

**Annual Report (Full) June 2013**

**Action for Palestinian Children  
@A4PC**

**Name:** *Israel*      **Subject:** *Human Rights (Palestinian Child Prisoners)*

**Targets:** *40*      **Set by:** *Children in Military Custody report 2012*

Last year, an independent legal delegation from the United Kingdom assessed Israel's treatment of Palestinian children arrested, detained & prosecuted in military courts. The report, funded by the UK Foreign & Commonwealth Office, found Israel in breach of international law and human rights treaties. It made 40 recommendations. Below are all 40 of the targets that were set, and a judgement on progress made.

**Arrest**

1.	Arrests of children should not be carried out at night save for in extreme and unusual circumstances. A pilot study of issuing summonses as an alternative means of arrest should be carried out.	<i>Fail</i>
2.	At the time of their arrest, all children should be informed, in their own language, of the reasons for their arrest and their right to silence, and relevant documents should be provided to them in that language.	<i>Fail</i>
3.	The parent or guardian of the child should be promptly notified, in their own language, of the arrest, the reasons for it and place of detention.	<i>Fail</i>
4.	Children should never be blindfolded or hooded.	<i>Fail</i>
5.	Methods of restraint should not be used unless strictly necessary. If used, they should respect the child's dignity and not cause pain or suffering.	<i>Fail</i>
6.	Single plastic hand ties should never be used. The existing prohibition should be monitored and enforced, and arresting personnel should be trained accordingly.	<i>*Fail</i>
7.	Children should not be transported on the floor of vehicles. They should be properly seated and treated with dignity at all times.	<i>Fail</i>
8.	Children should be conveyed to the place of interrogation or detention without delay and be provided with food and water.	<i>Fail</i>
9.	The prohibition on violent, threatening or coercive conduct towards children should be strictly observed throughout all stages of arrest	<i>Fail</i>

**Interrogation**

10.	On arrival at a place of detention, children should be immediately reminded of their right to silence. Their right to consult a lawyer prior to interrogation (in accordance with Military Order 1676) should be respected.	<i>*Fail</i>
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11.	Children should have a parent or guardian present prior to and during their interrogation.	<i>Fail</i>
12.	Children should have access to a full medical examination both prior to and after interrogation. The assessment should document any complaints and findings and consider both the psychological and physical state of the child. The child's lawyer should have access to the assessment	<i>Fail</i>
13.	Interrogations should be conducted during daytime (in accordance with Israeli youth law), after an appropriate period of rest and refreshment, and only by specially trained youth interviewers.	<i>Fail</i>
14.	Interrogations should be audio-visually recorded and the tapes should be made available to the child's lawyer.	<i>Fail</i>
15.	Children should not be required to sign confessions and statements written in a language other than their own.	<i>Fail</i>
16.	The prohibition on violent, threatening or coercive conduct towards children should be strictly observed throughout all stages of interrogation and detention.	<i>Fail</i>
<b>Bail hearings, Plea bargains and Trial</b>		
17.	The maximum period of detention before production at court should be reduced to 24 hours and the periods of detention without charge should be reduced in line with Israeli youth law.	<i>*Fail</i>
18.	The Israeli Government should develop and implement procedures and programmes for children that constitute viable alternatives to custody.	<i>Fail</i>
19.	All hearings, including applications for bail, should be heard in the youth court. Children should not be shackled at any time.	<i>Fail</i>
20.	There should be a presumption in favour of bail. At the first hearing, the court should only order custody as a last resort and should provide its reasons for any denial of bail.	<i>Fail</i>
21.	The audio-visual tapes of the interrogations and viewing equipment should be provided to the defence prior to the first hearing.	<i>Fail</i>
22.	Military prosecutors should not base prosecutions of children solely on confession evidence without first adopting a system of the kind set out in these recommendations, and should fully assess the conditions under which any confession was obtained.	<i>Fail</i>
23.	Allegations or evidence from other children should not be relied upon if obtained in breach of these recommendations.	<i>Fail</i>
24.	Any confession written in any language other than the child's own	<i>Fail</i>

	should not be accepted as evidence.	
25.	Trials should be dealt with expeditiously and in full compliance with international standards of justice.	<i>Fail</i>
<b>Sentencing and Detention</b>		
26.	The Israeli prohibition against imprisoning children under the age of 14 should be extended to include Palestinian children.	<i>Fail</i>
27.	Children should only be deprived of their liberty pending trial as a measure of last resort and for the shortest possible period of time.	<i>Fail</i>
28.	Solitary confinement should never be used as a standard mode of detention or imprisonment.	<i>Fail</i>
29.	The Israeli Government should develop and implement procedures and programmes for children that constitute viable alternatives to custody focussing on rehabilitation and development.	<i>Fail</i>
30.	Probation reports should be mandatory in all cases, unless the defence waive the right to have a report.	<i>Fail</i>
31.	At sentencing hearings all alternatives to custody should be fully considered. If a custodial sentence is passed, it should be for the minimum possible term.	<i>Fail</i>
32.	All Palestinian children detained under Israeli military law should be held in facilities in the Occupied Palestinian Territories and not in Israel, which constitutes a breach of article 76 of the Fourth Geneva Convention.	<i>Fail</i>
33.	There should be separate detention for children and adults subject to an independent assessment to the contrary based on the best interests of the child.	<i>*Fail</i>
34.	Children should be able to access a full education whilst in detention.	<i>Fail</i>
35.	Parents or guardians should be granted regular access and visiting rights to children in detention.	<i>Fail</i>
36.	Parents or guardians should be informed of release dates and places in good time and given proper facilities for meeting the children.	<i>*Fail</i>
37.	No child should be the subject of administrative detention	<i>*Fail</i>
38.	Breach of these principles should result in the discontinuation of the prosecution and the child's release.	<i>Fail</i>
<b>Complaints and Monitoring</b>		
39.	There should be prompt independent investigation of any complaint	<i>Fail</i>

	made by, or in respect of, a child about unlawful or ill-treatment.	
40.	There needs to be a comprehensive and independent monitoring system.	<i>Fail</i>

**Comments:**

*This is an extremely disappointing report. Despite claims of progress (see notes below), very little has changed for Palestinian child prisoners. Military orders and court judgements have had minimum impact on the ground where Palestinian children continue to have their human rights abused and ignored. Israel really must try much, much harder if it is to live up to its claims of being a democratic country committed to equality and freedom.*

<b>Signed:</b>	<i>Action for Palestinian Children</i>	<b>@A4PC</b>
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**Evidence of progress made on recommendations:**

*6	In April 2010, new procedures for tying detainees were introduced after numerous complaints and the initiation of legal action by the Israeli organisation, the Public Committee Against Torture in Israel (PCATI). These procedures are widely ignored.
*10	Sometimes the Israeli interrogators provide a document informing children of their rights but this happens rarely and the information on the right to silence is ambiguous. In some cases the interrogators ask the child if he would like to consult a lawyer, but almost all children do not have the telephone number of a lawyer.
*17	According to MO1711, the period of detention before appearing in front of a judge has been reduced, but it is still double that accorded to Israeli children. Children who are 16 and 17 can still be held for up to four days. In this order there are some loopholes that mean the police do not have to abide by these time limits.
*33	Efforts have been made in recent years to separate adults from children, particularly in Meggido prison. However, mixing in other facilities and during the early stages of detention still occurs. For example, see the case of MH who was detained with adults shortly after his arrest on 15 May - <a href="http://is.gd/HVddG1">http://is.gd/HVddG1</a>
*36	The family of the child can find out, through the lawyer, the date of the child's release. However, the prison authorities do not tell them the time, so they have to wait at the checkpoint or the prison gate.
*37	During last year no child was held under administrative detention, but the law is still active. At any time the Israeli authorities may issue administrative detention orders against children.

For more information:

[www.dci-palestine.org.uk](http://www.dci-palestine.org.uk)

[www.militarycourtwatch.org.uk](http://www.militarycourtwatch.org.uk)

