



# International Covenant on Civil and Political Rights

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## Human Rights Committee 134th session

### Summary record of the 3842nd meeting

Held at the Palais Wilson, Geneva, on Thursday, 3 March 2022, at 10 a.m.

*Chair:* Ms. Pazartzis

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Consideration of reports submitted by States parties under article 40 of the Covenant  
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*Fifth periodic report of Israel (continued)*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(continued)

*Fifth periodic report of Israel (continued) (CCPR/C/ISR/5; CCPR/C/ISR/QPR/5)*

1. *At the invitation of the Chair, the delegation of Israel joined the meeting.*
2. **The Chair** invited the delegation to reply to the questions raised by the Committee members at the previous meeting.
3. **Ms. Eilon Shahar** (Israel), responding to questions from Committee members about racial discrimination, said that, while the black community made up only 1.5 per cent of the population, its members were well represented in many sectors, making up 4.2 per cent of health-sector workers and 2 per cent of Ministry of the Interior staff in 2019. They were less well represented in some other ministries, but policies were in place to improve that situation. For example, the Ministry of Justice had an anti-racism coordination unit working to eliminate racism and improve inclusion for all population groups, including the black community.
4. **Mr. Cutler** (Israel) said that universal health coverage – Target 3.8 of Sustainable Development Goal 3 – had long been a reality in his country, with health care accessible even in remote areas and without discrimination on the grounds of ethnicity or religion. Arab Israelis were well represented in the health-care sector. In 2021, Arab Israelis made up 43 per cent of newly licensed doctors, 44 per cent of newly licensed nurses, 52 per cent of new dentists and 54 per cent of new pharmacists. Those percentages were far higher than the proportion of Arabs in the total population.
5. The establishment of liaison programmes for members of minority communities had led to much greater uptake of health services by them; information on health services was made available in a variety of languages. In 2018, the Ministry of Health had published a report on ensuring equality in the health system and had appointed commissioners to implement its recommendations. All hospitals and health-maintenance organizations conducted training to ensure equality. In 2019, the Government had published a plan to improve the health of the Arab population and reduce inequalities in health care and, in its most recent budget, had earmarked US\$ 200 million to strengthen health-care services for the Arab population.
6. **Ms. Stauber** (Israel) said that the Ministry of Education allocated funding in accordance with clear and transparent criteria that ensured equality. The Government had adopted several five-year plans to advance and promote education for the Arab, Bedouin, Druze and Circassian population groups. The outcome of those plans had included a significant reduction in the educational attainment gap between the Jewish and the Arab population and a reduction in the school dropout rate for Arab children from 2 per cent to 0.7 per cent over the past year. The Ministry of Education was committed to allocating at least 25 per cent of its building renovation budget to schools in minority areas.
7. For the Bedouin population, the objectives of the national education plans had been exceeded. For example, the dropout rate for that population had fallen to 2.79 per cent, as compared with an objective of 3.4 per cent. In the eastern neighbourhoods of Jerusalem, the school dropout rate had fallen from 7.3 per cent in 2018 to 4.7 per cent in 2021, and the number of pupils receiving technological qualifications had increased from 1,700 to 3,044 in the same period. The number of pupils participating in informal activities had also increased significantly, from a few hundred in 2018 to 18,000. Some 600 new classrooms had been built in the eastern neighbourhoods of Jerusalem, as compared with 649 in the western neighbourhoods.
8. **Ms. Eilon Shahar** (Israel) said that Arab citizens were very active in all spheres of life, including politics, the judiciary and public service. Two Arab ministers were serving in the current Government.
9. **Ms. Tene-Gilad** (Israel) said that the death penalty had only been enacted twice in her country, in 1948 and 1962. Since that time, it had not been requested or handed down.

10. Regarding the role of members of civil society and academia in the preparation of her country's fifth periodic report to the Committee, they had been invited to a round table in 2019 to discuss it. Non-governmental organizations had been invited to submit comments prior to the compilation of the report; the draft report had been circulated to them and their comments had been reflected in the final report.

11. **Mr. Kaplan** (Israel) said that, with regard to the results of investigations into the operational activities of the Israel Defense Forces, it was important to note that the Fact-Finding Assessment Mechanism and military police worked under very difficult conditions. The investigation process was complicated and requests for witness statements and medical records often went unanswered. Such challenges hampered the conclusion of investigations. Nevertheless, in recent years, dozens of investigations had been opened into the use of force in the West Bank and the Gaza Strip and the ill-treatment of Palestinian detainees.

12. **Mr. Gómez Martínez** said that he would welcome specific information on measures taken to eradicate the torture and ill-treatment of adult and child detainees, including through the establishment of an independent monitoring mechanism, as requested in paragraph 15 (a) of the list of issues. According to the State party's report, the Israeli Supreme Court had ruled that all detainees must have 4.5 square metres of living space. He would like to know whether that decision had been fully implemented. He would also appreciate information on the mechanisms that prisoners could use to challenge the application of the rules on solitary confinement and whether there was a judicial authority responsible for overseeing the application of those rules.

13. With regard to the investigations into the torture or ill-treatment of detainees carried out by the Department of Internal Police Investigations, he would like to know how such investigations were initiated; whether citizens could simply lodge a complaint, or if other steps were involved; which body decided whether to initiate an investigation; and whether complainants were informed of the status or outcome of their cases. He would also appreciate statistics on the disciplinary sanctions and final judgments handed down in cases of torture or ill-treatment of detainees, including in cases brought by Palestinians.

14. The State party had not provided specific information on administrative detention in its report, citing the ongoing debate regarding the applicability of the Covenant in the occupied Palestinian territories. However, according to the Committee's general comment No. 31, a State party must respect and ensure the rights laid down in the Covenant to anyone within its power or effective control, even if they were not situated within its territory. Furthermore, the Committee's question in paragraph 16 of the list of issues referred to any detainees held in administrative detention, not just those held in the occupied territories. He would therefore like the delegation to provide information regarding: the use of secret evidence in administrative detention proceedings; the administrative detention of minors, including further details on the case of 17-year-old, Amal Nakhleh; the maximum duration of administrative detention, including for children; the number of persons, including children, currently held in administrative detention; access to legal assistance and an independent complaints mechanism for all detainees, including children; whether parents or close relatives of children who were detained were promptly informed of the location of the child's detention; and whether interrogations of children were conducted in the presence of parents, close relatives or a lawyer. In addition, given that military judges decided for how long a person could be held in administrative detention, he would like to know how their independence and impartiality was guaranteed.

15. The Committee would appreciate information regarding how the State party ensured the safety of journalists and their freedom of expression. He would welcome the delegation's comments on reports of undue government pressure being placed on journalists and the arrest of journalists who were critical of the Government. He would also like to know whether the bill concerning the prohibition on photographing and documenting Israel Defense Forces soldiers had been passed and whether the Government considered it to be compatible with article 19 of the Covenant.

16. **Mr. Furuya** said that, according to a recent United Nations report on Israeli settlements in the occupied Palestinian territories, Palestinians were often subjected to violence at the hands of settlers and rarely submitted complaints because of the prevailing

climate of impunity and a fear of reprisals. As the occupying Power and a party to the Covenant, Israel was obliged to take the necessary measures to restore public order and protect the Palestinian population from acts or threats of violence. He would therefore welcome further information on the measures taken to prevent violence perpetrated by settlers against Palestinians in the occupied Palestinian territories; to ensure the prompt, independent and impartial investigation into all incidences of violence against Palestinians and their property; and to remove the obstacles faced by Palestinians in submitting complaints to the Israeli police.

17. The Committee had received reports that the State party had unilaterally declared a restricted area along the perimeter fence with the Gaza Strip and was severely restricting the movement of Palestinian workers crossing into the State party. He would appreciate information on the restrictions on the freedom of movement of Palestinians throughout the occupied Palestinian territories. Did the delegation believe that those restrictions were in line with article 12 (3) of the Covenant? The delegation should also provide information on measures taken to prevent the unnecessary and disproportionate use of force by law enforcement officers in the restricted area, with data on the number of investigations, prosecutions and convictions of those allegedly responsible for the unlawful use of force against Palestinians.

18. With regard to the blockade of the Gaza Strip, which had been in place since 2007, it was reported that Palestinian applications to leave the Strip to attend medical appointments were often denied and restrictions on travel to and from Gaza had been further tightened since the start of the coronavirus disease (COVID-19) pandemic. He would therefore like to know which measures the State party had taken, or envisaged, to lift or ease restrictions on the movement of people and goods from and to the Gaza Strip; to ensure the prompt provision of approvals or permits to leave for medical treatment to Gaza residents, particularly women and children; and to ensure that medical personnel could enter the Gaza Strip in order to respond to the COVID-19 pandemic. Were there any plans to lift the additional restrictions once the pandemic situation had improved?

19. **Mr. Yigezu** said that a number of shortcomings in the State party's asylum procedures had been reported, including a lack of transparent rules and insufficient staff. A very low proportion of asylum seekers were granted refugee status, and that status was subject to frequent review and did not allow for permanent residence. He asked how the current asylum process could be considered transparent, effective and efficient and how it protected refugees and asylum seekers from non-refoulement. Statistics on the number of asylum applications that had been granted and rejected since 2014 would be welcome. The Committee had received reports that asylum seekers relocated under arrangements with two unnamed third countries had not received adequate protection. He asked how the State party ensured that those relocated under such arrangements enjoyed adequate protection and whether it planned to relocate other individuals under similar arrangements. He wished to know why the authorities did not consider alternatives to the automatic detention of asylum seekers who entered the State party illegally.

20. He asked how legislative amendments that prevented the entry into the State party of any foreigner who had called for a boycott of Israel or the territory under its control aligned with the Covenant's strict provisions on restrictions of the freedom of opinion and expression and whether the courts and the Ministry of the Interior took the Covenant's provisions into account when making decisions in such cases. He wished to know how the State party prevented the defamation and discrediting of human rights defenders and their organizations with the aim of obstructing their funding from international donors and deterring them from their work.

21. Noting the concerns expressed by the Committee in the past at the State party's treatment of conscientious objectors, he asked why it was not possible to diversify the membership of the Special Military Committee that ruled on applications for exemption to military service so as to include more than one civilian, why no appeal procedure existed and what the rationale was for rejecting applications. He wondered whether it would be possible to allow conscientious objectors to perform alternative, civilian service, and he invited the delegation to comment on the fact that, because the punishment for failing to perform military service did not entail exemption from it, conscientious objectors were effectively punished

twice for the same crime. Statistics, disaggregated by gender, on the number of conscientious objectors whose applications for exemption had been accepted or rejected in the previous five years would be welcome.

22. He would be interested in hearing what the delegation thought about the claim that raising the electoral threshold for election to the Knesset unreasonably restricted the political representation of Arab political parties and constituted discrimination. The legislative amendment allowing for the dismissal of Knesset members on grounds of incitement to racism or support for the armed struggle of a so-called “enemy State” or a terrorist organization appeared open to broad interpretation, posing a danger to minority Knesset members’ rights to vote and to be elected and their freedom of expression. He would therefore welcome clarification of the rationale behind that amendment and of reports that it was used to expel Arab Palestinian Knesset members. Similar concerns existed with regard to the amendment on disqualifying candidates from elections to the Knesset; again, clarification of the rationale behind it would be welcome.

23. **Ms. Tigroudja** said that the Committee had been informed that six organizations working to protect human rights and provide humanitarian assistance in the occupied Palestinian territories had been declared terrorist organizations. She would welcome assurances as to their fate and the protection given to non-governmental organizations working in those territories. There were reports that up to 700 children were detained each year, with some being placed in solitary confinement for more than 20 days; she would like to have accurate, up-to-date figures on the number of children in detention in Israeli territory and in areas under its control. She asked what alternatives to detention existed for children; how the Nelson Mandela Rules were applied in practice; what guarantees were in place to ensure that the solitary confinement of children was an exceptional measure; and how the procedural guarantees relating to the detention of minors set out in the Covenant and the Convention on the Rights of the Child were respected.

24. There were reports that a growing number of Palestinian and Bedouin families had been evicted and homes destroyed, particularly over the previous two years. What was the status of the related disputes in the Sheikh Jarrah area of East Jerusalem that were now before the courts? She would like to know when the State party would bring an end to the expulsion of Palestinians, the demolition of their homes for the purposes of annexation and the destruction of schools in the West Bank. The State party’s claim that it was destroying illegal constructions was undermined by the fact that it granted few, if any, building permits. She asked what reforms were planned to allow non-Jewish persons, including Bedouins, to acquire building permits and title deeds.

25. **Ms. Sancin** said that the Citizenship and Entry into Israel Law (Temporary Provision), which had been renewed annually until 2021, denied Palestinian women’s right to family life and equality, rendering them dependent on their husband’s status, restricting their rights in cases of divorce and discouraging them from reporting domestic violence. The Committee had been informed that the Law was under discussion in the Knesset, but that no substantial amendments had been proposed. She would welcome information on how the State party planned to revoke the application of the Law in practice and on the proposed amendments to it.

26. Women and children were rendered vulnerable by the requirement for persons from East Jerusalem with spouses from the West Bank or who were not Palestinian to live in the West Bank or request a family reunification permit for their spouse that was renewable for only one year and that did not allow holders to obtain residency or access social security or health insurance. Those requirements did not apply to Israelis who married foreign, non-Jewish spouses. Furthermore, in recent years family reunification applications had apparently been rejected owing to workload issues. She asked how the State party facilitated family reunification for all Israeli citizens with Palestinian spouses living in the West Bank, East Jerusalem or the Gaza Strip or in so-called “enemy States”, and what had caused the significant drop in approvals of family reunification requests since 2015. Lastly, she would welcome a list of the non-governmental organizations involved in preparing the State party’s periodic report and asked whether civil society would be involved in any ongoing plans to establish a national human rights institution.

27. **Mr. Santos Pais** said that there appeared to be two parallel judicial systems in operation: one in the State party's territory and another in the territories that it occupied, where most cases were dealt with by military courts. He would welcome information on the acquittal rates of those military courts. He asked whether the State party had planned or undertaken reforms to the judiciary to reinforce its independence; whether judges continued to be appointed by the President on the recommendation of the Judicial Selection Committee; whether that Committee continued to be chaired by the Minister of Justice; and whether judges remained in the minority among members of that Committee. He wished to know how prosecutors were appointed; whether they enjoyed similar conditions of service to judges; whether judges and prosecutors were required to submit financial disclosures and, if so, to which body; whether that information was made public; and whether there existed a specific sanction for non-compliance.

*The meeting was suspended at 11.15 a.m. and resumed at 11.35 a.m.*

28. **Ms. Frishman** (Israel) said that the bill to ban the filming of soldiers had been a private bill that had not been adopted. There were no legal restrictions on the right of civil society organizations to engage in activities to promote and monitor human rights; they enjoyed full freedom to pursue their aims in accordance with the law. The legislation requiring those organizations to disclose their funding was aimed at increasing the transparency of non-profit organizations and charitable companies whose funding came primarily from foreign political bodies. The legislation did not restrict their ability to raise funds. Civil society maintained a constructive discourse with the Government and took an active role in initiating legislation, raising awareness and promoting human rights in government policy.

29. According to a report by the Israel Democracy Institute, the higher threshold for election to the Knesset would actually increase small political parties' ability to influence Israeli politics. Parties were permitted to run in elections in unified lists but remain separate in the Knesset if they provided prior notice to the Knesset Chairperson. Four separate parties representing the Arab population currently held seats in the Knesset. The threshold to dismiss Knesset members was high and had never been reached. Individuals and political parties could be prevented from running in elections if they denied the right of Israel to exist as a democratic Jewish State, incited racism or supported the armed struggle against Israel. Their preclusion from standing for election was subject to a majority vote in the Central Elections Committee and the approval of the Supreme Court, and those decisions could be appealed. The Supreme Court had made several such rulings prior to each of the last four elections, of which three had disqualified candidates for inciting racism and three had upheld the candidacies of members of Arab parties.

30. **Ms. Perry** (Israel) said that, between 2018 and 2021, Israel had received 27,000 asylum applications – a large number relative to the size of the country. The Population and Immigration Authority was working to improve services and reduce waiting times for the processing of applications. The asylum procedure respected the obligations of Israel under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Information sheets on the asylum procedure and the rights and obligations of asylum seekers were made available in places of custody and in the offices and on the website of the Population and Immigration Authority. Asylum seekers could not be deported until their application had been reviewed, in accordance with the principle of non-refoulement. They were free to appeal against decisions rejecting their application, and often did so. Since 2017, nobody had been detained under the Prevention of Infiltration Law for illegally crossing the border with Egypt.

31. In recent years, Israel had experienced a surge in illegal immigration. The Government had attempted to resolve the problem by making arrangements with two third countries for the safe relocation of Sudanese and Eritrean nationals. The criteria for relocation had been approved by the Attorney General, and the Government ensured that relocations were conducted in accordance with international law. The Population and Immigration Authority contacted all persons who had travelled to the third countries to check that they had arrived and that their rights were being respected.

32. The Citizenship and Entry into Israel Law (Temporary Provision), which limited the possibility of granting Israeli citizenship or permanent residency to residents of Gaza and the

West Bank, including by means of family reunification, had not been in force since 7 July 2021. On 6 October 2021, the Ministry of the Interior had published a law memorandum on the subject for public comment. In February 2022, the subsequent bill had passed its first reading. Pending the adoption of the bill into law, the Population and Immigration Authority had published a temporary procedure for handling requests for citizenship or permanent residency on family reunification grounds, which accorded priority to persons aged over 50 years. Between 1 and 24 February 2022, 130 people had received upgraded status under the procedure.

33. **Mr. Genis** (Israel) said that Israel was deeply committed to the rule of law and in recent years had taken steps to prevent ideologically motivated offences against Palestinians in the West Bank. Indeed, in January 2022, the Knesset's Constitution, Law and Justice Committee had held a special meeting on settler violence. High-ranking politicians and senior law enforcement officials had declared a policy of zero tolerance for so-called "price tag" attacks by Israeli extremists. The authorities had striven to strengthen law enforcement in the West Bank and the number of investigations and prosecutions had increased. The vast majority of Israelis and Palestinians residing in the West Bank were law-abiding. Israelis were responsible for only a small proportion of ideologically motivated offences, most of which were committed by Palestinians. Israel had invested significant resources in investigating such offences, including security offences. In January 2022, a Police District Commander had ordered the establishment of special teams to combat ideologically motivated offences, and a new police station had opened in South Hebron. In February 2022, 18 Israelis had been arrested on suspicion of attacking the village of Hawara. On 2 March, another eight Israelis had been arrested on suspicion of attacking Palestinian residents and Israeli security forces.

34. In 2021, the police had investigated 87 cases in connection with allegations of ideologically motivated offences committed by Israeli suspects. Indictments had been served in 19 of those cases, while 48 remained under investigation. Some 38 cases had been closed: 25 because the offender was unknown, 8 owing to lack of evidence and 5 owing to the minor nature of the offence. In 2020, the authorities had investigated 66 such cases, leading to five indictments. During the first half of 2020, nine restraining orders had been issued against Israelis, including three minors, prohibiting their presence in the West Bank.

35. **Ms. Zimmerman** (Israel) said that the holding of minors in solitary confinement was done only in extreme cases as a last resort. The holding of minors in separation – a non-punitive measure intended to prevent prisoners from harming themselves, other prisoners or prison staff – was subject to a prior review by four professionals and was only permitted if it was deemed in the minor's best interests. Minors showing signs of mental distress received the support of a social worker and, if necessary, a youth psychiatrist.

36. All prisoners and detainees under the care of the Israel Prison Service had access to a complaints mechanism to report grievances regarding prison staff, including claims of wrongful use of force. Section 71 of the Prisons Ordinance established rules for official visitors in prisons. Official visitors were lawyers from various ministries who were appointed by the Minister of Public Security and were tasked with visiting specific prisons or prisons nationwide. There were currently 95 minor criminal prisoners and detainees and 127 minor security prisoners in the custody of the Israel Prison Service.

37. Following the ruling of the High Court of Justice in the case *Association for Civil Rights in Israel et al. v. Minister of Public Security et al.*, the authorities had successfully met the requirement that no prisoner should have a living space of less than 3 square metres and were making arrangements to ensure the provision of 4.5 square metres. Thus far, 45 per cent of prison cells met the standard set by the Court. The Government had presented a plan to fully implement the ruling, and the Court had agreed to extend the deadline until 31 December 2022.

38. **Mr. Man** (Israel) said that the Government's policy for the economic development of the Bedouin population was to provide them with residence possibilities through the on-the-spot regularization of unauthorized villages or by offering financial or land incentives to encourage relocation. The Authority for Development and Housing of the Bedouin Population in the Negev planned to develop 150,000 residential units, at a cost of about US\$ 4

billion, to meet the housing needs of the Bedouin population over the next 20 years. Plans had already been approved for the development of 18 localities, including infrastructure such as schools, clinics, roads and sanitation. It was expected that the city of Rahat would approximately double in size, with development costing an estimated US\$ 600 million. In November 2021, the Government had approved a resolution recognizing a further three Bedouin localities and authorizing the relevant ministries to plan and fund their development.

39. In recent years, the Government had established an open dialogue with Bedouin community representatives and leaders regarding the services that the community required. Community representatives had also been included in discussions on the planning of residential neighbourhoods. On the basis of that dialogue, the Government had implemented a socioeconomic development plan for the period 2017–2021, with a budget of US\$ 988 million, aimed at narrowing the gap between Bedouin communities and the rest of Israeli society. A new five-year development plan had been drawn up with a budget of US\$ 1.6 billion.

40. **Mr. Cutler** (Israel) said that the Government supported the World Health Organization's vision of health for all. As events of recent years had shown, a threat to health anywhere was a threat to health everywhere. Israel thus had an interest in ensuring that the Palestinian health system was strong and it supported efforts to expand health care for the welfare of Palestinians. Israel had been training Palestinian doctors for three decades, and 200 were currently receiving training in Israeli institutions. The Palestinian authorities identified the priority areas in which this training should be provided.

41. During the COVID-19 pandemic, cooperation with the Palestinian Authority had been exemplary and had included the coordination of preventive measures to reduce infection. Israel had provided billions of new shekels worth of medicine, equipment, training, testing, sewage testing and variant sequencing. In the initial acute stages of the pandemic alone, Israel had provided almost US\$ 1 billion in medical aid to the Palestinian Authority to combat COVID-19. Moreover, in June 2021 it had offered to donate 1.4 million vaccine doses, from the same batch that Israel had been using to vaccinate its own citizens. That offer had been declined, along with a later offer of 1 million doses. Nevertheless, Israel had transferred millions of vaccine doses and life-saving equipment to the Palestinian Authority and had speedily vaccinated 140,000 Palestinians at the beginning of its vaccination campaign. Approximately 25,000 Palestinians had been vaccinated in hospitals in the eastern neighbourhoods of Jerusalem and had been granted entry permits for that purpose. Israel had not refused any requests for medical equipment or medicine for the treatment of COVID-19 patients.

42. **Mr. Moran** (Israel) said that the dispute in Sheikh Jarrah touched on broader issues in the Israeli-Palestinian conflict and had become a cause of political point-scoring, propaganda and even violence. The dispute had its roots in the nineteenth century, when private properties in the neighbourhood had been purchased by Jewish owners. During the 1948 war, invading Jordanian troops had expelled the Jewish residents from their homes, most of which had been transferred to the Jordanian Custodian of Enemy Property. Following the 1967 defence war, the area had come under Israeli control and ownership had been returned to the original proprietors, while upholding the rights of Palestinian residents as tenants.

43. Over the years, several such cases had been litigated in the Israeli judicial system. While in many cases the courts had upheld the rights of the owners, they had also been keenly aware of humanitarian aspects and had taken great pains to prevent the eviction of tenants, notably by proposing compromises that would allow their continued residence. Unfortunately, none of those compromises had been accepted, as political pressure from Palestinian extremists had frustrated the resolution of the issue. Threats had been made against the Palestinian families, forcing them to reject any agreement that would have protected them from eviction. It appeared that the Palestinian leadership was willing to aggravate the dispute at the expense of the families' interests.

44. In a recent final judgment, the Supreme Court had ruled that the residents could continue to live in the properties provided that they paid a symbolic annual rent until the completion of registration proceedings. The Court had noted that the residents had failed to



pay rent over the years. That non-payment was based on advice that they had received, which had not been given with their best interests at heart and which had brought the risk of eviction upon them. The judgment made clear that if the residents did not pay rent, the owners would be entitled to initiate proceedings to enforce payment.

45. **Ms. Tene-Gilad** (Israel) said that, in recent years, the Government had addressed several issues relating to Palestinian minors in the military juvenile justice system. After a successful pilot programme in the West Bank, the Israel Defense Forces had adopted a new procedure whereby they would summon minors for interrogation instead of subjecting them to night-time arrests. Age-specific materials in Arabic had been developed to inform minors of their rights during questioning. Minors were separated from adults in prisons and detention centres and during transfers to and from courts. Israel had an independent military court unit that functioned separately from the Israel Defense Forces, and whose justices underwent specific training similar to that of youth court justices. The military courts had specially designated translators, who ensured the availability of documents in Arabic so that minors and their lawyers understood the procedures. Defence attorneys were appointed to ensure full legal representation in all proceedings. A special status had been introduced, which allowed a parent or other adult relative to attend hearings, file motions and question witnesses, if necessary. Military courts must also give consideration to a probation officer's report detailing the minor's circumstances prior to sentencing.

46. The Department of Internal Police Investigations of the Ministry of Justice investigated allegations of police ill-treatment and disproportionate use of force very thoroughly. Measures had been taken to speed up investigations and punish those found to have committed such acts. The department was staffed entirely by civilians, 15 per cent of whom were Arabs or Bedouins. In 2020, the department had received 4,000 new complaints and almost 3,000 cases had been pending from previous years; of those cases, 57 per cent had since been closed after a criminal investigation and 43 per cent had been dismissed on the grounds of lack of authority or the absence of a criminal offence.

47. **Mr. Cappon** (Israel) said that the process of designating six non-governmental organizations linked to the Popular Front for the Liberation of Palestine (PFLP) as terrorist organizations had been reviewed and approved by an advisory committee at the Ministry of Defence that was headed by a retired judge and by the High Court of Justice, in accordance with the Counter-Terrorism Law. The designation stemmed from an in-depth investigation conducted by the Israeli Security Agency and had been based on compelling, extensive and detailed evidence which had revealed that all six organizations were controlled by senior PFLP leaders and were managed by PFLP activists who were known to have participated in terrorist activities. The organizations operated as an arm of the PFLP and were an integral part thereof. Their use of fraud and deceit to raise funds for the PFLP and their abuse of civil society and humanitarian activities undermined the work of legitimate Palestinian civil society organizations. Israel's commitment to combating terrorism was in keeping with the International Convention for the Suppression of the Financing of Terrorism and with accepted human rights standards, as well as with its obligations under Security Council resolution 2129 (2013).

48. Israel had withdrawn from the Gaza Strip in 2005 and had no effective control over it. In 2007, Hamas had taken over the area and turned it into a hostile zone. As the High Court of Justice had affirmed in a number of judgments, Israel had the sovereign right to decide who entered its territory. The security situation in Gaza had to be taken into account in that regard. Entry into Israel from Gaza was allowed in humanitarian cases when urgent medical care was required. Hamas had exploited that possibility to sneak terrorists disguised as patients into Israel in order to aid and abet those engaged in the organization's terrorist operations there.

49. **Mr. Kaplan** (Israel) said that administrative detention was a lawful security measure that allowed for deprivation of liberty for a limited period of time. It was authorized by the law of belligerent occupation under article 78 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. It was used solely as a preventive measure of last resort when there was credible and reliable evidence that a person posed grave threats to the security of the West Bank and the State of Israel. It could not be employed when criminal prosecution was possible.

50. There were many safeguards against arbitrary detention. Once a detention order had been issued, it was subject to multilevel judicial review by the military courts in the West Bank and by the Supreme Court. As administrative detention relied on sensitive, classified information gleaned from intelligence sources, that information could not be disclosed to the detainee's lawyer, but the detainee was told the general reasons for detention. Administrative detention was limited to six months. A renewed detention order could be issued only on the basis of an updated assessment of the threat posed by the person in question. As at December 2021, there had been 500 detainees in administrative detention. There were currently only three minors in administrative detention. Amal Nakhleh had been arrested in November 2020 on suspicion of endangering the security of the West Bank. He had been charged with a criminal offence and released on probation. On the basis of fresh evidence, the military commander had ordered his administrative detention in January 2021, and the order had been extended several times. Those orders had been reviewed by a military court. Mr. Nakhleh's medical condition had been taken into account and he had received adequate treatment. On 10 January 2022, in a plea bargain, he had pleaded guilty to rioting and throwing stones at the Israeli security forces.

51. With reference to freedom of movement, he said that the Israeli army had no intention of harming innocent persons who entered Israel peacefully. The quota of entry permits granted to businesspersons living in the Gaza Strip had risen sharply to 10,000 in an effort to rehabilitate the Strip. The policy on movement between Israel, Gaza and the West Bank was dictated by security considerations. In 2021, more than 163,000 people had entered Israel from Gaza. The Israeli authorities strove to process entry applications speedily in cooperation with the Palestinian Civil Affairs Committee. In 2021, there had been 17 million crossings of Palestinians from the West Bank into Israel through 20 different entry points, including 1.1 million crossings for humanitarian purposes and 13 million crossings of Palestinian workers. In the same year, 2,800 new entrance permits had been issued. Most roads in the West Bank were open to use by Palestinians, except in a few isolated cases related to security concerns.

52. Exemptions from military service for reasons of conscientious objection were granted solely on the grounds of personal beliefs which prevented someone from bearing arms. Traditionally, at least three of the four members of the Special Military Committee that ruled on applications for exemption to military service did not respond to the military commander who took the decision. In the period 2018–2021, 125 applications had been submitted to the Committee, 55 exemptions had been granted on grounds of conscientious objection, 7 exemptions had been given for other reasons and 63 applications had been rejected.

53. **Mr. Yigezu** said that he wished to know how the safety of persons relocated to third countries was monitored. He would be grateful for information on measures taken in response to reports that a number of journalists and civil society actors, including human rights defenders, had been subjected to threats, assaults and harassment, including excessive use of force by the Israeli security forces and settlers.

54. **Mr. Gómez Martínez** said that he wished to know the maximum number of days minors could be held in administrative detention before being brought before a court. Would the court in question be a military or a normal court? He further wished to know the total length of time Amal Nakhleh had been deprived of liberty.

55. **Ms. Sancin** said that she would like to know whether the amendments to legislation on citizenship and entry into Israel would address the Committee's concern with regard to the possibility of Palestinians obtaining citizenship in order to exercise their right to family life in accordance with the relevant articles of the Covenant.

56. **Ms. Tigroudja** said that, under article 56 of the Fourth Geneva Convention, the occupying Power had an obligation to provide medical care. She understood that the vaccine offered to Palestinians against COVID-19 had been refused because it had almost reached its use-by date. She would therefore like know how the State party was fulfilling the above-mentioned obligation.

57. The Committee would appreciate exact information on the precise evidence used to designate six non-governmental organizations as terrorist organizations. From the delegation's replies, it seemed that Palestinians were being required to pay rent for the homes

they owned in Sheikh Jarrah. Furthermore, the Committee had received no information about evictions over the last two years, on the demolition of homes or on the recognition of settlements under the Basic Law: Israel as the Nation State of the Jewish People. Her questions regarding discrimination as a result of that law had gone unanswered.

58. **Mr. Limon** (Israel) said that the Knesset was currently discussing a bill on family reunion. It was similar to previous legislation on the matter which had twice been approved by the Supreme Court. The Attorney General and the High Court of Justice had found that the aforementioned Basic Law was consistent with the Constitution and did not reduce the basic rights and freedoms guaranteed in the Constitution.

59. **Ms. Eilon Shahar** (Israel) said that Israel was committed to the rule of law and constantly strove to fill any gaps in its legislation through new policies, laws and advocacy. The information that had been supplied by the delegation reflected the progress made since the previous report had been submitted in 2014. Given the difficult political situation, a balance always had to be maintained between security considerations and promoting and protecting the human rights of all citizens.

60. **The Chair** said that the Committee regretted the fact that the State party maintained its position on the implementation of previous Committee recommendations in several areas, on the territorial applicability of the Covenant and on the relationship between obligations under international human rights law and international humanitarian law.

*The meeting rose at 1.05 p.m.*