

Palestinian Child Political Prisoners 2006 Report

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time

Article 37b, UN Convention on the Rights of the Child

In 2006, Israel continued its policy of arresting and imprisoning Palestinian children.¹ Some 700 Palestinian children (under 18) were arrested by Israeli soldiers over the course of the year. Of these, around 25 children were held on administrative detention orders, imprisonment without charge or trial. The overwhelming majority of those arrested in 2006 were boys; there were eight girl child prisoners who served sentences at different points during the year. Of these, four had been arrested in 2006.

At any given point during the year, there were between 340 and 420 Palestinian children held in Israeli prisons and detention centers in Israel and the Occupied Palestinian Territory (OPT), with around 380 held at the end of the year. Of these, around 300 were being held in central prisons, either pending trial or after having been sentenced. The remaining 80 were being held in interrogation and detention centers. The number of children arrested in 2006 brings the total number of Palestinian children arrested by Israel since the beginning of the second Intifada in September 2000 to approximately 5,200.

Palestinian child political prisoners routinely face violations of their human rights during the arrest through imprisonment process. They are exposed to physical and psychological abuse, often amounting to torture. They are denied prompt access to an attorney and often denied contact with their families and the outside world. Many are held without charge or trial. They face substandard, often inhumane, conditions of detention, both in the facilities where they are initially held and interrogated and in those where they await trial and serve their sentence. Moreover, they are frequently denied access to proper medical care. In many cases, the arrest, interrogation and imprisonment experience has psycho-social effects that extend far beyond the period of detention.

Case Study No. 1

Name: Fady Abdel Qader Taneena
Place of Residence: Hebron, Hebron District
Date of Birth: 21 March 1990
Date of Arrest: 26 June 2006

Fady works as a porter, carrying goods at Tarqumiya checkpoint in the Hebron District. One day in June 2006, a group of Israeli soldiers posted at the checkpoint began cursing at Fady. They

¹ This report covers information pertaining to the main issues affecting Palestinian child political prisoners during 2006. For more detailed information on the issue as-a-whole, or on the situation of Palestinian child political prisoners in past years, please visit DCI/PS's website, <http://www.dci-pal.org>.

pushed him to the ground with their weapons and beat him for around 10 minutes with their hands, legs and weapons while he was lying on the ground.

After the beating, Israeli police officers arrived and ordered Fady to stand with his face against a wall while they searched his body in a degrading manner. He was then placed in a military jeep and transferred to the Israeli settlement of Kiryat Arba'. There, Fady was accused of having attacked the soldiers, but he refused to confess to this charge. After some 4 hours, he was transferred to the Etzion interrogation and detention center in the Bethlehem District. Along the way, he was beaten by Israeli soldiers while he was blindfolded and handcuffed. Prior to having been blindfolded, one of the soldiers threw a lit cigarette butt at him.

Trends in Cases Handled by DCI/PS and Closed in 2006

In 2006, the majority of closed cases handled by DCI/PS concerned children 17 years old (88.3%). This represents an increase over the previous two years (53% and 50.9% for 2005 and 2004, respectively). Accordingly, there was a decrease in the percentage of closed cases concerning children aged 15 and 16 years, from 32% in 2005 to 11.7% in 2006. In contrast to the 15% of closed cases that concerned children less than 14 years old in 2005, DCI/PS handled no closed cases of children in that age group in 2006.

In 2006, there were significant changes in patterns related to the major charge on which Palestinian children were tried. The percentage of closed cases dealing with the three most serious categories of charges (attempting to kill an Israeli, possession of explosives and possession of weapons) dramatically decreased (*see Table 5*). At the same time, the percentage of closed cases in which the major charge was stone throwing dramatically increased, from 22.2% in 2005 to 63.8% in 2006.

Based on the striking shifts in charges, one might have expected that sentence lengths would show similarly significant shifts, but this was not the case. On the contrary, sentence lengths actually increased in 2006. This is due to a number of reasons, including a new military prosecutor at one of the courts who advocated harsher sentences for Palestinian children, and an increasingly tense political situation, in general. It is indicative of the extent to which sentence lengths issued by the Israeli military court system often have less to do with the charge before the court than with the overall political situation.

In 2006, there was a decrease in the percentage of closed cases that received a sentence of less than six months, from 34.8% in 2005 to 28.2% in 2006. This continues the trend from 2004, where 42% of closed cases received a sentence of less than six months.

While there was a decrease in the percentage of closed cases receiving sentences of over three years (from 14.9% in 2005 to 7.5% in 2006), there was an increase in the percentage of closed cases receiving sentences between 1 and 3 years. Cases of this type amounted to 36.4% in 2005, while they jumped to 47.9% in 2006, ranking them as the most common sentence for the year.

Table 1: Breakdown of DCI/PS Closed Cases by Sentence

Sentence	Number	Percentage
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Less than 6 months	60	28.2%
6 months – 1 year	35	16.4%
1 – 3 years	102	47.9%
3 years or more	16	7.5%
TOTAL	213	100%

Table 2: Breakdown of DCI/PS Closed Cases by Age Group

Age Group	Number	Percentage
Less than 14 years	-	-
15 and 16 years	25	11.7%
17 years	188	88.3%
TOTAL	213	100%

Table 3: Breakdown of DCI/PS Closed Cases by Geographic Region

Region	Number	Percentage
Northern West Bank	141	66.2%
Central West Bank	33	15.5%
Southern West Bank	39	18.3%
TOTAL	213	100%

Table 4: Breakdown of DCI/PS Closed Cases by Major Charge

Charge	Number	Percentage
Stone Throwing	136	63.8%
Possession of and/or Throwing a Molotov Cocktail	14	6.6%
Membership in a Banned Organization	40	18.8%
Attempt to Kill an Israeli	8	3.7%
Possession of Explosives	7	3.2%
Weapons Possession	8	3.7%
TOTAL	213	100%

Table 5: Breakdown of Sentences, Age Groups & Charges, 2004 – 2006

Age Group	2006	2005	2004
Less than 14 years	-	15%	15.7%
15 and 16 years	11.7%	32%	33.4%
17 years	88.3%	53%	50.9%
Sentence	2006	2005	2004
Less than 6 months	28.2%	34.8%	42%
6 months – 1 year	16.4%	13.9%	9.8%
1 – 3 years	47.9%	36.4%	28.5%
3 years or more	7.5%	14.9%	19.7%

Charge	2006	2005	2004
Stone Throwing	63.8%	22.2%	31%
Possession of and/or Throwing a Molotov Cocktail	6.6%	14.3%	14.2%
Membership in a Banned Organization	18.8%	9.7%	15.3%
Attempt to Kill an Israeli	3.8%	21.3	18.3%
Possession of Explosives	3.2%	12.2%	7.3%
Weapons Possession	3.8%	14.5%	13.9%
Other	-	5.8%	-

The Arrest through Imprisonment Process in 2006

Arrest and Interrogation

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

Article 10.1, UN International Covenant on Civil and Political Rights

When arresting Palestinian children, Israeli soldiers frequently employ terrifying tactics. Large numbers of armed soldiers surround the child's home and force the child's family into the street. The family's home is often violently searched and the child is frequently physically abused.

Once the child is taken into Israeli custody, he/she is almost always blindfolded and handcuffed and transported to an interrogation center, generally, without being allowed any contact with his/her family and without recourse to an attorney. In many cases, the child is beaten while being transferred to interrogation.

In most cases, Palestinian children are taken immediately to interrogation upon arrival at an interrogation center. Given that many children are arrested in the evening or in early morning hours, these interrogation sessions often begin after midnight. The various steps that have taken place prior to interrogation, namely the violent arrest and transfer process, are calculated to assist in bringing about a quick confession from the child detainee.

Though Israel is a State Party to the UN Convention Against Torture (CAT) and the universal ban on torture forms part of customary international law, the Israel Security Service (ISS) continues to use torture in its interrogations of Palestinian political prisoners, including children. Torture has been a key part of Israel's interrogation of these prisoners for decades. At various times, Israel has relied more on physical forms of torture than on psychological methods, which are currently most commonly used. However, irrespective of whether the abuse is physical or psychological, torture in all of its forms is banned.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 7, UN International Covenant on Civil and Political Rights

Israeli forces employ a number of different interrogation methods designed to coerce Palestinian children into confessing to the charges against them. For example, one common method is the use of solitary confinement, when a prisoner is prevented from communicating with anyone else, except the prison guards. Solitary confinement often affects the mental health of the prisoner and may facilitate torture and maltreatment. It is used as a means of placing psychological pressure on a detainee to confess to the charges against them, particularly in Askelon, Petah Tikva, Jalama, and Maskobiyya interrogation centers.

Other forms of abuse to which children are subjected during interrogation include:

- Blindfolding
- Handcuffing
- Beatings
- Sleep deprivation
- Position abuse
- Yelling and cursing
- Threats, including: the threat of being beaten or having family members beaten; being imprisoned for a long time; being sexually abused; being attacked by a dog; being tortured with electric shocks or subjected to other forms of physical torture; and having home demolished, among others. (It should be noted that, in cases, subjecting the child to such threats, particularly that of physical torture, can be a form of torture itself).

In contrast to the various forms of abuse and threats listed above, interrogators promise children a lenient prison term or release if he/she confesses to the charges. These tactics combined succeed in coercing many children to confessing to the charges waged against them. These confessions then form the basis of the children's indictment in an Israeli military court.

Case Study No. 2

Name: Ahmad Abdel Kareem Jaradat

Place of Residence: Silat Harthiya, Jenin District

Date of Birth: 21 September 1988

Date of Arrest: 13 May 2006

At around 2am, on Saturday the 13th of May 2006, a large number of soldiers surrounded my house. After they forced their way into the house, they ordered everyone in the house to go out to the street and they arrested me. After searching the house, they led me into the house where there were three Israeli interrogators, who began interrogating me.

The interrogators kept asking me if I knew a certain someone, but I denied knowing the person. During the questioning, the interrogators beat me with their hands and shoved me against a wall. When I did not confess, they brought my mother into the house and ordered her to stand behind my bedroom door. They made sure to let me know that she was there and they told me that if I do not confess, they will beat my mother and beat me in front of her. They pushed me against the wall and slapped me several times on my face while my mother was watching. As a result of this,

I confessed because I did not want my mother to be beaten or to have to watch me be beaten more. Altogether, the interrogation in the house lasted around four hours.

After this, they transferred me to Jalama prison for 12 days, where I stayed in solitary confinement. Of the 12 days, three were spent in an underground cell. The size of the cell was no more than three meters squared. There was nothing in the cell except a mattress, a thin blanket and a pot used for urinating. This pot was only emptied at the end of each day.

The walls of the cell were very rough -- not even suitable for leaning against. There was no window for ventilation, but there was an opening that forced cold or warm air into the room. The lighting in the cell was very weak. It was yellow in color and on all the time. It made my eyes tired and hurt. With no window in the room, it was difficult to know the time of day.

As for food, it was difficult to recognize what it was -- a mixture of vegetables, pasta and rice. During my stay in the cells, my interrogation continued. The only time I was allowed out of the solitary confinement cell was when I was taken to interrogation or allowed to have a shower. After 12 days, I was transferred to HaSharon prison.

Lawyers' Access

In general, lawyers are not allowed access to their clients until after the interrogation has been completed. However, even then, there are many obstacles that make it difficult for a Palestinian lawyer to visit his/her child client. The first obstacle is that many children are detained in Israeli interrogation and detention centers located outside of the Occupied Palestinian Territory (OPT). Accordingly, in order to visit the child, the lawyer must apply for and receive from the Israeli authorities a permit to enter Israel. Only a small fraction of Palestinians, including lawyers, succeed in obtaining these permits.

Even if entry to Israel is not an issue (because a permit has been obtained, because the attorney has Jerusalem ID or is a citizen of Israel, or because the facility is in the OPT), obtaining access to the detention facility remains a problem. In general, lawyers must submit to the detention facility, in advance, a list with the names and ID numbers of those prisoners the lawyer wishes to visit. Upon receiving the list and confirming that the prisoners are indeed held in that particular facility, the Israeli administration and the lawyer agree upon a date for the visit. This process is often wearisome and time-consuming as the lawyer is forced to make multiple calls to the facility in order to confirm that the faxed list has been received and to arrange for a date to visit. The Israeli staffers in these facilities are often uncooperative, failing to leave messages or return phone calls, contributing to the tediousness of the process.

Once the day of the visit arrives, lawyers are often forced to wait an hour or more outside the prison before they are allowed to enter. The lawyer is then shown to a room where the individual visits with the child client will occur.

Israeli Interrogation and Detention Centers

There are three types of interrogation and detention centers: 1) those under the supervision of the Israeli army; 2) those under the authority of the Israel Prisons Service (IPS); and 3) those run by the Israeli police. Israeli soldiers carry out interrogations in centers under the authority of the army. The Israel Security Services (ISS) conducts the interrogations that take place in facilities under the control of the IPS or the police.

The table below indicates which entity controls the various detention and interrogation centers where Palestinian child political prisoners are held:

Israeli Army	Israel Prisons Service	Israeli Police
Huwwara Qedumim Etzion Salem	Askelon Jalama Binyamin	Mascobiyya Petah Tikva

Irrespective of the supervising authority, the conditions of detention are equally appalling at all of the facilities. Though these centers are supposed to be temporary holding facilities, Palestinian children can spend months there before they are transferred to a central prison. The period of detention varies considerably from a few days to a few months and depends on a number of factors. In theory, children are supposed to be transferred out of these centers once interrogation is complete, a charge sheet has been issued and an order has been issued detaining the child until the end of legal proceedings. However, in practice, a child cannot be transferred to a central prison until the detention center receives word from a central prison itself that space has opened up for new prisoners. In cases, if a child's prison sentence ends up being less than 3 months, they may spend their entire period of imprisonment within a detention center and never be transferred to a central prison.

Overcrowding also affects conditions within the detention centers. For example, in Askelon interrogation and detention center, all children who were interrogated there were detained for extended periods in small cells, designed for only 1 – 2 prisoners, before being transferred into the larger, better equipped rooms that hold numerous prisoners.²

Juveniles deprived of their liberty have the right to facilities and services that meet all the requirements of health and human dignity.

UN Rules for the Protection of Juveniles Deprived of their Liberty, 31

Children detained in these centers face the worst conditions of detention as they are almost always overcrowded, in poor condition and fail to meet basic health requirements. In short, they are generally unsuitable for human habitation. Children are provided only a mattress and a blanket. These generally smell bad as there is poor ventilation in the cells. Neither fresh air nor sunlight reaches the rooms where the children are detained. There is no means of heating water or food. Matches or lighters are banned. If a prisoner wants to light a cigarette, he must ask the

² Some 50% of children who were arrested from the southern West Bank (Bethlehem and Hebron Districts) were transferred to Askelon.

guard to do so for him. The only clothes provided to children are provided through lawyers' visits. Children are detained with adults in all of these facilities, except Binyamin interrogation and detention center, where one tent has been designated as the children's section.

There are no bathrooms in the prisoners cells and prisoners are not allowed to use the restroom whenever they need, but instead at set times during the day. If a prisoner is unable to wait, he must urinate in a bottle. In terms of showering, prisoners are allowed to do so during recreation time, but must do so without soap or shampoo.

Case Study No. 3

Name: Said Deeb Said Hajajreh

Place of Residence: Al Arroub refugee camp, Hebron District

Date of Birth: 3 August 1988

Date of Arrest: 12 July 2006

“After [interrogation at Askelon], they sent me to the cells – around 25 cells were underground. I was put alone in a small cell that measured about 2 meters by 1 meter. I was held in this cell for 26 days. The only things in the cell were a mattress, a blanket and an opening in the ground that was used as a toilet. The walls of the cell were too rough to lean against and there was no window for ventilation.”

In terms of the cleanliness of their physical environs, situation is very bad. Though the child prisoners attempt to clean their rooms themselves, they are not provided cleaning supplies and there is no prompt disposal of trash by prison guards. During hot weather, the garbage rots, smells and attracts rodents and insects. The poor conditions of hygiene in many facilities cause rashes and infectious skin diseases among many of the prisoners.

In the summer, the facilities lack proper ventilation, resulting in stifling conditions of detention. In the winter, child prisoners are provided insufficient blankets and clothes to keep themselves warm.

With the exception of Binyamin interrogation and detention center, there are no family visits, regardless of how long the child is detained there. As a result, many of the children suffer psychological difficulties as a result of total separation from their families. For many children, this may be the first period in their life where they have been away from their family.

Food provided to the prisoners is poor in quality and quantity and, oftentimes, inedible. In some cases, the children are provided regular meals, but at other times, the children are provided only the soldiers' leftovers. All of the meals are provided cold because the food is not delivered promptly. In terms of quantity, prisoners in Salem and Etzion interrogation and detention centers report that, for breakfast, each room is provided a 250g container of labna (a creamy yogurt spread) and a large piece of bread. This food must then be divided amongst all of the prisoners. The amount of food is not increased if the number of prisoners in the room increases. The same food is provided for supper. For lunch, prisoners are provided with a small amount of potatoes, eggs and tomatoes, with rice or pasta. In some cases, prisoners are provided with additional food

stuffs that have been donated by charitable associations. Israeli soldiers, however, often steal some of the food themselves and give only a portion of the food to the prisoners.

There have been many cases where Palestinian prisoners have been provided food that was past its expiration date. For example, on 25 April 2006, after prisoners in Huwarra interrogation and detention center were given expired food, 11 of them, including 4 children, were transferred for medical treatment of severe diarrhea. The prisoners were treated only by the center nurse, who did not have the center physician examine them.

The detention facilities fail to provide child detainees any resources with which to spend their time. There is no connection between the children and the outside world: no television, radio, magazines, books or newspapers. The only book available to children is the Qur'an. Additionally, children are frequently prohibited from leaving their rooms for outside, recreation time for periods as long as a week at-a-time. Outdoor time or time to engage in physical, recreational activity is not regarded as a right, but rather as a privilege that depends on the mood of the soldier in charge.

Roll call is taken at these centers three times per day. In addition, the center administrations often carry out random roll calls, including during late night and early morning hours. At Binyamin interrogation and detention center, where prisoners are detained in tents, prisoners must stand outside their tent until roll call is completed, irrespective of weather conditions.

Case Study No. 4

Etzion Interrogation and Detention Center, Bethlehem District

During a visit to Etzion center on 4 July 2006, Palestinian prisoners informed DCI/PS's attorney that the center is comprised of several rooms, each holding between 7 and 9 persons. The prisoners sleep on mattresses on the ground, a situation made more uncomfortable by the fact that the mattresses are extremely thin and that each prisoner is provided with only one blanket. They are prohibited from using the restroom facilities except at appointed times during the day. No electronic devices are allowed that would enable communication with the outside world (e.g. radios, television, etc.). The only food available is that which is provided by the administration and this is poor in quantity. There is no canteena from which prisoners could supplement their food intake.

Transferring the Child Prisoner from the Place of Detention to Military Court

Prior to transfer, the child is strip searched and his/her hands and feet are tightly bound. During the transfer prisoners are prevented from talking with one another. Once arriving at the court, the police unit who accompanies the prisoner prevents the prisoner from speaking, shaking hands or having any other physical contact with his/her family members.

Military Courts

Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

- (i) To be presumed innocent until proven guilty according to law;*
- (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;*
- (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;*
- (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality.*

Article 40.2b, UN Convention on the Rights of the Child

No one shall be subjected to arbitrary arrest, detention or exile.

Article 9, UN Universal Declaration of Human Rights

Palestinian children arrested by Israeli military forces in the OPT are charged with violations of Israeli military orders and are tried in Israeli military courts. Israeli military orders form the regulatory framework for Israel's control over Palestinians living in the OPT. There is no democratic legislative process for the enactment of these orders – they are issued as decrees by the Israeli military commander of the area and, in many cases, immediately gain the status of law. There is no civil mechanism through which defendants can appeal or challenge the legitimacy of these regulations.

As for the military courts, while they possess many of the trappings of a legitimate justice system, they have systematically failed to bring about justice to the Palestinian children who are brought before them. Though attorneys representing Palestinian clients go through the motions of various judicial processes, it is clear from the proceedings that they do not exist to ensure that those accused receive a fair trial, but rather, they simply provide a veneer of legality to a flawed and discriminatory process.

For example, given that international law prohibits arbitrary detention, a person's detention must be promptly reviewed by a judge or other relevant qualified individual, with the goal of achieving the following:

- to determine whether there is sufficient evidence to detain the person;
- to determine whether continuing his/her detention prior to trial is necessary or not;
- to guarantee that he/she is not being maltreated; and
- to prevent the violation of his/her basic rights.

Though a review of detention does take place within the Israeli military court system, in almost all cases, the judge approves the prosecution's request that the detention continue. Israeli criminal law procedures, which are applied in Israeli military courts in the West Bank, require that the review be conducted within 8 days. (Israeli law prohibits the detention of an individual for more than 8 days without an extension order from a judge, unless an administrative detention order has been issued.) At the hearing before the judge, the prosecutor generally asks for the extension in order to continue interrogating the child or to have time to prepare the charge sheet. Extension of detention orders issued by Israeli military court judges are generally for 15 days.

The judge's failure to act as an impartial judicial authority continues after the initial hearing. Following the extension of detention, the prosecution prepares the charge sheet against the child and presents it to the military court. At this session, the prosecution usually asks that the child continue to be detained until the end of legal proceedings. At the same time, the defense attorney will generally request that the child be released on bail until the court date. In the majority of cases dealt with by DCI/PS, however, the defense's request is denied. In DCI/PS's experience, only 3-5% of cases are released on bail. In the exceptional case that the judge decides to release the child on bail, the prosecution asks that the decision not be implemented as they will appeal it. Consequently, the overwhelming majority of Palestinian children are detained from the moment of arrest through the end of legal proceedings.

The principle of "innocent until proven guilty" enshrined in international law places the burden of proof upon the prosecution. However, in many cases, the military judge or judges depend on information and evidence that is provided orally by the prosecution, without carefully examining this information or even referring to the case file. For example, in one case witnessed by DCI/PS, the judge decided to extend the detention of a child and indicated in the court record that his decision was based on initial information he had heard from the prosecution. When the judge's decision was challenged by a lawyer present, on the basis that the judge had not examined the actual case file, the judge simply reiterated his decision.

Additionally, given the international ban on torture, courts may not allow the submission of evidence, including confessions, that was obtained through torture, maltreatment or any type of coercion. However, the prosecution routinely relies on confessions extracted from children through threats and coercion and military court judges pay little attention to attempts by defense attorneys to throw out such evidence.

In practice, the Israeli military court's "review" of the detention of a Palestinian child is a farce designed to provide a legal veneer to the proceedings, rather than an independent review of the necessity of detention. It is the Israeli military prosecutor who is the main decision maker as the military court judge in almost all cases goes with whatever the prosecutor's recommends, whether it is a recommendation to extend detention or a recommended sentence.

In addition to the lack of impartial legal proceedings is the absence of child-specific procedures. According to international guidelines, children in conflict with the law should be dealt with by a juvenile court according to child-specific procedures. For example, there should be trained personnel to deal with the child and the child's legal guardians should be present during the child's interrogation, among numerous other child-specific procedures. While many of these

procedures are enshrined in Israeli law and practiced in Israel's domestic legal system, none of these procedures is applied to cases of Palestinian child political prisoners dealt with in the Israeli military court system.

As for trial procedures, most cases are successfully plea bargained between the defense and prosecution before reaching trial. In representing Palestinian child prisoners, lawyers are forced to find a balance between pursuing the child's best interests, seeking justice for the child, and respecting procedural safeguards, such as the presumption of innocence and the examination of witnesses. Of particular importance is that the lawyer considers the context in which he/she is operating and the reality that the Israeli military court system has repeatedly proven itself to be a tool of the Israeli occupation, rather than an arbiter of justice. Based on past experience, it is illogical to believe that this discriminatory court system will produce anything other than a discriminatory sentence for the Palestinian children brought before it. Additionally, the fact that lawyers do not have access to their clients until after the period of interrogation, that many cases are based on confessions taken by coercion methods that are difficult to prove, along with a number of other factors, make it virtually impossible for defense attorneys to successfully argue their client's cases.

In this context, and since the vast majority of children are held pending trial, it is often preferable for a lawyer to accept without question the prosecution's assertion that the child is guilty and seek a short and swift sentence. If the lawyer seeks to prove the child's innocence through a series of court hearings and appeals, the case may ultimately be won, but the end result is that the child may spend more time behind bars than if he or she had accepted a plea bargain early on.³

Prison Conditions

Juveniles in institutions shall receive care, protection and all necessary assistance - social, educational, vocational, psychological, medical and physical - that they may require because of their age, sex, and personality and in the interest of their wholesome development.

UN Minimum Rules for the Administration of Juvenile Justice, "Beijing Rules," 26.2

The following Israeli prisons are under the authority of the Israel Prisons Service (IPS) and detain Palestinian child political prisoners:

- An Naqab (Ketziot)
- Ofer
- Telmond Compound (includes HaSharon and Ofek prisons)
- Megiddo
- Addamoun

General Conditions

³ Another motivation for seeking a swift sentence is that the sentencing guidelines that restrict the length of sentence possible for various categories of under-18 year olds are governed by the age at the time of sentencing, as opposed to the age at the time the alleged offense took place.

- *Location:* All of these prisons, except Ofer, are located outside the OPT. Detaining residents of occupied territory in prisons outside that territory is in direct violation of article 76 of the Fourth Geneva Convention. Detaining Palestinian prisoners outside of the OPT makes family visits difficult, given that Palestinian residents of the OPT (except Jerusalem) require Israel-issued permits to enter Israel and many applications for these permits are refused.
- *Cells:* Each cell consists of a group of bunk beds, with the number varying depending on the size of the room. In cases of overcrowding, some prisoners are forced to sleep on the floor. In most of these facilities, the sun does not penetrate individual cells as the windows are covered by metal plates.
- Prisoners may purchase televisions, hotplates and electric water kettles with their own money and keep them in their rooms.
- *Recreation Time ("fora"):* Child prisoners are allowed 1.5 hours of recreation time daily. Prisoners may take it all at once or divide it into 2 periods.
- *Food:* Because the standard of food provided to prisoners in these facilities is often poor in quality and quantity, prisoners do not depend on food provided by the prison administration. Instead, children purchase ingredients from the prison canteena, though the price of food stuffs there is higher than market prices. In Addamoun and HaSharon prisons, criminal prisoners prepare the food that is served to Palestinian political prisoners. In An Naqab (Ketziot), Ofer and Megiddo, Palestinian political prisoners prepare the food.
- *Education:* HaSharon is the only facility that provides education to Palestinian child political prisoners. A Palestinian teacher with Israeli citizenship is allowed to enter and provide 3 hours of education per week. Instruction is allowed in only four subjects (science, math, Arabic and Hebrew), rather than all those required by the Palestinian curriculum. All prisoners are taught in the same session, regardless of differences in age or level of education.
- *Family Visits:* In general, visits are allowed once every two weeks for 45 minutes. During the visit, families are separated from the prisoner by a glass partition. Communication takes place through a telephone or through holes in the glass. Three family members may visit a given prisoner at once.
- *Phone Calls:* Prisoners are not allowed to make telephone calls, even when they are denied family visits.
- *Detention with Children or with Adults:* In An Naqab (Ketziot), Ofer and Megiddo prisons, there is no special section for children and Palestinian children are held with adult prisoners. In HaSharon prison, three out of seven sections are designated for Palestinian child political prisoners and in Addamoun there are two sections for children.⁴ Ofek is designated for Israeli juvenile, criminal prisoners, though in some cases they detain Palestinian child political prisoners there. There are no criteria, however, that determines whether a Palestinian child is detained in Ofek or in another facility.

Main Forms of Punishment

⁴ Children were transferred to Addamoun prison from Telmond compound in late October 2006, due to renovations. Prior to this, Palestinian children were not detained in Addamoun.

Palestinian child prisoners are subjected to various types of punishment throughout the period of their arrest and detention.

Solitary Confinement: In addition to the use of solitary confinement as a means of coercing confessions from children, it is used as a means of punishing child prisoners held in the central prisons, especially HaSharon. At HaSharon, solitary confinement is used as a punishment for infractions of prison rules as minor as being late in standing for the roll call or for talking loudly during outdoor, recreation time. The length of solitary confinement in these scenarios may last up to one week. In other cases, the isolation can last up to one month.

All disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned.

UN Rules for the Protection of Juveniles Deprived of their Liberty, 67

Deprivation of Family Visits: Another type of punishment used is to deprive the prisoner from family visits and this punishment may last up to 3 months. The prison administrations do not inform families that their child is being denied visits. Consequently, if the child is unable to let his family know, his family may go through the arduous journey of reaching the prison, only to be prevented from visiting their child.

Every child deprived of liberty shall ... have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.

Article 37d, UN Convention on the Rights of the Child

Fines: The Israeli authorities continue to impose financial penalties upon Palestinian child political prisoners as a form of punishment. Around 50 children were fined during 2006, for amounts ranging from NIS 200 – 400. The prison administration collects the fine by withdrawing the money from the relevant account for the prison canteena. Each prisoner does not have his/her own account for the canteena. Instead, there are group accounts, in the name of a particular prisoner in a section, into which everyone in that section has their funds deposited. For example, while there may be 30 people in a given section, only five prisoners actually have canteena accounts in their name. The other prisoners deposit money into those accounts. If one of the prisoners in a section is fined, the prison administration withdraws the money from any of the accounts for that section. Consequently, it is not only the fined child who suffers the penalty.

Deprivation of Recreation Time: Children are also prohibited from going outside for recreation time as a form of punishment. This type of punishment usually lasts for one week and is doled out for minor deviations from prison regulations, such as failing to promptly stand for roll call, being too loud, shouting or singing, etc. This punishment is generally used on a collective basis when the prison guards are unable to identify who, in specific, is responsible for the infraction.