

In the Shadow of the 2014 Gaza War: Imprisonment of Jerusalem's Children



**Addameer Prisoner Support and
Human Rights Association
2016**





2016 ©

Addameer Prisoner Support and Human Rights Association

P.O.Box Jerusalem, 17338

Tel: +972 (0)2 296 0446

0136 297 2(0)+972

Fax: +972 (0)2 296 0447

Email: info@addameer.ps

Website: www.addameer.org

Ramallah, Al-Masyon, Rafiden Sq. Edward Said St. Sabat Bldg.

1st Floor, Suite 2

This study is produced with support from the HEINRICH BOLL STIFTUNG. The contents of this study can under no circumstances be regarded as reflecting the position of the HEINRICH BOLL STIFTUNG and/or its donors' consortium.

 **HEINRICH BÖLL STIFTUNG**
PALESTINE & JORDAN

Table of Contents

Chapter 1 – Introduction	7
Chapter 2 – Historical Background	13
Chapter 3 – Current Context	21
Chapter 4 – Arrest and Detention	29
Chapter 5 – Impacts on Detainees, Their Families, and Their Communities	51
Chapter 6 – Legal Analysis	65
Chapter 7 – Conclusions: Violations of Israeli and International Law	71

Chapter 1

Introduction



Introduction

In July and August of 2014, Gaza held the world's attention as Israel launched massive air strikes and ground attacks against that part of the Occupied Palestinian Territory (oPt) over a period of 50 days. The UN's Office for the Coordination of Humanitarian Affairs (OCHA) reported that more than 2100 Palestinians were killed in the Israeli onslaught. This number does not include the many more who were wounded or traumatized as a result of the Israeli offensive. In response to the unrest following the murder of Mohammed Abu Khdeir and the subsequent war on Gaza, Israeli occupation forces (IOF) intensified human rights violations against Palestinians in East Jerusalem including mass arrests, leading to an increase in the number of Jerusalemite Palestinians held in Israeli detention.

Not so apparent to the rest of the world however, was the lower intensity but nevertheless harsh repression that Israel continued to inflict upon Palestinians in East Jerusalem and the West Bank in 2014. While Palestinians suffer many forms of abuse and violence at the hands of Israel, this report concentrates on the detention of children from East Jerusalem between the years 2014-15, the cruel treatment they endured during arrest, detention and interrogation, and the impacts of this treatment on the children, their families, and communities. Furthermore, we examine the legal implications of Israel's behavior and the political context in which it occurred.

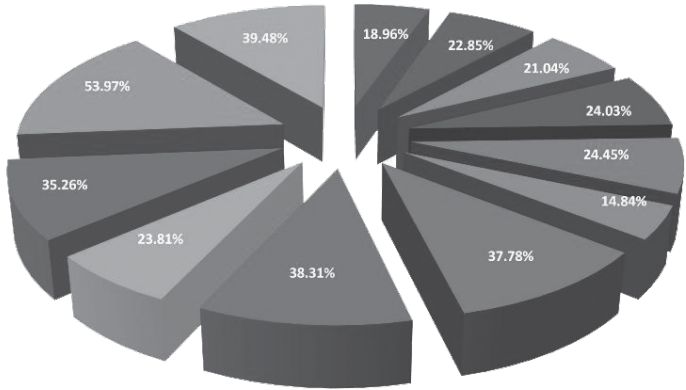
According to statistics compiled by the Palestinian Monitoring Group of the PLO's Negotiations Affairs Department, 1769 Palestinians from East Jerusalem were arrested by Israeli authorities in 2014, with a majority accused of throwing rocks or Molotov Cocktails. A sharp increase compared with the number of Jerusalemite Palestinians arrested in previous years. This number exceeds by more than 70% the 1037 Palestinian East Jerusalemites arrested in 2013. In 2012, 393 Palestinians from East Je-



Jerusalem were detained, while another 445 were seized in 2011. There are no reliable figures available for how many of those detained were children, although Addameer alone represented 246 of them in 2014.

East Jerusalem 2014 Arrests by Month as Part of West Bank Total Arrests¹

■ January	99/522
■ February	101/442
■ March	93/442
■ April	81/337
■ May	101/413
■ June	115/775
■ July	221/585
■ August	231/603
■ September	95/399
■ October	134/380
■ November	299/554
■ December	199/504



% of arrests from East Jerusalem	East Jerusalem/ Total Arrests	Month
18.96%	99/522	January
22.85%	101/442	February
21.04%	93/442	March
24.03%	81/337	April
24.45%	101/413	May
14.84%	115/775	June
37.78%	221/585	July
38.31%	231/603	August
23.81%	95/399	September
35.26%	134/380	October
53.97%	299/554	November
39.48%	199/504	December
29.70%	1769/5956	Total

¹ Data gathered from the Palestinian Monitoring Group

Article 1 of the Convention on the Rights of the Child states that: “For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.” In this report we adhere to the Article 1 definition when making reference to children. Furthermore, when we use the terms “minor” and “youth,” we also have in mind persons below the age of 18.

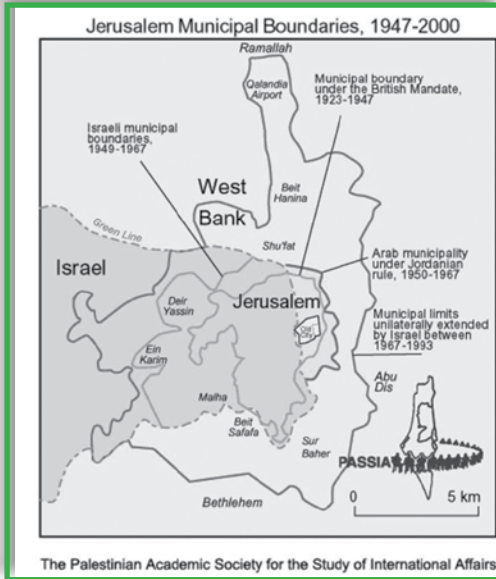
In addition to written documents, this report draws heavily on two types of primary sources. The first of these are affidavits collected by Addameer from Palestinian children in East Jerusalem who were arrested by Israeli forces. To protect the children’s identities, they are only identified by their initials in the report. The second primary source consists of community activists, psychologists, and several Addameer staff members. Though in every case their first language is Arabic, they kindly consented to being interviewed in English. As a result, in some instances quotations have been revised in this report for clarity but without altering the interviewee’s intended meaning.

Chapter 2

Historical Background



Historical Background



Following the June 1967 Naksa (Setback), otherwise called the “Six-Day War,” Israel occupied Palestinian territories that it had failed to conquer in the 1948/49 war known as the Nakba (Catastrophe) to Palestinians. Amongst these territories was East Jerusalem, which together with the rest of the West Bank was ruled by Jordan following the 1949 armistice, while the western part of the city was held by Israel. Although Israel did not formally annex East Jerusalem until

1980 (in so doing violating customary international law and UN Charter principles by acquiring territory through force)² its efforts to Judaize this sector of the city began immediately after its victory in the 1967 war. A united Jerusalem was proclaimed the capital of Israel³ and its municipal boundaries were vastly expanded to create a “Greater Jerusalem”, which incorporated not only West Jerusalem (38 km²) and the East Jerusalem municipality extant at the outset of occupation (6 km²), but a much larger area (64 km²) taken from the lands of 28 nearby Palestinian villages.⁴ It should be emphasized that this was Israel’s second major confiscation

² Geneva Convention (IV), Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949, (Art. 47&54), available at: <https://www.icrc.org/applic/ihl/ihl.nsf/xsp/ibmmocres/dominio/OpenAttachment/applic/ihl/ihl.nsf/AE9D398359C5B028C12563CD009D685C/FULLTEXT/ATXSYRB.pdf>; The Hague Convention, Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907, (Art. 43&55), available at: http://www.opbw.org/int_inst/sec_docs/1907HC-TEXT.pdf; United Nations, Charter of the United Nations, 24 October 1945. (Art. 2) (Par. 4), available at: <http://www.un.org/en/sections/un-charter/chapter-i/index.html>; United Nations General Assembly, Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. 24 October 1970. (Principle 1), 2625 XXV, available at: <http://www.un-documents.net/a25r2625.htm>.

³ Atayli, Deniz. Arab East Jerusalem A Reader. Jerusalem: PASSIA, 2013. 24.

⁴ Felner, Eitan. A Policy Of Discrimination: Land Expropriation, Planning And Building In East Jerusalem. Jerusalem: B-Tselem, 1995. Print. Comprehensive Report.



of Palestinian lands in and around Jerusalem. 19 years earlier in January of 1948, the nascent Israeli state began driving Palestinians out of Jerusalem and environs, a process that was halted only when Transjordanian forces entered the city on 15 May 1948. “In all, 39 villages were depopulated around Jerusalem. An estimated 10,000 homes and properties were seized in the city itself, their inhabitants and owners expelled to the east.”⁵

Israeli authorities were determined that Jerusalem, like Israel itself, would be populated by a substantial Jewish majority, and indeed this objective lies at the heart of urban planning in Jerusalem⁶. Hence, in drawing new municipal boundaries for the city, Israel sought to include as much Palestinian land as possible while excluding the Palestinian populations concentrated in towns adjacent to those lands. As a further measure to correct what Israel views as a demographic problem (that is, the presence of too many Palestinians), Jewish settlements were quickly built on annexed East Jerusalem lands taken from their Palestinian owners. By settling elements of its own population on occupied territory, Israel again violated international law, namely article 49 of the Fourth Geneva Convention (1949) which reads in part that “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”⁷ Furthermore, the Protocol Additional to the Geneva Conventions of 12 August 1949 affirmed in 1977 that this particular kind of violation constitutes a grave breach of the convention⁸. 35% of the 70 km² comprising East Jerusalem since 1967 has been expropriated for the building of Jewish settlements, which at the end of 2012 housed approximately 200,000 colonists in 12 blocs plus a number of enclaves established in Palestinian neighborhoods.⁹ By contrast, only 13% of this area has been designated for construction in already built up and crowded Palestinian neighborhoods, whose 2012 population stood at 301,100 according to the Israeli government’s Central Bureau of Statistics.¹⁰

5 Abdul Hadi, Mahdi. *The Palestine Question in Maps: 1872-2014*. Jerusalem: PASSIA, 2014. 148

6 Jerusalem Municipality, *Local Outline Plan Jerusalem 2000*. Report No.4: The Proposed Plan and the Main Planning Policies. Jerusalem, 2000.

7 Geneva Convention (IV), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949*, (Art. 49).

8 Geneva Conventions, Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts, 8 June 1977, available at: <https://treaties.un.org/doc/Publication/UNTS/Volume%201125/Volume-1125-I-17512-English.pdf>

9 B'Tselem, *Statistics on Settlements and Settler Population*, 11 May 2015, available at: <http://www.btselem.org/settlements/statistics>

A further 22% has been set aside for green areas and public infrastructure (such as roads), while the remaining 30% consists of unplanned areas¹¹ but as Meir Margalit has pointed out these areas remain inaccessible for construction only until needed for Israeli settlements¹².

The arc of settlements slicing through East Jerusalem, together with the Israeli Annexation Wall traversing the city, serve to isolate East Jerusalem from the rest of the West Bank. Furthermore, the wall cuts off from the city thousands of Palestinians who reside within the Jerusalem municipality borders (See Map). As Deniz Altayli stresses, “While Israel claims that the barrier provides security to its residents, it is in fact created to redefine Jerusalem’s borders and its demographic makeup by maximizing the number of Palestinian Jerusalemites living behind the wall while incorporating the maximum amount of Palestinian land on the ‘Israeli’ side. Accordingly, the barrier deviates from the Green Line to incorporate Jewish settlements while removing Arab neighborhoods with an estimated combined population of at least 60,000...”¹³ Crucially, residents of these neighborhoods now face physical impediments in travelling to the rest of Jerusalem on the other side of the wall, and suffer from an extreme shortage of basic municipal services.¹⁴

While Jewish population growth in East Jerusalem is promoted and subsidized by the Israeli state, that of Palestinians is thwarted in a number of ways. Palestinians in East Jerusalem are deemed residents rather than citizens of Israel, but their residency is not necessarily permanent. They risk losing the right to live in Jerusalem if they obtain permanent residency or citizenship in another country, or are absent from the city for a period of seven years. The reason for one’s absence is immaterial, and in any case this regulation is discriminatory as it does not also apply to Jews living in

10 The Central Bureau of Statistics – Israel, 2014, available at: http://www.cbs.gov.il/reader/newhodaot/hodaa_template.html?hodaa=201411134

11 Atayli, Arab East Jerusalem A Reader, 61.

12 Margalit, Meir. No Place Like Home: House Demolitions in East Jerusalem. 2007. The Israeli Committee Against House Demolitions (ICAHN), available at: http://www.ochaopt.org/documents/opt_prot_icahd_no_place_like_home_march_2007.pdf.

13 Atayli, Arab East Jerusalem A Reader, 139.

14 Association for Civil Rights in Israel. Shadow Report – ICCPR Implementation in East Jerusalem (2014)



East Jerusalem.¹⁵ According to the Israeli human rights organization Hamoked, more than 14,000 East Jerusalemites had their residency revoked between 1967 and 2013.¹⁶ When dependent children are included, this number surpasses 86,000.¹⁷ Crucially, this figure does not include Palestinians who were not in Jerusalem when Israel conducted a census of the city on September 27 1967, and were thus deemed absent and in forfeiture of their residency rights.¹⁸ Revocation of residency compels those Palestinians affected to leave East Jerusalem and thus constitutes another violation of Article 49 of the Fourth Geneva Convention, namely the first paragraph which states: “Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.”^{19 20}

A crucial means for curtailing the presence of Palestinians in East Jerusalem is by restricting the issuance of building and renovation permits to them, even as more housing units are built for Jewish settlers. As previously indicated, the area made available for Palestinians to build on is much less than that allocated for Jews, and is not sufficient to meet present housing requirements let alone future growth needs. The process of acquiring building permits is expensive and onerous for Palestinians, and a futile endeavor in most cases. In addition to the shortage of land for construction due to discriminatory Israeli policies, ownership is difficult for Palestinians to prove, as it was not the practice to register property during times of Ottoman, British and Jordanian rule.²¹ These obstacles leave Palestinians with little choice but to build homes without acquiring the necessary permits, which in turn leaves them susceptible to having their houses demolished by the Jerusalem municipality. As noted by the UN Office for the Coordination of Humanitarian Affairs occupied Palestinian territory (UNOCHA): “At least a third of all Palestinian homes in East

15 Atayli, Arab East Jerusalem A Reader, 137.

16 Kadman, Noga and Andrea Szlecsan, Temporary Order? Life in East Jerusalem under the Shadow of the Citizenship and Entry into Israel Law, 9, available at: http://www.hamoked.org/files/2014/1158910_eng.pdf

17 Abdul Hadi, Mahdi. The Palestine Question in Maps: 1879-2014, 170.

18 Atayli, Arab East Jerusalem A Reader, 26.

19 Geneva Convention (IV), Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949, (Art. 49).

20 For further analysis please see: Tabar, Natalie, The Jerusalem Trap: The looming threat posed by Israel's Annexationist policies in the occupied East Jerusalem. Al-Haq (2010), available at: <http://www.alhaq.org/publications/publications-index/item/the-jerusalem-trap>

21 Atayli, Arab East Jerusalem A Reader, 181.

Jerusalem lack Israeli-issued building permits...placing over 90,000 residents at risk of displacement, which has a psychological impact.”²²

Though Palestinians in East Jerusalem pay taxes and are entitled to the same level of services as those enjoyed by Israelis, they in fact do not receive a fair proportion of such services. Instead, the lion’s share of Jerusalem’s budget is designated for West Jerusalem (where residents are overwhelmingly Jewish) and for Jewish settlements in East Jerusalem. Thus, the infrastructure (roads, sidewalks, sewage, etc.) in Palestinian neighborhoods is of lower quality than in Jewish areas, and the provision of public goods like healthcare, education, parks, libraries, and athletic facilities is considerably less for Palestinian residents. “About 90% of the municipality’s 4.7 billion budget in 2011 was allocated for West Jerusalem and settlements, only 10% was spent on Palestinian residents who make up over 36% of the city’s population. Almost 90% of the city’s sewage pipes, roads, and sidewalks are in West Jerusalem, as are about 1,000 public parks and 37 swimming pools – as opposed to only 45 parks and 3 pools in East Jerusalem. East Jerusalem has only two libraries and 33 sports facilities, while West Jerusalem has 26 and 564 respectively.”²³

OCHA summarizes Israel’s relationship with East Jerusalem and includes the observation that “Israeli settlement activity in East Jerusalem is illegal and occurs at the expense of land and resources for Palestinian construction and development, placing residents at risk of forced eviction, displacement and dispossession.” Importantly, OCHA adds that: “As the occupying power, Israel is responsible for administering the occupied territory for the benefit of the protected Palestinian population.”²⁴ In reality, Israel has done the exact opposite, deliberately and systematically transgressing the rights of East Jerusalemite Palestinians. In an occupation which has dragged on for almost five decades, Israel only intensifies its subjugation of the Palestinian population.

²² United Nations, East Jerusalem: Key Humanitarian Concerns. Update August 2014. Office for the Coordination of Humanitarian Affairs, occupied Palestinian territory, available at: https://www.ochaopt.org/documents/ocha_opt_jerusalem_factsheet_august2014_english.pdf

²³ Abdul Hadi, Mahdi. The Palestine Question in Maps: 1879-2014, 170.

²⁴ United Nations, East Jerusalem: Key Humanitarian Concerns. Update August 2014. Office for the Coordination of Humanitarian Affairs, occupied Palestinian territory, available at: https://www.ochaopt.org/documents/ocha_opt_jerusalem_factsheet_august2014_english.pdf

Chapter 3

Current Context



Current Context

As spring progressed to summer, Israel found a pre-text to intensify its repression of Palestinians, particularly those aligned with Hamas. On 12 June 2014, three Israeli teenagers disappeared while hitch-hiking home from a Jewish religious school in an illegal settlement in the southern West Bank. Though offering no evidence, Israel quickly blamed Hamas for the youths' disappearance²⁵ and also held Palestinian president Mahmoud Abbas responsible on account of the Fatah-Hamas reconciliation accord²⁶.

Following the disappearances Israel launched "Operation Brother's Keeper," ostensibly to find and rescue the missing teenagers. However, according to the Israel Occupation Forces (IOF) Chief of Staff Benny Gantz this objective also incorporated "crack[ing] down on Hamas as hard as possible and mov[ing] forward"²⁷. The operation involved "large-scale searches, closures, and raids across the OPT..."²⁸ that resulted in "widespread damage to private property", restrictions on Palestinians travelling abroad, plus over 500 arrests and the deaths of at least nine Palestinians in the West Bank (including East Jerusalem)²⁹. Those arrested included dozens of Palestinians who had been released in exchange for Israeli soldier Gilad Shalit in 2011, plus members of the Palestinian Legislative Council³⁰. Crucially, more than 250 people were held under administrative detention, which is imprisonment without either charge

25 BBC, Israel accuses Hamas of abducting missing teenagers. 15 June 2014, available at: <http://www.bbc.com/news/world-middle-east-27855994>

26 Lynfield, Ben. Israel lays blame for abduction of teenagers on Fatah-Hamas pact. The Independent. 16 June 2014, available at: <http://www.independent.co.uk/news/world/middle-east/israel-lays-blame-for-abduction-of-teenagers-on-fatah-hamas-pact-9539185.html>

27 Ynet. IDF chief: We're heading towards and extensive operation. 6 June 2014, available at: <http://www.ynetnews.com/articles/0,7340,L-4530816,00.html>

28 PHROC, PHROC Joint Open Letter to the EU High Representative regarding Collective Punishment of Palestinians in the Occupied Palestinian Territory during Operation Brothers' Keeper. 21 June 2014, available at: <http://www.alhaq.org/advocacy/targets/european-union/814-phroc-joint-open-letter-to-the-eu-high-representative-regarding-collective-punishment-of-palestinians-in-the-occupied-palestinian-territory-during-operation-brothers-keeper>

29 IMEU, Israel's West Bank Crackdown. 27 June 2014, available at: <http://imeu.org/article/israels-west-bank-crackdown>

30 PHROC, PHROC Joint Open Letter to the EU High Representative regarding Collective Punishment of Palestinians in the Occupied Palestinian Territory during Operation Brothers' Keeper. 21 June 2014, available at: <http://www.alhaq.org/advocacy/targets/european-union/814-phroc-joint-open-letter-to-the-eu-high-representative-regarding-collective-punishment-of-palestinians-in-the-occupied-palestinian-territory-during-operation-brothers-keeper>



ortrial and based on secret evidence³¹. Palestinian³², Israeli³³, and international³⁴ human rights organizations condemned Israel's recourse to collective punishment in "Operation Brother's Keeper", a practice which is prohibited under International Humanitarian Law³⁵. The Palestinian Human Rights Organizations Council (PHROC) thus emphasized that "Israel may not arrest and detain Palestinians in a sweeping fashion; there must be a legal basis for each and every individual arrest." Furthermore, they stressed that "The methods employed in Israel's investigation into the disappearances of the settlers are indiscriminate...[and] the violations that are being carried out are based on mere speculation regarding the circumstances surrounding the disappearance of the settlers, the possible identity of those responsible and their location. As such, these measures indicate Israel's intention to impose punitive measures against large portions of the Palestinian population in violation of Article 33 of the Fourth Geneva Convention prohibiting reprisals against protected persons and their property, as well as collective punishment."³⁶

On 30 June, the Israeli government announced that the bodies of the three teenagers had been found late that afternoon in a shallow grave near the city of Hebron. Speaking later that day about the killings, Prime Minister Netanyahu declared " Hamas is responsible and Hamas will pay."³⁷ Much of the Israeli public was already in the mood for retribution, having been primed by an intense publicity campaign calling for the teenagers' release. But neither this campaign nor "Operation Brother's Keeper", which occurred simultaneously, was really about freeing the abductees. Significantly, these campaigns were conducted by a government which

31 BTselem, Israel holding more than 470 Palestinians in administrative detention – highest number in 5 years. 23 June 2015, available at: http://www.btsalem.org/administrative_detention/20141007_spike_in_number_of_administrative_detainees

32 PHROC, PHROC Joint Open Letter to the EU High Representative regarding Collective Punishment of Palestinians in the Occupied Palestinian Territory during Operation Brothers' Keeper. 21 June 2014, available at: <http://www.alhaq.org/advocacy/targets/european-union/814-phroc-joint-open-letter-to-the-eu-high-representative-regarding-collective-punishment-of-palestinians-in-the-occupied-palestinian-territory-during-operation-brothers-keeper>

33 Jews for Justice for Palestinians. Israel's Collective Punishment of Palestinians in Operation Brother's Keeper – Lawyers Ask for British Intervention, 26 June 2014, available at: <http://www.globalresearch.ca/israels-collective-punishment-of-palestinians-in-operation-brothers-keeper-lawyers-ask-for-british-intervention/5388620>

34 Human Rights Watch. Israel: Serious Violations in West Bank Operations. Death Destruction and Massive Arrests. 3 July 2014, available at: <https://www.hrw.org/news/2014/07/03/israel-serious-violations-west-bank-operations>

35 International Committee of the Red Cross, Customary IHL: Rule 103. Collective Punishments are prohibited, ICRC, available at: https://www.icrc.org/customary-ihl/eng/docs/v1_rule103#Fn_12_2

36 PHROC, PHROC Joint Open Letter to the EU High Representative regarding Collective Punishment of Palestinians in the Occupied Palestinian Territory during Operation Brothers' Keeper. 21 June 2014, available at: <http://www.alhaq.org/advocacy/targets/european-union/814-phroc-joint-open-letter-to-the-eu-high-representative-regarding-collective-punishment-of-palestinians-in-the-occupied-palestinian-territory-during-operation-brothers-keeper>

37 Beaumont, Peter, and Orlando Crowcroft. Bodies of three missing Israeli teenagers found in West Bank. The Guardian, 30 June 2014, available at: <http://www.theguardian.com/world/2014/jun/30/bodies-missing-israeli-teenagers-found-west-bank>

knew the teenagers most likely had been killed at the time of abduction, but imposed a gag order on media to conceal this information from the Israeli public³⁸. Indeed, as Israeli commentator Noam Sheizaf has observed, “The government-led campaign calling for their release helped the legitimacy of Israel’s military operation in the West Bank.”³⁹ It also stoked public anger which eventually expressed itself in violent ways.

On 1 July 2014, the day of the teenagers’ joint funeral, hundreds of Israelis rampaged through the center of Jerusalem, looking for and attacking Palestinians. According to the Israeli newspaper Haaretz, “While running, some of them were asking dark-skinned people ‘what’s the time?’ in Hebrew in order to check for an Arab accent in the reply. Others rushed into businesses or shouted at tourists and other spectators to stop watching the World Cup and join them. In two instances, they burst into McDonald’s because they heard that Arabs were employed in the restaurant, from where they were forced out by policemen and employees.” In another instance three Palestinians working at a parking lot were attacked with pepper spray and stones while breaking their Ramadan fast⁴⁰. Israeli civilians continued to threaten, harass and commit physical violence against Palestinians throughout the summer.

Most dramatically, on 2 July 16-year old Mohammed Abu Khdeir from the East Jerusalem neighborhood of Shufat was abducted, tortured, and burned alive by three Israelis who later confessed to the killing as an act of retribution⁴¹. Palestinians protested his killing⁴², and thus ensued a summer of intensified clashes between East Jerusalem Palestinians and Israeli police and military. According to an OCHA report regarding the first week of July 2014, “nearly 570 Palestinian civilians were injured by Israeli forces, including 31 Palestinians by live ammunition, 290 by rubber-coat-

38 Blumenthal, Max. Netanyahu government knew teens were dead as it whipped up racist frenzy. The Electronic Intifada. 8 July 2014, available at: <https://electronicintifada.net/content/netanyahu-government-knew-teens-were-dead-it-whipped-up-racist-frenzy/13533>

39 Sheizaf, Noam. How the public was manipulated into believing the kidnapped Israeli teens were alive. Global Research. 8 July 2014, available at: <http://www.globalresearch.ca/how-the-public-was-manipulated-into-believing-the-kidnapped-israeli-teens-were-alive/5390448>

40 Hasson, Nir. Extreme rightists attack Palestinians in Jerusalem as teen laid to rest. Haaretz. 1 July 2014, available at: <http://www.haaretz.com/israel-news/1.609593>

41 Dearden, Lizzie and Ben Lynfield. Mohammed Abu Khdeir murder: three Israeli Jews admit kidnapping teenager and burning him to death. The Independent. 14 July 2014, available at: <http://www.independent.co.uk/news/world/middle-east/mohammed-abu-khdeir-murder-three-israeli-jews-admit-kidnapping-teenager-and-burning-him-to-death-9605371.html>

42 OCHAoPt. Protection of Civilians Weekly Report 1- 7 July 2014, available at: http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2014_7_11_english.pdf



ed bullets, 60 by tear gas canister, 146 due to tear gas inhalation, and 36 due to physical assault.”⁴³ Amongst those assaulted was Mohammed’s 15-year old Palestinian-American cousin Tariq Abu Khdeir, then visiting from the United States. On 3 July as Tariq watched protests against his cousin’s murder, he was grabbed and so badly beaten by Israeli police that he had to be hospitalized. Returned to prison, Tariq was released several days later and placed under house arrest until his family returned to the United States on 16 July⁴⁴. Despite the severity of his beating, Tariq’s treatment by Israeli police was not unusual. Two weeks into the clashes, the Association for Civil Rights in Israel (ACRI) detailed how “in some of the events that took place across the city, police forces used severe and excessive violence against Palestinian residents, both while dispersing demonstrations and riots and while conducting arrests, which has led to many bodily injuries.”⁴⁵

Palestinian anger and resistance stemmed not solely from this one killing, gruesome though it was, but from the years and decades of Israeli abuse, discrimination and violence employed with the ultimate purpose of Judaizing East Jerusalem. These conditions, described as “everyday terror” by Nadera Shalhoub-Kevorkian and Sarah Ihmoud⁴⁶, have been earlier summarized in this report. However, to these must be added settler violence in East Jerusalem, Israel’s use of collective punishment against the city’s Palestinian inhabitants⁴⁷, efforts by right-wing religious Jewish groups to wrest control of Haram al-Sharif (Islam’s third holiest site)⁴⁸, and Israel’s war against Gaza in the summer of 2014.

43 Ibid

44 Sprusansky, Dale. American teenager beaten by Israeli police speaks on Capitol Hill. Washington Report on Middle East Affairs. 55-56, October 2014, available at: <http://www.wrmea.org/2014-october/human-rights-american-teenager-beaten-by-israeli-police-speaks-on-capitol-hill.html>

45 Association of Civil Rights in Israel, Severe breaches of conduct by police and border police forces during events of the last two weeks in East Jerusalem. 16 July 2014, available at: <http://www.acri.org.il/en/wp-content/uploads/2014/07/EJ-Letter-Police-Violence-July-2014.pdf>

46 Shalhoub-Kevorkian, Nadera, and Sarah Ihmoud. Two Letters from Jerusalem: Haunted by Our Breathing. *Jerusalem Quarterly* 59 (2014): 7-11.

47 CCRPJ and PHROC. The dangers of decontextualising East Jerusalem: CCRPJ and PHROC urge the international community to address Israel’s responsibility as an Occupying power. 2014. 3-6, available at: [http://www.alhaq.org/advocacy/topics/wall-and-jerusalem/874-the-dangers-of-decontextualising-east-jerusalem-ccrpj-and-phroc-urge-the-international-community-to-address-israels-responsibility-as-an-occupying-power; Mulder, Emily. Israel ‘gun guards’ terrorise East Jerusalem. Al-jazeera. 30 November 2014, available at: <http://www.aljazeera.com/news/middleeast/2014/11/israel-gun-guards-terrorise-east-jerusalem-2014112661245358505.html>](http://www.alhaq.org/advocacy/topics/wall-and-jerusalem/874-the-dangers-of-decontextualising-east-jerusalem-ccrpj-and-phroc-urge-the-international-community-to-address-israels-responsibility-as-an-occupying-power; Mulder, Emily. Israel ‘gun guards’ terrorise East Jerusalem. Al-jazeera. 30 November 2014, available at: http://www.aljazeera.com/news/middleeast/2014/11/israel-gun-guards-terrorise-east-jerusalem-2014112661245358505.html)

48 IMEU, Playing with fire: Jewish extremists & the noble sanctuary. 30 October 2014, available at: <http://imeu.org/article/playing-with-fire-jewish-extremists-the-noble-sanctuary>

The desire for retribution amongst many Israelis was seized upon by political leaders to launch “Operation Protective Edge”, the code-name given to Israel’s 50-day attack which caused the deaths of over 2100 Palestinians in Gaza, with many times that number wounded and traumatized⁴⁹. As Amnesty International has reported, “Operation Protective Edge” “targeted inhabited multistory family homes. Whole families, including many women and children, were killed or injured by these targeted strikes and, in addition, there was extensive destruction of civilian property.”⁵⁰

Chief amongst Israel’s justifications for such massive destruction of life and property, was the claim that it was acting in self-defense against Hamas rocket fire. However, a detailed analysis by James Marc Leas of The Palestine Subcommittee of the National Lawyers Guild (“Attack First, Kill Thousands, Claim Self-Defense, then Campaign to Discredit the ICC”) disputes the Israeli appeal to self-defense. Leas stresses that despite Israeli attacks against Gaza in the first half of 2014 which resulted in both militant and civilian casualties, Hamas held to their 2012 truce with Israel, although other unaffiliated militant groups did fire rockets during this time. Nor did Hamas retaliate when Israel arrested leaders of Hamas and detained, killed, and injured other Palestinians in the West Bank during Operation Brother’s Keeper⁵¹. Only on 7 July did Hamas launch rockets at Israel, following 6 July Israeli airstrikes that killed seven Hamas militants in Gaza⁵². But now that Hamas finally responded with rocket fire, Israel had the pretext it needed to launch a massive assault against Gaza.

As the attacks intensified and the death toll in Gaza mounted, Palestinians in East Jerusalem, the West Bank, and within Israel itself increasingly protested against Operation Protective Edge. The demonstrations evolved into clashes, which were usually initiated when Israeli forces confronted demonstrators in a violent manner. As a result, in the West Bank and East

49 OCHA, Occupied Palestinian Territory: Gaza Emergency Situation Report (as of September 2014, 8:00 hrs). September 2014, available at: http://www.ochaopt.org/documents/ocha_opt_sitrep_04_09_2014.pdf

50 Amnesty International USA, Families under the rubble: Israeli attacks on inhabited homes. Amnesty International Ltd. (2014), available at: http://www.amnestyusa.org/sites/default/files/mcde_15032014.pdf

51 Marc Leas, James. Attack First, Kill Thousands, Claim Self-defense, Then Campaign to Discredit the ICC. The Palestine Subcommittee of the National Lawyers Guild, 2015, 10. Available at: [https://www.nlg.org/sites/default/files/Attack First Kill thousands Claim Self-Defense FINAL.pdf](https://www.nlg.org/sites/default/files/Attack%20First%20kill%20thousands%20Claim%20Self-Defense%20FINAL.pdf).

52 Ibid, 14.



Jerusalem 20 Palestinians were killed and more than 2,000 injured before a 26 August truce halted the attack on Gaza⁵³.

Although the number of protests concerning Gaza markedly declined following the truce, Palestinians continued to resist the great and on-going harms inflicted on them by Israel throughout the oPt generally, and specifically in East Jerusalem. Israeli police and military forces continued their incursions into East Jerusalem neighborhoods, targeting Palestinian residents (whether involved in resistance activities or not) for arrest, detention, interrogation, and imprisonment. A considerable number of their victims have been children.

53 OCHAoPt. Protection of Civilians Weekly Reports 8-14 July 2014, available at: https://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2014_7_17_english.pdf
Also see: OCHAoPt. Protection of Civilians Weekly Reports: 10-16 June 2014; 17-23 June 2014; 24-30 June 2014; 1-7 July 2014; 8-14 July 2014; 15-21 July 2014; 22 July – 4 August 2014; 5-11 August 2014; 12-18 August 2014; 19-25 August 2014; 26 August – 1 September 2014, available at: <https://www.ochaopt.org/reports.aspx?id=1046?page=5>

Chapter 4

Arrest and Detention



Arrest and Detention

“All the system of Israel is confronting this young boy or girl whose main problem is that he has been accused of throwing stones or participating in demonstrations against Israeli soldiers or settlers.”

Nader Abu-Amsheh
East Jerusalem YMCA

A facet of Palestinian life that strikes many foreigners who visit the occupied territories, is the extraordinary number of Palestinians who have been arrested by Israeli authorities. If one discusses the issue with individuals who haven't themselves been arrested, it is nevertheless likely that at least one of their family members or friends have endured this experience. According to a statement by the Palestinian Central Bureau of Statistics on 14 April 2014, more than 805,000 Palestinians had been arrested since 1967.⁵⁴ Of course that number continues to grow, with more than 5,000 arrests made in the 12 months following the bureau's announcement⁵⁵. Arrest is commonly accompanied by a period of detention and interrogation, and if formally charged, conviction is a virtual certainty given the glaring procedural unfairness of the legal systems (military courts in the West Bank and Israeli civil law in annexed East Jerusalem) used to try Palestinians. According to the Israeli newspaper Haaretz, the military courts' annual report for 2011 revealed a 99.74% conviction rate⁵⁶. Many Palestinian prisoners accept plea bargains rather than endure detention during legal proceedings of two or more years, and due to the likelihood of harsher punishments should they maintain their innocence

54 Palestinian Central Bureau of Statistics. The Palestinian Central Bureau of Statistics and Ministry of Detainees and Ex-detainees issue a press release on the occasion of the 17th of April. 16 April 2014, available at: http://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_PrisDy2014E.pdf

55 Negotiations Affairs Department, Palestinian Liberation Organization. Reports from the Palestinian Monitoring Group (PMG Monthly Reports), available at: <http://www.nad-plo.org/monthlyreports.php>

56 Levinson, Chaim. Nearly 100% of all military court cases in West Bank end in conviction, Haaretz learns. Haaretz. 29 November 2011, available at: <http://www.haaretz.com/print-edition/news/nearly-100-of-all-military-court-cases-in-west-bank-end-in-conviction-haaretz-learns-1.398369>



and opt for a full trial.

This report confines itself to arrests and detentions in East Jerusalem during 2014, with particular attention to the children who have been held by Israel, most commonly accused of throwing stones or Molotov Cocktails at occupation forces. The precise number of children arrested in East Jerusalem is difficult to determine, and hence this report will restrict itself to noting that Addameer represented 246 in 2014, 54 of whom were ultimately indicted. The majority of unindicted detainees were released under conditions which included house arrest for periods of 5 to 15 days, exclusion from the Al-Aqsa Mosque compound for 7 to 20 days, bail amounts ranging from 500 to 2000 shekels, and pledges of bail by third parties. One should also keep in mind that detained children and their families utilized the legal services of other organizations, court-appointed lawyers, and private lawyers as well. In any case, numbers tell only a very small part of the story. How the children are treated during arrest and detention, and the impacts this has on them, their families, and communities, is of foremost importance.

Arrest

A child's journey to prison often begins from what would normally be considered a place of safety and security - their home. Although arrests may take place during demonstrations, at school, or in the streets, the tactic favored by Israeli forces (undercover military, intelligence officers, special police units, and border police) is to descend in large numbers and without warning on a home in the early hours of the morning, while the person they seek and their families are sleeping. The armed IOF, border police, and intelligence officers forcibly enter the home and typically do not present an arrest warrant nor reveal where they are taking the detainee. This method of arrest not only shocks the family, generating fear and confusion, but also serves to undermine the coping mechanisms of those arrested. Furthermore, the impact is exacerbated in the many cases where arresting agents cover their faces and fail to display identification

badges⁵⁷.

T.E. from the East Jerusalem neighborhood of Al Issawiyeh was 16 when his family was awakened by the sound of heavy knocking on their door at 4:00 a.m. on 23 March 2014. When his father opened the door, a large number of soldiers and intelligence officers immediately barged inside. An intelligence officer carried a photo of T.E. and informed his father that they were there to arrest his son, although no warrant was produced authorizing this. T.E. was instructed to change his clothes, and soldiers followed him to his bedroom and remained there as he changed. When he subsequently went to the bathroom, they accompanied him there as well. After T.E. had finished in the bathroom, two soldiers grabbed him by the hands and attached iron shackles, tightening them to the point of causing great pain.

T.E. was taken to the street, forced into a military jeep, and told to place his head between his legs and not look up. Four more Palestinians were arrested following T.E., and with him were taken to the Moskobiyyeh detention center in West Jerusalem. Initially, the shackled detainees were lined up with their faces towards the wall. During this time another youth was brought into the room and suddenly an officer started cursing, beating and strangling him, and threw him to the ground. When T.E. turned to see what was going on, the officer kned him on the leg, causing such pain that he fell to the ground. Shortly thereafter he was taken for his first session of interrogation⁵⁸.

Although T.E., when reporting his case to Addameer, made no mention of his house being searched and its contents thrown about or damaged, such occurrences are common during home arrests. The use of violence against detainees is also a standard feature of the arrest process. In addition to being hit or beaten at the point of arrest, they are further abused both physically with more beatings and psychologically through insults

57 Association of Civil Rights in Israel, Police officers in ski masks carrying out mass arrests in East Jerusalem, 24 August 2014, available at: <http://www.acri.org.il/en/2014/08/24/ej-ski-masks/>

58 T.E. Aff. Addameer, 31 March 2014.



and threats (often directed at the reputations and dignity of the detainee's sisters and mother), during transport to jails or detention centers. Already blindfolded and shackled, at least by the wrists, detainees are typically forced onto the floor of the police or military vehicle transporting them, or as illustrated by the treatment of T.E., made to keep their head down. According to Addameer's East Jerusalem field worker Salah Hamouri: "For the detainee, the feeling of isolation starts at this point, he feels controlled and alone with these special units. The transportation process is part of the psychological preparations."⁵⁹ Not knowing where they are going disorients the detainee, and treating them in this harsh way is intended to create anxiety and diminish their capacity to resist during the interrogation sessions which await.

Nader Abu-Amsheh of the East Jerusalem YMCA Children Ex-Detainee Rehabilitation Program, observes that "the minute of arrest in the early mornings at homes is the most fearful experience they went through so far in their lives, because they are waking them up while they are asleep, taking them from their bedroom, their bed, handcuffing the, blind folding them in front of their parents...who are supposed to represent the protective factors and figures punished."⁶⁰ Sahar Abasi of the Madaa Creative Centre in the East Jerusalem neighborhood of Silwan, where a great many children have been arrested over the last few years, builds on this point. She speaks of a child in bed being surrounded by soldiers. "Imagine the feeling this will give him. He thinks of his mother and father, the ones who he trusts to give him safety, and they can do nothing for him, totally nothing, as much as they will try...the mothers in those cases also think about their other children to keep them away so they won't fight or do something that will end up with them being arrested."⁶¹ Parents are placed in a seemingly impossible situation where they are helpless to come to the aid of their child, but the arrested child may still feel abandoned by them.

⁵⁹ Salah Hamouri, interviewed by Bill Skidmore. Ramallah, 4 January 2015.

⁶⁰ Nader Abu Amsheh, interviewed by Bill Skidmore. Beit Sahour, 3 January 2015.

⁶¹ Sahar Abasi, interviewed by Bill Skidmore. Jerusalem, Silwan, 2 February 2015.

Some of those interviewed by Addameer told of being arrested on the street rather than at home. For instance, nine-year old A.R. described being apprehended by police on 22 January 2014 while playing near his house in the Sumood Refugee Camp of East Jerusalem's Sheikh Jarrah neighborhood: "The two officers that were chasing me caught me close to the front door of my house. One of the police officers pulled me by my neck and I started screaming because I was afraid of the police. In that moment, my brother was leaving for work out the front door. When my brother, N.A.D, saw me he tried defending me and requested my release. Then they started beating him on sensitive body parts. They then hit my sister on her mouth and she started bleeding. After that, my dad came outside and attempted to defend me and hugged me. My brother, N.A.D., stood next to us in an attempt to defend me. One of the police officers pushed my brother away from us and took my father and me away in a police car."⁶²

Salah Hamouri contends that arrests are thoroughly and deliberately planned by Israeli officers. "The objective of such aggression" says Hamouri, "is to establish fear among the detainee and cause mental and psychological abuse so that the detained person feels controlled. This is a tactic used to keep fear alive in the detainee in order to force him to confess during interrogation."⁶³

But the detainee is not the only one affected. Addameer lawyer Aouda Zbeidat stresses that even if there is no basis for an arrest and the detainee is released the following day, they and their families are intimidated and their lives disrupted⁶⁴. Mounir Zughayyar of the Committee of Prisoners' Families in Jerusalem points out that "When they take a detainee from the house, the way they treat the family is awful. Sometimes they beat the family in front of their kids to make the kids feel insecure and afraid... The family doesn't sleep that night when the soldiers arrest their child. The family will be afraid all the nights fearing soldiers will come back to search the house."⁶⁵

62 A.R. Aff. Addameer, 2 February 2014.

63 Salah Hamouri, interviewed by Bill Skidmore. Ramallah, 4 January 2015.

64 Aouda Zbeidat, interviewed by Bill Skidmore. Ramallah, 22 January 2015.

65 Amjad Abu Asad and Mounir Zughayyar, interviewed by Bill Skidmore. Jerusalem, 6 January 2015.



Daytime arrests, which normally occur outside the home, also instill fear in those who witness the incident. Sahar Abasi points out that many arrests in Silwan take place in the streets while the child is en route to school or returning home afterwards. Whether walking alone or with other children, he will suddenly be encircled and grabbed by 15 to 20 soldiers. “First of all he will be blindfolded. They will completely cover his face; they will surround him so no one can see because maybe someone will interfere. They will be even quicker to put him in the car.” Those children who witness the arrest are also acutely impacted psychologically by the incident, says Abasi. “We heard that a lot of children when they saw their friend being arrested refused to go back to school because they do not want to be arrested like their friend.”⁶⁶

Regardless of where and when they were arrested, notes Salah Hamouri, the detainee’s family “usually do not know anything about their child especially in the first days of detention, particularly when the detainee is held in isolation or is denied lawyer visits or Red Cross visitation.” This in turn causes “confusion and concern” on a daily basis, psychological impacts for family members, and even a loss of productivity at their workplaces⁶⁷. When Israel arrests a child, the harms of this action ripple outward to envelop the entire family, and serve as a warning to the wider community.

Detention

The processes of degradation and will-breaking continue and intensify when the arrested individual reaches an Israeli police station or detention center. Most detainees are strip-searched, and sometimes on several occasions despite having been continuously in Israeli custody from the moment of arrest. Such searches are humiliating, and arguably are intended as such. Attacks against the detainees’ sexual dignity sometimes extends to beating them on their genitals and to threats of worse treatment. One

⁶⁶ Sahar Abasi, interviewed by Bill Skidmore. Jerusalem, Silwan, 2 February 2015.

⁶⁷ Salah Hamouri, interviewed by Bill Skidmore. Ramallah 4 January 2015.

youth who had been arrested, 14-year old O.S., revealed to Addameer that: “I was threatened with rape by more than one interrogator. They told me ‘If you’re not going to speak from your mouth, we are going to let you speak from your ass.’ I got really scared and admitted to doing something I didn’t do, which is throwing Molotov Cocktails in Jerusalem.”⁶⁸

Addameer collected affidavits from several detainees who described being forced, early in their captivity, to stand and face a wall for several hours. 14-year old S.N. recounted: “As I entered Moskobiyyeh [a detention and interrogation center in West Jerusalem] I was immediately passed on to the intelligence officer at the door. He arrested me immediately, put on metal handcuffs, and kept me standing facing the wall for four to five hours. He would not allow me to sit down even though there were chairs available right next to me.”⁶⁹ This process is intended to produce more of a psychological than physical toll. Leaving detainees to simply face the wall sends a message that they are being ignored, and that the Israelis are not in a hurry to obtain information because even if you (the detainee) attempts to resist, we (the interrogators) can outwait you. At the same time, their anxiety about what awaits causes detainees to ask endless questions of themselves, leading to paranoia and self-doubt⁷⁰. All this of course works to the interrogator’s advantage.

“The intensity and duration of the interrogation differs from case to case” says Salah Hamouri. “For example, when a detainee is facing the charge of throwing rocks he or she is subjected to a four to six hour interrogation. Sometimes the detainee is released afterwards, or in other cases they are taken to interrogation again and subjected to three or more sessions. Sometimes the lawyer is able to release the detainee, sometimes not. In some cases the detainee’s hearing is delayed for a number of days; he might be released after the hearing or he could be brought back to interrogation. These are the possibilities that happen in simple rock-throwing cases.”⁷¹

68 O.S. Aff. Addameer.

69 S.N. Aff. Addameer

70 Mourad Jadallah, interviewed by Bill Skidmore. Ramallah, 20 November 2014.

71 Salah Hamouri, interviewed by Bill Skidmore. Ramallah, 4 January 2015.



As well however, there are “special security detainees” who are subjected to more severe detention conditions and interrogations by Shabak (Israel Security Agency). Detainees are held in isolation, and without access to a lawyer for as long as 30 days. They are interrogated more frequently and in sessions that can run for 22 or 23 hours, during which they are commonly shackled to chairs by both the wrists and ankles⁷². Shabak interrogations are not recorded, but instead only a written summary of what was purportedly revealed and ascertained during questioning is presented to the court. However, according to Israeli law other interrogations must be recorded and written accounts presented verbatim. But as Addameer lawyer Farah Bayadsi has noticed, the Israeli interrogators often encounter “technical problems.” Sometimes the interrogators “record part of the sessions only. And when they upload and play the recording, it shows the prisoner confessing. Prisoners tell me that they have been beaten, but this is never recorded. They [the interrogators] claim for instance that the battery died.”⁷³

Even with the frequent occurrence of supposed technical malfunctions, child detainees should be protected from threats or forced confessions by the presence of a family member during interrogation, which is required by Israeli law for minors. Only in “exceptional circumstances” may this regulation be set aside. In reality however, the exception has become the rule says Aouda Zbeidat. “For more than a year almost no minor, no matter what age, has had a family member present during interrogation, and so we think that they [Israeli authorities] are using this technique to separate this person from the normal life that they knew and any feeling of comfort they gain from their family, in order to pressure him to cooperate and admit to something he did or didn’t do.” At the time when a detainee is most vulnerable, they are separated from their world and the most important people in it. For a child, this is especially excruciating and terrifying⁷⁴.

⁷² Ibid

⁷³ Farah Bayadsi, interviewed by Bill Skidmore. Jerusalem, 16 January 2015.

⁷⁴ Aouda Zbeidat, interviewed by Bill Skidmore. Ramallah, 22 January 2015.

Furthermore, within the detention center itself detainees are sometimes held in solitary confinement, thus isolating them from others who could bolster their spirits. Aouda Zbeidat speaks of its effects on detainees: “So many people, children and adults, tell us they are sick from being in solitary – ‘please get us, out we are going crazy.’ They do not even ask what has been happening with them in court or where their case is going. ‘Please just get me out of solitary!’ We can’t however and feel really bad when we tell them this because we know how hard it is for them.”⁷⁵

Detainees placed in solitary have no connection to the outside world. For 24 hours a day they are confined in a small cell measuring from 1.5 x 2.0 meters to 3 x 3.5 meters, which is empty of everything except for a mattress. They are allowed no possessions other than clothes, and must ask guards to allow them out to use a toilet in cases where none is present in the cell⁷⁶.

Sahar Abbasi described a technique commonly used by interrogators to justify the absence of family members during questioning: “Even if one of the parents is at the investigation the interrogators will provoke the parent until they do or say something, so it will be an excuse to kick them out because parents are not allowed to⁷⁷ For example, a fourteen year old boy arrested in the neighborhood of Issawiya, explained to Addameer that his father was initially present during the interrogation. However, his father speaks some Hebrew and objected to the translations, which he said were inaccurate. Thus ensued an argument between the father and translator, which culminated in the father’s ejection from the interrogation⁷⁸.

Addameer lawyer Mohammad Ramzi has pointed out that the number of children making confessions increased significantly after Israel began to restrict the presence of parents and lawyers at interrogation sessions⁷⁹. A

75 Ibid.

76 Assif, Tal and Sahar Francis. The sounds of silence: Isolation and solitary confinement of Palestinians in Israeli detention. Addameer Prisoner Support and Human Rights Association and Physicians for Human Rights – Israel. July 2008, 12, available at: <http://www.addameer.org/files/Reports/isolation-eng.pdf>

77 Sahar Abasi, interviewed by Bill Skidmore. Jerusalem, Silwan, 2 February 2015.

78 Child from Issawiya Aff. Addameer.

79 Mohammad Ramzi, interviewed by Mourad Jadallah. Ramallah, 26 September 2014.



detainee is at the mercy of state interrogators, especially if they are a child and no third party is present to observe the questioning. They are vulnerable to intimidation and coercion, whether exercised through physical or psychological means, although the two techniques often overlap.

Dr. Graciela Carmon, an Israeli psychiatrist who specializes in the care of children, observes that “Every person in detention and under interrogation, but especially a child or adolescent, may give a false confession despite his or her innocence, in order to escape from the situation, and particularly in the following circumstances: emotional and/or physical stress, threats, mental and/or physical torture, cruel treatment, humiliation, physical and/or mental exhaustion, sleep deprivation, prolonged questioning for many hours, leading questioning, and the use of deceptive and manipulative techniques (e.g. polygraph tests, providing false investigation results, fingerprints, blood, and presenting false witnesses)... Following the application of such methods, the detainee feels helpless and out of control of the situation. This state of mind may lead the detainee to surrender totally to the will of the interrogators, yield to their requests and provide a confession according to their demands, a confession that will free the detainee from the interrogation.”⁸⁰

The methods catalogued by Dr. Carmon have been extensively used against children who told Addameer about their experiences in detention. For example, S.N. explained to Addameer that he was threatened multiple times by his interrogators. They wanted him to confess to being a member of a group, and warned that he would be subjected to torture and sentenced to three years in prison if he failed to cooperate with them⁸¹. A.R.’s son M. felt he had little choice but to sign a confession after interrogators issued two specific threats against family members. First, they promised to detain and interrogate his mother, and secondly, they claimed his family’s Jerusalem ID would be revoked, obliging them to permanently leave the city⁸².

80 M.D. Graciela Carmon. Coerced false confessions: the case of Palestinian children – psychiatric expert opinion. Physicians for Human Rights – Israel.

81 S.N. Aff. Addameer.

82 A.R. Aff. Addameer, 2 February 2014

Farah Bayadsi's clients have reported many instances of threats or trickery employed during interrogation to secure confessions. One tactic is to tell the detainee that their mother came to the detention center and pleaded for their release, when in fact the mother did no such thing. In cases where their fathers were former prisoners, children have been told that they will be arrested again. The children's own security and liberty is also directly targeted, as when they are threatened with weeks in solitary confinement or even a life sentence⁸³. Children are more susceptible than adults to believing such stories and thus more likely to make confessions, especially while separated from their usual emotional supports during detention.

Addameer legal researcher and East Jerusalem resident Mourad Jadallah says that the threats currently used against child detainees in Jerusalem remind him of his own experience as a 12-year old more in the early 1990s. "When they arrested me they asked me who do you like more, your father or your aunt? Because I lived with my aunt at that time [his mother was in Jordan] I told them my aunt. I thought I was smart because I wanted to protect my father. So they brought my aunt and arrested her and held her in a big room, and it was a dark room. I was short so they held me up and I saw my aunt inside the room, and they told me 'listen, if you do not want to confess there is another door on the other side of the room, and we will bring a criminal to rape her.'"⁸⁴

Threats can have a tremendous psychological impact on a detainee, given their fear over what harms may be committed and the anxiety which grows as they wait for the threat to be fulfilled. However, the application of physical violence and duress by interrogators produces both bodily and emotional injuries.

The beatings meted out during arrest and transport are also a common feature of detention, and numerous children reported to Addameer this type of physical abuse. As 15 year old D.A.'s case illustrates, physical violence sometimes ensues when the child detainees do not succumb to threats.

83 Farah Bayadsi, interviewed by Bill Skidmore. Jerusalem, 16 January 2015.

84 Mourad Jadallah, interviewed by Bill Skidmore. Ramallah, 18 January 2015.



D.A. described what happened when he was brought to the Moskobi-yeh prison for interrogation: “One of the soldiers told me if you do not confess we are going to demolish your parents’ house. I told the soldier I do not care, you can go demolish it. Because I didn’t confess they began hitting me. There was another 17 year old child with me, and he told the soldiers to stop hitting me. Because of that they took him to one side and began hitting him with the plastic batons they have and hit him in the mouth and damaged his teeth.” When he maintained his innocence during interrogation, says D.A., seven soldiers came into the room and beat him up⁸⁵.

T.E., whose physical assault was described earlier in this report, was also repeatedly hit during interrogation. Importantly, he and other detainees also recounted beatings while awaiting court hearings. T.E. recounted his experience: “In the morning of the next day we were taken to court immediately, where there they placed us in the waiting room. While we were there one of the officers spoke to me in Hebrew, but I didn’t understand a word. That’s when a policeman opened the door and started to beat me with his hands and legs all over my body. He then punched me in the face which lead to a tooth falling out, and I went through so much pain.” [T.E. affidavit]

W.S. encountered much the same: “I was taken once again to the court, and my court date was delayed once again for a day. While I was still at the court one of the special forces unit shackled me, and I was surprised when he led me to the bathroom. He locked the door and immediately took out a metal bar, which he used to beat me on my leg, and which caused great pain and left a mark on my leg. That’s when I told him that my court appearance was coming soon and that I was going to submit a complaint against him. He punched me in the face and threatened that if I repeated what I said, he would hit me all over again.” Ironically, W.S. had earlier been given papers to sign, attesting that he hadn’t been beaten during interrogation⁸⁶. Several other detainees interviewed by

⁸⁵ D.A. Aff. Addameer.

⁸⁶ W.S. Aff. Addameer.

Addameer reported that they too were pressured to sign such papers written in Hebrew, a language that most do not understand.

Detainees are subjected to other forms of physical pressure which produce considerable distress and thus render the children susceptible to confession. A marked example of this is the placing of detainees in stress positions. O.F. from Jerusalem’s Old City briefly recounted how during his detention: “I was taken to another room and was seated in something that looked like a chair while my hands and feet were cuffed, and they forced me to bend my head and back to the front, I stayed in this position for three hours and a half.”⁸⁷ S.D. meanwhile explained that he was interrogated for an average 13 hours a day over five days “while my feet and hands were tied behind the chair.”⁸⁸ Constraining someone in such postures might not appear to be a violent act, but the person so constrained often experiences unbearable pain from which they cannot escape. Salah Hamouri points out that sitting on a chair with hands and legs shackled behind the detainee, “is very hard and causes many medical problems such as general fatigue, backache, and joint pain. Quite often these problems persist after the person is released.”⁸⁹

Manipulation of the detainee’s physical environment and resulting discomfort is another means employed to weaken their resilience. Sleep deprivation and the exhaustion it causes, especially during several days of long interrogation sessions, makes it extremely difficult for detainees to resist the interrogator’s demands. Lights kept on in cells make sleep difficult, as do loud noises caused by door-knocking and music blaring, as described in the case study of R.R. at the end of this chapter.

Detainees also suffer when they are subjected to uncomfortable temperatures and deprived of food. A.D. told Addameer that he had no food and drank only one glass of water during two days of interrogation⁹⁰. O.N. meanwhile, reported receiving only a loaf of bread and a glass of

87 O.F. Aff. Addameer, 14 September 2014.

88 S.D. Aff. Addameer.

89 Salah Hamouri, interviewed by Bill Skidmore, Ramallah, 4 January 2015.

90 A.D. Aff. Addameer.



water daily over a 14 day interrogation period⁹¹.

Based on her experience with clients from East Jerusalem, Addameer lawyer Farah Bayadsi concludes that manipulation of the detainees' physical environment is meant to "put them under difficult conditions in order to make them confess. There are a number of cases that came to the court for where detainees didn't eat from the past night until they arrived in court. Also, they waited for their hearing without being given the right to change their clothes or have a bath. They [prison personnel] do not allow the families to get their sons other clothes or give them food. They are not treated properly in health matters, where they do not believe a detainee is ill and they do not take into consideration if someone is allergic to a kind of food."⁹² Bayadsi's colleague Aouda Zbeidat, adds that leaving someone in dirty clothes, especially those which smell, exacerbates the detainee's humiliation during questioning.

Mourad Jadallah summarizes the toll interrogation takes:

"I remember very well the details of my interrogation. I remember all of it! Sometimes I remember my feelings, the way I felt when they put me in a room without being able to see anyone or be in touch with anyone. You do not know when you can eat, you do not know who will open the door, you do not know if they want to beat you or beat your friends, or to take you somewhere else, or if they got new information from somebody else. These hours of waiting without any sign of good things is enough sometimes to destroy you. So as a child you have to believe strongly in yourself, in why you are there, and you have to have a very strong self-defense mechanism. I do not know how those children can get or build this self-defense mechanism. Sure, there is a reason to believe in what you are doing as a child. But this reason is not deep enough in your knowledge, in your mind, to protect you."⁹³

The suffering of detainees, their families, and communities does not cease when the arrested child is released from detention. Some of the effects

91 O.N. Aff. Addameer.

92 Farah Bayadsi, interviewed by Bill Skidmore. Jerusalem, 16 January 2015.

93 Mourad Jadallah, interviewed by Bill Skidmore. Ramallah, 18 January 2015.

last for years, reaching far beyond the detainees themselves. And just as the detainees need to develop self-defense mechanisms to cope with what they've experienced, so do their families and communities⁹⁴.

Case Studies

1. M.F.

M.F. was 17 years old when arrested on 11 February 2014. He lives in the African Community of the Old City of Jerusalem.

“On Tuesday, 11 February 2014 at around 5:00 a.m., my house was surrounded by large groups of soldiers, special forces, and intelligence officers. The soldiers began vigorously banging on the front door, but since I was in a deep sleep I did not wake up from their knocking. My mom opened the front door and I woke up to find members of the intelligence forces looking over me. One of them hit my legs, and when I got up I asked what they wanted from me. They told me that I was being sought because of allegations that I was causing problems. They did not have a court order or arrest warrant, but because they are intelligence officers they said they had the right to arrest me as they wished. Then they searched the house by pulling out all the clothes, flipping the mattresses, and so on. They allowed me to quickly change my clothes but would not let me say good-bye to my family.

“As we were leaving the house, the officer told my father that I was going to be held in prison for over 6 months. My hands were tied in the front with metal handcuffs and I was taken to the area of the Wailing Wall, with my hands cuffed and my legs tied. My head was bent downwards and I could not see where we were going. When we arrived at the Qishleh police station, I was sent to the intelligence room, where I stayed from

6:00 a.m. to 11:00 a.m.. Before I was sent to the interrogation room, I was strip-searched.

94 Ibid.



“At 11:00 a.m. I was moved to another room for interrogation, still handcuffed and legs tied. Inside the interrogation room there were four interrogators, and the interrogation went on for an hour during which I was accused of attempting to ignite an uprising (Intifada). I was not allowed to have a family member present during my interrogation.

“Afterwards I was escorted to the court while my hands and legs were still tied. The officer would hit the brakes of the car so that my head would hit the front seat. When we got to the court I waited for a little while outside and my hearing was postponed to the following day, Wednesday.

“After court, I was taken to the Moskobiyyeh Interrogation Center and directly brought to the detention room. Before I entered the room, I was strip-searched. There were six other people in the room and we were all under the age of 18. I was not subjected to interrogation during this time, but was confined to the room and allowed outside to the courtyard only once. I was also denied permission to contact my parents.

“My time was first extended from Wednesday to Thursday, and then to a week. I was transported on Sunday to the Ofek Juvenile Prison. In the beginning, I was kept in the metal bosta [a vehicle for transporting prisoners] for about 12 hours, during which I was not given anything to eat or drink. When I arrived at the Ofek Juvenile Prison, I was kept in solitary confinement for three days. I was not allowed to leave the room. After that, I was transported inside Ofek Juvenile Prison where there was an exchange of verbal curses between the Arab and the Israeli juvenile prisoners.

“I was released on 27 February 2014 at 3:00 a.m. and my dad picked me up at the door of the prison. I was released on the conditions of bail worth 1500 shekels and house arrest under which I am only permitted to go to school with my father accompanying me. I am not allowed to leave the neighborhood or see anyone.”

2. R.R.

On 9 February 2014, while on his way home from the supermarket in the Al-Wad neighborhood of East Jerusalem, 14-year old R.R. was arrested by a combined group of Israeli police, military, and intelligence officers. R.R. reports that “One of the soldiers choked me, another twisted my hand behind my back, the rest focused on beating my head, kicking my legs and stomach, and punching my face. The soldiers were cursing me while beating me.”

R.R. was held near the Western Wall for an hour, with hands and legs shackled, and subjected to additional beating. The beatings continued while he was transported to jail.

Immediately upon arrival at the Qishleh police station in Jerusalem, R.R. was strip-searched: “Every piece of clothing was confiscated. I was completely naked.” Still naked, he was moved to an interrogation office where an air conditioner was set on low, and remained there for an hour and a half. “I was shivering because the room was extremely cold. I tried to cover myself using my hands because I was shy and embarrassed and I didn’t want anyone to see me naked.”

After R.R. was given clothes, he was taken to a smaller room and accused of throwing a Molotov Cocktail at Israeli settlers in his neighborhood. Whenever he denied the interrogator’s accusations, R.R. was slapped. “He only stopped slapping and beating me to ask another question. I was slapped each time I denied something. He was beating me violently and on my stomach, chest and beneath my abdomen area.” Another interrogator later subjected R.R. to the same kind of violence whenever he rejected the accusations levelled against him.

At around 2:00 a.m. the following day, R.R. was transferred to the Moskobiyyeh interrogation center in Jerusalem, where he was kept in solitary confinement with a light constantly on. Another strip-search was conducted even though he had been in police custody since the earlier strip-search. At 5:00 a.m. he was taken to court, without any lawyer to represent him or family members being present, and his detention was extended for



two weeks.

After court, R.R. was returned to Moskobiyyeh for more interrogation. Again he was beaten and kicked when he refused to confess to the allegations against him. R.R. was interrogated an average of 13 hours daily for nine days, and when returned to his cell each evening was barely able to sleep due to guards knocking on doors and playing loud music. The interrogators also resorted to intimidation against R.R.'s family in order to force a confession. They threatened his father's job as a bus driver with an Israeli company, and said they would arrest and interrogate his mother. Additionally, the interrogators tried to make R.R. sign papers written in Hebrew, which he refused to do as he wasn't able to understand their contents. In his final interrogation session, R.R. was slapped across the face 22 times by an officer, because he refused to answer a question 22 times.

R.R. spent approximately three weeks in Moskobiyyeh prison prior to being transferred to the children's section of HaSharon prison for another five weeks before being released on house arrest.

3. Y.A.R.

After accompanying his ailing father to Haram al-Sharif on 3 July 2014, 14 year old Y.A.R. was arrested on his way to open the family's store in the Old City, accused of throwing stones on Haram al-Sharif. Two soldiers took hold of his arms and walked him to a police station known as Beit Eliyahu in the Old City, where they had him sign a paper saying he hadn't been physically abused. Y.A.R. was then placed facing a wall in a narrow passage where he stood for about an hour and a half. During this time many police officers passed by, and five in particular made fun of him. Each would tell Y.A.R. not to look behind him and then smacked him on the neck with their hand.

During the subsequent interrogation, he rejected allegations that he had thrown stones on the Haram Al-Sharif, but every time Y.A.R. did so, an officer struck his neck or back. This occurred about six times, and each blow was very painful. When the interrogation ended his hands were cuffed, and together with three other detainees he was driven to Al Qishleh police station whilst being kicked by police officers and soldiers.

At this police station the detainees, including Y.A.R., were taken one by one to interrogation. When he recounted exactly what had happened to him, the interrogator left and was replaced by another who claimed Y.A.R. was lying. He then kneeed Y.A.R. in the stomach, causing tremendous pain and vomiting. His attacker subsequently "told the other officer to say if someone asked about my vomiting, that I vomited due to exhaustion and fasting and not due to the beating." The interrogation resumed and for two hours questions revolved around what happened on Haram Al-Sharif. No family members were present during his interrogation.

Late that night Y.A.R. was released, still in pain from the beatings he endured earlier that day. His parents came and signed papers which forbid him entrance to Haram Al-Sharif for two weeks. They were also compelled to pay bail of 5000 shekels in case Y.A.R. breached the conditions of his release.

Chapter 5

Impacts on Detainees, Their Families, and Their Communities



Impacts on Detainees, Their Families, and Their Communities

“Every time I see a police car nearing my house, I become extremely afraid especially because we live in an area where officers and soldiers pass through frequently. I also suffer severe nightmares from the fear and this happens persistently and continuously. Today, my mom signed me up for a school trip with my older brother’s class to Beit Sahour so I can enjoy myself and change my state of mind.”

- Nine year old A.R. on 2 February 2014, days after his arrest in the Sumood Refugee Camp

“I believe in these kids. I learned a lot from these kids. I learned about the suffering but I also learned about the resilience. There is a victim side and there is also a resistance side. One of the tools of resilience is to stay in Jerusalem because they [Israelis] are fighting to make you go away. Despite all the difficulties – financial, social, the occupation – you see how people are struggling on a daily basis for their existence in this land. You just respect how much they can handle.”

Khaled Najeeb
Psychologist, East Jerusalem

The child. Their family. Their community. All endure short and long-term repercussions as a result of the arrest and detention of a child. This is not an unforeseen or accidental outcome, however. Rather, the violence and abuse inflicted on a child are intended to harm not only them, but their family and community as well.



Though a certain amount of relief accompanies release from detention, children also bring home emotional scars and traumas. As Sahar Abasi emphasizes, “They are still children. Believe me, from my experience you see a 16 or 17 year old acting like a hero or a man, but inside he is still a child. It is not an easy experience he has faced, and he will be totally affected by it.”⁹⁵

A former prisoner himself, Nader Abu-Amsheh has worked for several years with the East Jerusalem YMCA’s Post Trauma Rehabilitation of Palestinian Ex-Detainee Children Project. He stresses that the experience of arrest and interrogation is so humiliating, so degrading, that child detainees “lose the feeling of being protected, the feeling of being safe.” Consequently, says Abu-Amsheh, the sense of trust they had in their parents, other relatives, and close friends is greatly diminished. Additionally, they are tormented by intrusive thoughts and flashbacks, both in dreams and their waking life. “Most of them” reports Abu-Amsheh “tell you that they do not sleep well, that they see the same scenes, that they relive the same experiences.”⁹⁶ Research conducted by the East Jerusalem YMCA and Save the Children revealed that children “became very sensitive, tense and nervous, had low self-esteem, faced difficulties in communication and felt isolated after detention.” They also “suffered from nightmares, sleeping and eating disorders, bedwetting, and feared re-arrest or acquired unhealthy habits such as smoking.”⁹⁷

Imprisonment of Jerusalem’s Children

While these psychological states and behaviors are attributable in large part to the harsh treatment children withstand during their captivity, an additional factor looms large. Nader Abu-Amsheh points out that “It’s a very imbalanced situation. The children usually feel that they are so weak, and they want to get rid of this status by any means regardless of whether it involves giving information, or whatever. The torturers use this kind of weakness not just to get information, but to offer them [detained children] work as collaborators. This breaks them, almost, for good.” In other words, Israeli interrogators take advantage of the ordeal they put

⁹⁵ Sahar Abasi, interviewed by Bill Skidmore. Jerusalem, Silwan, 2 February 2015.

⁹⁶ Nader Abu Amsheh, interviewed by Bill Skidmore. Beit Sahour, 3 January 2015.

⁹⁷ Save The Children Sweden. The impact of child detention: occupied Palestinian territory. 2012, 50.

the children through, and turn them into short-term informants or longer-term collaborators⁹⁸.

Thus, if a child cooperates by naming names or agreeing to report on others after release, they will be rewarded, for instance by charges against them being withdrawn. But the reward carries a hidden cost. “Kids are sharing these things with us” says Nader Abu-Amsheh, “and telling us that ‘I couldn’t stand it. I know I’m doing the wrong thing, the worst thing that I shouldn’t do, but I can’t not do it’ because of the fear.” Abu-Amsheh adds that “They never forgave themselves, because they keep telling us that ‘we want people to believe us, that we are no longer collaborating. It’s painful to know that I gave information about my close relatives, friends, neighbors, whoever. I am regretting this.’ For them it’s a life-long painful experience that they can’t get out of.”⁹⁹

Crucially, the brutalized child is not the only one who suffers, as we briefly explained in the previous chapter. As cogently summarized by Nadera Shalhoub-Kevorkian, “Beyond their individual suffering, the performativity of Israeli violence terrorizes the child’s family and instills fear into the larger community the children belong to.”¹⁰⁰ Even after the child is released from detention and returns home, family members continue to pay a price, as they commonly bear the brunt of the child’s deflected emotional pain. The ex-detainee may isolate themselves from their siblings, or conversely vent their anger by engaging them in more bickering and fighting than prior to arrest. Though still children, they may start to defy their parents’ authority, particularly if imprisoned for a longer period of time. To survive in that circumstance children had to develop a toughness and sense of independence, an attitude than often carries over upon release. At the same time, parents who experienced guilt when they were unable to protect their child from arrest and incarceration, may become overprotective from fear of losing them again¹⁰¹.

98 Nader Abu Amsheh, interviewed by Bill Skidmore. Beit Sahour, 3 January 2015.

99 Ibid.

100 Shalhoub-Kevorkian, Nadera. Palestinian Children as Tools for ‘legalized’ State Violence. *Borderlands* 13, no. 1 (2014), 9.

101 Save The Children Sweden. The impact of child detention: occupied Palestinian territory. 2012, 57 & 58.



House Arrest

Family conflict is further exacerbated by an Israeli practice particularly prevalent in East Jerusalem in 2014, where house arrest is imposed on released detainees for periods ranging from several days to more than a year. On 27 January 2015 the International Middle East Media Centre, utilizing statistics from The Palestinian Committee of Detainees and Ex-Detainees, reported that 253 children were being held under arrest in their homes in East Jerusalem while another 37 were exiled from their neighborhoods¹⁰². In the latter scenario, they are normally detained in a relative's house¹⁰³. In most cases documented by Defense of Children International-Palestine, house arrest was not decreed as a sentence, but instead was used to hold the child until they appeared in court once charged with an offense¹⁰⁴. However, there can be many hearings and delays in judicial proceedings before the court renders its verdict, and throughout this period the house arrest remains in force. Importantly, time spent under house arrest is not considered "an actual detention" according to Farah Bayadsi.¹⁰⁵

Even so, might house arrest not offer a welcome respite from prison? Jerusalem based psychologist Khaled Najeeb (not his real name) recalls his initial belief about house arrest: "I was thinking that house arrest isn't a very difficult thing because at the end he is not in the prison, he is with his family. He is watching TV, he can read, he can use the internet, and eat good warm food. But when I started working with them I was shocked to know that this is not the reality. The reality is ... in house arrest the kids turn out to be the guards of themselves, and the family will also take on the role of guards." And since a parent must be present in the home, in effect they too are placed under house arrest¹⁰⁶. Furthermore, they feel pressure to closely monitor their child so as to prevent re-arrest should they leave the house, and also to avoid forfeiting the hefty bail they post-

102 Bannoura, Saed. Report: "37 children exiled from their homes in Jerusalem, 253 under house arrest. International Middle East Media Center. 27 January 2015, available at: <http://www.imemc.org/article/70384>

103 Salah Hamourj, interviewed by Bill Skidmore. Ramallah, 4 January 2015.

104 Defense for Children International – Palestine. Child house arrests rise in Jerusalem clampdown. 11 December 2014, available at: http://www.dci-palestine.org/child_house_arrests_rise_in_jerusalem_clampdown

105 Farah Bayadsi, interviewed by Bill Skidmore. Jerusalem, 16 January 2015.

106 Khaled Najeeb interviewed by Bill Skidmore. Jerusalem, 6 January 2015.

ed as a guarantee when their child was released to their supervision¹⁰⁷. Many of the children arrested in East Jerusalem live in poverty and very crowded abodes. Ironically then, being confined to the house often means they have little if any privacy due to the many family members living under the same roof. Naturally, under such difficult circumstances family dynamics will be affected. Children, who may already resent their parents for keeping them inside and away from friends and activities they enjoy, often “start to be nervous, violent and aggressive towards their family” says Khaled Najeeb. “Their biological timing is disrupted. They will stay awake until early morning and then they sleep the whole day. They want to kill time in order to feel that the time is passing more quickly.”¹⁰⁸

Moreover, the very nature of house arrest creates a particular kind of anxiety for the child. Najeeb notes that police officers come at varied times to check if the child is at home, but “you will never know when they are coming. As a result, you are going to be in a constant state of hyper-arousal, always expecting that they will come. Many of these kids, if they hear a door open at night or if they see a police car, might think that they are coming for them.” Additionally, a child under house arrest lives in an unsettling state of ambiguity, never knowing long how long their detention at home will last.¹⁰⁹

Trust between families and between friends can be negatively affected. Khaled Najeeb relates the actual example of a boy who left his house and noticed someone from the community watching him while speaking on a phone. Of course “it could be a coincidence” says Najeeb, but the boy’s interpretation of the event was that “the person was talking to the police because he broke the conditions of house arrest.” While there are people in neighborhoods who do collaborate with the Israelis, those under house arrest can also become paranoid and therefore suspicious of others in their community whom they would otherwise not distrust¹¹⁰. As with imprisonment, the education of children held under house arrest

107 Amjad Abu Asad and Mounir Zughayyar, interviewed by Bill Skidmore. Jerusalem, 6 January 2015.

108 Khaled Najeeb interviewed by Bill Skidmore. Jerusalem, 6 January 2015.

109 Ibid

110 Ibid



suffers. As Sahar Abasi recounts: “The most shocking impact for us as a community center, and for me as a parent, is that the thing most affected for those children is their performance at school. It won’t be good, and some of them will decide to drop out.”¹¹¹ Some children are not allowed to attend school while under house arrest, and those that miss a certain number of days are obliged to repeat the year¹¹². Others however receive permission to attend school, but must be accompanied by a parent. Nevertheless, says Khaled Najeeb, “he can’t concentrate in school so the majority I saw left their schools after a while.”¹¹³ A decision to abandon school carries long-term consequences, greatly restricting the child’s future education and employment prospects.

Solidarity and Resilience

Although most of the children held under house arrest and other forms of detention are male, mothers as primary care-givers carry a special burden, as illustrated in a case study at the end of this chapter. Yet as Sahar Abasi points out, based on her extensive work with groups of women in the neighborhood of Silwan, mothers of detainees often emerge from the ordeal stronger precisely because of all the responsibility they assume. “She is the one” notes Abasi, “who is following her child in court hearings because if the father is committed to a job working in an Israeli place, he won’t be able to leave as much as he wants. She is the one going to Moskobiyyeh [prison] for example, she’s the one arranging the visit when he’s arrested – not the father.... They ask our lawyers ‘what are my rights, what are my child’s rights, what can I say or do during interrogation.’ They want to know more and more.”¹¹⁴

Sahar Abasi acknowledges however that some women are more traumatized than others by the arrest of their children, especially the first time they experience such an event. She can sense which mothers are

111 Sahar Abasi, interviewed by Bill Skidmore. Jerusalem, Silwan, 2 February 2015.

112 Save The Children Sweden. The impact of child detention: occupied Palestinian territory. 2012, 53.

113 Khaled Najeeb interviewed by Bill Skidmore. 6 January 2015.

114 Sahar Abasi, interviewed by Bill Skidmore. Jerusalem, Silwan, 2 February 2015.

especially in need of help, such as those who withdraw and isolate themselves from others. But says Abasi, “In a community like Silwan the family and the neighbors are helping each other. Here in our center we established a group of women called “Women Who Act During Crises” who go to families to see how they can help and give them support.”¹¹⁵

Such support is crucial, given that most families are simultaneously burdened with many other problems in addition to the arrest of their child, most of which are directly related to the Israeli occupation. A major research project on child arrest and detention by the Madaa Creative Center in Silwan spelled out some of these hardships: “imprisonment of other family members, pending [house] demolition orders, financial problems due to unemployment, lack of living space, identity card issues [and] thus problems with accessing health insurance as a consequence, internal family problems due to the constant external pressure, high rate of school dropout of mainly male children, just to mention a few.”¹¹⁶ To these pressures must be added lawyers’ bills and the loss of income caused by attending court hearings or remaining home to monitor a child on house arrest.

Salah Hamouri argues that “Arrests in general and house arrests in particular target all Jerusalemites. It is a way to weaken them as a community and force them away from any national activities and stop them from fighting for their rights.”¹¹⁷ Israel abuses and traumatizes the children it arrests, torments their families, and attempts to sow discord and trepidation within communities. But as Sahar Abasi’s comments above demonstrate, Israel has not managed to extinguish the resilience of Palestinians in East Jerusalem. Nor has it broken their will to resist the occupation.

Through its police and military actions against Palestinians, Israel attempts to project an image of strength and invulnerability. For example, large numbers of Israeli forces participate in the arrest of a child at their home in the middle of the night, even though the arrest could easily be car-

115 Sahar Abasi, interviewed by Bill Skidmore. Jerusalem, Silwan, 2 February 2015.

116 Save The Children Sweden. The impact of child detention: occupied Palestinian territory. 2012, 25.

117 Salah Hamouri, interviewed by Bill Skidmore. Ramallah, 4 January 2015.



ried out by far fewer personnel. Usually, the lone manacled and blindfolded child is then transferred to prison in a vehicle full of threatening and aggressive Israeli police or soldiers. Similarly, children are commonly questioned by a series of interrogators, rather than by only one or two individuals. At every step Israel displays its might to these children.

Mourad Jadallah contends that the violent treatment of Palestinian children during arrest and detention is intended to convey the idea that they are not human beings who deserve respect and dignity. As he goes on to explain, “When you throw stones as a child, you are looking for your dignity, you are saying that I do not want this future, I do not want to accept this system and humiliation. So they take you. It doesn’t matter whether you threw stones or not, they will take you, they will beat you to make you reach the conclusion that maybe to live under these conditions is better than trying to break the system. They want you to accept the idea that resistance comes with a higher price than you can handle.”¹¹⁸

Understandably, some children succumb to the fear of being brutalized yet again and thus curtail any active resistance against the occupation, or decline to engage in such activities if they were never involved in the first place. So too, some parents and communities warn their children against challenging Israeli domination, saying they will gain nothing with such actions. However, asserts Khaled Najeeb, while “in some cases it [curtailing resistance] is working, in general let me tell you it didn’t work. With all of the arrests and home detention it isn’t working because the suffering is direct.”¹¹⁹ In addition to the violence inflicted on them, children witness first-hand the harms done to their families and communities: house demolitions and confiscations; attacks by settlers; violence committed by Israeli police and military; arrests of friends and family members. Jiwad Siyam of Silwan’s Wadi Hilweh Center points out how Israel’s strategy has backfired: “The Israelis thought that the more you arrest, the more people will be quiet. This could be right for the shorter term, but for the long term this is a very wrong policy. You can see that the more they arrest the more the children go out [to protest].”¹²⁰

118 Mourad Jadallah, interviewed by Bill Skidmore. Ramallah, 18 January 2015.

119 Khaled Najeeb interviewed by Bill Skidmore. 6 January 2015.

120 Jawad Siyam, interviewed by Bill Skidmore. Jerusalem, Silwan, 2 February 2015.

Case Studies

1. O. A. E.

O. A. E. had turned 14 years of age only days earlier when he and his brother O. E. were arrested at home in the early hours of 25 January 2014. Like so many other detainees from East Jerusalem, O. A. E. was threatened by the soldiers who arrested him, strip-searched upon arrival at the police station, beaten, and shackled during eight hour interrogations which went on for 28 days. When he refused to confess to throwing Molotov Cocktails, he was kicked, punched, and threatened with rape. This threat greatly scared him, and thus Othman finally confessed to an offence he says he did not commit. As a result he was put under house arrest for an indeterminate period of time.

In late November 2014, O. A. E. spoke to Addameer about his experience of house arrest.

“I am still on house arrest to this moment. Being on house arrest is very difficult for me. I spent the first five months of house arrest inside my house without leaving at all. I wasn’t even allowed to go one meter from my house. My friends used to visit me a lot in the beginning, but now they barely come. I feel like I am becoming angrier and more nervous. I fight a lot with my brothers and parents.

“I was able to attend school after five months with one of my parents accompanying me, but faced many challenges and difficulties in school because I had spent a long time without studying. I didn’t go to school for five months but felt like I had been absent for years. I do not go to school anymore. I tried to study but I couldn’t concentrate because I couldn’t and didn’t want to study by myself.

“The thing that is bothering me the most is that I am accustomed to participate in Ramadan activities. I used to go pray every day at the mosque and then prepare for Eid Al Fitre, but this year I was denied all of that. I wasn’t able to celebrate the holy month with my family and friends. The Israeli Occupation Forces used



to come to my house frequently to check if I was there.

When they show up I get very nervous and scared because I do not want them to arrest me. They arrested me three times in the first five months of house arrest claiming that I broke the house arrest and threw rocks, but they were not able to prove these allegations.

“I have been living under house arrest for almost a year now, because each time I go to court the hearing gets delayed. My father pressures me to stay at home, but I never leave the house anyway. I really miss my brother O. E., and sometimes I think that it would have been better if I was detained with him.”

2. Sahar Abasi works at the Madaa Creative Centre in the Silwan neighborhood of East Jerusalem, where she heads the psycho-social department and coordinates women’s and children’s activities. She told Addameer about a particular case of house arrest.

“There is the case of a child who was arrested and spent a month in prison, after which he was deported to his grandmother’s house in another area away from Silwan [his neighborhood]. His grandmother is an old woman who can’t take care of him or the house, and she lives alone. So his mother had to leave her children, husband, and house every day and go to her other child to take care of him and check on him because he had an awful experience for a month in prison and he needed his mother. But it wasn’t easy for the others who were left alone. They could not accompany their mother every day to the other neighborhood, but like their brother they needed their mother. So the child under house arrest was affected because he needed his parents to be with him the whole time, which they couldn’t, and the others needed the same thing.

“What I am reporting came from the mother herself. She was complaining and saying ‘Should I divide myself?’ They [Israeli authorities] isolated this family. The one who needed his mother after being in prison was getting this feeling, and the other brothers got the feeling that they had lost their mother. They all were affected. The one who was imprisoned was stopped from going to school by the Israeli authorities, but the others who were left at home saw their performance dropping at school. The father got sick and the mother had diabetes. It wasn’t easy. It was a collective punishment for the whole family, for the grandmother who couldn’t leave the house because her grandson was staying with her, for the mother who would divide herself between the two places. The whole family needs psychological treatment.

The other children were angry because at some point they thought they were taking care of that one child and they felt neglected. Then the mother got sick – it wasn’t easy for her. And this is only one example. There are other families that maybe suffer worse.”

Chapter 6

Legal Analysis



Legal Analysis

“Children arrested and detained in East Jerusalem enjoy, in theory, stronger guarantees and rights than children arrested and detained in the rest of the West Bank. However, this difference remains theoretical as, in practice, Palestinian children in East Jerusalem suffer from human rights violations very similar to those faced by Palestinian children arrested in the rest of the West Bank.”

Francesca Bombi

Hitting the Community at Its Heart: Arrest and Detention as a New Powerful Method of Conflict in Silwan, East Jerusalem

Israel’s annexation of East Jerusalem is illegal, not recognized by any other state, and has been condemned in numerous UN Security Council Resolutions¹²¹. Nonetheless, its de facto rule over the city has ramifications for arrested and detained Palestinian children. Rather than recognizing East Jerusalemite detainees as “protected persons” under International Humanitarian Law (IHL) as per their residency in an occupied territory, they are instead commonly tried under Israeli civil law. Thus if a Jerusalemite is charged with an offense which was committed in Jerusalem or in those territories which became Israel in 1948, they will be judged according to Israel’s 1977 Penal Code, the 1948 Prevention of Terrorism Ordinance, and the 1982 Criminal Procedures law. Yet, the jurisdiction of Israeli military courts which operate in the West Bank, apart from East Jerusalem, can be extended to Palestinian residents of East Jerusalem if their alleged offense was committed in or otherwise has a connection to other areas of the West Bank. “In that framework” notes Addameer executive director Sahar Francis, “Israeli authorities often detain and inter-

121 United Nations Security Council (SC). Resolution 252, 21 May, 1968; Resolution 267, 3 July, 1969; Resolution 271, 21 August, 1969; Resolution 298, 25 September, 1971; Resolution 446, 22 March, 1979; Resolution 452, 20 July 1979; Resolution 471, 5 June 1980; Resolution 476, 28 May 1980; Resolution 478, 20 August 1980; Resolution 592, 8 December 1986; Resolution 605, 22 December 1987; Resolution 904, 18 March 1994. Available at: <http://www.un.org/en/sc/documents/resolutions/>



rogate Palestinians from East Jerusalem under military orders, a system that permits longer periods of detention, before transferring them to the Israeli civil system for trial, where prosecutors can seek higher sentences based on the principle that security offenses are less common than in the military system in the oPt.” Francis also points out that Jewish settlers in East Jerusalem are only tried under Israeli civil law¹²².

Given this reality, it makes sense to examine whether Israel’s treatment of East Jerusalemite Palestinian children conforms to its own laws. This alone however constitutes an insufficient basis for appraisal, as assessing Israel’s actions according to international legal norms will provide a pertinent and more complete evaluation of its human rights performance.

Relevant Israeli and International Law

The key piece of Israeli legislation pertaining to the arrest and detention of minors is the Youth (Trial, Punishment and Modes of Treatment) Law, 5731-1971, and specifically Amendment 14 which took effect in 2009. Central to this amendment is the notion that rehabilitation rather than the prosecution of youth is the primary objective, as this best serves the interests of the minors and the wider society as well¹²³. Key norms include that “children should be summoned rather than arrested, and arrests should be used as a last resort; children are entitled to consult with a parent or a relative or a lawyer before being interrogated, and to have the parent or relative present during the interrogation; children younger than 12 years cannot be held responsible for criminal acts and should be treated as a witness; children should be brought to a judge within 12 or 24 hours of their arrest depending on their age”¹²⁴, with the shorter time period applying to those under 14¹²⁵. Furthermore, other than in exceptional circumstances defined by law, minors should be interrogated

122 Francis, Sahar. Denial of the Right to Life and Liberty of Person as an Act of Apartheid. Resource Center for Palestinian Residency & Refugee Rights, no. 47 (2011). Available at: <https://www.bacil.org/publication/periodicals/al-majdal/item/1696-art8.html>.

123 Baugarten-Sharon, Naama. No Minor Matters: Violation of the rights of Palestinian minors arrested by Israel on suspicion of stone throwing. B'Tselem, (2011), 8 & 9.

124 Defence for Children International/Palestine. Israel’s compliance with the international covenant on civil and political rights: shadow report to the fourth periodic report of Israel – Situation facing Palestinian children detained by Israeli forces and policies in the occupied West Bank, including East Jerusalem. (2014), 17.

125 Defence for Children International – Palestine. In their own words: A report on the situation facing Palestinian children detained in occupied East Jerusalem. 31 December 2011, Sec 5.

only during the day. And crucially for this report, both Section 10B of the Youth Law and section 9a of the Criminal Procedures Law impose strict constraints on the handcuffing and shackling of arrestees and detainees, with exceptions permitted only in certain, limited circumstances¹²⁶.

Even though Israel fails to accord the status of occupied territory to East Jerusalem and thus repudiates the applicability of IHL when detaining Palestinians from the city, it nevertheless is also bound by standards established in international human rights law. The authors of *Stolen Youth: The Politics of Israel's Detention of Palestinian Children*, Catherine Cook, Adam Hanieh, and Adah Kay, have identified several human rights instruments from which a “set of detailed principles and protections for child prisoners has emerged...”:

- Universal Declaration of Human Rights (UDHR, 1948)
- International Covenant on Civil and Political Rights (ICCPR, 1966)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (CAT, 1984)
- Convention on the Rights of the Child (CRC, 1989)
- Standard Minimum Rules for the Treatment of Prisoners (1955)
- Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 1985)¹²⁷

Of the six instruments listed here, the Convention on the Rights of the Child (CRC) is the most comprehensive in articulating rights as they specifically apply to children. Importantly, this convention has been ratified by more countries than any other human rights treaty, with Israel confirming its assent in October 1991¹²⁸. When Israel amended its Youth Law 18 years later, it aimed to bring that legislation into conformity with the CRC. By way of example, the amendment’s affirmation that the arrest of minors should be a last resort, comports with article 37 (b) of the CRC.¹²⁹

126 Alyan, Nisreen. Violations of the “Youth Law (Adjudication, Punishment and Methods of Treatment) – 1971” by the Israeli Police in East Jerusalem. The Association for Civil Rights in Israel. March 2011; Baumgarten-Sharon, Naama. Caution: Children Ahead. The illegal behavior of the police toward minors in Silwan suspected of stone throwing. B’Tselem. December (2010), 20.

127 Cook, Catherine, Adam Hanieh, and Adah Kay. *Stolen Youth: The Politics of Israel's Detention of Palestinian Children*. London: Pluto Press (2004). 42 & 43.

128 United Nations Treaty Collection. Convention on the Rights of the Child. Chapter IV Human Rights. 20 November 1989, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtcsg_no=IV-11&chapter=4&lang=en



Arguably, the paramount principle enunciated in the CRC is found in article 3.1: “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 the primary consideration.”¹³⁰ Applying the ‘best interests’ and ‘last resort’ principles, Cook, Hanieh, and Kay assert that amongst other considerations detained children should be: afforded due process rights; treated with humanity and dignity; free from torture and cruel, inhuman, and degrading treatment or punishment; held in hygienic conditions with access to medical care; and allowed to pursue their education.¹³¹

Thus, we see important principles of justice spelled out in both Israeli and international law, which in theory protect the rights and well-being of minors. The reality though for East Jerusalem Palestinians (and those in other parts of the West Bank), is that many of these principles are misconstrued or openly violated by Israel and cumulatively amount to a repudiation of the ‘best interests’ principle.

129 Baugarten-Sharon, Naama. No Minor Matters: Violation of the rights of Palestinian minors arrested by Israel on suspicion of stone throwing. B'Tselem, (2011), 9; United Nations Human Rights. Convention on the Rights of Child. November 1989, available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

130 United Nations Human Rights. Convention on the Rights of Child. November 1989, available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

131 Cook, Catherine, Adam Hanieh, and Adah Kay. Stolen Youth: The Politics of Israel's Detention of Palestinian Children. London: Pluto Press (2004). 43 & 44.

Chapter 7

Conclusions: Violations of Israeli and International Law



Conclusions: Violations of Israeli and International Law

As we have already pointed out with reference to Israeli Youth Law, “children should be summoned rather than arrested, and arrests should be used as a last resort.” A similar provision is articulated in article 37b of the CRC. The huge number of Palestinians, including children, arrested in East Jerusalem in 2014 (1769) however, demonstrates that Israeli authorities instead relied primarily on this practice rather than summoning suspects for questioning. As the Association for Civil Liberties in Israel (ACRI) points out through the words of Justice Eliahu Matza: “The arrest of a suspect constitutes a very serious measure. Accordingly, it should not be used except in instances when absolutely necessary.” Yet, observes ACRI, so many of the arrests have occurred days and weeks after the alleged offence (often stone-throwing) that they could not be deemed a necessary measure. Considering the commonly traumatic impact of arrest, it is reasonable to suggest that the overwhelming reliance on arrests as opposed to summonses is actually intended to prevent the child from psychologically preparing for questioning¹³².

Furthermore, the Israeli Police Ordinance “Police Conduct regarding Minors” stipulates that neither arrests of minors nor their interrogation should take place at night, other than in exceptional circumstances, while the Youth Law asserts the same prohibition regarding interrogations¹³³. As this report has shown however, a great many arrests occur at night, with the first interrogations sometimes following quickly thereafter. Given the late hour, detainees may be interrogated prior to meeting with their lawyer, even though “Israeli law says that the detainee has the right to see the

132 Alyan, Nisreen. Violations of the “Youth Law (Adjudication, Punishment and Methods of Treatment) – 1971” by the Israeli Police in East Jerusalem. The Association for Civil Rights in Israel. March 2011

133 Ibid; Baumgarten-Sharon, Naama. Caution: Children Ahead. The illegal behavior of the police toward minors in Silwan suspected of stone-throwing. BTselem. December (2010), 13,18,19.



lawyer before interrogation” notes Addameer lawyer Farah Bayadsi¹³⁴.

Farah Bayadsi also points out that detainees are usually not informed of the reasons or shown a warrant at the time of arrest¹³⁵, a fact borne out in affidavits Addameer gathered from East Jerusalem children who had been taken into custody. This practice fails to comport with article 9.2 of the International Convention on Civil and Political Rights (ICCPR), which Israel ratified in 1991: “Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.”¹³⁶

As discussed in Chapter 4 of this report, by habitually claiming legal exceptions Israel has prevented parents and other relatives from attending interrogations of their children, even though such access is otherwise guaranteed in Article 9h(a) of the Youth Law.¹³⁷ Furthermore, lawyers for detained persons (including children) are not allowed to be present at their interrogations, while additional impediments and limitations placed on lawyers constrain their effectiveness and thus ultimately infringe on the due process rights of their clients. For instance, as Addameer lawyer Aouda Zbeidat explains, although a detainee must be brought before a judge within 24 hours of their arrest to determine the reasonableness of detention, police sometimes ask for extra time to conduct investigations. Judges usually comply with these requests, and thus according to Israeli law detainees may be held for up to 30 days without charge while investigations proceed¹³⁸. Crucially, Farah Bayadsi reports that for her as a lawyer “The [detainee’s] file remains confidential until I have charges. When the charges are written I then have the right to see the file.” Even then some evidence may be withheld, based on the claim that its release would be detrimental to Israel’s security.¹³⁹

134 Farah Bayadsi, interviewed by Bill Skidmore. Jerusalem, 16 January 2015.

135 Ibid.

136 United Nations Human Rights. International Covenant on Civil and Political Rights. December 1966, available at: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

137 Alyan, Nisreen. Violations of the “Youth Law (Adjudication, Punishment and Methods of Treatment) – 1971” by the Israeli Police in East Jerusalem. The Association for Civil Rights in Israel. March 2011

138 Aouda Zbeidat, interviewed by Bill Skidmore. Ramallah, 22 January 2015.

139 Farah Bayadsi, interviewed by Bill Skidmore. 16 January 2015.

Bayadsi also points out that detainees are not permitted to call anyone until charges are laid. As a result, stresses Bayadsi, the detainee “will be afraid that there is no one to support him unless the lawyer comes. But the lawyer can’t see him all the time.”¹⁴⁰ Yet as Amnesty International accentuates in its Fair Trial Manual, “The rights of detainees to communicate with the outside world and to receive visits are fundamental safeguards against human rights violations, including torture or other ill-treatment and enforced disappearance. They affect the ability of an accused to prepare their defense and are required to protect the right to private and family life and the right to health.”¹⁴¹

Significantly, Israel’s sweeping restriction on communication contravenes several human rights instruments, including CRC Article 37c¹⁴², UN Rules for the Protection of Juveniles Deprived of Their Liberty 59-62¹⁴³, Beijing Rules 26.5 and the Standard Minimum Rules for the Treatment of Prisoners paragraph 92. By way of illustration, the last of these standards reads: “An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.”¹⁴⁴

When lawyers do meet their detained clients, they often encounter difficulties related to space, time and privacy. Article 14(3)(b) of the ICCPR instructs that: “In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:...

140 Ibid.

141 Amnesty International. Fair Trial Manual – Second Edition. 9 April 2014, available at: <https://www.amnesty.org/en/documents/pol30/002/2014/en/>

142 United Nations Human Rights. Convention on the Rights of Child. November 1989, available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

143 United Nations General Assembly. United Nations Rules for the Protection of Juveniles Deprived of their Liberty. 14 December 1990, available at: <http://www.unrol.org/files/TH007.PDF>

144 United Nations. Standard Minimum Rules for the Treatment of Prisoners. 13 May 1977. Available at: <http://www.ohchr.org/Documents/ProfessionalInterest/treatmentprisoners.pdf>



(b) To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing”¹⁴⁵

While Article 14(3)(b) does not mention privacy, the right to communicate with one’s counsel is only meaningful if confidentiality is maintained. Thus, paragraph 34 of the Human Rights Committee, General Comment No. 32 - Article 14 on the Right to equality before courts and tribunals and to a fair trial, states that: “The right to communicate with counsel requires that the accused is granted prompt access to counsel. Counsel should be able to meet their clients in private and to communicate with the accused in conditions that fully respect the confidentiality of their communications. Furthermore, lawyers should be able to advise and to represent persons charged with a criminal offence in accordance with generally recognized professional ethics without restrictions, influence, pressure or undue interference from any quarter.”¹⁴⁶

In addition, Article 67(1)(b) of the Rome Statute of the International Criminal Court explicitly links adequate time and facilities to the guarantee of confidentiality between defendant and counsel¹⁴⁷, whether their communications take place in person, over the phone, or in writing.

Whereas paragraph 93 of the Standard Minimum Rules for the Treatment of Prisoners stipulates that “Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official”¹⁴⁸, Addameer lawyers note that this requirement is commonly not met due to a shortage of rooms for private conversations. Instead, they often have no choice but to speak to clients in crowded halls or rooms where police officers are present¹⁴⁹. Nor are lawyers able to provide detainees with documents pertaining to their case. Such documents will not remain confidential says Farah Bayadsi, because “When you want to give the suspect something, you have to ask for the inter-

145 United Nations. International Covenant on Civil and Political Rights. 23 March 1976, available at: <http://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

146 United Nations. International Covenant on Civil and Political Rights. General Comment No.32. Article 14: Right to equality before courts and tribunals and to a fair trial. 23 August 2007, available at: http://www.un.org/ga/searchView_doc.asp?symbol=CCPR/C/GC/32

147 International Criminal Court (ICC). Rome Statute of the International Criminal Court. 17 July 1998. (Art.67.1.b), available at: http://www.icc-cpi.int/hr/rdonlyres/ea9aeff7-5759-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf

148 United Nations. Standard Minimum Rules for the Treatment of Prisoners. 13 May 1977, available at: <http://www.ohchr.org/Documents/ProfessionalInterest/treatmentprisoners.pdf>

149 Aouda Zobeidat, interviewed by Bill Skidmore. Ramallah, 22 January 2015; Farah Bayadsi, interviewed by Bill Skidmore. Jerusalem, 16 January 2015.

rogator's permission. They have to see the content of the document.”¹⁵⁰

No legal analysis of the arrest and detention of Palestinian children in East Jerusalem can be complete without addressing the physical and psychological harms they are subjected to by Israeli authorities. Addameer contends that Israel's actions as described in this report violate the right to be treated with humanity and respect for the inherent dignity of the human person as enumerated in Article 10.1 of the ICCPR¹⁵¹ and Article 37c of the CRC¹⁵², and the right to be free from torture, cruel, inhuman, and degrading treatment or punishment¹⁵³ Furthermore, while arrested and detained children are legally entitled to remain silent and not incriminate themselves¹⁵⁴, the threats and harsh treatment meted out to them render inoperative these putative rights.

Article 1 of the Convention Against Torture (CAT) states:

“The term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of committing, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain for suffering arising only from, inherent in or incidental to lawful sanctions.”¹⁵⁵

The prohibition against torture, and other cruel, inhuman or degrading

150 Farah Bayadsi, interviewed by Bill Skidmore. Jerusalem, 16 January 2015.

151 United Nations. International Covenant on Civil and Political Rights. 23 March 1976 (Art. 10.1), available at: <http://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

152 United Nations Human Rights. Convention on the Rights of Child. November 1989 (Art. 37c), available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

153 United Nations. Convention against torture and other cruel, inhuman or degrading treatment of punishment. 26 June 1987. Available at: <http://www.unhcr.org/49e479d10.html>; United Nations Human Rights. Convention on the Rights of Child. November 1989 (Art. 37a), available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>; United Nations. International Covenant on Civil and Political Rights. 23 March 1976 (Art. 7), available at: <http://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>; United Nations. The Universal Declaration of Human Rights. 10 December 1948 (Art. 5), available at: <http://www.un.org/en/documents/udhr/index.shtml#a5>

154 International Criminal Court (ICC). Rome Statute of the International Criminal Court. 17 July 1998. (Art.5). Available at: http://www.icc-cpi.int/nr/donlies/ea9aef7-5759-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf; United Nations. International Covenant on Civil and Political Rights. 23 March 1976 (Art. 14.3), available at: <http://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>; United Nations Human Rights. Convention on the Rights of Child. November 1989 (Art. 40.2b), available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

155 United Nations. Convention against torture and other cruel, inhuman or degrading treatment of punishment. 26 June 1987. (Art. 1), available at: <http://www.unhcr.org/49e479d10.html>



**In the Shadow of the 2014
Gaza War:
Imprisonment of Jerusalem's Children**



treatment is further enshrined in customary international law and is a peremptory norm of international law of which no derogation is permitted. Article 2.2 of CAT states that “No exceptional circumstances exist whatsoever, whether a state of war or threat of war, internal political instability or any other public emergency, which may be invoked as a justification of torture.”¹⁵⁶

The Committee against Torture has further established that the following are examples of practices that amount to torture or cruel, inhuman or degrading treatment:

- Restraining in very painful conditions
- Threats, including death threats
- Kicking, punching and beating with implements
- Excessive use of force by law enforcement personnel and the military
- Incommunicado detention without access to lawyer or doctor or the ability to communicate with family members
- Solitary confinement
- Sensory deprivation and almost total prohibition of communication
- Poor conditions of detention including failure to provide food, water, heating in winter, proper washing facilities, overcrowding, lack of amenities, poor hygiene facilities and limited clothing and medical care¹⁵⁷.

This report has demonstrated how such practices were inflicted upon Palestinian children from whom Addameer gathered affidavits and/or legally represented. Additionally, they were painfully shackled upon arrest and during transfer to detention facilities, blindfolded, humiliated through strip-searches, exposed to uncomfortable temperatures, and deprived of sleep in order to erode their coping abilities. The actions enumerated here are cruel, damaging, and consciously employed. They are also illegal.

¹⁵⁶ United Nations. Convention against torture and other cruel, inhuman or degrading treatment of punishment. 26 June 1987. (Art. 2.2), available at: <http://www.unhcr.org/49e479d10.html>

¹⁵⁷ UNICEF. Children in Israeli Military Detention: Observations and Recommendations. February (2013), 5, available at: http://www.unicef.org/gPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf

ADDAMEER

(Arabic for conscience) Prisoner Support and Human Rights Association is a Palestinian non-governmental, civil institution that works to support Palestinian political prisoners held in Israeli and Palestinian prisons. Established in 1992 by a group of human rights activists, the center offers free legal aid to political prisoners, advocates their rights at the national and international level, and works to end torture and other violations of prisoners' rights through monitoring, legal procedures and solidarity campaigns.

Addameer's Vision:

Addameer believes in the importance of building a free and democratic Palestinian society based on justice, equality, rule of law and respect for human rights within the larger framework of the right to self-determination. Addameer's work is based on a belief in the universality of human rights as enshrined in international law.

Addameer's Goals:

- End torture and other forms of cruel, inhuman and degrading treatment inflicted upon Palestinian prisoners;
- Abolish the death penalty;
- End arbitrary detentions and arrests;
- Guarantee fair, impartial and public trials;
- Support political prisoners and their families by providing them with legal aid and social and moral assistance and undertaking advocacy on their behalf;
- Push for legislations that guarantee human rights and basic freedoms and ensure their implementation on the ground;
- Raise awareness of human rights and rule of law issues in the local community;
- Ensure respect for democratic values in the local community, based on political diversity and freedom of opinion and expression;
- Lobby for international support and solidarity for Palestinians' legitimate rights.

Contact:

Telephone: + 972 (0)2 296 04 46

Fax: +972 (0)2 296 04 47

info@addameer.ps

Postal Address: P.O.Box 17338, Jerusalem

**Ramallah Office: 3 Edward Said Street,
Sebat Building, 1st Floor, Ramallah**