SAVE THE CHILDREN SWEDEN'S WORK WITH CHILDREN IN DETENTION-EXPOSED TO VIOLENCE AND ABUSE
Save the children fights for children’s rights
We deliver immediate and lasting improvements
for children’s lives world wide
Introduction

Since September of 2000, when the second Intifada broke out in the West Bank and Gaza over 3000 Palestinian children have been arrested and detained by the Israeli army. This paper gives a general overview of what law Israel applies to these children, inhabitants of the occupied Palestinian Territories; the West Bank and Gaza Strip.

The paper also provides information and best practice of work Save the Children Sweden has carried out to support the children in Israeli detention. And what preventive measures have been taken to decrease the number of arrests of children, put an end to Israel’s policy of child arrest and detention and treat these children in accordance with the Convention of the Right of the Child (CRC).

Legal system and treatment of children

According to the UN Committee on the Rights of the Child Israel has a responsibility for the implementation of the UNCRC in the OPT. Yet the UNCRC is not applied for Palestinian children, instead special military orders apply. Under military orders a Palestinian child is considered a minor no longer than the age of sixteen. Moreover, Military Order No. 132 makes it possible for the Israeli army to imprison Palestinian children as young as twelve years of age. The CRC definition of a child is any person under eighteen years of age is only applied to children who are citizens of Israel. So in effect, Israel applies two sets of law on the same territories. Israeli settler children who live with their families on the West Bank and Gaza Strip are considered minors until they are 18, but Palestinian children who live on the same territories are not. There are several incidents where children of the same age committed offences that are similar in severity, but Israeli settler children were able to enjoy treatment and sentences in line with international law while Palestinian children did not.

- Huda, a fifteen year old girl, tried to stab a settler. The settler did not sustain an injuries but Huda was sentenced to six years in prison. On the same day as Huda’s case was being dealt with, a settler who had killed a 11-year old boy was being tried in the civil court. There was no doubt about his crime, as lots of people had witnessed his brutal attack on the boy, who was called Hilmi. The settler was sentenced to six month community service.

Another Military Order No. 1500 gives the Israeli army and the interrogators from Shabak, the Israeli security Service, the right to detain children in solidarity confinement for up to twelve days, with an extension of one week.

Arrests and interrogation

Most arrests of Palestinian children are made at checkpoints or at the children’s homes in the middle of the night. Dawn raids on family homes are standard practice to arrest children accused of throwing stones.

“M is a boy from Deheisha refugee camp near Bethlehem. He was born on 5 January 1987 and has four brothers and three sisters. M was arrested by Israeli forces in the year 2002. Soldiers surrounded his

1 Briefing papers on the Situation and Right of Palestinian Children in the OPT, SCS March-05
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family’s house at 3am and forced all the occupants to stand outside in the cold and dark for three hours while the building was searched. M and his older brother were both arrested.

“Odeh, a boy from Hebron, was arrested while he was throwing stones at the soldiers, he was 14 years old. The soldiers chased him and as he was captured, a soldier kept banging his head against an iron door, while the other soldiers were shouting and aiming their M-16 guns into his back. The soldiers then chained Odeh’s hands and feet, and covered his eyes, then they dragged him to a nearby settlement, and forced him to stand in the cold.

The interrogation techniques involve threats against the child and takes place in the absence of a lawyer. When the children finally are allowed to meet a lawyer, she or he has usually been forced to confess. It is more a rule than an exception that the confession have been extracted by means of various forms of threats, assaults and torture.

Khaled Quzmar a lawyer representing Palestinian children arrested by the Israeli army. - When I am finally allowed to see the child, he or she has been forced to confess, says Khaled. It is more the rule than an exception that the confession has been extracted by means of various kinds of threats, assaults and torture. All the children I’ve represented have had some experience; the soldiers say “All you have to do is own up”, and write your name on this piece of paper, and then you can go home straight away. But that isn’t what happens; as soon as they’ve confessed they are sent away to a detention camp until their trial comes up. Of course, the military deny using these kinds of methods. Sometimes a child is charges with throwing stones for example 600 hundred times, twice a week for three years, counties Khaled. When I find myself sitting with a confession like that in my hand, signed by a child, I can’t draw any other conclusion than that the child has been tortured. What child would come up with that kind of figures themselves?

Charges

Nearly 90% of the children who get arrested are accused of having thrown stones. The number of stones thrown is important to decide the sentence. The maximum sentence if a stone is thrown towards a soldier or settler is 10 years in prison, and twenty years if the stone is thrown towards a car.

There are also Palestinian girls in Israeli detention centres. The charges brought against girls are different than against boys. Girl’s attacks on Israeli soldiers or settlers are usually more violent as stabbing of soldiers/settlers, or complicity in/preparation of suicide attacks. It is often the case that these Palestinian girls have experienced violence by soldiers or settlers, either against themselves or against family members of their immediate family, and have therefore decided to seek revenge. Being the age of majority and of female sex are not mitigating circumstances in an Israeli military court.

The Israeli authority brings Palestinian children before military court, which are generally located in the Israeli settlements. There are no juvenile courts, contrary to the international guidelines, but rather the Israeli courts operate under the military orders instead of operating under the Israeli civil law when it comes to Palestinian children. Many children are often accused of having thrown stones a year previously or even

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longer than that. Under the stressful interrogation procedure the children often confess to having thrown what is clearly an utterly unreasonable quantity of stones.\textsuperscript{11}

\textbf{Torture during interrogation and in detention against children}

In contradiction to Article 37 of CRC, which states that children shall not be subject to “torture or other cruel, inhuman or degrading treatment or punishment,” a vast majority of the Palestinian children in Israeli prisons have been exposed to some form of torture or torture like treatment while arrested, integrated and or in prison. The type of torture used includes: sleep deprivation, prolonged noise, prolonged standing in painful postures, having a sack placed on the head, tying in painful positions, complete isolation, sensory deprivation and threats. This is not only in violation of the CRC but also of other international legal instruments such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment.\textsuperscript{12}.

One method that is used in Israeli prisons is what is known as the “shabeh position”, where the child’s arms and legs are stretched out, in cross shape. The limbs are held in place by chains around the hands and feet, which cut deeply into the victims wrists and ankles. Sawsan aged 15 describes under what circumstances she used to be put in the “shabeh-position” when she was in prison – \textit{Every time there had been a Palestinian attack against Israel they came to get us. They were using us as a reprisal. Fifteen guards wrested us down onto the iron bedsteads and chained our hands and fee. Once I thought that one of the other girls had died during the night. She had been forced to lie in “shabeh” too often that the chains had worn her skin away and dug right down to the bone in her arm.}\textsuperscript{13}

Ali describes how his arrest took place when he was 16 years old. Ali was handcuffed and led out to one of the army jeeps. – \textit{Five soldiers threw themselves over when they’ve got me into the jeep. Someone pulled up my T-shirt and dragged it up over my head, so that I couldn’t see anything. I could only hear. Whilst they held and kicked me, they swore at me and shouted insults in Hebrew. I recognised some of the words. They called my Mum and my sister whores. One of the soldiers seemed to really be on edge. I could tell from his voice, he was breathing hard; it was like he was working himself up to do something really violent. I’ve never been so scared in all my life. I was sure he was going to kill me.}\textsuperscript{14}

Sawsan 15 years describe how four men from the Shabak, the Israeli security service, interrogated her. - \textit{The questions just kept coming at me from three corners of the room, and made me feel like my head was spinning. But the fourth man didn’t say anything; his job was to hit me. If I didn’t have time to look at the one who was asking a question, he hit me straight away with the piece of cable. It hurt like anything. Afterwards they forced me to sign a paper saying that I hadn’t been beaten during questioning.}\textsuperscript{15}

\textbf{Administrative Detention}

Administrative detention is detention without charges or trial, handed down on the basis of secret information which neither the detainee nor his legal representative is allowed to see. Administrative detention orders are valid for a period of between one month and a year, but in general orders between 3-6 months in length are passed down; however they are renewable indefinitely under military regulations. In practice, Palestinians can be

\textsuperscript{11} One day in Prison
\textsuperscript{12} DCI-P website, www.dci-pal.org
\textsuperscript{13} One day in Prison
\textsuperscript{14} One day in Prison
\textsuperscript{15} One day in Prison
detained for months, if not years, without knowing for how much longer they will be held or the reasons for their detention.\textsuperscript{16}

Since the beginning of the second \textit{Intifada}, four years ago, the number of Palestinians held in administrative detention has risen dramatically. Today there are more than 20 children kept in administrative detention under Military Orders.\textsuperscript{17} Young Palestinians from the age of 16 are, according to the Military Laws, regarded as adults and can be sentenced to administrative detention. The use of administrative detention is severely restricted by international law and is in clear violation of the CRC articles 37 and 40. What makes administrative detention very contentious is that during trials in the military courts the reasons for arrest and detention are kept confidential for “national security reasons”. All evidence is also kept confidential. This leaves little for a lawyer to do defending his or her client. The young person will not know what he or she is accused of and cannot address his or her situation.\textsuperscript{18}

Detainees are often only informed that their detention has been renewed shortly before or even on the actual day that they are due to be released. Administrative detention has severe psychological impact on detained youth. The psychological trauma of not knowing what you are accused of and in addition having your hopes shattered for release over and over again is extremely stressful for a young person.\textsuperscript{19}

The child M was arrested at the age of 15 by the Israeli army. “14 hours after M was arrested, M was placed inside a windowless cell about the size of a mattress. He spent the next 45 days in this hole, from which he was allowed out three times a day to go to the toilet and only once a day for a maximum of 10 minutes in the open air. A month and a half after his arrest, M turned 16 years old. Under Israeli military order 132, Palestinians aged 16 and over in the West Bank and Gaza are treated as adults by the Israeli authorities.

After five days of interrogation and torture, M was transferred to a military prison camp. He was given a six-month administrative detention order. M spent only a couple of weeks at the detention. Soon after his administrative detention order was confirmed he was sent to the military prison in the Negev desert. Shortly after arriving, he went to court to appeal against his administrative detention. His appeal was turned down, and served out the rest of his detention period.

Five days before he was due to be released, M was transferred back to Ofer, where he was again subjected to torture and interrogation. On the day he was due to go home, M was sent to court another time, only for the hearing to be postponed. On the day of the trial three days later, the judge revealed that there were two charges against M – one secret and one open. However, it transpired that the prosecution had not prepared the charges, so the trial was once more postponed for another week.

M was given another six-month administrative detention order. In December 2003, as soon as the second six-month sentence was over, M’s administrative detention was renewed for another half year. Upon appeal, the judge in the administrative appeal court reduced the detention period to three months. However, before M completed this sentence he was sent back to the Negev, and his administrative detention was renewed for a further three months – returning him to the same sentence that that judge had originally passed down before it has been commuted.

\textsuperscript{16} Briefing papers on the Situation and Right of Palestinian Children in the OPT, SCS March-05
\textsuperscript{17} Briefing papers on the Situation and Right of Palestinian Children in the OPT, SCS March-05
\textsuperscript{18} Briefing papers on the Situation and Right of Palestinian Children in the OPT, SCS March-05
\textsuperscript{19} www.dci-pal.org
In June 2004, after finishing these three months, M’s administrative detention was renewed for a fifth time. Once more he appealed against the decision. In the court, he asked the judge directly – do you really believe that 15-year old children are dangerous? “Yes,” replied the judge. “Explain to me how you are not dangerous and I’ll free you.” “In our family, no one has been arrested or killed by the Israelis,” M replied. “Why would I want to make trouble?” The judge gave M a three months administrative detention order, for which he immediately cancelled two months. More importantly, the judge ordered that M’s administrative detention order could not be renewed once M had completed the month.  

**Conditions of children in detention**

The situation is prison is difficult for the children and in most cases in contradiction to the CRC. Over crowdedness in prison has been an increasing problem since the start of the second Intifada in September of 2000. Detained children are frequently forced to sleep on mattresses on the floor in overcrowded cells. The cells usually have poor ventilation and the windows are almost all black, which prevents the light from entering. The rooms and the bathrooms are dirty and the food is of poor quality and insufficient to meet the needs of a child. Access to the toilet is limited. Children reported suffering respiratory problems from the humidity and damp in the cells, extremes of cold and heat, in addition to stomach ache and diarrhoea.  

Strong pain is not taken seriously and often only treated with painkillers. A few young boys had been shot, and were still walking around with the bullets in their legs. Nobody got any treatment, the doctor's remedy for everything was Acnom, which is a kind of painkilling tablet, explains Ali who was 15 when he was arrested and detained in an Israeli prison.

The majority of detained children are also denied education or qualitative education. 14-year old Sawsan explains that when they asked for some school books, while in prison, she was given two, which she could not read since one of them was in Russian and the other one in Hebrew.

Many Palestinian children are also kept in the same prison or cells as adult Israeli criminals. Children are cut off from contact with their families because they are either denied visits from family or it is almost impossible for family members holding West Bank or Gaza Strip ID to visit their children in prison, since the parents are often denied permits to travel to prisons located inside Israel. Usual practice is also that children are denied contact to their families by phone. Odeh, 15 years old, remembers – When they didn’t let us call home I stopped eating. After a couple of days of hunger strike we were allowed to use the telephone, but at the same time I was punished for having refused to eat.

The above described treatments of the children are contradictions of Article 37c of the CRC which states that: “Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances”.

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The work of Save the Children Sweden (SCS)

Save the Children Sweden has since 1997 worked on the issue of children in detention, with Defense for Children/Palestine Section as its major partner. The focus of the work was originally legal aid to Palestinian children detained by the Israeli army. The work has later also developed a strong advocacy factor in order to demand the stakeholder to treat the children in accordance with CRC.

Legal Aid

SCS support to its partner organization DCI/Palestine includes free legal aid to Palestinian children arrested by the Israeli army. Lawyers holding Israeli bar exams provide legal advice to children arrested and detained by the Israeli army and represent the children when taken to court. The lawyers also raise complaints before the Israeli courts to improve children’s prison conditions, and represent the children who have served two-thirds of their sentence by requesting an early release.

Advocacy

In addition to supporting the legal aid of children, SCS has also since 2001 worked with a more long-term goal of advocating to stakeholders their responsibility of guaranteeing arrested Palestinian children their rights, as stated in the CRC. This work has included defining the responsibility of stakeholders for the implementation of CRC in the West Bank and Gaza Strip, and drawing attention to these stakeholders’ responsibilities from involved actors. The UN Committees in charge of the implementation of the international law, including the Committee of the Rights of the Child, have categorically stated that Israel must comply with the provision of the human rights conventions in all the territories under its control, including the West Bank and Gaza Strip. In addition to this, SCS believes that; the Palestinian Authority should do its utmost, to protect the children and the Palestinian community, should provide children with the largest possible (considering the situation of occupation) support structure. Consequently advocacy work has primarily targeted the Government of Israel, and also the Palestinian Authority and the local Palestinian community.

In order to highlight the situation of the lack of right of rights for Palestinian children in Israeli arrest and detention, both Save the Children Sweden and Defence for Children International/Palestine Section has produced information material.

SCS has produced a report entitled "One day in prison - Feels like a Year" in mid 2003. In the report Palestinian child ex-detainees tell their own stories of their experience of arrests and prison. The report was published in Sweden and was first introduced through a conference in Sweden. The report was later published in English and Arabic.

In March 2004 the issue of Palestinian children in Israeli detention was presented to the United Nation Commission on Human Rights (UNCHR) in Geneva, in the report “Living Behind Barriers”. At the time of the 2004 Commission meeting Save the Children Sweden and Save the Children UK also, in an oral statement, called upon the UNCHR to call the Government of Israel to meet their obligations under international law to accord detained children with legal protection and treatment to which they have a right under the Convention of the Rights of the Child. This urge was repeated at the Commission’s meeting of 2005.

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During 2004 DCI/Palestine produced a book entitled “Stolen Youth” describing the legal system for arrest, applied by Israel, to Palestinian children living in the Occupied Palestinian Territories.

This book together with the report “One day in Prison” was also presented in a press conference in the West Bank city of Ramallah in April of 2004, where the chairwoman of SCS held a speech, emphasising the importance of treatment of these children in accordance with the CRC. The press conferences targeted the Palestinian and the Arab press but also a number of Palestinian cabinet members attended.

In May the same year the book and report was presented in a similar press conference held in Jerusalem, this time targeting the international press. An outcome of the press conference was the publication of the article Rights Groups: “Israel routinely abuses jailed Palestinian Youths” in the Israeli daily newspaper Haaretz.

SCS has also supported DCI/Palestine in the production of a short video cassette that describes children telling their stories of arrest and time in prison. The film was screened during both the press conferences.

The book and report has also been presented at a launch in West Bank city of Bethlehem. The aim of the launch was to inform the local Palestinian community about the abuse of these children.

Also in the year of 2004, SCS with DCI/Palestine co-arranged and participated in a seminar in Brussels, in which the general purpose of SCS was to introduce the report to European Parliament members and other EU decision makers. A good number of the members of EP attended the seminar and expressed willingness to take further steps to put pressure of the Government of Israel to treat arrested and detained children in accordance with the CRC.

In addition, SCS and DCI-Palestine were invited to talk about the advocacy they conducted in the European Parliament around the issue of child prisoners in the monthly meeting of the ECHO (European Commission Humanitarian Office)/EC mission in Jerusalem, in which UN agencies and some embassies were invited and other guest speakers to give presentations of their work. The film was screened, and the report was introduced in which questions focused on the issue of administrative detention, to try to understand this policy.

Furthermore, SCS and Save the Children UK have been advocating for the rights of Palestinian children at the UNCHR for many years, with special attention given to the rights of the Palestinian child detainee. One of the tools used to keep the issue of detained Palestinian children alive at the UNCHR was the submission of a briefing paper by SCS and SCUK to the Commissions meeting in April of 2005. The paper focused on the continuation of the systematic child arrests carried out by the Israeli military. Moreover, the paper discussed the serious violation of international law practiced by the Israeli military.
Reintegration after release

Children who experience arrest and torture are not granted their basic rights while in custody, such as appropriate education and health. Consequently upon their release the children face numerous problems such as the difficulty of getting back to school and communicating “properly” with their families and their society. An issue that might make the reintegration into the life the children lived before their arrest is that the Palestinian society treats these children as heroes rather than children that are in need of support and counselling after their traumatic experiences in prison.

SCS together with its local partner DCI-Pal, realize the importance of supporting these children. Both organisations have launched research on how best to support ex-detainee children. In the research/need assessment, children were active participants. Focus groups were organized for children in order for them to share their experiences and recommendations for reintegration after their release from jail. A pilot project for support of reintegration of children after release will take place in the year 2005, based on the outcome of the research. The research has looked into how to build a structure of organizations and the local community to work to support child ex-prisoners after they are released. The project is seeking to answer questions about legislation and community perceptions on services provided to child ex-prisoners. As well as what community members think about what services should be provided to support child ex-detainees. On the child level, the project seeks to get the recommendations of the children ex-detainees on how best to help them after they are being released.

Lessons Learnt

Through several years of experience SCS has realised the need of advocacy work to make relevant stakeholders accountable for the provision of child rights in the occupied Palestinian Territories. By identifying stakeholders and advocating to them the importance of the implementation of the CRC in the case of Palestinian children in Israeli detention it means that the root cause of the problem is identified and dealt with, instead of just providing support for the effects caused by the problem.

However SCS has found it necessary to combine advocacy work with programme work and support to children because this gives a direct relation to the situation on the ground and provides better input from children on the problem and its causes. Moreover, since the practice, by the Israeli army, of arrest and detention of Palestinian children is ongoing or even increasing, there continues to be a need to give these children legal aid support.

There is a need to involve children in research and design of programmes to support them while arrested and after released from prison, since the children are the best ones to identity what rights and support structure they lack while in detention and after release. There is also a very important need to involve children in advocacy work against the policy of arrest and detention of children and the treatment of the detained children in accordance with the CRC, since the children are the best suited to describe what their situation is like and which of their rights was violated.

There is a need for and a lack of support of the children that are released from Israeli prisons. It is necessary to mobilise the Palestinian Authority, civil society and the local community to provide protection and support to the children when released from prison. This could be done by raising awareness with the Palestinian society of the needs of the children and by setting up a project to draw best practise lessons of such support.
Sources of information

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