



## CHILD RIGHTS BULLETIN

(for the period 1 March – 31 March 2019)

### Key incidents outlined in this LPHR's Child Rights Bulletin covering March 2019:

- Four Palestinian children were killed in incidents involving the firing of live ammunition
- Three children died following Israeli forces' restriction of emergency services to attend the scene of a house fire in the Israeli-controlled H2 area of Hebron
- A 9-year-old boy was arrested by Israeli soldiers at his elementary school in the H2 area of Hebron without his parents being informed of his arrest
- Israeli forces demolished an elementary school under construction in the Shu'fat neighbourhood of occupied East Jerusalem, which was an extension to an existing school and designed to accommodate 450 students during the next school year.

The key incidents and statistics outlined in this bulletin span a range of violation categories: **'Fatalities', 'Injuries', 'Settler Violence', 'Arrests and Detention', 'Interference against Education', 'Displacement and Demolitions'**. They are collated from the UN Office for the Coordination of Humanitarian Affairs (**UN OCHA**) and local human rights organisations: Defence for Children International-Palestine (**DCIP**), B'Tselem, and Military Court Watch.

This bulletin outlines the specific rights of the [United Nations Convention on the Rights of the Child \(UNCRC\)](#) that apply to the key incidents affecting Palestinian children in the occupied Palestinian territory (**oPt**). As the occupying power, Israel has legal responsibilities under international conventions, including the UNCRC, for the safety, welfare and human rights protection of civilians living in the oPt. This bulletin concludes with a Further Reading section.

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### **FATALITIES**

**Four Palestinian children were killed by live ammunition in the oPt in March 2019.** [DCIP reports](#) that this brings the total number of Palestinian children killed as a result of Israeli

military and settler presence in the oPt since the start of the year to eleven. Three children also died following a fire in their home, in an incident in which emergency services' access to the scene was reportedly delayed due to Israeli imposed restrictions on the movement of ambulances and fire brigades.

- On 6 March, 14 year-old Saif al-Deen Imad Nasser Abu Zaid was shot dead by Israeli forces during a protest near Zeitoun outside Gaza City. According to a witness interviewed by [DCIP](#), Saif was holding a portrait of a child who had been killed by Israeli forces some weeks earlier and was standing approximately 200 metres from the fence at around 21:00 when he was shot in the forehead. Saif died in hospital hours later.
- On 27 March, 17 year-old Sajed Abdul Hakim Helmi Mizher was shot by Israeli forces during an early morning military raid in the central West Bank. Sajed was a volunteer medic who was at the scene assisting a team of medics. According to [DCIP](#), eyewitnesses confirmed that Sajed was wearing his orange medic vest at the time he was shot. The bullet entered through his right side and settled in his abdomen, causing internal bleeding. Sajed died in hospital.
- On 30 March, 17 year-old Adham Nidal Sakr Amara was shot in the head by Israeli forces around 15:00 during the "Great March of Return" demonstrations east of Gaza City, in the central part of the Gaza Strip. Adham was pronounced dead at around 15:30. [DCIP's investigation](#) found that Adham was likely struck with an exploding bullet. Medical sources DCIP spoke with stated that the object that struck Adham appeared to have detonated on the lower half of his face.
- On 30 March, 16 year-old Bilal Mahmoud Shaban Najjar was shot by Israeli forces during protests near the perimeter fence east of Khan Younis, in the southern Gaza Strip. He sustained a gunshot wound to the abdomen. According to sources gathered by [DCIP](#), the child underwent a four-hour surgery but did not survive.
- Three children, aged between one and four, died after their house in the As Salaymeh neighborhood in the Israeli-controlled H2 area of Hebron, caught fire on 5 March. According to [UN OCHA](#), Palestinian sources reported that rescue services were delayed, as access to the area for ambulances and fire brigades requires prior coordination from the Israeli authorities.

International human rights law requires that intentional lethal force be used only when absolutely unavoidable where there is an imminent threat to life or serious injury. However,



four of above-mentioned fatalities indicate use of excessive, lethal force by Israeli forces in situations not permitted by international human rights law.

Fatalities arising out of the use of force against protesters in Gaza has been examined by the UN-mandated independent Commission of Inquiry into the 2018 protests in Gaza. The Commission's [report](#) published on 25 February found reasonable grounds to believe that “the use of live ammunition by Israeli security forces against demonstrators was unlawful” in all the 189 fatality cases it investigated – including 35 child fatalities - with the possible exception of two incidents. ***Please see our Further Reading section below for more on this exceptionally serious human rights issue.***

Israeli forces’ alleged use of an ‘expanding’ bullet in the shooting of Adham Nidal Sakr Amara, if proven, would constitute a [violation of international humanitarian law](#), and amounts to a war crime under the Rome Statute. Furthermore, Israel’s Manual on the Rules of Warfare (2006) prohibits their use. The alleged use by Israeli forces of bullets that cause gratuitous maiming requires further investigation that LPHR will seek to undertake.

**Article 6(1) of the UNCRC** states that every child has the inherent right to life. Part of providing meaningful protection under the UNCRC involves review of and accountability for child deaths. To fulfil its obligations under international law, it is necessary that the Government of Israel thoroughly and transparently investigate the circumstances of the above-mentioned the killings and ensures legal accountability and justice is delivered where there is criminal wrongdoing. Additionally, **Article 15(1) of the UNCRC** provides for the right of the child to freedom of peaceful assembly. The excessive use of force that has been used during the ‘Great March of Return’ is a violation of this basic right guaranteed by the UNCRC.

**Article 3(2) of the UNCRC** provides that states shall ensure children the protection and care necessary for their well-being. The Israeli forces’ restriction of emergency services in the oPt is a serious violation of this fundamental legal protection, which would also violate other basic civilian protection obligations found more generally in international human rights law.

## INJURIES

At least [48 children](#) were injured by Israeli forces in the West Bank in March 2019. [346 children were injured in Gaza by Israeli forces](#). Al Mezan Center for Human Rights, a Gaza-based NGO [reports](#) that since the start of the Great March of Return protests on 30 March 2018, 1,534 children have been wounded by live fire in Gaza.

Injury incidents in March 2019 include:

- On 14 March, UN [OCHA reports](#) that in response to two rockets fired at Tel Aviv from the Gaza Strip, Israeli air forces launched multiple airstrikes, targeting both military sites and open areas in Gaza. Four people, including a child and a pregnant woman were injured.
- On 29 March, [DCI reported that it has documented](#) 18 cases of Palestinian children who, over the last year, have suffered a permanent disability as a result of injuries sustained during the “Great March of Return” protests. Israel’s [policy](#) of denying injured protesters permission to travel for medical care can worsen the situations of children with injuries. ***Please see our Further Reading section below for more on the grave issue of prevention of access for Gaza protesters to medical care.***

**Article 3(2) of the UNCRC** provides that states shall ensure children the protection and care necessary for their well-being. The excessive use of force by Israeli authorities during the Great March of Return protests as well as during search and arrest operations constitute a serious violation of this important legal protection. In addition to finding the use of live ammunition by Israeli security forces to be unlawful, the [report of the UN Commission of Inquiry](#) into the 2018 Gaza protests noted that many of those who survived shots with live ammunition suffered life-changing injuries.

Article 24(1) of the UNCRC gives children the right to the enjoyment of the highest attainable standard of health and states that States Parties should strive to ensure no child is deprived of his or her right of access to such health care services. The lack of adequate medical care in the oPt to treat children with injuries from the use of live ammunition, in addition to the policy to prevent protesters of any age from travelling to Israel to access necessary medical treatment serves to punish protesters and violates their fundamental right to healthcare.



## SETTLER VIOLENCE

In March 2019, [UN OCHA](#) reported an increase in settler violence. On 11 April 2019, [UN OCHA](#) reported that there had been 104 incidents where Israeli settlers killed or injured Palestinians or damaged Palestinian property in 2019, marking a 53% increase compared with 2018.

Settler violence incidents include:

- [UN OCHA](#) reports that on [30 March](#) 2019 a 17-year-old girl was injured by settlers while with her family on their way to their land near Jibiya village (Ramallah).

In 2018, [at least 20 children](#) were injured by Israeli settlers, according to UN OCHA. The Israeli human rights organisation [Yesh Din reports](#) that incidents of violence by Israeli civilians against Palestinians and their property are a daily occurrence throughout the West Bank but these incidents are rarely investigated properly by Israeli law enforcement. [Only 3%](#) of investigations into complaints filed by Palestinians hurt by settlers lead to convictions.

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

## ARRESTS AND DETENTION

The current figures for the total number of Palestinian children held in Israeli military detention at the end of March 2019 are not yet available. At the end of February 2019, [205 Palestinian](#) minors were being held in Israeli prisons, including 2 administrative detainees (where children are held without charge or trial). Another 4 Palestinian minors were held in Israel Prison Service facilities.

Arrest and detention incidents include:

- According to testimony collected by Military Court Watch, on 1 March 2019, a 17 year-old-boy was arrested from Askar refugee camp by Israeli soldiers and kept in detention for 27 days. He was with friends near the settlement of Elon Moreh when around 20

Israeli soldiers approached them at noon. One of the soldiers grabbed the boy and tied his hands behind his back. He was then blindfolded and driven to the police station in Ariel settlement. He reports being kept for a few hours on a chair in a room while still blindfolded. Upon interrogation after sunset his blindfold was removed. His interrogation concerned accusations that he threw a Molotov cocktail at the settlement, which he repeatedly denied. He was then taken to Huwwara military base where he was searched in his underwear before later being taken to Megiddo prison inside Israel. The boy had four military court hearings, of which his parents were not informed. The boy's family were fined 2,000 shekels and he was given a suspended sentence of 6 months. Details of this incident can be read [here](#).

**Article 3(1) of the UNCRC** obliges states to ensure that: 'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration'. Additionally, **Article 37(c) of the UNCRC** states that 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. The use of blindfolds on children especially for extended periods of time is a clear infringement of the right in this provision. Blindfolding children on arrest can leave them disoriented, frightened and vulnerable. The child in the case above was blindfolded during transit and when he was left in a cell alone for hours. **Article 37(b) of the UNCRC** also states that no child shall be deprived of his or her liberty unlawfully or arbitrarily and that it shall be used only as a measure of last resort and for the shortest appropriate period of time. The detention of a child for 27 days clearly is not the shortest appropriate period of time and as such this provision has been breached. **Article 40 of the UNCRC** states that State Parties recognise the right of every child accused of infringing the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth.

## **INTERFERENCE AGAINST EDUCATION**

**Interference against education in March 2019 include:**

- In two separate incidents on 7 and 8 March, [Israeli forces fired tear gas canisters into a school compound in the Israeli-controlled area of Hebron city \(H2\)](#) in response to alleged stone-throwing by Palestinian children. As a result, 225 students and 35 teachers were treated for tear gas inhalation.



- On 19 March, [Israeli soldiers seized a 9-year-old boy at his elementary school in the H2 area of Hebron](#) without informing his parents because of allegations that the child had thrown stones. A military officer and soldier ran into Ziyad Jaber elementary school to arrest the 9-year-old, threatening to arrest the teachers who attempted to prevent his arrest. Eventually, the soldiers took the child from his school by force and threw a stun grenade in the street. The 9-year-old was taken to a checkpoint that had been installed about ten metres away from the school and after an hour of verbal arguments with the school staff and the boy's mother, the boy was released by Israeli forces.
- Another 20 students and 5 teachers required treatment after [Israeli forces shot tear gas canisters into a school in the H2 area during clashes](#) between Israeli forces and protesters in the West Bank in the two-week period between 12-25 March.
- [UN OCHA reports](#) that Israeli forces demolished an elementary school under construction in the Shu'fat neighbourhood of occupied East Jerusalem on 20 March, which was an extension to an existing school and designed to accommodate 450 students during the next school year.

**Article 28(1) of the UNCRC** stipulates 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 demolition of an elementary school in the Shu'fat neighbourhood indicates a serious violation of this right.

**Article 3(2) of the UNCRC** provides that states shall ensure children the protection and care necessary for their well-being. Firing tear gas canisters in a school compound, which has become a frequent occurrence especially in the H2 area of Hebron city, is an apparent serious violation of this fundamental legal protection, which would also violate other basic civilian protection obligations found more generally in international human rights law.

Additionally, **Article 3(1) of the UNCRC** provides that the best interests of the child shall be a primary consideration in all actions concerning children, whether undertaken by administrative authorities or a number of other bodies. The arrest of a 9-year-old by force without the

knowledge of his parents clearly is not in the best interests of a child, as this would have been a traumatic and stressful experience. Furthermore, **Article 37(b) of the UNCRC** states that arrest 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. Not only was the arrest not in conformity with the law since the child was under the age of criminal responsibility, but it was used as a primary measure rather than one of last resort and the child was held for an hour before being released.

## **DISPLACEMENT & DEMOLITIONS**

**According to a breakdown of statistics collated by [UN OCHA](#), 45 Palestinian-owned structures were demolished or seized in March 2019, displacing [77 people, including 34 children](#).**

Demolition incidents in March 2019 include:

- A [house was demolished on punitive grounds](#) on 7 March in Area B in Kobar village (Ramallah) during the night. It belonged to the family of [Asem Omer al-Barghouthi](#) who was arrested and charged with carrying out an attack in December 2018 which killed two Israeli soldiers. This is the second punitive demolition since the beginning of 2019, which compares with six residences demolished on punitive grounds in total in 2018.

Instances of forced displacement include:

- [UN OCHA](#) reports that Israeli military forces struck multiple locations across Gaza in airstrikes, including residential buildings, offices, military sites and open areas, displacing sixteen families, comprising 83 people, including children.

**Article 27 of the UNCRC** protects children's right to a 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. The UNCRC 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 Government of Israel in rendering children and their parents homeless and disrupting families' livelihoods, whether through demolition of homes or through forced displacement, clearly violates both the letter and the spirit of the UNCRC.

**Article 18(2) of the UNCRC** obliges State Parties to give appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities. Severe damage to homes and displacement as a result of airstrikes violate this right as it harms parents and legal guardians' ability to fulfil their responsibilities of looking after and providing shelter for their



children. *Please see our Further Reading section below for more on the exceptionally serious human rights issue of targeted airstrikes against family homes in Gaza.*

**Article 16(1) of the UNCRC** protects children’s right to not be subject to arbitrary or unlawful interference with his or her privacy, family and home and Article 16(2) entitles children to the protection of the law against such interference or attacks. Punitive demolitions interfere severely with this right, since not only do the demolitions disrupt children’s families and uproot them from their homes, but they also constitute collective punishment carried out as part of Israeli government policy on whole families and communities in response to the actions or alleged actions of individuals. This is illegal under international law and a serious violation of the Geneva Convention.

## Further Reading

### **Palestinian child fatalities and injuries during demonstrations**

As noted in this Child Rights Bulletin, the use of excessive force, including live ammunition, against Palestinian children by Israeli forces, resulting in fatalities and serious injuries, is a prominent and exceptionally serious human rights issue. In this context, please see [LPHR's Urgent Action letter to the Secretary of State for Foreign and Commonwealth Affairs, of 28 March 2019](#), regarding the UK's abstention on the UN Independent Commission of Inquiry report, which found reason to believe that all 35 child fatalities at the weekly protests in Gaza from 30 March 2018 to 31 December 2018 were caused by unlawful use of force – with the possible exception of two incidents - and that some children were shot intentionally.

Please also see the statement of UK charities - including LPHR as a signatory - [on the findings of the Commission of Inquiry](#) on 25 February 2019, and a further statement by UK charities - again including LPHR as a signatory - on the [decision by the UK government not to support the Commission of Inquiry's report](#) at the UN Human Rights Council on 22 March 2019.

LPHR endorses the recommendations made to the government of Israel by the UN independent Commission of Inquiry at paragraph 985 of its March 2019 report that it must refrain from using lethal force against civilians, including children, who pose no imminent threat to life; and that it must ensure accountability and reparations for those killed or injured unlawfully.

### **Prevention of access to medical care for Gaza protesters, including children**

The pervasive denial and delay of travel permits by Israeli authorities to patients in Gaza to access medical care outside of Gaza is an ongoing human rights issue, and it is especially serious in the context of [Israel's policy decision of April 2018](#) that, as a general rule, it shall prevent anyone involved in the Great March of Return protests, including children, from travelling outside of Gaza for medical treatment, even for treatment of injuries caused by live fire. This only puts more pressure on already stretched and under-funded medical facilities in Gaza and often leaves health professional no option but to amputate the limbs of those affected to prevent further health issues such as blood poisoning.

[B'Tselem has recently reported](#) on the substantial impact of Israel's decision to bar wounded Gazan protesters' access to medical care as a general rule: only 85 (17%) of applications were



approved from the start of the demonstrations through to January 2019, while 408 (83%) were rejected either through denial or delay. [Save the Children](#) also recently reported that “[a]ccording to World Health Organisation data, 80% of children injured at the protests who applied to leave Gaza to receive emergency medical treatment in Israel over the last year have had their permits rejected or delayed”.

[Save the Children](#) has also highlighted the related issue of the adverse impact on the physical and mental health of children and the impact on their families who struggle to cope with the long-term implications of their injuries. The international organisation reports that “Thousands have sustained serious wounds, including blindness, head injuries, and amputations.”

LPHR endorses the four specific recommendations made to the government of Israel by the UN independent Commission of Inquiry at paragraph 989 of its March 2019 report to ensure the fulfilment of the right to health of injured persons:

- (a) Lift the blockade [closure] on Gaza with immediate effect;
- (b) Ensure that all those injured at demonstrations are permitted prompt access to hospitals elsewhere in the Occupied Palestinian Territory, in Israel or abroad;
- (c) Ensure timely access of medical and all other humanitarian workers to Gaza, including to provide treatment to those injured in the context of demonstrations;
- (d) Ensure efficient coordination for entry of medical items and equipment into Gaza, and remove the prohibition of entry applied to items with legitimate protective and medical uses, including carbon fibre components for the treatment of limb injuries.

### **Targeted airstrikes against family homes in Gaza**

As noted in this Child Rights Bulletin, the use of targeted airstrikes against family homes is a very serious human rights issue. Please see [LPHR’s short report on the complementary assessment undertaken by the Office of the Prosecutor for the ICC](#) which raises eleven key points relevant to the assessment of the genuineness of Israel’s military investigation into incidents of attacks against family homes in Gaza.