



UNDER COVER OF DARKNESS

Night Arrests of Palestinian Minors
by Israeli Security Forces in the
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October 2020

HaMoked wishes to thank the hundreds of individuals and institutions in Israel and around the world that support its activities. Over half of our funding is provided by foreign government entities. A full list of donors appears on the website of the Israeli Registrar of Non-Profit Organizations and HaMoked's website.

ISBN 978-965-7625-05-7





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Introduction

Hundreds of times a year, Israeli troops invade Palestinian homes in the West Bank in the middle of the night, sow fear and panic among household members – children and adults alike – and take a teenager from the family into custody.¹ The arrests are a violent affair: the soldiers often break down the front door and sometimes forcefully drag the teenagers out of bed. The teens are then led, blindfolded and handcuffed – usually with their hands painfully tied behind their backs – to a military vehicle. During the ride, they are often beaten, humiliated and sworn at by the soldiers. The soldiers may make several stops before the teens are delivered to a detention facility where they are interrogated by the Israel Police or the Israel Security Agency (ISA). At every stop along the way, the teens are held in poor conditions – exposed to the elements, rarely given food and drink or proper access to a toilet, and often kept from sleeping. Throughout this grueling night journey, which can take hours, they know little of what is going on: blindfolded and handcuffed almost all of the time, they are surrounded by armed soldiers who are talking in a foreign language.

These practices, described in dozens of affidavits taken by HaMoked: Center for the Defence of the Individual, shape the outcome of the interrogation that follows. The minors enter the interrogation room terrified, exhausted, hungry and sometimes injured. The interrogation then proceeds without parental presence and the teens are not informed of their basic rights, such as the right to remain silent or the right to legal counsel. All this makes the minors more susceptible to pressure to admit to offenses or inform on others.²

- 1 Figures provided to HaMoked in response to a Freedom of Information application indicate that Israeli security forces arrested 970 Palestinian minors from the West Bank in 2018 and 855 in 2019. See: [Letter of June 24, 2020 from Superintendent Yaniv Arkus of the Israel Police Public Complaints and Freedom of Information Unit to HaMoked](#) (Hebrew). Many of the minors were arrested at home, at night. Note that the terms security forces, soldiers or troops in this report may refer to both soldiers and/or Border Police officers, who also carry out arrests in the oPt.
- 2 Confessions taken from the teens, or incriminating details they provide are the basis for almost all indictments. Small wonder that Palestinian minors have an almost 100% chance of being convicted of charges brought against them. For example, in 2014-2015, military courts convicted almost 95% of indicted Palestinian teens. See the Association for Civil Rights in Israel (ACRI), [Arrest and Detention of Palestinian Minors in the Occupied Territories: 2015 Facts and Figures](#), March 2017.

Israel routinely practices these methods when detaining Palestinian minors, in blatant violation of international law – including the Convention on the Rights of the Child, which Israel ratified in 1991. According to the convention:

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment [...]; 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 [...]; every child deprived of liberty shall be treated with humanity and in a manner which takes into account the needs of persons of his or her age, [...] shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances, [...] and shall have the right to prompt access to legal and other appropriate assistance.³

For the last four years, HaMoked has monitored various aspects of the systemic violation of Palestinian minors' rights by the Israeli security forces. This report focuses on the harmful practice of night arrests, from the moment security forces enter the minors' homes to the moment they are handed over to the interrogation facility, and reviews the use of summons to interrogation as an alternative to pre-planned night arrest. Violations of minors' rights in interrogation and due to their detention conditions were examined in a report released by HaMoked in April 2018.⁴

3 [Convention on the Rights of the Child](#), 1989, Art. 37.

4 HaMoked: Center for the Defence of the Individual, [Childhood in Chains: The Detention and Interrogation of Palestinian Teenagers in the West Bank](#), April 2018.

Night arrests: A routine affair

According to a document titled "Briefing for Commanders and Soldiers – Detention of Minors" issued by the Judea and Samaria Legal Advisor's Office, "planning of an arrest must include consideration of whether it can be carried out during the day or whether it must be carried out at night due to operational necessity". Soldiers are instructed to take special care in this matter where minors are concerned, "given the sensitivity of arresting them and the legal difficulty of carrying out interrogations at night (i.e., between 10:00 p.m. and 7:00 a.m.)".⁵ In reality, Palestinians who are arrested at home, whether they are adults or children, are almost always arrested in the middle of the night.

To learn about the scope and characteristics of these night arrests, from November 2018 to February 2020 HaMoked collected affidavits from 81 Palestinian teenage boys (as boys constitute the absolute majority of Palestinian teenage detainees). All the teenagers were arrested between August 2018 and December 2019. Initial contact with the teens was made after their families requested HaMoked's help in locating where they were being held.⁶ Adv. Tagrid Shabita took the affidavits a month to five months after the arrest, at the facility where the minor was being held in remand or serving a prison sentence. In cases of arrests at home, testimonies from parents or another adult eyewitness were taken over the phone.

Of the 81 cases, in 58 (about 72%), soldiers arrived to arrest the boys at home late at night – between 11:00 p.m. and 5:00 a.m. Twenty-two others were arrested elsewhere, in varying circumstances – most during the day and a few at night.

- 5 HaMoked was sent the document in response to a Freedom of Information application concerning arrest procedures for minors. See [letter of December 8, 2014 from the IDF Spokesperson's Unit to HaMoked](#), pp. 15-16 (Hebrew; henceforth: **Briefing for Commanders and Soldiers**). Under [The Youth Law \(Trial, Punishment and Modes of Treatment\)](#), [5731-1971](#) (Hebrew), minors aged 14 or more may not be interrogated from 10 p.m. to 7:00 a.m., but this does not apply to Palestinian minors who are residents of the West Bank.
- 6 HaMoked provides this service to Palestinians as the authorities do not notify detainees' families of their whereabouts – despite Israel's obligation to do so under both international law and military legislation.

Only one was arrested at home at a reasonable hour – around 8:00 p.m.

A similar pattern emerges from an analysis of the requests HaMoked received to help locate detained minors in 2018 and 2019. In 2018, about 52% of the requests (133 out of 258) related to teens arrested between 11:00 p.m. and 5:00 a.m. In 2019, about 60% (120 out of 199) related to minors arrested at night. Figures compiled by HaMoked over the years indicate that almost all pre-planned arrests of minors at home are carried out late at night.

Of the 58 minors arrested at night, only the parents of one stated they had received a phone call summoning their son to interrogation the day before he was arrested. Another teen reported that about two weeks before the arrest, he received a phone call from an officer identifying himself as Hassan, who demanded that he "turn himself in" to the military. In the remaining 56 cases, the night arrest was the measure of first resort for bringing the minors in for interrogation. In other words, they were given no chance to come in by themselves following a phone or written summons – even though military protocol states that "given the sensitivity of detaining minors, summoning them for interrogation should always be considered as an alternative to arrest, and used in relevant cases". The protocol adds that a pre-planned arrest should be carried out "only if the circumstances preclude summoning the minor for interrogation, or if there is concern that the summons will be ineffective".⁷

⁷ Briefing for Commanders and Soldiers, *supra* note 5.

Systemic violation of minors' rights in night arrests

The following section is based on affidavits taken from the 58 minors who were arrested at home late at night. One was 14 at the time of the arrest; nine were 15 years-old; 15 boys were 16; and 33 were 17 years-old. Their testimonies, which follow, reflect the abuse employed against Palestinian minors, from the moment they are arrested until they arrive at the interrogation facility. To protect their safety and privacy, the boys are represented by initials only.

Invasion of the home

The affidavits reveal a pattern. The minors reported that after banging loudly on the front door, the soldiers — sometimes more than ten of them — barged in while the family was asleep. Many described soldiers violently dragging them out of bed. Hardly any of the minors or their families were given a reason for the arrest. The parents were not told where their son was being taken and how they could contact him; often, their only recourse was to ask HaMoked for help. The timing made the arrests a traumatic experience for the whole family. Again and again, the teens described their younger siblings being terrified by the sudden invasion of soldiers into their home. Many said the soldiers did not let them say goodbye to their parents and siblings, whom they might not see for months if they are incarcerated and until prison visits are arranged.⁸

H.N., who was 15 when he was arrested in his home in the village of Nahhalin, described that night:

I was arrested at home at 3:00 a.m. I was asleep. I heard

8 Minors classified as "security" offenders or suspects are generally denied phone calls with their parents, except in a few prison facilities currently running a pilot program. For further information, see: <http://www.hamoked.org/Document.aspx?dID=Updates2090>.

loud knocking on the front door. I woke up. I stepped out of my room to see what was going on. I saw a lot of soldiers in the house. I saw one of them talking to my father. They said I was causing trouble and that they wanted to arrest me. They didn't say where they were taking me. I didn't get any summons [for an interrogation] before that. If they had summoned me, I would have gone [...]. I have two sisters and two brothers. Two of them are young — one and three years-old. The little ones started crying. They were scared. The soldiers put the whole family in one room. They shut them in. I heard the little ones crying. My father stayed with me.⁹

Q.A. from Sa'ir, who was arrested at 17, related:

I was arrested [in January] 2019, at 2:30 a.m. I was sleeping. I woke up to loud noise. The soldiers broke the door and came in. There were about 12 soldiers. I jumped up to see what was going on and bumped into a soldier. He made me lie on the floor and tied my hands behind my back very very tightly with cable ties. Only my mother, father and I were home. My parents asked what happened, why they were taking me away. They didn't answer them.¹⁰

R.M. from Jenin, who was 16 at the time of his arrest, recounted:

I was arrested [in February] 2019, at 4:30 a.m. I was sleeping. My father woke me up. He said, 'get up, the military is in the house'. He was in my room with about seven soldiers. One of them said, 'get dressed, we're taking you'. They wouldn't let me say goodbye to my family. My little brothers, in grades 1, 3 and 4, were all crying; my mother too [...]. My mother wanted to say goodbye to me. The soldier wouldn't let her and pushed her back.¹¹

9 The affidavit was taken on November 29, 2018 (105047).

10 The affidavit was taken on June 17, 2019 (106040).

11 The affidavit was taken on June 18, 2019 (106390).

Prevented from getting dressed

Eleven of the minors stated that the soldiers refused to let them change out of their sleepwear or put on weather-appropriate clothes. For example, A.T., who was 16 when soldiers invaded his home in Qalqiliya, said he was taken away in his pajamas.¹² Others said the soldiers did not let them take a jacket or even shoes.

J.H. from al-Fawwar Refugee Camp, who was 17 when he was arrested in late 2018, recounted how the soldiers mistreated him in this regard: "When I was taken out of the house, the whole family started crying [...] because I was taken out in an undershirt and no shoes and it was very cold".¹³ He went on to describe how he had been left in light clothing and without shoes all the way to the interrogation, and forced to sit on the ground midway, in the bitter cold, for some 30 minutes.

Blindfolded and handcuffed

Military protocols for the detention of minors require soldiers to "consider, in every case, whether the detainee must be blindfolded for security reasons and do so only if the commander of the force deems it necessary in order to protect the escorting troops or to prevent the detainee from escaping".¹⁴ Nevertheless, and although almost all the minors indicated they put up no resistance, every single one of them was blindfolded during the arrest itself or on the way to interrogation. I.A. from Jenin, who was arrested at 17, said the soldiers blindfolded him even though he and his family begged them not to because of his chronic eye condition.¹⁵ S.H. from the village of Shweikah, also 17 when arrested, stated that on the way to the interrogation facility, instead of just blindfolding him, the soldiers covered his entire face.¹⁶

H.N., who was 15 at the time of his arrest, related that the soldiers abused him after blindfolding him:

At first, two of them held me from behind. At some point, they left me to walk on alone. They tripped me up and I

12 The affidavit was taken on December 2, 2018 (105074).

13 The affidavit was taken on March 9, 2018 (105926).

14 **Briefing for Commanders and Soldiers**, supra note 5.

15 The affidavit was taken on June 18, 2019 (106270).

16 The affidavit was taken on December 10, 2018 (105175).

couldn't see. I kept falling down and getting up [...]. I found myself bumping into a pole. The left side of my forehead was injured [...]. They laughed the whole way, as if they were making a game out of it, having fun knocking me over and tripping me up.¹⁷

Handcuffing, like blindfolding, is supposed to be an added measure employed only if unavoidable, especially when arresting a minor. Yet the affidavits indicate that this is a routine practice, often used to cause humiliation and physical pain. Although military protocol requires that handcuffing be done only if it is deemed necessary and "with the detainee's hands in front of him",¹⁸ all the teenagers were handcuffed, in most cases with their hands behind their backs.

R.A. from al-Jalazun Refugee Camp, who was 16 at the time of his arrest, recounted:

The soldier said 'turn around, I'm going to tie your hands'. He tied my hands behind me with cable ties. [...] We walked for at least an hour [...]. The cable ties were very tight. The soldiers walked while holding my tied hands up, which hurt a lot. My hands bled. I told the officer I was in pain and asked him to loosen the cable ties a little. He told the soldiers to take my hands down behind my back, not to lift them up, but he didn't take off the cable ties or loosen them.¹⁹

M.K. from Qabatiya, who was 17 when he was arrested, suffered ongoing damage from the tight cuffing:

They tied my hands in front of me with cable ties very very tightly. The cable ties stayed on like this until the afternoon of that day. My hands swelled and turned blue. They felt tingly for about a week. I had a hard time using my hands.²⁰

17 See supra note 9.

18 Briefing for Commanders and Soldiers, supra note 5.

19 The affidavit was taken on March 7, 2019 (105904).

20 The affidavit was taken on January 27, 2019 (105397).

Violence, humiliation and threats

Under the Convention on the Rights of the Child, states parties must take all appropriate measures to protect children from physical or mental violence, injury or abuse.²¹ Accordingly, assaulting or abusing a minor is a grave offense under both Israeli penal law and international law, especially when the perpetrator is responsible for the minor.²² The military protocol for detaining minors states that "in any case, **unnecessary use of physical or verbal violence against the detainee is absolutely prohibited!**" and that "using violence against a detainee is a criminal offense that may result in the prosecution of a soldier suspected of such conduct".²³ Yet according to the affidavits, soldiers do not take special care when handling minors. On the contrary: Palestinian detainees under the age of 18 are often subjected to physical abuse and humiliation at the hands of the military.

Twelve of the teenagers described physical abuse and threats during the arrest, often in full view of their parents and younger siblings.

Y.S. from Jenin Refugee Camp, who was arrested at 17, recalled:

I was woken by the sound of the door being blasted open. I went into the living room and saw dozens of soldiers. One of them immediately led me into a room, made me lie face down on the floor and started hitting me. There were two of them. They both hit me with their hands and feet all over my body, pinning me to the floor. While they were beating me, they asked my name [...]. While we were going down [the steps to the house], the soldier held his rifle to the back of my head and said that if anything happened, if anyone threw stones, he'd shoot me.²⁴

L.M. from Shweikah, also 17 at the time of his arrest, described similar grave conduct:

I was arrested [in October] 2018, at 2:30 a.m. I was at

21 See supra note 3, Art. 19.

22 Israeli Penal Law, 5737-1977, Sects. 368(b) and 368(c).

23 **Briefing for Commanders and Soldiers**, supra note 5 (emphasis in the original).

24 The affidavit was taken on July 4, 2019 (106557).

home, just with my mother [...]. The soldiers came into the house without us noticing. I opened my eyes and saw the soldiers, many of them, above us, while we were still in bed. One of them picked me up and threw me on the floor. Then they threw my mother [...]. I yelled at the soldier, and he punched me on the side of the midriff. It hurt a lot [...]. They handcuffed my hands from behind with metal handcuffs and blindfolded me. I didn't see my mother and didn't say goodbye. I don't know where she was. They took my cell phone and ID card and took me to a jeep that was outside.²⁵

A.S. was 16 when a large number of soldiers invaded his home in Bethlehem at 3:00 a.m.:

I was asleep. I woke up suddenly with a soldier holding my arm. I opened my eyes and saw a lot of soldiers – six or seven. The soldier pulled me out of bed, just like that, with no warning. He took me outside right away, through the living room. No one from my family was in the living room. He pushed me up against the wall and asked where I was hiding the weapon. He threatened and said he was an expert at defusing arms, showed pictures and asked where the thing was. I said I didn't know. He threatened to break my bones and head if I didn't confess. This interrogation took about ten minutes. There were two soldiers with him. The rest of the soldiers were searching the house.²⁶

Violence occurs even more often during transit to the interrogation facility, when the boys are away from their families and entirely at the mercy of the soldiers. Twenty-eight said they were treated violently at that point, with the physical violence often accompanied by swearing and humiliation.

'A.S. from al-Jalazun Refugee Camp, who was arrested at 16, described what happened while he was led on foot to the settlement of Beit El:

25 The affidavit was taken on December 5, 2018 (105119).

26 The affidavit was taken on October 28, 2019 (108431).

The whole way, the soldiers who were walking with me kept hitting me with their hands, feet and rifle butts, especially in my back. They hit me in the arms and legs, too. I didn't know where all the punches were coming from. The blows to my back were extremely painful. They kept up the beating until we got to Beit El. There was an inspection at the entrance to Beit El. The doctor saw the marks from the beating and asked how I got them. I said it was from the soldiers. The soldier who was there started shouting and saying it wasn't true. I argued with him. He tried to attack me. I was scared. I said, 'okay, it's not you guys'. I was really afraid of him. The doctor just watched and didn't protect me.²⁷

A.I. from al-'Arrub Refugee Camp, who was 17 when he was arrested, described being assaulted on the way to the military vehicle and inside it:

I walked with them for about 1.5 kilometers. One of the Border Police officers grabbed my hands from behind, from the handcuffs, and the other pulled my head down the whole time. The whole way, it went uphill and downhill, dirt ground and rocks. The two people accompanying me kept swearing really crassly. They beat me with their hands and feet all over my body – kicking and slapping. After about 1.5 kilometers, we got to a place we call a military camp [...]. The commanding officer came. He took my blindfold off, loosened the handcuffs a little and gave me water to drink. He put the blindfold back on and left. The officer left. One of the people present hit me hard with the butt of his rifle. He said, 'get in the jeep'. It hurt a lot. I started shouting – I couldn't see. I said, 'don't hit me. I don't know where the jeep is. Why are you hitting me?'. About ten Border Police officers came at me, threw me to the ground and started beating me all over my body, with rifle butts, shoes and hands. They kept yelling 'shut up' and swearing. It lasted for about 15 minutes. I had bruises on the left leg, the right shoulder and the back. My friends saw that. After that 'party', when I was really tired and in a lot of pain, they threw me to the

²⁷ The affidavit was taken on February 21, 2019 (105893).

floor of the jeep, between the soldiers' legs in there. I was falling asleep. They turned up the radio all the way so I wouldn't be able to rest. One of them started pouring cold water on my face.²⁸

Making the teens sit or lie down on the bottom of the military vehicle is a common practice, mentioned in the vast majority of the affidavits. Forty-eight of the teens said they were forced to spend the journey in that manner, including 24 who were forced to squat with their heads down for the entire time. It is not surprising that violence is especially common in these conditions.

N.A. from Jenin Refugee Camp, who was arrested at 17, related:

We got to the jeep. They put me inside it and ordered me to kneel on the floor. Whenever the jeep turned, I fell over, and then a soldier hit me to straighten me up. We got to Jalameh. The soldier grabbed me and started leading me and then suddenly let go. I found myself falling out of the jeep, because he didn't warn me that we were going down and that there were steps. I fell down blindfolded [and handcuffed from behind]. They didn't pick me up. They shouted at me to get up. It was hard, but I got up in the end.²⁹

Q.A. from Jenin Refugee Camp, who was arrested at 17, described how the military dogs used to search his home trampled him as he lay on the floor of the vehicle:

As I was getting into the jeep, they blindfolded me and threw me on the bottom of the jeep. My legs were folded to one side, and my hands were tied behind me. [...] They put the dogs in on top of me. I felt like I had been hurt in the neck by one of the dogs' nails. I didn't dare resist. I was afraid I'd get beaten. The soldiers didn't beat me, but one of them kept pushing me with his shoes to get me away from him. It was like he didn't want me anywhere near his feet.³⁰

28 The affidavit was taken on September 25, 2019 (108314).

29 The affidavit was taken on February 27, 2019 (105897).

30 The affidavit was taken on February 20, 2020 (108987).

Two of the minors said the soldiers took photos of them as a form of mockery and amusement.³¹ M.G. from Turmusaya, who was arrested at 17, recounted how a soldier humiliated him in that fashion as he knelt on the bottom of the jeep: "[The soldier] took my blindfold off and took a selfie with me. He told me to lift my head and took the photo".³²

A.T. from Beit Fajjar, who was arrested at 16, said he felt through the blindfold that soldiers were taking photos of him with their cell phones:

They sat me down on the bottom of the jeep. There were a lot of soldiers around me, because it was a big jeep [...]. On the way, soldiers spent a long time taking photos of me. They took the photos and laughed. I could sense the flashes. I realized they were taking photos of me.³³

Complaints concerning violence by soldiers

Fighting against unacceptable conduct by soldiers – towards both minors and adults – requires submitting complaints to the authorities responsible for investigating suspicions of unjustified violence during arrest and detention. Yet, naturally, teenagers who have been detained and interrogated – whether they were later released or are still in custody – are wary of filing complaints. They generally prefer not to initiate contact with Israeli authorities, due to the traumatic effect of the arrest, fear of retaliation against them or their families, or mistrust in the oversight mechanisms. Despite these inherent obstacles, some minors do wish to file complaints about their treatment during their arrest or interrogation. Only then, with the consent of at least one parent, can a complaint be filed.

Of the 58 affidavits, HaMoked submitted complaints on behalf of two boys regarding the violence and abuse they suffered.

31 HaMoked cautioned against the grave, shameful practice of taking "souvenir" photos of detainees back in 2006. See http://www.hamoked.org/Document.aspx?dID=280_update.

32 The affidavit was taken on June 17, 2019 (106306).

33 The affidavit was taken on February 7, 2019 (105618).

In the first case, of Q.A. from Sa'ir, who was arrested at 17, soldiers used physical and verbal violence to pressure him into collaborating with the security forces. This blatantly violates the prohibition in international law on recruiting protected persons to collaborate with the occupying power by employing pressure or exploiting distress. Using such methods against minors in the intimidating circumstances of night arrest is especially egregious.

In Q.A.'s own words:

In the jeep, they had me sit down [apparently blindfolded and handcuffed] opposite the officer in charge. He asked 'what have you done? You've made your parents cry. Are you happy about what's happening?'. I said I wasn't. He offered to release me right away if I agreed to work with them. [He said] he'd give me money, help with the exams and give my whole family permits to work in Israel. He'd give me a phone he'd use to call me, and I'd give him information about kids and incidents. He said if I didn't want to, I'd be arrested. From this jeep, they sent me to another jeep that was there. In that one, they had me kneel on the floor of the jeep, next to the soldiers' feet, with my hands tied behind my back and a blindfold on. They said I had to keep my head down. There were three soldiers [...]. All three of them abused me. They swore using foul language. They hit me [...] especially on the head. They spat at me. When I asked for water, they got a glass of water, but instead of letting me drink, he poured it on my face. [...] the trip to Etzion took hours [...]. I didn't answer. I just said 'ouch, ouch' from the pain. I had bruises on my head, and the left side got swollen. I still have pain in the side of my rib cage.³⁴

In July 2019, HaMoked wrote to the Military Advocate

³⁴ See supra note 10.

General Corps demanding an investigation into the conduct of the soldiers who abused Q.A.³⁵ Eight months later, the MAG Corps replied that the investigation had been closed without any legal action taken against military personnel. HaMoked is considering appealing this decision.

The second case involves H.A. from Jenin Refugee Camp, who was 17 in September 2019, when he was arrested at home in the middle of the night. In February 2020, HaMoked sent the MAG Corps a letter describing how Border Police officers had beaten the youth – including with a rifle butt – during the arrest and then inside the military vehicle.³⁶ The complaint was passed on to the Department for the Investigation of the Police (DIP), which has not responded to date.

These two cases illustrate the impunity with which soldiers abuse Palestinians, even children. Every year, hundreds of complaints are filed regarding violence by Israeli soldiers against Palestinians in the oPt, yet only a handful lead to indictments. Years of monitoring by human rights organizations show that the law enforcement systems do not truly pursue justice, but rather do whatever they can to avoid investigating and prosecuting soldiers who harm Palestinians.³⁷

Denial of basic needs and holding in poor conditions

On the way to interrogation by the ISA or the Israel Police, the detained teenagers are often taken to several places, including a medical checkup usually carried out at military bases. In the affidavits, the teenagers described lengthy stops, both in open areas and in military bases, where they were held in rough conditions. These included exposure to extreme cold, denial of access to the bathroom, no food or drink, sleeping without a proper bed or blanket, and remaining blindfolded or handcuffed for long periods of

35 [Letter of July 21, 2019 from HaMoked to Lt. Col. Gal Asael, Military Advocate for Operational Affairs](#) (Hebrew).

36 [Letter of February 17, 2020 from HaMoked to Lt. Col. Gal Asael, Military Advocate for Operational Affairs](#) (Hebrew).

37 See, for example, Yesh Din data sheet, [Law Enforcement on Israeli Soldiers Suspected of Harming Palestinians and Their Property](#), November 2019.

time. These practices blatantly contradict military protocol, which explicitly stipulates that the detainees' dignity must be respected, which includes ensuring they are held in reasonable conditions, providing them with food, water and warm clothing as needed, allowing them to use the bathroom, and abstaining from any kind of violence.³⁸

A.T. from Beit Fajjar was 16 when he was arrested at home at 1:30 a.m. and sent for the night to a military camp near Halhul. He recalled the night at the camp:

They put me and another detainee in a room with beds. They tied my hand to one bed and my friend's to another. They left our blindfolds on. The beds were bare, and we slept with no cover. There were no blankets. They didn't give us anything to eat or drink. They left us there and went away. They must have been guarding outside. I had to go to the bathroom and started stamping on the floor and calling out to them to take me to the bathroom. No one answered.³⁹

H.'A. was 17 when soldiers came at 2:30 a.m. to his home in Qarawat Bani Hassan to arrest him. They took him away in a military vehicle and drove for about two hours before handing him over at a military camp by the settlement of Ariel. He described what happened next:

I asked what the time was. They said 4:30. The trip was okay. They took me in to see the doctor and from there to a caravan. I sat there on the floor, blindfolded and handcuffed. I stayed there until 2:30 p.m. that day. After I asked for food, they went away and came back with a fruit. They gave me one peach. They didn't give food or drink. I asked. They didn't give. They wouldn't let me go to the bathroom. They kept saying 'soon' and didn't follow through. I said I was very hungry. They said, 'say what you want to eat'. I said 'shawarma'. They said 'okay'. They went out and came back with a peach and said, 'imagine it tastes like shawarma'. At around 4:00 p.m., police officers came and took me to Salem [the interrogation facility].

38 See supra note 5, [letter of December 8, 2014 from the IDF Spokesperson's Unit to HaMoked](#), p. 4 (Hebrew).

39 See supra note 33.

40 The affidavit was taken on November 27, 2019 (108571).

[...] We got there at about 6:00 p.m.⁴⁰

H.S. from al-Khader was arrested at 3:00 a.m. one night in December 2018, when he was 15:

The car drove for about an hour, until we got to Etzion (I found out later it was there). They took me out near a wall that had air conditioner motors outside. It was very cold, freezing cold. They had me stand there, and three or four soldiers guarded me. They demanded I face the ACs with my back to them. It went on for about half an hour. Then they took me to a room. I asked the soldier to go to the bathroom. He took me to the bathroom and pulled my pants down. When I was done, he dressed me and took me back to the room. I was still handcuffed and blindfolded. He slammed my head in the door before taking me inside. There was another detainee in the room [...]. There were three soldiers around us, watching a soccer game. We sat on chairs until about 12:00 p.m. Before all this, I was taken to a doctor with an interpreter. I said I didn't have any medical conditions. At 12:00, I was taken into interrogation – somewhere I didn't know. The jeep took me there.⁴¹

41 The affidavit was taken on March 7, 2019 (105907).

Summoning minors for interrogation: The appropriate alternative to pre-planned night arrests

I was not summoned for interrogation. If they had summoned me, I would have gone. There was no need for them to come this way.

A.D., who was arrested at 17 from his home in Burqa, Nablus District ⁴²

The appropriate way to bring minors suspected of an offense in for interrogation is to summon them. The Israeli Youth Law, for example, clearly stipulates that minors should be arrested only as a last resort.⁴³ While this law does not apply to Palestinians in the West Bank (with the exception of annexed East Jerusalem), the special vulnerability of minors requires that pre-planned night arrests be reserved for extreme cases where there is no other choice, and after serious consideration of less injurious methods. Yet when it comes to Palestinian minors, Israel completely inverts this logic and routinely uses the harshest and most injurious measure at its disposal.

Following severe criticism from human rights organizations and international institutions, in 2014 the military declared it was launching a pilot program in collaboration with the Israel Police to summon Palestinian minors for interrogation instead of arresting them at night. In practice, however, this

⁴² The affidavit was taken on December 5, 2018 (105075).

⁴³ Section 10(a), and see *supra* note 5.

is rarely done. Of the 58 cases examined in this report, only in one did the parents state they received a summons for interrogation before their son was arrested. Another minor received a phone call from a military officer that can hardly qualify as a summons. The use of summons in such a tiny fraction of the cases indicates the pilot has been all but abandoned.⁴⁴

HaMoked's persistent attempts to receive figures about the pilot have proved fruitless. Time and again, both the military and the Israel Police claimed they did not have comprehensive data on the matter. The police even evasively replied, in response to an enquiry from HaMoked, that "the pilot is implemented in cases that allow it. Due to the sensitive security situation in the Judea and Samaria Area [i.e. West Bank], implementation of the pilot is problematic". The response, which included no figures, also explicitly stated that "the Israel Police does not monitor or collect quantitative data on summons [...]. Also, there are no written conclusions or lessons drawn from the pilot".⁴⁵

HaMoked's correspondence with the security forces reveals that the formal scope of the pilot program has been greatly reduced, making it negligible not only in theory but also in practice. For example, in response to a rebuke by HaMoked regarding non-implementation of the pilot,⁴⁶ the military replied in April 2020 that "most of the minors arrested in the Area are 16 to 18 years-old or are suspected of committing grave offenses that do not match the criteria of the pilot program". The said criteria include "the gravity of the offense that the minor is suspected of committing, the minor's age, the minor's criminal record, special investigation needs, and more".⁴⁷ Two years earlier, HaMoked received notice that the pilot was being scaled back to a single operational zone, the Etzion (Bethlehem) sector, "in order to learn from experience gathered in this sector and formulate insights that will enable broader, more effective implementation in the future".⁴⁸ Later, in response to a Freedom of Information petition, the military stated that the pilot was being applied throughout the West Bank to minors between the ages of 12 and 16, and only in the

44 Absurdly, the military sometimes summons minors for interrogation by invading their homes in the middle of the night – as documented in affidavits taken by Military Court Watch. See, for example, the [affidavit given by Z.M.H.A.](#), a 14-year-old who stated that in October 2018, at 3:00 a.m., about 20 soldiers, three of them masked, came to his home in Tuqu' and handed him a summons – in Hebrew – to appear at the Etzion police station at 8:30 that morning.

45 [Letter of September 22, 2019 from Superintendent Yaniv Arkus of the Israel Police Public Complaints and Freedom of Information Unit to HaMoked](#) (Hebrew).

46 [Letter of November 20, 2019 from HaMoked to MAG Maj. Gen. Sharon Afek](#) (Hebrew).

47 [Letter of April 5, 2020 from the Judea and Samaria Legal Advisor's Office to HaMoked](#) (Hebrew).

48 [Letter of 21 May, 2018 from the MAG's Office to HaMoked](#) (Hebrew).

49 [Letter of June 6, 2019 from the IDF Spokesperson's Unit to HaMoked](#) (Hebrew).

Etzion sector also to the 16 to 18 age range.⁴⁹

In May 2020, HaMoked sent the military a letter criticizing the use of age and gravity of offense as exclusion criteria for receiving a summons for interrogation.⁵⁰ HaMoked stressed, among other things, that the grounds for an arrest should have no bearing on the way in which it is carried out when minors are concerned, and that minors aged 16 to 18 are entitled to the same legal protection as minors aged 12 to 16.⁵¹ In response, the military repeated its ludicrous claim that "all possible efforts are made to safeguard the rights of minors while balancing them against security needs" and did not balk at declaring – in utter denial of reality on the ground – that "due to the complex, unique security circumstances in the Area, the use of night arrests cannot be stopped altogether [...]"⁵²

The military's repeated claims that it does not have full figures strongly suggests that the pilot has barely been implemented. The absence of any documented conclusions six years after the pilot was launched reinforces this. HaMoked is currently preparing a petition to Israel's High Court of Justice to seek broad use of summons for interrogation as an alternative to night arrests throughout the West Bank for everyone under the age of 18.

50 [Letter of May 18, 2020 from HaMoked to MAG Maj. Gen. Sharon Afek](#) (Hebrew).

51 In 2011, the military raised the age of majority in the West Bank from 16 to 18, to match the accepted standard in Israel and around the world. See [Order Regarding Security Provisions \(Amendment No. 10\) \(Judea and Samaria\) \(No. 1676\) 5771-2011](#), September 27, 2011 (Hebrew).

52 [Letter of June 21, 2020 from the Judea and Samaria Legal Advisor's Office to HaMoked](#) (Hebrew).

Conclusions and recommendations

Minors are a vulnerable group that is entitled to special protections under both Israeli and international law. The Israeli Youth Law, which is informed by the principle of the child's best interest, details how minors suspected of committing offenses should be treated and provides clear rules for their arrest.⁵³ The police ordinance drafted in view of the Law states that when making a decision to arrest and restrain a minor, a police officer must take into account the minor's age and the effect of the arrest on his or her development and physical and mental wellbeing.⁵⁴

Yet these protections are denied to Palestinian minors arrested in the oPt. Although the military has established special procedures for detaining minors, no effort is made to enforce them and they appear to be no more than a dead letter. As the affidavits taken by HaMoked indicate, the military continues to send soldiers to arrest Palestinian teenage boys at night as a measure of first resort for bringing them in for interrogation. This injurious, traumatic practice leaves the teenagers broken in body and soul, while thwarting any possibility of a fair interrogation and almost guaranteeing a conviction. Meanwhile, the declared pilot program to summon minors for interrogation is barely implemented, and in any case does not include any monitoring, data collection or assessment. The program has recently been narrowed down to several restrictive criteria that render it explicitly negligible, chief among these age as an exclusion criterion.

The practice of night arrests is reprehensible not only because troops are sent into families' homes in the dead of night, but also because of the additional aspects presented

53 HaMoked and B'Tselem, [Unprotected: Detention of Palestinian Teenagers in East Jerusalem](#), October 2017, p. 24-30.

54 Israel Police, National Headquarters Ordinance No. 14.01.05, [Interrogation of a Minor](#), October 8, 2013.

in this report, including blindfolding the arrested teens, tying their hands behind their backs, and forcing them to lie or sit on the floor of the military vehicle with their heads down on the journey to the interrogation facility. This cruel and unnecessary treatment recurs in almost all cases. In this state of extreme helplessness, many minors suffer real violence at the hands of the troops. Often, the soldiers' verbal and physical abuse amounts to inhuman, cruel and degrading treatment that contravenes the Convention against Torture.⁵⁵ To the best of HaMoked's knowledge, in all these cases, the detainees underwent a perfunctory medical examination only, which did not result in scrutiny of their treatment by the soldiers. The unavoidable conclusion is that the military does not properly supervise the process of the arrest and the detainees' medical condition – both physical and mental – either during or after the detention.

HaMoked once again calls on Israel to eliminate the gap between the protections afforded minors in Israeli law, which reflect international legal standards, and the inadequate military legislation. The security forces must provide Palestinian minors with the same protections that Israeli minors enjoy, regardless of the type and gravity of the offense, and adopt the child's best interest as their guiding principle in formulating policy and procedures concerning the detention of minors in the oPt. Specifically, the military must immediately end its harmful, unlawful practice of arresting Palestinian minors at night as its first course of action. Instead, sending a summons must be the primary method whenever a Palestinian minor is wanted for interrogation, whatever their age. The summons must be conveyed via the parents or legal guardian, during the day, and not directly to the minor, other than in exceptional circumstances. The state authorities must also take immediate action to eradicate the wanton violence used by security forces against Palestinian detainees, especially where minors are concerned.

55 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984.



HaMoked – Center for the Defence of the Individual, founded by Dr. Lotte Salzberger, is a human rights organization established in 1988 against the backdrop of the first intifada. HaMoked's mandate is to safeguard the rights of Palestinians living under Israeli occupation. HaMoked acts to enforce standards and values rooted in international humanitarian law and international human rights law.

ISBN 978-965-7625-05-7



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