

Public Committee against Torture in Israel - Statement

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This statement is delivered on behalf of PCATI - The Public committee against Torture in Israel, a veteran human rights NGO who for 30 years has been leading the struggle for a torture-free Israel, and justice to its victims.

PCATI represents Palestinian detainees abused by Israeli security forces under the pretext of the Israeli occupation of the West Bank and Gaza, as well as Israeli citizens and others who have been victimized by state officials during arrests, detention and interrogation.

Our submission to the UPR pre-sessions has been prepared with the support of FIDH - The International Federation for Human Rights, a non-governmental federation for human rights organizations, federating 188 human rights organizations from 116 countries around the world.

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In this statement, we would like to address some of Israel's severe violations of international human rights law as well of humanitarian law, in three areas:

- Arbitrary Arrest and Detention, and subsequent widespread and systematic Torture and Ill-treatment of Palestinian detainees;
- Denial of Access to Justice and Fair Trial of torture victims, and their Right to effective remedy;
- Lack of prohibition of torture and ill-treatment in domestic Legislation, as well as the Israeli government's current attempts to introduce legislation that would further entrench the existence of torture and ill-treatment in practice and policy.

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To put things in context, it is important to understand that Torture in Israel exists: each year, PCATI documents dozens of cases of severe physical and psychological torture afflicted on Palestinian detainees by Israeli state officials, primarily in the context of interrogations by the Israeli Security agency "SHABAK".

Those are not secluded incidents, but rather a pre-approved and authorized method, supposedly justified under Israel's "necessity defense" legal doctrine, which has been upheld by Israel's Supreme Court of Justice.

In this pretext, it is no wonder that we are also witnessing a lack of accountability: out of 1400 complaints of torture filed to the Israeli Ministry of Justice over the past 20 years, 0 indictments have been filed against perpetrators, and only in 3 cases has there even been a formal criminal investigation - while all other complaints have been dismissed after only a preliminary examination.

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One underlying condition that enables the existence of torture in Israel is the Unlawful Deportation of Palestinian living in the occupied territories to designated detention and interrogation facilities within Israel, where they are completely isolated from the outside world and cut off from support systems such as families and legal representatives.

Our suggested recommendation to Israel is therefore to -

- **Immediately cease the unlawful deportation of Palestinian detainees to Israel, which constitutes a war crime.**

These interrogation centers are the main sites where torture and ill-treatment occur, under the premise of the “necessity defense”, more commonly known as the “ticking time bomb situation” - which in Israel has been developed into a legal doctrine to justify torture and ill treatment.

Our suggested recommendation is therefore to -

- **Renounce the practice of the doctrine of “necessity defense” and conform with international human rights law and standards** (such as under UN CAT and ICCPR)

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One of the motivations for the Israeli security agency to utilize torture is that confessions and evidence achieved in that manner during SHABAK interrogation are in fact admissible in Israeli courts, provided they have been “whitewashed” in subsequent police interrogation.

Our suggested recommendation is therefore to -

- **Amend the current Israeli Evidence Act in order to prevent the use of evidence gathered under torture**

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As stated, out of 1400 complaints of torture, 0 indictments have been filed. This staggering figure is in part a result of the fact that security interrogations are never documented, and complaints are examined “word against word”, and plaintiffs’ ability to provide supporting evidence is extremely limited.

Even when plaintiffs voluntarily undergo a forensic examination according to the international recognized Istanbul Protocol, such assessments are dismissed and never accepted as evidence.

Our suggested recommendation is therefore to -

- **Guarantee full recording of security interrogations, and award proper weight to Istanbul Protocol assessments as supportive evidence, in order to allow victims access to justice,**

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As party to the UN Convention against Torture, Israel must enact a Law to explicitly prohibit Torture in its territory, as it has repeatedly promised to do in various international forums. Israel has not only failed to do so, but its current government is in fact considering promoting legislation that would embed torture and ill-treatment in its legal system.

Our suggested recommendation is therefore to -

- **Abandon attempts to introduce the Death Penalty, as well as to award Israeli officials total immunity for their actions during service, as they pose an imminent threat to human rights.**

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Thank you for your attention.