



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture

### Concluding observations on the fifth periodic report of Israel\*

1. The Committee against Torture considered the fifth periodic report of Israel (CAT/C/ISR/5) at its 1416th and 1419th meetings (CAT/C/SR.1416 and 1419), held on 3 and 4 May 2016, and adopted the present concluding observations at its 1428th and 1429th meetings, held on 12 May 2016.

#### A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure and submitting its fifth periodic report under it, as it improves the cooperation between the State party and the Committee, and focuses the examination of the report as well as the dialogue with the delegation.

3. The Committee appreciates the dialogue with the State party's delegation and the responses provided orally and in writing to the questions and concerns raised during the consideration of the report.

#### B. Positive aspects

4. The Committee welcomes the ratification by the State party of the Convention on the Rights of Persons with Disabilities, on 28 September 2012.

5. The Committee also welcomes the legislative and judicial measures taken by the State party in areas of relevance to the Convention, including:

(a) The adoption of Amendment No. 14 to the Youth (Trial, Punishment and Modes of Treatment) Law 5731-1971, in July 2009, which, inter alia, gives precedence to rehabilitation over punishment for children accused and/or convicted of a crime;

(b) The Supreme Court ruling in Ad.P 7079/12 *The State of Israel v. Asmara Ahunum Germey* (10.12.12), in which it reiterated its previous jurisprudence that the authority to deport may not be exercised if the deportee's life or liberty is threatened, and determined that the authority to deport is subject to the principle of non-refoulement.

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\* Adopted by the Committee at its fifty-seventh session (18 April-13 May 2016).



6. The Committee further welcomes the initiatives of the State party to adopt policies and administrative measures to give effect to the Convention, including:

(a) The establishment in 2010 under government resolution 1796 of an independent public commission mandated, inter alia, to assess whether the existing mechanisms for investigating alleged violations of the laws of armed conflict meet the State party's obligations under international law (Turkel Commission);

(b) The establishment in 2011 of a joint interministerial team, headed by the Ministry of Justice Deputy Attorney General, to review and implement the concluding observations of human rights treaty bodies;

(c) The adoption in 2012 by the Israeli Prison Service of a formal procedure to ensure a uniform and streamlined method for identifying signals raising suspicion of possible trafficked persons and relaying such information to the police and legal aid administration;

(d) The appointment in 2012 by the Deputy Director General of the Ministry of Health of a committee to examine medical staff reports of injuries sustained by detainees;

(e) The transfer in 2013 of the role of the Inspector for Complaints against Israel Security Agency interrogators from the Israel Security Agency to the Ministry of Justice;

(f) The establishment in 2014 under government resolution 1143 of a team to review and implement the recommendations contained in the second report of the Turkel Commission.

## C. Principal subjects of concern and recommendations

### Pending follow-up issues from the previous reporting cycle

7. While noting with appreciation the information provided by the State party under the follow-up procedure (CAT/C/ISR/CO/4/Add.1), the Committee regrets that the recommendations identified for follow-up in its previous concluding observations concerning basic safeguards for detainees, allegations of torture and ill-treatment by Israeli interrogators, and house demolitions (CAT/C/ISR/CO/4, paras. 15, 19 and 33, respectively), have not yet been fully implemented.

### Scope of applicability of the Convention

8. The Committee regrets the State party's continued argument that the Convention does not apply in all the Occupied Territories and notes that this position is contrary to the views of the Committee as set forth in its previous concluding observations (CAT/C/ISR/CO/4, para. 11), other treaty bodies and the International Court of Justice. The Committee notes with appreciation the statement by the delegation that the comments made by the Committee regarding the scope of applicability of the Convention "will be brought to the attention of the highest levels of [the] Government, and will be given serious consideration". While acknowledging that during the dialogue the State party's delegation addressed the Committee's questions relating to the Occupied Palestinian Territory, the Committee regrets that the written report did not contain detailed information on the implementation of the Convention in it (art. 2).

9. **Recalling its previous concluding observations (CAT/C/ISR/CO/4, para. 11) and its general comment No. 2 (2007) on the implementation of article 2 by States parties, the Committee calls on the State party to immediately reconsider its position and acknowledge that the Convention applies to all individuals who are subject to its jurisdiction. In this respect, the Committee reaffirms that the Convention applies to**

all territory and persons under the jurisdiction of the State party, including the Occupied Territories, in accordance with the Committee's general comment No. 2 (2007), the views of other treaty bodies and the jurisprudence of the International Court of Justice.

#### **National human rights institution**

10. While noting the State party's support for the establishment of a national human rights institution in line with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) expressed in the context of its universal periodic review by the Human Rights Council (see A/HRC/25/15, para. 136.25 and A/HRC/25/15/Add.1, para. 9), the Committee is concerned that such an institution has not yet been established (art. 2).

**11. The Committee recommends that the State party establish an independent national institution for the promotion and protection of human rights in full compliance with the Paris Principles.**

#### **Definition and criminalization of torture**

12. The Committee remains concerned that a specific offence of torture based on the definition in article 1 of the Convention has not yet been adopted. It notes that a bill incorporating a separate offence of torture into Israeli law is in the process of being drafted by the Ministry of Justice at the instruction of the Attorney General (arts. 1, 2 and 4).

**13. Recalling its previous recommendations (A/57/44, para. 53 (a), and CAT/C/ISR/CO/4, para. 13), the Committee calls upon the State party to take the measures necessary to speed up the process aimed at incorporating a specific offence of torture into domestic law and to ensure that the offence provides for a definition of torture that is in full conformity with the definition contained in article 1 of the Convention and for penalties that are commensurate with its grave nature, in accordance with article 4 (2).**

#### **Necessity defence**

14. The Committee regrets that the State party has not provided the information requested by the Committee on use of the necessity defence in the context of interrogations. The Committee recalls that article 2 (2) of the Convention provides that the prohibition of torture is absolute and non-derogable and that no exceptional circumstances whatsoever may be invoked by a State party to justify acts of torture. In this respect, the Committee is concerned that the necessity defence, which is contained in section 34 (11) of the Penal Law as a defence afforded to any defendant in criminal cases, has not been explicitly excluded for cases involving torture. Thus it could still be invoked *post factum* as a possible justification for torture in the context of interrogations carried out in situations involving impending threats to human lives and as a result lead to a lack of proper accountability (art. 2).

**15. The Committee recommends that the State party incorporate into domestic law the principle of the absolute prohibition of torture in conformity with article 2 (2) of the Convention and, recalling its previous recommendations (A/57/44, para. 53 (i) and CAT/C/ISR/CO/4, para. 14), that it completely remove necessity as a possible justification for torture.**

#### **Access to a lawyer and arraignment before a judge**

16. While noting that as a general rule persons deprived of liberty are enabled to meet with their lawyer without delay, the Committee remains concerned that legislation still

permits that these meetings be delayed under certain conditions, which in the case of detainees accused of security-related offences could extend for a maximum of 21 days under the Criminal Procedure (Enforcement Powers — Arrests) Law 1996-5756 and for a maximum of 60 days under the law applicable in the West Bank. While noting that as a general rule persons arrested without a warrant must be brought before a judge as soon as possible and no later than 24 hours following the arrest, the Committee is also concerned that legislation still allows that this period be delayed for up to 96 hours in relation to persons accused of security-related offences (art. 2).

17. **The Committee recalls its previous recommendations (A/57/44, para. 53 (c) and CAT/C/ISR/CO/4, para. 15) and recommends that the State party adopt the measures necessary to ensure, in law and in practice, that all persons deprived of liberty, irrespective of the charges brought against them, the law applicable to them or wherever they may be located, are afforded all legal safeguards from the very outset of the deprivation of liberty, including the rights to be assisted by a lawyer and to be brought before a judge without delay.**

#### **Audio-visual documentation of interrogations of security suspects**

18. Recalling its previous recommendation (CAT/C/ISR/CO/4, para. 16), the Committee is concerned that the requirement under the Criminal Procedure (Interrogation of Suspects) Law 5762-2002 that the police carry out audio or visual recording of criminal suspects' interrogations does not yet extend to the interrogation of persons accused of security-related offences owing to several extensions of temporary section 17 of the law, which provides for such exception. While regretting that the said law does not apply to interrogations by the Israel Security Agency, the Committee notes with interest that the Ministry of Justice is conducting staff work regarding the implementation of the recommendation made by the Turkel Commission and the Implementation Team (Ciechanover Commission) relating to the installation of cameras in all Israel Security Agency interrogation rooms, which will broadcast to a control room, regularly and in real-time, via closed-circuit. However, it regrets the lack of clarity about whether such interrogations will also be recorded so as to be available to be used as evidence in courts (arts. 2 and 11).

19. **The State party should adopt the legislative and other measures necessary to ensure the compulsory audio-visual recording of all criminal suspects' interrogations, including those of persons accused of security-related offences. Audio-visual footage should be monitored by an independent body and kept for a period sufficient for it to be used as evidence in courts.**

#### **Independent medical examinations of persons deprived of liberty**

20. The Committee is concerned at allegations of instances in which physicians of the Israeli Prison Service have failed to report injuries indicative of abuse and regrets not receiving information about the number of cases of suspected torture or ill-treatment identified and reported by Israeli Prison Service medical staff to the police during the reporting period. While taking note of the statement by the delegation that physicians serving in Prison Service facilities perform their duties as required by the law and the universal rules of medical ethics, the Committee notes that these professionals are directly employed by the prison services, which may compromise their independence (art. 2).

21. **The State party should urgently take the measures necessary to guarantee in practice that physicians and other medical staff dealing with persons deprived of liberty duly document all signs and allegations of torture or ill-treatment and report them without delay to the appropriate authorities. It should also consider transferring responsibility for all types of health care of persons deprived of liberty to the Ministry**

**of Health in order to ensure that medical staff can operate fully independently from the custodial authorities.**

#### **Administrative detention and Incarceration of Unlawful Combatants Law**

22. The Committee reiterates its previous concerns regarding administrative detention and detention under the Unlawful Combatants Law 5762-2002 in the State party (CAT/C/ISR/CO/4, para. 17). In particular, it is concerned that, pursuant to relevant legislation, detainees may be deprived of basic legal safeguards as, inter alia, they can be held in detention without charge indefinitely on the basis of secret evidence that is not made available to the detainee or to his/her lawyer. The Committee takes note of the affirmation by the delegation that the number of people in administrative detention increased since September 2015 with the escalation of violence. In this connection, the Committee is gravely concerned that at the time of the dialogue there were 700 persons, including 12 minors, in administrative detention. It is further concerned that three of those persons have been held in administrative detention for more than two years. The Committee also notes that at the time of the dialogue there was one person held under the Unlawful Combatants Law (arts. 2 and 16).

23. **The State party should:**

(a) **Urgently take the measures necessary to end the practice of administrative detention and ensure that all persons who are currently held in administrative detention are afforded all basic legal safeguards;**

(b) **Take the measures necessary to repeal the Incarceration of Unlawful Combatants Law 5762-2002.**

#### **Solitary confinement and other forms of isolation**

24. While taking note that a prisoner can be held in solitary confinement as a punishment for infractions to the Prisons Ordinance for a maximum of 14 non-consecutive days, the Committee is concerned that persons can also be held in separation, allegedly in conditions of isolation that are similar to those prevailing in solitary confinement, during significantly longer periods for interrogation purposes or for other reasons such as State or prison security. In this respect, the Committee notes with concern the reports that persons who suffer from mental health problems can also be held in separation if they are deemed to pose a threat to themselves or other inmates. The Committee is further gravely concerned that solitary confinement and separation can also be applied to minors and, in this respect, it expresses concern at allegations that many children have been held in separation for interrogation purposes. The Committee regrets the lack of statistical data from the State party on the use of separation during interrogation (arts. 2, 11, 15 and 16).

25. **The State party should:**

(a) **Ensure that solitary confinement and equivalent measures are used only in exceptional cases as a measure of last resort, for as short a time as possible and subject to independent review, in line with international standards;**

(b) **Put an immediate end and prohibit the use of solitary confinement and equivalent measures for juveniles and persons with intellectual or psychosocial disabilities;**

(c) **Compile, provide to the Committee and regularly publish comprehensive disaggregated data on the use of solitary confinement and equivalent measures.**

**Hunger strikes**

26. While taking note of the affirmation by the delegation that hunger strikes are handled with the utmost sensitivity to the prisoners' rights, the Committee is concerned at allegations of instances in which prisoners who engaged in hunger strikes were punished or subjected to ill-treatment. It is also concerned that, on 30 July 2015, the Knesset passed the Amendment to the Prisons Ordinance Law (Prevention of the harm caused by hunger strikes), which, according to the information provided to the Committee, allows the President of the District Court or his/her Deputy to authorize, under certain conditions, medical treatment of hunger strikers, including feeding, without their consent. While taking note that to date this amendment has not been applied and that its validity is currently under consideration by the Supreme Court, the Committee considers that feeding against the will of persons deprived of liberty on hunger strike who are able to take informed decisions would constitute ill-treatment in violation of the Convention (art. 16).

**27. The State party should guarantee that persons deprived of liberty who engage in hunger strikes are never subjected to ill-treatment or punished for engaging in a hunger strike and are provided with necessary medical care in accordance with their wishes. It should also take the legislative and other measures necessary to ensure that persons deprived of liberty, competent to take informed decisions, who engage in hunger strikes are never subjected to feeding or other medical treatment against their will, as these are practices that may amount to torture or ill-treatment.**

**Juvenile detainees**

28. While taking note of the provisions of the Youth Law (Trial Punishment and Modes of Treatment) 5731-1971 relating to the arrest and detention of minors and of positive developments in the juvenile military justice system applicable in the West Bank, including the establishment of a juvenile military court in 2009, the increase of the age of majority from 16 to 18 years for the purposes of adjudication in 2011 and other measures providing for safeguards and guarantees for minors, the Committee is concerned at reports that such legal developments are not always implemented in practice, in particular with respect to Palestinian minors accused of security-related offences. In this respect, it is concerned at allegations of many instances in which Palestinian minors were exposed to torture or ill-treatment, including to obtain confessions; were given confessions to sign in Hebrew, a language they do not understand; and were interrogated in the absence of a lawyer or a family member. The Committee is also concerned that many of these children, like many other Palestinians, are deprived of liberty in facilities located in Israel, thus hindering access to visits of relatives who live in the Occupied Palestinian Territory. The Committee is further concerned that at the time of the dialogue there were 12 minors in administrative detention and 207 Palestinian minors residents of the West Bank in detention for security-related offences (arts. 2, 11, 12, 13, 14, 15, and 16).

**29. Recalling its previous recommendation (CAT/C/ISR/CO/4, para. 28), the Committee calls upon the State party to redouble its efforts with a view to:**

**(a) Ensuring that the deprivation of liberty of minors, irrespective of the charges brought against them, is a last resort, limited to the shortest possible period, and that it is reviewed daily with a view to eliminating it;**

**(b) Systematically ensuring that all minors deprived of liberty are afforded all the basic legal safeguards from the very outset of the deprivation of liberty; that they have a lawyer and/or a trusted adult present at every phase of the proceeding, including during interrogations; and that evidence obtained without observing these provisions are inadmissible in court;**

(c) **Preventing, investigating and adequately sanctioning practices involving torture or ill-treatment. It should also ensure that minors who were victims of torture or ill-treatment are afforded appropriate redress, including the means for as full rehabilitation as possible;**

(d) **Facilitating visits from relatives and friends, in accordance with international standards.**

#### **Allegations of torture and ill-treatment**

30. The Committee is concerned at allegations of torture and other cruel, inhuman or degrading treatment or punishment of persons deprived of liberty, including minors. According to these allegations, torture and ill-treatment are mostly perpetrated by law enforcement and security officials, mainly from the Israel Security Agency, the police and the Israeli Defence Forces, particularly during arrest, transfer and interrogation. In addition, the Committee remains concerned at allegations that Israel Security Agency interrogators continue to resort to interrogation methods that are contrary to the Convention, such as stress positions and sleep deprivation, and regrets the lack of clarity about the use of restraints during interrogations. The Committee is also concerned at information received that there is no proper accountability for torture and ill-treatment. In this respect, while taking note of the assertion by the State party that all complaints submitted to the Inspector for Complaints against Israel Security Agency interrogators are examined independently, impartially and properly, the Committee is particularly concerned that so far none of the hundreds of complaints brought against them have resulted in prosecution (arts. 2, 11, 12, 13, 14, 15 and 16).

31. **The State party should:**

(a) **Reaffirm the absolute prohibition of torture and publicly warn that anyone committing such acts or otherwise complicit or acquiescent in torture will be held personally responsible before the law for such acts and will be subject to criminal prosecution and appropriate penalties;**

(b) **Take effective measures with a view to ensuring that interrogation methods contrary to the Convention are not used under any circumstances and avoid the use of restraints during interrogation as much as possible or apply them, only if strictly regulated, as a measure of last resort, when less intrusive alternatives for control have failed and for the shortest possible time;**

(c) **Ensure that all instances and allegations of torture and ill-treatment are investigated promptly, effectively and impartially and that alleged perpetrators are duly prosecuted and, if found guilty, punished with sentences that are commensurate with the gravity of their acts;**

(d) **Ensure, without prejudice to the presumption of innocence, that officials who are suspects of having perpetrated torture and ill-treatment are immediately suspended from duty for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, to commit reprisals against the alleged victim or to obstruct the investigation;**

(e) **Provide effective remedies and redress to victims, including fair and adequate compensation, and as full rehabilitation as possible.**

#### **Allegations of excessive use of force**

32. The Committee is concerned at allegations of excessive use of force, including lethal force, by security forces, mostly against Palestinians in the West Bank, including East Jerusalem, and the access-restricted areas of the Gaza Strip, particularly in the context of

demonstrations, in response to attacks or alleged attacks against Israeli civilians or security forces, and to enforce the access-restricted areas of the Gaza Strip. In this respect, the Committee notes with concern that, when referring to the responses of the State party's security forces to attacks or alleged attacks by Palestinians against Israelis, the United Nations High Commissioner for Human Rights noted that "some of these responses strongly suggest unlawful killings, including possible extrajudicial executions" (A/HRC/31/40, para. 10). The Committee is also concerned at reports that accountability for instances of excessive use of force is rare (arts. 2, 12, 13, 14 and 16).

**33. The State party should make more vigorous efforts to effectively prevent and sanction incidents of excessive force, including by ensuring that:**

**(a) Law enforcement and security officials are adequately trained in and comply with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, including in the access-restricted areas of the Gaza Strip;**

**(b) The rules of engagement or regulations on opening fire are fully consistent with the Convention and other relevant international standards. In this respect, the Committee encourages the State party to implement the recommendation made by the Secretary-General to "[carry] out an independent review and any necessary revisions of rules of engagement or regulations on opening fire to ensure their consistency with international law" (see A/70/421, para. 72 (b));**

**(c) All instances and allegations of excessive use of force are investigated promptly, effectively and impartially by an independent body, that alleged perpetrators are duly prosecuted and, if found guilty, adequately sanctioned.**

#### **Prohibition of coerced evidence**

34. The Committee is concerned at allegations of instances in which coerced evidence was used in courts, including in military courts to sentence children, despite the jurisprudence of the Supreme Court regarding the inadmissibility of evidence obtained illegitimately. Recalling its previous recommendation (CAT/C/ISR/CO/4, para. 25), the Committee observes with interest the information provided by the delegation that a bill has been drafted that, inter alia, will expressly establish the inadmissibility of a confession procured under torture (art. 15).

**35. The state party should:**

**(a) Take effective measures to ensure in practice, where there is an allegation that a statement was made under torture, that such a statement is not invoked as evidence in any proceeding, except when invoked against a person accused of torture as evidence that the statement was made;**

**(b) Speed up the process to adopt the bill referred to by the State party and ensure that it explicitly prohibits the use as evidence in any proceedings of any statement (either confession or any other type of statement) which is established to have been made as a result of torture, except when invoked against a person accused of torture as evidence that the statement was made.**

#### **Checkpoints**

36. Recalling its previous concluding observations (CAT/C/ISR/CO/4, para. 31), the Committee remains concerned at allegations of instances of degrading treatment at checkpoints and of undue delays or denials of passage, including in emergency cases (art. 16).



37. **The State party should take effective measures, including adequate training for relevant personnel, to ensure that security controls at checkpoints are carried out in a humane and respectful way, in accordance with the Convention. It should also ensure that there are no undue delays or restrictions for the passage of persons, in particular in emergency cases.**

#### **Allegations of acts of violence by State party's settlers**

38. While taking note of the measures taken by the State party to address settler-related violence, including the establishment in March 2013 of the Nationalistic-Motivated Crimes Unit, a special police unit operating within the West Bank, the Committee is concerned at allegations that acts of violence by settlers of the State party against Palestinians continue to be committed in the West Bank, including East Jerusalem (art. 16).

39. **The State party should take more effective measures to prevent acts of violence by settlers. In line with the Committee's previous recommendation (CAT/C/ISR/CO/4, para. 32), the State party should also redouble its efforts with a view to ensuring that all allegations of acts of violence perpetrated by settlers are promptly and impartially investigated; that the alleged perpetrators are brought to justice and, if found responsible, appropriately punished; and that victims are afforded appropriate redress.**

#### **House demolitions**

40. Recalling its previous concluding observations (CAT/C/ISR/CO/4, para. 33), the Committee is concerned that the policy of punitive demolitions of houses resided in by perpetrators or alleged perpetrators of attacks against Israelis was resumed in July 2014 after having been suspended and not used, with two exceptions in 2008 and 2009, since 2005 (art. 16).

41. **The State party should take all the measures necessary to put an end to the policy of punitive house demolitions, as it violates article 16 of the Convention.**

#### **Postponement of return of bodies**

42. The Committee is concerned at information that, at the time of the dialogue, the State party was postponing, on the basis of security concerns the return of the bodies of 18 Palestinians to their families. In this respect, the Committee notes the information provided by the delegation that, after a new evaluation of all the relevant circumstances, the State party has agreed to initiate the return of the bodies for the purpose of burial, subject to arrangements to guarantee that the burial process would be conducted in a secure and non-violent manner (art. 16).

43. **The State party should take the measures necessary to return the bodies of the Palestinians that have not yet been returned to their relatives as soon as possible so they can be buried in accordance with their traditions and religious customs, and to avoid that similar situations are repeated in the future.**

#### **Detention of persons entering the State party irregularly**

44. The Committee takes note of the decisions adopted by the High Court of Justice in 2013-2015 relating to the detention regime under the Prevention of Infiltration Law and of the amendments that were made to the law as a result. However, it is concerned that the current text of the law provides that a person who enters Israel irregularly, with certain exceptions, is to be detained for a period of up to three months. The Committee notes that, according to the law, if the person cannot be deported, that period is followed by up to 12

months of mandatory residence in the “Holot” open facility, of which certain groups of persons, such as women and children, are exempted (arts. 2, 11 and 16).

45. **The State party should take the legislative and other measures necessary with a view to ensuring that the detention of persons entering its territory irregularly is only used as a last resort, when determined to be strictly necessary and proportionate in each individual case, and for as short a period as possible.**

#### **Asylum seekers and refugees**

46. The Committee is concerned at the low recognition rate of refugees and regrets not receiving clarifications about the “prima facie rejection procedure”. The Committee takes note of the information provided by the State party concerning the criteria to be met before signing agreements with third countries for the relocation of nationals of Eritrea and the Sudan who entered the State party irregularly; however, it regrets that these agreements are made confidential by the countries involved, which hinders public scrutiny of whether the protection needs of the persons to be relocated would be adequately covered. While noting that the State party’s delegation stated that, according to the information available to them, there were no violations to the principle of non-refoulement with regard to the persons relocated in the context of the said agreements, the Committee is concerned by information that some of the Sudanese and Eritrean nationals who were relocated in 2014 and 2015 pursuant to these agreements did not receive permission to stay in the third countries and therefore faced a risk of being sent to their countries of origin. While taking note that the “coordinated return procedure” with Egypt was put on hold in March 2011, the Committee is also concerned at allegations of incidents taking place after that date when Israeli Defence Forces reportedly returned people to Egypt shortly after they crossed the border without conducting an interview. The Committee notes with appreciation the procedure in place for the identification of victims of trafficking and the rights afforded to them, including shelter and free legal aid. While noting that victims of trafficking could have also been victims of torture and that upon arrival at “Saharonim” detention centre all persons are examined by a physician, the Committee is concerned that the measures taken by the State party do not seem to fully ensure the effective identification of victims of torture among asylum seekers and to guarantee that they receive adequate State-sponsored holistic rehabilitation support and free legal aid when they do not qualify as victims of trafficking (arts. 2, 3, 14 and 16).

47. **The State party should:**

(a) **Guarantee in practice that all asylum seekers have access to efficient refugee status determination procedures that include a thorough examination of the merits of each individual case under article 3 of the Convention;**

(b) **Ensure that effective procedures are in place to identify as early as possible all victims of torture among asylum seekers, in particular by conducting thorough medical and psychological examinations, and that, when signs of torture or traumatization have been detected, victims have immediate access to specialized medical and psychosocial services;**

(c) **Guarantee that all asylum seekers have access to independent, qualified and free-of-charge legal assistance during the entire asylum procedure;**

(d) **Refrain from removing any person from the State party without previously conducting a thorough risk assessment of situations covered by article 3 of the Convention;**

(e) **Ensure that relocation agreements with third countries are transparent and establish effective guarantees against refoulement and post-return monitoring mechanisms.**

#### **Redress and rehabilitation**

48. While taking note of the information provided by the State party on the legislative provisions governing monetary compensation for victims of offences, the Committee regrets the lack of sufficient information on other forms of redress available for victims of torture and ill-treatment, in particular rehabilitation programmes or services. In this respect, the Committee notes with appreciation the system of rehabilitation for victims of trafficking, but regrets that a system of similar characteristics for victims of torture does not seem to have been set up (art. 14).

49. **The State party should take the measures necessary to ensure that all victims of torture and ill-treatment who are subject to its jurisdiction obtain redress and have an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible, as required by article 14 of the Convention and elaborated in the Committee's general comment No. 3 (2012) on the implementation of article 14 by States parties. It should also ensure that specialized, holistic rehabilitation services, including medical and psychological assistance, are available and promptly accessible to all victims of torture and ill-treatment.**

#### **Training**

50. The Committee takes note of the human rights training provided to members of the police, Israeli Defence Forces, the Israeli Prison Service, the Israel Security Agency, the Population and Immigration Authority, the judiciary and legal practitioners. It also notes that, during general medical training, physicians and medical staff are taught how to detect and provide special treatment to victims of violence, including torture. However, the Committee regrets the lack of specific and regular training on how to detect and document cases of torture and other cruel, inhuman or degrading treatment or punishment in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) (art. 10).

51. **The State party should:**

(a) **Redouble its efforts with a view to ensuring that all persons involved in the custody, interrogation and treatment of persons deprived of liberty are well acquainted with the provisions of the Convention, in particular with the absolute prohibition of torture, and are fully aware that violations will not be tolerated and will be investigated, and that those responsible will be prosecuted;**

(b) **Ensure that all relevant staff, including medical personnel, are specifically trained to identify and document cases of torture and ill-treatment in accordance with the Istanbul Protocol;**

(c) **Take the measures necessary to evaluate the effectiveness and impact of educational and training programmes relating to the Convention and the Istanbul Protocol.**

#### **Follow-up procedure**

52. **The Committee requests the State party to provide, by 13 May 2017, information on follow-up to the Committee's recommendations on independent medical examinations of persons deprived of liberty, administrative detention, solitary**

confinement and other forms of isolation, and allegations of torture and ill-treatment (see paras. 21, 23 (a), 25 (b) and 31 (b) above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

**Other issues**

53. Recalling its previous concluding observations (CAT/C/ISR/CO/4, paras. 35-37), the Committee again encourages the State party to:

- (a) Become a party to the Optional Protocol to the Convention;
- (b) Consider making the declarations under articles 21 and 22 of the Convention, in order to recognize the competence of the Committee to receive and consider inter-State and individual communications;
- (c) Withdraw its reservation to article 20 of the Convention.

54. The Committee invites the State party to consider becoming a party to the core United Nations human rights treaties to which it is not yet party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the International Convention for the Protection of All Persons from Enforced Disappearance; and to the protocols to the core United Nations human rights treaties to which it is not yet a party, namely, the Optional Protocol to the International Covenant on Civil and Political Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

55. The State party is requested to disseminate widely the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.

56. The Committee requests the State party to submit its sixth periodic report by 13 May 2020. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, submit to the State party a list of issues prior to reporting.