against cruel and degrading treatment. The effects of terrorizing and sensory deprivation cannot be described as merely "discomfort":

In discussing the above forms of abuse to which Palestinian child political detainees are subjected, several issues must be considered:

- One. That each individual act is but one part of arrest and interrogation process that is designed to cripple and defeat the detainee. Taken individually, particular acts may alone not constitute torture. Considered as-a-whole, however, the combined abuse, which succeeds in physically and psychologically exhausting and terrifying the child, constitutes torture. Prisoners are kept from sleeping for extended periods, deprived of food, not given access to a toilet, nor a change of clothes. Quite rightly, prisoners interpret this treatment as utterly de-humanizing. In this vein, it is necessary to consider the links between physical and psychological mistreatment, wherein the former is applied in order to physically exhaust the child, which subsequently effects the psychological state of the child, thus exacerbating the effects of both types of mistreatment.
- Two. That such abuse takes place within the context of a 34 year long military occupation of approximately three million civilians. An occupation that has been characterized by systematic violence against the child's ethnic, religious, and national group, adding to the fear in place in the child at the time of arrest and exacerbate the effects of the treatment.⁸⁹

⁸⁸ Affidavit of Mohammed Fawzi Sa'dy Rajabi given to DCI/PS fieldworker, detained on 11 July 2001.

⁸⁹ During the first Intifada "the rate of incarceration in the territories [OT] was by far the highest known anywhere in the world: close to 1,000 prisoners per 100,000 population, or one prisoner for every 100 persons" (Middle East Watch 1991.). One would be hard-pressed to find a Palestinian from the West Bank and Gaza who has not had a friend or relative in an Israeli prison at some point. By 1987, almost 20% of Palestinians in the Israeli occupied territories had been subjected to detention. (Lisa Hajjar, *Authority, Resistance and the Law: A Study of the Israeli Military Court System in the Occupied Territories*, Ph.D. dissertation, Department of Sociology, The American University, 1995, p. 612.). The Israeli human rights organization, B'Tselem, estimates that 85% of all Palestinian prisoners and detainees were tortured during their incarceration. (B'Tselem, *Routine Torture: Interrogation Methods of the General Security Service*, B'Tselem, Jerusalem, 1998, p.8.). Interviews conducted between 1988 and May 1992 with more than 700 Palestinians indicate that at least 94% of those interrogated by the GSS were tortured. (Melissa Phillips, *Torture for Security: The Systematic Torture and Ill-treatment of Palestinians in Israel*. Al Haq Ramallah, West Bank,: 1995.)

Three. Finally, one must continually consider that the subjects of such abuse are children. Similar methods applied to a 30-year-old adult may not have the same consequences as they would on a child. The entire process results not only in physical injury, but in psychological terror. The child is repeatedly placed in frightening situations, designed to increase feelings of loneliness and isolation from the outside world, and led to believe that no one can or will intervene to protect the child. Moreover, it is clear to the child that the quickest way to end the abuse is to confess. In employing such an approach, Israeli interrogators are targeting children's vulnerability, creating a situation wherein children are frightened for their lives and believe no one else can intervene to end their misery.

According to interviews with 50 child ex-detainees aged between 10-17 who were arrested in the years 1999 and 2000, DCI/PS found that:

- ? 60% of them had been arrested in streets without prompt notification of their families.
- ? 84% were exposed to aggression while being arrested by soldiers who were sometimes masked and disguised as Arabs.
- ? 100% were exposed to interrogation and physical and psychological torture in detention centers.
- ? 96% of detainees were handcuffed.
- ? 92% of them had their eyes blindfolded and 15% had their heads put in dirty sacks.
- ? 50% had scars due to torture lasting for the period of their interrogation and imprisonment.
- ? 20% of them were imprisoned with criminal prisoners.

9.4 Sentencing

In terms of sentence lengths, in the past two years, the length of sentences received by Palestinian children have been gradually increasing, from less than six months being the average in 1999, to six months to one year being the average in 2001.⁹⁰ Again, the majority of these children are sentenced for stone throwing. Historically, the sentences issued to Palestinian children through the Military Court system have depended more on the political situation than on the skills of a given attorney.

The Israeli military courts are merely another arm of Israeli occupation policy and in practice, they constitute the antithesis of a justice system. These courts are not based on any objective legal standards but rather come under the system of Israeli military orders that are issued by the Israeli Military Authority. These military orders apply only to Palestinian residents of the West Bank and Gaza Strip, not to the illegal Israeli settlers living in the area.

This opinion was confirmed by a recent article appearing last week in one of Israel's leading English language newspapers, Ha'aretz, which reported that many judges serving in Israeli military courts in the West Bank and Gaza Strip lack any legal background or training. Instead, these judges are career military officers from military intelligence. The Ha'aretz article reports that the officers complained to their superiors that "they were simply serving as "rubber stamps" in these legal proceedings."⁹¹

Not only are the rulings of judges completely subjective, the discrepancy between sentences received by Palestinians and those received by Israelis in Israeli courts are blatantly discriminatory.

Take for instance the case of Majdi Mansour. Majdi comes from a village near Ramallah was arrested on 15 November 2000 when he was 16 years old. Majdi was hit by a car in 1996 and as a result is severely mentally disabled. He has learning difficulties, trouble speaking and cannot remember events properly.

Following his arrest in late 2000, Majdi was charged with throwing stones and two molotov cocktails at Israeli soldiers. Despite his very obvious disabilities, the prison administration stated he had no medical problems. He was found guilty and sentenced to 3 years and 2 months in prison.

⁹⁰ In 1999, in 1999 only 19.08% of cases received a sentence of six months to one year, and 6.88% received sentences of more than one year. In 2001, however, 48.94% of cases were sentenced to between six months and one year and 15.96% to more than one year.

⁹¹ Thursday 21 March, 2002, Ha'aretz, Amos Harel

Majdi's sentence is all the more remarkable given the release on 20 March 2002 of Israeli businessman Ofer Nimrodi. Nimrodi was found guilty of obstruction of justice, falsifying documents, breach of trust, and intimidating a witness as part of a plea bargain agreement. He was initially accused of conspiracy to commit murder. He was released early serving 2/3 of a 25-month sentence. It seems remarkable that the sentence of a 16-year old mentally disabled Palestinian boy accused of resisting the Israeli occupation should be more than twice the length of one of the most high profile criminal cases in Israeli history.

And this situation is not unique. In January 2001 a Palestinian girl child was sentenced to 6 ½ years in prison for the charge of stabbing an illegal Israeli settler. At the same time, the Jerusalem District Court sentenced a 37 year old Israeli settler, found guilty of brutally beating to death an 11 year old Palestinian boy in 1996, to 6 months of community service and a fine of around \$17,000.

9.5 Incarceration

Palestinian children are detained in three main prisons in Israel; one of which, Megiddo prison, is under the administration of the Israeli military; the Israeli Prison Authority controls the other two (Telmond and Ramle prisons).

Palestinian boy children who have reached the age of 16 at the time of their arrest are detained in Megiddo prison and are detained as adults pursuant to Israeli military orders that violate international standards regarding the definition of a "child." As of February 2000, there were between 70 to 80 Palestinian boys detained in Megiddo prison. Palestinian boy children who are below the age of 16 at the time of their arrest are detained in Telmond prison. There are currently around 50 Palestinian boys detained within 3 sections of Telmond. Palestinian girls are detained in Ramle (Neve Tertze) prison.

Conditions of detention for Palestinian child political prisoners are often as abusive as the arrest and interrogation process. According to DCI/PS, child prisoners are frequently abused, either by prison staff or by criminal prisoners and denied medical treatment.

The rate of attacks by prison guards on Palestinian child prisoners is increasing. >From the beginning of the year 2000 until September 2001, prison guards have repeatedly attacked Palestinian child prisoners in Telmond Prison with tear gas and heavy batons. One attack, which occurred on 26 June 2001, left three children unconscious and 11 with severe injuries to their bodies. According to the affidavit provided to DCI/PS by Nasser Zeid, he

"fell unconscious after being beaten. At around 4am, he woke up outside of his room with his hands tied behind his back and his feet bound together. He was being beaten by 3 prison police officers when he gained consciousness. His clothes were torn and he was bleeding from his nose and face. He suffered from pain all over his body. After the beating, he was taken to the waiting room of the prison and a physician came to the room. The physician did not examine or treat his injuries, informed him he was fine and photographed his injuries. Marks of beating were witnessed ... by the DCI/PS attorney on his back, hands, and face."⁹²

Similar conditions have been experienced by Palestinian political female detainees in Ramle (Neve Tertze) prison. In early April 2001, during an attack on Palestinian political detainees by riot police, Su'ad Ghazal, then 17 years old, was placed in an isolation cell for a period of 4 days. The isolation cells are two meters square with an open toilet and during these four days, she was prevented from any contact with others and prohibited from leaving the cell. In early May, prison guards again attacked Palestinian political prisoners and Su'ad was placed for two days in a small room, measuring 2 meters by 1 meter with very little air circulation. After two days, she was moved to another cell that measured three meters by 1 meter, which she was forced to share with another prisoner. The stifling hot, rank room had only one bed, forcing one prisoner to sleep on the floor. The prisoners reported that the blankets they were given were covered in mites, causing rashes on their skin. Another girl prisoner, Sanaa' Amer, then 14 year old, had her arms and legs tied to her bed continuously for 8-hours/day over two consecutive days.

⁹² DCI/PS Press Release 0017/01, 5 July 2001, "Palestinian Child Prisoners Beaten by Prison Police."

In late June 2001, the female Palestinian political detainees launched a hunger strike over deteriorating conditions of detention. According to DCI/PS, the Prison Administration refused the demands of the hunger strikers and more than 20 police attacked the detainees with tear gas and heavy batons. The prisoners were taken to isolation and beaten, and all their belongings were removed from their rooms. During the attack, 14 year old Sanaa' Amer was beaten with batons on her arms and legs. Her arms were tied behind her back and she was kicked by police in her stomach, inducing her to cough up blood.

9.6 Denial of Lawyer Visits

Since 5 July 2001, all Palestinian lawyers from the West Bank and Gaza Strip have been prevented from visiting their clients in Israeli prisons.

On 19 February 2002, a coalition of human rights organizations including DCI/PS, Association for Civil Rights in Israel (ACRI), Public Committee Against Torture in Israel (PCATI) and Hamoked, petitioned the Israeli High Court to allow lawyer visits.

The court replied that visits were permitted provided they complied with the procedures outlined by the Prison Administration. These procedures amount to a flagrant violation of legal rights and include the following:

- ? Lawyers must have permission from the Israeli military to leave the West Bank and Gaza Strip. According to the requirements of the Israeli prison administration this permission must clearly state that they have been given permission because they are a lawyer. However, when the DCI/PS lawyer requested such a permit from the Israeli military he was told that they do not give permission with this reason marked.
- ? The lawyer must prove that he/she is representing the child in court. In order to prove this, the child must sign a form, however, the Prison Administration will not allow a lawyer to meet face-to-face with their client. Instead, the lawyer must fax a form to the prison where the guards will ask a prisoner to sign it. In at least one case, the prison guards have deceived the detainee into signing a confession along with the form.
- ? For children who have been sentenced, the lawyer must send his ID card, proof of power of attorney and a permission to enter Israel as a lawyer to the prison 48 hours before the visit. This means that it is impossible to visit the prison quickly in cases of emergency.
- ? Palestinian children from Jerusalem are forbidden from utilizing the services of Palestinian lawyers from the West Bank or Gaza Strip. In many cases, children from the West Bank who are arrested in Jerusalem are tried in Jerusalem courts and thus refused the services of a West Bank lawyer.

All these conditions place impossible barriers in front of Palestinian lawyers in the West Bank and Gaza Strip. Given the almost total ban on family visits in place since the beginning of the Intifada in September 2000, lawyers are often the only link a Palestinian child prisoner has with the outside world. In the case of repeated attacks on detainees by prison guards it is imperative that a lawyer has unimpeded and immediate access to the prisons. Any sanctity of the lawyer-client relationship is broken without this type of access. This situation constitutes a serious violation of international law and places Palestinian children at the mercy of a dangerous and in some cases life-threatening prison system. This system allows prison guards and the administration to act towards child detainees without any form of outside monitoring or observation.

In response to the court decision on 19 February 2002, a meeting of lawyers and concerned NGOs decided to place another petition before the Israeli High Court as soon as possible.⁹³

9.7 Refugee Children

Article 22, dealing with refugee children, was included in the Convention on the Rights specifically to address the additional protection needs of refugee children, who are a doubly vulnerable population group -- based upon their dual status as refugees and as children. Recognizing this double

⁹³ A list of the main violations of international norms and standards concerning juvenile detainees can be found in Appendix 2.

vulnerability, the Committee on the Rights of the Child has included the category of "refugee children" in its eighth thematic heading: "special protection measures."

What we would like to bring to the attention of the Committee is that Palestinian refugee children are a *triple* vulnerable group. This is because while they are doubly vulnerable as refugee children, they face a third vulnerability by the mere fact that they are also "Palestinian." This unique vulnerability stems from the fact that Palestinian refugees are the *only* refugee population group in the world today for which the international community does not provide protection.

This anomalous (and legally indefensible) state of affairs evolved due to the special heightened protection regime which was established for Palestinian refugees in 1948 and which subsequently collapsed. A special UN protection agency called the United Nations Conciliation Commission ("UNCCP") for Palestine was established by General Assembly Resolution 194 (of 11 December 1948) to provide protection services for 1948 Palestinian refugees. One of its primary goals was to seek the repatriation of those Palestinian refugees wishing to return to their homes of origin.

Unfortunately, due to Israel's intransigence on the issue and unwillingness to repatriate more than a small number of 1948 Palestinian refugees (on the basis of family reunion), the UNCCP eventually became operationally defunct. It was completely stymied in its mission and simply gave up. It continues to exist merely as a paper entity.

Upon the demise of the UNCCP, the international community should have stepped forward to offer some other protection service to the Palestinian refugees. Unfortunately, no protection agency has ever been mandated by the international community to fill the gap left by the demise of the UNCCP. This has led to the unique and anomalous state of affairs that the Palestinian refugees -- who comprise one of the world's largest and longest-standing cases of unresolved refugee status -- are alone among the world's refugees in not having a protection agency dedicate to resolving their predicament.

Thus, Palestinian refugee children are unique in the world because they are triply vulnerable. This is so because other refugee children have the UN High Commissioner for Refugees ("UNHCR") to look after their protection needs as refugees. In addition, the UNHCR has recognized the special (double) vulnerability of refugee children, and thus has developed special guidelines for addressing their enhanced protection needs. In contrast, Palestinian refugee children have no protection agency whatsoever looking after their special (double) protection needs. Thus they are uniquely triply vulnerable, a situation which is unique and legally indefensible. The international community has recognized its international obligation to provide protection to refugees, and in particular to refugee children, in the case of every other refugee population group in the world. There is no possible legal justification for omitting Palestinians from the international community's obligation to provide protection.

The implications of the lack of protection become even more pronounced in the case of the Palestinian refugees in the OPTs, who have been particularly targeted and hard hit by Israel's repressive measures during the first and second Intifadas. Palestinian refugees comprise approximately one-half of the population of the OPTs. Nearly half of Palestinian refugees are under the age of 18. Therefore, Palestinian refugee children comprise one-quarter of the entire population of the OPTs. Data are consistent in documenting that Palestinian refugee children are traditionally among the hardest hit population groups as victims of Israel's repressive tactics in trying to stop the uprisings. This was true during the first Intifada and is again being repeated during the second Intifada.

Article 22 expressly states that "States Parties shall take appropriate measures to ensure that a child who ... is considered a refugee in accordance with applicable international or domestic law and procedures shall ... receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in this Convention and in other international human rights or humanitarian instruments to which the said States are Parties."

Therefore, Article 22 clearly obligates Israel to *actively cooperate* with the international community, and in particular the United Nations organs and agencies, in proactively safeguarding the rights of the Palestinian refugees under its jurisdiction (i.e., providing short-term "day-to-day rights" protection) as

well as in seeking a durable solution to their conflict (i.e., providing long-term "durable solutions" protection).

Given that there is currently no functioning protection agency for Palestinian refugees to facilitate Israel in complying with its Article 22 obligations to provide protection to the Palestinian refugees under its jurisdiction, we call upon the Committee on the Rights of the Child -- in reviewing the status of Palestinian refugee children under Israel's jurisdiction -- to clearly call for the international community to mandate the establishment of a protection agency for the Palestinian refugees *as quickly as possible*.

This protection agency must be mandated to provide short-term "day-to-day rights" protection and long-term "durable solutions" protection. It must also, of course, be charged with addressing the double protection needs of Palestinian refugee children.

The urgent need for the establishment of such a protection agency is dramatically highlighted by the current brutality and mass-scale violations being committed by the Israeli military against Palestinian refugee children in the context of the current Intifada. The devastating effects of the lack of protection could not be any more apparent and the legal obligation for the international community to provide such protection could not be any more compelling. The Committee on the Rights of the Child has an important role to play in helping to remedy the current dire "protection gap" existing for Palestinian refugee children.

10. Conclusions and Recommendations

Perhaps the most distressing conclusion of this report is the impunity with which Israel has treated Palestinian children over the last decade without any significant intervention by the international community. The Palestinian NGOs involved in the production of this report are astonished at the lack of political will on behalf of the international community to tackle Israel's gross and persistent violation of Palestinian children's right to life. Such an approach cannot continue without raising serious questions over the legitimacy of international agreements, particularly the Convention on the Rights of the Child. It is absolutely imperative that the international community takes immediate steps against Israel in this regard. After 10 years of persistent, state-sponsored killing of Palestinian children there is no excuse for inaction.

We thereby request that the Committee consider the following recommendations in its Concluding Observations on Israel:

1. We urge the Committee to reaffirm the applicability of the CRC to the OPT and to request from the State of Israel information regarding measures taken towards implementation of the CRC in those areas;
2. We urge the Committee to emphasize that the 35 year long Israeli occupation has resulted in severe and systematic violations of Palestinian child rights and that measures should be taken immediately in order to come into compliance with the CRC;
3. We recommend that the Committee ask for information concerning the high number of Palestinian children killed and wounded by the Israeli military, including the number of official investigations that have been opened into child deaths, the number of violations to their Rules of Engagement discovered and any subsequent changes made, and in how many cases were punitive measures taken against those found responsible;
4. We urge the Committee to inquire as to how Israel considers that its policies of collective punishment, such as curfews, closures, and home demolitions, comply with the rights embodied in the Convention, particularly the right to education, health, and an adequate standard of living?;
5. We urge the Committee to reaffirm the findings of the Committee Against Torture, which found that home demolitions can be tantamount to cruel, inhuman and degrading treatment and to ask Israel to explain how it justifies punishing Palestinian children for acts committed by adults, particularly demolishing the homes of suicide bombers;

6. We urge the Committee to seek further clarification regarding Military Order No. 132, including stressing the inconsistency between the article 1 definition of a child, and Military Order No. 132, which applies only to Palestinian residents of the occupied territories and defines through omission a child as anyone under 16 years; Moreover, we recommend that the Committee ask for an explanation for the discriminatory definitions of a "child";
7. We urge the Committee to ask for an explanation regarding how the Israeli policy of curfew, given that it applies only to Palestinian residents of the OPT and not to illegal Israeli settlers, complies with the principles of non-discrimination embodied in the Convention?
8. With reference to child prisoners, we recommend that the Committee:
 - One. Request further information regarding treatment of Palestinian child political prisoners, including their repeated exposure to torture and cruel, inhuman and degrading treatment;
 - Two. Request additional information regarding the rationale for determining length of sentences in military courts and for an explanation regarding the obvious discrimination between lengths of sentences for Palestinian children and for Israeli citizens;
 - Three. Inquire why there is no juvenile specific system in the occupied territories as there is in Israel proper;
 - Four. Inquire as to why Palestinian child political prisoners are repeatedly detained with criminal juvenile prisoners and how have prison administrations responded to complaints of mistreatment by Palestinian child political prisoners?
 - Five. Reaffirm the right of detained children to family and lawyer visits and call upon Israel to allow these visits, in particular, we ask that the Committee inquire as to why there have been virtually no family visits since October 2000 and ask for an explanation as to how new regulations (effective July 2001) impeding the ability of Palestinian lawyers to visit their clients complies with the right of detained children to attorney visits?;
 - Six. Reaffirm the principle of imprisonment as a measure of last resort and ask the State of Israel how many cases of Palestinian children (residing in the West Bank or Gaza Strip), 14 years and older, who have been arrested and found guilty of an offense, have received a sentence of anything other than imprisonment?
9. Article 8(2) and Article 7 of the Convention obligate Israel to reverse its illegal selective denationalization of the 1948 Palestinian refugees, which its 1952 Nationality Law was drafted to accomplish. Therefore, in order to come into compliance with the Convention, Israel must amend or annul its 1952 Nationality Law so as to restore the nationality status of the 1948 Palestinian refugees, thereby allowing them and their descendants to return to their places and homes of origin inside the 1949 armistice lines. Such a remedy would fully conform with the right of return as grounded in international law and guaranteed since 1948 by General Assembly Resolution 194.
10. To facilitate Israel in complying with its Article 22 obligations to provide protection to the Palestinian refugees under its jurisdiction, we call upon the Committee on the Rights of the Child -- in reviewing the status of Palestinian refugee children under Israel's jurisdiction -- to clearly call for the international community to mandate a protection agency for the Palestinian refugees as *quickly as possible*. This protection agency must be mandated to provide short-term "day-to-day rights" protection and long-term "durable solutions" protection. It must, of course, be charged with addressing the triples protection needs of Palestinian refugee children.

APPENDICES:

Table 2: Child Deaths by Month (1 January – 31 December 2000)

Month	Number	Percentage
January	0	0
February	0	0
March	0	0
April	0	0
May	4	3.81
June	3	2.86
July	2	1.9
August	2	1.9
September	3	2.86
October	35	33.33
November	45	42.86
December	11	10.48

**TABLE 4: Cause of Death According to Injury Location on Body
1 January – 31 December 2000**

Cause of Death	Location of Injury						Total
	More than one location	Head	Eye	Chest	Back	Stomach	
Live ammunition	7	27	3	27	2	0	66
Exploding bullet	2	6	1	4	0	2	15
Rocket	2	1	0	0	0	0	3
Shrapnel	0	3	0	0	0	0	3
Rubber Coated Steel Bullet	0	2	0	1	0	0	3

Other	11	1	0	0	0	0	12
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**TABLE 5: Location of Fatal Injuries of Children Killed
1 January 2000 – 31 December 2000**

Location of Injury	Number	Percentage
Head	40	38.1
Chest	32	30.48
Back	2	1.9
Eye	4	3.81
Stomach	2	1.91
More than one place	22	20.95
Total	102*	100

* The three outstanding deaths occurred as a result of closure (1) and teargas asphyxiation (2)

**TABLE 6: Israeli Violations through Violation Type
(% of total for period) –
1 January 2000-31 December 2000**

Violation Type	Before the Intifada	During the Intifada	Total
Injury to Upper Body	45 (19%)	640 (31.7%)	685 (30%)
Injury to Lower Body	11 (4.7%)	112 (5.6%)	123 (5.4%)
Injury to Arms and Legs	81 (34.3%)	680 (33.7%)	761 (33.7%)
Beating and panic attacks	45(19%)	272 (13.4%)	317 (14%)
Injury to more than one location	50 (21.2%)	81 (4.0%)	131 (5.8%)
Asphyxiation	4 (1.7%)	237 (1%)	241 (1.1%)
Total Number	236	2022	2258

**TABLE 7: Detailed Breakdown of Injury Location on Palestinian Children
1 January – 31 December 2000**

Place of Injury	Before the Intifada	During the Intifada	Total Number
More than One	50	81	131
Head	28	337	365
Chest	5	64	69
Back	8	59	67

Eye	2	159(14 lost eye)	161
Neck	2	21	23
Stomach	10	70	80
Side	0	19	19
Arms and Legs	81	680	761
Bruising	22	73	95
Pelvis/Groin	1	23	24
Asphyxiation	4	237	241
Poisoning	0	1	1
Panic Attack	23	198	221

**TABLE 8: Injury Breakdown by Age Group
1 January 2000 – 31 December 2000**

Age group	Before the Intifada	During the Intifada	Total injured
0-8	26 (11%)	189 (9.3%)	215 (9.5%)
9-12	50 (21.1%)	344 (17.01%)	394 (17.4%)
13-15	63 (26.6%)	734 (36.3%)	797 (35.2%)
16-17	97 (41.1%)	755 (37.3%)	852 (37.7%)

TABLE 9: Injury Location on Child's Body, September-December 2000

Month	Head Area (head, neck, eyes)	Stomach	Chest
September	36.6%	7.4%	5.7%
October	36.6%	4.4%	4.0%
November	35.2%	5.1%	4.9%
December	43.9%	4.3%	2.9%

TABLE 10: Age Distribution of Palestinian Children Injured in the Year 2001

Age Group	Number	Percentage
0-8 years	578	15.41%
9-12 years	912	24.32%
13-15 years	1258	33.55%
16-17 years	1002	26.72%
Total	3750	100%

TABLE 11: Cause of Injuries to Palestinian Children in the Year 2001

Cause of Injury	Number	Percentage
Live ammunition	906	24.16%
Rubber Coated Steel bullets	535	14.23%
Tear Gas	347	9.25%
Shell	1	0.03%
UXO	7	1.9%

Beating	689	18.37%
Shrapnel*	544	14.51%
Stone	32	0.85%
More than one	17	0.45%
Falling	421	11.23%
Other**	251	6.7%
Total	3750	100%

* Shrapnel includes shrapnel from shells, bombs and missiles.

**Other includes sound bombs, panic attacks, chemical substance, glass, iron and wooden bars.

TABLE 12: Location of Injury on Body of Palestinian Children in 2001

Location of Injury	Number	Percentage
More than one location	710	18.93%
Head	445	11.87%
Chest	86	2.29%
Back	94	2.51%
Eye	121	3.23%
Neck	34	0.91%
Abdomen	99	2.6%
Waist	14	0.37%
Limbs	1344	35.84%
Groin	42	1.12%
Suffocation	327	8.72%
Bruising	347	9.25%
Anxiety/Panic attacks	87	2.32%
Total	3750	100%

TABLE 13: Cause of Death of Palestinian Children in 2001

Cause of Death	Number.	Percentage
Live ammunition	49	50%
Machine gun	9	9.2%
Shrapnel from rocket	7	7.14%
Fragmenting bullets	7	7.14%
More than one cause	6	6.12%
Bomb	4	4.1%
Landmine	4	4.08%
Shrapnel from shell	2	2.04%
Closure	2	2.04%
Ground to Ground missile	2	2.04%
Missile fired from air	2	2.04%
Shelling	1	1.02%
Shrapnel from bullet	1	1.02%
Shrapnel from bomb	1	1.02%
Other reasons	1	1.02%
Total	98	100%

TABLE 14: Arrests, Child Arrests, Women Arrests by the Israeli Authorities, 1992-2001

Year	No of the arrested in thousands	No of the sentenced in thousands	The average number of detainees	Administrative Detainees	Children detainees under 18 years	Women detainees	Notes
1992	25000	14600	10 000	500		70	20 underage
1993	13000	15300	10 400	319		60	10 underage
1994	6500	6245	5450	700		45	500 released After the Peace Accords
1995			4000	600	240	45	7 underage
1996	1600	1000	3500	375	250	30	4 underage
1997	1200	1450	2500	1900	120	27	
1998	1200	1500	1500	270	200	4	1 underage
1999					252	5	2 underage
2000	2500	1629	2377	25	450	10	3 underage
2001					600	12	4 underage

TABLE 15: Distribution of DCI/PS Cases in 2001 according to Type of Case

TYPE OF CASE	NUMBER	PERCENTAGE
Military Court	115	62.84%
Parole Committee	29	15.85%
Transfer to Other Prison	21	11.48%
Military Appeals Court	5	2.73%
Compensation Cases	3	1.64%
Administrative Detention	2	1.09%
Others	8	4.37%
TOTAL	183	100%

TABLE 16: Distribution of Cases according to Geographic Region

REGION	NUMBER	PERCENTAGE
South	111	60.66%
Middle	53	28.96%
North	19	10.38%
TOTAL	183	100%

TABLE 17: Distribution of Cases according to Age Group

AGE GROUP	NUMBER	PERCENTAGE
13 - 14 years	31	16.94%
15-16 years	79	43.17%
17-18 years	73	39.89%
TOTAL	183	100%

TABLE 18: Distribution of closed cases according to Length of Sentence

LENGTH OF SENTENCE	NUMBER	PERCENTAGE
Less than one month	19	20.21%
1 month to 6 mos.	14	14.89%
6 mos – 1 year	46	48.94%
More than one year	15	15.96%
TOTAL	94	100%

TABLE 19: A Comparative Analysis of DCI/PS Cases from 1999 – 2001

Breakdown	1999	2000	2001
<i>Age Group</i>	<i>Cases/ Percentage</i>		
12 years	12 / 5.94%	-0-	-0-
13-14	20 / 9.90%	55 / 21.83%	31/ 16.94%
15-16	87 /43.07%	118 / 46.83%	79/43.17%
17-18	83 / 41.09%	79 / 31.34%	73/39.89%
Total No. of Cases	202	252	183⁹⁴
<i>Duration of Sentence</i>	<i>Cases / Percentage</i>		
Less than 1 month	57 / 43.51%	22 / 35.48%	19/20.21%
1 – 6 months	40 / 30.53%	9 / 14.5%	14/14.89%
6 months – 1 year	25 / 19.08%	25 / 40.3%	46/48.94%
More than 1 year	9 / 6.88%	6 / 9.7%	15/15.96%
Total No. of Sentences	131	62	94

⁹⁴ It is important to note that this number reflects only the number of cases received by DCI/PS in 2001. Though it represents a decrease in the number of cases received in previous years, we do not believe that this indicates a decrease in the frequency of child arrests. Rather, we believe it is due to restrictions on freedom of movement and the inability of families to arrive to Ramallah to request the organizations assistance.

TABLE 20: Forms of Abuse to which Palestinian child political prisoners, represented by DCI/PS, were exposed in 2001

Form of Abuse	Number
Sleep Deprivation	35
Beating	21
Position Abuse	44
Isolation	49
Blindfolding and Typing of Hands	150

Table 21: Palestinian Schools Affected by Israeli Policy of Curfew

Hebron (Old City)	Ossamma Primary School for girls	84 days	584 students, 22 teachers
	Al Maa'ref Boys		871 students, 30 teachers
	Jawhar Girls		380 students 13 teachers
	Al Ukhwa		551 students 24 teachers
	Tareq Boys School		725 students 31 teachers
	Al Jaza'er Boys		301 students 12 teachers
	Beer Sabaa' Boys (1-6 grades)		276 students 11 teachers
	Beer Sabaa' Boys (7-8 grades)		227 students 13 teachers
	Al Yacoub'iya		310 students 13 teachers
	Al Ibrahim School		539 students 19 teachers
	Al Khaleel (1-5 grades)		487 students 22 teachers
	Al Khaleel (6-9 grades)		310 students 14 teachers
	Al Nasir		306 students 11 teachers
	Al Mantbee		267 students 10 teachers
	Sidr (4-10 grades)		495 students 20 teachers
	Sidr (1-3 grades)		255 students 8 teachers
	Qortaba School		196 students 13 teachers
	Abdul Khalq (4-10 grades)		371 students 17 teachers
	Abdul Khalq (1-3 grades)		174 students 8 teachers
	Shajra Al Dar		220 students 10 teachers
Al Fiyha'	335 students 14 teachers		

	Al Hajreeya		650 students 25 teachers
	Al Zahra (5-10 grades)		640 students 24 teachers
	Al Zahra (1-5 grades)		582 students 17 teachers
	Thu Al Nowreen		186 students 7 teachers
	Al Khadeeja Bint Khowled		577 students 21 teachers
	Al Yaqtha		442 students 19 teachers

Appendix 2: MAIN VIOLATIONS OF INTERNATIONAL NORMS AND STANDARDS FOR PALESTINIAN CHILD DETAINEES

Systematic Detention of Children:

? United Nations Convention on the Rights of the Child (CRC), article 37, "The arrest or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time."

? UN Rules for the Protection of Juveniles Deprived of their Liberty (adopted by General Assembly resolution 45/113 of 14 December 1990), 1. "The juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juveniles. Imprisonment should be used as a last resort."

? Beijing Rules (UN Standard Minimum Rules for the Administration of Juvenile Justice), 18.1, "A large variety of disposition measures shall be made available to the competent authority, allowing for flexibility so as to avoid institutionalization to the greatest extent possible. Such measures, some of which may be combined, include:

- One) Care, guidance and supervision orders;
- Two) Probation;
- Three) Community service orders;
- Four) Financial penalties, compensation and restitution;
- Five) Intermediate treatment and other treatment orders;
- Six) Orders to participate in group counselling and similar activities;
- Seven) Orders concerning foster care, living communities or other educational settings;
- Eight) Other relevant orders.

? Beijing Rules, 19.1 "The placement of a juvenile in an institution shall always be a disposition of last resort and for the minimum necessary period."

Political Prisoners Detained with Criminal Prisoners:

One practice of serious concern to DCI/PS is the placement of child prisoners with criminal prisoners in Telmond Prison. This practice was reintroduced by the Israeli Prison Authorities in the latter part of the year 2000 and is contrary to the United Nations Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules) adopted by UN Economic and Social Council resolution 663C (XXIV), on July 31, 1957. This resolution provides authoritative guidance in interpreting principles laid out in documents such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Standard Minimum Rules apply to all persons in detention, for whatever reason. Among other things, the rules note:

- ? different categories of prisoners shall be kept in separate institutions (or parts of institutions), taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment;
- ? handcuffs, chains, irons and straitjackets should never be used as punishment;
- ? people detained for civil or administrative reasons should be kept separately from people imprisoned for a criminal offense

Torture

? UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)

? UN Declaration of Human Rights, Article 5, 1948, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

? UN Covenant on the Rights of the Child, Article 37 (a), 1989, "no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment"

? Fourth Geneva Convention, Article 32, 1949, "High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to

murder, torture,...but also to any other measures of brutality whether applied by civilian or military agents"

? UN International Covenant on Civil and Political Rights, Article 7, 1966, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation."

? UN Code of Conduct for Law Enforcement Officials, Article 5, 1979, "... nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security...as a justification of torture..."

? UN General Assembly Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment: UN General Assembly RES 39/46, Annex; Article 2, 1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. 2. No exceptional circumstances whatsoever, whether a state of war or a threat or war, internal political instability or any other public emergency, may be invoked as a justification of torture. 3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

? U.N. Commission on Human Rights, Report of the Special Rapporteur on torture and cruel, inhuman or degrading treatment or punishment, U.N. Doc. E/CN.4/1994/31 1994)(Nigel Rodley, Special Rapporteur). Israel 352. By letter dated 26 August 1993 the Special Rapporteur informed the Government that he had received information according to which the practice of torture in military interrogation centres still persisted. Methods included severe beating, hooding, prolonged handcuffing, tying in painful positions, confinement in tiny and airless spaces, electric shocks, sleep deprivation, exposure to extreme temperatures and prolonged solitary confinement. 353. Another prevailing complaint concerned the lack of access to medical facilities. Detainees who are in need of physical or mental health-care treatment are often denied access to doctors or are not allowed to receive medication. In addition, Israeli physicians and other medical personnel have allegedly been involved in certifying detainees' fitness to undergo some of the methods of interrogation reportedly used by the Israeli authorities; in examining and providing treatment to victims before allowing them to be returned to interrogation; and in covering up abuses by interrogators.⁹⁵

UN Committee Against Torture, A/49/44, paras. 159-171; 12 June 1994, Concluding Observations of the Committee Against Torture: Israel 165. There is real concern that no legal steps have been taken to implement domestically the Convention against Torture. Thus, the Convention does not form part of the domestic law of Israel and its provisions cannot be invoked in Israeli courts. 166. The Committee regrets the clear failure to implement the definition of torture as contained in article 1 of the Convention.

Denial of the Right to Education:

? UN Rules for the Protection of Juveniles Deprived of their Liberty, 38. "Every juvenile of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. Such education should be provided outside the detention facility in community schools wherever possible and, in any case, by qualified teachers through programmes integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty. Special attention should be given by the administration of the detention facilities to the education of juveniles of foreign origin or with particular cultural or ethnic needs..."

? Beijing Rules, 26.2, "Juveniles in institutions shall receive care, protection and all necessary assistance - social, educational, vocational, psychological, medical and physical - that they may require because of their age, sex, and personality and in the interest of their wholesome development."

Inadequate Medical Care (re: the case of Sawsan Abu Turki)

? UN Rules for the Protection of Juveniles Deprived of their Liberty, 49, "Every juveniles shall receive adequate medical care, both preventive and remedial, ..."

⁹⁵ Israeli also violates, among others: the 1945 Charter of the International Military Tribunal at Nuremberg, Regulations annexed to the 1907 Hague Convention (IV), the Standard Minimum Rules for the Treatment of Prisoners, the United Nations Code of Conduct for Law Enforcement Officials, the Principles of Medical Ethics Relevant to the Role of Health Personnel in the Protection of Prisoners and Detainees Against Torture and Other Cruel, Inhuman, or Degrading Punishment

? (Also, see Beijing Rule 26.2 above)

Isolation

? UN Rules for the Protection of Juveniles Deprived of their Liberty, 67, "All disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned."

Insufficient Clothing/Blankets for Winter

? UN Rules for the Protection of Juveniles Deprived of their Liberty, 36. "...Detention facilities should ensure that each juvenile has personal clothing suitable for the climate and adequate to ensure good health ..."

Denial of Family Visits:

? article 37c, CRC, "Every child deprived of liberty...shall have the right to maintain contact with his or her family through correspondence and visits, save in exception circumstances."

? Beijing Rules, 26.5, "In the interest and well-being of the institutionalized juvenile, the parents or guardians shall have a right of access."

Denial of Legal Visits:

? article 37d, CRC, "Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action."

? Beijing Rules, 15.1, "Throughout the proceedings the juvenile shall have the right to be represented by a legal adviser or to apply for free legal aid where there is provision for such aid in the country."

Appendix 3: Forms of abuse to which Palestinian child political prisoners are exposed

Beating: >From the moment of arrest until entering prison, children are subjected to beating all over the body, in particular the head and genitals. The victim is often blindfolded while being beaten. Some adult prisoners told of soldiers who threw their hoods to the wet and dirty ground of the lavatory before making them wear it.⁹⁶ This pattern was repeated in many cases of child prisoners as well.

Isolation: Children are often placed for long periods of time (from 1-3 days), in isolation cells approximately 2mX2m in size, with a small window or ventilation space and an open toilet. Given the open toilet, the room is permeated with an overwhelming stench and, once inside, the child is unable to communicate with anyone else. Often times the floor of the cell is wet or has open sewage flowing through it. The cell may either be almost completely devoid of light, or have the light on at all times. If the prisoner tries to sleep, a guard will come and wake him or her.

Sleep Deprivation: During interrogation, in order to exert pressure on children and to make them physical and psychologically exhausted, children are not allowed to sleep.

Threats: Children are faced with threats of long prison terms, imprisonment of family members, demolition of family home, and/or rape or the rape of female members of the family.

Position Abuse (shabeh): Tying of the hands and legs or both, placing the child on a chair or against the wall and forcing him to stand on his toes, for extended periods of time. The initial discomfort quickly turns to pain and grows more intense as time passes "due to restricted circulation, straining of limbs, cramps, numbing, itching..."⁹⁷ Some have suggested that the popularity of shabeh as a preferred means of torture is due to the fact that it leaves few scars on the body.

Exposure to Humiliation and Degrading Situations: Demanding that the child curse God or his relatives; spitting on child prisoners, forcing the child to exert himself physically or disrobe.

As the following excerpt from the case study of 15 year old Mohammed Fawzi Sa'dy Rajabi indicates, such treatment is often contextualized within a pattern of other abuses:

Mohammed Fawzi Sa'dy Rajabi, 15 years old

"After five minutes the jeep reached Ja'abara, a military base for police and soldiers. They took me out of the jeep, forced me to put my hands on the back of my head and sit under a low metal roof. After that one of the soldiers pulled me and tried to force me to put my hands behind my back. He asked me to stand and salute him. He asked me to stand saluting for 30 minutes. After this time, he asked me to sit down and stand up more than 20 times. When I said to him that I felt tired, he kicked my lower leg with his foot. Then he let me sit...

"When we reached Ja'abara, one of the soldiers asked me to raise my head to the sky and count the stars. It was dark. After five minutes he allowed me to put my head down ... They took us out and took off the handcuffs. Then they tied us up individually with ropes. They pulled me by my belt and threw me into a narrow caravan along with the other two boys as well. They beat us with their gun butts, electrical cord and sticks all over my body. One of the men pushed his gun painfully against my backside, but did not ask me to take my clothes off. He did this more than once."⁹⁸

Deprivation from food and drink: In order to exhaust the prisoner and to exert psychological pressure on the detainee, children are deprived of food and drink or served inedible, unidentifiable food.

Prevented from using the bathroom: Frequently, prisoners are not allowed to use the toilet and are forced to relieve themselves while fully clothed in the presence of others.

⁹⁶ Human Rights Watch/Middle East [HRW/ME], *Torture and Ill-Treatment: Israel's Interrogation of Palestinians from the Occupied Territories*, Human Rights Watch Middle East Watch, New York, 1994, p. 161.

⁹⁷ HRW/ME 1994, p. 111.

⁹⁸ Affidavit of Mohammed Fawzi Sa'dy Rajabi given to DCI/PS fieldworker, detained on 11 July 2001.

Cold and Hot Water: Depending on the whims of the interrogators, children are often doused with extremely hot and/or cold water during interrogation. The choice of hot or cold water is often dependent on the season (i.e. in winter, cold water is used; in summer, hot water).

Shaking: A process of vigorous body shaking by carrying the child and shaking him repeatedly. Children who undergo this experience usually lose consciousness.

Deprivation of family and attorney visits: Employed in order to exert psychological pressure on the child and to increase the detainees feeling of aloneness.

Pressuring child detainees to collaborate with the Israeli security services Often attempted through threatening the child with other punitive measures or by placing children in rooms with Palestinian collaborators who then exert pressure on the child to collaborate.

Forced signing of confessions: Numerous children are arrested on the basis of confessions signed by other children, in which case, the child is not taken to interrogation, especially if they are arrested with a large group of children. Frequently, children are forced to sign confessions printed in Hebrew, which the children do not understand, by placing their fingerprints on the paper.

Collective Interrogation: Process by which more than one interrogator participates in interrogating the child.

Additional Information Regarding the State of Israel's Initial
Report to the Committee on the Rights of the Child

Submitted by the Palestinian Child Rights Coalition

July 2002

Alternative Report – Additional Information

1. Introduction

This report provides additional information to the Alternative Report to the Israeli States Party Report submitted by the Palestinian Child Rights Coalition in March 2002 to the UN Committee on the Rights of the Child.

This report follows the same format as the previously submitted Alternative Report, namely, it documents and analyzes Israel's compliance with the CRC on the basis of a thematic structure that contains eight clusters of articles: general measures of implementation (articles 4, 42, 44.6), definition of the child (article 1), general principles (articles 2, 3, 6, 12), civil rights and freedoms (articles 7, 8, 13, 14, 15, 16, 17, 19, 37(a)), family environment and alternative care (articles 5, 9, 10, 11, 18, 20, 21, 25, 27.4), basic health and welfare (articles 18, 23, 24, 26, 27), education, leisure and cultural activities (articles 28, 29, 31), and special protection measures (articles 22, 30, 32, 33, 34, 35, 37, 38, 39, 40).

2. The Question of Jurisdiction

As detailed in the Alternative Report (March 2002), the omission within the Israeli State Party Report to the Committee of any reference to Palestinian children living in the West Bank and Gaza Strip implies that Israel does not recognize the applicability of the CRC in these areas.

In this Additional Information submitted to the Committee, the Palestinian Child Rights Coalition would like to present further argument that the Israeli government considers all areas of the West Bank and Gaza Strip under its jurisdiction despite the existence of Area A (areas in which the Palestinian Authority has gained political and security control following the signing of Oslo II agreement in 1995.)

Firstly, it should be pointed out that the Oslo II agreement explicitly guaranteed Israel the right to enter Area A should it deem such actions necessary for protecting the "overall security of Israelis." (Article 1(1) Oslo II agreement). Article XI of Annex I states that Israeli military engagement steps may include actions "within the territory under the security responsibility of the [Palestinian] Council." These powers were reconfirmed in the 1997 Hebron Protocol, which entitles Israel to "carry out independent security activities for the protection of Israelis in H-1" (H-1 is the functional equivalent of Area A in Hebron).

The practical implications of this have become particularly evident in the last 6 months. The prolonged presence of Israeli troops in all areas of the West Bank and Gaza Strip including those areas supposedly under the control of the Palestinian Authority (eg. Ramallah, Jenin, Nablus, Bethlehem, Tulkarem and Qalqilya.)

Even if Israel was correct in its argument that it had no jurisdiction over Palestinian children living in Area A, this does not explain why the Israeli report makes no mention of Palestinian children living in Areas B or C.

Secondly, Israeli Military Orders are applicable in all areas of the West Bank and Gaza Strip, regardless of their status under the Oslo Accords. Evidence for this lies in the fact that many Palestinian children are arrested and charged for offences supposedly committed inside Area A. For example, Mohammed Zeidan, a 17-year old boy from Jenin, was arrested on 7 April 2002 for throwing stones at Israeli soldiers from inside Jenin (Area A according to the Oslo II Agreement.) Israeli soldiers entered Jenin and arrested Mohammed, charging him with this offense.

Israel's wide-ranging military offensive that begun on March 29 2002 (termed Operation Defensive Shield by the Israeli government), has practically erased the distinction between Areas A,B and C. Since this date, Israeli troops have maintained a continuous presence in Area A of the West Bank. For the town of Ramallah for example, a permanent curfew was placed on the town for 36 out of 96 days between 29 March and 2 July. During this period, Israeli tanks and soldiers enforced the curfew with all residents confined to their homes with the threat of being shot or arrested if they leave their house. In other areas of the West Bank, such as Tulkarem and Jenin, the proportion of days under curfew is significantly higher.

Moreover, Israel retains control over all entry and exit points of Palestinian cities through a system of military checkpoints. These checkpoints mean that all movement of people, goods and labor is controlled by the Israeli military. There is no direct access to the outside world that is not mediated by the Israeli government. This means that Israel retains direct control over the Palestinian economy and social life.

The permanent military presence and checkpoint system indicates that practically speaking, Israel retains control over all areas of the West Bank and Gaza Strip.

3. General Measures of Implementation (articles 4, 42, 44.6)

This cluster of articles is concerned with the general spirit in which the State Party works to implement the Convention. As outlined above, Israel denies the applicability of the Convention to the West Bank and Gaza Strip despite the fact that these areas are quite clearly under Israeli jurisdiction. It should be pointed out Israel considers the CRC to be applicable to Israeli settlers living in the West Bank and Gaza Strip, despite the fact that Israeli settlement is considered illegal by the international community. Israel also considers Palestinian residents of East Jerusalem as being covered by the CRC despite Israel's illegal annexation of the city.

Indeed, rather than any attempt to implement the CRC within the OPTs we are faced with overwhelming evidence of Israel's massive violation of the articles of the convention. These are discussed in detail below.

4. Definition of the Child (Article 1)

As mentioned in the Alternative Report (March 2002), Israeli practice indicates that Palestinian children who are 16 or 17 years old are considered as adults by the Israeli military. This practice is given a legalistic veneer through the use of Israeli Military Order #132.⁹⁹ The practical implications of this have been made clear following the March 29 invasions.

On 5 April 2002, the Israeli Military Commander in the West Bank issued order #1500.¹⁰⁰ This order allows for Israeli military and police officers to arrest any Palestinian from the West Bank without providing a reason and without a warrant. Moreover, the military order decrees that these detainees can be arrested for a period of 18 days before any legal proceedings take place. The new military order builds on previously issued orders requiring detainees to be brought before a judge within eight days. At present, detainees can be held for 18 days, as decreed by military order no. 1500, and then for an additional eight days, as decreed by previous military orders. Military order no. 1500 is retroactive, applying to all detainees arrested since 29 March 2002.

This order makes no distinction between children and adults who are arrested. From DCI/PS experience in following up with children detained in the recent period, it is clear that hundreds of children have been incarcerated. At the time of writing, at least 50 children remain detained at Ofer Detention Center near Ramallah. These children are defined and treated as adults according to Military Orders #132 and #1500.

Further confirmation that Palestinian children aged 16 and 17 are considered as adults by the Israeli government and military is found in the re-introduction of administrative detention orders for these children. Administrative detention is a form of arrest that consists of trial before a military judge on the basis of "secret evidence". The detainee is not charged with any offence but is detained for up to 6 months. On the basis of DCI/PS files, tens of children are currently detained under administrative detention orders. There is no distinction in these order between adults and children. Palestinian children are detained with adults and suffer the same conditions.

5. General Principles (Articles 2,3,6,12)

⁹⁹ See Appendix 1 for an explanation of how Israeli Military order #132 achieves this redefinition in practice.

¹⁰⁰ See Appendix 2 for a translation of Israeli Military Order #1500

5.1 Discrimination

The Alternative Report (March 2002) discussed Israel's violation of Article 2, Paragraph 2, which requires that children are protected from discrimination or punishment because of acts committed or beliefs of their parents or members of their families. Numerous violations of this article have occurred since the submission of the Alternative Report.

The Israeli government is now systematically implementing a policy of demolishing houses of Palestinians who are accused of involvement in military operations against Israelis. This policy of house demolition has been explicitly defended by the Israeli government as a means of collective punishment and deterrence. In many cases, children are made homeless as a result of these house demolitions.

In some cases, the Israeli military has demolished houses or buildings on the mere suspicion that activists who are deemed wanted were living or hiding in the residence. Appendix 3 contains a recent example of an apartment that was demolished in Nablus by Israeli soldiers on the pretence that "wanted" people were hiding in a separate apartment upstairs. Five children were made homeless by this demolition, including a 16-year old boy who was arrested during the demolition. The residents were not permitted to remove their belongings before the building was destroyed.

5.2 Article 6 and the Right to Life

We wish to bring to the attention of the Committee further information regarding the right to life upheld in article 6 of the CRC. The first report submitted to the Committee did not include detailed information on the year 2002, for which information has now become available. This information indicates that the violation of Palestinian children's right to life in the first six months of the year 2002 has almost reached that of the entire year 2001. In the first five months of 2002, 93 Palestinian children have been killed by Israeli soldiers.

Age Group	2001		2002 (Jan – May)	
	Number	Percentage	Number	Percentage
0-8	12	12.24	21	23
9-12	21	21.43%	20	22
13-15	31	31.63%	26	28.6
16-17	34	34.69%	24	26.4
Total	98	100%	91*	100

* The total of 91 rather than 93 is due to the fact that the bodies of 2 children are still unidentified.

Location of Injury	2001		2002 (Jan – May)	
	Number	Percentage	Number	Percentage
Head	31	32.29	19	22
Chest	20	20.8	14	16.2
Back	4	4.17	4	4.65
Stomach	9	9.38	4	4.65
More than one location	32	33.33	45	52.33
Total¹⁰¹	96	100	86*	100

* The total of 86 rather than 93 is due to the fact that some children were killed by suffocation from tear gas or closure.

The tables above dramatically confirm the trends identified for the year 2001 in the first submission to the Committee, namely, *Israeli forces continue to kill significantly younger children with increasing levels of force*. In the first five months of the year 2002, 45% of Palestinian children killed were aged 12 years and under. This number exceeds the proportion in the year 2001, both relatively (45% compared to 34%) and also in quantitative terms (41 children compared to 33 children). It should be stressed that the figures for the year 2002 cover the first five months of the year while those for 2001 include the whole 12-month period.

¹⁰¹ It should be noted that in both 2000 and 2001 two children died due to closure. They are not included in this table.

An examination of data concerning children killed between 0-8 years shows a further disturbing trend. The number of children killed in this age group has been increasing on an annual basis, with 7 deaths documented in 2000, 12 in 2001, and 20 in the first 5 months of 2002. In addition, the percentage this age group of children represents is increasing within the context of total number of children killed annually. In 2000, deaths of Palestinian children 0-8 years constituted 6.6% of total children killed (7/105). In 2001 the percentage increased to 12.2% (12/98). In the first 5 months of the year 2002, deaths in this age group constituted 21.5% (20/93) of total child deaths. *Thus, in the span of two years, the percentage of children in this age group that have been killed has increased by over 300%.*

Regarding the use of force, in 2002, over half of the children killed sustained multiple fatal injuries to more than on part of the body (52.33%) as compared to one-third of children in 2001. In other words, the level of deadly force used by Israeli soldiers in 2002 increased dramatically.

The circumstances surrounding the deaths of children also indicate that since the beginning of the year 2002, Israeli forces have accelerated their policies of collective punishment including the arbitrary use of heavy fire-power against the civilian population.

Cause of Death	Number	Percentage
Clashes	16	18.1
Shelling, bombing	40	45.45
During assassination attempt	6	6.81
Random killing	10	11.36
Unable to access medical services due to closure	6	6.82
Mine, UXO	10	11.36

Eighteen percent of children were killed during demonstrations or clashes with Israeli soldiers. As discussed in the first report to the committee, the vast majority of these deaths occurred in circumstances where there was no exchange of fire, i.e. Israeli soldiers opened fire on unarmed demonstrators, including children.

50 children were killed in circumstances where Israeli forces randomly opened fire or shelled civilian neighborhoods in Palestinian towns and villages. It should be pointed out that a large proportion of these deaths occurred during the Israeli invasion of Palestinian towns and villages beginning March 29 and continuing until late April. During this period, all Palestinians in the invaded areas were completely confined to their homes. The full meaning of this must be stressed – hundreds of thousands of Palestinians were imprisoned in their homes and Israeli forces opened fire with heavy artillery or shelled these homes while their residents were inside. The question posed by the Palestinian Child Rights Coalition is as follows: How can this bombardment of an entrapped civilian population be considered an attempt by the States Party to “... ensure to the maximum extent possible the survival and development of the child.”

Furthermore, six Palestinian children have been killed this year during attempted assassinations of Palestinian activists. Another six children were killed because they were unable to obtain medical assistance because of movement restrictions imposed by Israeli soldiers.

The level of violence to which Palestinian children have been subject by Israeli soldiers during the recent sieges demonstrates a systematic pattern of physical and mental abuse that will have a long-term effect on the psycho-social development of Palestinian children.¹⁰² Symptoms of Post-Traumatic Stress Disorder (PTSD) are widespread, and all Palestinian children’s organizations report that this is a major issue that they have been forced to address over the last period.

6. Family environment and alternative care (articles 5, 9, 10, 11, 18, 20, 21, 25, 27.4)

¹⁰² See Appendix 4 for case studies demonstrating this systematic abuse during the siege of Ramallah from 29 March-21 April.

Article 10.1 deals with the right of children to have their family reunification applications dealt with in a "positive, humane and expeditious manner." In the case of Palestinian residents of East Jerusalem, this article is severely violated. The Entrance Into Israel Law of 1952, classifies Palestinian residents of Jerusalem as "permanent residents," akin to non-Jewish immigrants, subject to special regulations restricting their travel, their rights to land, building, and municipal services. Thus Palestinian residents are required to obtain ID cards, indicating their "permanent residence" status, in order to be allowed access to the city and the services offered by government institutions. This "permanent resident" status applies only to Palestinians – not to Israeli Jews living in Jerusalem.

Palestinian children suffer under the discriminatory family reunification procedures for families where one spouse is a non-Jerusalem resident. In the case where the male partner is living outside of Jerusalem and is applying for reunification with his Jerusalemite wife, she must satisfy another of the discriminatory requirements of the Israeli policy – the "Center of Life" requirement. This states that she must prove her center of life is in Jerusalem, an often-difficult task given that many of the documents proving this (phone, electricity bills for example) may not be in her name. It is possible for the Israeli clerk in the Ministry of Interior to reject this application without being required to give a reason. Thus many Palestinian children are forced to live in divided families where one parent lives in Jerusalem and the other outside of the city. It should be stressed that family reunification for Jewish families is an automatic right.

If a Palestinian child is born overseas to a resident they are also not automatically awarded residency. They must apply for family reunification, a long and often fruitless procedure.

It should be noted that these requirements only apply to Palestinians living in Jerusalem. Also, if a child does not acquire a Jerusalem ID number by the time they reach 16 years of age, they could be expelled from Jerusalem.

7. Basic Health and Welfare (articles 18, 23, 24,26,27)

7.1 Article 24

In addition to the direct killing and wounding of children, Israeli measures in the West Bank and Gaza Strip are having a devastating impact on the status of children's health. Medical personnel and humanitarian aid workers have been repeatedly denied access to the sick and wounded. They have been attacked and harassed and had their vehicles shot at and/or destroyed. Moreover, civilians who have tried to reach medical facilities have been consistently denied passage, attacked and in more than one case killed for seeking medical treatment.

According to information provided to the Palestinian Child Rights Coalition on 18 April 2002, by Musa Abu Humeid, General Director of Palestinian Government Hospitals, approximately ½ million children were unable to receive their required vaccinations between 29 March and 21 April. The extended absence of vaccinations such as these poses a threat to the population as a whole as it can lead to a reemergence of epidemics like measles and poliomyelitis, which were eradicated in 1997 and 1999, respectively.

Abu Humeid also stated that another problem concerns the large number of Palestinian children suffering from blood diseases and who require regular medical treatment. In the Jenin area alone, he reported, there are 86 Palestinian children who have been diagnosed with thalassemia (a hereditary anemia disorder), but were unable to receive the necessary treatment between 29 March and 21 April. Patients in need of other forms of regular medical treatment, such as kidney dialysis, are also at risk as they are unable to receive treatment.

Pre-and-post-natal health is also effected. There have been repeated reports of Palestinian women in labor, delayed at checkpoints, refused permission to either reach medical facilities or for ambulances to reach them. On 2 April, a pregnant Palestinian woman from the Bethlehem area, Haleema Mohammed Hussein Al Atrash, was forced to give birth on the street. When complications arose, Israeli soldiers prevented ambulances from reaching the area and providing medical care, resulting in the death of her newborn child. As mentioned in Section 5 of this report, six Palestinian children have

died during the year 2002 because they were prevented from receiving medical assistance by Israeli soldiers.

7.2 Article 26

Article 26 of the CRC recognizes the right of children to benefit from social security in accordance with national law. In the case of Palestinian children living in Jerusalem, this right is severely violated due to the discriminatory policies in place for Palestinian residents of the city.

The Center of Life policy, instituted by the Israeli Interior Ministry in 1995, required Palestinian residents of Jerusalem wanting to renew their ID's or register a child, or any Palestinian placing a claim with the National Insurance Institute (NII), to prove that the city was his or her center of life through the presentation of extensive documentation. Any Jerusalemite unable to submit this documentation was subject to ID revocation. Between 1967 - 1998, over 6,000 ID's were confiscated. Because children under 16 are registered on their parent's ID, a much higher number of residents were denied residency status.

According to the Israeli Human Rights Organization, B'Tselem, "The NII holds the position that, unless proven otherwise, Palestinian residents of East Jerusalem are not residents, and that they in effect seek to take improper advantage of the state and benefit from its services without being lawfully entitled to them."¹⁰³

As a consequence of this position, the NII investigates almost every case of a Palestinian applying for health insurance. B'Tselem argues that "The investigations are superficial, deny the individual's right to due process and privacy, and are motivated by pre-conceived notions of behavior in Palestinian society. The investigation takes months, during which the claimant does not receive the applied-for allotment or health insurance."¹⁰⁴

The NII also investigates cases where the individual is already insured but wants to register his or her children in a Health Fund. According to law, where the parents are recognized as residents, their children are also recognized as residents. The additional investigation in these cases leads to children remaining without health insurance until completion of the investigation.

Thus children and new-born infants may be denied health insurance for extended periods of time even in cases of urgent necessity. Physicians for Human Rights estimate that there are currently some 10,000 Palestinian children residing in East Jerusalem who are not covered by medical insurance.¹⁰⁵

It should be pointed out that these laws and procedures do not apply to Israeli residents of Jerusalem. Indeed, according to the "Center of Life" policy, former Israeli Prime Minister Benyamin Netanyahu would have had his ID card revoked due to the considerable period of time he spent studying and working in the USA.

7.3 Article 27

Recently released data from the Palestinian Central Bureau of Statistics (PCBS) indicates that the scale and scope of poverty in the West Bank and Gaza Strip has reached unprecedented levels. The massive rise in the poverty rate is the direct result of Israeli measures of collective punishment against the Palestinian population. Palestinian children are most affected by this economic crisis and the Israeli measures constitute a violation Article 27 of the CRC.

The PCBS figures released in April 2002 indicate that more than two-thirds of Palestinian households were living below the poverty line (1651 NIS, approximately US\$340/month) in the first two months of the year 2002. In the West Bank, 57.8% of households were below the poverty line, while in the Gaza Strip the figure reached 84.6%. Translating these figures into an individual level, more than two-thirds of the Palestinian population is living on less than \$1.90 a day.

¹⁰³ See B'Tselem, Revocation of Social Rights and Health Insurance, http://www.btselem.org/English/Jerusalem/Social_Security.asp

¹⁰⁴ B'Tselem, Revocation of Social Rights and Health Insurance

¹⁰⁵ B'Tselem, Revocation of Social Rights and Health Insurance

These figures indicate a disproportionate affect of poverty on children for three reasons:

- 1) More than half of Palestinian society is children. 53% of the Palestinian population is below the age of 18 years.
- 2) Moreover, fifty percent of Palestinians live in households of 9 members or more while the mean household size is about 7.0 persons. Mean household size is slightly higher in Gaza (7.8) than in the West Bank (6.6) persons. For this reason, high poverty rates in the Gaza Strip indicate that a greater proportion of children are living in poverty.
- 3) The areas most affected by Israeli closure also have the highest number of children. In Gaza City for example, more than half of the population is aged between 0-14 years old. In Khan Yunis refugee camp in the south of the Gaza Strip, 49.9% of the population is aged 14 years or younger. These areas are also the most severely affected by Israeli closure policies. Consequently, in both these areas unemployment amongst the adult population reaches 1/3 of the active labor force.

The PCBS statistics indicate that more than half of Palestinian households have lost more than 50% of their income since September 2000. Due to the youthful nature of the Palestinian population, the fact that larger family sizes are generally correlated with lower incomes and the almost completely dependent nature of Palestinian children, it can be assumed that the majority of these "new poor" are children.

The consequences of this massive deterioration in the economic situation on children is reaching catastrophic proportions. PCBS statistics indicate that there has been a large decline in the nutritional levels of families because of the loss of purchasing power. Children are also being forced into the labor force in dangerous conditions (working "illegally" for Israeli employers inside Israel or in Israeli settlements), or, as is noticeable from a walk through any Palestinian town there is a large increase in the number of children peddling goods on the streets.

Measures of collective punishment such as closures, curfews and blockades of Palestinian cities are the direct cause of the precipitous decline in the Palestinian economic situation. According to Nigel Roberts, Director of the World Bank, Palestinian income losses due to restrictions on movement of people and goods from September 2000 – December 2001 totaled US\$2.4 billion.¹⁰⁶ These measures violate Article 27, paragraph 3, because rather than assisting parents in providing an adequate standard of living, they systematically make it impossible for parents to get to places of work, reach marketplaces and purchase necessary family goods.

8. Education, Leisure and Cultural Activities (Articles 28,29, 31)

Violations of Palestinian children's right to education have drastically increased in 2002, particularly since the 29 March onset of daily Israeli military attacks on and invasions into Palestinian communities. According to the Palestinian Ministry of Education's initial assessment of damage to schools during the first 3 weeks of the siege that began on 29 March 2002, 11 schools were completely destroyed, 9 vandalized, 15 schools used as military installations, and 15 schools used as a detention/holding facility. The systematic destruction and abuse of Palestinian educational facilities results not only in material damage and financial loss, but heavily impacts the education of hundreds of thousands of Palestinian children. The Ministry estimates that 54,730 teaching sessions per day were lost in the siege period alone as a result of the Israeli curfew and the ensuing complete cessation of classes in Ramallah, Nablus, Jenin, Tulkarem, Bethlehem, Qalqilya, Salfit, and Qabatia district schools. Moreover, the widespread destruction or confiscation of vital Ministry files, such as documents necessary for certifying students' transcripts, make rebuilding this sector an extremely difficult task.

¹⁰⁶ "DAMAGE TO CIVILIAN INFRASTRUCTURE AND INSTITUTIONS IN THE WEST BANK ESTIMATED AT US\$361 MILLION," press release from Local Aid Co-ordination Committee Co-Chairs (Office of the United Nations Special Coordinator, the World Bank and Government of Norway Representative Office in the West Bank and Gaza Strip), 15 May 2002, http://www.arts.mcgill.ca/mepp/unsco/pr_may2002.pdf

A major problem facing the education sector is the status of the matriculation exams (Tawjihi) for secondary school students. Currently, each area has been affected to a different extent by the Israeli curfews and closures, meaning that different areas have reached different stages in the curriculum.

Palestinian children in Jerusalem face their own specific obstacles to education resulting from discriminatory Israeli municipal procedures in place in the city.

While the official policy of the Jerusalem Municipal Authority is to grant school placement to any child resident of the city, actual policies demonstrate that this policy is a legal fiction that obscures reality on the ground. Numerous studies have indicated that actual implementation of this policy is characterized by conflicting and random decisions taken by different levels of authority within the Jerusalem educational system. A report by DCI/Israel on the situation of education in Jerusalem notes, "The Educational Authority in Jerusalem denies equal access in its unwritten practice that only children who are recognized residents of Jerusalem, and hold an Israeli identity number, may attend the municipal schools without a legal and administrative struggle."¹⁰⁷

The report goes on to document numerous interviews with principals of East Jerusalem schools, who indicate that the decision to accept students without residential status is contingent on agreement from the Municipal Authorities. Some interviewees indicated that the Municipal Authority instructs them not to accept such students.

As a consequence, many parents believe that they have no right to education in Jerusalem and choose to send their children to schools in the West Bank. This can create significant problems in the future, as these children are required to show record of attendance in a Jerusalem school in order to obtain an ID card when they turn 16 years of age.

Compounding problems caused by residency status, Palestinian children in East Jerusalem are also victims of discriminatory taxation and funding policies. Since 1967, only one school was built for Palestinian residents of East Jerusalem. This is despite a yearly population growth of over 6% for the Palestinian student population. Palestinians contribute about 25% of tax revenue to the municipality but are recipients of only 5% of municipal services.¹⁰⁸

This situation, coupled with the generally poor economic situation of Palestinian Jerusalemites (28.6% of Palestinians living below the poverty line in 1998)¹⁰⁹ contributes to a very high drop-out rate for Palestinian school-age children. A 1999 report by the Israeli Ministry of Education determined that the dropout rate for Palestinian children in East Jerusalem was a staggering 40%.¹¹⁰

9. Special Protection Measures (Articles 22,30,32,33,34,35,37,38,39,40)

9.1 Palestinian Child Prisoners

The situation in the period following March 29, 2002 has witnessed a massive increase in the violations of Article 40 of the CRC.

In the period of April 2002, DCI/PS received tens of new cases of Palestinian child prisoners ranging in age between 14 and 17 years old who are currently being held in detention centers or prisons.

According to DCI/PS files and those of other human rights organizations, it is estimated over 700 children have been detained in the period following March 29. Information about those detained has been particularly difficult to obtain and Israel has refused to provide lists of children detained to families or lawyers.

¹⁰⁷ Azra Khan, "Palestinian Jerusalemite Children Pay the Price of Political Conflict", The International Children's Rights Monitor, Vol. 13, no.3, September 2000, p.26.

¹⁰⁸ Azra Khan, The Right to Education in East Jerusalem: A Study of Policies and Practices Affecting Children of Palestinian Jerusalemites, Defence for Children International/Israel Section, 1999, p.18

¹⁰⁹ Palestinian National Authority, 1998. Palestinian Poverty Report. National Commission for Poverty Alleviation, PNA, Ramallah. pps 86-87

¹¹⁰ Azra Khan, The Right to Education in East Jerusalem, p.19

On 6 May, the DCI/PS lawyer attempted to find out the status of seven child detainees held at Ofer Detention Center near Ramallah. The DCI/PS lawyer knew that these children were present in Ofer - all of them had been there for over one month - but he wanted to know if they had appeared before the military court, if they had been charged, why they had been arrested and if they had been given administrative detention orders. This is what happened:

- On 6 May, DCI/PS lawyer rang the Legal Advisor at Beit El Settlement who gave him the mobile number of the military court in Ofer Detention Center. He rang the mobile number continuously through the day but there was no answer.
- At night, he obtained from another Palestinian lawyer the telephone number of the court in Ofer.
- On 7 May, he rang the telephone number and they answered. He asked them for information about his clients (such as have they been charged, if so with what charge, have they been given administrative detention, have they had their court session). The person at the court told them they could only tell him if there was court today or not for these individuals. They could not provide him with any other information despite the fact that these clients have been detained for more than one month.
- The DCI/PS lawyer then asked the court for the head of prosecution in the West Bank, they refused to give him the number saying that it was as a secret number.
- The DCI/PS lawyer then spoke to another Palestinian lawyer and obtained the number of the person responsible for prisons. He rang this number and was told to ring back after 20 minutes.
- After 20 minutes he rang back and there was no answer. He kept trying to ring, sometimes the phone was busy, sometimes there was no answer, other times the phone was answered and he was hung up on. The DCI/PS lawyer estimates he tried to ring the number more than 30 times.
- The DCI/PS lawyer then rang the Legal Advisor in Beit El who gave him the number of the head of military police in Tel Aviv. He rang this number and was told that he would need to fax his lawyer ID, the names of the prisoners and a power of attorney. He was also told that they would only be able to tell him where the seven detainees were being held. The DCI/PS lawyer replied that he already knew where the detainees were being held but wanted to know the legal situation of these detainees. The head of the military police told him that they couldn't tell him this information and asked the DCI/PS lawyer if he wanted to speak to the person in charge. The DCI/PS lawyer replied in the affirmative. After two minutes the person in Tel Aviv returned to the phone and said that he had spoken with his supervisor and he had refused to speak to the DCI/PS lawyer.
- The DCI/PS lawyer then rang the office of the legal advisor at Beit El once more. Beit El informed him that the people in Tel Aviv should give him this information. The DCI/PS lawyer replied that he had rung them and they had refused to give him the information. Finally the Beit El office told the DCI/PS lawyer that he should wait for one hour and he would get back to him.
- After one hour the Beit El office rang back and told him that the DCI/PS lawyer was correct and the people in Tel Aviv could only provide him with the whereabouts of the seven detainees. The Beit El office then told him that they would provide him with the number of someone else in Ofer after 4pm the following day. He would then be able to ring and ask for the information. The Beit El office also gave him the fax number of Ofer and told him to fax them with the request for information if he was in a rush.
- One week following these attempts, the DCI/PS lawyer was instructed to send a list of prisoners that he wished to visit at Ofer detention center. He sent a list of 16 names. The following day, the head of the detention center phoned and told him that he must visit in the next 30 minutes or otherwise he would need to wait for several weeks. He was also told that he would only be allowed to visit seven of the detainees because the other nine were prevented from receiving visits by the prison administration. When the DCI/PS lawyer questioned this, he was told that only detainees who had received administrative detention orders were allowed to be visited.
- On 15 May, the DCI/PS lawyer went by private car to a checkpoint at the edge of Ramallah and was forced to disembark and walk for several kilometers through mud and garbage before reaching the Israeli Military Camp in which the detention center is located. He arrived at the

gate of the camp at approximately 9:30am and found three other lawyers waiting outside. They told him that they had been waiting for 1 hour and described a similar experience in trying to obtain permission to visit. One of the lawyers said he had rung Ofer several times and the soldiers who answered him told him on three separate occasions that he had rung a pizza shop, market place and butcher.

- After waiting for approximately one hour, the DCI/PS lawyer was instructed to enter the camp where his mobile phone was confiscated and he was led to a tent. The tent measured 4mx4m and was located in the center of a large yard. Inside the tent was an old table and two benches for the lawyer and prisoners. The floor of the tent was covered with garbage discarded by soldiers.

The description given above indicates a conscious process aimed at obstructing legal representation of Palestinian children. It should be stressed that these children have not necessarily been charged with any crime and are mostly unaware of the reasons for their detention (in violation of CRC Article 40 (2)).

Further violation of the right to legal access is indicated by the legal process that occurs inside the detention centers. In the main detention center in the West Bank, Ofer Detention Center near Ramallah, a tent has been converted into a make-shift military court that is presided over by a military judge. The purpose of the court is to decide to extend the detention of a prisoner for further interrogation or pass administrative detention orders. The court hears around 40 cases each day and passes its decisions regardless of whether a lawyer is present to represent the detainee. There is no systematic procedure of informing lawyers about the court hearings. Often the court hearings take place on Friday (a day that most Palestinian institutions are closed) and sometimes the court sessions are held at midnight. It is unclear how many of the children inside the prison have received administrative detention orders however this number is believed to be significant.

The DCI/PS lawyer was told by one of the detainees that he visited in Ofer that he had been taken to the court and discovered that there was no lawyer present. When he asked the judge for legal representation, he was told, "Don't worry about that, I am the one who makes the decisions - lawyer or no lawyer." DCI/PS was also informed that lawyers are sometimes kept waiting outside the detention center for hours and are only allowed into court half way through the hearing.

9.2 Conditions of Detention

Furthermore, conditions inside the detention center violate every principle of appropriate detention conditions outlined in international law. The following information is based upon a visit by the DCI/PS lawyer to Ofer Detention Center on 15 May where he met with several child detainees.

The detention center consists of nine sections each with four tents that house the prisoners. The sections are separated by barbed wire covered by heavy cloth that prevents communication between each section.

The DCI/PS lawyer was told by the seven detainees he visited that the prison contains over 900 detainees, including 40-50 children. These detainees are distributed between the nine sections with each tent holding between 25-35 prisoners. The tents are in poor conditions and are erected over an asphalt surface. The tents are filled with dust and insects. Each tent contains wooden pallets with a thin sponge on which the detainees sleep. Each detainee is given four dirty blankets to use as bedding. There are no pillows provided. There is no electricity in the tents.

The detainees are completely isolated from the outside world. They are forbidden family visits and have no radios, TV, newspapers or books. There is nothing to do inside the tents except sit and talk. There is no canteen or clothes provided by the Ofer administration.

The food provided for the detainees is unfit for human consumption and provided in very small quantities. Until 13 May, the detainees were not provided with any hot meals or beverages. Instead, the detainees were given frozen schnitzels which they had to place in the sun to defrost. They were provided with powdered coffee and tea bags and told to take hot water from the bathroom in order to make drinks. Each 10 prisoners were provided 1-2 cucumbers and a couple of pieces of fruit. A small tub of yoghurt was also given to each 10 prisoners. Detainees who suffer from chronic diseases such

as diabetes and blood pressure problems were not given any special food, so other detainees gave them their food portions in order to ensure an adequate diet for these sick detainees. Following the 13 May, detainees were provided with hot meals but the quantity and quality of this food is unknown. The detainees are not given plates and instead each eight prisoners are forced to eat collectively from a large bowl.

There is a shortage of cleaning supplies and thus it is impossible to keep the tents clean. In two sections, open sewage runs from the pipes into the tents.

The detainees spend most of the time sitting in the tent talking amongst each other. After nightfall, movement between the tents in each section is forbidden. At night, soldiers harass the detainees by firing bullets in the air, throwing gravel at the tents and yelling at the prisoners.

The detainees have been forbidden from electing a representative to deal with the authorities (as is the usual practice inside prisons) and they reported that they are regularly exposed to beating by the soldiers in the detention center, especially while being taken to and from interrogation.

9.3 Palestinian Child Labor

Available statistics and widespread anecdotal evidence indicates that illegal child labor is a significant problem for Palestinian children from the West Bank and Gaza Strip working for Israeli employers. Israeli employers prefer to employ Palestinian children from these areas because of the cheap cost of labor and their high exploitability.

Many studies indicate that Palestinian children are paid wages significantly below the average wage for their work inside Israel. A DCI/PS research paper from 2001, found that the 59% of children interviewed were paid between 50-80 NIS daily. This corresponds to half the minimum wage in 2001 (130 NIS/daily).¹¹¹ This study also indicated that 17.6% of the child laborers were exposed to beating or physical threats by the employer and more than half did not receive their wages on time. More than 35% of the children questioned worked more than 14 hours per day.

In some cases, children are forced to work long hours and prevented from returning to their homes. A group of eight children from Kherbat Saleh, a small village near Hebron, stated under oath to the Palestinian human rights organization Al Haq, "We used to work from 6:00am to 6:00pm and were fed once daily. We worked collecting eggplants and we used to sleep under trees. We asked the employer to allow us to go back to our houses but he always refused. He used to beat us when we stop working or ask to let us go back to our homes."¹¹²

10. Conclusions and Recommendations

In presenting additional information to the Committee, the Palestinian Child Rights Coalition would like to stress Israel's systematic use of policies of collective punishment over the last few months. As highlighted several times within this report and the initial Alternative Report, Palestinian society in the West Bank and Gaza Strip consists of a high proportion of children (53% of the entire population.) Policies of collective punishment thus have a disproportionate effect on children, compounded by the fact that children are dependent upon adults for their livelihood and survival.

We have detailed in this report several aspects of Israeli collective punishment that can be summarized as follows:

- 1) Arbitrary and random use of heavy firepower against civilian and residential populations.
- 2) Mass restriction of movement resulting from ongoing closure of Palestinian towns and villages through a system of Israeli military checkpoints in place throughout the West Bank and Gaza Strip.
- 3) The imposition of prolonged periods of curfew on Palestinian towns that sees hundreds of thousands of Palestinians confined to their homes for periods extending into weeks at a time.

¹¹¹ Based on a study by DCI/PS in 2001 that consisted of 50 questionnaires and tens of interviews with Palestinian workers who have worked or are still working in Israeli settlements.

¹¹² Al Haq field notes, on file at Al Haq, Ramallah.

- 4) Mass arbitrary arrest of Palestinian males including children and their detention in inhuman conditions.
- 5) Policies such as house demolition which are used as a form of punishment against the families of people accused of military activities against Israel.

In addition, this report has stressed several examples of discriminatory policies applied to Palestinian children, including;

- 1) The discriminatory family reunification procedures in place for Palestinian residents of Jerusalem.
- 2) Unequal access to National Insurance benefits for Palestinian children of Jerusalemite residents that is enforced through discriminatory laws and bureaucratic procedures.
- 3) A discriminatory system of Military Orders in place in the West Bank and Gaza Strip that apply only to Palestinian residents and permit the widespread abuse of human rights.

These twin policies of collective punishment and discrimination have dire consequences for Palestinian children. As this report has highlighted, the seriously worsening situation of Palestinian children's economic, educational and health status can be directly linked to these policies.

For this reason, the Palestinian Child Rights Coalition urges the Committee to pursue the following questions with the Israeli government:¹¹³

- 1) How does Israel consider that its policies of collective punishment, such as curfews, closures, and home demolitions, comply with the rights embodied in the Convention, particularly the right to education, health, and an adequate standard of living?;
- 2) In the case of Palestinian children in Jerusalem, how does Israel justify policies such as the Center of Life policy, and the procedures for family reunification that apply only to Palestinian residents of the city when these policies clearly impact on the ability of Palestinian children in the city to access social insurance, or educational and health services?
- 3) Further on the issue of Palestinian children in Jerusalem, how does the Israeli government explain the discriminatory levels of municipal funding for education between Palestinian and Israeli citizens within the city?
- 4) With regard to issue of Palestinian child labor, the Committee is urged to inquire what measures the Israeli government is taking to ensure that Palestinian children are not illegally employed by Israeli employers in dangerous and low-wage conditions?

¹¹³ Please note that these questions and recommendations are supplementary to those previously outlined in the Palestinian Child Rights Coalition, Alternative Report, March 2002.

APPENDICES:

Appendix 1: Commentary on Military Order #132

Military Order #132, issued on 24 September 1967 and entitled, "Order Concerning Trying of Juveniles" defines terms such as child, adolescent and teenager. On the surface, this military order appears to provide special provisions for those under the age of 18 that are distinct from an adult. Thus, Article 5 of this Order states, "If a court finds a teenager (defined as someone over 14 and under 16)¹¹⁴ guilty of an offense and sentences them to prison, the prison sentence will not exceed 1 year."

Article 5 continues with the following "... unless the crime for which the teenager is charged carries a maximum sentence of more than 5 years."

What are the implications of this?

First, this is the only military order regarding special sentencing procedures for juvenile detainees, yet it did not initially address the issue of juveniles between the ages of 16 and 17. By omission, they are defined as adults.

Second, there is an earlier military order, military order #101, entitled "Order Concerning Prohibition of Incitement and Hostile Propaganda". This order, issued on 27 August 1967, makes those found guilty of the following acts liable to a maximum sentence of 10 years:

- Conducting a protest march or political meeting with 10 people or more without permission from the Israeli military commander.
- Raising a flag or other symbols
- Distributing or publishing a political article or picture with political connotations
- Attempting to influence public opinion in a way detrimental to public order/security

Therefore, anyone found guilty of the above acts is liable to a maximum sentence of 10 years. Virtually every Palestinian child is accused of a crime that fits into one of the above categories (attending a demonstration, throwing stones etc.). Because this maximum sentence is greater than 5 years, the provisions in Military Order #132 that provide a limit to the prison term for juveniles do not apply.

In addition, Israeli practice makes a clear distinction between Palestinian children aged under 16 and those 16 and over. Children who are aged 14 and 15 are imprisoned in a juvenile prison (either Telmond or Ramle Prisons) while children who are 16 or 17 years old are imprisoned as adults (alongside Palestinian adults) in Megiddo Prison under the control of the Israeli military.

Appendix 2: Israel Defence Force Military Order No.1500 (unofficial translation)

The following is an unofficial translation of Military Order #1500. This order means that a child arrested by a soldier or police officer can be detained for 18 days without facing trial or having access to a lawyer. After 18 days this period can be extended indefinitely for up to 6 months. The footnotes have been added for explanatory purposes and do not form part of the order itself.

Order Regarding Arrest During War

Immediate Instruction

¹¹⁴ The original order #132, which specifies a teenager as over 14 and under 16, was later amended by Military Order #235 (March 1968) to someone over 14 and under 17. In 1969, Military Order #311 changed this definition once again to someone over 14 and under 18.

“According to my responsibilities as a commander of the Israeli Defence Force and as a result of the exceptional security circumstances which prevail in the region, the requirements of security in the region, the demand for security of citizens, the necessity of fighting the infrastructure of terrorism in all its parts, forms, organizations and individuals and because I believe that this urgent order is necessary in order to prevent terrorist operations, affect the infrastructure of terrorism and prevent harm to the IDF and public order, I give the following operational instructions:

1. According to this order, a “prisoner” is defined as someone arrested during the military operations in the region that begun on 29 March 2002 and whose arrest circumstances indicate that the person presents a danger or could be dangerous, to the region’s security, the security of IDF personnel or Israeli citizens.

An “officer” is defined as an officer of the IDF with at least the rank of first lieutenant (2 stars) or a captain in the Israeli police force (3 stars).

2. a) Despite the provisions of Military Order #378 “Order Concerning Security Provisions,” (1970) articles 78(a)-78(d) an officer can authorize by writing the imprisonment of a person for a period of not more than 18 days (the pre-trial period)*.

b) The prisoner has the opportunity to hear his allegations during a period not more than 8 days following his arrest.

c) Despite the provisions of aforementioned paragraph (a), the officer who authorized the arrest has the right to release the prisoner before the end of the arrest period if he believes that there is no need for arrest.

d) The continued detention of a prisoner for interrogation purposes following the pre-trial period can occur through an order issued by a judge according to article 78 (f) from Military Order #378 “Order Concerning Security Provisions,” (1970)**.

Prevention of lawyer meetings

3) a) Despite Military Order #378 “Order Concerning Security Provisions,” (1970) article 78 (b and c) concerning the meeting between the pre-trial person and his attorney during the pre-trial period:

b) A prisoner may be prevented from meeting his attorney at the end of his arrest period by an order issued by the relevant authorities according to article no. 78(c) 2, “Order Concerning Security Provisions” (1970)

4) a) this order applies to a prisoner was arrested according to the instructions of “Order Concerning Security Provisions” (1970) in place before passing this order. This order is retroactive.

b) in order to remove any doubt, this order applies to a prisoner who was arrested according to article 78 (f) of “Order Concerning Security Provisions” (1970) before the passing of this order.

c) in addition to what is contained above, the instruction of this order does not affect those of “Order Concerning Security Provisions” (1970)

Validity:

5) This order will remain valid for 2 months from the day of signing of this order.

Name:

6) This order shall be called “Order regarding arrest during war” (immediate instruction Judea and Samaria (#1500) for the year 2002-05-11 “

Signed

5 April 2002

General Yitzhak Eitan

Commander of the IDF Forces in the West Bank area.

Footnotes

*According to Article 78(d) “A police officer is authorized to issue an arrest warrant in writing, which shall not exceed seven days.”

** This order in Article 78(f), allows a military court to “issue an arrest warrant for a period not exceeding 6 months.

Appendix 3: Demolition of the Al Masri apartment, Nablus, 30 June 2002.

The following affidavit was taken from Khulud Al Masri on 2 July 2002 by a DCI/PS field worker:

On 30 June 2002 at approximately 2pm, the family of Amar Amin Al Masri from Nablus were sitting at home when they were startled by loud noises of military vehicles moving around their two-storey apartment bloc. The Masri family rented the ground floor of the building while the first floor was empty. The family consists of seven members, Khulud and Amar, and their five children, three boys, Suheib, Izzadeen and Abdullah aged 16,11 and 7 years respectively, and two girls, Safa, 13 years, and Asma, 4 years.

The family heard their front gate exploding and Khulud Al Masri, Amar's wife, went outside to investigate. She saw a large number of Israeli soldiers who began to yell at her to leave the house. When she told them she wanted to get her children they shot at her, with the bullet missing her but hitting the front door. She screamed for her family to leave the house, and her husband and five children ran out of the house half-dressed. The seven of them were made to kneel on the ground and Khulud noticed that all the surrounding buildings had heavily armed Israeli soldiers positioned on the roofs and windows.

One soldier told Khulud to take all of the children except for the eldest boy, Suheib, to another building in which the women and children of the area had been gathered. She saw that Suheib was blindfolded and arrested. At around 4:30pm Khulud heard the sound of a bulldozer arrive that began to demolish their house. The house was completely destroyed and the family was not permitted to remove any of their belongings before the demolition.

Amar was arrested and hospitalized following wounds he received after being beaten by the Israeli soldiers. Suheib was also arrested. Khulud was forced to take her other children to another house where they are currently staying. All of their belongings have been destroyed and they are forced to borrow clothes from relatives. Asma, Khulud's four year old daughter, is continuously crying and says that she wants to go back and sleep in her own house. The day after the demolition, Asma returned to the rubble and took a broken vase that had been holding flowers in her bedroom as a memory of the house.

The Israeli military justified the demolition by claiming that two wanted men had been hiding on the second floor of the apartment building. Khulud says that she does not know if anyone was staying in the empty apartment upstairs.

Appendix 4: Case Studies of Physical and Psychological Abuse Against Palestinian Children During the April Siege.

The following five case studies were collected by Defence for Children/Palestine Section (DCI/PS) fieldworkers during the siege on Ramallah that begun on 29 March. They demonstrate the myriad of ways in which Palestinian children are affected both physically and psychologically by a systematic pattern of abuse from Israeli soldiers.

Case Study 1

On 3 April, during a three-hour lifting of the curfew on residents of Ramallah, Israeli troops fired randomly at Palestinian civilians who were attempting to buy food, water and essential goods. A 14-year old boy, Kindi Qutteineh, who lives in the center of the city, was shot in his leg by live ammunition fired from an Israeli tank. An eyewitness to the shooting told DCI/PS, "I was walking up the street to buy some food when Israeli soldiers shot randomly at people walking in the street. Kindi was near his house and was clearly shot for amusement by Israeli soldiers positioned in a tank. It took around one hour before an ambulance could reach Kindi and take him to hospital."

DCI/PS also spoke to families who live in the same building as Kindi in downtown Ramallah. One of the female members of a family living in the compound went out to buy supplies during the lifting of the curfew. When she was returning to her house, she heard a shot ring out. Her back was to Kindi as he

was heading towards town to buy food. She was about 20 meters away from Kindi when he was shot. According to Kindi, he heard the shot, felt something warm on his leg, looked down, and saw a hole in his trousers, and saw blood. He began screaming, "I've been shot, I've been shot." People in the vicinity brought the boy into the courtyard of the compound in which he is living. It took 45 minutes for the ambulance to arrive. Meanwhile the four other children in the compound saw him lying in pools of his own blood, including the women's niece, 10 year old Juman. The children range in age from three months to 12 years.

Juman's family live near Palestinian President Yasser Arafat's compound. They moved to the other apartment for fear of their safety. By the time of the lifting of the curfew, they had heard that their home had been damaged so a friend offered to drive them over to check on it during the lifting of the curfew. At this point 10 year old Juman became very upset at the thought of her mother or any family members leaving. She wanted all the family members to stay together. So, they gathered her with them and went to check out the house. They tried several unsuccessful routes but were unable to reach the house because the roads have been torn up. So they decided to head back to where they were staying. On their way back they were stopped when an Israeli soldier accosted the car, pointing his gun at the passengers, including 10 year old Juman. According to her aunt, Juman had an intense physical reaction to this. She began shaking, but she did not scream. Later she told her mother: "Mommy, I was screaming from the inside, but I couldn't get it out."

On 5 April 2002 Israeli soldiers invaded the building in which they are living. At around 9:30am they heard soldiers trying to break down the main gate of the building. Neighbors went and opened the gate. Around 12 fully armed soldiers entered the building, pointing their guns in all directions and yelling at the people to go inside their homes. They entered Juman's home. Juman's aunt asked them to be gentle because her mother is staying with her and is elderly. The soldiers replied: 'Oh, your mother is here. Maybe I'll kill her.

All of these events occurred within a period of three days. There are five children living in the building. 10 year old Juman, Kindi, a 3 year old, and two others, around 7 and 12 years old.

Case Study 2

At approximately 7pm, 2 April, five Israeli tanks and three armored personnel carriers (APC) took up positions in front of a three story building, including three apartments belonging to one family in Ramallah. More than 10 soldiers emerged from the APC and began beating on the fence in front of the building, shouting, and shooting at the door. At this time, there was no electricity in the area, save the street lights, which the soldiers promptly shot out. Two of the women in the building left the apartment, proceeded to the main entrance and told the soldiers that they were going to open the door. The women opened the main door and soldiers rushed into the building, pointing their guns at the women.

The soldiers asked how many persons are inside the building and where they are located. The women answered that there are 20 people and they are all staying in the first floor building. Of the 20, there were seven children ranging in age from one month to six years old. The families had moved to the first floor apartment for safety because the building is opposite the Preventive Security Headquarters.

The soldiers invaded the first floor apartment and separated the men from the women, putting the women in one apartment and the men in another. After that they collected their identity cards and began searching the house. They removed the phones from the apartment and confiscated the mobile phones of the residents. The soldiers were very aggressive in the manner in which they treated the children. The children were prevented from moving around. The one month old baby was sleeping in another room and the family asked to bring the baby in with them. The soldiers refused to allow the family to get the baby until they finished searching the building, approximately 2 hours.

The soldiers destroyed much of the furniture in the house, broke down doors, and tore the curtains. They remained in the building until noon the following day, 3 April. Soldiers arrested one of the family members while he was holding one of his three children. Upon their departure, they re-placed the telephones, but stole the mobile phones.

Case Study 3

The family of Riad Al Atari, from the north of the West Bank, moved to Beit Sahour in the Bethlehem region in late March 2002. On 3 April, Riad left the apartment fearing arrest in the wake of the Israeli campaign of mass arbitrary arrest of Palestinian males. His wife and three children, a 5 month baby, a 6-year old boy and a 4-year old girl remained. At approximately 8pm, Israeli soldiers surrounded the building with a large number of tanks and soldiers. They began to shoot randomly and called on everyone to exit. The Atari family were the only people staying in the building at the time and they were forced to stand outside in freezing temperatures and rain for nearly 6 hours. The three young children and their mother remained outside in these conditions until 2am while Israeli soldiers went through the building destroying furniture, emptying out closets and spreading everything on the floor. They refused to allow the family to retrieve any personal belongings or take clothes to protect themselves from the weather. The family was eventually allowed to take shelter in a neighboring building and the next day moved to another apartment in Beit Sahour.

Case Study 4

On 2 April, the Palestinian Counselling Center (PCC) received a phone call from a man in Bethlehem whose house had been struck by artillery from the Israeli military. His mother and brother died from injuries sustained during the shelling. The Israeli army is refusing to allow their bodies to be removed. The 60-year-old woman and her 38 year old son were killed Tuesday morning and their bodies have remained inside the two room apartment since then. Media resources report that the Israeli army has refused efforts by the International Committee of the Red Cross to remove the bodies. The children in the house, ranging in age from 5 years to 14 years, have been moved into the bathroom to stop them from seeing the bodies decompose. As of 7:20pm (+2 GMT) 3 April, the bodies remained in the house.

Case Study 5

The PCC also reported another hotline call from a family in Ramallah whose home was invaded on 2 April by Israeli soldiers, who destroyed virtually everything in the house. Clothes were removed from closets and ripped apart. The children's toys were destroyed. There are three children in the house, ranging in age from 6 years to 10 years. The mother of the family called PCC saying that they had run out of food and needed immediate help. The mother also asked for advice on what to tell her six year old daughter who kept asking for an explanation as to why the soldiers had ripped the head and hands off her favorite doll.