NO WAY TO TREAT A CHILD: REPORT SUMMARY

In April 2016, Defense for Children International - Palestine published a new report, *No Way to Treat a Child*, detailing the widespread and systematic ill-treatment of Palestinian children in the Israeli military detention system. From meals prepared in a makeshift kitchen to adult prisoner "caregivers," the report also gives a rare glimpse into Palestinian children's daily living conditions in Israeli prisons.

DCIP based the report on the testimonies of 429 children detained by the Israeli military or police in the occupied West Bank between January 2012 and December 2015.

"International law is clear: children should only be detained as a last resort, for the shortest appropriate period of time, and under absolutely no circumstances should they be subjected to torture or ill-treatment," said Khaled Quzmar, DCIP general director. "And yet, year after year, we see Palestinian children experiencing widespread ill-treatment and the systematic denial of their due process rights by Israeli forces and the military law framework."

Amid heightened violence in the fall of 2015, the number of Palestinian children in Israeli prisons skyrocketed to the highest it has been since February 2009. By the end of December, 422 Palestinian children were in the Israeli prison system. Among them were 116 between the ages of 12 and 15, the highest known total since January 2008 when the Israel Prison Service (IPS) began sharing data.

Israel has the dubious distinction of being the only country in the world that systematically prosecutes between 500 and 700 children in military courts each year. Since 2012, Israel has held an average of 204 Palestinian children in custody each month, according to data provided by the IPS.

Military law has applied to Palestinians in the West Bank since 1967, when Israel occupied the territory following the Six Day War. Jewish settlers, however, who illegally reside within the bounds of the West Bank, are subject to the Israeli civilian legal framework. Accordingly, Israel operates two separate legal systems in the same territory.

KEY FINDINGS

Out of 429 West Bank children detained between 2012 and 2015, three-quarters endured some form of physical violence following arrest.

In 179 out of 429 cases (41.7 percent), the Israeli military arrested children from their homes in the middle of the night. In 378 out of 429 cases (88.1 percent), Israeli forces arrested children without notifying parents of the reason for arrest or the location of detention.

In 416 out of 429 cases (97 percent), children had no parent present during the interrogation or access to legal counsel. Israeli police also did not properly inform children of their rights in 84 percent of the cases.

Interrogators used position abuse, threats, and isolation to coerce confessions from some of these children. DCIP documented 66 children held in solitary confinement, for an average period of 13 days, during the reporting period. In 2015, Israeli authorities held Abdel-Fatah Ouri, 17, in isolation for 45 days. More than 90 percent of children held in solitary confinement provided a confession.
Israeli military court judges seldom exclude confessions obtained by coercion or torture, even those drafted in Hebrew – 144 out of 429 cases (33.6 percent) – a language that most Palestinian children do not understand. In fact, military prosecutors rely on these confessions to obtain a conviction.

Children most commonly face the charge of throwing stones, which carries maximum sentences of 10 or 20 years, depending on the circumstances. In 235 out of 297 cases closed by DCIP attorneys between 2012 and 2015 involved at least one count of the offense.

Many children maintain their innocence, but plead guilty as it is the fastest way to get out of the system. Most receive plea deals of less than 12 months. Trials, on the other hand, can last a year, possibly longer. Bail is rarely granted and most children remain behind bars as they await trial. Of 297 cases closed by DCIP attorneys between 2012 and 2015, Israeli military court judges released children on bail in only 40 cases (13.5 percent).

Out of 295 cases that resulted in convictions, 151 children (51.2 percent) received a custodial sentence between three and 12 months. All 295 also received suspended sentences. Israeli military court judges also imposed fines in 261 out of 295 cases (88.5 percent).

Israeli authorities transfer nearly 60 percent of Palestinian child detainees from occupied territory to prisons inside Israel in violation of the Fourth Geneva Convention, according to IPS data. Many parents struggle to obtain entry permits to Israel, and children have limited family visits.

RECOMMENDATIONS

● Detention must only be used as a last resort, and only for the shortest appropriate time;
● Children must not be subjected to physical or psychological violence;
● Children must have access to legal consultation and parents prior to and during interrogations;
● Children must only be arrested during daylight hours;
● Children must be properly informed of their right to silence;
● Children must not be blindfolded or painfully restrained;
● Children must not be subjected to coercive force or threats;
● All interrogations must be audio-visually recorded;
● Any incriminating evidence obtained during interrogation where a child was not properly and effectively informed of his or her right to silence must be excluded by the military courts;
● Any statement made as a result of torture or ill-treatment must be excluded as evidence in any proceeding;
● The practice of using solitary confinement on children in Israeli military detention, whether in pretrial detention for interrogation purposes or as a form of punishment, must be stopped immediately and the prohibition must be enshrined in law;
● The practice of using administrative detention orders against Palestinian children must stop immediately and the prohibition must be enshrined in law;
● All credible allegations of torture and ill-treatment must be thoroughly and impartially investigated in accordance with international standards, and perpetrators brought promptly to justice; and
● Children must not be transferred out of the West Bank in violation of the Fourth Geneva Convention.