



Embassy of the State of Palestine

The General Delegation of Palestine to Australia, New Zealand, and the Pacific

Fact Sheet – Palestinian Children Detained by Israel / 19 October, 2016

Palestinian children are systematically imprisoned and mistreated in Israeli jails

The Facts

- The Israeli Knesset has recently passed a bill that legalises the imprisonment of children under the age of 14¹
- Israeli military courts already imprison Palestinian children of the West Bank as young as 11 years old²
- In total, 440 Palestinian children are currently being detained in Israeli prisons, 116 of these are between 12 and 15 years old, more than double that of one year ago³
- The youngest Palestinian boy to be detained was 11-year-old Ali al-Alqam,⁴ and the youngest girl was 12-year-old Dima al Wawi⁵
- The majority of detained children are charged with throwing stones, which can carry penalties of up to 20 years in prison, while many children are held without charge⁶
- An extensive report by US-based Human Rights Watch (HRW) states that Israeli security forces routinely abuse detained Palestinian children and employ violence and threats in order to coerce information and confessions from them⁷
- A Defense for Children International – Palestine (DCIP) report in April 2016 found that of those Palestinian children from the West Bank detained by Israeli security forces between 2012 and 2015; 97% had no lawyer or family member present during interrogation, 84.1% were not properly informed of their rights, 88.1% were not informed of the reason for their arrest, 75.5% were subject to physical violence, 71.3% were subject to verbal abuse, 69.7% were strip searched, 72.5% were denied adequate food and water, and 54.8% were denied access to a toilet⁸
- Marginal cases of electric shocks and threats of sexual assault were also reported⁹
- UNICEF reported similar findings between 2013 and 2014; where 80.8% of detained Palestinian children were not properly informed of their rights and 82.2% were subject to physical violence¹⁰
- One typical example: On April 28, Ahmad Zaatri, aged 9, and his cousin Mohammad, aged 12, were walking in an olive grove near their home in Wadi Al-Joz, East Jerusalem. At Approximately 7pm, they noticed 10 Israeli police officers running towards them, who proceeded to push Ahmad and his cousin to the ground. Ahmad testified that “an officer hit me with his gun on my back, and I was in pain and horrified, but I did not cry.” Ahmad and Mohammad were then detained, where they were subject to physical and verbal abuse at the hands of Israeli officers. Neither child was properly informed of their right to remain silent, consult a lawyer, or have a parent present during interrogation.¹¹

- According to the Association for Civil Rights in Israel (ACRI), proposals are under way to allow Israeli authorities to hand down life sentences to children under the age of 14¹²

Analysis

- DCIP have asserted that the recent changes in Israeli law almost exclusively apply to Palestinians, with Israeli extremists and settlers rarely being prosecuted under the same standards of law¹³
- Israeli security forces are using arrests to retaliate against Palestinians for protesting Israeli policy¹⁴
- “Most children are arrested on suspicion, without arrest warrants. There is little to no independent oversight over arrests.”¹⁵
- “Palestinian children are treated in ways that would terrify and traumatize an adult...Screams, threats, and beatings are no way for the police to treat a child or get accurate information from them.” – Sari Bashi, Israel and Palestine Country Director for HRW¹⁶
- “Imprisoning such young minors denies them the chance of a better future” – A spokesperson for the Israeli organisation B’Tselem¹⁷
- The 2015 ACRI report claimed that imprisoning children can cause them significant harm and is likely to increase violence and crime in broader society. The report proposed that the Israeli government initiate programs that could support the integration of minors accused of wrongdoing back into Israeli society (in the case of Palestinians in East Jerusalem).¹⁸

International Law

- Israel has signed the Convention on the Rights of the Child treaty, which requires security forces to make the best interests of the child a primary consideration in all aspects of the juvenile justice system¹⁹
- Both international and domestic Israeli law also provide special protections for detained children, including requirements to arrest or detain a child only as a last resort and to take precautions to ensure that children are not compelled to confess guilt—both of which are evidently being systematically violated²⁰
- According to DCIP, Israel maintains that it is not obliged to extend international human rights law, including protections outlined in the Convention on the Rights of the Child, to Palestinians living in the West Bank—arguments that have been rejected by the International Court of Justice and several UN human rights treaty bodies²¹
- Brad Parker, a lawyer at DCIP stated that the recent Knesset bill “appears to prioritise the criminalisation and punishment of children in complete disregard of international law” and also that “we see policies and practices that contravene international law being codified by the Israeli government”²²
- **The Australian Government is urged to uphold the principles enshrined in international law by applying pressure on the Israeli Government to only arrest or detain Palestinian children as a last resort, and if they are detained, to ensure that their safety and best interests are prioritised, and that they are permitted a fair trial**

The mistreatment of Palestinian children damages prospects for peace between Israel and Palestine

The imprisonment & mistreatment of Palestinian children in the Israeli justice system is illegal under international law

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