



Policy Brief

01 March 2018

Israeli detention of Palestinian children

Following the widely publicized arrest and trial of seventeen-year-old Ahed Tamimi for protesting both President Trump's Jerusalem decision and ongoing settlement construction near her home in Nabi Saleh, the Delegation wishes once again to spotlight the illegal detention of Palestinian children by Israeli occupation forces, and their trials by military courts.

International law

Article 40 of the United Nations' *Convention on the Rights of the Child* states: 'Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences'.¹ The arrest and trial of Ahed Tamimi remind us not only of the 315 Palestinian minors (younger than eighteen years) who are currently languishing in Israeli prisons and detention centres, but also of the reasons for their convictions.² Sentencing children for 'crimes' that often amount to nothing more than resisting or humiliating the occupation forces (such as stone throwing, or, in Ahed's case, kicking and slapping a heavily armed IDF soldier in her front yard) is in direct violation of a convention to which Israel is a signatory.

The arrest of minors is symptomatic of military occupation

Inordinate sentences for stone throwing and 'incitement' by children living under occupation are to a large extent attributable to Israel's desire to dull the global-media spotlights and the international outcry that invariably follow these cases. Deterring future instances of 'non-compliance' by Palestinian youth (through closed-door military trials and heavy-handedness) also means avoiding renewed international scrutiny and condemnation of their illegal colonial project. During the first two years of the First Intifada (1987-1993), between 23,600 - 29,900 Palestinian children required medical treatment for IDF beatings.³ While the current policy of trial by military court for civil disobedience in the occupied territories may appear measured by comparison, it is merely a continuation of the same contempt for Palestinian human rights, especially those of minors taking a stand against the occupation and its indignities the only way they know how.

¹ <https://www.unicef.org.au/Upload/UNICEF/Media/Our%20work/childfriendlycrc.pdf>

² https://www.btselem.org/statistics/minors_in_custody

³ Nelson, A. (2011). *In Your Eyes a Sandstorm: Ways of Being Palestinian*. Berkeley: University of California Press, p. 122.





The mistreatment and denial of rights of minors in detention

Roughly two-thirds of Palestinian minors who were asked to report on their arrest and incarceration in 2017 testified to some form of ill treatment by soldiers, most commonly slapping and verbal abuse, including threats.⁴ The 2013 UNICEF report *Children in Israeli Military Detention* confirms that the mistreatment of Palestinian children in Israel's military detention system is 'widespread, systematic and institutionalized'.⁵ The report, which was based on 10 years' worth of research and case studies, points to, among other things, the night-time arrests of children by heavily armed soldiers, physical and verbal abuse during transfer to the interrogation site, using threats during interrogation and denying access to lawyers and family.⁶ This abuse contravenes multiple articles in both the *Convention on the Rights of the Child* and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. While some improvements have since been made – most notably, a 20% increase in access to legal help – recent and ongoing reporting suggests that threats and physical abuse, in particular, remain prevalent.

⁴ <https://www.haaretz.com/israel-news/.premium-two-thirds-of-palestinian-minors-testify-to-abuse-in-israeli-detention-1.5629260>

⁵ https://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf

⁶ Ibid.

