



Rt Hon Alistair Burt MP,
Minister of State for the Middle East at the Foreign & Commonwealth Office
Foreign & Commonwealth Office
London SW1A 2AH

15 January 2019

Dear Minister Burt,

Re: Requesting the UK government's fresh impetus to challenge the systemic maltreatment of Palestinian children under Israeli military detention

We write further to the long-standing critical problem of the widespread and systemic maltreatment of Palestinian children held in Israeli military custody. We are grateful that the Foreign Office has given priority to this serious human rights issue and we recognise it has undertaken several initiatives to attempt to address it. This includes funding an expert delegation of senior UK lawyers to independently report on this issue in 2011/12; an offer made to Israeli authorities in 2017 for the Metropolitan Police to share expertise with Israeli counterparts on implementing regulations designed to protect the rights of minors in detention; and specific child-rights recommendations made to Israel last January during its Universal Periodic Review at the UN Human Rights Council.

We are deeply concerned, however, that these good faith initiatives have not been met with effective reforms instituted by Israeli authorities to properly safeguard Palestinian children from physical and psychological harm during the military arrest and detention process. In 2018, Defence for Children International Palestine documented 120 Palestinian child detention cases from the occupied West Bank. More than half of the children arrested by Israeli forces whose cases DCIP documented reported experiencing verbal abuse, threats, humiliation or intimidation. The vast majority, over 75 percent, said they were physically abused during the course of their detention. While under pre-trial detention, Israeli military authorities placed 22 children in isolation for a period of 48 hours or more. The longest period of isolation that DCIP documented in 2018 was 30 days. Furthermore, the policy and practice of unlawfully transferring Palestinian children outside of the occupied West Bank to Israel for detention and imprisonment has continued to be employed by Israeli authorities.

Against this disturbing context, we request an assurance from the UK Government that it is continuing to make strong representations to the Government of Israel on this critical human rights issue. We further request that representations include the following vital points:

- Urge immediate and comprehensive action to demonstrably remedy the striking failure of Israeli authorities to implement the basic human rights and due process safeguards recommended by the authoritative reports of senior UK lawyers' (2012) and UNICEF (2013), and request evidence outlining what initiatives are being undertaken by Israeli authorities to implement each of the recommendations.



- Request a clear explanation from the Government of Israel on its decision to expressly reject - as reported by UNICEF in February 2015 - the recommendation made by the UK lawyers' and UNICEF reports to end the unlawful transfer of children outside of the occupied West Bank to Israel for detention. Unlawful transfer of protected persons amounts to a grave breach of the Fourth Geneva Convention and constitutes a war crime under the Rome Statute for the International Criminal Court. We request that the UK Government urges the Government of Israel to overturn this unjustifiable rejection and to end its policy and practice of unlawful transfer of child detainees.
- Communicate to the Government of Israel the principled position of the UN Working Group on Arbitrary Detention that, whatever the charges, a civilian should never be tried by a military court, as they cannot be considered to be independent and impartial tribunals for civilian accused persons. The UN Working Group expressed this position in a decision of 17 June 2016 on the arbitrary detention of the female Palestinian human right defender, Khalida Jarrar, following a detailed joint complaint by Lawyers for Palestinian Human Rights and the Palestinian human rights organization, Addameer. The UN Working Group's position was reiterated by the UN Office of the High Commissioner for Human Rights in its November 2017 report pursuant to Israel's Universal Periodic Review. We urge the UK to adopt the principled position of the UN Working Group on Arbitrary Detention and OHCHR in future representations with the Government of Israel on the issue of children in military detention.

In addition to the above suggestions, we request that the UK Government revive its initiative of sponsoring a delegation of senior UK lawyers to return to Israel for the purpose of reviewing whether there has been full implementation of each of the 40 recommendations made in the Children in Military Custody report published in 2012. We are aware that a planned delegation organised for this purpose was cancelled at short notice in early 2016, following a refusal by Israeli authorities to allow the lawyers' delegation to meet its officials. In our view, the FCO-funded Children in Military Custody report will be fundamentally undermined if a follow-up review and report is not undertaken. We believe the decision to refuse access to officials should be queried and re-examined given the rightful priority that the FCO has given to this serious children's rights issue, and therefore that it would be appropriate for the UK Government to carefully consider reviving this initiative through consultation with the original lawyers' delegation and Israeli authorities.

We are aware of reforms undertaken by the Israeli authorities in 2009 and 2011, but consider that these cannot objectively amount to credible evidence that Israeli authorities are presently committed to fully addressing the prevailing widespread concerns over its institutionalized and pervasive maltreatment of Palestinian children during the military arrest and detention process. The establishment, in September 2009, of separate juvenile military courts, is inadequate since the UN states that children should never be tried in military courts. An increase, in September 2011, of the age of majority from 16 to 18 years old for being tried in a juvenile military court, largely reflected the existing practice and did not apply to arrest, detention, interrogation, and sentencing – all of which still retain the age of majority of 16



years old. And the enactment, also in September 2011, of a special statute of limitation for minors, has an exception for 'security offences' which includes stone-throwing. The practical effect of classifying stone-throwing as a security offence is that the amended statute of limitation period does not apply to most children held in Israeli military detention.

We take the position that the evident unwillingness of Israeli authorities to properly address a critical human rights, child protection, and rule of law issue is thoroughly unacceptable. We therefore encourage the UK Government to undertake a fresh impetus to challenge the appalling status quo, including consideration of the suggested interventions outlined above.

We would be grateful for your careful consideration of this urgent matter and for your reply.

Yours sincerely,

Tareq Shrourou
Director, Lawyers for Palestinian Human Rights

CC: Rt Hon Jeremy Hunt MP, Secretary of State for Foreign and Commonwealth Affairs