



# **JERUSALEM INSTITUTE OF JUSTICE**

---

**INTERNATIONAL CRIMINAL COURT  
OFFICE OF THE PROSECUTOR**

---

**SUBMISSION FOR THE RENEWAL OF THE  
POLICY PAPER ON CRIMES AGAINST OR  
AFFECTING CHILDREN**



## **Input to renew the policy paper on crimes against or affecting children**

The Jerusalem Institute of Justice (JIJ) expresses appreciation for the Office of the Prosecutor (OTP) in taking the step of initiating a public consultation to update the policy paper concerning crimes against or affecting children. JIJ is a non-profit organization based in Israel dedicated to promoting and protecting human and civil rights both locally and internationally. In cases where abuses, such as torture, war crimes against children, and extrajudicial executions, are committed against our vulnerable neighbors, we proactively advocate for their rights and seek meaningful solutions for positive change.

### **Introduction**

A widely embraced consensus exists regarding the imperative to safeguard children from involvement, whether voluntary or involuntary, in acts of hostilities. This principle is so universally acknowledged that numerous armed groups have pledged to eradicate the practice of involving children in hostilities. The international community's commitment to safeguarding children from recruitment and exploitation in warfare has resulted in the adoption of various multilateral agreements. These agreements include criminalizing the recruitment and conscription of children under the age of 15.

Unfortunately, despite the many attempts to prevent this occurrence, kids are still being used in hostilities. According to the United Nations International Children's Emergency Fund (hereinafter "UNICEF"), between 2005 and 2020, more than 93,000 children were recruited and used in conflicts worldwide.<sup>1</sup> In 2021 alone, approximately 6,350 children were recruited and used by armed forces and armed groups.<sup>2</sup> The 2022 Trafficking in Persons Report issued by the U.S. State Department has revealed that between April 1, 2020, and March 31, 2021, the following countries had security forces or government-supported armed groups that recruited or used child soldiers: Afghanistan, Burma, the Democratic Republic of the Congo (DRC), Iran, Iraq, Libya, Mali, Nigeria, Pakistan, Somalia, South Sudan, Syria, Turkey, Venezuela, and Yemen. Additionally, the 2022 Country Reports on Human Rights Practices issued by the U.S. State Department have revealed that at least 11 non-state armed groups were involved in the use of child soldiers.<sup>3</sup>

---

<sup>1</sup> *Children recruited by armed forces or armed groups*, UNICEF [https://www.unicef.org/protection/children-recruited-by-armed-](https://www.unicef.org/protection/children-recruited-by-armed-forces#:~:text=Thousands%20of%20children%20are%20recruited,believed%20to%20be%20much%20higher)

forces#:~:text=Thousands%20of%20children%20are%20recruited,believed%20to%20be%20much%20higher  
<sup>2</sup> Alvild Strømme, Gunvor Knag Fylkesnes, James Denselow, Roisin Mangan, Pia Podieh and Kristin Kamøy, *Stop the War on Children: The Forgotten Ones*, SAVE THE CHILDREN (Dec. 1, 2022) at 17, and U.N. Secretary General, *Children and Armed Conflict*, U.N. Doc. A/76/871-S/2022/493 (June 23, 2022).

<sup>3</sup> Ryan Fletcher, *2022 Human Rights Reports: Insights Into Global Child Soldier Recruitment & Use*, STIMSON (Apr. 7, 2023) <https://www.stimson.org/2023/2022-human-rights-reports-insights-into-global-child-soldier-recruitment-use/>.



Children's susceptibility to recruitment is influenced by their inherent limitations in risk assessment and their tendency to perceive themselves as invulnerable.<sup>4</sup> Moreover, children are more responsive to nonpecuniary rewards, such as honor, revenge, or protection.<sup>5</sup> This combination of factors renders children more attractive targets for recruitment purposes. This phenomenon can be attributed to the fact that although young individuals may possess lesser physical capabilities compared to adults, they are more susceptible to indoctrination and misinformation.<sup>6</sup> The recruitment of children into military or armed groups exhibits diverse methods, both voluntary and non-voluntary, encompassing abduction, coercion, threats, and manipulations. It is frequently influenced by additional factors such as their families' economic circumstances.

The International Criminal Court (ICC) Trial Chamber I has acknowledged that the primary objective of regulations forbidding the recruitment of children into the armed forces is to safeguard them from the dangers inherent in armed conflict and to ensure their physical and psychological well-being.<sup>7</sup> Considering these objectives, particular emphasis should be placed on the phenomenon of indoctrination, as it represents a means of corrupting children and can be categorized as a form of child abuse.<sup>8</sup> The Jerusalem Institute of Justice has been actively engaged in promoting awareness and combatting the utilization of children in hostilities. During the course of our endeavors, we have recognized the significant role that indoctrination plays in facilitating such exploitation and are of the view that indoctrination constitutes a means of exerting psychological pressure on children to join armed groups.

#### Indoctrination as a form of enlistment/conscription

The conducts of conscripting, enlisting children, or using them to participate actively in hostilities are not defined in the Rome Statute of the International Criminal Court (hereinafter "the Rome Statute"). As a result, the scope of these activities is to be ascertained by reference to relevant treaties, principles of international law, and general legal principles derived from national legal systems

---

<sup>4</sup> Elisabeth Schauer and Thomas Elbert, *The Psychological Impact of Child Soldiering*, in TRAUMA REHABILITATION AFTER WAR AND CONFLICT: COMMUNITY AND INDIVIDUAL PERSPECTIVES, 311-360 (Erin Martz, ed., 2010).

<sup>5</sup> Bernd Beber & Christopher Blattman, *The Logic of Child Soldiering and Coercion*, 67 INTERNATIONAL ORGANIZATION 65-104 (2013).

<sup>6</sup> *Id.*

<sup>7</sup> The Prosecutor v. Thomas Lubanga Dyilo, ICC-01/04-01/06, Decision ¶ 605 (Mar 14, 2012) [hereinafter Lubanga].

<sup>8</sup> Federica D'Alessandra, *The Psychological Consequences of Becoming a Child Soldiers: Post-Traumatic Stress Disorder, Major Depression, and Other Forms of Impairment*, HARVARD KENNEDY SCHOOL CARR CENTER FOR HUMAN RIGHTS POLICY (2014).



and in accordance with internationally recognized human rights standards, ensuring consistency in their interpretation.

It is worth noting that certain principles have already been deliberated and established within the ICC and academic circles. In the case of the Prosecutor v. Thomas Lubanga Dyilo (hereinafter “Lubanga case”), the Court found that “although it may often be the case that the purpose behind conscription and enlistment is to use children in hostilities, this is not a requirement of the Rome Statute.”<sup>9</sup> According to the Elements of Crimes, for both Article 8(b)(viii) and 8(2)(e)(vii), it is enough that the perpetrator conscripts or enlists persons under the age of 15. Moreover, although the terms “enlisting” and “conscripting” are distinguished by the inclusion of compulsion in the latter, the ICC Trial Chamber I has acknowledged that children under the age of 15 are typically “unable to give genuine and informed consent when enlisting in armed group or force.”<sup>10</sup> Consequently, the consent of a child to their recruitment does not serve as a valid defense for the accused, as established by the ICC Trial Chamber I.

Taking into account the aforementioned points, particularly the absence of explicit definitions for the activities of “enlisting” or “conscripting” in the Rome Statute, which consequently allows for interpretation by the ICC, it appears fitting to include indoctrination as a relevant factor within the scope of behaviors that may be considered as falling under these criminal acts. Indoctrination involves the imparting of a prescribed set of beliefs to individuals, discouraging them from questioning or critically evaluating the information they receive. As a result, indoctrinated individuals lack the ability to analyze the teachings objectively presented to them, instead passively accepting and internalizing the ideas imposed by external influences. Frequent exposure to indoctrination and violence can result in individuals normalizing violent behavior.<sup>11</sup>

Children are particularly susceptible to indoctrination due to their limited preexisting beliefs that need to be deconstructed by those engaging in the process. Additionally, indoctrination often conveys a sense of belonging to a group and a desired social status, aspects that hold significant appeal for minors. Regarding the offenses of conscripting and enlisting children into armed groups or armed forces, indoctrination serves as a tactic to exert psychological pressure on children, compelling them to join such groups or parties. As Elisabeth Schauer and Thomas Elbert highlighted, indoctrination leads children to perceive commanders as adult role models, supplanting the role of caregivers/parents, while

---

<sup>9</sup> Lubanga ¶ 609.

<sup>10</sup> *Id.* ¶ 613.

<sup>11</sup> Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System, U.N. Office on Drugs and Crime (2017).



their fellow child combatants assume the position of siblings. This dynamic creates a "surrogate family" scenario, which implies an enforced adaptation upon the children. Furthermore, indoctrination fosters long-term commitment and decreases the likelihood of betrayal, thereby cultivating a team with members who exhibit heightened dedication and loyalty to the armed group or force.<sup>12</sup>

Indoctrination, characterized by the persistent and systematic dissemination of specific ideas or ideologies, represents a highly influential process in shaping individual beliefs. The method of indoctrinating children can occur through a variety of means, such as the formal education system, military-oriented summer camps, mass media, and online social networks. Typically, armed groups or forces employ multiple indoctrination methods in a comprehensive strategy.<sup>13</sup> This can be seen in several cases, including situations that were or are under ICC procedures (i.e., the Lord's Resistance Army, DRC, and the Colombia situation).

#### Long-term and transgenerational effects

The engagement of children as combatants, subjecting them to an environment characterized by violence during their crucial developmental years, poses the risk of their transformation into agents of violence rather than fostering their potential as peace-building citizens capable of contributing to stable and enduring peace.<sup>14</sup> Children living in regions affected by conflict endure profound and long-lasting effects that include severe mental and physical trauma. Even after the violence subsides, the consequences persist and shape their lives. This is more extreme in the case of child soldiers, who not only experience conflict because of living in conflict zones but also because they witness and perform violent acts. This traumatic experience can develop in different disorders, including depression, disruptive behavior, and educational and occupational impairment.<sup>15</sup>

The impact of children's trauma in conflict-affected areas extends beyond their individual experiences and profoundly affects the construction and functioning of entire communities and societies. Child soldiering, in particular, has transgenerational effects. Studies indicate that individuals who were subjected to this practice are more likely to behave violently, and parents who themselves were child soldiers can pass on their trauma to the next generation by altering their children's psyche.

---

<sup>12</sup> Gina Vale, *Cubs in the Lions' Den: Indoctrination and Recruitment of Children Within Islamic State Territory*, ICSR.

<sup>13</sup> *Id.*

<sup>14</sup> Roos Haer, *Children and armed conflict: looking at the future and learning from the past*, 40 THIRD WORLD QUARTERLY, 74-91 (2019).

<sup>15</sup> *Supra* note 4.



The children of parents who were child soldiers carry their parents' traumas and may experience early-life stress that can lead to adult depression.<sup>16</sup>

By recognizing that the use of child soldiers affects not only a single child but rather numerous children within a community, it becomes apparent that the repercussions extend beyond the transgenerational effects. This can give rise to societies that depend on violence and contribute to the continuation of conflicts and wars. Moreover, it has been documented that the prevalence of child soldiering is strongly linked to the cycle of violence and conflict in certain regions of the world.

### Cases of indoctrination

#### *Patriotic Force for the Liberation of Congo*

The ICC's early proceedings included the notable case of Thomas Lubanga Dyilo, which centered on the prosecution of the war crime of enlisting and conscripting children under the age of 15 into the Patriotic Force for the Liberation of Congo (hereinafter “the PFLC”), the military wing of the Union of Congolese Patriots (hereinafter “the UPC”), founded by Lubanga. The UPC was a main actor in the Ituri conflict, in the north-eastern Democratic Republic of the Congo (hereinafter “DRC”). The UPC emerged in the early 2000s, aiming to protect the interests of the Hema ethnic group against rival militias representing the Lendu community. Their involvement in the conflict, characterized by ethnic tensions, land disputes, and power struggles, led to widespread atrocities, including massacres, sexual violence, and displacement of civilians.

The UPC/PFLC utilized various methods to recruit children into their ranks. These methods included taking children to military training camps and leveraging community elders to persuade local residents to offer young individuals to the UPC/PFLC, under the guise of protecting their ethnic group's interests.<sup>17</sup> According to the findings of the ICC, it was determined that Lubanga not only relied on families to provide children for his militia but also actively encouraged the children themselves to join his group. The engagement of former child soldiers with the UPC/PFLC as a collective group was often motivated by a profound sense of anger resulting from witnessing the murder of their family members.<sup>18</sup> Joining the UPC/PFLC offered these children a sense of pride and empowerment. In the recruitment of

---

<sup>16</sup> *Id.*

<sup>17</sup> Lubanga ¶ 771.

<sup>18</sup> *Protecting Children in the Democratic Republic of Congo*, WITNESS, [https://www.witness.org/portfolio\\_page/protecting-child-soldiers-democratic-republic-congo/](https://www.witness.org/portfolio_page/protecting-child-soldiers-democratic-republic-congo/).



child soldiers, encouragement played a pivotal role, as children were urged to join rebel groups under the pretext of "fighting against the enemy."<sup>19</sup>

### *Lord's Resistance Army*

The Lord's Resistance Army (hereinafter "the LRA"), led by Joseph Kony, was a rebel group that emerged in Uganda during the late 1980s. The LRA's main objective was to overthrow the Ugandan government and establish a theocratic state predicated on a skewed interpretation of the Ten Commandments. The LRA's actions resulted in mass displacement and humanitarian crises, with civilians subjected to a range of atrocities, including mutilations, killings, and mass rapes. The group's sphere of influence extended beyond Uganda, spilling over into neighboring countries such as Sudan, South Sudan, and the Democratic Republic of Congo.<sup>20</sup>

Typically, the LRA employed abduction as its primary method for enlisting children. Once taken, these children, predominantly in their early adolescence, underwent training by the LRA, which encompassed instruction in the handling of firearms.<sup>21</sup> Nevertheless, alternative, seemingly less overt methods were also employed to recruit and retain children within the group. Repetitive messaging is a powerful tool for shaping children's beliefs and perceptions. This is exactly what indoctrination does and why it is so effective. The LRA used such a mechanism to convince children to fight with and stay in the armed group.<sup>22</sup> The LRA implemented a range of indoctrination techniques, which encompassed isolating individuals, restructuring their familial relationships, and coercing them into engaging in acts of violence.<sup>23</sup>

The indoctrination process employed by the LRA involved a series of well-defined stages aimed at transforming abducted children into committed soldiers. The indoctrination process encompassed abduction, isolation, control of communication, intimidation, and the eventual transformation of children into fully-fledged LRA combatants.<sup>24</sup> Upon forcible recruitment into the LRA, children encountered stringent measures to curtail communication and suppress their individual identities. The LRA meticulously ensured that abductees were unable to interact with one another and prohibited the use of their native languages. Concurrently, the LRA instilled the assimilation of the

---

<sup>19</sup> *Id.*

<sup>20</sup> Raphael Lorenzo Aguilang Pangalangan, *Dominic Ongwen and the Rotten Social Background Defense: The Criminal Culpability of Child Soldiers Turned War Criminals*, 33 AM. U. INT'L. REV. 605 (2018).

<sup>21</sup> *Supra* note 5.

<sup>22</sup> *Supra* note 4.

<sup>23</sup> Jocelyn TD Kelly, Lindsay Branham and Michele R. Decker, *Abducted children and youth in Lord's Resistance Army in Northeastern Democratic Republic of the Congo (DRC): mechanisms of indoctrination and control*. CONFL. HEALTH 10, 11 (2016).

<sup>24</sup> *Id.*





group's language and customs, fostering a sense of connection to the collective LRA identity. In some instances, the children were subjected to name changes, deliberately erasing their previous identities and further solidifying their assimilation into the LRA's distinct culture.

Abductees were coerced into committing acts of violence, including killing fellow abductee children, as a means to immerse them in the culture of violence pervasive within the LRA. This aimed to instill in the children a sense of complicity in the group's violent activities and effectively sever any remaining ties with their civilian identities. Additionally, the LRA implemented a system of "family structures," where abducted children were assigned to these units, typically consisting of women who were forced to assume the roles of wives within the LRA. As the indoctrination process progressed, the children underwent a gradual transformation, earning the trust of the LRA leadership and assuming increased responsibilities. This elevation to full soldiers within the LRA was demonstrated through the delegation of more intricate and demanding tasks, indicative of their proven loyalty, competence, and integration into the group's operations.<sup>25</sup>

The LRA effectively employed witchcraft practices as a strategic tool within their operations. Leveraging existing Ugandan beliefs in spirits and supernatural forces, Kony's proclamations of being possessed by spirits resonated with the local cultural context, enhancing the credibility of his claims. Exploiting these beliefs, the LRA utilized witchcraft to instill fear, harnessing it as a means of internal cohesion. Magical rituals were conducted on abducted children, to create group unity and establish a sense of belonging among the LRA members.<sup>26</sup> Throughout the progression of their involvement with the group, former child soldiers have revealed a significant shift in their mindset, whereby their actions evolved beyond a mere survival-driven approach. Instead, they embraced the beliefs in the supernatural safeguard provided by Kony's alleged mystical powers, which further solidified their commitment to the cause and intensified their sense of belonging within the group.<sup>27</sup>

The case of Dominic Ongwen provides a compelling illustration of the indoctrination process within the LRA and its consequential transformation of a child soldier into a perpetrator of war crimes. Ongwen's abduction by the LRA at the age of nine exposed him to a harsh environment within the organization's training camp, where he endured physical abuse, torture, and violence.<sup>28</sup> Ongwen himself acknowledged that Joseph Kony, imparted teachings to him regarding the mystical aspects of the group.

---

<sup>25</sup> *Id.*

<sup>26</sup> Chawahir Yussuf, *Black Magic: Witchcraft and Warfare*, GREY DYNAMICS (Feb. 18, 2023), <https://greydynamics.com/black-magic-witchcraft-and-warfare/>.

<sup>27</sup> *Supra* note 5.

<sup>28</sup> *Supra* note 18.





Kony's purported ability to perform magical acts with objects was emphasized,<sup>29</sup> leaving a lasting impression on Ongwen's perception of the LRA's authority and the supernatural forces at play. Consequently, Ongwen was coerced into participating in numerous acts of violence, including the taking of human lives. Within the LRA's hierarchical structure, Ongwen assumed the designation of "Silindi," a term used to refer to those who had witnessed miraculous occurrences, further reinforcing his involvement in the group's activities.<sup>30</sup> Ongwen was sentenced to twenty-five years of imprisonment for committing crimes against humanity and war crimes, including the crime of conscripting children under the age of 15 years.

### *Revolutionary Armed Forces of Colombia*

The conflict in Colombia involving the Revolutionary Armed Forces of Colombia (FARC) has been marked by extensive human rights abuses and the use of child soldiers. The FARC, a Marxist guerrilla group, has been involved in the armed struggle against the Colombian government for several decades. Throughout the conflict, the FARC has been responsible for committing numerous crimes, including kidnappings, bombings, drug trafficking, and attacks on civilian populations.<sup>31</sup> One particularly disturbing aspect of their tactics has been the recruitment and exploitation of children as soldiers. These children are forcibly enlisted, subjected to rigorous training, and exposed to violence and indoctrination.<sup>32</sup> The recruitment of child soldiers by the FARC has been a persistent issue spanning several decades (ICG, 2016).

Socioeconomically disadvantaged children, motivated by the hope of improving their situation, have frequently been lured into involvement with the FARC. The FARC employed various strategies to recruit children, exploiting their vulnerabilities and limited economic resources. These strategies included coercion through threats, financial enticements, the imposition of a "family quota" obligating families to provide one child to the FARC, enticing children through physical attributes and allurements, as well as engaging in school proselytization.<sup>33</sup> The latter involved indoctrinating children in schools, wherein the FARC propagated Marxist ideology and glorified armed conflict. Indoctrination played a

---

<sup>29</sup> The Prosecutor v. Dominic Ongwen, ICC-02/04-01/15-T-261-ENG, Transcript, 9 (Apr. 15, 2021).

<sup>30</sup> *Id* at 11.

<sup>31</sup> *Colombia: Events of 2018*. HUMAN RIGHTS WATCH, <https://www.hrw.org/world-report/2019/country-chapters/colombia>.

<sup>32</sup> *Las FARC reclutaron a más de 18.000 niños como soldados en Colombia*, EL PAIS (Aug. 12, 2021) <https://elpais.com/planeta-futuro/2021-08-12/las-farc-reclutaron-a-mas-de-18000-ninos-como-soldados-en-colombia.html>

<sup>33</sup> Pompilio Peña Montoya, *Las prácticas con que las Farc reclutaron a niños, niñas y adolescentes*, HACEMOS MEMORIA (Mar. 11, 2022) <https://hacemosmemoria.org/2022/03/11/las-practicas-con-que-las-farc-reclutaron-a-ninos-ninas-y-adolescentes/>



pervasive role in the FARC's recruitment efforts,<sup>34</sup> as the group presented itself as a protector of the rights of marginalized populations.<sup>35</sup> They maintained a constant presence in social spheres, even establishing schools that served as platforms for recruiting minors.

Between 1996 and 2016, the FARC recruited over 18,000 children,<sup>36</sup> demonstrating the extent of child recruitment during the conflict. Despite the subsequent peace agreement between the Colombian government and the FARC, the persistence of dissident factions within the organization has perpetuated the recruitment of children. Recent findings indicate that these dissident groups have gained access to schools, employing tactics such as gift-giving to entice children into their ranks.<sup>37</sup>

### *Islamic State of Iraq and Syria*

ISIS (Islamic State of Iraq and Syria), also referred to as ISIL (Islamic State of Iraq and the Levant), emerged as an extremist organization during the Syrian civil war, taking advantage of the political and security vacuum in the region. ISIS sought to establish a self-proclaimed caliphate, implementing a stringent interpretation of Islamic law and engaging in widespread acts of violence and terror. Notorious for its ruthless tactics, including mass killings, beheadings, and the enslavement of women, ISIS employed a combination of military force and sophisticated propaganda to assert control and propagate its ideology.<sup>38</sup>

It is widely recognized that ISIS has engaged in the recruitment of children for their involvement in hostilities, employing various indoctrination techniques for this purpose. One notable strategy utilized by ISIS is an "extra-familial" grooming process characterized by coercive and manipulative behaviors aimed at facilitating future recruitment. This process involves a sequence of steps, including the selection of potential recruits, gaining access to them, establishing emotional trust, and initiating ideological pre-schooling and agency development. During recruitment, ISIS cultivates connections with potential child recruits through media platforms and family support for the terrorist

---

<sup>34</sup> Jurisdicción Especial para la Paz [J.E.P.] [Special Jurisdiction for Peace], Sala De Reconocimiento De Verdad, De Responsabilidad Y De Determinación De Los Hechos Y Conductas, febrero 1, 2023, Lily Andrea Rueda Guzmán, Expediente 9002794-97.2018.0.00.0001, (p. 172) (Colom.)

<sup>35</sup> *Infancia Reclutada - Estudio sobre el reclutamiento y utilización de niños, niñas y adolescentes (NNA) en Colombia por parte de las Farc – EP*, INSTITUTO DE CIENCIA POLÍTICA HERNÁN ECHAVARRÍA OLÓZAGA, (2021).

<sup>36</sup> Luis Jaime Acosta, *Over 18,000 children recruited by Colombia's FARC rebels*, REUTERS (Aug. 11, 2021) <https://www.reuters.com/world/americas/over-18000-children-recruited-by-colombias-farc-rebels-court-2021-08-10/>.

<sup>37</sup> *Video: disidencias de las Farc se tomaron escuela en Yarumal, Antioquia*, INFOBAE (Feb. 2, 2023) <https://www.infobae.com/colombia/2023/02/02/video-disidencias-de-las-farc-se-tomaron-escuela-en-yarumal-antioquia/>.

<sup>38</sup> *ISIS in Its Own Words: The History, Strategy and Ideology of the Islamic State*, STRATEGIC ASSESSMENT (Jan. 2021) <https://strategicassessment.inss.org.il/en/articles/isis-in-its-own-words-the-history-strategy-and-ideology-of-the-islamic-state/>.



organization. This phase focuses on building trust between the children and ISIS recruiters, often achieved through the provision of gifts, food, and monetary incentives.<sup>39</sup> For example, ISIS organizes events akin to fairs where it engages children through a range of activities, providing them with complimentary toys and food, and imparting religious and moral instruction.<sup>40</sup>

ISIS uses media outlets, including kiosks, tents, speeches, and publications, to attract children to join the group. Schools, however, are an essential tool used by ISIS to indoctrinate children. First, education for boys between the ages of 6 and 18 and girls between 6 and 15 became mandatory.<sup>41</sup> The curricula of the schools located in the areas controlled by ISIS were also modified to include physical training and combat-based education.<sup>42</sup> ISIS gradually transformed the secular education system into a religious, educational system, and textbooks were a key element of such transformation. ISIS textbooks explicitly urge students to learn the jihad doctrine and “to be ready to fight and die on the path of Allah.”<sup>43</sup> Teachers would convince the students to join ISIS in order to become martyrs and go to heaven.<sup>44</sup>

Children frequently find themselves witnessing violent events, such as stonings, amputations, and beheadings, as part of an intentional strategy by ISIS to desensitize them to violence and death.<sup>45</sup> ISIS portrays child fighters as content and satisfied,<sup>46</sup> creating an environment that normalizes their participation in acts of violence. To further facilitate the future engagement of children in violent activities, ISIS employed tactics such as showcasing graphic battle scenes, saturated with bloodshed, on large screens. These displays prominently featured young children acting as executioners, perpetuating a cycle of desensitization and indoctrination. Children are forced to witness these videos and even real executions, further compounding their exposure to extreme violence.<sup>47</sup>

---

<sup>39</sup> Asaad Almohammad, *ISIS Child Soldiers in Syria: The Structural and Predatory Recruitment, Enlistment, Pre-Training Indoctrination, Training, and Deployment*, INTERNATIONAL CENTRE FOR COUNTER-TERRORISM (Feb. 2018).

<sup>40</sup> *Supra* note 12.

<sup>41</sup> National Coordinator for Security and Counterterrorism (NCTV) and the General Intelligence and Security Service (AIVD), *The Children of ISIS The indoctrination of minors in ISIS-held territory*, MINISTRY OF THE INTERIOR AND KINGDOM RELATIONS.

<sup>42</sup> *Supra* note 39.

<sup>43</sup> Olivier Arvisais, Mathieu Guidère, Lydie C. Belporo, Maxime Bérubé, Chirine Chamsine & Mohamed Amine Mahhou, *The Ideological Indoctrination through ISIS Textbooks*, *Studies in Conflict & Terrorism*, STUDIES IN CONFLICT & TERRORISM, 1-23 (2022).

<sup>44</sup> Evan Williams, *Children of ISIS*, FRONTLINE (Nov. 23, 2015) <https://www.pbs.org/wgbh/frontline/documentary/children-of-isis/>.

<sup>45</sup> *Supra* note 12.

<sup>46</sup> *Supra* note 41.

<sup>47</sup> *Supra* note 44.



Vulnerable children, such as orphans or those facing challenging personal circumstances, are specifically targeted by ISIS recruiters.<sup>48</sup> These recruiters employ tactics to isolate children from their families and entice their involvement by promising a better life.<sup>49</sup> Exploiting the economic situation of these children, ISIS further incentivizes their recruitment by providing financial compensation to both adult and child combatants, as well as to the families of individuals who have become "martyrs." This form of remuneration serves a dual purpose, functioning as a means to attract individuals to join ISIS and also acting as a motivating factor for families to send their children to join the organization.<sup>50</sup>

The pervasive indoctrination efforts undertaken by ISIS resulted in extreme circumstances, with children as young as 8 years old willingly assuming the role of suicide bombers.<sup>51</sup> This exemplifies the extent to which children were manipulated and radicalized within the organization. Furthermore, children who were recruited as soldiers by ISIS now encounter significant challenges when it comes to reintegrating into their families and, in the case of foreign nationals, repatriation. The process of reintegration is complicated by various factors, including the psychological and emotional trauma endured by child soldiers, the potential stigma associated with their association with ISIS, and the complex legal and logistical considerations involved in repatriation efforts.

#### *The Palestinian Authority*

The Palestinian Authority (hereinafter the "PA") functions as the authoritative body governing and administering the Palestinian territories located in the West Bank. Operating under the auspices of the PA, the Palestinian Ministry of Education and Higher Education assumes the responsibility of overseeing and advancing the state of Palestinian education. This includes overseeing the application of the curricula drafted by them in schools located in Gaza, the West Bank and in East Jerusalem. The United Nations Relief and Works Agency for Palestine Refugees (hereinafter "the UNRWA") operates 374 schools in Gaza and the West Bank together.

The curricula and textbooks utilized in Palestinian schools play a crucial role in shaping the beliefs and ideologies of children. Of particular concern is the portrayal of violence perpetrated by Palestinians as a justifiable form of resistance, primarily targeting Israel. This depiction contributes to the indoctrination of students by instilling the notion that acts of violence are not only acceptable but also encouraged. Consequently, the violence carried out by Palestinians, is not perceived as acts of

---

<sup>48</sup> *Supra* note 39.

<sup>49</sup> *Id.*

<sup>50</sup> *Supra* note 12.

<sup>51</sup> *Supra* note 44.



terrorism but rather as legitimate behaviors. For instance, a grammar book contains an exercise that includes the sentence: "the Palestinians sacrifice their blood to liberate Jerusalem."<sup>52</sup>

Furthermore, the Palestinian education system reinforces the perception of individuals who have engaged in violence as national icons, effectively elevating terrorists to the status of role models and sources of inspiration for young Palestinians. An illustrative instance of this phenomenon is the portrayal of Dalal Al-Mughrabi in textbooks, positioning her as a symbol of resistance and an exemplar for young girls.<sup>53</sup> Dalal Al-Mughrabi, a member of the Palestinian Liberation Organization, was involved in the 1978 Coastal Road massacre, where she and other terrorists infiltrated Israel, hijacked a bus, and detonated it, resulting in the deaths of 38 Israeli civilians.

The utilization of media outlets as tools for indoctrination has been a long-standing practice. In the Palestinian context, key media platforms such as 'Palestine TV' and the 'Wafa' news agency are under the control and affiliation of the Palestinian Authority (PA), while 'Shehab News' and 'Al-Aqsa Media Network' are affiliated with Hamas, alongside other Palestinian armed groups. Consequently, the media serves as a vehicle to advance the interests of the PA and these armed groups, as well as incite violence. Moreover, cultural manifestations function as a persistent conduit for the propagation of hate. Notably, an illustrative occurrence took place in March of 2023, during the televised airing of a musical production on Palestine TV, an entity under the administration of the Palestinian Authority. In this particular performance, dancers donning military garments and wielding arms passionately sang about their commitment to engaging in armed conflict against their perceived adversary. Symbolic elements in the form of machine guns, rifles, and explosives were employed to reinforce their message.<sup>54</sup>

In addition to traditional media, the role of social media platforms, including TikTok, Facebook, and Instagram, in promoting indoctrination and violence is noteworthy. These platforms have a wide reach among young people, including children, who are exposed to content that propagates a violent message. Specifically, TikTok has gained significant popularity among Palestinians and features accounts like the Lions' Den, a Palestinian militant group operating in the West Bank, along

---

<sup>52</sup> *Review of 2022 UNRWA-Produced Study Materials in the Palestinian Territories*, IMPACT-SE, (July, 2022), <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.impact-se.org/wp-content/uploads/Review-of-2022-UNRWA-Produced-School-Materials.pdf>. at 13.

<sup>53</sup> *Id.* IMPACT-SE, at 112.

<sup>54</sup> *Palestinian Authority TV Airs Gaza Musical Encouraging Palestinians to Fight the "Enemy" in All of Israel with Machine Guns, RPGs, Daggers, and Bombs*, MEMRI TV (Mar. 27, 2023) <https://www.memri.org/tv/palestinian-authority-network-musical-gaza-fight-israel-machine-guns-rpgs-daggers-bombs>



with violent videos, including those depicting children pretending to shoot at Israeli military vehicles with toy guns.<sup>55</sup>

The PA has implemented a "pay for slay" policy, enshrined in law, which involves providing monthly salaries to terrorists and the families of individuals categorized as "martyrs." The term "martyr" encompasses Palestinians who have been killed, injured, or imprisoned as a result of engaging in violent attacks against Israel. This practice is firmly established within the Palestinian legal system through Law No. 14 (2004) on Aid for Prisoners in Israeli Prisons. The specific amount of salary disbursed to terrorists or their families is predetermined, taking into account factors such as the duration of imprisonment, actual time served in prison, and the marital status of the individual involved.<sup>56</sup> Presently, approximately 7% of the PA's annual budget is allocated to the Martyrs Fund, surpassing the financial resources allocated to healthcare, thus indicating a prioritization of funds toward terrorist salaries over healthcare expenditure.<sup>57</sup>

The primary concern regarding this policy is its inherent violation of international law, as it involves explicit solicitation and incentivization of terrorist activities by the PA. However, the most alarming aspect of this practice is its direct impact on motivating children to engage in acts of terrorism, as well as encouraging Palestinian families to permit and endorse their children's involvement in such activities. Children are led to believe that by perpetrating violent acts, they will be rewarded, with greater rewards for more severe acts of violence. Consequently, this policy significantly influences children, enticing their participation in hostilities. Furthermore, states that provide financial support to the PA are, in effect, endorsing and contributing to the perpetration of terrorist attacks by facilitating this practice.

The efforts of the Palestinian Authority to indoctrinate children have yielded concerning results, leading to the involvement of young minors in numerous terrorist attacks. As highlighted in a study conducted by NGO Monitor,<sup>58</sup> during the year 2022, over 30 underage individuals engaged in acts of violence, including attacks and clashes targeting Israeli civilians and soldiers. These incidents encompassed a wide range of violent actions, such as shooting Israeli civilians and hurling Molotov cocktails at Israeli soldiers. For instance, in January, a 13-year-old Palestinian perpetrated a shooting

---

<sup>55</sup> *The Use of Social Networks by the Palestinian Public – Facts and Assessments*, THE MEIR AMIT INTELLIGENCE AND TERRORISM INFORMATION CENTER, (Mar. 5, 2023), <https://www.terrorism-info.org.il/en/the-use-of-social-networks-by-the-palestinian-public-facts-and-assessments/>.

<sup>56</sup> Zina Rakhamilova, *For Palestinians, terrorism against Israel pays – opinion*, THE JERUSALEM POST (Feb. 7, 2023), <https://www.jpost.com/opinion/article-730788>.

<sup>57</sup> *Id.*

<sup>58</sup> *Excuse and Disregard: Palestinian NGOs on Teens' Involvement in Terror Attacks and Violent Clashes*, NGO MONITOR (Feb. 7, 2023) <https://www.ngo-monitor.org/palestinian-minors-terror-attacks-and-violence/>.





incident resulting in injuries to a father and son.<sup>59</sup> Subsequently, in February, two separate stabbing attacks were carried out by 13 and 14-year-old children.<sup>60</sup>

### *Hamas*

Hamas (Ḥarakah al-Muqāwamah al-ʾIslāmiyyah, “Islamic Resistance Movement”) is an Islamist extremist Palestinian faction, which has been designated as a terrorist organization by multiple nations, including the United States, Australia, Japan, the United Kingdom, and the European Union. Since 2007, Hamas has assumed governance over the Gaza Strip, establishing its control in the region. Hamas employs various indoctrination techniques aimed at persuading children to join its ranks and engage in acts of terrorism and violence.

From the 30th of March of 2018 until 27th of December of 2019, thousands of Palestinians from Gaza participated in a series of weekly demonstrations - the so-called “Great March of Return”, that took place near the fence that separates the Gaza Strip and Israel. Although the demonstrations were conceived as peaceful in nature, several violent events took place during the march, including burning tires and throwing Molotov cocktails at Israeli soldiers, and numerous Palestinians tried to break and cross the fence. These violent episodes together with the tensions that already existed between Israel and the Palestinians in Gaza, led to continuous confrontations between the IDF and the demonstrators. Hamas was, together with the Popular Front for the Liberation of Palestine (PFLP), Fatah and the Palestinian Islamic Jihad, the organizer and coordinator of the demonstrations.<sup>61</sup>

Notwithstanding the professed objective of peaceful demonstrations, Palestinian leadership actively encouraged protesters to assail and breach the security fence, deliberately provoking a response from the Israeli Security Forces. A notable aspect of these protests was the deliberate inclusion of children among the demonstrators, who were not mere bystanders but actively coerced participants.<sup>62</sup>

---

<sup>59</sup> *Jerusalem synagogue shooting: Israel arrests 42 after deadly attack*, BBC NEWS (Jan. 28, 2023), <https://www.bbc.com/news/world-middle-east-64430491>.

<sup>60</sup> Emanuel Fabian, *Israeli teen hurt in stabbing attack in Jerusalem’s Old City; Suspect, 14, arrested*, THE TIMES OF ISRAEL, (Feb. 13, 2023), <https://www.timesofisrael.com/israeli-teen-hurt-in-stabbing-attack-in-jerusalem-old-city-suspect-14-arrested/> and Emanuel Fabian, *Policeman dies after being stabbed by Palestinian, hit by friendly fire*, THE TIMES OF ISRAEL, (Feb. 13, 2023), <https://www.timesofisrael.com/policeman-critically-hurt-after-being-stabbed-by-palestinian-hit-by-friendly-fire/>.

<sup>61</sup> U.N. Human Rights Council, *Advanced Edited Version of the Report of the Detailed Findings of the Independent International Commission of Inquiry on the Protests in the Occupied Palestinian Territory*, U.N. Doc. A/HRC/40/CRP.2 (Feb. 25 - Mar. 22, 2019), para. 24, and Jihad Abusalim, *What is “The Great Return March?”*, AMERICAN FRIENDS SERVICE COMMITTEE (Apr. 19, 2019), <https://www.afsc.org/blogs/news-and-commentary/what-is-great-return-march>.

<sup>62</sup> U.N. Relief and Works Agency for Palestine Refugees in the Near East, *Gaza’s “Great March of Return”: one year on, impact on Palestine refugees and unrwa services* (2019), [https://www.unrwa.org/sites/default/files/content/resources/gaza\\_gmr\\_one\\_year\\_on\\_report\\_eng\\_final.pdf](https://www.unrwa.org/sites/default/files/content/resources/gaza_gmr_one_year_on_report_eng_final.pdf).





Women and children were physically manipulated to take up frontline positions in order to obstruct access to potential targets of terrorism.<sup>63</sup> One strategy employed by Hamas involved recruiting children to partake in the protests, promising financial rewards in case of injury.<sup>64</sup>

Furthermore, in addition to specific events such as the March of Return, Hamas regularly conducts activities aimed at indoctrinating children and transforming them into agents of terrorism. Hamas organizes annual summer camps that serve as platforms for children to receive military training, including instruction on handling weapons.<sup>65</sup> Participants in these camps engage in various exercises, including computer simulations that simulate targeting and shooting Israeli soldiers and police officers. These camps not only indoctrinate children into believing that committing acts of violence is acceptable but also provide them with practical knowledge on the use of firearms.<sup>66</sup> Such practices place children in highly dangerous situations that infringe upon their rights and further perpetuate the already aggressive education they receive.

### The OTP Policy on Children

#### *Indoctrination as a form of enlistment/conscription*

Many of the cases disseminated above, and in general situations taking place today that lead to the use of children in conflict are very noteworthy for the violence with which it is carried out, especially because of the use of abduction to recruit children into armed forces or armed groups. Nevertheless, the subtler means of indoctrination serves the same, and even a more dangerous purpose. Inculcating these ideas into the children's minds not only affects the children of that specific moment, but they can reshape entire societies, and lead to a perpetuation of conflicts, wars and the commission of atrocities that then the ICC will have to investigate.

The cases highlighted earlier, as well as the prevailing circumstances observed in contemporary settings that result in the involvement of children in armed conflicts, warrant significant attention due to the extreme brutality accompanying such actions. Particularly concerning is the utilization of abduction as a method to conscript children into armed forces or armed groups. However, it is

---

<sup>63</sup> Judah Ari Gross, *IDF: Hamas cynically sent 7-year-old girl to breach Gaza border*, THE TIMES OF ISRAEL (Mar. 30, 2018), <https://www.timesofisrael.com/idf-hamas-cynically-sent-7-year-old-girl-to-breach-gaza-border/>.

<sup>64</sup> Adam Rasgon, *IDF: Gaza children being promised NIS 300 (\$83) if injured at border protests*, THE TIMES OF ISRAEL, (Feb. 21, 2019), <https://www.timesofisrael.com/idf-gaza-children-being-promised-nis-300-if-injured-at-border-protests/>

<sup>65</sup> *Hamas summer camps offer children firearms training*, ISRAEL HAYOM, (Aug. 3, 2022), <https://www.israelhayom.com/2022/08/03/hamas-summer-camps-offer-children-firearms-training/>.

<sup>66</sup> Toi Staff, *At annual summer camps, Hamas trains kids to fire guns, kidnap soldiers*, THE TIMES OF ISRAEL, (July 3, 2021), <https://www.timesofisrael.com/at-annual-summer-camps-hamas-trains-kids-to-fire-guns-kidnap-soldiers/>.



imperative to recognize that the subtler techniques of indoctrination serve an equally if not more perilous purpose.

The process of instilling certain ideologies in the minds of children not only affects the immediate generation but also holds the potential to reshape entire societies. This insidious form of indoctrination can perpetuate conflicts, fuel the occurrence of wars, and give rise to the commission of heinous atrocities, thereby necessitating subsequent investigation by the ICC.

Based on our analysis, we assert that the deliberate and systematic indoctrination of children, with the explicit intention of integrating them into armed forces or armed groups, should be categorized within the purview of articles 8(2)(b)(xxvi) and 8(2)(e)(vii). Furthermore, irrespective of specific legal provisions, it is crucial for the Office of the Prosecutor to accord greater attention to the issue of indoctrination techniques employed in these contexts.

Considering the gravity of the situation, it is imperative that the OTP acknowledges the significance of indoctrination patterns in perpetuating the recruitment of child soldiers. Moreover, it is essential for the ICC and the international community at large to allocate additional resources and devote increased focus to comprehensively addressing the employment of indoctrination techniques. By doing so, they can enhance their capacity to investigate and prosecute individuals involved in these heinous acts, ultimately seeking justice for the affected children and deterring future instances of indoctrination in armed conflicts.

#### *Sharing information and documentation*

Since its establishment, the International Criminal Court has played a vital role in combating the exploitation of children in times of war and armed conflict. Notably, landmark cases like Lubanga and Ongwen have demonstrated the Court's capacity and significance in holding individuals accountable for crimes committed against or affecting children. It is our firm belief that the dissemination of information gathered by the ICC throughout its operations should be made available to the public, provided that it does not compromise the confidentiality necessary to safeguard the welfare of children.

To ensure transparency and promote accountability, we advocate for the responsible sharing of information accumulated by the ICC. By making this information accessible to the public, the ICC can raise awareness about the gravity of crimes committed against or affecting children and garner support for their protection. By making the ICC's collected data available, it enables relevant stakeholders to gain valuable insights and develop effective strategies to address this grave issue. Ultimately, the



collective aspiration of all concerned parties is to eliminate the use of children in armed conflicts, making the dissemination of information a crucial step towards achieving this common goal.