

CORNERSTONE

A PUBLICATION BY SABEEL ECUMENICAL LIBERATION THEOLOGY CENTER



To Set the Captives Free

Photo by Sylvie Le Clezio

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Courage to Change Direction

“When John the Baptist heard in prison about Christ’s works, he sent some of his disciples to him. “Tell us,” they asked Jesus, “are you the one John said was going to come, or should we expect someone else?” Jesus answered, “Go back and tell John what you are hearing and seeing: the blind can see, the lame can walk, those who suffer from dreaded skin diseases are made clean, the deaf hear, the dead are brought back to life, and the Good News is preached to the poor.” Matthew 11:2-6



As we prepared for this Cornerstone, Sabeel staff and volunteers read together this scripture. As a topic for people under occupation, from the residents of Gaza to administrative detention, contextually, supporting the captive is a critical topic. As Matthew 11:2-19 states, John sent this question via his messengers to Jesus as an imprisoned prophet who had taken a very hard stand.

From previous chapters, the story is told about John standing up to Empire – directly challenging Herod and his legitimacy at a time when no one else did. Because John held authorities accountable to the well-being of the people and publically criticized Herod for his personal and political acts, he was thrown into prison. For this prophetic witness, John was incarcerated and captivity, then as now, damages the soul. Through these questions sent to Jesus by John's messengers, however, it is clear to see that even with the strength of John the Baptist, in these dark days he needed hope.

John is in prison, he needs confirmation from Jesus that all of this was worth it. He needs hope. And Jesus gives him that clear message that he is going to continue John's work. As the scripture progresses, he shares his admiration for John's steadfastness. Jesus gives a message to John. I am active. I have a different strategy than yours –but we are doing the same – we are trying to change the direction completely. We are building a basis for hope under Empire. People need hope and strength to lift their spirits. To give them a sense of hope, they need to see that we have a strong commitment to human rights and peace with dignity.

What do people today need to give the hope for survival? What are the captives in this conflict today asking from us? What does John's question mean for us today?

There are many stories of captives today in this land – the administrative detention of Mohammed Al Qiq and his hunger strike in a quest for a sentence; Defense Minister Liberman's initial request for the death penalty to be reinstated for Palestinians as a prerequisite to join the government; and efforts of the organizations across Palestine and Israel who struggle against the injustice of holding children and others in administrative detention as highlighted in this Cornerstone.

John exhorted people to repent and Jesus takes this message from John and moves it to the next step. As Chad Meyers writes in *Challenging Empire* (pg. 108, 2012) this push for repentance is costly: *"It is an appeal not just for a personal change of heart or mind but a passionate warning that the entire social experiment is headed in the wrong direction and must be reversed in order to avoid disaster."*

Will we be able to hold the captives up today, the way Jesus did John and share their story? Can we hold on to our principles of international human rights and the rights of the child in the face of stereotypes and fear? Will we work for concrete answers steadfastly and not give in or give up? This is the challenge that we leave you with in presenting this Cornerstone. The information is grim. Occupation is real and painful. Will you close your eyes or will you commit to strengthening the hope for justice by holding fast?

*Saint John the Baptist
in Prison Visited by Two
Disciples*

Arrested Childhood

*Excerpted from an article written by: Attorney Nisreen Ahyan and Meytal Russo
February 2016, ACRI (Association for Civil Rights in Israel)*

The Youth Law of 1971 regulates the handling of minors involved in criminal acts and reflects a progressive approach to their rights in the criminal process. Amendment No. 14 (2008) established a general principle that: “in the realization of a minor’s rights, the exercising of powers and the instigation of proceedings against him will be undertaken while guarding the minor’s dignity and granting due weight to considerations of his rehabilitation, treatment, integration into society, and compassionate justice, and with attention to his age and extent of maturity.”

This basic principle has lost its relevance in recent years in one particular area: minors suspected or accused of involvement in stone throwing, security offenses, or various offenses related to disturbances. A series of legislative changes and guidelines show that the central – and perhaps even the sole – consideration the authorities take into account is punishment and the deterrence of minors, and not their rehabilitation and return to normative conduct. This alarming trend is contrary to the principles of the Convention on the Rights of the Child and erodes the provisions and principles of the Youth Law. Moreover, it is doubtful whether this strict policy will achieve its deterrent purpose.

We do not belittle the significance and implications of stone throwing, nor more serious nationalistic violence that has become common, particularly among youth. In order to eradicate these phenomena, to process suspects and defendants, and to facilitate rehabilitation, we believe that it is important to use the diverse tools that are already delineated and facilitated by the Youth Law. This is particularly true for minors with no prior criminal involvement, or close to the age of criminal liability – 12 years.

Legislation and Guidelines

Within the Youth Law, several “Enforcement Policies in the Offense of Stone Throwing” have been adopted, beginning December 29, 2009. The guidelines defined the relevant typical instance – a 16-year-old minor who threw stones without causing damage, and who has no previous criminal background. The starting penalty in this instance was three to four months’ actual imprisonment (not to be commuted to community service). In addition, the policy was established that the prosecution would submit a request for detention until the end of legal proceedings in each case.

In 2014, authorities determined that the above-mentioned guidelines of the State Prosecutor’s Office “fail to provide

an optimal response for the prevailing security reality in East Jerusalem.” It imposed a strict policy of indictment, including requests for detention until the end of proceedings, “**with the goal of increasing the customary punishment**, and with the intention of leading to the imposition of significant periods of actual imprisonment, suspended imprisonment, and considering the imposition of fines in appropriate cases, including the imposition of a fine or payment of compensation on the parents of a minor, when possible.”

Changes in the National Insurance Law permit the **denial of payment of benefits** to the parents of a minor who committed security /stone-throwing offenses and was sentenced to actual imprisonment (including child benefits, study grant, child supplement to the supplementary income benefit, or payment of alimony from National Insurance, child supplement to a disability benefit, survivors, dependents, and old age benefits).

Minors in East Jerusalem

These policy changes are felt in East Jerusalem more than anywhere else, where there has been a significant increase in security-related arrests. This is an area of extreme poverty and neglect. Ongoing monitoring by Association



Photo by Apolimages

of Civil Rights in Israel shows that police practices concerning the arrest, detention, and interrogation of minors in East Jerusalem are exacerbated by repeated violations of the provisions of the Youth Law and effectively denude the Law of its content. For example, the rule for **summoning to interrogation** by the police appears in section 9f(a) of the Youth Law alongside the rule that **the detention of minors shall be a last resort** (sec 10). However, these rules are not implemented in practice. The police do not summon the minor suspect for interrogation accompanied by his parents, but instead arrest the minors in their home, often by way of **nighttime arrest**, even if this is only for the purposes of interrogation. A further example is the sweeping use of the exception permitting **the interrogation of minors without**

their parents being present. There are also numerous testimonies to the **use of violence against detained minors**, as well as **the detaining of children under the age of criminal liability** in East Jerusalem.

Conclusions:

- The Youth Law has been amended with respect to stone-throwing and related offenses in such a way as to contradict its intent and spirit
- A policy of detention until the end of proceedings is liable to impair due process and encourage false confessions
- A stricter punishment policy is liable to foster recidivism among young people
- Provision of alternatives to

detention, rehabilitation and supervision programs, especially in East Jerusalem, would promote the intent of the Youth Law. Examples are electronic shackling, house arrest, a secure juvenile center, probation services and therapeutic programs for preliminary detention

- The imposition of penalties on the parents of convicted and imprisoned children and denial of benefits to these families is unfair and harmful
- The primary guiding principle should be the best interest of the child. This respects the spirit of the Youth Law and the Convention on the Rights of the Child.

Children in Israeli military detention: plus ça change, plus c'est la même chose

by Gerard Horton

In 2012 I wrote an article for the Cornerstone about children held in Israeli military detention - *Breaking a Generation: Children in Israeli Military Detention*.¹ The article described how the Israeli military has been arresting, transporting, interrogating and prosecuting thousands of Palestinian children pursuant to military law since June 1967. A few months later UNICEF released a report - *Children in Israeli Military Detention: Observations and Recommendations* - which concluded that “the ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized throughout the process.”²

In response to the UN report, the Israeli Ministry of Foreign Affairs (MOFA) announced it would study the 38 recommendations and “work to implement them through on-going cooperation with UNICEF.” Shortly afterwards the Military Advocate

General (MAG) designated the “Military Prosecutor for Judea and Samaria” (West Bank) as the point person for dialogue on this issue with UNICEF. According to an update by UNICEF in October 2013, “since the publication of the report, the Military Prosecutor has been engaging closely with UNICEF and has been reviewing the recommendations.”³

During the intervening three years since the UNICEF report, there has been an impressive amount of official activity. This activity included the promised dialogue; amendments to the military law; the re-issuance to soldiers serving in the West Bank of standard operating procedures about how to treat children they detain; a pilot study to use summonses in lieu of night-arrests; the drafting of special forms in Arabic informing parents of the whereabouts of their children; the drafting of forms in Arabic notifying children that they have a right to a lawyer as well as the right to remain silent and not to

incriminate themselves; and of course high-level meetings and briefings with diplomats and politicians.⁴

During the intervening period, more voices have been raised in objection to the treatment of children who find themselves face-to-face with the best equipped and funded military in the Middle East. Some prominent examples of these voices include:

- In April 2016, the US State Department highlighted the treatment of children held in Israeli military detention and the fact that the flow of reports of abuse and the denial of basic legal rights continues⁵
- In January 2016, members of the UK parliament raised concerns about the treatment of children held in Israeli military detention during a 90-minute debate specifically dedicated to the issue;⁶
- In September 2015, the link between the detention of children in the West Bank and Israeli settle-



“Qalandia Checkpoint” by Gerard Horton

ments was highlighted during a debate in the Australian parliament on the Middle East;⁷

- In July 2015, 23 members of the US Congress wrote to the Secretary of State, John Kerry, raising concerns about “troubling reports of widespread mistreatment of Palestinian children in Israeli custody;”⁸
- In June 2015, the UN Secretary-General reported to the Security

Council that the UN had obtained the affidavits of 122 Palestinian children from the West Bank, who had been detained by Israeli forces, in which they stated that they had been subjected to ill-treatment, including being beat, hit with sticks, blindfolded, kicked and subjected to verbal abuse and threats of sexual violence⁹

- In May 2015, the Foreign Minister of the Netherlands states in parlia-

ment that “Israel has for years been in breach of the Convention [on the Rights of the Child] concerning Palestinian children in Israeli custody”¹⁰

- In March 2015, there was a debate in the Norwegian parliament on children held in Israeli military detention. The Minister for Foreign Affairs stated that although there had been recent developments in the military court system, these were not sufficient to bring about positive change in the way children were being treated.

The attention that this issue has generated is being felt on the ground. Perhaps the best evidence of this is an internal document obtained from the military under a Freedom of Information application which noted the “*special sensitivity*” involved in arresting children in the West Bank. The document noted that “*International bodies and various human rights groups have criticized sharply, time and again, the way in which minors are treated in the Judea and Samaria area [sic] - from the stage of arrest, through the interrogation and up to the trial - and this criticism has increased significantly in the past year, being expressed by a sequence of reports, publications and articles in key international and Israeli media outlets. The cumulative weight of such reports and publications may inflict real harm on the legitimacy of Israel and its actions in the area.*”¹¹

Ultimately however, the single most important question remains: **has any of this activity and attention substantially improved the treatment of children who come in contact with the Israeli military detention system, and if not, is this simply a public relations exercise aimed at deflecting criticism?** Recent evidence cited below suggests that changes to the system are more cosmetic than substantive:



Administrative detention holding cells by Sylvia Le Clezio

- In February 2015, UNICEF updated its original report detailing significant developments in the system since February 2013.¹² The update noted that “*reports of alleged ill-treatment of children during arrest, transfer, interrogation and detention have not significantly decreased in 2013 and 2014.*”
- In March 2016, Military Court Watch released a Briefing Note following a review of 359 testimonies, concluding that UNICEF’s 2013 finding “the ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized throughout the process” is still valid in 2016.¹³

I can suggest two reasons as to why this disappointing conclusion should come as no surprise to anyone – and both reasons relate to continued Israeli settlement activity in the West Bank built in violation of the Fourth Geneva Convention and numerous UN Security Council resolutions.¹⁴

Evidence collected by Military Court Watch indicates that, on average, every child detained by the Israeli military in the West Bank lives within a few kilometers of a settlement or a road used by settlers.¹⁵ This is no coincidence. A simple principle of military occupation coupled with settlement activity is that Palestinian communities located in close proximity to Israeli settlements

or infrastructure must be constantly targeted for intimidation in order to ensure the safety of the 400,000 Israeli civilians living in the West Bank. This strategy has been succinctly articulated by former Israeli soldiers in their testimonies to *Breaking the Silence*:¹⁶

“A patrol goes in, or two patrols, two Hummers secured by a jeep, and raise hell inside the villages. A whole company may be sent in on foot in two lines like a military parade in the streets, provoking riots, provoking children. The commander is bored and wants to show off to his battalion commander, and he does it at the expense of his subordinates. He wants more and more friction, just to grind the population, make their lives more and



more miserable, and to discourage them from throwing stones, to not even think about throwing stones at the main road. Not to mention Molotov cocktails or other things. Practically speaking it worked. The population was so scared they shut themselves in. They hardly came out.”

The proof of the effectiveness of this strategy can be found in figures released by the US State Department which show that in 2012, no Israeli settlers were killed in the West Bank – an extraordinary military achievement by any standard.¹⁷ The reality of the situation is that if the military stops intimidating Palestinians who live in close proximity to settlements, the settlers will no longer feel safe and secure in occupied territory and the viability of the settlement project will be placed in jeopardy.

Secondly, the task of implementing UNICEF’s recommendations was delegated by the Israeli Ministry of Foreign Affairs to the Military Prosecutor in the West Bank. It is a matter of public record that the Military Prosecutor resides in the West Bank settlement of Efrat – it is simply not in the Military Prosecutor’s interests to effectively implement UNICEF’s recommendations if he wishes to continue to live in occupied territory.¹⁸ The appointment of a settler by the Ministry of Foreign Affairs to oversee reforms to the military detention of Palestinian minors also suggests an absence of *bona fides* on behalf of officials.

Should this be of concern to anyone other than the interested parties and the usual supporters of either the

Israeli or Palestinian causes? I would say yes. Settlement construction in occupied territory violates two basic legal principles. First, the prohibition against settlement construction contained in Article 49 of the Fourth Geneva Convention, and secondly, the absolute prohibition against the acquisition of territory as a result of conflict, even if acting in self-defense, contained in Article 2 of the UN Charter.¹⁹ The application of these fundamental principles to the present conflict is beyond any sensible dispute as confirmed by multiple binding UN Security Council resolutions.²⁰

Are we willing to abandon the international legal order established at enormous sacrifice following the conclusion of the Second World War simply in order to shield successive

Israeli governments and military officials from the consequences of their actions?²¹ If the answer is yes, then we may be repeating the same costly mistakes of the previous century when faced with future potential conflict situations, such as a resurgent Russia or a rising China. As this century proceeds and the challenges increase we may just find that the legal framework established last century to avoid major conflict has been so eroded away by exceptions, non-application, obfuscation and dithering that it will no longer be available when we need it – and at that point we shall have only ourselves to blame.

It is up to us to ensure that our elected officials live up to their obligations so that the legal framework established at the end of the Second World War is applied equally and without fear or favor to friends and foes alike. Those that are unable or unwilling to fulfill these obligations should be removed from office and replaced with more capable leaders who are ready, willing and able to uphold the rule of law.

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Take Action!

Join the

**“No Way to Treat a
Child Campaign”**

and ask governments to
uphold the UN Convention
on the Rights of the Child.
nwtac.dci-palestine.org

TESTIMONY 1

Location: Beit Fajjar, West Bank

On 7 March 2016, a 12-year-old boy was arrested by Israeli soldiers at 2:00 a.m. and accused of theft. He was released 15 hours later.

I was asleep when my father woke me and told me Israeli soldiers were inside our home. It was 2:00 a.m. The soldiers asked my father to bring all the young men to the living room and my father told them all his children were very young. The commander told him to wake everyone up.

When my father came to wake me up the commander was with him. My father told the commander I was too young but the commander told him it didn't matter and that he wanted to arrest me. I looked around and saw lots of soldiers and I was scared. The commander asked me for my name and told me I was under arrest. My father had an argument with the commander and told him I was only 12. He told them to leave me alone and that he would accompany me to the police station in the morning but the commander refused.

The commander gave my father a document and asked him to sign it. I put my clothes on and the soldiers took me outside. My mother was crying hysterically. The soldiers did not tell my parents where they were taking me or why they were arresting me. As soon as they took me outside they tied my hands to the front with a plastic tie which was tight and painful. They put me in the front of a troop carrier next to some soldiers. Inside the troop carrier they also blindfolded me. The troop carrier drove for about 15 minutes to

the police station in Etzion settlement.

At Etzion a doctor removed the blindfold and examined me. I was blindfolded again. I was taken to a room and asked to sit on some wooden boxes. I remained in the room until around 11:00 a.m. when I was taken to the interrogation room.

The interrogator removed the blindfold but kept me tied up. Before starting to interrogate me he told me he was going to call a lawyer. The lawyer told me not to be afraid. The interrogator accused me of being in the firing zone where soldiers train near Beit Fajjar and that I stole bullets from there. I told him I had no idea what he was talking about. He showed me a video clip of a boy walking in the field near the firing zone. I denied that the person was me and told the interrogator even if it was me I wasn't stealing bullets.

The interrogator then told me if I didn't confess he was going to make me sit on an electric chair. I was terrified. He asked someone to bring the electric chair. He asked me about other boys from the village. He wanted me to confess and say that they throw stones at soldiers and that they manufacture weapons. He wanted to know whether I saw the boys carrying weapons in the village. I told him I had no idea what he was talking about.

A soldier entered the room and threatened that if I didn't confess he

was going to drill a hole in my head. I could hear the sound of a drill outside the room. The interrogator again tried to get a confession about other boys carrying weapons and I told him I didn't know anything. He wanted me to show him where the weapons were. I swore I didn't know anything about weapons.

He took my photo and my fingerprints and wanted a DNA sample from my mouth. I refused to open my mouth but he forced my mouth open and took a saliva sample. He printed out my statement in Hebrew and asked me to sign it but I refused to sign. He called in the lawyer. The lawyer told me not to sign any documents. The interrogator verbally abused me and threatened to beat me if I didn't sign so in the end I signed the document.

I was then taken to a courtyard. I asked for food and water and they only brought me water. They had called my father and asked him to bring NIS 1,000 (\$250) in order to release me. My father paid the money and I was released. The interrogator said my military court hearing was scheduled for September 1, 2016. I was released around 5:00 p.m. and I went home with my father.

This testimony was collected by Military Court Watch.

TESTIMONY 2

Location: Silwad, West Bank

On 29 February 2016, a 13-year-old boy was detained by Israeli soldiers while walking along a road and accused of throwing stones. He was released without charge over 3 hours later.

I was arrested at around 4:00 p.m. I was walking towards the cemetery to visit my grandfather's grave when I saw about 10 Israeli soldiers walking. I did not run away because I wasn't doing anything wrong but the soldiers approached me and arrested me.

A soldier immediately started to beat me without any explanation. I was beaten all over my body and I was in severe pain. I screamed but they continued to beat me. It was as though the soldiers were just having fun beating me. They also verbally abused me. They also said things to me in Hebrew but I didn't understand what they were saying. After a while a military jeep pulled over and the commander took me aside and started to question me. One of the soldiers then tied my hands to the back with one plastic tie. He also blindfolded me and pushed me into the jeep.

The commander wanted to know why I was by myself in that area and whether I was throwing stones. He asked if I knew any of the boys who take part in the Friday protests. I denied the accusation and told him I didn't know anyone who protests on Fridays. He asked me the same questions over and over again for about an hour. At one point he was frustrated and started to ask me the questions in a loud voice insisting that I give him names of boys. When I denied knowing any of the

boys who throw stones his voice got louder and louder.

I was taken out of the jeep and the jeep drove away. The soldiers kept me on the side of the road for another hour. Another jeep arrived and I was put in the back of that jeep and made to sit on the floor. The jeep drove for about an hour and then stopped at a place which I didn't recognize. During the trip soldiers stepped on my feet and kicked and slapped me.

When we stopped I was made to sit on the side of the road for about 30 minutes. After 30 minutes I was put back in the jeep which drove to a deserted area where they took me out and started to beat me again. Then they

threw me on the ground and a soldier removed the tie and blindfold and the jeep drove away. I was left alone. It was dark and I was scared. It was around 7:30 p.m.

When the jeep was far enough away I started to walk and luckily saw the main road. I managed to stop a Palestinian car and I told the driver the story. The driver talked to my family and told them where I was. My father and brother came and picked me up. I arrived home at around 9:00 p.m.

This testimony was collected by Military Court Watch.





Photo by Sylvie Le Clezio

Israeli military detention: Unlawful Transfer

by Gerard Horton

Some issues related to the Israeli/Palestinian conflict stir up controversy. The facts are disputed and respectful discussion swiftly descends into acrimonious argument. It is partly for this reason that as a lawyer I am drawn to the issue of the detention of Palestinians from the West Bank in prisons located in Israel as the relevant evidence is not in dispute.

Each month, and on payment of a fee, the Israeli Prison Service (IPS) releases data

on the number of Palestinian “security prisoners” being held in its facilities at the end of the previous month.¹ The data is detailed, and includes information on whether the detainee is a child (12-17 inclusive) or an adult; the gender of the detainee; where the detainee lives; and most significantly for this discussion, the location of the prison in which the detainee is being held. According to this information there are currently 22 IPS facilities in use, of which one is located in the West Bank. The other 21 facilities

are all located inside Israel.

The location of the prisons is significant because under international law it is a war crime to transfer and detain a protected person outside occupied territory. To understand why this matters it is worth briefly considering the legal provisions that prohibit transfer and understand why they were thought necessary. The Fourth Geneva Convention (the Convention) specifically prohibits the transfer of protected persons accused

or convicted of offences from occupied territory.² It is unnecessary to consider whether or not the Convention applies to the Israeli/Palestinian conflict or the status of Palestine as occupied territory as both these issues have been authoritatively determined by the UN Security Council in legally binding resolutions.³

The articles of the Convention are accompanied by a commentary provided by the International Committee of the Red Cross (ICRC), whose role includes monitoring compliance of warring parties with the Convention.⁴ The commentary makes it clear that the prohibition against transferring protected persons from occupied territory, for whatever reason, stems from the experiences of the Second World War when mass transfers in Europe were commonplace.

Determined to avoid repeating these experiences, the authors of the Convention voted unanimously in favor of prohibiting unlawful deportation or transfer, including the transfer of detainees, and designated the practice as a “grave breach” of the Convention requiring severe penal sanctions as a deterrent.⁵ It is also relevant to note that the Convention has been ratified by 196 states, including the US, all EU member states, Israel and Palestine – all of whom are legally bound by its provisions.⁶

To appreciate just how serious some nations view a “grave breach” of the Convention, in 1957 the UK parliament passed the Geneva Conventions Act which provides that any person who commits, or aids, or abets a “grave breach” is liable to imprisonment for a term not exceeding 30 years if convicted.⁷ Similarly, the Rome Statute of the International Criminal Court, to which 139 states have signed, including

Palestine, lists the unlawful deportation or transfer or unlawful confinement of protected persons as a war crime requiring heavy sanction.⁸

For these reasons, UNICEF included a recommendation in its 2013 report – *Children in Israeli Military Detention* – that “in accordance with international law, all Palestinian children detained in the Israeli military detention system shall be held in facilities located in the occupied Palestinian territory.”⁹ A similar recommendation was made in 2012 by a delegation of prominent UK lawyers in the Foreign Office funded report – *Children in Military Custody*.¹⁰

Yet according to the data released by the IPS, on average 48 per cent of minors and 89 per cent of adult Palestinian detainees were still being transferred and detained inside Israel in 2015. This policy currently affects between 7,000 to 8,000 protected persons annually.¹¹ And to make matters worse, the military authorities have now informed UNICEF that they have no intention of changing this policy of transfer which commenced in 1967.¹²

This policy of forcible transfer has twice been challenged in the Israeli Supreme Court, most recently in 2010 in the case of *Yesh Din v Minister of Defence*.¹³ In both cases the petitions were rejected by the Court based on the primacy of Israeli domestic law over provisions of international law where the two are in direct conflict. However this position is not maintainable under international law by virtue of the Vienna Convention on the Law of Treaties which articulates the principle that no state can rely on provisions of its domestic law as an excuse not to fulfill an international treaty obligation which it has signed.¹⁴ The result is that there is no domestic avenue open to Palestinians to challenge

this unlawful policy.

There is also a disturbing corporate link when it comes to this policy of unlawful transfer. The UK/Danish multinational security company G4S provides some equipment and maintenance services to the prisons that hold Palestinian detainees following their unlawful transfer from the West Bank in violation of the Convention. This commercial arrangement will continue until 2017 even though officially it is inconsistent with the OECD guidelines for multinational enterprises.¹⁵

Besides the fact that this policy of transfer makes it difficult for Palestinian families from the West Bank to visit loved ones held in detention facilities inside Israel, a violation of the Convention of this magnitude (7,000-8,000 individuals annually) and duration (49 years) undermines the credibility of the international legal order with adverse implications for the rule of law in the region and beyond.

Alleged war crimes should either be investigated wherever they occur or we must accept the risk that our inaction, including turning a blind eye, may eventually destroy the international legal order established after the Second World War. This would be an enormous tragedy, as we will have abandoned whatever lessons we may have learned from that conflict. Hopefully enough people still understand the danger of giving up on this legal framework and appreciate the sacrifices that were made to bring them into being for this to occur.

The issue of transferring detainees *en masse* from occupied territory is a stand-alone issue because **it is a war crime**. In December 2015, Military Court Watch wrote a letter signed by

seven lawyers to various diplomatic missions including all EU member states (UK, FR, NL), Norway, US, Canada and Australia regarding this issue.¹⁶ After presenting the case, we asked a simple question: what specific steps will these governments be taking to ensure that the practice of forcibly transferring protected persons from the West Bank ceases in accordance with the legal obligations undertaken by the signatories to the Convention?" This is a question readers of this article can also ask of their elected representatives.

If we continue to turn a blind eye to war crimes of this magnitude we will inevitably degrade the current international legal order to the point of incapacity, and sacrifices of the past will have been for naught. International law is like a fire extinguisher: thankfully most of us don't need one most of the time, but we sure hope it works when we do.

(Endnotes)

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16. Military Court Watch, Correspondence - <https://is.gd/li4osn>

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Trends in 2015 inmate figures: Record Palestinians held in Israel

By B'tselem

Published: 3 Mar 2016

The last three months of 2015 saw a significant rise in the number of Palestinians being held in Israeli custody, in tandem with the rise in violent incidents. The number of administrative detainees as well as the number of women and minors in custody are the highest they have been in years.

Under the Freedom of Information Act, B'Tselem receives monthly updates from the Israel Prison Service (IPS). The figures are received a month after the fact and reflect only the number of persons in custody on the last day of the month in question. Palestinians imprisoned and released in the course of the month do not enter into these figures. B'Tselem also receives updates on the number of prisoners being held by the military: These figures are much lower, and the individuals are held only briefly. They are not included in the information provided below.

At the end of December 2015, the IPS was holding 6,066 Palestinians on what Israel defined as security grounds – the highest number since the end of July 2010. [Note: This category does not include Palestinians held for entering Israel without a permit, an act that the authorities consider a criminal offense.] Of these, 822 were added between 30 September and 31 December 2015, an increase of 15.6%.

Throughout 2015, Palestinians comprised more than 40% of all IPS inmates. The last quarter of 2015 also saw a marked change in the statistical breakdown of the legal category under which they were being held: the portion of sentenced prisoners dropped from 64.7% to 56.8%, while that of

administrative detainees rose from 6% to 9.6% and persons remanded in custody rose from 26% to 28.7%.

Remand in custody

At the end of December 2015, the IPS was holding 1,740 Palestinians remanded in custody. B'Tselem has identified remand in custody as the rule rather than the exception in military courts. This injurious pattern leads to most indictments ending in plea bargains, as defendants realize that even if they would eventually be exonerated at the end of a lengthy trial, they would spend more time behind bars than if they take the sentence offered in a plea bargain.

Administrative detainees

At the end of December 2015 the IPS had 584 administrative detainees. In the last quarter of 2015, this number rose by 269, or 85.4%, and is the highest since September 2008. It includes six minors and three women:

Israel's security establishment makes sweeping, unlawful use of administrative detention: under cover of classified information, detainees are arrested and held without being informed what the allegations are against them. Although detainees are brought before judicial review for the detention order to be approved, most of the material the prosecution submits to the judge is classified, so the detainees and their counsel are not granted permission to see it, do not know what evidence - if any - there is against them and so cannot attempt to refute it. They also do not know when they will be released: while a single detention order can be issued for up to six months, orders can be renewed indefinitely.

Minors

At the end of 2015, the IPS was holding 422 Palestinian minors on security grounds, including eight girls. That is the highest figure since the IPS began, in August 2008, to include detainees from East Jerusalem in the figures it sends to B'Tselem. The age of these minors has dropped: the proportion of minors in custody under the age of 14 rose from 0% to 1% and minors between the age of 14 and 16 rose by 11.7%:

Israel has again held minors in administrative detention for the first time since December 2011: four were reported at the end of October, five at the end of November, and six at the end of December, all between the ages of 16 and 18. Their detention orders were all issued for three months at most, but can be extended indefinitely.

Women

Few Palestinian women are imprisoned in Israel on security grounds. Nonetheless, their number almost doubled from the end of September (23 women in IPS custody) till the end of December (44 women). Some of the female inmates are administrative detainees: At the end of April, one woman was listed as an administrative detainee; at the end of November, again one was listed; and at the end of December, three women were listed as administrative detainees.

The last quarter of 2015 saw a marked rise in the number of minors among Palestinian women imprisoned in Israel on security grounds. The 14 to 16 age group rose from 0% to 9.1%, and the 16 to 18 age group from 4.3% to 9.1%. At the end of December 2015, the IPS was holding 8 female Palestinian minors.

Glimpses of Our Activities



Clergy and wives' fellowship during the Easter Season



Annual Sabeel egg hunt with children from various orphanages



Community Lenten program at the Home for the Elderly in Abu Dis.



Community Lenten program in Jericho



Contemporary Way of the Cross



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Glimpses of Our Activities



International Women's Day focusing on women in the Bible



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PURPOSE STATEMENT *of* SABELL

Sabeel is an ecumenical grassroots liberation theology movement among Palestinian Christians. Inspired by the life and teaching of Jesus Christ, this liberation theology seeks to deepen the faith of Palestinian Christians, promote unity among them, and lead them to act for justice and love. Sabeel strives to develop a spirituality based on justice, peace, non-violence, liberation, and reconciliation for the different national and faith communities. The word 'Sabeel' is Arabic for 'the way' and also a 'channel' or 'spring' of life-giving water.

Sabeel also works to promote a more accurate international awareness regarding the identity, presence, and witness of Palestinian Christians as well as their contemporary concerns.

It encourages individuals and groups from around the world to work for a just, comprehensive, and enduring peace informed by truth and empowered by prayer and action.

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