

# Isolated and Alone. Palestinian Children Held in Solitary Confinement by Israeli Authorities for Interrogation

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## Overview

*Between January 1, 2016 and December 31, 2019, Defense for Children International – Palestine (DCIP) documented 108 cases in which Palestinian children arrested by the Israeli military were held in isolation for two or more days during the interrogation period.*

The average duration of isolation in this data set was 14.3 days. Nearly 40 percent, 43 children, endured a prolonged period of isolation of 16 or more days. While mainly studying adult prisoner populations, numerous scientific sources indicate that after 15 days “some of the harmful psychological effects of isolation can become irreversible.”<sup>1</sup>

The longest documented period of isolation was 30 days, while the shortest was three days. Quteiba B. was 16 years old when he was arrested on September 23, 2018, and was subjected to 30 days of isolation in Israel’s Asqalan interrogation and detention center, located inside Israel. The 108 children whose cases were documented by DCIP were all boys aged between 14 and 17 years old, of whom 70 were aged 17, 30 were aged 16, seven were aged 15, and one was aged 14.

The children were accused of a range of offenses by Israeli authorities, predominantly throwing stones, Molotov cocktails or grenades; 76 children in the data set were accused of such offenses. A further 22 children were accused of weapons possession, and 10 children were accused of involvement with a military cell. Other accusations ranged from incitement on Facebook and plotting an attack, to membership in a banned organization or aiding a wanted individual.

Of the 108 cases, some children were detained at multiple locations, however, at least 52 children were held at Al-Jalame (also known as Kishon) interrogation and detention center; at least 29 children were held at Petah Tikva interrogation and detention center; at least 32 were held at Megiddo prison and at least 14 were held at Al-Mascobiyya interrogation and detention center in Jerusalem. These facilities are located inside Israel, and all are operated or controlled by the Israel Prison Service (IPS) and the Israel Security Agency. Palestinian children are often transferred between centers during a period of detention.

Table 1: Age ranges of the 108 children who provided testimonies

Age range	Number of children	Percentage
14 years	1	0.9%
15 years	7	6.5%
16 years	30	27.8%
17 years	70	64.8%
<b>Total</b>	<b>108</b>	<b>100.0%</b>

Table 2: Types of ill-treatment reported by Palestinian children held in isolation by Israeli authorities

Type of ill-treatment		West Bank	
		Number of cases	Percentage
	Total affidavits collected	108	100.0%
1	Night arrest	71	65.7%
2	Hands bound	108	100.0%
3	Blindfolded	102	94.4%
4	Strip searched	106	98.1%
5	Physical violence	77	71.3%
6	No legal consultation prior to interrogation	102	94.4%
7	No lawyer or parent present during interrogation	108	100.0%
8	Not properly informed of rights	62	57.4%
9	Stress positions	86	79.6%
10	Exposed to informants	73	67.6%
11	Shown or signed document in Hebrew	11	10.2%

## Solitary confinement of children under international law

International law prohibits the use of solitary confinement and similar measures constituting cruel, inhuman or degrading treatment against children, defined as any person under 18 years old.<sup>3</sup> The practice of solitary confinement, in addition to corporal punishment, placement in a dark cell, or any other punishment that may compromise the physical or mental health of the child may, in some cases, amount to torture.<sup>4</sup>

The U.N. Special Rapporteur on Torture, Mr. Juan Méndez, has noted “[t]here is no universally agreed upon definition of solitary confinement.”<sup>5</sup> However, solitary confinement generally refers to the physical and social isolation of individuals who are confined to their cells for 22 to 24 hours a day, without meaningful human contact.<sup>6</sup>

In a 2016 statement, Mr. Méndez defined the types of human interaction that may constitute meaningful contact. “Isolation entails the lack of meaningful social contact for the detainee, whether by means of interaction with other inmates or penitentiary staff, visits, or participation in work, educational, and leisure activities, or sports. [ . . . ] The international law of human rights mandates significant human contact both within and outside of prison, including with fellow prisoners and with prison staff not strictly dedicated to security functions.”<sup>7</sup>

International law recognizes that children are inherently different from adults because they

are still developing both physically and psychologically. Consequently, children are afforded special protections under international law, and the threshold for actions constituting grave human rights violations is lowered when the victim is a child. For example, the prohibition against torture is one of few absolute and non-derogable human rights standards. It applies to any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on any person for a number of reasons.<sup>8</sup> However, the victim's age and relative position of inferiority must be taken into consideration when assessing whether treatment or punishment may be classified as torture.<sup>9</sup>

Specifically, "[c]hildren experience pain and suffering differently to adults owing to their physical and emotional development and their specific needs. In children, ill-treatment may cause even greater or irreversible damage than for adults. Moreover, healthy development can be derailed by excessive or prolonged activation of stress response systems in the body, with damaging long-term effects on learning, behaviour and health."<sup>10</sup>

International juvenile justice standards, which Israel has obliged itself to implement by ratifying the U.N. Convention on the Rights of the Child (CRC) in 1991, require that children should only be deprived of their liberty as a measure of last resort, must not be unlawfully or arbitrarily detained, and must not be subjected to torture and other cruel, inhuman or degrading treatment or punishment. Israel's human rights obligations apply not only inside Israel, but also extend to the territory it occupies, including the Occupied Palestinian Territory.<sup>11</sup>

In 2011, the U.N. Special Rapporteur on Torture, Mr. Juan Méndez, called for an absolute prohibition on the use of solitary confinement on children, in a report submitted to the U.N. General Assembly.<sup>12</sup>

The U.N. Committee on the Rights of the Child considers the solitary confinement of children, for any duration, to be cruel, inhuman or degrading treatment or punishment and, in some cases, even torture.<sup>13</sup>

Mr. Méndez has stipulated that even the use of solitary confinement for the stated purpose of separating juveniles or other vulnerable detainees from segments of a prison population is "unjustified unless they actually request protection."<sup>14</sup>

DCIP finds that the physical and social isolation of Palestinian children for interrogation purposes, without their explicit request or consent, during pre-charge and pretrial military detention by Israeli authorities, and where there is limited or no meaningful human contact, is a practice that constitutes solitary confinement. DCIP considers the aforementioned practice by Israeli authorities to amount to torture or cruel, inhuman, or degrading treatment or punishment.

While Israeli officials consistently argue that international human rights law, specifically the treaties Israel has ratified, does not apply to Palestinians living under Israeli occupation in the occupied West Bank, including East Jerusalem, and the Gaza Strip, these arguments have found no international support and have been consistently rejected by the International Court of Justice and several U.N. human rights treaty bodies when assessing Israel's obligations under international law toward Palestinians in the Occupied Palestinian Territory.<sup>15</sup>

Table 3: International human rights law guarantees relevant to juvenile justice

Issue	Guarantees and protections	Legal authority
Age of majority	A child is any human being below the age of 18 years.	Convention on the Rights of the Child (CRC), art. 1.
Non-discrimination	Rights apply without discrimination of any kind.	CRC, art. 2.
Prohibition of torture	No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.	CRC, art. 37(a); ICCPR, art. 6(5) and 7; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).
Arbitrary detention	No child shall be deprived of his or her liberty unlawfully or arbitrarily.	CRC, art. 37(b).
Notification and reason for arrest	Anyone arrested or detained must be informed, at the time of arrest, of the reasons for arrest and be promptly informed of any charges against him or her.	CRC art. 40(2)(b)(ii); ICCPR, art. 9(1)-(2).
Methods of restraint	Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner that takes into account the needs of persons of his or her age. Restraint or force can be used only when the child poses an imminent threat of injury to him or herself or others, and only when all other means of control have been exhausted.	CRC, art. 37(c); CRC General Comment No. 10, para. 89.
Presumption of innocence	Every child alleged to have infringed the penal law must be presumed innocent until proven guilty according to law.	CRC art. 40(2)(b)(i); International Covenant on Civil and Political Rights (ICCPR), art. 14(2).
Right against self-incrimination	No child can be compelled to give testimony or to confess guilt.	CRC art. 40(2)(b)(iv).
Right to legal counsel and presence of parents	Every child deprived of liberty shall have the right to prompt access to legal and other appropriate assistance.	CRC art. 37(d) and art. 40(2)(b)(ii)-(iii); ICCPR art. 14(3)(b) and (d).
Pre-trial detention	The arrest, detention, or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.	CRC art. 37(b).
Prompt appearance before judge / independent and impartial authority in a fair hearing	Every child has the right to have the matter determined without delay by a competent, independent, and impartial authority or judicial body in a fair hearing according to law.	CRC art. 40(2)(b)(iii); ICCPR art. 9 and 14(1).
Sentence of detention	Sentence of detention as a measure of last resort and must be proportionate to circumstances, gravity of the offence, age, and needs of the child.	CRC art. 37(b) and 40(4).
Family visits	Every child shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.	CRC art. 37(c).
Review	Detention reviewed periodically to determine if early release is possible.	CRC, art. 25 and 40(2)(b).

Solitary confinement solely for interrogation purposes

Evidence and documentation collected by DCIP overwhelmingly indicates that the isolation of Palestinian children within the Israeli military detention system is practiced solely to obtain a confession for a specific offense or to gather intelligence under interrogation.

DCIP has found no evidence demonstrating a legally justifiable use of isolation of Palestinian child detainees, such as for disciplinary, protective, or medical reasons.

The practice has been used, almost exclusively, during pre-charge and pretrial detention.

The practice is not generally employed after children have been convicted and are serving their sentences.

Isolation of Palestinian children typically follows a military arrest and transfer period, during which many children are subjected to numerous human rights violations.

While in isolation, the children experience minimal human contact and also commonly report significantly worse cell conditions compared to the cells in which they were placed during other periods of detention.

Almost all interrogations of Palestinian children held in isolation are carried out without prior consultation with or the presence of a lawyer or a family member. Further, children are often exposed to abuse and torture during interrogations.

Coercive tactics, including the use of informants, are frequently used and may cause children to unintentionally incriminate themselves or to issue false confessions.

#### Arrest and transfer

Israeli forces frequently arrest Palestinian children at night. In 71 out of 108 cases (66 percent), children held in solitary confinement reported being detained from their homes between midnight and 5 a.m. by heavily armed Israeli soldiers.

Israeli forces typically gather all the occupants of the house, regardless of age, in one area or room and demand identification.

Physical violence against family members, including other children in the home, is common. Generally, Israeli forces

separate the wanted child from his family within the home for questioning and to confirm his identity. Some children report

being subject to physical and verbal abuse and intimidation. Israeli forces often search the home during the raid resulting in

the destruction of property. Mobile phones and other items are confiscated during the raids.

Once a child's identity has been verified, Israeli forces detain and take the child into custody, removing them from the home.

Children and their families are rarely informed of the reasons for arrest, or the location where the child will be detained.

In almost all cases, children's hands are tied behind their backs with plastic cords, often to their discomfort, rather than standard metal handcuffs, and most are blindfolded. In the solitary confinement cases documented by DCIP, all 108 children had their hands bound, and 102 out of 108 children (94 percent) were blindfolded during their arrest and transfer.

Children are also subjected to verbal and physical abuse and intimidation when taken to a military vehicle. Once inside, they are often forced to sit on the floor, bound and blindfolded, and surrounded by Israeli forces, where this abuse often continues. In 77 out of 108 cases (71 percent), children endured some form of physical violence following arrest.

They are subsequently transferred to a military base or directly to an interrogation facility.

## Isolation and cell conditions

Palestinian child detainees are held in solitary confinement at detention facilities located inside Israel. These facilities include Petah Tikva interrogation and detention center in central Israel, near Tel Aviv; Al-Jalame interrogation and detention center (Kishon) in northern Israel, near Haifa; and Al-Mascobiyya interrogation and detention center in Jerusalem.

Across these locations, children reported significantly worse cell conditions during periods of isolation compared to other periods of detention in which they were not isolated. The conditions in isolation cells are commonly characterised by inadequate ventilation, 24-hour yellow lighting, no windows, unsanitary bedding and toilet facilities and hostile architectural features such as wall protrusions.

Children describe being held in isolation in a small cell measuring approximately 5 feet by 6.5 feet (1.5 meters by 2 meters). The children report either sleeping on a concrete bed, on the floor, or on a thin mattress that is often described as “dirty” and “foul smelling.” There are no windows and no natural light. The only source of light comes from a dim yellow bulb that is reportedly kept on at all hours. Meals are passed to children through a flap in the door. Cell walls are reported to be gray in color with sharp or rough protrusions that are painful to lean against. Children frequently report that the paint of the cell walls and the lighting inside hurt their eyes.

## No meaningful human contact

During isolation, Palestinian children have limited or no meaningful social contact. This includes an absence of access to rehabilitative, educational, recreational and therapeutic activities or services.

Palestinian children held in isolation solely for interrogation purposes are denied access to family visits. Typically, these children experience limited contact only with facility guards, interrogators and informants. Meals are passed to children through a flap in the door, leaving children with virtually no non-adversarial or meaningful human contact.

Palestinian children who are not detained in isolation are transferred to military courts where a military judge may extend their detention, and at which they may see their parents and a lawyer. However, Palestinian children held in isolation solely for interrogation purposes have their detention extended by military judges at the detention facility itself; further forestalling contact between children and their families and lawyers.

Read full report [here](#).

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