



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

**Visit to the State of Palestine undertaken from 10 to
21 September 2023: recommendations and observations
addressed to the State party**

Report of the Subcommittee*, **

* In accordance with article 16 (1) of the Optional Protocol, the present report was transmitted confidentially to the State party on 14 November 2024. On 13 March 2026, the State party requested the Subcommittee to publish the report, in accordance with article 16 (2) of the Optional Protocol.

** The annexes to the present document are being circulated in the language of submission only.



I. Introduction

1. In accordance with its mandate under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment undertook its first visit to the State of Palestine from 10 to 21 September 2023.
2. The Subcommittee members conducting the visit were: Daniel Fink (head of delegation), Carmen Comas-Mata Mira, Hamida Dridi and Abdallah Ounnir. The Subcommittee was assisted by two human rights officers from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and one security officer and interpreters from the United Nations Office at Geneva.
3. The State of Palestine acceded to the Optional Protocol on 29 December 2017. However, it did not establish the national preventive mechanism within the defined time frame and was added to the list of countries whose compliance with the obligation set out in article 17 of the Optional Protocol is substantially overdue.¹
4. The principal objectives of the visit were to:
 - (a) Visit places of deprivation of liberty in order to assist the State party in discharging effectively its obligations under the Optional Protocol to strengthen the protection of persons deprived of their liberty from the risk of torture and ill-treatment;
 - (b) Provide advice and technical assistance to the institutions designated to establish the national preventive mechanism² and to the State party on their treaty obligations under the Optional Protocol.
5. The assessment outlined in the present report predates the events of 7 October 2023; the Subcommittee is concerned that the aftermath of those events might further hinder the State party's ability to exercise effective control and fully comply with its obligations under the Optional Protocol throughout its territory. The Subcommittee already deplored the situation during the visit, noting that the ongoing Israeli occupation, settlement expansion and Gaza blockade, illegal under international law, posed significant challenges for the State party in fully implementing its obligations, due to its lack of effective territorial control, reduced sovereignty and its difficulties in the management of financial resources, among others. It echoes the views of other human rights bodies,³ recognizing that these challenges limit the State party's control and ability to prevent and combat torture and ill-treatment.
6. Moreover, the Subcommittee is concerned that Palestinians in the West Bank, including East Jerusalem, and the Gaza Strip continue to be subjected to multiple legal systems due to political and geographical fragmentation, further impeding the full implementation of measures to prevent torture and ill-treatment in line with the Optional Protocol.
7. The Subcommittee recalls that the Optional Protocol applies to the entire territory of the State of Palestine, including the West Bank and Gaza, and the delegation made all efforts possible to visit all places of deprivation of liberty under the State party's jurisdiction. However, it was only able to visit places of deprivation of liberty in Area A, which is under the administrative and security control of the authorities of the State of Palestine in the West Bank, pursuant to the 1995 Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip. The Subcommittee notes the complex situation of Palestinians detained in places of deprivation of liberty located in Areas B and C, which the delegation could not visit, as the State party does not have control over internal security therein.
8. Furthermore, the delegation had to cancel its planned visit to Gaza, which is under the control of de facto authorities (Hamas), as the authorities of the State of Palestine took no steps to facilitate the delegation's access, in line with its obligations arising from the Optional Protocol, despite being encouraged to arrange such a visit.

¹ See <https://www.ohchr.org/en/treaty-bodies/spt/non-compliance-article-17>.

² See CAT/OP/12/5.

³ CAT/C/PSE/CO/1, para. 4; CCPR/C/PSE/CO/1, para. 3; and CERD/C/PSE/CO/1-2, para. 3.

9. In addition to visiting places of deprivation of liberty (see annex I), the Subcommittee held discussions with relevant government authorities and with bodies designated to establish the national preventive mechanism (see annex II), with civil society organizations and with representatives of the United Nations and other international organizations in the State of Palestine. In addition, it met and interviewed persons deprived of their liberty, law enforcement and detention officers, medical personnel and others.

10. The present report will remain confidential until such time as the State of Palestine requests its publication in accordance with article 16 (2) of the Optional Protocol. The Subcommittee firmly believes that the publication of the present report would contribute positively to the prevention of torture and ill-treatment in the State of Palestine.

11. The Subcommittee recommends that the present report be made publicly available and distributed to all relevant authorities, departments and institutions, including but not limited to those to which it specifically refers.

12. The Subcommittee wishes to express its gratitude to the United Nations country team for the assistance provided prior to and during the visit.

13. The Subcommittee wishes to express its appreciation to the authorities of the State of Palestine for their assistance and professionalism in facilitating the visit to the West Bank. However, it regrets the lack of steps taken to facilitate the visit to Gaza.

II. National preventive mechanism and implementation of the Optional Protocol

14. The Subcommittee acknowledges the recent efforts undertaken by the State party to set up its national preventive mechanism and welcomes the publishing of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto in the official gazette on 25 September 2023, following its visit.

15. The Subcommittee notes the adoption of Decision By-law No. 25 in 2022, published in the official gazette. However, it is concerned that this decree, issued by the President given the dissolved Palestinian Legislative Council, does not meet the Optional Protocol's requirements. The State party prepared a draft amended decision by-law to change Decision By-law No. 25, which was approved by the Council of Ministers, but was pending the President's signature during the visit. Although the draft introduces positive changes, significant legislative gaps remain.

16. The Subcommittee appreciates having had the opportunity to comment on both the above-mentioned decrees in writing and to provide its oral recommendations to the relevant authorities during the visit. A summary of these observations and recommendations is outlined below.

17. The Subcommittee recommends that the State party incorporate its recommendations into the final legislative text establishing the national preventive mechanism. It invites the State party to pass the legislative text through a regular legislative process in the future, once the Palestinian Legislative Council resumes operations, under which the mechanism's mandate, powers, privileges, immunities, period of office of its staff and members and all other relevant details are clearly set out.

A. Legal framework: independence and structure

18. The Subcommittee notes that both Decision By-law No. 25 and the draft amended decision by-law introduce definitions of torture and ill-treatment, establish the National Commission against Torture as the national preventive mechanism and regulate its functioning and membership. However, many of the terms and concepts introduced by both decrees continue to fall short of compliance with the Optional Protocol.

19. The Subcommittee welcomes that article 2 of the draft amended decision by-law foresees the establishment of an independent national preventive mechanism, with offices in

the cities of Jerusalem, Ramallah and Gaza, and its financial position in the general budget. The adopted Decision By-law No. 25 does not include all these elements.

20. **The Subcommittee recommends that the State party adopt the legislative changes foreseen by article 2 of the draft amended decision by-law and ensure that the mechanism enjoys legal personality and capacity to carry out all actions and acts to achieve its objectives independently, without any external interference or supervision, and that it has an independent financial position in the State budget to ensure its continuous financial, operational and functional independence.**

B. Preventive mandate of the mechanism

21. The Subcommittee is concerned about the lack of a clear preventive mandate for the mechanism in both decrees. According to article 4 of Decision By-law No. 25, the mechanism will have both preventive (visits) and reactive (complaints) functions, including investigation of allegations of torture and ill-treatment. The Subcommittee emphasizes that the mechanism should serve only a preventive role and not investigate individual complaints, which is in the competence of other bodies.

22. **The Subcommittee recommends that the State party clearly define the preventive mandate in the legislation on the national preventive mechanism⁴ and specify that, if it receives allegations and complaints concerning possible cases of torture or ill-treatment during its monitoring activities, it is to transfer them to other competent bodies, such as the Independent Commission for Human Rights, or relevant judicial and/or administrative authorities for investigation, prosecution and adjudication.**

C. Appointment and membership

23. Regarding the membership in the national preventive mechanism, both pieces of legislation foresee 12 members and a Chair. However, the provisions of Decision By-law No. 25 pose serious issues of independence, which is a fundamental concern for the Subcommittee, as follows:

(a) The appointment of the Chair and members of the mechanism is largely at the discretion of the executive branch, with members appointed by the President after being nominated by the Council of Ministers, with little or no outreach to the public and civil society. Several grounds for dismissal need to be revisited and by-laws that provide for proceedings to end the members' appointments should be adopted;

(b) The selection criteria for the members raises concerns about their objectivity (the criterion of "good reputation" might be questionable and the "conflict of interest" criterion should apply fairly to all members, not only to the civil society representatives);

(c) The pluralist and multidisciplinary approach to fair representation in the membership of the mechanism is vaguely formulated.

24. The above concerns are partially addressed by the draft amended decision by-law, which proposes creating a separate body, a national committee, responsible for selecting the mechanism's members. It also stipulates a more public and transparent nomination process, although concerns of independence remain. During its visit, the delegation learned about initial steps to create the national committee, but it was unclear under which normative act that had been undertaken, as the draft amended decision by-law was not yet in force.

25. **The Subcommittee recommends⁵ that the State party adopt legislative amendments to Decision By-law No. 25:**

(a) **To establish an open, transparent and inclusive selection process and appointment of the Chair and members of the mechanism based on publicly announced criteria. This process should involve a wide range of actors, including civil society and**

⁴ Optional Protocol, paras. 17–23.

⁵ In line with its guidelines on national preventive mechanisms (CAT/OP/12/5).

other stakeholders with expertise in torture prevention. Moreover, should the creation of the national committee continue, as foreseen in the draft amended decision by-law (pending approval), the executive branch should not interfere in such a process;

(b) To ensure that the mechanism's staff and members have diverse backgrounds and the capacities and professional knowledge necessary to fulfil its mandate pursuant to article 18 (1) and (2) of the Optional Protocol. This should include relevant legal and healthcare expertise. The independence of the mechanism should be guaranteed by not appointing members who hold positions that could raise conflict of interest, such as current or former employees of the security apparatus.

D. Tasks of the mechanism

26. The delegation made several recommendations to strengthen and clarify the tasks of the mechanism in both pieces of legislation. Key proposals included conducting unannounced visits to any place of deprivation of liberty, ensuring unrestricted access to all relevant information, conducting confidential interviews, preparing reports and recommendations based on national and international norms and commenting on existing or draft legislation. The delegation welcomes the inclusion of tasks in the draft amended decision by-law, such as the preparation of the annual budget and financial and administrative regulations, that are absent in the adopted Decision By-law No. 25.

27. **The Subcommittee recommends that the State party incorporate those suggested tasks into its amended legislation on the mechanism, as articulated by the delegation during the visit, in terms of:**

(a) **The power to regularly examine the treatment of persons deprived of their liberty in all places of detention, as defined in article 4 of the Optional Protocol,⁶ including prompt, regular and unhindered access to all relevant information, in accordance with article 20 (b) of the Optional Protocol;**

(b) **The mandate to issue recommendations to the relevant authorities;**

(c) **The corresponding duty on the part of the relevant authorities to engage in dialogue with the mechanism on the follow-up to its recommendations;**

(d) **The outward-facing functions of the mechanism, such as submitting proposals and observations on existing and draft legislation, advocacy, awareness-raising and capacity-building.**

E. Immunity and privileges

28. The Subcommittee notes with concern the lack of the explicit functional immunity of the mechanism's members and staff foreseen in either of the two pieces of legislation.

29. **The State party should establish in law the functional immunity and privileges of the mechanism's staff and members and those who contribute to its work, including experts and representatives of civil society, while guaranteeing protection for persons who provide information to it.⁷**

F. Human resources and training

30. The Subcommittee notes that both decrees provide for the appointment of the administrative staff of the mechanism, who are expected to serve as the permanent and independent secretariat and be remunerated accordingly. Decision By-law No. 25 also refers to the applicability of the law on the civil service, the experts employment system and temporary incidental or seasonal jobs for the Chair and members of the mechanism, but

⁶ See general comment No. 1 (2024).

⁷ Optional Protocol, para. 35.

remains silent on the remuneration of the members and whether they would work full or part time for the mechanism.

31. **The State party should make the arrangements necessary, including legislative changes, if required, to ensure that members of the national preventive mechanism are available to perform their functions and serve the mechanism efficiently, as provided for in article 5 (6), of the Optional Protocol. The State party should apply its civil service regulations flexibly to the mechanism, or exempt it altogether, to allow it to recruit additional personnel, strengthen cooperation with civil society and draw on external, independent, adequately remunerated and trained professionals with relevant expertise. The mechanism’s members and staff should regularly review their working methods and undertake training to enhance their ability to exercise their responsibilities under the Optional Protocol.**⁸

G. Visits and access

32. The Subcommittee notes that the definition of the places of deprivation of liberty, as foreseen in article 1 of both decrees, should not be limited to “official” places, even though that article also foresees that the mechanism could classify any place of deprivation of liberty as “official”.

33. **In determining what constitutes a place of deprivation of liberty, the State party should adopt an expansive approach to maximize the preventive impact of the national preventive mechanism. This includes developing a comprehensive and non-exhaustive list of the types of places where persons are deprived of their liberty, in accordance with article 4 of the Optional Protocol and general comment No. 1 (2024) of the Subcommittee. Furthermore, the State party should ensure that the mechanism has the legal authority and practical capacity to access any place where it believes that people are or may be deprived of liberty, notwithstanding its official or unofficial status, in accordance with articles 4, 19 and 20 of the Optional Protocol.**

III. Normative and institutional framework for the prevention of torture

A. Normative framework

1. Definition and criminalization of torture

34. The Subcommittee notes that torture is explicitly prohibited under article 13.1 of the Palestinian Basic Law 2003 and that other existing laws imply such prohibition. In addition, article 1 of Decision By-law No. 25 and the draft amended decision by-law provide a comprehensive definition of torture and ill-treatment. It also notes recent legislative changes made to the criminal legislation (namely Penal Code No. 16 of 1960, Penal Code No. 74 of 1936 and Revolutionary Penal Code of 1979), which further strengthened the criminalization of torture and ill-treatment and introduced more severe penalties for such acts. It notes with satisfaction that acts of torture cannot be subjected to statute of limitations. However, it regrets that pardons and amnesty are not specifically excluded for the acts of torture.

35. **The Subcommittee invites the State party to take all legislative steps necessary to unify its criminal legislation, in particular various pieces of legislation that are applicable in different parts of the State party’s territory, with a view to criminalizing torture in line with article 1 of the Convention against Torture. In this connection, it recommends that the State party ensure that the offence of torture cannot be subject to amnesty or pardons.**

⁸ See OHCHR, *Preventing Torture: The Role of National Preventive Mechanisms – A Practical Guide*, Professional Training Series No. 21 (Geneva, 2018).

2. Other legislative acts

36. The Subcommittee regrets to note that the existing draft of the Mental Health Act is still pending adoption. Following its findings from the visit to the psychiatric institution in Bethlehem (see below), it considers the adoption of such legislation urgent. The Subcommittee observes the lack of community-based care in the State party, which results in overuse of psychiatric and involuntary hospitalization and treatment, deprivation of liberty for health reasons and long-term psychiatric care in closed units.

37. The Subcommittee recommends that the State party accelerate the adoption of the Mental Health Act, in full compliance with the Convention on the Rights of Persons with Disabilities, including a specific focus on community-based care and deinstitutionalization.

38. The Subcommittee takes note of the information provided by the State party about the adoption of the new Code of Criminal Procedure, which was pending at the time of the visit. Such reform is urgent, as the current criminal legislation does not explicitly provide for the right to have access to a lawyer immediately upon arrest and detention, as one of the legal safeguards to prevent torture or ill-treatment.

39. The Subcommittee also learned about drafting process of the Legal Aid Act, which should contribute to strengthening access to legal assistance from the outset of the deprivation of liberty. However, it regrets the slow progress in finalizing this law.

40. Furthermore, article 126 of the current Code of Criminal Procedure authorizes magistrates and prosecutors to visit detention centres to review the legality of detention of persons held there. In addition, detainees have the right to lodge a complaint to the prosecutor through the director of the detention facility in accordance with article 127 of the same Code. However, the Subcommittee believes that these should be alternative and additional avenues and that the State party should ensure that detained persons or their representatives can petition a court to review the lawfulness of detention through a properly established habeas corpus procedure.

41. Lastly, the Subcommittee notes that there is no judge to oversee the system of execution of sentences. A properly developed system of execution of sentences could greatly contribute to alleviating certain detected shortcomings in the penitentiary system and positively contribute to gradually decreasing the prison population.

42. The Subcommittee recommends that the State party:

(a) **Reform the Code of Criminal Procedure to guarantee the right to prompt access to a lawyer from the moment that individuals are deprived of liberty and throughout legal proceedings and, if necessary, to free legal aid of adequate quality and through a properly funded and resourced legal aid system, including during initial interrogation and inquiry;**

(b) **Adopt the Legal Aid Act to establish an effective and accessible mechanism for providing free legal assistance. Authorities should consider measures to increase the number of trained lawyers each year, encourage them to work in different regions of the country and allocate an adequate budget for free legal assistance;**

(c) **Ensure that all persons deprived of their liberty have the right to effectively and expeditiously challenge the lawfulness of their detention through a habeas corpus procedure and require authorities to bring the petitioner before a judge in person in every such case;**

(d) **Establish a judge of execution of sentences.**

3. Death penalty

43. The Subcommittee welcomes the de facto moratorium on the death penalty in the State party's territory. However, it notes that the accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 18 March 2019, has not been accompanied by the explicit abolition of the death penalty in the criminal law of the State party. The Subcommittee is concerned that the

criminal legislation still provides for the death penalty for relatively less serious offences.⁹ Interviews with persons sentenced to death revealed that their sentences had not yet been commuted.

44. The Subcommittee recommends that the State party abolish the death penalty in its criminal law in order to give full effect to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and review and reconsider the legal status of persons sentenced to death in view of its accession to the Protocol.

B. Institutional framework

45. The Subcommittee is concerned about the automatic and exclusive military jurisdiction over cases of torture and ill-treatment, in particular when committed by security forces, the police or military personnel against civilians. The delegation learned that complaints, even if initially received by the public prosecutor or other mechanisms, were automatically referred to the military jurisdiction if prima facie evidence suggested that such acts had been committed by the aforesaid public officials. In addition, there is a lack of follow-up mechanisms regarding the outcome of these complaints once they are transmitted to the military jurisdiction.

46. **The State party should amend its legal framework to ensure that military jurisdiction is restricted and applied only to members of armed forces. It should ensure that suspected offenders of torture and ill-treatment are impartially investigated and tried by ordinary courts. Initial investigations and evidence collection should be conducted by civil authorities. Furthermore, the State party should guarantee victims of torture and ill-treatment access to effective remedies under ordinary jurisdiction, including redress, rehabilitation, satisfaction measures and guarantees of non-repetition.**

C. Overarching issues

1. Investigation techniques

47. The Subcommittee is seriously concerned about the information received by the delegation during its visit concerning the illegal means and coercive investigation techniques employed by the security forces during investigations, including confessions obtained under torture or ill-treatment, as well as methods of physical and psychological pressure used on the suspects.

48. **The Subcommittee urges the State party to adopt effective measures to ensure that, in practice, confessions, statements and other evidence obtained through torture or ill-treatment are not admitted as evidence, except against a person accused of torture as evidence that a statement was made under duress. The State party should further develop training modules for all police and security forces officers on non-coercive interviewing and investigation techniques, including the Principles on Effective Interviewing for Investigations and Information-Gathering, introduce advanced investigative tools and establish a sound system of gathering forensic evidence.**

2. Complaints mechanisms

49. The Subcommittee notes that persons deprived of liberty have multiple avenues to lodge complaints about torture, ill-treatment or other abuses, including with public or military prosecutors, magistrates, the Independent Commission for Human Rights and the Bureau for Grievances and Human Rights, through a lawyer, family member or prison director. The delegation learned that the prison director is almost always informed about any complaints lodged, potentially exposing complainants to reprisals. The Subcommittee is seriously concerned that many detainees may not report perpetrators, in particular police and security

⁹ CAT/C/PSE/CO/1, paras. 48 and 49.

officers, due to fear of further mistreatment, reprisals against them or their families, and the lack of effective complaints mechanisms. It regrets that official records of such complaints are not systematically collected and compiled and that there is little information on their outcome after referral to the military jurisdiction.

50. **The State party should:**

(a) **Strengthen the effectiveness of mechanisms for lodging confidential complaints concerning acts of torture and ill-treatment with existing independent and impartial bodies outside the law enforcement and prison administration. Such bodies should provide proper follow-up and have the power to investigate and trigger appropriate protective and remedial action. Such mechanisms should be available and accessible within all places of deprivation of liberty, with transparent information widely disseminated. Facility personnel and directors should not play any role in collecting or being informed about complaints concerning acts of torture and ill-treatment;**

(b) **Ensure that those submitting complaints concerning acts of torture or ill-treatment are not subjected to any form of reprisal or sanctions, including physical, disciplinary or administrative sanctions;**

(c) **Establish a centralized register of complaints received from different complaints mechanisms, indicating the nature of the complaint, the facility where it originated, the body reporting the complaint, the date of receipt, the date and nature of the resulting decision and any measures taken to implement it. Such a register should be regularly reviewed by an independent body.**

3. **Documentation and investigation of acts of torture and ill-treatment**

51. The Subcommittee regrets that the State authorities provided incomplete and inconsistent data on the number of complaints of torture and ill-treatment registered, on prosecutions carried out and on their outcome. Moreover, the reported figures seem low (reportedly, out of 279 complaints received in 2022, 154 allegations of torture and ill-treatment were examined, out of which 13 cases of torture were referred to the military courts, where they were still pending during the visit) and in stark contrast to the information received by the delegation from a wide range of civil society and other actors, as well as persons deprived of their liberty, who were interviewed, owing to the fact that many cases go unreported, which might suggest that impunity for acts of torture is prevalent.

52. Furthermore, the Subcommittee is concerned about the shortcomings in documenting and investigating cases of torture and ill-treatment. Even when complaints are received and the public prosecutors collect prima facie evidence to corroborate substantiated claims, including with the expert opinions, they are automatically referred to the military jurisdiction, as mentioned above. The Subcommittee notes the information provided by the authorities during the visit about the existence of the forensic institute and the training provided to forensic doctors to document signs of torture and ill-treatment in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) methodology but regrets the lack of its application in practice.

53. **Reiterating the recommendation of the Committee against Torture,¹⁰ the Subcommittee recommends that the State party combat impunity by conducting prompt, impartial and effective investigations into all allegations of torture or ill-treatment by police and security forces. It should ensure that perpetrators are brought to justice and that victims receive adequate redress. Moreover, the State party should ensure that judges, prosecutors, health workers and others involved in documenting and investigating torture and ill-treatment receive adequate training on the revised version of the Istanbul Protocol. It should also develop mandatory training on a proper qualification of torture cases and the performance of specialized medical examinations.**

¹⁰ Ibid., para. 29.

IV. Situation of persons deprived of their liberty

A. Police and security forces

54. At the outset, the Subcommittee notes a complex structure and chain of command for the police and security forces, each responsible for various places of deprivation of liberty. The delegation visited facilities under the authority of the Palestinian Civilian Police, the main law enforcement agency in the West Bank, which also manages the prisons; the Preventive Security Forces, an internal intelligence agency reporting to the Ministry of Interior; the General Intelligence Services, under the direct authority of the President; and the Joint Committee Forces, comprising various intelligence security forces, including military intelligence. The delegation noted that a number of facilities run by the security forces apparatus were empty. In this connection, it received concerning information that detainees had been transferred elsewhere prior to its visit.

1. Allegations of torture and ill-treatment

55. The delegation received numerous allegations of torture and ill-treatment at the time of arrest and during the initial detention period, especially during interrogation, by the Preventive Security Forces, the General Intelligence Services and the Joint Committee Forces. Allegations included *shabeh* practices, kicks, punches, insults, verbal abuse, intimidation, psychological pressure and blackmail, often extending to family members. For instance, photos and personal conversations extracted from telephones were used to pressure arrested individuals, in particular women, into confessing. Family members, such as fathers or brothers, were sometimes arbitrarily arrested to compel suspects to present themselves at security offices. The delegation reviewed the medical files of several individuals alleging torture and ill-treatment, which documented detailed injuries upon their entry to prison. However, the Subcommittee regrets that no investigations were initiated into those cases.

56. **The Subcommittee urges the State party to investigate all allegations of torture and ill-treatment through processes that are prompt, impartial and effective and to prosecute those responsible. Persons convicted for acts of torture and ill-treatment should be sanctioned with penalties commensurate with the gravity of their crimes. The Subcommittee recommends that allegations of torture and ill-treatment, as well as suspicions of such acts arising from observable injuries and/or medical examinations, be systematically acted upon in the same way. The State party should periodically provide police and security officers with clear guidance on the absolute and non-derogable prohibition of torture and ill-treatment and ensure that this prohibition is incorporated into any general rules or instructions that are issued with regard to the duties and functions of police and security personnel.**

2. Fundamental legal safeguards

57. While acknowledging the existing legal framework encompassing fundamental legal safeguards (Basic Law of 2003 and Criminal Procedure Code of 2001), the Subcommittee echoes the concerns of the Committee against Torture about detected shortcomings in law and practice, in particular articles 97 and 98 of the Criminal Procedure Code. These articles allow the interrogation of detainees without a lawyer “in the event of a flagrant crime, necessity, urgency, or fear that the evidence may be lost”.¹¹ Furthermore, almost all interviews conducted by the delegation revealed systemic problems during the initial stages of detention:

(a) The right to information about detainees’ rights at the outset of their apprehension, including the right to remain silent, to inform family or a third party of their arrest and to request legal assistance, was not ensured. The delegation noted the information boards explaining detainees’ rights in the facilities visited, but none of the persons interviewed had proper access to those boards;

¹¹ *Ibid.*, para. 20.

(b) Information on the reasons for arrest were not provided. Furthermore, where those reasons were provided, they often differed from the actual charges eventually brought against detainees;

(c) Access to a lawyer was guaranteed only after 24 hours following apprehension and after the first interrogation had already taken place. This denial of rights was extended to 15 days on some occasions. Some interviewees alleged that the first time that they had met their lawyer was in court;

(d) Interrogations routinely took place in the absence of a lawyer, were not audio-video recorded and confessions were often obtained under duress;

(e) Access to a doctor was not always guaranteed upon detention and, where a medical examination was done, it was always in the presence of a police or security officer. Women were routinely subjected to a pregnancy test rather than a medical examination;

(f) The legal limit of initial police custody, which is 24 hours, extendable for another 48 hours following apprehension, was widely exceeded. Some persons interviewed by the delegation had been detained in General Intelligence Services or Preventive Security Forces facilities for four to six months, or even longer.

58. **The Subcommittee recommends that the State party:**

(a) **Ensure that, in practice, all arrested persons are immediately informed of the reasons for their arrest and of their rights and that all persons deprived of their liberty can inform a family member or person of their choice about their detention without delay;**

(b) **Amend its legislation to guarantee that all persons deprived of their liberty can contact, and have the right of access to, a lawyer of their choosing or free legal aid immediately after their arrest, unless there are legitimate grounds for preventing them from contacting a particular lawyer, in which case an alternative may be chosen, and that their lawyer is present during interrogation;**

(c) **Make the audio- and video-recording of interviews related to criminal investigations mandatory as a basic safeguard to prevent torture and ill-treatment, as well as to protect police and security personnel from unsubstantiated allegations. Recordings should be kept in centralized secure facilities for a period sufficient for them to be used as evidence and should be made available to investigators, detainees and lawyers upon request;**

(d) **Guarantee the right to request and receive adequate healthcare, including a medical examination by an independent medical doctor free of charge, or by a doctor of their choice, upon request, and to have the confidentiality of medical examinations respected;**

(e) **Ensure that the maximum duration of police custody does not exceed 48 hours, is renewable once in exceptional circumstances duly demonstrated by tangible evidence and is strictly respected and rigorously monitored by the relevant authorities, including through effective judicial review of the detention.**

3. Registers

59. The Subcommittee notes that, according to authorities, electronic registers recording detentions have been in place since 2021. However, the delegation encountered difficulties verifying this in several facilities. In the General Intelligence Services facility in Jericho, electronic registers were unavailable, and physical files were locked in an archive accessible only to the director, who was absent. The delegation was also denied access to paper folders in the director's office. In Ramallah, the delegation saw the electronic system but could not obtain basic log information about detainees' arrivals, departures, transfers or duration of detention. In addition, no paper logbook was maintained.

60. **The Subcommittee recommends that all police and security forces keep proper and standardized registers to make it possible to collect and record information on the reasons for arrest, the exact time and date of the outset of detention, its length and end**

date, the identities of the detained person and the officer who authorized the detention, details concerning the place of detention, the timing of the first appearance before a judicial authority, the extension of detention, including its length, and the authority making the decision to extend detention. Such registers, in either electronic and/or paper format, should be easily accessible. Senior police and security officers should be responsible for the maintenance of registers, and all officers should receive appropriate training on record-keeping.

4. Conditions of detention

61. The delegation observed that the material conditions in most police and security forces establishments were deplorable. They lacked proper sanitary facilities and the cells were dark, with no natural light or fresh air, and contained only dirty mattresses and blankets on the floor. The new General Intelligence Service facility in Ramallah, opened in 2023, had satisfactory hygienic conditions, but still did not fully conform to international standards. The cells were small (less than 4 m² on average), with only a mattress and no sanitary facilities, no natural light or fresh air, and detainees had limited access to the yard. Moreover, artificial lights were reportedly always on, in particular in single cells of the General Intelligence Service and Preventive Security Forces facilities, which can amount to torture or ill-treatment.

62. Furthermore, the delegation detected severe overcrowding in the establishments of the Preventive Security Forces in Bethlehem and in the Al-Balouah police station in Ramallah. For example, the delegation found about 12 detainees sharing a cell of less than 22 m², with one sanitary facility in a deplorable state. The Subcommittee takes the view that the conditions of detention in these two establishments could amount to cruel, inhuman and degrading treatment.

63. Complaints were received about the quality of the food provided in the police and security forces establishments. In some facilities, detainees had to purchase their own bottled water, as the running water was not potable.

64. The State party should take immediate measures to improve the material conditions of police and security forces detention facilities by:

(a) Ensuring that custody cells are clean, ventilated and have sufficient natural light;

(b) Providing proper mattresses and bedding;

(c) Ensuring that persons in custody have access to potable water, toilets, showers and fresh air on the premises.

65. The Subcommittee urges the State party to cease the practice of having artificial lights turned on in the cells at all times, in particular observed in the facilities of the General Intelligence Service and the Preventive Security Forces, allow detainees to decide when to have the lights on and provide detainees with access to natural light and to the outside yard.

66. The Subcommittee recommends that the State party take strong measures to reduce overcrowding in the Preventive Security Forces facility in Bethlehem and the Al-Balouah police station in Ramallah and to improve conditions of detention therein, in particular by ensuring that the detainees have a reasonable amount of space and a mattress to sleep on.

5. Persons in vulnerable situations

67. The Subcommittee raises serious concerns about the situation of older persons and persons with disabilities held in custody, notably in the Preventive Security Forces facility in Bethlehem. The delegation found about 17 people, including a person with disabilities who had not been provided with any individual reasonable accommodation for his detention, sharing a cell of about 30 m².

68. The delegation visited only one police station for the detention of children in conflict with the law, in Hebron. At the time of its visit, no children were held in custody. However,

the delegation noted a generally unsuitable environment for detaining children, including dark and empty cells and heavily armed police officers on the premises.

69. **The Subcommittee recommends that the State party take all measures necessary to ensure that due account is taken of the special requirements and individual needs of children, older detainees and detainees with disabilities and that they are provided with reasonable accommodation and individualized support and care, as required. The State party should redouble its efforts to employ alternatives to deprivation of liberty as much as possible for these categories of detainees.**

B. Prisons

1. General concerns

70. The Subcommittee notes that the Israeli-Palestinian conflict has caused tensions and violence, leading to numerous and sometimes mass detentions, which have had a negative impact on the conditions of persons deprived of liberty in the State party's prisons. Incidents and arrests often occur in cities different to those in which detainees are eventually transferred and charged. The numerous checkpoints and movement controls between zones create significant difficulties for transporting case files, documents and witnesses, which further contributes to already chronic delays in court proceedings, in particular for pretrial detainees.

71. In addition, the Subcommittee is alarmed by what seems to be the use of pretrial detention as a rule rather than an exception. It is particularly troubled by the testimonies that, in some situations, people had spent more time in pretrial detention than they would have for the sentences they faced. According to the delegation's findings, a large number of persons stay in prison facilities for years without a court sentence and many of them are unaware of the progress of their court proceedings. Some of them are accused of "advocating for terrorism", while others are kept in detention to prevent them from being apprehended by Israeli authorities. Many have resorted to hunger strikes as a means of protest, demanding to be either tried or released. The Subcommittee is of the view that the systematic use of pretrial detention, in addition to being a major cause of overcrowding, is a sign of a dysfunctional justice system.

72. The Subcommittee notes with concern that detainees whose detention has been found to be arbitrary have little if any effective recourse to request damages for such arbitrary pretrial detention. The delegation received a few allegations that some who lodged such claims were often subjected to other fabricated charges so as to intimidate and dissuade them from seeking damages.

73. Lastly, the delegation discussed with several penitentiary authorities the existing system of bail, which, however, seems inaccessible and rarely used. The Subcommittee notes with concern that other alternatives to detention are not employed.

74. **The State party should only use detention as a measure of last resort. Pretrial detention must be based on an individualized determination where there is a reasonable suspicion of the person having committed the offence and where detention is necessary and proportionate to prevent the person from absconding, committing another offence or interfering with the course of justice.¹² The Subcommittee urges the State party to use alternatives to detention, such as bail, mediation, house arrest and electronic monitoring devices, in line with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), more readily.**

75. Moreover, the delegation found that in all penitentiary facilities visited, pretrial detainees were mixed with convicted prisoners. Prisoners who use drugs and those with physical, psychosocial and intellectual disabilities were held with the general prison population, without access to individual care, treatment, if needed, or reasonable accommodation. The Subcommittee observes that the lack of separation of different categories of detainees prevents the design of appropriate rehabilitation programmes and

¹² International Covenant on Civil and Political Rights, art. 9 (3).

training and may increase the risk of violence between detainees or towards a facility's personnel.

76. In line with article 10 of the International Covenant on Civil and Political Rights and rule 11 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the Subcommittee recommends that the State party ensure that different categories of inmates are kept in separate parts of an institution and, in particular, that: (a) pretrial detainees be kept separate from sentenced prisoners, considering that the former should be subject to a regime that is appropriate to their status as non-convicted persons; and (b) persons below 18 years of age be separated from adult detainees. In addition, all remand and prison facilities should be adapted to the needs of persons with disabilities and should provide reasonable accommodation and support, as required, and detainees who use drugs should be provided with access to in-patient treatment and, where necessary, transferred from places of detention to specialized centres in order to benefit from special care services and treatment.

2. Allegations of torture and ill-treatment

77. The delegation received no allegations of torture or ill-treatment in correctional and rehabilitation centres (prisons). Most of the complaints about such acts referred to the initial stages of detention and interrogation, as mentioned above. However, the delegation received information that violence, including inter-prisoner violence, existed in prisons. It observed that a general control and silence seemed to be imposed by the *shawish* system (cell leader), which contributed to creating an environment in which allegations of torture and ill-treatment went unreported.

78. The Subcommittee recommends that the prison authorities develop a policy on managing violence in prisons, including inter-prisoner violence, and strengthen staff training in the de-escalation of violence and in communication and stress and conflict management techniques, which should be focused on building and maintaining positive relations among prisoners, as well as between staff and prisoners. Such training should be provided periodically. Moreover, the *shawish* system should not have a discipline-maintenance function within the prison system.

3. Legal safeguards

79. While noting that fundamental legal safeguards are guaranteed in theory, the Subcommittee is concerned about their lack of application in practice. The delegation received information from detainees who reported that, although in theory they had access to a lawyer, in practice they had little to no information about their pretrial detention length, upcoming court dates or their next meetings with their lawyers.

80. The State party should pay closer attention to guaranteeing the legal safeguards of detainees and make prison staff aware of the obligation to uphold them in practice, that is, in a manner that ensures that detainees are able to enjoy their rights effectively and fully.

81. The delegation could verify the record-keeping in some penitentiary establishments, but it was not standardized. The folders of detained persons contained the first medical report upon entry into the prison, as well as identity documents, basic information about their criminal case (charges or conviction), the dates of arrest, statements, and court dates and sanctions imposed. However, the Subcommittee is concerned about the absence of other essential registers in prisons, such as the records of medical services provided to detainees, including medicines and treatments received, and the register of complaints and disciplinary sanctions imposed.

82. The State party should ensure that prison registers are well maintained and standardized and ensure the confidentiality of medical records. Prison authorities should improve the way in which records of medical services, including medicines and treatments provided to detainees, as well as disciplinary sanctions imposed, are kept. Registries should be regularly inspected by prosecutors and by external oversight bodies.

4. Complaints system

83. Persons deprived of liberty can lodge complaints about torture or ill-treatment with various oversight mechanisms. For example, the Independent Commission on Human Rights conducts regular and ad hoc monitoring visits to places of deprivation of liberty to follow up on allegations received and maintains a database of all such complaints. However, as previously mentioned, complaints concerning torture and ill-treatment are referred to military justice for investigation and prosecution, which is problematic. The Committee is concerned that detainees self-censor and refrain from lodging formal complaints due to a lack of confidence in the justice system.

84. The delegation was informed that complaint boxes were installed in every penitentiary facility. However, it could only see such boxes in the correctional and rehabilitation centre in Hebron (Daharia). Even there, the box was monitored constantly by closed-circuit television camera, which raises serious issues of confidentiality and undermines any protection of the complainant from possible reprisals. In addition, all complaints received through the boxes are firstly handled by the director of the facility, who then forwards them to relevant authorities, which undermines any independence and confidentiality.

85. The Subcommittee notes that every establishment that the delegation visited had a register of requests or demands in place, including requests for family visits and parole.

86. The State party should strengthen the effectiveness of its external and internal effective control mechanisms over requests and complaints in line with rules 56 and 57 of the Nelson Mandela Rules. Firstly, it should guarantee that the external independent complaint mechanisms are operational and available in practice to persons deprived of their liberty to file complaints concerning acts of torture and ill-treatment. Such mechanisms should be available and accessible within all places of deprivation of liberty, information about them should be transparent and disseminated widely and neither the guards nor the director of the facility should play any role in collecting or transferring the complaints to the relevant authorities. The State party should also ensure that an independent investigative body is established to handle all such complaints. Secondly, it should also strengthen its internal mechanism to effectively deal with the detainees' requests and other complaints concerning acts and omissions by the authorities responsible for their treatment that do not amount to torture and ill-treatment.

5. Conditions of detention

(a) Material conditions

87. The delegation found that the material conditions in most of the detention facilities it visited were acceptable. However, in the correctional and rehabilitation centre in Bethlehem, it observed inhuman living conditions due to overcrowding, lack of beds, damp, lack of ventilation and hygiene, and dangerously installed electric wires posing a fire hazard. These conditions can amount to cruel, inhuman and degrading treatment. In addition, in the correctional and rehabilitation centre in Hebron (Daharia), which had previously been renovated, the conditions remained unsuitable due to chronic overcrowding, insufficient and inadequate sanitary facilities, and limited space for the number of beds in each cell.

88. The Subcommittee recommends the closure of the correctional and rehabilitation centres in Bethlehem and Hebron (Daharia), as the appalling conditions there affect both detainees and prison personnel, who should be treated with respect. The Subcommittee also recommends that the State party continue its efforts to maintain all places of deprivation of liberty in line with the highest possible standards of health and hygiene.

(b) Rehabilitation

89. The Subcommittee notes with concern the lack of a rehabilitation approach in the penitentiary system and the significant shortcomings detected in the provision of meaningful activities in all correctional and rehabilitation centres, except for a good practice identified in Jericho prison. There, teachers come to the prison and inmates participate in a programme addressing illiteracy. In women's prisons, literacy and some additional handcraft workshops

are offered to detainees. Apart from this handful of activities, the delegation heard complaints about the lack of work, study, rehabilitation and recreational opportunities in all establishments visited.

90. **The State party should develop the rehabilitation regime of purposeful activities with properly designed programmes as part of an overall reform of the penal system, including work, education, rehabilitation and recreational opportunities on a regular basis for persons deprived of their liberty.**¹³

6. Health

91. Most of the material conditions of the medical service facilities in the correctional and rehabilitation centres visited by the delegation were satisfactory. However, some concerns remain with respect to the lack of materials and equipment, save for the prison in Ramallah. Medicines are available on site in all centres, and the distribution of psychotropic medicines is properly managed.

92. The Subcommittee notes insufficient staffing levels in all prisons, meaning that they are unable to meet the primary care needs of persons deprived of their liberty, which might negatively affect their health. A doctor and a nurse are generally present 24 hours a day, although their working shifts can sometimes extend for up to three days, which is concerning. In addition, the Subcommittee notes a significant shortage of psychologists and psychiatrists in prisons, as well as serious delays in providing specialist consultations and necessary treatments in hospital. The delegation met several detainees in a poor state of health who had not been receiving any or had received very limited adequate medical assistance.

93. The Subcommittee also notes that medical services in prisons are currently under the auspices of the military service and believes that this may impair the medical independence of personnel, cause conflicts of interest and deter them from reporting injuries indicating torture or ill-treatment.

94. The Subcommittee further notes that even though medical examinations are routinely carried out upon entry to prison, disparities in recording such examinations exist. Most doctors do not document the injuries, even when evident physical and/or psychological signs are present. Those doctors who do document injuries in personal medical files hardly ever notify the relevant prosecutor's office in order for an investigation to be opened. The Subcommittee regrets that, even though the medical personnel interviewed were aware of the Istanbul Protocol, they had never used it.

95. **The State party should:**

(a) **Facilitate the provision of medical supplies and equipment to all places of deprivation of liberty;**

(b) **Strengthen medical staffing levels in all correctional and rehabilitation centres and ensure that medical, psychological and specialist care is guaranteed and accessible to all detained persons upon request and in response to need and within a reasonable time period, including adequate follow-up and specialist care, as necessary;**

(c) **Consider transferring responsibility for the healthcare of persons detained in correctional and rehabilitation centres to the Ministry of Health as the single service provider;**

(d) **Improve the training of medical personnel, in particular on the revised version of the Istanbul Protocol and other international standards, as well as on the duty to detect and report torture and ill-treatment;**

(e) **Ensure that health professionals immediately report suspicions of torture and ill-treatment to the independent authorities.**

¹³ Nelson Mandela Rules, rule 4.

7. Disciplinary measures and regime

96. The Subcommittee notes that disciplinary measures in rehabilitation and correctional centres are governed by Law No. 6 of 1998 regarding rehabilitation and correctional centres. They include solitary confinement for up to one week or deprivation of other benefits for up to 30 days. Interviewees informed the delegation that restrictions on family contact and telephone calls were often used as disciplinary measures. Although no person was found in an isolation cell during the delegation's visit, interviews revealed that such cells were frequently used, for example, following fights among detainees. The delegation could not verify the use of disciplinary sanctions and the frequency thereof due to the lack of proper record-keeping by prison authorities. The Subcommittee believes that this lack of transparency and accurate documentation can prevent prisoners from being adequately informed of their rights or the reasons for their sanctions, potentially leading to abuse.

97. The State party should ensure that the principle of due process is guaranteed in all actions related to disciplinary sanctions, including the right to be heard and to appeal. The rules governing disciplinary sanctions should be clear, known to both staff and persons deprived of their liberty, implemented in a fair and transparent manner and duly recorded in a register. Solitary confinement as a punishment should be exceptional and should be subject to judicial supervision. Conditions and all regimes of solitary confinement should be compatible with international standards, including rules 13, 14, 23, 42, 43, 44 and 63 of the Nelson Mandela Rules. The prohibition of and restrictions on family contact should never be imposed as disciplinary measures, in line with rule 43 (3) of the Nelson Mandela Rules.

8. Prison personnel and their training

98. The delegation received information about the basic training provided to police and penitentiary personnel in matters related to respect for human rights of persons under arrest and convicted persons. However, based on the delegation's findings, basic training and the continued education of officers in charge of persons deprived of liberty need to be improved to promote their understanding and application of fundamental rules in detention.

99. The State party should strengthen the basic training and continued education of police and penitentiary personnel in matters related to respect of human dignity and fundamental rights of all persons deprived of their liberty.

9. Persons in situations of vulnerability

Women

100. The Subcommittee is seriously concerned that women deprived of liberty are often subjected to double victimization and that little attention is paid to their specific situation and needs. In this connection, it notes that most women are charged and sentenced for crimes of an economic nature, such as debt, as a result of their husbands issuing cheques from accounts with no funds, or with offences of home abandonment reported by their families, when they try to escape situations of domestic violence. These women often take refuge in specialized centres; however, the centres attempt to return them to their families.

101. Moreover, the delegation received information that all women detainees were forced to wear chador during their appearance at court or during visits from external oversight bodies, including the Subcommittee, with the pretext of preserving their dignity, even if they did not wear chador in their daily lives.

102. The delegation received several allegations that the only medical examination for women admitted to detention centres was a pregnancy test. In addition, specialist medical examinations in hospitals, including for pregnant women, are always conducted in the presence of a female guard and women are handcuffed until the actual examination, which raises concerns about their dignity and privacy. While women detainees with children were found to be held in good material conditions in Jericho prison, the portion of milk provided to children could be increased. Moreover, medical assistance for children is provided by a general practitioner rather than a paediatrician, and any medication for a child reportedly needs to be paid for by the detainee.

103. The Subcommittee notes that women in prisons have no access to meaningful activities and programmes. In Jericho prison, women participate in arts and crafts activities, but have no access to education, vocational training or employment, which might further reinforce gender stereotypes associated with traditional roles in the family and society. The delegation learned that some women detainees who had been enrolled in university programmes were unable to continue their studies remotely, despite the prison management's agreement to do so.

104. Lastly, women in pretrial detention are held with convicted prisoners. In Bethlehem prison, the delegation found a girl of 16 years old detained with adults.

105. With respect to female prisoners, the State party should apply the principles of non-discrimination, classification and individualized planning set forth in rules 1, 40 and 41 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and in article 3 of the Convention on the Elimination of All Forms of Discrimination against Women. In this connection, it should:

(a) **Carefully assess and address the root causes that bring women into contact with the criminal justice system, revise the criminal policy applied to such women and assign appropriate resources to devise suitable alternatives for women offenders in order to combine non-custodial measures with interventions to address the most common problems leading to their detention;**

(b) **Actively promote the use of alternatives to pretrial detention within the prosecution service and among judges, in accordance with the Tokyo Rules and the Bangkok Rules;**

(c) **Revise the medical procedures and protocols for women detainees to ensure respect for their fundamental rights, including the right to health, dignity and privacy;**

(d) **Take all measures necessary to ensure that women deprived of their liberty have access to work and to educational, exercise, sports and recreational activities.**

C. Other State institutions

Persons with disabilities in the rehabilitation centre in Bethlehem

106. The rehabilitation centre in Bethlehem, under the Ministry of Health, is the only psychiatric hospital in the State party. It has wards for men and women, older persons with disabilities, persons who use drugs and forensic psychiatric patients. The centre is chronically understaffed and therefore not used to its full capacity. At the time of the visit, only 2 doctors, 76 nurses and 14 professional support staff were assisting 138 patients. A general practitioner and a psychiatrist are available on-site, but patients need to be transferred to a hospital for specialized medical services. There are significant delays in these transfers, as the centre has only one vehicle at its disposal.

107. While noting that a training programme on preventive and de-escalation techniques had been offered in the past, the staff complained about the lack of ongoing training on that topic. This is important, in particular in view of the allegations received from the staff about constant security threats from agitated patients and their families.

108. Forced medical treatments, physical and chemical restraints and electro-compulsive therapy can be used in the State party.¹⁴ Prior consent is sought merely from a family member of the patient. During its visit, the delegation observed several persons under sedation, including one person in a solitary cell. Many patients stay in the centre even after being discharged, as their families often refuse to take them home. As mentioned above, the State party has not adopted a comprehensive Mental Health Act, which could address these issues.

¹⁴ CAT/C/PSE/CO/1, paras. 44 and 45.

109. **The State party should:**

- (a) **Take measures to ensure adequate human resources in the rehabilitation centre and develop professional packages and incentives to attract qualified staff;**
- (b) **Ensure that all medical and non-medical staff continue to be regularly trained on de-escalation techniques and methods of non-violent and non-coercive care;**
- (c) **Ensure that medication is not used as a form of control to compensate for a shortage of staff and that informed consent for treatment is systematically sought;**
- (d) **Adopt the Mental Health Act expeditiously to explicitly prohibit forced medical treatments, physical and chemical restraints and the solitary confinement of persons with psychosocial or intellectual disabilities in psychiatric institutions;**
- (e) **Embark on its plan to reform psychiatric establishments and increase its efforts to provide therapeutic and rehabilitation activities to patients and develop psychiatric community care;**
- (f) **Ensure that psychiatric institutions are adequately monitored and that effective safeguards are in place to prevent any torture or ill-treatment of persons in such facilities.**

110. The rehabilitation centre in Bethlehem also has a dedicated ward for forensic psychiatric patients transferred to it from the criminal justice system, but it lacks both medical personnel and security guards. Therefore, the majority of persons in need of medical care, treatment and specialized assistance remain detained with the general prison population, with no reasonable accommodation provided to them.

111. **The State party should ensure sufficient medical and security personnel in the forensic psychiatric ward to provide adequate medical assistance, where necessary.**

V. Next steps

112. **The Subcommittee requests that a reply to the present report be provided within six months from the date of its transmission to the Permanent Mission of the State of Palestine. The reply should respond directly to all the recommendations and requests for further information made in the report, giving a full account of action that has already been taken or is planned (including timescales) in order to implement the recommendations. It should include details on the implementation of institution-specific recommendations and on general policy and practice.¹⁵**

113. **Article 15 of the Optional Protocol prohibits all forms of sanction or reprisal, from all sources, against anyone who has been, or who has sought to be, in contact with the Subcommittee. The Subcommittee reminds the State of Palestine of its obligation to ensure that no such sanctions or reprisals take place and requests that in its reply it provides detailed information concerning the steps it has taken to ensure that it has fulfilled that obligation.¹⁶**

114. **The Subcommittee recalls that prevention of torture and ill-treatment is a continuing and wide-ranging obligation.¹⁷ It therefore requests that the State of Palestine inform it of any legislative, regulatory, policy or other relevant developments relating to the treatment of persons deprived of their liberty and regarding the establishment and work of the national preventive mechanism.**

115. **The Subcommittee considers both its visit and the present report to form part of an ongoing process of dialogue. The Subcommittee looks forward to assisting the State of Palestine in fulfilling its obligations under the Optional Protocol by providing further**

¹⁵ The reply should also conform to the guidelines concerning documentation to be submitted to the United Nations human rights treaty bodies established by the General Assembly. See letters sent to permanent missions on 8 May 2014.

¹⁶ See the policy of the Subcommittee on reprisals in relation to its visiting mandate (CAT/OP/6/Rev.1).

¹⁷ See CAT/OP/12/6; and Committee against Torture, general comment No. 2 (2007).

advice and technical assistance, in order to achieve the common goal of prevention of torture and ill-treatment in places of deprivation of liberty. The Subcommittee believes that the most efficient and effective way of developing the dialogue would be for it to meet with the national authorities responsible for the implementation of the Subcommittee's recommendations within six months of receiving the reply to the present report.

116. The Subcommittee wishes to draw the State party's attention to the Special Fund established in accordance with article 26 of the Optional Protocol. Only recommendations contained in those Subcommittee visit reports that have been made public can form the basis of applications to the Fund, in accordance with its published criteria.

117. The Subcommittee recommends that, in accordance with article 12 (d) of the Optional Protocol, the national authorities of the State of Palestine enter into dialogue with the Subcommittee on the implementation of the Subcommittee's recommendations, within six months of the Subcommittee's receipt of the reply to the present report.¹⁸

¹⁸ The State of Palestine is encouraged to consider approaching the OHCHR treaty body capacity-building programme (ohchr-registry@un.org), which may be able to facilitate the dialogue. The contact details of the Special Fund are available at www.ohchr.org/EN/HRBodies/OPCAT/Fund/Pages/SpecialFund.aspx.

Annex I

List of places of deprivation of liberty visited by the Subcommittee

Prisons

Corrections and rehabilitation centre in Hebron (Daharia)

Corrections and rehabilitation centre in Ramallah

Corrections and rehabilitation centre in Nablus

Corrections and rehabilitation centre in Jericho

Al-Junaid military reform rehabilitation centre in Nablus

Corrections and rehabilitation centre in Bethlehem

Police and security forces facilities

General Intelligence Services investigation and detention centre in Ramallah

Police station in Al-Balouah, Ramallah

General Intelligence Services investigation and detention centre in Hebron

Police station for juvenile arrests in Hebron

General Intelligence Services investigation and detention centre in Nablus

Palestinian Preventive Security Forces interrogation and detention centre in Jericho

Joint Committee Forces facility in Jericho

General Intelligence Services central investigation detention centre in Jericho

Hospitals and forensic units

Rehabilitation centre in Nasari, Bethlehem

Annex II

List of government officials and other interlocutors with whom the Subcommittee met*

A. Government officials and other State authorities

Ministers

Prime Minister

Representative of Ministry of Interior

Minister of Social Development

Minister of Justice

Minister of Women Affairs

Representative of Ministry of Foreign Affairs

Ministry of Interior (government focal point)

Head of Democracy and Human Rights Unit, Ministry of Interior

Office of the Attorney General

Attorney General

Chief Prosecutors

Internal and Public Relations Manager

Drafting Committee on the National Preventive Mechanism Law

Prime Minister's Office

Attorney General's Office

Ministry of Justice

Official Gazette

Ministry of Interior

Security forces

Minister of Interior

Deputy Minister for Security Issues

Chief of Police

Chief of the Preventive Security Forces

Chief of the Military and Medical Services

Deputy Chief of Military Intelligence

Representative of Intelligence

Diwan Al-Fatwa and legislation (official gazette)

Chief of the Official Gazette Bureau

Legal Advisers

* The interlocutors are listed only by their respective institutions and/or organizations.

Security Forces Judiciary Commission

Head of the Commission
 Deputy Head of the Commission
 Military Attorney General
 Head of the Military High Rank Court
 Head of the Human Rights Unit

Superior Judicial Council

Chief Justice
 Secretary-General
 Head of Ramallah Court

Commission on drafting legislation on the national preventive mechanism

Military Intelligence
 Police
 Attorney General's Office
 Preventive Security Forces
 Ministry of Justice
 General Intelligence
 Military Medical Services

B. National human rights institution**Independent Commission for Human Rights**

Commissioner
 Members
 Staff

C. Other organizations**Bar Association**

President
 Head of Public Relations
 Media Officer
 Board Member

Non-governmental organizations

Center for Defence of Liberties and Civil Rights (Hurriyat), West Bank
 Prisoner Support and Human Rights Association (Addameer), West Bank
 Al-Haq, West Bank
 Jerusalem Legal Aid and Human Rights Center
 Defence for Children International, West Bank
 Human Rights and Democracy Media Center, West Bank

Palestinian Working Woman Society for Development, West Bank
Treatment and Rehabilitation Center for Victims of Torture, West Bank
Aisha Association for Woman and Child Protection, Gaza
Palestinian Center for Human Rights, Gaza
Palestinian Center for Democracy and Conflict Resolution, Gaza
Terre des Hommes, Gaza
Al-Dameer Association for Human Rights, Gaza
Gaza Community Mental Health Programme, Gaza
Al Mezan Center for Human Rights
Al-Haq, Ramallah
