



# International Covenant on Civil and Political Rights

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## Human Rights Committee 134th session

### Summary record of the 3841st meeting\*

Held at the Palais Wilson, Geneva, on Wednesday, 2 March 2022, at 3 p.m.

*Chair:* Ms. Pazartzis

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*Fifth periodic report of Israel*

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\* No summary records were issued for the 3839th and 3840th meetings.

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

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

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

1. *At the invitation of the Chair, the delegation of Israel joined the meeting.*
2. **Ms. Eilon Shahar** (Israel) said that her country's report was the fruit of collaboration between a broad range of government bodies and civil society organizations. Israel was a vibrant democracy, with human rights principles enshrined in its laws. The diversity and inclusiveness of its society was reflected in the composition of the new Government, which brought together eight parties from across the political spectrum. The State's commitment to protecting human rights was illustrated by the fact that it had ratified seven United Nations human rights treaties. The Supreme Court played an essential role in protecting human rights, including the rights of residents of the Palestinian territories, who could bring claims before the Court under certain conditions. In its response to the coronavirus disease (COVID-19) pandemic, the Government had sought to strike a balance between the need to reduce the spread of the disease and the need to limit the socioeconomic and human rights impact of the measures taken.
3. It was the State's principled position that the Covenant was not applicable beyond its national territory and therefore did not apply to the West Bank or the Gaza Strip, a territory over which Israel had not exercised effective control since its disengagement in 2005. However, the delegation would do its best to answer any questions raised about the situation in those areas. Israel remained fully committed to achieving a solution that would ensure a durable peace between Israelis and Palestinians. It had also made significant efforts to establish peace with its neighbours, culminating in the signing of the Abraham Accords Peace Agreement in September 2020. At the same time, it was confronted with ongoing security challenges as devastating attacks continued to be launched on Israeli civilians and infrastructure by terrorists in Gaza and the West Bank. As a result, it often faced legal dilemmas as it sought to reconcile its commitment to human rights with its obligation to defend its citizens against terrorism. She could not refrain from recalling that, in 2014, the Hamas terrorist organization had committed blatant violations of international human rights law and international humanitarian law by abducting and killing two Israeli soldiers, Oron Shaul and Hadar Goldin, and by detaining two Israeli civilians with mental disabilities, Avera Mengistu and Hisham al-Sayed, without allowing them to receive visits from the International Committee of the Red Cross.
4. **Mr. Limon** (Israel) said that, at the constitutional level, human rights were enshrined in two basic laws. The administrative and judicial authorities both played an important part in ensuring respect for human rights. He was pleased to report that there had been improvements in many of the areas of concern identified by the Committee in its previous concluding observations.
5. In its response to the pandemic, the Government had sought to protect the rights to life and health of all those under its jurisdiction without derogating unnecessarily from its obligations to protect other rights enshrined in the Covenant, such as the right to freedom of movement. Two national elections had been held during the pandemic, with separate voting booths provided for people who were self-isolating.
6. A number of legislative measures had been taken to strengthen the protection of human rights. A draft basic law on the rights of persons involved in criminal proceedings, including victims of crime, had been approved by the Government and would soon be discussed by the Knesset. A law temporarily prohibiting the consumption of sexual services had been passed in July 2020, as part of the State's efforts to reduce prostitution. The Penal Law had been amended in January 2019 to establish racism as an aggravating circumstance in cases of murder.
7. The Supreme Court had thoroughly reviewed many of the measures taken by the Government in the context of the pandemic and had intervened where necessary in order to protect human rights. It had also contributed to the advancement of human rights through its

decisions. For example, the law on surrogacy had recently been amended as a result of the Court's finding that its provisions were discriminatory against same-sex couples and single men; and the Court had set a new legal precedent by declaring that the threat of female genital mutilation could be considered to amount to persecution in cases where women or girls were applying for refugee status.

8. The Government engaged actively with civil society through regular round-table discussions on a variety of topics. Discussions of that kind had been held, in particular, at the onset of the COVID-19 pandemic, in order to ensure that the effects of the health situation on vulnerable groups, such as children and persons with disabilities, were taken into account.

9. In October 2021, the Government had adopted a new five-year plan for the socioeconomic development of the Arab population in Israel, with a budget of approximately 30 billion new Israeli shekels (NIS). It had also approved a programme for dealing with crime and violence among the Arab population for the period 2022–2026, with a budget of NIS 2.4 billion.

10. Thanks to the Government's efforts to promote gender equality, the representation of women in high-ranking decision-making positions had continued to increase. For example, the first female Attorney General had been appointed in February 2022. There were currently six women judges in the Supreme Court and women accounted for 25 per cent of members of the Knesset. The Government had recently established a cabinet for gender equality, as well as an interministerial team that would be responsible for drafting a national action plan pursuant to Security Council resolution 1325 (2000) on women, peace and security.

11. The interministerial team for the promotion of the transgender community in Israel had submitted its interim conclusions and recommendations to the relevant ministers in December 2020. The team had recommended, inter alia, stepping up efforts to increase the representation of transgender persons in the civil service and using gender-neutral language on government forms. In response to the team's recommendations, the Minister of Justice had set up a dedicated hotline whereby transgender persons could seek advice about legal issues such as discrimination.

12. **Ms. Tigroudja** said that it had been difficult for the Committee to prepare for the dialogue with the delegation of Israel because the State party's report contained no information about the human rights situation in the occupied Palestinian territories. She would appreciate information on the way in which the Covenant was applied in practice by the national courts and on any training that had been provided to members of the security forces and the judiciary on the application and interpretation of the Covenant. She would like to know whether the State party had considered withdrawing its reservation to article 23 of the Covenant. In that regard, she wished to emphasize that respect for religious pluralism could not be cited as justification for treating women as inferior to men in matters such as marriage.

13. She wondered whether the State party was willing to recognize that the applicability of international humanitarian law in situations of armed conflict and military occupation did not preclude the application of international human rights law. She would also like to know whether the State party was prepared to acknowledge the extraterritorial application of the Covenant in certain circumstances, such as military occupation. The State party's claim that the Covenant applied solely within its territory went against international jurisprudence. In fact, as the International Committee of the Red Cross had recently emphasized, the longer the period of occupation, the greater the human rights obligations of the occupying Power vis-à-vis the occupied population. The State party had reported that it was not planning to ratify the first Optional Protocol to the Covenant, since its legal system afforded numerous opportunities for individuals to seek redress for alleged human rights violations. She wished to point out, however, that persons living in the occupied Palestinian territories had no access to those means of redress, on account of the State party's position on the extraterritorial application of the Covenant.

14. It would be helpful if the State party could explain how its Basic Law: Human Dignity and Liberty ensured equality between the Jewish and non-Jewish populations. The Committee was concerned that discrimination on the basis of ethnic or national origin was widespread in Israel and was reflected in many laws and regulations governing aspects of

daily life. The Basic Law: Israel as the Nation State of the Jewish People further emphasized the difference between the Jewish and non-Jewish populations and described the development of Israeli settlements in the occupied Palestinian territories as a “national value”. With reference to paragraph 23 of the concluding observations of the Committee on the Elimination of Racial Discrimination on the combined seventeenth to nineteenth reports of Israel (CERD/C/ISR/CO/17-19), she would like to know whether the State party planned to take any measures to eradicate all policies and practices of racial segregation and to ensure the equal treatment of all persons within its territory and subject to its jurisdiction and effective control.

15. She wished to know whether the State party’s rules of engagement were in line with international human rights standards on the use of force, in particular the principles of reasonableness, necessity and proportionality. In addition, she would be grateful for information on the regulations governing the use of weapons, including live ammunition and tear gas, in law enforcement operations in Israel and the occupied Palestinian territories. She recalled that, in accordance with the Committee’s general comment No. 36 (2018), States parties should ensure that both lethal and less-lethal weapons were subject to strict independent testing and should evaluate and monitor the impact of such weapons on the right to life. She wondered what procedural safeguards applied to the lethal use of force, what legislation governed the responsibility of superiors in that context and what safeguards were in place to ensure that allegations of extrajudicial executions, including those attributed to the Israeli security forces, were promptly, independently and impartially investigated.

16. It would be useful to learn whether any investigations had been carried out in response to allegations that excessive force had been used during the “Great March of Return” protests in Gaza in 2018 and May 2021 and that the Israeli navy regularly opened fire on fishing vessels. If so, had any convictions been secured? In that connection, information on access to justice for victims and their families would be welcome.

17. **Ms. Sancin** said that she would appreciate an update on the progress made in establishing an independent national human rights institution in compliance with the Paris Principles. She would like to know what measures would be taken to ensure that civil society and other stakeholders were engaged in that process and had the opportunity to participate in discussions relating to the submission of reports to the human rights treaty bodies.

18. She wondered what steps were planned to mitigate the negative impact of Amendment No. 30 to the Entry into Israel Law, which authorized the Minister of the Interior to revoke the permanent residency status of persons found to have committed actions constituting a “breach of allegiance” against Israel, and ensure that an effective system was in place to review revocation decisions. It would be helpful if the delegation could respond to concerns that the Amendment undermined the Palestinian presence in East Jerusalem and indicate what additional measures would be taken to address those concerns both in law and in practice. On a related point, it would be useful to know what measures had been taken to ensure that the legal definition of terrorism was not overly broad.

19. The State party was to be commended for having co-sponsored General Assembly resolutions on a moratorium on the use of the death penalty and was encouraged to consider acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty. In that connection, it was unclear how many death sentences had been handed down and how many had been carried out over the reporting period.

20. She wished to know what steps would be taken to ensure that persons who had been killed by the Israeli security forces were given a dignified burial, to facilitate access to places where the bodies of such persons had been buried or were being withheld, and to address the problems associated with the practice of setting conditions for the release of bodies. When would those steps be taken? In the light of the 2017 findings of the Supreme Court on the matter, namely, that no source of legal authority permitted the withholding of bodies and that the policy of using them as bargaining chips in negotiations was illegal, she wondered what measures were planned to protect the dignity of the deceased and ensure that such protection was effective.

21. **Mr. Gómez Martínez** said that, as a state of emergency had been in place in Israel since 1948, he would be grateful for information on the State party’s plans to ensure

compliance with article 4 (3) of the Covenant, which required a State party availing itself of the right of derogation to immediately inform the other States parties, through the intermediary of the Secretary-General, of the provisions from which it had derogated and of the reasons by which it had been actuated, and on the constitutional framework governing the maximum period of the state of emergency and any extensions to that period. What position had the Supreme Court taken, as reflected in its case law, regarding the indefinite duration of the state of emergency? In the context of the Government's efforts to combat the spread of COVID-19, he would be grateful if the delegation could explain how the Government's recourse to measures originally introduced in the context of counter-terrorism, such as the sharing of telecommunications data with the police, was compatible with article 17 of the Covenant.

22. He wished to know how judges and prosecutors were trained on handling cases of violence against women and whether the various measures adopted to combat such violence had fed through to the number of cases reported. He wondered whether the overall prevalence of violence against women, as measured by the relevant monitoring mechanisms, was decreasing and whether Palestinian women also benefited from the measures taken to support victims. It would be useful to receive disaggregated statistics in that regard.

23. **Mr. Furuya** said that he would appreciate updated statistics on the representation of women and minority groups in the civil service and public life, including on the representation of women in decision-making positions, and further information on the affirmative action taken to increase the representation of minority groups in the civil service. What goals had been set in that regard?

24. The State party was to be commended for the enactment of Amendment No. 12 to the Municipal Council Law (Funding of Elections), which provided for additional funding for political parties in which women accounted for at least one third of elected and serving members. In that connection, he wondered why the State party had not adopted the same strategy in order to increase women's representation in the regional councils and the Knesset and whether any other steps had been taken to increase the number of women candidates in regional and general elections.

25. He wished to know what measures were being taken to cease the construction and expansion of settlements in the occupied Palestinian territories, in accordance with Security Council resolution 2334 (2016), and what steps had been taken to refrain from interfering with the ownership and use of Palestinian property.

26. While it was to be welcomed that the High Court of Justice had declared the Regularization of Settlement in Judea and Samaria Law to be unconstitutional, the State party had yet to abolish other legal mechanisms that could be used to expropriate private Palestinian land. In that connection, he wondered what measures had been taken to prevent the conferral of legal legitimacy on housing units and other structures in settlements and unauthorized outposts.

27. He wished to know what measures had been or would be taken to reroute the wall in the Occupied Palestinian Territory in accordance with the advisory opinion of the International Court of Justice of 9 July 2004, cease the construction of the wall and ensure that Palestinians had full access to their lands and livelihoods.

28. Regarding the alleged violations of international human rights and humanitarian law by members of the Israel Defense Forces and other law enforcement officials during Operation Cast Lead (2008–2009), Operation Pillar of Defense (2012) and Operation Protective Edge (2014), it would be useful to know the number of complaints received, investigations launched, sentences handed down and cases in which reparations had been granted. He wondered how the mechanisms introduced in accordance with the recommendations of the Turkel Commission were helping to facilitate the investigation and prosecution of alleged violations of international law by the security forces in the occupied Palestinian territories.

29. **Mr. Yigezu** said that he would appreciate an update on the status of the bill on the prohibition of torture and a tentative timeline for its finalization and ultimate enactment. Why had the passage of the bill been delayed? In view of the absolute nature of the prohibition of

torture and ill-treatment under the Covenant, he wondered why the defence of “necessity” had not been abolished, since it could be used to justify the application of “moderate physical pressure”, and whether the State party was prepared to consider abolishing that defence in the context of the bill currently under consideration.

30. Now that a mechanism was in place to broadcast live footage from interrogation rooms to external supervising entities, he wished to know whether audio and video recordings of the interrogations of persons accused of security-related offences would be available for use as evidence in court. He would be grateful for statistics on the investigations opened, prosecutions initiated, convictions secured and disciplinary measures imposed in response to reports filed by those entities. Had any interrogators been found to have used “illegal means”?

31. **Mr. Muhumuza** asked what efforts were being made to mainstream the black population in the State party and what steps could be taken to give black persons the opportunity to represent the State party on the international stage.

*The meeting was suspended at 4.20 p.m. and resumed at 4.40 p.m.*

32. **Mr. Zylbertal** (Israel) said that the Ministry of Welfare and Social Services had organized a series of culturally sensitive campaigns in 2021 to raise awareness of domestic violence, in cooperation with community and religious leaders. The campaigns had been conducted in both Hebrew and Arabic and had coincided with a sharp increase in the number of calls received by the national domestic violence hotline, although that increase could be attributed to other factors, such as the reported uptick in incidents of domestic violence during the COVID-19 pandemic. The Ministry had also opened the first ever 24-hour emergency centre for victims of domestic violence, the Aluma Centre, in 2021. The centre was staffed by a multidisciplinary team including social workers, police liaison officers, mental health experts and legal counsellors and offered temporary shelter in emergencies. Three more such centres would be opened in various cities in the following months. There were currently 165 regular support centres for victims of domestic violence around the country, of which 59 were aimed specifically at the Arab population. In 2021, the number of persons receiving support in such centres had increased by 13 per cent. Requests for assistance were processed jointly by social welfare services and the police in accordance with an established procedure, which placed an emphasis on high-risk cases. Unfortunately, it was difficult to measure the effectiveness of measures taken to combat domestic violence since various external factors came into play. Consequently, he could not provide data in that regard.

33. **Ms. Frishman** (Israel) said that, as outlined in paragraph 29 of the State party’s periodic report, a number of preliminary steps towards the establishment of an Israeli national human rights institution had been taken in recent years. There were currently several national institutions that provided services related to the protection of human rights, including in the areas of women’s rights, children’s rights and the rights of persons with disabilities.

34. As explained in paragraphs 35 and 36 of the periodic report, the Israeli authorities had been reviewing legislation connected with the ongoing state of emergency. Certain laws had been annulled or amended, while others had been decoupled from the state of emergency and converted into independent legislation. The ultimate aim of the review process was to allow for the state of emergency to be lifted. On 1 August 2021, the Government had adopted Resolution No. 195, which promoted the decoupling of legislation enacted under the state of emergency from the existence of the state of emergency, and which established a timeline for the completion of the review process; and, in January 2022, a special subcommittee of the Knesset had been established to monitor the completion of the review.

35. On 2 March 2022, the special state of emergency introduced in response to the COVID-19 pandemic had been lifted and a “special health situation” had been declared in its stead. With regard to the exceptional measures taken to stop the spread of COVID-19, she wished to clarify that there had been no exchange of information between the police and the Israeli Security Agency regarding persons exposed to the coronavirus.

36. **Ms. Weiss-Benski** (Israel) said that, on 10 January 2019, the High Court of Justice had ordered the political party Agudat Yisrael (Union of Israel) to amend its internal statutes to allow women to join the party. The Authority for the Advancement of the Status of Women had conducted a study on women’s involvement in local authorities and had concluded that

a lack of information and awareness among women had led to their underrepresentation in that area. It had recommended that local authorities should increase the transparency of their gender budgeting activities and take measures to promote equal representation on local boards of directors and in high-level municipal positions. The majority of local authorities had appointed female advisers for the advancement of women.

37. In 2019, only 44 per cent of senior management positions in the civil service had been held by women. The Government had therefore adopted Resolution No. 454 to promote full gender parity in senior civil service management. On the basis of that resolution, the Authority for the Advancement of the Status of Women had established a database of highly qualified women to assist the civil service in its recruitment decisions. The Government continued to monitor the number of women employed in the civil service with a view to taking further affirmative measures if necessary.

38. There had been a significant increase in the number of women and Arab citizens working in the Israeli judicial system. Of the total of 825 judges in the judiciary, around 50 were women and 60 were of Arab ethnic origin. There were currently five female justices on the bench of the Supreme Court. In February 2021, the appointment of four new justices had been approved, including the first ever Muslim Arab woman to serve on the Court. As outlined in paragraphs 29 and 30 of the periodic report, the Judicial Appointments Committee of the Sharia Courts had recently appointed the first woman to serve as a judge in a Muslim religious court and the Minister of Justice had announced the appointment of two female judges of Ethiopian descent to national courts.

39. **Ms. Perry** (Israel) said that the staff of the Population and Immigration Authority received regular training on issues related to human rights, such as trafficking in persons, gender-based discrimination and children's rights. Meanwhile, personnel in the Refugee Status Determination Unit attended a four-week course on international and national law related to refugees and asylum seekers.

40. With regard to the expiration and revocation of residency, permanent residents were entitled to apply for Israeli citizenship, subject to exceptional circumstances related to the prevention of criminal activity. Applicants were required to have their regular place of residence in Israel. Pursuant to the Entry into Israel Law, a person's permanent resident status expired if he or she left Israel for a period of more than seven years or acquired residency or citizenship in another country. However, it was possible to reacquire lost permanent residency on the grounds of continued affinity with and resettlement in Israel. In 2019, 40 residents of the eastern neighbourhoods of Jerusalem had lost their permanent residency; in 2021, that figure had dropped to 22. The rules governing expiration of permanent resident permits were applicable to all persons living in Israel.

41. Under Amendment No. 30 to the Entry into Israel Law, which had been introduced in light of a 2017 judgment of the Supreme Court, the Minister of the Interior had the power to revoke the permanent residence status of persons who acted in breach of allegiance to the State of Israel by committing a terrorist act, aiding or abetting others in such an act, participating in a terrorist organization or committing an act of treason or serious espionage. Permanent resident status could be revoked only with the consent of the Minister of Justice and only from persons with at least one parent who held a permanent residence permit at the time of the person's birth or persons who had held a permanent residence permit for over 15 years. Persons whose permanent resident status had been revoked and who were not entitled to reside in another country were provided with a temporary residence permit allowing them to remain in Israel. Appeals against revocation decisions had a suspensive effect on deportation, unless the Minister of the Interior considered that the person's presence in Israel could pose a threat to State security or to public safety. Between 2019 and 2021, four persons had had their permanent residence permits revoked for acting in breach of allegiance to the State.

42. **Mr. Limon** (Israel) said that, under article 11 (a) of the Citizenship Law, Israeli citizenship could be revoked only by a court decision at the request of the Minister of the Interior acting with the consent of the Attorney General. There had so far been two cases in which the Minister of the Interior had requested the revocation of citizenship, both involving

persons who had participated in serious terrorist activities. Both cases had been appealed and were currently pending before the Supreme Court.

43. With regard to the applicability of human rights law outside the State and during hostilities, in line with the basic principles of treaty interpretation, the State of Israel was of the view that the human rights conventions were territorially bound and did not apply, nor were they intended to apply, to areas beyond States parties' national territories. Nonetheless, in practice, the conduct of Israeli agents in areas under Israeli jurisdiction, including the West Bank, was consistent with human rights requirements. The State recognized that there was a profound connection between human rights law and the law of armed conflict. However, in the light of the current state of international law and international practice, those two systems of law were distinct and applied in different circumstances.

44. As outlined in paragraph 95 of the periodic report, Amendment No. 3 to the Counter-Terrorism Law had vested police district commanders with the power to delay the transfer of terrorists' remains to their relatives, but only as a matter of last resort and only under certain circumstances related to potential threats that could arise in connection with the terrorist's funeral. Police district commanders also had the power to set the terms of such funerals, as explained in detail in the aforementioned paragraph of the periodic report. In January 2017, acting on the basis of regulation 133 (3) of the Defence Regulations, the Ministerial Committee for National Security Affairs (the Security Cabinet) had decided that terrorists' remains would not be returned to their families if the terrorist operative had been affiliated with Hamas or had committed a terrorist act under aggravating circumstances. That decision had been made with a view to negotiating the return of the two living Israeli civilians and the remains of two fallen Israeli soldiers that were being held by Hamas. The legality of the decision had been challenged before the Supreme Court, which had ruled, in case No. 4446/16, that neither the law of armed conflict nor international human rights law specifically prohibited the practice of holding the remains of persons who had fought for an adversary for the purpose of future negotiations, and, in case No. 10190/17, that regulation 133 of the Defence Regulations provided a sufficient legal basis for such a practice.

45. The Ministry of Justice, in collaboration with the Office of the Military Advocate General, had been taking steps to implement the recommendations of the Turkel Commission. Examples of the measures adopted to that end were provided in paragraph 99 of the periodic report. With regard to the legislation governing the prohibition of torture, as stated in paragraph 101 of the periodic report, inter-agency staff work on the relevant draft bill was still ongoing. He had no updates in that regard. Information on the "necessity defence" was presented in paragraphs 102 to 105 of the periodic report, where it was explained that, according to the Israeli Security Agency Law, the Israeli Security Agency's internal rules, procedures and interrogation methods were confidential. He was therefore unable to provide any information in that regard.

46. Pursuant to a recommendation of the Turkel Commission, Israel Security Agency interrogations had begun to be filmed in 2018. Since then, Ministry of Justice officials had spent thousands of hours monitoring the interrogations, and the number of "extraordinary incidents" had decreased from 34 in 2019 to 11 in 2021.

47. **Ms. Tene-Gilad** (Israel) said that Arab, Druze and Circassian civil servants, whose numbers had been steadily increasing, had accounted for 13.2 per cent of all civil servants as at December 2020. Women made up 44 per cent of civil servants and increasingly occupied mid- and high-level positions. The Government was working to institute targets for the employment of minorities in the civil service and in government companies and to appoint more supervisors charged with helping to prevent racism in government ministries. There were currently 72 such supervisors. A programme had also been planned that would facilitate the access of the Arab population to the civil service. Civil servants of Ethiopian descent made up 3.1 per cent of all civil servants, double the percentage that they represented of the population. One minister and one member of the Knesset were of Ethiopian origin.

48. **Mr. Kaplan** (Israel) said that the violent riots, under the banner of the "Great March of Return", that had occurred along the border between Israel and the Gaza Strip in 2018 and 2019 had represented a real and imminent danger to the life and bodily integrity of Israeli citizens in nearby communities. Tens of thousands of people had participated in some of the



riots, which had involved the use of firearms, grenades, Molotov cocktails and other projectiles against the Israel Defense Forces. Israel had undertaken a large-scale media campaign to warn people not to encroach on the border and had laid barbed wire along the border to prevent them from doing so. Israel had taken no steps to prevent gatherings at the border that it had not perceived as a threat. The Israel Defense Forces were equipped with non-lethal means of crowd control, and all soldiers using them received special training. However, the use of non-lethal means, such as tear gas and sponge-tipped bullets, had proved only partly effective during the riots because of unfavourable wind conditions. Under the applicable standard operating procedures, potentially lethal force could be used, as a measure of last resort, only where a person or mob posed a real and imminent danger to the life or bodily integrity of civilians or members of the Israel Defense Forces; its use was subject to the requirements of necessity and proportionality. When using live ammunition, members of the Israel Defense Forces were required to aim below the knee.

49. In the West Bank, the Israel Defense Forces and other security forces did not disperse protests that did not threaten public order and safety. Force could be used only during violent riots that endangered civilians and security forces. The rules on the means and degrees of force that could be used were scrutinized at all levels of the military and Government and were subject to legal review. If a death occurred in the West Bank during an Israel Defense Forces operation, it was presumed that there were reasonable grounds to suspect that a criminal offence had been committed, but that presumption was open to challenge. The policy on the conduct of investigations was consistent with High Court of Justice rulings and had been reviewed in recent years by the Attorney General, who had found no need to make changes. In cases where there was insufficient evidence that a criminal offence had been committed, including cases where the evidence suggested that Israel Defense Forces members had acted in self-defence, a factual inquiry was conducted by a special military police unit or the Fact-Finding Assessment Mechanism to determine whether a criminal investigation should be opened.

50. Because of security concerns and topographical factors, some portions of the temporary security fence built by Israel had been constructed within the West Bank. Israel had taken steps to minimize the impact of the resulting “seam zone” on the local community’s freedom of movement and planned to build 14 roads to facilitate passage between Palestinian villages.

51. The Israeli military commander had responsibility for the enforcement of zoning and planning laws only in Area C of the West Bank. Those laws consisted of the Jordanian legislation that had been in place before 1967, as later amended by military orders to reflect changing realities. Many procedural avenues existed for Palestinians to build in Area C. In recent years, the Civil Administration had taken steps to regulate the status of clusters of illegal constructions. It consulted with Palestinian professionals and residents where appropriate. The Supreme Court had rejected claims that the zoning and planning laws were enforced in a selective manner. Only a small percentage of illegal constructions had in fact been demolished.

52. **Ms. Eilon Shahar** (Israel) said that no death sentences had been sought by the State or handed down by courts during the period under review.

53. **Ms. Tigroudja** said that she wished to know whether the State party planned to withdraw its reservation to article 23 of the Covenant or to ratify the first Optional Protocol to the Covenant or the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty. As the Committee had received reports of soldiers using excessive force against children, persons with disabilities and journalists, it would be helpful to know whether any soldiers had been sentenced for such acts. She wished to learn about any steps that the State party planned to take to eliminate structural racial discrimination and end segregationist policies.

54. **Ms. Sancin** said that it was surprising to hear that the State party had not yet established a national human rights institution, considering that the last steps in the process to establish such an institution had been taken in 2019. She would appreciate a description of the actual role played by civil society organizations in the preparation of the State party’s fifth periodic report. She wished to find out whether the State party planned to circumscribe

the definition of terrorism under domestic law and bring it into line with the requirements of the Covenant. It would be helpful to have further information on the two terrorism-related cases in which the Minister of the Interior had requested the revocation of citizenship, and which were currently pending before the Supreme Court. She wished to know whether the State party would reconsider the practice of withholding the bodies of deceased Palestinians.

55. **Mr. Furuya** said that he wished to know whether the mechanisms put in place pursuant to the recommendations of the Turkel Commission had proved effective in investigating alleged violations of international law by members of the security forces and prosecuting the perpetrators.

56. **Mr. Yigezu** said that there was an urgent need to move forward with the drafting of a bill on the prohibition of torture. Although the State party had indicated in its report that the necessity defence was used in a minute percentage of the cases involving Israel Security Agency interrogations, he wished to hear the delegation's views on whether that defence should be available at all, given the absolute and non-derogatory nature of the prohibition of torture and ill-treatment. Could the delegation provide more information on the "extraordinary incidents" that it had referred to in its responses?

*The meeting rose at 6.05 p.m.*