Caging Childhood: Palestinian Children in Israel's Military Detention System

Discussion Guide

Israeli soldiers knelt on top of 16-year-old Osama while holding him at gunpoint, arrested 17-year-old Qusai in his home at three in the morning, and forced 17-year-old Islam to sleep outside in the cold overnight. Israeli authorities detained the three boys for periods ranging from seven days to a year and a half.

*Caging Childhood: Palestinian Children in Israel’s Military Detention System* is a short documentary that shares the stories of three Palestinian children in the occupied West Bank and their experiences being detained, interrogated, prosecuted, and imprisoned in the Israeli military detention system.

The documentary was produced by Defense for Children International - Palestine for the No Way to Treat a Child campaign, which seeks to challenge Israel’s prolonged military occupation of Palestinians by exposing widespread and systematic ill-treatment of Palestinian children in the Israeli military detention system.

**Frequently Asked Questions**

1. Where can I show Caging Childhood and is there a fee to show the film?
   We suggest hosting an in-person or virtual screening with your community or organization members. There is no fee to show the film.

2. How can I access the full film?

3. How long is Caging Childhood?
   The full documentary is 20 minutes.

4. Where can I learn more about Palestinian children in Israeli military detention?
   Visit [www.nowaytotreatachild.org](http://www.nowaytotreatachild.org) to learn more and join the campaign. Additional information is available on Defense for Children International - Palestine’s website [www.dci-palestine.org](http://www.dci-palestine.org).

The *No Way to Treat a Child* campaign seeks to challenge and end Israel’s military occupation of Palestinians by exposing widespread and systematic ill-treatment of Palestinian children in the Israeli military detention system. It is a project of Defense for Children International - Palestine and the American Friends Service Committee.

Learn more at: [www.nowaytotreatachild.org](http://www.nowaytotreatachild.org) | [www.dci-palestine.org](http://www.dci-palestine.org) | [www.afsc.org](http://www.afsc.org)
Discussion Questions

1. What images and moments stuck with you after seeing the film?

2. Why do you think the long-term impact is on children when they get out of prison? On their families and communities?

3. Why do you think the Israeli military carries out this system of detention?

4. How does the issue of Palestinian child detention compare with what you know about the experience of youth in vulnerable and marginalized communities in your country?

5. When demanding systemic change, how can incremental fixes to an issue be helpful? Detrimental?

6. What needs to change to protect the rights of Palestinian children? What do you think we can do as a community/group?
1. Stages of detention, from arrest to prosecution

**Arrest:** Israeli forces arrest children from their homes, at demonstrations, near checkpoints, the separation wall, or other military infrastructure. During arrest, Palestinian children often experience physical violence, which typically consists of being slapped, punched, kicked, or struck with a soldier’s helmet or rifle. Three out of four children experience some form of physical violence by Israeli forces following their arrest.

**Transfer:** Once a child has been arrested, they soon find themselves bound, blindfolded, and forced into a military vehicle. In the vehicle, children are vulnerable to physical violence and verbal abuse as they are bound, blindfolded, and surrounded by Israeli soldiers. The transfer period can last anywhere from several minutes to several hours. They do not know where they’re being taken.

**Interrogation:** Children are most often interrogated at a police station or an interrogation center. Children arrive bound, blindfolded, frightened, and sleep deprived. Interrogation techniques are mentally and physically coercive, frequently incorporating a mix of intimidation, threats, solitary confinement, and physical violence with a clear purpose of obtaining a confession. Nearly all children are interrogated without a lawyer present.

**Hearing:** After interrogation, children appear before an Israeli military court within 24 to 96 hours of their arrest, depending on their age. This initial hearing is the first time children see their attorney and parents following arrest. The overwhelming majority of Palestinian children are held in custodial pretrial detention. Hearings are conducted in Hebrew with Arabic translation.

**Sentence:** There are three parts to a military court sentence: imprisonment, a fine, and a suspended sentence. Israeli military law establishes maximum sentences for children aged 12 to 15. The maximum prison sentence for a child aged 12 to 13 years is six months, and 12 months for a child 14 to 15 years. Children 16 to 17 years old can be sentenced as adults. No person under age 12 can be prosecuted in the military courts, since the minimum age of criminal responsibility is 12 years.
PALESTINIAN CHILDREN IN ISRAELI MILITARY DETENTION

STAGES OF DETENTION

**Arrest**

Israeli forces arrest children from their homes in the middle of the night, at demonstrations, or near military infrastructures such as checkpoints and the separation barrier.

From the moment of arrest, 3 out of 4 Palestinian children experience some form of physical violence.

This typically consists of being slapped, punched, kicked, or struck with a soldier’s helmet or rifle.

**Transfer**

Once a child has been arrested, they are typically bound, blindfolded, and forced into a military vehicle.

In the vehicle, children are often subject to physical violence and verbal abuse.

The transfer period can last anywhere from several minutes to several hours.

The child is not told where they are being taken.

**Interrogation**

Children are most often interrogated at a police station or an interrogation center.

They arrive bound, blindfolded, frightened, and sleep deprived.

Interrogation techniques are mentally and physically coercive, with a clear purpose of obtaining a confession.

In the vast majority of cases, children are denied access to legal counsel prior to and during interrogation.

**Hearing**

Children appear before an Israeli military court within 24 to 72 hours of their arrest, depending on their age.

This hearing is the first time children will see their attorney and parents since their arrest.

The overwhelming majority of Palestinian children are held in custodial pretrial detention.

Hearings are conducted in Hebrew with Arabic translation.

**Sentence**

There are three parts to a military court sentence: imprisonment, a fine, and a suspended sentence.

About half of child detainees will receive a custodial sentence of 3 to 12 months. Depending on the circumstances, some receive longer sentences of 1 to 3 years.

No person under age 12 can be prosecuted in the military courts.

Each year the Israeli military arrests and prosecutes around 700 Palestinian children.

From arrest, Palestinian children encounter ill-treatment & torture at the hands of Israeli forces.

Three out of four experience some form of physical violence following arrest.

The No Way to Treat a Child campaign seeks to challenge Israel’s prolonged military occupation of Palestinians by exposing widespread and systematic ill-treatment of Palestinian children in the Israeli military detention system. It is a project of Defense for Children International - Palestine and American Friends Service Committee.

**Sources**


For more information: https://nwttac.dci-palestine.org/infographic_stages_of_detention
2. What is the official age for arrests of Palestinian children in the West Bank?

Under Israeli military law, 12 is the age of criminal responsibility, which provides the Israeli military courts with jurisdiction over any person 12 years and older. Children under the age of 12 cannot be prosecuted in the military courts. However, Israeli forces do often detain children under 12 and question them for several hours before releasing them to their families or Palestinian authorities. In 2011, the Israeli military raised the age of majority from 16 to 18. In practice however, this has had very little effect on bettering treatment or conditions for Palestinian children in Israeli military custody. Minors ages 16 and 17 can still face the same sentencing penalties as adults.

3. All the children featured in the movie are boys. Are girls ever arrested and detained?

Around 500 - 700 Palestinian children are arrested, detained, and prosecuted in Israel's military court system each year. Overwhelmingly, widespread and systematic ill-treatment and torture against Palestinian children in the Israeli military detention system targets boys. Girls are arrested and detained, though at a significantly lower rate. For example, at the end of June 2021, there were 170 Palestinian boys in Israeli prisons, according to the Israel Prison Service. The Israel Prison Service has not reported any girls in their custody since December 2018.¹

4. What are Israeli military juvenile courts like?

There are two Israeli military courts that are used to prosecute children. Ofer military court is located between Ramallah and Jerusalem. Salem military court is located in the northern West Bank, near the city of Jenin. In 2009, in response to international demands that Palestinian children not be prosecuted in Israeli military courts designed to prosecute adults, the Israeli military created military juvenile courts. In practice, the court facilities and the court staff are the same as the adult military courts, and there are few tangible improvements in the situation facing child detainees since the introduction of the juvenile military courts.

Within the Israeli military court structure, judges, prosecutors are active members of the Israeli military. They are subject to military discipline and dependent on superiors for promotion. In short, they are fundamentally part of the system enforcing the occupation. Under international human rights law, a fair trial can only occur under an independent and impartial system.

¹ As of November 2021
Parents typically first see their child following their arrest during military court appearances. Military court regulations mandate family members sit in the back row of benches and physical contact with the detained child is strictly forbidden.

5. Who represents Palestinian children in Israeli military courts?

Each year, DCIP provides free legal services for around 200 Palestinian children. Other groups that offer free representation to children include the Palestinian Commission of Detainees and Former Detainees Affairs, the Prisoners Club, and Addameer: the Prisoners Support and Human Rights Association. For most child detainees, their initial appearance in a military court - usually between 24 and 48 hours after their arrest - is the first time they see a lawyer and their family.

6. What are Palestinian children charged with?

Children most commonly face the charge of throwing stones which carries maximum sentences of 10 or 20 years, depending on the circumstances.

7. What kind of evidence is usually brought against children?

The single most incriminating piece of evidence used against most children is a confession, often obtained coerced during interrogation. Israeli military judges rarely exclude these statements. Other evidence brought against children may include confessions or statements from other children and the testimony or statement of an Israeli soldier. A soldier’s affidavit is rarely called into question or doubt. On occasion, photographs taken from military observation towers or by soldiers at the scene that show the child committing the offense are entered into evidence.

8. What percentage of children are found guilty? Why is the conviction rate so high?

The Israeli military court’s conviction rate is between 95-99%. Regardless of guilt or innocence, Palestinian children overwhelmingly plead guilty in return for a lighter sentence. The alternative would be a prolonged pretrial military detention for a period that would likely exceed any sentence imposed from a plea agreement, according to DCIP attorneys.

The systematic denial of bail by military court judges removes any incentive to challenge the system, and instead incentivizes plea agreements between the military prosecutor and child, where the child agrees to plead guilty in return for time served or credit for time served. This is often the quickest way for a child to get out of the Israeli military detention system whether an alleged offense was committed or not.
It is extremely rare for a child to plead innocent or be found innocent after charges have been filed against them. If a child does decide to plead innocent, this step will likely prolong the proceedings, and they will spend a much longer time in pretrial detention. DCIP’s experience representing Palestinian children in the military courts shows that in the end, a child will almost certainly receive a guilty verdict. This comes along with stiffer sentences than if he had pleaded guilty from the start.

9. Do Palestinian children in the West Bank speak or understand Hebrew?

Generally, Palestinian children speak Arabic and do not speak, understand, or read Hebrew. In Israeli military courts in the West Bank, all proceedings are conducted in Hebrew, and an Israeli soldier is present to provide Hebrew to Arabic translation.

Over 50% of Palestinian children report that they have been shown or asked to sign documents in Hebrew during their interrogations. Interrogations are typically conducted in Arabic, but sometimes in Hebrew with an Arabic translator, as the vast majority of Palestinian children do not speak Hebrew. During the interrogation, an interrogator often prepares the children’s statements in Hebrew with no verbal or written translation provided to the child. These documents often contain incriminating statements or confessions.

10. How are sentences determined?

There are three parts to a military court sentence: imprisonment, a fine, and a suspended sentence. Sentences are tailored to each case, and there is not necessarily a relationship between the length of the sentence, the length of the suspended sentence, the time period of the suspended sentence, or the amount of the fine, according to DCIP attorneys.

Israeli military law establishes maximum sentences for children aged 12 to 15. No person under age 12 can be prosecuted in the military courts, since the minimum age of criminal responsibility is 12 years. The maximum prison sentence for a child aged 12 to 13 years is six months. The maximum prison sentence for a child aged 14 to 15 years is 12 months, unless the offense carries a maximum potential sentence of five years or more. Children aged 16 to 17 years are subject to the same maximum potential sentences as adults. A child’s age for sentencing purposes is determined at the time of sentencing, not by the date when the alleged offense occurred.
11. What are prison conditions like for Palestinian children? Can families visit their children in prison?

Palestinian children held in pretrial detention - children who have not yet been sentenced - are held in a variety of detention centers and prisons across the occupied West Bank and inside Israel. Once children have been sentenced, they are typically imprisoned in one of three prison facilities with juvenile sections administered by the Israel Prison Service.

Between 50 to 75 percent of Palestinian children detained each year are transferred to prisons located inside of Israel. The transfer of Palestinian detainees, including children, to these prisons and interrogation and detention facilities, even for brief periods, constitutes an unlawful transfer in violation of Article 76 of the Fourth Geneva Convention.

Approximately 40 to 50 percent of the 500 to 700 Palestinian children detained each year are held in Megiddo prison, an all-male prison located in northern Israel. Most children in Megiddo are held in rooms that are 20 feet by 10 feet with five bunk beds and a bathroom. Child detainees spend an average of 18 - 20 hours per day inside their assigned shared cell, including meal times. According to children interviewed by DCIP, in the winter the prison is often very cold, and the allotted blankets and heaters are insufficient, and in the summer temperatures can become uncomfortably hot and stifling.

While a child is in detention, families may apply for visitation permits through the ICRC, which coordinates the permit process. Once the application process is complete, the ICRC submits it to Israeli authorities who unilaterally approve or deny the application. In the absence of exceptional circumstances, only immediate family members who have not been previously incarcerated are eligible to apply. Based on children’s survey responses to DCIP, the average time it took for a child to receive their first visitor was three months, however in some instances this may be significantly longer. In addition to permit delays, the illegal transfer of Palestinian children to prisons inside Israel, such as Megiddo, presents an undue obstacle to family visits.

Families must travel long distances and pass through checkpoints in order to visit their children. Some families also cited harassment and security checks as a barrier to visitation, since each person must undergo a thorough screening - which may include a strip search - before entering Megiddo.
For more information: [https://nwtac.dci-palestine.org/map_israeli_military_detention_system](https://nwtac.dci-palestine.org/map_israeli_military_detention_system)
12. What are the differences between how Palestinians and Israeli settlers in the West Bank are treated under the law?

Since 1967, there have been two separate legal systems operating in the occupied West Bank. The sole determining factor of which laws apply to an individual is their nationality and ethnicity. Israeli military law, which fails to ensure fundamental human rights, governs all aspects of life for Palestinians. Israeli civilian law, which includes enhanced due process and fair trial rights, is applied to Israeli settlers living in illegal settlements and outposts in the West Bank.