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***Concluding observations of the Committee against Torture : Israel.
12/06/94. A/49/44, paras.159-171. (Concluding Observations/Comments)***

COMMITTEE AGAINST TORTURE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION

Conclusions and recommendations of the Committee against Torture
Israel

159. The Committee considered the initial report of Israel (CAT/C/16/Add.4) at its 183rd and 184th meetings on 25 April 1994 (CAT/C/SR.183 and 184), and has adopted the following conclusions and recommendations:

A. Introduction

160. Israel ratified the Convention on 3 October 1991 and made reservations on articles 20 and 30. It also did not make the declarations to accept the provisions of articles 21 and 22 of the Convention.

161. The initial report was filed in a timely fashion and was well supported by the oral presentation of the delegation, which was both focused and informative.

B. Positive aspects

162. The Committee notes the way in which public debate is allowed in Israel on such sensitive matters as ill-treatment of detainees, both in Israel and the occupied territories.

163. The Committee is pleased to acknowledge the way in which the Israeli Medical Association reacted to prevent its members from participating in ill-treatment of detainees by filling in the "medical fitness forms".

164. The Committee is pleased to note that the General Security Service and police are no longer responsible for reviewing complaints of ill-treatment of detainees by their own members, and that such function is now the responsibility of a special unit of the Ministry of Justice. The Committee is also pleased to note that Israel has prosecuted interrogators who have breached domestic standards of conduct and has disciplined others.

C. Subjects of concern

165. There is real concern that no legal steps have been taken to implement domestically the Convention against Torture. Thus, the Convention does not form part of the domestic law of Israel and its provisions cannot be invoked in Israeli courts.

166. The Committee regrets the clear failure to implement the definition of torture as contained in article 1 of the Convention.

167. It is a matter of deep concern that Israeli law pertaining to the defences of "superior orders" and "necessity" are in clear breach of that country's obligations under article 2 of the Convention.

168. The Landau Commission Report, permitting as it does "moderate physical pressure" as a lawful mode of interrogation, is completely unacceptable to this Committee:

(a) As for the most part creating conditions leading to the risk of torture or cruel, or inhuman or degrading treatment or punishment;

(b) By retaining in secret the crucial standards of interrogation to be applied in any case, such secrecy being a further condition leading inevitably to some cases of ill-treatment contrary to the Convention against Torture.

169. The Committee is greatly concerned at the large number of heavily documented cases of ill-treatment in custody that appear to amount to breaches of the Convention, including several cases resulting in death that have been drawn to the attention of the Committee and the world by such reputable non-governmental organizations as Amnesty International, Al Haq (the local branch of the International Commission of Jurists) and others.

D. Recommendations

170. The Committee recommends:

(a) That all the provisions of the Convention against Torture be incorporated by statute into the domestic law of Israel;

(b) That interrogation procedures be published in full so that they are both transparent and seen to be consistent with the standards of the Convention;

(c) That a vigorous programme of education and re-education of the General Security Service, the Israel Defence Forces, police and medical profession be undertaken to acquaint them with their obligations under the Convention;

(d) That an immediate end be put to current interrogation practices that are in breach of Israel's obligations under the Convention;

(e) That all victims of such practices should be granted access to appropriate rehabilitation and compensation measures.

171. Finally, the Committee expresses its wish to cooperate with Israel and it is sure that its recommendations will be properly taken into consideration.

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