

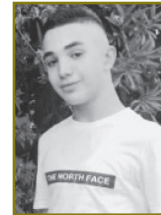


being subjected to ill-treatment and having forced confessions extracted from them during interrogations. Forms of ill-treatment used by the Israeli soldiers during a child's arrest and interrogation usually include slapping, beating, kicking and violent pushing. Palestinian children are also routinely verbally abused. Child prisoners are also punished with hefty fines, particularly children detained in Ofer prison, where fines against child prisoners in March and April 2019 amounted to ILS78,000, and more than ILS60,000 in May 2019 alone.³

The detention of Palestinian children in harsh conditions in Israeli prisons and detention centres subjects them to different forms of psychological and physical torture, including policies of intimidation and severe punishments that prevent them from living and growing up in dignity and health. In addition, losing trust and protection and being pulled away from family disrupts the character formation process and alienates the children from their families and society.

"I don't understand why I'm in prison, how is it possible that such a policy of administrative detention applies on a 17-year-old child."

Amal Nakhleh



Name: Amal Mu'amar Nakhleh

Date of Birth: 16 January 2004 (17 years old)

Address: Al-Jalazon Palestinian Refugee Camp, Ramallah

Profession: High School student

Date of Arrest: 21 January 2021

Prison: Magiddo Prison

Amal Nakhleh's case displays the Israeli apartheid regime's systematic targeting of Palestinian children in an attempt to oppress and threaten a future Palestinian generation. In addition, it demonstrates that no one is exempt from Israel's arbitrary policy of administrative detention, not even vulnerable Palestinian children.

Arrest

On 21 January 2021, the Israeli Occupation Forces (IOF) re-arrested Palestinian child Amal Nakhleh, 17 years old, from his home in Al-Jalazon Palestinian Refugee Camp during the early hours of dawn. Immediately after his arrest and upon the military prosecutor's request, Ofer Israeli military court extended Amal's detention for an additional 72 hours to issue an administrative detention order against him on 24 January 2021. Despite Amal's young age and threatening health condition, Ofer military court confirmed the administrative detention order for the entire duration of six months. Military Judge Shamon Ashuel claimed that the secret information against Amal indicates a threat to the security of the region, hence justifying his arbitrary detention without charge.

Less than two months ago, on 10 December 2020, the Israeli military court of appeal confirmed Amal's release after 40 days of incarceration. The decision was based on Amal's young age and physical and psychological health. During the appeal session, the military prosecutor insisted on extending Amal's detention. As not only did they appeal Ofer military court's previous decision

³ "Detainees' institutions: occupation authorities arrested (905) Palestinians during March and April," a report by Addameer Prisoner Support and Human Rights Association, the Palestinian Prisoners' Club, and the Palestinian Commission of Detainees and Ex-Detainees Affairs. Date of access: 6 February 2020 via <https://bit.ly/37MGA8B>

to release him, they further requested an additional 72 hours to possibly issue an administrative detention order against Amal. The military court of appeal rejected both requests and ruled for Amal's release.

Increased Health Risk Amidst the Pandemic

According to Amal's medical report, he suffers from a serious illness called myasthenia gravis,¹ which requires special medical care including regular medication and constant monitoring of the symptoms to avoid possible health risks and complications. Also, Amal recently underwent surgery to remove a cancerous mass in his chest, and as a result, suffers from severe headaches and shortness of breath. It should be noted that Amal was previously arrested on 2 November 2020 from a random Israeli check-point between the two Palestinian towns of Atara and Birzeit, north of Ramallah. The Israeli Occupation Forces assaulted Amal, tied him, and severely beat him during the arrest. The military prosecutor presented Amal with a list of charges based on throwing stones, a common allegation against Palestinian children.



¹ Myasthenia gravis is a neuromuscular disorder that causes weakness in the skeletal muscles, which are the muscles your body uses for movement. It occurs when communication between nerve cells and muscles becomes impaired. This impairment prevents crucial muscle contractions from occurring, resulting in muscle weakness, including in the muscles used for breathing and swallowing.

Adding more concern to the imminent threat to the life of Amal Nakhleh, the Israeli occupation authorities have shown their failure to ensure the protection of Palestinian prisoners and detainees during the spread of COVID-19, as they continue to be subjected to harsh living conditions that do not align with the bare minimum of adequate living standards, further compounding the vulnerability of Palestinian prisoners and detainees. The overcrowding, insufficient ventilation, and lack of hygiene products make it nearly impossible to restrain the virus's spread inside prisons and leave Palestinian prisoners unprotected and exposed to the rapid spread of COVID-19.

Palestinian Child Detainees

Palestinian children are not afforded the protection they are entitled to under many international conventions and treaties, mainly the Convention on the Rights of the Child, which Israel ratified in October 1991. As of January 2021, the number of child prisoners reached around 170, including three in administrative detention. The Israeli occupation systematically and arbitrarily utilizes administrative detention while proceeding on the basis of "secret evidence," which cannot be accessed by the detainee nor their lawyer; undermining their right to a fair trial guaranteed under international human rights and humanitarian law.

Under Article 78 of the Fourth Geneva Convention, protected persons may only be detained for "imperative reasons of security," on exceptional emergency situations. Yet Israel's routine use of administrative detention is in clear violation to international law standards. On 23 October 2020, the United Nations Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Professor Michael Lynk highlighted the illegality of Israel's conduct and use of administrative detention, and further called upon Israel to "abolish its practice of administrative detention."

Israeli military judicial procedures for juveniles still lack the proper protection entrenched under the Convention on the Rights of the Child. The Committee on the Rights of the Child in its concluding observations on the periodic report of Israel urged the State "to ensure effective access to an independent judicial review of the legality of their arrest and detention within 24 hours of their arrest and are provided with adequate free and independent legal assistance".² Further recommending that Israel amends its law relating to sentencing Palestinian children to 20 year in prison for throwing stones. The majority of children report

² Committee on the Rights of the Child, Concluding observations on the second to fourth periodic reports of Israel, 4 July 2013, Un Doc. CRC/C/ISR/CO/2-4, para. 74(b). Available at: <file:///C:/Users/Milena/Downloads/G1345025.pdf>