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## **False Confessions by Palestinian Children and adolescents under Coercion**

**Amany Dayif & Fatmeh El-'Ajou**

Israel's detention policy of Palestinians in the West Bank, including East Jerusalem, and in particular Palestinian children and adolescents, is part of Israel's policy of occupation. It is a powerful instrument in the hands of the Israeli occupation for politically repressing the Palestinian population and breaking the Palestinian resistance. Therefore, the practice of arbitrarily arresting Palestinian children and adolescents should not be viewed simply as a matter of misconduct or the violation of regulations by individual members of the security forces. Arrests, torture and other forms of cruel, inhuman or degrading treatment or punishment (CIDT), in particular when inflicted on children, are a clear manifestation of the occupation. Contrary to the prevailing view, physical and mental torture is not only designed to extract information from the detainees, but also to undermine their mental and physical integrity and weaken their resistance.

**It is the position of Physicians for Human Rights-Israel, Adalah and Al-Mezan that Israel should end its arbitrary detention of Palestinian children and adolescents, and immediately put in place adequate safeguards against false and coerced confessions to protect the rights of Palestinian children during interrogations.** Safeguards should include the following: summoning children and adolescents for

interview with the security forces instead of arresting them during the night; conducting interrogations with children and adolescents using only specialist interrogators trained in the interrogation of children; making audio-video recordings of interrogations of children and adolescents in their entirety; and ensuring the presence of a lawyer and a parent during interrogations of children and adolescents.

The law must ensure that no child or adolescent is convicted solely on the basis of a confession, and courts must disqualify confessions obtained from children and adolescents that were obtained in violation of their rights, and/or in the absence of the aforementioned safeguards. In addition, all complaints of the torture and/or CIDT of a child during interrogation must be the subject of an impartial, independent and effective investigation, followed by the criminal prosecution of anyone found to have perpetrated these acts.

This position paper addresses the extreme vulnerability of Palestinian children to specific conditions and practices of detention, and the illegitimate and cruel interrogation methods to which they are subjected, which result in extortion and false confessions. It also analyzes the legal framework as it applies to Palestinian children and adolescents, who are detained by the Israeli security forces. The paper is based mainly on a psychiatric expert opinion<sup>1</sup> written by Dr. Graciela Carmon, a psychiatrist and member of PHR-Israel's board of directors, which was submitted to the military courts during legal proceedings in the case of a 14-year old Palestinian boy from the village of Nabi Saleh.

## **The detention of Palestinian children and adolescents**

Some 700 Palestinian children are arrested by Israel each year, on average one or two per day. Palestinian children as young as the age

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<sup>1</sup> Graciela Carmon, M.D., Psychiatric Expert Opinion, *Coerced False Confessions: The Case of Palestinian Children*, 15 May 2011.

<http://phr.org.il/uploaded/False%20Confessions%20English-final-%2021%2011%202011.doc>

of 12 are arrested, interrogated and put on trial in Israel's military courts.<sup>2</sup>

Based on testimonies provided by 40 children who were detained and represented in court by Defense for Children International - Palestine Section (DCI-Palestine) in 2010, physical and verbal violence was used against them during detention in 70% of the cases.<sup>3</sup> Most violent incidents occurred during the jeep ride or during the wait at a military base or police station, where the children are made to wait for hours on end, often with their hands are painfully tied behind their backs with plastic handcuffs while blindfolded, deprived of food and drink, and deprived of access to a toilet and sleep.

According to the testimony of R., a 12-year-old Palestinian boy, which he provided to Physicians for Human Rights - Israel (PHR-Israel)<sup>4</sup>:

*I was on my way to the grocery store. [...] At the time there were clashes going on between the guys and the army. [...] I tried to flee the area. A vehicle approached me, and in it were four mista'aravim<sup>5</sup> (unmasked). Two of them attacked and cursed me ('Come here, you son of a bitch!'). They dragged me into the jeep and started hitting me (punching and kicking) and I felt dizzy. They covered my eyes and put me on the floor between their feet. They took me to 'David HaNavi'<sup>6</sup> and then the mista'aravim got off the jeep and took me to the Moscabia.<sup>7</sup>*

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<sup>2</sup> DCI-Palestine, *Detention Bulletin*, Issue 15, March 2011. [http://www.dci-pal.org/english/doc/press/Detention\\_Bulletin\\_MAR\\_2011.pdf](http://www.dci-pal.org/english/doc/press/Detention_Bulletin_MAR_2011.pdf)

<sup>3</sup> DCI-Palestine, *In their own Words*, January 2011. <http://www.dci-pal.org/English/Doc/Press/JANUARY2011.pdf>

<sup>4</sup> Testimony recorded by Samieh Jabbarin, a PHR-Israel field worker. Details of the testimony are on file with PHR.

<sup>5</sup> Members of the Israeli security forces disguised as Palestinians.

<sup>6</sup> A name of a street in Jerusalem.

<sup>7</sup> A major Israeli detention center in Jerusalem.

## **The process of interrogating and obtaining confessions from Palestinian children and adolescents**

Interrogations of Palestinian children and adolescents by the Israeli security forces are, in most cases, conducted without the presence of their parents or a lawyer, and carried out by several regular police interrogators, not by special interrogators for children and adolescents. The interrogators employ physical and verbal violence in a considerable number of cases, as well as deception and threats of harm against them and/or their family members. Most children and adolescents are interrogated for many hours at a time while handcuffed. They are sometimes held in solitary confinement and deprived of sleep for hours, in addition to being denied access to food, drink and a toilet.

Some 60% of the detained children whose testimonies were obtained by DCI-Palestine reported being held in painful stress positions, including being tied to a chair during the interrogation.<sup>8</sup> At the end of the interrogation, the children signed their "statements"/ confessions, which were written in Hebrew, a language they do not understand.

According to DCI-Palestine, based on 100 statements obtained by the organization from children detained in 2009, 81% of the children's confessions were coerced from them during interrogation.<sup>9</sup> 55% percent of detained children represented by the organization in 2010 reported that they had been threatened during the interrogation or offered rewards, e.g. a lesser sentence, if they confessed.<sup>10</sup> According to the psychiatric expert opinion<sup>11</sup> of Dr. Graciela Carmon:

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<sup>8</sup> DCI-Palestine, *In their own Words*, January 2011. <http://www.dci-pal.org/English/Doc/Press/JANUARY2011.pdf>

<sup>9</sup> DCI-Palestine, *Annual Report 2009*. <http://www.dci-pal.org/english/publ/annual/report2009.pdf>

<sup>10</sup> DCI-Palestine, *In their own Words*, January 2011. <http://www.dci-pal.org/English/Doc/Press/JANUARY2011.pdf>

<sup>11</sup> Graciela Carmon, M.D., Psychiatric Expert Opinion, *Coerced False Confessions: The Case of Palestinian Children*, 15 May 2011. <http://phr.org.il/uploaded/False%20Confessions%20English-final-%2021%2011%202011.doc>

*Interrogations in general are stressful situations for every person who undergoes them, but certain interrogation conditions and methods may lead to the violation of the suspect's free will, disruption of his or her mental balance, and therefore to coerced confessions.*

*Every person in detention and under interrogation, but especially a child or adolescent, may give a false confession despite his or her innocence, in order to escape from the situation, and particularly in the following circumstances: emotional and/or physical stress, threats, mental and/or physical torture, cruel treatment, humiliation, physical and/or mental exhaustion, sleep deprivation, prolonged questioning for many hours, leading questioning, and the use of deceptive and manipulative techniques (e.g. polygraph tests, providing false investigation results, fingerprints, blood, and presenting false witnesses). I would like to particularly note that severe interrogating methods such as isolation may lead to irreversible mental damage, from behavioral changes to a loss of touch with reality (a psychotic state).*

*Following the application of such methods, the detainee feels helpless and out of control of the situation. This state of mind may lead the detainee to surrender totally to the will of the interrogators, yield to their requests and provide a confession according to their demands, a confession that will free the detainee from the interrogation.[...]*

*The groups most vulnerable to these methods of interrogation, which have a high likelihood of providing a false confession under coercion, are children and adolescents, drug addicts and/or alcoholics, and people with mental illness or mental retardation.*

## **Legal aspects of false confessions and the protection of children and adolescents: ought v. is**

In Israel, awareness of the special needs of children including their special mental and developmental vulnerabilities has resulted in the adoption of legal measures designed to protect children during detention and criminal proceedings. On 11 November 1993, the then-Minister of Justice, Professor David Libai, established a committee

that examined convictions based solely on confessions in light of the large numbers of false confessions provided by suspects, including children. This committee, headed by former Supreme Court Justice Eliezer Goldberg, also examined grounds for retrials.<sup>12</sup> The committee discussed, *inter alia*, the police interrogation of children and adolescents and found that:

*A minor, unlike an adult, is in a state of dread during interrogation. He is affected by any harsh treatment by the interrogator, his resistance is at its nadir, and he is liable at times not only to incriminate himself by telling the truth but even to attribute to himself deeds he did not commit or committed in the distant past, just to satisfy the interrogator.*<sup>13</sup>

The danger of children being coerced into making false confessions and incriminating themselves or others was among the considerations behind the safeguards that have been established in Israeli law. These safeguards include the following: the prohibition on interrogating children at night; that interrogations should be conducted by interrogators trained in the interrogation of children; the requirement that a parent should be present during the interrogation of a child; and the right of the child to consult with a parent and a lawyer prior to the interrogation. Israeli law also includes special regulations pertaining to children in matters such as the obligation to involve the welfare services, the timeframe for bringing a child before a judge, the limits on holding children in detention until the end of legal proceedings, the timeframe for issuing an indictment, and sentencing.

There are, however, no corresponding safeguards for Palestinian children and adolescents in Israeli military law.<sup>14</sup> Although military

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<sup>12</sup> B.Sangero, M. Kremnitzer, "Retrial - Reality or Dream? On the Defeat of Justice when faced with the rule of finality of hearing," *Alei Mishpat*, Volume 1, No. 1, November 1999 (Hebrew).

<sup>13</sup> Report of the Committee on convictions based solely on confessions and on issues regarding the grounds for retrials, Israeli Ministry of Justice, December 1994 (Hebrew).

<sup>14</sup> On the differences between Israeli law and military law regarding the rights of juveniles in criminal proceedings, see B'Tselem, *No Minor Matter: Violation of the Rights of Palestinian minors Arrested by Israel on Suspicion of Stone Throwing*, July 2011: [http://www.btselem.org/publications/fulltext/201107\\_no\\_minor\\_matter](http://www.btselem.org/publications/fulltext/201107_no_minor_matter).

judges are expected to exercise judgment in the spirit of the Israeli law,<sup>15</sup> the facts indicate that there is an almost absolute acceptance – which is shared by judges in Israel’s civilian courts – of the abusive conduct of the security forces towards Palestinian children and adolescents. This situation constitutes a flagrant violation of Israel’s obligations under international human rights law, including the United Nations Convention on the Rights of the Child (CRC) of 1989, to which Israel is a State Party. The best interests of the child are the general principle that lies at the heart of the CRC. Israel’s responsibilities under the CRC also extend to its activities in the Occupied Palestinian Territory (OPT), as has been determined by the Committee on the Rights of the Child.<sup>16</sup> According to the CRC, the arrest of a child should be the last resort, and the best interests of the child should be the main consideration.

Article 40(2)(iv) of the CRC stipulates that a child must not be compelled to give evidence or to confess to guilt. The Committee on the Rights of the Child’s General Comment No. 10 states that:

*[...] The age of the child, the child’s development, the length of the interrogation, the child’s lack of understanding, the fear of unknown consequences or of a suggested possibility of imprisonment may lead him/her to a confession that is not true. That may become even more likely if rewards are promised such as: "You can go home as soon as you have given us the true story", or lighter sanctions or release are promised.<sup>17</sup>*

The committee further stated that torture, cruel, inhuman or degrading treatment or punishment intended to extract a confession from a child constituted a grave violation of the convention and that a statement or confession obtained in such manner was inadmissible as

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See also B’Tselem, “Army raises minority age of Palestinians to 18, as in Israel; violation of minors’ rights continues,” 5 October 2011:

[http://www.btselem.org/legislation/20111005\\_minority\\_age\\_changed](http://www.btselem.org/legislation/20111005_minority_age_changed)

<sup>15</sup> Military Tribunal of Appeals (Judea and Samaria) [West Bank] 2912/09, Military Prosecutor v. N.A., remarks of Military Tribunal of Appeals President, Col. Aharon Mishnayot.

<sup>16</sup> For the Committee’s conclusions (March 3, 2010), see <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/410/68/PDF/G1041068.pdf?OpenElement>

<sup>17</sup> see Committee on the Rights of the Child, General Comment No. 10, 25 April 2007, CRC/C/GC/10, para. 57: <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf>

evidence. The committee added that the term "compelled" should be interpreted in a broad sense, and not restricted to the use of physical force against the child or other clear violations of human rights.<sup>18</sup> This provision is stipulated in Article 15 of the Convention Against Torture and Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Israel is also a State Party. However, in a direct contravention of its obligations under the CAT, this provision has not been incorporated into the domestic Israeli legal system.

Article 12 (A) of the Israeli Evidence Ordinance (new version) - 1971 establishes that **"Evidence of confession by the accused that he has committed a [criminal] offense is admissible only when the prosecution has produced evidence as to the circumstances in which it was made and the court is satisfied that it was free and voluntary."** However, in C.A. 5121/98, *Yisascharov v. the Head Military Prosecutor* (2006), the Israeli Supreme Court ruled that:

*In accordance with the wording and the purpose of the provision in article 12, mentioned above, a confession is to be rejected [as evidence] on its [the provision's] grounds only if the violation of the right to remain silent or of the right to consult a lawyer has led to a significant and grave impairment of the defendant's free will and freedom of choice while making his confession.<sup>19</sup>*

This ruling does not meet the requirements of international law, which imposes an absolute prohibition on the use of torture and CIDT, and rejects statements or confessions obtained through torture and CIDT, except when intended for the persecution of a person responsible for the torture. The Committee against Torture expressed its concern over the legal situation in the State of Israel with regard to the exclusion of confessions made under coercion:

*25. While welcoming the Supreme Court decision Prv. Yisascharov v. the Head Military Prosecutor et al, C.A. 5121/98, which laid down the doctrine of exclusion of unlawfully obtained evidence, the Committee notes that the*

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<sup>18</sup> Ibid. para. 56-57

<sup>19</sup> Para. 36 of the court's ruling.

*question of determining whether or not to admit such evidence is left to the discretion of the judge. [Emphasis added]*

*The State party should prohibit by law the invoking of any statement which is established to have been made as a result of torture as evidence in any proceedings against the victim, in line with article 15 of the Convention.*<sup>20</sup>

Concerning issues of sentencing, 83% of Palestinian children who are convicted of criminal offenses are imprisoned for the full term of their sentence, in contrast to only 6% of convicted Israeli children.<sup>21</sup> The other 17% receive alternative sentences to imprisonment, such as the payment of a fine and/or house arrest or community service. Data provided by the Israeli army to *B'Tselem* reveal that in cases where children are charged with stone-throwing, there are almost no cases in which a trial with proper evidence was conducted, and the vast majority of cases ended in plea bargains.<sup>22</sup>

Although the system allows complaints to be filed against the Israeli army and police in cases of torture and CIDT during the arrest and interrogation of children and adolescents, **all** the investigations into the **645 complaints** filed on behalf of Palestinians against Israeli interrogators between 2001 and 2010 were closed without indictment due to "lack of evidence."<sup>23</sup> The situation is exacerbated by the fact that Article 17 of the Israeli Criminal Procedures Law (Interrogation of Suspects) - 2002, which exempts the police and the security forces from making audio and video recordings of their interrogations of individuals suspected of committing security offences applies not only to adults, but also to children and adolescents. The UN Committee against Torture called on Israel to

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<sup>20</sup> Concluding Observations of the Committee against Torture: Israel, CAT/C/ISR/CO/4, 14 May 2009

<sup>21</sup> DCI-Palestine, *In their own Words*, January 2011: <http://www.dci-pal.org/English/Doc/Press/JANUARY2011.pdf>

<sup>22</sup> Naama B. Sharon, "Violation of Rights of Palestinian Juveniles arrested on suspicion of stone-throwing," *B'Tselem*, July 2011: [http://www.btselem.org/download/201107\\_no\\_minor\\_matter\\_eng.pdf](http://www.btselem.org/download/201107_no_minor_matter_eng.pdf)

<sup>23</sup> Yosi Wolfson, *Kept in the Dark: Treatment of Palestinian Detainees in the Petach-Tikva Interrogation Facility of the Israel Security Agency*, HaMoked and B'Tselem, October 2010: [http://www.hamoked.org/files/2010/113160\\_eng.pdf](http://www.hamoked.org/files/2010/113160_eng.pdf)

amend the law to make the obligation to record interrogations apply to all detainees, including security detainees:

*Video recording of interrogations is an important advance in protection of both the detainee and, for that matter, law enforcement personnel. Therefore, the State party should, as a matter of priority, extend the legal requirement of video recording of interviews of detainees accused of security offenses as a further means to prevent torture and ill-treatment.*<sup>24</sup>

Referring to the arrest, interrogation and imprisonment of Palestinian children and adolescents by Israel, the Committee further stated state:

*The State party should ensure that juvenile detainees are afforded basic safeguards, before and during interrogations, including prompt access to an independent lawyer, and independent doctor and family member from the outset of their detention. Furthermore, the State party should ensure that cases against juveniles are not decided solely on the basis of confessions, and that the establishment of a youth court is completed as a matter of priority. In addition, every effort should be made to facilitate family visits to juvenile detainees, including by expanding the right to freedom of movement of relatives.*<sup>25</sup>

Notably, the prohibition on using statements and/or confessions extracted under coercion as evidence in legal proceedings has not only been applied to cases in which the coercion rose to the level of torture, as defined in Article 1 of the Convention against Torture, but also to cases in which the coercion matched the definition of CIDT. In his commentary on the CAT, Professor Manfred Nowak wrote:

*In the reporting procedure, the Committee Against Torture suggested repeatedly that statements made as a result of cruel, inhuman or degrading treatment (and therefore not only torture) may not be used as evidence in any proceedings,*

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<sup>24</sup> Concluding Observations of the Committee against Torture: Israel, CAT/C/ISR/CO/4, 14 May 2009, para.16.

<sup>25</sup> Ibid. para. 28.

*whether these have made by suspects or witnesses. Similar conclusions can be drawn from the committee's report on its inquiry into torture in Turkey under Article 20 CAT.*<sup>26</sup>

This position is identical to that adopted by the UN Human Rights Committee, which is responsible for monitoring the implementation of the International Convention on Civil and Political Rights (ICCPR) of 1966, to which Israel is also a State Party. The UN Human Rights Committee's General Comment No. 20 states that, "It is important for the discouragement of violations under article 7 that the law must prohibit the use of admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment."<sup>27</sup> The Committee then developed the doctrine of "tainted fruits of the poisonous tree," (based on the US exclusionary-rule) applying it explicitly to cases of CIDT, as part of the implementation of the absolute prohibition of torture and CIDT.<sup>28</sup>

### **The psychiatric expert opinion<sup>29</sup> by Dr. Graciela Carmon, Psychiatrist**

Dr. Graciela Carmon specializes in child and youth psychiatry, and has gained extensive experience and expertise in this area. At the request of PHR-Israel, Dr. Carmon wrote an expert psychiatric opinion on the mental and developmental factors that lead children to make false confessions during interrogations, and the implications of these confessions.

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<sup>26</sup> Manfred Nowak, Elizabeth McArthur and Kerstin Buchinger. *The United Nations Convention Against Torture: A Commentary*, 2008, p. 535.

<sup>27</sup> The UN Human Rights Committee, General Comment No. 20, para. 12, 3 October 1992: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/6924291970754969c12563ed004c8ae5?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/6924291970754969c12563ed004c8ae5?Opendocument)

<sup>28</sup> Manfred Nowak, Elizabeth McArthur and Kerstin Buchinger. *The United Nations Convention Against Torture: A Commentary*, 2008, p. 536.

<sup>29</sup> Graciela Carmon, M.D., Psychiatric Expert Opinion, *Coerced False Confessions: The Case of Palestinian Children*, 15 May 2011. <http://phr.org.il/uploaded/False%20Confessions%20English-final-%2021%2011%202011.doc>

This medical expert opinion, in addition to being - as far as we know - the first on this issue in Israel, is valuable because it illustrates the active role that medical professionals can play in the fight against torture and CIDT, particularly where it is used against marginalized and vulnerable populations facing repression, as is the case of the Palestinian population in the OPT.

Dr. Carmon's expert opinion focused on three main questions: What is the effect of interrogation methods used by the Israeli police, army and other security agencies on the behavior and mental state of the child and adolescent who is detained and under interrogation? What are the mental and social consequences for the child and adolescent, and his or her family, following a traumatic interrogation experience? What psychological, developmental and social factors that increase the vulnerability of children and adolescents may lead to coerced false confessions?

Dr. Carmon's medical opinion was submitted to the Judea Military Court by Attorney Gabi Lasky in the case of A.A., a 14-year-old Palestinian boy from the village of Nabi Saleh who was detained, interrogated and indicted for stone-throwing. In addition to providing her written opinion, Dr. Carmon also testified before the Military Court, presided over by Judge Major Sharon Rivlin Akhai, on 4 July 2011, during the hearing of the case of A.A. The following is an excerpt from the minutes of the proceedings in court, which include several key questions to which Dr. Carmon was asked to respond to in her testimony. The questions and answers link Dr. Carmon's expert opinion to the specific case of A.A. Dr. Carmon testified after examining a video of the interrogation.

*Question by the court:*

**Q:** You said that you viewed the video and you said that, on one occasion, what you saw fits in with your expert opinion. Can you elaborate?

**A:** There are three and sometimes four interrogators in the interrogation room. There is a scene in the video where one of the interrogators, who is sitting next to him [the detained boy] and is a big man with very violent body language, makes

gestures such as a fist punching his own hand, almost hitting the boy's face. [...] Any child would be afraid of such a thing. There is a sense of helplessness, as he keeps his head bowed all the time and he is very withdrawn and introverted. He really looks like a broken child. There is another scene I recall where he bursts into tears, which is also evidence of a broken child in a very grave emotional state and I assume, from what I recall from interrogations of Israeli children that an interrogator for children and adolescents would try to calm the child in such situations. Here, [during the interrogation of A.A.] what they [the interrogators] did with very derogatory gestures was to take out a paper tissue and throw it at his face, and he [the boy] withdrew and hunched up even more.

*Cross-examination by the defense attorney following the court's questions:*

**Q:** You enumerate several detention conditions in which Palestinian children and adolescents under interrogation are held in your expert opinion. Is it necessary for all these conditions to occur in conjunction in order to break the child?

**A:** No, of course not. For each child, in order to create a certain situation, there is no need for the whole range of conditions. One can be enough to break the child.

**Q:** And what about arrest in the middle of the night by armed soldiers, just this condition on its own?

**A:** Absolutely. The child is removed from his natural surroundings, [by] strangers with guns, without [the company of] any mature adult figure on whom the child or juvenile can rely. He feels isolated and alone in the world, without anyone to protect him; any child would break down in those circumstances. [...]

**Q:** What about the condition of sleep deprivation?

**A:** Lack of sleep, and there are many research studies on sleep deprivation, can even reduce an adult, nevermind a child or adolescent, to a psychotic state.

## Summary and Conclusions

The methods of detention and interrogation discussed in this paper damage the mental and physical wellbeing of the child or adolescent, and usually break his or her will to endure the interrogation process. Although each and every one of the detention and interrogation procedures mentioned above can, by itself, be considered CIDT, the cumulative impact of these conditions, or even part of them, can constitute torture.<sup>30</sup> According to Dr. Carmon's expert opinion<sup>31</sup>:

*These methods deeply undermine the dignity and personality of the child or adolescent, and inflict pain and severe mental suffering. Uncertainty and helplessness are situations that can too easily lead a child or adolescent to provide the requested confession, out of impulsivity, fear or submission. It is a decision that is far from free and rational choice.*

*These detention and interrogation methods ultimately create a system that breaks down, exhausts and permeates the personality of the child or adolescent and robs him or her of hope. These methods are particularly harmful to children and adolescents who live in poor, isolated populations, in a state of conflict, political tension, and/or severe social stress, such as the occupied Palestinian population. The harmful effects on children can also harm the society to which they belong.*

The systematic conduct of the Israeli security forces suggests that the main objective behind the arrests and detention of Palestinian children and adolescents is not the investigation of facts related to the perpetration of an alleged offence but rather is politically-motivated. The reliance of the military and civilian courts on the confessions of children and adolescents - as well as adults - despite a clear awareness of the harsh arrest and interrogation procedures

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<sup>30</sup> Edith Montgomery, *Psychological effects of torture on adults, children and family relationships*, 1991:

[http://repository.forcedmigration.org/show\\_metadata.jsp?pid=fmo:3065](http://repository.forcedmigration.org/show_metadata.jsp?pid=fmo:3065)

<sup>31</sup> Graciela Carmon, M.D., Psychiatric Expert Opinion, *Coerced False Confessions: The Case of Palestinian Children*, 15 May 2011.

<http://phr.org.il/uploaded/False%20Confessions%20English-final-%2021%2011%202011.doc>

used against them which frequently amount to torture and/or cruel, inhuman and degrading treatment, is also evidence of a systemic and politically-motivated effort to suppress the Palestinian population.

The Israeli occupation is dependent on the preservation of repressive security apparatuses. Under this system, it is therefore almost impossible to provide effective protection from the injury, intimidation and ill-treatment that is caused, among other factors, by the arbitrary and harsh arrest and interrogation procedures to which Palestinian children and adolescents are subjected.

Palestinian prisoners and detainees from the OPT, including children and adolescents, are frequently imprisoned not because they broke laws that are based on social consensus, but rather for political reasons. The rights of Palestinians in the OPT as individuals and as a society living under occupation derive from international human rights and humanitarian law, which oblige Israel to uphold essential safeguards to protect the occupied population, including children.

**Based on the above, Physicians for Human Rights-Israel, Adalah and Al-Mezan call on Israel to:**

- Bring an end to the arbitrary detention of Palestinian children and adolescents;
- Bring an end to the night-time arrests of children and adolescents;
- Put in place strict procedures whereby the interrogations of children and adolescents are carried out only by specialist interrogators trained in the interrogation of children.
- Make audio-video recordings of interrogations of children and adolescents in their entirety.
- Ensure the presence of a lawyer and a parent during interrogations of children and adolescents.
- Guarantee that an impartial, independence and effective investigation is carried out into all complaints of torture and/or CIDT of a child and adolescent during interrogation,

followed by the criminal prosecution of anyone found to have perpetrated acts amounting to torture and/or CIDT.

- Exclude from evidence confessions of children and adolescents that were obtained in violation of their rights, and/or in the absence of the aforementioned safeguards.
- Ensure that no child and adolescent is convicted solely on the basis of a confession.

Palestinian children, like children all over the world, deserve the right to a healthy childhood, to a life of freedom and dignity in which they are protected and free of pain, oppression and harm, and to a life that ensures for themselves, and for Palestinian society as a whole, a future based on justice, equality, dignity and freedom.



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