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## ISRAEL-OPT: Concerns over Palestinian children in Israeli custody

GAZA CITY, 19 October 2011 (IRIN) - While there have been emotional scenes after the [release of 477 Palestinian prisoners](#) held in Israeli jails, concerns are being raised about the plight of 164 Palestinian children from the West Bank in Israeli custody.

They were either sentenced or are being detained, mainly for stone-throwing, according to the UN Children's Fund (UNICEF) which, along with other international NGOs, is appealing to the Israeli government to release all Palestinian children in Israeli military detention.

It is unclear whether the children will be part of the second wave of 550 releases in the coming two months.

"UNICEF calls on the Israeli Government to release Palestinian child detainees so that they can be reunited with their families," said Jean Gough, UNICEF special representative in the occupied Palestinian territory (oPt). "As stated in the Convention on the Rights of the Child, the detention of children should be used only as a measure of last resort and for the shortest appropriate period of time," she said.

The Israeli Justice Ministry was unable to confirm the number of Palestinian children detained by Israel.

Rami AbuHaneieh, aged 14 and from Hebron, was arrested by Israeli forces one month ago for throwing stones. "I have not been permitted to see or speak with him since his arrest," said his mother, Khlood AbuHaneieh, a primary school teacher. His lawyer was allowed to visit Rami once, said Khlood, adding that her son may be released as part of the second wave of the prisoner swap.

International NGO Defence for Children International-Palestine Section (DCI-Palestine) also issued an urgent [appeal for the children to be freed](#).

According to the latest figures released by the Israeli Prison Service and DCI-Palestine, on 1 October there were 164 Palestinian children (aged 12-17) in Israeli detention facilities, including 35 aged 12-15. Seventy-six of these children have been sentenced, while 88 children are being held in pre-trial detention.

The number of Palestinian child detained in Israel fluctuates, said UNICEF spokesperson Catherine Weibel in Jerusalem. In 2010, on average 250 children were in detention each month, and in 2009 the monthly average reached 300, she said.

### Military and civil courts

DCI estimates each year about 700 Palestinian children aged 12-17 from the West Bank are prosecuted in Israeli military courts after being arrested, interrogated and detained by the Israeli army, police or security agents. According to UNICEF, over 7,000 Palestinian children were arrested and detained by Israeli authorities over the past 10 years.

Sabri Awad, 16, from Beit Umr, near Hebron, was arrested and detained by Israeli soldiers three weeks ago. "Our family and his lawyer have not been allowed to see or speak with him," said his 18-year-old brother, Yousif Awad, unsure why Sabri was arrested.

In 2010 two children were being held in administrative detention (detention without charge or trial authorized by administrative order rather than judicial decree) in violation of international law, reports UNICEF, although there are none at present.

According to UNICEF spokesperson Weibel, Palestinian children from East Jerusalem are tried in civil courts administered by the Israeli police, just the same as Israeli children. Palestinian children from the West Bank are tried in military courts.

Palestinians arrested by the Israeli army in the West Bank fall under the jurisdiction of Israeli "military legislation". This is a separate military court system that applies only to oPt, according to the Israeli army.

Radhika Coomaraswamy, UN special representative for children in armed conflict [says](#): "Juvenile justice standards are clear; children should not be tried before military tribunals."

Since Israel's "disengagement" from the Gaza Strip in September 2005, Palestinians from Gaza detained by Israeli authorities are generally prosecuted in Israel under civilian security legislation, and not under military law.

It is a violation of Article 76 of the Fourth Geneva Convention to remove children under military occupation from occupied territory, said spokesperson Weibel, thereby prohibiting family visits.

The Israeli army admits that most Palestinian detainees are imprisoned inside Israel, but argues that removing Palestinians from oPt is approved by the Israeli High Court of Justice and is consistent with Israeli law.

### Ill-treatment

According to DCI, reports of torture and/or ill-treatment during the arrest, transfer and interrogation stages in the system, when children may be pressured to sign confessions, have persisted for years.

"Ill-treatment starts at the moment of arrest, when many children report experiencing terrifying night-time raids on the family home, before being tied, often painfully so, and blindfolded," reports DCI.

Also, children continue to be interrogated in the absence of a lawyer and/or a parent, and continue to be denied bail in around 90 percent of cases in violation of Article 37(b) of the UN Convention on the Rights of the Child, according to DCI.

The Israeli Prisons Authority was unavailable for comment.

In 2010, there were at least 90 cases documented of the ill-treatment of Palestinian children while detained by Israeli authorities, says Weibel, and in 2009 there were at least 101 cases documented.

Hamas deputy foreign minister Ghazi Hamad, who participated in talks with Israel to broker the prisoner swap deal, told IRIN: "Nearly 200 children and medical patients being held prisoner may be part of the second wave [of prisoner releases]."

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