

## **NGO report to UN experts says still no prosecution of torturers in Israel; blames « necessity defence » provision**

**2 May 2016** – Israel continues to use torture and not to prosecute offenders in the name of “necessity defence”, the Public Committee Against Torture in Israel (PCATI) and World Organisation Against Torture (OMCT) denounced in a report published ahead of the United Nations’ review of the State’s application of the Convention Against Torture.

The UN Committee Against Torture (UNCAT), a body of human rights experts monitoring the implementation of the Convention by States parties, will on 3-4 May 2016 examine how Israel has complied with the Convention in the last seven years. In their joint [report](#), PCATI and OMCT say Israel has not implemented the UNCAT experts’ last recommendations as the Israel Security Agency (ISA) services continue to use torture. While 1,000 complaints for beatings, sleep deprivation, holding in stress positions and sexual abuse during ISA interrogations have been submitted since 2001, not a single criminal investigation has taken place.

In 2009, the UNCAT had already recommended Israel does not use the “necessity defence” argument as a justification for the use of “moderate physical pressure” as a last resort in order to prevent real injury to human life, in particular in so-called “ticking time bomb” situations where “life-saving information” supposedly can only be obtained by force.

“The ticking time bomb is a fake scenario and ‘moderate physical force’ is nothing but window dressing for the use of torture,” said Gerald Staberock, OMCT Secretary General. “There is no place for a “necessity defence” under international law.”

In the last two years alone, Israel-based PCATI received 68 allegations regarding the use of different stress positions, including the “banana” position, which causes pain and neuro-skeletal damage. Plus, while being held in this position, which exposes the genitals, the victim is sexually abused.

### **Culture of impunity for torturers**

The country’s ISA Law 5762-2002 exempts ISA employees from “criminal or civil responsibility for any act or omission performed in good faith and reasonably (...) within the scope and in performance of” their duty, de facto nullifying any prosecution of ISA interrogators accused of torture.

Despite Israel's ratification of the Convention in 1991, this culture of impunity extends to soldiers who commonly resort to ill-treatment throughout the country and the Occupied Palestinian Territories as well as the police whose use of violence is especially targeted against Palestinians, Ethiopians and asylum seekers. Yet this violence rarely results in any investigation or prosecution of the perpetrators or any reparation for the victims.

The [UNCAT](#) meets in Geneva three times a year and examines States' implementation of and compliance with the Convention on the basis of reports received from the State party as well as from other, independent sources including reports from non-governmental organizations such as PCATI and OMCT.

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The 57<sup>th</sup> session proceedings will be publicly webcast at [www.treatybodywebcast.org](http://www.treatybodywebcast.org) (10:00 CET on 3 May; 15:00 CET on 4 May).

[OMCT](#) coordinates civil society presence during the sessions of UNCAT by:

- communicating ahead of time with national NGOs warning them that their countries will be reviewed in an upcoming session;
- building the reporting capacity of NGOs on the Convention Against Torture through legal trainings in their home countries;
- providing administrative, logistical and financial support to NGOs to enable their programmed attendance of CAT sessions and private briefings;
- providing technical, information-gathering and editorial support to effective country reporting;
- moderating the NGO private briefing sessions reserved for NGOs to jointly bring their concerns to the Committee;
- recommending visibility opportunities for advocacy messaging during CAT sessions;

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