Report to the Committee against Torture on Israel

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**Submitted by:** Maat for Peace, Development and Human Rights (in consultative status with the Economic and Social Council of the United Nations).

**Submitted on:** Israel

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**preface**

Maat for Peace, Development and Human Rights (Egypt) submits this report in the context of its interest of promoting respect for human rights in the Middle East region. This report was based on the methodology of Israel's international obligations under its ratification of international conventions, including the Convention against Torture and Other Cruel, inhuman or degrading Treatment or Punishment, as well as on the collection and compilation of available information on the human rights situation in Israel from various sources for the preparation of this report.

# Non-accession to the Optional Protocol to the Convention against Torture

Despite Israel's accession to the Convention against Torture in October 1991, it has not yet acceded to the Optional Protocol to the United Nations Convention against Torture, which has been in force since June 22, 2006. Which aims at strengthening the protection of persons deprived of their liberty, to give full effect to the prohibition of torture, and to organize regular visits to places of detention. Also, the crime of torture does not exist in the israeli law as defined by international agreements and covenants.

Although the Israeli authorities have expanded the use of torture and other forms of ill-treatment against detainees held in Israeli detention centres and charged with security charges, the Israeli authorities have not opened any investigation into incidents of suspicion of torture and ill-treatment that was carried out by the Israeli intelligence Service (Shabak) investigators against the Palestinian people. While, no indictment was filed as a result of these complaints to the courts, despite the hundreds of complaints, of which were filed in this regard. This is a clear violation of articles 12 and 14 of the Convention against Torture, which the Committee against Torture has interpreted as the articles of which contain guarantees of non-repetition. Moreover, Israel has no mechanisms for the prevention of torture, in addition to the absence of a systematic and unannounced visiting system for Shabak detention centres.

## Using means of torture and ill-treatment

The Israeli occupation authorities continued to arrest thousands of Palestinians, imprisoned in Israel. Whereas, it arbitrarily detained more than (6150) Palestinians[[1]](#footnote-1) in prisons and detention centres, including children, who face harsh and inhumane conditions, which entail torture and degrading treatment, which contain: rejecting family visits, repeated naked night searches, night raids, solitary confinement, medical negligence, and lack of adequate medical care, especially for chronic and serious diseases, all of which constitute a clear violation of international law.

On 7 March 2018, the student (Omar al-Kaswani) was arrested from the campus of Bir Zeit University in Ramallah by the occupying forces, and from the moment of his arrest he was severely beaten by hands and feet on various parts of his body, as well as beaten with electric batons. The process of physical torture was not limited to his arrest, but also extended to the investigative processes in which physical and psychological pressure were used, and the investigators at the Russian Compound detention centre exerted psychological pressure on him by continuing to investigate him for long hours, which reached 18 hours continuously for consecutive days.

This is in addition to exerting psychological pressure by calling his mother, depriving him of sleep as he exerted physical pressure in conjunction with the psychologist, where he was forced to sit on a chair made of iron and handcuffed his hands and feet, with the purpose of forcing him to confess, which led him to declare a hunger strike for a period of 14 days to protest the torture he was subjected to.[[2]](#footnote-2)

Furthermore, the year of 2017 witnessed a lot of children arbitrary arrest cases, along with their ill-treatment, interrogations which entail torture, before bringing them to military trials, and sentencing them to very harsh sentences. As on the 7th of December, the child, Fawzi Mohammed al-Juneidi - 16 years old-, from Hebron, was arrested, and during the detention he was treated in a humiliating manner, contained beating and other humiliation methods. Whereas, the media showed his photographs surrounded by approximately 23 soldiers of the occupation forces, while he was blindfolded, with traces of beatings, and his face was bleeding. Although he was severely beaten all over his body, and despite all the aforementioned explicit violations of his rights, which resulted in the dislocation of his shoulder and fractures in his hand, the child Juneidi was imprisoned. [[3]](#footnote-3)

In April 2017, the Israeli Prison Service (IPS) prevented Palestinian detainees who had been on hunger strike to protest the conditions of their detention in Israeli jails, from the right to family visits. [[4]](#footnote-4) It has also isolated the hunger strike leaders, including MP Marwan Barghouti, whose state of health has deteriorated, and Karim Younis, who has been detained for more than 35 years.

In December 2017, the Israeli High Court of Justice accepted the Attorney-General's decision not to open a criminal investigation into the alleged torture of "Asaad Abu Ghosh", despite credible evidence, thus condoning the continued use of stressful conditions and sleep deprivation against Palestinian detainees by Israeli investigators[[5]](#footnote-5).

In 2016, the phenomenon of individual hunger strikes by dozens of administrative detainees in protest against the conditions of their detention without trial, as a punitive method continued to grow, and as a result, the Israeli authorities began to force feed those detainees who were carrying out hunger strikes. Whereas, the Knesset ratified the amendment of the forced feeding permission by the virtue of the law "Prevention of hunger strike damage", of 30 July 2015. As a practical application of this legislation, on January 12, 2016, the occupying forces applied the forced feeding law against the Journalist detainee (Mohammed al-Qaiq), who had been on strike for about 50 days after being handcuffed and fed with fluids through the vein. Moreover, the same year witnessed other attempts by the occupation authorities to feed the detainees who were on hunger strike, one of which was the attempt to feed 'Malik al-Qadi' (20 years), who declared an open hunger strike on 15 July 2016, and was detained at the Israeli Wolfensohn hospital, however, his strong resistance prevented it.[[6]](#footnote-6)

Hence, forced feeding or even threatening it, is one of the most cruel and degrading forms of treatment, of which are prohibited by the Convention against Torture and criminalized under international criminal law. It is also considered as an unjustifiable violation of the personal freedom of detainees, their right to physical integrity, and the right to strike and protest, after exhausting all ways.

### Recommendations

* The necessity of acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
* Stop torturing detainees, as well as prosecuting those who carry out these practices.
* The international community, in particular the United Nations, should be pressured to establish an independent monitoring committee to investigate the crimes of torture and ill-treatment committed by the occupation authorities against Palestinian detainees, to follow up on cases of torture and ill-treatment and to raise such cases to the appropriate authorities.
* Stop forced feeding, along with its threatening against hunger-striking detainees.

1. See more:

   <https://www.hrw.org/ar/world-report/2018/country-chapters/313128> [↑](#footnote-ref-1)
2. See more:

   <http://mezan.org/uploads/files/15233369021653.pdf> [↑](#footnote-ref-2)
3. See more:

   <https://pchrgaza.org/ar/wp-content/uploads/2018/04/annual-arabic-2017.pdf> [↑](#footnote-ref-3)
4. See more:

   <https://www.adalah.org/en/content/view/9091> [↑](#footnote-ref-4)
5. Amnesty International annual report 2017.

   <https://www.amnesty.org/download/Documents/POL1067002018ARABIC.PDF>

   [↑](#footnote-ref-5)
6. See more:

   <https://pchrgaza.org/ar/wp-content/uploads/2017/04/Annual-report-arabic2016.pdf> [↑](#footnote-ref-6)