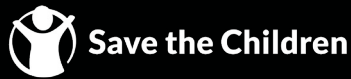




# INJUSTICE

**Palestinian children's experience of the Israeli military detention system**





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*“You have your whole life planned out but then you get arrested, and it ruins everything. After you are released from prison you start racing against time trying to catch up and trying to do something useful. It feels like all the dreams you had prior to your arrest just passed you by, and you try to catch up to them, but you can’t. Whatever you had in mind before just doesn’t feel attainable anymore. It’s as if this experience robs you of your time and your future.”*

**Jamal\*, detained when he was 15**



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Design by: Roni Ahmed

*\*To protect children and the families who agreed to be interviewed, all names have been changed and locations omitted.*

# 1. EXECUTIVE SUMMARY

“The soldier threatened to kill me when he arrested me for the second time. He asked me, ‘Do you want the same fate as your cousin?’ as he had been killed. He promised me that I would have the same fate and die, but that he would send me to prison first. He told me that he’s coming back for me – and every day, I wait for that day to come.”

*Khalil\*, detained when he was 13*

No child should ever come in contact with a military court, or any court that lacks comprehensive fair trial rights and basic safeguards. Yet hundreds of Palestinian children are held under Israeli military custody each year with profound consequences<sup>1</sup>. Their main alleged crime is stone throwing<sup>2</sup>, which can carry a 20-year sentence<sup>3</sup>.

Palestinian children in the West Bank grow up under Israeli military occupation and law. They face a multitude of severe protection risks and rights violations; among the worst of experiences for children is the military detention system<sup>4</sup>. According to international law, the detention of children should only be used as a measure of last resort, and then ensuring that children’s rights are safeguarded from the moment of contact with the system<sup>5</sup>.

2023 marks ten years since the publication of a landmark UNICEF report into Israeli military detention of children, which found that:

‘The ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalised throughout the process, from the moment of arrest until the child’s prosecution and eventual conviction and sentencing.’<sup>6</sup>

Despite a wealth of evidence and calls for action over the intervening decade,<sup>7</sup> including from UN

human rights experts, civil society, Palestinian and Israeli NGOs, as well as Save the Children’s previous reports,<sup>8</sup> ‘Defenceless’<sup>9</sup> and ‘Isolated’<sup>10</sup>, the ill-treatment continues. According to Military Court Watch, 97% of the recommendations made by UNICEF to the Government of Israel remains substantially unimplemented in 2023, with a deterioration recorded in the majority of key benchmarks.<sup>11</sup> In short, the Government of Israel has not implemented the practical steps required to protect children and bring the system in line with international law, including the Convention on the Rights of the Child (UNCRC), as well as international juvenile justice standards.<sup>12</sup>

In light of this lack of progress, Save the Children has worked with partners to conduct updated research on the impact of Israeli detention on Palestinian children. This report shares the experiences and voices of children who were aged between 12-17 years old when they were detained and who were all arrested or detained within the past three years; 71% were released from detention in the past year. 97% of the children consulted were boys, reflecting the trend for far more boys to be detained than girls.

Save the Children hopes that this insight into the abusive military detention system – and the significant toll it takes on the children who endure it – will help to galvanise action.

## The key findings from the children consulted<sup>13</sup> are extremely alarming:

- During arrest, 42% of children suffered injuries, including gunshot wounds and broken bones. A range of other injuries were reported, from shoulder dislocation, to bruising, to suffocation.
- 65% of children were arrested during the night, mostly between midnight and dawn.
- The majority of children experienced appalling levels of physical and emotional abuse, including being beaten (86%), being threatened with harm (70%), and hit with sticks or guns (60%).
- Some children reported sexual violence and abuse, including being hit or touched on the genitals and 69% reported being strip searched during interrogation.
- 60% of children experienced solitary confinement with the length of time varying from one day to as long as 48 days.
- Throughout the different stages of arrest and detention, 92% of children reported being blindfolded and 93% reported being handcuffed (80% of them were cuffed using a single plastic tie).
- Children were denied adequate food or healthcare: 70% said they suffered from hunger and 68% said they didn't receive any healthcare.
- 58% of children were denied visits or communication with their family while detained.
- Children reported high levels of emotional distress during the transfer to court or between detention centres, on a packed transfer bus, with their hands and feet cuffed, and no access to food, water or a toilet for 12 hours or more. Some described being put in small boxes or cages.
- The enormous toll on children, including on their mental health and emotional wellbeing, continued to present after children were released. 73% of children reported suffering from insomnia or having difficulty sleeping, 53% had nightmares, 62% frequently felt angry and 48% felt like they always needed to be alone.

The detailed findings reveal continued human rights violations with severe immediate and long-term impacts on detained Palestinian children and their families.

It is imperative that this ongoing harm and abuse towards children is stopped. Save the Children is calling for an immediate moratorium on Israeli military authorities arresting, detaining

and prosecuting children until comprehensive reforms are made. This is a protection crisis that can no longer be ignored.

All children should be treated with dignity and respect at all times. Generations of Palestinian children must finally be allowed to live their lives free from fear of military arrest and detention.





*“Every day something happens. Two weeks ago, I was hanging out with my friend and then I left him and went home. An hour later I heard that he had been shot and arrested. A few days later, I went to visit another friend, where they announced that he’d been killed. We’re always afraid.”*

**Hisham\*, detained when he was 14**

## 2. METHODOLOGY

Save the Children, in partnership with the Young Men's Christian Association (YMCA), conducted field research on the impact of Israeli detention on Palestinian children in February and March 2023. This research serves as an update to Save the Children's comprehensive report, 'Defenceless: The Impact of Israel's Military Detention on Palestinian Children', published in 2020.<sup>14</sup>

A combination of quantitative and qualitative approaches, including surveys and focus groups, was applied, to ensure that the perspectives and experiences of Palestinian children who experienced arrest and detention were at the core of the study. Their experience aligns with the assessment of Military Court Watch and suggests that the vast majority of UNICEF's 38 recommendations to ensure a system in line with international juvenile justice standards and international law, have not been substantially implemented.

In total, 228 former child detainees participated in the study. This includes 177 children who responded to surveys and 51 who took part in focus group discussions. A further two focus group discussions were held with parents whose children had been detained. All child participants were between the ages of 12 and 17 years old when they were detained and were between the ages of 15 and 21 when they took part in the study. All of these children were detained in the past three years, with the majority, 71%, detained in the past year.

Given that the monthly average number of Palestinian children in Israeli prisons in 2022 was 137,<sup>15</sup> the surveyed number gives a representative indication of experiences. 97% of the children consulted were boys, reflecting the trend for far more boys to be detained than girls. Studies suggest that 40% of the male Palestinian population have been detained at some point between 1967 and 2014.<sup>16</sup> Although 5% of respondents included children identifying as living with a permanent disability, and 3% identified as girls, the sample size was too small for a comprehensive disaggregated analysis of the impact of detention on these groups. The 2020 research had a sample size of 470 children and young people who were all detained as children between the years 2017 - 2019.

The sample is spread across the West Bank governorates of Ramallah/al-Bireh, Nablus/Salfit, Tulkarem/Qalqilya, Jenin/Tubas, Hebron, and Bethlehem, in addition to Jerusalem. This ensured a wide geographical coverage of the sample.

The time that children spent in detention varied across the sample: 20% of respondents were detained for 1-4 months, 23% for 5-11 months, 15% for 12-18 months, and 12% of respondents said they spent over one and a half years in detention. 34% of children were detained more than once.

**The survey statistics cited throughout this paper are based on the responses from these children and their families, unless attributed to a different source.**

## 3. CONTEXT

Since 1967, Palestinian children in the West Bank have been living under Israeli military occupation and law<sup>17</sup>. This protracted 56 year-long crisis continues to undermine basic human rights and exposes children to violence and harassment, the loss of their homes and schools, restricted movement and access to essential services, and arrests and detention.<sup>18</sup>

The main cause for arrest of Palestinian children is alleged stone throwing, which is classed as a security threat and can carry a penalty of up to 20 years in prison.<sup>19</sup> Children can be arrested if there is any suspicion that they have engaged in such an offence, without requiring a warrant or evidence,<sup>20</sup> and there is no independent oversight of this process.<sup>21</sup> Palestinian children are the only children in the world to experience systematic prosecution in military courts – and evidence shows that these fail to meet international juvenile justice standards and fair trial rights.<sup>22</sup>

In the last 20 years, an estimated 10,000 Palestinian children have been held in the Israeli military detention system.<sup>23</sup> Approximately 500-700 Palestinian children experience military detention each year.<sup>24</sup>

Nearly 70% of Palestinian child detainees are transferred out of the West Bank to prisons inside Israel.<sup>25</sup> This likely would amount to a violation of Article 49 and Article 76 of the Fourth Geneva Convention.<sup>26</sup> It means that family members are often unable or prevented from visiting the children in prison, leaving them completely isolated from their loved ones and support system.<sup>27</sup> Palestinian children living in East Jerusalem have been subject to Israeli civil laws<sup>28</sup> since its illegal<sup>29</sup> annexation.<sup>30</sup> However, these children are subject to the same treatment and if they are sentenced, they are taken to the same prisons as other Palestinian children who are tried under military laws and courts.<sup>31</sup>

### International law and norms

International law and norms are clear: the detention of children should only be used as a measure of last resort and for the shortest time possible – and those children who do have contact with judicial systems must be treated in a manner consistent with the promotion of the child's sense of dignity and worth.<sup>32</sup>

International legal protections related to juvenile justice are contained primarily in the UNCRC, which the Government of Israel ratified in 1991, obligating itself to implement the full range of rights and protections included in the Convention. In addition to the legal obligations contained within the UNCRC and other applicable international human rights conventions, (e.g. CAT & ICCPR<sup>33</sup>) there are other internationally recognised juvenile justice standards that serve as a guide to States, including the UN Standard Minimum Rules for the Administration of Juvenile Justice (also known as the Beijing Rules)<sup>34</sup> and the UN Rules for the Protection of Juveniles Deprived of their Liberty (also known as the Havana Rules).<sup>35</sup>



## Israeli children in detention

No Israeli child has ever been in contact with an Israeli military court. Israeli children, including those who unlawfully<sup>36</sup> reside in illegal settlements in the West Bank are subject to Israel's civilian legal framework. Thus, Israel operates two distinct legal frameworks for civilians within a single territory.<sup>37</sup> Unlike its military detention system, Israel's domestic juvenile justice process has been found to substantially conform with standards required by the UN Convention on the Rights of the Child (UNCRC).<sup>38</sup>

Therefore, child protection and due process safeguards are not applied equally to Palestinian and Israeli children in the West Bank – despite Israel having the legal responsibility for ensuring the rights for all children within its jurisdiction.



## 4. KEY FINDINGS:

### CHILDREN'S EXPERIENCE OF THE DETENTION SYSTEM

#### 4.1 THE MOMENT OF DETENTION OR ARREST

*"They arrested me at 3:30 a.m. They broke into our house and broke the windows." Yazeed\*, detained when he was 17*

During the arrest:

- 73% were beaten (kicked, punched, slapped), including 47% who reported being beaten with sticks or weapons including the butt of a gun
- 85% of children were handcuffed and 77% of children were blindfolded
- 45% of children were strip searched

The majority, 65%, took place during the night and 45% took place after midnight – similar findings to previous research.

<sup>39</sup>Just 4% of children said that they received summons ahead of being arrested. Half of arrests took place in the children's home.

Many children told us that their homes were broken into; windows and doors were shattered. The arrest circumstances were distressing not only to children but to their families and others present, including parents, siblings, neighbours and school mates: 48% of children said that there was more than one witness to the arrest. Children said they were often arrested without a reason being provided.

*"Before being detained, I was shot in my leg and in my back – the bullet went through my stomach. I was taken to hospital where they [soldiers] interrogated me. My hands and feet were cuffed to the bed. I told them I didn't know anything. They sent me to prison." Ahmad\*, detained when he was 15*

An alarming number of children reported that the arrest was violent and that they were physically abused: 42% of respondents said they were injured during the arrest. The main types of injuries they referred to were bruises/swelling, gunshot wounds and bone breaking, which sometimes occurred during or near clashes.

*"I saw another detainee who was arrested two days after he had surgery. They threw him on ground and put him in cuffs. His cuts started to bleed." Khalil\*, detained when he was 13*

34% of respondents stated that they were arrested more than once. This suggests further social and emotional implications, making it more difficult for them to proceed with their lives, and particularly for children to continue with their education.



## 4.2 INTERROGATION

*“After interrogation, I came out a completely different person. I was tied to an iron chair, with my hands behind my back. The beatings seemed to just never stop. And I was blindfolded, so I couldn’t see the stick they were beating me with – or when the next blow would come. I didn’t even know night from day.”* Hisham\*, detained when he was 14

The vast majority of convictions in the military detention system are made based on statements obtained during the interrogation – even when obtained through flagrant infringements of the child’s rights. Children consulted for this report described a coercive environment during their interrogation, including reports of mistreatment, violence and abuse, with a lack of proper protections and safeguards in place. During interrogations:

- 52% of children were denied food, or only given very small amounts
- 40% were denied water
- 41% were sleep deprived
- 50% were threatened with physical harm
- 46% received threats that their family members would be harmed or arrested
- 19% were forced into stress positions

Evidence from Military Court Watch indicates that more children are now being informed of their right to consult with a lawyer. However, critically, they are unable to exercise this right until after the end of the interrogation. As a result, most Palestinian children in detention consult with a lawyer for the first time in a military court, after the interrogation phase is over.<sup>40</sup> Furthermore, according to Israel’s military law, there is no right to the presence of parents or caregivers during interrogations with children.<sup>41</sup> In this study, more than half

of children consulted (52%) were denied contact with their lawyers at some stage during their detention.

*“The interrogation lasted from 6:00 am till 3:00 pm There was no food, no water, no sleep, and I was handcuffed. They tried to trick us to make us admit things that we did not do.”* Laith\*, detained when he was 16

During focus group discussions, some children said that they were interrogated at unknown locations, often deprived of food, water, sleep, and access to legal counsel and their families. The children reported that they believed different types of abuse were intended to push them to admit things they did not commit. In some cases, their perception was that interrogators wanted incriminating information about other people or family members, for example siblings.

*“They arrested my son, Ahmed, when he was 14. During interrogation, they convinced him to tell on his brother in exchange for his release. He was naive and didn’t understand what was happening. He said what they told him to say; a few days later, they came to our house and arrested my other son.”* Yasmeen\*, the mother of Ahmed\*, detained when he was 14

44% of children reported being held in solitary confinement either before or during the interrogation stage. Research by Military Court Watch found that 73% of children are shown or made to sign documentation written in Hebrew at some point during the investigation,<sup>42</sup> a language that most Palestinian children don’t understand. This was confirmed by children who participated in this study.

*“This happened a lot during interrogations, where they would bring papers for me to sign, but I would refuse by telling them either I sign while my attorney is present or bring the papers in Arabic so I can read them first.” Rami\*, detained when he was 15*

Critically, without a parent or legal representative present, there is no guaranteed third-party to provide oversight of Israeli interrogation methods, leaving children vulnerable to coercion.

### 4.3 ILL-TREATMENT AND ABUSE

*“During interrogation, the soldier told me, ‘You and your friends, I’m going to kill one of you.’” Khalil\*, detained when he was 13*

Children were exposed to a wide range of physical, psychological, and emotional abuse at different stages from the point of arrest, through interrogation, transfer, and their time in prison. Children said they suffered from beatings, threats to hurt them or their family, denial of access to drinking water, and solitary confinement among others:

- 60% were beaten with tools like a baton or a gun
- 69% were strip searched
- 70% were threatened with physical abuse
- 64% were exposed to threats directed at family members
- 44% were forced to hear or watch other detainees being abused
- 60% experienced solitary confinement. The time the respondents said they spent in solitary confinement ranges from one day to 48 days.

*“Sometimes they broke into our prison cells and made us stand in the cold air outside. They didn’t allow us to sleep. One night, they broke the roof and we had to spend the night with the rain pouring into our room.” Yousef\*, detained when he was 13*

spoke to are reporting increases across most forms of emotional and physical abuse. Alarming, there has also been a rise in reports from some children of violence and abuse of a sexual nature during their detention. This was described by children in some instances as ‘intimate touching’ and ‘being hit on the genitals’. 69% also reported being stripped during detention, a form of sexual abuse and a humiliation tactic.

Previous reports have indicated that children may be subject to sexual violence and abuse within the military detention system.<sup>43</sup> Though this is known to be significantly underreported by former child detainees,<sup>44</sup> reports suggest as many as 40% of children detained in Jerusalem in 2014 had been subject to sexual abuse by Israeli authorities<sup>45</sup> and there have been reports in 2022 of children facing sexual harassment in prisons from Israeli officers.<sup>46</sup> Due to the ongoing military occupation in the oPt, as a form of armed conflict in the oPt, this abuse could also constitute a form of conflict related sexual violence and Save the Children is calling for further immediate investigations into any abuse of children within the military detention system, including emotional, physical and sexual abuse. The vast majority of child detainees within the military detention system are boys.

#### Sexual Abuse and Violence

Compared with Save the Children’s previous research, Defenceless (2020), children we

*“They hit me with their hands and rifles, everywhere, especially on my private parts.” Yousef\*, detained when he was 13*



## Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

For children deprived of liberty, the UNCRC provides that no child shall be subjected to torture or other cruel, inhuman, or degrading treatment or punishment. The right to be free from torture, cruel, inhuman or degrading treatment or punishment is also enshrined in the Universal Declaration of Human Rights, the milestone document for human rights.

As a State Party to the UN Convention against Torture, Israel is precluded from any acts prohibited by the Convention - namely, any act by which severe pain or suffering, whether physical or mental, is intentionally

inflicted on a person for such purposes as obtaining information or a confession, or punishing an individual for an act committed (or suspected to have been committed), or intimidation and coercion.

The findings of this research are extremely concerning and warrant investigation to determine whether the ill-treatment reported by children could meet the threshold for torture and other cruel, inhuman or degrading treatment or punishment. **Save the Children urges those with the requisite skills and mandate to launch an investigation in accordance with international standards as a matter of urgency.**

## 4.4 TRANSFER

*"We spent 12 hours on the bus, with hands and feet in cuffs, no bathrooms - nothing. It stops only at the last destination." Kareem\*, detained when he was 16*

'Bosta', the bus that transfers detainees, including children, from one detention centre to another, or to court, is considered by some children as among the most traumatic elements of their detention. Children described being packed into the bus, standing up all the way, hands and feet cuffed, no food or water, or access to a toilet, for 12 hours or more. Some said they were put in small boxes or cages, with others experiencing harassment and ill-treatment.

- 60% were handcuffed and 28% were blindfolded during transfer
- 27% were beaten, kicked, punched or slapped during the transfer process
- 20% were strip-searched during while being transferred from one facility to the other

*"For me, the transfer bus was the worst. There is a tiny box inside that barely fits one person; what they would do is put two of us together in that box handcuffed to each other and driven around all day. They would drive us for hours, from early in the morning to late at night, just locked in that box." Khalil\*, detained when he was 13*

## 4.4 DENIAL OF BASIC SERVICES AND ACCESS TO FAMILY

During various points of the detention process, children were denied their right to access basic needs such as food and water, as well as suitable medical treatment and legal counsel.

- 71% were hungry and 58% were thirsty during their detention
- 60% experienced sleep-deprivation
- 68% never received any type of medical treatment, including 45% who were denied medical treatment when they explicitly requested it

*“I had an injury in my leg, I had a cast, and had to crawl to be able to move. I felt my body being torn apart. I had no canes to help me walk, I kept asking soldiers for help during the transfer, but no one helped me.” Khalil\*, detained when he was 13*

More than half of children (58%) reported being denied visits and other contact with their families while incarcerated, vastly increasing their feelings of fear, isolation, and sadness. A child’s sense of security is

rooted in their relationship with their family and wider community. This secure base is a crucial foundation for their development and wellbeing. The separation between parents or caregivers and children, particularly when unexpected, disrupts this essential secure foundation, with an array of harmful consequences. Furthermore, children do not just feel safer with their families around, they are safer, as their family can advocate for them and support them in a way that they may not be able to for themselves.

Contact with the outside world, especially with families and caregivers, is also an integral part of the right to fair and humane treatment and is critical in preparing children to reintegrate back into their communities. The UNCRC provides that in all actions involving or affecting children, their best interests shall be a primary consideration, and it stipulates that “every child shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances”.<sup>47</sup>

### About Save the Children’s response

Save the Children has long-standing programmes in the occupied Palestinian territory (oPt). We have been working for children’s rights and responding to the protracted protection crisis in the oPt since 1953. With the support of partners and donors, we help child detainees access legal support, recover emotionally from their experiences and get back into the classroom and continue their lives. This also includes psychosocial support to children and their families through individual and group counselling sessions, specialised trauma care, and catch-up classes and/or vocational training to former child detainees. In addition to this, Save the Children also works on strengthening referral systems to more specialised mental health care and also strengthening the monitoring and reporting of child arrest and detention.



## 5. KEY FINDINGS:

### LIFE AFTER RELEASE – THE IMPACT ON CHILDREN

*“I realised something after I was released from prison. Before I was physically incarcerated, but when I left, I was still in prison. I am still living under their military control, under occupation. It never ends. Just five days ago, I saw soldiers kill a friend. They shot him in the head. It feels like I am always in a prison, I will never experience true freedom.”* Hisham\*, detained when he was 14

When comparing the findings between 2020 and 2023, there is a stark increase in children’s emotional distress following release in the later research. Children increasingly experienced:

- Difficulty sleeping or insomnia (73% in 2023 compared to 47% in 2020)
- Having nightmares (53% in 2023 compared to 39% in 2020)
- Feeling angry (62% in 2023 compared to 53% in 2020)

*“I don’t sleep at night at all, it’s been almost three years since I was arrested and still, I can’t*

*sleep at night, it’s so annoying to be anxious all night, I spend most of the nights going through my phone, on social media and the news.”* Yazeed\*, detained when he was 17

The impact of military detention on physical health has also increased since 2020, such as children feeling:

- Exhaustion (50% in 2023 compared to 38% in 2020)
- Headaches and dizziness (57% in 2023 compared to 35% in 2020)
- Chest pain or breathing difficulties (35% in 2023 compared to 26% in 2020)
- Loss of appetite (39% in 2023 compared to 29% in 2020).

Similarly, children’s reported rates of resilience and capacity to cope eroded. Children’s hope for the future and how much they care about it decreased from 96% in 2020 to 68% in 2023.

#### 5.1 IMPACT ON WELLBEING AND MENTAL HEALTH

*“I can’t stop replaying all the things that happened to me in my head – it’s so scary to think about. Every time I go to bed, I feel scared. I always feel alert and I’m worried that the soldier who arrested me will find me again. He told me that when I turn 18, he’s going to come back for me.”* Rami\*, detained when he was 15

The detention system has a destructive impact on the long-term wellbeing of children. Behavioural changes such as feeling angry most of the time, having little

or no will to communicate with others, increased tendency to spend time alone or over attachment to one’s mother had an impact on day-to-day life and emotional wellbeing.

*“I used to have nightmares about my time in prison all the time, especially about the officer who interrogated me. He told me, ‘I promise you that you will dream about me’. And he was right.”* Khalil\*, detained when he was 13

Children experienced nightmares, waking

up at the same hour of arrest, suppressing the memories of detention or re-living them the whole time. Many reported feeling afraid to be alone (22%) or crying 'all the time' (14%).

*"After my son was released, he wanted to stay by my side and sleep next to me. He refuses to leave the house. It has been a challenge for us; I feel that he is traumatised. He was arrested Tuesday night; now every Tuesday he feels they are coming for him."* Lana\*, the mother of Mohammed\*, detained when he was 14

Re-experiencing their detention, or conversely, avoiding triggers that reminded them of their experiences, were commonly reported by children.

- 41% try to avoid thinking about detention
- 33% think about their experiences in detail every day
- 59% frequently think about the possibility of being arrested again in future
- 34% of respondents were in detention more than once

Many children and their parents reported living in a perpetual state of fear after detention, and the experience has chipped away at their sense of safety and made healthy coping mechanisms more challenging.

## 5.2 IMPACT ON PHYSICAL HEALTH

The physical health of children also deteriorated due to detention. The symptoms shared by respondents include physical pain, eating disorders or disrupted appetite, and practicing unhealthy habits such as smoking.

- 57% suffer from headaches or dizziness

*"When my daughter was five years old, her brothers were detained from our home, and she would hide in the closet and wet herself. Another one of my children who is twelve years old jumps off the roof (3 meters high) whenever soldiers come to our house, even if they are not coming for him."* Bushra\*, mother of Yazan\*, detained when he was 15

The symptoms experienced by children are especially concerning given that there is little psychosocial support available and only a limited number of organisations working with this group of children and their families. Many children described feeling alone, with nobody to turn to for comfort and support.

*"I've noticed that all of us who have been arrested prefer to sit alone and not socialise. Mostly, we prefer solitude and don't like to talk to anyone. But at the same time, I feel like I want to talk about my feelings with someone. Mostly I don't say anything though, as it's hard to find someone to confide in."* Hisham\*, detained when he was 14

However, for the children who did access mental health and psychosocial support following their release, it was clear that they benefited hugely from this support and felt better able to cope with their experiences.

- 35% experience chest pains or breathing difficulties
- 39% lost their appetite or struggled to eat following release
- 42% experience muscle pain
- 22% experience shaking or shivering, and 24% experience physical numbness

## 5.3 IMPACT ON EDUCATION

*“Before I was detained, I wanted to study – but after I was imprisoned my life was disrupted and I ended up just learning car mechanics.”* Hanna\*, detained when he was 17

Detention severely impacted children’s education, with almost a third of children (32%) not going back to school following release. Furthermore, many of those who did return to school were forced to change courses or limit their educational aspirations.

The majority of children who joined the focus groups said they felt as if they had ‘nowhere to go’. The lack of vocational training facilities is a major concern raised by children and parents.

Children who went back to school also

faced challenges. Losing faith in the value of education and lacking the ability to observe it as a meaningful tool for development led many children to be demotivated. Furthermore, some of them assumed that they would fail, which constituted another barrier to being engaged in learning. Struggling with trust is another challenge that overshadows the interaction of children with their teachers and school staff in general.

*“My son feels he is not going to pass his high school exams. He assumes he is not going to succeed in learning. His grades have suffered and his motivation to learn has plummeted.”* Zahra\*, the mother of Obaida\* detained when he was 16

## 5.4 IMPACT ON FAMILY AND SOCIAL LIFE

*“Just five days ago I saw soldiers kill someone. They shot him in the head. And yesterday they were firing shots while a few kids were playing outside; their ages ranged from 4 to 6. I was standing watching from my window.”* Hisham\*, detained when he was 14

*“The first time I was arrested my parents spent their time crying - it felt like someone has died, as if they’ve lost me for good. I know they were in so much pain, but it’s not in my hands, I couldn’t do anything to help them. After I was released, they were so happy, especially the first couple of weeks. But now, they’re just always worried, my mum calls me many times during the day just to check on me.”* Hassan\*, detained when he was 14

The social connection between children released from detention and the community at large also changed following their release. This is in part owing to their experiences during detention, the deterioration of their wellbeing, the decreased opportunities for education and the lack of spaces to practice a hobby.

While many respondents pointed out that they received support from their families and friends after they were released, this was not always the case from the wider community. Some children faced accusations of being spies and lacking a purposeful life, creating a social stigma that haunts them and their families.

- 41% don’t feel safe outside the house
- 54% avoid interaction with people they don’t know
- 38% find it difficult to express their feelings
- 15% have yet to join a social activity following release

*“My son became ill-tempered and isolated following release. He doesn’t like to leave his room or visit his sisters or relatives. He once said, ‘I spent 3.5 years in prison and now I feel that I can’t leave it.’”* Abeer\*, the mother of Hani\*, detained when he was 15



## 5.5 IMPACT ON FUTURE ASPIRATIONS

*"I study every day because it's so important for me, I also go to the gym with my friend every day, I want to be a healthy successful person in the future that's why I focus on sports and school." Sami\*, detained when he was 15*

Given the right support, the parents and – most importantly – the children themselves are confident that they can use their inherent resilience to start processing the severe emotional distress they have experienced. The horrific experiences have not dimmed their hope for the future, their sense of self, or their determination to have a productive and fulfilling life:

- 87% believe they are good people
- 87% trust in themselves and 44% trust others
- 68% care about their future, including pursuing a good career and caring for their family
- 100% feel great joy when they accomplish things in their lives

The emphasis on being able to take on any

challenge was observed as a general attitude among children who had been detained. Some of them went further and felt that the abuse they were exposed to made them "stronger" or "more capable of dealing with challenges".

Children and parents emphasised the importance of providing children who had been detained with vocational training and psychosocial support activities to help them reintegrate in their communities and have a productive life.

*"I lost a whole semester of my last year in school because I was in prison. I was studying science and couldn't catch up, so I had to move to social studies. However, this didn't discourage me, it made me more determined. I considered it a challenge to pass my exams and finish school - and I succeeded." Omar\*, detained when he was 17*



## 6. CONCLUSION – CALL FOR ACTION

The military arrest, detention and prosecution of Palestinian children is a major and long-standing human rights concern. The latest findings in this research follow a deeply concerning trend over the past decade and confirm the worst. This is an ongoing and significant child protection crisis. Severe child rights violations continue with immediate and long-term impacts on detained Palestinian children.

**Save the Children is calling for an immediate moratorium on Israeli military authorities arresting, detaining and prosecuting children. No child should come into contact with the abusive detention system, until substantive reforms are made.**

**The Government of Israel should:**

- Bring the system into compliance with international law and international juvenile justice standards. This could be done, for example, through the public acceptance and swift implementation of updated recommendations outlined in UNICEF's 2013 report;<sup>48</sup>
- Ensure regular, unhindered access to appropriate experts for purposes of monitoring, such as the ICRC and UN Human Rights personnel.

Those with the requisite skills and mandate should also investigate the abuse of Palestinian children in the Israeli military detention system to determine whether this meets standards for torture and other cruel, inhuman or degrading treatment or punishment. Further investigation must also be given to the reports from children of violence and abuse of a sexual nature within the military detention system, including whether this constitutes conflict-related sexual violence.

No child should be prosecuted in military courts or any court that lacks comprehensive fair trial rights and juvenile justice standards. The Government of Israel must respect all children's rights and international law. Only when all these changes have been made, can generations of Palestinian children live their lives free from fear of arbitrary military arrest and detention.

## ANNEX

38 Recommendations from UNICEF report, 'Children in Israeli Military Detention: Observations and Recommendations', 2013.<sup>49</sup>

### Compliance with international norms and regulations.

With respect to the arrest and detention of children, in accordance with the Convention on the Rights of the Child and other international norms and standards, the following principles must apply under all circumstances:

- I. The best interests of the child shall be a primary consideration. In all actions concerning children, whether undertaken by public or private social-welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
- II. Non-discrimination. States Parties to the Convention on the Rights of the Child shall respect and ensure that the rights set forth in the Convention apply to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parents' race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- III. Use of detention only as a measure of last resort. Children should only be deprived of their liberty as a measure of last resort and for the shortest appropriate period of time.
- IV. Alternatives to detention. Alternatives to detaining children should always be considered and encouraged, at both the pre-trial and post-sentencing stages of any judicial or military detention system.
- V. Diversion. Children in conflict with the law should be channeled away from judicial proceedings through the

development and implementation of procedures or programmes that enable many – possibly most – to avoid the potential negative effects of formal judicial proceedings, provided that human rights and legal safeguards are fully respected.

### Notification

- I. All children shall be informed of the reasons for their arrest at the time of arrest and in a language they understand.
- II. The competent military authority shall, on its own initiative, notify the legal guardian or close family member of the child about the arrest, reasons for arrest and place of detention, as soon as possible after the arrest, and in Arabic. A legal guardian must be authorized to accompany the child during transfer and stay with the child at all times during interrogation.
- III. All children and their legal guardian or close family member should be provided with a written statement in Arabic informing them of their full legal rights while in custody.

### Timing of arrests and arrest warrants

- I. All arrests of children should be conducted during daylight, notwithstanding exceptional and grave situations.
- II. Copies of all relevant documentation, including arrest warrants and summons for questioning, should be provided to the child's legal guardian or close family member at the time of arrest or as soon as possible thereafter, and all documentation should be provided in Arabic.

### Methods and instruments of restraint

- I. Children should only be restrained for the time that is strictly necessary. Use of restraining methods and instruments should respect the child's dignity and



- not cause unnecessary pain or suffering.
- II. The use of plastic hand ties should be prohibited in all circumstances, and the prohibition must be effectively monitored and enforced.
  - III. At all times during transfer, children should be properly seated, not blindfolded and treated with dignity. Except in extreme and unusual circumstances, children should never be restrained during interrogation, while detained in a cell or while attending court.
  - IV. The practice of blindfolding or hooding children should be prohibited in all circumstances.

### **Strip searches**

- I. Strip searches should be carried out only under exceptional circumstances and used only as a last resort. When conducted, strip searches should be done with full respect for the dignity of the child and be conducted by more than one person of the same gender as the child, in the presence of a parent, guardian or other responsible adult, wherever possible. The strip search should be done in a private location and should not involve the removal of all garments at the same time.

### **Access to a lawyer**

- I. All children in detention shall have prompt and regular access to an independent lawyer of their choice.

### **Judicial review of the arrest and detention**

- I. All children in detention shall, within 24 hours of their arrest, have prompt and effective access to an independent judicial review of the legality of their arrest and detention.
- II. The military courts should review every child's detention at least every two weeks, to ensure that detention is used only as a measure of last resort and for the shortest time possible; that the child

is not being subjected to any form of ill treatment; and that the child is being granted access to relatives, a lawyer and a medical doctor.

### **Medical examinations**

- I. Both prior to and after questioning, as well as upon transfer to another place of detention, the detained child should undergo a medical inspection by an independently qualified medical doctor. The medical inspection should abide by the highest standards of medical ethics, document objectively any complaints and findings, and assess the child's physical and psychological state. Any immediate medical needs should be attended to.
- II. Subject to the consent of the child's legal guardian, all medical records should be made available to the child's lawyer.
- III. Children deprived of their liberty shall have access to prompt and adequate medical care at all times.

### **Questioning or interrogation**

- I. The questioning or interrogation of a child should always take place in the presence of a lawyer and a family member, and should always be audio-visually recorded for the purpose of independent oversight.
- II. At the commencement of each interrogation session, the child should be formally notified of his or her rights in Arabic, and in particular, informed of the privilege against self-incrimination.
- III. Each interrogation session should begin with the identification of all persons present. The identity of all persons present should be included in the record and available to the child's lawyer.

### **Solitary confinement**

- I. In no circumstances whatsoever should a child be held in solitary confinement.

## **Confessional evidence**

- I. No statement or confession made by a child deprived of his or her liberty, other than one made in the presence of a judge or the child's lawyer, should have probative value at any stage of the criminal proceedings, except as evidence against those who are accused of having obtained the confession by unlawful means. Cases involving children in military courts should not be determined solely on the basis of confessions from children.
- II. All confessions written in Hebrew and signed or adopted by a Palestinian child should be rejected as evidence by the military courts.

## **Bail and plea bargains**

- I. Incarceration of children should always be a measure of last resort and for the shortest possible time. Except in extreme circumstances, release on bail should be the standard procedure.
- II. The conditions under which bail and plea bargains are granted should be revised to make them consistent with the Convention on the Rights of the Child.

## **Location of detention and access to relatives**

- I. In accordance with international law, all Palestinian children detained in the Israeli military detention system shall be held in facilities located in the occupied Palestinian territory.
- II. Wherever a child is detained, the right of family members to visit should be fully respected. All necessary measures should be taken to ensure that the administrative procedures in support of family visits, including all necessary permits, are promptly facilitated no later than 14 days after arrest.

- III. All children should be entitled to regular telephone communication with their families in order to maintain close social relations.

## **Accountability**

- I. Any complaint by a child, at any stage of his or her detention, regarding any form of violence and unlawful treatment, shall be promptly, diligently and independently investigated in accordance with international standards. All perpetrators shall be brought promptly to justice.
- II. Unless the allegations are manifestly unfounded, the personnel allegedly involved in the unlawful treatment of children should be suspended from duties involving contact with children, pending the outcome of an independent investigation and any subsequent legal or disciplinary proceedings.
- III. In addition to efficient and effective complaint mechanisms, Israeli military authorities should take all necessary measures to establish effective and independent internal oversight mechanisms to monitor the behaviour of all personnel in contact with children in Israeli military detention.
- IV. Child victims of ill-treatment should obtain redress and adequate reparation, including rehabilitation, compensation, satisfaction and guarantees of nonrepetition.
- V. The Israeli authorities should give immediate consideration to establishing an independent investigation into the reports of ill-treatment of children in the military detention system, in accordance with the 2002 recommendations made by the UN Special Rapporteur on the situation of human rights on Palestinian territories occupied since 1967.

## Endnotes

- 1 It is estimated that between 500 and 1,000 children are held in Israeli military detention each year. <https://www.militarycourtwatch.org/page.php?id=J5V0bQevz8a19020AWwFbv7lxv2>
- 2 Ibid
- 3 Ministry of Justice, The Legal Counseling and Legislation Department (International Law), Palestinian Minors in Military Juvenile Justice System, 5 August 2014
- 4 United Nations Office for the Coordination of Humanitarian Affairs oPt, [Humanitarian Needs Overview 2023](#)
- 5 Committee on the Rights of the Child (2019), [General comment No. 24 \(2019\) on children's rights in the child justice system](#)
- 6 Unicef, 'Children in Israeli Military Detention: Observations and Recommendations', 2013
- 7 There has been a decade of evidence collected by civil society, reaffirming UNICEF's findings and reinforcing their critical recommendations (e.g. [Addameer](#), [B'Tselem](#), [DCI-P](#), [LPHR](#), [Military Court Watch](#), [Save the Children](#)).
- 8 Save the Children, 'Defenceless', published in November 2020, and subsequent report, 'Isolated', published in May 2022.
- 9 [Defenceless: The Impact of Israeli Military Detention on Palestinian Children | Save the Children's Resource Centre](#)
- 10 [Isolated: The impact of family separation on Palestinian children in military detention | Save the Children's Resource Centre](#)
- 11 Military Court Watch, The UNICEF report – 10 years on. <https://www.militarycourtwatch.org/page.php?id=a6P8rLTUMWa1750791ApCCoRw9Isi>
- 12 This includes the UN Standard Minimum Rules for the Administration of Juvenile Justice (also known as the Beijing Rules) and the UN Rules for the Protection of Juveniles Deprived of their Liberty (also known as the Havana Rules).
- 13 Key findings include reports from 177 children we surveyed and a further 51 children who took part in focus group discussions.
- 14 Save the Children, 'Defenceless: The Impact of Israelis Military Detention on Palestinian Children', 2020
- 15 [Number of Palestinian Children in Israeli detention | Defense for Children Palestine \(dci-palestine.org\)](#)
- 16 Addameer (2014), Palestinian Political Prisoners in Israeli Prisons, see [https://www.addameer.org/files/Palestinian%20Political%20Prisoners%20in%20Israeli%20Prisons%20\(General%20Briefing%20January%202014\).pdf](https://www.addameer.org/files/Palestinian%20Political%20Prisoners%20in%20Israeli%20Prisons%20(General%20Briefing%20January%202014).pdf).
- 17 According to a UN-appointed Commission of Inquiry, Israel's occupation of Palestinian territory is unlawful under international law due to its permanence and the Israeli government's de facto annexation policies, see <https://news.un.org/en/story/2022/10/1129722>.
- 18 United Nations Office for the Coordination of Humanitarian Affairs oPt, [Humanitarian Needs Overview 2023](#).
- 19 Ministry of Justice, The Legal Counseling and Legislation Department (International Law), Palestinian Minors in Military Juvenile Justice System, 5 August 2014
- 20 B'Tselem (2018), 'Minors in jeopardy', see [https://www.btselem.org/publications/summaries/201803\\_minors\\_in\\_jeopardy\\_Order\\_regarding\\_Security\\_Provisions\\_\[Consolidated\\_Version\]\\_\(Judea\\_and\\_Samaria\)\\_No.\\_1651\\_5770-2009](https://www.btselem.org/publications/summaries/201803_minors_in_jeopardy_Order_regarding_Security_Provisions_[Consolidated_Version]_(Judea_and_Samaria)_No._1651_5770-2009) (hereinafter: Order regarding Security Provisions), Section 31(A). See Section 4 for information on a police officer's authorities under the order.
- 21 Human Rights Watch (2016), <https://www.hrw.org/news/2016/04/11/palestine-israeli-police-abusing-detained-children>
- 22 Committee on the Rights of the Child (2019), [General comment No. 24 \(2019\) on children's rights in the child justice system](#) See for example: UN Secretary General's Annual Report on Children and Armed Conflict (April 2016); UNICEF, Children in Israeli Military Detention: Observations and Recommendations (February 2013); US State Department, Country Reports on Human Rights Practices for 2016-- Israel and The Occupied Territories
- 23 Defence for Children International (DCI), Military detention, see [https://www.dci-palestine.org/children\\_in\\_israeli\\_detention](https://www.dci-palestine.org/children_in_israeli_detention).
- 24 Ibid.
- 25 Military Court Watch, March 2023, <https://www.militarycourtwatch.org/page.php?id=J5V0bQevz8a19020AWwFbv7lxv2>.
- 26 Article 49 of the Fourth Geneva Convention states: "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies." It also prohibits the "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory". Article 76 states: "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein." <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949?activeTab=undefined>
- The transfer of children to facilities in Israel also constitutes a war crime in violation of Article 8(2)(b)(viii) of the Rome Statute of the International Criminal Court. This practice has been challenged twice at the Supreme Court of Israel and both times, the Court held that when in conflict, Israeli legislation overrides international law.
- 27 See more in Save the Children's report 'Isolated', published in May 2022.
- 28 B'Tselem and HaMoked (2017), "Unprotected: Detention of Palestinian teenagers in East Jerusalem" [https://www.btselem.org/publications/summaries/201710\\_unprotected](https://www.btselem.org/publications/summaries/201710_unprotected).
- 29 UN General Assembly Res. 36/120 E of December 1981, GA Res. 56/31 of December 2001, Security Council Res. 478 (1980) of August 1980, Council Res. 2334 (2016) of December 2016, and GA Res. 76/12 of December 2021. [https://www.un.org/unispal/wp-content/uploads/2021/12/GARES.A.RES\\_76.12\\_061221.pdf](https://www.un.org/unispal/wp-content/uploads/2021/12/GARES.A.RES_76.12_061221.pdf).
- 30 In 1967, East Jerusalem was de-facto annexed by extending some Israeli laws to part of East Jerusalem, in 1980 the Israeli Knesset ratified the Basic Law on Jerusalem, officially annexing the pre-1967 eastern parts of the city of Jerusalem. <https://www.arij.org/atlas40/chapter1.5.html>.
- 31 B'Tselem and HaMoked (2017), "Unprotected: Detention of Palestinian teenagers in East Jerusalem" [https://www.btselem.org/publications/summaries/201710\\_unprotected](https://www.btselem.org/publications/summaries/201710_unprotected).
- 32 Committee on the Rights of the Child (2019), General comment No. 24 (2019) on children's rights in the child justice



system

33 Israel ratified the International Covenant on the Elimination of All Forms of Racial Discrimination (CERD) in 1979; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) all in 1991; and the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR) in 1992.

34 United Nations Standard Minimum Rules for the Administration of Juvenile Justice, see <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/beijingrules.pdf>.

35 "UN rules for the protection of juveniles deprived of liberty, see <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-rules-protection-juveniles-deprived-their-liberty>.

36 United Nations Security Council Resolution 2334 of 2016

37 DCI-P (2016), 'No way to treat a child'

38 Children in Military Custody, 2012: [http://www.childreninmilitarycustody.org.uk/wp-content/uploads/2012/03/Children\\_in\\_Military\\_Custody\\_Full\\_Report.pdf](http://www.childreninmilitarycustody.org.uk/wp-content/uploads/2012/03/Children_in_Military_Custody_Full_Report.pdf) p.6

39 Our 2020 research, 'Defenceless', found that more than half of the children we consulted (53%) were arrested during night raids at their home, between midnight and dawn.

40 Military Court Watch, 'Access to lawyers' see <http://www.militarycourtwatch.org/page.php?id=8htEzJcYdQa627660ACDM3VgM3TE>.

41 See The Association of Civil Rights in Israel, <https://law.acri.org.il/en/2015/04/19/minors-handbook-opt/>.

42 Military Court Watch (2020), Monitoring the treatment of children held in Israeli military detention annual report 2019/20: [http://www.militarycourtwatch.org/files/server/MCW%20ANNUAL%20REPORT%20\(2020\)\(1\).pdf](http://www.militarycourtwatch.org/files/server/MCW%20ANNUAL%20REPORT%20(2020)(1).pdf).

43 Israeli interrogator sexually assaults Palestinian child detainee, 2021, DCI. Available from: [https://www.dci-palestine.org/israeli\\_interrogator\\_sexually\\_assaults\\_palestinian\\_child\\_detainee#:~:text=Ramallah%2C%20February%2010%2C%202021%E2%80%94,at%20a%20Jerusalem%20detention%20facility](https://www.dci-palestine.org/israeli_interrogator_sexually_assaults_palestinian_child_detainee#:~:text=Ramallah%2C%20February%2010%2C%202021%E2%80%94,at%20a%20Jerusalem%20detention%20facility).

44 Israeli interrogator sexually assaults Palestinian child detainee, 2021, DCI. Available from: [https://www.dci-palestine.org/israeli\\_interrogator\\_sexually\\_assaults\\_palestinian\\_child\\_detainee#:~:text=Ramallah%2C%20February%2010%2C%202021%E2%80%94,at%20a%20Jerusalem%20detention%20facility](https://www.dci-palestine.org/israeli_interrogator_sexually_assaults_palestinian_child_detainee#:~:text=Ramallah%2C%20February%2010%2C%202021%E2%80%94,at%20a%20Jerusalem%20detention%20facility).

45 240 Palestinian children 'sexually abused' in Jerusalem, group claims, 2014, Middle East Children's Alliance. Available from: <https://www.mecaforpeace.org/israel-240-palestinian-children-sexually-abused-in-jerusalem-detention-centres-group-claims/>.

46 Israel forces sexually harass Palestinian minors in prisons, 2022, Middle East Monitor. Available from: <https://www.middleeastmonitor.com/20220830-israel-forces-sexually-harass-palestinian-minors-in-prisons-report/>

47 UNCRC art. 37(c)

48 See Annex for recommendations in full

49 Unicef, 'Children in Israeli Military Detention: Observations and Recommendations', 2013

# INJUSTICE

Palestinian children's experience of the Israeli military detention system

