

## Arrests, Interrogations and Indictments of Palestinian Minors in the Occupied Territories: Facts and Figures for 2014

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### General Background

The Association for Civil Rights in Israel (ACRI) has been working for a long time to enhance the protection of the rights of Palestinians facing criminal proceedings in the military court system in the Occupied Territories. ACRI places a particular emphasis on the protection of the rights of Palestinian minors in criminal proceedings – and specifically in proceedings of detainment, arrest and interrogation by Israeli military and police forces – and is concerned by the numerous violations that take place in this context.

Palestinian minors who are arrested in the Occupied Territories are forced to confront a military system that is characterized by many harmful practices, including: nighttime arrests, detainment of minors under the age of criminal responsibility, interrogations conducted without visual documentation, interrogations without parental presence and more.<sup>1</sup> The source of these harmful practices is sometimes in military legislation, or in internal directives and regulations that are established by the police and military. At other times, these practices are the result of a lack of clear directives and regulations.

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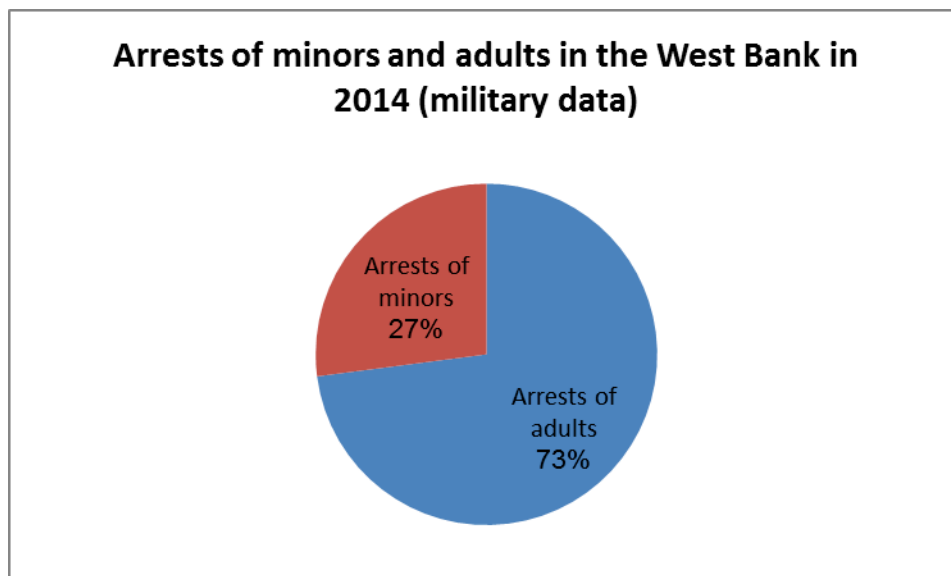
1 See various petitions by ACRI on this issue: our [letter](#) (Hebrew) to the Military Advocate General, dated 16 June 2010, about the rights of Palestinian minors in military courts; our petition concerning the excessive and discriminatory detention periods that apply to Palestinians in the Territories and the [partial judgement](#) granted in this matter, which instructed the state to reconsider the detention periods that apply to minors (HCJ 4057/10 and HCJ 3368/10 **Palestinian Prisoners Ministry v. Minister of Defense** (published in Nevo on 6 April 2014); our [petition](#) (Hebrew), dated 24 March 2015, concerning the detainment of minors under the age of criminal responsibility; and see also: B'Tselem, [No Minor Matter: Violation of the Rights of Palestinian Minors Arrested by Israel on Suspicion of Stone Throwing](#) (July 2011).

This document compiles the key findings arising from police and military responses to Freedom of Information requests sent by ACRI concerning the arrests of Palestinian minors. This forms part of ACRI's monitoring of the activities of the military rule in the Occupied Territories.<sup>2</sup> The figures appearing herein relate only to the year 2014 and only to the West Bank Area.<sup>3</sup>

## Key Findings

### Arrests by the Military

1. During 2014, the military conducted 3,182 arrests of Palestinian adults and minors in the West Bank.
2. Of all arrests made in the West Bank during that year, 861 were of minors (under the age of 18). That is, 27% of the arrests made by the military in the Territories during 2014 were of minors.
3. On average, in 2014 the military arrested 72 minors per month.

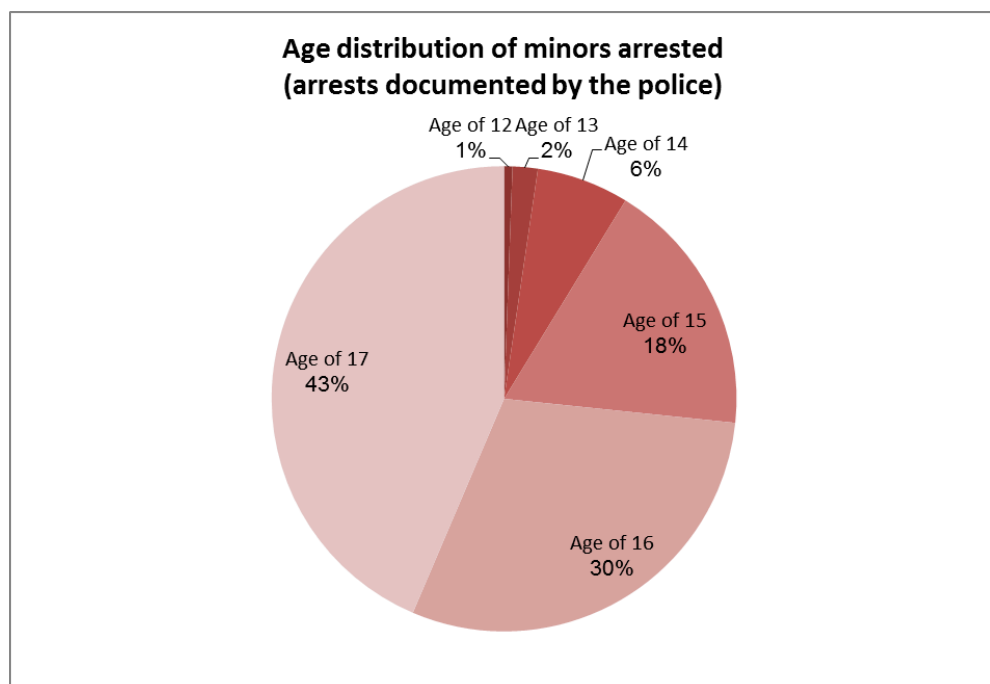


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- 2 All of the Freedom of Information requests that were submitted, and the responses and statistics that were subsequently received, may be accessed via links at the end of this document.
  - 3 It is important to note that the law applying to Israelis living in the Occupied Territories is Israeli criminal law – and not military law. For more information see: ACRI, [One Rule, Two Legal Systems: Israel's Regime of Laws in the West Bank](#) (October 2014), p. 21 onwards.

4. Out of the total number of minors arrested by the military (861), 247 minors, who constitute 28% of all minors arrested, were transferred by the military to the custody of the Palestinian police.

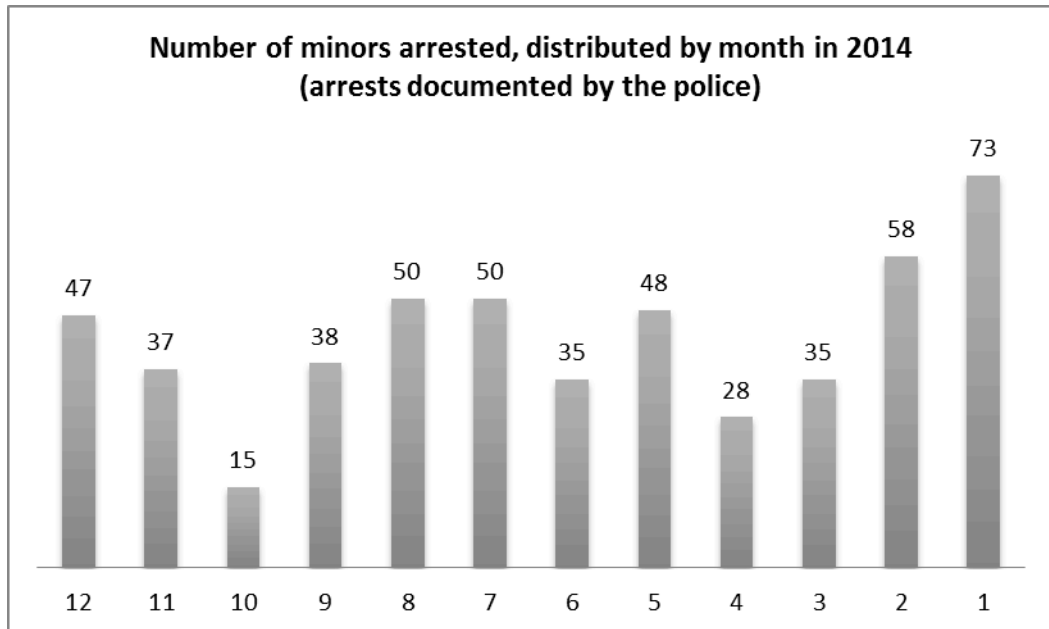
#### Arrests by the Police

5. The Israeli Police reported 514 arrests of minors in 2014 in the West Bank.
6. Of all arrests documented by the police (514):
  - a. 3 arrested minors were 12 years old.
  - b. 9 arrested minors were 13 years old.
  - c. 33 arrested minors were 14 years old.
  - d. 92 arrested minors were 15 years old.
  - e. 153 arrested minors were 16 years old.
  - f. 224 arrested minors were 17 years old.



7. The figures obtained by ACRI indicate that in 2014, the police arrested an average of 43 minors per month. The month with the highest number of arrests, compared to other months, was January 2014 (73 arrests). A high number of arrests (50 per month) was also registered during the months of July-August 2014, in which the war in Gaza (Operation Protective Edge) took

place. October 2014 was the month in which the police conducted the lowest number of arrests, compared to other months (15 arrests).



### Opening Investigation Files

8. According to data received from the police, in 2014, 1,156 files were opened against Palestinian minor suspects, and 1,463 minors were interrogated in this framework.<sup>4,5</sup>
9. The ages of minor suspects interrogated by the police:
  - a. 2 suspects were 11 years old (under the age of criminal responsibility!).<sup>6</sup>
  - b. 21 suspects were 12 years old.
  - c. 43 suspects were 13 years old.
  - d. 107 suspects were 14 years old.

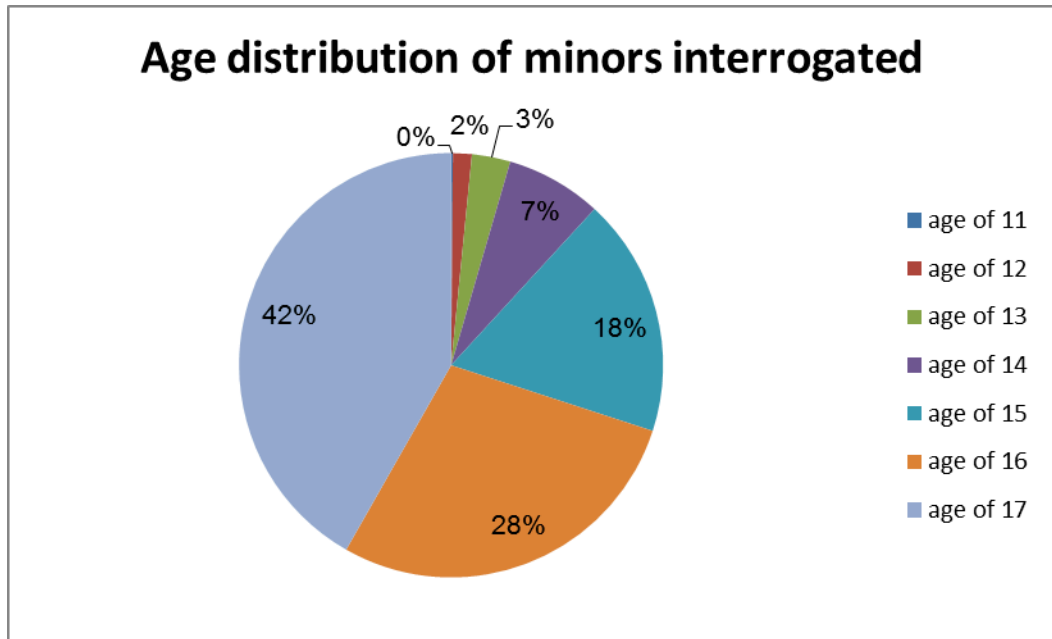
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4 It should be noted that the number of cases is smaller than the number of suspects. This is because one case can relate to several suspects, and there can also be one suspect in several cases.

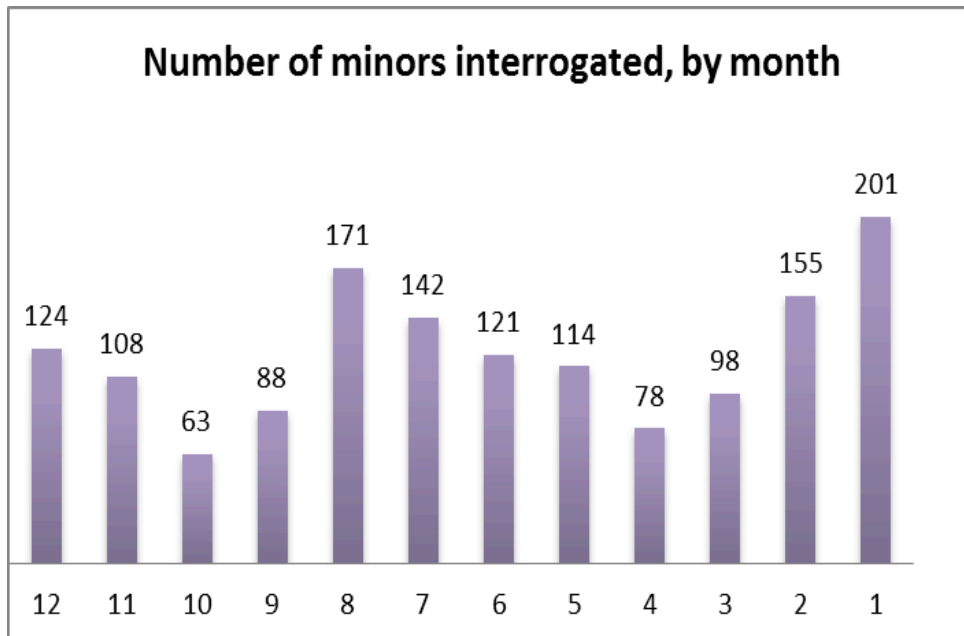
5 The number of interrogated minors reported by the police (1,463) is significantly higher than the overall number of arrested minors reported by both the military and police together. This gap most likely stems from the fact that some of those questioned are summoned for an interrogation but are not arrested.

6 In the *Order Concerning Security Provisions* [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009, a “child” is defined as a person who has not yet reached the age of 12. Article 191 of this order stipulates that a child does not bear criminal responsibility, and that it is prohibited to arrest a person or try them before a military court for an offense that they committed when they were a child.

- e. 266 suspects were 15 years old.
- f. 413 suspects were 16 years old.
- g. 611 suspects were 17 years old.



10. Below is the distribution of minors interrogated per month in 2014:



11. The most common offense for which suspects were interrogated in 2014 was “stone throwing.”<sup>7</sup> There were 771 cases opened with respect to this offense and 984 suspects were interrogated, constituting 67% of all minor suspects interrogated (1,463). The second most common category, as defined by the police, was “other offenses toward security” (613 suspects in 483 cases), and the third was “Molotov cocktail throwing”<sup>8</sup> (349 suspects in 293 cases).

#### Filing Indictments and Decisions Concerning Remand until End of Proceedings

12. According to military data, 504 indictments of minors were filed in military courts in 2014. Of those, 440 indictments were filed against minors who had been arrested during that same year.

- a. 13 indictments were filed against minors aged 12-14.
- b. 110 indictments were filed against minors aged 14-16.
- c. 381 indictments were filed against minors aged 16-18.

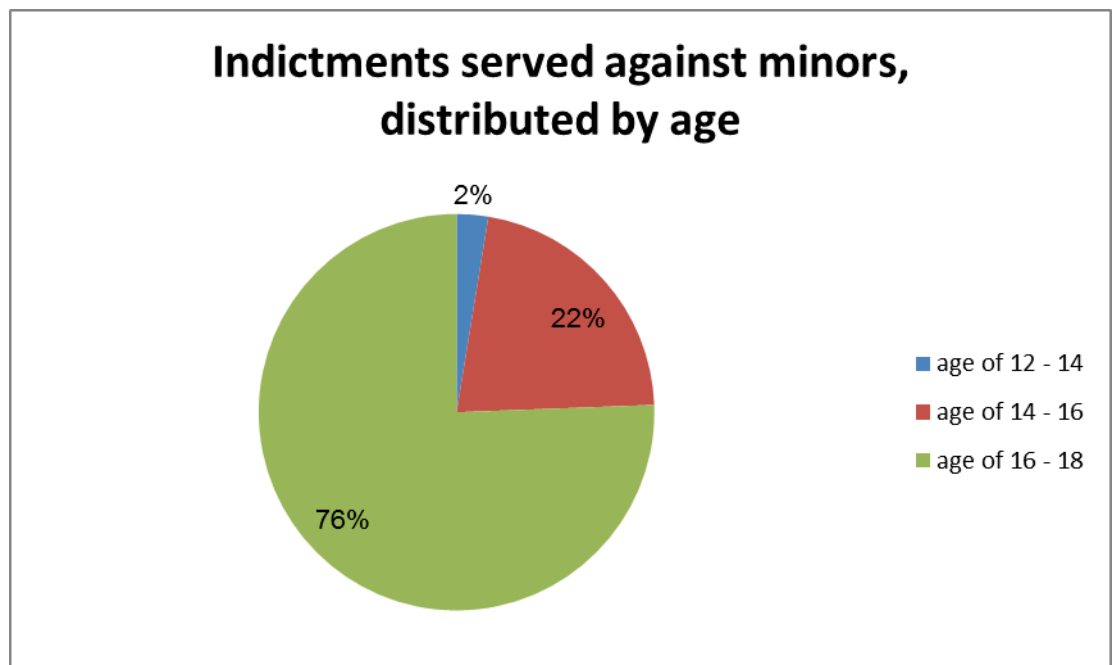
#### Indictments served against minors, distributed by age and month

	12-14	14-16	16-18	Overall
January	1	14	44	59
February	1	20	48	69
March	5	11	36	52
April	0	4	24	28
May	3	15	38	56
June	0	3	26	29
July	0	6	29	35
August	1	9	35	45

7 In the police data, this offense is classified as “stone throwing” or “stone throwing – security.”

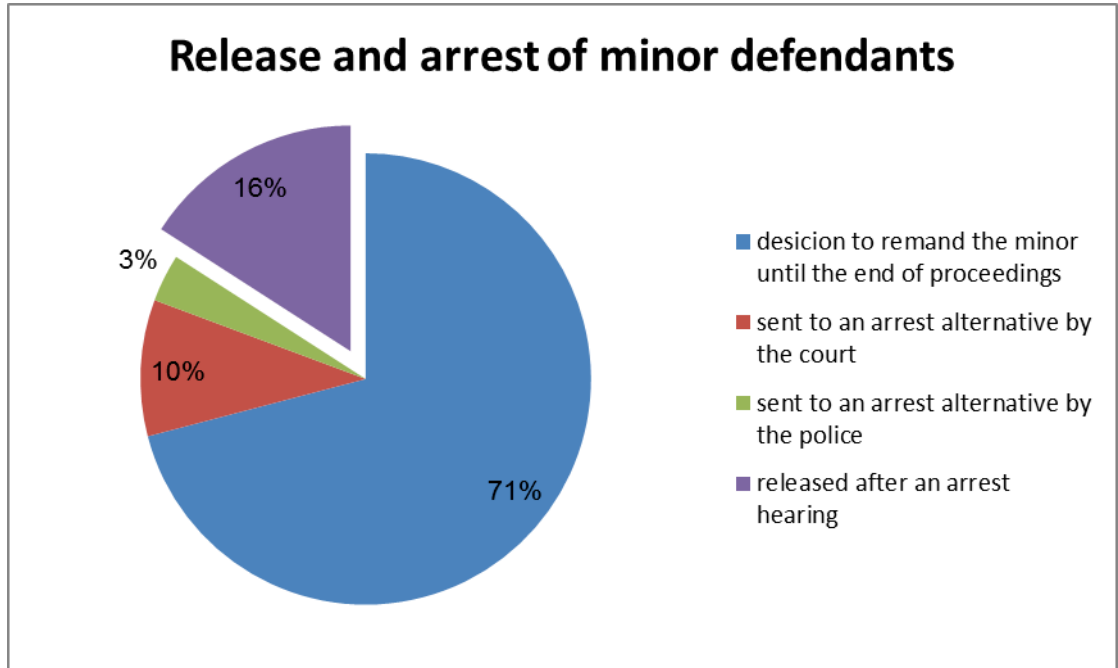
8 In the police data, this offense is classified as “Molotov cocktail throwing” or “Molotov cocktail throwing – security.”

September	0	7	26	33
October	0	4	16	20
November	0	7	27	34
December	2	10	32	44
Annual	13	110	381	504



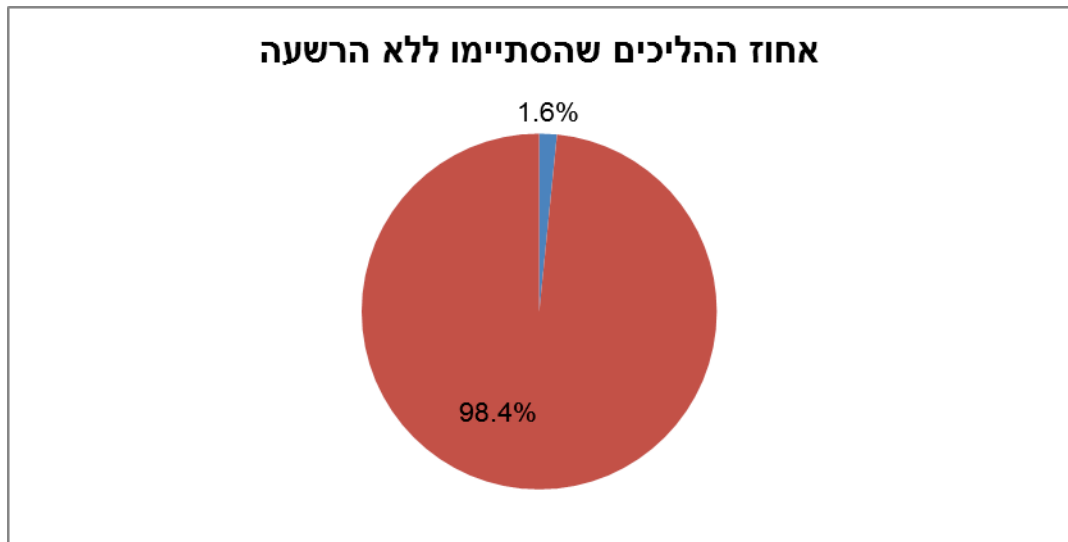
13. Out of the 440 indictments filed against minors who had been arrested in 2014, in 312 cases it was decided to remand the minor until the end of the proceedings. Hence, according to the data for 2014, 71% of the minors who had been indicted were remanded until the end of the proceedings.
14. With respect to the rest of the minors, whose were not remanded until the end of proceedings:
- a. 58 of the minors arrested, who constitute 13% of all minors arrested, were detained alternatively (i.e. home detention, via electronic surveillance devices etc.) either by the court (43 cases) or by the Israeli Police (15 cases).

- b. Only 16% of all minors indicted (70 minors) were released after an arrest hearing.



### Trial Outcomes

15. According to the data provided by the military, out of the 504 indictments brought before military courts in 2014, in only 8 cases (constituting a mere 1.6% of all cases) the proceedings ended without conviction.





16. According to the data provided by the military, in 2014, minor defendants were convicted in 490 court cases. ACRI has an additional chart, sent by the military, which details the penalties received by the minors in each of these cases. The convictions are divided into five categories, according to the type of offenses: disruption of order, hostile terrorist activity, transportation, criminal and illegal stay. The category in which there were the most convictions in 2014 was disruption of order.

## Conclusion

In 2014, a total of 861 Palestinian minors were arrested in the Occupied Territories. On average, 72 minors were arrested each month; most of them under the suspicion of committing “security offenses” as defined by military legislation, most commonly throwing stones. These figures indicate that the number of Palestinian minors who are arrested and come into contact with the military enforcement and justice system – some of them at a very young age (less than 14) – is very high.

In recent years, different amendments were introduced into military legislation, concerning the rights of Palestinian minors who are involved in criminal proceedings in the Territories. Among other things, a juvenile military court has been established; the detention periods that apply to both minors and adults were reduced; and regulations regarding the arrest, interrogation and trial of minors have been formulated. Despite these amendments, the military justice system does not afford the Palestinian minors who are arrested in the Territories with the required protections, and reports concerning the violation of their rights in the criminal process<sup>9</sup> continue to surface.

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9 See the B’Tselem Report *No Minor Matter* (*supra* note 1); see also the latest report by Military Court Watch (MCW) on this issue: [Widespread, Systematic and Institutional Abuse of Minors in the West Bank](#) (June 2015).

The figures obtained by ACRI, together with these reports, paint a troubling picture of extensive damage to the wellbeing of these children and to their basic rights, as well as their future development.

For further information and enquiries, please contact the Association for Civil Rights in Israel (ACRI) by email: [mail@acri.org.il](mailto:mail@acri.org.il) or through our Facebook page ([English](#)).

## Appendix: Data Summary

Below is a summary of the figures that appeared in this document. As stated before, all figures relate only to 2014 and only to the West Bank area.

Arrests	
Total number of arrests conducted by the military	3,182
Number of arrests of minors conducted by the military	861
Number of arrested minors transferred to the custody of the Palestinian Authority	247
Number of arrests made with police involvement	514
Number of minors remanded until end of proceedings	312
Interrogations	
Number of investigation files opened concerning minors	1,156
Number of minors interrogated at a police station	1,463
Number of minors interrogated for an offense of stone throwing	984
Indictments, Acquittals and Convictions	
Number of indictments served against minors	504
Number of indictments served against minors who had been arrested during that same year	440
Number of cases in which there was an acquittal/stay of proceedings/annulled indictment	8 (out of 504)
Number of convictions of minors	490

## References

### **Freedom of Information Requests from the Military**

ACRI's request dated 10.3.2015: <http://bit.ly/1KE17jF>

The Military's response dated 8.7.2015: <http://bit.ly/1QtA0Uv>

The table of minor's penalties, attached to the Military's response:  
<http://bit.ly/1Oq9GZX>.

In excel format: <http://bit.ly/1oDngor>

### **Freedom of Information Requests from the Police**

ACRI's request dated 10.3.2015: <http://bit.ly/1SNhcGa>

The Police's response dated 19.3.2015: <http://bit.ly/1oxzeiJ>

There were four tables attached to the Police's response:

- Arrests of Palestinian minors: <http://bit.ly/1TvpckI>
- Investigative files of Palestinian minors: <http://bit.ly/20Qltbk>
- Suspects by age and offense: <http://bit.ly/1Qx5cbN>
- Arrests until the end of proceedings: <http://bit.ly/1Xlej8T>

ACRI's request dated 29.6.2015 for clarification and additional information:  
<http://bit.ly/1LCtycC>

The Police's response to the request for clarification and additional information, dated 28.7.2015: <http://bit.ly/1Ui733Y>