

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture  
(Extracts for follow-up of CAT/C/ISR/CO/4)**

**ISRAEL**

(...)

**C. Principal subjects concerns and recommendations**

(...)

**Basic Safeguards for Detainees**

15. The Committee is concerned that while the Criminal Procedure Law and the Prisons Ordinance stipulate conditions under which detainees are entitled to meet promptly with a lawyer, these can be delayed, subject to written requests, if it puts the investigation at risk, prevents disclosure of evidence, or obstructs the arrest of additional suspects, and security-related offenses or terrorism charges permit further delays. Notwithstanding the safeguards provided by law and reaffirmed by the Supreme Court of Israel in its 2006 decision on the case *Yisacharov v The Head Military Prosecutor et. al.*, C.A. 5121/98 for ordinary cases, there are repeated claims of insufficient legal safeguards for security detainees. The Committee also notes with concern that the Criminal Procedure Law-2006 allows detention for up to 96 hours of persons suspected of security offenses before being brought before a judge -although the State Party claims a majority of cases are brought within 14 hours- and up to 21 days without access to a lawyer- despite the State Party's claim that more than 10 days is "seldom used".

**The Committee calls upon Israel to examine its legislation and policies in order to ensure that all detainees, without exception, are promptly brought before a judge and have prompt access to a lawyer. The Committee also emphasizes that detainees should have prompt access to a lawyer, an independent doctor and family member are important means for the protection of suspects, offering added safeguards against torture and ill-treatment for detainees, and that these should be guaranteed to persons accused of security offenses.**

(...)

**Allegations of torture and ill-treatment by Israeli interrogators**

19. The Committee is concerned that there are numerous, ongoing and consistent allegations of the use of methods by Israeli security officials that were prohibited by the September 1999 ruling of the Israeli Supreme Court, and that are alleged to take

place before, during and after interrogations. According to the State party, there were 67 investigations opened by the Inspector for Complaints against ISA interrogators in 2006, and 47 in 2007, but none resulted in criminal charges.

**The State party should ensure that interrogation methods contrary to the Convention are not utilized under any circumstances. The State party should also ensure that all allegations of torture and ill-treatment are promptly and effectively investigated and perpetrators prosecuted and, if applicable, appropriate penalties are imposed. The Committee reiterates that, according to the Convention, “no exceptional circumstances” including security or a war or threat to security of the state justifies torture. The State party should intensify human rights education and training activities to security officials, including training on the prohibition of torture and ill-treatment.**

### **Complaints and Need for Independent Investigations**

20. The Committee notes that, out of 1,185 complaints investigated by the Israeli police for improper use of force during 2007, 82 criminal procedures have been initiated. The State party has noted the difficulty in investigating this type of complaints arguing that police officers are authorized to use reasonable force in the necessary cases.

**The Committee requests information on the number of criminal procedures that have resulted in convictions of the accused and the penalties imposed.**

(...)

### **Non-refoulement and risk of torture**

24. The Committee notes with concern that, on the basis of the “Coordinated Immediate Return Procedure”, established by Israeli Defense Force order 1/3,000, IDF soldiers at the border - whom the State party has not asserted have been trained in legal obligations under the Convention Against Torture - are authorized to execute summary deportations without any procedural safeguards to prevent *refoulement* under article 3 of the Convention.

**The Committee notes that such safeguards are necessary for each and every case whether or not there is a formal readmission agreement or diplomatic assurances between the State party and the receiving state.**

(...)

### **House demolitions**

33. While recognizing the authority of the State party to demolish structures that may be considered legitimate military targets according to international humanitarian law, the Committee regrets the resumption by the State party of its policy of purely “punitive” house demolitions in East Jerusalem and the Gaza Strip despite its decision of 2005 to cease this practice.

**The State party should desist from its policies of house demolitions where they violate article 16 of the Convention.**

(...)

40. The Committee requests the State party to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 15, 19, 20, 24 and 33 above.

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