



Defence for Children International – Palestine Section

**Complaint submission:**

**The use of solitary confinement on Palestinian children held in  
Israeli detention**

**Submitted:  
28 December 2011**

**Submitted to:**

- 1) UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;
- 2) UN Special Rapporteur on the independence of judges and lawyers;
- 3) UN Working Group on Arbitrary Detention; and
- 4) UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

*This report is submitted on behalf of Defence for Children International–Palestine Section (DCI-Palestine), a national section of the international non-governmental child rights organisation and movement, Defence for Children International, established in 1979, with consultative status with ECOSOC.*

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## **1. Introduction**

- 1.1 This complaint relates to the detention of **five children** in solitary confinement at the Al Jalame and Petah Tikva interrogation centres in Israel. The children were held in solitary confinement in October and November 2011. The children report being held in solitary confinement for between three and 24 days.
- 1.2 These cases follow a further **29 cases** documented by DCI-Palestine since February 2008, in which children report being treated in a cruel, inhuman or degrading manner at the Al Jalame and Petah Tikva facilities, where solitary confinement is routinely used.

## **2. The use of solitary confinement on children**

- 2.1 “There is no universally agreed upon definition of solitary confinement. The Istanbul Statement on the Use and Effects of Solitary Confinement defines solitary confinement as the physical isolation of individuals who are confined to their cells for 22 to 24 hours a day. Meaningful contact with other people is typically reduced to a minimum. The reduction in stimuli is not only quantitative but also qualitative. The available stimuli and the occasional social contacts are seldom freely chosen, generally monotonous, and often not empathetic.”<sup>1</sup>
- 2.2 The detrimental psychological and physical effects of detaining persons in solitary confinement are well documented and include: panic attacks; fear of impending death; depression, including clinical depression; social withdrawal; a sense of hopelessness; unprovoked anger; short attention span; disorientation; paranoia; psychotic episodes; self-mutilation; and suicide attempts.<sup>2</sup>
- 2.3 For these reasons, the UN Special Rapporteur on Torture, Mr. Juan Méndez, called for a complete ban on the use of solitary confinement on children, in a report submitted to the UN General Assembly, in October 2011.<sup>3</sup> In his report, Mr. Méndez concluded that the use of solitary confinement “can amount to torture or cruel, inhuman or degrading treatment or punishment when used as a punishment, during pretrial detention, indefinitely or for a prolonged period, for persons with mental disabilities or juveniles.”

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<sup>1</sup> Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, 5 August 2011, A/66/268 – Available at: [http://www.dci-palestine.org/sites/default/files/sr\\_report\\_aug\\_2011\\_solitary\\_confinement.pdf](http://www.dci-palestine.org/sites/default/files/sr_report_aug_2011_solitary_confinement.pdf)

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

- 2.4 This call for the prohibition on the use of solitary confinement on children echoes a similar demand made by the UN Committee on the Rights of the Child in 2007, which recommended that the practice be “strictly forbidden.”<sup>4</sup>

### **3. Background information**

- 3.1 Reports of adults and children being held in solitary confinement in Israel are not new.<sup>5</sup> The facilities where the use of solitary confinement appears to be most common are: Al Mascobiyya interrogation centre (‘The Russian Compound), in Jerusalem; Petah Tikva interrogation centre, near Tel Aviv; and Al Jalame interrogation centre, near Haifa. The responsibility for these facilities is shared by the Israel Police, the Israel Prison Service (IPS) and the Israel Security Agency (ISA).
- 3.2 Between February 2008 and November 2011, DCI-Palestine has documented **34 cases** of Palestinian children being removed from the Occupied Palestinian Territory and taken to the Al Jalame facility, where they were subjected to cruel, inhuman or degrading treatment or punishment, and in some cases, torture, in violation of the Convention against Torture, the Convention on the Rights of the Child, the Covenant on Civil and Political Rights, and the Fourth Geneva Convention.<sup>6</sup>
- 3.3 The children taken to Al Jalame report being held in solitary confinement in a small cell (commonly referred to as ‘Cell No. 36’) measuring approximately 2x3 metres. In 2009, one child reported being held in solitary confinement in this cell for 65 days. The children report either sleeping on a concrete bed, on the floor or on a thin mattress which is often described as “dirty” and “foul smelling”. Meals are passed to the children through a flap in the door, thus depriving them of human contact.
- 3.4 The walls of Cell No. 36 are reported to be grey in colour with sharp protrusions preventing the children from leaning against them for support. The cell is windowless and the only source of artificial light comes from a dim yellow light that is frequently kept on 24 hours-a-day. Some children report suffering pain behind their eyes and adverse psychological effects after being detained in Cell No. 36.

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<sup>4</sup> UN Committee on the Rights of the Child, General Comment No. 10 – paragraph 89.

<sup>5</sup> B’Tselem and Hamoked, Kept in Darkness: Treatment of Palestinian Detainees in the Petah Tikva Interrogation Facility of the Israel Security Agency, October 2010 – Available at: [http://www.btselem.org/publications/summaries/201010\\_kept\\_in\\_the\\_dark](http://www.btselem.org/publications/summaries/201010_kept_in_the_dark); Public Committee Against Torture in Israel (PCATI) – Available at: <http://www.stoptorture.org.il/en/skira90-99>; DCI-Palestine, ‘Cell No. 36’ – DCI-Palestine submits 13 cases to the UN Special Rapporteur on Torture, 6 January 2010 – Available at: <http://www.dci-palestine.org/documents/cell-no-36-dci-palestine-submits-13-cases-un-special-rapporteur-torture>

<sup>6</sup> On 6 January 2010, DCI-Palestine submitted 13 cases to the UN Special Rapporteur on Torture relating to children held at the Al Jalame facility: ‘Cell No. 36’ – Available at: <http://www.dci-palestine.org/documents/cell-no-36-dci-palestine-submits-13-cases-un-special-rapporteur-torture>

- 3.5 It appears that the dominant purpose for detaining children in Cell No. 36 is to break their spirit in order to extract a confession. Many of the children report being kept in Cell No. 36 between lengthy interrogation sessions in which prohibited techniques are frequently used, such as excessive shackling of the legs and hands, as well as position abuse, physical violence and threatening behaviour.
- 3.6 Children held in Al Jalame for interrogation are generally denied access to a lawyer and do not receive family visits, in contravention of the Fourth Geneva Convention and multiple human rights treaties.<sup>7</sup> Further, no education is provided to the children at this facility.
- 3.7 Finally, the detention of Palestinians from the Occupied Palestinian Territory in Al Jalame violates Article 76 of the Fourth Geneva Convention, which states that an occupying power must detain residents of occupied territory in prisons inside the territory i.e. in the West Bank. Further, a number of children report having their detention extended by a military court inside the Al Jalame complex, in breach of Article 66 of the Fourth Geneva Convention, which states that such courts must also be in the occupied territory.

#### **4. Complaints**

- 4.1 This submission relates to five cases involving Palestinian minors who were detained and interrogated by Israeli authorities at the Al Jalame and Petah Tikva interrogation centres in October and November 2011.
- A. O.A. - 17 years
  - B. R.J. - 17 years
  - C. R.S.J. - 16 years
  - D. S.N. - 17 years
  - E. W.B. - 16 years
- 4.2 Consent has been obtained by DCI-Palestine to submit these complaints on behalf of the complainant children.

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<sup>7</sup> See for example: Fourth Geneva Convention – Articles 72 and 76; and the Convention on the Rights of the Child – Articles 37 and 40.

A. O.A.
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4.3 ***Identity of the persons subjected to ill-treatment and/or torture.***

- O.A.
- Male
- 17 years
- Palestinian
- I.D. No. \*\*\*\*\*
- Resident of Osarin village, Nablus Governorate, Occupied Palestinian Territory

4.4 ***Date and place of arrest and subsequent ill-treatment and /or torture***

- Arrested at 2:00 am, on 15 October 2011.
- Arrested from the family home in the village of Osarin.
- Petah Tikva and Al Jalame (Kishon) interrogation and detention centres, Israel.

4.5 ***Identity of force(s) carrying out the initial detention and ill-treatment and/or torture.***

- Israeli army;
- Israel Security Agency (ISA);
- Israel Prison Service (IPS).

4.6 ***Were any persons, such as a lawyer, relatives or friends, permitted to see the victim during detention? If so, how long after the arrest?***

- No

4.7 ***Describe the methods of ill-treatment and/or torture used.***

- O.A. was arrested by Israeli soldiers from the family home at 2:00 am, on 15 October 2011. He was blindfolded and his hands were tied behind his back with two sets of plastic cords. He was then placed in a military vehicle and transferred to a military base where he was asked some questions about his health, but was not physically examined. He was then transferred to Huwwara interrogation centre, in the Occupied Palestinian Territory, and made to sit on the ground until dawn. He asked to use the toilet but his request was refused.
- Later that morning, O.A. was transferred to Petah Tikva interrogation centre inside Israel. The transfer of O.A out of occupied territory was in violation of Article 76 of

the Fourth Geneva Convention. O.A. estimates that he arrived at Petah Tikva at around 9:00 am. He was strip searched on arrival before being interrogated by a man who called himself “Morris”. O.A.’s hands were tied to a chair during the interrogation. He did not see a lawyer prior to, or during interrogation, and was not informed of his rights, including the right to silence.

- O.A. was initially interrogated for two hours. The interrogation was conducted in Arabic. O.A. was accused of throwing Molotov cocktails at an Israeli military jeep, which he denied. The interrogator informed O.A. that the evidence against him consisted of a statement made by a friend.
- After two hours of interrogation, O.A. was taken to Cell No. 5, which he describes as follows: *“It was a very small cell with a mattress on the floor, a toilet and two concrete seats. It did not have any windows, just a vent for air conditioning. It was very cold because of the air conditioning. I could not sleep because there was a yellow light on 24 hours-a-day. I was detained in the cell for two days, before being transferred to Al Jalame.”*
- Two days later, O.A. reports being transferred to Al Jalame interrogation centre where he was held in solitary confinement for five days. O.A. reports that whilst in Al Jalame his detention was extended but he did not appear in court and does not know whether a lawyer appeared for him at the extension hearing.
- After five days in Al Jalame, O.A. was transferred back to Petah Tikva interrogation centre, where he was detained in Cell No. 4, which he says was identical to Cell No. 5. O.A. reports being held in solitary confinement in Cell No. 5 for a further nine days. O.A. reports being interrogated on two further occasions in a similar manner as previously, before confessing: *“I was in a very bad psychological state, so I decided to confess. I confessed to throwing Molotov cocktails and stones at army jeeps.”* In total, O.A. reports being held in solitary confinement for 16 days (Petah Tikva (11), Al Jalame (5)).
- O.A. is currently being held Megiddo prison, inside Israel.

<b>B.</b>	<b>R.J.</b>
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#### 4.8 *Identity of the persons subjected to ill-treatment and/or torture.*

- R.J.
- Male
- 17 years

- Palestinian
- I.D. No. \*\*\*\*\*
- Resident of Haris village, Nablus Governorate, Occupied Palestinian Territory

4.9 ***Date and place of arrest and subsequent ill-treatment and /or torture.***

- Arrested at 2:00 am, on 24 October 2011.
- Arrested from the family home in the village of Haris.
- Al Jalame (Kishon) interrogation centre, Israel.

4.10 ***Identity of force(s) carrying out the initial detention and ill-treatment and/or torture.***

- Israeli army;
- Israel Security Agency (ISA); and
- Israel Prison Service (IPS).

4.11 ***Were any persons, such as a lawyer, relatives or friends, permitted to see the victim during detention? If so, how long after the arrest?***

- No

4.12 ***Describe the methods of ill-treatment and/or torture used.***

- R.J. was arrested by Israeli soldiers from the family home at 2:00 am, on 24 October 2011. R.J.'s hands were tied behind his back with three sets of plastic ties and he was blindfolded. Neither R.J. or his family were informed where he was being taken. He was then placed on the metal floor of a military vehicle where he remained for approximately two hours. R.J. reports that whilst on the floor of the military vehicle, soldiers pushed him with their boots and one soldier placed his boots on his back and pressed down causing pain. *"Whenever I felt pain they would laugh loudly and insult me,"* reports R.J. in his sworn affidavit.
- After approximately two hours the vehicle stopped at an unknown location. R.J. was taken out of the vehicle and given a cursory medical check. R.J. was again placed on the floor of the military vehicle, tied and blindfolded, which then drove around until dawn. At around dawn, R.J. was taken out of the vehicle and made to sit outside in the cold for about one-and-a-half hours. Later on that day, R.J. was taken to Huwara interrogation centre, in the Occupied Palestinian Territory.

- In the afternoon of 24 October 2011, R.J. was transferred to Al Jalame interrogation centre, inside Israel. The transfer of R.J. out of occupied territory was in violation of Article 76 of the Fourth Geneva Convention. R.J. was strip searched on arrival and was then taken for interrogation. He reports being made to sit in a low metal chair tied to the floor, and his hands were then tied to the chair. R.J. reports being interrogated by a man who introduced himself as “Assaf”. He reports being initially interrogated for one hour before being taken to Cell No. 36.
- R.J. describes Cell No. 36 as follows: *“It was a very small cell, which had a mattress on the floor and a toilet with a horrible smell. It also had two concrete chairs. The lights in the ceiling were dim yellow and on 24 hours-a-day, which hurt my eyes. The walls were grey and had a rough surface. The cell had no windows, just two gaps for letting air in and out. The food was served through a flap in the door.”* R.J. reports being held in solitary confinement in Cell No. 36 for eight days, and Cell No. 1, which he describes in similar terms except slightly larger, for 16 days. In total, R.J. reports being held in solitary confinement at Al Jalame for 24 days.
- R.J. reports being interrogated everyday, except Fridays and Saturdays. He was accused of throwing stones and Molotov cocktails, which he initially denied. However, R.J. reports in his sworn affidavits that: *“I eventually decided to confess because of the pressure they put on me. I was in a bad psychological state because they kept my hands tied for several hours during interrogation and [...] the harsh conditions of my detention.”* R.J. also reports being physically assaulted by a prison guard at Al Jalame. He filed a complaint about the incident with the prison authorities but has received no response.
- On 23 November 2011, R.J. was transferred to Megiddo prison, inside Israel.

<b>C. R.S.J.</b>
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#### 4.13 *Identity of the persons subjected to ill-treatment and/or torture*

- R.S.J.
- Male
- 16 years
- Palestinian
- I.D. No. \*\*\*\*\*
- Resident of Haris village, Nablus Governorate, Occupied Palestinian Territory

#### 4.14 *Date and place of arrest and subsequent ill-treatment and /or torture.*

- Arrested on 4 November 2011.
- Arrested in Zufin settlement, in the Occupied Palestinian Territory.
- Al Jalame (Kishon) interrogation centre, Israel.

4.15 ***Identity of force(s) carrying out the initial detention and ill-treatment and/or torture.***

- Israeli army;
- Israel Security Agency (ISA); and
- Israel Prison Service (IPS).

4.16 ***Were any persons, such as a lawyer, relatives or friends, permitted to see the victim during detention? If so, how long after the arrest?***

- No

4.17 ***Describe the methods of ill-treatment and/or torture used.***

- R.S.J. was ordered by Israeli soldiers to go to Zufin settlement for questioning. On arrival at the settlement, on 4 November 2011, R.S.J. was arrested. His hands were immediately tied tightly behind his back with plastic ties and he was blindfolded by Israeli soldiers. R.S.J. reports in his sworn affidavit that he was then placed on the floor of a military vehicle where he remained for approximately five hours. Later that day, R.S.J. was transferred to Al Jalame interrogation centre, inside Israel. The transfer of R.S.J. out of occupied territory was in violation of Article 76 of the Fourth Geneva Convention.
- On arrival at Al Jalame, R.S.J. reports being strip searched before being interrogated. R.S.J. describes what happened next as follows: *“There was a small low chair in front of the desk which was tied to the floor. I was forced to sit in the chair and my hands were tied to the chair. Immediately after that, an intelligence officer named Jolan came to the room [...] The interrogator said he would question me with other interrogators and told me to cooperate and not try to deny anything, otherwise they would harm me. I kept sitting in the low chair for about two hours.”* About two hours later R.S.J. was taken to Cell No. 36.
- R.S.J. describes Cell No. 36 as follows: *“It was a very small cell and had a smelly mattress on the floor. It had two concrete chairs and a toilet with a nasty smell. There was a sink next to the toilet. There were two lights in the ceiling; one of them was out of order and the other one was green. The walls were grey and rough. The cell had*

*no windows. They brought me food through a gap in the door. They would open it to pass the food in, and then close it afterwards.” R.S.J. reports being held alone in Cell No. 36 for 13 days.*

- R.S.J. reports being interrogated for a second time the following day. *“I was interrogated by the same interrogator in the same interrogation room. He tied me to the low metal chair. Another interrogator named Assaf joined him. A third interrogator named Jason joined them later. The three of them interrogated me for about four hours. They interrogated me for at least three hours everyday except Fridays and Saturdays [...] I confessed to throwing stones because they interrogated me for long hours, during which time they kept shouting and threatening me [...] They would shout at me and spit on me so I would confess. They did not allow me to use the bathroom despite my repeated requests.”*
- On 23 November 2011, R.S.J. was transferred to Megiddo prison, inside Israel.

<b>D.</b>	<b>S.N.</b>
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4.18 ***Identity of the persons subjected to ill-treatment and/or torture.***

- S.N.
- Male
- 17 years
- Palestinian
- I.D. No. \*\*\*\*\*
- Jenin refugee camp, Jenin Governorate, Occupied Palestinian Territory

4.19 ***Date and place of arrest and subsequent ill-treatment and /or torture.***

- Arrested on 11 November 2011.
- Arrested inside Israel.
- Tabariya police station and Al Jalame (Kishon) interrogation centre, Israel.

4.20 ***Identity of force(s) carrying out the initial detention and ill-treatment and/or torture.***

- Israel police;
- Israel Security Agency (ISA); and
- Israel Prison Service (IPS).

4.21 ***Were any persons, such as a lawyer, relatives or friends, permitted to see the victim during detention? If so, how long after the arrest?***

- No

4.22 ***Describe the methods of ill-treatment and/or torture used.***

- On 11 November 2011, S.N. entered Israel without a permit in search of work. Due to a lack of money and food he turned himself in to the Israeli police. S.N. reports in his sworn affidavit that he was handcuffed and his feet were shackled. He was then taken to Tabariya police station.
- S.N. describes what happened at the police station in the following terms: *“I was taken to a room where an interrogator kept my hands and feet tied. I asked him for some food but he refused. He did not allow me to use the bathroom either. He interrogated me quickly and asked me general questions about why I entered Israel. The interrogation lasted for about half-an-hour during which time I told the interrogator I had entered Israel looking for a job. ‘Liar,’ he shouted. ‘Your mother and sisters are whores,’ he said. He even raised his hand to hit me, but two policemen came to the room and took me outside the building [...] The two policemen grabbed me by the hands and made me stand next to a tree outside the police station. They kept my hands and feet tied. Then they started beating me all over my body by punching and kicking me for about five minutes. My lips swelled up and started bleeding.”* S.N. was then taken back to the interrogation room where the interrogator said *“we will beat you to death if you ever come back.”*
- The following morning S.N. was transferred to Al Jalame interrogation centre, where he arrived at around 8:00 am. On arrival at Al Jalame, S.N. was strip searched before being taken to a cell and held in solitary confinement for three days. *“On the third day of isolation, I started shouting and begging the jailers to transfer me to another room with detainees.”* On the third day S.N. was transferred to another cell where he was detained with another child.
- On 17 November 2011, S.N. was taken to Salem military court, in the Occupied Palestinian Territory, where he met with his lawyer for the first time. He was accused of entering a closed military zoned and pleaded guilty on 23 November 2011. S.N. was sentenced to one month and one day in prison. He served his sentence in Megiddo prison, inside Israel.

<b>E. W.B.</b>
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4.23 *Identity of the persons subjected to ill-treatment and/or torture*

- W.B.
- Male
- 16 years
- Palestinian
- I.D. No. \*\*\*\*\*
- Resident of Haris village, Nablus Governorate, Occupied Palestinian Territory

4.24 *Date and place of arrest and subsequent ill-treatment and /or torture.*

- Arrested at 4:00 am, on 21 November 2011.
- Arrested from the family home in the village of Haris.
- Al Jalame (Kishon) interrogation centre, Israel.

4.25 *Identity of force(s) carrying out the initial detention and ill-treatment and/or torture.*

- Israeli army;
- Israel Security Agency (ISA); and
- Israel Prison Service (IPS).

4.26 *Were any persons, such as a lawyer, relatives or friends, permitted to see the victim during detention? If so, how long after the arrest?*

- No

4.27 *Describe the methods of ill-treatment and/or torture used.*

- At around 4:00 am, on 21 November 2011, Israeli soldiers came to arrest W.B., but he was not home. Instead, the army took away W.B.'s father and told him to call his son and tell him to turn himself in. The army said that they would not otherwise release the father. It should be noted that the taking of hostages is prohibited under Article 34 of the Fourth Geneva Convention. Approximately 30 minutes later W.B. turned himself in to Israeli soldiers at a pre-arranged location in the village. W.B.'s hands were immediately tied tightly behind his back with one set of plastic ties and he was blindfolded. W.B. reports that the ties were so tight that: *"I still feel pain in my right thumb which sometimes becomes numb. I shouted because of the pain I felt but they shouted back in Hebrew and I did not understand what they were saying."*

- W.B. reports that he was then put in a military vehicle which travelled for about four hours to a location which he believes was Huwwara interrogation centre, in the Occupied West Bank. On arrival W.B. was given a cursory medical inspection whilst still tied. He was then put back in the military vehicle which remained stationary until around 3:00 pm. During this time W.B. was not given any food or water, and was not permitted to use the toilet. At around 3:00 pm W.B. was transferred to Al Jalame interrogation centre, inside Israel. The transfer of W.B. out of occupied territory was in violation of Article 76 of the Fourth Geneva Convention.
- On arrival at Al Jalame, W.B. was strip searched before being interrogated. W.B. describes what happened next as follows: *“An intelligence officer was already in the room. He told me his name but I forget it. There was a low metal chair tied to the floor in the middle of the room and he tied me to it. He gave me a piece of paper and ordered me to read it and sign it. He told me it had my rights on it, but I did not read it or sign it. He accused me of throwing Molotov cocktails, but I denied it, and he accused me of lying. ‘Let’s not waste each other’s time because eventually you’ll confess,’ he shouted. But I did not confess at all on day one. At around 9:00 pm he untied me and locked me in Cell No. 36.”*
- W.B. describes Cell No. 36 as follows: *“Cell 36 was very small and had a toilet, a sink and two concrete chairs. The walls were rough and in the ceiling there were two yellow lights that hurt my eyes. It had no windows, just two holes to let air in and out. The air inside the cell was very cold.”* W.B. reports being detained in solitary confinement in Cell No. 36 for a total of 12 days. W.B. was interrogated a number of times whilst at Al Jalame and *“decided to confess because I could not take it anymore; I got fed up with the interrogation and detention.”*
- On 4 December 2011, W.B. was transferred to Megiddo prison, inside Israel.

## **5. Recommendations**

- 5.1 DCI-Palestine requests that the UN Special Procedures’ Mandates receiving this complaint give urgent consideration to submitting an appeal to the Israeli government requesting the following:
- (i) The practice of using solitary confinement on children in Israeli detention facilities be stopped immediately; and

- (ii) That all relevant Israeli civilian and military laws and regulations be amended to ensure there is a legally binding and enforceable prohibition on the use of solitary confinement on children held in Israeli custody.

**DCI-Palestine**  
**28 December 2011**