



Prosecution and ill-treatment of children in Israel's military court system

Statement on behalf of Defence for Children International (DCI)

Thank you Mr. President,

Each year, 500 to 700 Palestinian children are arrested, interrogated, prosecuted and detained in the Israeli military court system, which has now operated for over 45 years. Most are arrested close to friction points, that is, settlements built close to Palestinian villages, roads used by the Israeli army and settlers, the Wall and checkpoints. Whilst the occupation continues, this situation will not change.

The first 48 hours of a child's arrest, transfer and interrogation, give rise to some of DCI's greatest concerns. Throughout the years working with Palestinian child detainees, DCI has documented widespread and credible allegations of treatment that violates the absolute prohibition against torture and other cruel, inhuman or degrading treatment by the Israeli authorities.

Most children are arrested in the middle of night, and are subsequently painfully tied and blindfolded. Frequently, neither the parents nor the child are told where the child will be taken. In many cases, the children are transferred on the floor of a military vehicle, and they often report physical and verbal abuse during transfer, as well as during interrogation. Most children, some as young as 12, are subjected to these coercive interrogations in the absence of a parent or a lawyer.

It is common for children to be forced to sign confessions written in Hebrew, a language they do not understand. These confessions then go on to form the primary evidence against the children in the military courts. A critical feature of the system is that bail is denied in 87% of cases. This results in the overwhelming majority of children pleading guilty, even if innocent, in order to get a lighter sentence. The denial of bail for children in the military courts removes any incentive to challenge a system which, according to the military court's own records, achieved a conviction rate of 99.74% in 2010.

The most common charge Palestinian children face, and for which they most often go to prison, is for throwing stones. Once convicted, the majority of Palestinian children are transferred to prisons inside Israel, which violates Article 76 of the Fourth Geneva Convention. The practical consequence of this violation is that many children receive either limited, or no family visits.

DCI maintains that no child should be prosecuted in military courts which lack comprehensive fair trial and juvenile justice standards. However, as a minimum safeguard, DCI has insisted that three simple measures, if implemented, could potentially reduce what appears to be the unacceptable abuse of children in order to obtain confessions:

First, all children should have a parent present during interrogation, which is a right generally afforded to Israeli children.

Second, all children should have access to a lawyer of their choice prior to interrogations.

Third, all interrogations should be audio-visually recorded with a copy of the tape supplied to defence counsel.

Thank you Mr. President.