

END THE

SPIRAL OF INJUSTICE FOR

PALESTINIAN CHILD PRISONERS

END EU FACILITATION OF ISRAEL'S ABUSES OF THE RIGHTS OF THE CHILD

The recent "**Children in Military Custody**" report, by a team of British lawyers and funded by British Foreign Office, makes 40 recommendations concerning the treatment of Palestinian child detainees by Israel. The report points to at least six violations of the UN convention on the rights of the child, to which Israel is a signatory. Israel is also in breach of the Fourth Geneva Convention by transferring children from the West Bank to Israeli prisons.



Israeli soldiers stand guard over Palestinian children arrested in the West Bank city of Hebron

Under international law, no state is entitled to discriminate in the exercise of justice on the basis of race or nationality but the report finds that "there are major differentials between the law governing the treatment of Palestinian children and the law governing treatment of Israeli children", e.g., the minimum age for custodial sentences is 14 for Israeli children, but 12 for Palestinian children. Other major differences include the length of time Israeli and Palestinian child detainees can be held without access to a lawyer (48 hours and 90 days respectively); and the length of time they can be held without charge (40 days compared with 188 days).

The report contrasts "two irreconcilable accounts of the treatment and rights of Palestinian children" given to the investigators. The first from Palestinian and Israeli NGOs, UN agencies, lawyers, former Israeli soldiers and former child detainees; the second from Israeli officials.

The first included night-time arrests, the use of blindfolds and painful plastic wrist ties, physical and/or verbal abuse, the failure to be informed of the right to silence or to see a lawyer, solitary confinement, self-incrimination, children being made to sign statements in Hebrew which they could not understand and extremely restricted access to family. "In this process, every year hundreds of Palestinian children are traumatised, sometimes irreversibly, are denied part of their schooling and then live at ongoing risk of much harsher punishment if they are arrested again," the report said.

The second account claimed that children are informed of their rights, treated appropriately, subject to procedural safeguards, and violence and threats are forbidden. An Israeli official stated "in custody children receive education to such a high standard that Palestinian children have been known to offend in order to access it". It would be funny were it not so disgusting!

The report concludes that "[i]t may be that much of the reluctance to treat Palestinian children in conformity with international norms stems from a belief, which was advanced to us by a military prosecutor, that every Palestinian child is a 'potential terrorist'. Such a stance seems to us to be the starting point of a spiral of injustice."



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PRISONERS ON HUNGER STRIKE

At present, there are a number of prisoners on hunger strike including Akram Rikhawi and Samer Al-Barq who are nearing their 90th and 50th day of hunger strike.



Akram Rikhawi from Gaza was arrested by Israeli occupation forces in 2004 and sentenced to 9 years' imprisonment by a military court (these courts convict 99.74% of all accused Palestinians). He has been held in a prison medical centre ever since, as he suffers from various chronic conditions, including diabetes, asthma and osteoporosis. Rikhawi launched his hunger strike on 12 April, demanding that his medical condition be considered during the discussion of his request for an earlier release. Every prisoner is entitled to ask to be considered for early release when at least two thirds of the sentence has been served. He is now on his 90th day of hunger strike.



Samer al-Baraq, from the village of Jayyous, near Qalqilia, has been on hunger strike since May 22. He has been interned by Israel for almost two years without charge or trial under the Administrative Detention regime. Baraq was assured by that he would will be released after the mass hunger strike of over 2,000 prisoners came to a negotiated end, however his administrative detention order was renewed for another three months in violation of the terms of this agreement, thus forcing Mr. al-Baraq to resume his strike. He is now near his 50th day of hunger strike.

THE ROLE OF THE EUROPEAN UNION

In the face of Israel's inhumane treatment of child and political prisoners, the EU continues to reward Israel through preferential trading agreements such as Euro-med. As Israel's biggest trading partner, the EU has an obligation to hold Israel accountable for human rights violations. Thusfar, it has failed to do so in spite of its stated policy: "[t]he EU has put the human rights issue at the forefront of its relations with other countries and regions. All agreements on trade or cooperation with non-EU countries contain a clause stipulating that human rights are an essential element in relations."

In reality the EU is complicit in Israel's system of oppression and apartheid. At present there are discussions within the EU about the implementation of the EU-Israel Conformity Assessment and Acceptance of Industrial Products (ACAA) agreement. The adoption of ACAA would contribute to the elimination of technical barriers to trade, thereby increasing the accessibility of the EU's markets to Israel which would benefit Israeli companies, many of which are known to conduct lucrative activities in illegal settlements, considered by both the EU and the UN to be in breach of international law.



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