



The World Organisation Against Torture  
8, rue du Vieux-Billard, 1211 Geneva, Switzerland,  
Tel. +41 22 809 49 39, Fax. +41 22 809 49 29  
[www.omct.org](http://www.omct.org)

## OPEN LETTER

**Mr. Benjamin Netanyahu**  
**Prime Minister of Israel**

Via Permanent Mission of Israel,  
Geneva  
Fax: +41 22 716 05 55

Geneva, 31 May 2010

**Re: Threats and alleged sexual assault of Palestinian children by Israeli soldiers to extract confessions**

Dear Prime Minister,

The World Organisation Against Torture (OMCT), the largest network of NGOs fighting against torture, summary executions, enforced disappearances and all other cruel, inhuman or degrading treatment or punishment in the world, is writing to you to express its serious concern about allegations of torture and ill-treatment, including incidents of sexual assault and threats of sexual assault, perpetrated against children, aged between 13 to 16 years, by Israeli soldiers, interrogators and police with the apparent objective of extracting confessions.

OMCT has been informed by Defence for Children International - Palestine section (hereafter DCI-Palestine), a member organisation of OMCT SOS-Torture Network, that every affidavit amongst the 100 collected in 2009 reported some form of ill-treatment. These reports, consistent with the findings of other agencies working in the field, both international, Israeli and Palestinian, indicate that the use of torture and ill-treatment, including sexual assault or threats of sexual assault, against children in order to obtain confessions is widespread and systematic.

In one of the cases documented by DCI-Palestine, a 15 year-old boy reports his experience, after being arrested by Israeli soldiers from his family home in September 2009, as follows: *"While sitting on the ground near the truck, a person speaking Arabic approached me and grabbed my hands and ordered me to stand up and accompany him. He grabbed me so violently and pulled me. He forced me to walk with him for about 20 metres and I could see from under the blindfold that we stopped behind a military jeep. He slapped me hard twice and grabbed my testicles so hard and started pressing them. Then, he asked me whether I threw stones and Molotov cocktails and I said I did not. He started shouting and saying 'liar, your mother's a c\*\*t.' He started beating me all over my body and once again grabbed my testicles and started pressing hard. 'I won't let go of your testicles unless you confess,' he said to me. I felt so much pain and kept shouting. I had no other choice but to confess to throwing stones."*

In light of the abovementioned allegations, OMCT is all the more concerned since, according to the information received, around 700 Palestinian children are arrested every year, interrogated and prosecuted in the Israeli military courts. The most common charge is for throwing stones. The children are interrogated in the absence of a lawyer and family members and regularly sign confessions written in Hebrew. Following their conviction in the military courts, the majority of these children are

incarcerated inside Israel, in violation of article 76 of the Fourth Geneva Convention.<sup>1</sup> OMCT has recently denounced the mass arrest of Palestinian children by Israeli soldiers during which the children were ill-treated and were not given access to a lawyer during interrogations (See OMCT urgent appeal ISR 120210.1.CC).

The International Secretariat of OMCT is gravely concerned about the abovementioned allegations and recalls that the authorities of Israel are legally bound to effectively ensure the physical and psychological integrity of all persons deprived of liberty, in particular children, in accordance, *inter alia*, with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and the UN Convention on the Rights of the Child.

OMCT wishes to recall that, in its Concluding Observations issued after examining the Israeli report in May 2009, the UN Committee Against Torture recommended that the State party "should ensure that juvenile detainees are afforded basic safeguards, before and during interrogations, including prompt access to an independent lawyer [...]. Furthermore, the State party should ensure that cases against juveniles are not decided solely on the basis of confessions, and that the establishment of a youth court is completed as a matter of priority." (CAT/C/ISR/CO/4 § 28).

The Committee Against Torture also requested to the State party to submit, within one year, information on the implementation of five recommendations of particular importance, including paragraph 15 where "the Committee calls upon Israel to examine its legislation and policies in order to ensure that all detainees, without exception, are promptly brought before a judge and have prompt access to a lawyer [...]" and paragraph 19 where "the State party should ensure that interrogation methods contrary to the Convention are not utilized under any circumstances. [...]". However, to date, nothing has been submitted by the State party.

OMCT calls upon you, Prime Minister, to ensure that the competent authorities promptly and effectively implement the concluding observations formulated by the Committee Against Torture in view of preventing further abuses against children. OMCT is convinced that, by adopting two basic measures, the occurrence of ill-treatment can be increasingly reduced, namely that 1) **No interrogation takes place in the absence of a lawyer of the child's choice** and 2) **No interrogation takes place in the absence of a tamper proof audio-video recording.**

Finally, OMCT urges you to guarantee that the competent authorities carry out prompt, effective, thorough, independent and impartial investigations into the abovementioned facts, the result of which must be made public, in order to identify all those responsible, bring them to trial and apply adequate sanctions. Victims of torture and other forms of ill-treatment, including children, must be ensured the right to an effective remedy for the human rights violations suffered as well as the right to full redress, including compensation and rehabilitation.

OMCT hopes that the concerns expressed in this letter will receive the attention they deserve.

Yours sincerely,



Eric Sottas  
Secretary General  
OMCT

CC:

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, M. Manfred Nowak, Fax: +41 22 917 90 06

Rapporteur of the UN Committee Against Torture on follow-up to concluding observations adopted under article 19 of the Convention Against Torture, Fax: +41 22 917 90 17

Permanent Mission of Israel to the United Nations in New York, Fax: +1 (212) 499-5515

Mission of Israel to the European Union, Fax: +32 (0)2-3735677

---

<sup>1</sup> "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. [...] Proper regard shall be paid to the special treatment due to minors. [...]"