6th July 2023

53rd Session Item 7 Interactive dialogue with the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967

On behalf of Defence for Children International (DCI) - Palestine

Mr. President,

While just a superficial review of the detention and prosecution of Palestinian children in the Israeli military court system suggests severe risks of arbitrary deprivation of liberty, what emerges from a full view through the experience of Palestinian child detainees is an inherently unjust system of control where arbitrary detention is the default practice.

Defense for Children International – Palestine (DCIP) collected affidavits from 766 West Bank children detained between 2016 and 2022 that show three-quarters of them endured some form of physical violence following arrest. 97 percent of children had no parent present during interrogation, and two thirds were not properly informed of their rights. Israeli forces did not inform the children of the reason for their arrest in 85.5 percent of the cases.

Interrogators used position abuse, threats, and isolation to coerce confessions from some of these children. DCIP documented 178 Palestinian boys held in solitary confinement, for an average period of 16.5 days.

Under Israeli military law, Palestinian child detainees have no right to a lawyer during interrogation. Israeli military court judges seldom exclude confessions obtained by coercion or torture, even those drafted in Hebrew, a language that most Palestinian children do not understand. In fact, military prosecutors rely, sometimes solely, on these confessions to obtain a conviction.

The deprivation of liberty experienced by Palestinian children in the Israeli military detention and military court system is arbitrary by default because Israeli authorities systematically disregard and deny fundamental protections and guarantees concerning the right to a fair trial to the extent that nearly any deprivation of liberty as part of the military court system is of an arbitrary character.

From the widespread ill-treatment and torture of Palestinian children to the systematic denial of their due process rights emerges a system of control that masquerades as justice where arbitrary detention is the default policy.

We strongly urge all member states to:

- Demand Israeli authorities end the practice of arresting and prosecuting Palestinian children from the occupied West Bank;
- End complicity and financial and diplomatic support to the Israeli apartheid system; and
- Take urgent action to ensure accountability for violations by supporting efforts by the International Criminal Court to hold perpetrators accountable and by carrying out obligations under the Geneva Conventions or Rome Statute to exercise criminal jurisdiction and arrest persons alleged to have committed, or who ordered to have committed, international crimes.

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