



Defence for Children International – Palestine Section

NGO Progress Report
Follow-up to the Concluding Observations (Israel)

(Israel – CCPR/C/ISR/CO/3)

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

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1. Introduction

- 1.1 On 29 July 2010, the UN Human Rights Committee (the Committee) published Concluding Observations after reviewing the State of Israel's third Periodic Report during its 99th session in Geneva between 13 and 14 July 2010.¹ In accordance with the Committee's follow-up procedure, paragraph 26 of the Concluding Observations provides as follows:

'The State party should provide, within one year, relevant information on its implementation of the recommendations in paragraphs 8, 11, 22 and 24.'

- 1.2 To assist the Committee in assessing any material provided to it by the State party in response to its request referred to above, Defence for Children International-Palestine Section (DCI-Palestine) wishes to update the Committee on issues relating to the recommendations contained in paragraph 22 of the Concluding Observations. Paragraph 22 of the Concluding Observation provides as follows:

'The Committee is concerned at a number of differences in the juvenile justice system between Israeli legislation and under military orders in the West Bank. Under military orders, children of the age of 16 are tried as adults, even if the crime was committed when they were below the age of 16. Interrogations of children in the West Bank are conducted in the absence of parents or close relatives and a lawyer and they are not audio-visually recorded. The Committee is further concerned at allegations that children detained under military orders are not promptly informed, in a language they understand, of the charges against them and that they may be detained up to eight days before being brought before a military judge. It is also very concerned at allegations of torture, cruel, inhuman or degrading treatment of juvenile offenders (arts. 7, 14 and 24).

The State party should:

- (a) Ensure that children are not tried as adults;*
- (b) Refrain from holding criminal proceedings against children in military courts, ensure that children are only detained as a measure of last resort and for the shortest possible time period, guarantee that proceedings involving children are audio-visually recorded and that trials are conducted in a prompt and impartial manner, in accordance with fair trial standards;*

- (c) *Inform parents or close relatives where the child is detained and provide the child with prompt access to free and independent legal assistance of its own choosing;*
- (d) *Ensure that reports of torture or cruel, inhuman or degrading treatment of detained children are investigated promptly by an independent body.'*

2. Summary of actions taken by the State party since July 2010

2.1 A summary of the recommendations made by the Committee and subsequent actions taken by the State party are presented in the following table.

Table 1 – Committee recommendations and actions by the State party

#	Recommendation	Actions taken by the State
1	Ensure that children are not tried as adults.	No change. No amendments have been made to Military Order 1651 which establishes the age of majority at 16 years. ²
2	Refrain from holding criminal proceedings against children in military courts.	No change. Each year approximately 700 Palestinian children are still prosecuted in Israeli military courts.
3	Ensure that children are only detained as a measure of last resort and for the shortest possible time period	No change. Over 90 percent of Palestinian children prosecuted in the Israeli military courts are denied bail and over 80 percent receive custodial sentences.
4	Guarantee that proceedings involving children are audio-visually recorded	No change. There is still no provision in the military orders to ensure that all interrogations of children are audio-visually recorded and that a tape of the recording is provided to defence counsel.
5	Trials are conducted in a prompt and impartial manner, in accordance with fair trial standards	No change. The primary evidence against children in the military courts is a confession. As most children are denied bail, the quickest way out of the system is to plead guilty, whether or not the offence was committed.
6	Inform parents or close relatives where	No change. There is no official

	the child is detained	mechanism for informing parents where their child is being detained.
7	Provide the child with prompt access to free and independent legal assistance of its own choosing	No change. The overwhelming majority of children see a lawyer for the first time after they have been interrogated and confessed.
8	Ensure that reports of torture or cruel, inhuman or degrading treatment of detained children are investigated promptly by an independent body	No change. Between 2001 and 2010, 645 complaints were filed against ISA interrogators without a single criminal investigation being opened.

3. Overview

- 3.1 Each year approximately 700 Palestinian children from the occupied West Bank are prosecuted in Israeli military courts after being arrested, interrogated and detained by the army, police and security agents.³ It is estimated that since 2000 alone, around 7,500 Palestinian children have been detained and prosecuted in the system.
- 3.2 Within this system, children are frequently arrested from the family home by heavily armed soldiers in the middle of the night. The children are then painfully tied and blindfolded before being placed in the back of a military vehicle and transferred to an interrogation and detention centre. It is rare for a child, or his/her parents to be told the reason for arrest, or where the child is being taken. The arrest and transfer process is frequently accompanied by both physical and verbal abuse.
- 3.3 On arrival at the interrogation and detention centre, the child is questioned in the absence of a lawyer or family member, and there is no provision for the audio-visual recording of the interrogation as a means of independent oversight. Few children are informed of their right to silence. Children are frequently threatened and physically assaulted during interrogation often resulting in the provision of a coerced confession, or the signing of documents which the child is not given a chance to read or understand.
- 3.4 Following interrogation, children are brought before a military court which has jurisdiction over children as young as 12 years old.⁴ Once a child turns 16, they are considered to be an adult.⁵ In the overwhelming majority of cases bail will be denied and an order for detention until the end of the legal process will be made.⁶ Most children ultimately plead guilty, whether the offence was committed or not, as this is the quickest way out of the system. In 2009, custodial sentences were imposed on children by the

military courts in 83 percent of cases, in contrast to a custodial sentence rate of 6.5 percent in the Israeli civilian juvenile justice system.⁷

- 3.5 A juvenile military court was established in September 2009, following mounting criticism relating to the prosecution of children as young as 12 years in the same military courts used to prosecute adults.⁸ In practice, the juvenile military court convenes every Monday and Thursday, using the same facilities and court staff used by the adult military court. Children continue to be brought into court in groups of twos and threes, wearing leg chains around their ankles and dressed in the same brown prison uniforms worn by adults.⁹ Handcuffs are usually removed from the child on entering the court room, and replaced on exiting. On occasion, adults and children have been observed being brought into court together.¹⁰ At the time of writing, there appears to be few substantive differences between the adult and juvenile military courts, beyond a general attempt to separate children from adults.
- 3.6 Once detained a significant proportion of children are transferred to prisons and detention facilities inside Israel, in violation of Article 76 of the Fourth Geneva Convention which prohibits such transfers out of occupied territory. The practical significance of this is that many children receive infrequent or no family visits.

4. Key differences between the civilian and military jurisdictions

- 4.1 In paragraph 22 of its Concluding Observations, the Committee expressed concern that Palestinian and Israeli children receive differential treatment depending on whether they are prosecuted in military or civilian courts. The Committee was informed that Israeli settler children living in the occupied West Bank are prosecuted under the Israeli civilian legal system, even though they are technically subject to Israeli military law. Some key differences between the Israeli military and civilian jurisdictions are presented in the following table.

Table 2 – Some basic rights and protections – Comparative table

#	Event	Israeli civilian legal system	Israeli military detention system
1	Minimum age of criminal responsibility	12 ¹¹	12 ¹²
2	Minimum age for custodial sentences	14 ¹³	12 ¹⁴
3	Age of majority	18 ¹⁵	16 ¹⁶
4	Child's legal right to have parents present	Partial ¹⁷	No

	during questioning		
5	Child's legal right to have a lawyer present during questioning	No	No
6	Audio-visual recording of interrogations	Partial ¹⁸	No
7	Maximum period of detention before being brought before a judge	12-24 hrs ¹⁹	8 days ²⁰
8	Maximum period of detention without access to a lawyer	48 hrs ²¹	90 days ²²
9	Maximum period of detention without charge	40 days ²³	188 days ²⁴
10	Maximum period of detention between being charged and conclusion of trial	6 months ²⁵	2 years ²⁶
11	Percentage of cases in which bail is denied	20% ²⁷	93.8% ²⁸
12	Percentage of cases in which a custodial sentence is imposed	6.5% ²⁹	83% ³⁰

5. Issues relating to specific recommendations

5.1 The following sections of the report consider the individual concerns raised by the Committee in paragraph 22 of its Concluding Observations.

A. Ensure that children are not tried as adults

5.2 As of 31 July 2011, the age of majority under Israeli military law remains at 16 years. This is in contrast to an age of majority of 18 years under Israeli civilian law.³¹ The various age categories relating to criminal responsibility under military law are presented in the following table:

Table 3 – Age categories under Military Order 1651

Age	Definition		Criminal responsibility
0-11 years	Child		No child shall be arrested or prosecuted in the military courts. ³²
12-13 years	Juvenile	Minor ³³	Maximum six months imprisonment. ³⁴

14-15 years	Young adult	Maximum 12 months imprisonment, unless the offence carries a maximum penalty of five years or more. ³⁵
16 years	Adult	As an adult – maximum penalties being stipulated according to the offence.

B. Refrain from holding proceedings against children in military courts

5.3 As of 31 July 2011, Palestinian children continue to be prosecuted in Israeli military courts. The number of children (12-17 years) prosecuted and imprisoned in the military court system since January 2008 are presented in the following table. It is important to note that these figures are not cumulative and according to best estimates, around 700 children are prosecuted and imprisoned each year.

Table 4 - Total number of Palestine children in Israeli detention at the end of each month since Jan 2008.³⁶

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ave
2008	327	307	325	327	337	323	324	293	304	297	327	342	319
2009	389	423	420	391	346	355	342	339	326	325	306	305	355
2010	318	343	342	335	305	291	284	286	269	256	228	213	289
2011	222	221	226	220	211	209	-	-	-	-	-	-	218

C. Ensure that children are only detained as a measure of last resort and for the shortest possible time period

5.4 It is well established that children require special legal protection. This protection includes depriving children of their liberty only as a measure of last resort and for the shortest appropriate period of time.³⁷ This protection is embodied in Israeli civilian law which includes a provision that prohibits the detention of children below the age of 14 years.³⁸ There are no similar provisions in Israeli military orders, and children as young as 12 years do receive custodial sentences.³⁹

5.5 The available evidence indicates that children are ordered to remain in detention by Israeli military court judges as a matter of course, rather than as an exception. For example, in 2010, out of 243 cases in which DCI-Palestine provided legal representation to children prosecuted in the military courts, 18 children were released unconditionally without charge. Of the remaining 225 children, 14 were released on bail (6.2 percent). Or to put it another way, 93.8 percent of children were denied bail and held in pre-trial

detention.⁴⁰ Further, it is alarming to note that the Israeli military authorities can provide no accurate data on the number of children released on bail, and concede that their database ‘is imprecise, so no conclusions can be drawn from it.’⁴¹

- 5.6 In reality, most children prosecuted in Israeli military courts are held in pre-trial detention, and as many as 97 percent of children enter into plea bargains, which usually involve a custodial sentence, as this is the quickest way for them to get out of the system.⁴²

D. Guarantee that proceedings involving children are audio-visually recorded

- 5.7 The audio-visual recording of interrogations is an effective means for providing third party scrutiny of the methods of interrogation, whilst also providing protection to an interrogator against false accusations of wrongdoing. Both the Committee and the Committee Against Torture have expressed the view that interrogations involving children should be audio-visually recorded.⁴³

- 5.8 In the Israeli civilian legal system, the law provides that all interrogations must be video or audio recorded, in cases where the offence carries a punishment of 10 years imprisonment or more. However, this requirement has been temporarily suspended for nine years from 2003 for security offences.⁴⁴ As of 31 July 2011, there are no provisions in the Israeli military orders for the audio-visual recording of interrogations involving children.

E. Trials are conducted in a prompt and impartial manner, in accordance with fair trial standards

- 5.9 According to a recent report published by the Israeli organisation, B’Tselem, between 2005 and 2010, 835 children were prosecuted in the military courts on charges of throwing stones.⁴⁵ One child out of 835 was acquitted, the rest were found guilty.
- 5.10 Although a military juvenile court was established in late 2009, few substantive improvements have been observed.⁴⁶ According to B’Tselem, ‘the military judges, on their own initiative, expanded the jurisdiction of the court to cover all minors, i.e. up to 18. A few judges expressed, in their judgments, their belief that the military justice system should try minors in accordance with the standard practice in juvenile courts around the world. The president of the Military Court of Appeals added that the military courts must operate in the spirit of the Israeli Youth Law, even though the Youth Law itself is not incorporated in the military legislation. Despite these declarations, institution

of the Military Youth Court has brought limited change, and serious infringement of the rights of minors appearing before it continues.⁴⁷

- 5.11 As already noted, the overwhelming majority of children are denied bail by the military courts and remain in pre-trial detention. The primary evidence against most children will either be their confession, or the confession of another child, usually extracted during a coercive interrogation. The vast majority of children will ultimately accept a plea bargain and plead guilty, even if they insist that they are innocent of the charges for which they stand accused, as this is the quickest way for them to get out of the system.

F. Inform parents or close relatives where the child is detained

- 5.12 In very few cases are children, or their parents, informed why the child is being arrested, or where the child is being taken. As of 31 July 2011, there is still no official notification process to inform parents where their child has been taken to, often in the middle of the night. In practice, many parents find out the whereabouts of their children through lawyers who have seen the child in the military courts, or via other unofficial communication channels.⁴⁸

G. Provide the child with prompt access to free and independent legal assistance of its own choosing

- 5.13 Third party scrutiny of the methods of interrogation can be an effective measure to limit the incidence of torture, ill-treatment and other coercive techniques during questioning. This oversight can be provided by having a child's lawyer and a family member present during questioning.
- 5.14 Under Israeli military orders, a detainee, including a child, has no right to meet with his or her lawyer for the first 48 hours after arrest.⁴⁹ Further, the period of time during which a detainee, including a child, can be denied access to a lawyer, can be extended for up to 90 days.⁵⁰ In practice, most children meet with their lawyer for the first time in the military court room, after the completion of their interrogation. Unlike the Israeli civilian legal system, there is no provision in the military orders to permit parents to accompany their child during questioning. Further, and in the absence of legal assistance prior to, and during interrogation, the evidence indicates children are not being informed of their right to silence.⁵¹

H. Ensure that reports of torture or cruel, inhuman or degrading treatment of detained children are investigated promptly by an independent body

5.15 Between 1 August 2010 and 31 July 2011, DCI-Palestine documented 76 cases of Palestinian children detained in the Israeli military court system. Information relevant to all 76 cases is included in Table 6 in the appendix to this report. The common complaints and areas of concern raised by the children in their sworn testimonies are presented in the following table.

Table 5 – Common complaints and areas of concern – 1 August 2010 to 31 July 2011

#	Common complaints and areas of concern	Number of cases out of 76	Percentage of children
1	Hand ties	75	98%
2	Blindfolds	68	89%
3	Physical violence	65	85%
4	Detention inside Israel in violation of Article 76	49	64%
5	Confession during interrogation	45	59%
6	Verbal abuse	45	59%
7	Arrested between midnight and 5:00 am	40	52%
8	Threatened	35	46%
9	Strip searched	29	38%
10	Signed/shown documents written in Hebrew	25	32%
10	Transferred on floor of vehicle	18	23%
12	Solitary confinement	7	9%

5.16 Since the Committee issued its Concluding Observations on 29 July 2010, reports of ill-treatment, and in some cases torture, have continued to be received. These reports include:

- (i) DCI-Palestine report - In their own Words: A report on the situation facing Palestinian children detained in the Israeli military court system (July 2011) (Annexure A);⁵² and
- (ii) B'Tselem report – No Minor Matter: Violation of the Rights of Palestinian Minors Arrested by Israel on Suspicion of Stone-Throwing (July 2011) (Annexure B).⁵³

5.17 Since 29 July 2010, inadequate measures have been taken to ensure that all credible complaints of ill-treatment within the system are independently investigated in accordance with international standards. According to one recent report, between January 2001 and late 2010, 645 complaints were filed against Israeli Security Agency (ISA) interrogators for alleged ill-treatment and torture of Palestinian detainees. The Police Investigation Department of the Ministry of Justice, the relevant authority charged with investigating these complaints, did not conduct a single criminal investigation.⁵⁴

6. Concluding remarks and recommendations

6.1 There have been few, if any, substantive improvements in regards to the treatment of Palestinian children in the Israeli military court system in the past 12 months. Further, reports of ill-treatment, and in some cases, torture, continue to be received with alarming regularity.

6.2 DCI-Palestine is of the view that no child should be prosecuted in military courts which lack comprehensive fair trial and juvenile justice standards. However, DCI-Palestine recommends that as a minimum safeguard in the light of consistent reports of torture and ill-treatment, the following:

- (i) All arrests of children should occur during daylight hours;
- (ii) The use of single plastic hand ties must be prohibited in all circumstances and the prohibition must be effectively enforced;
- (iii) The effective implementation of independent oversight within the system, such as the audio-visual recording of all interrogations and the presence of family members and lawyers of choice;⁵⁵
- (iv) Effective accountability measures, to ensure all credible reports of torture and ill-treatment are appropriately investigated in accordance with international standards, and perpetrators are brought promptly to justice; and
- (v) In accordance with recommendations made in 2002 by the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, an independent inquiry meeting with international standards should be established to investigate reports of torture and ill-treatment of children in the Israeli military detention system.

71	Thaer R.	15	18 May												
72	Khaled H.	16	18 May												
73	Ahmad R.	17	20 May												
74	Mohammad H.	17	31 May												
75	Othman H.	17	1 Jun												
76	Saji O.	16	7 Jun												
TOTAL				40	75	68	18	65	35	45	7	29	25	45	49
PERCENTAGE				52%	98%	89%	23%	85%	46%	59%	9%	38%	32%	59%	64%

End Notes

¹ Concluding Observations of the Human Rights Committee (Israel) (July 2010) – CCPR/C/ISR/CO/3.

² See Military Order 1651 – Sections 1, 136 and 168.

³ Exact figures on the number of Palestinian children detained each year by Israeli authorities are not published. The estimated number of 700 children prosecuted in the Israeli system is based on figures provided by the Israeli Prison Service (IPS) of the number of children in prison facilities, and the best estimate of DCI-Palestine lawyers who appear daily in the military courts and conduct regular prison visits.

⁴ Military Order 1651 – Sections 1 and 191.

⁵ Military Order 1651 – Sections 1, 136 and 168.

⁶ In 2009, bail was denied in 87.5 percent of the 164 cases closed by DCI-Palestine.

⁷ Based on 164 cases closed by DCI-Palestine in 2009 and the Israeli National Council for the Child, Annual Report (2009) (This latter figure relates to 2008).

⁸ See UN Committee against Torture, Concluding Observations, (2009), CAT/C/ISR/CO/4 – paragraph 28. As to criticism for attempting to incorporate principles of juvenile justice into military courts see: UN Committee on the Rights of the Child, Concluding Observations, (2010), CRC/C/OPAC/ISR/CO/1 – paragraph 33.

⁹ The UN Standard Minimum Rules stipulate that chains and irons shall never be used, and other forms of restraint should only be used in certain limited circumstances including ‘as a precaution against escape during transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative body’ and ‘such instruments must not be applied for any longer time than is strictly necessary.’ Further, the CRC Committee has stated that State parties to the CRC should establish separate facilities for children deprived of their liberty, which include distinct, child-centred staff, personnel, policies and practices.

¹⁰ DCI-Palestine – Statement, 16 February 2010 – available at: <http://www.dci-pal.org/english/display.cfm?DocId=1371@CategoryId=1>; see also Politics.Co.UK, Sandra Osborne MP, ‘Time to get serious with Israel,’ 10 December 2010 – available at: [http://www.politics.co.uk/comment/foreign-policy/comment-time-to-get-serious-with-israel-\\$21386206.htm](http://www.politics.co.uk/comment/foreign-policy/comment-time-to-get-serious-with-israel-$21386206.htm)

¹¹ Penal Law (1977) – Section 34F.

¹² Military Order 1651 – Sections 1 and 191.

¹³ Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Sections 25(d).

¹⁴ Military Order 1651 – Sections 1, 136 and 168.

¹⁵ Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 1.

¹⁶ Military Order 1651 – Sections 1, 136 and 168.

¹⁷ Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 9H. A parent is allowed to be present at all times in circumstances where the child has not been formally arrested, but may not intervene in the interrogation process. An exception to this rule is permitted upon written authorisation of an authorised officer, and in cases in which the well-being of the child requires the parent not to be present.

¹⁸ In all cases other than security offences where the maximum penalty is 10 years or more - Criminal Procedure (Suspects Interrogation) Law (2002) – Sections 4 and 17. There is no requirement for the audio-visual recording of interrogations in security offences.

¹⁹ Amendment 14 to the Youth (Trial, Punishment and Modes of Treatment) Law (2008). Children aged between 12 and 13 must be brought before a judge within 12 hours, and children 14 years and over, must be brought before a judge within 24 hours.

²⁰ Military Order 1651 – Sections 32 and 33.

²¹ Criminal Procedures (Powers of Enforcement-Arrests) Law (1996) – Section 34.

²² Military Order 1651 – Sections 58(C) and (D), 59(B) and (C).

²³ Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 10K; and the Criminal Procedure (Enforcement Powers – Arrests) Law (1996) – Section 59.

²⁴ Military Order 1651 – Sections 32(A), 37 and 38.

²⁵ Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 10L; and the Criminal Procedure (Enforcement Powers – Arrests) Law (1996) – Section 61 – 9 months for adults, with possible indefinite extensions.

²⁶ Military Order 1651 – Section 44(A) - with possible indefinite extensions.

²⁷ The Israel National Council for the Child, Annual Report (2009). This figure relates to 2008.

²⁸ See paragraph 5.5 of this report.

²⁹ The Israeli National Council for the Child, Annual Report (2009). This figure relates to 2008.

³⁰ Analysis of cases by DCI-Palestine’s Legal Unit based on 164 cases closed by the Unit in the Israeli military courts in 2009. The sample covers children aged between 12 and 17 years.

³¹ Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 1.

³² Military Order 1651 – Section 191.

³³ Military Order 1651 – Section 136.

³⁴ Military Order 1651 – Section 168(B).

³⁵ Military Order 1651 – Section 168(C).

³⁶ Note: These figures are not cumulative.

³⁷ Convention on the Rights of the Child – Article 37(b). See also the Covenant on Civil and Political Rights – Articles 14(4) and 24(1).

³⁸ Youth (Trial, Punishment and Modes of Treatment) Law, 5731 – 1971 – Sections 10J (1) and 25 (d).

³⁹ B’Tselem, No Minor Matter: Violation of the Rights of Palestinian Minors Arrested by Israel on Suspicion of Stone-Throwing (July 2011), page 10 – Available at: <http://www.btselem.org/publications/summaries/2011-no-minor-matter>

⁴⁰ DCI-Palestine Annual Report (2010), page 52 – Available at: <http://www.dci-palestine.org/sites/default/files/annualreport2010.pdf>

⁴¹ See also B’Tselem, No Minor Matter: Violation of the Rights of Palestinian Minors Arrested by Israel on Suspicion of Stone-Throwing (July 2011), pages 51 to 52 – Available at: <http://www.btselem.org/publications/summaries/2011-no-minor-matter>

⁴² B’Tselem, No Minor Matter: Violation of the Rights of Palestinian Minors Arrested by Israel on Suspicion of Stone-Throwing (July 2011), pages 55 to 58 – Available at: <http://www.btselem.org/publications/summaries/2011-no-minor-matter>

⁴³ UN Committee against Torture, Concluding Observations of the Committee against Torture; Israel, (2009), CAT/C/ISR/CO/4 - paragraph 16; and the UN Human Rights Committee, Concluding Observations, Israel, (29 July 2010), CCPR/C/ISR/CO/3 - paragraph 22.

⁴⁴ Criminal Procedure (Suspects Interrogation) Law (2002) – Sections 4 and 17.

⁴⁵ This figure does not include children who were charged with throwing stones and other charges. B’Tselem, No Minor Matter: Violation of the Rights of Palestinian Minors Arrested by Israel on Suspicion of Stone-Throwing (July 2011), page 17 – Available at: <http://www.btselem.org/publications/summaries/2011-no-minor-matter>

⁴⁶ DCI-Palestine statement: Israeli Juvenile Military Court – Four months on – Available at: <http://www.dci-palestine.org/documents/israeli-juvenile-military-court-four-months>

⁴⁷ B’Tselem website, accessed on 27 July 2011 - Available at: <http://www.btselem.org/publications/summaries/2011-no-minor-matter>

⁴⁸ For example, the Israeli NGO, Hamoked, operates a service to locate detainees when families are unaware of their whereabouts.

⁴⁹ Military Order 1651 – Section 33(D) (1) – ‘... the arrestee will not meet with his attorney during two days from the day of his arrest.’

⁵⁰ See Military Order 1651 – Section 58(C) - The ‘Supervisor of Interrogation’ may prevent a detainee meeting with a lawyer for a period of up to 15 days. Under Military 1651 – Section 58(D) - the ‘Permitting Authority’ may extend the initial 15 day period by another 15 days, and the period may be further extended by 30 days by a Judge and another 30 days by the ‘President of the Court’ up to a total period of 90 days (Section 59). However, notice of the arrest should be given, ‘without delay’, to the detainee’s lawyer – Military Order 1651 – Section 53(C) - ‘At the request of the arrestee, a notice ... will further be made the lawyer whose name was provided by the arrestee.’ Further, the detainee (including a child) should be told that his/her lawyer should be notified of his arrest, by the commander of the detention facility, soon after arrival at the facility - Military Order 1651 – Section 53(D).

⁵¹ DCI-Palestine, In their own Words: A report on the situation facing Palestinian children detained in the Israeli military court system (July 2011) – Available at: http://www.dci-palestine.org/sites/default/files/un_sp_-_detention_-_west_bank_-_july_2011.pdf

⁵² DCI-Palestine – Available at: http://www.dci-palestine.org/sites/default/files/un_sp_-_detention_-_west_bank_-_july_2011.pdf

⁵³ B’Tselem – Available at: http://www.btselem.org/download/201107_no_minor_matter_eng.pdf

⁵⁴ B’Tselem and HaMoked, Kept in the Dark (October 2010), page 6 - Available at: http://www.btselem.org/Download/201010_Kept_in_the_Dark_Eng.pdf

⁵⁵ These recommendations have been endorsed by the UN Committee Against Torture, Concluding Observations, Israel, May 2009, CAT/C/ISR/CO/4 – paragraphs 16 and 27; and the UN Human Rights Committee, Concluding Observations, July 2010, CCPR/C/ISR/CO/3 – paragraph 22. On 15 June 2011, ACRI, Yesh Din and DCI-Palestine

wrote to the Israeli Chief Military Advocate General with similar demands. At the time of publication no response has been received. The letter is available on-line at: <http://www.dci-palestine.org/documents/acri-dci-palestine-and-yesh-din-demand-equality-palestinian-children>