HUMAN RIGHTS COUNCIL
Thirteenth session
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Prosecution of children in military courts

Statement on behalf of Defence for Children International (DCI)

Thank you Mr. President,

On 11 February this year, 17 Palestinian children from the Al Jalazun refugee camp, in the Occupied Palestinian Territory, were arrested from their beds by Israeli soldiers. Regrettably, this is not an unusual event. Each year, around 700 Palestinian children are arrested, interrogated, prosecuted and detained in a military court system that has now operated for over 42 years.

The location of these arrests is not random: they occur near the Wall, settler by-pass roads and illegal settlements. Once arrested, children as young as 12 years are interrogated in the absence of a lawyer, and reports of mistreatment, sometimes amounting to torture, are widespread. In the majority of cases, the children provide confessions, some of which are written in Hebrew, a language these children do not understand. It is these confessions that then form the primary evidence against the children in the military courts, where the overwhelming majority plead guilty, even if innocent of the charge, in order to shorten the time they will spend in prison. The most common charge Palestinian children face in Israeli military courts, and for which they go to prison, is for throwing stones.

Once convicted, the majority of Palestinian children are detained inside Israel, making family visits difficult, and in clear violation of Article 76 of the Fourth Geneva Convention.

The question is: are there any practical solutions to this unacceptable situation beyond an end to military occupation? Should children as young as 12 years be prosecuted in military courts? These are difficult issues facing occupying powers. However, some short term measures, if implemented, could potentially significantly reduce what appears to be the systematic and institutionalised abuse of children:

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First, if no interrogation could occur in the absence of a lawyer, it is likely that the level of abuse would diminish significantly.

Secondly, if interrogations of all children were video recorded, as is required in the case of Israeli children, the level of abuse would be reduced.

Thirdly, all evidence obtained, or suspected of having been obtained through ill-treatment or torture, must be rejected by the military courts.

And finally, all credible allegations of ill-treatment and torture must be thoroughly and impartially investigated, and those found responsible for such abuse be brought to justice.

Thank you Mr. President.