

Similarly, in a report the Legal Program produced following the series of demonstrations held between 11 and 28 May 2000, DCI/PS noted that the Israeli military utilized live bullets, rubber coated steel bullets, explosive bullets and tear gas to disperse protestors. Of particular relevance to the current situation was the assessment that Israeli soldiers appeared to be implementing a policy of shoot to kill or seriously injure. According to DCI/PS documentation during this period, four Palestinian children were martyred and 163 injured. In an analysis of 136 cases of injury, over 50% of the injuries (77 out of 136) were sustained to the upper parts of the body, including 30 shot in the head, 44 in the chest and 43 in the lower part of the body. Of the injured children, 93 were between the ages of 15-18, 39 between 10-14, and 4 between 5-9 years old.

It is within this context that DCI/PS undertook its work in 2000. As in the past, DCI/PS activities were implemented within the framework of three main programs, as outlined below. In addition, DCI/PS continued its tradition of conducting research and engaging in advocacy and networking efforts, both locally and internationally, as well as working on the community level to encourage local participation in and commitment to all DCI/PS activities.



III

Legal Program (LP)

Long-Term Program Goal:

To protect the legal rights of Palestinian children in the West Bank, including Jerusalem, and Gaza Strip and to facilitate the creation of an environment which is aware of and respects children's rights.

Specific Objectives:

- a** To decrease the suffering of Palestinian children and families, by providing free legal advice and representation to children, whose rights have been violated.
- b** To strengthen local capacity by facilitating information exchange among human rights organizations and other groups working with children, enhancing networking and coordination and initiating preparatory work for the reform of Palestinian laws related to children.
- c** To raise the awareness of children, parents, and the community at large, both locally and internationally, regarding the legal rights of Palestinian children.

Introduction

Since the beginning of the Israeli occupation, Palestinian children have been the primary victims of brutal occupation policies. In the past 33 years, hundreds were martyred, thousands were injured and thousands more imprisoned. The period since the signing of the Oslo Accords witnessed a number of changes on the ground in the occupied territories. Foremost among these was the emergence of the Palestinian Authority and the assumption of civil and security control over the main cities of the West Bank and the Gaza Strip. Although it was hoped that these developments would result in a concrete improvement in the situation on the ground, the opposite proved to be true. On the contrary, during the last five years, Israeli violations of Palestinian human rights, in particular children's rights, continued. As a result, tens of additional children were martyred, and thousands injured and imprisoned, in addition to thousands of victims of a wide array of Israeli measures of collective punishment.

The year 2000 witnessed an intensification in violations of Palestinian children's rights to levels unprecedented in recent years. This year of intensification was ushered in on 1 January 2000 with the arrest of tens of Palestinian minors and their subsequent imprisonment, an omen for the rapid deterioration in an already dismal human rights situation. In May 2000, demonstrations commemorating Al-Nakbe and in solidarity with striking political prisoners resulted in the martyrdom of 4 Palestinian children, the injury of 163 and the imprisonment of tens of other children. Then, in late September 2000, frustration over the continuing denial of Palestinian human rights was inflamed by the visit of



Israeli opposition leader Ariel Sharon to the Al-Aqsa compound on the 28th of the month. The ensuing demonstrations by Palestinian civilians were met with excessive and brutal force by the Israeli occupation forces. Such methods included the use of live ammunition to disperse Palestinian protestors, attacks on Palestinian residential and commercial areas by helicopter gunships and tanks, and a strict, Israeli imposed closure on the West Bank and Gaza Strip. At the end of 2000, 105 Palestinian children had been killed, 5 additional children declared clinically dead, approximately 3,000 injured, and around 250 arrested, as a direct result of Israeli military and settler presence in the occupied territories.

Within the Palestinian areas, the ongoing presence of political instability, characterized by a situation of neither peace nor war, and the lack of increased powers by the Palestinian Authority, resulted in numerous obstacles facing Palestinian organizations and institutions whose work deals with Palestinian children. Consequently, whether directly or indirectly, this situation reflected negatively on the rights of Palestinian children. Despite considerable efforts exerted by governmental and non-governmental organizations in 2000, there failed to be any positive developments regarding legislation related to children. Moreover, there was a lack of improvement in the functioning of the judicial system.

In the recent period, the Legal Program has worked within its capacity to meet the needs of the Palestinian community as they emerge from the current situation. The main challenge encountered, however, concerned the fact that DCI/PS found itself working under emergency conditions with the same staff size as existed prior to the Intifada. This posed a challenge to the LP in reference to the documentation of child rights violations. DCI/PS is the only Palestinian NGO that specializes in documenting violations of Palestinian children's rights, both individual and collective violations. In 1999, the Legal Program documented 4 cases of Palestinian children martyrs and 102 cases of individual injuries. Since the outbreak of the Intifada alone, we documented the cases of 94 children martyrs and over 2,200 injuries. While the number of injuries documented is significant, DCI/PS estimates that the actual number of children injured until the end of 2000 was around 3,000.

With reference to providing legal representation for Palestinian minors deprived of their liberty, the organization faced a similar problem. Not only was the number of children arrested in the recent period significant, restrictions of freedom of movement imposed by the Israeli occupation authorities made it impossible for the DCI/PS attorney, who possesses a West Bank identity card, to visit any of the prisons inside Israel proper. Moreover, the military courts in the West Bank were closed for around 2 months in the last quarter of the year. Once opened, the prospect of traveling to the courts outside the Ramallah area proved impossible for the LP attorney. Consequently, the LP was forced to contract a number of other lawyers to handle cases in the various locales.

In spite of the obstacles confronting the Legal Program in 2000, the program achieved a number of the goals it had set in fulfillment of its mandate. This report seeks to provide a summary of the main areas of work of the LP in the past period as well as to highlight the manner in which the current crisis effected not only the status of Palestinian children's rights, but also the work of the LP.



1 LP Cases in 2000:

The year 2000 witnessed a dramatic increase in the number of Palestinian minors arrested by the Israeli military authorities, a trend that began in 1999 and continues to the present. As highlighted in the 1999 Annual Report, the Israeli military authorities launched a campaign of arrests against Palestinian children in the summer of 1999. This campaign was characterized by the initiation of mass arrests and the re-implementation of Israeli military order no. 132, which allows for the arrest and imprisonment of Palestinian children between the ages of 12 and 14. The overwhelming number of arrested youth were incarcerated for stone-throwing activities targeted at the Israeli occupation army and illegal Israeli settlers. During the first half of 2000, Israeli occupation forces arrested approximately 80 Palestinian children. During the period of the Intifada, the campaign of arrests further intensified with over 250 additional children arrested. The LP documented the arrests of 110 children from the Jerusalem area alone. In addition, DCI/PS documented the arrests of over 35 children from Hussan village near Bethlehem, 60 from the Hebron area, and around 50 from other areas.

In 2000, the LP received 252 cases, an increase of the 202 received in 1999, and a dramatic increase of the 89 received in 1998. By the end of the past year, the LP had followed-up and closed 104 cases. In addition are the 148 files that were opened after the outbreak of the Intifada and are currently being brought before the military courts. Regarding the cases which were closed, 62 were before military courts, 15 parole cases, 8 requesting transfers to other prisons, 10 cases before the military appeals court, three regarding permission for family visits, and another 6 various cases.

Distribution of closed cases in 2000:

TYPE OF CASE	NUMBER	PERCENTAGE
Military Court	62	64.5%
Parole Committee	15	10.5%
Transfer to Other Prison	8	8.3%
Military Appeals Court	10	10.4%
Family Visits	3	3.1%
Miscellaneous	6	6.2%
TOTAL	104	100%

In addition to the gross increase in the number of juveniles arrested, the other change compared to past years was the decrease in the number of cases concerning transfers of prisoners. In 1999, the LP handled 15 cases of prison transfers.¹ In 2000, that number dropped to 8. The LP views this decrease as a positive achievement as it is the result of consistent follow-up and intervention of this issue over several years.

¹ DCI/PS regularly handles cases of transferring detained children from detention centers to regular prisons due to the poor conditions of the detention centers.

Distribution of closed cases according to Geographical Region:

As the table below reflects, an ongoing challenge facing the LP has been the lack of cases received from the northern West Bank. In 1999, we received 4 out of 202 cases (1.98%); in 2000 we succeeded in increasing the percentage of cases received to 7.6%, or 8 of the total 104 cases closed. The primary factor impeding the LP's work in this regard has been the lack of a DCI/PS office or fieldworker in the northern area of the West Bank, as we have in the middle and southern regions. Given this ongoing situation and the high number of child rights violations stemming from the outbreak of the Intifada, the LP decided in 2000 to contract a fieldworker in the area as the first step in extending the scope of our work to this area.

REGION	NUMBER	PERCENTAGE
South	37	35.8%
Middle	59	56.6%
North	8	7.6%
TOTAL	104	100%

Distribution of all cases according to Age Group:

In 2000, Israeli arrests and imprisonment of Palestinian youth concentrated on the age group between 15-16 years, with an increased percentage in the number of juveniles between the ages of 13 and 14 arrested and a decrease in the number of children between 17-18 arrested. In 1999, the first group consisted of approximately 42% of the children arrested, the second constituted 9.90%, and the third, around 40%. In 2000, however, children between the ages of 15-16 only slightly increased to 46.83% of the total, but the second group (13-14 years) nearly doubled, representing 21.83% of the total (55 / 252 cases). In addition, the percentage of children aged 17-18 arrested decreased to 31.34%. The only positive change in 2000 is that there were no arrests of children aged 12 and under. This increase in arrests of children between the ages of 13 and 14 can be partially attributed to the overall deterioration in the child rights situation in the OPT; however, without a doubt, the main factor causing this trend was the 1999 re-implementation of Israeli military order no. 132.

AGE GROUP	NUMBER	PERCENTAGE
13-14 years	55	21.83%
15-16 years	118	46.83%
17-18 years	79	31.34%
TOTAL	252	100%

Distribution of cases according to Length of Sentence:

There is a marked increase in the length of sentences issued to Palestinian children in 2000. Of the 62 cases of children who were sentenced by the end of the year, 40.3% received between six months to one year. In contrast, in 1999, 43.51% of the cases sentenced received less than one month, and only 19.08% received sentences between 6 months to 1 year. In 1998, only 9% of the cases received between 6 months to 1 year, whereas 21.40% received between one to six months. There has also been a steady increase in the number of children who received sentences of one year or more. In 1998, 1.12% (1/89 cases) received

a sentence of over one year. In 1999, 6.88% (9/131) of the children arrested received such sentences. In 2000, that percentage continued to grow, reaching 9.7% (6/62 cases closed). These figures provide concrete evidence of an intensified campaign against Palestinian children, on various levels, including increased numbers of arrests and increased length of sentences.

LENGTH OF SENTENCE	NUMBER	PERCENTAGE
Less than one month	22	35.5%
Six months or less	9	14.5%
One year or less	25	40.3%
More than one year	6	9.7%
TOTAL	62	100%



Increases in the number of juveniles detained and the length of their sentences, is part of a worsening child rights situation, indicators of which have been visible in previous years. By comparing the statistics of the last two years alone, this trend becomes painfully evident.

BREAKDOWN	1999	2000
Age Group	Cases / Percentage	
12 years	12 / 5.94%	-0-
13-14	20 / 9.90%	55 / 21.83%
15-16	87 / 43.07%	118 / 46.83%

17-18	83 / 41.09%	79 / 31.34%
Total No. of Cases	202	252
Duration of Sentence	Cases / Percentage	
Less than 1 month	57 / 43.51%	22 / 35.48%
1 - 6 months	40 / 30.53%	9 / 14.5%
6 months - 1 year	25 / 19.08%	25 / 40.3%
More than 1 year	9 / 6.88%	6 / 9.7%
Total No. of Sentences	131	62

2 Prison Visits

As in past years, the LP continued to carry-out regular visits to Israeli detention centers in the West Bank and prisons located in Israel, in order to monitor the conditions of detention for Palestinian children and to intervene where necessary for improved conditions. Upon arrest, Palestinian children arrested in the West Bank are detained in detention centers located in Israeli military camps throughout the West Bank, foremost among which are Gush Etzion and Beit El detention centers. Generally, children are transferred from the detention center to a regular prison anywhere between two weeks and one month after their arrest, though the LP followed-up 8 cases in 2000 concerning children detained for extensive periods of time in detention centers. Palestinian children are detained in three main prisons in Israel; one of which, Megiddo prison, is under the administration of the Israeli military; the Israeli Prison Authority controls the other two (Telmond and Ramle prisons).

Palestinian boy children who have reached the age of 16 at the time of their arrest are detained in Megiddo prison and are detained as adults pursuant to Israeli military orders that violate international standards regarding the definition of a "child." Currently, there are approximately 100 Palestinian minors detained in Megiddo prison. Palestinian boy children who are below the age of 16 at the time of their arrest are detained in Telmond prison. There are currently around 95 children detained within 3 sections of Telmond. Some of the prisoners are as young as 14 years old. Palestinian girl-children are detained in Ramle (Neve Tertzze) prison, as is the case with 17 year old Su'ad Ghazal, detained in Ramle prison since shortly after her December 1998 arrest.



In 2000, the LP undertook 46 visits to the following Israeli prisons and detention centers:

Prison	Number of Visits
Megiddo	7
Telmond	12
Al-Ramle (Neve Tertze)	7
Askelon	3
Gush Etzion Detention Center	4
Beit El Detention Center	9
Al-Moskobiya Detention Center (Jerusalem)	4
TOTAL	46

The following constitutes an overview of the most common problems monitored and followed-up by the LP in 2000:

a Lawyers and family visits: This problem manifests itself each time the Israeli occupation authorities impose a tightened closure or curfew on the Occupied Palestinian Territories. Since the 1993 closure of the West Bank and the Gaza Strip, Palestinian residents of these areas must obtain permits to enter Israel. In the period since then, during periods of increased political tension and confrontations between Palestinian protestors and Israeli occupation forces, the occupying power has routinely imposed tightened closures as a measure of collective punishment, penalizing the entire population of the West Bank and Gaza Strip. During times of tightened closure, the Israeli occupation authority revokes all permits and refuses to issue new ones, effectively prohibiting any Palestinian holding a West Bank or Gaza identity card from visiting prisons inside Israel. In 2000, the first time this posed a problem was in May when clashes between demonstrations took place throughout the OPT in solidarity with striking Palestinian political prisoners and in commemoration of the 1948 Al-Nakbe, when around 750,000 Palestinians were displaced from their homes. Later, a severe closure of the OPT was imposed immediately following the outbreak of the Intifada in September. This closure continues to the present.

These measures severely effect detained juveniles as they are deprived of visits with their families. In addition to the deleterious effects of being denied contact with their family, prisoners also suffer





as they are no longer able to receive the clothes and additional items that families bring to their children during visits, including money. These items alleviate the suffering of the prisoners as they compensate for the lack of services provided to Palestinian political prisoners by the Israeli prison administration.

Another serious factor jeopardizing the well-being of children detainees and depriving them of their legitimate rights is that during such periods, attorneys from the West Bank and Gaza Strip are also barred from entering Israel to visit prisoners. Consequently, lawyers who routinely monitor conditions of detention and follow-up the situation of political prisoners are unable to do so. In 2000, this situation has constituted

a major problem and impeded the work not only of DCI/PS, but of every attorney in the West Bank and Gaza Strip whose work involves representing Palestinians arrested and detained by the Israeli occupation authority.

Given the extended length of the most recent closure, this situation constitutes a grave violation of Palestinian children's rights. At the end of the year, three months had passed wherein Palestinian children detainees, some as young as 14 years old, were denied family visits. For DCI/PS, the situation constitutes a major impediment to our ability to fulfill our mandate of promoting and protecting children's rights. Whereas in the past the DCI/PS attorney carried-out prison visits on a regular basis, he was unable to visit any prisoner for the last quarter of the year. In order to alleviate this problem, the LP contracted a lawyer possessing an Israeli identity card to visit the prisoners, monitor the conditions of their detention, and follow-up with the relevant authorities. This approach, however, falls far short of a durable solution to the problem, as the visiting attorney is unfamiliar with each child, with the history of his/her case and detention. In the process of representing children detainees from the moment of their arrest, through trial, and during their imprisonment, close bonds are formed between attorney and client. Moreover, the families of children detainees turn to the DCI/PS attorney, not only for legal advice, but for information about the child's well-being, particularly in those situations where family members are prevented from visiting the child themselves.

b Education: Prior to 1997, Palestinian juvenile prisoners were denied the right to pursue their education by the prison authority, as opposed to Israeli juvenile criminal prisoners who were able to continue their education. In November 1997, as a result of the efforts of DCI/PS, DCI/Israel, and Advocate Tamar Pelleg, the Central Court in Tel Aviv ruled that detained Palestinian children have the right to education and that the education of Palestinian children will be implemented according to the Palestinian curricula. In spite of this ruling, the occupying power has failed to implement it in a satisfactory way. Moreover, while the ruling applies to juveniles detained in Telmond prison, it has yet to be expanded to include prisoners detained in other prisons, such as Ramle (Neve Tertzze) and Megiddo. Though the LP pursued this issue in 2000, the Israeli occupying power refused to implement any improvements in this regard.



c Detaining criminal and political prisoners together: In October and November 2000, instances of detaining criminal prisoners with political prisoners prevailed. A similar situation emerged in 1999 for a short period, but after the intervention of the LP the occupying power agreed to separate criminal and political prisoners. However, following the outbreak of the Intifada and the ensuing arrests of hundreds of Palestinian children, Israeli prison officials once again began detaining the two groups together, a deviation from Israeli practice throughout the period of the occupation. Detaining criminal and political prisoners constitutes a threat to the safety, dignity, and stability of the detainees. Oftentimes, it proves life-threatening as on numerous occasions Israeli criminal prisoners have attacked and/or sexually assaulted Palestinian political detainees. In the past year, DCI/PS has pursued this issue; however, in spite of the LP's follow-up, the prison administrations have failed to respond. As such, the LP is pursuing the issue in the Israeli legal system.



d Parole cases: In 1996, the LP succeeded in introducing in Telmond prison the parole procedure, whereby prisoners who have served 2/3 of their sentence are eligible for release if agreed to by the parole court. Prior to this, early release on parole was not offered to prisoners from the West Bank, excluding Jerusalem, and the Gaza Strip. Rather, it was offered only to Israeli criminal prisoners and Palestinians possessing Jerusalem identity cards. Initially, only approximately 15% of the cases that appeared before the parole court were actually released. In the past two years, however, that percentage has increased to between 80%-90%. In 1999, the LP followed-up 27 parole cases; in 2000, we handled 15 cases.

In the latter half of 2000, after numerous interventions by DCI/PS through Israeli attorney Tamar Pelleg, we succeeded in introducing this procedure for political prisoners in Megiddo prison. The LP began taking parole cases from Megiddo in October 2000; however, the number of juvenile detainees who have been released following parole court remains small. This is due primarily to the fact that the practice applies to all Palestinian prisoners. Once implementation began, the parole court began hearing cases of prisoners who had reached the 2/3 point in their sentence several years ago. The LP submitted a request that the cases of children detainees be given priority, and we have received some positive response in this regard.



e Physical abuse of Palestinian juvenile detainees by the prison administration: The most significant occurrence in this regard took place in Telmond prison in June 2000. During that month, the prison administration erected a wall within the room designated for educational purposes for Palestinian juvenile prisoners, significantly decreasing the space allowed for studying. The construction of this wall provoked an already tense situation with the prisoners, stemming from the harassment of prisoners' families during their visits. Frustrated by the ongoing mistreatment of prisoners and the lack of response from the prison administration, juvenile detainees tore down the new wall dividing the educational room. The prison administration responded by physically abusing the children, placing six of them in isolation cells, expropriating their personal property, and depriving them of their rights, including their daily time in the outside yard. The LP's intervention into the matter received a positive response from the prison administration and succeeded in securing the removal of the six prisoners placed in isolation, the return of the children's personal property, and the re-institution of their rights. Gradually, conditions in the prison returned as they were prior to the protest, though the prison administration refused to accept any responsibility for the incident.

The other major situation involving direct abuse of juvenile detainees was a case of torture that took place following the outbreak of the Intifada. On 21 December, a staff member at Telmond prison attacked a 17-year-old prisoner and placed him in isolation for 8 days, tying his hands and legs and removing his clothes. The isolation cell was 2 meters square, with an open toilet. Prison officials only untied his arms and legs when he ate and when he used the restroom. He was forced to sleep with his hands and legs tied together and was, in addition, tied to the bed. The LP is currently pursuing this case with the relevant Israeli authorities.

Unfortunately, this case of torture is not isolated. The LP's past and current work reflects a situation wherein virtually every arrested Palestinian child is tortured, as well as children who live in areas with dense army and settler presence. Given the seriousness of the situation, the LP believes that it merits additional detail and explanation regarding the definition of torture and to what types are children exposed.

Article 1 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which was passed by the UN General Assembly on 10 December 1984 and entered into force on 26 June 1987 defines torture as:

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.



The work of the LP, both in documenting violations of children's rights and in representing children brought before Israeli military courts, indicates that the torture, as defined by the CAT, is systematically practiced by Israeli occupation forces. This is particularly true for children who undergo Israeli interrogation and for children living in the Old City of Hebron, in close proximity to illegal Israeli settlements. The use of torture is further disturbing taking into consideration the September 1999 Israeli Supreme Court ruling that prohibits the use of torture. It is important to note, however, that this decision makes reference only to the use of torture by members of the Israeli General Security Services (shabak), and does not prohibit the use of torture by members of the police or the military, the latter of whom regularly interrogate and torture Palestinian children.

Since the beginning of the Intifada and the wide-spread arrests of Palestinian youth, the use of torture has been systematic and has been employed via a wide array of methods. In some cases documented by the LP, the instances of abuse were so severe that hospitalization of the child was necessary. These cases have occurred during interrogation and were directly related to the practices of Israeli interrogators attempting to extract confessions from Palestinian children.

During the course of working with Palestinian children, the LP has delineated two primary groups of children that are routinely subjected to torture, both of which will be treated separately below:

- a** — children who are arrested and interrogated by Israeli occupation forces
- b** — children who live in close proximity to illegal Israeli settlements, such as the case in the Old City of Hebron.

f Torture of Children

Children Tortured During Interrogation

The majority of child prisoners with which the LP works are subjected to various forms of torture from the moment of their arrest throughout their interrogation. The process begins with the manner in which the children are taken from their homes. Generally, large numbers of Israeli military surround the child's home in the middle of the night, break into the home, terrorize the family, and forcibly remove the child, blindfolding him/her and tying his/her hands from behind. Next, the child is immediately taken to interrogation and exposed to various forms of torture, ranging from sleep deprivation and threatening language to beatings with sticks, hands, and legs and position abuse (shabeh). The following is a list of the most common forms of torture to which Palestinian children under interrogation suffer:

- ◆ Beatings with hands, legs, and/or sticks.
- ◆ Position abuse
- ◆ Sleep deprivation
- ◆ Deprivation of food and drink
- ◆ Threatening language, including threats on his/her life or that of family members
- ◆ Prohibited from using the toilet
- ◆ Placed in isolation

The overwhelming majority of children with whom the Legal Program has worked have been exposed to this process during interrogation. Some of these children are as young as 14 years old. The following sample of 90 cases with which the LP worked in 2000 illustrates clearly that not only is the use of torture systematic, but that each child is often subjected to more than one form of abuse:



Form of Torture	Number of Cases Out of 90 Total ²
Sleep Deprivation	24
Beating	44
Position Abuse (shabeh)	20
Isolation	24
Tying hands and blindfolding	90

² Children are often subjected to more than one form of torture. As such, the total number does not correspond with the number of cases.

The above forms result not only in physical injury, but in psychological terror. The child is repeatedly placed in frightening situations, designed to increase feelings of loneliness and isolation from the outside world, and led to believe that no one can help the child unless he/she confesses. Moreover, it becomes clear that the interrogation period, and consequently the abuse, will not end until the child confesses. When discussing such an approach, it is important to remember that some of the children tortured are as young as 14 years old. Similar methods applied to a 30-year-old adult may not have the same consequences as they would on a child. In employing such an approach, Israeli interrogators are targeting children's vulnerability, creating a situation wherein children are frightened for their lives and believe no one else can intervene to end their misery. Israeli interrogators psychologically torture the child in order to obtain a confession as quickly as possible. When psychological pressure alone fails to produce any results, they gradually shift to more violent forms and obtain the confession by force. The end results are absurd and completely nonsensical confessions signed by Palestinian children, wherein they confess to throwing stones 100 times or 150 times and recall the names of 30 or so of their peers who threw stones with them. A rational and logical evaluation of such a confession makes evident the utter impossibility of the child remembering the exact number of stones thrown, casting serious doubt on the veracity of such a confession. The absurdity of the confession, including such minute details and the fact that its contents are unknown to the child as it is in Hebrew, is metonymic for the Israeli military court system as-a-whole: a perverted "justice" system based on discrimination, where absurd rules and regulations permeate every aspect of daily life for Palestinian civilians. Though defence attorneys, prosecutors and judges are present, the military courts in practice contravene the principles and ideals of international humanitarian and human rights law and consequently constitute the antithesis of a justice system.

In 2000, one of the most disturbing cases with which the LP followed-up was that of 16 year old Rami Zoul, from Hussan village in the Bethlehem area. Rami was a student in 11th grade at the time of his arrest on 29 October 2000. At 1 AM, a large number of Israeli soldiers, border guards, and shabak raided his home, after it had been surrounded by soldiers. The group forcibly entered the home, breaking down the door in the process, took the child from his bed, searched the



house and threatened various members of the family. Rami's hands were tied behind his back, he was placed in a military vehicle, and taken to Gush Etzion detention center, located to the south of Hussan village. Immediately upon arrival, at approximately 2 AM, his interrogation began, during which he was tortured relentlessly. Among the methods used were severe beating with hands and legs all over Rami's body, sleep deprivation, tying him to a chair and placing ice cubes all over his body, and then pouring hot water on him. The end result was that he lost consciousness and only regained it after he had been admitted to Hadassah Ein Karem hospital for treatment. He stayed there for one day, after which he was returned directly to Gush Etzion to continue the interrogation. Again, he was severely beaten all over his body, especially his head. Finally, the interrogators forced Rami to sign a written confession in Hebrew, a language which he does not understand. During his trial, several days after the interrogation, the marks of torture on his body were still evident and he showed them to the judge. By the end of 2000, Rami remained in prison without sentence. But Rami's story did not end here: Hadassah hospital contacted his family and demanded that they pay for the medical treatment Rami received after being tortured by Israeli interrogators. The LP is currently following-up this issue with the relevant authorities.

Palestinian Children Tortured By Israeli Settlers and Soldiers

The cases of Palestinian children tortured by Israeli settlers and soldiers are numerous. Such abuse occurs primarily in two instances: the first, during raids on civilian homes by Israeli soldiers; the second, during attacks on Palestinian civilians by Israeli settlers, frequently acting with the knowledge and under the protection of Israeli soldiers. The former is characterized by a process in which Palestinian residents are terrified, particularly children, threatened by the soldiers, forced from their homes, and frequently beaten. The most serious case documented by the LP in 2000 was that of the 27 August attack on Assira Ashemaliya village in the Nablus area. During the raid, Israeli soldiers forcibly entered the home of Ghazi 'Abd al-Hakim Sawalha, forced the inhabitants, including the children, outside of the home, where they were then forced to strip naked and were beaten. As a result of the beating, Ghazi's wife, who was pregnant at the time, miscarried. The humiliation and suffering experienced by the Sawalha family is not unique: it is the common thread that joins their story with those of others whose homes and bodies have been violated by Israeli occupation forces.

Turning to cases of Palestinian children tortured and persecuted by Israeli settlers, the highest rate of occurrence is in the Old City of Hebron, where heavily armed settlers act with impunity, protected by the large Israeli military presence in the area. Repeatedly, Israeli settlers have attacked Palestinian residents, including children, and their property, while Israeli soldiers stand nearby and fail to intervene. In other cases, Israeli soldiers themselves participate in the attack, often beating Palestinian civilians and arresting them afterwards. The most infamous case dealt with by the LP is that of the Al-Muhtasib family, which lives in the middle of the Old City, in an area known as Hosh Shaheen. The Al-Muhtasib family has repeatedly been the target of violent attacks by both Israeli settlers and soldiers. On 5 August 2000, at around 6pm, 13 year old Lu'ai Al-Muhtasib and his youngest brother were selling sweets in front of their home when a group of soldiers and settlers approached them, destroying the boys' sweets and trying to attack them. The two children escaped into the inner streets of the neighborhood, but were followed by the soldiers and settlers and beaten. Moreover, the perpetrators entered the boys' home and attacked Ziad and Aboud Al-Muhtasib, ages 16 and 17 respectively, who were sitting in the courtyard of their home at the time of the incident. Afterwards, Israeli soldiers arrested Ziad and Aboud on the charge that they had attacked the group of soldiers and settlers. Ziad was sentenced at the Hebron military court to 2 1/2 months in prison, while Aboud received 5 months and an additional probation period.

B On the Palestinian Level

The year 2000 saw the first intense work conducted in this regard by the DCI/PS Legal Program. Initially, the LP concentrated on strengthening and developing existing contacts and initiating new relationships with Palestinian governmental and non-governmental organizations and institutions whose work deals with children, as well as following-up and documenting violations of children's rights in the areas under the jurisdiction of the Palestinian Authority. Particular emphasis was developed on the LP's relationship with the Ministry of Social Affairs, which administers the juvenile homes in the OPT, and with police officers who deal with juveniles who come into conflict with the law. In addition, the LP participated in a number of workshops that were convened with legal organizations in order to examine legislation to be discussed by the Palestinian Legislative Council (PLC). Moreover, the LP initiated and developed strong relations with the Legal Department of the PLC. Program activities concentrated on the following areas in 2000:

- 1 Following-up 14 cases of child rights violations in the PA areas, including 7 cases from reform schools and 7 cases of violence against children.
- 2 Conducting regular visits with the Ministry of Social Affairs in order to increase cooperation and coordination.
- 3 Conducting weekly visits to local reform schools.
- 4 Conducting a 12-hour training course for 13 staff members in the reform school about national legislation and international agreements that affect children's rights.
- 5 Convened several meetings with police officers in Ramallah, Bethlehem, and Hebron to arrange for a training course about working with children and to raise awareness about children's rights according to national legislation and international standards.
- 6 Distributing the juvenile justice study, produced in 1999, *Juvenile Justice in the West Bank and Gaza Strip: Laws and Legislation*.
- 7 Organizing and holding the juvenile justice conference, in coordination with Al-Haq Institute.

Towards a Unified Juvenile Justice System Guaranteeing the Rights of the Child

23-24 August 2000

As the LP's work in the area of legislation evolved, DCI/PS decided to undertake, with Al-Haq, the organization of the first national conference on juvenile justice in Palestine, held in August 2000. DCI/PS viewed the conference a considerable success and believes the initiative to be the necessary first step in establishing a unified juvenile justice system that guarantees the legal rights of Palestinian children. The two day event, "Towards a Unified Juvenile Justice System Guaranteeing the Rights of the Child," sought to establish a national forum for the discussion and promulgation of legislation which bears in mind the best interests of the child.

Speakers introducing the conference highlighted the importance and need of this initiative, citing the negative impact the Israeli occupation has had on the development of the Palestinian legal system, and



called on conference participants to work together to ensure that the legal rights of Palestinian children are protected. According to the Palestinian Central Bureau of Statistics, Palestinian children constitute 53% of the Palestinian population in the West Bank and Gaza Strip and statistics show that the number of Palestinian children in conflict with the law is dramatically increasing. Following the first Israeli re-deployment in 1994, Palestinian society witnessed a rapid increase in the number of juveniles who come into conflict with the law. According to DCI/PS field research, between January and August 1996, some 400 children under the age of 18 appeared in criminal courts in the West Bank. Eighty-six of these children were sentenced to periods of detention in reformatory schools. Statistics from 1999 constituted a dangerous indicator of the manner in which the situation is developing. Social workers with the Ministry of Social Affairs followed-up 1,404 cases with Palestinian children from the West Bank and Gaza in 1999. Of those, 587 were sent to reform schools following court decisions. This is a drastic increase compared with the 86 between January and August 1996.

The more than 200 participants in the two-day event included judges, lawyers, members of the Palestinian Legislative Council, social workers, human rights activists and other professionals whose work involves children. Conference panels examined a variety of specific issues, including existing legislation affecting juveniles in the West Bank, Gaza Strip, and Jerusalem, its practical application, international standards concerning juvenile justice, and the treatment of Palestinian children in Israeli military courts. In addition, topics such as prevention, rehabilitation, and protection for at-risk children were discussed.

Speakers repeatedly highlighted the problematic nature of the current legal system, which is an amalgamation of at least five different legal systems and not only lacks in unity and falls short of international standards, but also seriously fails to act in the best interests of the child. In particular, speakers cited the importance of noting that existing legislation is based on the legal systems of foreign occupiers whose foremost concern was preserving their position of power, rather than concern for the rights of the Palestinian people. Moreover, since the election of the Palestinian Legislative Council in 1996, no new legislation has been promulgated addressing the juvenile justice system. These factors threaten the judicial system as a whole and its ability to maintain the rule of law in the territories under the jurisdiction of the Palestinian Authority. The drastic rise in the number of children who come into conflict with the law accentuates existing problems and necessitates cooperation and the concentration of efforts to tackle these issues. This conference represented the first step towards this end and sought to launch a widespread, national effort to address these complicated and serious issues.

Throughout the conference, speakers and participants examined the ways in which the various legislations applicable in the West Bank and Gaza Strip compare to regional and international standards, in particular, the UN Convention on the Rights of the Child (CRC). Moreover, it was noted that, while the Palestinian Authority is unable to sign and ratify international conventions, given its status as a non-state entity, a positive step had taken place with President Yasser Arafat's endorsement of the CRC in 1995.

After two days of intensive panels and discussions, participants met in working groups in order to discuss the conference proceedings and to formulate conclusions and recommendations for future work. Following the conference, a committee for the conference, composed of participants from both Gaza and the West Bank, was established in order to ensure that the recommendations of the conference would be followed-up. A three month plan was developed during which conference participants would meet in a number of workshops designed to culminate in a unified juvenile justice legislation to be presented to the PLC on

the Day of the Palestinian Child, 5 April 2001. Unfortunately, however, the outbreak of the Intifada brought work in this regard to a virtual standstill as the Israeli imposed closure made it impossible to ensure the truly universal participation necessary for the project to succeed. Moreover, the serious escalation in gross human rights violations forced all parties to shift their energies to dealing with the emergency situation in whatever ways possible. Though the conference follow-up has been delayed, it has not been forgotten. DCI/PS, along with its partners in the endeavor, intend to turn once again to this issue when the situation on the ground allows them to do so.

C Documentation

The legal program continued its efforts to expand its network of relations and coordination with numerous governmental and non-governmental organizations, in order to enhance the organization's system of monitoring, documenting, and following-up the violations that Palestinian children suffer. As a result of the intensified campaign against Palestinian children in the second half of the year, a number of field workers and volunteers in all areas of the West Bank and Gaza Strip were contracted in order to reach and document cases of children who were exposed to attacks from the Israeli occupation forces. The following provides an overview of the types and volume of cases documented in 2000:

1 Israeli Violations of Palestinian Children's Rights

I. Children Killed

In 2000, the DCI/PS Legal Program documented the deaths of 105 Palestinian children at the hands of Israeli military forces and settlers, compared with 4 cases documented in 1999. Ninety-four of these deaths occurred during the period of the Intifada alone. These deaths constitute gross and blatant violations of the Palestinian child's right to life; a right guaranteed by international law, in particular article 3 of the UN Universal Declaration of Human Rights (UDHR) and article 6 of the UN Convention on the Rights of the Child (CRC).

II. Injuries

In 2000, the LP documented 2,250 cases of children who sustained injuries as a direct result of Israeli military and settler presence in the Occupied Palestinian Territories. It is important to note, however, that the Israeli imposed closure on Palestinian areas, barring movement from one area to the next, prevented fieldworkers and volunteers from documenting each and every case of injury. As such, this figure reflects only those cases that DCI/PS documented, and is not a comprehensive figure for the number of Palestinian children injured in the past year.

III. Right to Education

The right to education constitutes one of the fundamental, universal rights guaranteed to children, enshrined primarily in article 26 of the UDHR, and article 28 and 29 of the CRC. Irrespective of these conventions, the Israeli occupying power continues to implement oppressive policies that impede and prohibit Palestinian children's right to education. The following provides an overview of the variety of ways in which Israeli practice in the OPT violates children's right to education:

◆ **Inability to reach school as a result of the Israeli imposed closure:** The strict closure that has been imposed on the occupied territories since the early days of the Intifada has resulted in the loss of numerous academic days for Palestinian students. While it is difficult to ascertain the exact number of these days, the Palestinian Ministry of Education (MoE) reports that in the Hebron governorate alone, more than 460 teachers were unable to reach their schools for 18 days. Also, the MoE estimates that between 10%-90% of teachers were unable to travel to their schools during the last two months of 2000. The absence of significant numbers of Palestinian teachers effectively results in an abrupt halt to the educational process, effecting thousands of Palestinian children throughout the West Bank and Gaza Strip.

◆ **Schools closed during curfew:** Since the beginning of the Intifada, the right to education has been severely and consistently impeded in Palestinian areas under Israeli imposed curfew, which prevents Palestinian residents from leaving their homes for any reason. The most seriously effected site was the Old City of Hebron, which was placed under curfew for more than 70 consecutive days. As a result, approximately 13,000 students from 28 schools were deprived of their right to education during this period. In addition, according to the MoE, a total of 17 schools located in areas surrounding Joseph's Tomb in Nablus and in Huwarra village were closed due to curfews for periods in excess of 30 days. A number of other schools in the West Bank and Gaza Strip were closed sporadically because of Israeli imposed curfews during the last three months of 2000.

◆ **Attacks on schools by soldiers and settlers:** In the period following the outbreak of the Intifada, Israeli soldiers and settlers have intensified the volume of attacks carried-out against Palestinian schools, particularly in areas B and C. According to the Palestinian MoE, Israeli soldiers and settlers attacked more than 50 schools in 2000. Perhaps the most seriously effected has been the Silat Al-Thaher school in the Jenin area, which was attacked more than five times in the last two months of 2000 alone. The perpetrators of these attacks employ a variety of means, including opening gunfire on the schools, dispersing teargas on the school grounds (both in the recreation yards and inside classrooms), and destroying school property. These attacks have resulted in tens of children and teachers suffering from gunshot wounds, asphyxiation and trauma. Perhaps most disturbing, however, is that these attacks have transformed Palestinian schools from safe and nurturing environments into places of terror, a fact which effects the educational performance of children long after the actual attack has ended.

◆ **Arrests of students and teachers:** While the arrest and imprisonment of Palestinian students and teachers has long been a factor impeding Palestinian children's right to education, the rate of its occurrence has dramatically increased in the period since the outbreak of the Intifada. According to information gathered by the LP, we estimate that more than 250 Palestinian children were arrested in the last three months of 2000. In Hussan village in the Bethlehem area alone, more than 35 students were arrested at one time. In addition, the MoE estimates that five Palestinian teachers have been arrested since the beginning of the Intifada.

◆ **Schools closed by Israeli military order:** Among the most profane measures utilized by the Israeli occupation authority in 2000 was the closure of 4 Palestinian schools by military order in Al-Khader village in the Bethlehem area. These school closures deprived 2,500 students from the village and its surrounding areas from their right to education.

◆ **Schools transformed into military installations:** Following the outbreak of the Intifada, Israeli military forces occupied four schools in the Old City of Hebron and transformed them into military installations, as follows:

- Osaama Ibn Al-Munkith School, 584 students, 13 teachers
- Al-Ma'arif Boys School, 871 students, 30 teachers
- Johar Girls School, 380 students, 13 teachers
- Al-Okhwa School



During the process of occupying these schools, Israeli forces destroyed the assets of the schools, transformed the school playgrounds into military areas and the garages into storage facilities for tanks and artillery. These new military posts have since been used to launch attacks on Palestinian residential areas in the Old City, resulting not only in violations of the right to education for Palestinian children, but also in their exposure to life-threatening situations.

IV. Attacking Inhabited Areas and Demolishing Houses

Since the beginning of the Intifada, the DCI/PS Legal Program documented numerous cases of Palestinian homes and buildings, throughout the OPT, which were exposed to Israeli missile attacks and artillery fire. Foremost among these were Palestinian residences and property located in the areas of Beit Jala, Beit Sahour, the Old City of Hebron, and Aida Refugee Camp in Bethlehem. DCI/PS documentation indicates that literally every inhabited area adjacent to Israeli military camps or settlements were exposed to attacks from a variety of heavy artillery, including 250, 500, 800, 1,000, 1,200 ammunition, and missiles fired from helicopter gunships and tanks, which surrounded Palestinian cities.

With reference to the number of houses demolished, it is estimated that the number exceeds 120, including the “Tower Building” near Netzarim Junction in the Gaza Strip, which contained 40 apartments. In addition, hundreds of houses and buildings sustained damage as a result of random and intense attacks by the Israeli military. The end result is that hundreds of Palestinian families have been displaced and literally thousands of children adversely effected from residing in areas under constant threat of attack.

2 Violations in the Palestinian Authority Areas

Documenting violations in the areas under the jurisdiction of the Palestinian Authority continued to be a challenge in 2000. A primary obstacle impeding the documentation of such violations is the lack of public information about infractions on children's rights, particularly the prohibition on publishing any information about such violations in the local media. Other factors making such work difficult are parents' reticence to follow-up violations suffered by their children, and the lack of DCI/PS fieldworkers in all areas of the West Bank and Gaza Strip. Moreover, the outbreak of the Intifada and the ensuing gross violations of children's rights, as well as the limited number of DCI/PS fieldworkers necessitated prioritizing the documentation of violations by Israeli military forces.

In spite of these challenges, the LP documented approximately 40 cases involving violations of children's rights in the areas under the jurisdiction of the Palestinian Authority in 2000. For the above-mentioned reasons, it is important to note that the following overview of documentation is not comprehensive and does not represent the status of children's rights in the Palestinian areas.

I. Injured Children: The LP documented the cases of 8 children injured as a result of weapons misuse or negligence in the Palestinian territories.

II. Teachers' Strike: The LP documented the effects of the Palestinian teachers' strike on Palestinian children, including depriving approximately 10,000 children of their right to education over a two month period and documenting the cases of 5 children attacked by Palestinian security forces while undertaking solidarity actions with striking teachers.

III. Medical Negligence: The LP documented three cases concerning children who developed serious health problems as a result of medical negligence.

IV. Contamination: The LP documented 24 cases of children poisoned after consuming expired food products or drinking contaminated water.

D Work of the Legal Program during the Intifada:

In order to meet the immediate needs of the community as a result of the deteriorating situation on the ground following the outbreak of the Intifada, the LP implemented and worked under an emergency plan in the last quarter of the year. The following priorities were established in order to guide the work:



- Monitoring and documenting all the violations to which children are exposed as a result of the Israeli occupation.
- Following-up all violations that are reported in the media and issue locally and internationally press releases and reports that highlight these violations.
- Following-up violations of children's rights with the relevant parties and pressure them to open investigations of various cases.
- Following-up the cases of children arrested by the Israeli occupation forces.

During the LP's work to fulfill these goals, the major obstacle encountered was the siege imposed on the OPT, particularly the strict closure imposed on Palestinian areas, as mentioned previously in this report. This closure not only impeded movement from areas within the OPT, it also forbade entry into Israel. Consequently, the LP attorney was prevented from carrying-out visits to Israeli prisons in the last quarter of the year. Moreover, as the Israeli military courts in the West Bank essentially ceased functioning from late September to early December, the attorney was unable to close any of the cases of juveniles arrested after the beginning of the Intifada, or to follow-up those arrested prior to that point, but who had not yet been sentenced.

As mentioned previously in this report, the LP worked to overcome these obstacles by contracting additional fieldworkers and attorneys to supplement the work of the existing LP staff. In terms of documentation, the volume of child rights violations and the closure made it necessary to contract fieldworkers in all areas of the West Bank and Gaza Strip in order to document as many violations of children's rights as possible. As such, 9 fieldworkers focused on documenting cases of children killed and injured by Israeli occupation forces, attacks on schools and residential areas, as well as a wide array of other violations.

In terms of legal representation, the situation necessitated the contracting of 4 additional attorneys to follow-up cases of children arrested and detained by the Israeli authorities. Factors leading to this decision included impediments such as restrictions on freedom of movement and the lapse in functioning of the military courts, as well as the dramatic increase in numbers of cases received. In the period following the outbreak of the Intifada, the LP received over 140 new cases. The four attorneys, who were contracted on a case by case basis, now supplement the work of the LP by representing arrested juveniles in the northern and southern regions of the West Bank, and the Gaza Strip. An attorney with an Israeli identity card has been contracted for representing cases of arrested children from Jerusalem, as well as to carry-out prison visits. The regular LP attorney handles cases in the middle region of the West Bank.

With respect to prison visits during this period, the LP arranged for weekly visits to the detention centers where children prisoners are held, including Al-Moskobiyya Center in Jerusalem (Russian Compound) and