



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

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Committee against Torture

List of issues prior to submission of the second periodic report of the State of Palestine*

Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee's previous recommendations

1. With reference to the Committee's previous concluding observations,¹ please provide detailed information on the obstacles to the exercise of the Convention rights in the context of the ongoing Israeli occupation and partial annexation of the territory of the State Party, the expansion of settlements and the continued blockade of the Gaza Strip, which are illegal under international law.² While recognizing that the above-mentioned challenges limit the State Party's effective control of its jurisdiction over its own territory, and that the Gaza Strip has been under the de facto authority of Hamas since 2007, the Committee reminds the State Party that the Convention is applicable in its entire territory and that the State Party should take all possible measures to implement it in all parts of the territory. Please describe any efforts undertaken by the State Party to alleviate the negative impact of the Israeli military operation initiated on 8 October 2023 in Gaza in response to the attacks carried out by Hamas and other armed Palestinian groups on 7 October 2023 in southern Israel, as well as of the total siege of the Gaza Strip, on the enjoyment of the Convention rights by the population living therein, including through international cooperation and humanitarian assistance. Please provide information on any progress made in resolving internal political issues that contribute to the political and geographic fragmentation of the State Party's territory, subjecting Palestinians in the West Bank, including East Jerusalem, and the Gaza Strip to multiple legal systems that afford varying levels of protection and that may impede the full realization of their rights under the Convention.³

Issues identified for follow-up in the previous concluding observations

2. In its previous concluding observations,⁴ the Committee requested the State Party to provide information on the follow-up to the Committee's recommendations on the

* Adopted by the Committee at its eighty-second session (7 April–2 May 2025).

¹ CAT/C/PSE/CO/1, para. 4.

² See Security Council resolution 2334 (2016) and other relevant Security Council resolutions, including resolutions 242 (1967), 338 (1973), 446 (1979), 452 (1979), 465 (1980), 476 (1980), 478 (1980), 1397 (2002), 1515 (2003), 1850 (2008) and 1860 (2009). See also the 2024 advisory opinion of the International Court of Justice on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem ([A/78/968](#)); *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion*, I.C.J. Reports 2004, p. 136; and Human Rights Council resolutions 55/28, 55/30, 55/32, S-9/1 and S-12/1.

³ CCP/C/PSE/CO/1, para. 3; E/C.12/PSE/CO/1, para. 3; E/C.12/PSE/Q/1, paras. 2 and 3; and CEDAW/C/PSE/QPR/2, para. 3.

⁴ CAT/C/PSE/CO/1, para. 56.



definition and criminalization of torture, the national human rights commission and the monitoring of detention facilities (paras. 13, 19 and 41, respectively). Noting that replies concerning the information sought by the Committee were provided on 6 February 2024,⁵ and with reference to the letter dated 5 September 2024 from the Committee’s Rapporteur for follow-up to concluding observations,⁶ the Committee considers that the recommendations contained in paragraphs 13, 19 and 41 of the previous concluding observations have been partially implemented.

Articles 1 and 4

3. In the light of the Committee’s previous concluding observations⁷ and the State Party’s follow-up replies,⁸ please specify the measures taken or envisaged to amend the criminal legislation, including the Jordanian Penal Code of 1960, as amended, and the British Mandate Penal Code of 1936, as amended, which are applicable in the West Bank and the Gaza Strip, respectively, as well as the Palestinian Revolutionary Penal Code of 1979, which is applicable in both the West Bank and the Gaza Strip, and the draft penal code, to ensure that the scope of the definition of torture is extended to anyone who attempts to commit torture and that acts of torture are punishable by appropriate penalties that take into account the grave nature of such acts, in accordance with article 4 (2) of the Convention.⁹

Article 2¹⁰

4. With reference to the Committee’s previous concluding observations,¹¹ please indicate the steps taken to establish mechanisms or procedures to ensure protection from reprisals for subordinates who refuse to obey unlawful orders, including those relating to acts of torture, issued by a competent authority and to ensure that all law enforcement officers are informed of the prohibition against obeying such unlawful orders and are made aware of the protective mechanisms put in place. Please provide information on the measures taken to incorporate the principle of command responsibility or superior responsibility for the offence of torture and other ill-treatment, according to which hierarchical superiors are held criminally responsible for the conduct of their subordinates where they knew or should have known that the conduct was occurring, or was likely to occur, and they failed to take reasonable and necessary preventive measures.

5. Taking note of the Committee’s previous concluding observations,¹² please provide information on the steps taken to fully incorporate the provisions of the Convention into national law and to ensure, to the extent possible, their implementation throughout the State Party’s territory. Please indicate the measures taken or envisaged to ensure that the interpretation of the Supreme Constitutional Court, in its decisions No. 4 of 19 November 2017 and No. 5 of 12 March 2018, according to which international treaties acceded to by

⁵ [CAT/C/PSE/FO/1](#).

⁶ See

tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FPSE%2F59525&Lang=en.

⁷ [CAT/C/PSE/CO/1](#), paras. 12 and 13.

⁸ [CAT/C/PSE/FO/1](#), paras. 5–9. See also the letter dated 5 September 2024 from the Rapporteur for follow-up to concluding observations, available at tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FPSE%2F59525&Lang=en.

⁹ [CCPR/C/PSE/Q/1](#), para. 10.

¹⁰ The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee’s general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also section V of the same general comment.

¹¹ [CAT/C/PSE/CO/1](#), paras. 14 and 15.

¹² *Ibid.*, paras. 8–11.

the State Party take precedence over national legislation only insofar as they are consistent with the national, religious and cultural identity of the Palestinian Arab people, does not prevent people living in the territory of the State Party from fully enjoying their rights under the Convention. Please explain the measures planned to restore the democratic legislative process with a view to facilitating the harmonization of the different sets of laws implemented in the Gaza Strip and the West Bank and to completing the review of existing laws and draft legislation, including the draft penal code, the draft criminal procedure code, the draft decree-law on family protection and the draft decree-law on the rights of persons with disabilities, to ensure their compliance with the provisions of the Convention.¹³

6. With reference to the Committee's previous concluding observations,¹⁴ please provide information on any new measures taken by the State Party to ensure that all detainees enjoy all fundamental legal safeguards, in law and in practice, from the outset of their deprivation of liberty. In particular, please provide information on any measures taken to ensure that detained persons are afforded the rights: (a) to have ready access to an independent lawyer of their choice without delay and in full confidentiality, and to free legal aid of adequate quality if they do not have sufficient means to pay for legal representation; (b) to notify a relative or any other person of their choice of their detention and whereabouts; (c) to request and receive a confidential medical examination by an independent doctor, free of charge, or a doctor of their choice; and (d) to be brought promptly, within 24 hours, as provided by law, before a judge and to have the lawfulness of their detention reviewed by a court, in accordance with international standards. Please provide information on the measures taken to ensure that registers contain full and detailed information, including on interrogations and incidents in detention, and medical records for each detainee, and that registers are accessible to the lawyers of detained persons at any time, with their clients' consent. Please indicate the control measures taken, including disciplinary sanctions, to ensure that law enforcement and other officials respect, in practice, from the moment of deprivation of liberty, all fundamental legal safeguards of detained persons.¹⁵ Please inform the Committee of the percentage of places of deprivation of liberty and of interrogation rooms that include a video monitoring system, as well as the efforts undertaken to include video monitoring systems in all such places.

7. With reference to the Committee's previous concluding observations¹⁶ and the State Party's follow-up replies,¹⁷ please provide information on the measures taken to formalize, in law, the establishment of the Independent Commission for Human Rights and to ensure its functional independence,¹⁸ including by guaranteeing it an adequate budget that allows it to fulfil the mandate entrusted to it, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please describe the measures adopted to allow the Commission to conduct regular, unrestricted and unannounced visits to all civilian and military places of deprivation of liberty, including unofficial places of detention, to communicate confidentially with any persons deprived of their liberty during these visits, and to ensure effective follow-up to the findings and recommendations of such systematic monitoring. Please indicate further steps taken to give the necessary weight to the conclusions of the Commission on individual complaints, including by communicating such conclusions to the Public Prosecution service in cases where torture or ill-treatment is found to have occurred. Please provide updated information, including statistical data, disaggregated by year and by age group (minor or adult), sex and ethnic origin or nationality of the victim, on the complaints examined by the Commission in relation to alleged torture or ill-treatment, and

¹³ CCPR/C/PSE/CO/1, paras. 5 and 6; CCPR/C/PSE/Q/1, para. 1; E/C.12/PSE/CO/1, paras. 5 and 6; E/C.12/PSE/Q/1, paras. 1 and 4; and CEDAW/C/PSE/QPR/2, para. 5.

¹⁴ CAT/C/PSE/CO/1, paras. 20 and 21.

¹⁵ CCPR/C/PSE/CO/1, paras. 27 and 28; and CCPR/C/PSE/Q/1, para. 12.

¹⁶ CAT/C/PSE/CO/1, paras. 18 and 19.

¹⁷ CAT/C/PSE/FCO/1, paras. 10–12. See also the letter dated 5 September 2024 from the Rapporteur for follow-up to concluding observations, available at tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FPSE%2F59525&Lang=en.

¹⁸ CEDAW/C/PSE/QPR/2, para. 8.

specify how many such cases have been submitted to the competent authorities for prosecution, including the details of such cases.

8. In the light of the Committee's previous concluding observations,¹⁹ please provide information on the measures taken to prevent and combat all forms of violence against women, including femicide and domestic and sexual violence, especially those cases involving actions or omissions by State authorities or other entities that engage the international responsibility of the State Party under the Convention. In particular, please clarify whether the draft decree-law on the protection of the family from violence and the draft penal code include, as specific crimes, domestic violence, including marital rape, femicide and so-called "honour killings", as well as penalties commensurate with the gravity of the crimes. Please inform the Committee of the current status, and the time frame for the adoption, of these draft laws. Please provide information on the legislative measures taken to ensure that victims of sexual violence are not arbitrarily arrested and detained on discriminatory charges of sexual offences such as adultery and "moral misconduct" when they report abuse. Please indicate the measures taken to create effective conditions and procedures for victims to report incidents of domestic and sexual violence without fear of reprisal or stigmatization. Please describe the steps taken to establish adequately resourced family protection units to provide services to women and girls who are victims of gender-based violence, including domestic violence. Please provide updated information, including statistical data, disaggregated by the age and ethnic origin or nationality of the victims, on the number of complaints of gender-based violence, on the investigations, prosecutions and convictions and the sentences imposed on perpetrators, on protection orders issued by Palestinian courts and the rate of compliance therewith, and on any redress provided to victims.²⁰

Articles 5–9

9. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. Please also indicate the measures that the State Party took during the period under review to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*) individuals. In particular, please provide updated information on cases in which the State Party has agreed to extradite a person for torture or related offences. Please also indicate whether the State Party has rejected, for any reason, the request of a State Party for the extradition of an individual suspected of having committed torture and whether it has started prosecution proceedings against such an individual as a result. If so, please provide information on the status and outcome of such proceedings. Please also inform the Committee of any extradition treaties concluded with other States Parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties. Please give details of any treaties or agreements on mutual judicial assistance that the State Party has entered into. Please also indicate whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. If so, please provide examples.

Article 10

10. With reference to the Committee's previous concluding observations,²¹ please provide up-to-date information on any educational and training programmes developed by the State Party to ensure that all law enforcement officials, prison staff, personnel of intelligence agencies, immigration and border control officers and members of the military are fully acquainted with the provisions of the Convention and the absolute prohibition of torture and are made aware that breaches will not be tolerated, that allegations of torture and ill-treatment will be investigated and that offenders will be prosecuted. Please indicate whether these training courses are mandatory or optional, how often they are conducted, how many law enforcement officials, prison staff, personnel of intelligence agencies,

¹⁹ [CAT/C/PSE/CO/1](#), paras. 50 and 51.

²⁰ [CEDAW/C/PSE/QPR/2](#), para. 13; [CCPR/C/PSE/CO/1](#), paras. 13 and 14; [CCPR/C/PSE/Q/1](#), para. 5; and [E/C.12/PSE/Q/1](#), para. 21.

²¹ [CAT/C/PSE/CO/1](#), paras. 54 and 55.

members of the military and immigration and border control officers have already completed them, what percentage of all such officials have completed them and what measures have been taken to train the remaining officials. Please also provide details on the programmes used in the training of police officers and other law enforcement officials in non-coercive investigating techniques. Please indicate whether the State Party has developed any methodology to assess the effectiveness of training and educational programmes in reducing the number of cases of torture and ill-treatment and, if so, please provide detailed information on that methodology. Please also provide information on the programmes aimed at training judges, prosecutors, forensic doctors and other medical personnel who deal with persons deprived of their liberty to detect the physical and psychological consequences of torture, to ensure the effective documentation of torture and to verify the admissibility of confessions. Please indicate whether these programmes include specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised. Lastly, please indicate the measures taken to give effect to the provisions of article 10 (2) of the Convention.

Article 11

11. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any interrogation rules, instructions, methods and practices, and arrangements for custody, that may have been introduced since the consideration of the initial report. Please indicate the frequency with which these rules, instructions, methods, practices and arrangements are reviewed and report on the procedures in place for reviewing them.

12. In the light of the Committee's previous concluding observations,²² please provide, for the period under review, annual statistics on the total capacity of all detention facilities and the occupancy rates, disaggregated by place of detention, sex, age and nationality of the detainee, stating the number of remand and convicted prisoners at each facility. Please provide information on the steps taken to address the overuse of prolonged pretrial detention, including efforts: (a) to ensure that the regulations governing pretrial detention are scrupulously respected and that such detention is resorted to only in exceptional circumstances and for limited periods, taking into account the principles of necessity and proportionality; (b) to ensure systematic oversight of the lawfulness of pretrial detention by the Public Prosecution service; and (c) to promote alternatives to pretrial detention and imprisonment, such as community service or victim compensation orders. Please provide statistical data for the period under consideration on the use of such alternative measures, particularly for children in conflict with the law.²³

13. Taking note of the Committee's previous concluding observations,²⁴ please provide detailed information on measures taken to ensure adequate conditions of detention in police stations, prisons and other places of detention. In particular, please indicate the steps taken to reduce overcrowding in places of detention, including through the use of alternatives to imprisonment both before and after trial, and to improve hygiene and sanitation, ventilation and the quality and quantity of food and water, as well as the healthcare provided to detainees, including psychiatric care. Please inform the Committee about the measures taken to ensure that detainees have access to educational, recreational, vocational, physical and intellectual activities. Please describe the efforts made to address the special needs of: (a) children in conflict with the law, including with regard to rehabilitation and education services; (b) women deprived of their liberty, in particular pregnant women and women held in detention with their children; (c) persons with disabilities; (d) lesbian, gay, bisexual, transgender and intersex persons; and (e) older persons. Please provide information on measures adopted to ensure, in practice, the separation of pretrial detainees from convicted prisoners, minors from adults and men from women, and specify in which facilities detainees are not yet separated in this way. Please provide details on the State Party's

²² Ibid., paras. 38 and 39.

²³ CCPR/C/PSE/Q/1, para. 11.

²⁴ CAT/C/PSE/CO/1, paras. 36–39.

legislation and practice regarding solitary confinement and indicate the maximum and average duration of solitary confinement. Please describe the steps taken to ensure that solitary confinement is not imposed on children and adolescents in conflict with the law or on persons with psychosocial or intellectual disabilities. Please specify whether solitary confinement and other isolation regimes are subject to any independent oversight mechanism or external supervision. Please indicate the progress made in preventing and prohibiting the prolonged use of solitary confinement on and the ill-treatment of persons detained in the Gaza Strip for drug-related offences, suspected collaboration with Israel or alleged affiliation with Fatah and Salafist groups.²⁵

14. With reference to the Committee's previous concluding observations,²⁶ please respond to allegations that persons detained in the West Bank under the custody of the Joint Operations Committee have been kept in detention despite release orders issued by the courts and that those detainees have been released only once a written approval was provided by the President of the Palestinian Authority or the Prime Minister for their release. Please also indicate the steps taken: (a) to amend the Jordanian Crime Prevention Act of 1954, which is applicable in the West Bank and allows for administrative detention without charges, with a view to bringing it into compliance with international human rights standards and with the State Party's obligations under the Convention; (b) to ensure that all persons held in any form of administrative detention, including those held on governors' orders and for long periods, are afforded, in law and in practice, all fundamental procedural safeguards from the very outset of their deprivation of liberty; (c) to ensure that administrative detention is used only as a last resort, when necessary and proportionate, for as short a period as possible, and not beyond the legal limits, and subject to judicial review; and (d) to abolish the practice of placing women who are victims of gender-based violence in administrative detention – so-called "protective custody" – under the pretext of protecting them. Lastly, please comment on reports that individuals are held in unlawful and incommunicado detention in the Gaza Strip by armed non-State actors, including for "collaboration with the enemy" and for criticizing armed groups, and that torture and ill-treatment is being perpetrated in such unofficial places of detention.²⁷ Please describe the measures taken to investigate the existence of any unofficial places of detention and to identify and punish those who establish and maintain them and engage in practices of torture.²⁸

15. With reference to the Committee's previous concluding observations,²⁹ please provide data regarding deaths in custody during the period under consideration, in both the West Bank and the Gaza Strip, disaggregated by year, place of detention, sex, age, ethnic origin or nationality of the deceased and cause of death. Please provide detailed information on the number and outcomes of investigations conducted in such cases, specifying whether forensic medical assessments, including autopsies, were performed, and on the number of deaths suspected of having been caused by assaults committed or tolerated by government officials involving the excessive use of force or the failure to provide detainees with needed medical attention and timely treatment. Please provide information on the number of sentences pronounced, the criminal and disciplinary penalties imposed and the steps taken to prevent the recurrence of such acts. Please indicate whether relatives of deceased persons received compensation in any such cases. Please explain the measures taken to ensure that all those responsible for the killing of Nizar Banat, who died in custody in June 2021 after being arrested and allegedly severely beaten and tortured in detention by the preventative security forces in Hebron, are duly prosecuted and punished, with appropriate sanctions imposed by a civil court with due process and fair trial guarantees.³⁰ Please also describe the steps taken to reduce the incidence of inter-prisoner violence in penitentiary institutions,

²⁵ [CCPR/C/PSE/CO/1](#), paras. 27 and 28; and [CCPR/C/PSE/Q/1](#), paras. 10 and 13.

²⁶ [CAT/C/PSE/CO/1](#), paras. 22–27.

²⁷ *Ibid.*, paras. 26 and 27; [CCPR/C/PSE/CO/1](#), paras. 13, 14, 25 and 26; and [CEDAW/C/PSE/QPR/2](#), para. 13.

²⁸ [CCPR/C/PSE/CO/1](#), paras. 25 and 26; and [CCPR/C/PSE/Q/1](#), para. 12.

²⁹ [CAT/C/PSE/CO/1](#), paras. 42 and 43.

³⁰ [CCPR/C/PSE/Q/1](#), para. 22; and communication PSE 3/2022 (all communications mentioned in the present document are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>).

including efforts to recruit and train a sufficient number of prison personnel, to investigate all incidents of violence and to ensure that prison officials were held accountable in cases when they failed to take reasonable measures to prevent and respond to such violence.³¹

16. With reference to the Committee's previous concluding observations³² and the State Party's follow-up replies,³³ please clarify whether the draft decree-law aimed at amending Decree-Law No. 25 of 25 May 2022 on the National Commission against Torture includes provisions guaranteeing the full operational independence and financial autonomy of the national preventive mechanism, in line with the Optional Protocol to the Convention and the guidelines of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on national preventive mechanisms.³⁴ Please provide information on any progress made in ensuring that international and national monitors are able to undertake regular, independent and unannounced visits to all places of deprivation of liberty in the State Party and speak confidentially to all detained persons. Please clarify whether all human rights non-governmental organizations and institutions with a mandate to visit the country's places of detention are granted access and under what conditions. Please provide information on any such organizations or institutions that have been denied access to places of detention. Please explain steps taken to implement the recommendations put forward by monitoring bodies following their visits to detention facilities, in particular where allegations of torture or ill-treatment are raised in the reports.³⁵

17. With reference to the Committee's previous concluding observations,³⁶ please provide information on the number, and living conditions, of persons deprived of their liberty in psychiatric hospitals and other institutions for persons with psychosocial or intellectual disabilities. Please describe legislative and other measures taken to move away from the involuntary hospitalization and forced institutionalization of persons with psychosocial or intellectual disabilities and indicate whether other forms of care are being used, such as community-based rehabilitation services and outpatient care programmes. Please specify the measures taken to ensure that instruments of restraint and force are used in accordance with the law, under appropriate supervision, for the shortest time possible and only when strictly necessary and proportionate. Please explain the steps taken to prohibit and prevent medical treatment and medical interventions, including sterilization, from being imposed on persons with psychosocial or intellectual disabilities without their free, prior and informed consent. Please indicate the measures taken to ensure that psychiatric hospitals are adequately monitored and to ensure the effective, prompt and impartial investigation of all complaints of ill-treatment of persons with psychosocial or intellectual disabilities with a view to bringing those responsible to justice and providing redress to victims.³⁷

18. In the light of the Committee's previous concluding observations,³⁸ please inform the Committee of the measures taken: (a) to raise the minimum age of criminal responsibility to an internationally acceptable standard in both the West Bank and the Gaza Strip; (b) to promote non-custodial and non-judicial measures, such as diversion, probation, mediation, counselling or community service, wherever possible, for all child offenders; (c) to ensure that all allegations of torture and ill-treatment of children in places of deprivation of liberty are promptly, impartially and effectively investigated, that those responsible are duly prosecuted and punished and that victims have access to effective remedies and full reparation; and (d) to provide qualified and independent legal aid free of

³¹ [CCPR/C/PSE/Q/1](#), para. 8.

³² [CAT/C/PSE/CO/1](#), paras. 40 and 41.

³³ [CAT/C/PSE/FCO/1](#), paras. 13–22. See also the letter dated 5 September 2024 from the Rapporteur for follow-up to concluding observations, available at tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FPSE%2F59525&Lang=en.

³⁴ [CAT/OP/12/5](#).

³⁵ [CCPR/C/PSE/CO/1](#), paras. 27 and 28; and [CCPR/C/PSE/Q/1](#), para. 13.

³⁶ [CAT/C/PSE/CO/1](#), paras. 44 and 45.

³⁷ [CRPD/C/PSE/Q/1](#), paras. 12–15.

³⁸ [CAT/C/PSE/CO/1](#), paras. 46 and 47.

charge to children in conflict with the law and offer child-friendly and accessible complaint mechanisms.

Articles 12 and 13

19. With reference to the Committee's previous concluding observations,³⁹ please provide more detailed information regarding which authorities are competent to initiate and carry out investigations, at both the criminal and disciplinary levels, when there is reason to believe that acts of torture or ill-treatment have been committed by law enforcement officers, prison staff, intelligence agency personnel or members of the military, and describe how those authorities interact with the Public Prosecution service during investigations and what safeguards are in place to ensure that there is no hierarchical or institutional link between suspected perpetrators and the inspectors. In this regard, please also specify:

(a) Whether the Public Prosecution service is required to initiate an ex officio investigation if there is reason to believe that acts of torture or ill-treatment have been committed, and to request that alleged victims undergo a forensic medical examination;

(b) Whether alleged perpetrators are automatically relieved of their duties while the criminal and/or disciplinary investigations are being conducted and whether they are prohibited from making any further contact with alleged victims, subject to the observance of the principle of presumption of innocence;

(c) What measures have been taken, and what resources have been allocated, to strengthen the effectiveness, the independence and the accessibility of the judiciary so that victims can safely obtain redress before the courts and to ensure that all persons who have violated human rights law or committed acts of abuse are brought to justice, irrespective of their status and political, ethnic or religious affiliation;

(d) Whether the State Party has set up an effective, independent, confidential and accessible complaints mechanism in all places of detention, and describe the measures taken to protect victims of torture and their relatives, as well as witnesses and investigators, against any form of intimidation or reprisals that their complaints may provoke.⁴⁰

20. Please provide annual statistical data for the period under consideration, disaggregated by type of offence, by the sex, age group (minor or adult) and ethnic origin or nationality of victims and by the services to which the persons accused of committing acts of torture belong, on: (a) the number of complaints received by prosecutors or other competent authorities regarding offences such as actual or attempted acts of torture or ill-treatment or complicity, and participation or acquiescence in such acts; (b) the number of complaints that have led to criminal or disciplinary investigations, and the number of cases dismissed; (c) the number of ex officio investigations opened into the above-mentioned offences; (d) the number of prosecutions carried out; and (e) the number of convictions secured, including the penal and disciplinary sanctions imposed, specifying the length of any prison sentences.⁴¹

21. Taking note of the Committee's previous concluding observations,⁴² please describe the measures taken to address the allegations of the excessive use of force in both the West Bank and the Gaza Strip, notably the use of lethal weapons resulting in deaths and injuries, arbitrary arrests, incommunicado detention and torture and ill-treatment of peaceful protesters by law enforcement officers, as well as by unidentified armed elements, in the context of demonstrations. Please provide information on the current legislative and regulatory framework governing the use of force, particularly lethal force, and describe its compatibility with the Convention, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement. Please indicate whether mandatory training is regularly provided to the security forces to ensure that they apply non-violent measures

³⁹ Ibid., paras. 28 and 29.

⁴⁰ CCPR/C/PSE/CO/1, paras. 27 and 28.

⁴¹ CCPR/C/PSE/Q/1, para. 10.

⁴² CAT/C/PSE/CO/1, paras. 32 and 33.

prior to any use of force when controlling demonstrations and that they respect the principles of legality, necessity, proportionality and accountability. Please provide data, for the period under review, on the investigations conducted, prosecutions initiated and sentences handed down to perpetrators, as well as redress received by the victims or their families, in cases of excessive use of force by State and non-State actors in the West Bank and the Gaza Strip. Please respond to reports of excessive use of force, including lethal force, in dispersing peaceful assemblies, and arbitrary arrests and ill-treatment of peaceful protesters by the Palestinian security forces, Gaza Strip security forces and non-uniformed individuals, particularly in the context of demonstrations that occurred while measures designed to control the coronavirus disease (COVID-19) pandemic were being enforced, in the aftermaths of the postponement of national elections in April 2021 and Nizar Banat's death in June 2021, and during the law enforcement operation launched in December 2024 by the Palestinian security forces in the Jenin refugee camp, during which Palestinians, including children, were killed and injured. In this respect, please report on the measures taken to investigate these violations effectively and independently and bring the perpetrators to justice.⁴³

22. Please comment on the serious international human rights and humanitarian law violations committed by armed members of the Hamas military wing and other Palestinian armed groups against civilians, including children, of Israeli and other nationalities, including the attacks directed against Israeli and foreign civilians, destruction of civilian objects mass unlawful killings, torture and ill-treatment, sexual and gender-based violence and hostage-taking carried out on 7 October 2023 in many locations in southern Israel, as well as those committed after the 7 October 2023 attacks, including prolonged hostage-holding tantamount to enforced disappearance and the imposition of extremely harsh conditions of captivity in the Gaza Strip, allegedly characterized by a lack of food, water and poor sanitary conditions, limited freedom of movement and a lack of fresh air and sunlight, acts of torture and ill-treatment, rape and other forms of sexual violence and unlawful executions. While recognizing the evolving and volatile nature of the current situation, which stems from a dynamic and open-ended process based on a three-stage ceasefire agreement concluded on 19 January 2025, for which the effective implementation depended on the will of the parties to the conflict and other States with influence over those parties, please describe any efforts undertaken by the State Party: (a) to facilitate the immediate and unconditional release of all hostages in a safe and secure manner, and, pending such release, to ease access by independent monitors, including the International Committee of the Red Cross, to all persons held in captivity by Palestinian armed groups in Gaza; (b) to ensure the protection and well-being of all remaining hostages, in particular children and older persons, including protection from torture and ill-treatment and from sexual and gender-based violence; (c) to thoroughly, impartially and independently investigate all allegations of serious international human rights and humanitarian law violations, some of which may amount to war crimes, and bring the perpetrators to justice, while ensuring full cooperation with the investigations of the International Criminal Court; and (d) to facilitate, pending the release of hostages, the regular provision of information on the fate and well-being of hostages to their families, and the receipt by hostages of communications from their families.⁴⁴

⁴³ CCPR/C/PSE/CO/1, paras. 19, 20, 41 and 42; and CCPR/C/PSE/Q/1, paras. 8 and 20. See also “‘No end in sight’: Israeli forces attack occupied West Bank as Gaza ceasefire takes hold, say experts”, Office of the United Nations High Commissioner for Human Rights (OHCHR) press release, 27 January 2025; and “Concern at use of unlawful lethal force in Jenin in the occupied West Bank”, OHCHR press release, 24 January 2025.

⁴⁴ A/79/232, paras. 73–87, 111, 112 and 114; A/HRC/56/26, paras. 8–33, 73–78, 86–95 and 109; OHCHR, “Thematic report: detention in the context of the escalation of hostilities in Gaza (October 2023–June 2024), 31 July 2024, paras. 50–53, 68, 72 and 73; and communication PSE 3/2023. See also “There must be ‘due reckoning’ for horrific violations, possible atrocity crimes in Gaza – UN Human Rights Chief”, OHCHR press release, 8 November 2024; and “UN experts say rights of victims of terrorism must be protected, insist counter-terrorism cannot be basis to breach international law”, OHCHR press release, 19 October 2023.

Article 14

23. In the light of the Committee's previous concluding observations,⁴⁵ please indicate whether the State Party has taken measures to ensure, in law and in practice, that victims of torture or ill-treatment, including those who suffer from permanent disabilities as a result of torture, may seek and obtain prompt, fair and adequate compensation and as full rehabilitation as possible, including in cases where the civil liability of the State Party is involved. Please provide statistical data on redress and compensation measures, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or ill-treatment or to their families during the period under review. Please include data on the number of applications for State compensation for torture and ill-treatment, the number of claims that were time-barred owing to the courts' inaction, the number of applications granted and the range of awards in successful cases. Please clarify whether the State Party has taken legislative and administrative measures to ensure that victims of torture and ill-treatment have access to effective remedies and can obtain redress in cases in which the perpetrators have not been identified or found guilty of an offence. Please also provide information on any ongoing rehabilitation programmes for victims of torture and ill-treatment and on the resources allocated to those programmes.

Article 15

24. Taking note of the Committee's previous concluding observations,⁴⁶ please describe the measures taken, including disciplinary measures, to ensure that the exclusionary rule with regard to evidence obtained under torture is fully implemented by all judges, in line with article 13 (2) of the Basic Law. Please provide up-to-date statistics on the number of: (a) cases in which defendants have alleged that their confessions were extracted under torture; (b) cases dismissed by the courts owing to the introduction of evidence or testimony obtained through torture or ill-treatment; and (c) cases that have been investigated and the outcomes of those investigations, specifying whether forensic medical examinations of alleged victims were carried out without delay, the sentences handed down to those found guilty and the redress and compensation granted to victims.⁴⁷

Article 16

25. With reference to the Committee's previous concluding observations,⁴⁸ please indicate the affirmative steps taken to formalize the moratorium on the application of the death penalty, with a view to abolishing it in law in both the West Bank and the Gaza Strip, in line with its obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Please inform the Committee of efforts made to commute all death sentences to alternative penalties and to ensure that conditions of detention for condemned prisoners do not constitute cruel, inhuman or degrading treatment or punishment by taking immediate steps to strengthen legal safeguards and guarantees of due process in all phases of the proceedings and concerning all offences. Please indicate the measures taken to put an end to the imposition of the death penalty in the Gaza Strip, in particular by military courts against civilians, without due process or fair trial guarantees, and to executions. Please provide the Committee with updated data for the reporting period, disaggregated by sex, age at the time of the offence and ethnic origin or nationality of the victim, on the number of: (a) death sentences pronounced, including against minors and persons with psychosocial or intellectual disabilities, specifying the courts responsible and the crimes for which those sentences were handed down; (b) executions carried out; (c) death penalty cases in which a pardon or commutation was granted; and (d) prisoners held on death row, clarifying whether they are subjected to more stringent detention conditions than the rest of the prison population.⁴⁹

⁴⁵ [CAT/C/PSE/CO/1](#), paras. 52 and 53.

⁴⁶ *Ibid.*, paras. 30 and 31.

⁴⁷ [CCPR/C/PSE/CO/1](#), paras. 23 and 24.

⁴⁸ [CAT/C/PSE/CO/1](#), paras. 48 and 49.

⁴⁹ [CCPR/C/PSE/CO/1](#), paras. 17 and 18; [CCPR/C/PSE/Q/1](#), para. 7; and communication OTH 105/2023.

26. With reference to the Committee's previous concluding observations,⁵⁰ please respond to the numerous allegations of threats, harassment, intimidation, assault, prolonged pretrial detention, arbitrary arrest and detention, prosecution and conviction on trumped up politically motivated charges, torture and ill-treatment, and extrajudicial killings of human rights defenders, including women's human rights defenders,⁵¹ journalists, political opponents, civil society activists, corruption whistle-blowers and government critics in both the West Bank and the Gaza Strip. Please indicate the measures taken to ensure the effective protection of such individuals and groups to enable them to carry out their work. Please provide statistical data for the reporting period on the number of related complaints, the outcomes of any investigations opened following those complaints and the sentences and penalties handed down.⁵²

Other issues

27. Please provide updated information on the measures taken by the State Party to respond to threats of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State Party has ensured that those measures are compatible with its obligations under international law, especially the Convention. Furthermore, please indicate what training is given to law enforcement officers in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures; and whether there have been complaints of the non-observance of international standards in applying measures to combat terrorism and, if so, what the outcome was.

General information on other measures and developments relating to the implementation of the Convention in the State Party

28. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the State Party's previous periodic report to implement the provisions of the Convention or the Committee's recommendations. Such measures may include institutional developments, plans or programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State Party considers relevant.

⁵⁰ [CAT/C/PSE/CO/1](#), paras. 34 and 35.

⁵¹ Communication PSE 2/2023.

⁵² [CCPR/C/PSE/CO/1](#), paras. 39, 40, 45 and 46; [CCPR/C/PSE/Q/1](#), paras. 12, 19 and 22; and [CEDAW/C/PSE/QPR/2](#), para. 9.