

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.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2019

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

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## 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(c), 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”.

