



General Assembly

Distr.: General
27 August 2013

English only

Human Rights Council

Twenty-fourth session

Agenda item 7

**Human rights situation in Palestine and other
occupied Arab territories**

Written statement* submitted by Mouvement contre le racisme et pour l'amitié entre les peuples, a non- governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[2 August 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The situation of Palestinian children in the Occupied State of Palestine: A dramatic increase of number of arrests and cases of ill-treatment in Israeli military detention

In February 2013, UNICEF published a report¹, which highlighted the fact that each year about 700 Palestinian children aged 12 to 17 are arrested, interrogated and detained by Israeli army, police and security agents. The report underlined that in no other country are children systematically tried by juvenile military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights. The analysis of the monitored cases identified that Palestinian children in Israeli detention system suffer from cruel, inhuman and degrading treatment or punishment, which appears to be widespread, systematic and institutionalized².

The Universal Declaration of Human Rights, the IV Geneva Convention, the UN Convention on the Rights of the Child, the UN Convention against Torture and both International Covenants (ICCPR and ICESCR) comprehend international legal obligations on this particular issue, to which the State of Israel must comply since it completed the ratification processes.

MRAP's first-hand report from a human rights monitor mission in the West Bank in April and May 2013, witnesses widespread and persistent abuses of the principles defending the human rights of children guaranteed by these treaties, in clear violation of the international human rights' and humanitarian law standards.

In Hebron, South of the West Bank, we assisted to weekly arrests; very often of children under the age of 14. Among many other cases, on July 9th, 5 year-old Wadia Maswhati was arrested by Israeli soldiers. Some bystanders said that Wadia was throwing stones at a dog when a nearby female soldier accused him of throwing stones at her. Even according to the Israeli law, children under 12 cannot be subjected to detention³. On June 17th, 10 year-old Ahmed was arrested for stone throwing. The boy was handcuffed and questioned for hours in the military base on Shuhada Street, without being given the chance to have a lawyer or a family member with him. On May 27th, 16 year-old Fuad Asem al Batsh was arrested during a night raid for stone throwing, with no any actual evidences given by the Israeli border police. On March 20th, 27 children aged between 7 and 16 have been arrested on their way to school for supposed stone throwing. On April 28th, two brothers, 11 year-old Mouawieh Heikel and 12 year-old Ahmed Abu Heikel, were arrested on their way to school without any evidences or charges.

During the academic year, every morning around 7:00 AM, Israeli soldiers and border police enter the school areas, harassing and provoking little children on their way to school.

¹ UNICEF, *Children in Israeli military detention* (http://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf)

² In April 2012, Defence for Children International published another important report on the suffering of Palestinian children in Israeli military detention system. According to 311 testimonies collected between 2008 and 2012, the 75% of Palestinian children captives suffered from ill treatment and violence at the time of the arrest, the interrogation and the detention. (*Bound, Blindfolded and Convicted*: http://www.dci-palestine.org/sites/default/files/report_0.pdf)

³ Israeli Ministry of Foreign Affairs, "Israel Police Treatment of Juveniles during the Period of Disengagement", (<http://mfa.gov.il/MFA/AboutIsrael/State/Law/Pages/Israel%20Police%20treatment%20of%20juveniles%20during%20the%20period%20of%20disengagement%2015-Aug-2005.aspx>)

The children, feelings threatened by the soldiers' behaviour, often begin to throw stones at them. As the first stone is thrown, the soldiers start to shoot tear gas canisters and sound bombs towards the crowd of children, without hesitating to arbitrary arrests. The children are forced to live and study in an ambiance of fear and violence. Moreover, during the period of exams in Hebron, the number of arrests increased sharply. The children being arrested cannot perform their exam and therefore they lose the entire school year.

This practise shows that these arrests are planned in advance, in order to undermine the pedagogic and social development of Palestinian children. These acts clearly violate the children's Right to Education, recognized by article 14 of the IESCR, by article 26 of the Universal Declaration of Human Rights and by article 50 of the IV Geneva Convention.

The same practice occurs in many other villages around the West Bank, especially in the North, in the area of the city of Nablus. On Friday 14th June a 10 year-old boy was detained in Kufr Qaddum for a couple of hours; during this time he was handcuffed, grabbed by the neck and beaten by Israeli soldiers. On Friday 7th June, during a peaceful demonstration against the illegal occupation, 16 year-old Mo'men Tamimi was arrested without charges. On 21st April, 16 year-old boy with cancer diagnosis was arrested randomly in the village of Urif, blind-folded and beaten up by Israeli soldiers, even if his father and uncle followed with medical documents, trying to inform the Israeli military that there were serious concerns for the boy's health. The soldiers did not listen to the warnings and took the boy for a three hours ride until the prison of Magiddo, near Jenin. Because of the stress and the lack of medical attention the boy arrived in the prison with serious health complications.

Between 15th and 22nd March, 19 boys aged between 6 and 17 from the neighbouring villages of Hares and Kifl-Hares were arrested with relation to a Jewish settler car accident. Five of them⁴ are still in prison, charged with 25 counts of attempted murder each and facing the maximum punishment of life imprisonment. There are no actual evidences of the alleged crimes and no witnesses of the car accident at the time of their arrests; their families were not informed about their whereabouts. The conditions of detention were substandard: isolation and windowless cells, dirty toilet facilities, no mattress to sleep on and scant food. The boys were subjected to a series of abuses accounting to torture and cruel, inhuman or degrading treatment or punishment.

We also discovered that after these detentions, Israeli forces often threaten the families concerned, asking them to become spies or informers for the Israeli secret services, in exchange of the release of their son or daughter. Furthermore, in most of the cases, the mission monitored that the arrests occur randomly, without charge and a fair trial, certifying the fact that these arrests are part of a systematic strategy with the mere goal of harassing and scaring Palestinian children, in order to prevent them to resist the occupation. A good example of this strategy of intimidation is what happened the 31st of May 2013 in the village of Kufr Qaddum, where Israeli soldiers stuck several posters with pictures of four children on the walls of the village. The posters red: "We are the army. Be careful. If we see you, we are going to catch you. If not, we will come to your houses and take you".

The way Palestinian minors are arrested by Israeli soldiers and police occur in violation of their fundamental rights, defined and ensured by many international law treaties, to which Israel is a State party and hence must subscribe. The major and most generalized violation is the peremptory disregard of the Right to a Fair Trial, a fundamental right for all prisoners guaranteed under articles 37 and 40 of the UN Convention on the Rights of the Child, under article 72 of the IV Geneva Convention and under article 14 of the ICCPR. As testified by the examples given previously, during the arrest Palestinian children are not given access to

⁴ Ali Shamlawi, Mohammed Kleib, Ammar Souf, Tamer Souf and Mohammed Souleiman

a lawyer or contact with family members, they are not advised of their rights and family visits during the detention are not allowed. As the monitor mission witnessed, during many arrests and during the detention, children are submitted to corporal punishment, torture and periods in isolation, acts prohibited under article 37 of the UN Convention on the Rights of the Child, under the UN Convention against Torture, under article 32 of the IV Geneva Convention and under articles 7 of the ICCPR. Moreover, most of the detention centres for Palestinian minors and courts are placed in Israeli territory, making it unbearable for family members to visit its children; this condition put itself in clear contravention of article 66 of the IV Geneva Convention, which requires that courts and courts of appeal “*sit in the occupied country*”.

Mouvement contre le Racisme et pour l’Amitié entre les Peuples calls upon the Human Rights Council:

- to condemn in the strongest terms the Israeli policy that targets Palestinian minors, in particular the attempts against their physical and psychological integrity and to call on the State of Israel for the children affected by the repressive policy of the State of Israel (and their families) to be duly compensated for the moral and physical injuries;
- to insure that the State of Israel respect the Right to Education⁵; the Right to a Fair Trial⁶ and the Right to Physical Integrity⁷.
- to call on the State of Israel for the immediate, full implementation of the recommendations made on the 28th February 2012 by the Committee on the Elimination of Racial Discrimination⁸;
- to call on the State of Israel for the immediate, full implementation of the recommendations made on the 14th June 2013 by the Committee on the Right of the Child⁹
- to recommend to the General Assembly to implement the recommendations contained in the Report of the United Nations Fact-Finding Mission on the Gaza Conflict¹⁰, without any further delay;
- to insure that the State of Israel respect the international law standards and international treaties, which have been signed and ratified by the State of Israel;
- to insure accountability for war crimes and crimes against humanity committed in the occupied State of Palestine.

⁵ Enshrined in articles 14 of the ICESCR, in article 26 of the Universal Declaration of Human Rights and in article 50 of the IV Geneva Convention

⁶ Recognized by articles 37 and 40 of the UN Convention on the Rights of the Child, by article 72 of the IV Geneva Convention and by article 14 of the ICCPR

⁷ Recognized by article 37 of the UN Convention on the Rights of the Child, the UN Convention against Torture, by article 32 of the IV Geneva Convention and by articles 7 of the ICCPR

⁸ CERD/C/ISR/CO/14-16 (see in particular section “The Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan”)

⁹ CRC/C/ISR/CO/2-4

¹⁰ A/HRC/12/48