



SPECIAL FOCUS ON PALESTINIAN CHILDREN:

# TARGETING PALESTINE THROUGH ITS FUTURE

DECEMBER 2015

In July of this year, eighteen-month-old Ali Dawabsha was torched to death in an Israeli settler arson attack against his home near Nablus. Not long after, his parents died due to injuries they sustained from the same attack. Ali's four-year-old brother and the only survivor from the attack, Ahmad, remains in hospital until today and suffers from severe burns.

While the Israeli occupation continues to harm and violate the rights of the entire Palestinian population, Palestinian children have been primary victims of Israel's policies and practices. In 2014 alone, 574 children were killed in the Occupied Palestinian Territory (OPT) in what was labeled as the most violent year of the Israeli occupation since 1967. Children in the Gaza Strip were the most affected by this violence, terror and loss. The 2014 Israeli offensive against the Gaza Strip killed 556 children and injured 3,312 others. The destruction and damage to homes affected 125,079 children. Between January and 16 December 2015, 27 children<sup>1</sup> were killed – 22 of whom were killed after 1 October 2015.

Indeed, the deliberate targeting of Palestinian children has become a notable feature of the Israeli occupation in the OPT. Palestinian children also face daily trauma and humiliation by the IOF. The psychological harms of the Israeli occupation are not an unfortunate side-effect of its policies, but rather a tactic utilized by Israel to constantly remind the Palestinian population that it is subjugated and occupied.<sup>2</sup> As a vulnerable group, children should be provided with special protection under the provisions of international law. Despite Israel's obligations under the United Nations Convention on the Rights of the Child (CRC), the Israeli Occupation Forces (IOF) have long killed, beaten, tortured, arrested and arbitrarily detained Palestinian children.

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<sup>1</sup> This number does not include Ahmad Sharaka, 13 years old, and Ramadan Thawabta, eight months old. For more information, see Al-Haq, *Palestinians killed in the OPT and Israel since 1 October 2015*, available at <http://www.alhaq.org/documentation/field-updates-2015/971-palestinians-killed-in-the-opt-since-1-october-2015>

<sup>2</sup> A Al Ghussain, *Israeli occupation leaves psychological not just physical scars*, The Electronic Intifada (11 September 2013) available at <https://electronicintifada.net/content/israeli-occupation-leaves-psychological-not-just-physical-scars/12759> accessed 25 Nov 2015. See also *Trauma of Palestinian children increasing, say health groups*, The Electronic Intifada, 27 July 2011, available at <https://electronicintifada.net/content/trauma-palestinian-children-increasing-say-health-groups/10212>



During the recent rise in violence, children have been at the forefront of many of the demonstrations against the occupation across the West Bank, including Occupied East Jerusalem, and the Gaza Strip. These children are part of the generation that has lived under complete Israeli military occupation with no promise of change in the future. The rioting of Palestinian youth against the Israeli occupation is a sign of deep frustration and demonstrates the crisis that Palestinian society is living through as a whole. The current unrest should, therefore, be viewed in the broader context of Israel's colonial occupation and its harmful policies.

## A. VIOLENCE AGAINST PALESTINIAN CHILDREN

Since the beginning of the occupation in 1967, Palestinian children have been living in an environment of violence and instability. Violence against Palestinian children by the IOF has taken on several forms, including killings, arrests, assaults, and harassment by both the IOF and Israeli settlers. Israeli forces have also targeted and raided Palestinians schools in locations across the OPT. During these raids, the IOF arrested Palestinian children and shot tear gas inside schools and classrooms. These actions have intensified in the recent months, resulting in a large number of deaths, injuries, and arrests of Palestinian children.

Most recently, in September 2015, Israel stepped up its open-fire regulations, permitting Israeli police to “open fire... when they face danger to any lives, “deviating from the international standard which only allows the use of live fire in extreme and highly exceptional circumstances in Occupied East Jerusalem.<sup>3</sup> The change authorizes the same excessive, and often lethal, force that is used across the OPT to be employed in occupied East Jerusalem. With the change in regulation, Benjamin Netanyahu declared a war against Palestinian stone-throwers, many of whom are children.<sup>4</sup>

This has resulted in the IOF indiscriminately firing at Palestinians protestors, many of whom are children, causing high numbers of death and injury. The change in regulations has also resulted in an apparent “shoot-to-kill” policy, where the IOF has been acting as judge, jury and executioner, in situations where Palestinians allegedly attack Israelis or are merely suspected of such attacks.

Below is an overview of the various ways Israel has continued to target Palestinian children, thereby strangling the future of Palestine.

<sup>3</sup> For more information see Al-Haq, *East Jerusalem: Exploiting Instability to Deepen the Occupation*, (2 December 2015) available at <http://www.alhaq.org/documentation/field-updates-2015/1002-east-jerusalem-exploiting-instability-to-deepen-the-occupation>.

<sup>4</sup> H Keinon, *Netanyahu declares ‘war’ on those who throw rocks and firebombs*, Jerusalem Post (16 September 2015) available at <http://www.jpost.com/Arab-Israeli-Conflict/Netanyahu-declares-war-on-those-who-throw-rocks-and-firebombs-416283>

## KILLINGS

From 1 October 2015 through 17 December, a total of 117 Palestinians have been killed in the OPT, including 23 children<sup>5</sup>. Many of these killings were the result of the IOF's indiscriminate and excessive use of force, and may therefore amount to unlawful killings. Four Palestinian children were killed while participating in demonstrations and 17 were killed after allegedly attacking Israelis or being suspected of such attacks.<sup>6</sup> Notably, many videos and witness testimonies reveal that several of the children killed posed no imminent threat to those around them and could have been controlled through other means.

Occupied East Jerusalem and Hebron have seen the highest numbers of children killed. Since 1 October 2015, six children were killed in East Jerusalem and seven children in Hebron. This comes as no surprise, as the impact of settlers and Israeli settlements in East Jerusalem and Hebron are most tangible. The following are some of the incidents documented or reported by Al-Haq across the West Bank and Gaza Strip which portray Israel's excessive, disproportionate and indiscriminate use of lethal force against Palestinian children:

- The youngest Palestinian child killed during the recent escalation is three-year-old **Rahaf Hasan**. On 11 October, an Israeli air strike killed Rahaf and her pregnant mother, Noor Hassan, in their home in the Gaza Strip. The Israeli air strike completely destroyed Rahaf's home and resulted in injuring her father, five-year-old brother, and three other people.
- On 10 October, **Marwan Barbakh**, 10, was killed by the IOF during a protest near the so-called 'buffer zone' in the Gaza Strip.

<sup>5</sup> This number does not include 9 special cases. Al-Haq, *Palestinians killed in the OPT and Israel since 1 October 2015*, available at <http://www.alhaq.org/documentation/field-updates-2015/971-palestinians-killed-in-the-opt-since-1-october-2015>

<sup>6</sup> One child was killed during an Israeli air strike and another was killed at an Israeli checkpoint.

Marwan was shot in the left shoulder with live ammunition. The IOF used rubber-coated bullets, tear gas, and live ammunition in order to disperse the protestors.

- On 5 October, 13-year-old **Abd Al-Rahman Abeidallah** was killed as he was standing 150-meters away from soldiers during a protest in Aida refugee camp near Bethlehem. Abd Al-Rahman was not participating in the protest, but was hit in the chest by a Ruger sniper rifle, which Israel has recently allowed its police to use against Palestinians in Occupied East Jerusalem -- creating a situation similar to that of the rest of the West Bank. The IOF later announced that Abd Al-Rahman was killed by mistake.
- On 20 October, in the Old City of Hebron two young Palestinian cousins, **Bashar Nidal Al-Ja'bari**, 15, and **Hussam Ismail Al-Ja'bari**, 17, were killed by the IOF. Bashar and Nidal were walking in the Old City around the same time Israeli settlers were holding a demonstration. Once they saw the settlers, the young children appeared hesitant to continue on their path. A witness told Al-Haq that when his family saw Bashar and Hussam, his brothers called after them to hide in their house until the settlers passed. At the same time, an Israeli soldier was monitoring the street from the north-eastern side. Bashar and Hussam walked back toward the Israeli-manned checkpoint that they passed through earlier. Individuals that pass through the checkpoint are almost always searched; accordingly, it is likely that the boys had been checked there. The witness saw the soldier at the checkpoint speak to the two boys for about half a minute. The soldier walked along with the two boys as they spoke heading west. The witness then heard around 20 bullets being shot from several weapons. Later on, it was discovered that Bashar and Hussam were shot dead by the IOF who claimed that the boys attempted to stab a soldier. Bashar and Hussam's bodies remained in Israeli custody for 10 days before they were released to their families.
- On 25 October, Israeli forces shot and killed 17-year-old **Dania Jihad Irsheid** near Al-Ibrahimi Mosque in Hebron. Dania had just passed

an Israeli checkpoint between the old market and the Mosque. The checkpoint is equipped with a metal detector and is guarded by three Israeli soldiers. Ten meters after crossing the checkpoint, the soldiers located at the entrance of the Mosque told Dania to approach so they could conduct a search. Dania put her school bag on the table separating her from the soldiers who started shouting at her to take out the knife. She denied having a knife. A soldier then shot near Dania who, as a result, fearfully retreated backwards about one meter with her hands in the air, repeatedly saying, “I don’t have a knife”. The soldier shot Dania with seven bullets causing her to fall to the ground and bleed heavily.<sup>7</sup>

- On 23 November, **Hadeel Wajih ‘Awwad**, 14, was killed in Jerusalem by an Israeli police officer after allegedly carrying out an attack with a pair of art scissors. Hadeel’s body is still in Israeli custody. Hadeel’s cousin, **Nourhan ‘Awwad**, 16 was also severely injured. [Security cameras](#) showed what appears to be a civilian hitting Nourhan with a chair, knocking her to the ground. After which a police officer is seen shooting both girls multiple times, resulting in the killing of Hadeel and the injury of Nourhan, who was laying motionless and posed no threat.
- On 22 November, **Ashraqat Taha Qatnani**, 16, was killed by the IOF close to Huwara checkpoint near Nablus. An Israeli settler ran his car into Ashraqat, claiming that she attempted to attack settlers. Ashraqat fell to the ground and no longer posed a threat to anyone. However, the Israeli settler shot two bullets into her body and the IOF then fired two additional bullets. Ashraqat died on the spot.
- On 23 November, the IOF shot 16-year-old **Alaa’ Khalil Hashash** near Huwara checkpoint in Nablus. According to witnesses, the IOF shot about 10 bullets toward Alaa’, claiming he was carrying out an attack. Due to the excessive firing, another civilian standing nearby, **Samah Abduallah**, 18, was shot with live fire in the head while in her family car. She was first transferred to a hospital in Nablus, however,

<sup>7</sup> Al-Haq affidavit No. 11106/2015

due to her critical situation she was transferred to an Israeli hospital. On 16 December, Samah died from the injuries she sustained.

- On 29 November, **Ayman al-'Abbasi**, 17, was killed in Ras Al-Amoud in Occupied East Jerusalem by the IOF. The IOF claimed that Ayman was carrying a Molotov cocktail and attempted to attack Israeli soldiers and police officers present at a [newly set up checkpoint](#) in the area. The IOF claims that the soldiers fired and targeted Ayman's legs. According to Al-Haq field investigations, the location where Ayman was killed is about 70-meters away from the Israeli checkpoint and is on a side hill which makes it difficult for Ayman to pose any threat or be able to throw the fire bomb towards the armed soldiers. Despite Israeli claims that Ayman was shot in his legs, Ayman was injured in his upper body area. It is unclear whether Ayman was shot in the chest or in his back. The doctor at the clinic in Silwan was unable to examine Ayman's body as Israeli soldiers tried to raid the medical clinic. Palestinian youngsters ran away with Ayman's body as they were afraid the IOF might retain it in Israeli custody denying the family the opportunity to bury their son. The family arranged for his immediate burial and he was buried without an autopsy.

As illustrated above, Israel reinstated its policy of [holding the bodies of deceased Palestinians](#) who allegedly carried out attacks against Israelis. As a result, as of 17 December 2015, at least 12 bodies of children killed across the West Bank, including East Jerusalem remain in the custody of Israel, in violation of international law.

## INJURIES

According to the Palestinian Ministry of Health 14,740 Palestinians, including 562 children, were injured between October 2015 and 16 December 2015. Of the 562 Palestinian children injured, 333 were injured by live ammunition, 149 by rubber coated bullets, 53 were assaulted by IOF and Israeli settlers and as a result had bruises and fractures, while 27 suffered from tear gas inhalation.

- On 2 October, the IOF raided Hayy Al-Taweil neighbourhood in Al-Bireh, where confrontations erupted between young Palestinians and the IOF who responded with live ammunition. Two 15-year-old Palestinian children, **Mahmmoud Basam Abu Moslim** and **Muhammad Eyad Al-Shaf'ie**, were injured. On that day, Muhammad was leaving his home to buy groceries. As he was returning home, confrontations erupted and he could hear soldiers firing bullets and smelled tear gas. Muhammad continued walking towards his home and away from the clashes. Suddenly, he was shot in the back of his knee. At first, due to the shock, Muhammad did not realize he was shot and continued walking for less than a meter. When he realized he was injured, he fell to the ground and started screaming for help. Other young Palestinians rushed to help Muhammad and took him to the Palestinian ambulance. Israeli soldiers chased him to the ambulance and were shooting in close proximity to the ambulance. The soldiers tried to drag Muhammad out of the ambulance while the paramedics tried to stop them. The soldiers dragged Muhammad and threw him to the ground. Palestinian paramedics scuffled with the Israeli soldiers, and the soldiers started kicking Muhammad on his head, attempted to hit him with their guns, and then dragged him away from the ambulance. The soldiers then made Muhammad walk for about 20 meters while hitting and kicking him, although he kept telling them that he is unable to walk. One soldier then carried Muhammad and kept walking until they arrived to the entrance of the settlement. Another soldier carried Muhammad and took him inside the settlement behind cement blocks. The soldier laid Muhammad on the ground and asked him to take his pants off. Israeli settlers started

gathering around Muhammad. A soldier took Muhammad's pants off while others blindfolded him and tied his hands. Muhammad then felt needles being jabbed into both of his hands. He was slapped violently and was verbally abused. Muhammad was left on the ground for about an hour and half, and at no time was medical assistance offered to him. During this time he asked for help and complained that his leg was hurting, but soldiers demanded that he stay quiet. A Palestinian ambulance then arrived and took Muhammad to Ramallah Hospital. The live bullet had lodged in the back of Muhammad's knee. Doctors operated on him but were unable to remove the bullet.<sup>8</sup>

- On 23 October, the IOF shot **Jum'a Lutfi Hamed**, 11, with live ammunition in his right foot during confrontations between young Palestinians and the IOF that took place in Silwad, near Ramallah.
- On 17 November, Israeli soldiers shot live ammunition, rubber-coated bullets and tear gas canisters towards Palestinians, who gathered near the buffer-zone, in the middle of the Gaza Strip, to protest the recent escalations. 13-year-old **Ashraf Abu Ghardouq** was shot with live ammunition in his right leg and was taken to hospital. Other protestors suffocated from tear gas inhalation.
- On 30 November, **Sadam Youssef Hussien**, 13, was returning home from school when he was hit by a sound bomb in his right eye. There were no clashes when Sadam was leaving school. However, soon after an Israeli soldier carrier arrived and started firing sound bombs. Clashes with the IOF often occur as students are coming out of the school. Sadam was taken to the hospital where it was later discovered that he had internal bleeding in his eye and a fractured brow bone.

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<sup>8</sup> Al-Haq affidavit No. 11100/2015

## ATTACKS ON SCHOOLS AND PALESTINIAN STUDENTS

- On 18 October, around 1:30 pm, Israeli soldiers fired a number of tear gas canisters toward children at Al-Taybeh School for Boys in Al-Taybeh, near Jenin. No injuries were reported.
- On the morning of 19 October, three Israeli soldiers and six undercover agents of the IOF stormed into Zuhor al-Mustakbal kindergarten in the village of Deir Salah, near Bethlehem. The soldiers claimed that young Palestinian protestors were hiding inside the school. The IOF searched the classrooms, while pointing their guns towards the children, and spread around in the main yard and areas surrounding the kindergarten. The soldiers retreated around 1:00 pm.
- On 5 November, **Ibrahim Al-Salaymah**, 15, was injured by shrapnel from a sound bomb that was thrown into his school's yard in Al-Tur in Occupied East Jerusalem. Ibrahim was in the school yard with his classmates during fitness class, when the IOF fired a sound bomb into the yard. The shrapnel hit Ibrahim in his foot, and he was immediately taken to the hospital.
- On 11 November, clashes erupted between students from Touqu' School near Bethlehem and Israeli soldiers who were nearby. The IOF raided the school and detained the principal for over an hour before he was released. During the raid, 12-year-old student **Muhammad Al-'Amour** was arrested.
- On 18 November, the IOF assaulted **Nasir 'Assi**, 14, while on his way home from school in Silwan, in Occupied East Jerusalem. According to Nasir's family, Nasir was leaving school with five of his classmates when all of the sudden Israeli soldiers started chasing them and caught Nasir. One of the soldiers had a metal baton which he used to hit Nasir near his eye. Nasir fell to the ground and Israeli soldiers continued hitting and kicking Nasir until he lost consciousness. Nasir's friend took him to his family's home before being transferred to the hospital.

- On 19 November, the IOF fired tear gas canisters and used skunk water to disperse protestors near Al-Shuhhada Street in Hebron. Tens of students from Al-Zahra' Girls' School suffocated from tear gas inhalation. As a result, classes were suspended at the school and two other schools in the area.

## ARRESTS

According to Addameer Prisoner Support and Human Rights Association (Addameer), there has been a significant increase in the number of Palestinians arrested, including children, since the beginning of October 2015. Between 1 October and 7 December 2015, more than 2,186 Palestinians were arrested, including at least 385 children. In total, it is estimated that there are 450 children in Israeli prisons.

Due to the increased number of Palestinian child detainees in the OPT, the Israeli Prison Services opened a juvenile section at Givon prison, near the central city of Ramle. Both Addameer and Defense for Children International – Palestine (DCI) documented and reported ill-treatment of child detainees in Israeli prisons including physical violence following arrest; abuse and threats; and collective punishment in the form of the denial of family visitation and the use of solitary confinement.<sup>9</sup> According to numbers released by DCI, between January and June of 2015, 86 percent of Palestinian children endured some form of physical violence following their arrest.<sup>10</sup>

The following cases represent recent incidents of child arrest and detention during the last few months:

- The most notorious case of child arrest is the case of **Ahmad Manasra**, 13, from Jerusalem. On 12 October, Ahmed was run over by an Israeli car in Jerusalem, claiming that Ahmad had been escaping the scene of an alleged attack with his cousin **Hasan Manasra**, 15. Hasan was shot dead that day. A [video](#) shows Ahmad after he was run over, lying on the ground injured and asking for help, while being taunted by Israeli settlers. On 15 October, the Israeli prime office released [images](#) of Ahmad in the Hadassah Ein Karem Medical

<sup>9</sup> Addameer Prisoner Support and Human Rights Association, *Israeli Occupation Targets Children in East Jerusalem with Harsh Policies*, (28 November 2015) available at <http://www.addameer.org/news/israeli-occupation-targets-palestinian-children-east-jerusalem-harsh-policies> accessed 17 Dec 2015

<sup>10</sup> *Id.* See also Defence for Children International - Palestine, *Rising physical violence against Palestinian child detainees*, (24 July 2015) available at [http://www.dci-palestine.org/rising\\_physical\\_violence\\_against\\_palestinian\\_child\\_detainees](http://www.dci-palestine.org/rising_physical_violence_against_palestinian_child_detainees) accessed 17 Dec 2015

Center in Jerusalem. Physicians for Human Rights Organization, released a statement condemning the release of the images, and stated that the release of the photo of a minor in custody, without his parent's consent, is a violation of juvenile law and privacy laws. The Organization added that the fact that the photographs were taken at a medical facility, further indicates the "approval of its management," which would be a violation of medical ethics requiring the respect of the confidentiality of medical information and respect for the patient.<sup>11</sup> On the 30 October, Ahmed was indicted by Israel's Jerusalem District Court for attempted murder of two Israelis. A controversial 10-minutes long [video](#), was released on 8 November, showing Israeli interrogator aggressively questioning and verbally abusing the anguished minor. Ahmed repeats, more than once that he does not remember or know what had happened on the day of the incident. He then confesses to the crime under considerable duress.

- On 4 November, the IOF detained two 12-year-old children, **Kareem Khaled** and **Muhammad Shamasneh** for over half an hour near the Annexation Wall in Jayyous, near Qalqilyeh. The IOF claimed that they were too close to the Annexation Wall and were attempting to 'damage' it.
- On 10 November, the IOF detained the 9-year-old **Malik Othman Karawi**, from Al-Tur in Jerusalem. On that day Malik was sitting with his siblings (7 and 8 years old) and cousin (5 years old) at his uncle small store in the neighborhood, when stones were thrown at the IOF. Malik was inside the store when three armed Israeli special police officers came into the store. Malik's uncle stood between the soldiers and the children, who started crying and were in fear. Another soldier standing outside reach out from the store's large window and grabbed Malik from the hood of his shirt, pulling him out of the store. A police car then took Malik with his uncle to the Israeli police center in Jabbal Al-Mukkabir. Malik recounts what

<sup>11</sup> I Efrati, *Physicians for Human Rights Blasts Images of Hospitalized Palestinian Teen*, Haaretz (16 October 2015) available at <http://www.haaretz.com/israel-news/.premium-1.680696> accessed 17 Dec 2015

happened to him at the police station:

*"At the police station, a policeman who spoke Arabic led my father, who heard what happened and came to the police station, and I into a room. I was asked if I saw any children throwing stones, at what time, and if I knew them or their names. I told him that I did not know their names. He told me that if I knew something I should say it, and the police would not do anything to me, but I told him again that I did not know anything. The interrogation lasted for about an hour. I was very scared and was afraid that the police would arrest me and that I would not see my mother and my friends. I also thought about how my mother would cry... We returned home. I am afraid that I will be arrested again".*

- On 11 November, the IOF raided Silwan Secondary School in Ras Al-'Amoud in Occupied East Jerusalem, searched students' bags, and arrested **Jibreil Al-'Awar**, 14. The principal was detained for an hour and was given a summons for further interrogation.

## SETTLER VIOLENCE

Palestinian children have also been the target of Israeli settlers, whose attacks against Palestinians have generally increased since October 2015. Between 31 September and 13 December 2015, Al-Haq reported at least 79 cases of settler violence across the OPT.<sup>12</sup> Israeli settlers attacked Palestinians, their homes, and other property.

- On 9 October, Israeli settlers attacked the car of Khaled 'Ityani, who suffered from serious injuries and had to be transferred to an Israeli hospital. His two children, **Anas**, 5 and **Muhammad**, 15, who were also in the car, also suffered injuries and were transferred to a hospital in Nablus.
- On 21 October, two Israeli settlers assaulted **Sakher Mahmoud Harza-allah**, 15, near Jenin. The settlers chased Sakher and attacked him. Sakher was going to harvest olives with two friends when the settlers attacked him. He was kicked and slapped but was able to run away from the settlers and back to the village, where he was then transferred to the hospital.
- On 10 December, Israeli settlers attacked and chased Palestinian students and teachers from Qurtuba School near Al-Shuhhada Street in Hebron. Israeli soldiers were present at the scene but did not attempt to stop settlers who were chasing and intimidating the school girls as they were heading to school, and therefore classes were suspended.

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<sup>12</sup> Please note that this number is not exhaustive of all cases of settler violence, given the intensity of the recent events and therefore may include other incidents.

## B. LEAVING TRACES OF PSYCHOLOGICAL HARM ON PALESTINIAN CHILDREN

The recent wave of Israeli raids, arrests, injuries and attacks in the OPT are magnifying the mental health needs of children. The Israeli occupation does not only physically harm Palestinian children, but also leaves long-lasting psychological scars. It has been well-established that conflicts have broad impacts on the well-being and mental health of children and adolescents.<sup>13</sup> This requires appropriate mental health services to be provided to children. Despite the recognition of mental health impacts and needs of children in conflict-affected areas, effective and accessible mental health services are still lacking and have been very limited.<sup>14</sup>

In the OPT, different studies have reported a “reduced quality of life among Palestinians” as well as a “high prevalence of common mental disorders”.<sup>15</sup> Mental health effects have been associated with the Israeli occupation, including the military occupation, restrictions on the freedom of movement, arrests of children and adults and their treatment in Israeli military prisons, chronic settler harassment, and many other human rights violations.

According to a 2013 report by Médecins Sans Frontières, armed conflict related precipitants were reported by 76.4 percent of youths in the OPT, with incarceration or detention as the common precipitating event.<sup>16</sup> Indeed The arbitrary detention of children serves as an intimidation measure employed by the IOF to instill fear into the psyche of young

13 K Lokuge et al. *Mental health services for children exposed to armed conflict: Médecins Sans Frontières' experience in the Democratic Republic of Congo, Iraq and the occupied Palestinian territory*. Pediatrics and International Child Health. 2013;33(4):259-272.

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3817578/pdf/pch-33-04-259.pdf> last accessed 17 Dec 2015

14 *Ibid.* at p 260.

15 World Health Organization, Report, *Report of a field assessment of health conditions in the occupied Palestinian territory 22 March to 1 April 2015*, available at [http://applications.emro.who.int/docs/Cons\\_Rep\\_2015\\_EN\\_16311.pdf?ua=1](http://applications.emro.who.int/docs/Cons_Rep_2015_EN_16311.pdf?ua=1) last accessed 17 Dec 2015

16 *Supra* note 15 at p 259 and p 265

Palestinian children. This is noticeably seen in case of **Ahmad Al-Badan**, 9, who was detained by the IOF on 24 November 2015 on his way home from school, claiming that he was throwing stones near Bethlehem. A few hours later he was released. On the same day, eight-year-old **Youssef Al-Alami** was taken from his family house handcuffed and blindfolded to the Israeli military base at the entrance of his village in Beit ‘Ummar. Youssef was then transferred to the Israeli detention camp in Kfar Etzion. He was also released a few hours later.

Children reported symptoms associated with detention including sleeping problems and secondary nocturnal enuresis.<sup>17</sup> Other common precipitating events in the OPT included witnessing violence (killing and threats) and experiencing physical violence (being wounded, beaten or tortured).<sup>18</sup> Children are exposed to loss, trauma and overwhelmingly suffer from mental disorders such as depression, anxiety, and sleeping problems. Many people also reported a sense of “insecurity and unpredictability” created by different aspects of the occupation, this includes re-applying for permits, threat of home demolitions and insecure living conditions.<sup>19</sup> This has a great effect on children’s psychological health.

It is also important to note the specific needs of Palestinian children in the Gaza Strip. In recent years, there has been substantially higher exposure to trauma for both adults and children in the Gaza Strip than elsewhere in the OPT. This comes as a result of the repeated Israeli offensives against civilians in the Gaza Strip, accompanied by the prolonged eight-year closure of the Gaza Strip.<sup>20</sup>

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17 *Ibid.*

18 *Ibid.* at p. 265. This number has increased given the 2014 Israeli offensive on the Gaza Strip as well as the excessive use of force during the recent escalation of violence in the OPT.

19 *Supra* note 17 at p. 12.

20 For more information on the effects of Israel's latest offensive in the Gaza Strip on children, see: [http://www.dci-palestine.org/operation\\_protective\\_edge\\_a\\_war\\_waged\\_on\\_gaza\\_s\\_children\\_resource](http://www.dci-palestine.org/operation_protective_edge_a_war_waged_on_gaza_s_children_resource)

## C. INTERNATIONAL LAW PROTECTIONS ON THE RIGHTS OF CHILDREN AND ISRAELI VIOLATIONS

Since the beginning of its occupation, Israel has repeatedly and systematically committed human rights violations against Palestinian children in the OPT. As the Occupying Power, Israel has clear obligations to protect the Palestinian civilian population under its control. Children are considered a vulnerable group, who enjoy special protection under international humanitarian law (IHL).<sup>21</sup> Protected persons in the OPT are entitled at all times to be humanely treated, and shall be protected against all acts of violence or threats.<sup>22</sup> Article 32 of the Fourth Geneva Convention prohibits measures which may cause physical suffering or extermination of protected persons, including measures of brutality.

Additionally, international human rights law provides protection for the rights of children in the OPT. The CRC, ratified by Israel in 1991, specifies the States Parties shall take all appropriate measures to “protect the child from all forms of physical or mental violence, injury or abuse”.<sup>23</sup>

Al-Haq is gravely concerned about Israel’s systematic excessive use of force against Palestinian civilians, including children. The number of children, as well as civilians, killed is indicative of Israel’s unstated policy of “shoot-to-kill”. Israel must respect the rights of children living in the OPT, specifically the right to life, which is recognized by the CRC and the International Covenant on Civil and Political Rights (ICCPR).<sup>24</sup> According to the CRC, States Parties are required to “ensure to the maximum extent possible the survival and development of the child.”<sup>25</sup> Additionally, according to international standards, non-violent measures should be applied first

<sup>21</sup> Art 23 and 50 of the Fourth Geneva Convention and Article 77 of the Additional Protocol I.

<sup>22</sup> Article 27(1) of the Fourth Geneva Convention.

<sup>23</sup> Israel signed the CRC in 1991.

<sup>24</sup> Article 6 of CRC and Article 6 of ICCPR

<sup>25</sup> Article 6(2) of CRC.

in law enforcement activities, where the use of firearms should only be administered when non-violent means fail and prove to be ineffective. Firearms should only be used in self-defence or defence of others against imminent threat of death or serious injury.<sup>26</sup>

In addition to the use of force and firearms against Palestinian children, Israeli forces continue to arbitrarily arrest Palestinian children. The CRC demands that children should never be deprived from their liberty arbitrarily and that their detention must be a measure of last resort.<sup>27</sup> Moreover, if a child is detained, he must “be treated with humanity and respect for the inherent dignity of the human person.” Physical as well as psychological abuse inflicted on Palestinian children in Israeli custody may amount to cruel, inhuman and degrading treatment and punishment in violation of Article 7 of the ICCPR, Article 37(a) of CRC and the Convention against Torture.

Furthermore, the attack on schools is prohibited under customary IHL. Under the principle of distinction, armed forces must distinguish between civilian objects and military objectives to ensure that civilians, including children, remain protected.<sup>28</sup> Attacks on schools further violate children’s right to education.<sup>29</sup>

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26 UN Basic Principles on Use of Firearms, Principle 9

27 Article 37 of the CRC.

28 Rule 7 of Customary IHL: The Principle of Distinction between Civilian Objects and Military Objectives, available at [https://www.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule7](https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule7))

29 Article 28 of the CRC.

## CONCLUSION

The CRC recognizes the importance of childhood as a crucial time from the full and harmonious development of the child, and therefore puts an emphasis on the right of children to grow up in an environment and atmosphere of “happiness, love and understanding” in which the child “should be afforded the necessary protection and assistance” to realize such life.

Palestinian children have long been the target of Israeli policies and are denied their basic right to a safe childhood. The life of a Palestinian child is one often characterized by violence, insecurity, abuse and trauma, as they are failed by a complex ‘legal’ system operating across the OPT that allows for such violence and abuse to be perpetuated.