



PRESS RELEASE
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UN Committee Poses 30 Tough Questions to Israel on Torture, Indefinite Detention of Prisoners, Human Shields, and ISA Medical Coercion of Gaza Patients at Erez Crossing

The UN Human Rights Committee has posed 30 highly critical questions to Israel concerning its compliance with the International Convention on Civil and Political Rights (ICCPR).

The Committee's "List of Issues" covers a wide range of human rights concerns in Israel and the Occupied Palestinian Territory (OPT). Fourteen questions taken up by the Committee were directly related to human rights violations highlighted in an NGO report submitted to the Committee by Adalah, Al Mezan Center for Human Rights (Gaza) and Physicians for Human Rights-Israel on 10 August 2009. In the report, the three human rights organizations detailed Israel's lack of compliance with the ICCPR in areas related to the rights of Palestinian prisoners and detainees, as well as Palestinian civilians in the OPT.

Israel is a State Party to the ICCPR, which it ratified in 1991, and thus, it is legally bound to uphold the convention. The Committee will review Israel's responses to these questions at its session in Geneva in July 2010. Among the questions put by the Committee to Israel include:

Prisoners and detainees

The prohibition on torture and investigations into allegations of torture and ill-treatment

The Committee posed questions on whether Israel will fully incorporate the prohibition on torture and other cruel, inhuman or degrading treatment or punishment into its domestic law (para. 13), and whether the "necessity defense" exception may still arise where physical pressure is used during the interrogation of terrorist suspects ("ticking bombs") (para. 14).

Further the Committee asked whether any complaints of torture or CIDT against the interrogators of "ticking bombs" have been referred to the Attorney General's office for the filing of criminal charges? The Committee asked for detailed information about the number of complaints and their outcomes, and the number of persons classified as "ticking bombs" (Para. 14) It also asked Israel to elaborate on the measures taken to ensure that no acts of torture or ill-treatment are committed by ISA interrogators (Para. 15).

Recording of interrogations of security suspects

The Committee asked what measures are in place to guard against torture and ill-treatment during the interrogations of security suspects, as well as against the extraction of false confessions? (Para. 13)

The Incarceration of Unlawful Combatants Law - 2002

The Committee sought disaggregated data by sex, age, nationality and ethnic origin on persons detained as “unlawful combatants” since 2003, whether and when Israel may repeal the Incarceration of Unlawful Combatants Law, as recommended by human rights international experts. (Para.8)

Administrative detention

The Committee asked about the frequent use of administrative detention, in particular of Palestinians in the OPT, and for detailed information on the rules and modalities governing it, both in Israel and in the OPT, including the use of secret evidence. (Para. 16)

Prolonged detention without access to a lawyer

According to Section 3 of the Criminal Procedure (Detainee Suspected of Security Offence) (Temporary Order) Law – 2006, access to a lawyer can be denied for up to 21 days, and held for up to 96 hours before being brought before a judge. Please indicate, the Committee noted, what measures Israel may take to bring the law in conformity with the Covenant and the previous recommendations of the Committee regarding both access to a lawyer and to a judge (Para. 17).

Solitary confinement

Please provide detailed information on the conditions of solitary confinement; and disaggregated data on the persons held in solitary confinement and grounds for their detention and solitary confinement (Para. 17).

Incommunicado detention

The Committee requested information on what safeguards are in place to ensure that the persons held in prolonged incommunicado detention are not subjected to torture (Para. 17).

Family visits to Palestinian prisoners held in Israel

What measures are taken by Israel, the Committee asked, to reinstate the possibility of family visits for Palestinian prisoners from Gaza? (Para. 27)

Palestinian civilians in the OPT

Punitive home demolitions

The Committee asked for data on the number of and grounds for house demolitions carried out since 2003, in particular with regard to non-Arab citizens of Israel in the West Bank, including East Jerusalem. It also sought information on Israel's home demolitions policies; the current housing situation of the owners and residents of demolished houses and victims of forced evictions; and whether Israel envisages establishing an independent commission to provide equitable restitution and compensation for victims. It also asked for comparative data on the number of building permits issued to Palestinians in the West Bank and East Jerusalem (Para. 4).

State of emergency

The Committee asked for information on the measures taken by Israel to ensure that definitions of terrorism and security suspects are precise and limited to the maintenance of national security respectively (Para. 8). It further sought information on the legislative progress to end the state of emergency and the timeline for completion. (Para. 9)

Extra-judicial executions

The Committee sought information on the number of “targeted killings” carried out since 2003; whether any complaints were lodged in light of the Supreme Court decision of December 2006 imposing certain limitations and restrictions on such acts; and the outcome of these complaints. (Para. 10)

Human shields

Please provide information, the Committee asked, on allegations regarding the use of Palestinian civilians by the Israeli military forces as human shields during Operation Cast Lead (Para. 11).

Restrictions on freedom of movement, Gaza

The Committee also sought information on the provision of food and medical supplies and access to water for people in Gaza Strip since Operation Cast Lead (Para. 12).

Denial of access to medical care, Gaza

Please comment, the Committee noted, on allegations regarding the refusal of Israeli forces to allow the evacuation of the wounded and permit access to ambulances during Operation Cast Lead. (Para. 11)

The Committee asked for information on the movement of persons in and out of Gaza, and about the issuance of permits to patients from Gaza to seek treatment abroad. Further, please comment on whether patients are denied exit, including those with serious medical conditions, due to “security reasons” (Para. 19).

Medical coercion of Gaza patients at Erez Crossing

In at least 35 cases since July 2007, the Committee noted, the ISA (GSS) has interrogated patients with permits at the Erez Crossing and they were asked to provide information about relatives and acquaintances as a precondition for being allowed to exit Gaza. According to patients’ testimonies, they were denied permission to exit Gaza for the purpose of receiving medical treatment if they refused or could not provide the information requested by the ISA. The Committee asked whether investigations into these allegations have taken place and with what results. (Para. 19)

All NGO, State party and Committee documents, including the submissions by Adalah, Al Mezan and Physicians for Human Rights – Israel related to the review of Israel are available at: <http://www2.ohchr.org/english/bodies/hrc/hrcs99.htm>.