



Whose Security?

By Gerard Horton



Representatives of the international community frequently describe a two-state solution as “a secure state of Israel alongside a viable Palestinian state.” This terminology has become so commonplace that it is easy to overlook the inherent imbalance these words contain – words that appear to assume that either Palestinians already have security, or that security for Palestinians is simply irrelevant – “viability” being sufficient. During the past eight years I have worked exclusively on the issue of the detention of children by Israeli forces in the West Bank, and the stories of these children cast a different light on the perception of security.

A good place to start when considering the security dynamic is a report published by UNICEF in 2013 on children held in Israeli

military detention.¹ After reviewing the available evidence, including hundreds of testimonies collected from children detained and prosecuted in military courts, UNICEF concluded: “The ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalised throughout the process.”

Following the release of this damning assessment into a system of martial law that is approaching its fiftieth year, the Israeli Ministry of Foreign Affairs stated that it would: “study the conclusions and work to implement them through on-going cooperation with UNICEF.”² During the intervening years there has been much dialogue between

UNICEF and Israeli officials, and some amendments to the military law, and procedures have been implemented following increased international focus on the issue. In February 2015, however, UNICEF issued an update and noted that allegations of “alleged ill-treatment of children during arrest, transfer, interrogation and detention have not significantly decreased in 2013 and 2014.”³

UNICEF’s conclusion is corroborated by more recent evidence that indicates, among other things,

- most children continue to be arrested in terrifying night-time military raids;
- the military continue to use plastic ties to handcuff 93 percent of



What is the role of Israel's military detention system in maintaining the occupation?

How does the military guarantee the security of nearly 600,000 Israeli civilians who live in illegal settlements if not by engaging in a strategy of mass intimidation and collective punishment of Palestinians?

children, often inducing significant pain, and the standard operating procedures for the use of plastic ties are frequently ignored;

- eighty percent of children continue to be blindfolded or hooded in a practice that UNICEF says should be absolutely prohibited; and
- audio-visual recording of interrogations has only been mandated in “non-security-related” offences, which means that nearly 90 percent of interrogations involving children, including those accused of attending a demonstration, continue to take place without this practical safeguard recommended by UNICEF.⁴

Even more disturbing are the reports that there has been an increase – since 2013 – in instances of physical abuse that consists mainly of punching, kicking, slapping, and position abuse, but that also sometimes includes more serious allegations such as being mauled by dogs and receiving electric shocks.⁵ As to scale, it is estimated that since June 1967, around 95,000 Palestinian children have been detained, of which 59,000 are likely to have been subjected to physical violence – abuse on an industrial scale.⁶

But why is it that after so much increased attention and effort such

little progress appears to have been made relative to the treatment of children held in military detention? Is there something inherent about the situation in Palestine that prevents genuine change from occurring? To answer these questions I think it helps to put oneself in the shoes of the Israeli military for a moment.

As was noted in a recent debate in the UK Parliament, the Israeli military has essentially but one mission in Palestine, and that is to guarantee the protection of nearly 600,000 Israeli civilians who live in illegal settlements in East Jerusalem and the West Bank – a difficult task for any military.⁷ To achieve its mission, the military must engage in a strategy of mass intimidation and collective punishment of the Palestinian population, or risk the settlers being evicted. This inevitably leads to fear, resentment, and friction, often resulting in the military detention of Palestinian civilians, including children.

As was noted in the debate, it is no coincidence that the one thing that all detained children have in common is that they live at friction points located within a few kilometers of an Israeli settlement or a road used by settlers. And it is at these friction points that the military makes its presence felt – which is done through a number of measures, including night raids, violent incursions, suppression of demonstrations, arrests, and roadblocks – a fact corroborated by former Israeli soldiers in their testimonies to the group Breaking the Silence.

Another explanation as to why so little progress has been made during the past three years is that the Israeli Ministry of Foreign Affairs delegated to Israel's military prosecutor in the West Bank – himself a resident of an illegal settlement – the task of implementing UNICEF's recommendations.⁸ This fact alone raises serious questions as to whether the Israeli authorities have any genuine intention to bring about

meaningful change in accordance with their international legal obligations.

Inevitably, security in the context of settlement construction in occupied territory is a zero-sum game. It is simply not possible for Palestinians to feel secure and to expect the settlement project to be viable. The viability of the settlement project necessitates that Palestinians living next door feel insecure and intimidated. Anyone who has any experience of a community that lives in close proximity to a settlement will know this to be true; and it is well documented and supported by the evidence.⁹

In testimony after testimony, residents in these communities speak of the terror they experience when the military bangs on their doors at 2:00 am, or more commonly these days, blows open the doors without prior warning. The insecurity that is created by this conduct is not accidental. The insecurity that is created when family members, including children, are taken away, frequently without explanation, can be debilitating. As to scale, it is conservatively estimated that since 1967, the Israeli military has conducted at least 65,000 night raids on Palestinian family homes, which of course, does not include the more frequent daytime incursions into

population centers – all of which has the tendency to occupy the mind.

The success of these tactics was alluded to by the US State Department in its annual global report on human rights when it noted that in 2012 no Israeli settlers were killed in the West Bank as a result of the conflict – an extraordinary military achievement by any standards.¹⁰ One could argue that Israel already possesses relative security, given that 600,000 of its citizens are living in occupied territory, and depending on your definition of “viability” – which could presumably mean a semblance of law and order in Area A and regular garbage collection – Palestine has “viability” too – in which case, a two-state solution as defined by “a secure state of Israel alongside a viable Palestinian state” has already been delivered by the international community, as promised.

Unfortunately, the lack of two crucial ingredients – security for Palestinians and a resolution based on the rule of law, including genuine self-determination – means that peace is likely to remain elusive.

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¹ UNICEF, “Children in Israeli Military Detention: Observations and Recommendations” (February 2013). Available at <http://is.gd/Yu59IN>.

² UNICEF, Bulletin No. 1 (October 2013), page 1. Available at <http://is.gd/1m8mqR>.

³ UNICEF, Bulletin No. 2 (February 2015), page 2. Available at <http://is.gd/ECGFKV>.

⁴ Military Court Watch, Briefing Note (December 2015). Available at <http://is.gd/cKcBMn>.

⁵ Military Court Watch, “Comparative Graph – Issues of Concern” (December 2015). Available at <http://is.gd/ECKhZf>.

⁶ Military Court Watch, “UN Submission: Widespread, Systematic and Institutionalised Abuse of Minors in the West Bank” (June 2015). Available at <http://is.gd/aJUTX8>.

⁷ UK Parliamentary Business, Commons Debates, Westminster Hall, 6 January 2016, Daily Hansard: “Child Prisoners and Detainees: Occupied Palestinian Territories.” Available at <http://is.gd/SdAtve>.

⁸ UNICEF, Bulletin No. 1 (October 2013), page 1. Available at <http://is.gd/1m8mqR>. See also Haaretz, “In Israel, A Different Fate for Detained Palestinian Youths,” Chaim Levinson, 23 May 2014. Available at <http://is.gd/BLtJ6>.

⁹ Women's Centre for Legal Aid and Counselling, “UN submission: Israeli military night-raids on Palestinian residences in the West Bank and East Jerusalem,” 11 November 2015. Available at <http://is.gd/WeLNfm>.

¹⁰ US Department of State, “Country Reports on Human Rights Practices for 2012, The Occupied Territories.” Available at <http://is.gd/XZiKYy>.