

## The Reality of Children Imprisonment in Israeli Prisons

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### Introduction

The Palestinian prisoners' issue has always been an essential element to the long struggle of the Palestinians. This issue has affected all different groups of the society including children. Each year, the occupation arrests about 500-700 children<sup>1</sup>; a massive violation of the international law, human rights, and, most importantly, children's rights. This study addresses the child prisoners in the occupation jails, and sheds light on their sufferings, conditions, and violations of their rights according to specialized international institutions and human rights organizations.

### Palestinian Prisoners

The issue of Palestinian prisoners and detainees reflects the struggle and steadfastness of Palestinians against the Israeli occupation. It is a primary part of the fight, and for more than 70 years the Palestinian prisoners have played a key role in defending the dignity and rights of their people. The occupation arrested Palestinians from different social and age groups, both men and women; elderly or young<sup>2</sup>.

To the occupation, all Palestinians are guilty before proven to be so. This contradicts the first item of article 11 of the Universal Declaration of Human Rights, "Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence<sup>3</sup>."

The Israeli occupation has been arresting Palestinians for the following reasons:

- It is a tool to oppress, humiliate and retaliate from the Palestinian people.
- It spreads fear and horror among the Palestinians, terrorizes them and facilitates their control.
- It is a way to exercise collective punishment.
- It intentionally spiritually, physically and psychologically harms the prisoners disregarding their gender, age or social group.
- It is a way to pressurize the social groups of the prisoners.
- Arresting mothers, fathers, sisters, wives... etc. of the prisoners is a way to pressurize the prisoners and force them to give information<sup>4</sup>.

<sup>1</sup> Number of Palestinian Children (12-17) in Israeli Military Detention. Defense for Children Palestine. SEP 28, 2019 [https://www.dci-palestine.org/children\\_in\\_israeli\\_detention](https://www.dci-palestine.org/children_in_israeli_detention)

<sup>2</sup> Ferwana, Abdunnasser. 2019. Arresting Children: Facts, Statistics and Effects on the Reality and Future of Palestinian Children.

<sup>3</sup> Universal Declaration of Human Rights – Article 11.

<sup>4</sup> A report by the Commission of Detainees Affairs on the Palestinian Prisoner Day, April 17, 2018.

The occupation authority still has about 6,000 Palestinian prisoners imprisoned in around 22 prisons, detention centers and jails; the following includes some information on their distribution:

Women	54
Children	250
Deputies	8
Administrative detainees	450
Prisoners for more than 20 years	48

Through this study, we seek to highlight the most important figures and statistics that are related to the imprisonment of children and their conditions.

### **First: The Protection of Children in the International Law**

The International Law protects the children, first, as civilians and, second, as children. There are more than 25 articles in Geneva Conventions that address the children and the need for protecting them<sup>5</sup>. The 1989 Convention on the Rights of the Child emphasized the importance of protecting children, and providing them with the requirements for growth and development. These conventions restricted depriving children their freedom, and considered it the last resort for the shortest possible duration<sup>6</sup>.

- The first article of the Convention on the Rights of the Child defines a child to be, “Any human being under the age of eighteen, unless the [age of majority](#) is attained earlier under national legislation”.
- The Convention on the Right of the Child states, “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”.
- The third article states, “States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being”; in article 16, the Convention states, “No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation”.
- Against torturing children, Article 37 (A) states, “No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment”.
- In the same Article 37 (B), the Convention restricted arresting children, “No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest,

<sup>5</sup> Atallah, Mohammed. 2015. Arresting Palestinian Children a Zionist Violation of Rights and Humanity.

<sup>6</sup> Protecting the Palestinian Child in the International Humanitarian Law and International Human Rights Law. The Palestinian Human Rights Organization Council.

detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time”.

- Article 37 (C) emphasizes treating children well even if they are arrested or detained, “Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so”.
- Children have the right to defend themselves and receive legal help. Article 37 (D) states, “Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action”<sup>7</sup>.

The Israeli occupation authorities deal with the Palestinian child prisoners as ‘future vandals’, so they deprive the children from their simplest rights that are guaranteed by international conventions such as the right not to be randomly arrested, to know the reason for arrest, to have an attorney, to call their family, to inform the family about the reason and place of arrest, and to have the children trialed before a judge<sup>8</sup>.

## **Second: Military Orders Regulating the Israeli Military Courts Work**

The occupation authorities established military courts through which they arrest hundreds of thousands of Palestinians and trialed them in response to military orders. They followed the adaptation policy for their own political and security interests. They set military orders to control the Palestinian citizens living under the occupation without adhering to the International Humanitarian Law which was supposed to be the primary legal reference for the engagement methods between the occupation and the Palestinian citizens living under occupation. The military orders of the occupation’s forces exceeded 1680 orders in the West Bank and 900 in the Gaza Strip concerning all civil or political aspects of the Palestinians’ lives which contradicts the International Humanitarian Law<sup>9</sup>.

When dealing with Palestinian children cases, the Israeli occupation adheres to a group of military orders, the four important of which are:

1. Military order no. 132 issued on September 24, 1967 sets the age of Palestinian children to be 16 which contradicts the Convention on Children’s Rights which sets their age to be 18; and the Israeli Criminal Law sets the age of Israeli children to be under 18. This allows the Israeli occupation to arrest Palestinian children who are 12 years old for 6 months without charges in accordance with the administrative arrest laws.

<sup>7</sup> The Convention on the Rights of the Child – UNICEF.

<sup>8</sup> Children Prisoners. 2015. Institute for Palestine Studies.

<sup>9</sup> Ibid: Atallah, Mohammed. 2015.

2. The Military order no. 378, which is the effective criminal and procedural laws in the military courts of the occupation, encompasses the following crimes:
  - Destroying a facility of the Israeli army forces, possessing any firearms or explosives – sentenced for life.
  - Being member of a group whose any other member intentionally killed someone – maximum of a sentence for life.
  - Throwing items, including stones, at a person or property – maximum of ten years in prison. The most common charge against Palestinian children at the Israeli military courts in 2009 was throwing stones.
3. The military order no. 1591 which allows detaining people, including children, in the administrative detention without charges or trials.
4. Military order no. 1644 according to which a juvenile military court was established on October 1<sup>st</sup>, 2009<sup>10</sup>.

In addition to the previous laws, the Israeli occupation issued a number of military orders targeting children arrested in the West Bank:

- The military order no. 1651 includes the security measures the occupation forces must follow when treating the Palestinian security prisoners.
- The military order no. 1711 of 2013 according to which a child may be detained for 24 hours before being sent to trial if their age ranges from 12-13 years, and may be detained for 48 hours if their age ranges from 14-15 years.
- The military order no. 1727 of 2013 restricts some procedures followed during the trial of juveniles in military courts. These restricted procedures include preventing the arrested from being assigned an attorney by the court or their parents from attending the sessions. The order was issued to establish arrest and detention centers for the juveniles only<sup>11</sup>.

### **Third: Violations during Arrests and Interrogation**

Although the international conventions guarantee the protection of children, the occupation disregards about 27 international conventions that address children. Following is a summary of the worst violations practiced by the occupation forces as they arrest children:

- Abrupt, horrifying arrests which harm the children and do not suit their fragile nature. The children are usually beaten with sticks and gunstocks.
- Unleashing police dogs against the children during their arrests.
- Arresting the children from safe places like their houses or schools, or from a car while crossing past the barriers.
- Not allowing the parents to attend the interrogation of their children.
- Not allowing the arrested children to consult an attorney.

<sup>10</sup> Arresting Children: A Systematic Destruction of Palestinian Childhood. 2015. Addameer.

<sup>11</sup> Report on the Violations of Male and Female Prisoners in Occupation Jails. 2014. Addameer.

- Forcing the arrested, especially children, to sign documents written in Hebrew, a language the Palestinian children do not speak.
- Threatening the children with murder and sexual violence.
- Forcing the children into the military vehicles<sup>1213</sup>

## Testimonies of Children Assaulted during their Arrest:

The Palestinian children suffer from difficult conditions. The Commission of Detainees Affairs and children rights organizations have documented several testimonies describing the tragic life of detained children. Listed below are testimonies by children who were detained:

- Othman Sulaiman, 15, described his arrest on 25/12/2014 and how he was interrogated at Al-Moskobiya Detention Center for 28 days. Othman said to the field researcher, “More than one detective threatened to rape me. I felt petrified. I confessed something I had not committed, something that did not even happen”.<sup>14</sup>
- The liberated child Abdullah Salih Sweidan, 16, is from Azzun in Qalqilya. On 12/9/2013 he was taken aback when one of the settlers attacked him at Azzun Gate, hitting his entire body with a stick. They threw him on the floor, tied his hands with a rope, and dragged him to the military jeep. Then they moved him to a troop camp where they searched him naked<sup>15</sup>.
- Baseer Al-Atrash, 17 from Hebron, was arrested on 28/10/2015. He was taken to Ofer Prison. On the 30<sup>th</sup> of the same month, he was interrogated for having thrown stones and posted ‘inciting’ pictures on Facebook. He was interrogated for about an hour and a half with his hands cuffed and the interrogator shouting at him, calling him a liar.
- Rashid Rasmi Al-Rashq, 14 from the old town in the occupied Al-Quds, was arrested on 10/2/2019. He is currently detained at Sharon Prison. Rashid said he was tortured and tormented the moment he was arrested. The occupation soldiers demanded him to confess.
- Ahmed Nasser, 17 and currently detained at Gibeon Prison, said in his statement to Addameer that while he was on his way home from school on 5/10/2015 a number of Israeli soldiers and policemen attacked him and severely hit him. They then moved him to the police station in a nearby village (Defence for Children International, 2015)<sup>16</sup>.

<sup>12</sup> Arresting Children: A Systematic Destruction of Palestinian Childhood. 2015. Addameer.

<sup>13</sup> Israel detained 1,600 Palestinians, 230 children in 2019. The Middle East Monitor. April 18, 2019 <https://www.middleeastmonitor.com/20190418-israel-detained-1600-palestinians-230-children-in-2019/>

<sup>14</sup> Lives of Children and Women in the Occupation Prisons Report. April and May 2019.

<sup>15</sup> The Occupation’s Violations against the Palestinian Prisoners and Detainees. 2018. Palestinian Society Prisoner’s Club.

<sup>16</sup> Abu Hilal, Firas. 2009. Sufferings of the Palestinian Prisoner in Israeli Occupation’s Jails. Al-Zaytouna Center for Studies and Consultations.

- Ali Sweidan, 14, was trialed before Zionist military courts 30 times during which he was only asked for his name. At the end, he was sentenced 16 months and fined \$1500.
- Malak Al-Khatib, 14, is the youngest female Palestinian prisoner in the occupation jails. She spent was sentenced for 2 months and fined \$1500. She was released on 13/2/2015. Her family was not allowed to visit her, give her clothes or bring her any school books during her detention<sup>17</sup>.

#### **Fourth: Detention Centers and Conditions of Arrests**

At first, the Palestinian children are detained at military interrogation centers and Israeli police stations in the West Bank. Some detention centers are located in the settlements such as Kiryat Arba, Ma'ale Adumim, Dan Shomron and others. The child prisoner is then either sent to a cell or is directly taken to the interrogation room, where violent practices are committed without the supervision of the Red Cross or Palestinian attorneys.

In most cases, the child, after severe torment, confesses false crimes. In 2009, the Defence for Children International, Palestine Branch, documented 81% of cases where children confessed during interrogation, and 32% of those cases the confessions were written in Hebrew.<sup>18</sup>

After ending the interrogation and receiving the confession on the charge, the Israeli occupation moves the child prisoner to one of the Israel Prisons Service prisons.

The Palestinian child prisoners are distributed to several prisons: Beit El, Gush Etzion, Negev, Talmund, Ofer, Tel Megiddo, HaSharon, Al-Damun, Ramla for Women and others. These prisons lack any humane treatment or humanitarian requirements. In winter, rain leaks into the rooms and tents, and bad smells spread due to crowdedness. In addition, there is a lack of sanitation facilities, sunlight and air<sup>19</sup>.

Palestinian child prisoners are denied receiving health care even though many of them have troubles breathing, or suffer from eye and teeth diseases, Rheumatism, digestive system diseases, and skin diseases. Palestinian children are also denied education after their arrests. For example, in Talmund prison, 30% of the children are taught simple basics by one teacher; i.e. six hours, four days a week. However, they do not have any Palestinian curricula or books<sup>20</sup>.

<sup>17</sup> Ibid: Atallah, Mohammed. 2015.

<sup>18</sup> Child Prisoners. 2015. The Institute for Palestine Studies.

<sup>19</sup> Report by the Ministry of Detainees Affairs 10/10/2019

<sup>20</sup> Ibid

## Conditions of Arrests

The Palestinian child prisoners severely suffer in the Israeli occupation jails similar to other prisoners whose arrest conditions are harsh and unbearable. The conditions of arrests are as follows:

1. Crowdedness in prisoners' rooms.
2. Filthiness of the rooms.
3. Extreme cold in winter and high humidity in summer.
4. Lack of water.
5. Denial of showering.
6. Poor quality and limited quantity of food presented to the child prisoners.
7. Denial of any necessary health care<sup>21</sup>.

## Fifth: Other Penalties:

### - Fines and House Arrests

According to international laws, arresting children is the last resort for rehabilitating them and correcting their behavior when they commit illegal actions, and must be for the shortest period possible as in article 37 of the Convention on the Rights of the Child. However, the first thing the Israeli occupation forces do is arrest the Palestinian children for the longest period possible. Once, one of the children was sentenced for life, three children were sentenced for 15 years and 4 children were sentenced for 5-9 years. A lot of children were sentenced for 1 – 3 years or 6 – 18 months.

In addition, imprisonment rulings are usually accompanied with fines (NIS1000 – 6000) about \$250-1500.<sup>22</sup>

### - Denial of Education

The occupation forces continued to deny children their right to education until 1997, a time when the Israeli juvenile were given the right to. The pressure on the Israeli occupation finally succeeded when the Central Court in Tel Aviv in 1996 issued a verdict granting Palestinian child prisoners the right to education. Despite that verdict, the Israeli prisons' administration prevented the children from receiving any education<sup>23</sup> by all means possible.

## Sixth: Children Born inside Prisons

In the Second Intifada, which erupted in the end of September 2000, several female prisoners gave birth during their detention. Mervat Taha, 21 from al-Quds, delivered her first baby, Wael, on February 8, 2003. Another woman is the freed prisoner Manal Naji Ghanem, 32; she was arrested on 17/4/2003 from her home in Tulkarm. She was

<sup>21</sup> Abu Hilal, Firas. 2009. Sufferings of the Palestinian Prisoner in Israeli Occupation's Jails. Al-Zaytouna Center for Studies and Consultations.

<sup>22</sup> Ibid: Abu Hilal, Firas. 2009.

<sup>23</sup> Ibid: Abu Hilal, Firas. 2009.

a mother of four, and gave birth to her fifth baby, Nour, on October 10, 2003. Nour was separated from her mother when she was only two and started visiting her from behind soundproof glass. In her testimonial, Manal said that she was arrested while she was four-month pregnant. She was sentenced 50 months, and her delivery was harsh and severe<sup>24</sup>.

Child birth in prisons leaves severe psychological scars on the born baby after leaving prison. Etaf Eliyan's daughter, Aysha, spent a year and a half in the Israeli jails. Later on, she suffered to cope with her surroundings after leaving prison. Ghada, Khawla Al-Zeytani's daughter, spent two years with her mother in prison. After she was released, Ghada suffered from psychological disorders. Another child is Yousef, Fatima Al-Zaq's son, who spent 2 years in prison and became claustrophobic and angry all the time<sup>25</sup>.

### **Seventh: Children's Sufferings after Release**

A big number of child prisoners suffer from difficult psychological conditions after their release, which negatively affects their education and behavior with parents. They start showing symptoms of fear, involuntary urination, tendency to violence, insomnia, nightmares, depression and others<sup>26</sup>.

### **Eighth: Results**

The study results are as follows:

- The Israeli occupation commits grave and diverse violations against the Palestinian child prisoners.
- The violations are committed under a set of regulations made by the Israeli occupation; disregarding the children's rights and the need for their protection.
- The military laws imposed by the occupation contradict with the basics and principles of the International Law, human rights and children rights.
- Israeli officials publicly adopt committing such violations.
- The Israeli practices leave physical and psychological scars for the children which affect their behavior and future.
- The occupation intends to use humiliating ways in order to harm the bodies and souls of the children.
- The occupation's practices are against the child prisoners and their parents in order to further terrorize them. The occupation imposes fines and destroys property during its arrest raids.
- The Israeli occupation forces do not respect the conditions that are internationally agreed on when it comes to the arrest and detention of children.

<sup>24</sup> Lives of Children and Women in the Occupation Prisons Report. April and May 2019.

<sup>25</sup> Ibid.

<sup>26</sup> Child Prisoners. 2015. The Institute for Palestine Studies.

## **Ninth: Recommendations**

### This study recommends:

1. Forming a community that can pressurize the occupation to stop its violations against the prisoners in general and the children in specific.
2. Criminalizing the laws and regulations of the occupation which violate the International Law and human rights.
3. Filing lawsuits against the Israeli officials and government for officially adopting such violations.
4. Prosecuting the occupation and its leadership for exercising collective punishment against the prisoners' families and circles of friends and acquaintances.
5. Bearing the social responsibility towards the detained children, offering them the necessary support and psychological help to enable them to live past the arrest and its impact on them.
6. Galvanizing the international public opinion to stand in solidarity with the detained Palestinian children.
7. Calling for the international institutions defending children rights to do its job and protect the children inside the occupation's jails, and look after their conditions in the detention centers.

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Appendix 1: Number of children prisoners in the occupation's jails 2008 - 2019

Year	Jan.	Feb.	March	April	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.	Rate
<b>2008</b>	327	307	325	327	337	323	324	293	304	297	327	342	<b>319</b>
<b>2009</b>	389	423	420	391	346	355	342	339	326	325	306	305	<b>355</b>
<b>2010</b>	318	343	342	355	305	291	284	286	269	256	228	213	<b>289</b>
<b>2011</b>	222	221	226	220	211	209	202	180	164	150	161	135	<b>192</b>
<b>2012</b>	170	187	206	220	234	221	211	195	189	164	178	195	<b>198</b>
<b>2013</b>	223	236	238	238	223	193	195	179	179	159	173	154	<b>199</b>
<b>2014</b>	183	230	202	196	214	202	192	201	182	163	156	152	<b>197</b>

Year	Jan.	Feb.	March	April	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.	Rate
<b>2015</b>	163	182	182	164	163	160	153	155	171	307	412	422	<b>220</b>
<b>2016</b>	406	440	444	414	332	300	343	319	271	285	284	275	<b>343</b>
<b>2017</b>	301	297	289	303	331	318	304	297	325	318	313	352	<b>312</b>
<b>2018</b>	351	356	304	315	291	273	251	239	230	220	217	203	<b>271</b>
<b>2019</b>	209	205	215	205	201	210	210	185	-	-	-	-	<b>205</b>

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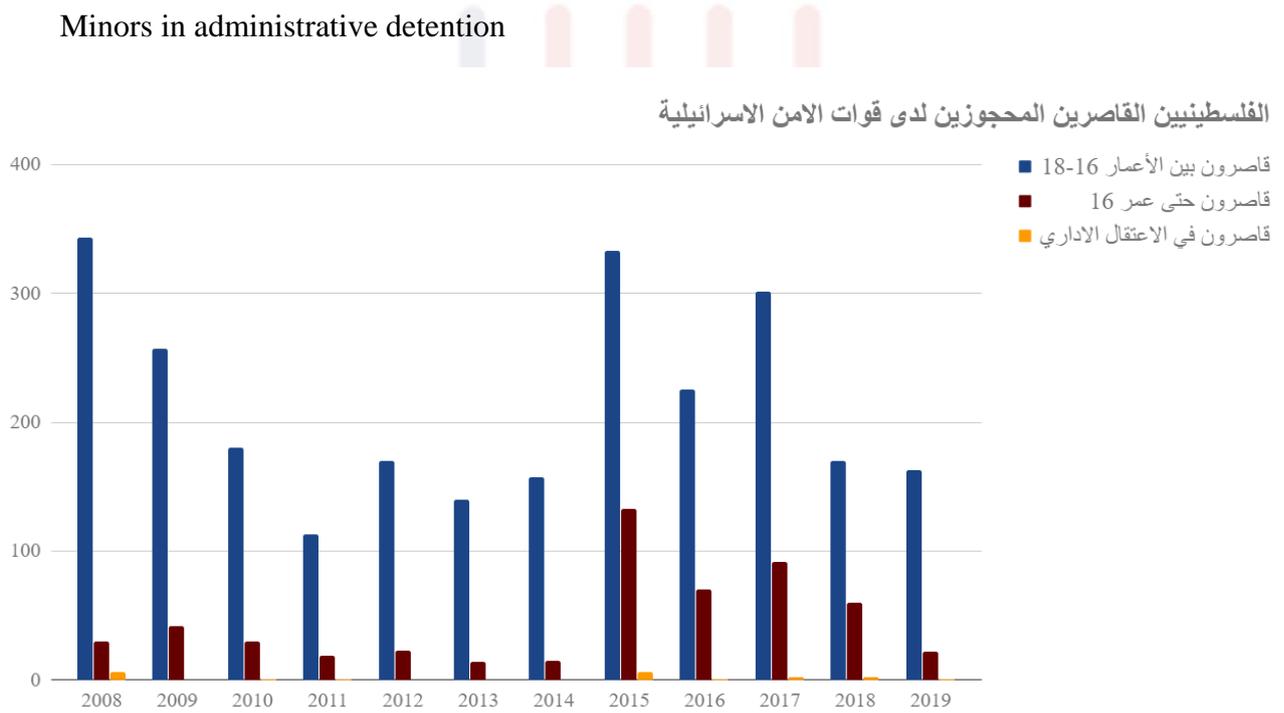
## Appendix 2: Palestinian Children Arrested in the Israeli Occupation Prisons

### Palestinian Minors Detained at Israeli Security Forces centers

Minors 16-18 years

Minors until 16 years

Minors in administrative detention



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