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**Submission of NGO Monitor to the 57th Session of the
Committee Against Torture on its Review of Israel****Introduction**

As is standard in many other UN frameworks, the forthcoming periodic review of Israel by the Committee Against Torture (CAT) will be shaped by the allegations and claims of political advocacy non-governmental organizations (NGOs).

NGO Monitor cautions against uncritical reliance upon the submissions and reports of these NGOs. They present a highly biased and narrow view of the Arab-Israeli conflict, and grossly distort humanitarian and international human rights law standards. Their publications are often motivated by factors outside of the realm of human rights.

Methodology and Research

In general, publications by political advocacy NGOs often lack meaningful methodology and research. Statistics and information are based almost entirely on emotive “testimonies” and anecdotes, which cannot be and have not been verified. No evidence is provided to corroborate their claims.

In particular, political advocacy NGO allegations relating to torture share common features. These fundamental shortcomings require CAT members to scrutinize all legal and factual claims as they would claims from the government being reviewed or any other political actor.

- Political advocacy NGOs gather “testimonies” from individuals convicted or suspected of serious crimes, security offenses, and terrorism, who have political and personal reasons to falsely claim “torture.” In Israel, both Jewish and Palestinian terrorists have repeatedly used the tactic of alleging torture in order to garner sympathy and deflect from their heinous acts.
- Claims of “torture” and “ill treatment” are often made without the political advocacy NGO providing an accepted definition of such terms. Many previous submissions to UN bodies, including CAT, have addressed issues and incidents unrelated to torture.
- Political advocacy NGOs also attempt to expand the definition of ill-treatment to include any form of discomfort inflicted on the prisoner. For

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example, HaMoked and B'Tselem, two Israeli NGOs that released a report accusing Israel of “abuse and torture” in an interrogation facility, complained that “Sixteen detainees reported being searched when they were stark naked, a situation they described as embarrassing and humiliating.” In reality, this is standard practice in every country of the world; former Israeli Prime Minister Ehud Olmert was also strip-searched when he began his sentence.

- Reports by political advocacy NGOs often completely erase the context of Palestinian terrorism, minimize Palestinian violence, and characterize individuals responsible for murder and other serious crimes as “political prisoners”. These groups essentially deny Israel the right to a criminal justice system and the right to take measures to protect its citizens from terrorism.

- Political advocacy NGOs ignore the efforts of the Israeli government and the court system to minimize abuse and eliminate instances of torture. Reports condemn Israel for actions that it explicitly works to avoid, and statements by Israeli officials expressing such sentiments are ignored.

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Article 16

The severe distortions of the meaning of Article 16 of the Convention, which are promoted by political advocacy NGOs and the Committee when applied to Israel, require special mention. Questions regarding “house demolitions,” “checkpoints and roadblocks,” “access to health care in Gaza,” use of tear gas, and other claimed abuses appear in CAT’s “list of issues” to Israel under the heading “Article 16”. Yet, none of these issues in any way falls under the scope of Article 16. It appears that the inclusion of such unrelated topics is driven by NGO submissions and is aimed at manufacturing additional “violations” of the Convention by Israel.

According to Manfred Nowak, UN Special Rapporteur on the Question of Torture, Cruel, Inhuman, or Degrading Treatment, Article 16 of the Convention is meant to cover acts (cruel, inhuman, or degrading treatment – CIDT) that fall short of the Article 1 definition of torture. CIDT covers the “disproportionate exercise of police powers” where a victim is detained and rendered “powerless” to resist. So long as a “person is able to resist the use by law enforcement officials of the degree of force legitimately required by the exigencies of the situation, the use of force falls outside the scope of the prohibition of CIDT.” The Rapporteur gives the example that beating a detainee with a club while in custody may amount to CIDT, but the legitimate use of force with that club to disperse rioters on the street does not. The issues

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of house demolitions, roadblocks, health care, and crowd control do not involve detainees and clearly fall outside the scope of Article 16. Their inclusion is an abuse of the treaty review process.

In contrast to this exploitation of the treaty review process regarding Israel, the “Lists of Issues” for other countries pursuant to Article 16 contain no references to topics unrelated to the meaning of the provision. Rather, they focus on “extrajudicial executions,” detention practices, use of weaponry by security officials in prison, use of isolation cells, and prison conditions — all legitimate topics of discussion under Article 16. The gross distortion of Article 16 as applied to Israel not only renders the protections guaranteed under the Convention meaningless, it represents yet another example of double standards and politicization in UN human rights framework that is exploited by political advocacy NGOs.

Conclusion

Rule 15.2 of the Committee’s Rules of Procedure requires all members to “maintain the highest standards of impartiality and integrity, and apply the standards of the Convention equally to all States and all individuals, without fear or favour and without discrimination of any kind.” Reliance on a narrow segment of political advocacy groups and the application of sui generis interpretations of the Convention solely to Israel is not in keeping with the directives to “maintain the highest standards of impartiality,” to “apply the standards of the Convention equally to all States,” and to refrain from “discrimination of any kind.” Disregard of professional and ethical rules and standards in order to pursue politicized agendas in UN human rights frameworks is a major factor responsible for their loss of credibility and effectiveness. The international community cannot be expected to take the recommendations of the Committee Against Torture seriously if procedural and substantive due process is not respected.