

Defense for Children International - Palestine

الحركة العالمية للدفاع عن الأطفال - فلسطين



Israeli human rights violations against Palestinian children living in the Occupied Palestinian Territory

Universal Periodic Review (4th Cycle) - Israel

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Defense for Children International - Palestine is an independent, local Palestinian child rights organization based in Ramallah dedicated to defending and promoting the rights of children living in the West Bank, including East Jerusalem, and the Gaza Strip. Since 1991, we have investigated, documented, and pursued accountability for grave human rights violations against children; held Israeli and Palestinian authorities accountable to universal human rights principles; and advocated at the international and national levels to advance access to justice and protection for children. We provide direct legal aid to children in distress.

For more information visit www.dci-palestine.org.

INTRODUCTION

1. Israeli armed forces have been regularly implicated in widespread and systematic human rights violations against Palestinian children living in the Occupied Palestinian Territory (OPT). While children affected by armed conflict, including Palestinian children, are entitled to special respect and protections under international humanitarian law and international human rights law, Israeli authorities and armed forces consistently disregard these obligations and flagrantly violate these protections resulting in the torture or cruel, inhuman or degrading treatment, arbitrary detention, and extrajudicial killing of Palestinian children in the OPT. Indiscriminate and disproportionate Israeli military attacks routinely result in the unlawful killing and maiming of Palestinian children amounting to war crimes.

2. Defense for Children International - Palestine (DCIP) monitors, documents, and reports on international human rights and humanitarian law violations stemming from Israel's military occupation of Palestinians living in the West Bank, including East Jerusalem, and the Gaza Strip. Specializing in violations of children's rights as set out in the UN Convention on the Rights of the Child, as well as other international, regional, and local standards, DCIP works to effect positive change in the lives of Palestinian children living across the OPT.

3. This submission is based on evidence, information, and documentation collected by DCIP in the course of our human rights monitoring and investigations and the provision of legal services to Palestinian children detained by Israeli authorities.

PALESTINIAN CHILDREN DETAINED AND PROSECUTED IN THE ISRAELI MILITARY COURT SYSTEM

4. Palestinian children in the West Bank, like adults, face arrest, prosecution, and imprisonment under an Israeli military detention system that denies them basic rights. Military law has applied to Palestinians in the West Bank since 1967 when Israel occupied the territory following the Six Day War. Jewish settlers, however, who reside within the bounds of the West Bank, in violation of international law, are subject to the Israeli civilian legal framework. Accordingly, Israel operates two separate legal systems in the same territory.

5. Palestinian children who live in Jerusalem generally fall under Israeli civilian law. The legal distinctions between East Jerusalem and the rest of the West Bank also trace back to 1967, when Israel captured that part of the city and declared all of Jerusalem its "indivisible" capital.

6. Israel has the dubious distinction of being the only country in the world that systematically prosecutes between 500 and 700 children in military courts each year. Since 2016, Israel has held an average of 223 Palestinian children in custody each month, according to data provided by the Israel Prison Service.

7. Ill-treatment in the Israeli military detention system remains widespread, systematic, and institutionalized throughout the process. DCIP collected affidavits from 681 West Bank children detained between 2016 and 2021 that show nearly three-quarters of them endured some form of physical violence following arrest. 97 percent of the 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 percent of the cases.

8. Amendments to Israeli military law concerning children have had little to no impact on their treatment during the first 24 to 48 hours after an arrest when most of the ill-treatment occurs at the hands of Israeli soldiers, police, and the security service.

9. 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. Military prosecutors rely on, sometimes solely, these confessions to obtain a conviction. During the six-year reporting period, nearly 55 percent of the children interviewed were shown or signed papers written in Hebrew.

10. Palestinian children most commonly face the charge of throwing stones, which carries maximum sentences of 10 or 20 years, depending on the circumstances.

11. Palestinian children must appear before a military court judge within 24 to 72 hours after their arrest, depending on their age. For most, this serves as the first time they see a lawyer and their family.

12. Many Palestinian children maintain their innocence, but plead guilty—most receive plea deals of less than 12 months—as the fastest way to get out of the system. Trials, on the other hand, can last a year, possibly longer, during which children remain behind bars as the Israeli military courts deny bail in the majority of cases.

Solitary confinement for interrogation purposes

13. Israeli authorities routinely detain Palestinian children in isolation solely for interrogation purposes, a practice that amounts to torture or cruel, inhuman, or degrading treatment or punishment, according to documentation and evidence collected by DCIP.

14. Between January 1, 2016 and December 31, 2021, DCIP documented the solitary confinement of 155 Palestinian children for a period of two or more days during a period of interrogation. Palestinian children were held by Israeli authorities for an average period of 15.6 days, and 67 children (43 percent) endured a prolonged period of isolation of 16 or more days. The longest documented period of isolation was 33 days.

15. Palestinian children are typically subjected to solitary confinement following a military arrest and transfer by Israeli authorities. While in isolation, these children experience minimal human contact and commonly report significantly worse cell conditions than in other periods of detention.

16. The solitary confinement of Palestinian children within the Israeli military detention system takes place almost exclusively during pre-charge and pre-trial detention. Evidence collected by DCIP overwhelmingly indicates that it is practiced solely to obtain a confession for a specific offense or to gather intelligence under interrogation. DCIP has found no evidence of the legally justifiable use of solitary confinement of Palestinian children.

Administrative detention

17. In 2015, following a three-year suspension of the practice, Israeli authorities began arresting and detaining Palestinian children under administrative detention. Since October 2015, DCIP has documented over 50 Palestinian children arbitrarily detained by Israeli authorities in administrative detention.

18. Administrative detention is a form of imprisonment without charge or trial that should never be used as an alternative to filing charges or as a general deterrent for future activity.

Palestinian children held by Israeli authorities under administrative detention orders are never presented with charges, and their detention is based on secret evidence that is neither disclosed to the detainee nor the detainee's attorney. The United Nations Working Group on Arbitrary Detention has regularly found that Israel's use of administrative detention against Palestinian children amounts to arbitrary detention.

19. Israeli military court judges have the authority to approve administrative detention orders lasting up to six months. There is no limit to the number of times an administrative detention order can be renewed. As a result, children held in administrative detention face the added uncertainty of indefinite imprisonment.

20. International juvenile justice standards, which Israel has obliged itself to implement by ratifying the CRC in 1991, demand that children should only be deprived of their liberty as a measure of last resort and must not be unlawfully or arbitrarily detained. During its initial review in 2002, the Committee on the Rights of the Child expressed serious concern regarding "allegations and complaints of inhuman or degrading practices and of torture and ill-treatment of Palestinian children" during arrest, interrogation, and detention.

21. In July 2013, over a decade later, the Committee on the Rights of the Child again reviewed Israel's compliance with the CRC and found the situation was even worse. The Committee found that Palestinian children arrested by Israeli forces were "systematically subject to degrading treatment, and often to acts of torture" and that Israel had "fully disregarded" previous recommendations to comply with international law.

22. Additionally, it is highly unlikely that the use of military courts to try civilians—particularly minors—can ever satisfy the requirements of international human rights law for a fair trial before an independent and impartial tribunal, in accordance with Article 14(1) of the ICCPR and Articles 37(d) and 40 of the CRC.

23. The United Nations Working Group on Arbitrary Detention has found in cases concerning the Government of Israel that Israeli military tribunals are not independent or impartial because they consist of military personnel that are subject to military discipline and dependent on superiors for promotion. Furthermore, the Committee on the Rights of the Child has declared, "the conduct of criminal proceedings against children within the military justice system should be avoided."

PALESTINIAN CHILDREN KILLED BY ISRAELI FORCES

24. From 2018 through 10 October 2022, DCIP confirmed that Israeli forces and settlers killed at least 200 Palestinian children in the occupied West Bank, including East Jerusalem, and the Gaza Strip. 2021 was the deadliest year for Palestinian children since 2014. Israeli forces and armed civilians killed 78 Palestinian children, according to evidence collected by DCIP.

25. Israeli military and paramilitary police forces deployed throughout the occupied West Bank, including East Jerusalem, regularly subject Palestinian children to physical and psychological violence, both targeted and indiscriminate, including by lethal and non-lethal munitions, physical assault, and torture.

26. In the West Bank, including East Jerusalem, Israeli soldiers often unlawfully kill Palestinian children in the context of military incursions and demonstrations where Israeli soldiers resort to the unjustified use of intentional lethal force. Soldiers likewise frequently injure children at demonstrations where Israeli forces deploy crowd-control weapons such as rubber-coated metal bullets and tear gas to disperse protestors.

27. Analyzing these specific incidents and the context in which they occurred shows that Israeli forces increasingly targeted Palestinian children with live ammunition to quash protests beginning in 2014.

28. Under international law, intentional lethal force is only justified in circumstances where a direct threat to life or of serious injury is present. However, investigations and evidence collected by DCIP regularly suggest that Israeli forces use lethal force against Palestinian children in circumstances that may amount to extrajudicial or wilful killings.

29. 44 Palestinian children have been killed in 2022, according to documentation collected by DCIP, including 27 Palestinian children shot and killed by Israeli forces or settlers in the occupied West Bank.

The “Great March of Return”

30. The “Great March of Return” civilian demonstrations began in the Gaza Strip on 30 March 2018 in protest of Palestinian refugees’ inability to return to properties lost during events surrounding the establishment of the state of Israel in 1948 and also to demand an end to Israel’s 11-year near total closure of Gaza. These mass civilian protests, which took place weekly in the area along the Israeli-installed Gaza perimeter fence or near the Mediterranean shore, drew large and diverse crowds of demonstrators, including women, children, and elderly people.

31. Between January 2018 and 21 December 2018, Israeli forces and settlers killed at least 56 Palestinian children in the West Bank and Gaza, including a total of 46 with live ammunition or crowd-control weapons. The majority of these fatalities took place in the context of mass protests along the Gaza Strip perimeter fence. DCIP has confirmed in the overwhelming majority of cases children did not pose a direct, mortal threat at the time of their death.

32. In the overwhelming majority of cases, DCIP was able to confirm children did not present any imminent, mortal threat or threat of serious injury at the time Israeli forces resorted to the intentional use of lethal force against them.

Israeli military offensives in the Gaza Strip

33. Palestinian children have often paid the highest price in Israel’s repeated military offensives in the Gaza Strip, while also suffering from a human-made humanitarian crisis created by Israel’s nearly 15-yearlong blockade of Gaza. Closure policies compounded by repeated military offensives have hindered any meaningful efforts toward implementing comprehensive protections for Palestinian children living in the Gaza Strip.

34. Israel’s 15-yearlong near-total closure of the Gaza Strip has largely cut its residents off from the rest of the world, with freedom of movement denied to approximately 2.1 million residents, resulting in the denial of other human rights, including the right to work; to health; to obtain an education; to physical security; to adequate food, water, and housing; and to family life. Israeli policies and actions have created and perpetuated an entirely human-made humanitarian disaster with grave consequences for Palestinians living in what is one of the most densely populated areas in the world.

35. Since Israeli authorities first implemented closure policies toward the Gaza Strip in 2007, Israel has undertaken several major military offensives in the Gaza Strip—“Operation Cast Lead” in December 2008–January 2009, “Operation Pillar of Defence” in 2012, and

“Operation Protective Edge” in 2014—which collectively left over 3,800 Palestinians dead, and thousands more Palestinians injured or disabled.

Operation Guardian of the Walls – 10–21 May 2021

36. The Israeli military offensive that lasted 11 days between 10–21 May 2021, dubbed Operation Guardian of Walls, killed 67 Palestinian children, 60 of them as a direct result of Israeli attacks, according to investigations by DCIP. Another 685 Palestinian children were injured, according to UNICEF.

37. Israeli forces killed 60 Palestinian children during Israel’s 11-day military assault on the Gaza Strip in May 2021, according to documentation collected by DCIP. During the military assault, Israeli forces killed Palestinian children using tank-fired shells, live ammunition, missiles fired from weaponized drones, and other munitions dropped by United States-sourced warplanes.

38. While international humanitarian law prohibits indiscriminate and disproportionate attacks and requires all parties to an armed conflict to distinguish between military targets, civilians, and civilian objects, DCIP investigations found overwhelming and repeated evidence that Israeli forces committed international humanitarian law violations. Israeli warplanes and weaponized drones bombarded densely populated civilian areas killing Palestinian children sleeping in their beds, playing in their neighborhoods, and shopping at stores near their homes.

39. DCIP investigations determined that seven Palestinian children were killed by rockets fired by Palestinian armed groups within the Gaza Strip during the 11-day escalation of violence in May 2021.

Operation Breaking Dawn - 5–7 August 2022

40. The latest Israeli military offensive in the Gaza Strip between 5–7 August 2022 resulted in the killing of 17 Palestinian children, according to investigations by DCIP. Israeli forces killed eight Palestinian children in four separate airstrikes. Five Palestinian children were killed by misfired rockets from a Palestinian armed group, and DCIP field researchers continue to investigate two other incidents where four Palestinian children were killed.

Table 1: Total number of Palestinian children killed by Israeli forces in military offensives in Gaza since 2006
(confirmed as of 10 October 2022)

Name of Israeli military offensive	Date	Children Killed
Operation Summer Rains	June to September 2006	58
Operation Autumn Clouds	November 2006	85
Operation Warm Winter	February to March 2008	33
Operation Cast Lead	December 2008 to January 2009	353
Operation Pillar of Defense	November 2012	33
Operation Protective Edge	July to August 2014	535
Operation Guardian of Walls	May 2021	60
Operation Breaking Dawn	August 2022	8
Total		1165

RECOMMENDATIONS

41. Israeli armed forces have been regularly implicated in widespread and systematic human rights violations against Palestinian children living in the occupied West Bank, including East Jerusalem, and the Gaza Strip, yet systemic impunity is the norm.

42. Previous experience has shown that Israeli authorities persistently fail to impartially and independently investigate alleged violations of its armed forces in accordance with international standards.

43. Without an end to the current regime of nighttime incursions into Palestinian communities, widespread and systematic ill-treatment and torture of Palestinian children, complete disregard for the intentional use of lethal force, policies of collective punishment, targeted assassinations, and regular military offensives, the situation for Palestinian children living in the OPT is all but guaranteed to further deteriorate.

44. To challenge systemic and seemingly perpetual impunity and increase protections for Palestinian children, we strongly urge all member states to demand that the Government of Israel:

- Immediately end the use of solitary confinement and administrative detention against Palestinian children and enshrine the prohibition in law;
- End the prosecution of Palestinian children in Israeli military courts under Israeli military law;
- End the illegal closure of the Gaza Strip;
- Investigate allegations of war crimes and hold perpetrators accountable.