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## Palestine: Israeli Police Abusing Detained Children

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Interviews with children who have been detained, video footage, and reports from lawyers reveal that Israeli security forces are using unnecessary force in arresting and detaining children, in some cases beating them, and holding them in unsafe and abusive conditions.

"Palestinian children are treated in ways that would terrify and traumatize an adult," said Sari Bashi, Israel and Palestine country director. "Screams, threats, and beatings are no way for the police to treat a child or to get accurate information from them."

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### Sari Bashi

Israel and Palestine Country Director

Lawyers and human rights groups told Human Rights Watch that Israeli security forces routinely interrogate children without a parent present, violating international and domestic Israeli laws that provide special protections for detained children. The protections include requirements to arrest or detain a child only as a last resort and to take precautions to ensure that children are not compelled to confess guilt. The Convention on the Rights of the Child requires security forces to make the best interests of the child a primary consideration in all aspects of the juvenile justice system.

In July 2015, Human Rights Watch [documented](#) six cases of abuse of children whom Israeli security forces had detained in East Jerusalem and other parts of the Israeli-occupied West Bank. In response, the [Israeli police](#) and [military](#) denied that the abuses had taken place and told Human Rights Watch that their forces conduct arrests and detention in accordance with the law.

Since then, Human Rights Watch has documented three new cases of physical abuse of children in custody and interrogation practices that violate these norms. Criminal defense lawyers report that

such abuse is endemic. The failure to abide by international norms and protections under Israeli law concerning child detainees is particularly worrying given the spike in the number of children arrested during the recent violence involving children.

Since October, protests in the West Bank and Gaza have escalated, as has the use of live fire against demonstrators by Israeli forces. There has also been a wave of stabbings and attempted stabbings by Palestinians against Israeli civilians and security forces both in the West Bank and in Israel. As of February 29, 2016, 172 Palestinians and 24 Israelis had been killed, according to the [United Nations Office for the Coordination of Humanitarian Affairs](#). Of 21 Palestinians suspected of carrying out attacks and killed in 2016, nine were children, according to the UN.

Human Rights Watch interviewed three Palestinians, ages 14, 15, and 16, two of whom were arrested in East Jerusalem and a third in the West Bank city of Hebron, in October and November 2015. Each reported being subjected to unnecessary force during arrest or detention or both. Human Rights Watch also interviewed witnesses to all three of these arrests and viewed a security camera video in which police officers can be seen using what appears to be unnecessary force to arrest the 15-year-old boy. Human Rights Watch also interviewed criminal defense lawyers working in East Jerusalem, submitted a list of questions to the Israeli police minister through a Knesset (parliament) member, and submitted questions to the Israeli military spokesperson's office and the Israeli police.

In two of the three cases, the police interrogated the children without a parent or guardian present; in the third, a parent was able to be present only after the interrogation had begun. All three children reported that police officers hit and kicked them after they were in custody. They said were made to spend hours outside in the cold in the early morning and at night, handcuffed in chairs in police compounds.

A video from a store security camera documenting the arrest of the one of the children, Fayez B., 15, appears to show at least seven police officers in riot gear participating in the arrest, including slapping and dragging the 53-kilogram boy and placing him in a chokehold. "It was a terrifying night," Fayez told Human Rights Watch. The boy's father arrived during the arrest and said a police officer punched him in the face when he asked what was happening.

According to the Palestinian children's rights group [DCI-Palestine](#) and the Israeli human rights group [B'Tselem](#), which rely on information from the Israeli Prisons Authority, the number of Palestinian children arrested in the West Bank since October, when the violence increased, has risen by 150 percent relative to a year ago. In addition to attacks on Israeli civilians and security forces by Palestinian children, the instances of Palestinian children throwing stones at Israeli vehicles has increased.

In response to allegations of abuse in the arrest of one of the boys, Ahmed A., the Hebron District of the Israeli police force sent a written [response](#) to the [questions](#) from Human Rights Watch. It said that Ahmed's interrogation was conducted according to law but did not specifically address allegations that police officers physically abused him. The police minister has yet to respond to a parliamentary inquiry submitted in February 2016, requesting general information about treatment of Palestinian children in detention. The police chief's office declined a request by Human Rights Watch to meet in order to address concerns.

Human Rights Watch did not request a response to the cases of the other two boys, to protect them and their families. It is withholding the last names of the children to protect their privacy.

"The increasing number of attacks by Palestinian children is troubling," said Bashi. "But security forces should obey the law and treat child detainees with the humanity and dignity that all children deserve."

***Fayez B., 15 years old***

Fayez was arrested outside a store where he occasionally worked in East Jerusalem, on the afternoon of October 7. He told Human Rights Watch that Israeli police officers approached him and asked him whether he possessed a knife, and that one of them put his hand in the boy's pocket while the other pushed him. Fayez said he pushed the officer back and then entered the store where he worked to give his cellphone to the store owner, anticipating he was going to be arrested.

The police officers followed him, he said, and began hitting him, until he dropped to the ground. As he lay there, he said, the officers kicked him between the legs and banged his head against the ground, then dragged him upright while slapping him and handcuffed him. The store owner, Mohammed al-Shwaiki, who was there, confirmed the account and said a police officer hit him too, on his head and knee.

A [video](#) from the store's security camera, which al-Shwaiki released to the media shortly after the arrest, shows Fayez walking into the store and a police officer, dressed in riot gear, grabbing him. The boy breaks away and walks behind the store counter, and then the officer is seen pushing him down to the ground. He and the officer remain outside the view of the camera for 13 seconds. Then the officer can be seen dragging him upright, slapping him, and taking him toward the entrance of the store. At least six additional police officers, all wearing helmets and flak jackets, can be seen participating in the arrest. Even though Fayez appears to be subdued, one of the officers appears to hit the boy as he stands upright, and another can be seen putting him briefly into a chokehold. Fayez weighs 53 kilograms and is 1.65 meters tall.

Fayez said he was then handcuffed and walked to the Abu Tor neighborhood, where both Palestinians and Israeli Jews live. He said that police officers continued to hit and kick him. After they walked through a gate into the neighborhood, Fayez said, police officers threw him to the ground. Six or seven officers then kicked him on his legs, back, and head, while onlookers screamed at him in Hebrew and uttered curses in Arabic about his mother and sister.

Fayez said police put him in a large jeep together with 11 officers and drove him to the Oz police station. He was in the back seat at first, but then the officers put him on the floor. Then a number of police officers kicked him, and one hit him in the head with his fist. Another officer spilled water on Fayez's back, he said.

Fayez's father, Fawaz B., arrived at the store around 4 p.m., as his son was being taken away. He said that when he asked the police officers what was happening, one of them grabbed him by his shirt and punched him in the face. He said he pushed the officer, and then other police officers pushed him away and threatened to shoot him if he didn't leave.

Fawaz said he followed the officers to the Abu Tor neighborhood. He observed about 25 onlookers – men, women, and children – gathering around the officers and screaming as the officers beat his son. Fawaz said he yelled at the officers to stop and then saw them taking his son into the jeep. He drove to Oz station, he said, where the officers had told him they were taking his son, but when he arrived, police officials told him that his son was at another police facility, at Salah al Din Street. Fawaz said that when he arrived there, officers told him to go to a third facility, known as the Russian Compound. At the Russian Compound, he was told that his son was indeed at the Oz station.

"They did all this so that I would miss the first interrogation," Fawaz said.

Fawaz said that he returned to Oz and asked again to be present at his son's interrogation. He said he was made to wait another hour, until 10 p.m., when officers allowed him to enter the room where his son's interrogation was underway. Fawaz said his son had handcuffs on his hands and

feet and wept as police interrogators screamed at him, accusing him of trying to stab security forces.

"I could see marks on his face," Fawaz said. "It was blue, and his neck had the mark of fingertips ... it was red and blue. They cursed him and used bad language. I couldn't handle it. I told them to be decent with him, and they screamed at me too." Fawaz said the interrogation ended at about 11 p.m.

Fayez said that after the interrogation, he was taken to the police station courtyard and placed in a chair in the cold air, still with handcuffs on his hands and feet, until about 2 a.m., when he was taken by jeep to the Russian Compound, which has a youth detention wing. Police officers told him it was full, and returned him to the jeep, where he spent the night. Police officers gave him a bottle of water but no food, he said. He said that when he fell asleep in the jeep, the officers poured water on him to awaken him.

"It was a terrifying night," he said.

He was released without charge the next day, after the video of his arrest was published online. The store owner, al-Shwaiki, said that the police also interrogated him, telling him Fayez would be released if he and others agreed not to file a complaint.

#### ***Ahmed A., 16 years old***

Soldiers arrested Ahmed on November 27 at about 7 p.m., in the garden of a friend, Issa Amer, near his home in Hebron. He said that the soldiers blindfolded and handcuffed him and took him to a police station in the nearby settlement of Kiryat Arba, where he was made to sit outside on the ground until about 12:30 a.m. He asked to have his father come there, but police officers told him his parents would not be allowed into the interrogation. He was permitted to speak to his lawyer by phone before the interrogation, which began after midnight. He said interrogators accused him of having a knife, which he denied, and then took him to a military compound on Shuhada Street.

Once they arrived, he said, six or seven soldiers forced him to lie on the ground and started hitting and kicking him.

"I was hit on my back and legs, with kicks and blows to my head," Ahmed told Human Rights Watch. "I don't know how long it lasted, but it was painful, and the time passed slowly."

He said he spent the night on a chair in the courtyard, in the cold night air, and was given only a glass of water and a slice of hard yellow cheese. He was transferred to a detention facility the next day and released six days later without charge, after a DNA test failed to link him to a knife that had been found.

The West Bank District of the Israeli police force told Human Rights Watch in its letter that security forces arrested Ahmed because he matched a description of a suspect allegedly holding a knife and fleeing from soldiers. The letter said that a specially trained youth investigator had interrogated him, and that officers had notified his parents of his arrest. The police said that the boy had not asked to have his parents present during the interrogation and that they would not have been allowed in because he was a suspect in a "security" crime.

The letter did not address allegations that police officers beat and kicked Ahmed but referred Human Rights Watch to a mechanism for submitting complaints against "jailers" alleged to have committed abuses, even though Ahmed alleges that he was beaten in police custody, before he reached the detention center. The letter also did not respond to a question about whether one of the boy's parents signed a form confirming that they had been notified of his arrest, as the Youth Law stipulates.

***Suheib I., 14 years old***

A third boy, Suheib I., 14, told Human Rights Watch that police arrested him at 4 a.m. in his home in the Thowri neighborhood of East Jerusalem on October 28, 2015. His mother confirmed the time and date. Police officers placed him on the floor of a police vehicle. Suheib, who is 1.61 meters tall and weighs 50 kilograms, said that the officers hit him on his head and cursed him, as they drove to the Oz police station. He said he was made to sit on a chair, with his arms and legs bound, outside one of the caravans in the police compound from approximately 5 a.m. to noon. Interrogators then took him inside and began questioning him about alleged involvement in throwing bottles at security forces.

His parents were not present. Suheib said that the officers cursed him and threatened to cancel his parents' residence in East Jerusalem. He said that the officers told him to sign papers written in Hebrew, which he did, although he cannot read Hebrew. He asked the investigators about the content of the statement and was told it was a statement declaring that he had not been beaten. He was held in various detention centers until November 22, when, according to court transcripts Human Rights Watch reviewed, he was released to house arrest after a judge in the Jerusalem Magistrate Youth Court received testimony from a municipal social worker that the boy was "suffering" in detention.

The court documents say that a police first sergeant, Fadi Madah, told the Jerusalem Youth Court that a judge issued an arrest warrant for Suheib on October 26. No explanation was given about why police officers executed the warrant at 4 a.m., two days after it was issued. Madah also confirmed in his testimony that a police commander authorized denying the boy the right to have his parents present during his interrogation, saying that the crime he was accused of – throwing a bottle at cars driven by Jewish drivers – justified the decision.

**Legal Requirements for Interrogations**

Article 14 of the International Covenant on Civil and Political Rights, which Israel ratified in 1991, requires court procedures to take into account the age of child defendants. The Convention on the Rights of the Child, which Israel also ratified in 1991, elaborates on this requirement and directs states to ensure that children are "not compelled ... to confess guilt." The committee charged with interpreting the convention has [stated](#) that this includes a right to request the presence of a parent during questioning and to avoid interrogation practices that, given the age of the child and their development, might lead or coerce the child to acknowledge guilt.

The committee says the term "compelled" should be interpreted broadly and not be limited to physical force or other clear violations of human rights. The age of the child, the child's development, the length of the interrogation, the child's lack of understanding, the fear of unknown consequences or of a suggested possibility of imprisonment may lead them to a confession that is not true. The committee has also [called](#) on Israel to open an independent inquiry into all alleged cases of torture and ill-treatment of Palestinian children, in light of reports that security forces "systematically subject [them] to physical and verbal violence."

UNICEF [reported](#) that in 168 of 208 Palestinian children's affidavits collected in 2013 and 2014, children said they were not informed of their rights to a lawyer or to remain silent during interrogation. Children said they were "subjected to physical violence" in 171 cases.

The Youth Law applicable in Israel and military orders applicable in the West Bank all require police to notify parents of their child's arrest and to allow the child to consult with a lawyer before the interrogation. The Youth Law entitles children to have a parent present during their interrogations, except in cases of alleged "security offenses." The Youth Law also requires officials to conduct interrogations during the day, to conduct proceedings in a language the child understands, and to take into consideration the well-being of the child in determining whether

arrest is absolutely necessary. Although the Youth Law does not formally apply to the West Bank, except East Jerusalem, the Israeli military has [told](#) Human Rights Watch that it implements the provisions of the Youth Law, including the right to have a parent present during interrogation, to law enforcement in the West Bank.

As the number of arrests of children has grown amid the escalation of violence in recent months, so has the number of cases in which international norms protecting children are violated, Israeli and Palestinian human rights organizations have reported. Mohammed Mahmoud, a lawyer for the Palestinian prisoner organization [Adameer](#), has represented hundreds of children in the last few months, most of whom were arrested for throwing stones at settlers and security forces. He told Human Rights Watch:

The main problem in the Israeli legal system in dealing with minors is that a senior police officer can grant the interrogators an order permitting them not to allow the parents of a child to be present during his interrogation. This order, as far as we see, is used against Palestinian children in political cases only, and it gives the interrogators the freedom to harass, scream, threaten the children and push them to confess to crimes they have not committed out of fear.

Although denying the right to have a parent present during an interrogation is supposed to be exceptional, such practice threatens to become the rule for Palestinian children, for whom acts such as throwing stones are defined as security crimes. According to a 2015 [study](#) by Military Court Watch, a nongovernmental group, just 3 percent of Palestinian children arrested in the West Bank reported that their parents were present throughout their interrogation by security forces.

In November 2015, the Israeli Knesset [passed a law](#) that authorizes longer prison sentences for children convicted of throwing stones and that allows the government to suspend social welfare payments to their families while the children serve their sentences.

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