

Economic Exploitation of Children in the Military Courts Observations from Ofer Military Court

Occupied Ramallah, October 2013

Since the start of the second Intifada in September 2000, the Israeli Occupation Forces (IOF) have arrested more than 9,000 Palestinian children under military orders that violate international humanitarian law (IHL) and the international human rights law (IHRL).

Addameer has been following the cases of children in Ofer and Salem Military Courts and has found a trend in a systematic policy of arbitrary detention of children that result in their release after an exorbitantly high fine or bail. These practices serve to not only continue to control the lives of Palestinians but also to economically exploit them by draining the resources of society and imposing financial burdens on Palestinians.

Direct observation of Ofer Military Court has found that the majority of children are released on bail or through a plea bargain. These children were ultimately released due to the lack of evidence and validity of the arrest, in addition to the weak allegations and charges submitted against them by the military prosecution. For example, the testimonies of some of the Occupation soldiers included statements identifying children from 200 meters away, in which it is physically impossible to do so. Others were arrested based on forced confessions of children taken under pressure and torture.

Palestinian children are arrested and processed through the military courts without taking into consideration the protection that should be provided to Palestinian children according to more than 27 international conventions on children's rights. During their arrest and detention, the children are put under military and police interrogation which includes aspects that amount to torture, including: physical assault, stress positions, sleep deprivation, sensory deprivation, verbal threats, isolation in two meter by two meter cells and denied access to parents or lawyers. The children are often made to sign confessions in Hebrew, which they often cannot read; these confessions are then used against them in the military court. This policy in itself is used to intimidate children from enjoying and partaking in their civic, cultural and political rights.

Using economic exploitation to inflict pressure

The military court can often use these forced confessions to pressure the defense lawyer to make a plea bargain, which is accompanied with an exorbitantly high fine, furthering the exploitation of the child.

Economic exploitation is also evidenced in the arbitrary arrest of children. While the children are released due to the arbitrary nature of their arrest and the lack of evidence, exorbitant bails are accompanied with their release. Addameer has encountered bails that have reached 4,000 NIS. Of course, consideration of the financial resources and situation of the family is not taken into account, and many family are unable to afford to post bail. The imposition of such high bail can be interpreted as a long-term collective punishment practiced against the family. The family often must borrow the money or deprive themselves of their basic needs in order to come up with the bail. An often overlooked consequence is the psychological affects it has on the family who are under financial burden despite the child's innocence and arbitrary arrest.

“I borrowed from my neighbors to pay the bail”

The Israeli Occupation Forces arrested Qusai Z. (17 years old) from Der Abu Mish'al on 29 September 2013. He was accused of throwing stones and participating in a demonstration. After interrogation, it was proven that the child was innocent, and none of his charges withstood in the court, and so the Ofer military court judge decided to release him on a 2,500 NIS bail on 9 October 2013, after eleven days in detention.

Qusai's family suffers from a very difficult financial situation. His mother told Addameer: “My husband died six years ago, and I support my four children by myself, so I had to borrow 1,000 NIS from my neighbors in order to be able to pay Qusai's bail.” It should be mentioned that Qusai's older brother was also arrested 3 months ago.

This financial exploitation practiced against Palestinian prisoners and detainees in occupation prisons is a systematic policy imposed by the occupation in order to put pressure on the Palestinian society. The policy takes advantage of the impoverished financial situation and helps the occupation from evading from their financial responsibilities towards the Palestinian prisoners and detainees.

Emotional blackmail

The child Osama R. was arrested on 6 October 2013 on his way home from school. He was charged with throwing stones, a violation punishable for up to twenty years. The court ultimately decided to release Osama on a 1,500 NIS bail.

After his hearing, Osama's father stated: “What the occupation is doing is emotional blackmail. The [Israeli] police called me a number of times telling me to go the police station in Kiryat Arba Settlement to pay my son's bail, using statements such as: ‘Your child is very young, it is sad if he stays in prison,’ and ‘Your son needs to spend the Eid vacation with his family,’ and other statements to make me pay the bail.”

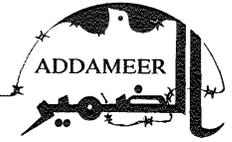
He added: “ We will not accept financial and emotional blackmail, despite the fact that I support my family of twelve, and I am unable to pay this amount of money, I refuse to pay by force. I refuse financial blackmail.”

Mohammad F. (17 years old) was arrested from his village Anata on 1 May 2012 and charged with throwing rocks. While his lawyer was ultimately able to make a plea bargain, he has not been released from prison because his family is financially unable to pay the bail. Despite this, he is expected to receive a month or month and a half extension if his family does not pay the bail.

A national strategy to confront this policy

Annually, these exorbitant bails and fines cost Palestinians between 13 million and 15 million NIS.

The Ministry of Prisoners' Affairs has made an important step towards confronting the occupation's economic exploitation policies by announcing that they will stop assisting in paying the fines as a way to choke the military court system. Addameer considers this decision a necessary step to support the Palestinian prisoners movement and its struggle to confront the policies of the military judicial system.



Addameer called for creating a legal Palestinian strategy to defend Palestinian prisoners and detainees and protect their rights that are guaranteed in IHL and IHRL. Addameer holds the Occupation responsible for the financial and legal burdens arising from occupying the Palestinian territory and subjecting it to military orders. Addameer calls the Palestine Liberation Organization and all Palestinian factions, as well as all human rights organizations, lawyers, and families of prisoners, to work as one unified unit to thwart the Occupation's policy to economically exploit Palestinian society.

Addameer Prisoner Support and Human Rights Association is preparing to publish a comprehensive study on the financial consequences resulting from the Occupation's evasion of its legal and financial responsibilities towards Palestinian prisoners and detainees, and denying their rights that are guaranteed by Geneva Third and Fourth Conventions.

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