



CHILD RIGHTS BULLETIN

(for the period 5 July – 3 October 2016)

The United Nations Convention on the Rights of the Child (CRC) was ratified by Israel in 1991 and by Palestine in 2014, making both state parties bound by the obligations set out in the CRC.¹ The CRC provides children with a distinct set of rights covering all aspects of a child's life. The CRC applies to Palestinian children in the occupied Palestinian territory (oPt), which comprise the West Bank, including East Jerusalem, and Gaza. As the occupying state, Israel has a general responsibility under international conventions, including the CRC, for the safety, welfare and human rights protection of civilians living in the OPT.

The incidents and statistics outlined in this bulletin have principally been collated from the United Nations Office for the Coordination of Humanitarian Affairs and the Palestinian Centre for Human Rights (in Gaza). They engage specific rights of the CRC which are also highlighted in this bulletin. Some of these incidents raise serious concerns that state parties have breached obligations to protect and realise children's rights provided by the CRC. This includes an overarching obligation of the CRC to ensure the best interests of the child are a primary consideration in all decisions and actions that affect children.²

In addition to providing a broad overview of the landscape of serious human rights incidents affecting children in the oPt over the reporting period, **this specific bulletin**

1 https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en

2 Article 3, UN Convention on the Rights of the Child



concludes with an in-focus section that looks at the lack of accountability for violations of child rights following the 2014 offensive on Gaza.

LPHR gives special thanks to Cormac Mannion and Jana Mainwaring for their excellent work preparing this bulletin.

FATALITIES

6 Palestinian children were killed by Israeli forces during the reporting period. Since the start of 2016, 27 children have been killed by Israeli forces.³

1. On 19 July, a 12-year old Palestinian boy was shot with a rubber bullet during clashes with Israeli forces near the northern entrance of Ar Ram town, Jerusalem⁴. Muhyi a-Din Muhammad Sudqi Sadeq a-Tabakhi died shortly afterwards in hospital.⁵ The incident occurred when a small group of Palestinian youths began throwing stones at Israeli Border Police jeeps patrolling the area. The police officers fired tear gas and black sponge rounds at them. One of the rounds hit Muhyi in the chest.⁶
2. On 9 September, 15-year-old Abdul-Rahman Ahmad Dabbagh was shot in the forehead with an illumination flare cartridge by Israeli soldiers stationed across the border between Gaza and Israel. According to witnesses, soldiers were using live ammunition, flares and tear gas canisters to disperse crowds protesting at

3 <http://www.ochaopt.org/content/protection-civilians-weekly-report-19-25-july-2016>;
http://www.dci-palestine.org/israeli_forces_kill_child_with_flare_in_gaza;
<http://www.btselem.org/statistics/fatalities/after-cast-lead/by-date-of-event/westbank/palestinian-minors-killed-by-israeli-security-forces>;
<http://www.ochaopt.org/content/protection-civilians-weekly-report-6-19-september-2016> and
<http://www.ochaopt.org/content/protection-civilians-weekly-report-20-september-03-october-2016>

4 <http://www.ochaopt.org/content/protection-civilians-weekly-report-19-25-july-2016>

5 <http://pchrghaza.org/en/?p=8251>

6 http://www.btselem.org/firearms/20160802_killing_of_muhyi_a_din_a_tabakhi



- the other side of the border fence. Although the Israeli army stated that only tear gas was used, video footage obtained by DCI shows Abdul-Rahman lying on the ground with flames and smoke rising from his head. DCI reports that the flare cartridge ignited, setting Abdul-Rahman on fire and killing him.⁷⁸
3. 15-year-old Muhammad Kayed Thalji a-Rajabi was shot to death by Israeli forces on 16 September near the Tel Rumeidah checkpoint (Hebron). According to the Israeli forces Spokesperson's Unit, Muhammad was shot after stabbing and lightly injuring a soldier.⁹
 4. 17-year-old Firas Musa Muhammad al-Khadur was shot to death by Israeli forces 16 September, near Kiryat Arba (Hebron). According to the Israeli forces Spokesperson's Unit, Firas committed an attack using his car, lightly injuring three people. This version of events is contested.¹⁰ Firas' cousin, who was in the car with him, was severely injured by the shots.¹¹
 5. 16-year-old Amir Jamal Ahmad a-Rajabi was shot to death by Israeli border police officers on 19 September. Amir was shot near the 'bench' checkpoint in Hebron. According to the Israeli Police, Amir was shot after stabbing a border police officer. According to media reports, the border police officer was very lightly injured.¹²
 6. 15-year-old 'Issa Salem Mahmoud Tarayrah was shot to death by Israeli soldiers at a checkpoint in Hebron on 20 September. According to the Israeli forces Spokesperson's Unit, 'Issa was shot after trying to stab a soldier. No Israeli

7 <http://www.ochaopt.org/content/protection-civilians-weekly-report-6-19-september-2016>

8 http://www.dci-palestine.org/israeli_forces_kill_child_with_flare_in_gaza

9 <http://www.btselem.org/statistics/fatalities/after-cast-lead/by-date-of-event/westbank/palestinian-minors-killed-by-israeli-security-forces>

10 http://www.dci-palestine.org/eyewitness_says_killed_teen_was_not_committing_ramming_attack

11 http://www.dci-palestine.org/eyewitness_says_killed_teen_was_not_committing_ramming_attack

12 <http://www.btselem.org/statistics/fatalities/after-cast-lead/by-date-of-event/westbank/palestinian-minors-killed-by-israeli-security-forces>



injuries were reported.¹³ Testimonies obtained by B'Tselem indicate the soldiers continued to fire at 'Issa after he had been hit and was lying on the ground.¹⁴ Reportedly, soldiers prevented a Palestine Red Crescent paramedic from providing medical assistance to the boy.¹⁵

Article 6(1) of the CRC states that every child has the inherent right to life. Any incident where a Palestinian child is killed involves a grave violation of their right to live, survive and develop healthily under Article 6 of the CRC. Part of providing meaningful protection under the CRC involves review of and accountability for child deaths. To fulfil its obligations under international law, it is necessary that Israel review the circumstances and causes of the above-mentioned deaths and open credible investigations into each of the killings. Given B'Tselem's powerful critique of the credibility of Israel's military investigation process for the killing of Palestinians by Israeli military forces, there is a substantial concern that Israel is breaching this grave 'right to life' obligation under the CRC.¹⁶

Four of the child fatalities above appear to have occurred in the context of law enforcement operations. Article 40 of the CRC deals with approaches to children who are alleged to have breached criminal law, stating that every child suspect has the right 'to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.' When read in conjunction with Article 6(2), which provides that State Parties shall ensure to the maximum extent possible the survival and development of the child, it is clear the practice of using live ammunition against children who are not posing an imminent, mortal threat would amount to a significant violation of the CRC. LPHR's blog article on the legality of extrajudicial killings can be read [here](#).

13 <http://www.ochapt.org/content/protection-civilians-weekly-report-6-19-september-2016>

14 <http://www.btselem.org/statistics/fatalities/after-cast-lead/by-date-of-event/westbank/palestinian-minors-killed-by-israeli-security-forces>

15 http://www.dci-palestine.org/eyewitness_says_killed_teen_was_not_committing_ramming_attack

16 http://www.btselem.org/press_releases/20160525_occupations_fig_leaf



INJURIES

At least 184 Palestinian children were injured across the oPt, many of them during clashes with Israeli forces during demonstrations and search and arrest operations.

Injuries included:

- A 17-year-old Palestinian girl was twice shot in the chest with live ammunition by Israeli forces on 5 July. According to video footage, she threatened soldiers with a knife at a bus stop near Haris (Salfit).¹⁷¹⁸ The girl sustained serious chest wounds; the soldiers were not injured.¹⁹ A Palestine Red Crescent Society ambulance was reportedly denied access to the scene.²⁰
- On 7 July, a 14-year-old boy was hit with two live bullets to his knee and abdomen. In response to an earlier incident whereby Israeli forces deployed in the centre of Hebron and fired tear-gas canisters at civilians in the village market as they were buying groceries, a group of Palestinian young men gathered to throw stones at Israeli soldiers, who fired live bullets in response.²¹
- In the Gaza Strip, on 10 July, Egyptian forces opened fire into territory south-east of Rafah city, injuring a 13-year-old Palestinian girl.²²
- On 14 July, 2 children were wounded when a group of undercover units of Israeli forces entered al-Mazra'ah al-Qabaliyah village, northwest of Ramallah. The units raided and searched a house. Meanwhile, a number of Palestinian children and young people gathered to throw stones at the units, who opened fire at them in response.²³

17 <http://www.haaretz.com/opinion/.premium-1.729378>

18 <http://www.ochaopt.org/content/protection-civilians-weekly-report-5-11-july-2016>

19 <http://pchrgaza.org/en/?p=8232>

20 <http://pchrgaza.org/en/?p=8232>

21 *Ibid.*

22 <http://www.ochaopt.org/content/protection-civilians-weekly-report-5-11-july-2016>

23 <http://pchrgaza.org/en/?p=8251>



- On 18 July, 2 children sustained bullet wounds when Israeli forces moved into Qabatia, southeast of Jenin, to level a house belonging to prisoner Belal Ahmed Adib Abu Zaid.²⁴
- Between 26 July – 1 August, 2 children were injured during a search and arrest operation that took place in Surif village, Hebron. During the operation, Israeli forces used shells and bulldozers to destroy a three-storey building where the targeted man was hiding.²⁵
- Between 26 July – 1 August, clashes with Israeli forces across the occupied Palestinian territory (oPt) resulted in the injury of at least 14 children. Most clashes erupted during search and arrest operations, including the above-mentioned incident in Surif village, as well as during a protest in the town of Abu Dis (Jerusalem), in solidarity with Palestinian prisoners in Israeli jails.²⁶
- On 30 July, 2 children sustained bullet wounds to their lower limbs when Israeli forces moved into Jenin and its refugee camp to carry out an arrest campaign. The incident occurred when a number of Palestinian civilians gathered where the Israeli vehicles were stationed to throw stones at them. The Israeli soldiers in response fired live bullets, sound bombs and gas canisters at the stone-throwers.²⁷
- On 2 August, a child was hit with rubber-coated metal bullets to the face during an incident involving Israeli forces protecting settlers, who raided Joseph's Tomb, east of Nablus. Israeli soldiers fired live and rubber-coated bullets and gas canisters at civilians who had gathered to stones at the settlers.²⁸
- A 15-year-old sustained a bullet wound to the leg when Israeli soldiers stationed at the entrance of al-Mughayer village, north-east of Ramallah responded to a

24 Ibid.

25 <http://www.ochaopt.org/content/protection-civilians-weekly-report-26-july-1-august-2016>

26 <http://www.ochaopt.org/content/protection-civilians-weekly-report-26-july-1-august-2016>

27 <http://pchrgaza.org/en/?p=8278>

28 Ibid.



- group of young people gathered to throw stones at them by firing live and rubber-coated bullets, and tear gas canisters.²⁹
- On 10 August, 2 children were wounded when Israeli forces opened moved into al-Am'ari refugee camp in al-Bireh, raiding a number of houses looking for weapons.³⁰
 - On 21 August, at least 3 children were injured as Israeli military carried out dozens of air strikes and fired tank shells targeting military training sites and facilities across the Gaza Strip.³¹
 - In Gaza Israeli forces shot and injured four Palestinian civilians, including a 17-year-old boy, during clashes that erupted in two protests near the perimeter fence.³²
 - Israeli forces shot a 13-year-old in the back, head and abdomen with rubber-coated metal bullets during clashes near Ramallah on 2 September. Defence for Children International- Palestine's Accountability director reports that although Israeli military and police guidelines prohibit Israeli forces from firing rubber-coated metal bullets at children, the organisation regularly documents the direct targeting of children by Israeli forces with these weapons.³³
 - Israeli forces injured 37 children in multiple clashes that took place between 6-19 September.³⁴
 - A 14-year-old and a 15-year-old were injured, reportedly after they attempted to carry out stabbing attacks at Jaljoulia checkpoint (Qalqiliya) and near Kiryat Arba settlement (Hebron). No Israelis were reported as injured in either incident.³⁵

29 <http://pchgaza.org/en/?p=8290>

30 Ibid.

31 <http://pchgaza.org/en/?p=8323>

32 <http://www.ochaopt.org/content/protection-civilians-weekly-report-16-22-august-2016>

33 http://www.dci-palestine.org/israeli_forces_shoot_rubber_coated_bullet_at_boy_s_head?utm_campaign=10_27_newslette&utm_medium=email&utm_source=dcipalestine

34 <http://www.ochaopt.org/content/protection-civilians-weekly-report-6-19-september-2016>



- In one incident near Al Khalil School in the Israeli-controlled H2 area of Hebron city, 40 schoolchildren were injured due to tear gas inhalation that required medical intervention.³⁶
- A 17-year-old girl who was seriously injured in the above-mentioned fatal shooting of Firas Musa Muhammad al-Khadur on 16 September, was reportedly mistreated while hospitalized. For two weeks, including the time spent in an intensive care unit, the girl was handcuffed to her hospital bed. Reportedly an Israeli settler entered her room and threatened to kill her on one occasion. Additionally, she was interrogated without the presence of a parent or lawyer.³⁷

Article 15(1) of the CRC provides for the right of the child to freedom of peaceful assembly. Article 3(2) of the CRC affords that states shall ensure children the protection and care necessary for their well-being. The excessive use of force for the purposes of containing or silencing protests is a violation of these rights and denies children the protection and care promulgated in the CRC. The use of live ammunition during clashes with Palestinian youths and the air strikes on Gaza which injured three children, suggest that Article 3(2) of the CRC is being breached.

SETTLER VIOLENCE

Incidents of settler violence affecting Palestinian children included:

- On the 14 August, 3 settlers reportedly assaulted a 13-year-old boy whilst he was selling bagels in Silwan village, south of Jerusalem's Old City. The settlers stepped out of a vehicle and approached the child. One of the settlers then tore the child's shirt and pushed him to the ground. They then started punching his face and kicking his shoulder.³⁸

³⁵ <http://www.ochaopt.org/content/protection-civilians-weekly-report-20-september-03-october-2016>

³⁶ <http://www.ochaopt.org/content/protection-civilians-weekly-report-20-september-03-october-2016>

³⁷ http://www.dci-palestine.org/eyewitness_says_killed_teen_was_not_committing_ramming_attack

³⁸ <http://pchrgaza.org/en/?p=8298>



- In August, a 10-year-old disabled Palestinian boy was physically assaulted and injured by a group of settlers in the Israeli-controlled H2 area of Hebron city.³⁹
- Overnight on 19 July, unknown assailants set fire to a home in Duma village (Nablus); although the residents managed to escape uninjured, the house was extensively damaged. A similar arson attack carried out by Israeli settlers in July 2015 in the same village killed an infant and both his parents. The Palestinian and Israeli authorities opened separate investigations into the incident.⁴⁰

Unimpeded regular occurrences of violence against Palestinian children suggests that Article 3(2) of the CRC, which provides that states should ensure the protection and care of children as is necessary for their well-being, is being breached. Furthermore, Article 39 of the CRC stipulates that states should take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of abuse and that such recovery and reintegration should take place in an environment which fosters the health, self-respect and dignity of the child.

Article 6(2) of the CRC provides that states parties shall ensure to the maximum extent possible the survival and development of the child. Furthermore, Article 23(1) stipulates that states must recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. To fulfil its obligations under international law, it is necessary that the Israeli authorities open an investigation into the above-mentioned assault of a disabled 10-year-old.

ARRESTS

There were 1,194 Israeli search and arrest operations in the West Bank including East Jerusalem during the reporting period.⁴¹ These incursions saw at least 82 children arrested.⁴² On several occasions during the reporting period, Israeli forces used live

39 <http://www.ochaopt.org/content/protection-civilians-weekly-report-2-8-august-2016>

40 <http://www.ochaopt.org/content/protection-civilians-weekly-report-19-25-july-2016>

41 UNOCHA Weekly reports covering 5 July-3 October 2016:
<http://www.ochaopt.org/reports/protection-of-civilians>

42 UNOCHA and PCHR Weekly reports covering 5 July- 3 October 2016:
<http://www.ochaopt.org/reports/protection-of-civilians> <http://pchrgaza.org/en/?cat=47>



ammunition during clashes triggered by military arrest raids, resulting in child injuries. Additionally, 5 children were arrested at military checkpoints.⁴³

Incidents included:

- A 10-year-old boy was reportedly detained by soldiers while picking figs near the Separation Wall on 26 July. According to testimony given by the boy, he was held without explanation and was threatened that dogs would attack him. He was taken to Al Jalama checkpoint where he was blindfolded and held in a room until 4:00am the following morning. He was not questioned or accused of an offence.⁴⁴
- In one fortnight, Israeli forces conducted nearly 200 search and arrest operations, arresting 18 children in the West Bank. Some of the operations triggered violent clashes. Bethlehem, Hebron and Jerusalem governorates accounted for the highest portion of the arrest operations.⁴⁵
- Almost all those injured by Israeli forces during the week of 5-11 July, including 14 children, were injured in clashes during search and arrest operations. There were 98 search and arrest operations during this specific week, the highest number occurring in Hebron.⁴⁶
- Israeli forces detained a 17-year-old fisherman in the Access Restricted Areas (ARA) in the Gaza Sea.⁴⁷ A six-nautical-mile fishing limit along the entire Gaza coast has been enforced by Israeli forces since 2013. Enforcement includes the use of live ammunition, confiscation of fishing boats and arrests.⁴⁸

43 PCHR Weekly reports covering 5 July- 3 October 2016: <http://pchrgaza.org/en/?cat=47>

44 <http://www.militarycourtwatch.org/files/server/BRIEFING%20PAPER%20-%20OCT%202016.pdf>

45 <http://www.ochaopt.org/content/protection-civilians-weekly-report-20-september-03-october-2016>

46 <http://www.ochaopt.org/content/protection-civilians-weekly-report-5-11-july-2016>

47 <http://www.ochaopt.org/content/protection-civilians-weekly-report-19-25-july-2016>

48 <http://www.ochaopt.org/content/2015-overview-movement-and-access-restrictions>



- The reporting period saw two boys administratively detained, apparently on the basis of their Facebook posts.⁴⁹ On 20 August, the UN Coordinator for Humanitarian Assistance and Development Aid called upon Israel to charge or release all administrative detainees without delay.⁵⁰

EDUCATION

Infringements against education included:

- 40 schoolchildren near Al Khalil School were injured due to tear gas inhalation that required medical intervention, as mentioned in the Injuries section.⁵¹
- Israeli authorities demolished a classroom and a playground in the Abu Nuwar Bedouin community in Jerusalem. The classroom and playground had been provided as humanitarian assistance in response to previous demolitions.⁵²
- On 22 September, Israeli forces at Gilbert Checkpoint in Hebron city, prevented 23 school girls from crossing to their school.⁵³
- Israeli forces issued a stop-work or demolition order against a kindergarten in a Bedouin community in the Jerusalem governorate.⁵⁴
- A range of movement restrictions disrupted hundreds of thousands of Palestinians' access to services. The general closure imposed on Hebron since 2 July continued until 19 July, significantly disrupting the access of some 400,000 Palestinians to services and livelihoods. The closure followed the killing of two

49 http://www.dci-palestine.org/facebook_posts_land_palestinian_teens_in_administrative_detention

50 <http://www.ochaopt.org/content/protection-civilians-weekly-report-6-19-september-2016>

51 <http://www.ochaopt.org/content/protection-civilians-weekly-report-20-september-03-october-2016>

52 <http://www.ochaopt.org/content/protection-civilians-weekly-report-20-september-03-october-2016>

53 <http://www.ochaopt.org/content/protection-civilians-weekly-report-20-september-03-october-2016>

54 <http://www.ochaopt.org/content/protection-civilians-weekly-report-16-22-august-2016>



Israeli settlers.⁵⁵⁵⁶ On 12 July, the UN Secretary-General declared that ‘closures – such as those in Hebron -- as well as punitive demolitions and blanket revocations of permits penalise thousands of innocent Palestinians and amount to collective punishment.’⁵⁷ A number of other movement restrictions remained in place or were imposed during the reporting period.⁵⁸

Article 28 of the CRC recognises that education should be accessible to all children on the basis of equal opportunity, obliging Israel to ensure that children in the oPt have unrestricted access to education. The above-mentioned movement restrictions affecting access to education; the demolition of a classroom; the issuing of a stop-work or demolition order against a kindergarten; the prevention of schoolgirls from accessing their school and the injury of 40 schoolchildren in one incident suggest that the Israeli authorities have breached Article 28 of the CRC.

DISPLACEMENT & DEMOLITIONS 225 Palestinian owned structures were demolished, confiscated or destroyed with explosives, displacing at least 82 children and otherwise affecting at least 19 children. Additionally, 30 children were temporarily displaced.

Four homes were destroyed in punitive demolitions, displacing 11 children:

1. In Qabatiya (Jenin), Israeli forces destroyed the family home of a man suspected of assisting the perpetrators of a stabbing attack that killed an Israeli policewoman. A family of ten, including a child, was displaced as a result.⁵⁹

55 <http://www.ochaopt.org/content/protection-civilians-weekly-report-5-11-july-2016>

56 <http://www.ochaopt.org/content/protection-civilians-weekly-report-12-18-july-2016>

57 <http://www.ochaopt.org/content/protection-civilians-weekly-report-5-11-july-2016>

58 <http://www.ochaopt.org/content/protection-civilians-weekly-report-19-25-july-2016>
<http://www.ochaopt.org/content/protection-civilians-weekly-report-09-15-august-2016>
<http://www.ochaopt.org/content/protection-civilians-weekly-report-23-august-5-september-2016>

59 <http://www.ochaopt.org/content/protection-civilians-weekly-report-12-18-july-2016>



2. In Yatta (Hebron), Israeli forces destroyed the family homes of two perpetrators of a shooting attack in Tel Aviv on 8 June 2016. Six children were displaced. One of the targeted homes was blown up with explosives, damaging two apartments in the same building and affecting their 20 residents.⁶⁰
3. In Bani Na'im village (Hebron), Israeli forces destroyed with explosives the family home of the Palestinian boy who stabbed and killed an Israeli girl in the settlement of Kiryat 'Arba on 30 June, and was killed during the attack. Four children were displaced and 20 nearby houses sustained damage.⁶¹

Since the beginning of 2016, the Israeli authorities have demolished or sealed on punitive grounds 23 homes, displacing a total of 128 people.⁶² On 25 June, the UN Relief and Works Agency for Palestine Refugees called upon the Israeli authorities to put an end to the practice of punitive demolitions.⁶³

Numerous other demolitions and displacements affecting children were documented by the UN Office for Coordination of Humanitarian Affairs in their reports during the reporting period. To select just one example:

- Between 20 September- 3 October, Israeli authorities demolished 46 structures, including 16 which had been provided as humanitarian assistance in response to previous demolitions, including one classroom and playground in the Abu Nuwar Bedouin community (Jerusalem). As a result, 25 children were displaced and 185 people were otherwise affected.⁶⁴

60 <http://www.ochaopt.org/content/protection-civilians-weekly-report-2-8-august-2016>

61 <http://www.ochaopt.org/content/protection-civilians-weekly-report-09-15-august-2016>

62 <http://www.ochaopt.org/content/protection-civilians-weekly-report-2-8-august-2016>
<http://www.ochaopt.org/content/protection-civilians-weekly-report-09-15-august-2016>
<http://www.ochaopt.org/content/protection-civilians-weekly-report-23-august-5-september-2016>

63 <https://unispal.un.org/DPA/DPR/UNISPAL.NSF/47D4E277B48D9D3685256DDC00612265/AE0B9E3C295D2DED85257FDF0055200B>

64 <http://www.ochaopt.org/content/protection-civilians-weekly-report-20-september-03-october-2016>



Article 27 of the CRC protects children in terms of their standard of living, and seeks to ensure that this standard is adequate with respect to the child's physical, mental, spiritual, moral and social development. It further adds that State Parties are responsible for taking appropriate measures to provide assistance in respect to nutrition, clothing and housing. The actions of the Israeli government in rendering children and their parents homeless and disrupting families' livelihoods, clearly violate both the letter and the spirit of Article 27 of the CRC. Furthermore, Article 16(1) of the CRC states that no child should be subjected to arbitrary interference with his or her privacy or family.

UPDATES FROM MILITARY COURT WATCH AND DEFENCE FOR CHILDREN INTERNATIONAL-PALESTINE

- Defence for Children International-Palestine (DCIP) reports that 6 children have been held under administrative detention on the basis of their Facebook posts.⁶⁵ One 16-year-old spent nearly seven months in detention for posting a picture of a rifle on his Facebook page. The boy was not charged with any offence. DCI's report can be read [here](#).
- Military Court Watch (MCW) has published an update on the use of summonses to arrest children in the West Bank. In response to widespread criticism of the use of night raids to arrest children, the Israeli military launched a pilot scheme in 2014 to issue written summonses in lieu of night arrests. In 2015, MCW documented that in about 10% of cases summonses were issued in lieu of night arrests. MCW reports that this figure dropped to 2% in 2016. Meanwhile, the practice of arresting children at night remains at 2013 levels. MCW's update can be read [here](#).
- A new Israeli law allows children as young as 12-year-old to be jailed when they are convicted of serious crimes. DCIP reports that on 2 August, Israel's parliament approved the new law, which will impact children living under Israeli

65 http://www.dci-palestine.org/facebook_posts_land_palestinian_teens_in_administrative_detention?utm_campaign=10_27_newslette&utm_medium=email&utm_source=dcipalestine



civilian law.⁶⁶ Palestinian children living in the occupied West Bank are subject to Israeli military law, which already allows for any person 12 years and older to be imprisoned. For DCI's report click [here](#).

IN FOCUS

Lack of accountability for violations of children's rights following the 2014 offensive on Gaza.

On 3 August 2014, during the 50-day Israeli military offensive on Gaza code-named Operation Protective Edge (OPE), an Israeli drone-fired missile hit two men riding a motorcycle just outside the front gate of a UNRWA school in Rafah. Nine children were killed in the strike, 12 others injured.⁶⁷ The school had been designated as an emergency shelter on 18 July and at the time of the missile strike the school was sheltering 2700 to 2900 civilians, according to UNRWA.⁶⁸ UNRWA also assert that they notified the Israeli army on 33 separate occasions that the school was being used as a shelter, the last notification issued only an hour before the attack.⁶⁹ The incident raised serious concerns that the Israeli military had breached International Humanitarian Law (IHL) and failed to uphold the requirements of several duties imposed by the CRC, including Article 6:

1. States Parties recognize that every child has the inherent right to life.

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http://www.dcpalestine.org/new_israeli_law_allows_children_as_young_as_12_to_be_jailed?utm_campaign=9_30_newsletter&utm_medium=email&utm_source=dcpalestine

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

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

68 <http://www.unrwa.org/newsroom/official-statements/record-response-idf-closing-criminal-investigation-shelling-near-unrwa>

69 *ibid.*



*2. States Parties shall ensure to the maximum extent possible the survival and development of the child.*⁷⁰

Additionally, Article 38.4 of the CRC requires states to ‘take all feasible measures to ensure protection and care of children who are affected by an armed conflict.’⁷¹ The missile strike on the UNRWA school in Rafah is one of many incidents during OPE where the Israeli military appear to have fallen well short of this requirement (see below).

Two years later, on 24 August 2016, the Israeli military made public their decision not to open a criminal investigation into the UNRWA Rafah school incident. The Military Advocate General (MAG), responsible for the decision, conceded that the Israeli military knew the UNRWA school was being used a shelter, but argued that the targeting process used for the strike accorded with international and domestic law, and there was therefore no reasonable suspicion of criminal conduct.⁷² This decision has sparked criticism and condemnation from the UN and Israeli and Palestinian human rights organisations, including UNRWA,⁷³ Adalah and Al Mezan,⁷⁴ and DCI Palestine.⁷⁵ The decision is one of many that has led to serious criticisms of the internal Israeli investigative process, and concerns of impunity for the Israeli military, especially

⁷⁰ <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

⁷¹ *ibid.*

⁷² <http://www.law.idf.il/163-7596-en/Patzar.aspx>

⁷³ <http://www.unrwa.org/newsroom/official-statements/record-response-idf-closing-criminal-investigation-shelling-near-unrwa>

⁷⁴ <https://www.adalah.org/en/content/view/8910>

⁷⁵ http://www.dci-palestine.org/two_years_on_no_accountability_for_war_crimes_against_children_in_gaza



regarding its conduct during OPE (for more on the issue of Israeli military accountability during OPE, please see [here](#)).

During OPE, which lasted roughly 50 days, 535 children were killed by Israeli forces, 68% of whom were 12 years old or younger, according to a detailed study by DCI Palestine.⁷⁶ According to the same study, the total number of children killed during Israeli military offensives in Gaza between 2008 and 2014, is just below 1,000 (953). 3,374 children were injured in attacks during OPE, including over 1,000 children whose wounds rendered them permanently disabled.⁷⁷ Starker violations of Article 6 or Article 38.4 of the CRC are difficult to imagine. To date, no Israeli soldier or commander has faced criminal charges for the murder or wounding of nearly 4,000 children during OPE.

Human rights organisations Adalah and Al Mezan filed a number of complaints to the Military Advocate General (MAG) and the Israeli Attorney General regarding 27 separate incidents of suspected IHL violations during OPE, including the attack on the UNRWA school in Rafah, demanding that the authorities open independent criminal investigations into each of the cases and hold those responsible to account. Two years on, according to a joint report by Adalah and Al Mezan, of those 27 complaints, 11 have had investigations opened with no findings thus far, 9 are still at the preliminary stage of merely being considered for investigation, 6 have received no response at all, and only one complaint has actually been investigated and closed.⁷⁸ In a March 2016 report, the

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https://d3n8a8pro7vhm.cloudfront.net/dcipalestine/pages/530/attachments/original/1436292897/OPE_A_War_Waged_on_Children.pdf?1436292897

77 *ibid.*

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https://www.adalah.org/uploads/uploads/REPORT_Gaza_Obstacles_English_28_Aug_2016.pdf



UN High Commissioner for Human Rights noted critically that no criminal indictments had been issued based on any complaints regarding OPE, including all cases submitted by Adalah, Al Mezan and other human rights organisations, except for one case of looting.⁷⁹

Adalah and Al Mezan, along with other human rights organisations have criticised the Israeli investigative process, questioning its independence and impartiality as the MAG is responsible both for providing legal advice to the military prior to and during armed conflicts and deciding whether to investigate possible criminal violations by the military. This 'dual role' can easily give rise to a conflict of interest in which the MAG might need to decide whether to investigate its own conduct.⁸⁰ This ineffective investigative process makes it impossible for child victims of possible IHL violations in military operations such as OPE to enforce their rights or hold the Israeli state to account. Article 39 of the CRC requires states to take all appropriate measures to promote the physical and psychological recovery and social reintegration of child victims of armed conflicts. The ability of children to access justice and hold those responsible for possible war crimes against them during armed conflicts to account must surely aid psychological recovery and social reintegration. This ability is currently denied child victims in the oPt due to the flawed investigative and complaints process of the Israeli state.

In order to meet its obligations under the CRC, Israel must bring its investigative process in line with international standards. Israel must initiate transparent, independent,

⁷⁹ See Report of the United Nations High Commissioner for Human Rights, A/HRC/31/40, 7 March 2016.

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https://www.adalah.org/uploads/uploads/REPORT_Gaza_Obstacles_English_28_Aug_2016.pdf



impartial and credible investigations into possible violations of IHL affecting children in Gaza during OPE. Those found to be responsible for such violations must be prosecuted.

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