



HUMAN RIGHTS COUNCIL

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Solitary confinement of Palestinian child detainees 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 operated for over 46 years. Most are arrested close to friction points, including settlements built close to Palestinian villages, roads used by the Israeli army and settlers, the separation barrier and checkpoints. While the occupation continues, this situation presumably will not change.

Since 2008, DCI-Palestine has documented 73 cases where Palestinian children have been held in solitary confinement at interrogation and detention centres located inside Israel, including Al Jalame interrogation centre, Petah Tikva interrogation centre and Hasharon prison. These facilities are operated and controlled by the Israel Prison Service (IPS) and/or the Israel Security Agency (ISA).

Palestinian children are arrested from their homes in the occupied West Bank by Israeli soldiers in the middle of the night. After being tied and blindfolded, the children are transferred to an interrogation centre inside Israel, most commonly to the Al Jalame interrogation and detention centre near Haifa.

Children have been held in solitary confinement at these facilities up to 29 days. While detained in these facilities, the children are questioned by ISA interrogators and are generally denied access to their parents and legal counsel. No education is provided to children while detained at these facilities.

At Al Jalame, children describe being held in solitary confinement in a small cell measuring approximately two by three metres. Children report either sleeping on a concrete bed, on the floor, or on a thin mattress which is often described as “dirty” and “foul smelling”. Meals are passed to the children through a flap in the door, depriving them of human contact. The cell walls are reported to be grey in colour with sharp protrusions that are painful to lean against. There are no windows and the only source of illumination comes from a dim yellow light that is reported to be kept on 24 hours each day. Some children complain of suffering pain behind their eyes and adverse psychological effects after being detained in these cells.

Testimonies provided by children held in solitary confinement suggest that the primary purpose for its use is to break their spirit in order to obtain a confession. Many children report being kept in solitary confinement between lengthy interrogation sessions in which prohibited techniques are frequently used, such as excessive shackling of the legs and hands, position abuse, physical violence, threats and intimidation. Most children detained and questioned in these facilities end up providing a confession, which in some cases, is written in Hebrew.

These coerced confessions are rarely excluded from evidence. Once children confess they are transferred to a regular prison and prosecuted in military courts, which maintain nearly a 98 percent conviction rate.

The detrimental psychological and physical effects of detaining persons in solitary confinement are well documented and include panic attacks; fear of impending death; depression, including clinical depression; social withdrawal; a sense of hopelessness; unprovoked anger; short attention span; disorientation; paranoia; psychotic episodes; self-mutilation and attempted suicide.

For these reasons, the UN Special Rapporteur on Torture, Mr. Juan Méndez, called for a complete ban on the use of solitary confinement for children. In his October 2011 report, Mr. Méndez concluded that the use of solitary confinement “can amount to torture or cruel, inhuman or degrading treatment or punishment when used as a punishment, during pretrial detention, indefinitely or for a prolonged period, for persons with mental disabilities or juveniles.”

In a 20 July 2012 statement, the UN Special Rapporteur on the situation of human rights in the occupied Palestinian territories, Professor Richard Falk, shared similar concerns, stating “this pattern of abuse by Israel is grave. [...] It is inhumane, cruel, degrading, and unlawful, and, most worryingly, it is likely to adversely affect the mental and physical health of underage detainees.”

DCI maintains that no child should be prosecuted in military courts that lack comprehensive fair trial and juvenile justice standards. However, as a minimum safeguard, DCI urges that three simple and practical measures be implemented to assist in the protection of children held in the Israeli military detention system, and to end practices that violate the absolute prohibition against torture and ill-treatment:

- First, the use of solitary confinement on children detained in Israeli detention facilities must end immediately; as it causes detrimental psychological and physical effects and can amount to torture or cruel, inhuman or degrading treatment.
- Second, that all relevant Israeli civilian and military laws and regulations be amended to ensure there is a legally binding and enforceable prohibition on the use of solitary confinement on children held in Israeli custody.
- Third, every detention facility, including Al Jalame and Petah Tikva, must be opened up to unbiased external inspection, and inspectors must be given free access to any part of the facility at anytime.

Thank you, Mr. President.