

LAWYERS FOR PALESTINIAN  
HUMAN RIGHTS

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**Lawyers for Palestinian Human Rights' briefing on Israel's  
military detention of Palestinian children living in the  
occupied Palestinian territory**

**January 2016**



### **About Lawyers for Palestinian Human Rights (LPHR)**

**LPHR** is a legal charity in the UK that works on projects to protect and promote Palestinian human rights. Our trustees include leading human rights lawyers Sir Geoffrey Bindman QC, Michael Mansfield QC and Daniel Machover.

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## Introduction

1. Israel's military arrest and detention of Palestinian children living in the occupied Palestinian territory is a major and long-standing human rights problem. The process involves widespread and systematic violations of international law, including the UN Convention on the Rights of the Child. As the occupying state, Israel has a general responsibility under international human rights conventions for the safety, welfare and human rights protection of Palestinian children living in the occupied Palestinian territory. The glaring gaps in basic human rights protection for Palestinian children held in Israel's military detention system damages respect for the international rule of law and creates an environment which enables routine ill-treatment and lack of justice.
2. Israel is the only nation to automatically and systematically prosecute children in military courts that lack basic and fundamental due process guarantees. Around 500-700 Palestinian children, some as young as 12 years old, are arrested, detained and prosecuted in Israel's military detention system each year. The majority of children are detained from their homes in the occupied West Bank during the middle of the night by heavily armed soldiers. Several hours after their arrest, children arrive at an interrogation and detention centre alone, sleep deprived and often bruised and scared. Interrogations tend to be coercive, including a variety of verbal abuse, threats and physical violence that ultimately result in a confession.
3. Unlike Israeli children living in illegal settlements in the occupied West Bank, Palestinian children are not accompanied by a parent and are generally interrogated without the benefit of legal advice, or being informed of their right to silence. They are overwhelmingly accused of throwing stones, an offence that can lead to a potential maximum sentence of 10 to 20 years depending on a child's age. No Israeli children come into contact with Israel's military detention system.
4. There is an inextricable link between the systemic human rights violations of Palestinian children held in military detention and the overarching context of prolonged military occupation. The realisation of the right to self-determination for the Palestinian people is the optimum solution for the complete removal of what UNICEF has found are "widespread, systematic and institutionalised" violations against Palestinian children held in military detention. In the interim, there is a vitally important and urgent need to fundamentally change the policy and practice of the Israeli military authorities treatment of Palestinian child detainees so that it effectively protects children's basic human rights and meets international legal standards.
5. LPHR has worked on the critical issue of Israel's military detention of Palestinian children since 2013. Our briefing references information from human rights organisations in Israel and the occupied Palestinian territory. We are thankful for their important work.



**UNICEF and UK lawyers' delegation reports on Palestinian children in Israeli military detention**

6. In March 2013, UNICEF published a comprehensive report entitled “Children in Israeli Military Detention: Observations and Recommendations”<sup>1</sup>. The report concluded that:

“the ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized throughout the process, from the moment of arrest until the child’s prosecution and eventual conviction and sentencing.”<sup>2</sup>

7. When UNICEF released its second update to their report in February 2015<sup>3</sup>, it noted that allegations of ill-treatment of children “have not significantly decreased in 2013 and 2014”<sup>4</sup>. It cited 208 affidavits gathered from 2013 until September 2014 by the Working Group on Grave Violations Against Children reporting ill-treatment of Palestinian children by Israeli authorities while under military detention. The disturbing results<sup>5</sup> are tabled below:

Description	Number
Painfully Hand Tied	189 (91%)
Blind-folded	162 (78%)
Physical violence	171 (82%)
Verbal abuse	144 (69%)
Transferred on floor of vehicle	89 (43%)
Arrested at night	79 (38%)
Not adequately informed of legal rights (in particular, the right to remain silent and to	163 (78%)

1 The UNICEF report is available at:  
[http://www.unicef.org/oPt/UNICEF\\_oPt\\_Children\\_in\\_Israeli\\_Military\\_Detention\\_Observations\\_and\\_Recommendations\\_-\\_6\\_March\\_2013.pdf](http://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf)

2 UNICEF Report, page 5.

3 The UNICEF update is available at: [http://www.unicef.org/oPt/Children\\_in\\_Israeli\\_Military\\_Detention\\_-\\_Observations\\_and\\_Recommendations\\_-\\_Bulletin\\_No.\\_2\\_-\\_February\\_2015.pdf](http://www.unicef.org/oPt/Children_in_Israeli_Military_Detention_-_Observations_and_Recommendations_-_Bulletin_No._2_-_February_2015.pdf)

4 UNICEF Update, page 2.

5 UNICEF Update, pages 3-4.



legal counsel)	
Solitary confinement	28 (13%)
Signed confession in Hebrew	63 (30%)

8. In relation to implementation of the 38 UNICEF report recommendations, the UNICEF February 2015 update stated that “four are in progress, 15 are partially addressed, 14 are under discussion, four are closed, and one has been rejected.”<sup>6</sup>
9. The recommendation strikingly rejected by Israel is that it will not change its unlawful policy and practice of forcibly removing Palestinian children from the occupied West Bank to Israel for the purpose of detention in prisons inside of Israel.<sup>7</sup> This is a systematic violation of the Fourth Geneva Convention, which prohibits the transfer of prisoners from occupied territory into the territory of an occupying power (for more on this significant issue, please see paragraphs 32-35 of this briefing).
10. In June 2012, a group of senior UK lawyers, including Baroness Scotland QC (former Attorney General of England and Wales) and Sir Stephen Sedley (formerly Lord Justice Sedley), published an independent report entitled 'Children in Military Custody' (UK report).<sup>8</sup> The report, funded by Foreign & Commonwealth Office, found that Israel was in breach of eight of its international legal obligations under the UN Convention on the Rights of the Child and the Fourth Geneva Convention arising out of its treatment of Palestinian children held in military detention. The report found violations relating to the following legal obligations: discrimination, best interests of the child, premature resort to detention, non-separation from adults, prompt access to lawyers, use of shackles, unlawful transfer and detention outside occupied territory, and failure to translate applicable laws.<sup>9</sup>
11. The UK report also found that if the allegations of ill-treatment during arrest, transfer, interrogation and detention are true, then Israel will also be in breach of the prohibition on torture or to cruel, inhuman or degrading treatment found in the UN Convention on the Rights of the Child.<sup>10</sup>
12. The UK report presented 40 specific recommendations in relation to arrest, interrogation, bail hearings, plea bargains, trial, sentencing, detention, complaints and

<sup>6</sup> UNICEF update, page 7.

<sup>7</sup> UNICEF update, page 13.

<sup>8</sup> The UK report is available at: [http://www.childreninmilitarycustody.org.uk/wp-content/uploads/2012/03/Children\\_in\\_Military\\_Custody\\_Full\\_Report.pdf](http://www.childreninmilitarycustody.org.uk/wp-content/uploads/2012/03/Children_in_Military_Custody_Full_Report.pdf)

<sup>9</sup> UK report, page 31.

<sup>10</sup> Ibid.



monitoring.<sup>11</sup> The West Bank-based organisation, Military Court Watch, noted in June 2015 that:

“during the intervening three years [since publication of the UK report], a series of UK government ministers have made statements to parliament regarding developments, however the evidence indicates that these changes have not had a significant impact on reducing the reports of abuse.”<sup>12</sup>

### **Importance of applying international legal standards to protect children**

13. LPHR agrees with the position taken by UNICEF in its February 2015 update that the application of fundamental legal standards is critical to the protection of children under military detention:

“UNICEF uses the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other international legal instruments reflecting international juvenile justice standards as key reference documents. In line with these, UNICEF advocates for the universal principle that all children in contact with law enforcement and justice institutions (whether juvenile justice systems or military systems) have the right to be treated with dignity and respect at all times and to be afforded special protections.”<sup>13</sup>

14. Similarly, LPHR supports the emphasis placed by the UK report on according primacy to the international rule of law to the issue of Israel's military detention of Palestinian children, as reflected by the report's “three core recommendations”:

- “International law, international humanitarian law and the UN Convention on the Rights of the Child apply to the occupied Palestinian territory and therefore should be fully and effectively implemented.
- “The international legal principle of the best interests of the child should be the primary consideration in all actions concerning children, whether undertaken by the military, police, public or private welfare institutions, courts of law, administrative authorities or legislative bodies.
- “Israel should not discriminate between those children over whom it exercises penal jurisdiction. Military law and public administration should deal with Palestinian children on an equal footing with Israeli children.”<sup>14</sup>

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11 UK report, pages 32-35.

12 'UK lawyers' report – 3 years on' is available at: <http://militarycourtwatch.org/print.php?id=JkI43TO33Da568698A&yGtxYb5uF>

13 UNICEF update, page 1.

14 UK report, page 33.



**Night-time arrests remain a significant concern despite the introduction of a pilot summons scheme**

15. The UNICEF report urged that “all arrests of children should be conducted during daylight, notwithstanding exceptional and grave situations.”<sup>15</sup> The practice of night time raids by Israeli military personnel is a prevalent practice which causes a huge amount of distress to children and their families. It is a practice which does not consider the best interests of the child as a primary consideration in accordance with article 3 of the UN Convention on the Rights of the Child, and indeed places the needs and priorities of the Israeli military above the welfare of the child under arrest.
16. A pilot scheme was announced by Israel in February 2014 which introduced the use of a summons in order to notify children and their families that a child is suspected of committing an offence and is required to attend a police station for questioning. The programme was temporarily suspended in or about September 2014 due to “increased violence”. During that period UNICEF documented 24 cases in which summonses were used in lieu of arresting children at night, but noted that some were delivered by the military during night-time raids and violations continued to be reported during the subsequent interrogation process at the military detention centre or police station.<sup>16</sup>
17. In the cases in which summonses were used in 2015, MCW identified a number of troubling features:
  - In every case the summons was delivered by the military after midnight;
  - Relevant parts of the summonses were handwritten in Hebrew without Arabic translation;
  - Relevant information, such as the nature of the accusation, was missing; and
  - No reference to the child’s legal rights was included in any of the summonses.<sup>17</sup>
18. MCW reports that of the 120 cases it has documented in 2015, 65 per cent of children report being arrested at night in what are frequently described as terrifying raids by the military. It is clearly apparent that in the short time in which the scheme has been in operation, arrests by traumatic night raids have still regularly occurred.
19. LPHR supports the call of those organisations working routinely to support and protect vulnerable Palestinian child detainees that children must only be arrested during daylight hours and that detention must only be used as a last resort.

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15 UNICEF report, page 19.

16 UNICEF update, page 5.

17 'Military Court Watch Briefing Note December 2015', page 2. Available at:  
[http://www.militarycourtwatch.org/files/server/BRIEFING%20PAPER%20-%20DEC%202015\(3\).pdf](http://www.militarycourtwatch.org/files/server/BRIEFING%20PAPER%20-%20DEC%202015(3).pdf)



**Lack of effective access to fundamental due process rights and a significant exception in the recent military order relating to audio-visual recording of interrogations**

20. The right to silence is a fundamental due process right afforded to both adults and children who are arrested on suspicion of committing an offence, in order to grant them privilege against self-incrimination. In the context of interrogating children, this right is arguably even more important as it provides vulnerable children with necessary protection from undue pressure which may lead to forced false confessions. The temptation to provide a false account of an event, or to agree with an interrogator during the process of questioning, is an understandable one given the level of fear which a child may be feeling when being questioned by military personnel.
21. MCW notes that 73 per cent of children continue to report not being informed of their right to silence. MCW further notes that in the 27 per cent of cases where children were informed of this right, “the manner and circumstances in which the information was conveyed raises serious questions as to whether the notification was sufficient. In one case an interrogator informed the child that he had the right to silence whilst a second interrogator told the child he would be raped if he did not confess. In other cases children are asked to sign documents acknowledging that they have been informed of their rights even when this is not so and in one case a child was beaten when he attempted to exercise his right to silence. MCW continues to document multiple cases where children are subjected to double interrogations in which they are only informed of their rights during the second interrogation following a coercive first interrogation.”<sup>18</sup>
22. Similarly, access to legal representation is a basic and fundamental due process right. International legal standards provide that interrogations should take place in the presence of legal counsel in order to protect the privilege against self-incrimination and to provide further safeguards against potential ill-treatment or coercion. The right to legal counsel forms the basis of the right to an adequate defence in line with basic and uncontroversial fair trial principles. The exclusion of a lawyer from a fundamental process in the investigation of a suspect provides unequal and unfettered power in the hands of the Israeli military.
23. The February 2015 UNICEF update notes that Israel’s military prosecutor highlighted both that Israeli Military Order 1651 provides a detainee with the right to meet and consult with a lawyer, and that the Israeli Supreme Court has recognised the right to consult with a lawyer as a fundamental right, which if breached could lead to the inadmissibility of evidence obtained against the suspect.<sup>19</sup> However, Military Order 1651 crucially does not stipulate when this consultation must occur; either before, during or after questioning. There is, therefore, no clear legal requirement under Israel’s military

<sup>18</sup> Ibid., page 3.

<sup>19</sup> UNICEF update. Page 10.



law that a lawyer be present during interrogation. In this context, Defence for Children International Palestine reported a startling statistic that in 2012, 99 per cent of children stated that “a lawyer was not present either before or during interrogation”.<sup>20</sup> MCW reports that of 120 testimonies they have collected in 2015, 97 per cent of children report not having access to a lawyer prior to or during interrogation.<sup>21</sup>

24. It is against this deeply appalling context for basic and fundamental due process protections that Israel's military court system has an extremely disconcerting reported conviction rate of over 99 per cent<sup>22</sup>. Confession evidence is central to the securing of convictions in this process. It need not be emphasised that the highest level of scrutiny of these confessions must be provided in order to ensure that convictions are based on evidence which has been reliably and respectfully obtained. Scrutiny of interrogations and confessions is however a difficult exercise to undertake in the absence of children having legal counsel or a family member present during questioning.
25. The UNICEF and UK reports recommended audio-visual recordings of all interrogations of children. Israeli Military Order 1745 was subsequently published in September 2014 which provides that audio-visual recordings are to be carried out during interrogations. However, an important provision exists within Military Order 1745 which renders its protection for Palestinian children largely redundant. The requirement of audio visual recording applies to all cases apart from interrogations which deal with ‘security offences’. This exception significantly excludes the vast majority of Palestinian children held in Israeli military detention who are arrested for the suspected offence of stone throwing, which is categorised as a ‘security offence’. Military Order 1745 also stipulates that interrogations should be conducted in the language of the accused. However, according to MCW, 61 per cent of children in 2015 continue to report being shown, or made to sign, documentation written in Hebrew during their interrogation.<sup>23</sup>
26. Military Order 1745 therefore effectively provides only superficial regard to the UNICEF recommendation concerning audio-visual recording of all interrogations. The circumstances for Palestinian children held in Israel's military detention system remains they are virtually certain to be denied access to basic and fundamental due process protections. Consequently there should properly be little faith in the legitimacy of the outcomes of Israeli military authorities interrogations of Palestinian children.

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20 Defence for Children International Palestine report, dated 19 September 2013: Available at: [http://www.dci-palestine.org/palestinian\\_youth\\_and\\_the\\_failure\\_of\\_oslo](http://www.dci-palestine.org/palestinian_youth_and_the_failure_of_oslo)

21 Military Court Watch December 2015 Briefing Note, page 3.

22 US Department of State, 2013 Human Rights Reports: Israel and the Occupied Territories. Available at: <http://www.state.gov/j/drl/rls/hrrpt/2013/nea/220358.htm>

23 Military Court Watch December 2015 Briefing Note, page 3.



27. As an absolute minimum of protection, LPHR supports the calls of those organisations working routinely to support and protect vulnerable Palestinian child detainees that children must be properly informed of their right to silence; must have access to legal representation and parents prior to and during interrogations; that all interrogations must be audio-visually recorded; and that children should not be required to sign confessions and statements written in a language other than their own.

#### **Detention process may breach the international law prohibition on torture and ill-treatment**

28. Reports by Palestinian children of being painfully hand-tied, blindfolded, transferred to detention on the floor of a military vehicle, and subjected to physical and verbal abuse have been consistently documented by NGOs operating in Israel and the occupied Palestinian territory. These issues have also been highlighted by the UNICEF and UK reports. As noted at paragraph 11 above, the UK report found that if the allegations of ill-treatment during arrest, transfer, interrogation and detention are true, then Israel will be in breach of the prohibition on torture or to cruel, inhuman or degrading treatment found in the UN Convention on the Rights of the Child.
29. In this context, the Israeli human rights organisation, Physicians for Human Rights Israel, commissioned an expert psychiatric opinion from Dr Graciela Carmon, M.D., on the emotional and developmental factors that lead children to make false confessions during interrogations, and the implications of these confessions for the lives of these children and those around them. Her concluding summary, which outlines a causal connection between human rights violations against Palestinian children held under Israeli military detention and serious psychological harm, is excerpted in full below:

*“The violent arrest process and psychological interrogation methods mentioned above lead to the breaking of the ability of the child or adolescent to withstand the interrogation and flagrantly violate his or her rights. These interrogation methods, when applied to children and adolescents, are equivalent to torture. These methods deeply undermine the dignity and personality of the child or adolescent, and inflict pain and severe mental suffering. Uncertainty and helplessness are situations that can too easily lead a child or adolescent to provide the requested confession out of impulsiveness, fear or submission. It is a decision that is far from free and rational choice.*”

*“The social and mental consequences of the use of the aforementioned methods of detention and interrogation by the investigating and/or detaining authority for the life of the child or adolescent are difficult to remedy and damaging. They can cause serious mental suffering to a child or adolescent and cause psychological and psychiatric problem, as well as post-traumatic stress disorder (PTSD), psychosomatic diseases, fits of anger, difficulties in learning and concentration, memory problems, fears and anxieties, sleep disorders, eating disorders, regressive symptoms, and bedwetting. Such outcomes*



are devastating to the normative development of the child or adolescent, especially when he or she is innocent.

*“These detention and interrogation methods ultimately create a system that breaks down, exhausts and permeates the personality of the child or adolescent and robs him or her of hope. These methods are particularly harmful to children and adolescents who live in poor, isolated populations, in a state of conflict, political tension, and/or severe social stress, such as the occupied Palestinian population. The harmful effects on children can also harm the society to which they belong. Every child has the right to be a child, to his or her dignity, and to protection from all forms of violence.”<sup>24</sup>*

30. As a bare minimum of protection, LPHR supports the calls of those organisations working routinely to support and protect vulnerable Palestinian child detainees that children must not be subjected to physical or psychological violence; must not be blindfolded or painfully restrained; must not be subjected to coercive force or threats; that children should have access to a full medical examination both prior to and after interrogation that objectively documents any complaints and findings and the child's lawyer should have access to the assessment; that there should be a prompt independent investigation of any complaint made by, or in respect of, a child about unlawful or ill-treatment; and that any statement made as a result of torture or ill-treatment must be excluded as evidence in any proceeding.

### **Role of medical personnel during the detention process**

31. Information provided to UNICEF by Israel's military prosecutor as part of the February 2015 UNICEF review outlined that “upon arrival to the police station and prior to interrogation, a child normally goes through a medical check with the medic/doctor on duty, as well as upon entering the IPS detention facility and upon request during the pre-trial and trial detention.” Additionally, the military prosecutor reaffirmed that all medical staff have an obligation to act on any alleged abuse.<sup>25</sup>
32. However, the hierarchical structure of the prison service, means that medical professionals within the prison service are subject to non-medical authorities and, as a result, will undertake such administrative functions as detailed by the prison service (medical assessments upon registration of etc.) within the context of their employment and association with their colleagues in the prison service. Physicians for Human Rights and the Public Committee Against Torture in Israel have found that the current employment conditions of medical professionals in the prison service “prevents them

24 'The expert opinion of Graciela Carmon, May 2011', available at:  
<http://www.adalah.org/uploads/oldfiles/Public/files/English/Publications/On-Torture/On-Torture-English-13-Carmon-85-91.pdf>

25 UNICEF update, page 11.



from reaching independent clinical and ethical decisions and creates direct organizational, social and economic connections between doctors and their ‘colleagues’, the prison guards and interrogators.”<sup>26</sup> As a result, throughout the process of arrest, detention and interrogation, a child will not come into contact with a single individual whose sole motivation is for the health and well-being of the child.<sup>27</sup>

33. LPHR supports the calls of those organisations working routinely to support and protect vulnerable Palestinian child detainees that the medical apparatus treating prisoners must be removed from the jurisdiction of the Israel Prison Service and Ministry of Internal Security and its doctors be transferred to the responsibility of Israel's Ministry of Health.

### **Israeli military authorities will not end its policy of unlawfully detaining children inside Israel**

34. Monthly data released by the Israel Prison Service indicates that an average of 49 per cent of Palestinian children from the West Bank continue to be transferred to prisons inside of Israel.<sup>28</sup> The transfer of Palestinian detainees outside the occupied Palestinian territory constitutes a breach of Article 49 of the Fourth Geneva Convention, prohibiting the transfer of protected persons from occupied territory, and Article 76 of the same Convention, providing that protected persons convicted of offences shall be detained and serve their sentences within the occupied territory. The unlawfulness of this policy has been confirmed by the Foreign & Commonwealth Office.<sup>29</sup> Unlawful transfer of protected persons further amounts to a grave breach of the Fourth Geneva Convention and is a war crime under the Rome Statute of the International Criminal Court.
35. MCW notes that the decision by Israeli military authorities to refuse to terminate the policy of unlawfully transferring detainees from the West Bank to Israel (see paragraph 9 above) “increases the likelihood that these issues will become the subject of a formal investigation by the Prosecutor of the International Criminal Court, thereby exposing Israeli officials, past and present, to possible criminal liability.”<sup>30</sup>
36. The unlawful transfer of Palestinian children for detention inside Israel makes family visits very difficult, if not impossible. Family members of detainees from the West Bank must apply for a permit to enter Israel, and these applications do not always result in the issuing of a permit. As a consequence, children can serve their entire sentence

26 [http://www.phr.org.il/uploaded/Doctoring%20the%20Evidence%20Abandoning%20the%20Victim\\_November2011.pdf](http://www.phr.org.il/uploaded/Doctoring%20the%20Evidence%20Abandoning%20the%20Victim_November2011.pdf) pg 54

27 [http://www.phr.org.il/uploaded/Doctoring%20the%20Evidence%20Abandoning%20the%20Victim\\_November2011.pdf](http://www.phr.org.il/uploaded/Doctoring%20the%20Evidence%20Abandoning%20the%20Victim_November2011.pdf) pg 54

28 Military Court Watch December 2015 Briefing Note, page 7.

29 Foreign & Commonwealth Office letter to the National Union of Teachers & University and College Union, dated 20 July 2012. Available at: [http://www.militarycourtwatch.org/files/server/fco\\_letter\\_to\\_unions.pdf](http://www.militarycourtwatch.org/files/server/fco_letter_to_unions.pdf)

30 Military Court Watch December 2015 Briefing Note, page 9.



without a visit from a family member. Where permits are issued, the necessary journey is long and often involves lengthy searches of the person and possessions.

37. LPHR agrees with the calls of those organisations working routinely to support and protect vulnerable Palestinian child detainees that children must not be transferred out of the occupied West Bank in violation of international law.

#### **G4S PLC involvement in Israel's military detention of Palestinian children**

38. In June 2015, following submission of a comprehensive business and human rights complaint by Lawyers for Palestinian Human Rights, the UK National Contact Point (NCP) for the OECD Guidelines for Multinational Enterprises (OECD Guidelines) published findings<sup>31</sup> that the British multinational company, G4S PLC, is currently violating three human rights obligations under the OECD Guidelines in relation to its failure to adequately address its involvement with Israel's human rights violations against Palestinians. This arises from G4S' contracts to provide security services to Israeli military checkpoints and to install and maintain security systems within prisons located inside the occupied West Bank and Israel.
39. The NCP accepted LPHR's comprehensive evidence of material Israeli human rights violations at Israel Prison Service facilities against Palestinian detainees and prisoners. These include reports of torture and/or cruel, inhuman or degrading treatment, solitary confinement and excessive use of administrative detention. Palestinian children are among those documented to have experienced human rights violations. In this context, in June 2015, MCW submitted 200 cases to the UN Special Rapporteur on Torture relating to the ill-treatment of children held in Israeli military detention. Based on data provided by the Israeli military and the UN, the submission estimates that since martial law was imposed in 1967, some 95,000 children have been detained of which 59,000 are likely to have been subjected to some form of physical violence.<sup>32</sup>
40. LPHR strongly urges the UK government to communicate with G4S and to issue a statement concerning the need for the British multinational company to immediately implement all necessary measures to bring themselves into transparent compliance with the OECD Guidelines. Such action would be consistent with the UK government's September 2013 action plan to implement the UN Guiding Principles of Business and Human Rights,<sup>33</sup> which emphasises the commitment "to protect human rights by

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31 The NCP Final Statement is available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/431972/bis-15-306-lawyers-for-palestinian-human-rights-final-statement-after-examination-of-complaint-uk-national-contact-point-for-the-oecd-guidelines-for-multinational-enterprises](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431972/bis-15-306-lawyers-for-palestinian-human-rights-final-statement-after-examination-of-complaint-uk-national-contact-point-for-the-oecd-guidelines-for-multinational-enterprises)

32 Military Court Watch December 2015 Briefing Note, page 6.

33 The UK Government Business and Human Rights Action Plan, dated September 2013, is available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/236901/BHR\\_Action\\_Plan\\_-](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/236901/BHR_Action_Plan_-)



helping UK companies understand and manage human rights”<sup>34</sup> and to “seek clear and consistent communication of this policy through ministers, UK business ambassadors and officials who engage with business.”<sup>35</sup> It would send a clear message to G4S, and to companies generally, about the UK government’s expectations of them on human rights and the imperative need to comply with the OECD Guidelines, as affirmed by the NCP.

### **Recent developments in relation to Israel's military detention of Palestinian children**

41. According to Israel Prison Service figures, at the end of November 2015, a total of 407 Palestinian children were imprisoned in Israel's military detention system, the largest number of child detainees since March 2009.<sup>36</sup> This is an increase of 33 per cent on the previous month (307 children) and 138 per cent on two months prior (171 children). The number of young children (12-13 years old) (3) has also increased.<sup>37</sup>
42. In October 2015, the Israel Prison Service opened a juvenile section at Givon prison, near the central city of Ramle in Israel, to incarcerate Palestinian children from the West Bank, including East Jerusalem. Based on sworn testimonies obtained by Defence for Children International Palestine, children said their numbers had reached around 60 at one point. The conditions described were inadequate and failed minimum standards for a prison. Children, sometimes as many as 12, stayed in cells with six beds only. The building lacked proper heating and shower facilities. Children also complained of poor quality and inadequate amounts of food.<sup>38</sup>
43. Israeli authorities have recently placed four Palestinian teenagers from East Jerusalem and two children from the West Bank under administrative detention.<sup>39</sup> Administrative detention is the imprisonment of individuals by the state for prolonged periods without charge or trial. In Jerusalem, Israeli authorities rely on Israel’s Emergency Powers Law to authorize the use of administrative detention. According to Defence for Children International Palestine documentation dating back to 2000, Jerusalem children have not previously been subject to administrative detention. In the occupied West Bank, Israeli Military Order 1651 permits administrative detention for a period of up to six months, subject to indefinite renewals. Prior to October 2015, the last time a Palestinian child from the West Bank was held under administrative detention was in December 2011.

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\_final\_online\_version\_1\_.pdf

34 Ibid., page 5.

35 Ibid., page 14.

36 Israel Prison Service figures are replicated by B'Tselem here:  
[http://www.btselem.org/statistics/minors\\_in\\_custody](http://www.btselem.org/statistics/minors_in_custody)

37 Ibid.

38 Defence for Children International Palestine report, dated 16 December 2015. Available at: [http://www.dci-palestine.org/child\\_prisoners\\_swell\\_in\\_numbers\\_amid\\_reports\\_of\\_poor\\_jail\\_conditions](http://www.dci-palestine.org/child_prisoners_swell_in_numbers_amid_reports_of_poor_jail_conditions)

39 Defence for Children International Palestine has provided LPHR with details of all six cases.



LPHR supports the UK report recommendation that no child should be subjected to administrative detention.

## Conclusion

44. LPHR notes the striking conclusions of Gerard Horton, the lawyer and co-founder of MCW, that reforms since 2013 have been “largely ineffectual at stemming the violations”,<sup>40</sup> and that “the evidence indicates that UNICEF’s 2013 assessment that “the ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalised throughout the process, from the moment of arrest until the child’s prosecution and eventual conviction and sentencing” is still valid in December 2015.”<sup>41</sup>
45. Under international law it is the state of Israel that bears primary responsibility to ensure that its military detention system for Palestinian children is compliant with international legal standards. Unfortunately the track record indicates that Israel's military authorities is not willing to undertake meaningful reform of its grossly illegal treatment of Palestinian child detainees. A significant responsibility therefore bears upon on all other governments, including the British government, to apply effective pressure on Israel to implement the international law compliant recommendations of the UNICEF and UK reports.
46. To this end, we strongly urge the UK government to consider arranging a delegation of government experts to Israel to assist in the implementation of the recommendations cited in this briefing. Such expert assistance may expedite and strengthen the reforms urgently required to remediate the substantial, systemic and harmful lack of basic human rights protections for Palestinian children held under Israel's military detention system.

**Tareq Shrourou**

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40 'UNICEF Update – reforms without change', dated 18 February 2015. Available at: <http://militarycourtwatch.org/print.php?id=PvYb94yReHa488814ATfMkoZqQor>

41 Military Court Watch December 2015 Briefing Note, page 9.