



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
6 May 2016

Original: English

**Committee against Torture
Fifty-seventh session**

Summary record of the 1416th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 3 May 2016, at 10 a.m.

Chair: Mr. Modvig

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Fifth periodic report of Israel (CAT/C/ISR/5; CAT/C/ISR/Q/5)

1. *At the invitation of the Chair, the delegation of Israel took places at the Committee table.*
2. **Mr. Manor** (Israel), introducing the State party's fifth periodic report, said that the Government of Israel protected the fundamental human rights of all persons under its jurisdiction, whether or not they were citizens or residents, and that any party adversely affected by the actions of a government authority was entitled to institute a claim before the High Court of Justice. The Supreme Court had earned international recognition and respect for its independence in enforcing international law and had issued a number of landmark rulings in which security concerns had been successfully balanced against the need to protect individuals.
3. The challenges that Israel faced in protecting human rights had been exacerbated in recent months by a wave of terror and violence involving stabbings, shooting attacks and suicide bombings in most cases perpetrated by young Palestinian terrorists acting alone. Such attacks were often incited by Palestinian and Arab media channels and social networking sites that propagated a culture of hate. Although the Committee was doubtless well aware of the State party's position regarding the application of human rights treaties in the West Bank and the Gaza Strip, at the current meeting the delegation stood ready to address any questions relating to the situation in those areas, in the firm belief that dialogue with the Committee would help the Government of Israel to further improve its mechanisms for the protection and promotion of human rights.
4. **Mr. Schondorf** (Israel) said that the Government of Israel was fully committed to implementation of the Convention despite the unique and pressing difficulties it faced in its unceasing struggle against terrorism. Since the previous constructive dialogue, it had made a number of major reforms that touched upon areas of concern highlighted by the Committee in its previous concluding observations (CAT/C/ISR/CO/4); many of those reforms had in fact been a direct response to the Committee's recommendations. The Turkel Commission — an independent public commission established in 2010 to assess whether existing mechanisms for investigating alleged violations of the laws of armed conflict complied with the State party's obligations under international law — had also issued a number of recommendations for strengthening the Israeli legal and judicial system that had likewise served as a blueprint for reforms.
5. The report on the Turkel Commission's findings had not yet been adopted by the Cabinet but work to implement the most important recommendations had already begun. The Attorney General had been instructed to draft a bill that criminalized torture as a separate offence; the position of Inspector for Complaints against Israel Security Agency interrogators had been moved from the Agency to the Ministry of Justice in order to guarantee independent and impartial investigations; an independent fact-finding assessment mechanism had been established within the Israel Defence Forces to explore and clarify the facts of specific exceptional incidents that might or might not require criminal investigation; and two new sets of guidelines designed to strengthen civilian oversight of the military justice system had been issued by the Attorney General.
6. An advisory committee chaired by former Supreme Court judge Edna Arbel had provided the impetus for another set of legislative reforms involving the formulation of a bill that would expressly establish the inadmissibility of confessions obtained through torture and introduce a requirement for all confession evidence to be supported by

additional items of proof. Significant improvements had also been made to the military juvenile justice system in the West Bank. A specialized juvenile military court had been established to hear cases involving defendants under 18 years old; the age of legal majority had been raised from 16 to 18 years; information was now distributed to the parents of minors in conflict with the law in both Hebrew and Arabic; and the limitation period for offences committed by minors had been reduced.

7. The State party had likewise made progress in the prevention of violence in general and violence against Palestinians in particular, having allocated unprecedented levels of resources to that area. The Prime Minister had specifically declared the Government's opposition to "price-tag" acts and a special unit responsible for policing nationalistic crimes, including price-tag offences, was now operating in the West Bank. In addition, prosecutors were being encouraged to avail themselves of criminal provisions that permitted them to double the maximum applicable penalty when offences were committed with racist intent. The combined effect of those and other measures had been an increase in the indictment rate from 19 per cent of investigations initiated in 2013 to 38 per cent of investigations initiated in 2015.

8. The State party had spared no effort or expense in investigating violent offences committed against Palestinians. The abduction and murder of the 16-year-old Palestinian Muhammad Abu Khdeir, apparently in revenge for the murder of three Israeli teenagers, had prompted exhaustive investigations and resulted in the indictment of three Israelis, two of whom were minors. All three had since been convicted. Charges of murder had likewise been brought against two defendants implicated in the killing of three members of the Dawabshe family in the village of Duma.

9. In recent years, the Government of Israel had been working to increase contact and dialogue with NGOs and, in particular, to involve them in the preparation of its periodic reports to United Nations treaty bodies. Leading NGOs were thus invited to comment on draft reports and their inputs were given considerable weight. The report currently before the Committee in fact constituted the fruit of an innovative project initiated by the Minerva Centre for Human Rights at the Hebrew University that was designed to enhance cooperation between State authorities, civil society and academia in all stages of the reporting process and in the implementation of human rights treaties in Israel more generally.

10. **The Chair** (Country Rapporteur) asked whether the State party had a timeline for adoption of the bill that would expressly criminalize torture; whether the definition contained in the new law would be identical to the definition contained in the Convention; whether that definition would encompass torture of a non-physical nature; and whether the bill would address responsibility of command. He would also like to know whether the State party's position on the territorial applicability of the Convention had altered.

11. He enquired about the reasons for the State party's refusal to regulate the use of handcuffs and restraints. The delegation's comments on reports of painful shackling and other forms of ill-treatment such as immobilization in stress positions and sleep deprivation being used during interrogations would be helpful in that regard. He would particularly like to know whether such techniques were considered to constitute torture by the Israeli authorities; whether a ban on their use was being considered; why the use of physical restraints was considered necessary; how many Israel Security Agency officers were normally present during interrogations; what means of force were generally available to them; and whether they were permitted to carry guns and other weapons. Reports of sexual violence including sexual harassment and repeated strip searches being used against Palestinian prisoners were a particular cause for concern. He wondered whether the State party recognized violence of that kind as a form of torture. If that was not the case, on what criteria were decisions as to what constituted torture based, and what mechanisms were in

place to ensure that the interrogation methods used by State officials did not fall into that category? Clarification was also needed as to whether or not threats to arrest a member of a detainee's family in order to extract a confession could lawfully be used during interrogation, especially in the light of the 2009 High Court decision to dismiss a complaint concerning the use of such threats.

12. He understood that audiovisual documentation of interrogations was mandatory except in cases involving security offences. Could the State party supply figures for the number of interrogations that had been videotaped and the number of cases that had been exempted from the recording requirement? If such exemptions were in some instances guided by considerations other than those of a security nature, he would like to know the legal basis underpinning them. He also enquired whether the State party was planning to abolish such exceptions and allow the audiovisual documentation of all Israel Security Agency and police interrogations. If it was, as had been suggested, the delegation should indicate when the relevant legislative amendments would be effected. It should also state how, in the absence of audiovisual documentation, the authorities could ensure that persons under interrogation were not abused; whether video and audio recordings could be presented in evidence; how security offences were defined; and what criteria determined whether an offence was prosecuted under civil or military law.

13. Up-to-date figures for the number of cases, under each category of law, in which the State party had exercised its authority to postpone judicial reviews and the length of time that generally elapsed between apprehension and appearance before a judge would be appreciated, as would an indication of the number of cases in which the State party had exercised its authority to postpone a detainee's right to consult a lawyer on the grounds that legal representation could jeopardize crucial information-gathering activities. An explanation as to how exactly legal representation might jeopardize such activities and how that concern could outweigh the basic need to protect a detainee's fundamental right to due process was likewise needed. He also wished to know how long detainees could be held without being brought before a judge; how long, under military law, they could be prevented from meeting with their lawyer; how many times in the past four years Palestinians suspected of committing security offences had been denied access to counsel for a period of more than four days; and how many Palestinians had been denied access to counsel for more than two weeks. The equivalent figures for Israeli detainees would be helpful.

14. In view of reports that access to counsel was frequently denied, he would like information about any measures adopted by the State party to ensure that all detainees enjoyed such access, as well as figures for the number of detainees represented by counsel from the Public Defender's Office. Referring to paragraph 274 of the periodic report, indicating that physicians were required to report suspicions of abuse to the police, he asked what the police did with such information; how many such cases had been referred to the police by prison medical staff during the reporting period; and what the outcome had been. Also needed were figures, disaggregated by nationality, for the number of requests to see an external doctor submitted by prison inmates and the number of requests that had been denied. Information about any steps taken by the State party to implement the Supreme Court ruling issued in the case brought by Muhammed Taj against the Israel Prisons Service, which implied that private medical visits were a right and not a privilege, would be useful in that connection. With regard to detainees' right to inform family members of their arrest, he would like to know how soon after their arrest detainees could exercise that right; whether they had the right to make phone calls; whether their place of detention could be revealed; and whether any exceptions to normal procedure applied in the case of security offences or detention under military law and, if so, for how long enjoyment of the right could be postponed.

15. He urged the delegation to provide the information previously requested concerning the reported increase in the number of persons held in administrative detention and to comment on reports that administrative detention could sometimes be prolonged for more than six months, and sometimes even for years. An update on the situation of Mohamed al-Qeeq, who had been detained without charge since November 2015, was needed in that connection, as was an explanation of the State policy that appeared to permit the administrative detention of Palestinian children.

16. According to the State party, the detention of an adult male under the Incarceration of Unlawful Combatants Law had been scheduled for review in February 2015. He enquired about the outcome of the review and asked whether additional persons had been detained under the Law since October 2014. He also wished to know whether Munir Ismail Hamada, who had been arrested at the Erez crossing, was still detained as an unlawful combatant. It was regrettable that the State party had failed to abolish administrative detention, which was incompatible with article 16 of the Convention, and to repeal the Incarceration of Unlawful Combatants Law.

17. The Committee wished to be informed of the exact wording of the definitions of “act of terrorism”, “terrorist organization” and “member of a terrorist organization” in the Fight against Terrorism Bill. He also enquired about the definition of a security offence in other legislation, including military law.

18. Prisoners could be placed in solitary confinement for up to 30 days for purposes of interrogation. When solitary confinement was imposed as a disciplinary measure, prisoners were not allowed to leave their cell, even for a daily walk. Disciplinary offences, which could be penalized by an authorized warden with solitary confinement for up to 14 days, were listed in the recently updated “Disciplinary Rules for Prisoners”. Separation, which was basically the same as solitary confinement, could be imposed for extended periods if prisoners were deemed to pose a security threat or suffered from a mental health disease that posed a threat to other prisoners. Under the Prisons Ordinance, a prisoner could be held in separation for a period of up to six months. The period could be extended for up to six additional months subject to judicial review and approval. He asked whether steps had been taken to restrict the use of separation.

19. The Committee had been informed that the use of solitary confinement in Israeli prisons had doubled between 2012 and 2014 and that 755 prisoners had been placed in solitary confinement in 2014. Those figures apparently did not include solitary confinement for disciplinary reasons. He requested detailed data concerning the number and duration of cases of minor and adult solitary confinement during interrogation, as a disciplinary measure and for the purpose of separation, during each year of the reporting period. He also wished to know whether detainees in solitary confinement received regular medical care.

20. He asked whether detainees who protested against their detention conditions by going on hunger strike were force-fed and, if so, in what way, by whom and on how many occasions during the reporting period. He also enquired about the guidelines applied to doctors attending to hunger strikers. Were the doctors independent or were they employed by the detention authorities?

21. He requested statistical data concerning suicides and suicide attempts by detainees under normal conditions and during isolation.

22. In its reply to the Committee’s question concerning the detention conditions of Palestinian prisoners held for security-related reasons, the State party had claimed that it was unable to provide information about solitary confinement because it was used mostly for short periods of time. The Committee was concerned that Israel kept no records of the use of a measure that could amount to ill-treatment or even torture.

23. He asked how many of the approximately 45,000 undocumented migrants who were currently residing in Israel had applied for asylum in Israel and in what proportion of cases their applications had been approved.

24. Referring to the information provided in the report concerning the Prevention of Infiltration Law, he asked whether the Holot facility had been closed. If not, the Committee wished to be informed about its current capacity, the number of persons being detained there, the availability of medical care and the future prospects for the detainees.

25. The Committee had been informed that the Israel Defence Forces had returned people to Egypt after March 2011 without conducting an interview to assess whether they were in need of international protection. He asked how the State party could ensure that the principle of non-refoulement had not been violated.

26. The United Nations Secretary-General had described the blockade of the Gaza Strip as a collective punishment that undermined a number of basic human rights. He asked whether the State party planned to lift the blockade and to allow humanitarian aid to be conveyed freely into the territory.

27. Many Sudanese and Eritrean nationals had reportedly been transferred to third countries in 2014 and 2015 under confidential agreements that did not allow for public scrutiny of their compliance with the principle of non-refoulement. Some of the persons transferred had subsequently been returned to their country of origin. He asked whether any safeguards against refoulement had been put in place. He requested an update on an appeal by two Eritreans against the policy of deportation to third countries that was currently before the High Court of Justice.

28. In November 2015, a district court had upheld the Government's decision to forcibly deport asylum seekers to Rwanda and Uganda. He asked whether the State party had received guarantees under the agreements with Rwanda and Uganda that the deportees would not subsequently be transferred to their home countries.

29. According to the State party, removal decisions were subject to judicial review. He asked whether deportation was postponed when a person to be deported applied for a judicial review and whether the person concerned had access to legal counsel. The Prevention of Infiltration Law made no mention of specific mechanisms for judicial review. It merely stated that administrative decisions could be challenged through appeals to the administrative courts. He requested data concerning the number of deportation decisions, the number appealed through the courts and the outcome of the appeals during the reporting period.

30. He asked whether the State party had extradited anybody during the reporting period based on diplomatic guarantees that he or she would not be subjected to torture or ill-treatment.

31. Noting that almost 4,000 asylum seekers had been rejected *prima facie* during 2011, he asked how the State party ensured that the procedure did not violate the prohibition of refoulement. He requested confirmation that there had been 12,664 applications for asylum during the period from 2010 to 2013 but that only 30 persons, or 0.2 per cent, had been granted asylum. He also requested more recent data.

32. The State party had not replied to the Committee's question concerning procedures to identify asylum seekers who had been subjected to torture. The Committee had been informed that the refugee determination process did not fully ensure that victims were identified owing to the absence of legal and linguistic assistance to persons filing an asylum claim. He enquired about the procedure to ensure that victims of torture were identified in the asylum procedure and about the care and assistance offered to victims.

33. The Committee had been informed that detained asylum seekers were almost invariably held at the Saharonim detention centre for three months. He enquired about the procedure for determining the duration of detention. He also asked whether migrants held in the facility were given access to free legal aid to facilitate the asylum application procedure. Had there been any hunger strikes and, if so, how many detainees had been involved and how many had been force-fed? In general, the Committee wished to know whether the State party had changed its practice of holding asylum seekers in detention facilities.

34. **Ms. Pradhan-Malla** (Country Rapporteur) asked the State party whether human rights training courses were provided for medical personnel, judges other than those of the Detention Review Tribunals, public prosecutors and Forensic Institute personnel. She wished to know whether the curricula included investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment, in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), and whether their effectiveness had been assessed. A recommendation by the Turkel Commission concerning the training of investigators was mentioned in paragraph 235 of the report. She asked whether the State party had implemented the recommendation.

35. She enquired about the legislation and penalties applicable to the trafficking-related offences mentioned in paragraph 116 of the report.

36. According to table No. 2 concerning investigations of trafficking for the purpose of prostitution and related offences between 2006 and 2013, only seven cases had been investigated in 2013, although 39 women and 26 men had been recognized during the same year as victims of trafficking. She asked whether the perpetrators had been prosecuted and the victims had been compensated. She also enquired about action to promote the reporting and investigation of cases of trafficking,

37. According to the report, 15 women had been murdered by their spouses in the State party in 2013 and the migrant population were most vulnerable. She asked what action the Government was taking to prevent and criminalize violence against women. If threats of violence were deemed to be a crime, who issued an interim protection order and how easy was it for migrants to access the justice system? She asked whether any of the men who had murdered their wives had been prosecuted and convicted.

38. As of 15 October 2013, 18,250 cases of domestic violence had been opened, but the shelters could accommodate only about 160 women and 320 children. She asked whether there were any plans to increase the number of shelters and whether they accommodated migrants, non-citizens and Palestinian women from the Occupied Palestinian Territory.

39. Although the Youth Law described detention of youths as a last resort, the Committee had received many reports of detention of Palestinian children for security-related offences, including stone-throwing. They were allegedly denied basic legal safeguards, being interrogated in the absence of a lawyer or family member and subjected to torture and ill-treatment to obtain confessions. Moreover, minors from the Occupied Palestinian Territory who were deprived of their liberty in Israel could not receive family visits. She asked who monitored such detention centres to ensure that children's rights were not violated.

40. She asked whether the increase in the age of majority from 16 to 18 years was also applicable to criminal responsibility.

41. According to paragraph 56 of the report, the Israel Prisons Service Commissioner examined the possibility of rehabilitation of prisoners who were Israeli citizens. She asked

whether non-citizens were denied that possibility. She also enquired about the exceptions regarding security prisoners.

42. The Committee had received reports that poor detention conditions, deprivation of normal sensory stimulation and blunt trauma were common. Cases of physical violence such as punching, kicking and slapping had also been reported. Children were allegedly subjected to physical and psychological torture and ill-treatment during their arrest and in detention, including denial of family visits, handcuffing, solitary confinement, blindfolding and hooding. Women were reportedly deprived of basic hygiene, including sanitary towels. They were also allegedly humiliated, sexually harassed and detained together with serious criminals.

43. She requested information concerning prison capacity and data disaggregated by gender, race and ethnicity concerning the number of prisoners.

44. The Committee had received many reports of excessive use of force, including lethal force, against Palestinians in the West Bank, including East Jerusalem, in response to attacks or alleged attacks against Israeli civilians or security forces. Live ammunition had allegedly been used by the security forces against demonstrators, causing injuries and fatalities. The response in some cases could be characterized as a form of extrajudicial execution. Accountability for the excessive use of force was also lacking.

45. She asked whether any amendments had been made to the open-fire regulations.

46. Persons were reportedly subject to torture and ill-treatment by law enforcement officers on arrest, during their transfer to detention facilities and when they were interrogated. Ill-treatment of children in the military detention system was apparently widespread, systematic and institutionalized. The United Nations Children's Fund (UNICEF) had published a study entitled "Children in Israeli Military Detention: Observations and Recommendation" in early 2013. She asked whether the State party had acted on the 38 recommendations.

47. She requested disaggregated data concerning the number of complaints of torture and ill-treatment received during the reporting period, the number of criminal investigations conducted and their results, and the redress, including rehabilitation, provided to victims. She also enquired about procedures for filing complaints of torture and ill-treatment against the Israel Defence Forces. Were officers accused of torture and ill-treatment suspended during the investigation?

48. She asked whether there was video surveillance in all custody facilities and whether the videos could be made available to detainees and their lawyers.

49. The Committee would appreciate information concerning human right violations allegedly perpetrated during Operation Pillar of Defence in November 2012 and Operation Protective Edge in July and August 2014.

50. She asked whether Palestinian residents of the Occupied Palestinian Territory could present civil claims to obtain redress, such as restitution, compensation, rehabilitation and guarantees of non-repetition, for torture or ill-treatment caused by the security or military forces.

51. The Committee had been informed that there were 42,147 asylum seekers in Israel but that no specific legislative or administrative procedures existed for the identification and rehabilitation of torture victims among the asylum-seeker population. They enjoyed no legal status or rights and were denied access to health care and welfare services except in emergencies. NGOs had documented 13 cases of return of African asylum seekers to Egyptian prisons during the past four years. More than 11,000 Eritrean and Sudanese nationals had left voluntarily because there was no prospect of achieving refugee status or

of obtaining a work permit. She asked whether the State party planned to take any measures to redress the situation.

52. It had been reported that detainees were frequently tortured to obtain evidence implicating other detainees. According to Amnesty International, forced confessions signed by children during interrogation had been used by military courts to sentence them. The delegation had reported that a bill concerning the inadmissibility of confessions procured under torture had been drafted. She asked when it was likely to be enacted.

53. According to the Committee's general comment No. 2, no exceptional circumstances whatsoever, including threats of terrorist acts or violent crime, could be invoked to justify acts of torture.

54. The Committee had been informed of numerous incidents of degrading treatment of Palestinians at checkpoints. They were allegedly held on arbitrary grounds for lengthy periods and subjected to indecent searches. Students and teachers frequently missed classes on account of the delays. Ambulances from the West Bank had been denied access to Jerusalem, even in emergency cases. She asked whether any measures were being taken to improve the situation.

55. The Committee had been informed of punitive demolitions of the residences of perpetrators or alleged perpetrators of attacks against Israelis. The demolitions were allegedly used as a means of collective humiliation, punishment and deterrence. In addition, the discriminatory regime regulating the construction of houses in the West Bank, including East Jerusalem, reportedly made it almost impossible for the majority of Palestinians to obtain building permits. As such demolitions were contrary to international human rights and humanitarian law, she asked whether the State party intended to review the applicable legislation and whether it provided compensation to families whose houses had been demolished.

56. The Committee had received several reports of settler violence against Palestinians and of cases in which officers had failed to intervene and actually defended the settlers. She asked whether any measures had been taken to address such violence.

57. The Committee had been informed that the State party had failed to return to their families the bodies of 18 Palestinians, including that of a pregnant woman, killed by Israeli forces since October 2015. She asked whether autopsies had been conducted.

58. The Committee wished to know whether the State party had considered withdrawing its reservation to article 20 of the Convention and recognizing the Committee's competence under articles 21 and 22.

59. **Mr. Heller Rouassant** said that the State party's report underscored the need to balance security considerations with respect for human rights and international humanitarian law. Despite the State party's view of threats to its security and the state of emergency in force since 1948, policies, measures and practices must comply with the international obligations of Israel, including the Convention. He expressed concern that the "necessity defence" could open the way for the practice of torture by the Israel Security Agency in the context of combating terrorism. The necessity defence was not compatible with the Convention, particularly article 2 which prohibited the invocation of exceptional circumstances as a justification of torture. He wished to know how many times the necessity defence had been invoked to justify interrogations since 2015 and whether there were criteria for its use. He asked how, in light of that practice, the State party ensured that the human rights of detainees were protected and whether the protection of their rights was open to national and international monitoring.

60. In the context of allegations that detainees' rights were not respected, he asked for an update on the status of the Fight against Terrorism Bill. More information should be

provided on the definition of terrorism in that bill and on whether the findings of the Turkel Commission and the Chechanover Commission had been taken into account — particularly with regard to the offence of torture. Torture should be criminalized in Israeli law and the necessity defence removed from legislation.

61. Regarding oversight of the Israel Security Agency, the delegation should explain why investigations into offences committed by security officers had not been followed up by prosecutions for those offences and whether interrogation practices had been changed. The Committee should be informed of how many investigations had been conducted and their results. Alternative information indicated that there was no clear deadline for investigations, which could take up to two years.

62. In light of the productive engagement of the Israeli authorities with UNICEF on the topic of minors and military justice in the West Bank, he asked whether the Government intended to engage in a similar manner on other issues. He requested information on how many children were currently held in prison and whether any complaints had been filed in that regard. He invited the delegation to comment on the case of Dima al-Wawi, a 12-year-old Palestinian girl who had been held in an Israeli prison for 2 months.

63. Media reports indicated that human rights defenders and NGOs were subjected to harassment and infiltration. The delegation should provide information on the bill to regulate non-profit organizations that were funded by foreign entities. He highlighted the case of the NGO Breaking the Silence, which campaigned for free speech on the occupied territories. He asked whether the State party had made progress towards establishing a national human rights institution in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and whether any NGOs were accredited to access detention centres.

64. He suggested that approving the Istanbul Protocol and cooperating with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to establish a national preventive mechanism and ensure visits to places of detention could help to allay fears that reports critical of the State party's human rights record were politically motivated.

65. **Mr. Touzé** said that he wished to gain a better understanding of the State party's stance regarding its non-application of the Convention in the Occupied Palestinian Territory, as set out in paragraphs 65 to 69 of the report. The State party claimed that the inapplicability of Israeli legislation in the West Bank and the Gaza Strip and the practical reality justified that position. The reference in article 2 of the Convention to territory under a State party's jurisdiction was not limited by a strict interpretation of national geography, however, and should be based on the requirements of international law. The Committee was entitled to include any information brought to its attention in its assessment of that matter.

66. Noting the opinion of the International Court of Justice, expressed in 2003, that the occupied territories were subject to the territorial jurisdiction of Israel as an occupying power, he wished to know why the State party refuted that interpretation and on what basis, and how the State party justified the numerous exceptions to full application of the Convention. Furthermore, the Human Rights Committee's interpretation of a State party's jurisdiction took into consideration the exercise by the State party of authority over a person or group of persons, thereby imposing on the State concerned adherence to international obligations in their regard. The State party should justify the non-application of the Convention in the occupied territories in light of recognition by the State party's authorities that they regularly exercised authority and control over the persons in those territories and examples of acts by the State party's authorities in those territories recorded by NGOs, including arrests, interrogations and deprivation of liberty.

67. With respect to assertions that the State party excluded application of the Convention in the occupied territories in favour of the application of international humanitarian law — multiple violations of which had been reported in the West Bank and the Gaza Strip — he noted that both international humanitarian law and human rights law should be applied in the occupied territories; the Convention therefore remained applicable. International human rights instruments should be interpreted, to the extent possible, in light of the principles of international law, in particular international humanitarian law. The delegation should provide an explanation of the reasons for its particular interpretation of jurisdiction as it related to the Convention.

68. **Mr. Hani** expressed surprise that the report made no reference to the context of colonial-style occupation of territory and to the right to self-determination of the people under occupation. It was regrettable that, although the State party cooperated with the human rights treaty bodies, it did not cooperate with the mechanisms of the Human Rights Council. With respect to the State party's explanation that the homes of alleged perpetrators of suicide attacks were demolished as a deterrent, he emphasized that domestic law could not be invoked to justify a failure to implement the Convention. He asked what measures were planned to eliminate, in law and in practice, the demolition of homes. The Committee joined the call by other human rights treaty bodies for the State party to put an immediate stop to punitive demolition and other forms of demolition, including zoning and town planning laws that affected the West Bank and East Jerusalem and had been recognized by the Human Rights Committee as measures discriminating against Palestinians.

69. In response to paragraph 4 of the report, he said that the Committee's view was that the Convention required States parties to define and criminalize torture and to include the definitions of torture and ill-treatment set out in the Convention. With regard to the use of handcuffs during interrogations, he noted that all restraint measures caused harm and suffering and should be prohibited. He drew attention to the example of the Philippines, which had recently prohibited in places of detention all implements that could be used for torture.

70. Alternative information indicated that physicians working in facilities of the Israel Prisons Service were not fully independent, that patient confidentiality was not always respected — with detainees' details sometimes being shared with the police — and that physicians were obliged to force-feed prisoners who went on hunger strike, which was considered a form of torture and a contravention of international law. The delegation should comment on those allegations. He wished to know what measures were being taken to combat the widespread and systematic ill-treatment of children in military detention reported by UNICEF and to offer young Palestinians a future.

71. He asked whether, in the interests of transparency, the State party intended to publish the amended police directives on the use of live ammunition. He suggested that the authorities should mark United Nations International Day in Support of Victims of Torture, held annually in June, in order to make a public statement against torture. The delegation should comment on efforts to include marginalized communities in State structures, particularly the police, and should provide statistics on the representation of Arab Israelis in law enforcement agencies.

72. **Mr. Bruni** asked whether there had been any change in the State party's position that would cause it to ratify the Optional Protocol and withdraw its reservations to article 20 and article 30 (1) of the Convention. The delegation should provide more details on the reasons behind these reservations. An update should be provided on the status of the temporary exemption from audiovisual recording of interrogations for cases dealing with security offences, which was provided for in section 17 of the Criminal Procedure (Interrogation of Suspects) Law 5762-2002 and was due to expire in July 2015. The

explanation for that exemption provided in the State party's report was not convincing, since it seemed unlikely that such recordings would fall into terrorist hands.

73. He asked for examples of the situations that had prompted the drafting of section 35 of the Criminal Procedure Law, namely cases where a lawyer's visit had been used to facilitate the transfer of information that was connected to promoting the activity of a terrorist organization. He would also like examples of cases where suspects had been held under that provision, which allowed for postponed legal representation for detainees of up to 21 days, which was an excessively long period of time. Further comments would be appreciated on reports of harsh conditions in the Saharonim detention facility; on the choice of many migrants between imprisonment or return to a place where they risked being subjected to torture; and on the lack of access to paid work and health services for asylum seekers. He expressed concern about the conditions in various detention centres, including the facility at Holot and Giv'on prison, where increasing numbers of undocumented migrants and unaccompanied minors were held for up to 12 months, and would like further information in that respect. Lastly, he requested an explanation of the apparent lack of transparency and independence of the complaints mechanisms for prisoners and detainees concerning grievances regarding prison staff and wardens, which provided for individuals to lodge complaints with prison directors and through the Israel Prisons Service.

74. **Mr. Zhang** asked for updated information on human rights education and training provided to security officials, including training on the prohibition of torture and ill-treatment, and whether such training was compulsory. Various training sessions had been held in cooperation with the Office of the United Nations High Commissioner for Refugees and he asked whether the Government envisaged developing similar human rights training for the Population and Immigration Authority of the Ministry of Interior. He would be grateful for a detailed explanation on NGO reports that two legal systems operated in the State party and that, while civil law was applied to Israeli citizens, Palestinians, including high numbers of children, were subject to the military court system. What were the legal grounds for the application of military law in that context?

75. **Ms. Gaer** asked how the Supreme Court had the capacity to serve as a court of first instance for the submission of complaints. She requested information on the number of complaints that had been filed and resolved by the Supreme Court over recent years and the time period for the processing of complaints. She would like to know the numbers of children and young people involved in the wave of terror and violence, particularly stabbings, the ages of those children and the locations of the attacks. She asked whether the three Israelis, two of them minors, who had been convicted of the murder of Muhammad Abu Khdeir were being held in detention, what legal provisions had been applied, what investigations had been conducted into their complaints of ill-treatment by the authorities, and the status of those complaints. Referring to the Nationalistic-Motivated Crimes Unit, which had been set up to deal with "price-tag" attacks, she asked what functions the Unit performed and how many associations using the name "price-tag" had been prosecuted and punished pursuant to the Defence (Emergency) Regulations of 1945.

76. With reference to the Saharonim and Holot detention facilities, she asked about the conditions of detention, the numbers of African and other migrants held recently, the space allotted per person and the maximum length of stay. She also asked which authorities were responsible for conducting monitoring visits in those facilities and whether there had been any prosecutions for failing to maintain adequate conditions of detention.

77. Bearing in mind the extraterritorial applicability of the Convention, she requested information on the number of allegations of misconduct by military officials in Khuzaa in 2014 reviewed by the Military Advocate General and on the current status of the corresponding investigations. She wondered whether the Military Advocate General was sufficiently independent of the Israel Defence Forces to carry out impartial investigations

into such allegations and what steps were being taken to strengthen the independence of the investigators responsible for overseeing the conduct of Israel Defence Forces personnel.

78. She asked about the impact of the new task force operating in all police stations, comprising 220 investigators specializing in the investigation and treatment of domestic violence and sexual offences. She wondered whether 14 shelters were sufficient for victims of domestic violence throughout the country and, in the light of the information that 35 per cent of the women using the shelters were from the Arab population and 52 per cent were Jewish, how the remaining 13 per cent were accounted for. Lastly, she would like to know whether NGOs were considered a threat to the security and stability of the State party.

79. **Ms. Belmir** asked for further explanation on the State party's treatment of the former Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Mr. Falk, and its refusal to provide him with access to the occupied territories. She expressed concern that many of the juveniles involved in the recent stabbings had been subjected to extrajudicial executions and the perpetrators had not been held to account. In the light of reports that the bodies of 12 Palestinians thus killed were stored in refrigerators, she would like to know whether there were plans to return the bodies to the families. Why were young Palestinians covered by military law; why was the age of criminal responsibility set at 16 for Palestinians and 18 for Israelis; and what were the legal grounds for those discriminatory provisions?

80. **Ms. Racu** said that she was concerned about the adoption of the Act providing for force-feeding of prisoners on hunger strike. She asked how many prisoners had been subjected to disciplinary measures owing to their engagement in hunger strikes, whether an assessment had been carried out into the reasons for those strikes in prisons, and whether other measures to deal with those problems had been envisaged. Given the reports of the Public Committee against Torture in Israel that none of the complaints of torture filed against Israel Security Agency interrogators over the previous decade had been investigated by the Attorney General, she asked how many such allegations had been investigated during the reporting period and how many disciplinary procedures had been initiated with regard to police, prison officials and Israel Security Agency personnel. What was the State party doing in general to combat impunity?

81. **Ms. Pradhan-Malla** asked why Palestinian children who were arrested and detained were dealt with under the military court system.

82. **The Chair** asked for the delegation's comments on overcrowding in prisons, especially in the older facilities where the space allotted per person fell below international standards. Updated information would be appreciated concerning the pending case No. 5722/12 (*Asad Abu Gosh et al. v. The Attorney General et al.*). How did the State party observe the legally enforceable right to redress under article 14 of the Convention; what avenues for legal redress were available to Palestinian victims; and how many requests for reparation, including monetary compensation, had been granted to victims of torture?

83. **Mr. Hani** requested further information about inquiries that had been conducted into cases of extrajudicial executions, particularly against a backdrop of military operations. Could the State party comment on its failure to cooperate with the inquiry commissions and could it envisage the organization of a meeting in Geneva pending full cooperation with the special procedures? Given that reparation for victims was not only a national but also an international obligation, he asked whether the State party contributed to the United Nations Voluntary Fund for Victims of Torture and funded civil society programmes for the rehabilitation of victims. He expressed deep concern at reports of the authorities' refusal to return bodies, which constituted a form of post-mortem torture, and asked what arrangements had been made to repatriate the bodies of Palestinians to their homes and families.

84. **Ms. Gaer** asked for data on the number of prisoners held in Israel Prisons Service facilities disaggregated by minors, Palestinians and Palestinian minors. In the light of the United States State Department report of 2015 that the Interrogee Complaints Comptroller of the Ministry of Justice had instituted a reform allowing representatives of the Public Committee against Torture in Israel to attend meetings between complainants and the comptroller, she asked for information on the numbers of such meetings, the role of those representatives, the effect on the dynamics of the meetings, any NGO involvement, and any monitoring conducted.

The meeting rose at 1 p.m.