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Submission to the United Nations Committee against Torture (CAT) for its 83rd session - Official English Version

*The present report concerning the State of Israel is submitted by
La Verità Onlus - International Diplomacy, a non-governmental organization in
consultative status with the United Nations Economic and Social Council (ECOSOC).*

Introduction

With this submission, La Verità Onlus - International Diplomacy wishes to draw the attention of the Committee against Torture (CAT) to ongoing practices in the Occupied Palestinian Territory (OPT), including the West Bank, East Jerusalem, and the Gaza Strip, that raise concerns under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and other relevant human rights instruments. These concerns include, but are not limited to:

- Arbitrary arrests and administrative detention of women, children and individuals who do not pose an imminent threat to security;
- Denial of access to legal counsel, family visits, and adequate medical care;
- Coercive interrogations practices amounting to torture or cruel, inhuman, or degrading treatment;
- Obstruction of United Nations human rights mechanisms, special procedures, and investigative bodies.

This submission draws upon reports by the United Nations Office of the High Commissioner for Human Rights (OHCHR), observations by treaty bodies, including the Committee against Torture (CAT) and the Committee on the Rights of the Child (CRC), and NGO documentation from Addameer, B'Tselem, Amnesty International, and Human Rights Watch.

1. Applicability of CAT to the OPT

The State Party, as the occupying power, exercises de facto control over the OPT, exercising authority over borders, access to essential services, movement of persons and goods, and security. In light of this control, the State Party is legally obliged to ensure full compliance with the provisions of CAT and other relevant international instruments, including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC) and the Four Geneva Conventions. Despite this, the State Party maintains that the OPT do not fall under its jurisdiction for the purposes of the Convention, and argues that its obligations apply only within its sovereign territory, in contrast with the position of the United Nations, the International Court of Justice (ICJ), and other human rights bodies and mechanisms, including CAT, all of which have consistently rejected this view, affirming that obligations under international humanitarian law and international human rights law extend to territories under effective control, including the OPT. In particular, under article 2(1) of CAT, State Parties are obliged to prevent acts of torture “in any territory under its jurisdiction.”, the UN Human Rights Council and the ICJ have clarified that jurisdiction extends to all territories under a State’s effective control, regardless of sovereignty.

2. Denial of access and lack of cooperation

The State Party refuses to cooperate with and to grant access to the OPT for investigative and fact-finding purposes to the Special Procedures of the Human Rights Council, treaty bodies, and any other relevant human rights mechanisms. For instance, the State Party has repeatedly denied entry to Special Procedures of the Human Rights Council and independent investigative mechanisms, forcing them to rely on second-hand testimonies and reports from Non-Governmental Organizations (NGOs). Since 2008, UN Special Rapporteurs on the Situation of Human Rights in the Palestinian Territories Occupied since 1967 have been denied entry, and in 2022, the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel was refused access to both Israel and the OPT. This lack of cooperation severely limits and obstructs monitoring, investigations, impartial fact-finding, and undermines accountability for violations of the CAT and other international human rights instruments, which are critical to preventing torture.

3. Arbitrary arrests and administrative detentions

The State Party authorities routinely engage in arbitrary arrests and administrative detention of individuals, including women and children, often without formal charges or trial. Administrative detention, permitted under Israeli military orders, allows detention for periods of 2 to 6 months that can be renewed indefinitely, without charge or trial, based on secret evidence not disclosed to the detainee or their lawyer. According to Addameer, as of July 2024, 520 Palestinians were held under administrative detention, including 34 minors and 7 women. Reports by reputable human rights organizations, including the NGOs Addameer, B’Tselem and Amnesty International, indicate that children are often arrested for participation in protests, stone-throwing, or online expression through social media, which do not constitute an imminent threat to the State’s security. Many detainees are held for over a year, some for multiple consecutive years, in violation of article 9 of ICCPR and article 76 of the Fourth Geneva Convention.

4. Treatment in detention

Despite repeated calls from United Nations, treaty bodies, and other international human rights mechanisms, the State Party has yet to incorporate into its domestic legal framework a unified and explicit definition of torture fully consistent with article 1 of the CAT. In the absence of such a definition, acts that may amount to torture are prosecuted under other criminal provisions, which undermine the effective prevention, investigation and punishment of torture. The Supreme Court of Israel, in its 1999 judgment in *Public Committee Against Torture in Israel v. State of Israel*, prohibited certain interrogation practices deemed degrading and inhuman, however, it allowed for the continued use of such methods under the “necessity” defense. This legal loophole has been repeatedly criticised by CAT and other international human rights mechanisms, as it effectively permits the application of prohibited measures at the discretion of security personnel. Coercive interrogation practices documented by NGOs and UN bodies include, but are not limited to: psychological and physical coercion, prolonged sleep deprivation, stress positions for extended periods, verbal threats against detainees and their family members, humiliation and degrading treatment, prolonged solitary confinement, inadequate medical care, denied access to legal counsel for days or weeks, and restrictions for family visits. These methods violate articles 1 and 16 of CAT, article 37 of CRC and the Fourth Geneva Convention.

5. Impact on vulnerable groups

Children are often arrested during night raids for minor political acts and interrogated without the presence of a guardian or a lawyer, some of them held with adult detainees, and placed under conditions of isolation and exposed to violence, violating articles 37 and 40 of the CRC. Women are subjected to verbal abuse, invasive searches, threats of sexual violence, and lack of privacy. Many detentions appear to be preventive measures to suppress political dissent rather than response to genuine security threats. Reports from UNICEF, B’Tselem, and Amnesty International indicate that these practices have severe psychological, educational, and social consequences for minors and vulnerable adults.

6. Systemic nature of violations

These practices are not isolated and they reflect a systemic pattern, including insufficient transparency in judicial review for administrative detainees; lack of accountability for abusive conduct by security personnel; limited access for international observers and human rights monitors; reliance on classified and undisclosed evidence, preventing detainees from mounting a proper defense. The continued occurrence of these practices, combined with the absence of independent oversight, indicates systemic non-compliance with the obligations under CAT and a failure to implement the measures required under article 2 of CAT to prevent torture and other cruel, inhuman, or degrading treatment.

7. Recommendations

We therefore respectfully submit the following recommendations for the Committee's consideration:

1. Reaffirm that Israel's obligations under CAT extend to all territories under its effective control, including the OPT.
2. Call for the immediate cessation of arbitrary arrests and administrative detentions, particularly of women, children and individuals who do not pose an imminent security threat.
3. Urge the State Party to ensure unrestricted access for UN Special Procedures, treaty bodies, and independent investigators to the OPT.
4. Urge the State Party to mandate prompt and impartial investigations into all allegations of torture or violence, ensuring accountability for perpetrators.
5. Call upon the State Party to guarantee detainees' rights to legal counsel, family visits, and adequate medical care from the outset of detention.
6. Call upon the State Party to prohibit the use of secret and undisclosed evidence in administrative detention proceedings.
7. Call upon the State Party to implement systematic reforms to detention procedures, including judicial oversight, transparency, and training of security personnel in accordance with CAT;
8. Call upon the State Party to adopt a legal definition of torture consistent with article 1 of the CAT and provide adequate penalties.
9. Call upon the State Party to adopt effective measures to prevent violence by security personnel and ensure timely and impartial investigations of all complaints.
10. Urge the State Party to establish an independent monitoring and reporting mechanism to regularly assess compliance with CAT obligations in the OPT, including the protection of detainees and the prevention of torture, and to submit periodic reports to the Committee.