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Israel Police
- Unclassified –

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To: Daniel Shenhar, Advocate
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Re: Interrogations of Palestinian Minors from the West Bank in Israel Police Stations

In reference to your letter dated August 8, 2016

1. First, I would like to apologize for the delayed response, which resulted from a malfunction.
2. In your referenced letter, you posed a variety of claims regarding the manner in which interrogations of Palestinian minors in the West Bank are conducted.
3. In response to your claims, I would like to clarify the following:
 1. In recent years, an overarching process is taking place, headed by the Deputy Attorney General of Israel Raz Nizri, and with the participation of all relevant parties, to apply the rules of the Youth Law (Trial, Punishment and Modes of Treatment) 5731-1971 (hereinafter: the Youth Law) to the interrogations of minors from the Area [the West Bank], as much as possible.
 2. In this framework, a variety of amendments were made to the security legislation, which regulate various aspects of the interrogation of residents of Judea and Samaria, in an effort to minimize as much as possible the gaps between interrogation procedures for minors in Israel and those practiced in regards to minors from Judea and Samaria.
 3. As part of these amendments, among other things, the age of minority in the security legislation was raised from 16 to 18, a military youth court was founded, the arrest periods for minors were shortened, orders were instated regarding the separation between minor detainees and adult detainees, and the right to consult a lawyer before an interrogation was anchored.

4. It is to be noted, that both in relation to the regulations recently established in military orders, and in relation to orders that have yet to be established, the Israel Police acts as far as possible to enable minors interrogated by it the protections set out in the Youth Law, even in cases where the law does not apply.
5. Below is a detailed response to issues you addressed in your letter:
 - i. Attorney consultation:
 1. The Israel Police acts in accordance with the law that applies in regards to notifying an interrogated minor of his rights, including the right to consultation, both in relation to granting the option to the interrogee to consult with a lawyer and in relation to relaying a message to the defense attorney for whom the suspect or his relatives have provided contact information.
 2. Beyond that, in cases where a detained minor has not provided contact information for a particular lawyer, a message is relayed to defense attorneys, in accordance with the list held by the military prosecution.
 - ii. Parental presence in interrogations:
 1. The Youth Law (Trial, Punishment and Modes of Treatment) 5731-1971 (hereinafter: the Youth Law) grants a minor suspect the right to have his parents present in his interrogation, subject to the limitations defined in the law.
 2. The provision relating to parental presence in an interrogation is not established in the security legislation, and as such does not apply to interrogations of minors that take place under the security legislation.
 3. Be that as it may, the Judea and Samaria district police tries to enable parental presence during interrogations, subject to the restrictions named in the Youth Law.
 - iii. Visual documentation in interrogations of minors and interrogation in the minor's language:
 1. The Criminal Procedures Law (Interrogation of Suspects) 5762-2002 (hereinafter: "Interrogation of Suspects Law") defines an obligation to document interrogations relating to violations for which the legal punishment is a 10 year prison sentence or longer. Additionally, the law determines that an interrogation which is not documented in the language in which it is administered, must be documented by audio or visual means. Article 17 of the law determines that the obligation to document interrogations does not apply to interrogations of suspects of security crimes.
 2. On September 10, 2014 the military orders were amended, and among other things, the right to visual documentation of interrogations of minors in the West Bank was established, similarly to the already existing arrangement in Israel.
 3. The Judea and Samaria District has stated that, as a rule, Arabic-speaking minors are interrogated in Arabic, and in cases where the interrogator is unable to document the interrogation in

Arabic, it is documented by visual or audio means. This is in accordance with the military orders on the matter and similar to the legal regulations that apply in Israel.

iv. Night-time interrogations:

1. As a rule, proactive arrests in the West Bank are not conducted by the police, but rather by the military. As such, if you are interested in receiving a response on this matter, it is suggested that you address the military authorities.
2. The Judea and Samaria District has relayed that, as a rule, even when minors are arrested at night, their interrogation takes place, as much as possible, in the morning hours. However, it is to be noted that a general prohibition of night-time interrogations, in cases where the minor has been brought to an Israel Police station during the night, may also harm the minor's rights, as he will be held in detention until the morning hours, when in some instances a night-time interrogation could lead to his release following its conclusion.

v. Interrogations of minors by youth interrogators:

1. There is no legal obligation to interrogate minors using youth interrogators. The police regulation on the matter, which reflects police policy, applies, as much as possible, to all police districts and in relation to all minor suspects.
2. However, in cases where there is no certified youth interrogator at the police station at the time of the interrogation, and there is a real need to hold the interrogation urgently, the youth officer or the interrogations officer may approve the interrogation of a minor by someone other than a certified youth interrogator.
4. It is to be clarified that the Israel Police acts in accordance with the law, the rules and the regulations, without discrimination on grounds of religion, nationality, place of residence etc. The conducting of arrests and the administration of interrogations are done in accordance with the law and the circumstances of the case.
5. We can only express our regret regarding the general nature of your claims, which were made without the provision of any details (the name of the interrogator, the time of the interrogation, its location etc.) in a manner which does not enable us to examine the particular claims. We also remind you that the authority to investigate criminal offences committed by police officers lies with the Department for the Investigation of Police.

Respectfully,
Ayelet Elyashar, Adv., Assistant Commissioner
Department of Intelligence Investigations and
Technologies