



Sir Stephen Sedley, former Lord Justice of Appeal (1999-2011), former Judge of the European Court of Human Rights



## Defenceless: Palestinian children in Israeli military detention

### Sir Stephen Sedley

An Israeli boy throws a stone from a settlement at a Palestinian child. In the unlikely event that he is arrested, he will be bailed. If he is questioned, it will be with full safeguards. If he is prosecuted, it will be before a juvenile court, with his parents and a lawyer present. If convicted, he will be dealt with in the community under the supervision of a professional probation service. Juvenile justice in Israel ticks all the boxes.

The Palestinian boy throws the stone back. In the small hours of the morning soldiers of the Israel Defence Force burst into his home, terrify the family, seize the child and transport him, hooded or blindfolded and face down on the floor of a military vehicle, his hands bound, across the border which separates the occupied territory of the West Bank from the state of Israel. There, in military custody, with no access to parents or a lawyer, he may be kept in isolation for days; he will be shouted at, threatened and possibly struck by an interrogator who wants the names of other children. He will be required to sign a confession, often in a language he doesn't understand. If he eventually sees a lawyer, he will be advised that there is no point in pleading not guilty because practically everyone before the military juvenile courts is convicted. It may be months, even years, before he sees his family again, and when he does he may well be permanently damaged.

In 2011 I was one of a group of nine British lawyers who, with Foreign Office sponsorship, went to Israel and the West Bank

to examine the legal aspects of Israel's practice of detaining Palestinian children, girls as well as boys, in military custody. We found that Israel was violating numerous provisions of the UN Convention on the Rights of the Child, from the use of shackles in court to imprisonment with adults. Arguably the most disturbing finding was that Israel, of all countries, was routinely violating the ban introduced by the 1949 Geneva Convention on transporting prisoners across frontiers.

There has been very little progress in this regard since our 2011 visit, despite anxious pressure from UNICEF and practical work by NGOs – Save the Children not least among them. The focus of the report is the medium-term and long-term damage done to young people who have been in the power of a military establishment with its own courts.

Whatever one's view of the ongoing conflict and its causes, there is no excuse for the systematic infliction of psychological harm on a generation of young Palestinians. Save The Children deserves much credit both for helping to bring this to light and for seeking ways of repairing some of the damage.

*The Save The Children report "Defenceless: the impact of the Israeli military detention system on Palestinian children" is available on their website.*

## DEFENCELESS



**The impact of the Israeli military detention system on Palestinian children**