



**State of Israel
Ministry of Justice**

The Legal Counseling and Legislation Department (International Law)

Additional Written Submission to the CAT Committee

In response to the follow up questions raised by the distinguished Chairperson and Country Co-Rapporteur Mr. Jens Modvig during our constructive dialogue with the CAT Committee, we would like to submit the following additional information:

The position of the Inspector for Complaints against Israeli Security Agency (ISA) Interrogators (hereinafter: "the Inspector"), which had previously been a position within the ISA, became part of the Ministry of Justice and subordinated to its Director General. This most significant reform, finalized in 2014, establishes an external and independent position of Inspector to examine complaints concerning ISA interrogations.

The Inspector conducts a thorough inquiry of complaints submitted to her, which can lead to a criminal investigation. As is the case with other sensitive matters, and in accordance with Israeli law, the decision whether to open a criminal investigation is within the authority of the Attorney General. Such decision is based on the findings of the Inspector's preliminary inquiry.

The High Court of Justice has recognized that a preliminary inquiry prior to criminal investigations, is, in general, an acceptable course of action before deciding whether a criminal investigation is to be opened, and it is specifically acceptable with respect to the preliminary examinations conducted by the Inspector (H.C.J 1265/11 *The Public Committee against Torture et. al. v. The Attorney General* (6.8.12)).

A criminal investigation can be opened upon a reasonable suspicion that an offence was committed. Naturally, the decision whether to open a criminal investigation is made on the merits of each case, based on the evidence gathered by the Inspector in

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each inquiry. Every complainant can petition to the High Court of Justice against the decision not to open a criminal investigation.

So far, the complaints reviewed by the Inspector did not lead to prosecutions, since, notwithstanding the thorough and professional nature of the Inspector's inquiry, there was not sufficient evidentiary basis to justify the opening of a criminal investigation. Nonetheless, some of the inquiries resulted in disciplinary measures and in changes in procedures and methods of interrogation.

To date, the Inspector's unit has completed the handling of all of the open inquiries submitted before 2013 and has as well reduced dramatically the number of open inquiries submitted in the course of 2013, all of which were opened before the Inspector's new unit assumed its responsibilities in May 2014. Furthermore, since its establishment, the new Inspector's unit has been working tirelessly in order to thoroughly review newer complaints as well.

Hopefully, until the end of 2016 two new staff members will be joining the unit to enhance its examination capacity. This will undoubtedly lead to a significant decrease in the backlog of complaints as well as to the shortening of the period of time required for each inquiry, without compromising the quality or thoroughness of the inquiries.