



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

Distr.: General
9 May 2016

Original: English

Committee against Torture Fifty-seventh session

Summary record of the 1419th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 4 May 2016, at 3 p.m.

Chair: Mr. Modvig

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Fifth periodic report of Israel (continued) (CAT/C/ISR/5; CAT/C/ISR/Q/5)

1. *At the invitation of the Chair, the delegation of Israel took places at the Committee table.*

2. **Mr. Schondorf** (Israel) said that the Committee's views on the issue of the applicability of the Convention would be brought to the attention of the highest levels of Government. Despite disagreement in that regard, the actions of Israel in all places it controlled as a governmental authority were consistent with the Convention. Israel and the West Bank were subject to two distinct legal regimes. The laws of Israel were those enacted by the Knesset and were inapplicable in the West Bank, where, in line with the Hague Regulations, the laws that existed prior to June 1967 remained in force, supplemented by new legislation enacted by a military commander. The military court system which operated in the West Bank was fully consistent with the Geneva Conventions of 1949 and was not, therefore, a violation of international law. One of the three murderers of Muhammed Abu Khdeir had recently been sentenced to a long prison term and ordered to pay compensation to his victim's family.

3. **Ms. Modzvrishvily** (Israel) said that the Inspector for Complaints against Israel Security Agency Interrogators had been established pursuant to the recommendations of the Turkel Commission and had begun operations in May 2014. As a way of ensuring transparency, the Inspector held regular meetings with the International Committee of the Red Cross as well as with Israeli NGOs and civil society organizations. Thanks to coordination with the Israel Prison Service the Inspector was able to access complainants who were held in prison and the Prison Service was obliged to supply any information the Inspector requested, including confidential information. Apart from being monitored by the Inspector for Complaints, the Israel Security Agency was also under the supervision of the State Attorney's Office, the Attorney General, the courts and the Knesset.

4. Although the methods of interrogation of the Israel Security Agency remained confidential, interrogators were not allowed to employ exceptional measures against the persons they were interrogating or to threaten members of their families. Even in circumstances involving an imminent threat to human life, interrogators were not authorized by law to use exceptional measures. However, if they did make use of such measures they were entitled to claim afterwards that their actions had been justified on the grounds of necessity, which was a justification recognized by the Criminal Code. Allegations submitted to the Inspector for Complaints were examined thoroughly and impartially. Criminal proceedings could be launched if there were reasonable grounds for suspecting that an offence had taken place. So far, no complaints had led to prosecutions but some had resulted in disciplinary measures or in changes to interrogation methods.

5. The Inspector had recently taken measures to address objections about the backlog of complaints and the time it was taking to process cases. All inquiries submitted before 2013 had now been dealt with and capacity was to be enhanced with additional staff. Moreover, the Inspector had begun collecting testimonies from persons who had been interrogated then released, while, for the first time, representatives from the Public Committee against Torture in Israel had been present at meetings with complainants. Although not obliged to grant such access by law, the Inspector for Complaints believed that doing so would increase the transparency of the inquiry process and lend credibility to its fairness and impartiality.

6. **Ms. Blumenfeld Meged** (Israel) said that the issue of hunger strikes was a particularly delicate one in her country because of the effect they could have on the security situation. Many prisoners on hunger strike were operating under direct orders from the terrorist organizations to which they belonged. Israel sought to handle such cases in accordance with medical and ethical standards while protecting the health and rights of prisoners. Due to the recurrence of hunger strikes and the increasing threat to the lives of prisoners, an amendment to the Prisons Ordinance Act on the prevention of the harm caused by hunger strikes had recently been approved by the Knesset. However, the amendment had never been utilized and the State hoped that it would never have to do so.

7. Under the new amendment, if a physician believed that a hunger strike could endanger a prisoner's life or lead to severe and irreparable disability, the Prison Commissioner could, with the approval of the Attorney General, apply for court approval to provide medical treatment to that prisoner. It was important to note that physicians still had the freedom and obligation to act upon their own ethical beliefs and were not obliged to treat a prisoner. The courts could not approve medical treatment without hearing the opinion of an ethics committee as well as the views of the prisoner concerned, duly represented by legal counsel, and the prisoner had the right to appeal any decision before the Supreme Court. If medical treatment was finally authorized, it had to be restricted to the minimum necessary to save life or prevent irreparable and severe disability. A Supreme Court ruling on the validity of the amendment was currently pending.

8. The legal obligation to make an audio or video recording of police investigations had been temporarily suspended for investigations relating to security offences. That temporary legislative provision had been challenged before the Supreme Court where the case was still pending. While the temporary provision remained in force, special regulations for the documentation of police investigations relating to security offences were currently being examined. The legal obligation to make audio or video recordings did not in any case apply to interrogations carried out by the Israel Security Agency. However, the Ministry of Justice was considering the possibility of installing cameras in the Agency's interrogation rooms. They would be monitored by a supervising entity which had the obligation to report any suspected violations to the Inspector for Complaints.

9. According to the Israel Security Agency, between 2014 and 2015 only 10 people had had to wait more than 48 hours before being brought before a judge. There had been several cases in which lawyers had exploited their access to prisoners in order to deliver messages and facilitate contact between them and the terrorist organizations to which they belonged. Amendments to the legal definition of "security offence" and "terrorist organization" were currently before the Knesset, specifically in the Fight against Terrorism Bill which had yet to be finalized.

10. **Mr. Almog** (Israel) said that the law in Israel sought to prevent juvenile crime and to rehabilitate offenders. All children were treated equally without discrimination on the basis of gender, nationality or religion. Currently only 13 per cent of police officers in Israel were Arabs but the Government was investing heavily in the improvement of police services in Arab towns and there were plans to build 22 new police stations and to engage 2,600 new recruits, most of whom would be Arabs. Recently, for the first time, an Arab Muslim police officer had been promoted to the rank of major general.

11. In 2013, the police had established a unit to deal with nationalistically motivated crimes against Palestinians in the West Bank; 410 investigations had been launched resulting in 135 indictments. An independent unit investigated complaints of ill-treatment by prison warders. Its findings were submitted to the State Attorney's Office which could take either disciplinary or criminal measures. The unit had handled 47 cases in 2014 and 72 cases in 2015.

12. Specially trained police officers dealt with cases of domestic violence and spousal abuse and each of the country's seven police districts had a full-time crime prevention officer. There were six child protection centres and two more were due to be built before the end of 2016.

13. **Ms. Sarig-Kaduri** (Israel) said that all detention facilities of the Israel Prison Service had medical staff, including a general physician, a dentist and a psychiatrist. Medical professionals working in places of deprivation of liberty were required by law and professional ethics to dedicate themselves to the medical needs and well-being of prisoners and detainees. Any decision regarding treatment, including hospitalization, was for medical staff alone and the Prison Service acted on their advice. Prisoners also had the right to be examined by a private physician, at their own expense and subject to approval by the authorities. Gynaecological services were available for female prisoners, while pregnant women were closely monitored and gave birth in civilian hospitals. Once the child had been born, the mothers were dealt with by a joint committee of the prison authorities and municipal social workers. Prison menus were checked and approved by a nutritionist, and adapted to the different dietary requirements of inmates. Prisoners were segregated on the basis of gender and the nature of their offence, and every effort was made to keep minors separate from adults. Thanks to a policy that sought to provide alternatives to incarceration for juvenile offenders, the number of minors in Prison Service facilities was relatively low.

14. Rules governing solitary confinement in the Israel Prison Service applied equally to criminal and to security prisoners, but its use was extremely limited. It was imposed only following a disciplinary hearing and only for short periods of time, the maximum being 14 days. During solitary confinement, the prisoner maintained contact with guards, social workers and medical staff. Solitary confinement was not used as an interrogation method by the Israel Security Agency or the police, although detainees were sometimes separated from one another for the purposes of an investigation. In such cases they too had frequent human contact. In any case, such practices did not actually constitute solitary confinement according to the definition given in the Standard Minimum Rules for the Treatment of Prisoners.

15. Unlike solitary confinement which was punitive in nature, separation was a preventive measure intended to stop prisoners harming themselves or others, or for reasons of State or prison security. Prisoners could be held in separation alone or in pairs and they enjoyed the same conditions as all other prisoners. Separation was subject to judicial review and appeal. Only 1 per cent of the prison population was currently being held in separation and most of the prisoners involved were serving sentences for criminal offences. Minors could also be held in separation but only if it was in their own best interests.

16. Searches in prison, including visual examination of the naked body were regulated by law. They were conducted in private, by a staff member of the same gender and with full respect for the dignity of prisoners. In most cases searches were done with the prisoner's consent. Israel Prison Service facilities currently housed 17,392 inmates, of whom 10,823 were criminal prisoners and 6,569 security prisoners. There were 587 minors held in special wings and 229 women prisoners. Suicides among prisoners had decreased sharply, from 10 in 2014 to 3 in 2015 and only 1 in 2016. None of the incidents of 2015 or 2016 had involved prisoners held in separation or solitary confinement. Numerous channels were open to prisoners who wished to make a complaint, including the courts, the Prisoners Complaint Ombudsman, the Knesset and official visitors.

17. **Mr. Segal Elad** (Israel) said that the Supreme Court, ruling as a court of first instance, heard some 1,500 petitions a year. The Court was composed of 15 judges, who sat in panels of 3 judges each. It could make recommendations to the Government during hearings, thereby providing petitioners with a remedy without necessarily drafting an

opinion. The Court's accessibility and efficiency allowed it to play a pivotal role in protecting human rights.

18. The return of bodies of terrorists to their families was sometimes postponed for security reasons. Nonetheless, the previous day the State had informed the High Court of Justice that it no longer opposed the return of bodies of terrorists for burial, provided that all arrangements were in place to ensure a peaceful burial. The body of a terrorist who had run over three Israeli soldiers the previous evening had been promptly returned to his family, for instance.

19. The Supreme Court had asked the Government to respond to a legal opinion drafted by a number of international legal experts and submitted to the Court by the petitioner Asad Abu Gosh, a suspected bomb-maker who, under special questioning, had revealed the location of an explosives lab and other critical information. The Government was currently drafting its response and was expected to submit it to the Court by 10 May 2016.

20. Demolitions of the houses of terrorists were carried out for the sole purpose of deterring the would-be perpetrators of future terrorist attacks, some of whom had explicitly stated that they had refrained from committing attacks for fear of having their families' house demolished. Deterrence was an effective method of combating the current wave of violence, which was characterized by attacks committed by so-called lone-wolf terrorists. For that reason, the authorities had carried out a limited number of demolitions. Demolition orders were regularly challenged before the High Court of Justice. The journalist Muhammad al-Kik was in good health. His release was scheduled for 21 May 2016.

21. **Mr. Salomon** (Israel) said that the amendment to the Prevention of Infiltration Law, under which persons entering Israel illegally were liable to be detained for up to 3 years, had been repealed after having been ruled unconstitutional. Another amendment, providing for detention for up to 1 year, had also been found unconstitutional. In 2015, amendment No. 5, which had provided for detention for up to 3 months, had been found constitutional, with the exception of the provision stating that illegal migrants could be ordered to remain in the Holot open facility for up to 20 months. The High Court of Justice had given the Knesset six months to enact a new amendment. Currently, persons who entered Israel illegally but could not be deported could be ordered to the Holot facility for up to 12 months.

22. The Saharonim detention facility provided health and social services. The detainees had unrestricted access to the facility's social workers and interpreters. Psychiatric treatment was provided outside the facility. Detainees were free to move about their wing during the day, and visiting privileges, as in the Holot facility, were given freely to NGOs and international organizations. Although the Holot facility was operated by the Israel Prisons Service, it was not a prison and it was not subject to ordinary prison rules and regulations. Its public areas included classrooms, sports facilities and gardens. The living quarters were well appointed, and each resident was allocated 4.5 square metres of living space. Social services were provided by the facility's nine social workers, and vocational training was available.

23. Residents were required to report to the facility once a day, at 10 p.m. The facility had been operating at its full capacity of 3,300 since early 2016. Fourteen buses a day took residents to and from the nearby city of Beersheba. Each person in the facility was entitled to a monthly allowance of 480 new sheqalim.

24. The principle of non-refoulement had been enshrined in Israel in 1995. Israel had made arrangements with two safe third countries in connection with the relocation of persons from the Sudan and Eritrea. The arrangements, which had been made only after the authorities had ensured that the third countries were committed to international legal standards for the treatment of asylum seekers, had been approved by the Attorney General.

A number of NGOs had filed a complaint with the courts to put an end to the arrangements. Full resolution of the case was still pending.

25. Measures had recently been taken to expedite the process of applying for asylum. In any event, no foreign national would be ordered to leave the country before receiving an answer to his or her request for asylum. In 2015, 2,500 Eritreans and 600 Sudanese, only 15 per cent of whom had been in the Saharonim or Holot facilities, had voluntarily left Israel in exchange for a monetary grant. The 40,000 or so Eritreans and Sudanese who remained in Israel after having entered the country illegally were not deported to their countries of origin. Although they did not hold work permits, Israel took no legal action against the employers of those who were regularly employed. Employers were obliged to provide health insurance to their employees, regardless of their legal status. In early 2013, a health clinic for foreign nationals without access to health insurance had been set up in Tel Aviv. It treated about 100 patients a day, who were charged only 18 new sheqalim for a consultation. The personnel of the Population and Immigration Authority's Refugee Status Determination Unit took a four-week course specifically related to refugees and asylum seekers. The Authority intended to look into broadening the training to include other personnel.

26. **Mr. Mintz** (Israel) said that the military courts in the West Bank, which were an independent component of the Israeli Defence Forces, heard both ordinary criminal cases and cases involving security offences. A court of appeal had been established, and petitioners were granted access to the country's Supreme Court. The right to due process in the military court system was strictly enforced. Lawyers could be appointed for defendants, for example, and no secret evidence could be entered in criminal proceedings. All proceedings and indictments were translated into Arabic, and, as a rule, all hearings were public. The conviction rate in military courts was similar to that in the country's civilian courts. Unlike residents of the West Bank, residents or citizens of Israel who committed offences in the West Bank were subject to the criminal law applicable in Israel. Ordinary detainees could be held for no more than 48 hours before being brought before a judge, whereas persons detained on suspicion of security offences could be held for up to 96 hours.

27. The law in the West Bank provided for the postponement in exceptional cases for up to 60 days of a meeting between a detainee and his or her lawyer. Suspects were detained in accordance with the regulations issued by the military commander of the West Bank, and in recent years measures had been taken to ensure that Israeli Defence Forces personnel were fully aware of them. The families of minors detained in the West Bank were notified of the detention in both Arabic and Hebrew, and a command and control centre operated by the military police had committed to providing families with information on the whereabouts of an arrested family member within 24 hours of receiving a request. If the information was not forthcoming, families could apply for a writ of habeas corpus with the Supreme Court.

28. A number of legal provisions regulated the administrative detention of persons charged with offences against the security of the State. Some of the Israelis implicated in the Duma arson attack had been detained under the Emergency Powers (Detention) Act of 1979, for instance, which was applicable in Israeli territory. Military Order No. 1651, or the Order regarding Security Provisions, applied in the West Bank. Presently, 683 people were being held under that legal regime. Approximately 88 per cent of persons in administrative detention were held for periods of less than one year, and each detention order was reviewed by the courts. Only three people had been in detention for more than two years. On the basis of credible information about their imminent participation in terrorist attacks, 12 minors had been placed in administrative detention. Only one person was currently being held under the Incarceration of Unlawful Combatants Act 5760-2002.

29. The immediate coordinated returns of persons caught entering Israel illegally at the Egyptian border had been suspended. Since 2010, Israel had permitted the free shipment of

goods, with the exception of goods that posed a security risk, to the Gaza Strip. No humanitarian aid was prevented from entering Gaza through Israel.

30. Israel was committed to respecting all relevant international legal obligations, including the law of armed conflict, which informed its preparation for and execution of military operations, such as those launched in the 2014 Gaza Conflict. The Military Advocate General had ordered a number of criminal investigations into allegations of misconduct by Israeli Defence Forces personnel during the conflict. Several were ongoing, including one concerning the fighting in Khuza'a. Decisions on several others would be made in due course. Unlike other senior officers, the Military Advocate General was appointed by the Minister of Defence, not by the Chief of Staff. In professional matters, the Advocate General and all legal officers under his or her command answered not to the Chief of Staff but to the law alone, and all their decisions were subject to civilian oversight.

31. **Ms. Levin** (Israel) said that a number of law-enforcement agencies held training sessions on human rights on a regular basis. Israeli Defence Forces personnel attended frequent lectures on human rights and related topics at the School of Military Law. Israel Prisons Service personnel also received training in the relevant human rights instruments, as did personnel of the Israel Security Agency. In 2016, officials from the Ministry of Health had taken part in a training day on the issue of victims of torture. Furthermore, efforts were made to raise awareness of human rights issue, including those related to torture and ill-treatment, in the legal professions.

32. Palestinians from the West Bank and Gaza could lodge civil cases to obtain compensation for damage to persons or property pursuant to domestic legislation. There were currently 196 such cases pending before the courts. In addition, claims could be submitted to the internal committee of the Ministry of Defence, which was responsible for examining cases for *ex gratia* compensation granted under rare and exceptional humanitarian circumstances.

33. With regard to trafficking in persons, numerous efforts had been made to reduce the number of cases, including by amending the Criminal Code to define trafficking in persons as an offence, establishing of a national anti-trafficking unit and developing national anti-trafficking programmes. More than 50 training sessions on identifying and handling cases of trafficking had been held annually for State officials. Furthermore, rehabilitation services, medical care and legal assistance had been made readily available to all trafficking victims. During 2015, a total of 234 new investigations into reports of trafficking for the purposes of prostitution had been launched by the police.

34. In regard to extradition, the courts were duty-bound to ensure that certain conditions had been met by the requesting State before issuing a verdict. There had been no complaints of torture following extradition in recent years. Concerning the definition of prostitution as an offence, steps had been taken to punish persons that had profited from acts of prostitution, but not the women themselves involved. They were considered as victims and were duly treated as such. Lastly, in respect of the criminal charges brought against those persons involved in the heinous crimes committed in the Sinai camps, no efforts had been spared to punish the perpetrators and provide redress to the victims.

35. **Ms. Kremer** (Israel) said that Israel had faced a wave of almost daily terrorist attacks since September 2015. Some 27 per cent of the perpetrators had been Palestinian minors, incited to commit violence by the Palestinian media and social networks. For example, in the last quarter of 2015, 42 minors had taken part in 31 terrorist acts, which had involved shooting, stabbing and throwing stones or other objects such as Molotov cocktails. The Israeli security forces therefore had the complicated and difficult task of thwarting the actions of such minors in the most effective way possible, while ensuring that they came to no harm.

36. **Mr. Manor** (Israel) said that the information contained in the United Nations Children's Fund (UNICEF) report cited by the Committee failed to accurately represent the reality on the ground. However, it was true to say that the severity of offences committed by Palestinian minors had posed particular challenges for the judicial system. Considerable efforts had been made to strengthen the juvenile justice system, including by raising the age of majority from 16 to 18, holding minors separately from adults and reducing the time taken to bring juvenile perpetrators before the courts. As to the prohibition of torture, it was not yet possible to provide the exact definition of torture that would feature in the bill, as intergovernmental consultations on the matter were still continuing.

37. **The Chair** (Country Rapporteur) said that he would like more information regarding the number of cases submitted to the Inspector for Complaints and the punishments handed down. He questioned the necessity of restraints in custody and the use of sleep deprivation and stress positions by the Israel Security Agency during interrogations. It was important that detainees on hunger strike should not be force fed against their will. While commending the video recording of interrogations, he said that such recordings should be allowed as evidence before the courts. In that connection, he asked how many persons had been held in solitary confinement in recent years and whether body cavity searches had been performed without the consent of persons deprived of their liberty. Lastly, he asked what safeguards had been introduced to identify victims of torture among asylum seekers and uphold the principle of non-refoulement.

38. **Ms. Pradhan-Malla** (Country Rapporteur) asked whether the return of the bodies of deceased persons to their families was considered a terrorist threat and, if so, why. Information on the criteria applied to establish whether persons were potential terrorists and consequently liable to have their homes demolished would also be welcome. As to prison overcrowding, she wished to know what measures had been taken to tackle the issue and uphold minimum prison standards. What efforts had been made to ensure that juveniles were not held in solitary confinement and that their cases were duly transferred to the juvenile courts?

39. **Mr. Touzé** asked whether the State party would reconsider its interpretation of the territorial applicability of the Convention following the unanimous ruling by the International Court of Justice.

40. **Mr. Bruni** said that he would like further clarification regarding the exact time frame within which persons must be informed of the reasons for their arrest. He also wished to know whether the State party would reconsider ratifying the Optional Protocol and accept the Committee's competence under articles 20 and 22 of the Convention.

41. **Mr. Hani** said that the State party's legislation on the definition of torture should prohibit torture in all circumstances, with no exceptions, and prevent interrogators from invoking the necessity defence, which led to institutionalized impunity. He wished to know whether a time frame had been agreed for the adoption of that legislation.

42. Doctors who practised in detention centres should report to the Ministry of Health, in accordance with the regulations set out by the World Health Organization. Similarly, the strict international and domestic guidelines concerning hunger strikes should be respected. The fact that military attorneys were appointed by the Ministry of Defence did not guarantee their independence.

43. He was surprised to hear that a lawyer had been accused of terrorist acts. It was important that legal guarantees should apply to all suspects, including those accused of the most serious crimes. He asked how many of the complaints lodged by detainees, particularly Palestinians, had been upheld. He was concerned that the High Court of Justice had ruled that the effectiveness of punitive demolitions should be reviewed, despite the fact

that they were illegal. Destroying an individual's house was tantamount to torture and ill-treatment, as was threatening to do so.

44. Administrative detention must be carried out in line with international humanitarian law. However, that law had been intended for short-term occupations, rather than the extremely long-term occupation in which the State party was engaged to the detriment of the occupied population.

45. He asked whether the principle of non-refoulement was respected in the case of Eritrean migrants, in view of the fact that Eritrea was subject to an inquiry by the Human Rights Council and could not, therefore, be deemed a safe country. France had been required to implement international instruments in Tunisia, which constituted a precedent. He would welcome the delegation's comments on articles 20 and 22 of the Convention, the Optional Protocol to the Convention and the State party's cooperation with the Human Rights Council.

46. **Ms. Belmir** said that it was unlikely that violence would occur following the return of the bodies of dead Palestinians to their families. She urged the State party to return the bodies promptly in order to respect human dignity and the families' religious practices. The claim that the Convention was not applicable in the occupied territories because wartime law was in force there was irrelevant because various international mechanisms had ruled that the State party was occupying the Gaza Strip and the West Bank. Although the delegation spoke of Palestinians only in relation to terrorism, they were in fact an occupied people and their right to a fair trial must be respected.

47. **Ms. Gaer** asked how much space was allocated to each prisoner in the Holot migrant detention facility and the Saharonim detention facility and why there was a discrepancy in the prison population statistics reported in the annual Human Rights Report produced by the Department of State of the United States of America, which put the figure at 21,000, and the State party's figure of around 17,000. She wished to know why the overall number of prisoners had decreased despite the increased violence in the country in recent months.

48. She asked whether there was screening and rehabilitation for migrants and asylum seekers who had suffered torture and requested information on Palestinians seeking asylum in Israel, particularly those from the lesbian, gay, bisexual and transgender (LGBT) community, and the involvement of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in that process. How many investigations into Palestinian fatalities involving the military were currently being held?

49. **Mr. Heller Rouassant** asked whether persons apprehended in the occupied territories, particularly those accused of terrorism, were detained in the occupied territories or in Israeli territory.

The meeting was suspended at 5.30 p.m. and resumed at 5.40 p.m.

50. **Mr. Salomon** (Israel) said that the State party had temporarily prohibited the deportation of migrants to Eritrea and the Sudan, regardless of their asylum status. Nevertheless, several thousand Eritreans had decided to return home. There was a total of 4.5 square metres per detainee in the Holot migrant detention facility, and while no exact figures were available for Saharonim prison, detainees there could move about the wing freely during the day.

51. **Mr. Mintz** (Israel) said that apprehended persons were informed of the reason for their arrest immediately; it was their families who were notified of the arrest "as soon as possible".

52. **Ms. Sarig-Kaduri** (Israel) said that there was no protocol for body cavity searches. It was likely that the Human Rights Report included persons sentenced to community service and those under house arrest. There were 31 prisons in Israel and 1 in the West Bank, access to which was coordinated by the International Committee of the Red Cross.

53. Claims by Palestinians that their cooperation with Israeli security forces had put them at risk were examined by a committee that decided whether they should be granted temporary residency. Other claims, for example those concerning sexual orientation, were addressed by the Palestinian authorities with assistance from the Coordinator of Government Activities in the Territories. That was because the Palestinian authorities were responsible for social welfare and law enforcement, and because homosexuality did not usually lead to violence or threats within the Palestinian community. Consensual sex between persons of the same gender aged over 15 was not illegal in Palestine. In the rare cases where there was a tangible threat to an individual, the Israeli authorities considered granting temporary residency until the threat had passed.

54. The Government did not plan to ratify the Optional Protocol because it was not convinced that it would contribute substantially to eradicating torture and ill-treatment.

55. **Mr. Schondorf** (Israel) said that the sentencing of one of the murderers of Mohammed Abu Khdeir and the attack by a terrorist who had used a car to seriously injure three soldiers the previous day were unrelated events.

56. Israel had not annexed the West Bank or the Gaza Strip, rather, it governed them in accordance with international humanitarian law, which stipulated that the territories' original legal system must be preserved, although the Military Commander was able to enact additional legislation. Therefore, Israeli law did not apply in the West Bank, although it did apply to Palestinians who committed crimes on Israeli territory. All accused minors in the West Bank were tried in a juvenile court.

57. Despite the disagreements regarding the Convention's applicability in the occupied territories, in practice the State party complied with the Convention's provisions in Gaza and the West Bank. The delegation would duly relay the Committee's comments on the State party's approach to the dialogue to the Government, which would give them serious consideration.

58. Although the information regarding the involvement of lawyers in terrorist activity was surprising, it was recent and reliable. The number of detainees was increasing in close correlation to the current wave of violence. Migrants who had suffered torture in Sinai while travelling from Eritrea to Israel were not detained in Holot. Often, they were also victims of human trafficking and slavery, and mechanisms existed in the State party to address those crimes. The bodies of deceased Palestinians were returned to their families provided that arrangements had been made for secure funeral proceedings; in the past funerals had at times turned violent and threatened public security.

59. **The Chair** said that he wished to thank the delegation for its participation in the constructive dialogue.

60. **Mr. Manor** (Israel) said that he wished to thank the Committee for the open and fruitful discussion, in which his delegation had endeavoured to participate actively. Israel remained committed to implementing the Convention, and the Committee's observations would contribute to improving the country's compliance with its obligations.

The meeting rose at 6 p.m.