



**123rd Session of the Human Rights Committee
2–27 July 2018**

Israel

List of Issues Prior to Reporting

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a Death Penalty Project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition Against the Death Penalty.

The World Coalition Against the Death Penalty, an alliance of more than 150 NGOs, bar associations, local authorities and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

In view of the next session of the United Nations Human Rights Committee, during which a list of issues prior to reporting will be adopted for Israel, the Advocates for Human Rights and the World Coalition Against the Death Penalty (WCADP), would like to communicate to the Committee's experts several points concerning the situation of the death penalty in Israel.

Article 6

Israel abolished the death penalty for ordinary crimes in 1954, and the last execution took place in 1962, for military crimes. Israel ratified the International Covenant on Civil and Political Rights in 1991.

It has voted in favor and cosponsored all 6 UNGA moratorium resolutions on the use of the death penalty.

However, recent legislative debates have been worrying. A bill to ease the requirements military courts must meet to sentence those convicted of "terrorist" crimes to death has been debated at the Knesset in January 2018 and again in March 2018. That bill would no longer require the unanimous support of a three-judge military court panel to sentence a terrorist to death; a regular majority of two would suffice. The bill would also eliminate the authority of the commander of the Israeli army's Central Command to overturn a death sentence.

During its last review by the Human Rights Committee in 2014, the Committee made a recommendation to consider acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

Similarly, the Committee Against Torture recommended that Israel become a party to the OP2-ICCPR in 2016.

However, Israel did not accept recommendations to ratify the OP2-ICCPR during the first and second cycle of the UPR. Its last UPR took place in January 2018 and Israel received several recommendations regarding full abolition and ratification¹ but Israel did not respond to those recommendations during the interactive dialogue and has not yet responded in writing to them.

The World Coalition would like to know:

- Why has Israel not removed the death penalty for all crimes?
- Why has Israel not ratified the Second Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty?
- What steps is Israel taking to prevent the expansion of the categories of crimes for which a person may be sentenced to death?
- What measures is Israel taking to ensure that anyone sentenced to death by a military court has the right to seek amnesty, pardon, or commutation of the sentence, as required under Article 6(4) of the Covenant?
- To what extent do military courts have less rigorous procedural standards under Article 14 of the Covenant than civilian courts, and how does Israel ensure that a death sentence pronounced by a military court will not be arbitrary?

¹ UN Human Rights Council, Draft report of the Working Group on the Universal Periodic Review : Israel, 1 Feb. 2018, Doc. No. A/HRC/WG.6/29/L.12, ¶¶ 24 (Namibia), 118.8 (Spain, France, Portugal, Bolivia), 118.9 (Montenegro), 118.68 (Italy), 118.69 (Chile, Mozambique), 118.70 (Mexico), 118.71 (Iceland).