

**GENERAL CONVENTION OF THE EPISCOPAL CHURCH 2018  
ARCHIVES' RESEARCH REPORT**

**RESOLUTION NO.:** 2018-C035  
**TITLE:** Due Process For Palestinian Children in Israeli Military Courts  
**PROPOSER:** Chicago  
**TOPIC:** Middle East

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**Directly Related:** (Attached)

2003-A028 Encourage Support for Women and Children in War-Torn Areas  
1991-A147 Support a Two-state Solution for Israel and the Palestinian People  
1979-B098 Promote the United Nations Declaration of the Rights of the Child

**Indirectly Related:** (Available in the [Acts of Convention](#) database, searchable by resolution number)

2015-B013 Reaffirm a Policy of Reconciliation and Restorative Justice in the Middle East  
2006-B018 Endorse the NCC Policy on the Rights of Children

*In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1976 through 2015, selecting “direct” resolutions that have a substantive bearing on the proposed legislation. The “direct” resolutions are attached and “indirect” resolutions are available in the Acts of Convention database. Committee members who require other research assistance should contact the Archives at 800-525-9329 before Convention or at Convention in the General Convention Secretariat.*

# C035 Due Process For Palestinian Children in Israeli Military Courts

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<b>Proposer</b>	Diocese of Chicago
<b>Endorsed by</b>	
<b>Sponsored by</b>	
<b>Page numbers</b>	Blue Book: p. N/A; Constitution & Canons: p. N/A
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<b>Current Status</b>	Resolution Filed
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<b>Review Status</b>	Not yet reviewed

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## RESOLUTION TEXT

- 1 *Resolved*, the House of \_\_\_\_\_ concurring, That the 79th General Convention of The Episcopal Church calls on the State of Israel to guarantee basic due process rights and exercise a prohibition against torture and ill-treatment of detained children (defined as persons under 18 years old), noting that among the practices in Israel’s military detention system that require change are the use of nighttime arrests in the child’s home, physical and verbal abuse, blindfolds and restraints, strip searches, solitary confinement, coerced confessions and confessions written in Hebrew, as well as the separation of detained children from their parents and legal counselors (including the transfer of Palestinian children to prisons within the State of Israel that their parents are not permitted to visit); and be it further
- 2 *Resolved*, That the 79th General Convention requests the Secretary of this Convention to communicate this call to the Prime Minister of Israel and the Israeli Ambassador to the United States; and be it further
- 3 *Resolved*, That the 79th General Convention calls on the Secretary of State of the United States to certify annually that no funds obligated or expended in the previous year by the United States for assistance to Israel have been used to support the military detention, interrogation, abuse, or ill-treatment of Palestinian children in violation of international humanitarian law; and be it further
- 4 *Resolved*, That the 79th General Convention requests the Secretary of this Convention to communicate this call to the Secretary of State of the United States as well as the United States Senate, the President, and the Vice President.

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## EXPLANATION

The wording of this resolution and parts of the explanation is taken (with permission of the authors) directly from the much larger resolution, “A Call for the United Church of Christ to Advocate for the Rights of Children Living Under Israeli Military Occupation,” approved as amended July 2, 2017 by the General Synod of the United Church of Christ. [The substituted fourth resolve wording “no funds obligated or expended in the previous year by the United States for assistance to Israel have been used to support the military detention, interrogation, abuse, or ill-treatment of Palestinian children in

violation of international humanitarian law” are taken from H.R. 4391, “Promoting Human Rights by Ending Israeli Military Detention of Palestinian Children Act,” especially p. 9.]

The treatment of children in Israeli military courts has been well documented by Defense of Children International – Palestine (Bound, Blindfolded and Convicted : children held in military detention, April 30, 2012 [1]), Human Rights Watch, Separate and Unequal, Israel’s Discriminatory Treatment of Palestinians in the Occupied Palestinian Territories, Dec. 2010 [2], and UNICEF, Children in Israeli Military Detention – Observations and Recommendations – 6 March 2013 [3]. Since 2000 at least 8,000 Palestinian children have been caught up in the Israeli military detention system. Arrests of children often occur during night raids on family homes by heavily armed Israeli soldiers, children are often blindfolded, suffered from physical and verbal abuse and transferred in an army Jeep to an interrogation center where they are interrogated without the presence of a lawyer or parents. Interrogations are intended to result in a confession. Over 90% of West Bank Palestinian children taken to military court are convicted.

In April 2016, Defense for Children International – Palestine (DCIP) published a study of 429 West Bank children detained between 2012 and 2015. Three out of four children had endured some form of physical violence after being detained by Israeli forces. In 97 percent of the cases, children had no parent or lawyer present during the interrogation process. Interrogators used position abuse, threats, or isolation to coerce confessions from some of these children. At least 66 children were held in solitary confinement for an average period of 13 days. One child was held in isolation for 45 days. (Defense for Children International – Palestine, No Way to Treat a Child, Palestinian Children in the Israeli Military Detention System, 14 April 2016 [4]).

Since 1967, Israel has operated two separate legal systems in the same territory. Israeli Jewish settlers who reside in the West Bank enjoy protections provided by the Israeli civilian legal system. In contrast, Palestinians in the West Bank are subject to Israeli military law, which fails to ensure and, in fact, denies basic and fundamental rights. Palestinian children in the West Bank thus suffer abuses and constraints of a military detention system which no Israeli child living in the West Bank ever experiences. The occupation thus creates a system where Palestinians living in the same occupied territory as Israeli settlers have inferior rights and protections under the law – a system where Palestinian children experience an environment of fear, dehumanization and violence that is contradictory to the flourishing of life to which all children, including Palestinian and Israeli children, aspire.

Furthermore the State of Israel ratified the United Nations Convention on the Rights of the Child on October 3, 1991 – a convention that calls on states to “Treat every child deprived of liberty with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age,” to use arrest and imprisonment of children “only as a measure of last resort and for the shortest appropriate period of time,” to give detained children “prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty” and “the right to maintain contact with his or her family through correspondence and visits,” and in n case to subject children to “torture or other cruel, inhuman or degrading treatment or punishment.” (United Nations Convention on the Rights of the Child, Article 37 [5])

The U. S. Foreign Assistance Act of 1961 [FAA] states that no assistance will be furnished to “any unit

of the security forces of a foreign country if the Secretary of State has credible information that such unit has committed a gross violation of human rights.” Josh Ruebner in his paper, “US Military Aid to Israel : policy implications and options : November 2, 2016” writes: “Given that US military aid to Israel does not further the advancement of human rights but rather directly contributes to Israel’s systematic human rights violations against Palestinians and that these human rights violations cannot constitute ‘legitimate self-defense’, and take place not in the context of ‘internal security’, but in the framework of furthering a foreign military occupation, strong prima facie evidence exists to find Israel is in violation of the FAA and AECA [Arms Export Control Act].” (p. 19) [6]

Adoption of this resolution is not expected to require expenditures that would have in impact on the Diocesan budget.

[1] [www.dci-palestine.org/bound\\_blindfolded\\_and\\_convicted](http://www.dci-palestine.org/bound_blindfolded_and_convicted)

[2] [www.hrw.org/reports/2010/12/19/separate-and-unequal](http://www.hrw.org/reports/2010/12/19/separate-and-unequal)

[3] [www.unicef.org/oPt/UNICEF\\_oPt\\_Children\\_in\\_Israeli\\_Military\\_Detention-Observations-and-Recommendations - 6\\_March\\_2013.pdf](http://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention-Observations-and-Recommendations_-_6_March_2013.pdf)

[4] [www.dci-palestine.org/Palestinian\\_children\\_in\\_the\\_Israeli\\_Military\\_Detention\\_System](http://www.dci-palestine.org/Palestinian_children_in_the_Israeli_Military_Detention_System)

[5] [https://treaties/un.org/doc/publication/mtdsg/volume%20:/chapter%20iv/iv-11.en.pdf](https://treaties.un.org/doc/publication/mtdsg/volume%20:/chapter%20iv/iv-11.en.pdf)

[6] <https://www.scribd.com/.../US-Military-Aid-to-Israel-Policy-Implications-Options>



**Resolution Number:** 2003-A028  
**Title:** Encourage Support for Women and Children in War-Torn Areas  
**Legislative Action Taken:** Concurred as Substituted and Amended  
**Final Text:**

*Resolved, That the 74th General Convention encourage dioceses to assist all Episcopalians to learn about the plight of and provide support for women and children of all faiths in war torn areas, recent examples including Israel/Palestine, Afghanistan, Iraq, Colombia, Sudan, and Liberia.*

**Citation:** General Convention, *Journal of the General Convention of...The Episcopal Church, Minneapolis, 2003* (New York: General Convention, 2004), p. 327.



**Resolution Number:** 1991-A147  
**Title:** Support a Two-state Solution for Israel and the Palestinian People  
**Legislative Action Taken:** Concurred As Substituted and Amended  
**Final Text:**

*Resolved, That the 70th General Convention of the Episcopal Church supports the existence of Israel as a sovereign state, the democratic and humanitarian inspired homeland for displaced Jewish people, and calls upon the Government of the United States:*

*To assist in the creation of a Palestinian State, and,*

*To assist Israel to secure the human rights of indigenous Arabs within Israel through:*

- a. ending the violation of civil and human rights and by stopping the brutalities committed against individual, families, and groups which now occur;*
- b. restricting the use of military force to measures and practices proportionate to the situation and suited to the control of civilian populations, and, to that end, to assure that military personnel and units, before assignment to duty, be given proper training in riot control and the techniques and practices of control of civilian populations;*
- c. causing the State of Israel to discontinue the use of administrative detention and collective punishment;*
- d. the permanent reopening of schools, universities, and other educational institutions for the Palestinians in the occupied territories;*
- e. causing the State of Israel to be even handed and fair in the recognition and enforcement of the rights and interests of the Palestinians with respect to their personal safety, property rights, water rights, and rights of access to commercial markets; and*
- f. encouraging the opening of candid and patient communication between the representatives of the Palestinians and the State of Israel and between the Palestinian and the Israeli peoples; and*
- g. reestablishing and safe-guarding the City of Jerusalem as inter-religious municipality in which full respect is accorded the rights and interests of Christians, Jews, and Muslims.*

**Citation:** General Convention, *Journal of the General Convention of...The Episcopal Church, Phoenix, 1991* (New York: General Convention, 1992), p. 794.



**Resolution Number:** 1979-B098  
**Title:** Promote the United Nations Declaration of the Rights of the Child  
**Legislative Action Taken:** Concurred As Amended  
**Final Text:**

*Resolved, That the 1979 General Convention of the Episcopal Church join with other non-governmental organizations in promoting the U.N. Declaration of the Rights of the Child and give on-going support to the higher level of basic services to children; and be it further*  
*Resolved, That the United Nations' Declaration of the Rights of the Child, which states: "The right to affection, love, and understanding; the right to free education; the right to full opportunity for play and recreation; the right to a name and nationality; the right to special care, if handicapped; the right to be among the first to receive relief in times of disaster; the right to be a useful member of society and to develop individual abilities; the right to be brought up in a spirit of peace and universal brotherhood; the right to enjoy these rights, regardless of race, color, sex, religion, national or social origin" is hereby affirmed and adopted by this Convention; and be it further*  
*Resolved, That the Office of Religious Education and the Office of Social Ministries of the Executive Council are hereby commended for their support of the International Year of the Child and are urged to continue this concern for the needs of the children in future years.*

**Citation:** General Convention, *Journal of the General Convention of...The Episcopal Church, Denver, 1979* (New York: General Convention, 1980), p. C-110.