

Asem

Going to military court

An EA interviewed Mona, the mother of 15-year-old Asem, who was arrested in December 2018. Asem was walking down the hill outside his village of Beit Furik in the West Bank when he was arrested and accused of planning to throw stones at an Israeli military jeep.

Asem was arrested at 9.30am, but the army didn't contact his mother until 2pm that afternoon. Within a week, he was sentenced to two months in a military prison. The only time Mona has seen her son was during his court hearing. It was very difficult for her, she told us, and the hardest thing was not being able to speak to him. All visiting families are separated from children during the court hearing and they are not allowed to get close enough to speak. As is standard practice in a military court, he was in handcuffs and leg shackles.

In military courts, the lack of an appropriate adult or legal support means that many children choose to plead guilty, whether they are or not. Many children report being coerced into a guilty plea by the soldiers, or confessing because it is the quickest way to be released. Children who plead not guilty may spend longer waiting for trial than their sentence would have been (we saw earlier the story of Yasin, who spent 34 months in pre-trial detention).

Whether they choose to fight the charges or not, the outlook is not promising. More than 99 per cent of Palestinian children who face Israeli military courts are sentenced to prison.

Mona is worried about the impact of this prison sentence on her son's education – Asem missed his first term and may need to re-sit the year. Although some prisons provide classes, these are not to the same standard you would find in a school. Megiddo Prison, for example, only provides classes in Arabic and Maths, and children only attend an average of two or three times a week. Israeli minors held in



A Palestinian boy, aged 15, is photographed by an EA as he is arrested. This is not a photo of Asem's arrest, but it captures what many arrests are like.

juvenile detention, by contrast, are provided with academic classes and a specially crafted curriculum.

His mother describes Asem as a quiet boy. Sometimes he talks about wanting to be a mechanic when he grows up, other times a carpenter. He's never been in any trouble with the military before.

Military courts

Israel introduced military juvenile courts in 2009.

The Israeli Military Courts Unit maintains that "the right of suspects and defendants to due process in the military courts is strictly upheld", but this is disputed by *Minors in Jeopardy*, a recent report by Israeli human rights group B'Tselem:

"The system continues to ignore the basic tenets that are the cornerstone of juvenile justice systems under international law."

According to UNICEF, in the majority of cases the main evidence used to convict Palestinian children is their own confession, most often extracted under duress during their interrogation.

Fact: Israelis are usually tried in civil courts. Palestinians are tried in military courts.