



Defence for Children International – Palestine Section

**In their own Words:  
A report on the situation facing Palestinian children detained in  
occupied East Jerusalem**

**Reporting period:  
4 October to 16 December 2010**

**Submitted:  
3 February 2011**

**Submitted to:**

- 1) UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;
- 2) UN Special Rapporteur on the independence of judges and lawyers; and
- 3) UN Working Group on Arbitrary Detention.

*This report is submitted on behalf of Defence for Children International–Palestine Section (DCI-Palestine), a national section of the international non-governmental child rights organisation and movement, Defence for Children International, established in 1979, with consultative status with ECOSOC.*

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## **1. Executive summary**

- 1.1 In 2010 there was a sharp increase in the number of reports of children being arrested from the Silwan neighbourhood, in occupied East Jerusalem. According to Israel Police figures, between November 2009 and October 2010, the Jerusalem District opened 1,267 criminal files against Palestinian children living in occupied East Jerusalem who were accused of throwing stones.
- 1.2 This Report covers a three month period between October and December 2010, and is based on the sworn affidavits of **13** children who were arrested and interrogated by Israeli security forces during this period. In **77** percent of these cases, the children were accused of throwing stones. The most common complaints and areas of concern, raised by the 13 children in their affidavits, are presented in Table 1 below:

*Table 1 – Common complaints and areas of concern – October to December 2010*

#	Common complaints and areas of concern	Number of cases	Percentage of children affected
1	Physical violence	10	77%
2	Interrogated in the absence of a parent	9	69%
3	Hand ties	8	62%
4	Threats	8	62%
5	Verbal abuse	6	46%
6	Blindfolded	5	38%
7	Confession during interrogation	4	31%
8	Detained with adults	4	31%
9	Signed/shown documents written in Hebrew	3	23%
10	Interrogation of children under 12 years	1	8%
11	Informed of the right to silence	1	8%

- 1.3 The Report also highlights the role played by illegal Israeli settlement activity in occupied East Jerusalem in raising tensions in the east of the City, which in turn gives rise to violent clashes between Israeli security forces and Palestinian children.
- 1.4 The Report recommends as a minimum safeguard, that no child below the age of 12 years be detained as a criminal suspect, and that no child is questioned by the police or other authority in the absence of his or her parent.

## **2. Introduction**

- 2.1 Following six days of armed conflict in 1967, Israeli forces occupied East Jerusalem, the West Bank and the Gaza Strip (the Occupied Palestinian Territory), and thus acquired all the duties and obligations that international humanitarian law imposes upon an occupying power. Later the same year, the UN Security Council unanimously adopted resolution 242 (1967) which emphasised the inadmissibility of acquisition of territory by war and called for the ‘withdrawal of Israeli armed forces from territories occupied in the recent conflict.’
- 2.2 Instead of withdrawing its armed forces, Israel started taking a number of administrative and legislative steps in relation to East Jerusalem inconsistent with the law of occupation, culminating in 1980 with the adoption of the Basic Law making all of Jerusalem the ‘complete and united’ capital of Israel. The Security Council responded to these measures with a number of resolutions, including resolutions 298 (1971) and 478 (1980) confirming that ‘all legislative and administrative actions taken by Israel to change the status of the City of Jerusalem, including expropriation of land and properties, transfer of populations and legislation aimed at the incorporation of the occupied section, are totally invalid and cannot change that status.’<sup>1</sup>
- 2.3 In spite of these resolutions, and contrary to the provisions of international law relating to the duties and obligations of an occupying power, Israel applies its civilian legal system to occupied East Jerusalem, and thereby ignores the laws that were in place in the east of the City prior to 1967.
- 2.4 Further, and according to the Israeli non-governmental organisation, B’Tselem, ‘since East Jerusalem was annexed in 1967, the government of Israel’s primary goal in Jerusalem has been to create a demographic and geographic situation that will thwart any future attempt to challenge Israeli sovereignty over the city. To achieve this goal, the government has been taking actions to increase the number of Jews, and reduce the number of Palestinians, living in the city.’
- 2.5 ‘The settlement enclaves in East Jerusalem surround the Old City Basin from the south, east and north, and some of them are positioned on main roads leading to the Old City, enabling control of movement along these routes. The government and the Jerusalem Municipality support the settlement efforts in the heart of Palestinian neighbourhoods in East Jerusalem and the Old City by allocating private security guards, paid for by taxes, to protect the enclaves; by sending security forces to accompany takeover of Palestinian

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<sup>1</sup> See also the International Court of Justice’s (ICJ) advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2004) (the ICJ Wall Opinion (2004)) – available at: <http://www.icj-cij.org/docket/files/131/1677.pdf>

assets and houses; by funding and promoting building development projects in the enclaves; and by transferring government assets, such as the Archaeological Garden around the Old City, to the control of the (settler) organizations.’<sup>2</sup>

- 2.6 The findings of this Report are based on 13 sworn affidavits taken from children living in the Silwan neighbourhood of occupied East Jerusalem in the three months between October and December 2010 (the reporting period). The Report also makes reference to other sources where relevant, such as media and non-governmental reports. During the six months between July and December 2010, DCI-Palestine also collected 40 sworn affidavits from children arrested in the occupied West Bank. As these children fall under the jurisdiction of Israeli military law and were prosecuted in military courts in the occupied West Bank, they have been included in a second report which was submitted to the UN Special Procedures on 29 January 2011.<sup>3</sup>

*‘I don’t throw stones but our house is located at the edge of the al-Bustan neighbourhood and our house is under threat of demolition. There is always trouble in Silwan because the people defend their houses. Al-Bustan neighbourhood is only 50 metres away from my neighbourhood. There are confrontations with the Israeli army almost every Friday after the people finish praying in the protest tent in the al-Bustan neighbourhood. Soldiers provoke the people and then confrontations break out.’*

(M.O. – 12 years – Silwan, occupied East Jerusalem)

*‘Silwan has been under attack by Israeli soldiers and settlers for two months. Children have been attacked by soldiers and settlers and some of them were arrested. In addition to that, several house demolition orders were delivered to people living in the al-Bustan neighbourhood in Silwan.’*

(M.G. – 15 years – Silwan, occupied East Jerusalem)

### **3. Common violations**

- 3.1 The neighbourhood of Silwan is situated just outside the Old City walls of Jerusalem, located in the occupied east of the city. Approximately 16,500 Palestinians live in the

<sup>2</sup> B’Tselem – available at: <http://www.btselem.org/english/Jerusalem/Index.asp>

<sup>3</sup> DCI-Palestine, ‘In their own Words: A report on the situation facing Palestinian children detained in the Israeli military court system,’ (29 January 2011) – available at: <http://www.dci-pal.org/English/Doc/Press/JANUARY2011.pdf>

central section of the neighbourhood.<sup>4</sup> Although accepted as occupied territory under international law, Israel purported to annex the east of the city after occupation in 1967, and applies its own domestic law to the territory. The annexation has no legal validity under international law, and is not recognised outside Israel. According to the UN, Silwan has become one of the main centres of Israeli settlement activity and is currently home to 380 settlers, who live in properties taken over by various means from their original Palestinian residents.<sup>5</sup> According to the UN, Palestinian residents of Silwan report harassment and intimidation by the settlers and their security guards, and clashes between residents and soldiers and police are frequent. On 21 June 2010, the Jerusalem Municipality's Planning and Building Committee approved a plan to demolish 22 Palestinian houses in Silwan to make way for an archaeological garden.<sup>6</sup>

- 3.2 In 2010, reports of a sharp increase in the number of children being arrested from the Silwan neighbourhood, in occupied East Jerusalem, have been recorded. According to Israel Police figures, between November 2009 and October 2010, the Jerusalem District opened 1,267 criminal files against Palestinian children living in occupied East Jerusalem who were accused of throwing stones.<sup>7</sup> During the same period, the Israeli non-governmental organisation, B'Tselem, reported that 81 children from Silwan were arrested or detained for questioning, mostly on suspicion of stone throwing.
- 3.3 On 24 November 2010, 60 prominent Israeli professionals wrote to Prime Minister Netanyahu, and other senior officials raising their concerns about the violent treatment of Palestinian children in occupied East Jerusalem.<sup>8</sup> The letter states that *'children and teenagers related that they had been dragged out of their beds in the middle of the night or arrested in their neighbourhoods by undercover detectives and special security forces; taken in for questioning while handcuffed and unescorted by their parents; in certain cases, the families were not notified of the arrest in real time; minors were asked to give names and incriminate friends and relatives as a condition of their release; were threatened and humiliated by their interrogators; and some of them were even subject to physical violence while taken in for questioning and under interrogation.'*

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<sup>4</sup> B'Tselem, 'Caution: Children Ahead – The Illegal Behaviour of the Police towards Minors in Silwan Suspected of Throwing Stones,' (December 2010) – Available at: [http://www.btselem.org/Download/201012\\_Caution\\_Children\\_Ahead\\_Eng.pdf](http://www.btselem.org/Download/201012_Caution_Children_Ahead_Eng.pdf)

<sup>5</sup> UN OHCHA, 'The Humanitarian Monitor,' (September 2010) – Available at: [http://www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2010\\_10\\_19\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2010_10_19_english.pdf)

<sup>6</sup> B'Tselem – Available at: [http://www.btselem.org/English/Jerusalem/20100628\\_JM\\_Municipality\\_plans\\_to\\_demolish\\_22\\_houses\\_in\\_Silwan.asp](http://www.btselem.org/English/Jerusalem/20100628_JM_Municipality_plans_to_demolish_22_houses_in_Silwan.asp)

<sup>7</sup> B'Tselem, 'Caution: Children Ahead – The Illegal Behaviour of the Police towards Minors in Silwan Suspected of Throwing Stones,' (December 2010) – page 13.

<sup>8</sup> Available at: [http://www.dci-pal.org/english/doc/press/Letter\\_by\\_Israeli\\_professionals\\_on\\_Silwan.pdf](http://www.dci-pal.org/english/doc/press/Letter_by_Israeli_professionals_on_Silwan.pdf)

- 3.4 In the three months between October and December 2010, DCI-Palestine has investigated 24 cases from Silwan, and collected 18 sworn affidavits, 15 of which were taken from children. In two out of the 15 cases, the children were not arrested. In one of these cases, the child was beaten and then immediately released by soldiers, and in the other case, an 11-year-old boy was struck in the head with a rubber coated steel bullet fired by the Israeli police. The ages of these children range from 7 to 17 years.

*Table 2 – Age categories*

Age group	Number	Percentage
7 years	1	7%
10 years	1	7%
11 years	1	7%
12 years	3	20%
13 years	2	13%
14 years	2	13%
15 years	2	13%
16 years	1	7%
17 years	2	13%
<b>Total</b>	<b>15</b>	<b>100%</b>

- 3.5 In 10 out of the 13 cases of children who were arrested (77 percent), the accusation against them was for stone throwing. The most common complaints and areas of concern, raised by the 13 children in their affidavits, are presented in Table 2 below:

*Table 3 – Common complaints and areas of concern – October to December 2010*

#	Common complaints and areas of concern	Number of cases	Percentage of children affected
1	Physical violence	10	77%
2	Interrogated in the absence of a parent	9	69%
3	Hand ties	8	62%
4	Threats	8	62%
5	Verbal abuse	6	46%
6	Blindfolded	5	38%
7	Confession during interrogation	4	31%
8	Detained with adults	4	31%
9	Signed/shown documents written in Hebrew	3	23%
10	Interrogation of children under 12 years	1	8%
11	Informed of the right to silence	1	8%

### 3.6 **Hand ties (62%) and blindfolds (38%)**

In eight out of 13 cases (62%), the children had their hands tied, often painfully so, and in five out of 13 cases (38%), the children were blindfolded. Under section 10B of the Youth (Trial, Punishment and Modes of Treatment) Law (Israel), alternatives to restraints should always be considered and they should not be used beyond what is strictly necessary. Restraints should only be used to prevent escape or to prevent harm to others. In practice, the use of plastic cords to tie the hands of children often leads to the swelling of the hands and unnecessary pain.<sup>9</sup>

*‘At around 5:00 pm, I was in the street in front of my sister’s house with a number of my friends when suddenly around 10 undercover soldiers attacked us. They were wearing traditional clothes worn by old people and had beards. They grabbed me by my shirt and dragged me to the Bir Ayyoub mosque. They took me inside and started opening fire and throwing tear gas canisters at people outside the mosque. The undercover soldiers kept me inside the mosque for about half-an-hour, during which time my eyes were watering and became red because of the tear gas. One of them tied my hands behind my back with black plastic cords and placed my shirt over my head and face.’*

(B.R. – 13 years – Silwan, occupied East Jerusalem)

*‘One of them grabbed my neck, and the other two grabbed my hands and twisted them behind my back. They tied my hands with plastic cords and made me face the wall.’*

(A.G. – 16 years – Silwan, occupied East Jerusalem)

*‘At around 3:00 am we woke up to banging on the front door of our house. We all went out to the living room and my father went to answer the door. “Who is it?” he asked. “Open up, it’s Israeli intelligence,” someone standing behind the door said. My father opened the door and around five Israeli soldiers entered the house ... “We’re here for S., we need him for 10 minutes and will bring him back*

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<sup>9</sup> Public Committee Against Torture in Israel, ‘Shackling as a Form of Torture and Abuse,’ (June 2009) - Defence for Children International-Palestine Section, ‘Palestinian Child Prisoners: The Systematic and Institutionalised Ill-Treatment and Torture of Palestinian Children by Israeli Authorities,’ (June 2009), pages 9-11, and 26-65; Public Committee Against Torture in Israel, ‘No Defense: Soldier Violence against Palestinian Detainees,’ (June 2008) - page 3 – ‘In 30 of the 90 cases of ill treatment we examined, the detainees testified that they were subjected to painful shackling. The soldiers often leave the detainee shackled for a protracted period – frequently for many hours, which is painful and liable to cause permanent injury;’ United Against Torture, Torture and Ill-Treatment in Israel & the occupied Palestinian territory (2008), pages 9-17 – <http://www.unitedagainsttorture.org>.

*afterwards.” ... They stopped me at the door of the house and tied my hands behind my back with plastic cords and blindfolded me.’*

(S.R. – 17 years – Silwan, occupied East Jerusalem)

*‘The interrogator left me alone in the room with my hands still tied behind my back. I was feeling pain because the ties were very tight. I kept trying to move my fingers so that the blood could run through them. I stayed alone in the room for about three hours and no one came in or brought me food or water.’*

(I.O. – 17 years – Al Mascobiyya Interrogation Centre, Jerusalem)

### 3.7 **Physical violence (77%)**

In 10 out of the 13 cases (77%), the children report some form of physical violence at the hands of the security forces in the streets of Silwan, or during arrest, transfer or interrogation.

*‘They put me inside the jeep and one of them started kicking me all over my body and slapping me until we arrived at Al Mascobiyya.’*

(B.R. – 13 years – Silwan, occupied East Jerusalem)

*‘I became scared of ‘Captain Fuad’. “I don’t know who was with me,” I said to him. He grabbed a blue pen and hit me with it. The pen hit my head but didn’t hurt. I didn’t do or say anything but he insulted me and my religion. Then he stormed out of the room.’*

(I.M. – 12 years – Al Mascobiyya Interrogation Centre, Jerusalem)

*‘A soldier started hitting me on the back with the barrel of his rifle and I screamed out of pain and said to him: “I didn’t do anything.” But he kept hitting me for about a minute when my mother came and started shouting: “Leave him alone, he must go to work.” But one of them pushed her really hard and knocked her down ... then a white military jeep arrived and three soldiers threw me inside, with my face against the floor and my hands tied behind my back. One of them sat on my back. The other one put his leg on my neck and the third one put his leg on my legs ... the interrogation lasted about 10 minutes with my hands still tied behind my back.’*

(A.G. – 16 years – Silwan, occupied East Jerusalem)

*'At around 3:00 pm, I was with 10 other youngsters standing near the protest tent in the al-Bustan neighbourhood. The youngsters were covering their faces and getting ready to throw stones at settlers because the Israeli army wanted to take down the protest tent set up by residents to protest the plan to level the neighbourhood. I wasn't covering my face because I didn't want to throw any stones ... Then suddenly two white vans arrived and around 15 men stormed out. They were in civilian clothes but their faces were covered in black masks. We realised they were special Israeli units. The youngsters ran away but I couldn't because three undercover soldiers caught me. One of the undercover soldiers grabbed my back and started choking me. The second one grabbed my shirt and ripped it from the back, whereas the third one twisted my hands behind my back and tied them with plastic cords. Two of them went off chasing youngsters and the third one kept choking me. "Who threw stones?" the undercover soldiers asked me. "I don't know," I said. He started punching me on the head and I shouted in pain. "I didn't do anything," I shouted. "Shut up, shut up," he kept saying while still punching me in the face.'*

(M.O. – 10 years – Silwan, occupied East Jerusalem)

*'The interrogator started insulting me and my mother, so I insulted his mother. He stood up, approached me and slapped me across the left side of my face. I stared at him angrily and he said: "You have five minutes to come clean." Then he walked out of the room. After that, two men in civilian clothes came to the room ... They approached me and one of them slapped me so hard that it knocked me down on my chest while my hands were still tied behind my back. Then they started kicking me in the back, stomach and legs. They kept kicking me for like five minutes and I kept asking them to leave me alone.'*

(S.R. – 17 years – Al Mascobiyya Interrogation Centre, Jerusalem)

*'At around 8:00 am, I was walking on my way to school. I was carrying my schoolbag on my back. There were five Israeli policemen in the street. They were wearing black uniforms and carrying M16 rifles ... suddenly, children started throwing stones at the policemen who were in the street. The policemen chased the children in their jeep. I ran away like other children so that policemen wouldn't catch and beat me. I ran away because I was scared they would beat me ... A policeman grabbed me by the shirt from behind and dragged me to a vehicle ... the policeman sitting*

*beside me kept slapping me on my head during the trip. Every one or two minutes he would slap me on my head during the trip.'*

(M.G. – 12 years – Inside a vehicle)

*'At around 12:00 pm, I was on my way home from school when I saw near our house three Israeli soldiers in green uniforms carrying black M16s. They were standing beside a green jeep. I was walking and carrying my schoolbag on my back. When I was about 10 metres away from the soldiers, the children started throwing stones at them and the soldiers chased the children around. I became scared, so I ran away. I didn't want them to think I was throwing stones. I ran for five metres and entered our neighbour's shop. Two soldiers followed me to the store. One of them twisted my right arm, and the other kicked me on the right leg. I started crying and screaming. I was scared they would take me away ... The soldier who was grabbing me let go of me. I was crying and screaming. I quickly rushed out of the store and ran away ... I hid behind a tree in the land in front of my uncle's house. I kept hiding and crying. I even wet my pants.'*

(A.R. – 7 years – Silwan, occupied East Jerusalem)

### 3.8 **Interrogation of children under 12 years (8%)**

In one out of the 13 cases (8%), a child below the age of 12 was arrested and taken away for questioning. Under Israeli law which is applied to occupied East Jerusalem, children under the age of 12 are not supposed to be held criminally liable for their actions and must not be detained as criminal suspects. Since the beginning of 2010, the Israeli non-governmental organisation, B'Tselem, has documented the detention of four children below the minimum age of criminal responsibility.<sup>10</sup>

### 3.9 **Informed of the right to silence (8%)**

In just one out of the 13 cases (8%), was the child informed of his right to silence. Under Israeli law which is applied to occupied East Jerusalem, suspects in a criminal investigation have the right against self-incrimination. Prior to arrest, the officer in charge is obliged to notify the suspect that he or she has the right to speak, but that he or she is not obliged to say anything that may incriminate him or her; that anything that is said may be used in evidence against the suspect; and that the failure to say anything may

<sup>10</sup> B'Tselem, 'Caution: Children Ahead – The Illegal Behavior of the Police towards Minors in Silwan Suspected of Stone Throwing,' (December 2010) – available at: [http://www.btselem.org/Download/201012\\_Caution\\_Children\\_Ahead\\_Eng.pdf](http://www.btselem.org/Download/201012_Caution_Children_Ahead_Eng.pdf)

strengthen the case against the suspect.<sup>11</sup> Further, throughout the questioning process, the suspect is not obliged to answer questions put by the police that may incriminate him or herself.<sup>12</sup>

*'They took me to Room 4. It's an interrogation room designated for people of Silwan. I saw a computer, a table, a metal closet and a man in civilian clothes. I was alone in the interrogation room without any family member or lawyer. The man didn't inform me of my rights either.'*

(B.R. – 13 years – Al Mascobiyya Interrogation Centre, Jerusalem)

### 3.10 **Interrogated in the absence of a parent (69%)**

In nine out of the 13 cases (69%), the children report being interrogated, for the whole or part of their interrogation, in the absence of a parent or other family member. Under Israeli law which is applied to occupied East Jerusalem, parents are entitled to be present during the interrogation of their children, except in special limited circumstances.<sup>13</sup>

*'At around 5:30 am, my father walked into my room and woke me up. "Get up, soldiers are here," he said. I got up and was very scared. I saw four men in civilian clothes barging into the room. They were carrying long black M16s but didn't talk to me ... The car stopped at Al Mascobiyya Interrogation Centre ... After that the man took me to a room ... "Did you throw stones?" the man started asking. "No," I said. "Don't you know it's illegal to throw stones?" he asked. "Yes I know, but I didn't throw," I said ... Then he walked out of the room. I was alone in the room. I remained sitting in the chair and kept looking around me. I was worried that there were surveillance cameras in the room. Tears rolled down against my will because I was very scared that they might send me to prison ... Then three men walked into the room. They were in civilian clothes and wearing handguns around their waists. Each one stood in one corner and started laughing with each other. I felt they were laughing at me but didn't care. I remained sitting in the chair and didn't care about them. If they noticed I was scared, they would beat me. They kept laughing for like 15 minutes.'*

(I.M. – 12 years – Al Mascobiyya Interrogation Centre, Jerusalem)

<sup>11</sup> Criminal Procedure (Enforcement Powers – Arrests) Law (1996) – Section 28; and Police Order No. 14.01.34 – Section 6.

<sup>12</sup> Criminal Procedure Ordinance (Testimony) (1927) – Section 2(2)

<sup>13</sup> B'Tselem, 'Caution: Children Ahead – The Illegal Behavior of the Police towards Minors in Silwan Suspected of Stone Throwing,' (December 2010) – page 12.

In two out of the 13 cases (15%), the child's parent was permitted to be present for only part of the interrogation, and was then asked to leave the room by the interrogator. Once the parent left the room, the child was either physically assaulted or threatened, emphasising the importance of having a parent present at all times:

*“I want to ask M. a couple of questions but I don't want you to talk because if you do, I'll send you out,” the interrogator said. “He's here, ask him whatever you want,” my father said ... “Good at school?” he asked. “Yes,” I said. “Be good here too and tell me why you throw stones at the army,” he said. “I don't throw stones, I go to school and come back home afterwards without doing anything wrong,” I said. “I know you're a trouble maker,” the interrogator said. “I don't cause trouble, I leave the house after school only to feed our donkey,” I said. “So who throws stones at the army?” he asked. “I don't know,” I said. “Your donkey knows better,” he said. “Go ahead and ask him,” I said, and my father smiled. “Get the hell out of here,” he said to my father when he saw him smiling. “OK,” my father said and left the office. When my father left the office, I felt scared and focussed my eyes on the floor. “You think the Israeli intelligence is joking here? I'll lock you up and you'll never see your family again,” the interrogator shouted at me. He got up, approached me, and slapped me across the face and I kept my head down, while placing my hand on my face so that he wouldn't slap me again. Then he went back and sat behind the desk. “Now tell me how many stones you threw?” the interrogator asked. “I threw one stone but didn't hit any soldier,” I said because I was scared.’*

(M.O. – 12 years – Al Mascobiyya Interrogation Centre, Jerusalem)

*“I'm an interrogator and want to ask your son a few questions, so don't say a word or I'll order you out,” the interrogator said to my mother. “Fine, go ahead and ask him,” she said. “You're suspected of throwing stones at a military jeep,” he said. “I didn't throw anything,” I said ... “Why did you run when there was stone throwing?” the interrogator asked. “Because soldiers started firing tear gas canisters and I had to run to the store,” I said ... “Who are your friends?” he asked. “I don't have friends,” I said ... “You're a small child but a big liar,” he said in a loud voice. “I'm not lying,” I said. “He's saying he has no friends, so why are you accusing him of lying?” my mother said. “Get out, I need to ask him one question alone,” the interrogator said, and she got up and left the room. She took my schoolbag with her and said to me: “Don't be scared*

*my son.” “Now we’ll take you to Al Mascobiyya and lock you up,” the interrogator said to me. “All of the children you took you sent home, so why are you locking me up?” I asked. “You’re counting on me sending you home, but we’re changing our policy and we’ll lock up children from now on to teach them a lesson,” he said.’*

(M.J. – 13 years – Police station, occupied East Jerusalem)

### 3.11 **Threats (62%)**

In eight out of the 13 cases (62%), the children report being threatened, usually by the police interrogator. The use of threats as an interrogation technique was considered in the CIA interrogation manual of 1983:<sup>14</sup> *‘The threat of coercion usually weakens or destroys resistance more effectively than coercion itself. For example, the threat to inflict pain can trigger fears more damaging than the immediate sensation of pain. In fact, most people underestimate their capacity to withstand pain.’* It is significant to note, that in the overwhelming majority of cases, the children who were threatened were being interrogated in the absence of their parents at the time.

*‘The interrogator didn’t read me my rights. He interrogated me in Arabic. “Why did you throw stones at Jews in Silwan?” he asked. “Because they want to take our house,” I said. “Who was with you?” he asked. “I don’t know them,” I said. “Then we’ll put you in jail for a long time,” he said. “Do whatever pleases you,” I said. The interrogation lasted for about half-an-hour, during which time my hands were still handcuffed behind my back.’*

(A.H. – 14 years – Al Mascobiyya Interrogation Centre, Jerusalem)

*“It’s better you talk or I’ll slap you and knock you down,” he said.”*

(I.M. – 12 years – Al Mascobiyya Interrogation Centre, Jerusalem)

*“We’ll f\*\*k you here,” he said to me.’*

(A.G. – 16 years – Salah al-Din Street police station, occupied East Jerusalem)

*“You motherf\*\*ker, you son of a whore, why did you throw stones at Jews in Silwan?” he asked. “Don’t swear and I didn’t throw any stones,”*

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<sup>14</sup> B’Tselem and Hamoked, ‘Kept in the Dark: Treatment of Palestinian Detainees in the Petah Tikva Interrogation Facility of the Israeli Security Agency,’ (October 2010) – page 44.

*I said. "A.H. has confessed against you," he said. "I didn't throw any stones and if he confessed, confront me with him," I said. "Listen, I'll put you in jail for a long time if you don't confess and you'll never see your family ever again, what do you think of that?" he said.'*

(Y.J. – 14 years – Al Mascobiyya, Jerusalem)

*'The policemen kept walking us to the main gate of Al Mascobiyya. They didn't blindfold us or tie us. They didn't beat us either. They ordered us to stand at the gate with our heads facing the wall. "If I hear someone breathing, I'll smash you," I heard one of them saying to us. We all became quiet and didn't breathe a single word.'*

(M.G. – 12 years – Al Mascobiyya Interrogation Centre, Jerusalem)

*"Do you want us to show you Al Mascobiyya?" the interrogator asked. "Take me wherever you want," I said. "I'll beat the hell out of you if I ever see you here again," he said. "Do whatever you want," I said.'*

(M.G. – 15 years – al-Barid Police Station, occupied East Jerusalem)

### 3.12 **Verbal abuse (46%)**

In six out of the 13 cases (46%), the children report some form of verbal abuse, either during their arrest or subsequent interrogation.

*'One of the undercover agents punched me hard in the face and insulted me in Arabic by saying: "You throw stones you motherf\*\*ker, dog, your mother's a c\*\*t." Then he got out a radio from somewhere and hit me with it on the head very hard.'*

(Y.J. – 14 years – Inside a vehicle)

*"I'm Captain Shadi," the interrogator said once he sat down. "You've been here before," he said. "How many times did you throw stones at Israeli police?" he asked. "I didn't throw," I said. "There are soldiers who saw you throwing," he said. "They're liars," I said. "What's in it for them to lie?" he asked. "You ask them," I said. "You're nimrods like the children in Gaza," he said. "No we're not," I said. "Yes you are, and big nimrods," he said. "We're not nimrods, but definitely someone is," I said. "Look how your son responds to questions," the interrogator said to my mother. "How do you want me to respond?" I quickly responded. "Eat*

*shit and put a sock in it,” he said. I became quiet and he became quiet for like five minutes. My mother was quiet as well.’*

(M.G. – 12 years – Al Mascobiyya Interrogation Centre, Jerusalem)

### 3.13 Confession during interrogation (31%)

In four out of the 13 cases (31%), the children report confessing at the end of what is typically a coercive interrogation. In theory, the children are supposed to have the right to silence during interrogation, but only one out of the 13 children (8%) reported being informed of this right.

*“‘Sit down,” the interrogator said in Arabic and pointed to a chair. I sat down while my hands were still tied behind my back. “Who threw stones at soldiers?” he first asked. “I don’t know,” I said. “Did you throw stones?” he asked. “Yes I did,” I said. This was all I could remember about the interrogation because I was really scared since I was alone and barely could breathe because of the tear gas canisters the soldiers had fired at us. The interrogation lasted about two hours ... when he finished interrogating me, he printed out some papers and ordered me to sign them. I signed three papers ... I had to confess to throwing stones because I was so terrified because they beat me when they arrested me and because I was alone in the interrogation room.’*

(B.R. – 13 years – Al Mascobiyya Interrogation Centre, Jerusalem)

### 3.14 Signed/shown documents written in Hebrew (23%)

In three out of the 13 cases (13%), the children report being shown, or asked to sign, documents written in Hebrew, which is not the children’s mother tongue.

*‘The interrogator then handed me a piece of paper written in Hebrew. “Write down your name,” he said, and I did.’*

(I.M. – 12 years – Al Mascobiyya Interrogation Centre, Jerusalem)

*‘My father left the room and the interrogator remained quiet for about 10 minutes. He was writing. I tried to see what he was writing but it was in Hebrew and I couldn’t understand anything. When he finished, he handed me three papers. “Write down your name at the end of each paper,” he said. “I won’t because I don’t understand what’s written on them,” I said.*

*“It’s the things you’ve said, I didn’t make it up,” he said, and I did what he told me.’*

(K.O. – 15 years – Al Mascobiyya, Jerusalem)

#### **4. Impunity for violations**

- 4.1 According to a recent report, between January 2001 and late 2010, 645 complaints were filed against Israeli Security Agency (ISA) interrogators for alleged ill-treatment and torture of Palestinian detainees. The Police Investigation Department of the Ministry of Justice, the relevant authority charged with investigating these complaints, did not conduct a single criminal investigation.<sup>15</sup>
- 4.2 Further evidence in support of the conclusion that there is currently a general culture of impunity in Israel when it comes to investigating allegations of wrongdoing against Palestinians, includes:
- (i) In the two years since the war in Gaza which killed around 1,400 Palestinians including 352 children, there has been one conviction for credit card fraud and two convictions for using a nine-year-old boy as a human shield. The soldier convicted of credit card fraud is the only person to have actually served time in prison;<sup>16</sup> and
  - (ii) On 27 January 2011, an Israeli military court refused to imprison Lt. Col. Omri Burberg who was convicted of shooting a bound and blindfolded Palestinian detainee at close range in the foot with a rubber coated steel bullet. The court declined to impose a custodial sentence even though this was recommended by the prosecution.<sup>17</sup>

#### **5. Concluding remarks**

- 5.1 Contrary to international law, Israel has imposed its own domestic civilian legal system on the Palestinian residents of occupied East Jerusalem. The findings of this Report indicate that Israeli security forces operating in occupied East Jerusalem are frequently

<sup>15</sup> B’Tselem and HaMoked, ‘Absolute Prohibition: The Torture and Ill-Treatment of Palestinian Detainees,’ May 2007, page 79. See also the joint report by Hamoked and B’Tselem, ‘Supplemental Information for the Consideration of Israel’ submitted to the UN Committee Against Torture, dated April 2009, pages 3 to 4. See also Haaretz, 18 November 2010 - <http://www.haaretz.com/print-edition/news/israel-s-justice-ministry-to-probe-claims-of-shin-bet-torture-and-abuse-1.325282>

<sup>16</sup> DCI-Palestine, ‘Suspended sentences for soldiers convicted of using 9-year-old as a human shield,’ (21 November 2010), available at: <http://www.dci-pal.org/english/display.cfm?DocId=1705&CategoryId=1>

<sup>17</sup> Haaretz, ‘IDF commander involved in shooting bound Palestinian evades jail,’ (27 January 2011) – available at: <http://www.haaretz.com/news/diplomacy-defense/idf-commander-involved-in-shooting-bound-palestinian-evades-jail-term-1.339516>

violating provisions of their own legal system when it comes to arresting and interrogating Palestinian children. Further, there is evidence to conclude that the violent clashes that occur in occupied East Jerusalem stems from the continued presence of illegal Israeli settlers in the territory.

*'It's important to emphasise that it's the Israeli occupation army that provokes children in the neighbourhood by passing by in their jeeps 10 times every day. They drive in the neighbourhood really fast as if there was no one in the streets, and they honk their horns and make noise. This provokes the children and annoys the residents.'*

(N.R. – mother of A.R. (7 years) – Silwan, occupied East Jerusalem)

## **6. Recommendations**

6.1 Whilst illegal settlement activity continues in occupied East Jerusalem it is probably unrealistic to expect an end to violent clashes between Israeli security forces and Palestinian youths. However, the following recommendations, if implemented, could potentially ameliorate the situation:

- (i) The immediate end to the use of violence by the Israeli army and police during the arrest of children;
- (ii) No child should be interrogated in the absence of their parents; and
- (iii) All credible allegations of ill-treatment must be thoroughly and impartially investigated and those found responsible for such abuse be brought promptly to justice.

**DCI-Palestine**  
**3 February 2011**