

116TH CONGRESS
1ST SESSION

H. R. 2407

To promote human rights for Palestinian children living under Israeli military occupation and require that United States funds do not support military detention, interrogation, abuse, or ill-treatment of Palestinian children, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2019

Ms. McCOLLUM introduced the following bill; which was referred to the
Committee on Foreign Affairs

A BILL

To promote human rights for Palestinian children living under Israeli military occupation and require that United States funds do not support military detention, interrogation, abuse, or ill-treatment of Palestinian children, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Promoting Human
5 Rights for Palestinian Children Living Under Israeli Mili-
6 tary Occupation Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Children are entitled to special protections
4 and due process rights under international human
5 rights law and international humanitarian law, re-
6 gardless of guilt or innocence or the gravity of an al-
7 leged offense.

8 (2) The Government of Israel and its military
9 detains around 500 to 700 Palestinian children be-
10 tween the ages of 12 and 17 each year and pros-
11 ecutes them before a military court system that
12 lacks basic and fundamental guarantees of due proc-
13 ess in violation of international standards.

14 (3) Israel has ratified the Convention on the
15 Rights of the Child, which states—

16 (A) in article 37(a), that “no child shall be
17 subject to torture or other cruel, inhuman or
18 degrading treatment or punishment”;

19 (B) in article 37(b), that the arrest, deten-
20 tion or imprisonment of a child “shall be used
21 only as a measure of last resort and for the
22 shortest appropriate period of time”;

23 (C) in article 37(e), that “every child de-
24 prived of liberty shall be treated with humanity
25 and respect for the inherent dignity of the
26 human person, and in a manner which takes

1 into account the needs of persons of his or her
2 age”; and

3 (D) in article 37(d), that “[e]very child de-
4 prived of his or her liberty shall have the right
5 to prompt access to legal and other appropriate
6 assistance, as well as the right to challenge the
7 legality of the deprivation of his or her liberty
8 before a court or other competent, independent
9 and impartial authority, and to a prompt deci-
10 sion on any such action”.

11 (4) In the Israeli-occupied West Bank, there
12 are two separate legal systems, with Israeli military
13 law imposed on Palestinians and Israeli civilian law
14 applied to Israeli settlers.

15 (5) Approximately 2,900,000 Palestinians live
16 in the West Bank, of which around 45 percent are
17 children under the age of 18, who have lived their
18 entire lives under Israeli military occupation.

19 (6) Since 2000, more than 10,000 Palestinian
20 children have been subject to the Israeli military
21 court system.

22 (7) Israeli security forces detain children under
23 the age of 12 for interrogation for extended periods
24 of time even though prosecution of children under
25 12 is prohibited by Israeli military law.

1 (8) Human Rights Watch, in its World Report
2 2018, reported that Israeli Security Forces detained
3 Palestinian children “often using unnecessary force,
4 questioned them without a family member present,
5 and made them sign confessions in Hebrew, which
6 most did not understand”.

7 (9) Human Rights Watch documented, in a
8 July 2015 report titled “Israel: Security Forces
9 Abuse Palestinian Children”, that such detentions
10 also included the use of chokeholds, beatings, and
11 coercive interrogation on children between the ages
12 of 11 and 15 years.

13 (10) The Israeli human rights organization
14 B’Tselem issued a report in 2018 describing the
15 treatment of Palestinian children under Israeli mili-
16 tary occupation: “Every year, hundreds of Pales-
17 tinian minors undergo the same scenario. Israeli se-
18 curity forces pick them up on the street or at home
19 in the middle of the night, then handcuff and blind-
20 fold them and transport them to interrogation, often
21 subjecting them to violence en route. Exhausted and
22 scared—some having spent a long time in transit,
23 some having been roused from sleep, some having
24 had nothing to eat or drink for hours—the minors
25 are then interrogated. They are completely alone in

1 there, cut off from the world, without any adult they
2 know and trust by their side, and without having
3 been given a chance to consult with a lawyer before
4 the interrogation. The interrogation itself often in-
5 volves threats, yelling, verbal abuse and sometimes
6 physical violence. Its sole purpose is to get the mi-
7 nors to confess or provide information about oth-
8 ers.”.

9 (11) The United Nations Children’s Fund
10 (UNICEF) concluded, in a February 2013 report ti-
11 tled “Children in Israeli Military Detention”, that
12 the “ill-treatment of children who come in contact
13 with the military detention system appears to be
14 widespread, systematic and institutionalized
15 throughout the process, from the moment of arrest
16 until the child’s prosecution and eventual conviction
17 and sentencing”.

18 (12) The 2013 UNICEF report further deter-
19 mines that the Israeli system of military detention of
20 Palestinian children profoundly deviates from inter-
21 national norms, stating that “in no other country
22 are children systematically tried by juvenile military
23 courts that, by definition, fall short of providing the
24 necessary guarantees to ensure respect for their
25 rights”.

1 (13) UNICEF also released reports in October
2 2013 and February 2015 noting that Israeli authori-
3 ties have, since March 2013, issued new military or-
4 ders and taken steps to reinforce existing military
5 and police standard operating procedures relating to
6 the detention of Palestinian children. However, the
7 reports still found continued and persistent evidence
8 of ill-treatment of Palestinian children detained by
9 Israeli forces.

10 (14) In 2013, the annual Country Report on
11 Human Rights Practices for Israel and the Occupied
12 Territories (“Annual Report”) published by the De-
13 partment of State noted that Israeli security services
14 continued to abuse, and in some cases torture mi-
15 nors, frequently arrested on suspicion of stone-
16 throwing, in order to coerce confessions. The torture
17 tactics used included threats, intimidation, long-term
18 handcuffing, beatings, and solitary confinement.

19 (15) The State Department’s 2013 Annual Re-
20 port also stated that “signed confessions by Pales-
21 tinian minors, written in Hebrew, a language most
22 could not read, continued to be used as evidence
23 against them in Israeli military courts”.

24 (16) The State Department’s 2016 Annual Re-
25 port noted a “significant increase in detentions of

1 minors” in 2016, and that “Israeli authorities con-
2 tinued to use confessions signed by Palestinian mi-
3 nors, written in Hebrew”. It also highlighted the re-
4 newed use of “administrative detention” against Pal-
5 estinians, including children, a practice in which a
6 detainee may be held indefinitely, without charge or
7 trial, by the order of a military commander or other
8 government official.

9 (17) The nongovernmental organization De-
10 fense for Children International Palestine collected
11 affidavits from 739 West Bank children who were
12 detained between 2013 and 2018, and concluded
13 that—

14 (A) 73 percent of the children endured
15 physical violence following arrest;

16 (B) under Israeli military law, children do
17 not have the right to a lawyer during interroga-
18 tion;

19 (C) 96 percent of the children did not have
20 a parent present during their interrogation;

21 (D) 74 percent of the children were not
22 properly informed of their rights by Israeli po-
23 lice;

1 (E) interrogators used stress positions,
2 threats of violence, and isolation to coerce con-
3 fessions from detained children;

4 (F) 29 children were detained and placed
5 in administrative detention, or detention with-
6 out charge or trial, since Israel renewed the
7 practice against minors in October 2015, and

8 (G) 122 children were held in pre-trial,
9 pre-charge isolation for interrogation purposes
10 for an average period of 13 days.

11 (18) Amendments to Israeli military law con-
12 cerning the detention of Palestinian children have
13 had little to no impact on the treatment of children
14 during the first 24 to 48 hours after an arrest, when
15 the majority of their ill-treatment occurs.

16 (19) In 2013, the United Nations Committee
17 on the Rights of the Child reviewed Israel's compli-
18 ance with the Convention on the Rights of the Child
19 and declared that Palestinian children arrested by
20 Israeli forces "continue to be systematically subject
21 to degrading treatment, and often to acts of torture"
22 and that Israel had "fully disregarded" the previous
23 recommendations of the Committee to comply with
24 international law.

1 (20) The United Nations Committee Against
2 Torture, in 2016, reviewed Israel’s compliance with
3 the Convention Against Torture and reported: “alle-
4 gations of many instances in which Palestinian mi-
5 nors were exposed to torture or ill-treatment, includ-
6 ing to obtain confessions; were given confessions to
7 sign in Hebrew, a language they do not understand;
8 and were interrogated in the absence of a lawyer or
9 a family member. The Committee is also concerned
10 that many of these children, like many other Pal-
11 estinians, are deprived of liberty in facilities located
12 in Israel, thus hindering access to visits of relatives
13 who live in the Occupied Palestinian Territory.”.

14 (21) Existing Federal statutory provisions
15 known as the “Leahy law” codified at section 620M
16 of the Foreign Assistance Act of 1961, 22 U.S.C.
17 2378d and section 362 of Title 10 of the United
18 States Code, prohibit the United States Government
19 from using funds for assistance to units of foreign
20 security forces where there is credible information
21 implicating that unit in the commission of gross vio-
22 lations of human rights, including torture.

23 (22) The United States provides in excess of
24 \$3.8 billion in annual foreign military assistance to
25 the Government of Israel which enables the military

1 detention and abuse of Palestinian children by
2 Israel's military system of juvenile detention.

3 **SEC. 3. PURPOSE.**

4 The purpose of this Act is to promote and protect
5 the human rights of Palestinian children living under
6 Israeli military occupation.

7 **SEC. 4. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

9 (1) the detention, prosecution, and ill-treatment
10 of Palestinian children living under military occupa-
11 tion in a military court system that lacks basic and
12 fundamental guarantees of due process by the Gov-
13 ernment of Israel—

14 (A) violates international law and inter-
15 nationally recognized standards of human
16 rights;

17 (B) is contrary to the values of the Amer-
18 ican people and the efforts of the United States
19 to support equality, human rights, and dignity
20 for both Palestinians and Israelis; and

21 (C) undermines efforts by the United
22 States and the international community to
23 achieve a just and lasting peace between Israel
24 and the Palestinian people; and

1 (2) Israeli and Palestinian civil society organi-
2 zations working to advance human rights, justice,
3 and equal treatment for Palestinians living under
4 Israeli military occupation, as well as Jewish and
5 non-Jewish citizens of Israel, are essential to pro-
6 moting human dignity, democratic values, and inter-
7 national humanitarian law, and therefore deserve
8 recognition and support from the United States and
9 the American people.

10 **SEC. 5. STATEMENT OF POLICY.**

11 It is the policy of the United States to promote
12 human rights for Palestinian children living under Israeli
13 military occupation and to declare Israel’s system of mili-
14 tary detention of Palestinian children as a practice that
15 results in widespread and systematic human rights abuses
16 amounting to gross violations of human rights inconsistent
17 with international humanitarian law and the laws and val-
18 ues of the United States.

19 **SEC. 6. LIMITATION ON ASSISTANCE TO SECURITY FORCES.**

20 (a) IN GENERAL.—Section 620M of the Foreign As-
21 sistance Act of 1961 (22 U.S.C. 2378d; commonly known
22 as the “Leahy Law”) is amended by adding at the end
23 the following new subsection:

24 “(e) SPECIFIC LIMITATIONS CONCERNING MILITARY
25 COURTS.—Notwithstanding any other provision of law, no

1 funds authorized to be appropriated for assistance to a
2 foreign country may be used to support the military deten-
3 tion, interrogation, abuse, or ill-treatment of children in
4 violation of international humanitarian law or to support
5 the use against children of any of the following practices:

6 “(1) Torture or cruel, inhumane, or degrading
7 treatment.

8 “(2) Physical violence, including restraint in
9 stress positions.

10 “(3) Hooding, sensory deprivation, death
11 threats, or other forms of psychological abuse.

12 “(4) Incommunicado detention or solitary con-
13 finement.

14 “(5) Administrative detention, including when a
15 detainee is held indefinitely, without charge or trial,
16 by the order of a military commander or other gov-
17 ernment official.

18 “(6) Arbitrary detention.

19 “(7) Denial of access to parents or legal counsel
20 during interrogations.

21 “(8) Confessions obtained by force or coer-
22 cion.”.

1 **SEC. 7. AUTHORIZATION OF FUNDS TO MONITOR HUMAN**
2 **RIGHTS ABUSES AND PROVIDE TREATMENT**
3 **TO PALESTINIAN CHILD VICTIMS OF MILI-**
4 **TARY DETENTION AND TORTURE.**

5 (a) **FUNDING.**—There is authorized to be appro-
6 priated not less than \$19,000,000 each fiscal year to the
7 Secretary of State to be made available to nongovern-
8 mental organizations from the United States, Israel, or
9 the Occupied Palestinian Territory for the following pur-
10 poses:

11 (1) **MONITORING HUMAN RIGHTS ABUSES ASSO-**
12 **CIATED WITH ISRAEL’S MILITARY DETENTION OF**
13 **PALESTINIAN CHILDREN.**—

14 (A) **IN GENERAL.**—Nongovernment organi-
15 zations with human rights experience are eligi-
16 ble to receive funding under this subsection.
17 Such funding shall be used to monitor, assess,
18 and document incidents of Palestinian children
19 subjected to Israeli military detention, including
20 interviews with victims, family members of vic-
21 tims, relevant community members, health care
22 providers, legal advocates, civil society monitors,
23 and Israeli military officials.

24 (B) **PUBLIC AVAILABILITY.**—All informa-
25 tion and documentation gathered pursuant to
26 subparagraph (A), including affidavits, inter-

1 views, photographs, video, and other relevant
2 material, shall be made publicly available via
3 the internet and in annual reports subject to
4 the determination that published information
5 shall not put victims or sources at risk or in
6 danger resulting from persecution, retaliation,
7 or retribution.

8 (C) LIMITATION.—Funding under this
9 paragraph may not exceed 50 percent of total
10 funds authorized to be appropriated under this
11 subsection.

12 (2) PROVIDING PHYSICAL, PSYCHOLOGICAL,
13 AND EMOTIONAL HEALTH TREATMENT, SUPPORT,
14 AND REHABILITATION FOR PALESTINIAN CHILDREN
15 VICTIMS OF MILITARY DETENTION, ABUSE, AND
16 TORTURE.—

17 (A) IN GENERAL.—Nongovernmental orga-
18 nizations with experience in providing physical,
19 psychological, and emotional treatment for vic-
20 tims of abuse, trauma, or torture described in
21 subparagraph (B) are eligible to receive funding
22 under this subsection. Such funding shall be
23 provided to a collaboration of United States,
24 Israeli, and Palestinian treatment providers de-
25 termined by the Secretary of State to be best

1 suited to meet the rehabilitation needs of vic-
2 tims. No member of any nongovernmental orga-
3 nization providing treatment under this para-
4 graph may be employed or act as an agent or
5 behalf of an intelligence agency of the United
6 States, Israel, or the Palestinian Authority.

7 (B) ELIGIBILITY.—Victims described in
8 this subparagraph are any Palestinian age 21
9 or younger providing documentation of military
10 detention as a child having occurred since Jan-
11 uary 1, 2009.

12 (C) REPORTING.—As a condition on the
13 receipt of funding under this subsection, non-
14 governmental organizations shall issue an an-
15 nual public report of activities, including find-
16 ings and a clinical assessment of the physical
17 and psychological effects of military detention
18 on children, adolescents, and adults who experi-
19 ence trauma as children, and recommendations
20 to the international community regarding best
21 practices for treating child victims of military
22 detention.

23 (b) PROGRAM NAME.—Amounts made available pur-
24 suant to subsection (a) shall be referred to as the “Human

- 1 Rights Monitoring and Treatment for Palestinian Child
- 2 Victims of Israeli Military Detention Fund”.

