UN to Quiz Israel on Torture Complaints

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By Tovah Lazaroff

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The UN Committee against Torture in Geneva is set to grill Israel on Tuesday and Wednesday on its policies with regard to torture on both sides of the Green Line.

Among the issues the 10-member committee of experts intends to raise are those relating to Palestinian detainees, including minors, the demolition of Palestinian homes, settler violence against Palestinians, Israeli investigation of torture complaints, the possible continued existence of a secret prison known as detention facility 1391, human trafficking and the treatment of asylum seekers.

The two days of hearings is standard practice for all 159 states that have signed the UN Convention against Torture, which has been in existence since 1987. Israel signed the treaty in 1991 and the Palestinian Authority became a signatory in 2014.

The UN Committee against Torture last reviewed Israel’s compliance record in 2009. It has yet to examine the Palestinian record, although it did include some comments about the PA and Hamas in its 2009 report on Israel.

At issue between Israel and the committee is the applicability of the convention to Israeli actions against Palestinians in the West Bank.

Israel has argued before the committee in the past that treaties like the Convention against Torture are applicable only in areas of the country in which Israeli law fully applies.

But, according to Israel, it is not applicable in the West Bank, which is under military control.

In a 2012 report, the committee told Israel that it rejected Israel’s claim that the treaty was non-applicable to the West Bank.

“The state parties’ obligation to prevent acts of torture or ill-treatment in any territory under its jurisdiction must be interpreted and applied to protect any person, citizen or non-citizen, without discrimination subject to the de jure or de facto control of a state party.

“The committee further notes (a) that the state party and its personnel have repeatedly entered and established control over the West Bank and Gaza; (b) that, as acknowledged by the state party’s representatives during the dialogue with the committee, security detainees from the area are, in substantial numbers, detained in prisons within the boundaries of the State of Israel; and (c) that Israel admittedly maintains “full jurisdiction” over cases of violence in the territories by Israeli settlers against Palestinians.

“Thus, the state party maintains control and jurisdiction in many aspects on the occupied Palestinian territories,” the committee wrote.

A 13-member Israeli team composed of experts from the Justice and Foreign Affairs ministries will argue before the committee that their country does not torture prisoners, including those held for security reasons.

It will explain that those prisoners are treated according to the norms of Israeli and international law and their rights are fully respected.

Israel has already informed the committee that “Facility 1391” has not been used to detain or interrogate security suspects since 2006.

At least 13 non-governmental groups including Amnesty international, Hamoked and Yesh Din have submitted reports to the committee arguing that Israel is in violation of the convention.

The only NGO to summit a report in favor of Israel was the Jerusalem-based NGO Monitor.