



# On Flimsy Grounds:

## Israel's Pervasive Night Arrests of Palestinian Children

### Introduction

Each year, hundreds of Palestinian boys ages 13-17 are arrested from their homes in the middle of the night by the Israeli security forces. Such arrests begin when a large group of soldiers arrives at the home without warning. Sometimes they pound on the door to wake the family, but often, they burst in after blowing open the door. They wake up the entire family, young and old, who watch as their child or brother is arrested, without a warrant and without their being told where he is being taken and what are the suspicions against him. The boy and other members of the family may be subject to verbal and physical violence by the soldiers, and many times the home is searched and turned upside down in the process. The boy is taken handcuffed and blindfolded, often without sufficient time to dress in warm clothing. The journey to the facility where they are to be interrogated can take hours, and the children are often deprived of water or food, and sometimes are not even allowed to relieve themselves. Thus, they arrive scared, exhausted and disoriented to one of the Israel Police stations in the West Bank, or, occasionally to an Israel Security Agency (ISA) facility, and in this condition must undergo an interrogation without their parents or effective legal counsel.

The arrest of a child is inherently traumatic, but this trauma is compounded in the case of an aggressive arrest in the middle of the night, from the home, which should be a place of privacy and safety. This experience has long-term mental health consequences, both for the arrested minor and for the rest of the family, parents and siblings who experienced the event. Parents reported to HaMoked that younger children who experienced the home invasion and witnessed their older brother being detained manifested behavioral changes, difficulty sleeping alone and bed-wetting. Research conducted by Physicians for Human Rights-Israel documented post-traumatic symptoms in both adults and children as a result of home invasions.<sup>1</sup>

HaMoked has been fighting for years to put a stop to this cruel practice, demanding that the military abstain from night arrests of children, except in exceptional circumstances. Following HaMoked's 2020 High Court petition, in which it demanded that the primary method of bringing West Bank Palestinian children for interrogation would be summoning them via their parents, rather than pre-planned night arrests, the State announced a new procedure for summoning Palestinian children for interrogation. However, new data collected by HaMoked suggests that the situation remains unchanged, if not worse: Night arrests are still used as the first recourse for bringing children for interrogation – irrespective of the severity of the suspicions against them. This practice is in contravention of Israel's legal obligations.

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<sup>1</sup> Breaking the Silence, Yesh Din and PHRI, [A Life Exposed: Military Invasions of Palestinian Homes in the West Bank](#), November 2020.

## State's response to first petition: New procedure for summoning minors for interrogation

In late 2020, [HaMoked petitioned](#) the High Court of Justice (HCJ) to compel the Israeli security forces to cease the widespread practice of night arrests of Palestinian minors in the West Bank, and to rely on a summons via their parents as the first recourse when minors are wanted for interrogation. The petition was based on [dozens of affidavits of minors](#) who had been thus arrested, indicating that pre-planned night arrests, though highly traumatic and accompanied by numerous violations of basic rights, are used by the security forces as the default for bringing minors for interrogation.<sup>2</sup>

In its July 2021 response to the petition, the State announced that the military and the Israel Police had introduced a procedure regarding “the summoning of suspected minors before a pre-planned arrest”. The military explained that the procedure stemmed from “reasons relating to the desire to minimize the harm to the civilian population, and also for reasons concerning the principle of the child’s best interest...”. The procedure is classified but the State provided an overview. It states that the new procedure **would not apply** to minors “required for interrogation not by the Israel Police” – that is, required by the ISA – or minors suspected of “severe offences” – a term which has no binding definition but is known to cover a wide range of offences of various degrees of severity – or those “with a criminal record of severe offences”. Additionally, it states that “there will be room to carry out a pre-planned arrest without prior telephone summons” under various circumstances, phrased in such general language that it could apply to virtually all situations. Following HaMoked’s concern that the situation would remain unchanged, [the Court ordered the State](#) to submit an updating notice regarding the implementation of the procedure, after which HaMoked would be allowed to submit a revised petition.

## Preliminary data: The procedure resulted in no improvement

In early 2022, the State provided official data regarding the first few months following the procedure’s entry into effect. The data indicated that indeed nothing had actually changed in the policy of pre-planned night arrests of Palestinian minors, as if no procedure were published: In its February 2022 updating notice, the State released partial figures according to which, during September-December 2021, 34 Palestinian minors had been arrested in the West Bank pursuant to the procedure, only 6 of them had been issued a summons, while the other 28 had been **arrested in pre-planned night arrests**. Further corroboration was received from the Israel Police response to HaMoked’s freedom of information request – from which it emerged that even after the procedure had entered into effect, each month dozens of Palestinian minors had been arrested in the West Bank by the Israeli security forces (32 minors were arrested at night in September 2021; 45 in October; 50 in November; and 33 in December).

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<sup>2</sup> The research was published as a report entitled [Under Cover of Darkness: Night Arrests of Palestinian Minors by Israeli Security Forces in the West Bank](#); see also HaMoked’s earlier report on the issue, [Childhood in Chains: The Detention and Interrogation of Palestinian Teenagers in the West Bank](#), April 2018.

## State's response to revised petition: Widespread use of summons never intended

On March 2, 2022, HaMoked submitted a [revised petition](#) to the HCJ, reiterating its demand that summons via the parents or legal guardian serve as the primary method for bringing Palestinian minors for interrogation and that the new procedure be amended to bring about actual change on the ground.

After repeated delays, the State finally submitted its response to the updated petition on August 8, 2022. In its response, the State reiterated its position that the petition should be dismissed out of hand as there was no call for judicial intervention, given that “the IDF policy regarding the arrest of Palestinian minors in the Judea and Samaria Area is **in line with the legal stipulations** [emphasis in the original]”, “more so after the [new] procedure entered into effect... allowing summoning minors for interrogation **when possible** [emphasis in the original] ...”. Regarding the data presented by HaMoked in its petition, the State clarified, among other things, that it had never claimed – that is, it never intended – that the procedure would have a significant impact on the scope of night arrests of minors in the West Bank.

Israel's High Court of Justice is scheduled to hear HaMoked's petition in March 2023.

## New data: zero summons in 2022

New data compiled by HaMoked show that in 2022, Israel continued and even exacerbated its pervasive, unlawful practice of night arrests of children as the first and almost only recourse for bringing children in for questioning, with no attempt to issue a summons beforehand. This past year, 294 Palestinian families contacted HaMoked to locate their minor child after his detention by Israeli forces.<sup>3</sup> Of these requests, 138 concerned a pre-planned arrest of a minor, 125 of them in the middle of the night. In each case, during the initial phone call, HaMoked staff asked the family whether they had received a summons to bring their son in for questioning prior to his arrest. **Out of the 125 cases in 2022, not one received a summons before the arrest.**

Military Court Watch, a Palestinian organization monitoring the treatment of children in Israeli military detention reached a similar conclusion. [Testimonies taken from children and parents](#) between 2014-2021 show that between 1-9% of families received a summons to bring their child in for questioning. However, in 2022, the organization did not find a single family that had a received a summons before the arrest.

## On flimsy grounds: Night arrests even for minor suspicions

HaMoked conducted a follow-up examination of every case it received of a night arrest in the six-month period of May-October 2022, looking at the length of the detention period and any legal measures taken. This examination shows clearly that pre-planned night arrests are used to bring children in for questioning even when they are not suspected of any substantial offense and with no acceptable justification.<sup>4</sup>

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<sup>3</sup> Based on data from previous years, the number of children HaMoked traced on behalf of their families ranges from one quarter to one half of the total number of Palestinian children arrested in the West Bank.

<sup>4</sup> This data was submitted to the High Court of Justice in an [updating notice](#) of December 7, 2022.

For example, in the month of May, 11 families contacted HaMoked to locate their minor son after his pre-planned night arrest from their home. In November, HaMoked contacted the Israeli military to locate these boys again and discovered that ten of them had already been released and only one remained in custody. HaMoked staff succeeded in conducting a follow-up phone call with seven of the ten families to receive additional information on the length of the boys' detention and the terms of their release: One 15-year-old boy was held for two days and then released with no conditions. Another boy, 17 years old, was held for two days and then released after his parents paid a guarantee. Another three boys were held for periods ranging from one to two months and then released, two with a guarantee and the third unconditionally. The remaining two boys were indicted: a 16-year-old was convicted of being inside Israel without the necessary permit and was released after 49 days in prison; and a 17-year-old served a 4-month prison sentence for "contact with a person from Gaza." In summary: most of the eleven boys detained in May were released with no measures taken. Only one of the seven boys whose cases were examined in more detail could be considered to have been suspected of a "serious offense" that might justify a night arrest. Regarding the other six, it is not clear whether their detention was necessary at all, but there was certainly no justification for a traumatic night arrest without having given them the opportunity to respond to a summons.

May 2022 was a completely average month in terms of these issues, and the same pattern is repeated in the following months. Altogether between May to October, a total of 58 Palestinian families contacted HaMoked to locate their child after his pre-planned night arrest from their home. HaMoked contacted the military to locate the children again in November. The overwhelming majority – 36 boys – had already been released back home. HaMoked succeeded to conduct follow-up phone calls with 28 of these families. **13 of the 28 children were detained for less than three days and then released.** This includes a 13-year-old boy who was detained on June 1 and released with a guarantee two days later. Two more boys, both from the Bethlehem area, were detained in August and released after just a few hours. Altogether 25 of the 28 boys were released with no indictment filed, some after a guarantee was deposited on their behalf. Only two of the boys were indicted on suspicions that might meet the definition of "serious offense". All 58 cases are detailed in the annex.

Regarding the 22 boys who were still in detention during the November follow-up tracing, it can be safely assumed that some if not most of them, especially those arrested during September-October, were also released after a month or two with no charges filed.

The conclusion from this study is categorical: in the vast majority of these cases, there was no need or justification for a night raid of the family home in order to arrest the child and the military made no effort beforehand to bring any of the children in for questioning via a summons.

## A mother's testimony<sup>5</sup>

*I woke up to loud banging at the front door and the sound of my daughter frantically calling me. It was around 3:30 a.m. My husband and I got up to see what was going on. Then we heard footsteps in the stairwell and a voice shouting "open up, it's the army".*

*My husband, who was still in his boxer shorts, opened the front door and around eight Israeli soldiers entered our home. More soldiers surrounded our house outside.*

*The soldiers went straight to the bedroom of our 13-year-old son without saying a word. My son was still in bed and thought he was having a nightmare when he woke and saw soldiers over his head. He later told me a soldier kicked him in the knee while he was still in bed and then grabbed him by his T-shirt and pushed him against the wall. He fainted...*

*About 30 minutes later the soldiers gathered us all in the living room and sat us down on the couch. One of the soldiers aimed his gun at us and did not allow us to move or speak. I told the soldier that my two-month-old daughter was still in her crib and I pleaded with him to allow me to fetch her but he refused. I was terrified that the soldiers might accidentally harm her as they roamed around our home. All I wanted was to hold her in my arms.*

*When my other daughter stood up to go and fetch the baby a soldier threw a chair at her and aimed his gun at her head. I thought he was going to shoot her. I was also worried the soldiers might use tear gas inside our house and I was panicking that my infant daughter would suffocate.*

*The soldiers remained in our home for about an hour... Then they took my 13-year-old son outside. I looked out the window to say good bye to him and to tell him to be strong, but a soldier aimed his gun at me and yelled at me to shut the window.*

*When the soldiers left we all burst into tears, sobbing and crying uncontrollably. We could not sleep for the following two nights. Family and friends came to our house to comfort us. My husband blamed himself for allowing the soldiers to take our son away and started to bang his head against the wall expressing his regret. It was a hellish night I will never forget. Our son was released on bail two days later.*

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<sup>5</sup> The testimony of Nadine A., 38 years old, from Beit Sira, in which she describes the invasion of soldiers to her home in the pre-dawn hours of October 12, 2022, and the arrest of her 13-year-old son. [Testimony taken by Military Court Watch.](#)

## A boy's testimony<sup>6</sup>

*I was arrested on Wednesday, March 30, 2022, at 3:00 a.m. I was asleep. I woke up from the noise. The soldiers broke down the door and made noise, which woke me up. Thirty or forty soldiers came in.*

*I have two brothers, ages 10 and 12. They woke up and started crying. My mother cried too.*

*They put the whole family in one room. I was taken into another room with five or six soldiers. All of them were masked, all the soldiers that came into the house. They did a search. They stayed for an hour or two – wrecking lots of things in the house and making a big mess. I could hear things breaking in the house when I was in the room alone.*

*They took me from home, after they tied my hands from behind and blindfolded me in the room. I didn't see or say goodbye to anyone. My family didn't see me leave the house with the soldiers.*

*I was taken in my pajamas. I wasn't allowed to get dressed.*

*They walked me for about four kilometers on rocky terrain, through fields. A lot of soldiers were walking with me. I couldn't see, but I heard their voices. I was held by two soldiers the whole way. I was hit with their hands and beat with rifle butts on the back and on the legs. They swore in Arabic, talked and shouted in Hebrew. I didn't understand what they were saying.*

*We arrived some place. I was taken into a caravan, where my blindfold was taken off. Someone came to talk to me. He said, "Here, I brought you to prison; I'll show you." I don't know him. He threw me outside to the ground, with my hands tied behind me and with the blindfold on like before. I sat on the ground. Above me, there was the sound of a fan that was blowing cold air at me. It was cold. I stayed like that until 9:00 a.m.*

*I didn't get anything to eat or drink. I wasn't allowed to go to the bathroom. When they transferred me to Megiddo, I couldn't hold it anymore, and the soldiers who escorted me in the transport car to Megiddo stopped before we got to the jail and let me pee outside in the open.*

*At Megiddo, there was a strip search. There was a medical exam, and from there to Ward 3. I ate and drank at the ward for the first time.*

## The legal framework

The policy of pre-planned night arrests of minors constitutes a violation of Israel's obligations under international law. The UN Convention on the Rights of the Child (1989) (CRC), ratified by Israel in 1991, enshrines the principle whereby "in all decisions and actions that concern children, the best interests of the child shall be a primary consideration". The CRC also sets in place principles for the treatment of children in criminal proceedings, requiring that they be given special protections safeguarding their rights, in recognition of their heightened vulnerability compared to adults. It is acknowledged that a child's young age affects not only their criminal responsibility, but also the manner in which they experience arrest, interrogation and detention. The CRC stipulates that the arrest, detention or imprisonment of a child must always be **a measure of last resort, to be used only in the absence of other viable alternatives**. Israel systematically violates the CRC and affords none of the Convention's special protections to Palestinian children in the West Bank.

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<sup>6</sup> Affidavit of T., a 17-year-old high-school student from Kafr Qadum, taken by HaMoked's attorney on June 15, 2022 in the Megiddo prison. HaMoked case #117037.

Within Israel and annexed East Jerusalem, the Youth Law (Trial, Punishment and Modes of Treatment), 5731-1971 (henceforth: "the Youth Law") dictates the manner in which the police should treat minors facing criminal proceedings and sets out various protections for the minors' benefit.<sup>7</sup> The Youth Law does not apply to Palestinian minors who are residents of the West Bank, and the harsh military law that applies affords no real protections to minors.<sup>8</sup> At the same time, Israel's Youth Law does apply to Israeli minors living in settlements in the West Bank. This is another clear manifestation of the apartheid rule Israel implements in the oPt, in the framework of which it maintains a separate and highly discriminatory legal system for the two populations living in the same territory.

Although military law has been slightly amended in recent years with regards to Palestinian juveniles facing legal proceedings, a great divide still separates it from the principles and arrangements set out in Israeli law for the protection of minors.

## Conclusion

Israeli security forces arrest hundreds of Palestinian children every year in pre-planned arrests from their home in the middle of the night. This practice causes lasting trauma for parents as well as for children, both those who have been arrested and their siblings. It seems Israel has done nothing to reduce this phenomenon – it might even be doing the opposite: in the past year, HaMoked did not find even one case in which a family received a summons for their child's interrogation in lieu of a night arrest. Night arrests were used as a first recourse even in cases where a child was only detained for a short time and released with no charges. In fact, it seems the vast majority are nothing short of arbitrary arrests. Israel's refusal to alter its conduct in this matter leads to the conclusion that these arbitrary arrests are, in fact, a means to frighten and intimidate the population.

Given the vague wording of the published overview of the military's classified procedure, it is not possible to determine whether these arrests are conducted pursuant to the procedure or in disregard of it. In either case, Israel's conduct towards Palestinian children wanted for questioning constitutes a severe violation of its international legal obligations. It must immediately halt the wholesale practice of night arrests of children, reserving this harmful practice as a last resort, for the rare cases where there are no other viable alternatives.

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<sup>7</sup> Many of the protections established in the Youth Law are not afforded in practice to Palestinian children from East Jerusalem who are arrested for interrogation on "security" related matters. See joint report by B'Tselem and HaMoked, [Unprotected: The Detention of Palestinian Teenagers in East Jerusalem](#), October 2017.

<sup>8</sup> For more on this issue, see The Association for Civil Rights in Israel, [One Rule, Two Legal Systems: Israel's Regime of Laws in the West Bank](#), October 2014; summary of B'Tselem report, [No Minor Matter: Violation of the Rights of Palestinian Minors Arrested by Israel on Suspicion of Stone-Throwing](#), July 2011; B'Tselem, [Minors in Jeopardy Violation of the Rights of Palestinian Minors by Israel's Military Courts](#), March 2018; Breaking the Silence, Yesh Din and PHRI, [A Life Exposed: Military Invasions of Palestinian Homes in the West Bank](#), November 2020.

## Appendix

Children who underwent pre-planned night arrests from their home from May to October 2022, who were traced by HaMoked upon their families' request<sup>9</sup>

Case number	District	Town	Child's age	Date of Arrest	Received pre-arrest summons	Location on 13.11.22	Terms of release; indictment; other	Total time in custody
117524	Ramallah	Al-Mughayir	15	01/05/2022	No	Released	No indictment	2 days
117559	Ramallah	Turmus'ayya	17	06/05/2022	No	Released		
117556	Hebron	Al-Aroub RC	17	08/05/2022	No	Released	No indictment	30 days
117599	Jenin	Rummana	16	08/05/2022	No	Released		
117581	Nablus	Nablus	16	09/05/2022	No	Released		
117642	Hebron	Hebron	16	12/05/2022	No	Released	Indictment: "illegal entry to Israel"	49 days
117644	Jenin	Birqin	17	12/05/2022	No	Released	Guarantee	2 days
117818	Tulkarm	Qarawat Bani Hassan	17	17/05/2022	No	Released	No indictment	30 days
117754	Nablus	----	17	18/05/2022	No	Released	Convicted of "initiating contact with person from Gaza"	4 months after one-third deducted from sentence
117836	Jericho	Aqbat Jaber RC	16	24/05/2022	No	Released	Guarantee	Month
117833	Tulkarm	Qalailya	15	25/05/2022	No	Megiddo prison		
117932	Ramallah	Ras Karka	13	01/06/2022	No	Released	Guarantee	2 days
117933	Bethlehem	Beit Fajjar	16	01/06/2022	No	Megiddo prison		
117993	Bethlehem	Husan	15	05/06/2022	No	Megiddo prison		
117961	Bethlehem	Husan	15	06/06/2022	No	Released	No indictment	
117965	Hebron	Hebron	15	06/06/2022	No	Released	Guarantee	
117979	Bethlehem	Husan	17	06/06/2022	No	Megiddo prison		

<sup>9</sup> HaMoked has removed identifying details of each case.

118005	Ramallah	Biddu	17	08/06/2022	No	Released	Guarantee	2 months
118011	Bethlehem	Beit Fajar	17	08/06/2022	No	Ofer prison		
118012	Bethlehem	Beit Fajar	16	08/06/2022	No	Ofer prison		
118072	Ramallah	Al-Mughayir	17	08/06/2022	No	Ofer prison		
118053	Jericho	Jericho	16	13/06/2022	No	Released	No indictment	3 days
118065	Hebron	Hebron	16	13/06/2022	No	Released		
118084	Bethlehem	Tuqu'	15	14/06/2022	No	Megiddo prison		
118096	Nablus	Nablus	17	15/06/2022	No	Released	Guarantee	15 days
118190	Bethlehem	Tuqu'	16	21/06/2022	No	Megiddo prison		
118309	Bethlehem	Doha	17	27/06/2022	No	Released		
118461	Tulkarm	Zeita	16	19/07/2022	No	Released	No indictment	1 day
118491	Ramallah	Deir Abu Mash'al	16	21/07/2022	No	Ofer prison		
118562	Ramallah	Abu Shukheidim	16	27/07/2022	No	Released		
118636	Jenin	Qabatiya	16	03/08/2022	No	Megiddo prison		
118656	Hebron	Halhoul	17	04/08/2022	No	Megiddo prison		
118657	Hebron	Halhoul	17	04/08/2022	No	Released	No indictment	1 day
118718	Bethlehem	Beit Fajar	17	07/08/2022	No	Released		
118745	Ramallah	Al-Mughayir	16	10/08/2022	No	Released	Guarantee	2 days
118767	Ramallah	Al-Mughayir	17	11/08/2022	No	Released	No indictment	1 day
118810	Bethlehem	Beit Fajar	16	15/08/2022	No	Ofer prison		
118903	Bethlehem	Khader	17	22/08/2022	No	Released	No indictment	A few hours
118920	Hebron	Hebron	17	23/08/2022	No	Megiddo prison		
118929	Bethlehem	Husan	17	24/08/2022	No	Released	No indictment	A few hours
119009	Tulkarm	Kifl Haris	17	31/08/2022	No	Megiddo prison		

119025	Tulkarm	Kifl Haris	17	31/08/2022	No	Megiddo prison		
119070	Tulkarm	Kafr a-Dik	15	05/09/2022	No	Released	No indictment	1 day
119072	Tulkarm	Kafr a-Dik	16	05/09/2022	No	Released	No indictment	1 day
119145	Jenin	Jenin	16	10/09/2022	No	Megiddo prison		
119284	Hebron	Hebron	16	19/09/2022	No	Ofer prison		
119388	Nablus	----	15	28/09/2022	No	Released	Indictment: Molotov cocktail	9 days
119606	Ramallah	Kobar	17	18/10/2022	No	Ofer prison		
119596	Bethlehem	Abu Dis	17	19/10/2022	No	Released		
119605	Ramallah	Al-Janiya	17	19/10/2022	No	Released	No indictment	2 days
119640	Hebron	Hebron	15	20/10/2022	No	Damoun prison		
119646	Tulkarm	Azzun	15	24/10/2022	No	Released	No indictment	
119647	Tulkarm	Azzun	16	24/10/2022	No	Released	Guarantee	
119655	Ramallah	Azzun	16	25/10/2022	No	Released	No indictment	
119664	Tulkarm	Azzun	14	26/10/2022	No	Released	No indictment	
119665	Tulkarm	Azzun	16	26/10/2022	No	Released	No indictment	
119715	Tulkarm	Azzun	17	29/10/2022	No	Megiddo prison		
119735	Tulkarm	Qalqiliya	16	31/10/2022	No	Kishon prison		