

Unprotected

Detention of Palestinian Teenagers in East Jerusalem



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CENTER FOR
THE DEFENCE OF
THE INDIVIDUAL
מרכז לביטחון
הפרט
מרכז الدفاع عن الفرد

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Detention of Palestinian Minors in East Jerusalem

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Introduction

A.A. lives in the village of al-'Esawiyah which the State of Israel annexed to Jerusalem in 1967. He was fifteen years old when, in the small hours of the night of 15 July 2016, police officers and Israeli Security Agency (ISA) agents arrived at his home, woke his family, and said they were arresting him. An ISA agent went with A.A. to his bedroom and ordered him to get dressed. The officers then handcuffed and blindfolded him, and took him away in a jeep. He was ordered to keep his head down during the ride. After a drive of an hour or so, the officers took him out of the jeep and had him sit on the ground for about half an hour. He was then taken back to the jeep and driven to the Russian Compound, a major police station in Jerusalem.

Once there, A.A. was taken into a room where he was ordered to face the wall and assume a crouching position. When he refused, he was threatened he would be harmed during the interrogation. A.A. was left to wait in this position for thirty minutes to an hour, during which time a lawyer came and spoke with him. The officers removed A.A.'s blindfold only after he requested it so he could see the lawyer, and only for the duration of the meeting. They put the blindfold back on when the meeting was over. A.A. was then taken in for interrogation. The interrogators removed his blindfold and bound his legs to a chair. They told him that if he remained silent, the court would take it as an admission of guilt. A.A. was interrogated for twelve hours. He was not allowed to go to the toilet and was denied food and drink the entire time. The interrogators told him he would get nothing until he confessed. They threatened to arrest A.A.'s mother and the rest of his family, and said that if he confessed and informed on his friends, he would be released immediately. In the afternoon, the court extended his remand until the next morning. The interrogation resumed immediately after the court hearing and lasted until 11:00 P.M. The interrogators did not allow A.A. to use the toilet until the interrogation session was over.

After being strip-searched and talking to a physician, A.A. was taken to the holding cells. He was given no blanket, no change of clothes and no toiletries. The next morning, for the first time since he was arrested, he was given something to eat. Then, he was taken in for another interrogation session and questioned until 4:00 P.M., his hands and legs in restraints. This is also how he ate his lunch and used the toilet. When the interrogation session ended, he was again brought to court and his detention extended once more. This time, his parents were in court. After court, his interrogation resumed, ending at 7:00 P.M., at which point he was taken to a holding cell. He was kept there for two more weeks, during which time he was not interrogated again. From there, A.A. was taken to another facility, where his family was able to visit him for the first time.¹

A.A.'s case is not unusual. It is illustrative of the way Israeli authorities deal with stone throwing in East Jerusalem by Palestinian teenagers. Over the years, thousands of local teenagers have been similarly arrested and interrogated. While the extent of violence the boys are subjected to and the length of time they are kept in detention varies, nearly all are taken from home, or somewhere nearby, interrogated for hours and kept in holding cells in harsh conditions. They undergo this experience entirely on their own, with no adult by their side to protect them, explain what is going to happen or offer help.

It stands to reason that the law enforcement system would treat these teenagers in an age-appropriate manner that takes their physical and mental maturity into account, recognizing that every action could have long-term repercussions for the boys themselves as well as for their families. It stands to reason that the system would treat the boys humanely and fairly and provide them with basic protections, in accordance with the requirements set out in law. But that is not the case. Instead, Israel's law enforcement system

1. Affidavit taken by Adv. Tagrid Shabita on 23 October 2016.

treats them as members of a hostile population all of whom, minors and adults alike, are presumed guilty until proven innocent, and employs against them extreme measures that it would never venture to use against other segments of the population.

The direct source of this state of affairs is easily traced: Notwithstanding that in 1967 Israel annexed, albeit unlawfully, approximately 7,000 hectares of land – namely, some 600 hectares that constituted the Jordanian portion of Jerusalem, along with some or all of the land belonging to 28 nearby villages and towns – it has always treated the people living on that land as unwanted and unentitled to basic rights. Israel's justice system is, by definition, on one side of the fence, with Palestinians on the other: The police officers, the prison guards, the prosecutors and the judges are always Israeli

citizens. They arrest, interrogate, judge and lock up Palestinian teenagers who are seen as enemies out to harm the interests of Israeli society.

The present report examines how Israel's law enforcement system treats Palestinian teenagers from East Jerusalem. To that end, HaMoked: Center for the Defence of the Individual [hereafter: HaMoked] and B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories [hereafter: B'Tselem] collected affidavits from sixty boys who described the experiences they underwent during arrest and interrogation. The paper addresses only the pre-charge period, i.e., the stages leading up to indictment, and does not look at any subsequent court proceedings, if there were any.

Figures

According to the figures supplied to HaMoked as part of the proceedings in an administrative petition it filed² 1,737 Palestinian boys from East Jerusalem, aged 12 to 17, were arrested from January 2014 through August 2016. About 70% of them had been held in detention and later released on bail or under some restrictions before being indicted. The remaining detainees who had been indicted were kept in custody pending trial.

Detention of teenagers from East Jerusalem – 1 January 2014 to 31 August 2016

Age	Pre-charge detention	Detention pending trial	Total
12	10	7	17
13	37	17	54
14	203	98	301
15	242	133	375
16	347	133	480
17	366	144	510
Total	1,205	532	1,737

The information provided to HaMoked also detailed how long the teenagers were kept in detention in 2014 and 2015. The figures show that 78% of 12- and 13-year-olds were held in detention for more than 24 hours, and that 72% of detainees aged 14 to 17 were kept in detention for longer than 48 hours.

2. AP [Administrative – Lod] 35386-12-16, *HaMoked: Center for the Defence of the Individual v. Freedom of Information Officer, Israel Police*. The figures were provided by the Israel Police Freedom of Information Officer and the Office of the Central District Attorney.

Detention of 12- and 13-year-olds in 2014 and 2015, by time kept in detention

	2014	2015	Total
Up to 12 hours	3	1	4
13-24 hours	5	4	9
25-48 hours	6	5	11
3-10 days	1	7	8
11-15 days	2	3	5
16-20 days	0	2	2
More than 20 days	1	0	1
Detention pending trial	2	16	18
Total	20	38	58

Detention of 14- to 17-year-olds in 2014 and 2015, by time kept in detention

	2014	2015	Total
Up to 12 hours	151	70	221
25-48 hours	93	53	146
3-10 days	166	182	348
15-11 days	21	36	57
16-20 days	18	24	42
More than 20 days	52	71	123
Detention pending trial	174	211	385
Total	675	647	1,322

The findings

As part of the research for the present report, B'Tselem and HaMoked collected affidavits from 60 East Jerusalem teenaged boys who had been arrested and interrogated during the period of May 2015 to October 2016.³ Some were released after the interrogation, while others were indicted. The affidavits, which relate their experiences from the time they were arrested, reveal how the various authorities – the Israel Police, the Israel Prison Service (IPS) and the courts – treat the detained minors.

The breakdown by age of the 60 boys whose affidavits were used in this paper: 1 was twelve years old; 12 were fourteen years old; 15 were fifteen years old; 24 were sixteen years old; and 8 were seventeen years old. For 45 of them, this was the first time they had been arrested.

A. The arrest

Thirty-five of the boys were arrested at home (including one who was arrested in the home of relatives). Thirty-two were arrested at night – i.e., between 11:00 P.M. and 5:30 A.M. – at a time most of them were asleep in bed. Only in sixteen cases did the arresting officers present an arrest warrant to the boys or their parents, and only in one case did they explain to the family the reason for the arrest. Only in nineteen cases did the arresting officers tell the parents where their sons were being taken.

Of the 35 boys arrested at home, thirty were handcuffed either inside or outside their house and then taken in handcuffs to the vehicle that transported them to the interrogation site. Five reported that security forces used physical violence against them or family members before they were taken from home. Seven of the boys arrested at night said arresting officers did not allow them to get dressed before being taken

away from home. Eighteen said they were not allowed to say goodbye to their families, and nine noted their younger siblings cried when security forces entered the home and during the arrest.

Seventeen of the boys were arrested while out on the street: only two of them were arrested for something they had done just prior to the arrest; the others were arrested without being informed of the reason. Sixteen were handcuffed during the arrest. Nine reported physical violence during the arrest and two reported that sponge rounds had been fired at them. The officers did not let any of the boys phone their parents to inform them of the arrest.

Eight of the boys received a summons to appear for questioning. Seven reported to the police station and one turned himself in at a checkpoint and was then taken to the Russian Compound from there.

Fifty-four of the boys were taken into interrogation by car (including one who was transferred to the Russian Compound from another police station where he had gone in response to a summons). Forty-nine were in handcuffs during the journey. Security forces blindfolded thirteen of the boys and ordered thirteen others to keep their heads down for the entire ride. Sixteen boys reported physical abuse during the trip and fourteen reported verbal abuse and threats.

B. The interrogation

The wait

Thirty-seven of the boys were ordered to wait once they arrived at the interrogation facility and before the interrogation began. They were not told how long they would have to wait or what would happen after. They waited in various, random locations: a hallway, a yard, the officers' mess hall or an interrogation room.

3. A total of 63 affidavits were collected, but for various reasons, three were left out of the statistical analysis carried out for this report.

With few exceptions, the wait entailed pain and discomfort. The boys were ordered to sit in painful positions (such as crouching) for lengthy periods of time. In some cases, their hands were painfully bound, or they were ordered to face the wall and forbidden to turn their heads.

None of the boys was told how long he would have to wait. Eleven estimated they were kept waiting for up to an hour; ten estimated the wait time at up to two hours; ten others estimated they had to wait between two and four hours; and six said they waited for longer than five hours.

Six of the boys noted in their affidavits that they asked for a drink of water while waiting, but were refused. Three said they were denied food, and six said they were not allowed to go to the toilet. Seven other boys said police officers used violence against them during the time they were kept waiting.

Access to rights

Only eighteen boys said they received an information sheet listing their legal rights. Of the eighteen, one boy received a sheet that listed only some of the rights; two received the information sheet only after the interrogation was over; and one received it only during his second interrogation session. Forty-one of the boys said they did not receive an information sheet on their rights and one said he did not remember.

The right to remain silent was either glossed over or misrepresented. Even when the interrogators did inform the boys of this right, they referred to it in passing, as an afterthought. While 43 of the boys were informed of their right to keep silent, thirty of them were told by the interrogators that exercising the right would hurt them in court; that they would do better not to remain silent as this would prove their guilt; or interrogators failed to explain to the boys

what the right meant. Some of the boys said in their affidavits that what they understood the right to mean was that they must not speak while the interrogator himself was talking.

The boys' right to meet with counsel prior to their first interrogation was similarly rendered hollow and meaningless by the interrogators. While interrogators did allow 42 of the boys to speak with a lawyer before the interrogation session began, they did not give them the opportunity to sit down with the lawyer, understand their rights or discuss their options. The interrogators only allowed a brief conversation of a few minutes. Thirty-one of the boys met with a lawyer – outside, in a hallway or in the interrogation room. Another eleven spoke with a lawyer on the phone, but did so in the presence of the interrogator, on the interrogator's phone, in a phone call the interrogator dialed himself.

Three boys were allowed to speak with a lawyer only after the first interrogation session had begun (two met with a lawyer and one spoke to a lawyer in a call made from the interrogator's phone). Seven other boys were allowed to speak to a lawyer only after the first interrogation session was over (five met with a lawyer and two spoke to a lawyer on the interrogator's phone). One detainee was only allowed to speak to a lawyer eight days after he was arrested. Six were not allowed to speak to a lawyer at all and one was presented with a document stating the court had approved denial of counsel.

With few exceptions, the boys' parents were not present during the interrogation. In one case, the interrogators waited for the boy's father to arrive; in another, the father was present for part of the interrogation; and in one case the boy asked his father not to attend the interrogation. As for the other 57 boys, one or more police or ISA interrogators were the only people present at their interrogations. None

of the boys knew if the interrogators were trained as juvenile interrogators, and none of the interrogators introduced themselves as such.

The interrogation itself

Fifty-three of the boys were informed of the reason for their arrest only during the interrogation itself, having been told nothing up to that point as to why they were arrested, where they were being taken or what to expect.

Twenty-six of the boys were interrogated only once: most for a few hours, and four were interrogated for longer than five hours. Eighteen were interrogated twice. Of the other sixteen, four were interrogated three times, three were interrogated four times, and nine went through five or more interrogation sessions. At least fifteen of the boys were interrogated at night. The youngest was a boy who had turned twelve a month before the arrest. He was arrested at 2:00 A.M., interrogated for hours, and not released until 7:00 o'clock in the morning.

Forty-two of the boys were kept in restraints during the interrogation: 15 were handcuffed; 10 were kept in leg restraints; 14 were both handcuffed and placed in leg restraints; and 3 were kept in different restraints at different interrogation sessions – either in handcuffs or in leg restraints.

Fifteen of the boys reported varying degrees of physical abuse against them during the interrogation, mostly slapping and beating. Thirty-three others reported interrogators shouting at them, threatening them and cursing at them. The threats related to harming relatives, mostly that the relatives would be arrested or their right to work curtailed; to using greater violence against the detainees themselves, such as beating and electric shock; or to imposing other harsher measures, such as life in prison, lengthy prison terms, etc. Five

of the boys said they were subjected to extreme cold. Four said the blast of a powerful air conditioner was directed at them during the interrogation. One reported a powerful air conditioner being on in the solitary confinement holding cell. Two others reported sleep deprivation: one through the use of intensive interrogation without breaks, and the other by having a light kept on round the clock in his detention cell.

Fourteen of the boys said they were not permitted to use the toilet during the interrogation, despite asking to do so. Some were told they would be allowed to go only after they admitted to the allegations against them. Sixteen of the boys noted they asked for food or a drink of water during the interrogation and were denied by the interrogators. In these cases too, they were told they would get food and drink only after they confessed.

Almost all of the boys were given food for the first time only when they arrived at the detention cell at the Russian Compound. In some cases, this was hours after they were arrested, having spent hours waiting for the interrogation and several more in interrogation: Ten boys said they received their first meal up to five hours from the time they were arrested; fourteen reported five to ten hours; nineteen said it was between eleven and twenty hours before they were first provided food; seven said it was more than twenty hours before they ate – with the most extreme case being that of a boy who said he received his first meal only 36 hours after his arrest. Ten boys did not mention in their affidavits when they were given their first meal.

In fifty cases, the boys signed confessions. In 41 of these cases, the confession was written in Hebrew, and the boys did not understand what they were signing. Some asked the interrogators to translate the confessions, so they would know what they

were signing, but were denied. In some cases, the interrogators insisted the boys sign the confession and they felt they had no choice but to agree to sign. Twenty-one boys were offered incentives to sign, and eighteen were assured they would be released if they signed.

C. Holding conditions at the Russian Compound

The information provided by the boys reveals that holding conditions at the Russian Compound, where 54 of them were taken, are harsh and humiliating, fail to provide for basic human needs and deny detainees their dignity.

The affidavits indicate that many boys were kept in the detention facility for days after their interrogation ended, with the detention repeatedly extended. While the interrogation of 44 of the 54 boys ended after two days, they were kept on in the Russian Compound: five for one day after their interrogation ended; eleven for a week; eleven for up to two weeks; thirteen were kept at the detention facility for up to 21 days; and fourteen others were kept there for more than 22 days, including one boy who was kept in the detention facility for 65 days, that is, upwards of two months.

HaMoked filed a complaint with the IPS regarding holding conditions at the Russian Compound. In response, they received a letter from Adv. Aliza Yaakobi, head of the IPS Control Department. Yaakobi stated that, following HaMoked's letter, an unannounced spot check was performed by the IPS and found the allegations to be "unfounded". The spot check allegedly revealed that every detainee arriving at the Russian Compound "receives a kit that consists of a toothbrush and toothpaste, shampoo and two clean, laundered

blankets. Additional items are supplied as needed." In addition, "every new detainee is allowed to receive basic items from their family... detainees who do not receive basic items from their family will receive a sweat suit, an undershirt, underwear, socks, slippers and a towel." The letter also states that "outdoor time in the yard is scrupulously maintained" and that "the detention facility has a classroom which operates five days a week for five hours."⁴

This response, based on a single internal IPS "unannounced spot check," contradicts the findings that emerge from the scores of affidavits collected by HaMoked and B'Tselem from boys who had been detained in the facility for varying periods of time and which paint an entirely different picture:

The degrading treatment of the detained boys begins when they are brought to the cell. Forty-three of the boys reported they were strip-searched before entering the cell. Twenty-four said they were taken to see a physician who performed a perfunctory medical intake amounting to a few perfunctory questions.

The shower and toilet in the cell are partitioned off by a door. Some of the boys said the door was not big enough to screen the person using the facilities, and that they had to use blankets to cover the gaps. Others reported the cell was dirty and reeked.

The supply of toiletries was erratic and incomplete. The affidavits indicate that prison guards did sometimes give the boys shampoo, a toothbrush and toothpaste, but that the items were distributed at random and irregularly. Some received all three items, others received only some, and still others received none at all. Towel distribution was also inconsistent. Some boys got a towel, other got an old, dirty towel, and others

4. Letter dated 23 February 2017, from Adv. Col. Aliza Yaakobi, Head of IPS Control Department, to HaMoked.

received no towel at all. None of the boys received a change of clothes, and all had to wait for several days until their parents managed to get them clothes.

While in detention at the Russian Compound, the boys were given no opportunity for meaningful activities. Twenty-two said they were taken to class, but rather randomly. Some were taken only once to a classroom where they could draw, while others were taken several times to short lessons in which they learned Hebrew, math and drawing. None of the boys were taken to the class routinely and regularly as part of an actual study program. Thirty-two said they were taken out to the yard during their detention, but this too, was done irregularly. In most cases, they were allowed to remain outside for ten to thirty

minutes, spending the rest of the day locked in their cells. Even when they were allowed to go outside, the boys often asked to return to their cells as the yard is unshaded and provides no shelter from the rain or the sun, nor are there any facilities or basic exercise equipment.

The information the boys provided reveals they were only allowed to contact family in rare cases. Only nine of the boys said they had visits during their time at the Russian Compound. Only eleven were allowed to call family members, five of them only after making a request to the court. Most of the boys only saw their family from afar during court remand hearings. They received their first family visit only several weeks later, when they were transferred to a prison.

Individual cases⁵

Affidavit given by 'A.A. aged 14 and four months at the time of his arrest'⁶

That night there was a commotion on our street. I looked out the window and saw lots of police officers. I saw them take lots of kids away. I live by the main street. I saw the police take one kid after another and put them on a bus. I watched them and kept yelling out to my mother: They took this kid... And also that kid and that one...

At about 2:30 A.M., the police came to our house and knocked at the door. My mother opened it and they asked for our names. When they got to me they saw I'm young, fourteen years old. They said: Come with us. One of them spoke Arabic. I stood up. My mother was screaming and crying. I asked her to stop because I saw they'd taken all the kids in the neighborhood by that time.

They led me outside and made me stand against a wall with my hands up for a few minutes. Then one of them grabbed me and made me walk up the street with him. A lot of police officers walked with me. When we reached the end of the street, they put me and four other kids on a bus. While I was waiting by the bus, a policewoman kept shouting and swearing at me, making rude and insulting remarks.

The bus drove to the police station on Salah-a-Din Street. They led us into a hallway in the station, where we waited for about an hour. Then they took me into an interrogation room. There was one interrogator there. He said nothing about my right to remain silent and didn't allow me to talk to or meet with an attorney. He didn't tell me that my parents could be with me. I was alone with him.

5. For clarity and to ensure the boys' anonymity, affidavits have been slightly abbreviated and lightly edited.

6. Affidavit taken by Adv. Tagrid Shabita on 28 September 2016.

The interrogator accused me of throwing stones. I told him I hardly leave home. He questioned me for about an hour. I kept denying his accusations and insisting that I'm not involved in anything, because that's the truth. The interrogator made notes on a computer. He didn't record or film anything. He handed me a paper to sign with a statement of what I'd said. The statement was also translated into Arabic. I read it and signed it. After that, they fingerprinted me and took my photograph, and then they said I was being released.

They took me outside. I was let go immediately after the interrogation, along with two other kids. The interrogator said: Go out, and if your parents aren't out there waiting for you, come back in. I went out and found my older brother waiting for me outside. The parents of the two other kids were there, too. I went home with my brother.

Affidavit given by A.D., aged 16 and four months at the time of his arrest⁷

I was arrested at home, at about 4:00 A.M. Some ISA guys came to our house, along with some Border Police. They knocked on the door and my dad opened it. I was asleep. An interrogator woke me up and told me to get dressed. I quickly put my clothes on. He took my cell phone and we went downstairs. He handcuffed me with my hands in front. I couldn't understand why they were taking me. I asked him if I could say goodbye to my parents but he said no, grabbed me by the arm and dragged me outside.

They put me in an ISA jeep and started driving. Shortly after, the jeep stopped. At around 5:30 A.M., according to the clock in the jeep, they started driving again and went to the Russian Compound. As soon as we got there, they took me into an interrogation room.

In the room, the interrogator made me sit on a chair. I was still in handcuffs and he now also put leg restraints on me. He told me that I had the right to remain silent and the right to consult with a lawyer, and other stuff I don't remember. He let the lawyer talk to me out in the hallway, while I was handcuffed. The interrogator asked questions and typed. I was interrogated from 7:00 A.M. to 3:00 P.M. I didn't ask for anything to eat or drink and wasn't given any food or drink. I didn't need the bathroom either.

At 3:00 P.M., they took me to court to have my detention extended. It was extended by one day. I was interrogated again from 6:00 P.M. to 11:00 P.M., again with my hands and legs in restraints. The interrogator typed on a computer. After I got back from court, before the second interrogation began, I was given my first meal. The interrogators demanded that I sign confessions. I signed after they explained what was written in the statement. It was all in Hebrew.

At 11:00 P.M. they sent me to a cell with three other kids. There were a toilet and shower in the cell, and I was free to use them without any restrictions. The next morning I was interrogated again for hours, I don't know exactly how long, again with my hands and legs in restraints. In the end, the interrogator had me sign another document. I was interrogated three times, and that was it.

I was kept at the Russian Compound for 17 days. I spent the rest of the time there doing nothing. I wasn't interrogated and wasn't asked any questions. There was a TV in the cell. That's how we passed the time. There were no books there or anything else to do to pass the time. After two days, when I saw my parents in court, I asked them to bring me some clothes. They brought me some and I was given the clothes that day.

7. Affidavit taken by Adv. Tagrid Shabita on 4 September 2016.

Up until then, I had showered and put the same clothes back on. We were only given shampoo. They didn't even give us a towel. They wouldn't let our parents bring us soap, a toothbrush or toothpaste. We didn't even have a comb. The food was okay.

After six or seven days, they came and told me: Get ready. You're going to the classroom. I spent about half an hour or an hour there. There was a teacher who let us draw. I wasn't taken there again, it was just the one time. They let us out into a yard for 10-15 minutes around midday, sometime between 12:00 and 1:00 o'clock, and that's it. In the cells, when you first get there, you get two blankets and that's it. There's no pillow.

I saw my family in court. I had no visitors while I was at the Russian Compound. The first visit was about a week after I was transferred to prison. After three days in detention, I asked the judge to let me talk to my family on the phone, because the interrogators wouldn't let me. The judge issued an order to let me make five phone calls. At the Russian Compound they let me make the calls. Each one lasted three minutes.

Affidavit given by M.S., aged 15 and one month at the time of his arrest⁸

On Thursday, I was arrested as I came out of school in the village. It was around 12:00 or 12:30. I came out and saw a Border Police car, with Border Police officers standing by it and firing sponge rounds at the students who had just come out of the school grounds. I was hit in the left leg by a sponge round. I walked over to them and asked why they'd fired at me. One of them hit me with his rifle, slapped me in the face, and put me in their car. He put metal handcuffs on me, keeping my hands behind my back, and shoved my head down. He kept beating me for several minutes.

They put another kid in the car. He's a year younger than me. They drove for a while and then they stopped and transferred us to a Border Police jeep. The jeep took us to the Oz Station which is nearby. There, they put us in the yard and we sat on the ground for three or four hours. The whole time, my hands were tied behind my back.

A lawyer came and took me into a room inside, where I told him what had happened. Then I waited alone again. Then a police officer came and asked for my ID number, but I didn't know it so he called my father and asked him. Then he fingerprinted me and took me into an interrogation room. There was a female interrogator there. She unhandcuffed me and let me sit freely. She told me I had the right to remain silent. She wouldn't allow either of my parents to be with me for the interrogation and said it's simply not done. She said she was going to question me. She turned on a camera and typed. Sometimes she raised her voice, but that was all. It was very cold. She refused to turn off the air-conditioning, she said she was hot. In the end, she told me to sign a paper in Hebrew. I told her I didn't know what I was signing, but she said I had to. I understood I had to sign to confirm that they hadn't taken anything away from me. She said that's what I was signing. I wanted it to be over. She insisted and kept bugging me, so in the end I signed about four pages in Hebrew. I have no idea what I signed. I asked her to translate what was written there, but she refused. The interrogation lasted about 45 minutes. When it was over, my dad brought me a coat. I didn't see him but they gave me the coat he had brought.

They took me out into the yard again, for about an hour. They brought me food in the yard, and I ate there. Then I was taken to the Russian Compound and strip-searched. My friend who had been arrested with me was also there, along with another guard.

8. Affidavit taken by Adv. Tagrid Shabita on 6 September 2016.

They put us in a cell that already had four people in it, so we were six all together. There were six concrete bunk beds. They gave us a blanket, toothpaste, a toothbrush and a towel. I was kept in the Russian Compound for about 14 to 16 days.

The next morning I was taken to court, where my detention was extended for another three days. The day after that, I was interrogated again. There was one interrogator there. He told me about the right to remain silent and the right to meet with a lawyer. I was questioned for about three hours. I wasn't handcuffed. The interrogator said he was going to record me, and he also typed on a computer. Every now and then he pressed something, I think he was turning the recording off, and then two people who were standing behind me all through the interrogation beat me. They beat me with brass knuckles on my back, stomach and chest. They were careful not to hit me in the face. They did that several times. My leg ached and was black and blue where the sponge round hit me, but I received no treatment. The interrogator didn't have me sign anything. After the interrogation he sent me back to the cell at the Russian Compound.

There were four cameras in the cell. The shower and toilet had a door which we could shut. There was hot water. I was only given shampoo once. I had the same towel the whole time. It was never taken to be washed.

I saw my parents only when I was taken to court to have my detention extended. It took over a week to get clothes from them. Until then I put the same clothes back on after I showered. I sent one shirt to be laundered, just once. The cell and toilet were in reasonable condition.

They extended my detention again by two days. I was interrogated again, this time at night, for about two hours

between midnight and 2:00 A.M. I asked for food and drink and they gave me some. I think I was interrogated in the middle of the night because I was groggy then. They woke me and took me for interrogation.

The food at the Russian Compound wasn't good. I ate only food that came in closed containers. I didn't eat anything that had been cooked. I was taken twice to a classroom in the Russian Compound, each time for 45 minutes, but I didn't really study. They let me draw things. We went out to the yard for about half an hour, not every day. We either sat or walked around there talking, there was nothing else to do. There was a TV in the cell. Sometimes the guards turned it off for several days as punishment.

After about a week, I think, I was indicted while still at the Russian Compound. Through the court interpreter, I understood what I was being charged with. They extended my detention three more times. After about two weeks, they transferred me to another prison where I was held for a little under two weeks. Then they placed me under house arrest, but wouldn't let me serve it at my own home. They wouldn't even let me go to school. I was kept away from home for about three months; my parents rented me another place and I lived there. In the end, the court found me not guilty and I was acquitted.

Affidavit given by M.'A., aged 16 and four months at the time of his arrest⁹

I was arrested at home at 3:30 in the afternoon. I was in 11th grade at the time. A lot of officers of all kinds came to our house to arrest me. I was at my uncle's house and my parents called and told me to come home because the police were looking for me. When I got there I found them searching my room. They took clothes, shoes, a cell phone and a laptop. The

9. Affidavit taken by Adv. Tagrid Shabita on 22 September 2016.

ISA agent told me that he had a warrant to arrest me for 24 hours, but he wouldn't tell me the reason for the arrest and said I'd find out at the interrogation.

Out on the street they bound my hands behind my back with metal handcuffs and blindfolded me. They took me to the Oz Station, and from there I was driven in another vehicle to the Russian Compound. On the way to the Russian Compound, my head was shoved down and a Special Forces officer kept hitting me on the back. He kept it up the whole way, and from time to time another officer joined in. They swore at me, using obscenities.

When we got there, they took me down into the interrogation rooms. They only took off my blindfold once I got there. They sat me down on a chair, took the handcuffs off and bound my hands to the chair. They also tied my legs to the chair. The interrogator said that I had the right to remain silent. I asked to talk to a lawyer. The interrogator said he'd let me call a lawyer once I confessed. He wouldn't let me speak to my father.

There were two interrogators in the room. Two others came in before the interrogation began. They were all there when I was being interrogated. They said I was accused of stabbing someone. I denied it and they started swearing at me. One of them called me a liar and said that if I didn't confess, he'd let them crush me and I'd rot away in solitary confinement. He threatened to arrest my entire family. I got there at about 4:30 P.M. and was interrogated until nearly 1:00 A.M. I asked for a drink of water and they gave me some. They also let me use the toilet. One of the interrogators typed on a computer. In the end, he asked me to sign some papers in Hebrew. I refused and he said I had to, otherwise he'd leave me on the chair and wouldn't send me to the cell. I understood I had no choice, and I signed.

The three other interrogators yelled and banged on the table together. They shouted at me: "Confess, confess." They swore and shouted and did everything they could to scare me. My hands hurt a lot from the handcuffs and some of the time they went numb. The restraints cut into my legs because they were on for so long.

Then they sent me into solitary confinement and I slept until morning. There was an old mattress, a sink and a small toilet in the cell. The toilet wasn't partitioned off. The cell was about two meters long and one meter wide. I spent 14 days alone in there. The next morning I was given breakfast, then I was interrogated for about two hours, and then I was taken to court. This time it was a different interrogator, and he pressured me to confess. He said my family had been arrested and would be released only once I confessed. He also swore at me, using obscenities, and tied my arms and legs to the chair. He refused to let me talk to my parents or to a lawyer. In the end, he gave me a paper in Arabic to sign. It stated that on the day of the incident I was at work. I worked cleaning Jews' apartments after school.

After that interrogation they took me to court, where my detention was extended by another three days, until Monday. Then they put me back in solitary confinement. In the cell there was air-conditioning that blew out very cold air. I was given no cover of any kind, no blanket or anything like that. I was very cold. I hardly slept. Whenever I dozed off, I kept waking up because it was so cold. I was only given a blanket after about five or six days.

On Sunday morning I was interrogated again from about 9:00 to 12:00. I was again tied to the chair in the same way, by both hands and legs. The interrogator

threatened to keep me in solitary confinement until I confessed. I had nothing to confess so I stood my ground. In the end, he forced me to sign a confession in Hebrew. There was no way for me to refuse. He put me back in solitary confinement for another day.

The next day, Monday, they took me to court again and extended my detention until Thursday. On my third day in custody, I asked to take a shower. They let me shower but they didn't give me anything even though I asked. So I just washed myself with water, didn't dry off, and put the same clothes back on. At court I gathered that my parents had tried to come in to give me some clothes, but they weren't allowed in. I didn't get any clothes the whole time I was at the Russian Compound – 14 days. I was interrogated a few more times, for hours at a stretch, by other interrogators. Every time I was tied to the chair by my arms and legs.

After about ten days, my right hand got badly cut when I bumped into the sharp metal encircling the edge of the sink. It was a serious wound. I started banging on the door because my hand was bleeding badly. I had nothing to use to stop the bleeding, there was nothing in the isolation cell. I yelled for about four hours until someone came to check on me. The guard went and got the medic, who bandaged my wound at the infirmary and sent me to Sha'are Zedek hospital [in Jerusalem], where they stitched up the wound with four sutures. The next day, I was taken to court and my detention was extended again. On Monday, they transferred me to another prison.

In solitary confinement, the light was on around the clock. It was a bright yellow light that made my eyes ache. The walls were covered in rough concrete. It was easier to be tied up in interrogation than to stay in that

cell, cold and all alone. Being in solitary confinement was very hard. I signed a lot of confessions. They had me sign one after every interrogation session.

I only got to see my family about a month later, after I was transferred from the Russian Compound to another prison. Then I also got clothing. Now I get visits once every two weeks. I see a lawyer only at court. I don't know what's going on with me, no one explains anything to me. I was supposed to go to court yesterday, but I wasn't taken. I don't know why.

Affidavit given by N.Gh., aged 16 and nine months at the time of his arrest¹⁰

They came to my house to arrest me at 5:00 o'clock in the morning. They didn't find me at home because I was at work. I was working in home renovations. I attended school until 10th grade and then went to work. They left me a summons with my father. My father called me, I came home and he took me to the Russian Compound. I said to him: You can go, I haven't done anything wrong. And I went in alone. I was sure they'd ask me a few questions and let me go. On my way in I happened to bump into a lawyer and gave him my details. He told them I'd come to turn myself in. I handed over the summons and they sent me to the interrogation rooms.

In the interrogation room there was one interrogator. He was wearing civilian clothes. He said I could remain silent. I understood that if I exercised my right to remain silent, I'd come across as guilty and prove the allegations against me. The interrogator said I was accused of throwing stones at his friend, who came in at the end of the interrogation. The friend said nothing, he just stood there. The interrogator typed something from time to time. He sent me to another interrogator

10. Affidavit taken by Adv. Tagrid Shabita on 15 September 2016.

who played me a video and told me to confess that it was me on that video. I denied it. I went back to the first interrogator. When the interrogation was over, he demanded that I sign a paper in Hebrew. I tried to resist because I didn't want to sign a document without knowing what it said. He said I had to sign and that I was welcome to read it if I can read Hebrew. In the end, I signed the paper without reading it, because I can't read Hebrew.

I was with him from 7:00 o'clock in the morning until about noon or one o'clock. He offered me food and drink but I didn't want any. He gave me a break for a smoke. When the interrogation was over he sent me to court, where my detention was extended for another day. The next morning they extended my detention by another four days. Then they added three days and then another ten. That's what I remember.

The interrogators didn't let me call my family. I first ate while waiting in court, after my first interrogation.

I was at the Russian Compound for about 20 days. They didn't interrogate me again after that one time. At first I was in a three-person cell. Then they transferred me to a room with six kids. When I was taken to the first cell they gave me a toothbrush, two blankets and a towel. We sent out laundry once every two weeks.

At one point they punished us because a friend of mine shouted and asked to be transferred to another cell. I also asked for a transfer. The room was stifling and dark and I wanted to go back to the first cell I had been in, which was better. They punished me for that by sending me and another detainee to cell number five. There were four beds there. The punishment was that there were only two of us in there, instead of a group. There was a TV, but it was boring. They kept us in there for about three days.

My parents didn't visit me at the Russian Compound. The judge said I could call them and I was usually allowed to. It was noted in the court transcript. I got clothes from my family after about a week. The toilet was in reasonable condition. We got shampoo every morning. There was hot water. There were cameras in the cell, three of them. I didn't see any cameras in the toilet. The food was bad, it wasn't clean and it was undercooked.

I didn't get any visit from a parole officer. Twice I was taken to a classroom to draw, and that was it. We went out to the yard for about 10-15 minutes a day, depending on the guard. Once we were even there for two hours. I first got a family visit after I was transferred to another prison, and even that was only after 18 days there.

I want to tell about one untoward incident that took place at the Russian Compound. On my third day there, I asked to call my family. The guard refused. I shouted that I wanted to make a phone call, so the guard came and took me to make the call. After I spoke with my family, he took me back to the cell. At roll-call, the guard showed up with about ten other guards. They were wearing gloves and carrying clubs, and they had bags on their backs. They jumped me together. They beat me all over my body, including my head. After they beat me for a long time, they tied my hands behind my back and put me in the waiting room alone for about half an hour. An officer came and started lecturing me. He was one of the guards who had beaten me. He spoke in Hebrew and I didn't really understand what he was saying. In the end he said: No troublemaking. I said: No troublemaking. Then he took off the handcuffs and sent me back to the cell.

The authorities' handling of complaints

HaMoked wrote to the Department for the Investigation of Police (DIP) and to the Wardens' Investigation Unit (WIU) concerning four incidents related in affidavits taken down for this report. Ultimately, all four complaints came to naught, despite the severe abuse the boys described.

Following are the details of the four cases which HaMoked referred to the DIP and WIU, and the responses received from the authorities.

- **M.T., aged 14 and seven months at the time of his arrest, turned himself in at a checkpoint after police called his parents and demanded that he do so.** Police officers handcuffed him and took him to the Russian Compound detention facility. Upon arrival, he was taken to a room where he was forced to strip naked and jump up and down in front of many people who mocked him all the while. The people in the room included women in uniform.

M.T. was then interrogated. The interrogator asked him whether he would like a lawyer. He said he would. He was then taken out to a yard, where he met a lawyer. When he returned to the interrogation room, the interrogator threatened that unless he confessed, he would frame him, whereas if he confessed he would be released. The first interrogation session lasted several hours, yet the interrogator refused M.T.'s request for food and drink. The interrogator also denied his request to use the bathroom, saying he would be allowed to do so once he confessed.

M.T. was interrogated about eight times. During these sessions, the interrogator beat him, swore at him and

threatened to arrest his family unless he confessed. M.T. does not know whether the interrogations were filmed or recorded. Regardless, the beatings took place outside the interrogation room. At the end of each session, he was made to sign confessions written in Hebrew, a language he does not know. M.T. also related that he was beaten, abused and threatened by the prison guards and members of the Nachshon Unit, which is responsible for transporting detainees.¹¹

HaMoked wrote to the DIP and to the WIU demanding an investigation into the severe abuse M.T. underwent during his detention and interrogation – abuse that, at times, amounted to torture.¹² In response, the DIP notified HaMoked that the case had been closed with no investigation as the DIP was not authorized to process complaints against prison guards.¹³ The DIP attached a letter sent several months earlier to M.T. following a complaint that he had filed on the matter, informing him that the DIP had decided not to open an investigation as it has the authority to investigate only “suspicions relating to the commission of criminal offenses by a member of the police or by a Civil Guard volunteer, in cases when the maximum penalty for the offense exceeds one year.” According to the DIP, the complaint does not meet these criteria.¹⁴ The WIU has not responded to the letter to date.

- **At about 1:00 A.M., police - some of them masked - came to the home of M.A., who had turned 17 a month earlier.** They ordered his father to get him. When M.A. came, they asked him what he does for a living, photographed him and left. The next day, at around 5:00 P.M., a police force again came to the family's home. This time there were also Border Police and

11. Affidavit taken by Adv. Tagrid Shabita on 9 October 2016.

12. Letter dated 28 December 2016 from HaMoked to the DIP and WIU.

13. Letter dated 29 December 2016 from the DIP to HaMoked.

14. Letter dated 23 February 2016 from the DIP to M.T.

plainclothes officers. An ISA agent came with them as well. He demanded that M.A. take him to his bedroom. A group of police officers went into the room and started trashing it. When M.A. asked why they were doing this, he was ordered to be quiet and then some ten police officers jumped him and knocked him down. They beat him for some time with brass knuckles and kicked him all over his body. They also badly beat his older brother.

M.A. and his brother were led out of the house blindfolded and with their hands tightly bound behind their backs. They were taken to the police station on Salah a-Din Street, where they were made to sit facing a wall for hours on end, still blindfolded and handcuffed. During that time, they were taken outside to meet a lawyer and brought back to sit in the same position.

M.A. was then interrogated for about half an hour, and then made to sign a document in Hebrew, a language he does not know. Then he was photographed and fingerprinted. He was taken to the detention facility at the Russian Compound, where he was strip-searched and a doctor cleansed the wounds he sustained when he was arrested.

All this time, M.A. was given nothing to eat or drink. Only the next morning – more than 12 hours after the arrest – was he first given any food, and it was out in a yard. At around midday, he was taken to court, where he was released with no charges, even before he was brought before a judge.¹⁵

HaMoked wrote to the DIP demanding an investigation into the conduct of the police throughout the arrest and detention of M.A., including the destruction of property in his room, the physical violence to which he was subjected, and his unlawful arrest.¹⁶ The DIP responded that an investigation would not be opened “as criminal proceedings are not the appropriate means for examining this incident.”¹⁷ When HaMoked asked to receive the material pertaining to the investigation so it could appeal the decision,¹⁸ the DIP replied that the case file contained only “police material”.¹⁹ Despite HaMoked’s request,²⁰ the details of the case and of the authority handling it have not been provided to date.

- **S.A. was 17 and a half when he was arrested one evening as he came out of a café after hearing a disturbance taking place nearby.** Undercover officers jumped him, threw him to the pavement face down, tied his hands behind his back, blindfolded him and, for some time, beat and kicked him all over.

The officers put S.A. in a jeep and drove off. In the jeep, they beat him on the head and neck. As a result, he began bleeding from the mouth and nose, his face swelled up, and he had excruciating pain in his back. On the way, the officers took him out of the jeep and photographed him blindfolded and handcuffed. They then took him to the Russian Compound, where they tossed him down on the ground in the yard in the rain, and left him there, still handcuffed and blindfolded. He asked to be given something to drink and to use the bathroom but both requests were denied.

15. Affidavit taken by Adv. Tagrid Shabita on 10 October 2016.

16. Letter dated 28 December 2016 from HaMoked to the DIP.

17. Letter dated 31 January 2017 from the DIP to HaMoked.

18. Letter dated 21 February 2017 from HaMoked to the DIP.

19. Response dated 21 February 2017 from the DIP to HaMoked.

20. Letter dated 22 February 2017 from HaMoked to the DIP.

After about an hour, S.A. was taken inside and interrogated. The interrogator struck him light blows on the neck and threatened to throw him out in the yard unless he confessed. When S.A. replied that he had done nothing, the interrogator made good on his threat, took S.A. outside and heaved him out onto the wet ground, still handcuffed.

About two hours later, S.A. was taken back inside and questioned by another interrogator until about 6:00 o'clock in the morning. During the interrogation, he stated that he was in pain and asked for a drink of water, but the interrogator refused. His request that his parents be informed of his whereabouts or that he be allowed to call them and let them know was also denied. Only later that morning, after S.A. had signed a confession in Hebrew – a language he does not know – was he taken to an unnamed hospital, where his head and back were x-rayed. He was then transferred to Hadassah Ein Kerem Hospital for additional tests. The next morning, some 36 hours after his arrest, S.A. was given food for the first time.²¹

HaMoked wrote to the DIP and the WIU demanding that an investigation be opened into the conduct of the police officers and prison guards who abused and injured S.A., including delaying his access to medical care and using unacceptable interrogation methods.²² The DIP replied that in April 2016, long before HaMoked filed its complaint, it had received the pertinent investigation material and had decided – after examining police documentation of S.A.'s injuries and his claims regarding how they were sustained, as made in documentation of his interrogations by police

and court transcripts – not to open an investigation “due to issues relating to public interest.”²³ The WIU has not responded to date.

• **'A.A. was 16 and four months when he was arrested one evening at a junction near his house.** He was on his way to the pharmacy to buy medication for a chronic illness he has. Undercover agents jumped him, knocked him to the ground face down, tied his hands behind his back, blindfolded him and beat him, mostly hitting him in the back. He was then driven to the Russian Compound. On the way, the officers continued punching him and hitting him in the head and back with their rifle butts, and swore at him.

At one point, they made him get off the vehicle and get down on his knees. He asked to drink, to use the bathroom and to take the medication he needs, but all his requests were denied. The officers then took his photograph without the blindfold, and then took him to the Russian Compound. After he arrived there, 'A.A. was made to wait for some two hours on his knees in the yard, handcuffed and blindfolded. During that time, an unknown person came up to him and beat him, kicked him in the face, shouted at him and threatened that he would spend his life in prison.

'A.A. was held at the Russian Compound for 17 days. At the beginning of this period he was interrogated about five times. Throughout his detention, he was not permitted to take the medication he needs, although he suffered intense pain.²⁴

HaMoked wrote to the DIP and to the WIU demanding an investigation into the conduct of the officers

21. Affidavit taken by Adv. Tagrid Shabita on 9 November 2016

22. Letter dated 28 December 2016 from HaMoked to the DIP and the WIU.

23. Letter dated 9 February 2017 from the DIP to HaMoked.

24. Affidavit taken by Adv. Tagrid Shabita on 9 November 2016.

and of the prison guards who denied 'A.A. the medication he needed.²⁵ The DIP replied that an investigation would not be opened as "no grounds were demonstrated that would establish reasonable suspicion that a criminal offense was committed."²⁶ HaMoked requested the material on the case²⁷ but the DIP responded that the file contained only material provided by the police.²⁸ With regard to the assault on 'A.A. while he was held in the yard blindfolded and handcuffed, the WIU informed HaMoked that an investigation would not be opened as there are no details identifying the assailant.²⁹

25. Letter dated 28 December 2016 from HaMoked to the DIP and the WIU.

26. Letter dated 19 February 2017 from the DIP to HaMoked.

27. Letter dated 13 March 2017 from HaMoked to the DIP.

28. Letter dated 20 March 2017 from the DIP to HaMoked.

29. Letter dated 26 March 2017 from the WIU to HaMoked.

The mistreatment of the boys in the eyes of the law

Dealing with the law enforcement system is harder for minors than for adults. The experience of forced separation from their family, the interrogation and the sentence all affect them more deeply than adults, and the impact on their lives is more significant and of longer duration. Minors also have more difficulty insisting on their rights when faced with figures of authority. For these reasons, most legal justice systems in the world, including Israel, have instituted separate law enforcement systems for minors, and instituted special protections. Without them, and more importantly, unless these safeguards are duly and properly implemented, there is a very real danger that minors' rights will be violated and that the minors will suffer long-term harm.

In international law, the rights of minors are protected under the Convention on the Rights of the Child (CRC).³⁰ The CRC, which covers all spheres of life, sets in place principles for the treatment of minors in criminal proceedings. Among its provisions, the CRC stipulates that the arrest, detention or imprisonment of minors must always be a measure of last resort, to be used only in the absence of other viable alternatives. If, after all, it is decided to place minors in custody and deprive them of their liberty, other rights must be upheld: their right to education, to maintain contact with their families, to be treated with dignity and in a manner consistent with the promotion of the minors' sense of self-worth, and they must be given prompt access to legal assistance.³¹

The CRC does not specify what type of justice system is to be used for minors, but the UN General Assembly

has adopted two sets of rules that provide guidelines for juvenile justice systems. These rules underscore the best interest and well-being of the juvenile as being the guiding principle, and stipulate that consideration be given not only to the circumstances of the offense but also to the personal, individual life circumstances of the suspected offender and that these must be taken into account throughout the process, including sentencing. The rules further stipulate that the incarceration of minors must be a measure of last resort and for the minimum amount of time necessary. Pre-trial detention should be avoided to the extent possible. According to these rules, countries must enact laws establishing special systems for the treatment of minors, provide the relevant personnel with appropriate training and make the necessary accommodations in incarceration facilities to suit minors' needs.³²

In 2009, extensive legislative reforms aimed at implementing the provisions of the CRC into Israeli criminal law entered into effect.³³ The law requires parental involvement in the criminal proceeding and highlights rehabilitation possibilities. It also stipulates that detention should be a last resort, to be used only in the absence of alternatives, and that holding conditions must be appropriate for the age of the minor in custody.

In addition to the specific protections accorded minors undergoing criminal proceedings, international law prohibits the abuse of detainees whatever their age. The prohibition applies to any type of abuse including cruel, inhuman and degrading

30. The CRC was adopted by the UN in November 1989. Israel signed it in July 1990 and ratified it in August 1991.

31. CRC, Article 37.

32. See: United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), 29 November, 1985; United Nations Rules for the Protection of Juveniles Deprived of their Liberty, Resolution 45/113, 14 December 1990.

33. Amendment No. 14, Youth Law (Trial, Punishment and Modes of Treatment) 5731-1971, passed by the Knesset in July 2008 and entered into effect a year later (hereafter: Youth Law).

treatment, and torture. It covers the duration of the interrogation period, including both the interrogation sessions themselves and the holding conditions during this time, which form an integral part of the interrogation and are designed to wear down the detainee in body and spirit. This prohibition has no exceptions and cannot be derogated from whatever the circumstances.³⁴

These rights, afforded to minors by law, are indispensable for helping them cope with the legal proceedings against them and for protecting them. They are aimed at bridging the inherent power imbalance between minors and their interrogators, protecting them from self-incrimination and false confessions, and preventing interrogators from physically or mentally harming them.

In practice, however, boys from East Jerusalem do not benefit from these protections. The extensive denial of their rights, coupled with the lack of protection from adults acting on their behalf and their best interests (parents, lawyers) leave law enforcement agencies free to use pressure to force them to confess. This includes removing these young persons from their beds in the middle of the night, using unacceptable interrogation methods such as violence and threats, depriving them of food and drink, and denying them contact with the outside world. And indeed, many of the detained minors sign involuntary confessions (sometimes the confessions are false and sometimes written in a language they do not understand), which are then used as the basis for the indictments against them.

Despite the severe abuse of these teenagers' rights, the Israeli authorities – the police, the IPS and the courts – manage to maintain a façade of legality. As detailed below, this is mostly achieved in two ways: a literal application of the provisions of the law, while disregarding its spirit and intent, and the transformation of exceptions provided for in the law into standard practice.

A. The arrest

Under Israeli law, minors may be arrested only in rare exceptions, and only when there is no other, less injurious, way of achieving the objective. If an arrest has been made, steps must be taken to ensure the detention lasts for as little time as possible.³⁵ For this reason, minors suspected of an offense should not be arrested, but rather “summoned for questioning, and questioned with their parent’s knowledge.”³⁶ The purpose of this provision is to prevent the traumatic experience of being placed under arrest, and allow suspected offenders and their parents to prepare for the interrogation.

The affidavits collected for the present research show that, contrary to these express provisions, arrest is in fact the police’s preferred course of action. Only in 13% of the cases were the boys summoned for questioning. In all other instances, they were apprehended either in their homes or on the street and brought in for interrogation. Arrest warrants were issued in advance in some of the cases, but all arrests were retroactively approved by the courts, which also repeatedly sanctioned the minors’ custodial remand after the initial (unjustified) arrest.

34. See in particular, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).

35. Youth Law, Section 10a.

36. *Ibid.*, Section 9f(a).

Moreover, detention was not kept down to the shortest possible duration. In practice, judges sign off on remand requests even when the active interrogation has ended and there is no reason to keep the minors in the detention facility. Therefore, minors are kept in the facility even after their interrogation is over, and no one explains to them what is going to happen next or when they will be released or moved to another facility.

B. Physical restraints

The law prohibits restraining minors under detention “if the purpose sought by placing restraints can be achieved in a manner less injurious to the minor.” Regardless, restraints must be used for the shortest duration necessary and the minor must be informed prior to the restraints being imposed. The law stresses that: “When making a decision to restrain a minor, the minor’s age and the effect restraining would have on his/her mental and physical wellbeing must be taken into consideration.”³⁷

The police ignore the rule set forth in this section of the law. In 81% of the cases examined for this report, the boys were handcuffed before being taken into the vehicle that transported them to the interrogation. Seventy percent of the boys were kept in restraints during the interrogation sessions, sometimes kept both in handcuffs and leg restraints. None of the detainees were informed by the police ahead of time that they were going to be restrained, and it does not appear that the implications of using restraints was taken into account.

C. Night arrests

Israel’s Youth Law does not explicitly prohibit arresting teenagers at night, but it does stipulate their age must be taken into account with respect to every measure taken against them, and stresses that the least severe

measure should be chosen. The law also prohibits interrogating minors at night. Children younger than fourteen may not be interrogated between 8:00 P.M. and 7:00 A.M., and juveniles aged fourteen and up may not be interrogated between 10:00 P.M. and 7:00 A.M. The law, however, does provide for exceptions whereby a competent officer may order “in a written, detailed decision” to conduct the interrogation at night in the following cases only: The offense was committed a short time prior to the interrogation; the suspected offense is a crime and delaying the interrogation would obstruct the investigation, harm the minor or impede the prevention of other offenses; or if the minor and his or her parent agreed.³⁸

Despite these provisions, a quarter of the boys said they were interrogated at night. Moreover, 91% of the boys who provided affidavits for this report and were arrested at home were arrested at night, when most were already in bed, asleep. Even if at least in some of the cases, interrogators waited for 7:00 A.M. (the time stipulated by law) to start the actual interrogation, they were clearly doing no more than following the letter of the law in terms of the prohibition on night-time interrogation. The purpose underlying this provision is to protect minors and allow them to arrive at the interrogation alert and in full command of their senses, rather than scared and exhausted. The law clearly did not intend that juveniles be taken out of their beds in the middle of the night and then spend the rest of the night at a police station, seated in painful positions without anything to eat or drink, waiting to be interrogated.

D. Parental presence during interrogation

According to the law, minors suspected of an offense have the right to have a parent or other relative present during the interrogation and they are entitled to consult with them prior to the interrogation. However, once

37. Ibid., Section 10.

38. Sections 9j and 9d(a).

the minor has been placed under arrest, the police has discretion as to whether or not to allow this. It would seem that this is the reason for the police preference for making arrests, rather than summoning the minors for questioning. This allows the police to get around the requirement to have parents present at the interrogation.

Be that as it may, the law makes liberal provisions for abrogating the requirement for parental presence during the interrogation of minors who have not been placed under arrest. Parents can be denied presence at their child's interrogation if a competent officer determines their presence could undermine or obstruct the investigation, hurt the child, or pose a threat to national security where the minor is suspected of security offenses. These provisions are broad enough to enable the police to regularly prohibit parental presence in the interrogation of minors.

In 95% of the cases examined for the purpose of this report, the boys were in the interrogation room on their own, without parents or other relatives. While the law does not mandate parental presence once a juvenile has been placed under arrest, there is certainly room to examine each case individually and decide whether a parent could be permitted to be present during the interrogation. Moreover, none of the eight boys who were summoned for questioning as suspected offenders were told their parents could be present. In one case, an interrogator told a boy that the Supreme Court had ruled he could not see his parents, but showed him no such court order.

E. Reading of rights

The law requires interrogators to inform minors of their rights before the interrogation begins, "in a language the youth can understand and commensurate with his or her age and maturity." Interrogators must

inform minors of their right to remain silent during the interrogation, their right to meet with counsel in private before the interrogation begins and their right to legal aid from the Public Defense Office. If a decision is made to deny counsel, it should be clearly stated. Minors who are not under arrest must be informed of their right to confer with their parents or other relatives and to have them present at the interrogation. If a decision is made to deny this right, it should be clearly stated.³⁹

These provisions are rendered completely hollow and ineffectual by the literal, technical approach interrogators adopt toward them. Even when the minors are informed of their rights, they often do not understand what these rights mean, and the interrogators do not bother to explain. Interrogators informed the boys of their right to remain silent in only 71% of the cases, but in 70% of these, the boys did not understand what the right meant and were afraid that they would be harmed if they did in fact remain silent.

The right to counsel is also made moot. In 70% of the cases, interrogators allowed the boys to speak to a lawyer prior to the interrogation, but these conversations were useless and failed to help the minors understand their rights and what they were up against – especially in the cases in which interrogators contacted lawyers on their own phones, so that the boys spoke to a lawyer on an interrogator's phone.

The rights afforded to minors were meant to help them protect themselves. They are meant to allow minors to state their case clearly and coherently, safeguard their interests and serve to lessen the immense power imbalance between them and the interrogators. Treating these rights as mere technicalities frustrates these objectives.

39. Ibid., Section 9i. The precise wording was stipulated in the Youth Regulations (Trial, Punishment and Modes of Treatment) (Text for notification of rights given to juvenile suspects prior to interrogation) 5773-2013.

F. In the interrogation room

The lack of protection for the minors' rights, and the fact that they find themselves alone in the interrogation room mean the interrogators have the opportunity to harm them physically and emotionally. Moreover, their separation from their family, the harsh holding conditions and the uncertainty around what is happening serves to weaken them, making it possible for interrogators to coerce them into signing confessions.

The prohibition on ill-treatment and torture during interrogation is not anchored in Israeli law. However, in 1999, the High Court of Justice ruled that some interrogation methods routinely used by the ISA until that time were unlawful. The court held that "a reasonable investigation is necessarily one free of torture, free of cruel, inhuman treatment, and free of any degrading conduct whatsoever."⁴⁰ However, in refraining from prohibiting any use of force during interrogation, the court left the door open for law enforcement authorities to continue using an unacceptable interrogation regime that relies on abusing and humiliating interrogatees.⁴¹

The interrogators who questioned the boys took advantage of this loophole. Twenty-five percent of the boys who gave affidavits for this report said interrogators employed some degree of violence

against them. Fifty-five percent reported shouting, threats and verbal abuse from the interrogators. Twenty-three percent said they were denied access to the toilet, and 26% said their requests for food or drink were denied. Forty-three percent of the boys received their first meal more than ten hours after being taken into custody.

This method of interrogation is partly what led to 83% of the boys signing confessions, 80% of which were in Hebrew so they did not understand the statements they were signing.

G. Holding conditions

Incarceration inherently interferes with the rights of detainees. Their freedom of movement is denied, they are cut off from their surroundings, their family, and their daily lives are thrown into disarray. All of this occurs even before they are convicted, or even charged.

The law stipulates as follows: "Minors shall be held in conditions that are suitable for their age and needs, with special protection for their bodily and mental integrity. This shall include the provision of education and leisure services."⁴² The law further notes that minors are entitled to see a social worker within 24 hours of coming under IPS custody.⁴³ Youth Regulations mandate that the food given be "suitable in quantity, quality and frequency to the needs of minors."⁴⁴

⁴⁰. HCJ 5100/94, *Public Committee Against Torture in Israel v. Government of Israel* [English translation by the court: http://elyon1.court.gov.il/files_eng/94/000/051/a09/94051000.a09.htm].

⁴¹. For more details see: B'Tselem and HaMoked, *Backed by the System: Abuse and Torture at the Shikma Interrogation Facility*, December 2015.

⁴². Youth Law, Section 13b(a).

⁴³. *Ibid.*, Section 13(b2) and Regulations on Holding Conditions of Minors, Regulation 5. http://elyon1.court.gov.il/files_eng/94/000/051/a09/94051000.a09.htm.

⁴⁴. Youth Regulations [Trial, Punishment and Modes of Treatment] (Text for notification of rights given to juvenile suspects prior to interrogation) 5773-2013 (hereafter: Youth Regulations), Regulation 2.

Under the law, minors who have not yet been indicted must be allowed to receive visits from their immediate family and speak with them on the telephone. The officer in charge may deny these rights if he or she has been convinced that this could impede or obstruct the investigation.⁴⁵ Prison guards working with minors in custody shall receive special training “in the execution of their duties with respect to the provisions contained in the Law and the Regulations issued pursuant thereto.”⁴⁶ The Youth Regulations also stipulate minors be provided with physical and mental health services in accordance with their needs.⁴⁷

The Youth Regulations mandate minors be provided with additional activities commensurate with their age and skills, enrolled in educational programs that conform to Ministry of Education curricula and the Mandatory Education Law, and that they participate in athletic and leisure activities. Such programs and services may be withheld for “reasons pertaining to the safety of an individual, the security of the prison or detention facility, or the health, safety or wellbeing of the minor.”⁴⁸

Holding conditions at the Russian Compound, where most of the teenagers who gave affidavits for this report were taken, are light years away from these provisions. They do not suit the boys’ needs, they provide no “educational and leisure services,” and

the boys never receive visits from social workers or, with rare exceptions, their families. The response the IPS provided to HaMoked’s letter states: “There is no impediment to family visits, subject to the approval of the officer in charge of the investigation and in accordance with legal provisions.” The IPS also noted that the Russian Compound allows visits “on Mondays, upon prior coordination,” and that “No requests for visits have been located, nor have any denied requests been located.” Even if this is, in fact, the case, the officials responsible for the facility did not seem to find it worth investigating the fact that no visit requests were made. No did anyone bother to check whether parents are aware they may visit their children and whether the necessary steps were taken to enable the minors to call their families.

As for the allegation that the boys were not given the opportunity to speak to their families on the phone, the IPS said: “Detainees held on suspicion of security offenses, as defined in Section 35 of the Criminal Procedure Law (Enforcement powers – Detentions) 5756-1996, will not be permitted to make telephone calls.” The blanket ban on telephone calls for security prisoners, no matter who they are, is unjustifiable and must be revoked. Applying this same blanket ban to young boys held in custody – most of whom were arrested for stone throwing – and denying them any possibility of communicating with their families is both drastic and illogical.

45. Youth Law, Section 13b(b).

46. Youth Regulations, Regulation 3.

47. Ibid., Regulation 4.

48. Testimony given to Abdulkarim Sadi on 14 November 2016.

Conclusions

The affidavits collected for the present research paint a grim picture of what Palestinian teenagers from East Jerusalem must deal with when they face Israeli law enforcement agencies. The routinely brutal treatment is one that even adults would find difficult to cope with. The boys are pulled out of bed in the middle of the night, unnecessarily placed in restraints and then made to spend a long time waiting for their interrogation to begin. Only then, when they are tired and broken, are they taken in for lengthy interrogations, without being given the opportunity to speak to a lawyer or their parents before the questioning begins and without understanding that they have the right to remain silent. They are then held in the detention facility under harsh conditions, for days and weeks, even once interrogation has, in fact, ended. In some cases, all this is attended by threats, verbal and physical abuse – before or during the interrogation.

Once the boys are officially placed under arrest, their parents are excluded from the proceedings altogether. At no point in time do the law enforcement authorities consider them relevant to the process or as persons entitled to protect their children. They are given no more than the very barest minimum of information about what is happening with their son or what rights he has. Only very rarely are they even allowed to meet with their child. This leaves the parents powerless, unable to help their own child.

Without the protection of their parents or any other adult they can trust and rely on, and in complete disregard of their youth, the boys have to endure

this entire process alone, far from their families, away from their normal daily routine and anything familiar. The affidavits describe a reality in which the boys find themselves in a threatening and bewildering situation, with none of the adults around them taking the trouble to tell them what is going on. No one explains to them where they are being taken, what they are suspected of, what their rights are, who they may confer with, how long the process will take and when they will return to their families and homes. Worse still, the accounts given in the affidavits indicate that the adults around the boys – police officers, ISA agents, prison guards and judges – treat them as though they are not entitled to anything at all. Whenever the boys make requests that are granted – be it for food or drink, a towel, access to the toilet or speaking to their parents – it is seen as a gesture of good will, completely at the discretion of whoever is in charge.

The large number of affidavits gathered for the present research paper, in conjunction with the great deal of information amassed by HaMoked, B'Tselem and other human rights organizations, demonstrate that the situation as described in this report is the primary mode of conduct adopted by the State of Israel to deal with boys who are suspected of stone throwing. What we are dealing with is not a few individual rogue interrogators or prison guards who defy regulations. Rather it is a plain and open policy which is followed by the various authorities: the police who carry out the arrests; the IPS which keeps the boys incarcerated in harsh conditions; and finally, the courts, where judges virtually automatically extend the boys'

custodial remand, even in cases when the arrest was unwarranted to begin with, even when the interrogation is already over, and even in cases of boys complaining of being subjected to physical abuse.

This state of affairs is common knowledge and has been extensively discussed in publications issued by human rights organizations,⁴⁹ Israeli parliamentary committees⁵⁰ and Israel's State Comptroller reports.⁵¹ The authorities' stock response to these findings is that everything is done by the book and in accordance with the law. These responses have been given time and time again for going on thirty years, as is evidenced by the response given by the IPS in February 2017 (described above) to HaMoked's letter about holding conditions at the Russian Compound and the response given by the police in 1990 in connection with a report then issued by B'Tselem, which showed similar findings. Back then, too, the police stated it took complaints about violence seriously and investigated them. Holding conditions, the police said, suit the minors' needs and they even have a canteen, "a large yard they can access for two hours a day for walks, ball games and hanging laundry to dry."⁵² The fact that this type of response persists over decades, while no action is taken to change the situation, evinces deep disregard for the lives and dignity of detained juveniles at the senior levels of the Israeli law enforcement system.

The system strives to keep up the appearance of following legal provisions and regulations: at times, it issues arrest warrants; the interrogation

is often conducted in the hours permitted by law; the courts extend remand for the periods of time stipulated by the law; and the boys sign written confessions. In addition, the system includes an oversight mechanism that has the authority to review complaints made by minors regarding the conduct of police officers, prison guards or interrogators.

But none of this does any more than create a semblance of legal conduct, as the conduct itself is based on a literal, technical interpretation of the protections afforded by law and reliance on the exceptions it provides. When it comes to Palestinian minors from East Jerusalem, the safeguards set out in the Youth Law are routinely rendered hollow and meaningless by police officers, prison guards and judges who consider their nominal, technical observance of the provisions puts them in the right. Complaints filed by minors regarding harm they suffered at the hands of officials are routinely closed after a perfunctory review of the allegations. Secure in the knowledge that their superiors do not consider anything in their conduct prohibited, that they in fact support them and that no action will be taken against them, police officers, prison guards and interrogators can freely continue harming the minors.

This conduct exposes Israel's policy, which is aimed at allowing the authorities to continue this maltreatment of Palestinian minors, while giving a formalistic veil of legality to an extensive, systematic and well-documented abuse of the fundamental human rights of hundreds of minors, every year, for decades.

49. e.g., The Association for Civil Rights in Israel, *Violations of the "Youth Law (Adjudication, Punishment and Methods of Treatment) – 1971" by the Israeli Police in East Jerusalem*, March 2011.

50. e.g., "Meeting of Public Liaison Committee on the Detention and Incarceration Conditions of Palestinian Minors in East Jerusalem and the Judea and Samaria Area, 31 December 2013". [Hebrew]

51. State Comptroller, *Annual Report 64, 5774-2014*, p. 401. [Hebrew]

52. B'Tselem, *Violence against Minors in Police Detention*, June-July 1990.

This aspect of life in East Jerusalem cannot be separated from Israel's overall policy in the city. Israel unlawfully annexed East Jerusalem and applied its law and jurisdiction there. However, unlike the land, the local residents were never welcome, nor did state authorities and their agents ever view them as having equal rights. All Israeli authorities operating in East Jerusalem follow a policy aimed at encouraging Palestinian residents to leave the city. This is why strict bans are in place on residential construction, and East Jerusalem residents must live in overcrowded conditions or – in the absence of any other alternative – risk building without a permit and then live in fear of demolition. This is why strict policies are in place with regard to family reunification, effectively forbidding East Jerusalem residents who married residents from elsewhere in the West Bank or from

the Gaza Strip to live with their spouses in the city. This is why institutional, systemic discrimination is practiced in municipal and state budgeting, as a result of which East Jerusalem residents suffer from substandard infrastructure and a chronic shortage of public services.

There is no possible justification for the extreme measures the law enforcement system uses against East Jerusalem minors. The reality described in this report is part of the underpinnings of Israeli control over the Palestinian population of East Jerusalem. So long as this control continues, Israeli authorities will in all probability continue to treat Palestinians in East Jerusalem as unwanted, less equal people, with all that implies. Real change will come only if the reality in Jerusalem is completely overhauled.

