



HUMAN RIGHTS COUNCIL

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Item 7

Interactive dialogue with the Special Rapporteur on occupied Palestinian Territories

Statement on behalf of Defence for Children International (DCI)

Prosecution and ill-treatment of children in the military court system

Thank you Mr. President,

DCI would like to thank the Special Rapporteur for Human Rights in the Occupied Territories for his report and would like to draw his and the Human Rights Council's attention on the prosecution and ill-treatment of Palestinian children in the military court system.

Each year, around 700 Palestinian children are arrested, interrogated, prosecuted and detained in a military court system that has now operated for over 42 years.

Once arrested, children as young as 12 years are interrogated in the absence of a lawyer, and reports of mistreatment, sometimes amounting to torture, are widespread. In the majority of cases, the children provide confessions, some of which are written in Hebrew, a language they do not understand. It is these confessions that then form the primary evidence against them in the military courts, where the overwhelming majority plead guilty, even if innocent of the charge, in order to shorten the time they will spend in prison. The most common charge Palestinian children face in Israeli military courts, and for which they go to prison, is for throwing stones. Once convicted, the majority of Palestinian children are detained in Israel, making family visits difficult, and in clear violation of Article 76 of the Fourth Geneva Convention.

DCI-Palestine is becoming increasingly alarmed at reports contained in sworn affidavits collected from children aged between 13 and 16 years, that they are being subjected to sexual assault, or threatened with sexual assault, in order to obtain confessions. A recent analysis of 100 sworn affidavits collected from children in 2009 has shown that in four percent of cases children report being sexually assaulted, whilst in 12 percent of cases children report being threatened with sexual assault. The sexual assault and threats of sexual assault include grabbing boys by the testicles until they confess and threatening boys as young as 13 years with rape unless they confess to throwing stones at the wall or at Israeli settler vehicles in the occupied West Bank. DCI-Palestine suspects that due to the nature of the reports, these figures may understate the true situation.

DCI believes that short term measures could be implemented to potentially reduce what appears to be the unacceptable abuse of children in order to obtain confessions:

First, if no interrogation could occur in the absence of a lawyer, it is likely that the level of abuse would diminish significantly.

Secondly, if interrogations of all children were video recorded, as is required in the case of Israeli children, the level of abuse would be reduced.

Thirdly, all evidence obtained, or suspected of having been obtained through ill-treatment or torture, must be rejected by the military courts.

And finally, all credible allegations of ill-treatment and torture must be thoroughly and impartially investigated, and those found responsible for such abuse be brought to justice.

We encourage the Special Rapporteur to pay particular attention to the situation of child prisoners.

Thank you Mr. President.