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Key concerns regarding Israel and Palestinians in the Occupied Palestinian Territory (OPT): Torture and other cruel, inhuman or degrading treatment and punishment

Dear Colleagues,

Adalah – The Legal Center for Arab Minority Rights in Israel, Physicians for Human Rights-Israel (PHR-Israel) and Al Mezan Centre for Human Rights in Gaza wish to bring to your attention a number of concerns regarding Israel’s violations of the rights of Palestinians in the OPT in the field of torture and other cruel, inhuman or degrading treatment or punishment (CIDT). The paper aims to inform the drafting of the new of ENP progress report on Israel’s implementation of the EU-Israel ENP Action Plan in 2010.

The ENP progress report for 2009 (dated May 2010) noted the following subjects regarding torture and ill-treatment: (1) in May 2009, the UN Committee against Torture recommended that Israel create a “fully independent and impartial mechanism outside ISA” to investigate complaints against torture and ill-treatment; (2) administrative detention; and (3) the detention of Palestinian children.

Adalah, PHR-Israel and Al Mezan wish to draw the attention of the EU to the following issues and developments:

- (1) Rights violations concerning torture and ill-treatment by Israel against Palestinians in the OPT as addressed by the UN Human Rights Committee (which monitors the International Covenant on Civil and Political Rights (ICCPR)) on Israel in its Concluding Observations on Israel, 29 July 2010;
- (2) Israel’s failure to ratify the Optional Protocol to the Convention Against Torture (OPCAT);
- (3) The ongoing lack of independent, impartial and credible domestic Israeli investigations into allegations of human rights violations during the military offensive on Gaza (“Operation Cast Lead”), in particular concerning torture and ill-treatment;

- (4) A new Criminal Procedures Law bill pending in the Knesset that seeks to bypass a recent Supreme Court decision and threatens to further violate basic rights of security detainees, overwhelmingly Palestinian citizens of Israel and Palestinians from Gaza.

We hope these issues will be noted with grave concern and raised in a critical manner by the European Union in its upcoming progress report.

Key Concerns

(1) Rights violations concerning torture and ill-treatment addressed by the UN Human Rights Committee on Israel in its Concluding Observations on Israel, 29 July 2010

The UN Human Rights Committee, in its Concluding Observations on Israel,¹ found several violations of Israel's obligations under the ICCPR in the area of torture and ill-treatment (Article 7), and made a series of recommendations to Israel to ensure the protection of prisoners and detainees, as well as Palestinian civilians in the OPT.

The Concluding Observations addressed many of the torture-related issues brought before the Committee by Adalah, PHR-Israel and Al Mezan in their two joint NGO reports,² and in oral interventions during the Committee's review sessions in Geneva in July 2010. The Committee's main concerns and recommendations in the area of the prevention of torture and cruel, inhuman and degrading treatment or punishment (CIDT) included:

- Israel's lack of implementation of the absolute prohibition on torture (para. 11).
- The lack of independent investigations into suspected incidents of torture and no criminal prosecutions of Israel Security Agency (ISA) personnel (para. 12).³
- Weak fair trial rights including the frequent and extensive use of administrative detention, including for children; lack of prompt access to counsel (para. 7); the continued applicability of the illegal Detention of Unlawful Combatants Law, and the use of secret evidence (para. 13).
- The need for Israel to revoke the ban on family visits and phone contact for Palestinian security prisoners from Gaza incarcerated in Israeli prisons (para. 21).
- Allegations of torture of child detainees and prisoners, differences in juvenile justice system in Israel and the military orders in the West Bank; and trials of children in military courts (para. 22).
- Israel's use of extra-judicial executions and the need for its security forces to uphold the principle of proportionality and exhaust all measures to arrest a person; and the need for

¹ Concluding Observations of the Human Rights Committee – Israel, CCPR/C/ISR/CO/3, 29 July 2010, available at: <http://www2.ohchr.org/english/bodies/hrc/docs/CCPR.C.ISR.CO.3.doc>

² Report, dated 23 June 2010, available at: <http://www.adalah.org/newsletter/eng/jun10/docs/REPSONE AAP.pdf>

³ Similar to the Concluding Observations of the Committee Against Torture – Israel, CAT/C/ISR/CO/4, 23 June 2009, available at: <http://daccess-ods.un.org/TMP/2822613.41810226.html>, and as noted by the EU in its ENP progress report on Israel for 2009.

Israel to establish an independent body to promptly and thoroughly investigate complaints about disproportionate use of force (para. 10).

- Israel should ensure that definitions of terrorism and security suspects are precise and limited to countering of terrorism and maintaining national security (para. 12).
- The effects of Israel's military blockade of the Gaza Strip, including restrictions on freedom of movement, some of which led to deaths of patients (para. 8). Israel has yet to lift the blockade, which constitutes collective punishment of the whole civilian population in Gaza and CIDT in specific cases, such as the patients who are refused access to medical treatment not available in the Gaza Strip.⁴
- The lack to date and need for Israel to launch credible, independent investigations into the serious violations of international human rights law during its military offensive in the Gaza Strip (27 December 2008-18 January 2009, "Operation Cast Lead") (para. 9).
- Israel should cease its practice of collective punitive home demolitions (para. 17).
- Israel should ensure that all long-term residents in the West Bank are issued a valid permit and not expel long-term residents of the West Bank to the Gaza Strip (para. 14).
- Israel should revoke the Citizenship and Entry into Israel Law and facilitate family reunification of all citizens and permanent residents without discrimination (para. 15).

The Committee also reiterated its criticism of Israel for the lack of any disaggregated information concerning its compliance with the Covenant in the OPT, a territory under Israel's control and occupation. Many of the Committee's recommendations echo the recommendations of the Committee Against Torture (CAT),⁵ which reviewed Israel in 2009 and which the three organizations also provided with information.

(2) Israel's failure to ratify the Optional Protocol to the Convention Against Torture

Israel has thus far refrained from signing or ratifying the OPCAT, a convention that aims to help states to enforce the absolute prohibition on torture by instituting a preventive system of regular visits to places of detention. Israel currently lacks a system of regular, unannounced visits to ISA detention centers by qualified, independent professionals for the purposes of preventing torture and ill-treatment, or indeed any preventative mechanism. The OPCAT creates a dual system of regular monitoring of places of detention by independent, expert national and international visiting bodies through unrestricted visits.

⁴ PHR-Israel, Adalah and Al Mezan released a position paper revealing unethical and illegal policies implemented by Israel towards patients requiring medical treatment outside Gaza in June 2010. The position paper is available at: http://www.phr.org.il/uploaded/Microsoft%20Word%20-%20PP%20-%20English%20_2_.pdf. For further information on the effects of the Israeli occupation on public health in Gaza and on the functioning of the Gaza health system, see PHR-Israel, *Main points from a briefing prepared by Physicians for Human Rights-Israel for the Turkel Commission on the Flotilla Raid, as part of evidence requested on the humanitarian situation in Gaza*, October 2010, available at: http://www.phr.org.il/uploaded/Turkel%20briefing_1.pdf. See also Report coordinated by Crisis Action, *Dashed Hopes: Continuation of the Gaza Blockade*, November 2010, available at: http://www.amnesty.org.uk/uploads/documents/doc_21083.pdf. The report states that Israel's blockade of Gaza remains seriously in effect following the Gaza Freedom Flotilla events.

⁵ Concluding Observations of the Committee Against Torture – Israel, CAT/C/ISR/CO/4, 23 June 2009, available at <http://daccess-ods.un.org/TMP/7757416.96357727.html>

The focus of the OPCAT is firmly on the prevention of torture rather than on reacting to allegations of abuse after they have occurred. The system established by the OPCAT is founded on ongoing dialogue, consultation and collaboration between the national and international mechanisms and States Parties in a common endeavor to prevent torture, and not on condemnation of incidents of torture or ill-treatment. The OPCAT has the potential to be a key tool for the elimination of torture and other forms of ill-treatment in detention centers in Israel, and has thus far been **signed by 64 states and ratified or acceded to by around 50 states**. By ratifying the OPCAT, Israel would join the growing ranks of States Parties that have embraced this new approach and committed to a culture of greater openness, cooperation and dialogue in the fight against torture.

A position paper released by Adalah, PHR-Israel and Al Mezan in 2010 on the issue of Israel and the OPCAT is available at:

<http://www.adalah.org/newsletter/eng/apr10/English.pdf>

(3) Lack of accountability for human rights violations by Israel during Operation Cast Lead (OCL) in the Gaza Strip, 28 December 2008 to 17 January 2009

A. Complaints filed; cases closed and no response

Cases of killings and human shields

Adalah, Al-Haq and Al Mezan filed ten complaints to the Military Advocate General (MAG) in cases involving the killing and injury of civilians and the use of Palestinian civilians as human shields during OCL. At least 1,409 Palestinians were killed, including 355 children and 111 women, and over 4,000 Palestinians were injured during the war.⁶ The complaints were among a large number of similar complaints filed by other Palestinian, Israeli and international human rights organizations to Israel to demand investigations into killings and injuries and the prosecution of those responsible.

To date, Adalah has learned *solely* from Israel's reports or the media that two of the complaints have been closed, and that only one has resulted in disciplinary action against a commander, for using a Palestinian civilian as a human shield. An Israeli military statement issued on 6 July 2010 provided information about the course and results of investigations into four specific incidents. The military then indicated that the remaining cases had been closed, stating that, "It was also decided that legal measures would not be taken in additional incidents examined by the Military Advocate General because according to the rules of warfare, no faults were found in the forces' actions. In other cases, there was not enough evidence proving that legal measures needed to be taken."⁷ No response was received by

⁶ Al Mezan Centre for Human Rights, *Cast Lead Offensive in Numbers*, available at:

<http://www.mezan.org/upload/8941.pdf>. See also the Report of the UN Fact-Finding Mission on the Gaza Conflict (FFM), *Data on casualties during the Israeli military operations in Gaza from 28 December 2008 to 17 January 2009*, available at: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf>

⁷ The Israeli Military, *IDF Military Advocate General Takes Disciplinary Action, Indicts Soldiers Following Investigations into Incidents during Operation Cast Lead*, 6 July 2010, available at:

<http://dover.idf.il/IDF/English/Press+Releases/10/07/0601.htm>

Adalah, Al-Haq and Al Mezan to several of the complaints submitted, including complaints in cases of killings and home demolitions.

One of the extremely serious cases regarding which Adalah, Al-Haq and Al Mezan filed complaints concerned the Abed Rabbo family. The Israeli Military Police opened an investigation, interviewed numerous witnesses and was provided with evidentiary materials by the three human rights organizations. The organizations learned from Israel's report on its internal investigations of July 2010⁸ that the MAG decided to close the case after concluding that the evidence was insufficient to initiate criminal proceedings. In stark contrast, the UN Fact-Finding Mission on the Gaza Conflict (FFM) investigated this case and concluded that the witnesses were credible and reliable and their testimonies consistent.⁹ The FFM found in this case that, "The conduct of the Israeli armed forces amounted to violations of the right to life where it resulted in death, in a violation of the right to physical integrity, and in cruel and inhuman treatment in other cases."¹⁰

The three organizations also filed a number of complaints involving the Israeli military's use of Palestinian civilians, including minors, as human shields. Adalah learned from the media that one of these cases – that of Mr. Majdi Abed Rabbo – had resulted merely in disciplinary action against an officer. The case was also investigated by the FFM, which found that the use of the "neighbor procedure," a method of using civilians as human shields, violated fundamental human rights norms, violated IHL and constituted a war crime (paras. 1097- 1107).¹¹ A further case, involving Mr. Abbas Halaweh – has also been dismissed.

No updated information has been received from the Attorney General regarding investigations opened in response to other complaints filed by Adalah, Al-Haq and Al Mezan; indeed no response was received to some of the complaints, which involve targeting and killing of civilians, indiscriminate attacks, the failure to take precautionary measures and the causing of extensive destruction of private property without military necessity. The testimonies collected by the human rights organizations in these cases raise serious suspicions that grave breaches of IHL amounting to war crimes were committed. Letters sent subsequently to request updated information about the cases went unanswered.

In addition, Physicians for Human Rights-Israel filed a complaint to the MAG concerning the case of Mohammad Shurrab and his two sons, who were targeted by the Israeli military during the daily three-hour "humanitarian cease-fire" announced by the Israeli military. The attack resulted in the killing of the two sons and the injury of the father, who was only evacuated after an almost 24-hour delay. Despite being backed up by both the testimony of a PHR-Israel worker who spoke on the telephone with Mohammad Shurrab throughout the incident, and

⁸ The State of Israel, "Gaza Operation Investigations: Second Update", 19 July 2010, paras. 108-9, available in English at: <http://www.mfa.gov.il/NR/rdonlyres/1483B296-7439-4217-933C-653CD19CE859/0/GazaUpdateJuly2010.pdf>

⁹ Report of the United Nations Fact Finding Mission on the Gaza Conflict, A/HRC/12/48, 25 September 2009, paras. 777-9.

¹⁰ Ibid. para. 821.

¹¹ Adalah has requested the investigatory materials in the cases of the Abed Rabbo family, Majdi Abed Rabbo and Abbas Halaweh in order to assess the decisions to close the investigations and determine possible legal action.

evidence collected by a medical fact finding mission which visited Gaza on January 2009, PHR-Israel never received a response from the MAG to the complaint.

The ill-treatment of detainees from Gaza held during OCL

Large numbers of Palestinians from Gaza were held in cruel, inhuman and degrading conditions during their initial period of detention in Gaza during OCL. For example, detainees, including minors, were held in 2-3 meter-deep pits for hours and sometimes days, exposed to the bitter cold, shackled and in some cases blindfolded. Each pit held around 60-70 people, contained no sanitary facilities and very limited food and blankets. The detainees were not permitted to leave the pits to relieve themselves. Further, detainees were held adjacent to areas of fighting, endangering their lives.¹² The detainees' descriptions of their holding conditions indicate that the security forces contravened their basic obligation towards the detainees to protect their safety and dignity and to prevent their humiliation and debasement, as required by international human rights and humanitarian law.¹³

Following their transfer, the detainees were isolated in cells or trailers without toilets or showers. In other cases, dozens of handcuffed prisoners were held in a room in a house, sometimes also blindfolded, in the toilet or in the shower for many hours, even days.¹⁴

The FFM investigated several incidences of the detention of Palestinians by the Israeli military during OCL at three locations located close to the Gaza-Israel border. The FFM noted that there were several common features to these incidents that disclose a pattern of behavior by Israeli soldiers which indicates ill-treatment of the persons in the instances investigated by the Mission.¹⁵ In relation to the detention of Palestinian civilians in sand pits, the FFM found, inter alia, that:

- In all cases a number of persons were herded together and detained in open spaces for several hours at a time and exposed to extreme weather conditions;
- The soldiers deliberately subjected civilians to CIDT. The men were made to strip at different stages of their detention and were tightly handcuffed and blindfolded.
- Men, women and children were held close to artillery and tank positions, where constant shelling and firing was taking place, thus deliberately exposing them to danger.¹⁶

The Mission further concluded that, "The abuse, which required a considerable degree of planning and control, was sufficiently severe to constitute inhuman treatment within the meaning of article 147 of the Fourth Geneva Convention and thus a grave breach of the said Convention that would constitute a war crime."¹⁷

¹² See PCATI and Adalah, *Exposed: The Treatment of Palestinian Detainees During Operation "Cast Lead,"* June 2010, p. 21 (English): http://www.stoptorture.org.il/files/Exposed-Treatment%20of%20Detainees%20Cast%20Lead_June%202010.pdf

¹³ Ibid. pp. 21-22.

¹⁴ As reported, e.g., in a complaint submitted to the MAG and the AG by PCATI, ACRI, and HaMoked, on behalf of those organizations and on behalf of PHR-Israel, Adalah, B'Tselem and Yesh Din on 28 January 2009.

¹⁵ Ibid. para. 1164.

¹⁶ The Goldstone Report, para. 1164.

¹⁷ Ibid. para. 1172.

According to Israel's report of January 2010,¹⁸ a special command investigation was to look into allegations made in the Goldstone Report that, inter alia, Israeli soldiers mistreated Palestinians detainees, and specifically that "IDF forces held the detainees in cruel, inhumane and degrading conditions," such as "in pits, exposed to cold and bad weather conditions, handcuffed and with their eyes covered, without food or ability to relieve themselves" and "during the night in trucks, while they are handcuffed, without having enough blankets."¹⁹ No information about the progress or conclusions of such an investigation has been released.

For more information, see report by the Public Committee Against Torture in Israel (PCATI) and Adalah, *Exposed: The Treatment of Palestinian Detainees During Operation "Cast Lead,"* June 2010, available in English at: http://www.stoptorture.org.il/files/Exposed-Treatment%20of%20Detainees%20Cast%20Lead_June%202010.pdf

B. Outcomes as reported by Israel: indictments only against four soldiers

To date, as reported by Israel, criminal investigations opened have led only to four indictments:

- A soldier was convicted for the theft of a credit card.
- Two soldiers were convicted of engaging in unauthorized conduct for using a 9-year old Palestinian minor as a human shield, receiving an extremely lenient suspended sentence terms of three months each.²⁰
- Criminal charges were brought against a soldier suspected of killing a Palestinian civilian.²¹

Other military inquiries have led to two disciplinary actions, a reprimand and a sanction.

C. Position: No independent and credible investigations have been conducted by Israel

¹⁸ The State of Israel, *Gaza Operation Investigations: An Update*, 29 January 2010.

¹⁹ Ibid. pp. 33-34.

²⁰ See IDF, *Military Prosecution Indicts Two IDF Staff Sergeants For Engaging in Unauthorized Conduct During Operation Cast Lead*, 11 March 2010, available at: <http://idfspokesperson.com/2010/03/11/idf-military-prosecution-indicts-two-idf-soldiers-for-misconduct-during-operation-cast-lead/>. In November 2010, Haaretz report that the two soldiers had also been demoted to the rank of sergeant. They were convicted in October 2010 of forcing a nine-year-old Palestinian boy to open bags they suspected of containing explosives in Gaza City during OCL. For more information, see Anshel Pfeffer, "Two combat soldiers found guilty of forcing 9-year-old Palestinian boy to open bags they thought could contain explosive materials," *Haaretz*, 21 November 2010: <http://www.haaretz.com/news/diplomacy-defense/idf-soldiers-demoted-after-convicted-of-gaza-war-misconduct-1.325850>

²¹ In June 2010, the army announced that a soldier would be charged with the killing of a 65 year-old woman, Raya Salma Abu Hajaj and her 35-year-old daughter Majda, during OCL, one of the infamous "white flag" cases investigated by the FFM. The FFM found in this case that the Israeli military had violated the prohibition in customary international law that the civilian population as such will not be the object of attacks. The actual charges to be filed have not yet been made public. For more information see, Amira Hass, "Who will be punished for killing civilians in the Gaza War," *Haaretz*, 21 June 2010: <http://www.haaretz.com/news/diplomacy-defense/who-will-be-punished-for-killing-civilians-in-the-gaza-war-1.297390?localLinksEnabled=false>

It is the position of Adalah, PHR-Israel and Al Mezan that the Israeli military investigations into OCL fail to meet international standards regarding investigations, such as independence, effectiveness, transparency and promptness.

This conclusion was recently supported by the UN Human Rights Committee in its Concluding Observations on Israel of July 2010. Referring to the findings and recommendations of the UN FFM, the Committee noted (para. 9) that, “the State party’s armed forces have opened few investigations into incidents involving alleged violations of international humanitarian law and human rights law during its military offensive in the Gaza Strip.” It further noted “with concern... that the majority of the investigations was carried out on the basis of confidential operational debriefings,” and regretted that Israel had “not yet conducted independent and credible investigations into the serious violations of international human rights law, such as direct targeting of civilians and civilian objects, including infrastructure such as waste water plants and sewage facilities, use of civilians as “human shields”, refusal of evacuation of wounded, firing live bullets during demonstrations against the military operation and detention in degrading conditions.” The Committee recommended that Israel “should launch, in addition to the investigations already conducted, credible, independent investigations into the serious violations of international human rights law, such as violations of the right to life, prohibition of torture, right to humane treatment of all persons in custody and right to freedom of expression.”

D. The Independent Expert Group and European Parliament Resolution on Goldstone

The Independent Experts Committee (IEC) appointed by the High Commissioner for Human Rights pursuant to Resolution 13/9, which sought to assess investigations by Israel and the Palestinians for compliance with international standards of independence, impartiality, effectiveness, thoroughness and promptness, published its report on 21 September 2010.²² The committee expressed its deep concerns over the impartiality of the Israeli Military Advocate General (MAG), given its dual role in providing military, operational advice to the Israeli military command and subsequently conducting internal investigations into the actions of the military (paras. 53-54 of the IEC report). The committee stated that many of the allegations of serious violations of international humanitarian and human rights law in the report issued by the UN Fact-Finding Mission on the Gaza Conflict (FFM) involved the advice provided by the MAG. The committee also concluded that Israel had not conducted investigations into decisions made at the highest levels regarding the design and execution of the military offensive on Gaza (OCL). The alleged, serious violations go beyond individual criminal responsibility at the level of combatants and even commanders to include allegations that are aimed at decision-makers higher up the chain of command. The IEC therefore recommended that an official inquiry must be conducted by a genuinely independent body, given the obvious conflict inherent in the examination by the Israeli military of its own role in designing and executing OCL.

²² *Report of the Committee of independent experts in international humanitarian and human rights laws to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, in the light of General Assembly resolution 64/254, including the independence, effectiveness, genuineness of these investigations and their conformity with international standards*, 21 September 2010, available at: http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.15.50_AEV.pdf

In March 2010, the European Parliament adopted a specific resolution on the implementation of the Goldstone recommendations.²³ While not binding, it constitutes a demand from an elected parliament. The resolution calls on both parties (Israel and the Palestinians) to conduct investigations that meet international standards of independence, impartiality, transparency, promptness and effectiveness, something which has thus far not been achieved.²⁴

(4) New Criminal Procedures bill that threatens to further violate basic rights of security detainees

An important new bill currently pending before the Knesset²⁵ is designed to extend the validity of harsh, special detention procedures that apply only to individuals suspected of security offenses, and to anchor in law further new harsh procedures regarding these suspects. While neutral on its face, in practice the bill would apply to and be used mainly against Palestinians from Gaza and Palestinian citizens of Israel. The special procedures allow law enforcement authorities to delay bringing a security suspect before a judge for up to 96 hours after arrest (instead of 48 hours for other detainees). It also allows the courts to extend a security suspect's detention for up to 20 days at a time (instead of 15 days) and to hold extension of detention hearings in his or her absence. In this last respect, the bill seeks to bypass a February 2010 Supreme Court decision that struck down article 5 of the Criminal Procedure (Detainees Suspected of Security Offences) (Temporary Order) Law (2006),²⁶ which stipulated that security suspects could have their pre-trial detention extended in their absence.²⁷ **The law removes a number of essential procedural safeguards from detainees, thus placing them at a greater risk of torture and ill-treatment. The UN Committee Against Torture (CAT) in 2009 and the UN Human Rights Committee (which monitors the International Covenant on Civil and Political Rights (ICCPR) in 2010, sharply criticized the 2006 Temporary Order, which the bill is now seeking to extend.**

Individuals detained as security suspects are usually subjected to prolonged harsh investigations by the Israel Security Agency (ISA), and prevented from meeting with their

²³ See European Parliament resolution on implementation of the Goldstone recommendations on Israel/Palestine, 8 March 2010: <http://www.europarl.europa.eu/sides/getDoc.do?language=EN&reference=RC-B7-0136/2010>

²⁴ The resolution also, inter alia, calls on the EU (High Commissioner Ashton) and EU Member States: to work towards a strong common position on follow-up to the report of the FFM, publicly demanding implementation of its recommendations and accountability for all violations of international law, including alleged war crimes; to monitor actively the implementation of recommendations set out in the FFM report, including by consulting local NGOs; and to include the FFM's recommendations and related observations in EU dialogues with both sides, and in multilateral fora. It further calls on High Commissioner Ashton to report back on her assessments of the findings of the investigations to the European Parliament.

²⁵ Entitled *Criminal Procedure Law (Suspects of Security Offences) (Temporary Order) (Amendment No. 2) (2010)*, the bill was discussed by the Knesset's Constitution, Law and Justice Committee on 25 October 2010.

²⁶ Originally passed by the Knesset as a "temporary order" for 18 months, the law was extended in January 2008 for three years.

²⁷ HCJ 2028/08, *The Public Committee Against Torture in Israel, et al. v. The Minister of Justice* (petition withdrawn 24 March 2009). For more information, see Adalah news update, 23 February 2010: http://www.adalah.org/eng/pressreleases/pr.php?file=23_02_10

lawyers for lengthy periods of time after their arrest (up to 21 days). The investigations of these suspects by the ISA are not recorded either by audio or video; the hearings regarding the extension of their detention are held behind closed doors and their detention is extended while they are held in isolation, in contact with no one other than ISA investigators. Under these conditions, concern for using prohibited investigation tactics, including torture and other harsh measures, significantly increases. The bill has received government backing and has passed first reading in the Knesset's Constitution, Law and Justice Committee. The second and penultimate reading of the bill in the Knesset is scheduled for 15 December 2010.²⁸

Recommendations

Adalah, Al Mezan and Physicians for Human Rights-Israel call on the European Union to raise the issues discussed above in its progress report on Israel's implementation of the EU-Israel ENP Action Plan during 2010, and specifically to criticize:

- Israel's lack of compliance with its obligations under the ICCPR, as documented in by the UN Human Rights Committee in its Concluding Observations, which found serious violations of rights of Palestinians in the OPT, including violations relating to torture and CIDT.
- Israel's failure to ratify the Optional Protocol to the Convention Against Torture as a means of eliminating torture and CIDT in detention centers in Israel.
- Israel's failure to open credible, independent and impartial investigations into alleged violations of international human rights and humanitarian law committed by Israeli forces during Operation Cast Lead (OCL) and its failure to review its military doctrine regarding legitimate military targets and its compliance with international humanitarian law.
- The Israeli government's support for a new criminal procedures bill – *Criminal Procedure Law (Suspects of Security Offenses) (Temporary Order) (Amendment No. 2) (2010)* – which seeks to impose harsh detention procedures that apply exclusively to security suspects and would be used overwhelmingly against Palestinians.

Yours sincerely,

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²⁸ Adalah sent a letter to the Knesset's Constitution, Law and Justice Committee on 21 October 2010 demanding it reject the bill. See Adalah's news update, 21 October 2010:
http://www.adalah.org/eng/pressreleases/pr.php?file=21_10_10